

Committee Report – 12th May 2022

Application Number: 1/1185/2021/FULM

Registration date: 3 November 2021

Expiry date: 2 February 2022

Applicant: 3H Investments Limited

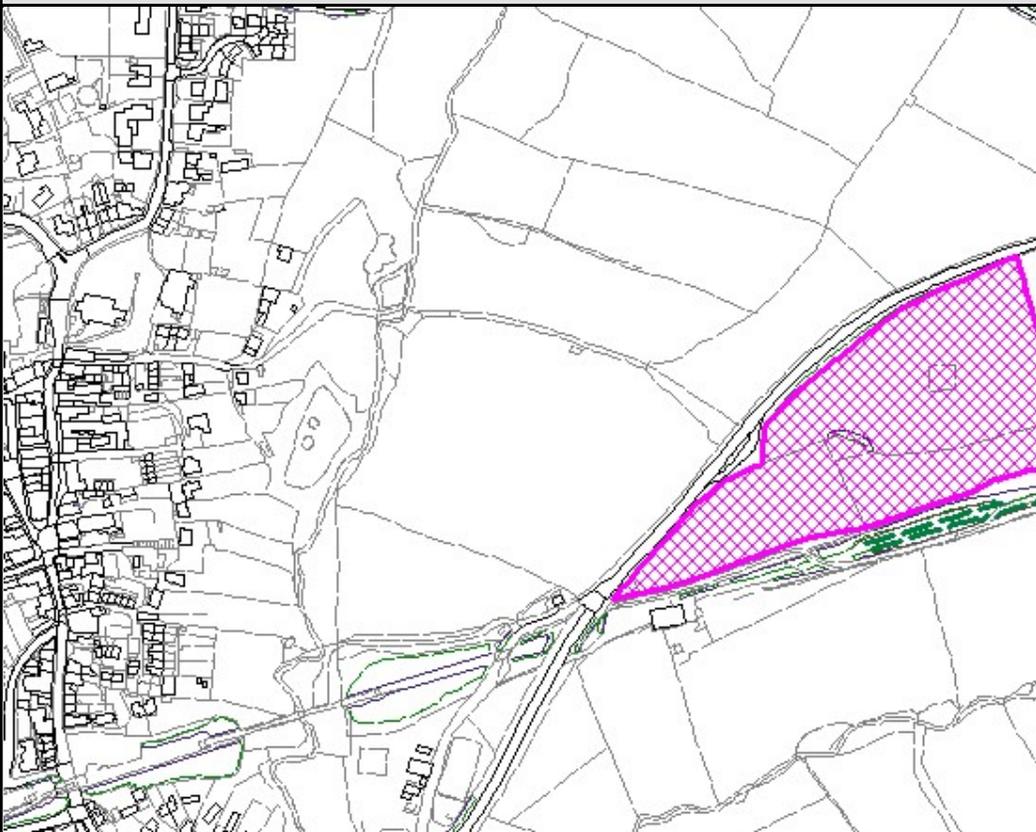
Agent: Avison Young

Case Officer: Tracey Blackmore

Site Address: Land Adjacent To Windmill Road,
Holsworthy,
Devon,

Proposal: Restoration of nuclear bunker to provide a tourist attraction and change of use of land for the stationing of holiday lodge caravans, creation of a new access, associated internal roadways, landscaping and drainage.

Recommendation: Refuse



Reason for referral:

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

Cllr Hepple notes the following: -

'Inappropriate development of a greenfield site; contrary to Local Planning Policies; plus highways and environmental issues'.

Councillor Hutchings called the application to Plans Committee if the Officer is minded to refuse the application.

Cllr Hutchings notes the following: -

1. The proposal is sustainable development in that it provides economic benefits;
2. The proposal supports a prosperous rural economy in accordance with criteria c and d of Paragraph 84 of the NPPF;
3. The application is supported by Local Plan Policy ST13;
4. The proposal for new tourism accommodation also accords with Local Plan Policy DM18.

Relevant History:

No planning history.

Site Description & Proposal

Site Description:

The application site is located to the south of the A3027, to the west of Holsworthy.

The site is approximately 3.47 hectares in size and comprises of three agricultural fields.

Windmill Road (A3072) runs adjacent to the northern boundary of the site with a layby adjacent to the north west boundary of the site. The site is bounded to the south by the line of the former Holsworthy and Bude railway line which currently serves as part of the Ruby Way Cycle Way, which is designated a cycle route and part of the National Cycle Network Route Number 3. The eastern, southern and western boundary is agricultural land.

The site has two access points serving the site onto the A3072, Windmill Road. One located to the western corner of the site and the other to the north east corner.

The site is situated on a hilltop, with the steepest element of the site being to the northeast and the ground drops away to the west, being the lowest point.

The site is agricultural land, with the boundaries consisting of mature hedgebanks and trees.

The site is located in the Holsworthy Critical Drainage Area.

The submitted Design & Access Statement advises an area of the site is taken to be the built form of the former Royal Observer Corp outpost which served as a Nuclear Bunker during the Cold War and the site of the former Holsworthy Windmill.

Proposed Development:

This application is seeking full planning permission for the change of use of land for the restoration of the nuclear bunker to provide a new tourist attraction and change of use of land for the stationing of holiday lodges.

The number of holiday lodges has been amended during the course of the application, the original proposal was seeking 49 lodges this has been reduced to 45 lodges, due to the need to provide an onsite, attenuation basin for surface water drainage.

The proposal includes the closing up of the two existing access points into the site and the creation of a new access point to the south western boundary of the site on to Windmill Road (A3072), leading to the internal roadways through the site. In addition, a new footpath would be created to the frontage of the site from the existing layby on the A3072 into the site and on to Ruby Way, pedestrian and cycling trail, which forms the southern boundary of the site.

Each lodge will provide self-contained holiday accommodation and will measure 12 metres x 6 metres with a height of 3.8 metres. There is to be an outside veranda area for each lodge. Each lodge is to be sited on concrete base with connection for services (water, gas, electricity and drainage). Two parking spaces are proposed for each lodge.

A reception building is proposed to the west of the site, which will consist of a lodge building of the same specification as the holiday lodge.

A SuDs drainage scheme is proposed to manage surface water drainage runoff from the proposed development, comprising of an onsite attenuation basin.

The submitted supporting statement advises the site accommodates a former nuclear bunker and Royal Observatory Corp. This, and the former windmill use, provides an opportunity to provide a small tourist attraction at the site.

The following documents have been submitted in support of the proposal:

- Planning, Design & Access Statement;
- Flood Risk Assessment with Surface Water Drainage Strategy;
- Transport Statement & Travel Plan;
- Historic Environmental Assessment;
- Archaeological Survey;
- Ecological Appraisal;
- Landscape & Visual Impact Assessment;
- Tree Survey;
- Tourism Need and Economic Impact Statement;

Consultee representations:

Holsworthy Town Council:

The Town Council objects to this planning application and its views are that it should be refused because the proposed development is outside the development boundary in a highly visible area of open countryside and does not comply with the Local Plan Policies DM17 & DM18 relevant to the application. It also notes that although the planning application concerns an area of land that is covered by Holsworthy Town Council and Holsworthy Hamlets Parish Council the effects of the planning application if granted would largely effect the Town area and its residents.

Comments in more detail:-

1.The proposed development would result in increased traffic movements onto a fast stretch of highway with a 60mph speed limit. It has the potential to be an accident hotspot and it is noted DCC

Highways have also expressed concerns that the A3072 and the A386 do not currently offer safe and suitable access for cyclists wishing to access Holsworthy and without further information it is currently recommending refusal.

2. There is already poor pedestrian and cycleway access into the Town which will be exacerbated by the development. The application does suggest some improvements to pedestrian and cycle users into town, but these are only minor and will not be suitable for those using wheelchairs, mobility scooters, pushchairs or those with restricted mobility. This is contrary to DM18 of the Local Plan which states that tourism accommodation will only be supported where the safety of public highway users is maintained.

Sometime ago it was suggested that the layby and grass verge opposite the footpath be upgraded to provide safe pedestrian access, but this has not been considered neither has the connecting and the opening up of the Coles Mill historic viaduct.

3. There is no footpath nor street lighting at location of the proposed development.

4. The proposed development is outside the development boundary of the Town in an area of open countryside. The Council is concerned that the application is only using the proposed restoration of the small bunker as part of the application in order to conform with DM18 to get the planning application approved. There are no major plans or any detail regarding the restoration of the old Bunker in the application, which is insignificant as a possible tourist attraction anyway, and the only thing proposed for it is an interpretation board. At a recent site visit the Bunker on site was unlocked, however, it was only a single room accessible only via a ladder and could hardly be described as an existing tourism attraction. It therefore appears that the application is based on very tenuously using the bunker to try and gain planning permission. The historic windmill the application also refers to was demolished without leaving any remains over 100 years ago. The application is therefore not directly related to and compatible in scale with an existing tourism attraction and therefore does not comply with the Local Plan Policy DM18 in anyway.

5. There are no recreational facilities on the site therefore it is unlikely to attract families and therefore is contrary to DM18 as it does not improve facilities for or diversifies the range of existing tourism accommodation.

6. The proposed development is on a prominent site which currently forms a distinct highly visible natural landscape boundary to the town, it is rich in wildlife and is framed by two valleys and two historic Viaducts. The application would be for a development contrary to the Local Plan and would be a main departure from it as it is in open countryside and therefore should be protected from development. It would be in full view of a large number of existing residential properties and businesses and also from the heritage and historic conservation area of the Town. The landscaping proposals do little to mitigate the visual impact of the development and many of the lodges will be from 2m to 5m above the existing ground level. Any planting proposed will also take a considerable time to mature and will also provide little screening of the site especially in the late autumn and winter months. Indeed, it is recognised by Red Bay Design the landscape Consultants employed by the applicant that the proposals are likely to 'form a recognisable and uncharacteristic new feature' which will be a permanent development within the open countryside and falling outside the development boundary. There appears to be a conflicting information whether the proposed development is for static Caravans or Lodges. This needs to be clarified as the site is an extremely prominent one and the sight of static caravans would only exacerbate the damage that the development would have on the existing landscape.

7. The previous public consultation on the development was rushed with little publicity before the event. It had however been raised at the event that many of the lodges would be very visible. This was noted by the Planning Consultants at the event but the lodges concerned are still part of the planning application and no changes have been made to alleviate these concerns.

8. There are concerns on the impact to existing wildlife and plants on the site and it is felt that not enough work has been done by the developers to evidence the current wildlife and planting on the site and how this would be protected especially as there is a large amount of cut and fill work on site to produce raised platforms and there is also the removal/ gapping of some existing hedgerows.

9. There is some open space provided for in the proposed development and there is a lack of dog walking and running areas in the town but there is no information on how this open space will be able to be used including by the general public and how it would be managed and maintained. Possible employment opportunities is stated at between 3 – 5 but this is not clear if these are full or part time or seasonal.

10. Also of concern were potential rainfall runoff from the site onto properties downhill and the road

junction and possible light pollution from the site.’

2nd response – 21st March 2022:

Please see Holsworthy Town Council’s comments on the revisions to the Planning Application: no 1/1185/2021/FULM- Restoration of nuclear bunker to provide a tourist attraction and change of use of land for the stationing of holiday lodge caravans, creation of a new access, associated internal roadways, landscaping and drainage.

The Town Council objects to this planning application and its views are that it should be refused because the proposed development is outside the development boundary in a highly visible area of open countryside and does not comply with the Local Plan Policies DM17 & DM18 relevant to the application. It also notes that although the planning application concerns an area of land that is covered by Holsworthy Town Council and Holsworthy Hamlets Parish Council the effects of the planning application if granted would largely effect the Town area and its residents.

Please see the previous Comments and other comments on the revise application in more detail.

Policy ST07 states that development will be limited to that which is enabled to meet local economic and social needs, rural building reuses and development which is necessarily restricted to a countryside location. The proposed development under 1/1185/2021/FULM meets none of these requirements however hard the Tourism Need and Economic Impact Statement tries to justify it. The Council felt that there are other already designated tourism sites in the surrounding area to Holsworthy where the caravans/ lodges could place on existing sites including those that are on the Ruby Way and National Cycles Route 3.

The Council also disputes that a small post war bunker which can only be accessed by ladder is a ‘heritage building’. This development cannot be classed as directly related to and compatible using the inaccessible small bunker as an existing tourism attraction.

It is understood that the developers leafleted businesses in the Town seeking their support for the development but there is only one letter of support on the Council’s Planning Portal which is from the Business located adjacent to the site and none of the businesses listed in 2.29 and 2.30 have shown their support for the development. Businesses mentioned in the tourism report are not a safe walking distance from the proposed lodges.

Please note also that under 2.30 of the Tourism Need and Economic Impact Study there are several inaccuracies, The Crown and Sceptre and Sparkles Indian are the same building both are no longer operating, the Bay of Bengal no longer exists and is instead the Indian Ocean not two separate businesses, Hillcrest Bakery does not exist in Holsworthy and Meet N Eat is now the Posh Totties Tea Room Cafe and therefore should not be listed twice.

The Tourism Statement quotes under 2.24 an additional visitor night per annum but as the caravans are for all year round use, the caravan could be used by a single user for most of the year. There is no evidence to show that the users of the caravans will use the town.

The revised site plan and sections do nothing to lessen the negative visual impact and intrusion of the proposed development on the surrounding area and in particular the heritage and historic conservation area of the town and in particular the views from the historic listed Coles Mill Viaduct which the Town Council is working with other partners to reopen.

The Town Council view therefore is still that the Planning Application 1/1185/2021/FULM should be refused.

Holsworthy Hamlets Parish Council:

1st response – 7th December 2021:

This application was discussed by the members of Holsworthy Hamlets Parish Council at their recent meeting. The discussion included analysis of the location plan, the site plan & the proposed elevations.

Councillors feel that there are potential environmental issues associated with this development and they considered several aspects, such as there being no re-use of water and where the sewage would be discharged to. There was concern about a lack of provision for heating, sewerage & recycling within the proposed development.

At the time of this discussion no response from DCC Highways had been published, however Councillors are very concerned about the negative impact of increased traffic movements onto a stretch of highway with a 60mph speed limit which they feel would be significant if all the holiday units were occupied.

It was noted that nothing of significance was found in the archaeological survey conducted at the location of the proposed development.

Councillors consider that the proposed development is not sustainable in the sense that there is no direct connection with the town; there is for instance no footpath nor street lighting at the location of the proposed development. Given that several hundred new builds have already been agreed at North Road & behind Deer Park, there is concern about the lack of infrastructure to support even more development in the area.

Councillors understand that the proposed development is outside the planning boundary and also that it is contrary to the Local Plan which allows for the expansion/improvement of existing holiday businesses but not the development of new ones. In addition, this proposal represents building in the open countryside. They feel that it is unwarranted and that this is the wrong location for a development of this nature.

Following the discussion, it was agreed that Holsworthy Hamlets Parish Council objects to this application on the grounds described above, specifically that it is inappropriate development of a greenfield site, it falls outside the planning boundary, it is contrary to the Local Plan, the negative impact of resultant increased traffic movements onto a highway with 60mph speed limit and the potential environmental issues.

2nd response – 30th March 2022:

The member of Holsworthy Hamlets Parish Council stands by the comments that they made in response to the original application require, however they do have additional comments regarding the amended application.

Councillors were concerned that the application contained numerous factual inaccuracies which creates a misleading image. The Tourism Need & Economic Impact Statement is full on inconsistencies and misinformation: they say there are no high-quality lodges in the surrounding area; they state that Higher Shorston Lakes is camping when in fact it has three 4 star lodges which have been established for over 10 years. It states you cannot walk into Holsworthy from Higher Shorston Lakes when it is a 15 minute walk along established routes with footpaths and street lightening. They have also not taken account of the many and varied Airbnb type lodgings.

Furthermore it was claimed that the Royal Observer Corps Association have sent in a letter of support however this letter actually states (in the second sentence): but because the application has far reaching elements other than those of the ROC/ROCA, we feel we cannot give general overall support to the Holsworthy Planning Application. This is not our area of interest and is very much for others to decide. which does not really constitute a letter of support.

The occupancy levels quoted in this proposal are very optimistic & Councillors were not convinced by the likelihood of achieving a 47% occupancy level across 45 lodges in January or a 53% occupancy in November. This view comes from Councillors with direct experience of having run 4 star lodges in the local area for over many years.

It is stated the bunker would be a major tourist attraction, but if this was the case then there is no contingency to accommodate the additional cars which would need to be parked on the site. Two car movements for each lodge per day would mean 14 per lodge per week & so for 45 lodges that would give 630 additional car movements per week just for the accommodation. If the tourist attractions were indeed successful, then even more car movements would need to be added to that estimated figure. Having said that, Councillors question whether the nuclear bunker will actually provide a tourist attraction since it is understood to be a concrete tube which is accessed via a steel ladder strapped to the wall to reach the square room below.

The access into the site is still a problem since visitors will be turning into & out of the site onto a 60 mph road. As stated in the parish council's previous response, there is no direct link from the proposed site to the town. Access to the footpath mentioned in the application would involve pedestrians having to actually cross the 60 mph thoroughfare.

Councillors feel that the proposed development constitutes building in the open countryside with a dangerous access, huge movement of cars (since the developer states there will be no food or beverage outlets on site therefore more car movements will be necessary), will not enhance the character of the setting & would not increase the diversity of the tourism offer (Clawford Lakes, to name one local site, already offers a large number of high quality lodges).

There was also concern about potential pollution since the proposed sewage point goes down to the River Deer.

Following the discussion, it was agreed that Holsworthy Hamlets Parish Council objects to this application on the grounds given in their original response to TDC & as well as those described above.

Devon County Council (Highways):

1st response – 1st December 2021:

Observations:

The proposed site access is onto the A3072. This stretch of carriageway is subject to the National Speed Limit (NSL). Although the starting point for visibility splays on a NSL route is 2.4 x 215 metres (when measured to the nearside edge) according to the Design Manual for Roads and Bridges (DMRB), a compromise can be agreed if it can be demonstrated that 'actual' speed of traffic is lower than the posted limit. I would normally rely on Speed Detection Radar (SDR) equipment (or similar) to demonstrate this. I note the speed figures that have been submitted and attached to their Transport Statement & Travel Plan. Admittedly, I was initially sceptical of these results given the width and alignment of the carriageway; however, I can confirm that I have conducted my own speed survey and the results largely corroborate those of the applicant. Therefore, I am satisfied with the visibility splays offered and I will offer a condition to secure these.

The footpath proposal within the site is an acceptable solution to provide a link between both the Ruby Way trail and the public footpath that leads into Holsworthy. This will need to be secured via the Section 38/278 Agreement process, and I would also expect a suitably worded condition or for this to be added to any Section 106 Agreement in the event of proposal being granted permission.

I am satisfied with the parking level proposals for the holiday lodge caravans and have no issue with this. However, I also note that the planning application proposal is partly seeking "restoration of nuclear bunker to provide a tourist attraction", which I am somewhat puzzled with and am struggling to find further meaningful details within the submitted application. No provisions appear to have been made for parking or turning for visitors to the site for this attraction. Clarification on this point will be required to determine parking levels required for visitors.

I agree that the public footpath allows a pedestrian link into the town, albeit this would not be suitable for wheelchair users, those with buggies and pushchairs, mobility scooters etc. I would add that the uneven nature of the route would also be unsuitable for those with restricted mobility such as the elderly, pedestrians with additional needs etc.

Furthermore, I cannot agree that the A3072 and thereafter the A386 offer 'safe and suitable' access to Holsworthy, which is a likely destination for those with bicycles staying at the proposed development. Although I appreciate that this distance is a little less than 1 km to the town, the nature of the A3072 does not render this as a suitable cycling route for families, or indeed those who are not confident cyclists. Moreover, although there are proposals to upgrade the Ruby Way cycle route, this facility currently only covers a relatively short distance. As a result, to mitigate for the limited sustainable travel options, I would expect a sum of £50,000 to be included in a Section 106 Agreement toward this upgrade project.

However, in the first instance, clarification needs to be received on the above point.

2nd response – 20th December 2021:

In the first instance, I note the possible option for the internal footpath to be adopted. This is a reasonable proposal; either way we are in agreement that this can be achieved. The only point I would add is that is that the Highway Authority would only seek to adopt the footpath itself and not accept maintenance liability for the foliage either side. Therefore, a more suitable option would be for the footpath to be constructed on the site frontage adjacent to the carriageway. I will leave this for the applicant to consider.

The position regarding the parking for the 'nuclear bunker' has been clarified and I accept that the parking spaces that are available would be sufficient for the likely rate of visits.

With regards to pedestrian access, whilst I agree that the use of either private car or bus is feasible, this does not address how any pedestrian movements will be catered for. I note the proposal has been offered for improving the nearby public footpath, although I ask for clarification whether this matter has been agreed, or have negotiations commenced, with the DCC Public Right of Way Warden and / or the landowner. I would also appreciate further comments on whether the suitability of the upgrade would be sufficient enough to cater for those groups with restricted mobility that I have previously mentioned.

With regards to cycling, I acknowledge that there have been no reported collisions on the A3072 between the proposed site entrance and Holsworthy. I also note the subsequent comment "despite regular usage by users of NCN3 and other recreational cyclists and walkers". Although I have attempted to source information on usage of the NCN3 in this specific area, I have not been able to establish an evidence base to substantiate that this route sees "regular usage" and I would appreciate any information that the applicant may have to corroborate the usage levels. In other words, if there is currently low usage then it wouldn't come as a surprise if there were also low collision numbers. Equally, if these numbers were to rise, then I would have concerns that collision numbers would also increase. Again, I would ask for an evidence base from the applicant to ensure that this would not be the case. As it stands, I do not have sufficient information in front of me to be satisfied that 'safe and suitable' access can be achieved for all road users.

As previously mentioned, the £50,000 contribution is being sought for this proposed development to be acceptable. These highway contributions would need to be included as part of a Section 106 agreement. These contributions will be for the upgrading of the Ruby Way cycle route.

The Ruby Way route is a 26 mile cycling / walking route in western Devon stretching from Hatherleigh via Holsworthy to Bude. This route has been under development by Devon County Council since late 1990s and forms part of the National Cycle Network Route 3 (NCN3). Of the total 26 mile route, 7.86 miles of route between Hollacombe and Hole remains partially complete.

To progress the scheme land acquisition and path construction is required. The goal is to provide an off-road, traffic free cycle route between local towns and villages and avoid the necessity to use A3079.

This proposal has support amongst various local policies. For the sake of brevity, I will not include quotes from these documents; although I am happy to elucidate further if required. These include:

The adopted North Devon & Torridge Local Plan:

DM05 Highways (2)

HOL08: 10.302

Policy ST10: Transport Strategy

The Spatial Development Strategy

Devon and Torbay Local Transport Plan 3 2011 – 2016

Market and Coastal Towns Strategy

Further to the various policies from local documents, I would also add that the scheme is supported by the National Planning Policy Framework through its core principles and on sustainable travel policies in sections 8 and 9. Of specific note are paragraphs 106d: 'Planning policies should provide for attractive and well designed walking and cycling networks' and 112a; 'give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas'.

The original costing for the scheme has increased significantly from the original estimation; this is partly due to the increase costs of materials. The original intention was to use a combination of funding the Local Transport Plan combined with developer contributions from housing sites proposed in the North Devon and Torridge Local Plan. As a result, additional contributions are required; hence, this re quest for contributions. I am satisfied that the contributions met the tests of the CIL Regulations.

Finally, I note the offers that have been put forward with regards to the improved bus stops and signage for the NCN3. I will be discussing these matters with the relevant internal DCC teams shortly and will report back on these in the early New Year.

3rd response – 7th February 2022:

Observations:

I note the response from the Transport Consultant, which I see has been included on the TDC Planning Portal. This has largely resolved the issues that I've raised.

Furthermore, I note the response that has been made to the request for contributions in any Section 106 agreement. I have noted these comments and accept the argument that has been put forward in this response. I can confirm that I am satisfied that £800 per lodge is an acceptable figure and I would expect this matter to be added into a Section 106 agreement towards improving cycle and pedestrian facilities in the immediate area.

As a result, I am satisfied that the application offers 'safe and suitable' access, as is the test of the National Planning Policy Framework (NPPF) and I offer the below conditions.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the attached Drawing number: 8142-01 Revision E where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 120 metres in a western direction and 160 in the other direction.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

2. Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

3. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10 metres back from its junction with the public highway

REASON: To prevent mud and other debris being carried onto the public highway

Devon County Council - Flood Risk Management:

1st response – 22nd November 2021:

At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy ST03 of North Devon and Torridge Local Plan 2011 - 2031. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Whilst we encourage the use of infiltration at every site in line with the surface water management hierarchy, we are aware that the existing site gradient is between 1 in 11 and 1 in 9 therefore with infiltration based drainage techniques there is the risk of infiltrated water re-emerging downstream and causing issues. This has been experienced elsewhere in the county. In light of this we would seek an attenuated drainage strategy to be put forward for this site taking into consideration the CDA requirements. We would also request that FEH rainfall dataset is used for the calculations.

We would be happy to provide a further substantive review if additional information is submitted to the local planning authority.

2nd response – 23rd February 2022:

At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy ST03 of North Devon and Torridge Local Plan 2011 - 2031. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

We are pleased to see that the design has changed from an infiltration led design to an attenuation led design. However we would require confirmation that just the proposed impermeable areas have been used in the runoff calculation.

We would also require information on who is likely to maintain the various components of the proposed surface water drainage network.

We would prefer if the proposed fencing could be removed from around the basin as in line with best practice we want to encourage the basin to be used for amenity purposes. We would also prefer the basin to have varied side slopes, with a maximum 1 in 3, if possible, to make the basin look more sympathetic to the wider landscape.

We would be happy to provide another review if additional information is submitted to the local planning authority.

3rd response – 22nd April 2022:

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Conceptual Drainage Plan J2003 - 3001 Rev D.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) Evidence there is agreement in principle from the landowner to pay the sewer requisition in their land

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response FRM/TO/1185/2021, dated 23.02.2022, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Conceptual Drainage Plan J2003 - 3001 Rev D
- Attenuation Basin Calculation dated 25/01/22
- Greenfield Runoff Calculation dated 25/01/22

The applicant has revised the drainage strategy due to the concerns regarding infiltration on a steeply sloping site. The applicant has now proposed a strategy encompassing an above ground attenuation basin which restricts discharge to greenfield rates based on the proposed impermeable area only. The applicant has confirmed that the drainage will remain private and will be managed by a management company.

DCC Archaeology Section:

1st response – 16th November 2021:

The archaeological geophysical survey report submitted with this planning application has identified anomalies that may be indicative of early settlement or land division. Similar anomalies elsewhere in the county have been demonstrated to be prehistoric or Romano-British in date. However, in this case it is not possible to understand the nature, quality of survival and significance of any buried archaeological deposits, or indeed the efficacy of the geophysical survey, without undertaking intrusive archaeological field evaluation. In the absence of the results of a programme of intrusive field evaluation the Historic Environment Team do not consider that the information submitted in support of this application is sufficient to enable an understanding of the significance of the heritage assets within the application area or of the impact of the proposed development upon these heritage assets.

Given the potential for survival and significance of below ground archaeological deposits associated with the early settlement and land enclosure identified by the geophysical survey, and in the absence of sufficient archaeological information, the Historic Environment Service objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application, then I would recommend the refusal of the application. This

would be in accordance with guidance Policy DM07 in the North Devon and Torridge Local Plan (2018) and paragraphs 194 and 195 of the National Planning Policy Framework (2021).

The additional information required to be provided by the applicant would be the results of a programme of intrusive archaeological field evaluation to investigate the anomalies identified by the geophysical survey as well as any 'blank' areas to test the efficacy of the survey itself.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them and enable an informed and reasonable planning decision to be made by your Authority.

2nd Response – 24th November 2021:

Thank you for your recent email. As stated in my previous response, archaeological geophysical survey has identified anomalies that are indicative of early settlement or land division and the Heritage Impact Assessment also states topographically the site has potential for both prehistoric and Romano-British occupation. It really is not possible to determine the efficacy of the geophysical survey or the significance of any heritage assets that are present without undertaking intrusive field evaluation.

Para 194 of the NPPF (2021) requires that where “a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.” The potential for the site to contain heritage assets with archaeological interest is demonstrated by the results of the geophysical survey and is referred to the Historic Environment Assessment - as quoted in your email.

The requirement for sufficient heritage information to be submitted in support of a planning application that has the potential to impact upon heritage assets is also set out in Policy DM07 of the North Devon and Torridge Local Plan:

“Policy DM07: Historic Environment

- (1) All proposals affecting heritage assets should be accompanied by sufficient information, in the form of a Heritage Statement, to enable the impact of the proposal on the significance of the heritage asset and its setting to be properly assessed. As part of such an assessment, consideration should be given, in order of preference, for avoiding any harm, providing enhancement, then minimising and mitigating any harm.
- (2) Proposals which conserve and enhance heritage assets and their settings will be supported. Where there is unavoidable harm to heritage assets and their settings, proposals will only be supported where the harm is minimised as far as possible, and an acceptable balance between harm and benefit can be achieved in line with the national policy tests, giving great weight to the conservation of heritage assets.”

Policy ST15: Conserving Heritage Assets of the North Devon and Torridge Local Plan that states:

“Great weight will be given to the desirability of preserving and enhancing northern Devon's historic environment by:

(b) conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated;”

Without undertaking intrusive investigations neither the significance of the heritage assets with archaeological interest can be understood or nor whether they are of such significance that they should be conserved in situ and, as such, an informed planning decision cannot be made in the absence of this information.

I hope this clarifies the Historic Environment Team's position and my previous comments made to the Planning Authority (email ref: ARCH/DM/TO370976a, sent 16/11/21) though do get back to me if you need any additional information, clarification of any of the above or wish to discuss this further.

3rd response – 15th March 2022:

I refer to the above application and your recent consultation. Examination of the report detailing the results of the archaeological field evaluation undertaken by AC Archaeology - recently submitted in support of this planning application - do not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.

In the light of this information, I would like to withdraw the Historic Environment Team's previous objection and instead offer no comments on this planning application.

The Environment Agency:

No response received.

Environmental Protection Officer:

1st response – 10th November 2021:

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

As an advisory note, the proposed development may require a site licence from this Authority and the applicant should contact the Authority's Environmental Protection Team for further information.

2nd response – 2nd March 2022:

The Environmental Protection Team has no objections. As previously mentioned, the proposed development may require a site licence, issued by the authority, which stipulates certain standard requirements such as minimum separation distances between units for example. The applicant should engage with the Authority's Environmental Protection Team at the earliest opportunity for further advice.

ND Biosphere:

No response received.

Economic Regeneration Officer:

No response received.

Natural England:

Natural England has no comments to make on this application.

South West Water:

I can confirm that South West Water have no comments or concerns.

Conservation Officer:

The current application is supported by a historic environment assessment.

The consideration under FPEM/0592/2020 – Land at Windmill Hill Holsworthy was around the use of this section of land on the spur/ridge of land to the east of the town. The location of the site is separated from the town by the A road and forms part of the visual separation of the town from the open landscape to the south and east.

The route of the former railway to the south of this ridge of land shielded the town from this transport corridor. The approach to Holsworthy is protected by the ridge of land the intervening valley which contains St Peter's Well along the south of the town.

The conservation area for Holsworthy is tightly drawn within the centre of the town but excludes the former burgage plots which run to the valley bounding the east of the town which is defined by the stream (a tributary of the River Deer) running at its base.

The dense development of this ridgeline site with alien structures in this countryside location would have impacts on the views out of the town and while these are limited from Church lane they would impact on the landscape setting of the town.

The findings of the heritage assessment are noted, and the findings not disputed in terms of the visual harm to the setting of the conservation area being less than substantial and in limited views.

The key paragraph is reproduced below.

8.17 Whilst the proposed development site is located within the wider setting of the Holsworthy Conservation Area, and the development will change the character of the site, it is not considered that the proposals will affect the aspects of setting that contribute towards the special interest of the Conservation Area or the significance of other heritage assets, including the Grade II* Listed Church of St Peter and St Paul, within its boundaries. The Conservation Area has therefore been excluded from further assessment.

However, the visual impact on the wider landscape and visual dominance of the town centre will be affected by this development but this is a landscape consideration rather than a matter for heritage consideration.

Planning Policy Officer:

The following should be taken as a formal planning policy consultation response to the proposal detailed above. The response focusses on the key principles of the proposal and does not cover detailed considerations or all material considerations that may be relevant in determining the planning application.

Development Plan

The Planning and Compulsory Purchase Act 2004 (PCPA) at s38(6) requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The principal component of the adopted development plan in this instance is the North Devon and Torridge Local Plan 2011-2031 (adopted 29th October 2018) (NDTLP).

North Devon and Torridge Local Plan (NDTLP)

In accordance with the definition provided in the Glossary to the NDTLP, the site subject to the application is considered to hold an open Countryside location, with Part (4) of Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area providing the starting point for considering development proposals in such locations.

Policy ST07(4) sets out 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 reuse and development which is necessarily restricted to a Countryside location. In doing so, NDTLP seeks to control dispersed development in the Countryside, guarding against development in unsustainable locations and requiring the character of the countryside to be conserved and enhanced. In this instance the relevant consideration is whether the development is enabled to meet local economic and social needs. In doing so, the application of Policy ST07(4) requires consideration of what is enabled by the wider policies of the NDTLP which are applicable to the development proposal in question.

The strategy for tourism development is established by Policy ST13: Sustainable Tourism, which provides support for proposals which deliver high quality tourism development that would support a year-round tourism industry; requiring that tourism growth should be sustainable and not damage the natural or historic assets of the area. In providing this support the NDTLP (paragraph 5.31) states that any resultant environmental disadvantage must be minimised, recognising that the tourism sector in northern Devon is based on and sustained by its natural and built environment, on which basis key to

increasing derived benefits is the continued protection and enhancement to the area's environmental assets. In doing so, sustainable tourism is required to enhance the area's tourism 'offer'; focussing on qualitative improvements which could include the expansion of existing facilities. It will be necessary to demonstrate that the proposal will contribute towards achieving the objectives of the tourism strategy; with the proposal appearing to potentially have the scope to do so.

In considering the detail of tourism proposals, Policy DM18: Tourism Accommodation, is relevant. The policy determines a range of qualifications for tourism accommodation by location in relation to development that would result in new, the expansion of or rationalisation of tourism accommodation.

Policy DM18(2) is relevant to the proposal by virtue of its location, in that it is outside the Subregional, Strategic and Main Centres (defined in Policy ST06: Spatial Development Strategy for Northern Devon's Sub-regional, Strategic and Main Centres) and Local Centres (defined in Policy ST07: Spatial Development Strategy for Northern Devon's Rural Areas).

Policy ST18(2) provides support for new, the expansion of and rationalisation of existing tourism accommodation if the proposal meets one of the following requirements.

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

If it is considered that the proposal meets one if the above qualifications then the policy further requires that the proposal meets all of the following:

- (d) the scale and character of the proposal is appropriate to the size of the existing settlement or tourism attraction;*
- (e) the local road network can accommodate the type and scale of traffic to be generated and the safety of public highway users is maintained;*
- (f) is designed to respect and enhance the key characteristics of the relevant landscape character types;*
- (g) identified environmental and heritage assets are not subject to significant harm, are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, the Undeveloped Coast, biodiversity and heritage designations; and*
- (h) protects and enhances the setting and special qualities of the Area of Outstanding Natural Beauty and provides an overall environmental enhancement when assessed throughout a year.*

Having regard to the stated requirements DM18(2)(a)-(c), it is considered that the tests are not met. The proposal does not relate to an existing tourism, visitor or leisure attraction, as is clear from the proposal's description which refers to the "restoration of a nuclear bunker to provide a tourist attraction" thus there is no established attraction to justify any associated accommodation. A view is not provided on the "compatibility in scale" which is a further test within criteria DM18(2)(a) on the basis that there is no tourism attraction against which such could be judged. With regard to DM18(2)(b), the proposal does not reuse or convert existing buildings as new holiday lodge caravans are proposed and in respect of DM18(2)(c) the proposal does not diversify the range or improve the quality of existing accommodation as there is no existing accommodation.

On the basis that the qualifying requirements which would justify tourism accommodation in a Countryside location are not met, it is considered that there is no necessity to assess the proposal against DM18(2)(d)-(h).

National Planning Policy Framework 2018

Applying the principles of s38(6) of the Planning and Compulsory Purchase Act, it is necessary to

consider whether there are material considerations that would indicate that the proposal should be supported. In this instance the key additional planning policy considerations to which weight can potentially be afforded arise from the National Planning Policy Framework (NPPF) (MHCLG; February 2021).

The NDTLP was examined with regard to the 2012 NPPF, which was subsequently revised in February 2019 and again in 2021. The 2021 NPPF, which is relevant in respect of decision making from the point of its publication, maintains the previous national planning policy position of providing support to the rural economy. Paragraph 84 includes that planning policies and decisions should enable (a): the sustainable growth and expansion of all types of business in the rural areas, both through the conversion of existing buildings and well-designed new buildings, and (c) sustainable rural tourism and leisure development which respect the character of the countryside.

Although examined on the basis of the 2012 NPPF the NDTLP is considered to continue to be in conformity with national planning policy in respect of its approach to tourism development.

Conclusion

The application 1/1185/2021/FULM proposes new tourism accommodation associated with a yet to be established tourism attraction, which is located in a Countryside location. It is considered that the proposal does not fall within the scope of enabled development provided for through Policy ST07 and Policy DM18.

Representations:

Number of neighbours consulted:	2	Number of letters of support:	2
Number of representations received:	11	Number of neutral representations:	0
Number of objection letters:	9		

The application has attracted 11 letters of representation, with 9 of those being made in objection, and 2 in support, raising the following concerns:

The letters of objection that are relevant to planning considerations include:

- As landowner of the adjacent fields with horses residing – there will be noise, traffic and overlooking of my property.
- There will be an increase in foot traffic and bicycles to the footpath along the bottom of the fields.
- Building on a side of a hill would be detrimental because of the visual impact;
- The development would overlook Staddon Road and would invade the privacy of residents;
- The infrastructure in Holsworthy will not be able to cope with this proposal;
- This development will erode the unspoilt nature of this green field site;
- Incongruous form of development in the countryside adjacent to Ruby Way bridleway;
- Once the staycation holidays are no longer popular, this will transition to permanent residents;
- The application description is misleading – the redevelopment of the bunker is an attempt to ‘squeeze’ the planning regulations;
- The ‘tourist attraction’ will have no benefit to the local community
- A nuclear bunker as a ‘tourist attraction’ and rural footpath to Ruby way should not allow a large caravan’ lodge park in the countryside;
- It is clear that the holiday lodge development is the principle goal;
- There will be a reduction in the demand for tourist accommodation (post pandemic);
- Disagree with comments in the Design & Assess Statement (relating to surface water and the development being screened from Holsworthy);
- Staddon road will be permanently and significantly affected by this development;
- This countryside location will be permanently changed;

- The loss and misuse of much needed agricultural land;
- The road is very busy and dangerous;
- Poor connectivity to Holsworthy
- The public footpath to access the town is very steep and across a field;
- The proposal would disturb animals, wildlife and birds of prey;
- The proposal is not considered to increase employment;
- The bunker is not a tourist attraction;
- Impact on light pollution;
- Minimal community benefit;
- The site and beyond has surface water flooding issues;
- The design of the lodges are not in keeping with any buildings in the area;
- Detrimental impact on the setting of Grade II listed Holsworthy Viaduct and Holsworthy Conservation area;
- The land is very prominent from dwellings on the eastern side of Holsworthy
- The caravans will be prominent from the main road entering and exiting the town and the Ruby Way Bridleway
- Any landscaping will take significant time to become established due to its high exposed nature and will provide reduced screening in the winter.
- The proposal is contrary to planning policies within the North Devon & Torridge Local Plan;
- New tourism needs to be developed in a planned and sustainable way;
- There has been a number of accidents on the A2072 – an additional 104 vehicles will increase the risk of accidents
- A development of this size cannot be hidden and it will permanently spoil this unique countryside location.
-

The letter of support comments include:

- The proposal will benefit local businesses in the town;
- This will enhance the opportunity to promote Holsworthy as a tourist attraction;
- This will bring business to Holsworthy, both directly with jobs at the site and indirectly through visitors spending money in the town;
- Many of these historic locations are disappearing and decaying, but in recent years some have been repurposed to attract visitors to an area;
- Such an attraction may be beneficial to local schools whilst learning about the cold war;

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST01 (Principles of Sustainable Development); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST11 (Delivering Employment and Economic Development); ST13 (Sustainable Tourism); ST14 (Enhancing Environmental Assets); HOL (Holsworthy Spatial Vision and Development Strategy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); ST15 (Conserving Heritage Assets); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM17 (Tourism and Leisure Attractions); 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. Landscape Character & Visual Impact;
3. Heritage & Archaeology;
4. Residential Amenity;
5. Highways ;
6. Flood Risk & Drainage;
7. Ecology & Biodiversity;
8. Local Economy;
9. Conclusion.

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 proposal is seeking to deliver a new tourist attraction of a nuclear bunker and tourism accommodation, consisting of 45, self-contained holiday lodges.

Paragraph 10 and 11 of the NPPF states that at the heart of the framework is a presumption in favour of sustainable development. However, Paragraph 12 is clear that where an application conflicts with the development plan permission should not usually be granted.

Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of business in rural area through the conversion of existing buildings and well- designed new buildings and promotes sustainable rural tourism developments which respect the character of the countryside.

In policy terms, the site is located within the countryside. Policy ST04 (4) of the North Devon & Torridge Local Plan 2018 (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 reuse and development which is necessary restricted to a countryside location.' In doing so, the application of Policy ST07(4) requires consideration of what is enabled by the wider policies of the NDTLP which are applicable to the development proposal in question.

Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of business in rural area through the conversion of existing buildings and well- designed new buildings and promotes sustainable rural tourism developments which respect the character of the countryside.

The nearest settlement is Holsworthy is approximately 400 metres from the site. The spatial vision and development strategy for Holsworthy is set out in Policy HOL of the NDTLP notes that 'the town-built heritage and sensitive landscape setting will be protected, recognising that this character helps to define the town, whilst interventions and regeneration will be supported to achieved townscape and deliver enhanced gateways to the town. The spatial strategy for Holsworthy notes that non-car modes of transit and highway improvements will be supported along with safeguarding existing employment provision and supporting enhancements and expansion where opportunities arise. In addition, the Policy seeks to support initiatives in and around the town centre to enhance its vitality.

The NDTLP advises that Tourism and Leisure attractions form an important part of northern Devon's economy and tourism offer.

The strategy for tourism development is established by Policy ST13: Sustainable Tourism, which states: ***'high quality tourism development that promotes a year-round industry will be supported. Tourism growth should be sustainable and should not damage the natural or historic assets of northern Devon.'***

Tourism and leisure attractions will be supported outside defined settlements where a countryside location is justified. Wherever possible, new tourism and leisure attractions should deliver opportunities to enhance education and appreciation of northern Devon's environment and heritage for all sections of the community, including tourists and visitors. In all cases, the local road network must be able to accommodate the type and volume of traffic likely to be generated as well as safeguarding or enhancing environmental and heritage assets (Policies ST14: Enhancing Environmental Assets and ST15: Conserving Heritage Assets) including landscape character.

In considering the detail of new tourism attractions, Policy DM17 (Tourism and Leisure Attractions) is relevant.

Policy DM17 (2) is relevant to the proposal by virtue of its location, in the countryside beyond the Coast and Estuarine Zone, development of new tourism, visitor or leisure attractions will be supported where:

- (a) The location is justified;***
- (b) Existing building are reused or converted wherever feasible;***
- (c) The local road network can accommodate the type and scale of traffic to be generated and maintain the safety of public highway users;***
- (d) it is designed to respect and enhance the key characterises of the relevant landscape character types; and***
- (e) environmental and heritage assets are not subject to significant harm, and are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, biodiversity and heritage assets.***

There is concern relating to the justification of this new tourist attraction, the proposal has been submitted with very little evidence to demonstrate that there is a desire for the Cold War Bunker to become a tourist attraction. Equally, no details have been submitted as part of this proposal regarding the restoration of the old Bunker, the only element proposed for it is an interpretation board. It is noted that the bunker is only a single room accessible via a ladder.

Your Officer notes the Town Council's concern that the application is only using the proposed restoration of the small bunker as part of the application in order to conform with DM18 to get the planning application approved.

The proposal for delivering a new tourism attraction of a new bunker the application has very little submitted evidence or justification of the need for this type of tourism attraction, or that this would be a popular form of tourism attraction. It is however acknowledged that supporting paragraph 13.105 states *'attractions that could justify a Countryside location include those related directly to a heritage asset.'*

In considering the detail of tourism proposals, Policy DM18: Tourism Accommodation, is relevant. The policy determines a range of qualifications for tourism accommodation by location in relation to development that would result in new, the expansion of or rationalisation of tourism accommodation.

Policy DM18(2) is relevant to the proposal by virtue of its location, in that it is outside the Subregional, Strategic and Main Centres (defined in Policy ST06: Spatial Development Strategy for Northern Devon's Sub-regional, Strategic and Main Centres) and Local Centres (defined in Policy ST07: Spatial Development Strategy for Northern Devon's Rural Areas).

Policy DM18(2) provides support for new, the expansion of and rationalisation of existing tourism accommodation if the proposal meets one of the following requirements.

(a) is related directly to and compatible in scale with an existing tourism, visitor or leisure attraction; or

(b) reuses or converts existing buildings; or

(c) improves facilities for or diversifies the range or improves the quality of existing tourism accommodation;

If it is considered that the proposal meets one if the above qualifications then the policy further requires that the proposal meets all of the following:

(d) the scale and character of the proposal is appropriate to the size of the existing settlement or tourism attraction;

(e) the local road network can accommodate the type and scale of traffic to be generated and the safety of public highway users is maintained;

(f) is designed to respect and enhance the key characteristics of the relevant landscape character types;

(g) identified environmental and heritage assets are not subject to significant harm, are conserved or enhanced, with particular respect to the setting and special qualities of nationally important landscapes, the Undeveloped Coast, biodiversity and heritage designations; and

(h) protects and enhances the setting and special qualities of the Area of Outstanding Natural Beauty and provides an overall environmental enhancement when assessed throughout a year.

To provide further clarity on the definition of Policy DM18, North Devon and Torridge have provided a document titled 'Frequently Asked Questions' (FAQs) to consider particular aspects of how the Local Plan should be interpreted and applied.

What type of tourism accommodation can be considered to be 'existing tourism accommodation' in the context of clause (2) (c) of Policy DM18?

'The Glossary of the local plan provides a definition of tourism accommodation that can be used to establish the scope of 'existing tourism accommodation' in the context of the Policy. The definition established that tourism accommodation can be taken to include "any type of accommodation for use within the tourism industry" before going on to note that it "takes many different forms including hotels, guest houses, bed and breakfast premises, hostels, and self-catering accommodation including holiday homes, touring and static caravan sites and camping sites. It caters for a variety of standard and budgets". The definition is explicit however in establishing it "does not include second homes". The definition is wide-ranging and is not restricted to only that accommodation which has been subject to specific consent for that purpose through the planning system.

The Local Planning Authority will expect information to be submitted in support of an application that sets out the scale and nature of the existing tourism accommodation being used to justify the proposal. The Local Planning Authority will also require evidence to demonstrate that such accommodation is well established; with an expectation that this will include trading accounts and information that demonstrates the extent of previous and future books'.

What is the scope of 'existing tourism accommodation' in the context of clause 2 (c) of Policy DM18?

'The geographical scope of 'existing tourism accommodation' in clause (2) of Policy DM18 is taken to be limited to the accommodation in tourism use which is present and established within the planning unit which is subject to the proposal. As such, it relates to the tourism accommodation that already exists on site and is not taken to relate to any wider geographical consideration of existing tourism accommodation in the locality or beyond. This reflects the more rural locations to which the clause applies and is in contrast to clause (1) which applies a more flexible approach to sites in more sustainable locations. This interpretation was confirmed through an appeal decision (APP/X1118/W/19/3223122) whereby the application of this policy was considered'.

The proposal does not relate to an existing tourism, visitor or leisure attraction, as is clear from the proposal's description which refers to the provision of new tourism attraction "restoration of a nuclear bunker to provide a tourist attraction" there is no established attraction to justify any associated accommodation. A view is not provided on the "compatibility in scale" which is a further test within criteria DM18(2)(a) on the basis that there is no tourism attraction against which such could be judged. Your Officer would question whether 45 lodges would be compatible in scale with the proposed tourism attraction. With regard to DM18(2)(b), the proposal does not reuse or convert existing buildings as new holiday lodge/caravans are proposed and in respect of DM18(2)(c) the proposal does not diversify the range or improve the quality of existing accommodation as there is no existing accommodation.

Therefore, the principle of a new holiday park in this location, outside of an established settlement and not directly related to an existing tourism, visitor or leisure attraction and does not reuse or convert existing building would be contrary to the policy criteria of the Policy DM18(2) (a-c) of the North Devon & Torridge Local Plan.

2. Landscape Character and Visual Impact

The NDTLP policies on design are relevant - Policy ST04 (Improving the Quality of Development) and Policy DM04 (Design Principles), which both aim to achieve high quality, inclusive and sustainable design.

Policy ST04 supports development proposal that achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Design will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area taking full account of the principles of design found in Policy DM04.

Policy DM04 supports developments with good design and the policy seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new developments. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change. The policy lists 13 design principles that proposals must meet in order to be supported by the policy.

Policy DM08A of the NDTLP expects developments to be of an appropriate scale, mass and design that respects landscape characters of both designated and undesignated landscapes.

The NPPF also supports the creation of well-designed places through Part 12 (Achieving well designed places), which lists 6 design principles to ensure that developments achieve well-designed places.

In addition to this, the National Design Guide is considered to be the most up to date national guidance in relation to design. The design addresses the question of how we recognise well-designed places and outline and illustrate the priorities for well-designed places and provides ten characteristics that should be considered in any forthcoming design and decision making.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by Redbay design dated June 2021.

The LVIA notes that the site is located within the Landscape Character Type (LCT) 1F; Farmed Lowland Moorland and Culm Grassland, as defined by the Joint Landscape Character Assessment for North Devon and Torridge Districts, 2011.

LCT1F is characterised as follows:

- Gently undulating landform, in some places of a plateau like character;
- Underlying geology of Culm Measures – mudstones and siltstones with bands of sandstone creating gently rolling topography.
- Elevation affording long views across the landscape and beyond.
- Large block of conifer plantation (particular in Torridge District), as well as frequent patches of beech/oak woodland, secondary woodland on plantation edges and willow carr associated with streams.
- Open areas of Culm grassland and patches of heath surrounded by a regular pattern of medium – scale post – medieval and modern fields, with some earlier fields of medieval origin with curving boundaries.
- Square – cut beech hedgebanks with rushy verges bordering wet ditches. Patches of bracken and gorse, as well as wind- sculpted beech trees, given an exposed feel to higher locations. Areas on the fringes of more intensive farming include mixed species hedges with flowers and fern – rich banks.
- Pastoral character including rough cattle/sheep grazing on expanses of Culm grassland and heath. More intensive farming, including occasional arable field, poultry units and localised pony paddocks on the fringes of the ‘moors’.
- Landscape crossed by frequent streams, springs, wet ditches and small ponds fringed by wet woodland, rush pasture and meadows.
- Internally designated expanse of herb-rich Culm grassland supported the most important regional stronghold for marsh fritillary butterflies. Large tracts of wet heath, rich flushes, valley mires, fen and marshy grasslands.
- Frequent clusters of nationally important Bronze Age barrows on elevated sites, disused quarries and the remains of a medieval castle at Winkleigh.
- Variety of traditional building styles, particularly white/cream cob render with slate. Villages often include white and cream modern bungalows extending out from the historic core.
- Sparse settlement pattern with scattered farmsteads, small cluster hamlets and nucleated villages often occupying ridgetop positions.
- Straight road crossing along ridgelines, occasionally running through tunnels created by mature beech tree particularly on the fringes of settlements. Distinctive white finger posts at road crossing points.
- Golf Course, fishing lakes, caravan parks, equestrian centres, disused airfields, industrial land use and main road dilute perceptions of tranquillity and remoteness locally.

The Joint Landscape Character Assessment sets out a Landscape Strategy for the area, which is to protect the landscapes traditional farming systems which are integral to the survival of rare Culm grassland habitats. New development is integrated into its landscape setting, avoiding prominent open ridgelines, and opportunities are sought for the creation of Green Infrastructure networks to support future population growth and provide space for recreation.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by redbay design landscape consultants dated June 2021.

The submitted LVIA summaries the following:

Landscape effects:

*‘The baseline study concluded that the landscape character of the study area has a **Medium sensitivity** to the development proposed. There are no designations attributing any particular value to the area at a local or national value which is recognisable as an undulating agricultural landscape formed in high moorland dissected by network of river valleys.*

*The proposals will introduce a holiday park into the agricultural landscape that will require some alterations to the landform within the site that will be a recognisable and uncharacteristic feature. Having said that, it is not unusual to find holiday parks in this sort of location, particularly given the easy access to Holsworthy and the Ruby Way where the connection between them would be improved as part of the scheme, and any effects are constrained to within the local area surrounding the site. Mitigation measures have been incorporated into the scheme including new external boundary hedgebanks, woodland buffers and gorse planting that would make a positive contribution to the character of the area while also help to lessen the impacts of the development and integrate it into the surrounding landscape. Additional planting along with characteristic landscape features are illustrated on the detailed landscape strategy. With this in mind it is considered that the proposal would have a **MODERATE ADVERSE** effect to the character of the area'.*

Visual effects:

Field observations found that the undulating valley landscape in combination with buildings and vegetation would constrain views of the proposed development to within 1km of the site. Within that area the main opportunity to obtain views of the site where the visual amenity would be most affected by the proposed development is from along Windmill Road (A3072) and The Ruby Way/NCN Route 3 which run immediately adjacent the site boundaries.

Windmill Road (A3072) runs adjacent the north western and northern boundary of the site and is the main route in and out of Holsworthy to the east. The visual amenity of users of this road was given a **Medium Sensitivity** due to the close proximity to the site where the majority of users would be travelling in vehicles and engaged in the activity of driving, although could potentially also include people walking along the route. Therefore, the introduction of the proposed holiday park, including the creation of a new access point, would have an overall **Slight – Moderate Adverse** effect on the visual amenity of Windmill Road (A3072).

The Ruby Way runs adjacent the southern boundary of the site which is also used by the National Cycle Network (NCN) Route 3. The visual amenity of users of this route was given a **High Sensitivity** due to being a popular recreational route, particularly for the local community, in close proximity to the site where appreciating views of the surrounding landscape would be an important part of the visual experience. While the scheme would include the improvement of boundary features the introduction of the proposed holiday park into these immediate views from the route would have a **Moderate Adverse**. Beyond that, views from the wider surrounding landscape are limited to specific points or short sections of rural roads roadside and intervening vegetation allow. This in combination with the distance from the site means that any effects to the visual amenity of these roads as a result of the proposed holiday park would be **Neutral**.

Conclusion:

Overall, it is considered that the proposed holiday park can be accommodated within the site without significant effects to the landscape character or visual amenity of the area. While adverse effects have been identified they would only occur within 1 km of the site and would be experienced predominantly from immediately adjacent the site boundaries, although these are popular routes through the area. The holiday park would be a recognisable and uncharacterised feature, but it would not be dominant and is not unusual to find development of this type in these sorts of locations. Key features of the site will be retained such as the knoll remaining free of development as well as the better-quality internal hedge banks and where hedge banks would require removal they will be replaced. Mitigation measures also have been incorporated into the scheme that includes additional planting and landscape features that would make a positive contribution to the character of the area while helping to lessen effects and integrate the holiday park into the surrounding area.

The proposal and the submitted LVIA has been reviewed by an independent Landscape Consultant:

The Landscape Consultant report concludes the following:

'Our view is that some impacts have not been fully explored in the LVIA. These relate to the setting of Holsworthy, the effect of groundworks on site and the effect of development on dark night skies. We have additional comments on the mitigation proposed. The submitted LVIA has not been amended to take account of the revised site layout (8142-01 rev F). Note that, even taking the concerns noted below into account, we agree with the overall assessment of moderate adverse effects on landscape features, character and qualities'.

Setting of Holsworthy:

'The site forms part of the hillside and countryside setting to Holsworthy. Undeveloped pasture on high ground surrounding Holsworthy contrast with the close knit developed form of the market town and emphasise the cultural connection between Holsworthy and its farming community. The development would extend the perceived boundary of Holsworthy out of its valley position and up the hillside to the east of the town. The countryside setting of the town, as seen from the historic core of Holsworthy, would be diluted by the development (eg VP3)'.

Groundworks:

'The amended layout and site sections indicate significant earthworks on site to accommodate terracing for access roads, drainage features and lodge platforms. Depth of excavation reach 4m at section FF and would exceed 2m in many parts of the site (eg sections BB, DD, EE, JJ). In locations in the south east corner of the site, lodges are proposed to be set out of the ground, adding to the perception of height. In particular, lodge 22 is set some 3.5m out of the ground, resulting in a roofline some 7m above existing ground level at its highest. The roof of the lodge would be around 11m above the adjacent Ruby Way (see VP2c). The groundworks would change the character of the site from one that reflects the gently undulating landscape of the surrounding countryside to one that appears engineered and uncharacteristic of the surrounding pastoral landscape. In some cases the lodges would appear to be much more substantial structures than they are and would be more prominent features in the landscape as a result'.

'A number of questions arise with respect to the site sections that are not clearly addressed and have an effect on the character of the site: For example, section DD indicates a 2m (approx.) depth terrace cut into the hillside but does not indicate how the levels will be adjusted so that the existing hedge and trees can be retained between lodges 40 and 39. There is a similar situation in relation to lodge 38 (section EE) where a 2m excavation is proposed close to trees that are proposed to be retained. From our own experience, we believe that the retaining structures or steep earthworks necessary to accommodate the density of structures within the site and the landscape features identified to be retained would result in severe changes to topography that would be noticeable beyond the confines of the site. It is not clear from the drawings if it is intended to spread excavated material on site or to remove it. Our assessment is that substantial quantities of material would be produced as a result of the proposal which, if spread on site, would result in further change to the character of the site'.

'The attenuation pond in the amended design is excavated close to the Ruby Way boundary. Mitigation of effects from Ruby Way rely on perimeter planting along this open boundary. We advise the LPA to confirm that the planting proposed is compatible with the excavations purpose as surface water attenuation'.

Dark Night Skies:

'Published landscape character assessments describe high levels of tranquillity and dark night skies as distinctive characteristics of the local area. The site is currently unlit in an area outside Holsworthy where there is little lit development and no streetlights. The Design and Access Statement notes that there will be lighting on site (paras 6.76 – 6.82) but its effect on dark night skies is not considered in the LVIA. The D & A statement suggests that there will be no light spillage from the site (para 6.79), but we are unconvinced in relation to views towards the site from across the valley (eg VP04)'.

Mitigation Proposals:

'The site layout has been designed to avoid development on the highest part of the site. This will prevent lodges appearing on the skyline and contributes to restricting the extent of area over which change would be noticeable (eg VP05, VP06). The strategy for mitigating the effect of development in

the local area relies on perimeter planting and reinforcing the existing internal hedgerow. Our judgement is that planting at the lowest part of the site will be insufficient to integrate the proposed high density of development into the local landscape. VP04 indicates the extent of screening offered by the existing mature growth on Ruby Way south of the site. Much of the area proposed for units 12 – 26 and 30 – 38 is clearly visible above the level of surrounding trees’.

Visual Effects:

VP2 Ruby Way

Travelling east to west, the site sits above the trail and is obscured by trackside vegetation in the east. Travelling westwards, the embankment height reduces and the site is more visible. There are no long open views from this stretch of the Ruby Way.

The western part of the development (units 1 – 10) would change the character of views and be a prominent and uncharacteristic new element in views. Units on the eastern part of the site may well appear above and between trackside vegetation. And would be a prominent new feature. Scale of change is predicted to be medium to large, permanent (although partially mitigated by perimeter planting with time) and would affect a short stretch of the Ruby Way. We are in agreement with the overall assessment of magnitude of change as moderate and the overall effect (on a highly sensitive receptor) as moderate adverse. The development would be visually intrusive in views. The influence of the change would be on a short stretch of the Ruby Way’.

VP3a, 3b

‘The site forms part of the hillside and countryside setting to Holsworthy. Views of undeveloped pasture contrast with the close knit developed form of the market town and emphasise the cultural connection between Holsworthy and its farming community.

Much of the site is visible in views of the skyline from the church and footpath. Development would detract from the rural setting of the town and would extend the perceptual boundary of Holsworthy towards the skyline. The planting proposed would help to mitigate the starkness of new development and help to integrate it into the landscape – but the development would still be a readily discernible new element in the view. It would be uncharacteristic of the rural setting of Holsworthy. Scale of change is predicted to be medium, it would be permanent and the effect would be apparent in an area within 1km of the site. A medium magnitude of change is predicted on a medium to high sensitivity receptor and an overall moderate adverse effect. There would be a noticeable deterioration in the existing view’.

VP4

‘The site forms part of the hillside setting of Holsworthy, where development boundary is well related to topography and landscape – lying to the west of the Deer River valley. The site is at a higher elevation than Holsworthy and the Knoll is on the skyline. The line of the Ruby Way is apparent in the view’.

‘The proposal would extend the apparent development boundary of Holsworthy across the Deer river and onto the skyline. The close relationship between the settlement and its landscape setting would be diluted and the character of the receiving landscape changed from a situation where no development is visible to one where it would be a prominent and uncharacteristic element. Units 12 – 26 and 30 to 38 would be most prominent in views, the slope of the land and elevation of viewers from Staddon Rd mean that mitigating planting would have little effect in filtering views of lodges and infrastructure. The scale of change predicted is medium, change would be permanent and would affect an area with 1km of the site. A medium magnitude of change is assessed combined with a medium sensitivity receptor resulting in a moderate adverse effect. The proposal would be visually intrusive in views from the road and would result in a deterioration of the existing view over the rural setting of Holsworthy’.

Conclusion:

‘The proposal would bring uncharacteristic elements into the rural, farmed landscape. It would be a prominent new feature in the setting of Holsworthy and would extend the influence of the town into the surrounding countryside. Effects would be noticeable within around 1km of the site, but would be less noticeable beyond this local area. The LVIA defines a moderate adverse effect as one that “results in

a noticeable direct change to landscape features / character over a localised area". This seems a fair assessment'.

*'Our own assessment is that, within this local area, visual effects would also be **moderate adverse** – defined as effects where "the proposals would be visually intrusive, would cause noticeable deterioration in existing views, resulting in some disruption to valued views of the area".*

These levels of effect are not at the extreme but are in the upper region of adverse effects considered in the LVIA. Our judgement is that the features contributing to these adverse effects are:

- Extensive groundworks required to accommodate the number of lodges on the site;*
- The effect of development of the site on the rural setting of Holsworthy;*
- The paucity of mitigating planting areas within the main part of the site.*

'There are a number of detailed areas of detail which could increase the impact of development on landscape and visual receptors. It is advised that further information is sought (at this stage or via conditions) on:

- Lighting proposals on site and effects on the characteristics of dark night skies. (A written assessment should be sufficient, the production of night time montages is not considered proportionate for this scheme);*

- Protection of the retained hedgerows and trees within the site in relation to the groundworks proposed'.*

Landscape Conclusion:

It is identified above that the proposal will result in change to the landscape character which requires consideration in the context of policies ST14 and DM08A of the NDTLP. These policies require development to conserve/preserve and enhance the local distinctiveness and landscape qualities of the area. It is considered from the assessment by the Landscape Officer that there would a **'moderate adverse effect that result in a noticeable direct change to landscape features/character over a localised area.**

As such, there is some conflict with policy objectives set out in Policies ST14 and DM08A to conserve or preserve and enhance landscape character, and this harm will therefore need to be weighed in the planning balance.

3. Heritage and Archaeology

Policies ST15 and DM07 of the NDTLP seek to protect the historic environment. Paragraph 202 of the NPPF advises that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

In this case the nuclear bunker is a non-designated heritage asset. Paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The application is accompanied by a Historic Environment Assessment prepared by AC archaeology dated October 2021.

The scope of the heritage assessment comprises of a 1km radius from the centre of the proposed development site.

There are a total of 20 designated heritage assets within the 1km study area surrounding the proposed development site. These comprise of the Holsworthy Conservation Area, approximately 325 metres to the west of the site, one Grade II* Listed Building and 18 Grade II Listed Buildings. All

of the designated heritage assets are situated in the western part of the study area and none fall within the site itself.

The Historic Environment Assessment concludes there are currently two records within the site on the Devon Historic Environment Record. The first record relates to the local of a post – medieval windmill that was demolished in the late 19th century. The other is for a group of ROC posts, one for the 1940 that did not survive, and two from the Cold War – a ground level Orlit Post from 1952 and an underground monitoring post from 1960 – both of which survive. These posts will be preserved as part of this scheme.

The site has some archaeological potential for below-ground remains associated with the demolished windmill, although it is possible that any remains may have been disturbed by the construction of the underground ROC post in the 1960.

An assessment of the potential impacts of the scheme on the setting and significance of heritage assessment has been carried out. This included the ROC posts, the Holsworthy Conservation Area, and the Holsworthy Viaduct and London and South Western Railway Holsworthy Branch. None were considered to have aspects of setting that were susceptible to harm from the proposed development.

The Council's Conservation Officer has provided the following comments:

'The current application is supported by a historic environment assessment.'

The consideration under FPEM/0592/2020 – Land at Windmill Hill Holsworthy was around the use of this section of land on the spur/ridge of land to the east of the town. The location of the site is separated from the town by the A road and forms part of the visual separation of the town from the open landscape to the south and east.

The route of the former railway to the south of this ridge of land shielded the town from this transport corridor. The approach to Holsworthy is protected by the ridge of land the intervening valley which contains St Peter's Well along the south of the town.

The conservation area for Holsworthy is tightly drawn within the centre of the town but excludes the former burgage plots which run to the valley bounding the east of the town which is defined by the stream (a tributary of the River Deer) running at its base.

The dense development of this ridgeline site with alien structures in this countryside location would have impacts on the views out of the town and while these are limited from Church lane, they would impact on the landscape setting of the town.

The findings of the heritage assessment are noted, and the findings not disputed in terms of the visual harm to the setting of the conservation area being less than substantial and in limited views.

The key paragraph is reproduced below.

8.17 Whilst the proposed development site is located within the wider setting of the Holsworthy Conservation Area, and the development will change the character of the site, it is not considered that the proposals will affect the aspects of setting that contribute towards the special interest of the Conservation Area or the significance of other heritage assets, including the Grade II Listed Church of St Peter and St Paul, within its boundaries. The Conservation Area has therefore been excluded from further assessment.*

However, the visual impact on the wider landscape and visual dominance of the town centre will be affected by this development but this is a landscape consideration rather than a matter for heritage consideration.

During the course of this application an archaeological trial trench evaluation was undertaken by AC Archaeology during February 2022 to respond to the County Council's Senior Historic Environment Officer's consultation response dated 16th November 2021.

The County Council's Senior Historic Environment Officer has provided the following comments:

'Examination of the report detailing the results of the archaeological field evaluation undertaken by AC Archaeology - recently submitted in support of this planning application - do not suggest that the scale and situation of this development will have any impact upon any significant heritage assets.'

In the light of this information, I would like to withdraw the Historic Environment Team's previous objection and instead offer no comments on this planning application'.

Paragraph 202 of the NPPF advises *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum value use'.*

The harm to the Historic Environment is considered to be less than substantial harm and the lower end of that, therefore the public benefit of the proposal is considered to outweigh harm to the surrounding designated and non – designated heritage assets.

4. Residential Amenity

Policy DM01 of the NDTLP requires that development should secure or maintain appropriate to the locality with special regard to the likely impact on neighbours, the operation of neighbouring uses, future occupiers, visitors on site and any local services. Policy DM02 (2) states development will be supported where it does not result in unacceptable impacts to (a) atmospheric pollution by as or particulates, including smell, fumes, dust, grit smoke and soot; (b) pollution of surface or groundwater (fresh and salt) including rivers, canals, other watercourse, waterbodies, wetlands, water gathering grounds including catchment areas, aquifers, groundwater protection areas, harbours, estuaries or the sea; (c) noise or vibration; and (d) light pollution. Policy DM04 (i) required development to ensure the amenities of existing and future neighbouring occupiers are safeguarded.

A representation has been submitted raising the proposed development would overlook existing dwellings in Staddon Road and would invade the privacy of residents. The nearest property in Staddon Road is situated approximately 500 metres from the site.

The application site is located at a substantial distance to the nearest adjacent dwelling and the addition of a holiday park in this location is not considered to result in a significant harm to the amenities of neighbouring occupiers.

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

Taking account of the above, it is concluded that the proposal accords with Policy DM01 of the North Devon & Torridge Local Plan.

5. Highways

Policies ST10 and DM05 of the NDTLP seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development. Paragraph 111 of the NPPF advises that development should only be refused if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. Paragraph 110 states, inter alia, that any significant

impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree.

The application is accompanied by a Transport Assessment prepared by Prime Transport Planning, dated September 2020.

The Highway Authority have provided the following comments:

'I note the possible option for the internal footpath to be adopted. This is a reasonable proposal; either way we are in agreement that this can be achieved. The only point I would add is that is that the Highway Authority would only seek to adopt the footpath itself and not accept maintenance liability for the foliage either side. Therefore, a more suitable option would be for the footpath to be constructed on the site frontage adjacent to the carriageway. I will leave this for the applicant to consider.

The position regarding the parking for the 'nuclear bunker' has been clarified and I accept that the parking spaces that are available would be sufficient for the likely rate of visits.

With regards to pedestrian access, whilst I agree that the use of either private car or bus is feasible, this does not address how any pedestrian movements will be catered for. I note the proposal has been offered for improving the nearby public footpath, although I ask for clarification whether this matter has been agreed, or have negotiations commenced, with the DCC Public Right of Way Warden and / or the landowner. I would also appreciate further comments on whether the suitability of the upgrade would be sufficient enough to cater for those groups with restricted mobility that I have previously mentioned.

With regards to cycling, I acknowledge that there have been no reported collisions on the A3072 between the proposed site entrance and Holsworthy. I also note the subsequent comment "despite regular usage by users of NCN3 and other recreational cyclists and walkers". Although I have attempted to source information on usage of the NCN3 in this specific area, I have not been able to establish an evidence base to substantiate that this route sees "regular usage" and I would appreciate any information that the applicant may have to corroborate the usage levels. In other words, if there is currently low usage then it wouldn't come as a surprise if there were also low collision numbers. Equally, if these numbers were to rise, then I would have concerns that collision numbers would also increase. Again, I would ask for an evidence base from the applicant to ensure that this would not be the case. As it stands, I do not have sufficient information in front of me to be satisfied that 'safe and suitable' access can be achieved for all road users.

As previously mentioned, the £50,000 contribution is being sought for this proposed development to be acceptable. These highway contributions would need to be included as part of a Section 106 agreement. These contributions will be for the upgrading of the Ruby Way cycle route.

The Ruby Way route is a 26 mile cycling / walking route in western Devon stretching from Hatherleigh via Holsworthy to Bude. This route has been under development by Devon County Council since late 1990s and forms part of the National Cycle Network Route 3 (NCN3). Of the total 26 mile route, 7.86 miles of route between Hollacombe and Hole remains partially complete.

To progress the scheme land acquisition and path construction is required. The goal is to provide an off-road, traffic free cycle route between local towns and villages and avoid the necessity to use A3079.

This proposal has support amongst various local policies. For the sake of brevity, I will not include quotes from these documents; although I am happy to elucidate further if required. These include:

The adopted North Devon & Torridge Local Plan:

DM05 Highways (2)

HOL08: 10.302

Policy ST10: Transport Strategy

Further to the various policies from local documents, I would also add that the scheme is supported by the National Planning Policy Framework through its core principles and on sustainable travel policies in sections 8 and 9. Of specific note are paragraphs 106d: 'Planning policies should provide for attractive and well designed walking and cycling networks' and 112a; 'give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas'.

The original costing for the scheme has increased significantly from the original estimation; this is partly due to the increase costs of materials. The original intention was to use a combination of funding the Local Transport Plan combined with developer contributions from housing sites proposed in the North Devon and Torridge Local Plan. As a result, additional contributions are required; hence, this re quest for contributions. I am satisfied that the contributions met the tests of the CIL Regulations.

I can confirm that I am satisfied that £800 per lodge is an acceptable figure and I would expect this matter to be added into a Section 106 agreement towards improving cycle and pedestrian facilities in the immediate area.

As a result, I am satisfied that the application offers 'safe and suitable' access, as is the test of the National Planning Policy Framework (NPPF) subject to recommended conditions.

Taking account of the above, it is concluded the Highway Authority has no objections to this proposal.

6.Flood Risk & Drainage

The entire site falls within Flood Zone 1 (low probability of flooding). The site is located within the Holsworthy Critical Drainage Area. Policy ST03 of the NDTLP states that development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by reducing existing rates of surface water runoff with Critical Drainage Areas.

The application is accompanied by a Flood Risk Assessment with Surface Water Drainage Strategy and Foul Drainage Statement prepared by Engineering & Development Solutions dated August 2021.

Flood Risk:

The Environment Agency indicative flood mapping shows that the proposed development is located entirely within Flood Zone 1; at little or no risk from tidal or fluvial flooding and is therefore suitable for this type of development.

The site is more than 1 hectare in size and lies within the Holsworthy Critical Drainage Area, therefore further consideration of surface water drainage has been undertaken.

Surface Water:

A SuDs drainage scheme is proposed to manage surface water drainage runoff from the proposed development, comprising of an on site attenuation basin.

The Lead Local Flood Authority's (LLFA) initial response advised they objected to this planning application and the applicant was required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system had been considered.

The application submitted additional information in relation to surface water drainage including a conceptual drainage basis, attenuation basin calculations and greenfield runoff calculations. The applicant also revised the drainage strategy due to the concerns regarding infiltration on a steeply

sloping site. The applicant now proposes a strategy encompassing an above ground attenuation basin which reflects discharge to green field rate based on the proposed impermeable areas only.

Following the submission of this additional information, the LLFA has withdrawn their objection, subject to a planning condition being imposed on any approved permission.

Foul drainage is proposed to be disposed of via the existing public sewer. South West Water have raised no concerns with this application.

The technical consultees have advised the Local Planning Authority that the proposed surface water and foul drainage provision are technically acceptable.

Taking account of the above, it is concluded that the proposal accords with policies DM03, DM02 and DM04 of the North Devon & Torridge Local Plan.

7. Ecology & Biodiversity.

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). Policy DM08 of the NDTLP concerns biodiversity and requires development to conserve, protect and, where possible, enhance biodiversity and geodiversity interests and soils commensurate with their status and giving appropriate weight to their importance.

Natural England has no comments to make on this application.

The application is supported by an Ecological Appraisal, this includes an extended Phase 1 Habitat Survey prepared by Quantock Ecology Environmental Consulting dated August 2020.

A summary of survey results –

Designated sites – The site is not subject to any designation. There are no statutory sites within 2km to be affected by any proposed development. No further surveys required.

Habitats and Tree – There are no protected or notable habitats present on site. One notable ash tree (T1) or trees on the survey site, with the majority of the site forming semi – improved grassland, hedgerows, Devon banks and scattered trees. No effect on any protected habitat or trees. No further surveys required.

Protected Species – In its current state, the grassland habitat on site provides some suitable habitat for common reptiles. The site hedgerow/boundaries and features such as former railway line noted immediately to the south of the site, provide ideal commuting and foraging grounds for bats. T1 mentioned above, also provided a number of suitable roosting features for bats. Nesting birds are also likely to be using the hedgerows, trees and denser area of scrub for nesting.

The proposed development is understood to concentrate on small section of the existing grassland habitats, leaving the scattered trees and hedgerows generally untouched. However, should larger sections of hedgerow need removing, a population survey for dormice is recommended. It is understood that area of grassland habitat will be retained and enhanced, so impacts on foraging bats may not be significant. A bat emergence and activity survey may also be required for the single ash tree (T1), if works are to impact upon this.

Invasive and non – native species – none found – no further surveys.

The conclusion of the desk study and site survey findings, concludes that the proposed development poses some risk to ecological receptors. Further surveys, seasonal development constraints and site enhancements are recommended.

In relation to biodiversity enhancements, the ecologist recommends the following

- Design of wildlife friendly lighting;
- Erection of bird and bat boxes e.g 4 x Schwegler multi purpose bird and/or bat;
- Inclusion of plant species of know value to wildlife in any landscape design proposal;
- Creation of wildflower/grassland habitat on site to enhance the site for common reptiles, invertebrates and small mammals;
- Creation of a pond on site.

A condition requiring the submission and approval of a Landscape and Ecological Management Plan (LEMP) is recommended to be attached to any planning permission. The proposal includes a significant element of Landscaping to seeks to mitigate the visual impact and deliver ecological biodiversity enhancements. As such it would be imperative that any landscaping scheme and biodiversity enhancements are delivered and maintained, and that a holistic approach is taken with the input of ecologist to ensure that the opportunity to enhance the biodiversity of the site is maximised.

Provided the proposed mitigation measures are secured through appropriately worded conditions the proposal development would not result in significant adverse impacts in respect of any protected species or their habitats.

8. Local Economy:

Policy ST11 of the NDTLP seeks to support employment growth and deliver quantitative and qualitative improvements in job opportunities throughout northern Devon. Part (7) of the policy clarifies that proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan policies.

Policy DM14 of the NDTLP establishes that to support the local economy new small scale economic development at Rural Settlements and in the Countryside will be supported, however given the scale of the proposed development this policy is not considered relevant.

The application is accompanied by a Tourism Need and Economic Impact Statement prepared by Avison Young dated February 2022.

The statement advises that the development will deliver a number of economic benefits to the local plan area of North Devon & Torridge.

In respect of direct employment, the number of jobs created is proposed to be 7 FTE direct jobs, this includes an on-site manager and assistant, ground keeping and maintenance staff and housekeeping staff to clear the lodges. In addition, to these identifiable new jobs, further indirect jobs will be created in other parts of Holsworthy from spending by visitors staying at the lodges and by visitors to the ROC post attraction.

The proposal satisfies some parts of the Polices ST11 (Delivering Employment and Economic Development) ST11(4) (encouragement of education and skills development within the labour market), ST11(5) (development of sustainable industries and emphasis on local people and skills).

10. Conclusion

In policy terms, the site is located within the countryside. Policy ST04 (4) of the North Devon & Torridge Local Plan 2018 (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 reuse and development which is necessary restricted to a countryside location.' In doing so, the application of Policy ST07(4) requires consideration of what is enabled by the wider policies of the NDTLP which are applicable to the development proposal in question.

The proposal will deliver a number of economic benefits to the local plan area of North Devon & Torrridge. Including direct employment and the potential spending by visitors staying at the lodges and increase the tourism offer in the local area

The principle of a new holiday park in this location, outside of an established settlement and not directly related to an existing tourism, visitor or leisure attraction and does not reuse of covert existing building would be contrary to the policy criteria of the Policy DM18(2) (a-c) of the North Devon & Torrridge Local Plan.

The proposal will result in change to the landscape character which requires consideration in the context of policies ST14 and DM08A of the NDTLP. These policies require development to conserve/preserve and enhance the local distinctive ness and landscape qualities of the area. It is considered from the assessment by the Landscape Officer that there would a 'moderate adverse effect that result in a noticeable direct change to landscape features/character over a localised area. As such, there is some conflict with policy objectives set out in Policies ST14 and DM08A to conserve or preserve and enhance landscape character

In conclusion, the harmful impact of the development, through conflict with ST07(4), ST14, DM08A and DM18(2) of the North Devon and Torrridge Local Plan is not considered to significantly and demonstrably outweigh the benefits of the proposal. As such the application is not considered to accord with policies in the North Devon & Torrridge Plan and the National Planning Policy Framework.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reasons:

- 1 The application proposes the change of use of land to restore a nuclear bunker to provide a tourist attraction and change of use of land to site 45 lodges to be used as holiday accommodation in the countryside. The proposal is not directly related or compatible in scale with an existing tourism or visitor attraction, does not propose to covert a building and, will not improve the facilities or diversity the range or improve the quality of an existing tourism use which is contrary to the principles of Policy DM18 (2) A-C of the North Devon and Torrridge Local Plan. The proposal therefore does not constitute a sustainable form of development and is contrary to polices ST01, ST07, ST13 and DM18 of the North Devon and Torrridge Local Plan.
- 2 The proposed development would result in an isolated holiday park in an elevated position which would fail to protect, conserve or enhance the landscape character of the area which would result in landscape harm and visual intrusion in this countryside setting. This is in conflict with Policies ST07, ST13, DM04, DM08A and DM18 (f) of the North Devon and Torrridge Local Plan, The Joint Landscape Character Assessment for North Devon and Torrridge and Paragraph 84 of the National Planning Policy Framework.

Plans Schedule

Reference	Received
771/01 H	26.04.2022
771/02 F	26.04.2022
8142-03 G	26.04.2022
8142-04 G	26.04.2022
8142-14	26.04.2022

8142-15
J-2003 3001D
8142-LP

26.04.2022
01.03.2022
14.10.2021

Statement of Engagement

In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.

The applicant entered into pre-application discussions where key issues were identified. The documents submitted have failed to address the issues raised at a pre-application stage therefore no further discussion was deemed necessary at application stage, as these issues has not been adequately addressed.