

Ward Dunkeswell And Otterhead

Reference 20/2058/MFUL

Applicant Mr S Twiss

Location Otter Falls Old Spurtham Farm New Road
Upottery Honiton EX14 9QD

Proposal Development of holiday accommodation units comprising of construction of 12 no. glamping pods and 3 no. holiday lodges together with associated access, parking, landscaping and drainage works.



RECOMMENDATION: Approval with conditions



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| | | Committee Date: 29th September 2021 |
| Dunkeswell And Otterhead (Luppitt) | 20/2058/MFUL | Target Date: 15.01.2021 |
| Applicant: | Mr S Twiss | |
| Location: | Otter Falls Old Spurtham Farm | |
| Proposal: | Development of holiday accommodation units comprising of construction of 12 no. glamping pods and 3 no. holiday lodges together with associated access, parking, landscaping and drainage works. | |

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EXECUTIVE SUMMARY

This application is before the committee because it represents a departure from the development plan and is a major application.

The site has a long planning history of tourism accommodation/facilities provision. The existence of the established holiday park and the infrastructure that supports it is considered to set it apart from other new holiday accommodation in this area which would otherwise be considered to be unsustainable due to the distance to services and facilities.

The location of the site is in the open countryside for the purposes of the development plan and also lies within the Blackdown Hills AONB. A pre-submission version of the Luppitt Neighbourhood Plan was subject to a consultation that ended on 9th April 2021. It has not advanced further to date however and so very little, if any, weight can be afforded to it.

Policy E19 is considered to be the most relevant policy as it concerns holiday accommodation parks, even though the one in question is not a caravan or camping park (as referred to in the latter part of the policy that concerns protected landscapes).

Of the 6 criteria in E19 only the first requires lengthy and detailed consideration, in particular on the matter of landscape and visual effects. Detailed analysis by the landscape architect for the Council concludes that as the site is already well screened, with some appropriate planning conditions concerning landscaping and planting, the development should not give rise to adverse effects on the AONB, although some low to moderate adverse impacts in respect of tranquillity and for users of the rights of way that pass the site may arise.

There are several objections to the scheme from the public on the basis of the additional traffic generation being added to roads seen as inadequate. However the County Council as the highway authority does not share these concerns and accordingly it is not considered a strong ground to resist the development.

The concerns expressed about the effect on amenity are addressed by the environmental health officer. No specific concern is raised in this respect although a condition is recommended requiring the agreement and application of a Noise and Complaint Plan which is considered appropriate.

While no specific evidence is advanced as to the economic benefits of the development there would no doubt be some derived from the construction and then operation of the units which weigh in favour of the proposal.

No adverse effects on biodiversity are expected and some gains could be achieved with the proposed habitat works, all to be secured via condition.

On balance, while the proposal is in principle a departure from the development plan in that it would permit new permanent structures in the AONB, with suitable conditions there is no harm that can be substantiated as a result and it is therefore not considered appropriate to withhold consent.

CONSULTATIONS

Local Consultations

Dunkeswell And Otterhead - Cllr David Key 8.12.20

I support the application.

I have a comment to make on the lighting and that the only lights should be pillar lights as anything else would be light pollution and visible in the valley at Rawridge, Upottery.

I am adding further comments with regards to the above application.

There does not seem to be a `highways report on this report as the extra traffic that will be caused by this development making its way over a single track road and also causing extra traffic through a small hamlet.

The lighting is also an issue as post lights would be acceptable but not high street lighting which would show up tremendously in the valley.

Further comments - Cllr David Key 4.11.20:

I support the application.

Further comments - Cllr David Key 08.09.21:

I have read the long and detailed report and agree to the approval of the application.

Parish/Town Council 6.11.20

Three Luppitt Parish Councillors and the clerk met the applicant and architect on site at Otter Falls on Monday, 3 November. The proposed additional units will be well screened and not

visible from anywhere apart from the existing development. The three additional lodges will be positioned in the vicinity of existing lodges. It was felt that the description of the 12 units as glamping pods was somewhat misleading as they are, in fact, tree houses as referred to by the applicant. These will be situated within woodland where some tree clearance will be required. It is understood that the development will be in 3 phases.

The applicant confirmed that services are laid on and only have to be connected. There is a reed bed system for sewage and water is supplied from a bore hole. There is also mains water. The applicant confirmed that these facilities will be upgraded to sustain the extra development. The Parish Council Chairman emphasised the importance of having several passing places as the complex is approached via New Road which is within an active farming area. The access to the complex is via a single track road owned by the applicant.

There will be scope for local employment with an opportunity to contribute to the local economy. Care has been taken to blend the new development in with the existing lodges and cottages. Luppitt Parish Council supports the application.

Clerk To Upton Parish Council 15.12.20

Upton Parish Council would like to make the following comment about this application:

This planning application is not within Upton Parish and the parish council were not included as consultees despite the fact that the only entrance to the site is through New Road and through Upton Parish - traffic can only go through the hamlet of Rawridge. The parish council note that Devon Highways is a consultee but has made no comment. Upton Parish Council would like to encourage highways to comment. The transport statement with the application predicts an significant increase in number of two way vehicle trips (51 trips per day) that the additional properties will generate on top of the current traffic. It is only a single track from entrance to Rawridge.

Technical Consultations

Blackdown Hills AONB Project Partnership

Development of holiday accommodation units comprising of construction of 12 no. glamping pods and 3 no. holiday lodges, etc at Otter Falls, Upton (Luppitt parish)

Thank you for seeking comments from the Blackdown Hills AONB Partnership on the above application, and I apologise for the delayed response.

Great weight should be given to conserving landscape and scenic beauty in AONBs (NPPF), and while the AONB Partnership is sympathetic to the demands and requirements of established businesses operating in the Blackdown Hills there is a need to balance these requirements with the need to conserve and enhance the natural beauty of the Blackdown Hills AONB - the key objective of designation.

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape. In support of this, the Blackdown Hills AONB Management Plan 2019-24 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policies considered to be of particular relevance to this proposal:

Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- _&ú Respecting landscape character, settlement patterns and local character of the built environment,
- _&ú Being sensitively sited and of appropriate scale,
- _&ú Reinforcing local distinctiveness, and
- _&ú Seeking to protect and enhance natural features and biodiversity

Economy and tourism RET3

Tourism and recreation provision will contribute to the local economy without harming the Blackdown Hills landscape, historic environment, biodiversity or tranquillity, and respecting the special qualities of the AONB

Landscape character LC3

Promote high levels of peace and tranquillity with dark night skies by minimising noise, intrusive development and light pollution

The Planning and development section of the AONB Management Plan notes that attention should be given to noise and activity arising from developments together with lighting to avoid having an adverse impact on the area's tranquillity and dark skies. It is therefore disappointing that the supporting material for this application seems to suggest that 15 additional holiday units in this location will cause little to no disturbance or traffic generation. While Otter Falls has the advantage of being well contained with good tree coverage within the valley side landscape, thereby being able to limit visual impact from development, this additional level of accommodation and visitors will contribute to the site becoming a very considerable holiday centre within the AONB.

Looking at this proposal together with the existing provision, if this additional development is to be successfully accommodated without adversely affecting the AONB we consider that there are several key points that require particular attention:

- o Planting proposals in keeping with landscape character, reinforcing and enhancing self-containment avoiding visual sprawl and interruption of views
- o Retention of existing trees and hedgerows with long term site management plan for planting and management to secure appropriate landscape and biodiversity enhancement
- o Colour of properties and structures, including roofs, to be suitable naturalistic muted tones to avoid visual prominence
- o Lighting - it is noted that minimising external lighting is referenced in the supporting material: this principle is supported and should apply throughout the development and include internal light spill. However, care will be required to ensure that minimising lighting equates to minimising light pollution.

I trust that these comments are helpful to your consideration of this application.

Environmental Health

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

Prior to any development commencing a Noise and Complaint Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with the EDDC's Environmental Protection Manager (or equivalent). The approved plan shall

designate overall responsibility for noise management to a named individual or Officer of the company responsible for the management of the site and the plan shall thereafter be implemented and regularly reviewed. The Plan should have consideration for late night vehicle movements, people noise, audio systems and any equipment and plant used on the site. Any equipment, plant, process or procedure provided or undertaken in pursuance of this condition shall be operated and retained in compliance with the approved plan.

Reason: To protect the amenity of residents from noise

EDDC Landscape Architect - Chris Hariades

1 INTRODUCTION

This report forms the EDDC's landscape response to the above application.

The report provides a review of landscape related information submitted with the enquiry in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information. The advice contained in this report should not be taken as an endorsement or otherwise of the proposals.

The site is situated in open countryside within a deciduous woodland plantation which is part of an established holiday park, 1km to the west of the small village of Rawridge and 1.5km southwest of Upottery. The site is situated on the lower slopes of the upper Otter Valley. Surrounding landscape is agricultural predominantly pasture with some arable in the valley bottom. Fields are medium sized bounded by hedgebanks with numerous trees.

The plans provided indicate the provision of 3 additional static caravans, 12 camping cabins (glamping pods), landscaping works including the provision of footpaths, footbridges and various parking areas together with mitigation planting. This represents a 50% increase in holiday accommodation on the site.

The existing vehicular access ways into the site would be utilised with a new car park constructed within the site and new pathways linking it to the proposed clusters of cabins/ lodges.

The area is of high scenic quality with few modern detractors and strong sense of tranquillity and relative remoteness. The site woodland is a complementary feature of the landscape. Although the woodland it is visible in views on both sides of the valley the existing accommodation and facilities within it are generally well screened from public view.

Vehicular access to the site is from minor country lanes, especially the road from the A303 at Monkton to Rawridge and then along the private metalled track which is also a public right of way (Luppit FP 58). These local roads are frequently used by pedestrians accessing the countryside or travelling Upottery and Rawridge.

The site lies within the Blackdown Hills AONB. Para. 172 of the NPPF states that AONBs, along with National Parks, have the highest status of protection in relation to conservation and enhancement of landscape and scenic quality and that the scale and extent of development in these areas should be restricted.

2 RELEVANT LOCAL LANDSCAPE RELATED POLICY

The key local plan landscape related policies to be considered in relation to landscape are Strategy 7 - Development in the Countryside, which gives a clear presumption against new development in the countryside unless supported by a specific local or neighbourhood plan

policy; Strategy 47 – Landscape conservation and AONBs; and policies E19 - Holiday accommodation parks, which supports proposals for the extension of existing caravan and camping sites or the addition of related and ancillary facilities on existing sites, within designated landscapes, where they meet the six stated criteria in full and provide no new permanent structures or are replacement structures designed to blend into their surroundings; D1 – Design and local distinctiveness; D2 - Landscape requirements; and D3 – Trees in relation to construction.

The following Blackdown Hills AONB management plan policies are also relevant:

PD2 – All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment.
- Being sensitively sited and of appropriate scale.
- Seeking to protect and enhance natural features and biodiversity.

LC3 – Promote high levels of peace and tranquillity with dark skies by minimising noise, intrusive development and light pollution.

RET3 – Tourism and recreation provision will contribute to the local economy without harming the Blackdown Hills landscape, historic environment, biodiversity or tranquillity and respecting the special qualities of the AONB.

3 REVIEW OF SUBMITTED INFORMATION

3.1 Landscape and Visual Assessment (LVA)

The findings of the LVA are broadly acceptable and for the large part the proposal is likely to have a neutral landscape and visual effect in the long term, the notable exception being with respect to tranquillity due to increased traffic generated by the proposals on surrounding minor lanes and public rights of way which is identified in the assessment as moderate adverse.

3.2 Tree survey

The submitted tree survey is generally acceptable but figure 8 – Tree Protection Plan requires some clarification. The inset title on the plan reads Tree Constraints Plan and should be corrected to Tree Protection Plan. The plan itself includes a number of thick red lines, the meaning of which is not explained in the key or drawing notes. Presumably these indicate the extent of tree protection fencing proposed but a note is required in the key or the plan to confirm this.

The survey notes the prevalence of ash die-back within the site. This may result in the proposal having a greater visual impact in the future and measures for replanting to maintain screen cover where necessary should be included in a site landscape management plan, which should be required by condition should the application be approved.

3.3 Proposed lodges and pods

The details indicate that there are two types of pod proposed, both of similar form, but type 1 units are set on stilts up to 2m high and type 2 units are placed directly on the ground. It is not clear from the proposed site plan where the two types of unit are to be located and this should be confirmed.

3.4 Landscape planting and management proposals

The proposed planting indicated is generally acceptable but the specific species of each proposed specimen tree should be identified on the plan as wetland species included in the general mix, such as alder and willow, are unlikely to be suitable for planting on the proposed banks.

Details of plant numbers within each area of shrub planting should be confirmed. Further consideration is needed in respect of hedge management. It is not clear from the notes on the planting plan whether this refers to proposed new planting and/ or existing hedges. In either case annual cutting as noted is not in the interest of biodiversity or the long term integrity of the hedges and management should generally be based on a 2 or preferably 3 year rotational cutting regime to maximise opportunities for flowering and berrying. Further advice on appropriate hedge management can be found on the Devon Hedge Group and Hedgelinek websites.

A more detailed management and maintenance plan is required for the new planting and existing woodland and hedgerow within the area indicated on the over-marked plan extract below. Key objectives of the management plan should be ensuring the successful establishment of new planting, maintaining visual screening of the site in views from beyond, maximising biodiversity value and maintaining a good woodland structure in the long term.

Additionally the management plan should include proposals for replacement of diseased ash especially where losses result in opening up views from surrounding vantage points to buildings and other structures within the site.



4 CONCLUSION AND RECOMMENDATIONS

4.1 Acceptability of proposals

It is likely that the long term landscape and visual effects of the proposals will be neutral except in relation to the impact on tranquillity of the surrounding area which is likely to have low to moderate adverse impact particularly as a result of increased visitor pressure on surrounding countryside and increased traffic on the narrow country lane approaches.

I have concerns about the impact of traffic on tranquillity and also increased risk to vulnerable road users (pedestrians, horse riders and cyclists) on the surrounding lane that is likely to arise from the proposal.

Prior to determination the Tree Survey should be amended as noted at section 3.2 above and re-submitted.

4.2 Conditions

Should satisfactory amended information be provided as noted at 3.2 above and the application be approved, notwithstanding the submitted details, the following conditions should be imposed:

a) A full set of soft landscape details including:

- i) Planting plan(s) showing locations, numbers and species of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.
- ii) Plant schedule indicating the form, size, numbers and density of proposed planting.
- iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
- iv) Tree pit and tree staking/ guying details.

b) Details of proposed foul and surface water drainage incorporating appropriate SuDS features.

c) Details of locations, heights and specifications of proposed external lighting. Proposed lighting should be in accordance with the Institute of Lighting Professionals guidance notes GN01/11 and GN08/18.

d) No development shall take place until a 25 year landscape management plan has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Aims and objectives
- Management and maintenance of existing trees and hedgerow
- Management and maintenance of new tree and shrub planting.
- Management and maintenance of grass and wildflower areas.
- Enhancement of biodiversity value.
- Inspection and monitoring arrangements.

Maintenance shall be carried out in accordance with the approved plan.

e) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness) Policy D2 (Landscape Requirements) and Policy D3 (trees in relation to construction) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)

DCC Flood Risk SuDS Consultation

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant should increase the diameter of the flow control as 40 mm is prone to blockage.

The applicant should rerun the attenuation calculations using FEH rainfall data in line with best practice.

The applicant should revise the exceedance flows on the Proposed Site Layout (Appendix 7 of the FRA) as it currently shows flows being directed through an existing property.

Please note that any new connection into an ordinary watercourse may require and Land Drainage Consent from DCC's Flood & Coastal Risk Team, however this would not form a planning requirement.

Devon County Highway Authority

Observations:

The applicant approached the highway authority for a pre-application consultation in the summer.

The site is located off a private road which is situated between Upottery and Rawridge, on New Road, W1914.

The TRICS data utilised, accurately accounts that 89 two-way trip generations is likely from this development.

The site although in a rural environment has an efficient connection to the A30, therefore I do not believe these additional dwellings will create a back-up of traffic upon the local road network.

Additional parking on current green land is proposed and this will also reduce the likeliness of carriageway parking.

I would recommend the provision of secure cycle storage to help short trips of the holiday residents become more sustainable.

Therefore the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Other Representations

23 letters of objection raising the following concerns:

- Pound Lane has 20% gradient at junction with A30 and is at an angle of 25 degrees which is dangerous.
- Pound Lane has very few passing places. No pavements.
- Transport Statement does not account for traffic from additional employees, construction and service vehicles.
- Significant levels of traffic and pedestrians will result leading to dangerous situations in the local roads.

- The majority of visitors don't use Pound Lane as suggested in the Transport Statement, they turn north or south to reach the A30.
- The local roads are not safe for cycling.
- Transport Statement refers to another site in Derbyshire when comparing traffic levels.
- New road is single track and needs frequent repair. Existing occupants along here have experienced huge increases in traffic to other holiday lets. Five family cats have been run over in 13 years.
- Close grouping of pods could attract large groups – what measure will be in place to keep noise levels within acceptable hours and levels?
- Adjacent holiday rental could be affected by additional noise, views of pod roofs and lighting at night (with guest enjoying dark skies).
- The site is already very bright at night. Can't see design of external lighting.
- Effect on local water pressure which can be weak.
- Dog walking area needs better enclosure as livestock use adjacent fields.
- Overdevelopment, previous refusals.
- Capacity for guests will increase by 50%.
- Economic benefits are outweighed by other concerns.
- Additional strain on local hospitals and services.
- Ambition to provide all facilities on site will mean little benefits to the local businesses, if visitors never leave the site.
- Creeping additions all seem acceptable individually but all add up. No consideration of the total scope for development at the site.
- No acknowledgement of the heritage and importance of ancient listed buildings in Rawridge.

PLANNING HISTORY

| Reference | Description | Decision | Date |
|------------------|---|--------------------------|-------------|
| 94/P0856 | Conversion & Reinstatement Of Barn As Residence | Approval with conditions | 19.07.1994 |
| 97/P1044 | Three Holiday Chalet Units | Refusal | 24.09.1997 |
| 97/P1847 | Erection Of Three Holiday Lodges | Approval with conditions | 24.03.1998 |
| 98/P0472 | Conversion Of Barn To Form 4 Units Of Holiday Accommodation (Change Of Occupancy Condition) | Approval with conditions | 11.05.1998 |
| 99/P1627 | Erection Of New Games Room/ Laundry | Approval with conditions | 10.12.1999 |

| | | | |
|-------------|---|--------------------------|------------|
| 00/P0403 | Modification To Holiday Occupation Condition | Approval with conditions | 05.05.2000 |
| 02/P0967 | Unit Of Staff Accommodation | Approval with conditions | 20.06.2002 |
| 06/1734/FUL | Alterations and extensions to garage block to provide for two units of holiday accommodation | Refusal | 22.08.2006 |
| 06/2774/FUL | Extension and alteration to block of redundant garages to form two holiday letting units | Refusal | 24.11.2006 |
| 08/0839/FUL | Erection of three solid log holiday lodges | Approval with conditions | 20.05.2008 |
| 19/0564/CPE | Certificate of lawful development to establish the lawfulness of 2 no. existing utility buildings | CPE Approved | 04.06.2019 |
| 19/0565/CPE | Certificate of Lawfulness to establish lawful use of building as one dwelling (Use Class C3) at Harvest Cottage, in breach of occupancy restriction condition | CPE Approved | 29.05.2019 |
| 19/1583/CPE | Certificate of Lawfulness to establish use of existing building as one dwellinghouse (Use Class C3) at Little Lodge. | CPE Approved | 19.09.2019 |

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 4 (Balanced Communities)

Strategy 5 (Environment)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 38 (Sustainable Design and Construction)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E5 (Small Scale Economic Development in Rural Areas)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

E19 (Holiday Accommodation Parks)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Site Location and Description

The site lies within the Blackdown Hills AONB.

The site is situated in open countryside within a deciduous woodland plantation which is part of an established holiday park, 1km to the west of the small village of Rawridge and 1.5km southwest of Upottery. The site is situated on the lower slopes of the upper Otter Valley. Surrounding landscape is agricultural predominantly pasture with some arable in the valley bottom. Fields are medium sized and bounded by hedgebanks with numerous trees.

The plans provided indicate the provision of 3 additional static caravans, 12 camping cabins (glamping pods), landscaping works including the provision of footpaths, footbridges and various parking areas together with mitigation planting.

The existing vehicular access ways into the site would be utilised with a new car park constructed within the site and new pathways linking it to the proposed clusters of cabins/ lodges.

The area is of high scenic quality with few modern detractors and strong sense of tranquillity and relative remoteness. The site woodland is a complementary feature of the landscape. Although the woodland is visible in views on both sides of the valley the existing accommodation and facilities within it are generally well screened from public view.

Vehicular access to the site is from minor country lanes, especially the road from the A303 at Monkton to Rawridge and then along the private metalled track which is also a public right of way (Luppitt FP 58). These local roads are frequently used by pedestrians accessing the countryside or travelling to Upottery and Rawridge. Luppitt Footpaths 23 and 24 run past the northern and southern edges of the holiday park.

ANALYSIS

The main issues in the determination of the application relate to:

- The principle of the development
- Impact on the character and appearance of the area and wider AONB landscape
- Highway Issues
- Amenity Impacts
- Economic Benefits
- Ecological Impacts

Strategy 7 of the LP only permits development outside of Built-Up Area Boundaries (BUAB) where supported by another policy in the LP. In this case the most relevant other policy is E19 (Holiday Accommodation Parks).

History

The site has a long history of use for tourist accommodation although on less intensive basis than other resorts. The approval for 08/0839/FUL for three lodges appeared to result in a S.106 being signed to prevent the proposed site (and other land around the lakes) from being used as a caravan site. It is not possible to trace the officer report for this application and so the reasoning for this is not clear but it seems likely that it relates to landscape and/or highway matters. However this would not prevent a planning application coming forward and being determined for such a use (or similar) and if granted this would supersede the restriction in the S.106. This restriction was applied at a different time and it is appropriate to determine the current application on its own merits under the policies applicable at the time of determination.

The principle of the development

The development plan for the area consists of the East Devon Local Plan 2013-2031. Luppitt has been designated a neighbourhood area and the neighbourhood plan Pre-Submission Consultation (Regulation 14) ran for 7 weeks ending on 9th April 2021. The Pre-Submission version of the Luppitt Neighbourhood Plan (PLPN) contains a number of visions including to support commerce within the parish whilst protecting the natural environment and landscape. However, as this plan is still at such a nascent stage it is not considered that meaningful weight can be afforded to it.

The site lies in open countryside where Strategy 7 of the Local Plan advises that development will only be permitted where it is in accordance with another policy of the Local (or Neighbourhood) Plan that explicitly permits such development.

Policy E19 of the plan relates to Holiday Accommodation Parks and within designated landscapes permits extensions to existing caravan and camping sites subject to a number of listed criteria being met and subject to no new permanent structures being provided. The site is not regarded as a caravan and camping site and neither are the proposed structures considered to meet the definition of the caravan due to their dimensions and means of assembly. However E19 is considered to be applicable as it concerns holiday accommodation parks which this clearly is.

The scheme seeks to provide for new roadways, hardstanding and fencing and permanent structures in the form of the glamping pods and lodges (permanent in that that they would remain in situ permanently). In relation to the listed criteria of policy E19 these require that:

1. the proposal relates sensitively in scale and siting to its surroundings, includes extensive landscaping and visual screening and does not affect habitats or protected species;
2. The site is in close proximity, to an existing settlement without having an adverse impact on that settlement or the amenities of residents;
3. It would not use the best and most versatile agricultural land;
4. It would be provided with adequate services and utilities;
5. Traffic can be appropriately managed and the local highway network accommodate this, and ;
6. Development will be subject to the provisions of plan policy in terms of sustainable construction and on site renewable energy production.

In relation to criteria 2 the site is located close to the settlement of Rawridge and within a relatively short driving distance of Upottery, Monkton and Honiton. The policy does not specify the need for the settlement to be one which has a designated built-up area boundary, which Rawridge is not. In spatial terms the site is close to the settlement (approximately 800m in a direct line) but there is sufficient separation distance such that the amenity of nearby residents would not be harmed. The site immediately adjoins the existing holiday park and can be provided with the necessary utilities. In terms of foul drainage there are no new toilet blocks or other facilities proposed as part of the application and the application form states that foul drainage is to be dealt with via a package treatment plant. Criterion 6 has not been evidenced particularly well however it is noted that the lodges and pods are to be insulated. Criterion 3 is not relevant as the site is not in agricultural use now but forms part of the holiday park. The other criteria are discussed under the separate headings below.

Impact on the character and appearance of the area and wider AONB landscape

The application site, as does the rest of the park, falls within the designated Blackdown Hills AONB. The site therefore lies within a highly sensitive landscape and one which is afforded the highest level of protection. The potential impact on the landscape is considered below but it is necessary to first establish whether or not the proposal would represent 'major development' in relation to the application of para. 172 of the NPPF. Whilst the proposal is, in terms of site area, major development in relation to the definition of such development in The Town and Country Planning (Development Management Procedure) (England) Order 2015 the two definitions are not necessarily concurrent. The footnote to para. 172 of the NPPF confirms that what constitutes major development in this regard is a matter for the decision maker, *'taking into account its nature scale and setting, and whether it could have a significant adverse impact on the purposes for which the areas has been designated...'* In this respect whilst the site area is large, there is very limited operational development involved and the site due to a combination of its elevated position, existing and proposed levels of landscape

screening and relationship with existing development is not considered likely to give rise to significant adverse impacts. Nevertheless, whilst not considered to represent 'major development' for the purposes of para. 172 it is still necessary to carefully consider the proposal against the general requirements of that paragraph and Strategy 46 of the East Devon Local Plan.

Design

The glamping pods would be supported on timber posts which gives them a relatively high stance. Each unit's height would depend on its position to a degree but the highest height above ground level would be in order of 5.5m. They are irregular in shape but would measure approximately 10 metres in width on their longest axis. They would be timber clad, insulated (70mm), use shingles on the roof and use UPVC windows. Timber decking would also be included as well as the associated access steps. Vehicular parking would be in a new car park near the entrance to the site, with access to the pods gained via pathways.

The timber lodges would be similar to those already in existence on site, measuring approximately 10m x 9m (including decking) and 4.2m tall. The roof would use artificial slate. Parking areas would be formed next to each lodge.

The proposed camping cabins are clearly not related to any local architectural traditional styles although their character is clearly designed to be part of the appeal.

The site falls gently north-west to south-east and has a good covering of trees of various types. Significant screening of the site from the east is afforded by the existing woodland trees and growth around the perimeter of the park such that the site subject of the application is difficult if not impossible to see from the surrounding public rights of way. Some trees would be removed from the copse to make room for the pods.

In order to provide appropriate mitigation an additional tree and shrub planting area is proposed around the glamping pods. This new planting, in addition to the existing planting, would in time provide effective screening. The Council's landscape architect has considered the landscaping proposals submitted with the application and has found these to be acceptable in the long-term although there could be some low to moderate adverse impacts in respect of tranquillity and also users of the public rights of way which runs along the vehicular access to the site.

Taking the above into account and subject to the conditions set out below the proposal is not considered to give rise to any harmful landscape impacts, nor to any harm to the character and appearance of the area. The proposal can be considered compliant with policies D1, D2, D3 and Strategy 46 of the Local Plan.

Highway Issues

A Transport Statement accompanies the planning application. Policy TC7 of the Local Plan requires that new development can be served by a safe and satisfactory access and for the surrounding highway network to be capable of safely accommodating any additional traffic. Policy TC2 seeks to locate development where it would be accessible by a variety of modes of transport. These policies reflect paragraph 110 of the NPPF although paragraph 105 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Policy TC9 requires that all large and small scale major planning applications should include electric vehicle charging points for electric cars. No details of such provision are given but a

planning condition can be used to ensure such provision. Without any provision there would be a conflict with TC9.

Many of the objections received concern the increase in traffic movements along local lanes and what this means for highway safety. However, although logically an increase in traffic could be expected, DCC is satisfied that the Transport Statement shows an acceptable level of traffic likely to result from the development and has not raised any objection in relation to safety on the roads. Although there would be an increase in traffic along a public right of way, this is already used to service the existing holiday complex as well as a number of other properties. It suggests that more secure cycle storage is provided to enable visitors to make local trips in more sustainable manner, which could be secured via condition and which would comply with the objectives of policy TC2.

Amenity Impacts

The application site is located some distance from the nearest unrelated residential property Spurtham Farm over 200m away. Over 250 metres to the north lie properties at Odle and Primrose Farms. There are also some holiday-lets just over 200m away to the north. The existing site provides a different offer than some other holiday resorts such as those found in Exmouth which cater for a more 'lively' holiday experience with associated facilities and activities. The glamping pods clearly are provided in a somewhat tranquil and natural setting and are more likely to appeal to persons wanting a quieter and relaxed experience. The Council's Environmental Health team has not advised of any specific concerns but has suggested a planning condition for the provision on a Noise and Complaint Management Plan. While this would only apply to the accommodation subject of this application (and not the existing holiday accommodation on site) the proposal represents a significant number of new units being added in a relatively tranquil location and so is considered to be reasonably justified in principle and could provide a useful means of controlling potential noise issues.

Also suggested is a condition for the agreement of any lighting scheme in order to address potential light pollution. This is also considered a reasonable condition to strike a balance between the need for safety for holiday makers and also the tranquil nature of the area during the night.

Subject to these conditions the development would not result in any unacceptable polluting impacts be they in terms of noise or other issues and as such policy EN14 of the Local Plan can be considered to be satisfied.

Economic Benefits

No specific evidence has been advanced in relation to economic benefits of the proposal. Despite this it is still necessary to consider any such benefits. There would be some short term benefits gained through construction work. Also, there would potentially be direct jobs created, or existing jobs enhanced in value in relation to the operation of the units. In addition to this the proposal would also provide further indirect benefits to the local economy from tourism spend, whether on site or not. Given the scale of the development and number of pitches proposed such benefits should be afforded at least moderate weight but likely higher (accounting for the fact that no evidence has attempted to quantify the benefit).

Ecological Impacts

The application is accompanied by an Ecological Impact Assessment that considers the potential ecological impacts of the development and where appropriate makes recommendations for mitigation to offset such impacts and enhancement measures to provide biodiversity gain.

The report states that the development will not affect the favourable conservation status of any local bat population provided a sensitive lighting scheme is employed. Any clearing that needs to take place will be outside of the bird nesting season. There was little suitable reptile habit found and a precautionary approach will be deployed to encourage any reptiles in the affected areas to move into adjacent existing habitat which is unaffected.

The mitigation and enhancement measures can be secured by a suitably worded condition.

Other Issues

The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The southern part of the existing complex lies along a watercourse and is within flood zone 2. However the site subject of the application is within flood zone 1 and given the nature of the development and its location it is not considered likely to give rise to any increased flood risk.

In terms of surface water drainage a strategy is provided as part of the FRA. Devon County Council as the Local Lead Flood Authority has no in-principle objection but raised an issue with the plan in Annex 7 (actually 8) showing a proposed flood exceedance route through existing buildings on the complex. Revised plans confirm this is actually an existing route and not the proposed route which is to be via the fishing ponds and then the watercourse. DCC also raised an issue with some data used for calculations. This has also been revised, as well as increasing the diameter of the flow control from 40mm (prone to blockage) to 61mm but to date DCC has not provided a final comment on the scheme. It is considered that the revised FRA satisfies its original comments however and provided the development proceeds in accordance with it there is no objection on this front.

The proposal does not describe the provision of electric vehicle charging points to assist in helping to reduce carbon dioxide emissions and by encouraging the use of more sustainable means of private transport. Such provision is a requirement under policy TC9 of the Local Plan and their provision can however be secured by condition.

CONCLUSION

The proposal represents an expansion of accommodation within an existing and well established holiday park. The site is well screened in wider landscape views and whilst lying within the designated Blackdown Hills AONB it would conserve the landscape and provide some biodiversity enhancement through additional landscape planting. The proposal would also provide positive economic benefits through direct provision of new jobs and indirect benefits associated with increased tourism spend in the local economy. Although it would provide new permanent structures which are not normally permitted under policy E19 in AONBs in the absence of any identified harm the proposal is considered to be acceptable subject to the conditions set out below.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.

(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The units of accommodation hereby approved:

- (i) shall be occupied for holiday purposes only;
- (ii) shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual touring caravans/tents on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

(Reason - To ensure that the accommodation hereby permitted may not be used as a separate dwelling in this open countryside location where new development is restricted in accordance with Policy E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities and Strategy 7 - Development in the Countryside of the Adopted East Devon Local Plan 2013-2031.)

3. Prior to the first occupation of any holiday unit a Noise and Complaint Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) in consultation with the LPA's Environmental Protection Manager (or equivalent). The approved plan shall designate overall responsibility for noise management to a named individual or Officer of the company responsible for the management of the site and the plan shall thereafter be implemented and regularly reviewed. The Plan should have consideration for late night vehicle movements, people noise, audio systems and any equipment and plant used on the site. Any equipment, plant, process or procedure provided or undertaken in pursuance of this condition shall be operated and retained in compliance with the approved plan.

(Reason - To protect the amenity of residents from noise in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan 2013 - 2031.)

4. Prior to the installation of any internal or external lighting, a lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, although low height, low level, local security lighting may be acceptable.

(Reason - To avoid light pollution to comply with Policy EN15 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013 - 2031.)

5. The development shall proceed in accordance with the recommendations in Table 1 (section 10.1) of the Ecological Impact Assessment by J.L. Ecology Ltd October 2019.

(Reason - In the interests of enhancing biodiversity on the site in accordance with Strategy 47 (Nature Conservation and Geology) of the East Devon Local Plan 2013 - 2031.)

6. The development shall proceed only in accordance with the submitted Flood Risk Assessment Issue 3 (January 2021).

(Reason - In the interests of the proper management of surface water run-off in accordance with Policy EN22 (Surface Water Run-Off Implications of New Development) of the East Devon Local Plan 2013 - 2031.)

7. Within one week of the commencement of the development hereby approved the following shall be submitted to, and approved in writing by, the Local Planning Authority:

a) A full set of soft landscape details including:

i) Planting plan(s) showing locations, numbers and species of new tree, shrub and herbaceous planting, type and extent of new grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details.

b) Details of locations, heights and specifications of proposed external lighting. Proposed lighting should be in accordance with the Institute of Lighting Professionals guidance notes GN01/11 and GN08/18.

c) No part of the development shall be first occupied until a 25 year landscape management plan has been submitted and approved in writing by the Local Planning Authority which should include the following details:

- Aims and objectives
- Management and maintenance of existing trees and hedgerow
- Management and maintenance of new tree and shrub planting.
- Management and maintenance of grass and wildflower areas.
- Enhancement of biodiversity value.
- Inspection and monitoring arrangements.

Maintenance shall be carried out in accordance with the approved plan.

d) Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.

The development shall be carried out in accordance with the approved details prior to the first occupation of any holiday unit.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Strategy 46 (Landscape Conservation and Enhancement and AONBs), Policy D1 (Design and Local Distinctiveness) Policy D2 (Landscape Requirements) and Policy D3 (trees in relation to construction) of the East Devon Local Plan 2013 - 2033.)

8. The development shall provide electric vehicle (EV) charging infrastructure in accordance with the following requirements:

- a. The installation of not less than 50% of the parking spaces with dedicated EV charging points to each parking space (10 charging sockets); and
- b. any remaining parking spaces as "EV ready" spaces - that is where a ducted circuit extends to serve each parking space.

EV charging circuits/points required by this condition must be connected to a three phase electricity grid connection unless otherwise agreed in writing with the local planning authority. Where EV charging points are provided, suitable arrangements for ownership, management and maintenance of the EV charging and parking infrastructure must be demonstrated through a detailed report which shall have been submitted to, and approved in writing by, the Local Planning Authority, prior to their installation.

All charging points and/or infrastructure shall be fully installed and capable of operation prior to the first occupation of the holiday units associated with the parking space/charging socket.

(Reason - To assist in the reduction of carbon emissions resulting from travel associated with the development, in accordance with Strategies 3 (Sustainable Development), 5B (Sustainable Transport) and Policy TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013 to 2031).

9. Prior to the first occupation of any holiday unit a Noise and Complaint Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) in consultation with the LPA's Environmental Protection Manager (or equivalent). The approved plan shall designate overall responsibility for noise management to a named individual or Officer of the company responsible for the management of the site and the plan shall thereafter be implemented and regularly reviewed. The Plan should have consideration for late night vehicle movements, people noise, audio systems and any equipment and plant used on the site. Any equipment, plant, process or procedure provided or undertaken in pursuance of this condition shall be operated and retained in compliance with the approved plan.

(Reason - To protect the amenity of residents from noise in accordance with Policy EN15 (Control of Pollution) of the East Devon Local Plan 2013 - 2031.)

10. No development shall take place above foundation level until details of secure cycle storage facilities have been submitted to and approved in writing by the

County Planning Authority. The development shall be implemented in accordance with the approved details.

(Reason: To promote sustainable travel to in accordance with Policy TC9 - Parking Provision in New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained in the National Planning Policy Framework.)

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:

| | | |
|----------------------|----------------------|----------|
| | Proposed Site Plan | 24.09.20 |
| 01 | Proposed Floor Plans | 24.09.20 |
| 02 Proposed Sections | Sections | 24.09.20 |
| 03 A | Proposed Elevation | 24.09.20 |
| 04 (3D VIEWS) | Perspective Drawing | 24.09.20 |
| 1.1 (POD 1) | Proposed Floor Plans | 24.09.20 |
| 1.1 (POD 2) | Proposed Floor Plans | 24.09.20 |
| 1.2 (POD 1) | Proposed Floor Plans | 24.09.20 |
| 1.2 (POD 2) | Proposed Floor Plans | 24.09.20 |
| 2 (POD 1) | Other Plans | 24.09.20 |
| 2 (POD 1) | Other Plans | 24.09.20 |
| 2 (POD 2) | Other Plans | 24.09.20 |
| 2 (POD 2) | Other Plans | 24.09.20 |
| 3.1 (POD 1) | Proposed Elevation | 24.09.20 |
| 3.1 (POD 2) | Proposed Elevation | 24.09.20 |
| 3.2 (POD 1) | Proposed Elevation | 24.09.20 |

| | | |
|-----------------------------|----------------------|----------|
| 3.2 (POD 2) | Proposed Elevation | 24.09.20 |
| 4.1 (POD 1) | Proposed Elevation | 24.09.20 |
| 4.1 (POD 2) | Proposed Elevation | 24.09.20 |
| 4.2 (POD 2) | Proposed Elevation | 24.09.20 |
| 5.1 (POD 1) | Proposed Elevation | 24.09.20 |
| 5.1 (POD 2) | Proposed Elevation | 24.09.20 |
| 5.2 (POD 1) | Proposed Elevation | 24.09.20 |
| 5.2 (POD 2) | Proposed Elevation | 24.09.20 |
| 6.1 (POD 1) | Proposed Elevation | 24.09.20 |
| 6.1 (POD 2) | Proposed Elevation | 24.09.20 |
| 6.2 (POD 1) | Proposed Elevation | 24.09.20 |
| 6.2 (POD 2) | Proposed Elevation | 24.09.20 |
| OF/PP/01 | Landscaping | 24.09.20 |
| TREE CONSTRAINTS PLAN | Other Plans | 07.10.20 |
| | Tree Protection Plan | 07.10.20 |
| 7834 00-003 REV D | Proposed Site Plan | 07.10.20 |
| 7834 00-004 REV B | Sections | 07.10.20 |
| 7834 00-005 REV B | Location Plan | 07.10.20 |
| 7834 00-006 | Other Plans | 07.10.20 |
| LAK02 2031 0919 | Other Plans | 07.10.20 |
| 7834 00-007 | Proposed Floor Plans | 08.10.20 |

