

# PLANNING APPLICATION REPORT

**Case Officer:** Rob Heard  
Thurlestone

**Parish:** Malborough **Ward:** Salcombe and

**Application No:** 4015/18/FUL

**Agent/Applicant:**  
Malcolm Gigg - ARA Architecture  
ARA Architecture  
39 Rolle Street  
Exmouth  
EX8 2SN

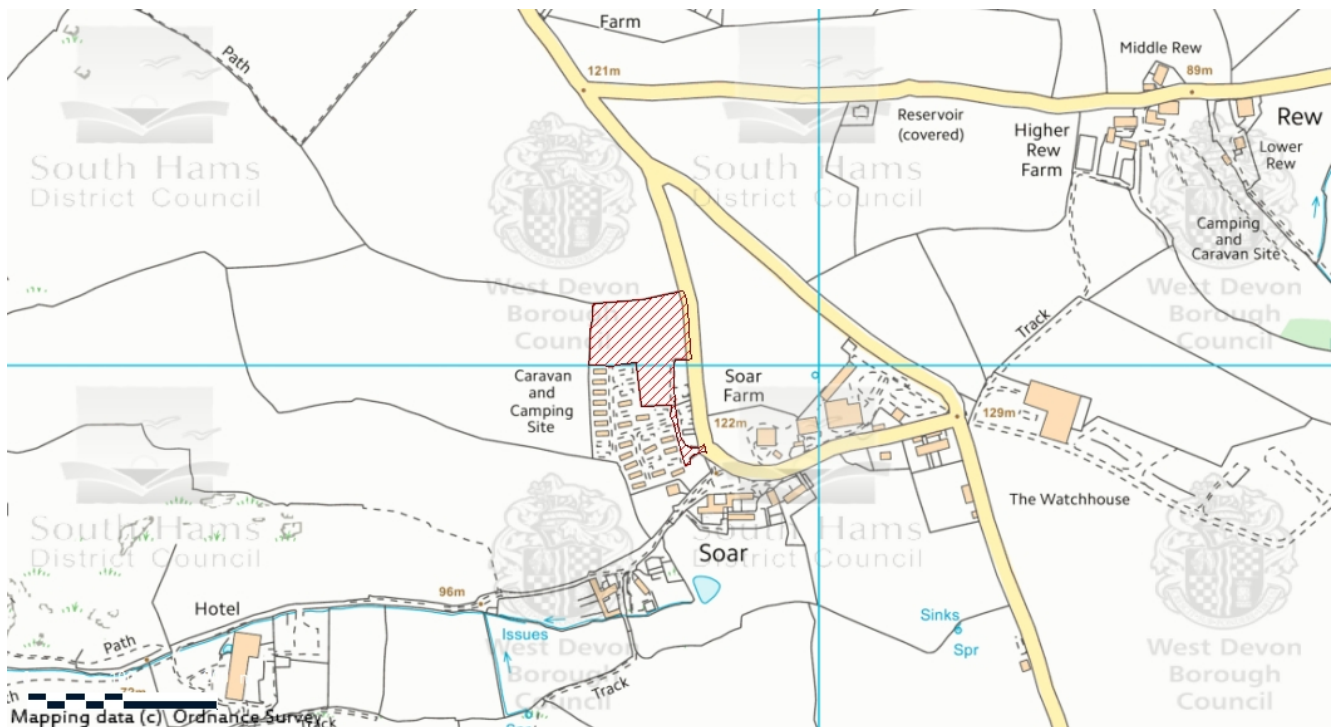
**Applicant:**  
Salcombe Park Ltd  
Seaward  
Salcombe Hill  
Sidmouth  
EX10 0NY

**Site Address:** Salcombe Retreat, Lane To Soar Mill Motel, Malborough, Devon, TQ7 3DS

**Development:** Proposal for 23 new holiday lodges with associated bases, parking and internal access road

## Reason item is being put before Committee

Conflict with Marlborough Neighbourhood Plan Policy 27 (Touring Sites Conversion)



## Recommendation:

**Planning Permission Granted**

## Conditions:

1. Time Limit
2. Approved Plans
3. Details of Design and External Appearance
4. Highways/Construction Management
5. Materials
6. Landscaping
7. Boundary Treatment
8. Drainage
9. Ecology

**Key issues for consideration:**

- Principle of Development
  - Impact upon landscape
  - Highways
  - Drainage
- 

**Site Description:**

The site the subject of this application consists of an existing holiday park with 34 no. caravans/lodges, 1 no. toilet block and the adjacent field to the north (which has a lawful use certificate for touring caravans and tents) within the curtilage of Salcombe Retreat.

The site lies in undulating countryside within the designated South Devon Heritage Coast and South Devon Area of Outstanding Natural Beauty. Vehicular access is located to the south-east corner of the site, and open fields lie beyond the site.

**The Proposal:**

The proposal is for 23 new caravan/lodges, including bases, associated parking and internal access road. In total this includes the siting of 10 no. 16 x 51 foot and 13 no. 16 x 40 foot lodges.

It can be confirmed that the application is not considered to be major development as the application site is less than 1 hectare and is not considered to have the potential to have a significant adverse impact upon the natural beauty and recreational opportunities provided by the AONB.

The application was originally for the lodge bases only but following discussion with the LPA the applicant has submitted full details including the scale, massing and design of the lodges.

**Consultations:**

- County Highways Authority – Support the proposals subject to conditions
- National Trust – object due to landscape intrusion

- Town/Parish Council – objection; see main Analysis section of report for reasons.

## **Representations:**

### **Representations from Residents**

Thirty six (36) letters of objection received to the original plans and a further five (5) received following submission of the additional information, raising the following points (summarised):

- The proposed increase is not modest and will harm the countryside
- The proposals will cause highway safety issues due to additional trip generation
- Never seen the site used by for camping/touring vans as stated by the applicant in their supporting information
- New lodges will drastically change the nature of the site and the additional vehicles will cause highway hazards
- The site will become over crowded
- The new units will be unduly visible within the landscape and visible from the south west coastal footpath
- Increase in traffic generation in the local area particularly as with few local amenities occupants will have to travel often
- Parking at the site will be difficult due to lack of available parking space
- Waste management at the site is poor and will be made worse by the proposals
- No demonstrated need for the proposals
- Too many lodges proposed, the site will be too densely occupied
- Poor parking on site will mean that the nearby lanes will be used by vehicles for car parking
- Loss of wildlife at the site due to new lodges
- The proposals will have a significant detrimental impact upon the environment
- There will be more noise and more pollution
- No safe green space will be retained at the site
- Very little consultation from site owners
- Reduced play area
- Parts of the application are misleading
- The proposals will have a detrimental impact upon the surrounding landscape
- We were told by the owners that they would definitely not be adding further lodges to the site when we bought ours in 2014
- An increase in the lodges as proposed will have a detrimental impact upon the surrounding environment, infrastructure and amenities
- There will be a loss of open space within the site with less room for dog walkers
- There have never been tents or touring caravans at the site as alleged by the applicant
- Further strain on infrastructure at the site
- 23 additional lodges will undermine the character of this protected landscape
- The proposals represent unsustainable development
- The vehicle movements generated by the proposals and suggested in the application are unrealistic
- The toilet block has never had toilets/showers in it
- Internet connection at the site is poor and will only be made worse by the proposals

- No provisions for over flow car parking at the site
- Dispute that there is a need for the proposals based on the fact that the lodges are all in ownership at present
- When we bought our lodge there was no indication that the site owners wanted to increase the number of lodges at the site
- Amenities at the site will be put under pressure by further occupants
- The recreational area will be significantly reduced
- We recommend a development of 10 lodges the most would be appropriate at the site
- The proposals represent over development of the site and are excessive
- The new lodges would place undue pressure on existing facilities at the site
- The new lodges will be visible from the coast path

Four (4) letters of support received on following grounds (summarised):

- The additional lodges will be good for the local economy
- The proposals will help build upon the areas tourism appeal
- More local jobs will be created

### **Representations from Internal Consultees**

- Landscaping Team; no objection subject to conditions; see main Analysis section of report for further comments.

### **Relevant Planning History**

33/2896/13/F; Application for extension of time in which touring caravans/motor homes can be sited at holiday park; **Refused 28/11/2013**

33/2590/12/MIN (approved on 15/11/2012) - Non material minor amendment (reduction in size of building) to planning application 33/0422/07/F (redevelopment of 34 lodge type caravans/landscape improvements/demolition and replacement of ablutions building and associated works) at Sun Park Caravan And Camping, Malborough, Kingsbridge, TQ7 3DS. **Conditional approval on 15/11/2012**

33/2535/10/F - Variation of condition 3 to planning approval 33/0422/07/F to extend occupancy by one month in any one year at Salcombe Retreat, Malborough, Kingsbridge, TQ7 3DS. **Conditional Approval 21/01/2011**

33/0422/07/F - Resubmission of application 33/1376/06/CU (redevelopment of 34 lodge type caravans/landscape improvements/demolition and replacement of ablutions building and associated works) at Sun Park Caravan And Camping, Malborough, Kingsbridge, TQ7 3DS. **Conditional approval 09/05/07**

33/1376/06/CU - Variation to existing layout (permanent stationing of 34 static caravans) together with the Change of Use of land from seasonal site (up to 95 Units) for touring caravans, motor homes and tents to the permanent stationing of 38 lodges (legally static

caravans) for year round holiday use (together with 1 similar lodge unit for permanent occupation by a Warden) 39 units in total, together with ancillary works (construction of access ways and standings), the installation of a sewage treatment plant, the demolition of the service (ablution) and garage buildings on site, and associated landscaping works at Salcombe Retreat (formerly Sun Park Caravan And Camping), Malborough, Kingsbridge, TQ7 3DS. **Withdrawn 30/10/2006**

33/0771/04/CLE - Certificate of Lawfulness for existing use of site for touring caravans, motor homes and tents on a seasonal basis between Easter Day and 30 September at OS8103 & Part OS8194 at Sun Park Caravan & Camping, Soar Mill Cove, Malborough, Kingsbridge, Devon, TQ7 3DS. **CLEUD granted on 01/09/2004**

## **ANALYSIS**

### Principle of Development/Sustainability:

The site lies within an existing long established holiday park known as Salcombe Retreat. Currently the park contains 34 no. caravans/lodges, 1 no. toilet block and an existing field to the north of the lodges which has a lawful use for touring caravans, motor homes and tents. Additionally, also within the curtilage of the holiday park, are the parks recreation facilities and amenities, which are located along the eastern boundary of the site adjacent to the public highway (Soar Road). There is also an existing private sewerage treatment plant (septic tank) located within the boundary of the site (north-west corner) which provides foul drainage for all of the existing lodges. The site the subject of this planning application lies within the northern section of the existing holiday park, on the part of the site that benefits from lawful use for tents and touring caravans.

The proposed development is within the boundary of the existing holiday park site and is thus not considered to be new development in the countryside, as it doesn't breach the boundary of the existing holiday park site and cannot therefore be considered development that encroaches into the surrounding countryside. It is considered to be development of an existing site rather than new development in the open countryside.

There are no policies within the JLP that specifically address existing tourism sites but there are a number of policies that address general development in rural areas. These are policies TTV26 (Development in the Countryside) and DEV15 (Supporting the rural economy).

Policy TTV26 (Development in the Countryside) of the JLP addresses new development in rural areas and states that:

*The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:*

- 1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:
  - i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
  - ii. Secure the long term future and viable use of a significant heritage asset; or*
  - iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or**

- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

*2. Development proposals should, where appropriate:*

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

Whilst this policy doesn't specifically address tourism, the use is existing and this policy is aimed at proposals for new uses in countryside locations. As the site is part of an existing holiday park it is not considered to be isolated as the site already benefits from an established tourism use, and there are small scale services and amenities available at the site and within the local area. It is considered by officers that the proposal does not conflict with the aims and objectives of policy TTV26.

Policy DEV15 (Supporting the rural economy) is more relevant to this development proposal. This states that:

*Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:*

- 1. Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.*
- 2. Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.*
- 3. Proposals should explore opportunities to improve internet connectivity for rural communities where appropriate.*
- 4. Support will be given to the reuse of suitable buildings for employment uses.*
- 5. The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75 per cent of the goods sold will be produced within the immediate and adjoining parishes.*
- 6. Development will be supported which meets the essential needs of agriculture or forestry interests.*
- 7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road*

*network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.*

*8. Development proposals should:*

*i. Demonstrate safe access to the existing highway network.*

*ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*

*iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.*

*iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.*

Part 7 of this policy seeks to protect existing tourist development and states that new chalet facilities that respond to an identified local need will be supported, provided that the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.

The proposal seeks to improve the existing offer at the site and in relation to need the agent has provided the commentary below in their Design and Access Statement:

*With property prices in Salcombe being extraordinarily high, there is less holiday accommodation of an affordable and high-quality standard and therefore no other alternative sites are available.*

*As aforementioned, the lodges are purpose-built holiday accommodation and not taking away potential homes for local residents.*

*Our clients have been running this well-established holiday park for many years and know their market and clientele very well. The typical types of customers wishing to purchase/use these holiday homes are predominantly retired seniors / grandparents, whom wish to buy for themselves and the extended family and grandchildren to use. They have often holidayed in Salcombe all their lives and as children holidaying with their parents and grandparents.*

*Our client can demonstrate a long waiting list of people wishing to purchase the lodges. If required, we can also provide a Business Appraisal in order to demonstrate the viability of business model and its need to expand.*

*The park provides holiday homes as low maintenance, due to this being provided as part of the lease. These are affordable luxury, with low overheads each year and they can be sub-let to gain income and pay for the necessary charges. It is not a long holiday season but they will always fill up in peak weeks and are in much demand, also concluding a very strong market and demonstrable need.*

*There are only a few other caravan parks in the area which are similar to Salcolmbere retreat; Thatches in Modbury and Bolberry House Farm, and Karrageen Caravan & Camping in Mulborough, these neighbouring holiday parks are small and cannot expand beyond their boundaries. They also do not represent as great comparable examples as they are not high-end venture like Salcombe Retreat. Soar Mill Cove Hotel, Salcombe and Higher Rew Camping site in Salcombe are the only other tourist accommodation in the immediate area.*

It is considered by officers, that based on the information submitted, there is a demand for the additional lodges and that the site provides an appropriate location (given the existing lawful use) for the demand to be met on an existing site where there is infrastructure and amenities to support additional tourism development. The application is considered to be in general accordance with policy DEV15 (Supporting the rural economy) of the JLP. Impact upon the surrounding highway network and undeveloped coast are analysed in the highways and landscape sections below.

Further to the above, and in response to the comments raised in some of the letters of objection regarding the existing use of the site proposed for the additional lodges, a Certificate of Lawfulness was granted under reference 33/0771/04/CLE for use of the site for touring caravans, motor homes and tents on a seasonal basis (see planning history section above). This certificate relates directly to the site the subject of this planning application and establishes the use of this part of the site for touring caravans, motor homes and tents. This application for new lodges is considered to be an improvement on the existing lawful situation and will enable the Local Planning Authority to have control over the location, scale and appearance of new development at the site.

#### Design/Landscape:

The site is on the coastal plateau to the south of Malborough, in the heart of the South Devon Area of Outstanding Natural Beauty (SDAONB) and within the 'Undeveloped coast' policy area. This identifies the high sensitivity and importance of the location, where great weight should be given to conserving and enhancing landscape and scenic beauty in the SDAONB, which has the highest status of protection in relation to these issues. Proposals should therefore accord fully with relevant policies including DEV23 (Landscape character), DEV 24 (Undeveloped coast and Heritage Coast) and DEV25 (Nationally protected landscapes) of the JLP and reflect the objectives and policies of the SD AONB Management Plan. The scale and extent of development within designated areas should be limited.

The proposed development seeks to increase the number of lodges by expanding into the amenity areas currently used for dog exercising, play space recreation and touring vans, which also benefits from a Certificate of Lawful Development for use by motor homes, touring caravans and tents; as such it remains within the present boundaries of the site. The existing lodges, implemented following permission in 2007 to replace static caravans, are set within an established landscape scheme where trees are maturing well given the exposure and coastal winds. The peripheral landscape planting is strong and combines with hedgerow management. The enclosing new hedge banks within the site are also maturing but have illustrated the difficulties in establishing planting in a sometimes hospitable coastal environment.

The Councils Landscape Officer has been consulted and has made the following comments:

*Overall the proposals would not see a significant change to the visual amenity or landscape character given the plateau topography and current site use which is reasonably well confined. It is acknowledged that there is reliance on hedgerow management to maintain a vegetative screen so this will be secured by conditions. Any proposed lodges (subject to details) would remain enclosed within established mature hedgerows, and on level land to the north of the current units. Additional lodges would likely result in some limited impacts from the rooves but these would be difficult to differentiate from the existing. Surrounding footpaths are principally level with or lower than the site. Whilst this has potential for skyline intrusion, officers are satisfied this is largely not the case and can be successfully mitigated, therefore views are anticipated to be conserved from all surrounding public footpaths.*



*Established tree planting within the site are beginning to appear above existing roof height and new planting will continue this process, leading to an overall steady improvement and enhancements of this well-established use. Opportunities to seek enhancement and net environmental gain remain important and therefore a comprehensive landscape scheme and management plan is required including tree planting along the northern boundary and has been included in the current application. The proposals see new tree planting and hedgerows both within, and on the boundaries of the site.*

*Officers are broadly satisfied that the proposed additional lodges would not result in significant harm to the protected landscape and the character and visual amenity would be conserved. The proposal can bring about enhancements through a collective approach to management of all boundary hedgerows and will secure new planting to further mitigate the current uses through the delivery of additional trees and hedgerows. Noting the application is for the bases only, any proposed lodges shall be of a similar scale, form and tonal finish as the existing units; external lighting shall be controlled and not placed above eaves height, similarly internal paths and routes should have limited low level lighting. This can be reasonably achieved by condition.*

The proposals, which now include details of design, scale and massing, are considered to be acceptable with regards to landscape impact. The proposed lodges have been designed to match the existing and are high quality with regards to their external appearance, using a palette of materials that is appropriate given the use and location. The scale of the proposed lodges is also similar to the existing lodge development, with two lodge types proposed within this application in order to provide a 2 and 3 bed option. When considering the existing use of the site for touring vans and tents, the high quality of the proposed lodges and the landscaping improvements that can be secured, it is considered that the proposals will conserve and enhance the character and appearance of the site and wider area, having a positive impact upon landscape setting and the surrounding AONB.

Whilst the proposals are for additional lodges, the tourism use is not being extended into the Undeveloped Coast and are contained within the boundaries of the existing holiday site. It is thus considered by Officers that they protect, maintain and enhance the unique landscape and seascape character and special qualities of the area.

For the reasons outlined above, the application is considered to be compliant with policies DEV23 (Landscape character), DEV 24 (Undeveloped coast and Heritage Coast) and DEV25 (Nationally protected landscapes) of the JLP.

#### Neighbour Amenity:

The site is self-contained and there are no existing residential properties in close enough proximity to the site to be affected by the proposed development. The arrangement of plots on the site is typical of holiday park development and the layout causes no concern regarding relationships between the proposed plots. The application is in accordance with policy DEV1 (Protecting health and amenity) of the JLP.

#### Highways/Access:

The proposal seeks to extend the existing internal road within the site to provide access to the new lodge bases and additional overflow car parking. Access to the site from the local highway network will remain unchanged and there will be no disruption to the hedgerows and boundaries of the site.

The site has an established use for touring caravans and camping and it is considered that the trip generation associated with the proposals will be significantly less than that associated with the lawful use of this part of the site for touring caravans, motorhomes and tents.

The County Highways Officer has provided the following comments in his consultation response:

*The Highway Authority notes that according to TRICS the proposals would be likely to generate in the region of 30 two way vehicle movements per day. The Peak (busiest) hour is between 10:00am and 11:00am daily for this type of use. It can be seen that daily it is predicted five vehicle movements would be travelling to and from the site in the busiest expected hour. It is considered that whilst there will inevitably be more delays for drivers on the C265 (Soar Road), it is considered noting the evidenced predicted traffic flows the impact is far from severe. There are numerous passing places which drivers can negotiate. The NPPF stipulates that development should not be refused unless the cumulative impact is severe.*

Officers consider that there are no significant adverse impacts associated with the proposals. There is adequate car parking proposed within the site and the existing access is considered appropriate with regards to the additional trip generation from the proposed lodge bases. The proposals will not result in severe adverse impacts to the surrounding highway network and are considered to be in accordance with policy DEV29 (Specific provisions relating to transport) of the JLP.

#### Drainage:

Surface water soakaways are proposed for each unit in the form of a crate system which will control infiltration rates to ensure that flooding from excessive rainfall does not occur. This is shown on a plan submitted with the application titled *Surface Water Drainage Strategy*. Crate systems are common features of surface water drainage and although this approach is acceptable in principle further more technical details will be required by planning condition to ensure that the crate system is appropriate with regards to capacity and flow rates.

It is proposed to use a non mains foul drainage system at the site as connection to the main sewer is not feasible. The proposals involve utilisation of an existing private treatment plant at the site, which is in the form of a septic tank. The septic tank system can be altered and its capacity increased to accommodate new development. Whilst this approach is acceptable in principle, particularly as connection to the mains drainage is not possible, further technical details will be required by planning condition to ensure compliance with policy DEV35 (Managing flood risk and Water Quality Impacts) with regards to surface water and foul drainage.

#### Ecology:

The proposals will have limited ecology impacts. The site has existing mature hedgerows that define the boundaries and the proposals do not affect these existing features of the site. The new plots are on land that is laid to lawn and the Wildlife and Geology Trigger Table submitted with the application does not identify any sensitive receptors or significant ecology impacts. The application is in accordance with DEV26 (Protecting and enhancing biodiversity and geological conservation) of the JLP.

#### Neighbourhood Plan:

The Marlborough Neighbourhood Plan is a made document and an adopted part of the local policy framework.

Policy 27 (Touring Sites Conversion) is relevant to this planning application and states that *Conversely, the conversion of touring sites into more permanent sites – for lodges or additional static caravans, is not encouraged by the Plan and proposals for such are likely to be resisted as comprising “development creep”.*

It is acknowledged that the proposals are for permanent lodges. However, in this particular instance the proposals are not considered to result in development creep as they are contained within the existing campsite, and the landscape officer is satisfied that there is no landscape harm associated with the development.

#### Parish Council comments/Letters of Representation:

The Parish Council has objected strongly to the application, raising the following concerns at the time of the original submission (summarised):

- Numbers of existing touring pitches incorrect. Tents and touring pitches underused and not advertised. Comment regarding traffic increase.
- Insufficient infrastructure in place to sustain development, electric/water, refuse, overflow parking, size of toilet block.
- Contrary to Dark Skies Policy.
- Malborough Neighbourhood Plan the proposal contravenes this plan.
- The applicant has not demonstrated how they would conserve/enhance South Hams Landscape Character and respect the unspoilt nature and tranquillity of the area (DP2)
- Development will impair highway safety and traffic movements

Following submission of the additional details, the Parish Council have provided further comments:

1. The application goes against policy 27 of the Malborough Parish Neighbourhood Plan passed by the Examiner 6/11/18, by referendum 27/2/19 and accepted by SHDC 21/3/19. This policy concerns the conversion of touring sites into permanent sites lodges or static caravans.
2. No mention of the Neighbourhood plan was made in the Officers report
3. The landscape report dated 16/5/19 referring to bases only would appear to be not relevant to the readvertisement of this application which now refers to lodges. Will a new report be written.
4. The Parish Council believes that this application is a major development in the AONB and as such would be treated differently by the Joint Local Plan.
5. The site is clearly visible from many paths in the area, the S Devon coast path and parish paths 15, 8, and 17 that are either level or above the site. It is also clearly visible from the National Trust car park at Soar. There is mention in the officers report that the maintenance of

the hedges at 2.5 to 3 metres above the banks will provide a vegetative screen. This is the light of the western hedge by the existing lodges being cut right down to the bank allowing the lodges to be seen from below the site including the car park of the Soar Mill Cove Hotel.

6. There is the claim that this application will reduce traffic as opposed to the use of the field for camping and touring vans. But seeing that there has been no use of the field for that purpose since the lodges have been in place. The Parish Council believed that the number of pitches was reduced because of the first application allowing lodges into the camping field which subsequently lead to an application to reduce the size of the ablution block in line with this. This block now houses a shop/takeaway with a licence and other businesses is it still available for its original purpose if the threat to resume camping was carried out.

7. The Council has been advised that regulations for building do not allow any building closer than 15 metres from a drainage field. At present there are 9 lodges all ready sited on top of the drainage field as per the applicants drawing and another 5 of the proposed lodges will be, is this allowed? Neighbours have approached the Council to ask whether the sewage system is working correctly because of the smell they have to put up with. They are also concerned that the extra lodges will make the matter worse.

8. The Council is also concerned about parking on the site. At present the camping field is used as overflow parking for the existing lodges. In the plan there are 16 parking spaces and a recreation and play area in the remaining part of the field if the development happened. There are 7 lodges without road access who will need to park in the overflow car park which will leave little space,9, for the present overflow parking let alone the increase in the numbers.

9. Will the surface water system work without affecting the existing drainage field for the sewage system as they are in close proximity to each other. and have concerns that the planning officer is not duly considering the policies and legislation that are appropriate to the application despite having been referred to said legislation on a number of occasions!

With regards to these comments, the total number of tent and touring caravan plots listed in the Certificate of Lawfulness at the site is 65 tents and 15 touring caravans/motor homes. The drainage information submitted is considered acceptable with regards to the principles of foul and surface water disposal, although more technical details are required by planning condition. The level of amenities at the site is considered appropriate and all new lodges will be fully equipped with sanitary facilities and on plot parking so that there is no adverse impact regarding use of existing amenities/facilities at the site and parking provision. The proposals will not be obtrusive to the night skyline and will be viewed within the context of the existing site, which has limited evening lighting. There is unlikely to be significant light spill from the new lodges as they will not have significant levels of glazing and will not have glazed roofs. This is also controlled by planning condition. The Marlborough Neighbourhood Plan is analysed in the Neighbourhood Plan section below and landscape character and highways impact are already addressed in the main analysis section of this report (above).

The main planning issues raised in the letters of objection received (listed in the representations section of this report) that refer to the existing Certificate of Lawfulness, landscape impact, highways impacts, need and infrastructure impacts are all addressed above in the main analysis section of this report.

#### Conclusion:

The proposals are for 23 new holiday lodges at an established holiday park near Marlborough. The new lodges will be located within the boundary of the existing holiday site, on an area that

benefits from a certificate of lawful use (33/0771/04/CLE) for touring caravans, motor homes and tents.

The proposed new lodges will replace the touring caravans and tents and the site will become a static only site. This will bring about an uplift in visual amenity, as the new lodges will be of a high quality and will replace the more transient and informal arrangement of touring caravans and tents that have permission at the site. The opportunity to provide additional landscaping through the attachment of planning conditions will also help to soften the impact of the proposals and integrate the site into the rural landscape. The Councils Landscape Officer has stated support for the proposals, confirming that *the proposal can bring about enhancements through a collective approach to management of all boundary hedgerows and will secure new planting to further mitigate the current uses through the delivery of additional trees and hedgerows*. It is considered that the proposals will conserve and enhance the landscape setting and special qualities of the surrounding AONB.

There have been representations received in objection to the application and these have been addressed above in the analysis section of this report. There is also some minor conflict with policy 27 of the Neighbourhood Plan, but the special circumstances at the site (it being an existing site and not the creation of a new site, therefore not resulting in development creep), plus the general conformity with other relevant policies in the JLP and other identified benefits of the proposals lead officers to conclude that on balance the proposals are acceptable and the application is recommended for approval subject to conditions.

Other Matters:

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act.***

### **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV24 Undeveloped coast and Heritage Coast

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV35 Managing flood risk and Water Quality Impacts

DEV36 Coastal Change Management Areas

Other material considerations include the policies of the National Planning Policy Framework (NPPF).

### **Neighbourhood Plan**

Policy 27 (Touring Sites Conversion)

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.