

**Application Number**

P/2016/0057

**Site Address**

Former Wall Park Holiday Centre, Wall Park Road, Brixham

**Case Officer**

Carly Perkins

**Ward****Description**

Full application for the partial revision of the layout approved under P/2013/0785 to replace 10 dwellings with 18 dwellings and change an open market dwelling to affordable housing, together with landscaping, parking and associated works

**Executive Summary/Key Outcomes**

Full planning consent was granted in 2015 under reference P/2013/0785 for 165 dwellings, caravan site including a facilities building and managers accommodation, community sports pitch including changing and shower facilities, landscape and ecological enhancements including a bat barn, hedgerow planting and footpaths, vehicular access on to Centry Road and widening of access on to Wall Park Road. The proposal was for the redevelopment of the former Wall Park Holiday Centre in Brixham and surrounding land. The site is in part a brownfield site however it is in a highly sensitive location within the Area of Outstanding Natural Beauty (AONB) and within close proximity to the greater horseshoe bat roost at Berry Head, which is part of the South Hams Special Area of Conservation (SAC) protected by national and European legislation.

The application that is subject to this report is for full planning permission for the partial revision of the layout approved under P/2013/0785 to replace 10 dwellings with 18 dwellings and the change of one open market dwelling to an affordable dwelling together with landscaping, parking and associated works. In total the application relates to 19 dwelling houses.

This application accommodates a higher proportion of two and three bedroom units over the previously approved full planning applications. The access arrangements remain the same as previously approved with access via to the residential element being via Wall Park Road.

Whilst there are a number of issues relating to landscaping, highways and drainage which require further consideration, subject to these issues being satisfactorily resolved, on balance the proposal is considered to represent an acceptable development that contributes to the supply of housing with Torbay. The proposal is considered to achieve an acceptable level of amenity for the occupants of the proposed development without significantly greater impact in terms of the impact on residential amenity of neighbouring occupiers. The

proposal is not considered to result in greater impact in terms of ecology and green infrastructure when compared to the approved scheme. The proposal is considered acceptable and compliant with both national and local policies of the Torbay Local Plan.

### **Recommendation**

Conditional Approval subject to satisfactory resolution of issues relating to landscaping, highways and drainage, and a variation of the section 106 agreement.

Conditions as considered appropriate are summarised below, however it is recommended that the final drafting and determination of appropriate planning conditions is delegated to the Executive Director of Operations and Finance.

Conditions relating to archaeology, construction, tree/hedgerow protection and landscaping, contaminated land, drainage, materials and building details, ecology, transport plan, cycle and bin storage, parking, secured by design and lighting.

### **Statutory Determination Period**

13 weeks, the determination date is 28th April 2016.

### **Site Details**

Full planning consent was granted in 2015 under reference P/2013/0785 for 165 dwellings, caravan site including a facilities building and managers accommodation, community sports pitch including changing and shower facilities, landscape and ecological enhancements including a barn, hedgerow planting and footpaths, vehicular access on to Centry Road and widening of access on to Wall Park Road. The proposal was for the redevelopment of the former Wall Park Holiday Centre in Brixham and surrounding land. The site is in part a brownfield site however it is in a highly sensitive location within the Area of Outstanding Natural Beauty (AONB) and within close proximity to the greater horseshoe bat roost at Berry Head, which is a Special Area of Conservation (SAC) protected by national and European legislation.

To the south east and east of the development is open countryside and ecological enhancement measures have been secured as part of the original application P/2013/0785.

### **Detailed Proposals**

The application that is subject to this report is for full planning permission for the partial revision of the layout approved under P/2013/0785 to replace 10 dwellings with 18 dwellings and the change of one open market dwelling to an affordable dwelling together with landscaping, parking and associated works. One of the proposed dwelling houses is proposed to be wheelchair accessible. In total the application relates to 19 dwelling houses, resulting in a total of 173 dwelling

houses over the wider residential site.

This application accommodates a higher proportion of two and three bedroom units over the previously approved full planning application. The proposal would result in a reduction of 9 four bedroom houses and an increase in two and three bedroom dwellings. The access arrangements remain the same as previously approved with access via to the residential element being via Wall Park Road.

Each of the proposed dwelling houses includes provision for two parking spaces.

Each of the dwellings subject to this application is two storey. Materials of the external elevations of the dwellings would comprise of render, weatherboarding and some slate hanging on key facades. Roofs are to be slate with white and grey window finishes.

The proposals include some on-site landscaping and open space provision.

### **Summary Of Consultation Responses**

*Arboricultural Officer:* The Wall Park site is located within the Berry Head AONB, defining a critical requirement that the development is sensitive to the landscape of the area and makes ample provision for planting to minimise the visual impact of development and provide sites for wildlife. To achieve this significant tree planting is required of native provenance which can suitably counterpoint more ornate internal trees. The local topography of the site provides potential for the tree planting to be of local and long range visual benefit where massing of the built form can be punctuated by suitable planting, this is amplified by the sites location within the AONB.

The mature tree stock to be retained partially perform this function but are all of an even age and will cease to contribute any long term benefits in a narrow age band.

Study of the plans indicates that opportunity arises to create formal or possibly informal tree avenues along streets by considered design of planting spaces in public and private tenure either staggered or paired oppositely.

It is noted a tree is missing from plan SW020 LS 013 adjacent to unit 134 where it is shown on the layout plan.

Opportunities exist for increased numbers of trees to several boundaries, both in numbers and mature canopy sizes planted as standards within the hedges. The proposed planting is not considered to maximise the potential benefit of the site in terms of internal and external view receptors, longevity of lifespan and suitability to the area.

Larger final canopy sized trees should be used throughout the residential area

wherever possible to allow the integration of the new development in to the AONB in conjunction with various height trees to produce a layered effect where viewed externally.

Where pine trees are proposed they should be grouped together for greater visual effect or numbers increased over a local area.

*Senior Policy and Project Officer:* The additional dwellings are to be accessed via the existing access on Wall Park Road. The Local Highway Authority object to the application.

However it is envisaged that a workable highways solution can be provided to deliver the necessary transport measures. These will require the submission of revised plans to show:

- o Extend the footway along the frontage of plots 168 and 4 to the gateway entrance strip on the shared surface road. Extend shared surface footway along the frontage of units 71 and 72 to facilitate wheelchair access.
- o Secure 2 parking spaces and 2 cycle spaces per dwelling, including garages of adequate minimum dimensions and electrical charging points
- o Provision of an emergency access lane.

*Police Architectural Liaison Officer:* Nothing further to add to that of previous responses submitted under reference P/2013/0785. The contents of which remain relevant.

*Historic England:* It is considered that the proposed changes to have no effect on previous advice.

*Green Infrastructure Co-ordinator:* No objection in terms of ecology and green infrastructure. Consideration has been given to the potential increase in recreational pressure at the Berry Head to Sharkham Point component of the South Hams SAC resulting from the additional dwellings. The increase is considered to be negligible and therefore no additional contribution to mitigation, over and above that already secured in the section 106 will be required.

*Natural England:* It is not considered that this application poses any likely or significant risk to those features of the natural environment for which Natural England would otherwise provide a more detailed consultation and so does not wish to make specific comment on the details of this consultation.

*Environment Agency:* The site is in Flood Zone 1 and is for a partial revision in layout, no bespoke comment will be provided.

*South West Water:* No objection.

*Urban Design Officer:* No comments have been received.

*Affordable Housing Delivery Officer:* Whilst Housing Services would rather the scheme provided the full affordable housing provision the additional unit takes the total to 31 which is the 18% as agreed in the original application.

*Senior Design and Heritage Officer:* No comments have been received.

*South Devon AONB Manager:* No comments have been received.

*Drainage Engineer:* No drainage details have been submitted with the application. The drainage strategy for the former Wall Park Holiday Centre has now changed significantly from that identified within the previously approved application. The latest surface water drainage proposals for this development identify individual property soakaways together with soakaways serving a number of properties.

The trial holes that have previously been undertaken on the site for the infiltration testing are not in the location of the latest proposed soakaways. As part of the detailed design of each soakaway the developer must carry out trial holes and infiltration tests at the location and invert level of all the proposed soakaways. This testing must be carried out in accordance with BRE 365.

These infiltration tests are required in order to confirm that the ground conditions are suitable for the proposed soakaways and in addition the infiltration rates will be used to design the required soakaways. All details of these trial holes and infiltration tests must be submitted with the detail design.

No detailed design has been submitted for these soakaways or the surface water drainage system serving the soakaways. These must be submitted to show that they have been designed to cater for the 1 in 100 year storm event plus 30% allowance for climate change. The design must demonstrate that no flooding of properties is predicted for the critical 1 in 100 year storm event plus 30% for climate change. If flooding is predicted the developer must demonstrate how the floodwater/overland flow will be dealt with.

The applicant must demonstrate that his surface water drainage system will not result in any increased risk of flooding to properties or land adjacent to his development for the critical 1 in 100 year storm event plus 30% for climate change.

Based on the above comments, before planning permission can be granted the applicant must supply the details requested above.

### **Summary Of Representations**

4 representations have been received. Issues raised:

- o Impact on view
- o Impact on residential amenity
- o Overdevelopment of the site
- o Visual impact of the development
- o Out of character and scale with existing development on site
- o Impact on AONB
- o Additional traffic
- o Impact on school spaces
- o Impact of construction traffic
- o Houses being built in the incorrect location.

### **Relevant Planning History**

P/2013/0785 Erection of 165 dwellings (including 24 affordable), touring caravan park (including facilities building with office, café, laundry room, showers, toilets and 2 bed managers flat, 12 camping pods, 59 permanent touring caravan pitches, associated access and parking), community sports pitch (to be used annually as an overflow touring caravan park/campsite for 69 pitches during June, July and August), changing and shower facilities building for community sports pitch with associated access and parking; landscape and ecological enhancement works (including bat barn, hedgerow planting and footpaths); associated pumping stations, roads, footways/cycleways new vehicular access on to Centry Road and alterations/widening of existing access onto Wall Park Road, demolition of existing buildings (including former holiday park buildings and dwelling - 53 Wall Park Road (Revised Scheme) APPROVED 06.2015

P/2014/0446 Request for screening opinion for the redevelopment of former Pontins Holiday Centre, Wall Park, Brixham, for mixed uses including residential, tourism, recreation and open space EIA required 17.12.2012

P/2012/114/SCO Request for screening and scoping opinions for the redevelopment of former Pontins Holiday Centre, Wall Park, Brixham, for mixed uses including residential, tourism, recreation and open space: Scoping reply 17.12.2012

P/2010/0541 Revised plans and details to application P/2010/0541 including - removal of 14 tourist lodges and 12 houses in South West field, relocation of children's play area (LEAP), relocation of proposed touring caravans and various alterations to masterplan layout. Revised description Outline application for demolition of the bungalow on Wall Park Road and all buildings on site and the erection of up to 219 residential dwellings, a 60 bed care/nursing home (C2 use), 2 number bat barns (1 of which to be a heated winter bat roost), use of land for touring caravans/camping and associated administration facilities, alteration of access on to Centry Road and alteration of access on to Wall Park Road together with the provision of formal (LEAP) and informal public open space, landscape and wildlife mitigation measures and associated works. REFUSED (APPEAL DISMISSED) 19.12.11

P/2008/1340 Certificate of lawfulness for an existing use of area 1 as a miniature and novelty golf course, area 2 as a football pitch/overspill car park/hosting special events; area 3 as a caravan/camping park APPROVED 17.09.2009

P/1996/0959 Certificate of lawfulness for an existing use as a camping site for touring caravans and tents - 30 units APPROVED 30.01.1997

### **Key Issues/Material Considerations**

The key issues to consider are the principle of development, design, drainage, residential amenity, highways matters, parking, waste and recycling facilities, landscape and biodiversity.

#### **Principle:**

Full planning consent was granted in 2015 under reference P/2013/0785 for mixed use development of the site. This application was approved subject to consultation and was subject to Habitat Regulation Assessment and was accompanied by a detailed Environmental Statement. The principle of development was established by this application. The site is also noted as a committed site within the Torbay local Plan.

Although at a slightly higher density, this application continues to reflect the approved layout and appearance. One of the units subject of this application is to be affordable and wheelchair accessible and another is to be shared ownership. In line with paragraph 6.4.1.12, when assessing affordable housing requirements regard will be had to the overall site and therefore in accordance with policy H2 the development will be subject to 20% affordable housing provision. The proposal results in an additional 8 dwellings and therefore the proposal is considered policy compliant with 1 additional affordable dwelling being provided.

#### **Design:**

There are various different house types across the site, these reflect those approved as part of the original full planning permission. The dwellings subject of this application are two storey and adopt render, weatherboarding, slate hanging and slate roofs. The appearance of the dwelling houses is considered acceptable and in keeping with the remainder of the approved residential scheme that is not subject to this application.

Whilst the density of the development has increased, the dwellings continue to be fairly well spaced and the overall layout continues to reflect that previously approved. The increased density continues to sit comfortably within the site and the scale of physical development is considered acceptable.

The visual impact of the development was a key factor of the original application. The AONB is designated because of its scenic and landscape qualities and it is

consequently very important that the new development respects this quality. The Landscape and Visual Impact Assessment was carried out as part of the original application. The proposal is considered to accord with the principles of this assessment and the ecological and landscape enhancements secured as part of the original application would continue to be carried out. In line with this it is considered that the proposal would not result in any adverse visual impacts from long distances and only short term impacts from local viewpoints during the construction phase. Whilst as noted previously, the dwellings will be more visible than the previous development on site before new planting becomes established this would continue to be compensated for by their better design and materials. It is considered that in summer, the tree and hedge planting secured as part of the original application will screen the dwellings in views from Berry Head.

In terms of archaeology, the information submitted to discharge the conditions of the original application has demonstrated that the proposal is acceptable in terms of its impact on heritage assets.

In line with the above the proposal is considered acceptable and without significantly greater impact in regard to their landscape and visual impact on the AONB.

#### Layout and Highways Matters:

The access point to the development is from Wall Park Road, this access is subject to enhancement which has been secured by conditions of the original consent. This remains unchanged as a result of this proposal.

The proposed road layout within the scheme reflects that previously approved and continues to be considered appropriate. However a number of concerns have been raised by the Senior Policy and Project Officer regarding the lack of a separate emergency access and amendments to shared surfaces and footways. Paragraph 32 of the NPPF states that development plans should take account of whether safe and suitable access to the site can be achieved for all people. The approved scheme is a material consideration in this instance and it is recognised that the road layout and provision of footways reflects that already approved. Irrespective of this an emergency access is required for a development of this scale and whilst this is a consideration of the planning application the Highways Authority are considering how this can be achieved. An update will be presented to the Committee.

#### Parking:

Each of the proposed dwellings subject to this application benefit from two parking spaces as required by policy TA3 and appendix G. Garages fall slightly short of the dimensions required by policy TA3 and appendix G of the Torbay Local Plan. However having considered the approved scheme, on balance this is not on its own considered to warrant the refusal of the application as this would not result in a significantly greater impact when compared against the approved

scheme.

Each of the properties has access to the rear gardens to enable additional waste and cycle storage provision to be provided.

Landscaping and Biodiversity:

The site is located within the AONB, development in these areas is required to be sensitive to the landscape and make ample provision for planting to minimise the visual impact of the development and provide sites or wildlife. The comments from the Council's Arboricultural Officer state that to achieve this significant native tree planting is required to provide local and long range visual benefit helping to soften the built form. Whilst it is noted that the mature tree stock on the site somewhat performs this function, due to their age will cease to contribute long term benefits and therefore additional planting is required. The proposed planting is not considered to maximise the potential benefit of the site in terms of internal and external view receptors, longevity of lifespan and suitability to the area. The scheme for the wider site is currently subject to negotiations through the discharge of condition application, a meeting is due to be carried out to resolve the issues identified and the outcome of this will be verbally presented to the committee.

The ecological mitigation measures secured under the original application are considered appropriate and will adequately mitigate the impacts of the proposal in terms of biodiversity. In line with the comments from the Council's Green Infrastructure Co-ordinator, consideration has been given to the potential increase in recreational pressure at the Berry Head to Sharkham Point component of the South Hams SAC resulting from the additional dwellings. The increase is considered to be negligible and therefore no additional contribution to mitigation, over and above that already secured in the section 106 will be required.

Residential Amenity:

There a good range of house sizes and all of which benefit from rear gardens. The sub-text to policy DE3 of the Torbay Local Plan 2012-2030 recommends 55sqm of private amenity space for dwelling houses. Whilst the gardens sizes fall below this recommended guideline in some instances having considered the availability of public open space provided as part of the development and in close proximity to the site on balance the level of private amenity space is considered acceptable. It is considered that the dwellings are acceptable in terms of internal floor space and are largely well proportioned internally. The proposals are considered to provide a good standard of amenity for the occupants being well spaced with separation distances of the proposed dwellings being within the acceptable limits in order to maintain privacy between plots.

There have been concerns raised from residents living on Wall Park Road regarding the impact of the proposal on residential amenity in particular noise,

overlooking, light and view. The proposed dwellings subject of this application to the rear of those on Wall Park Road would be two storey, the back to back distance exceeds 20m which is generally accepted as optimum to ensure an acceptable level of privacy. This reflects that previously approved in this location. The proposals are not considered to result in significantly greater impacts in terms of neighbouring residential amenity. The remainder of the proposals are located within the site and are not considered to result in any serious detriment to residential amenity by reason of loss of light, privacy or by reason of being unduly dominant.

Comments regarding construction noise and disturbance are noted. The original application included a condition requiring the submission of a construction management plan and similar conditions will be attached to this consent to ensure disturbance to neighbours is limited as a result of the construction process.

Drainage:

No drainage details have been submitted with the application however reference is made to the previously submitted flood risk assessment. The drainage strategy for the former Wall Park Holiday Centre has now changed significantly from that identified within the previously approved application. The latest surface water drainage proposals for this development identify individual property soakaways together with soakaways serving a number of properties. These have yet to be approved as part of a discharge of condition application and further evidence is required to ensure the acceptability of the surface water drainage system. Further information has been submitted to the Council's Drainage Engineer for consideration and the outcome of this consultation will be verbally presented to the committee at the meeting.

**S106:**

The development will result in a greater impact on local infrastructure than the originally approved scheme for Wall Park had. The s.106 agreement for Wall Park secured contributions towards the costs of improving library facilities, sustainable transport routes and waste bins for each dwelling. The Adopted SPD 'Planning Contributions and Affordable Housing' indicates that a financial contribution would be required to meet the impact of the development on local infrastructure however further consultation is required with the relevant consultees to determine if there are suitable projects nearby that could offset the identified impact of the additional development or if the previous mitigation measures identified are sufficient to mitigate the additional impact.

In line with paragraph 6.4.1.12, when assessing affordable housing requirements regard will be had to the overall site and therefore in accordance with policy H2 the development will be subject to 20% affordable housing provision. The proposal results in an additional 8 dwellings and therefore the proposal is considered policy compliant with 1 additional affordable dwelling being provided.

A variation to the section 106 agreement is required to take into account any necessary financial contributions and amendments to the affordable housing provision as proposed by this application.

### **Conclusions**

Whilst there are a number of issues relating to landscaping, highways and drainage which require further consideration, subject to these issues being satisfactorily resolved, on balance the proposal is considered to represent an acceptable development that contributes to the supply of housing with Torbay. The proposal is considered to achieve an acceptable level of amenity for the occupants of the proposed development without significantly greater impact in terms of the impact on residential amenity of neighbouring occupiers. The proposal is not considered to result in greater impact in terms of ecology and green infrastructure when compared to the approved scheme. The proposal is considered acceptable and compliant with both national and local policies of the Torbay Local Plan.

### **Relevant Policies**

H1LFS - Applications for new homes  
H2LFS - Affordable Housing  
DE1 - Design  
DE3 - Development Amenity  
SS8 - Natural Environment  
SS12 - Housing  
SS11 - Sustainable Communities Strategy  
TA3 - Parking requirements  
ER1 - Flood Risk  
ER2 - Water Management  
C4 - Trees, hedgerows and natural landscape