

**Committee Date: 30.06.2009**

RALEIGH  
(Otterton)

08/2325/MFUL

Target Date:28.10.08

Applicant:

Mr Robin Carter

Location:

Ladram Bay Holiday Centre  
Ladram Road  
Otterton  
Budleigh Salterton

Proposal:

Re-shaping of existing tenting and touring field including landscaping works

### **CONSULTATIONS**

#### County Highway Authority

This proposal is unlikely to add significantly to the traffic generated by the site, I therefore have no objection.

#### South West Water

No comments received

#### Environment Agency

No comments received

### **TOWN COUNCIL**

Despite the additional planting to improve the visual impact of the site, the Council stands by its original views on 08/0695/MFUL and those of the Head of Planning and Countryside Services as set out in his letter of refusal dated 4.6.08. with reference to the retrospective application 08/0695/MFUL to reshaping of existing tenting and touring field.

### **WARD MEMBER(S)**

No comments received.

### **REPRESENTATIONS**

1 letter of support has been received from Southwest Tourism (The Regional Tourist Board for the South West of England)

#### Reasons for support

- The type of pitches created (level, well landscaped and properly serviced) are required to meet today's visitor requirements and the drive toward improving the quality of tourism provision.

## **RELEVANT PLANNING HISTORY**

| <b>App.No:</b> | <b>Proposal</b>   | <b>Decision</b> | <b>Date</b> |
|----------------|---|-----------------|-------------|
| 08/0695/MFUL   | Re-shaping of existing tenting and touring field  | Refuse          | 04.06.2008  |
| 08/1414/VAR    | Variation of conditions on planning Permission 89/P0159 to provide for year-round holiday occupancy | Approve         | 31.07.2008  |

## **PLANNING POLICIES**

### Government Guidance

PPS1 – Delivering Sustainable development  
PPS7 - Sustainable Development in Rural Areas  
Good Practice Guide for Tourism

### Devon County Structure Plan

Policy C01 (Landscape character and Local Distinctiveness)  
Policy CO3 (Areas of Outstanding Natural Beauty)  
Policy C05 (Coastal Preservation Areas)  
Policy T03 (Tourist Development in rural areas)  
Policy T04 (Touring Parks and camping sites)

### East Devon Local Plan (as adopted 2006)

Policy D1 - Design and Local Distinctiveness  
Policy S5 (Countryside Protection)  
Policy EN1 (Development in Areas of Outstanding Natural Beauty)  
Policy T01 (Proposal for Holiday accommodation or overnight accommodation and associated facilities)  
Policy TO4 – (Caravan, chalet and camping sites)

## **SITE LOCATION AND DESCRIPTION**

Ladram Bay is an important existing camping and caravanning site, located within a coastal area between Budleigh Salterton and Sidmouth. The site is accessed by rural lanes that link to the village of Otterton. There are a range of facilities already provided on site.

The actual site, comprises a mix of static, touring and tented pitches which are spread across a range of fields within the bowl shaped landform of the bay.

The whole of the site is located within the designated Area of Outstanding Natural Beauty, Coastal Preservation Area and the World Heritage Coast. It is further recognised as falling within the Landscape Character known as “coastal Slopes and Combes” as classified by the Landscape Character Assessment and Management guidelines.

The proposal site is restricted to certain areas (as defined on the site plan) located to the north of the main entrance drive. The north-western portion of which has been graded to form a series of terraces aligned along the slope of the land.

## **PROPOSED DEVELOPMENT**

Planning permission is sought for the retention of the broad terraces that have been formed within the site area to the north side of the access road serving the campsite, together with additional landscaping proposals.

The application is also accompanied by a unilateral undertaking submitted by the applicants agreeing to restrict the use of the upper two terraces to use by tents only and not to use these for touring caravans.

## **CONSIDERATIONS AND ASSESSMENT**

It is considered that the main issues in the determination of the application relate to whether the proposed landscape works (already undertaken and proposed) and the restriction of the upper terraces to use by tents only is sufficient to overcome the previous reason for refusal on landscape/visual impact grounds.

### Site History

In 2007 the field the subject of this work was changed from a site where there were shallow grassed terraces used as pitches for touring caravans and tents, to an extensively terraced area through cut and fill operations. The works have re-sculpted the landscape to provide enlarged flat terraces to accommodate the tenting and in particular touring pitches with permanent hook ups, including electricity and sewerage connections. An application for the retention of the terraces was refused in June 2008 for the following reason:

*“The formation of large broad terraces on the edge of an existing Holiday Park but located within an environment designated as an Area of Outstanding Natural Beauty and Coastal Protection Area and adjacent the World Heritage Site, represent an alien and intrusive landform that is significantly harmful and uncharacteristic. Such harm is exacerbated, by the elevated and rising nature of the site’s topography, and the direct lines of sight from public vantage points, including the coastal footpaths and the sea. Further the terraces enable an increase in the type and size of the touring caravans that can be accommodated on the terraces which have been fitted with permanent hook-up points and a formal driveway accessing levels. The development is therefore considered contrary to guidance contained within PPS1 (Delivering Sustainable Development) and PPS7 (Sustainable Development in Rural Areas), Policies C01 (Landscape character and Local Distinctiveness), C03 (Areas of Outstanding Natural Beauty), C05 (Coastal Preservation Areas) and T03 (Tourist Development in rural areas) of the Devon Structure Plan 2001 to 2016, and Policies D1 (Design and Local Distinctiveness, S5 (Countryside Protection), EN1 (Development in Areas of Outstanding Natural Beauty), T04 (Caravan, chalet and camping sites) and T05 (Upgrading of Accommodation and Facilities on Major Holiday Parks)”*

Since the time of this refusal the terraces have grassed up and this has assisted to some degree in mitigating their visual impact, particularly when they are not in use (i.e. no tents or tourers are stationed on them).

Enforcement authority to seek the regrading of the land to its former condition was granted at the time of the refusal of the previous application but it was subsequently agreed to hold this in abeyance to allow the applicant’s the opportunity to submit a revised scheme as part of a Masterplan for the whole site.

Furthermore, since the refusal of the previous application a separate application (08/1414/VAR) has been approved to remove a condition restricting the year round use of this part of the site. That application was approved on the basis that it would help to support tourism businesses in the traditional off-season and was in line with government guidance in this respect. However, that application was approved with an informative advising the applicants that the variation of the conditions permitted in no way signalled the Local Planning Authority's acceptance of the unauthorised earthworks that have occurred on the site.

### Landscape/Visual impact

The current application has been submitted without a master plan for the whole site but does propose some additional landscaping to the field and its boundary. The submission of a unilateral undertaking to restrict the two upper most terraces (those above the sanitary block) to use by tents only has also been requested and whilst a draft version of this has been received and amendments requested no amended (and acceptable) undertaking has been received at the time of writing.

The previous concerns that led to the refusal of the application were twofold. Firstly, the shape and in particular the height and depth of the terraces formed were considered to represent an alien land form out of character with the surrounding Area of Outstanding Natural Beauty and harmful to it and secondly the terraces formed would permit them to be used by an increased type and size of touring caravan.

The applicants have been willing to discuss these concerns with officers in an attempt to overcome them.

In the first regard the visual impact of the terraces, which at the time of the first report appeared very prominent and read as deep scars across the site (due not least to the red clay colour of the local soil), have softened. In a large part this is due to the 'grassing up' of the terrace slopes and other planting that has taken place on them. In their form the terraces are still alien, not only in the wider landscape but also to a lesser extent within the campsite itself, where on the whole terracing is shallower. However, the planting that has taken place on the banks between each terrace has softened its impact to such an extent that it would be difficult to substantiate what harm is caused to the wider landscape. It is also accepted that to a certain extent the field is contained within the larger confines of the campsite itself and therefore is inevitably read in conjunction with this. From within the campsite though and particularly on the approach road dropping down into the site the considerable height of the terraces is evident. The proposed landscaping, to provide a hedgerow and supplementary tree planting, along this southwest boundary should help to soften this view and also to suitably define the boundary of the field. Finally, at the top of the field at the back of the uppermost terrace, the earthworks have been particularly harsh gouging a deep cut into the hillside that would be too steep to plant up in the traditional manner. Here it is proposed to hydroseed the bank – A technique involving spraying a mix of seed and mulch onto the bank to quickly establish a vegetative covering- with grass and a wildflower mix, that should quickly green up.

In the second regard, relating to the size of the terraces permitting their use by larger caravans than was previously possible, this remains the case. However, the most visible part of the field is the northern part which projects beyond the northern boundary of the other parts of the site. It is therefore the upper two terraces, above the shower block, that are more visible and can be viewed more in isolation from the other parts of the campsite from certain viewpoints. Certainly it is felt that by restricting the use of these two upper terraces to prevent the stationing of touring caravans would reduce the visual impact perceived in the previous reason for refusal. This would minimise the banding effect that it is likely to occur with regimented rows of larger touring caravans stationed across these terraces. The unilateral undertaking that has been requested would see these upper terraces restricted to use by tents only and this would be considered sufficient to withdraw the second part of the previous objection.

## **CONCLUSIONS**

The landscaping that has already taken place together with the further landscaping proposed and the proposed restriction in the use of the upper terraces that could be secured through the submitted unilateral undertaking would be considered sufficient to overcome the previous reasons for refusal. However, despite repeated requests by officers to secure amendments to the draft unilateral undertaking originally submitted no final version of this unilateral has been forthcoming. What needs to be considered is whether or not the use of the upper terraces could be sufficiently controlled by condition alone. It is officer opinion that the use of the upper terraces could be controlled by condition. As such the application is recommended for approval subject to the following conditions, but members may choose to defer a decision until the submission of an appropriate unilateral undertaking.

## **RECOMMENDATION**

APPROVE subject to the following conditions

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 30 June 2009.  
(Reason - To comply with Section 63 of the Act.)
2. The Additional Landscape planting as indicated on drawing no. 3118/10b shall be carried out in the first planting season following grant of approval and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area.)
3. The upper two terraces as defined on drawing no. 3118/10b and being those above the shower/toilet block building shall be restricted to use for the pitching of tents only and shall at no time be used for the purposes of the stationing or siting of touring caravans.  
(Reason – In order to restrict the size, type and degree of permanence of structures/vehicles that can utilise the upper terraces in the interests of the conservation and enhancement of the surrounding Area of Outstanding Natural Beauty)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 2 Class A for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or means of enclosure along the edge of the terraces hereby permitted.  
(Reason – To enable the Local Planning authority to retain control over any such development in the interests of the conservation and enhancement of the surrounding Area of Outstanding Natural Beauty)

## **Reasons for Approval**

The proposal complies with the Devon Structure Plan 2001-2016 Policies CO3 (Areas of Outstanding Natural Beauty), CO5 (Coastal Preservation Area), CO6 (Quality of New Development), TO3 (Tourism Development in Rural Areas) and TO4 (Touring Parks and Camping Sites).

The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies S5 (Countryside Protection), D1 (Design and Local Distinctiveness), EN1 (Developments Affecting Areas of Outstanding Natural Beauty), TO1 (Proposals for Holiday **or Overnight Accommodation and Associated Facilities**) and TO4 (Caravan, Chalet and Camping Sites).

The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

The proposal does not harm the natural beauty of the landscape designated as an Area of Outstanding Natural Beauty.

The proposal does not harm the unspoilt character and appearance of the Coastal Preservation Area.

### Informatives

CN04: Location Plan, Site Section (5981-10), 3118/10b

### List of Background Papers

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