

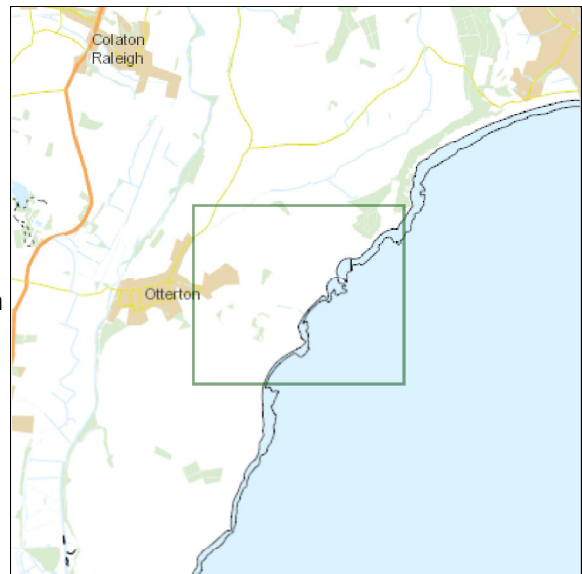
**Ward** Budleigh And Raleigh

**Reference** 18/1517/FUL

**Applicant** Ladram Bay Holiday Park

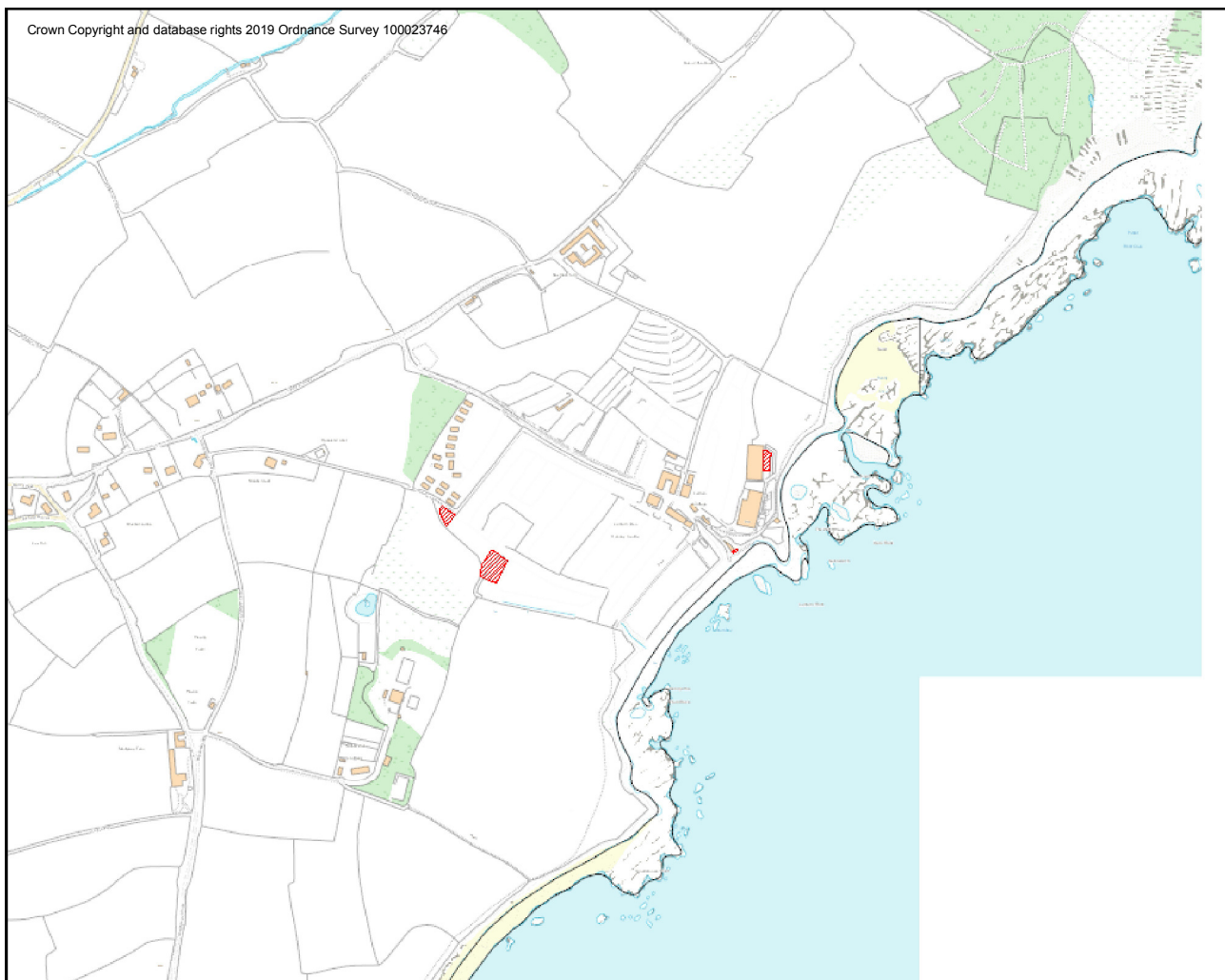
**Location** Ladram Bay Holiday Park Ladram Bay Otterton  
Budleigh Salterton EX9 7BX

**Proposal** Retrospective application for a new 'splash' zone adjacent to the indoor swimming pool, relocation and re-orientation of bases and addition of static caravan



**RECOMMENDATION:**

1. That the **Habitat Regulations Appropriate Assessment** within the Committee Report be adopted;
2. That the application be **APPROVED** subject to conditions



		<b>Committee Date: 11<sup>th</sup> June 2019</b>	
<b>Raleigh (OTTERTON)</b>	<b>18/1517/FUL</b>	<b>Target</b>	<b>Date:</b>
		<b>25.09.2018</b>	
<b>Applicant:</b>	<b>Ladram Bay Holiday Park</b>		
<b>Location:</b>	<b>Ladram Bay Holiday Park Ladram Bay</b>		
<b>Proposal:</b>	<b>Retrospective application for a new 'splash' zone adjacent to the indoor swimming pool, relocation and re-orientation of bases and addition of static caravan</b>		

**RECOMMENDATION:**

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**EXECUTIVE SUMMARY**

This application, submitted retrospectively, seeks to regularise a series of operations that have been carried out at the Ladram Bay Holiday Park. It is before Members as the officer recommendation differs from the view of the former Ward Member.

Approval is sought for the retention of an external splashpad area, known as a 'Splash Zone', in place of a previously permitted outdoor swimming pool positioned alongside the present indoor swimming pool and other related leisure uses and facilities within the park. The application also seeks permission to retain two static caravan pitches on the western edge of the park that have been turned through 90 degrees, together with the addition of a third pitch alongside them, and the retention of an additional pitch for the accommodation of a lodge that is outside of what is considered to be the approved licensed park boundary (albeit within its ownership). The proposal is considered to result in one additional pitch.

The original proposals also included the retention of an extension to a timber 'viewing deck' constructed along the cliff face, within the designated Dorset and East Devon (Jurassic Coast) World Heritage Site, to the immediate north of the chine that extends down to the beach. However, in the light of significant officer concerns relating to this part of the development, it has been omitted. Its ongoing removal is subject to separate enforcement action.

Despite the retrospective nature of the application, it is not considered that any element of the proposals causes any undue harm or detriment to the rural

landscape character, natural beauty or open or undeveloped character of either the designated Area of Outstanding Natural Beauty or Coastal Preservation Area in which the park is located. Policy E19 of the Local Plan is essentially permissive of extensions to existing caravan and camping sites, as well as the addition of related and ancillary facilities, within designated landscapes provided that certain specified criteria are met. The most relevant of these policy tests, namely that proposals should relate sensitively in scale and siting to the surroundings, is considered to be met in each case.

**As such, the application is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

This retrospective planning application covers 3 different parts. The Otterton Parish Council (OPC) objects to the application as a whole but makes the following comments relating to the 3 parts.

Splash Area. This area can be viewed for only a short time on the coastal footpath and is therefore not additionally detrimental to the overall aspect. It is well constructed and compliments the swimming pool area and for this reason the OPC does not object to this part of the planning application.

To the extension of the viewing deck at junction of beach and slipway the OPC strongly objects as this is an area of ONB and falls within the Heritage Coastline which must be protected.

With regard to the third part of the planning application the OPC once again objects as caravans must be sited only within the boundary of the camp and only on sites where planning already exists.

#### Former Ward Member - Raleigh - Cllr G Jung

I have visited the location and reviewed the documents regarding Planning Application 18/1517/FUL for retrospective applications for a new 'splash' zone adjacent to the indoor swimming pool, extension to viewing deck at junction of beach and slipway, relocation and re-orientation of bases and addition of static caravan at Ladram Bay Holiday Park Ladram Bay Otterton Budleigh Salterton EX9 7BX.

These planning irregularities had been reported by concerned residents who had contacted the Enforcement Officer at East Devon District Council. The result of the subsequent enquires are these four developments being included in this one planning application.

I recognise that Ladram Bay is a well-run site and a benefit to holiday makers and to local people for jobs and the extra facilities it provides. However, its location overlooking the World Heritage Site of the Jurassic Coast and in the AONB special care is needed to protect this special location. The East Devon Local Plan recognises the importance of restricting further development in areas such as this, to prevent further erosion of this wonderful landscape which requires special protection for future generations and restrict further growth to existing development.

I have viewed each element separately, but because these issues are within one planning application if there is one element I cannot support, I must reject all four and not support the application in total

1. The Single Chalet location seems to be positioned outside the agreed Park Boundary. As the location of the Holiday Park is within the AONB this element of the application is against Planning Policy of the EDDC Local Plan E19 Strategy 46 and 47
2. The position of the three Mobile home bases suggests that the furthestmost one is outside the agreed Park Boundary. Therefore, is against Planning Policy of the EDDC Local Plan E19 and Strategy 46 and 47.
3. The Splash Zone would seem to be in the same location as a previously approved outside pool and within the Park Boundary and therefore this would be within the Planning Policy of the EDDC Local Plan E19 and Strategy 46 and 47.
4. The Decking located on Ladram Beach suggests it is outside the Park Boundary and within the World Heritage Site of the Jurassic Coast and therefore against EDDC Local Plan E19 Strategy 44 46 and 47.

Because three of the elements fail to comply to the EDDC Local Plan I cannot support this planning application.

I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

### **Technical Consultations**

#### **Natural England (Original comments)**

Thank you for your consultation on the above, which was received by Natural England on 01 August 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

**OBJECTION** - Extension to viewing deck at junction of beach and slipway.

Natural England objects to this proposal - specifically the extension to the viewing platform. As submitted we consider it will:

- have a significant impact on the objectives of the Dorset and East Devon World Heritage Site (WHS) and the reasons for designation of the East Devon AONB.

Natural England's advice on other natural environment issues is set out below.

We have reached this view for the following reasons:

- The development is set within the boundary of the Ladram Bay to Sidmouth SSSI, the Dorset and East Devon WHS and has significant landscape and visual impacts on these and the East Devon AONB.

Dorset and East Devon WHS: The Dorset and East Devon Coast has an outstanding combination of globally significant geological and geomorphological features. The cliff exposures along the Dorset and East Devon coast provide an almost continuous sequence of rock formations spanning the Mesozoic Era, or some 185 million years of the earth's history. The area's important fossil sites and classic coastal geomorphologic features have contributed to the study of earth sciences for over 300 years.

Through a search of the site's planning history, it is not apparent that the original viewing deck, which this application seeks to secure an extension to, ever received planning permission. Please confirm what date this was granted and any conditions relating to that initial permission.

We strongly suggest that the Planning Authority enforces the removal of this structure.

Other elements of the planning application excluding the extension to the viewing platform

There are a number of developments within the site including various retrospective, permitted and unconsented developments which cumulatively result in a significant impact upon the purposes of designation of the AONB. We consider that without appropriate mitigation this application would:

- have a significant impact on the purposes of designation of the East Devon AONB through landscape changes and visual impacts in this location.

In order to address these cumulative impacts and to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- any permission for the remainder of the elements should be granted for a temporary period in line with NPPF paragraph 167 or development in areas subject to coastal erosion, e.g. for 20 years and with a condition requiring restoration of the site at the end of that period or sooner should it become unsafe due to cliff stability/coastal erosion.
- a comprehensive landscape masterplan for the whole of the Ladram Bay Holiday Park site, incorporating mitigation for this development and also previous unmitigated development impacts, to ensure an overall improvement in the appearance of the site and mitigation of its impact on the landscape of the AONB.

Concerns regarding the location of the development

As previously advised and in line with NPPF policy for development at the coast, the holiday park should be locating any new infrastructure away from the cliff top or beach.

We concur with the concerns raised by the Dorset and East Devon Coast World Heritage Site Team regarding the sustainability of further investment in static infrastructure in this part of the holiday park and the threat posed by coastal change. Paragraph 150 of the NPPF states that new development should 'avoid increased vulnerability to the range of impacts arising from climate change'. Paragraph 167 says

that LPAs 'should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast'.

Natural England is likely to oppose any attempts to interfere with natural processes through cliff protection or coastal defences in this location, which could directly impact on the Ladram Bay to Sidmouth SSSI/WHS.

#### Landscape character

The development site is within local Landscape Character Type 2b: Coastal slopes and combes. We note that the relevant management guidelines for settlement and development are to conserve by:

1. Maintaining the inherent pattern of sparse settlement.
2. Ensuring that recreation and leisure-related infrastructure along the coast and at the mouth of combes are of a scale, size and type that contribute to the unspoilt character and tranquillity of the cliff landscapes in the adjacent Landscape Character Type.

We strongly advise you to give weight to the advice of the East Devon AONB Partnership and the Jurassic Coast Trust. Their knowledge of the location and wider landscape setting of the development should help to confirm the significance of the impacts on the purposes of the AONB designation and the World Heritage Site management objectives and the appropriate level of mitigation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB Management Plan and the WHS Management Plan.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our Discretionary Advice Service.

Should the proposal change, please consult us again.  
If you have any queries relating to the advice in this letter please contact me on 0208 026 7400.

Further observations re. amended plans omitting decking:

Planning consultation: (Amended plans) Retrospective. New 'splash' zone adjacent to the indoor swimming pool, extension to viewing; relocation and re-orientation of bases and addition of static caravan.

Location: Ladram Bay Holiday Park Ladram Bay Otterton EX9 7BX.

Thank you for your consultation on the above, which was received by Natural England on 04 February 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

We are pleased to see that the extension to the viewing deck at the junction of the beach and slipway has now been removed from this application. We trust that the structure has now been removed.

Natural England's advice on natural environment issues is set out below.

There are a number of developments within the site including various retrospective, permitted and unconsented developments, which cumulatively result in a significant impact upon the purposes of designation of the East Devon AONB. We consider that without appropriate mitigation this application would:

- have a significant impact on the purposes of designation of the East Devon AONB through landscape changes and visual impacts in this location.

In order to address these cumulative impacts and to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- any permission should be granted for a temporary period in line with NPPF paragraph 167 for development in areas subject to coastal erosion, e.g. for 20 years and with a condition requiring restoration of the site at the end of that period or sooner should it become unsafe due to cliff stability/coastal erosion.

- a comprehensive landscape masterplan for the whole of the Ladram Bay Holiday Park site, incorporating mitigation for this development and also previous unmitigated development impacts, to ensure an overall improvement in the appearance of the site and mitigation of its impact on the landscape of the AONB.

Concerns regarding the location of the development

As previously advised and in line with NPPF policy for development at the coast, the holiday park should be locating any new infrastructure away from the cliff top or beach. We concur with the concerns raised by the Dorset and East Devon Coast World Heritage Site (WHS) Team regarding the sustainability of further investment in static infrastructure in this part of the holiday park and the threat posed by coastal change. Paragraph 150 of the NPPF states that new development should 'avoid increased vulnerability to the range of impacts arising from climate change'. Paragraph 167 says that LPAs 'should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast'.

Natural England is likely to oppose any attempts to interfere with natural processes through cliff protection or coastal defences in this location, which could directly impact on the Ladram Bay to Sidmouth SSSI and on the objectives of the Dorset and East Devon WHS.

Landscape character

The development site is within local Landscape Character Type 2b: Coastal slopes and combes. We note that the relevant management guidelines for settlement and development are to conserve by:

1. Maintaining the inherent pattern of sparse settlement.
2. Ensuring that recreation and leisure-related infrastructure along the coast and at the mouth of combes are of a scale, size and type that contribute to the unspoilt character and tranquillity of the cliff landscapes in the adjacent Landscape Character Type.

We strongly advise you to give weight to the advice of the East Devon AONB Partnership and the Jurassic Coast Trust. Their knowledge of the location and wider landscape setting of the development should help to confirm the significance of the impacts on the purposes of the AONB designation and the World Heritage Site management objectives and the appropriate level of mitigation. They will also be able

to advise whether the development accords with the aims and policies set out in the AONB Management Plan and the WHS Management Plan.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our Discretionary Advice Service.

Should the proposal change, please consult us again.

#### County Highway Authority

Does not wish to comment.

#### Environmental Health

I have considered this retrospective application and do not foresee any Environmental Health Pollution issues with this retention, therefore I have no further comment to make.

#### Other Representations

11 representations of objection have been received, including representations from the Otter Valley Association and the Jurassic Coast Trust. References to the extension to the decking that was originally included as part of the application proposals have been omitted as this no longer forms part of the scheme under consideration.

#### Grounds of Objection

1. Contrary to Local Plan Policy E19 and Strategies 44, 46 and 47.
2. Chalet is outside the agreed western boundary and can easily be seen from the hills surrounding the park.
3. If passed, a dangerous precedent will be set for the future expansion of Ladram Bay into open farmland and there are bound to be more chalets appearing outside the boundary.
4. Another retrospective planning application by Ladram Bay involving incursions into the AONB; the total disregard for the need to secure permission prior to work being undertaken is shocking.
5. Ladram Bay complex has become out of kilter with the necessary balance between business and the natural environment.
6. No justification for extending beyond the existing boundary.
7. Repositioning of vans has meant the removal of a large length of hedgerow that did offer visual screening of the site and should be replaced.

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

E19 (Holiday Accommodation Parks)



### **Relevant Planning History**

Although there is an extensive history of applications for development at the Ladram Bay Holiday Park, none of the proposals to which they relate are directly material to the proposals that are the subject of this report.

### **Site Location and Description**

Ladram Bay Holiday Park is a long established park located approximately 1km. to the east of Otterton, to which it is connected by Ladram Road, an unclassified highway. It occupies a highly sensitive location within the designated East Devon Area of Outstanding Natural Beauty (AONB) and Coastal Preservation Area (CPA) adjacent to the Dorset and East Devon Coast World Heritage Site (Jurassic Coast) (WHS).

The park houses a large number of static and touring caravans and tent pitches together with associated guest/holiday maker infrastructure and facilities in the form of an entertainment complex, shops, laundry, reception area and swimming pool, much of which has been developed over the past 20 or so years.

### **Proposed Development**

The application seeks permission in retrospect for the following:

1. The retention of a 'Splash Zone' located immediately alongside the swimming pool building to the north of the Three Rocks Inn and arcade area of the main clubhouse. This is an external open air water fun zone, principally aimed at use by children, and comprises a play surface with water fountains and fixed equipment with water jets.

It occupies a courtyard area flanked by sun terraces. Permission has been granted for an external swimming pool to supplement the internal facility; however, due to costs the internal pool and sun terraces were constructed, leaving the courtyard open.

The area is surrounded by a 1.1 metre high glass balustrade.

2. The rotation of two static caravan bases on the western edge of the park, oriented end on to the main internal loop road, through 90 degrees and the addition of a third base/pitch for an additional static unit alongside. This has enabled both parking and private space for each of the caravans to be provided, thereby adding to their letting appeal.

It has been possible to achieve this while maintaining the required distances between units set out in the site licence and, in the view of the applicants, keeping the bases within the park boundary.

3. The rotation of a further caravan base and its repositioning on a triangular-shaped piece of land directly alongside an 'elbow' bend in Lower Ladram Lane, an unmade unclassified lane within the control of the Local Highway Authority that connects the

park with Ladram Road on the edge of Otterton to the west. This part of the park is among its more elevated sections topographically and the pitch has been provided with a lodge (Rock Pools Lodge) that is marketed as offering among the best seaward views of all of the park accommodation.

There is some dispute however insofar as it is the operators' understanding that this pitch is within the 'ownership boundaries' of the park and the proposal therefore amounts solely to the re-orientation and repositioning of an existing static unit. However, in the view of officers, this does not equate to the licensed park area. It therefore appears to be the relocation of an existing pitch outside of the consented park boundary.

As a result of the proposals, one additional pitch is proposed along with a small extension of the park.

The proposals as originally submitted also incorporated the retention of an extension to an area of raised decking, described as a 'viewing deck', around the opening to the chine that leads down to the bay itself and along part of the cliff face to the north (i.e. within the WHS). However, in the light of significant concerns relating to this element of the scheme, shared by both consultees and interested third parties, it has been removed from the application and is being considered separately.

## **ANALYSIS**

### **Considerations/Assessment**

The proposals principally fall to be considered having regard to the extent to which they comply with local plan policy, the visual impact of the proposals and matters of ecology.

### **Compliance with Local Plan Policy**

Development of, and within, holiday accommodation parks is covered by Policy E19 (Holiday Accommodation Parks). The location of the park within the AONB and CPA also means that the tests set out in Strategies 44 (Undeveloped Coast and Coastal Preservation Area) and 46 (Landscape Conservation and Enhancement and AONBs) need to be engaged. In addition, Policy D1 (Design and Local Distinctiveness) applies more generic criteria to new development.

The 'Splash Zone' is well related to complementary leisure facilities within the park in the form of the sun terraces, adventure playground, indoor swimming pool, amusements and the public house and, although positioned close to the coastal footpath, does not create any issues of concern with regard to the overall convenience, attractiveness or enjoyment of walkers using it. Indeed, as acknowledged above, it occupies an area where permission has previously been granted for the development of an outdoor swimming pool. As such, in terms of the character of the respective uses, it is considered that the retention of the present facility would be entirely reasonable.

Policy E19 of the Local Plan permits, within designated landscapes, the addition of related and ancillary facilities on existing holiday accommodation sites subject to a

series of criteria being satisfied. The nature of this part of the development, its obvious relationship to the neighbouring leisure uses and its position as a substitute proposal for the approved outdoor swimming pool represent factors in favour of its retention as well as, in direct regard to the relevant policy criteria, the view that it relates sensitively in scale and siting to the surroundings, does not affect habitats or protected species, does not occupy best and most versatile agricultural land and adequate services and utilities already exist.

The 'Splash Zone' is therefore considered to be acceptable.

Turning to the repositioned static caravan bases, attention has been drawn by the applicants' agents to a planning permission granted in 2012 (under ref. 12/0242/FUL) for a retrospective change of use of an L-shaped strip of former agricultural land, together with associated engineering works in the form of the re-grading of the land, to the rear of nineteen units on part of the south western edge of the park. This was to enable two rows of static caravans to be moved slightly to the west to allow for improvements to part of the adjacent internal road in order to comply with site licence requirements.

It is accepted that the re-orientation of the two pitches from a north east/south west alignment to a north west/south east alignment and the addition of a third pitch of the same orientation has just about been carried out within the boundary of the park, allowing for the inclusion of this additional strip of land. Even if it were successfully demonstrated that there has been some encroachment beyond the position of the boundary, as extended, this part of the proposal is of a very minor scale overall and the impact upon the character and appearance of the adjacent field and the wider AONB and CPA landscape resulting from it is considered to be largely negligible. This part of the boundary of the park is mainly defined by a post and wire fence that itself largely retains the open character of the edge of the park area with the surrounding countryside while also forming a more definitive limit to the former. If there has been any extension beyond the strip of land to which the 2012 permission relates, it is thought to be very minor in extent and results in no harm to the rural landscape character or natural beauty of the AONB or the undeveloped and visually open status of the CPA or to any views of the sea from within it. From aerial photos from 2014/2015 there was a hedge to part of this boundary previously provided as part of the 2012 consent. There is no evidence of this hedge on site but it is considered reasonable to condition the provision of a replacement hedge. The proposal does however result in an additional pitch that has implications on ecology as detailed below.

The situation is however different in relation to the other pitch and holiday lodge adjacent to the bend in Lower Ladram Lane. Although an approved landscape planting plan attached to planning permission 12/0242/FUL shows hedge and tree planting along the angled western boundary of the triangular plot of land that forms this pitch, and the fencing referred to in the previous paragraph appears to follow a similar line, the red edging defining the site area to which the application relates clearly does not include this plot.

It also appears clear from review of both historic Google Earth images and site licence details that this piece of land has never been authorised through either a grant of planning permission or site licence as being within the boundary of the holiday park.

Whilst there has been an insistence that it is within the applicants' ownership, this does not equate to it forming part of the licensed park area. In the view of officers therefore, and in the absence of the submission of any other evidence to prove otherwise, the creation of this pitch amounts to an enlargement/extension of/to the park. It is recognised however that this is the re-location of a pitch that previously existed to the south-east of the site such that it does not represent an increase in the number of pitches overall.

In this regard, the provisions of Local Plan Policy E19 are once again material to assessment of this part of the proposal. As referred to above, in relation to extensions of existing caravan parks or the addition of related and ancillary facilities on existing sites within designated landscapes (including AONBs and CPAS) the policy applies a series of criteria.

It should be emphasised at this point that there is no express policy objection to the principle of extensions to sites within such areas in spite of the understanding to the contrary that would appear to be held in some quarters.

Among other criteria, the policy principally requires that proposals: relate sensitively in scale and siting to the surroundings and includes extensive landscaping and visual screening to mitigate against any adverse impacts; would not use best and most versatile agricultural land; would be provided with adequate services and utilities, and traffic generated by the proposal can be safely accommodated on the local highway network and safe highway access to the site can be achieved.

There are no particular issues of concern regarding the last three of these criteria. The main issue for consideration therefore is the impact of the additional pitch upon the rural landscape character and natural beauty of the designated AONB and the open undeveloped character of the CPA.

In this regard, it is not considered that the level of harm to the landscape arising from the addition of the pitch is significant to the extent that resistance to its retention could be justified. Although occupying among the more elevated parts of the park, the hillside on which the plot is located ascends much higher to the west and the most recent phase of static units occupies higher land beyond Lower Ladram Lane to the north. It is also viewed within the context of the adjacent static units to the south east when seen from both the Coastal Footpath at some distance to the east and Lower Ladram Lane itself as it descends from the localised hilltop from the west. It is not considered that it appears as an unduly significant or harmful encroachment or extension to the park from these public vantage points.

Whilst there is some empathy with the concerns expressed locally regarding the retrospective nature of this part of the application proposal and the fundamental principle that no expansion of the park of any kind or scale should be permitted in view of the highly sensitive landscape setting that the park enjoys, it is necessary to consider it carefully against the provisions of Policy E19. As stated, it does not oppose the principle of extensions to caravan sites within designated landscapes. Moreover, for the above-stated reasons, it is thought that the modest expansion of a single pitch in this case would not result in sufficient harm to the landscape that objection to its retention could be robustly justified.

It is again also noted that the existing post and wire fence forms a definitive western boundary to this plot, notwithstanding the absence of the hedge and tree planting shown on the approved 2012 landscape plan. A condition could once again be attached to any permission granted in this case to require more robust landscaping of this boundary as a clear marker of this part of the overall park boundary for future reference.

In light of the above the proposals are considered to comply with Policy E19 of the Local Plan and are considered to be acceptable.

### Habitats Regulation Appropriate Assessment

The nature of this application in terms of providing an additional pitch, and its location close to the Pebblebed Heaths and its European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. The additional unit is CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

### **CONCLUSION**

The application proposes the retention of a 'splash zone' within the park. Given its location and the area having previously benefitted from consent for a swimming pool, this is considered to be acceptable and accord with the relevant criteria to Policy E19 such that it can be supported.

The application also involves the turning of two static caravans through 90 degrees and this is also considered to be acceptable and in accordance with the criteria to Policy E19.

Alongside the two caravans that have been re-orientated, an additional unit has been provided. This is also considered to be acceptable as it is within the consented park, complies with Policy E19 and will also not have a harmful visual impact on the AONB. As this is an additional unit, its impact upon wildlife will be mitigated through a CIL payment and a secure financial contribution.

Finally the application proposes the re-positioning of another pitch, although this time outside of the consented park. Whilst the site is outside of the park, its visual impact on the area and AONB is considered to be minimal and acceptable.

In light of the above the application is considered to be acceptable.

## **RECOMMENDATION**

**1. That the Habitat Regulations Appropriate Assessment within the Committee Report be adopted;**

**2. That the application be APPROVED subject to the following conditions:**

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on 31st July 2018.  
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Within three months of the date of the permission hereby granted a scheme for the landscaping of the western boundary of the pitch occupied by the static unit known as Rock Pools Lodge and that of the three rotated static caravan bases as shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The works comprised within the approved landscaping scheme shall be carried out during the next planting season from the date of this permission and shall thereafter be maintained for a period of 5 years. Any trees, hedges or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of conserving and enhancing the character and appearance of the designated Area of Outstanding Natural Beauty in which the site is located in accordance with the provisions of Strategy 46 (Landscape Conservation and Enhancement and AONBs) and Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 2013 - 2031.)

## **NOTE FOR APPLICANT**

### **Informative:**

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

7791-06 (amended)	RevA	Other Plans	29.01.19
7791-03 : SITE	PART	Existing Site Plan	18.06.18
7791-01		Existing Site Plan	18.06.18
7791-02 : SITE	PART	Existing Site Plan	18.06.18
4370_43 PROPOSED	00	: Layout	18.06.18

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.