

Committee Report – 7th October 2021

Application Number: 1/0855/2021/FUL

Registration date: 22 July 2021

Expiry date: 16 September 2021

Applicant: Westward Living

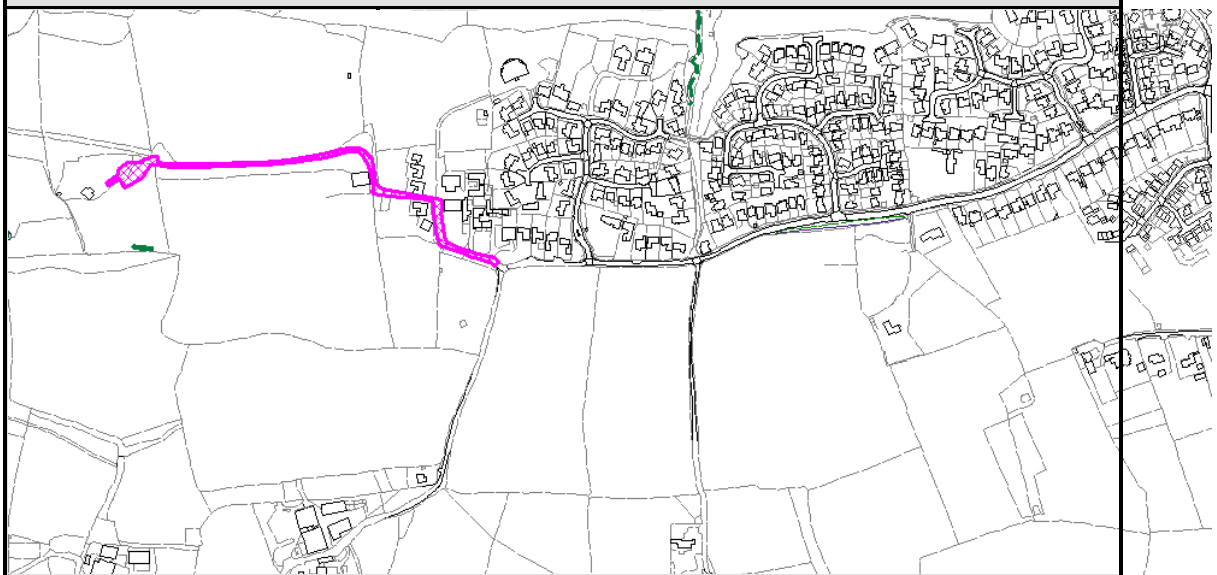
Agent: Project (SW) Ltd

Case Officer: Tracey Blackmore

Site Address: Duckhaven Stud,
Cornborough Road,
Westward Ho!,
Bideford,
Devon,
EX39 1AA

Proposal: Change of use from multi-use building (Class D2) to a single holiday let, installation of windows and external staircase leading to timber deck with glass balustrade to support the existing elopement and micro wedding business

Recommendation: Grant



Reason for referral:

Councillor Christie called the application to Plans Committee if the Officer is minded to approve.

Cllr Christie noted the following -

ST09/ST14

ST09 A facility that is currently and used intermittently with the external lighting could be seen to void this policy if used permanently with domestic style lighting

ST14 The comments by the AONB team indicate how this policy could be voided.

Relevant History:

| Application No. | Description | Status | Closed |
|------------------------|---|---------------|---------------|
| 1/1235/2001 | HAY BARN | PERDET | 15.08.2001 |
| 1/0758/2002 | DEMOLITION OF EXISTING STABLE BLOCK AND REBUILDING IN ENLARGED FORM WITH 4 NO STAFF HOSTEL ROOMS OVER | REF | 18.06.2002 |
| 1/1283/2002 | DEMOLITION OF EXISTING STABLE BLOCK & REBUILDING IN ENLARGED FORM WITH 4 NO STAFF HOSTEL ROOMS OVER | REF | 11.10.2002 |
| 1/0282/2003 | EXTENSION OF EXISTING STABLE BLOCK TO INCLUDE FIRST FLOOR FOR STAFF WC AND SHOWERS LAUNDRY, TACKROOM & STORE ROOMS | INSFEE | 24.09.2003 |
| 1/0311/1984 | TWO HUNDRED HOLIDAY COTTAGES, PUBLIC HOUSE, SHOP AND MANAGERS FLAT, THE ERECTION OF A MULTI-USE LEISURE DOME, TOGETHER WITH ASSOCIATED OUTDOOR RECREATIONAL FACILITIES, ACCESS ROADS, CAR PARKING, SERVICES AREAS, LANDSCAPING AND HIGHWAY IMPROVEMENTS TO CORNBOROUGH ROAD | PER | 01.12.1984 |
| 1/0661/1987 | RESIDENTIAL DEVELOPMENT | REF | 10.08.1987 |
| 1/0958/1987 | CHANGE OF USE FROM RESIDENTIAL TO HOSTEL | PER | 13.08.1987 |

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| | ACCOMMODATION, IN ASSOCIATION WITH PROPOSED ADVENTURE SCHOOL (RETAIN EXISTING BUILDINGS) | | |
| 1/1523/1987 | CONVERSION OF EXISTING BUILDINGS TO ADVENTURE SCHOOL ACCOMMODATION INCLUDING STAFF LOUNGE AND BAR; AND ERECTION OF DINING HALL | PER | 14.12.1987 |
| 1/2035/1990 | ERECTION OF DWELLING, STABLES, GROOM'S REST ROOMS AND ANCILLARY BUILDINGS | PER | 31.05.1991 |
| 1/2036/1990 | ERECTION OF A DWELLING | PER | 29.05.1991 |
| 1/0782/1991 | REMOVAL OF CONDITION 3 OF PERMISSION 1/1283/90 (HOLIDAY ACCOMMODATION) TO ALLOW ALL YEAR ROUND OCCUPATION | WDN | 25.07.1991 |
| 1/0498/1994 | RESIDENTIAL DEVELOPMENT | REF | 31.05.1994 |
| 1/1554/2003/AGR | Steel framed agricultural building | PERDET | 09.09.2003 |
| 1/2025/2003/FUL | Reconstruction of tack room and store for staff accommodation | PER | 20.01.2004 |
| 1/2026/2003/FUL | Redevelopment of stable block to include first floor for staff wc/showers/laundry/tackroom and store rooms with car parking | PER | 20.01.2004 |
| 1/1712/2004/COU | Revised proposal for use of first floor store rooms as office for I.T computer system ancillary to existing building | PER | 27.10.2004 |
| 1/0698/2008/OUT | Proposed Hotel at Duckhaven Equestrian Site | REF | 03.02.2009 |
| 1/0700/2008/FUL | Demolition and replacement stables, extension of exercise area and treatment plant | PER | 15.08.2008 |
| 1/0100/2009/OUTM | Proposed Hotel at Duckhaven Equestrian Site - (ADDITIONAL INFORMATION) | REF | 07.04.2009 |
| 1/0939/2009/FUL | Conversion of 13 stables to 6 | INVAL | 12.10.2009 |

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|-----------------|---|--------|------------|
| 1/1028/2009/FUL | holiday cottages Variation of condition 8 from grooms accommodation to holiday accommodation - application 1/2035/90 | PER | 10.12.2009 |
| 1/1029/2009/FUL | Variation of condition 04 - 1/2025/2003 from occupied by staff to occupied for holiday use | PER | 10.12.2009 |
| 1/1030/2009/FUL | Conversion of 18 stables to 4 holiday units | PER | 04.12.2009 |
| 1/0158/2010/FUL | Demolition of existing indoor riding arena and stables and the building of 4 holiday cottages | PER | 05.08.2010 |
| 1/0163/2010/FUL | Extension of office block to provide area for cookery school and the change of use of the remaining building to be used as a cookery school with staff or guest accommodation located at the first floor | PER | 27.04.2010 |
| 1/0858/2010/FUL | Demolish barn and erect 3 holiday homes | PER | 16.11.2010 |
| 1/1126/2010/FUL | Demolition of barn and stable block and construction of 5 holiday units | PER | 21.02.2011 |
| 1/0417/2011/AGR | Erection of a wooden agricultural shed | PERDET | 07.06.2011 |
| 1/0518/2011/FUL | Change of use from quarry to wedding venue and single toilet connected to septic tank | PER | 05.08.2011 |
| 1/0088/2012/FUL | Variation of Conditions 3, 5, 6, 7 & 8 of Planning Permission 1/0518/2011/FUL | PER | 08.03.2012 |
| 1/0218/2012/FUL | Demolition of existing building and erection of 3 holiday units | PER | 13.05.2013 |
| 1/0741/2012/FUL | One holiday bungalow for disabled use | PER | 08.11.2012 |
| 1/0207/2013/FUL | Construction of multi use building ancillary to existing wedding venue, holiday cottages and stud farm | WDN | 16.04.2013 |
| 1/1041/2013/FUL | Construction of 2 holiday units to replace approval for 3 holiday units | REF | 09.05.2014 |
| 1/1042/2013/FUL | Construction of one holiday unit to replace approval for part of 3 holiday units | REF | 09.05.2014 |

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| 1/0035/2013/NMAT | Non-material amendment to Planning Permission 1/0218/2012/FUL | PER | 31.01.2014 |
| 1/0134/2013/DIS | Discharge of Conditions 8 and 9 of planning application 1/0380/2013/FUL | REF | 02.06.2014 |
| 1/0005/2014/FUL | Agricultural Animal Field Shelter | REF | 06.03.2014 |
| 1/0017/2014/NMAT | Repositioning of approved three holiday units. | REF | 02.06.2014 |
| 1/0497/2014/FUL | Variation of condtions 2, 3 and 11 re application 1/0380/2013/FUL | ND | 29.09.2014 |
| 1/0524/2014/FUL | Animal Field Shelter | ND | 10.09.2014 |
| 1/0579/2014/FUL | Repositioning of three holiday units. | NPW | 25.09.2014 |
| 1/1036/2014/FUL | Single storey office | PER | 23.01.2015 |
| 1/0043/2014/NMAT | Non-material amendment to 1/0380/2013/FUL - amended plans | PER | 18.12.2014 |
| 1/0154/2014/DIS | Discharge of Condition 5 of Planning Permissions 1/0741/2012/FUL | INVAL | 29.05.2015 |
| 1/0706/2015/FUL | Erection of two single storey holiday dwellings | PER | 02.09.2015 |
| 1/1024/2016/AGFLE X | Change of use from agricultural to amenity to westward living holiday accomodation | INVAL | 08.11.2016 |
| 1/1026/2016/AGFLE X | Change of use to provide amenity area for guests at Westward Living | INVAL | 08.11.2016 |
| 1/1176/2016/AGFLE X | Change of use from agricultural hay barn to amenity building under Class R | INVAL | 31.10.2017 |
| 1/1204/2016/FUL | Change of use and extension of barn to amenity/tourism building | PER | 08.02.2017 |
| 1/0415/2019/FUL | Variation of condition 5 of planning approval 1/0088/2012/FUL to allow cave structure to be used for holiday accommodation (C3) | PER | 21.10.2019 |
| 1/0680/2020/FUL | Change of use from a multi-use building (Class D2) to a single holiday let, installation of windows and external staircase leading to timber deck with glass balustrade | WDN | 17.11.2020 |
| 1/1074/2020/FUL | Change of use from a multi- | INVAL | 01.03.2021 |

use building (Class D2) to
Ecotourism Holiday
Accommodation

Site Description & Proposal

Site Description:

The application site is located in the countryside and forms part of the Duckhaven Stud enterprise which is located to the west of Westward Ho! The site is designated as an Area of Outstanding Natural Beauty (AONB) and within the Coastal and Estuarine Zone. A Public Right of Way (PROW) consisting of the South West Coast path runs along the western boundary of the site. The site faces the Atlantic Ocean to the west.

The applicant runs the site under the name of Westward Living which offers 14 self-catering holiday cottages and 'Ocean Kave', a subterranean style building which is used for wedding ceremonies, established in 2013. In addition to 'Ocean Kave', 30 metres to the east, is a building called Sunset Rooms (the subject of this application). Sunset Rooms is a formal function room and reception venue which is used in connection with wedding ceremonies held at the adjacent Ocean Kave building.

The site is accessed along a stoned track to the east which runs past the existing holiday lets and parking area.

Sunset Rooms and the Ocean Kave sit behind a large, grassed area with expansive views out over the sea and coastline to the west.

Proposed Development:

This application is seeking full planning permission for the change of use from a multi-use building (class D2) to a single holiday let, installation of windows and external staircase leading to timber deck with glass balustrade to support the existing elopement and micro wedding business.

The proposed external works include:

- The installation of a timber deck balcony with non – reflective glass balustrading and an external staircase.
- The installation of five timber windows (with stained glass) to the south elevation.
- The installation of eight, aluminium framed, circular 'hole' rooflights to the roof.

The proposal consists of the construction of a roof terrace/balcony area to Sunset Rooms. A proposed timber decked balcony is to be installed to the front section of the existing roof of the building. The balcony will consist of timber decking edged with non-reflective glass panelling and a balustrade which will run the entire length of the front elevation of the building. The proposal also includes the insertion of an external spiral staircase (constructed in steel) to the west elevation to facilitate access to the roof terrace/balcony area.

The proposed balcony timber deck is approximately 3 metres in height from ground level, and the glass balustrade will be 4.1 metres in height from ground level and positioned on the existing flat roof element of the building.

The Design and Access Statement and supporting letter from the applicant, advises the intent of this application is to no longer operate as a large wedding venue but concentrate on 'elopement' (2 people) and 'micro' (up to 20 people) weddings only. COVID – 19 has been catastrophic on the wedding business; the Sunset Rooms has been closed since March 2020. The applicant has had to look at innovative ways to diversify the business to rebuild and recover post COVID. This repurposing

of the building is to offer a 12- person holiday ecotourism offers available for wedding parties to book, 12 months of the year. The site will continue to operate as a wedding business/venue. However, concentrate on elopement (2 people) and 'micro' (up to 20 people) weddings. There is no longer the requirement for the function suite for large wedding receptions with live entertainment (with 60 -150 people). Wedding ceremonies will continue as before and intimate 'wedding breakfast' dining will be provided in the Sunset Rooms itself for resident's guests staying in the Sunset Rooms. This is seen as an emerging market to enable family groups and 'social bubbles' to stay together. There is a trend that Elopement couples will tend to extend their stay to up to 7 days so the wedding will also incorporate a mini moon.

The repurposing of this building will enable Ocean Kave to become a viable wedding business again, specialising in Elopements and Micro Weddings.

Consultee representations:

Abbotsham Parish Council:

The Parish Council objects to this proposal as this change of use to a holiday unit within the AONB would set a precedent for other sizeable holiday developments within this important landscape.

Northam Town Council:

It was resolved to recommend that this application be refused on the grounds that it is outside the defined development boundary and would have an adverse effect on the AONB, the relevant policies are ST09 Coast and Estuary Strategy and ST14 Enhancing Environmental Assets, specifically the Heritage Coast.

Environmental Protection Officer:

In relation to the above application, the Environmental Protection Team has no objections.

AONB Team:

1st response – 13th August 2021:

This is essentially a re-submission of a previous application last year (1/0680/2020/FUL) which was subsequently withdrawn. When consulted, we raised a number of concerns and a copy of our response is attached.

The latest submission documents answers some of the questions we raised:

1. The applicant has stated that the projected levels of use as being 50 weddings/lettings per year with groups of 12-20 compared to the stated current/historic level of use as being 160 events per years with numbers at 50-150 per event. On the face of it, the change in use patterns would result in fewer traffic movements and less disturbance to the characteristics that contribute to tranquillity in the AONB.
2. We sought clarification that the removal of use as a reception building would not have an impact on the future of the wedding venue Ocean Kave business nor would not lead to the need for further, temporary reception accommodation. The Design and Access Statement currently offers a planning condition that restricts the use of Marquees on site. We would strongly recommend that if the application is approved, that such a condition must be included.

However, having studied the submitted documentation, we note that the current application documents have still not addressed many of the concerns that we raised and we would urge that further clarification is sought on the following:

- The justification for new holiday accommodation within the undeveloped coast, in relation to Policy ST09 of the Local Plan;

- Clarity about where the car parking will be. In light of the planning inspector's comments quoted in our previous responses, it would be helpful to clarify whether the application also seeks consent for the small parking area already on site;
- In our previous response, we raised concerns about the impact of the proposed skylights on dark night skies and light pollution. The Design & Access statement proposes rooflights and fittings certified by the International Dark Skies Association (IDA). However, details of the rooflights and of the measures taken to prevent light pollution could not be found in the documentation uploaded on the District Council planning website. We would have concerns about making IDA certification a condition of any consent, as we are not aware of any IDA certified fittings or rooflights being available in the UK. Therefore, we would recommend that details of the fittings and rooflights proposed are submitted together with a statement as to how they meet IDA criteria for certification.

We also note that a number of features are mentioned in the supporting documents, and it is not clear to us if they have been allowed for and what their impact would be from the drawings submitted, these include:

- Plant room/water storage for natural rock waterfall
- Wind trees (height/design/location) and electric car charging points
- Solar panels and shower buckets
- Hot tubs and associated plant
- Air source heat pumps

As with the previous application, we recommend that a decision on the proposed changes of use of this extremely sensitive site is not made until these issues have been satisfactorily addressed.

2nd response – 31st August 2021

Thank you for sending though the additional information which we have received. This has answered may of the queries that we raised, but not all of them.

However, should you be minded to approve the application we would recommend that the placing of additional external structures on site, in particular marquees, should be restricted by condition and that the District Council must be satisfied that all reasonable steps have been taken to minimise light spill/pollution from the building and it environs.

We should also point out that this is an extremely sensitive site and that any subsequent application for a new wedding function would be strongly resisted by the AONB Partnership.

Devon County Council (Highways):

Apply Standing Advice.

Natural England:

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Representations:

| | |
|-------------------------------------|---|
| Number of neighbours consulted: | 4 |
| Number of representations received: | 1 |
| Number of objection letters: | 1 |

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|------------------------------------|---|
| Number of letters of support: | 0 |
| Number of neutral representations: | 0 |

The application has attracted 1 letters of objection, raising the following concerns:

- The application for a multi-use building was approved because of the linkage with the earlier approval for the Wedding Kave it would have been unlikely to gain approval without the link;
- There is no proven national interest, rather there is a local economic interest;
- The business has been affected by COVID-19 – however, one assumes that the adverse trading conditions will be reversed in the next two years;
- The Sunset Rooms is one of the very few locations that can handle 100 people plus functions and would be a loss to the area;
- The loss of the Sunset Rooms would mean that the previous business could not operate because no infrastructure for receptions – the whole reason it was given planning permission in the first place;
- This proposal could result in a request to build a second building akin to existing Sunset Rooms;
- A holiday let could be accommodated at numerous locations within the area, outside the AONB and therefore the proposal has no justification on lack of suitable sites;
- Allowing this change of use, would be a dangerous precedent for future development.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST09 (Coast and Estuary Strategy); ST10 (Transport Strategy); ST13 (Sustainable Tourism); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM13 (Safeguarding Employment Land); DM14 (Rural Economy); ---DM18 (Tourism Accommodation);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The main planning considerations with this application are:

1. Principle of Development
2. Visual Impact and Landscape Character
3. Impact on Amenity
4. Highways and Parking
5. Drainage
6. Ecology

1. Principle of Development

Section 38 (6) of the Planning and Compulsory Act 2004 states that key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. For the purpose of the development plan the statutory development plan is comprised of the North Devon & Torridge Local Plan 2011 – 2031 (adopted 2018) (NDTLP).

The National Planning Policy Framework (NPPF) is a material consideration.

Northern Devon's unspoilt coastline is a popular tourist attraction that contributes significantly to the area's environmental quality and identity. This nationally important landscape is partly designated as North Devon Coast Areas of Outstanding Natural Beauty (AONB). Much of the coastline, including Lundy Island and surrounding coastal waters, is also designated as Special Areas of Conservation and Sites of Special Scientific Interest (SSSI). Policy ST14 of the North Devon & Torridge Local Plan (NDTLP) states that the distinctive environment and cultural heritage of the coastal zone, including seascapes, will be protected and enhanced.

The application site is located within the North Devon Area of Outstanding Natural Beauty (AONB), Biosphere Transition Zone, Coastal & Estuary Zone and open Countryside.

As the site is located within the Countryside, Policy ST07(4) of the NDTLP states that 'in the countryside, beyond local centres, villages and rural settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building re-use and development which is necessarily restricted to a countryside location.

The supporting text of the NDTLP advises that Tourism is an integral part of the economy of northern Devon.

Policy ST13 (Sustainable Tourism) of the NDTLP states high quality tourism development that promotes a year around industry will be supported. Tourism growth should be sustainable and should not damage the natural or historic assess of northern Devon.

Similarly, Policy DM18 (Tourism Accommodation) of the NDTLP sets out in the countryside, the expansion or rationalisation of existing tourism accommodation will be supported where it:

- (a) Is related directly to an compatible in scale with an existing tourism, visitor, or leisure attraction; or
- (b) Reused or converts existing buildings; or
- (c) Improves facilities for or diversifies the range or improves the quality of existing tourism accommodation.

In this case, the reuse of the building for tourism accommodation would comply with Policy DM18 of the NDLTP. Equally, the re-use of the building would improve the existing tourism accommodation facilities on site.

Notwithstanding the above, Policy DM13 relates to the safeguarding of employment land. Existing employment sites support economic growth and secures the continuing presence of valuable employment assets. The loss of employment sites could negatively impact on achieving Local Plan objectives. It is clear in this case that the wedding business was very successful and has many economic benefits to the local area. Therefore, the Local Planning Authority would not wish to prejudice the continuation of this wedding business being operated from this site. It is clear that the applicant's intentions to continue the wedding business, with a different business model, from large scale weddings to small micro weddings to adjust to the market situation and rebuild the business, in light of the COVID-19 pandemic.

Following discussions with the applicant, the change of use of this building will hopefully support this new business model. It is clear that the 'Ocean Kave' would need to function as the venue for wedding ceremonies and the Sunset Rooms for wedding breakfasts and for guest residence. Therefore, a suitable worded condition is required to ensure the 'Ocean Kave' is only used for civil ceremonies/wedding venue and the previous planning permission (/1/0415/2019/FUL) to allow the 'Ocean Kave' to be used as holiday accommodation is effectively swapped to the Sunset building. Additionally, a suitable worded condition to ensure a turnaround of guests within the building, would result in the wedding business still being the priority and the holiday let is primarily used for wedding guests.

In light of the uncertainties resulting from the COVID-19 pandemic and the resultant adverse economic impacts upon the hospitality industry, this is considered a reasonable compromise, to support this wedding business.

Considering the above, the proposal subject to suitable worded conditions, would be acceptable, in principle, under these policies, if it complies with all other material planning considerations.

2. Visual Impact and Landscape Character

Policies ST04 and DM04 of the NDTLP all have a strong design focus and establish the need for development to be appropriate in, and have respect for, its context and setting

Policies ST09 and DM08A relate to design and landscape and indicate that with sites situated within the Undeveloped Coast, great weight should be given to conserving the landscape and scenic beauty of the area.

Policy ST09 (7) states that development within the Undeveloped Coast and estuary will be supported where it does not detract from the unspoilt character, appearance and tranquillity of the area, nor the undeveloped character of the Heritage Coast, and it is required because, it cannot reasonable be located outside the Undeveloped Coast and estuary.

The NPPF also attaches great importance to the enhancement and conservation of the landscape with Paragraph 176 outlining that AONB's have the highest status of protection in relation to these issues.

The site lies within the Undeveloped Coast where development is only supported where it cannot be reasonably located outside the undeveloped coast. As advised above, to ensure that change of use would not sever the wedding business, the 'Ocean Kave' would need to function as the venue for civil ceremonies/wedding venue and the Sunset Rooms for wedding breakfasts and for guest residence. Therefore, a suitable worded condition is required to ensure the 'Ocean Kave' is only used for wedding ceremonies and the previous planning permission (/1/0415/2019/FUL) to allow the 'Ocean Kave' to be used as holiday accommodation is effectively swapped to the Sunset building. Therefore, the link remains to the existing wedding business and justifies the proposal in this location.

The proposed external works includes the installation of five timber framed windows (stained glass) to the southern (rear) elevation of the building. The rear elevation of the building is not visible from any viewpoints. The installation of eight rooflights to the roof. The rooflights are to be circular, with aluminium frames, with minimal upstand, to be screened by the proposed timber deck balcony.

A proposed timber decked balcony is to be installed to the front section roof of the building. The balcony will have a timber deck and edged with non-reflective glass panelling and a balustrade which will run the entire length of the front elevation of the building. The proposal also includes the insertion of an external spiral staircase to the west elevation to facilitate access to the roof terrace/balcony area.

The proposed timber deck balcony with non-reflective glass panels/balustrading will not appear out of keeping with the existing front elevation which consists of non-reflective glass doors. The glazed panels would essential be transparent and would not in itself appear out of place on this highly glazed building. The glazing would give the balustrade a lightweight appearance and it would not therefore appear overly intrusive or out of place in with the context of the existing building.

In terms of scale the maximum balcony height is 4.1 metres. This small increase in height alongside the balcony being constructed in timber and non-reflective glass will ensure it is not overbearing or dominate on the front elevation of the building.

The building is located with an extremely sensitive location, however, for the reasons identified above the proposed roof timber deck balcony is not considered to adversely harm the character and

appearance of the host building and its immediate setting. The proposed development would not be visible from the South West Cost Path to the western boundary of the site and therefore is not considered to have a visually intrusive impact on the AONB surroundings when taken into account the existing landscape and topography of the site.

The AONB partnership have been consulted as part of this application and initially raised concerns about the impact of the proposed skylights on dark night skies and light pollution.

'The AONB partnership initially raised concern with the submitted Design & Access statement, which proposes rooflights and fittings certified by the International Dark Skies Association (IDA). However, details of the rooflights and of the measures taken to prevent light pollution could not be found in the documentation uploaded on the District Council planning website. We would have concerns about making IDA certification a condition of any consent, as we are not aware of any IDA certified fittings or rooflights being available in the UK. Therefore, we would recommend that details of the fittings and rooflights proposed are submitted together with a statement as to how they meet IDA criteria for certification.'

We also note that a number of features are mentioned in the supporting documents and it is not clear to us if they have been allowed for and what their impact would be from the drawings submitted, these include:

- ***Plant room/water storage for natural rock waterfall***
- ***Wind trees (height/design/location) and electric car charging points***
- ***Solar panels and shower buckets***
- ***Hot tubs and associated plant***
- ***Air source heat pumps***

As with the previous application, we recommend that a decision on the proposed changes of use of this extremely sensitive site is not made until these issues have been satisfactorily addressed'.

As a result of these comments the agent submitted an amended Design & Access Statement which removes reference to the 'International Dark Sky Association' and confirms there will be no direct lights shining up out of these rooflights and all internal lighting will be sympathetic ceiling downlights only to provide low level background lighting.

'The AONB Partnership advised this has answered many of the queries, but not all of them. However, should you be minded to approve the application we would recommend that the placing of additional external structures on site, in particular marquees, should be restricted by condition and that the District Council must be satisfied that all reasonable steps have been taken to minimise light spill/pollution from the building and its environs.'

We should also point out that this is an extremely sensitive site and that any subsequent application for a new wedding function would be strongly resisted by the AONB Partnership'.

To respond to the AONB Partnerships advice this recommendation includes a suitable worded conditions to ensure that no external structures (e.g., marquees) are to be erected, this includes removing PD rights for temporary structures on the site. Additionally, a condition has been attached for the submission of details of the proposed rooflights and details (including the specification and location) of any proposed internal lighting to be submitted and approved, and finally a condition has been attached to ensure no external lighting shall be installed on site. These conditions are to protect the appearance of the area, the designated AONB and to prevent light pollution to the dark skies and to preserve the character of the surrounding AONB.

In respect to the AONB Partnerships concerns regarding the features mentioned in the supporting documents (e.g. hot tubs, shower buckets etc) the agent has confirmed this is aspirational and not included formally as part of this planning application.

Taking account of the above, it is considered that the proposal accords with Policy ST04, ST09, ST14, DM04 and DM08A of the NDTLP and the NPPF.

3. Impact on Amenity

One of the core principles of the NPPF is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy DM01 of the NDTLP relates to amenity considerations and notes, development will be supported where:

- a) It would not significantly harm the amenities of any neighbouring occupiers or uses; and
- b) The intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

The proposed development is located approximately 350 metres from third party residential properties and would therefore not result in significant harm to the amenities of neighbouring properties.

The Council's Environmental Protection Officer has been consulted on this application and has no objections.

Taking account of the above, it is considered that the proposal accords with Policy DM01 of the NDTLP.

4. Highways and Parking

Policy DM05 of the NDTLP requires development to have safe and well-designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians and all development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connection to these routes where practical to do so. Policy DM06 states that proposal will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs.

Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or where the residual cumulative impact of development are severe.

The Highway Authority has been consulted and referred to standing advice procedure.

There are no proposed changes to the existing vehicle access for the site, which consists of an existing private access road and parking and turning facilities.

The Design and Access Statement confirms the proposal will decrease the number of people using the building and in turn will reduce the number of traffic movements to the site. The proposal is therefore considered to have a positive improvement to highway safety and the surrounding highway network.

There has historically been a condition relating to Sunset building restricting parking by the building and the adjacent grassed area to protect this highly sensitive landscape. For this reason, a condition has been attached to this recommendation to ensure that no motor vehicles are permitted to access or park on land adjacent to the building, apart from vehicles required for deliveries in connection with the operations of the development and emptying of the Septic tank, or access for the

dropping off guests. A dedicated car parking area for guests has been annotated on Plan 2006_L01 REV D approximately 25 metres to the east of the building.

Taking account of the above, the proposal is not considered to be in conflict with policies DM05, DM06 and Para 111 of the NPPF.

5. Drainage:

Policy DM02 of the NDTLP requires that development must not result in unacceptable impacts in relation to pollution of surface or ground water, whilst Policy DM04 of the NDTLP established that water management must be addressed by development.

The foul drainage is dealt with by the existing non-mains drainage (Septic Tank) The Council's Environmental Protection Officer was consulted on this application and has raised no objections.

Surface water drainage will be dealt with via SUDS, given the extent of land ownership this will be achievable.

Taking account of the above, it is considered that the proposal accords with Policy DM02 and DM04 of the NDTLP.

6. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006. The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced by Policies ST14 and DM08 of the NDTLP.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impact on statutorily protected nature conservation sites.

A Wildlife Trigger List was submitted as part of the planning application which concluded that there will be no effect on protected species as a result of this scheme.

As such the proposal is considered to fulfil the above statutory duties and the provision of policies DM08 and ST14 and the requirements of the NPPF.

7. Conclusion

The proposed change of use and associated external changes is considered acceptable, in principle, contributing to sustainable social and economic growth with the district. Subject to appropriately worded conditions, it is not considered that the proposal will result in substantial harm to the designated sensitive landscape, neighbouring amenities, highway safety or protected species.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

1. The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

3. The Sunset Rooms building identified in plan number 2006_L01 REV D shall be used for civil ceremonies /a wedding venue and for short term holiday accommodation, and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). For the purposes of this condition, 'short term holiday accommodation' means accommodation, which is not a main place of residence, and shall be used by no one person for not more than 28 consecutive days.

Reason: This site is currently an employment/business site. This condition will discourage the use of the site for longer term holiday accommodation and encourage the continued use of the site as a wedding venue, with the accommodation being subsidiary in nature. This is necessary to ensure the proposal is in compliance with policy DM13 of the NDTLP, which aims to safeguard employment land.

4. The Ocean Kave building identified in plan number 2006_L01 REV D shall only be used for civil ceremonies/wedding venue in accordance with extant permission 1/0088/2012/FUL dated 8 March 2012 and for no other purposes without the further grant of planning permission.

Reason: To prevent both buildings (Sunset Rooms and Ocean Kave) being used for holiday accommodation. It is considered acceptable to use Sunset Rooms for short holiday accommodation providing the 'Ocean Kave' building is transferred back to a primary wedding venue. This is necessary to ensure the proposal is in compliance with Policy DM13 of the NDTLP, which aims to safeguard employment land.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development of the types described in Part 4 of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission, on the area outlined in blue in plan number 2006_L01 REV D attached to this permission.

Reason: To protect the character and appearance of the AONB, a valued landscape where protection is supported by the NPPF and Policy ST14 of the North Devon & Torridge Local Plan.

6. The guest car parking area indicated on plan number 2006_L01 REV D shall be implemented and capable of use and retained thereafter for the purpose of parking for guests using the building. No motor vehicles are permitted to access or park on land adjacent to the building, apart from vehicles required for deliveries in connection with the operation of the development and emptying of the septic tank, or access only for dropping off of guests.

Reason: To protect the character and appearance of the AONB, a valued landscape where protection is supported by the NPPF and Policy ST14 of the North Devon & Torridge Local Plan.

7. Notwithstanding the details indicated on the plans hereby permitted, prior to the installation of the stargazer rooflights, detailed specifications and plans of the rooflights and details (including the specification and location) of any proposed internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The roof lights and internal lighting shall be installed and operated in accordance with the approved details prior to the development being brought into its intended use and shall thereafter be retained as such.

Reason: To prevent light pollution to the dark skies and to preserve the character of the surrounding AONB.

8. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to and approved in writing, by the Local Planning Authority. Any external lighting shall accord with the details so approved.

Reason: To protect the appearance of the area, the designated AONB and to prevent light pollution to the dark skies and to preserve the character of the surrounding AONB.

Plans Schedule

| Reference | Received |
|--------------|------------|
| 2006_L01 D | 16.09.2021 |
| 2006_P08 | 08.09.2021 |
| 033/11/200 B | 22.07.2021 |
| 20.06_P06 A | 20.09.2021 |
| 2006_PO7 B | 20.09.2021 |

Statement of Engagement

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.