

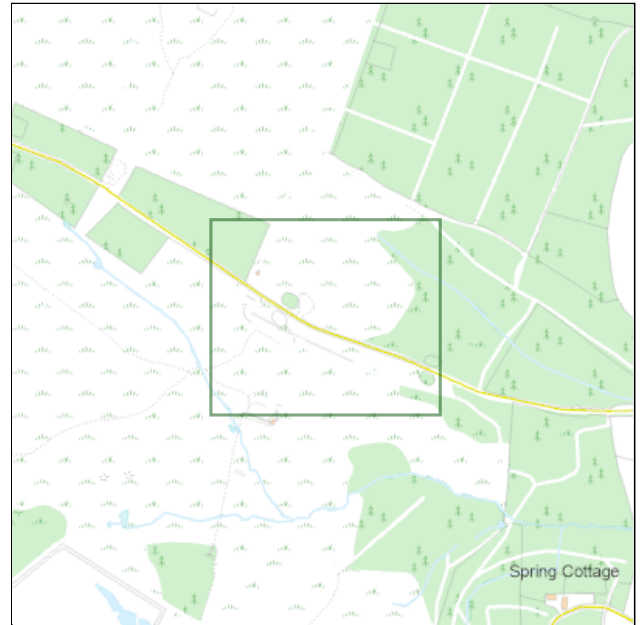
Ward Budleigh And Raleigh

Reference 23/0852/FUL

Applicant Mr Neil Harris (East Devon District Council)

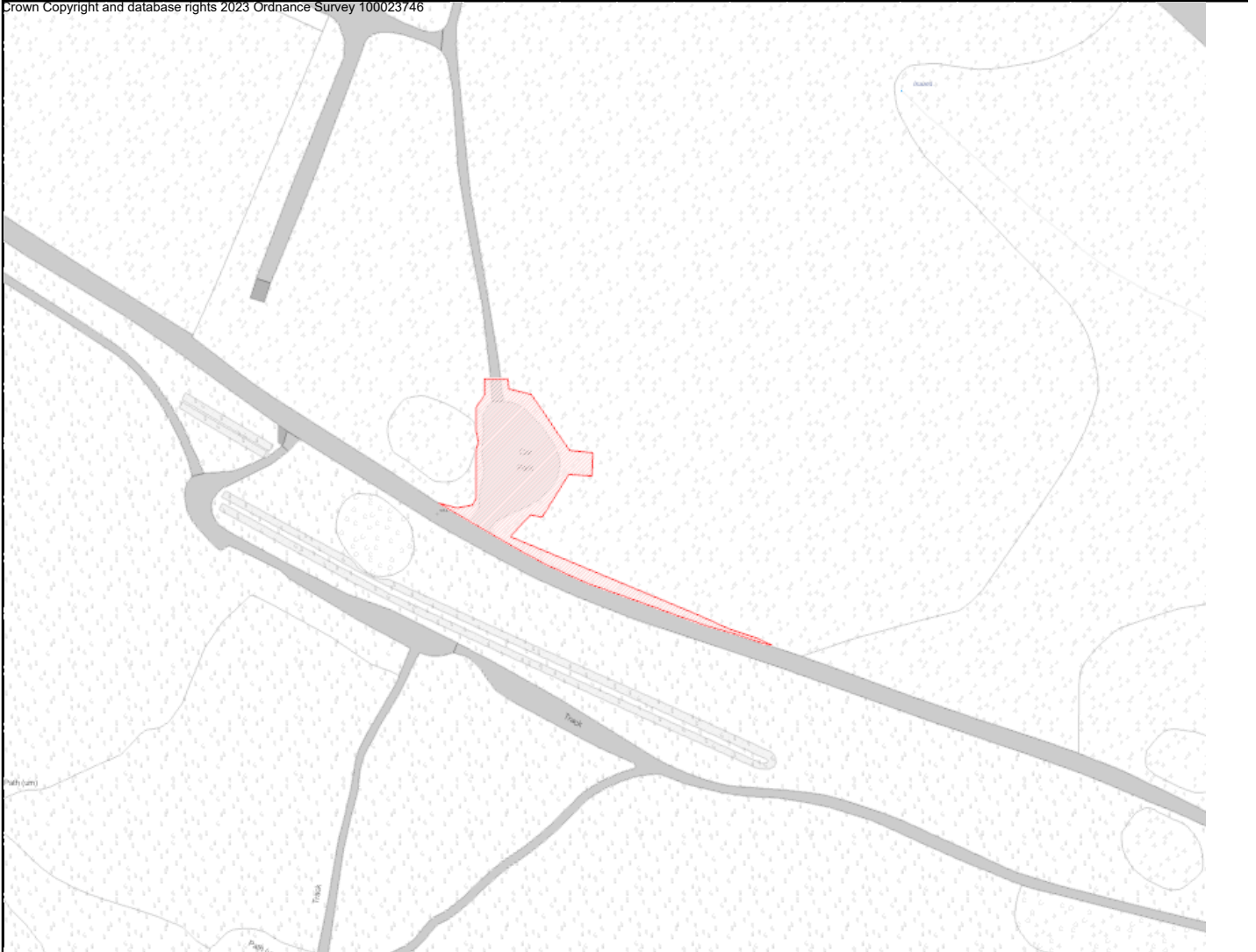
Location Uphams Car Park Yettington

Proposal Installation of new tarmac entrance, layout changes, vehicle barriers and alterations to boundary treatments.



RECOMMENDATION: Approval with conditions

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		Committee Date: 24.10.2023	
Budleigh Raleigh (Bicton)	And	23/0852/FUL	Target Date: 29.06.2023
Applicant:	Mr Neil Harris (East Devon District Council)		
Location:	Uphams Car Park Yettington		
Proposal:	Installation of new tarmac entrance, layout changes, vehicle barriers and alterations to boundary treatments.		

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Committee as the applicant is East Devon District Council.

The East Devon Pebblebed Heaths is a Site of Special Scientific Interest (SSSI) covering some 1,400 ha. They are also designated a Special Area of Conservation (SAC) for the heathland habitat and the presence of the Southern Damselfly and as a Special Conservation Area (SPA) owing to the habitat that they provide for the Nightjar and Dartford Warbler.

The proposals relate to works to upgrade the Uphams Car Park, one of a number parking facilities for visitors to the Pebblebed Heaths. It is located off of the northern side of the Class C road that connects Yettington and Four Firs Cross (the B3180).

The application is one of three essentially very similar applications that are on this Committee agenda; the others relating to Model Airfield Car Park (ref. 23/0851/FUL), a short distance to the west of Uphams Car Park, and Wheathill Plantation Car Park (ref. 23/0868/FUL), approximately 1 km. to the south.

They follow the grant of planning permission in 2021 (application ref. 21/1392/FUL) for similar works at four other car parks on the Pebblebed Heaths, namely: Joneys Cross Car Park, Hawkerland; Stowford Woods Car Park, Colaton Raleigh; Four Firs Car Park, Woodbury and Frying Pan Car Park, The Common.

Together, the works to each of the three sites, taken together with those previously approved at the four other car parks referenced above, provide a coherent strategy for updating the visitor experience and providing for increased visitor numbers. By improving the larger car parks, there would be an increased

focus in these areas with less harm likely to arise in other satellite car parking areas, thereby reducing harm to the wider Pebblebed Heaths.

The proposals would lead to much needed improvements to the surfacing, configuration and drainage of the existing car parking. The enhanced functionality of the site would be justified due to the increased demand experienced.

The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council is pleased to note that Uphams will now continue to allow use by the general public when not in use by coach parties. However, the Design and Access Statement states that the car park will mainly be used for coaches from the armed forces & visiting schools. This is certainly not the case currently and seems very unlikely to be the case in future. Can it be prescribed that the car park will genuinely be open to the public when not used by coaches, which is likely to be most of the time. There is potential for the barrier to remain locked, even when not in use by coaches.

The Council is also concerned about the statement that the level of site maintenance will be similar to the existing situation for the carparks. Photographs included with the application show the dreadful state to existing car park surfaces, including Uphams. Four Firs new car park surface is already being gouged, so suggesting that maintenance will be at current levels is alarming. Perhaps it would be more cost effective to reinforce the critical turning points of the car park, particularly near the entrance (see Four Firs), with latticed structures that still allow drainage?

Technical Consultations

Historic England

Dear Sir/Madam Planning Team

T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990

UPHAMS CAR PARK, YETTINGTON
Application No. 23/0852/FUL

Thank you for your letter of 12 September 2023 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Natural England:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on East Devon Pebblebed Heaths Special Area of Conservation (SAC), East Devon Heaths Special Protection Area (SPA) and East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI) and has no objection

Other Representations

One representation of support has been received from an interested third party.

Summary of Grounds of Support

1. Welcome the improvement in infrastructure.
2. Concern that height restriction barriers prevents genuine recreational users, many of whom have vans, from visiting.
3. It is unclear on the plans if the specific "LOCKABLE LOW LEVEL SECURITY BARRIER" is height restricted, but I would urge officers and councillors to review this aspect in the interest of inclusivity.

RELEVANT PLANNING HISTORY

21/1392/FUL - Car park improvements (Full). Approved 28/10/21. (Joneys Cross Car Park, Hawkerland)

21/1442/FUL - Car park improvements (Full). Approved 28/10/21. (Stowford Woods Car Park, Colaton Raleigh)

21/1443/FUL - Car park improvements (Full). Approved 28/10/21. (Four Firs Car Park, Woodbury)

21/1444/FUL - Car park improvements (Full). Approved 28/10/21. (Frying Pan Car Park, The Common)

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

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)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Made East Budleigh with Bicton Neighbourhood Plan to 2031 Policies

N1 (Protecting and Enhancing the Landscape, Biodiversity and Local Countryside Character)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

ANALYSIS

Site Location and Description

The Uphams car park is one of a number of vehicle parking facilities located on the Commons/Pebblebed Heaths. Popular with visitors, these are primarily informally arranged areas with uneven and unmade surfaces and irregular configurations.

It is located on the northern side of the Class 3 road that connects Yettington with the B3180 at the Four Firs crossroads, approximately 1 km. to the east of the latter.

The car park is bordered to the west by a small area of coniferous woodland plantation and by open heathland elsewhere.

The site, as well as much of the immediate surrounding area, forms part of the designated East Devon Area of Outstanding Natural Beauty (AONB). It is also within the European-designated Pebblebed Heaths Special Protection Area (SPA) and Special Area of Conservation (SAC) as well as a Site of Special Scientific Interest (SSSI) and National Nature Reserve.

Proposed Development

The proposals, which have been submitted on behalf of the Council's Habitats Regulations Delivery Manager, involve various works/operations to upgrade the car park so as to create a more efficient layout, improve safety for users and reduce impacts to existing site features.

Applications relating to similar works/operations to the nearby Model Airfield (ref. 23/0851/FUL) and Wheathill Plantation (ref. 23/0868/FUL) car parks have also been submitted. Reports relating to these also appear elsewhere on this agenda.

This series of applications follows a previous series of applications for works, alterations, etc. to upgrade the Joneys Cross, Stowford Woods, Four Firs and Frying Pan car parks elsewhere on the Pebblebed Heaths, all of which were approved around two years ago. These are referred to in the Planning History section of the report above. The various works/operations to which these permissions relate have since been largely completed.

The proposals for the Uphams car park are summarised as follows:

1. Provision of a new enlarged entrance, constructed with a tarmac surface. Although in the same location as the existing, it would be of greater width to better facilitate use by coaches.
2. Reprofilng/reduction of the verge height adjacent to the entrance to the south east to improve visibility.
3. Installation of low level security barriers over the entrance to the car park, set back 11 metres from the junction with the highway, and to an access route extending from the northern end of the parking area.
4. The removal of potholes and the regrading and compacting of the surface of the car park with existing material from the site coupled with top up imported material to create a consistent free draining surface.
5. Protection of the edges of the parking area, in the form of a combination of posts, logs and earth bunds, the latter around 0.6 metres in height, so as to maintain its proposed boundaries.
6. The installation of a vehicle counter system within the site entrance.
7. Nominal vegetation removal adjacent to the car park boundaries to allow for the proposed parking area footprint to be better defined and a turning facility for coaches.
8. Renewal/repositioning of dog waste bins and information boards.

Considerations/Assessment

The main issues that are material to assessment of the proposals are discussed in turn as follows.

Principle and Justification

The current Local Plan identifies a requirement to build over 40,000 new homes in the East Devon, Exeter and Teignbridge districts by 2030. This level of growth has implications for recreation sites in the area, with significant increases in visitor pressure expected.

There is a requirement under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) to protect European conservation sites, including SPAs and SACs, from the negative impacts of development.

The East Devon Pebblebed Heaths are designated as Open Access Land under the Countryside and Rights of Way Act 2000 with an estimation that 400,000+ visits are made annually by local people, mostly travelling to the site by car (East Devon Pebblebed Heaths Visitor Management Plan). The Visitor Management Plan was developed to provide a framework for delivery of mitigation for the Pebblebed Heaths to ensure they can cope with the increased levels of recreation in the future and to give confidence that the expected growth will not result in adverse impacts on designated features.

The Council and the Pebblebed Heaths Conservation Trust have undertaken a holistic review of the car parking strategy within the area. Its principles seek to achieve this objective through:

- directing visitors towards car parks that are away from sensitive locations and have less impact on protected habitats and species
- retaining and developing the formal car parks that are as close as possible to the points of entry on to the Heaths, adjacent to the principal roads where the car parks are easy to find and easy to sign (e.g. car park name signs), thereby reducing car movements across the heaths and the scattered informal parking that occurs as a consequence
- maintaining the current number of car parking spaces across the heaths
- establishing nodes as the starting point for promoted trails, to direct people away from sensitive areas at key times of the year and to create welcoming, attractive locations where visitors can engage with interpretation, messaging and wardens about the nature, value and significance of the Pebblebed Heaths, and particularly about responsible dog walking.

The proposed works, aligned to the strategy, have been approved by the South East Devon Habitat Regulations Executive Committee as part of the South East Devon European Site Mitigation Strategy as well as the management plan, which together form the strategic response to the requirements of the Habitat Regulations.

They also follow a public consultation exercise undertaken in 2019 to determine the scope and direction of works associated with the car parks.

As such, and given the perceived increase in the importance of the works following visitor number increases to the Heaths in the wake of the Covid pandemic, the proposals are considered to be appropriately robustly justified and positively welcomed. It is anticipated that they would continue to assist in triggering behavioural changes by creating safe, accessible and efficient layouts for the public whilst deterring roadside parking which has led to damage to legally designated features.

Impact on Character and Appearance of AONB

Relevant policy requirements stipulate that development within the AONB be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape (Local Plan Strategy 46). Moreover, paragraph 176 of the National Planning Policy Framework (NPPF) confers upon AONBs (along with other designated landscapes) the highest status of protection in relation to the conservation and enhancement of landscape and scenic beauty.

The proposals would, to some extent, bring about a more engineered aesthetic to the entrance and car park, which at the moment have a largely undisturbed rural character. However, this impact would be limited in terms of the scope of works proposed.

Indeed, unlike the proposals for the Model Airfield and Wheathill Plantation car parks to which the other applications on the agenda relate, the works proposed for Uphams do not envisage the introduction of central bunding within the parking area to define and separate out areas of parking and, overall, involve a reduced level of intervention in its appearance by comparison.

The strategic importance of consolidation of parking areas, with the focus at this and other sites to which both previous and current proposals relate, the reduction in pressure on other parking areas and the resulting improvements to other areas of the AONB are also acknowledged.

As such, and when balanced against the benefits of the overarching car parking strategy for the Pebblebed Heaths set out above that the proposed measures are designed to achieve, it is considered that the proposals would be acceptable and would comply with the provisions of Strategy 46. Furthermore, they would meet with the relevant provisions of Local Plan Policy D1 (Design and Local Distinctiveness) which, among other criteria, require that important landscape characteristics are not adversely affected by development.

Impact on Highway Safety

The intended reduction in the height of the roadside verge to the south east of the entrance, alongside the works to widen the entrance itself and internal re-configuration to enable coach manoeuvrability within the parking area, represent positive benefits in broader highway safety terms that are considered to weigh further in favour of the proposals.

As such, it is accepted that the proposals would comply with the requirements of Local Plan Policy TC7 (Adequacy of Road Network and Site Access).

Impact on Ecology

The majority of the site is already in use as a car park to serve visitors to the Pebblebed Heaths.

Notwithstanding, the application is accompanied by a Construction Environmental Management Plan (CEMP) that incorporates all of the information ordinarily required of such a document.

The content of this document is considered to be acceptable and therefore a condition to secure compliance with its measures is recommended.

In this regard, the proposals would satisfy Policy EN5 (Wildlife Habitats and Features) and Strategy 47 (Nature Conservation and Geology) of the Local Plan.

Other Matters

Although the points raised by the parish council in regard to the level of availability of the parking area and its ongoing maintenance are acknowledged, these are largely management issues and, as such, are not material to assessment of the proposals having regard to their planning merits.

Impact on Pebblebed Heaths and Appropriate Assessment

The Local Planning Authority has a duty under Regulation 9 (5) of the Conservation of Habitats and Species Regulations ("Habitat Regulations"). This duty is for all "competent authorities" (including Local Planning Authorities and other public bodies) to "have regard to the Habitats Directive in the exercise of its functions".

Regulation 61 (1) of the Habitats Regulations requires consideration of whether a development proposal, is likely to give rise to significant effects on a European site or a European offshore marine site (either alone or in combination with other plans or projects), in view of that site's conservation objectives.

The East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI) cover some 1,400 ha. and are designated a Special Area of Conservation (SAC) for the heathland habitat and Southern Damselfly and as a Special Protection Area (SPA) for Nightjar and Dartford Warbler.

Lowland heaths are some of the most important habitats in Europe due to the rarity of species they support. The East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI) cover some 1,400 ha, and comprises the single largest area (1,112ha) of lowland heath in Devon (where there are 4,000ha). A biodiversity audit of the East Devon Pebblebed Heaths was undertaken in 2016 with over 3,000 species documented, 10% of which have conservation significance. (Bridgewater, S & Lesley, K. 2016. East Devon Pebblebed Heaths: Providing Space for Nature. Biodiversity Audit 2016. Pebblebed Heaths Conservation Trust.)

The first stage of Habitat Regulations Assessment is to screen development to identify whether any development proposals are likely to give rise to a 'significant effect'.

The scale and nature of the application, which involves controlled public access where public access is already available to an extent, together with mitigation measures incorporated as part of any planning permission, is unlikely to affect the associated designations.

The proposals would result in improvements to the Pebblebed Heaths car parks. They form a key part of the jointly agreed strategic mitigation strategy to manage recreational pressure on this internationally important site for wildlife. The proposals have the primary objective of safeguarding the European protected bird species and heathland habitat and have been developed through consultation with Natural England.

It is considered therefore that the proposed development would not have significant adverse impacts on designated sites or protected landscapes. Furthermore, it is

considered that the proposals would be unlikely to have a significant effect on any European site, either alone or in-combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment.

The works are clearly intended to be to the benefit of wider ecology by focusing visitors to the site. As such, the proposals are not considered to give rise to any 'likely significant effects'.

Conclusion

The proposals would create much needed improvements to the surfacing, configuration and drainage of the existing car parking. The improved functionality of the site would be justified due to the increased demand experienced. This application is part of an overall strategy to focus visitors to this main car park, thereby relieving pressures on smaller satellite parking areas and preventing wider ecological disturbance. It would provide for a central location to provide information, dog bins and a site warden presence.

The proposal is therefore welcomed and supported for these reasons and, as such, is recommended for approval.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be APPROVED 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 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. The development hereby permitted shall be carried out in accordance with the Outline Construction Environmental Management Plan (CEMP) dated April 2023 prepared by WSP (document ref. 70079322-GN-CEMP-301), or such other details as may be agreed in writing by the Local Planning Authority.
(Reason - To ensure that species within and around the site are protected during the construction phase in accordance with Policy EN5 (Wildlife and habitat Features) and Strategy 47 (Nature Conservation and Geology) of the adopted East Devon Local Plan 2013-2031.)
 4. Prior to the commencement of any works on site (including demolition and site clearance or tree works), an Arboricultural Method Statement (AMS) for the protection of all retained trees, hedges and shrubs shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The TPP and AMS shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the development process.

Provision shall be made for the supervision of the tree protection by a suitably qualified and experienced arboriculturalist and details shall be included within the AMS.

The AMS shall provide for the keeping of a monitoring log to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

70079322-WSP- HGN-UW-100- DR-01 REV P01	Other Plans	04.05.23
70079322-WSP- HGN-UW-100- DR-02 REV P02	Location Plan	04.05.23
70079322-1011- 300 REV P01	Other Plans	19.04.23
70079322-1011- 301 REV P01	Other Plans	19.04.23

70079322-WSP- Proposed Site Plan 19.04.23
HGN-UW-100-
DR-01 REV P02

List of Background Papers

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

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation