

Application Number

P/2011/0470

Site Address

Riviera Bay Holiday Park
Mudstone Lane
Brixham
Devon
TQ5 9EJ

Case Officer

Mr Scott Jones

Ward

Berry Head With Furzeham

Description

Re-advertisement. Demolition of 2 buildings used for laundrette, maintenance workshop, housekeeping and entertainment office; demolition of wooden shed used for housekeeping; Formation of 11 new holiday lodges with new car parking layout to accommodate up to 216 car parking spaces, relocation of bin store and development of 12 residential properties fronting Douglas Avenue.

Executive Summary/Key Outcomes

The proposal seeks to provide 11 holiday lodges, 12 dwellings and revised car parking facilities within three parts of the wider site of Riviera Bay Holiday Park, which is a holiday site located off Mudstone Lane in Brixham.

The lodge development, which is sited on an area of open managed grassland and tennis courts, is considered to provide an enhanced tourism package for the site and that of the wider bay. Although located within a sensitive landscape the scale, location, mitigating landscaping, lighting and management, is considered to provide development compatible with the conservation of the AONB that fosters social and economic wellbeing. The provision of improved holiday facilities supports Torbay's economic regeneration objectives and the diversification of the holiday accommodation on the site, through the provision of the 11 holiday lodges will ensure that the site is attractive as a holiday destination for the medium to long term. Therefore, notwithstanding the concerns expressed by the South Devon AONB Unit Manager in respect to the potential visual and landscape impact of the new lodges on the AONB, the lodges are considered acceptable on planning merit.

The residential development, sited adjacent to Douglas Avenue on land currently used for car parking, is considered the efficient use of previously developed land. It provides development that harmonises with the suburban character and completes the double-sided residential streetscene of Douglas Avenue. It also sits as an enabler for reinvestment into the holiday park to lift the overall quality of the tourism package for the wider site and the bay as a whole.

The revised car parking provides a more subservient 'pocket' arrangement of parking that is visually less intrusive within the site. The rationalisation and revisions for the parking are considered an enhancement on that which currently presides, which is predominantly set out as one large car park within the northern corner of the site.

As a package, the proposals provide improved tourism facilities, much needed family housing, and a route to secure investment in the site that is expected to enhance the visual quality of the site and the strength of the tourism offer for Brixham and the wider 'bay'.

Recommendation

Committee Site Visit; Conditional Approval; subject to suitable comments from the Authority's Landscape Officer and Natural England and; subject to the signing of a Section 106 legal agreement in terms acceptable to the Executive Head of Spatial Planning, broadly outlined in this report (signed within 6 months of the committee) and; subject to confirmation through the completion of the Habitats Regulations appropriate assessment that the scheme would not have a detrimental impact on the integrity of the SAC.

Conditions as laid out at the end of this report.

Site Details

The site is that of an operating holiday park that overlooks St Mary's Bay, Brixham, which has more distant views across towards Sharkham Point to the South. The holiday park comprises of relatively small mid-20th Century chalet accommodation arranged in formal terraces, which are supported by central facilities provided within a large leisure building. The facilities building provides a number of communal facilities including a pool, restaurant, bowling alley, amusement arcade and shop.

The site's main vehicular and pedestrian access is off Mudstone Lane, which distributes vehicles to the two main areas of car parking adjacent to Douglas Avenue, and Mudstone Lane. The site is predominantly landscaped with manicured grassland, with dispersed pockets of shrubs and trees throughout the site. In terms of the adjacent context although the site is 'coastal' it sits amongst residential development to three sides. The coastal outlook is over cliffs and the adjacent South West Coastal Footpath.

In regard to land designation the site sits within the South Hams AONB (Area of Outstanding Natural Beauty) and locally is under Coastal Preservation Area and Countryside Zone landscape designations. It also sits adjacent to the South Hams SAC (Special Area of Conservation) and is within the sustenance zone for the Greater Horseshoe Bat, and the Berry Head to Sharkham Point SSSI (Site of Special Scientific Interest).

Detailed Proposals

The proposal is for the partial redevelopment of the site, with three distinct forms of development located in three specific areas of the site. These include:

1. The development of 11 new holiday lodges in the north-eastern part of the holiday park on land which is currently managed lawn and tennis courts. The lodges are single-storey pitched-roof cabins that are set in a loose linear form adjacent to existing residential plots off Douglas Avenue. The lodges are approximately 12 metres by 6 metres, thus providing an approximate floor area of 70m², with a ridge height of 4 metres. The finish will be timber clad with tiled roofs. The lodges incorporate a high degree of glazing to the outward aspect looking over the coast. Formal access is limited to a pedestrian footway to the rear of the proposed development. The lodges are well equipped with en-suite facilities, and are of a high spec suitable for the modern tourist.

2. The construction of 12 new residential properties and the provision of revised car parking on land to the North of the holiday park adjacent to Douglas Avenue, on land which is currently largely utilised for car parking. The development looks to provide residential frontage development off Douglas Avenue, which 'completes' the street pattern of two-sided development.

The residential aspect of the development looks to provide a mix of six detached properties and six semi-detached properties. Revised plans have been received, which provide for a mix of dwelling types along the street frontage, where they were previously more formally arranged in groups by house type.

To the rear of the gardens to the proposed dwellings, the scheme includes a revised area of open parking, which is reduced to a linear run of spaces that abut the existing chalets to the southern side.

3. The final aspect of the scheme is to provide revised parking to the southern part of the holiday park in and around existing areas of parking and existing chalets. This part of the redevelopment looks to create spaces and rationalises existing parking areas in order to compensate for the parking spaces lost to the new dwellings.

Summary Of Consultation Responses

Natural England:

Initial comments confirm that Natural England object to the proposed development on the grounds that there is currently insufficient information to determine the impacts upon the greater horseshoe bat and calcareous grassland interest associated with the South Hams SAC.

The consultation response also states that the development site is considered to be a high risk location for the greater horseshoe bats. As such evidence should demonstrate that the bat habitat is both maintained and enhanced as a consequence of any development. Particular concern relates to the lodge development that extends the built footprint closer to the key flight corridor for the bats.

Discussions have been held with Natural England and it is envisaged that, through the submission of further supporting information, the concerns raised can be overcome.

South Hams AONB Office:

1. Support the principle of improving and upgrading the quality of tourism facilities at the site, where this could bring benefits for the environment and the tourism economy,

2. No objection to the housing element of the proposals, if a suitable level of capital reinvestment could clearly demonstrate mitigating landscape gains, and that the secondary effect of the displaced parking is not demonstrable.

3. Do object to the construction of the new lodges for the following reasons;

- a) The underlying landscape character of open coastline will be weakened by the provision of buildings beyond the established line.
- b) There is no compelling reason presented to justify why the construction of additional lodges here is essential and overrides the policy presumption against it.
- c) The application fails to demonstrate how they will conserve and enhance the special qualities of the AONB.
- d) The application fails to demonstrate how it differs from a previous refusal on a similar parcel of land some years ago.

Concluding comments are that although the planning authority will no doubt have regard for the need to foster economic development and improve the areas tourism facilities, it is maintained that this can be achieved by sympathetic and suitable upgrading and improvement within the existing area of chalets on the site and there is no compelling argument to justify a further damaging extension of new building further forward in towards the cliff top zone.

Environment Agency:

No concern subject to;

a) Surface water runoff being managed such that no increase in risk, and ideally a reduction in risk, results. There appears both the scope and the intent to provide sufficient measures and as such can recommend coverage of the surface water aspect by planning condition.

b) Time limiting permission for the 11 holiday lodges to 10 years, given the

predicted erosion rates of the cliffs at this location. Longer term development at this location is not considered sustainable.

The Authority's Arboriculture Team:

a) The lodge part of the development is acceptable for a recommendation of approval on arboricultural merit if certain minor matters are addressed.

b) That scope exists for the construction of a number of residential units within the existing car park, however the available room for mitigating planting is insufficient and a revised layout is necessary to allow adequate room for sustainable long term planting.

The Authority's Highways Department:

No Objection.

Highways request a Section 278 Agreement to construct the footway in front of the 12 proposed dwellings due to the amount of new crossovers that will be required and also to extend the footway that runs behind the hedge on Mudstone Lane, to increase safety for pedestrians.

The Authority's Strategic Transport Team:

Conditions and Planning obligations should be sought inline with adopted policy in order to be applied and contribute towards soft sustainable travel promotion and hard physical infrastructure requirements.

The Authority's Landscape Officer:

Pending comment, to be reported at committee.

The Authority's Drainage Department:

Pending comment, to be reported at committee.

Summary Of Representations

A number of objections have been submitted against the application, which raising the following concerns:-

Visual impact of the lodge development upon the coastal footpath and wider AONB

Effect on Berry Head to Sharkham SSSI

Effect on the South Hams SAC

Noise issue caused by increasing the level of use of the holiday camp

Traffic issues raised by displacing the existing parking on Douglas Avenue

Increased congestion and road degradation caused by additional vehicles

Negative visual impact of the dwellings upon the character and appearance of Douglas Avenue

Loss of trees

Loss of greenspace

Precedent for other developments on the coastal fringe
Goes against previous appeal decision (for 23 caravans)
Increase cliff erosion by increasing rainwater runoff
Amenity impacts on adjacent residents

These have been re-produced and placed in The Members Room.

Relevant Planning History

P/2006/0054	Siting of 23 caravans for holiday use – Refused (Appeal – reference AP/2006/0095 - dismissed)
P/2005/1689	Variation of parking provision - Approved
P/2003/0203	Infill disused outdoor swimming and grass over (as revised by letter and plans received on 28th February 2033) - Approved
P/1999/1177	Construction of 14 chalet, 10 flats over existing chalets, extension to house swimming pool (indoor) and improved access and additional parking (as revised by plans received 21/1/2000) - Approved
P/1999/0993	Alterations to front elevations and installation of patio doors to 88 chalets - Approved
P/1999/0596	Indoor swimming pool with associated works (as revised by plans received 18th May 1999) – Approved
P/1998/1238	Alterations and refurbishment to existing holiday units and extension of letting period of whole site to 11 months (as revised by letter dated 9th September 1998) – Approved

Key Issues/Material Considerations

Principle of uses and Planning Policy -

Economy/ Tourism -

The submitted tourism/economic statement confirms says that the site currently holds small chalet accommodation arranged in formal terraces that date from the mid-20th Century. The chalets provide an approximate floor area of 28m², with limited internal sub-division of rooms, due to their restricted size. The fabric of the holiday stock has also experienced some deterioration, which in-part may be exacerbated by the low construction standard of the buildings.

The objective of the proposal is to provide the means by which the existing holiday park can be upgraded, through the introduction of higher quality lodge accommodation and by the potential to reinvest within the site through capital reinvestment provided by the residential part of the scheme.

The timber lodges look to respond to the evolution of the holiday accommodation

sector and the growing 'log-cabin' market. The proposed lodges provide the opportunity to diversify the type of holiday occupancy offered within the site, in a form which is linked to occupancy by higher spending socio-economic groups. This diversification secures the longer term viability of the holiday site by providing accommodation that current visitors can aspire to and a new form of accommodation to attract new visitors to holiday at the site.

In addition to the diversification and provision of high-quality lodges the proposed dwellings fronting Douglas Avenue provide the financial means for the upgrading and improvement of the existing chalet accommodation and facilities on the site. This will in-turn set a higher standard of accommodation throughout the site and strengthen the tourism offer. In order to secure reinvestment takes place, negotiations are ongoing to provide s106 legal agreement terms that secure reinvestment for capital works to improve the tourism offer within the site.

In regard to wider tourism matters the site currently provides the full-time equivalent of 35 jobs and the proposals appear to provide the potential to secure and expand the site as a positive functioning tourism facility. The absence of either the residential development or the new holiday lodges would be likely to lead to contribute to the further degradation of the site. The whole package is required to deliver the combination of an injection of financial capital and new modern high end purpose built accommodation to secure the future holiday use of the site.

In terms of policy Local Plan policy TUS (Tourism Strategy) states that 'Torbay's tourism industry will be developed in a sustainable and competitive manner having regard to environmental resources, through the retention of existing attractions; the investment in new facilities; and by the sensitive development of Torbay's heritage as a tourism asset'.

The criteria in policy TU9 'Refurbishment and development of new holiday centres and parks' stipulates that 'proposals for new holiday parks, chalet, caravan and camping sites, or schemes for the refurbishment and upgrading of existing facilities will be permitted, provided that:

- (1) the development does not have an adverse impact on the landscape conservation, nature conservation and agricultural characteristics of the area or involve the loss of best and most versatile agricultural land;
- (2) the development is acceptable in terms of transportation, access and safety considerations; and
- (3) the proposal does not adversely affect the amenities of any adjoining residential areas.

These criteria and other key issues are considered below.

Landscape/ Visual Impact -

The application site lies within an AONB and part of the site is also designated as a Coastal Preservation Area. The site is also adjacent to a National Nature Reserve (NNR) and Site of Special Scientific Interest (SSSI) on the coast, and is in the vicinity of the Berry Head Country Park, which is designated as a Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). These designations highlight the landscape (and ecological) importance of this part of Torbay and this landscape should be viewed as an important asset, not just in landscape terms, but also in relation to its attractiveness tourists, visitors and residents alike.

In coastal preservation areas, Local Plan policy L3 says that the improvement of existing chalet or caravan sites will be permitted where it would make little impact upon the character of the protected area. Local Plan policy L1 confirms that development will only be permitted in the AONB where it would support the area's conservation or enhancement or would foster its social and economic well-being, provided that such development is compatible with the area's conservation. In this case, therefore, the merits of the scheme in the provision of additional development must be weighed against the environmental constraints.

The lodge proposals sit as the most sensitive of the three development areas in landscape terms, due to their prominence towards the cliff top, the coastal path, and the context of this being largely undeveloped land. It is noted as well that a proposal for 23 caravans on this area of land has previously been refused and the subsequent appeal dismissed. Notwithstanding appreciation of the appeal decision, each application must be assessed on its own merits with due consideration of the all pertinent matters at the time. In this case, the proposal is for fewer than half of the number of units that was previously dismissed at appeal, the units are of a higher quality and have been chosen for their rural appearance and sited within a landscaped environment.

The applicant has submitted detailed landscape analysis that concludes that the proposal would not have a demonstrable detrimental impact upon the landscape character of the AONB. This judgment conflicts with the consultation comments received from the South Devon AONB Office, who object to the scheme on visual grounds.

As stated above the test is considered to be whether the development supports the area's conservation enhancement *or* would foster economic well-being. There are clearly benefits to the tourism sector from the development, it is therefore a matter of judgment on two matters; whether there is demonstrable harm, and if there is, do the benefits to the economic well-being provide a platform to support the development.

The Authority's Landscape Officer has been asked to review all correspondence

in regard to the possible landscape implications and his comments will be relayed to the committee members.

The 'dwelling' and 'parking' elements of the development are not considered overtly sensitive in regard to the AONB, which is reaffirmed by the South Hams AONB Office. The dwellings are considered suitably scaled and designed to sit comfortably within the backdrop of mid/late 20th Century residential development. The loss of the trees is not considered overtly sensitive in respect to the landscape and the proposals are largely supported by the Authority's Tree Officer.

The parking revisions and rationalisation are supported as this will provide a 'pocket' format of parking provision dotted throughout the landward side of the site. Subject to further information and appropriate conditions it is considered that a suitable landscape scheme could provide appropriate mitigation and enhancement across the site.

Ecology -

Ecology issues centre on the impact of the development upon the SAC at Berry Head, policy NC1 makes it clear that 'development that would harm the integrity of a Special Area of Conservation (SAC), or which conflicts with the conservation objectives for such a site, will not be permitted.'

In this case, therefore, it is clear that the environmental sensitivities of the site are such that the protection of the environment should be given significant weight in the decision making process. The development should only be permitted if it can be proven that it would support the conservation objectives of the SAC. The conservation objectives for the SAC are to maintain the important habitats within the designation with particular reference to species and habitats, in this case the protected Greater Horseshoe Bats and their roost in the caves at Berry Head and use of the peninsula for commuting and foraging.

The developer has submitted an EIA with the planning application and this concludes that the development will provide landscape and ecological enhancements and will not detrimentally impact upon the special characteristics of this area. The submission has also provided supplementary information in respect of design features and lighting studies in order to manage the development appropriately and provide a positive effect upon the Greater Horseshoe Bats.

Natural England currently object to the proposal, expressing concerns that there is insufficient evidence to determine the likely impacts upon the protected species. However, negotiations are ongoing on this matter and it is now anticipated that Natural England will be in a position to withdraw their objection once further information has been provided and once the Council has concluded

the appropriate assessment. It is recommended that any resolution to grant should be subject to the withdrawal of Natural England's objection in regard to this matter.

It should also be noted that under the Habitats Regulations it is incumbent on the 'competent authority', which in this case is the Local Planning Authority, to undertake an 'Appropriate Assessment' (AA) of a plan or project where such a plan or project will have a likely significant effect on the integrity of the SAC. For information an AA is a separate assessment to an Environmental Impact Assessment and in this case it will be necessary to assess the cumulative impact of this proposed development with other proposals in the area. The AA must also look at the site in the context of its relationship to the SAC and in particular the use of the SAC by the Greater Horseshoe Bats. The assessment will in essence be required to consider the requirements of the Greater Horseshoe Bat population and determine the importance of the site to the populations overall movement and foraging patterns.

In summary the proposals are considered acceptable on ecological grounds provided that the current discussions lead to a positive resolution from both Natural England and Kestrel Consultants, the ecologists acting on behalf of the Authority.

Highways/ Parking and movement -

The proposed dwellings off Douglas Avenue will be served by garage and driveway parking, at a level that accords with planning policy. The access is level and visibility on to this residential street is acceptable. The addition of 12 dwellings and the associated vehicle movements within a relatively quiet residential side road is not considered burdensome in terms of traffic movement.

It is noted that the Authority's Highway Department do not raise any concern on the highway impact on Douglas Avenue.

In regard to the wider strategic highway implications of the development, the proposed changing land use and parking rationalisation does not result in any net loss in the number of parking spaces. At present the site is reported to provide 205 spaces within a poorly laid-out and poorly delineated car park. The proposal seeks to provide 216 spaces in a more integrated arrangement of spaces set in closer proximity to the chalets. This more will permit a more formalised scheme of parking, with spaces designated for each chalet, this will ensure a more efficient use of space and will be a more attractive arrangement for visiting tourists.

The development proposals trigger sustainable transport contribution to the sum of £47,380.00, and the Council's strategic transport officer has indicated a number of works for which this payment could be put towards to provide local

improvements. The applicant has agreed to pay this contribution through a s106 agreement.

In the absence of opposition from the Authority's highway specialists the proposal is considered acceptable on highway terms. The scheme will provide residential development within a sustainable urban location supported by appropriate parking facilities and access. The development will also maintain a suitable level of parking within a holiday site with the potential for local off site improvements through the receipt of planning contributions for sustainable transport infrastructure.

Amenity implications upon neighbouring uses/occupiers -

Although the site is flanked on three sides by residential development it is considered that the properties most affected by the proposals will be properties on Douglas Avenue to the North.

In regard to the lodge development the relationship to the rear with the existing residential plots off Douglas Avenue is considered acceptable. This is due to the scale of the proposed new buildings, how they sit when considering the local land levels, and the shear distance involved between the buildings.

There is unlikely to be any potential for overlooking, loss of privacy, or loss of light/outlook. It is accepted that the placement of buildings may increase the level of activity within the area, however the basic land use remains part of a tourism site and the impact is unlikely to be demonstrable.

In respect of the impact of the dwelling units off Douglas Avenue, the plot arrangement produced does not introduce any scale of building, or distance between buildings that may result in harm to existing occupants through loss of privacy, light or outlook.

Drainage/ Flood Risk -

The site is not considered sensitive in terms of flood risk as it does not sit within a sensitive flood risk zone and does not have a history of fluvial or tidal flooding. The provision of the type of development proposed is therefore generally accepted in respect to the risk from flooding.

In regard to surface water runoff the Environment Agency (EA) has confirmed that there appears to be the scope and intent to provide sufficient measures in order for there to be no increase in risk, and ideally a reduction in risk.

The EA has expressed concern in respect to the lodge development, citing that it would be unsustainable to permit permanent development, such as housing here. They do argue however that it is possibly acceptable to have some form of time-limited usage for holiday lodges of a semi-permanent, ideally mobile, form of

construction here.

As matters stand the proposal appears acceptable on merit with conditions inline with advice from the EA. Comments from the Authority's Drainage Team are expected and will be reported to the committee members on the day. Further information in respect of the need for a time limited permission for the holiday lodges will be reported to members at the meeting.

S106/CIL -

The detailed negotiations with regards to the heads of terms and commuted sums within the Section 106 Legal Agreement are ongoing. It is however hoped that a draft agreement will be in place by the time of the committee and the current status of this will be reported to members on the day.

As matters stand the development is deemed to trigger the following level of planning contributions for social and physical infrastructure works and clauses as detailed to ensure a suitable form of development;

1. SPD Contributions;

Sustainable Transport:	£47,380.00
Greenspace & Recreation	£28,440.00
Lifelong Learning	£ 5,280.00
Stronger Communities	£ 2,400.00
Waste & Recycling	£ 600.00

Total **£84,100.00**

2. Monitoring Payment

The requirement for a monitoring payment, for the holiday element and as per the SPD, to the sum of £2,200.00, to enable the supervision of the use of the lodges and the phasing of the development.

3. Holiday restriction to the lodges

Restriction on the use of the lodges for holiday purposes only, with restriction to include the keeping of a register of owners and their main residence, ensuring the lodges are used for holiday purposes only.

4. Site Management Clause

Clause to secure that the site is maintained and managed as one holistic tourism offer.

5. Tourism re-investment Clause

The re-investment of some of the capital receipts received from the disposal of the residential dwellings, /on improvement works to Riviera Bay Holiday Park. This should be as per a schedule of works previously submitted to and approved by the LPA. Approved works to be undertaken within 3 years of commencement of development directly linked to the provision of the dwellings, or within 1 year of the occupation of the 6th dwelling, whichever is sooner.

6. Ecological enhancement clause

Prior to commencement of development relating to the lodges an ecological management plan and phasing agreement for the entire site, indicated by the blue line, shall be submitted to and agreed by the LPA. The scheme shall then be implemented in accordance with a phasing programme to be agreed in writing with the Local Planning Authority.

Conclusions

The key issue in this case, is the weighing up of the benefits of a tourism proposal against any perceived disadvantages arising from its location. The proposal provides improvements to the holiday package provided by an existing operating holiday park, by introducing upper-market lodges to the site, along with a mechanism to secure reinvestment and enhancement of the existing product. Both of these ambitions will strengthen and support the tourist industry provision on the site and in Brixham as a whole.

However, it is accepted that the scheme is proposed within a sensitive location and as such it is vital that such a proposal ensures positive environmental gain and that the development will hence not have a detrimental impact on the AONB, or the integrity of the nearby Special Area of Conservation.

In this case the provision of a management plan and a Section 106 legal agreement will provide for the management of the land around the periphery of the application site. The strategic lighting scheme and the proposed landscaping will also provide a positive gain from a landscape and ecological point of view. The visual impact will be mitigated by the additional planting proposed and by the provision of caravans clad in recessive materials around the periphery of the site.

That being said the concerns of the South Devon ANOB Unit Manager are noted with respect to the landscape impact and further information will be reported on this issue at the meeting. It is anticipated that, notwithstanding the concerns raised, the landscape and visual impact will be mitigated by the design and siting of the lodges and the proposed landscaping. In addition, the impact of the lodges must be considered as part of an overall package that includes provision for the physical improvement of the existing chalets on the site.

An Appropriate Assessment in relation to the impact of the development on the nearby SAC at Berry Head and specifically in relation to the Greater Horseshoe Bats has been commissioned and it is intended that this will be completed prior to the committee meeting.

Conditions:-

Removal of dwelling house PD

11 month holiday occupancy of the lodges

Provision and maintenance of car parking facilities prior to occupation

Samples of all external finishes, including colour palette

Submission of a detailed landscape scheme and maintenance thereof

Submission of a surface water drainage scheme

Submission of a phasing plan

Submission of a lighting scheme for both the construction and post completion phases for the site outlined in blue

10 year permission for the holiday lodges

Prior to commencement enter in to a s278 highway agreement

The provision of green travel information packs

Provision of covered secure cycle parking

Relevant Policies

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