

**Application Number**

P/2014/0997

**Site Address**

Devon Hills Holiday Village  
Totnes Road  
Paignton  
Devon  
TQ4 7PW

**Case Officer**

Mr Alexis Moran

**Ward**

Blatchcombe

**Description**

Proposed touring caravan area to provide for 42 touring pitches with a facilities building.

**Executive Summary/Key Outcomes**

The application seeks permission for the use of a 2.05 hectare part of the site to the east of the Devon Hills Holiday Village complex for the siting of 42 touring caravan pitches between 1st March and 31st October and the erection of a small scale building to provide toilets, showers and washing up facilities.

The site is within the sustenance zone and strategic flyway for the Berry Head Greater Horseshoe Bat roost protected by the Berry Head Special Area of Conservation (SAC). The site is also within the Countryside Zone and an Area of Great Landscape Value (AGLV).

The proposal will provide improved "5 star" pitch facilities providing valuable additional tourist accommodation for Torbay. The applicant has stated that the off-site spend into the local economy from the 42 touring caravans at Devon Hills Holiday Village would be in the region of £122,000 per annum. The proposal will help deliver Torbay's Tourism Strategy.

It is considered that the key issue with regards to the Countryside Zone and AGLV can be overcome with suitable landscaping to screen the caravan pitches. Conditions should be added to any approval to ensure this.

A Habitat Regulation Assessment has also been undertaken on the site. The result of this was that the proposal would not have a likely significant effect on the integrity of the South Hams Greater Horseshoe Bat SAC.

The proposal has also been subject to an EIA screening to determine whether the development is likely to have significant effects on the environment. The conclusion of the screening was that the proposal is not deemed to have a significant ecological or visual impact. Therefore an EIA has not been requested.

It is considered that, subject to suitable conditions with regards to further ecological

works and mitigation and confirmation from Natural England that they agree with the findings of the Habitat Regulation Assessment (HRA), that the application should be approved.

### **Recommendation**

Conditional approval, subject to confirmation from Natural England on HRA issues; submission of plans showing visibility splay and development away from tree canopies. Suggested conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

### **Statutory Determination Period**

This application has a 13 week deadline which is 11.02.2015, due to the requirement of an HRA the Council and the applicant have agreed an extension of time.

### **Site Details**

The site relates to a 2.05 hectare area of land to the east of Devon Hills Holiday Village which forms part of the holiday village site and is currently used for camping and caravan rallies throughout the year. It is located off of the Totnes Road and opposite Beechdown Holiday Park. The site currently comprises semi improved grassland with a tree belt in the northern half and mature landscaping along the northern and southern eastern boundaries. The south western boundary adjoins the existing holiday development.

The applicant advises that Devon Hills Holiday Village has planning permission for a total of 290 holiday caravans. It also contains a large central leisure complex.

In terms of designation and land use policies; the site is within the sustenance zone and strategic flyway for the Berry Head Greater Horseshoe Bat roost protected by the Berry Head Special Area of Conservation (SAC). The site is also within the Countryside Zone and an Area of Great Landscape Value.

### **Detailed Proposals**

The application seeks permission for the use of a 2.05 hectare part of the site to the east of the Devon Hills Holiday Village complex for the siting of 42 touring caravan pitches between 1st March and 31st October and the erection of a small scale building to provide a reception area, toilets, showers and washing up facilities. The proposed building would measure 9 metres by 7.8 metres. It would be single storey with a pitched roof over. Materials would be cedar clad walls with decra lightweight grey roof tiles. Windows and doors would be white upvc. The building would be sited adjacent to the proposed entrance to the touring element of the park.

The access into this part of the site is already in place and is used in conjunction with the existing camping and caravan rallies which take place but has most recently been restricted for maintenance vehicles only. The access to the caravan pitches is to be improved with reinforced grass roads to maintain the rural character of the site. The

road will allow separate access to each pitch and provide safe pedestrian access to the rest of the site and recreation areas.

It is proposed to provide strategic areas of internal landscaping within the application site.

The pitches are of sufficient size to qualify as 5 star standard and can accommodate a touring caravan, an awning and a car.

The proposal has been subject to an EIA screening, to determine whether the development is likely to have significant effects on the environment. The conclusion of the screening was that the proposal is not deemed to have a significant ecological or visual impact. Therefore an EIA has not been requested.

A Habitat Regulation Assessment has also been undertaken on the site. The result of this was that the proposal would not have a Likely Significant Effect on the integrity of the South Hams Greater Horseshoe Bat SAC and provides advice on suitable mitigation and conditions regarding lighting details.

### **Summary Of Consultation Responses**

*Arboricultural Officer* Objects to proposal as submitted on the basis of concerns regarding the relationship between the trees in pitches 1-3 and 7-12. Future stationing of caravans presents a potential risk to occupants/ property from limb and debris fall typical of the tree species.

The applicant has confirmed that there is space to move the caravans 3-4 metres from the trees and a plan is awaited to confirm this.

*Urban Design Officer* The site is well screened by existing vegetation in views from the south. There will be close views of pitches 8-20 and 28-34 from the north and west of the site (West Blagdon). These views in time will be mitigated by the proposed new woodland planting shown on drawing no.WI768 1001 Rev B 'Detailed Landscape Proposals'. However for the extent of the proposed planting (shown on the above drawing) to be sufficient some high canopy native trees (Ash/Oak) should be included in the plant mix. Subject to the addition of conditions to ensure suitable landscaping and mitigation measures, there are unlikely to be any significant negative impacts on the Countryside Area.

*Natural England* Further comments awaited with regards to agreeing with the findings of the HRA and confirmation that the LEMP provides sufficient information.

*Environment Agency* No objection.

*Highways* Provided that the applicant cuts back the hedge and overgrowth to achieve 120m visibility and remove proposed planting which would interfere with the visibility splay highways have no objection. The applicant is submitting a revised plan

to indicate this.

*Community Safety* Awaiting Comments.

*RSPB* As a result of the submission of additional information including a LEMP and light level; which provide for improvements to landscaping and avoid increased light levels to bat foraging routes, the RSPB do not object to the proposal subject to suitable conditions.

*Drainage* No objection however a pre-commencement condition requiring details of impermeability testing in accordance with BRE365 and detailed design for the soakaway to cater for critical 1 in 100 year storm event plus an allowance for climate change.

*SWW* No objection.

### **Summary Of Representations**

None.

### **Relevant Planning History**

DE/2013/0416 Proposed new (relocated) touring caravan area to provide for 42 touring pitches with a facilities building – a positive officer response was given to this enquiry - 10.01.2014.

P/2012/0398 Application to vary condition 2 attached to planning application P/2004/1127 and condition 2 attached to planning application p/2007/0844 to extend the holiday season to 12 month, year round use – approved 01.06.2012.

ZP/2011/0132 Relocation of touring caravan area – approved 23.05.2011

P/2007/0844 Variation of Condition (Ref Application Number P/2004/1127/PA) to allow static caravans/lodges to be used for holiday purposes and not for occupiers residence – approved 30.07.2007.

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

The key issues to consider in relation to this application are a) impact on tourism, b) the visual impact that the proposal would have on the landscape character of the area that is designated as countryside zone, and AGLV and c) the ecological impact on the Greater Horseshoe bats foraging and flight paths.

#### *Tourism*

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

The proposal will provide improved “5 star” pitch facilities providing valuable additional tourist accommodation for Torbay with likely spin offs of increasing visitor numbers to the area and in turn investing in the local economy. The applicant has stated that the off-site spend into the local economy from the 42 touring caravans at Devon Hills Holiday Village would be in the region of £122,000 per annum. It is therefore considered that the proposal adheres to policy TUS and helps deliver Torbay’s Tourism Strategy- Turning the Tide.

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

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

The proposal is deemed to meet these criteria which will now be discussed in more detail.

#### *Landscape*

Policy L4 in the Torbay Local Plan 1995-2011 relates to development in the Countryside Zone. This policy permits development of tourist facilities appropriate to the rural setting within the Countryside Zone providing that the rural character would not be adversely affected and development is carried out to minimise any harm to the environment. Concomitantly paragraph 28 of the NPPF supports sustainable rural tourism which respects the character of the countryside. The proposal includes a significant level of new planting on the site. The Urban Design officer has confirmed that, subject to appropriate conditions relating to the landscaping scheme, the proposal would be suitably screened and would not cause detriment to the rural setting of the Countryside Zone.

Policy L2 relates to Areas of Great Landscape Value (AGLV) and permits development which maintains or enhances the special landscape character of the area. Given the comments from the Urban Design Officer and the nature of the proposal it is considered that the special landscape character of the area will be maintained and as such meets the requirements of this policy.

#### *Environmental/Ecological Issue*

As the site is within the sustenance zone and strategic flyway for the Berry Head Greater Horseshoe Bat roost protected by the Berry Head element of the South Hams Special Area of Conservation (SAC) the applicant has submitted surveys including;

landscaping, lighting for bats, a phase 1 habitat assessment, a bat mitigation plan and a Landscape and Ecological Management Plan (LEMP). These indicate that the proposal would not have a significant environmental impact and provide recommended mitigation.

Natural England have identified disturbance from light spill to be a key issue with the proposals for the touring caravan park. In the ecological survey submitted with the application broad recommendations to avoid light impacts on greater horseshoe bats are provided. It is stated that "It is important that no lighting is positioned on or adjacent to linear habitats such as hedgebanks and the development should be designed so as not to alter the light levels in the immediate vicinity of the boundary features". Any lighting scheme on the site will need to be agreed by the Council to meet this objective. The Council's ecological consultant has recommended that a condition be imposed requiring the submission of a detailed lighting assessment that is capable of demonstrating that there will be no light spill greater than 0.5 lux on any boundary features.

The RSPB have confirmed that in their opinion the proposed light levels will not affect the bat foraging routes and provided the measures in these reports are ensured via conditions, raise no objection.

A Habitat Regulation Assessment has also been undertaken on the site. The result of this was that the proposal would not have a Likely Significant Effect on the integrity of the South Hams Greater Horseshoe Bat SAC and provides advice on suitable mitigation and conditions regarding lighting details.

The proposal has been subject to an EIA screening, to determine whether the development is likely to have significant effects on the environment. The conclusion of the screening was that the proposal is not deemed to have a significant ecological or visual impact. Therefore an EIA is not required.

The arboricultural officer has raised concerns with regards to the proximity of pitches 1-3 and 7-12 to overhanging trees and the issues which may result from this. The applicant has advised that these pitched can be moved 3-4 metres to overcome this issue and a revised plan is awaited to confirm this.

#### *Highways*

Highways have confirmed that they have no objection to the proposal provided that a visibility splay of 120 metres can be achieved. The applicant has confirmed that a plan to demonstrate this is to be submitted.

#### *Amenity*

The proposal will have limited if any impact on residential amenity due to the nature of the proposal and the fact that the nearest residential properties are some 100 metres away

### **Holiday use restrictions**

The applicant states that the pitches will be in operation between 1st March and 31st October each year. A condition ensuring that caravans are located on the pitches in line with these dates and are to be used for a holiday use only are considered appropriate in order to guarantee the caravans are not used for residential purposes.

### **S106**

Not applicable to this application given its nature as holiday makers will require to drive their own cars and caravans into the site.

### **Conclusions**

In conclusion, the proposal would not notably harm the landscape character of the area and complies with policies L2, L4, TUS & TU9 of the existing Local Plan and paragraph 28 of the NPPF. The proposed development would not have a likely significant effect (alone or in combination) on the integrity of the South Hams Greater Horseshoe Bat Special Area of Conservation. Providing Natural England's support is received for the HRA and the proposed layout of pitches is revised to move pitch numbers 1 to 3 and 6 to 11 away from the existing Ash trees the proposal is considered to be appropriate for planning approval, subject to conditions.

### **Condition(s)/Reason(s)**

01. The site shall only be occupied by caravans or tents between 1st March and 31st October each year. Reason: In the interests of the amenities of the area and to ensure that the cause of the site is for holiday purposes only. In accordance with the objectives of policies TU9, H13, L2 and L4 of the saved adopted Torbay Local Plan (1995-2011).
02. Use for holiday purposes only and not as a persons sole or main residence.
03. Use for the siting of no more than 42 touring pitches only which shall accord with the approved layout plan.
04. Notwithstanding the submitted landscaping strategy plan (Ref: WI768 1001 Rev B) no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure; parking/pitch layout; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. Drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).Reason: In the interests of visual amenity and landscape character and to accord with policies L2, L4 and TU9 of the saved adopted Torbay Local Plan (1995-2011).

05. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; implementation programme and maintenance plan.

Reason: In the interests of visual amenity and landscape character and to accord with policies L2, L4 and TU9 of the saved adopted Torbay Local Plan (1995-2011).

06. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the phasing plan required by condition 03 of this consent. The planting within each phase shall be completed during the first available planting and seeding season following the commencement of that same phase, or at such other time as agreed by the Local Planning Authority in writing. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the area and to accord with policies L2, L4 and TU9 of the saved adopted Torbay Local Plan (1995-2011).

07. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority: (1) Evidence that trial holes and infiltration tests have been carried out on the site to confirm whether the ground is suitable for a soakaway(s). Trial holes and infiltration tests must be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of a soakaway(s) at this location will not result in an increased risk of flooding to surrounding buildings, roads and land. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway(s) and will not result in an increased risk of flooding to surrounding buildings, roads and land: (2) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.(3) Details of the surface water drainage system connecting the new building to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change. In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway(s) or will result in an increased risk of flooding to surrounding buildings, roads and land: (4) Evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land. None of the dwellings shall be occupied



until the approved surface water drainage system has been completed as approved and it shall be continually maintained thereafter.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to accord with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

08. No vegetation clearance that involves the removal of habitats such as scrub or hedges, including bramble patches, shall occur during the bird breeding season (1st March to 30th September).

Reason: In order to avoid damage to any breeding bird or its nest thereby avoiding any potential conflict with The Wildlife and Countryside Act 1981 and policy NC5 of the Saved Adopted Torbay Local Plan (1995 - 2011).

09. No development shall take place until a lighting design strategy has been submitted to and approved in writing by the local planning authority. The strategy shall:
- a) design specifications and location of all artificial lighting to be provided on site;
  - b) provide an evidence-based assessment of the proposed lighting for the development, consisting of a report and accompanying drawings of the site with the levels of predicted illuminance and light spill in and adjacent to the hedgerow boundary features, shown by appropriate isolines;
  - c) provide information to demonstrate that a light spill no higher than 0.5 lux will be achieved against the internal face of the hedges. The lighting and design strategy shall be implemented and maintained in accordance with the approved details.

Reason: To ensure that there are no adverse effects arising from light spill that could otherwise disturb commuting and foraging bats and to comply with policy NC5 of the Saved Adopted Torbay Local Plan (1995 - 2011).

10. Visibility splay provided.
11. No outdoor lighting to be provided on site other than that approved by condition 9.

### **Informative(s)**

01. You are advised that a site licence is required for this development.

### **Relevant Policies**

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