

PLANNING APPLICATION REPORT

Case Officer: Kate Cantwell

Parish: Stokenham **Ward:** Stokenham

Application No: 3517/17/FUL

Agent/Applicant:

Mr Ross Porter-Ward
2 Bluewaters
Stokenham
Kingsbridge
TQ7 2EG

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Stokenham
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TQ7 2EG

Site Address: Lower Widdicombe Farm, Stokenham, TQ7 2EG

Development: Change of use from an agricultural barn to events venue including addition of wood framed slate roofed porch at the entrance, new window, a doorway and closure of covered parking space (resubmission of 1425/17/FUL)

Reason item is being put before Committee: At request by Cllr Brazil due to impact on residential amenity, specifically noise.



Recommendation: conditional approval

Conditions

- Standard commencement
- Development in accordance with plans
- No live or recorded music outside the building
- No music audible at nearest lawful residential dwelling after 23:00 hours
- Activities shall cease on site by 01:00 hours
- Number of events restricted to 20 in any single calendar year
- Implementation of the recommendations of the ecology report
- Submission of details of external lighting
- Construction management plan
- Visibility splays as approved to be maintained thereafter
- Details of proposed access, retaining walls, verges, embankments and visibility splays
- Prior provision of parking

Key issues for consideration:

- Principle of development and the need for a countryside location
- Amenity impacts in terms of traffic on local highway network and noise
- Impacts on the AONB in particular the special quality of tranquillity
- Ecology
- Economic impacts in relation to tourism
- Drainage

Financial Implications (Potential New Homes Bonus for major applications):

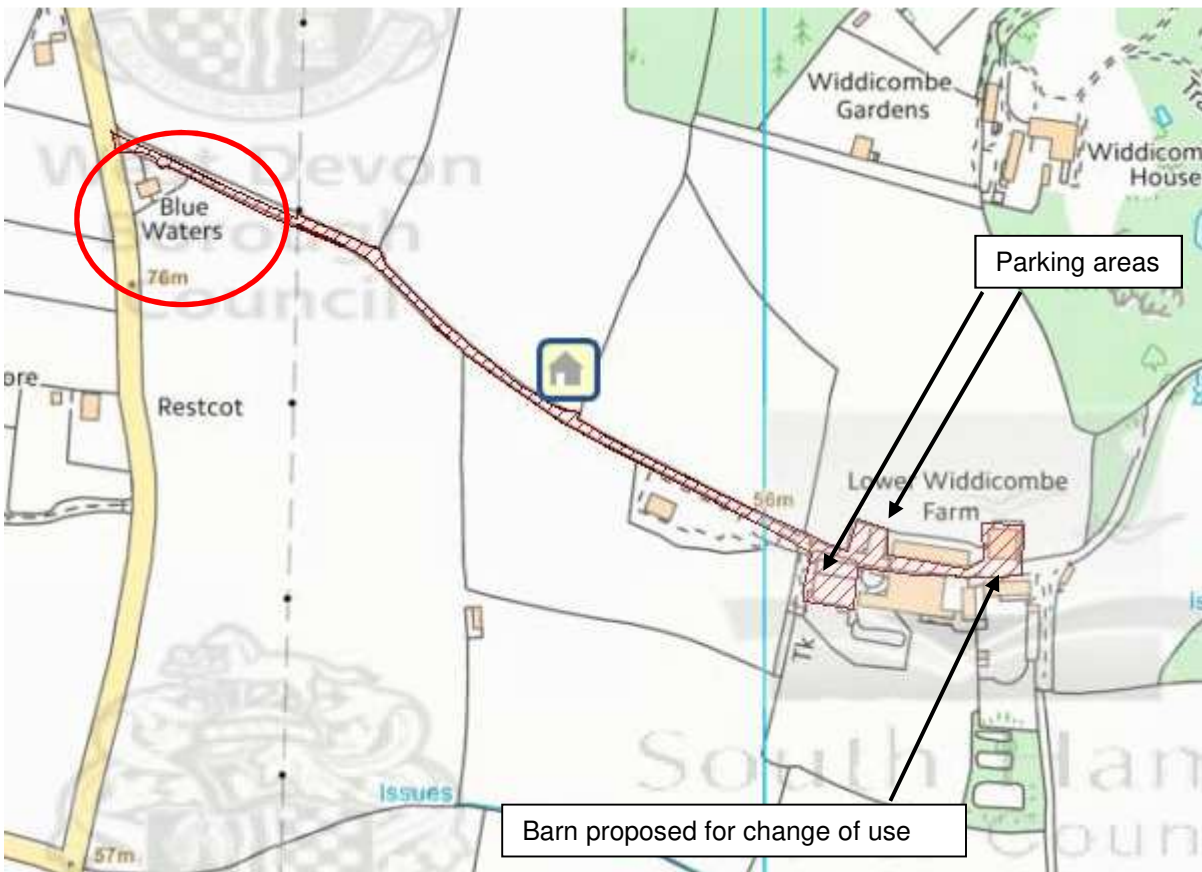
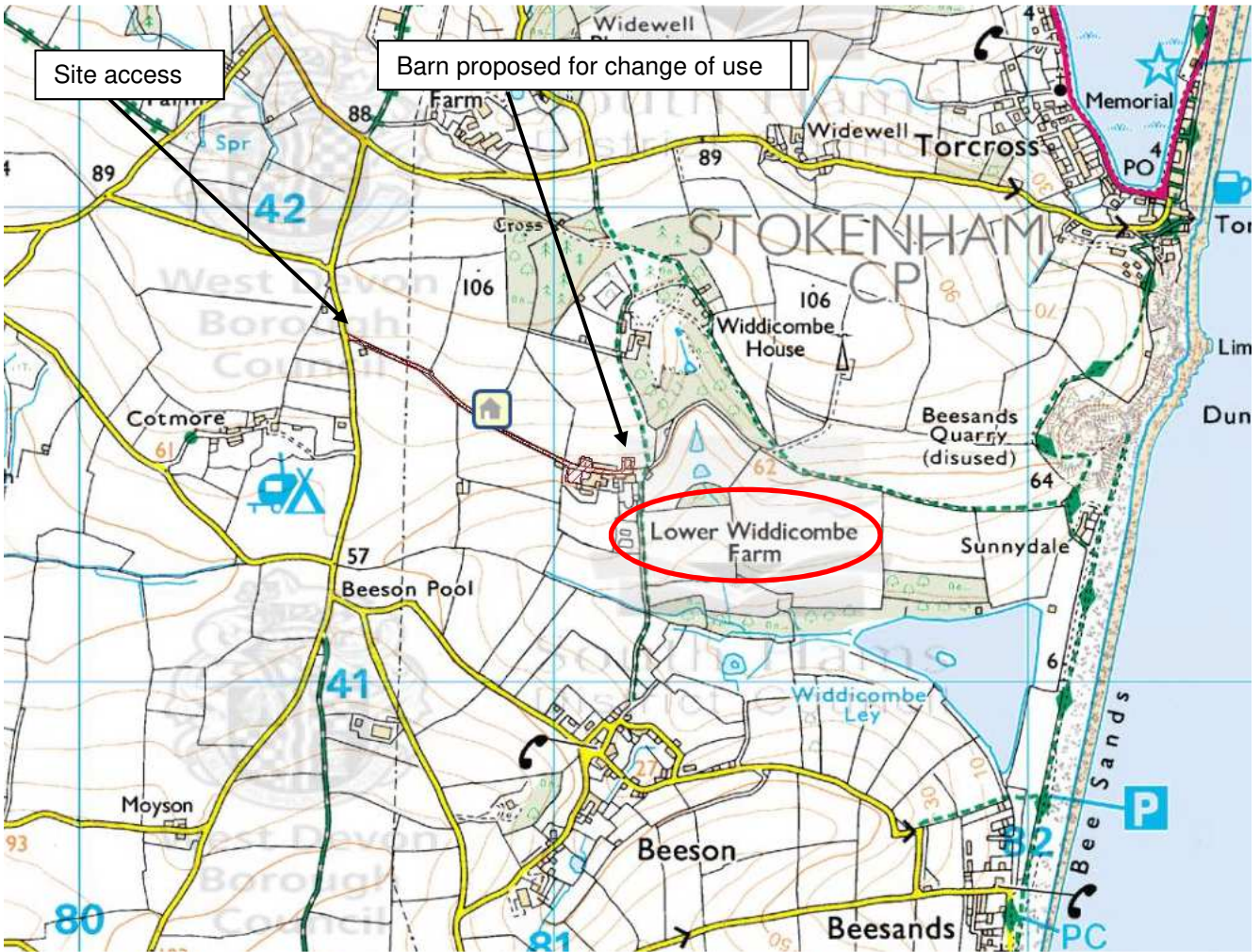
N/A

Site Description:

Lower Widdecombe Farm is located approximately 500m north of Beeson and 1km in land from Beesands coastline. The site is in the South Hams Area of Outstanding Natural Beauty and within the Heritage Coast.

The farm is accessed via a long private land which adjoins the public highway approximately 500m to the west. The access serves the farm and also the properties 1 & 2 Bluewaters which are located at the junction of the driveway and the public highway as shown on the plan below.

The farm includes a number of agricultural buildings and the original farmhouse. The farmhouse is used by the applicant's family as a dwelling and also offers self-catering holiday use.



The Proposal:

The applicant seeks consent to change the use of an agricultural building (which was previously used as a grain store) to a wedding venue. The physical changes to the building include the addition of a porch to the front/southern elevation, conversion of an attached smaller building to the west elevation into a kitchen and food preparation area.

The site boundary includes the access to the point where it meets the public highway and two areas to be used for guest parking. No works are proposed to the access or parking areas. The land subject to the change of use does not include all the farm buildings on site or the garden area to the south of the farmhouse. The red line boundary is limited to the access, car parking areas, the building for refurbishment and a portion of the yard area immediately outside it.

The proposal does not include provision of WC facilities and the applicant has stated that guests will need to hire mobile toilet facilities. The site boundary includes a small circulation space to the front/south of the venue.

Consultations:

- **County Highways Authority**

The Highway Authority notes this application is a resubmission of 1425/17/FUL and that this application submission includes more details regarding a parking layout, which are now acceptable. It also includes an indicative site access layout demonstrating that in principle sufficient access visibility could be achieved at the access with some widening of the access. The Highway Authority notes the road leading past the site carries low levels of traffic and would agree that the 85th percentile speeds are in the region of 25mph at the site access. Therefore the visibility splays shown indicatively are in accordance with the national guidelines set out in Manual for Streets. There is however a need for a topographical survey and accurate engineering designs including typical cross sections to be undertaken. Therefore the Highway Authority is recommending a condition to deal with this required extra information.

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive 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 33m metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no

construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

(o) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information. This CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

3. The proposed access, retaining walls, verges, embankments and visibility splays, shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

- **Environmental Health Section**

As long as all weddings were within the barn and not within a marquee the actual amenity impact can be controlled should it become necessary to do so. In relation to alternative legislation, private parties do not require a licence and therefore it is possible that unless alcohol is being sold then it is unlikely to require a licence and therefore we will not have controls over numbers through the licensing regime.

If you are minded to control noise through a condition then I would say that we would state that music should be inaudible at the nearest residential premises after 23:00 at night. In regards to maximum numbers this is governed by the fire risk assessment that is enforced by the fire brigade.

- **Town/Parish Council**

Objection due to concerns raised with regard to the proposed visibility splay to the south which it was locally asserted would need to be wider for safe access and egress of this volume of vehicles. It was felt that the construction of the barn made it difficult to sound proof and by not providing toilets this was not seen as good design to provide weddings and low key functions in this sensitive area. Should access be satisfactorily dealt with it was requested that due to concerns raised by neighbours and agreed by parish council that the applicant should meet with Environmental Health for sound checks be carried out to provide reasonable proposals to mitigate the problem of noise being carried across and around this valley. Introduction of an automatic 90 decibel cut out should also be installed.

- **South Hams AONB**

26th January 2018

Based on our subsequent discussion detailing feedback from Environmental Health in combination with the additional information submitted I am content to remove my holding objection in respect of noise and lighting subject to these aspects being controlled through appropriately worded conditions.

However, I note our Environmental Health colleague's request that an 11pm curfew is applied and I support this view. The applicant's current request for a midnight curfew is at odds with this position.

Though I note that the updated information does not include detail on lighting I understand from our previous discussions that the applicant is intending to only use low power low level lighting on a temporary basis in association with each wedding event.

The justification for noise and lighting conditions would be to ensure the conservation of AONB special qualities (relating to tranquillity and dark night skies/natural nightscapes) in this part of the South Devon AONB.

20th December 2017

In general I support the farm business diversification approach being taken here and I'm comfortable with this application on Landscape and Scenic Beauty grounds. However, until further information is supplied to adequately address noise and lighting aspects of the proposal I would need to register a holding objection on these grounds. Subject to the provision of satisfactory evidence regarding these aspects, should the LPA be minded to consent this application I would also wish to see appropriate conditions attached to any permission to control the hours of operation, number of events per year, maximum permitted sound level and restricting the use of external lighting to avoid instances of glare, conspicuity.

On checking the publicly available planning file documents for this application I cannot see anything other than a simple statement within the applicants' D&A statement that makes some reference to sound insulation:

"There are no close neighbours and the barn is not visible from any neighbouring properties, so we are sure that there would be no visual or sound impact on anyone. But to ensure that sound pollution isn't an issue, we intend to insulate and sound-proof the barn."

I would suggest that for a full application of this type, located within a sensitive part of the South Devon AONB, that this level of detail is required before determination.

The holding objection and associated request for conditions is based on the need to conserve and enhance tranquillity and natural nightscapes in this part of the South Devon AONB. Tranquillity, distinctive natural soundscapes and natural nightscapes form an important component of the South Devon AONB's special qualities for which the AONB was designated.

Representations:

Representations from Residents

Comments have been received from 21 letters of representation and cover the following points:

- The barn is elevated and opposite village of Beeson so sound will carry across valley.
- Sound from the occasional events held in this valley already does carry and impact
- There is only 4-500 metres distance and no sound mitigation features being on the side of valley.
- It is not clear what sound insulation means in the proposal
- There appears to be no numbers/hours of operations/days of operations/noise/live music proposed in the application.
- The main doors appear to be facing Beeson Village - and no doubt activity and sound will spill outside the building as well as the noise from entering and leaving the venue, especially in summer. Sound insulation effectiveness will be reduced - every time these doors are opened and may be left open in the summer.
- There are no restrictions on use or operations. 15-20 occasions per year is quoted - this could be higher or lower and could mean every other weekend.
- Noise from bands & wedding parties disturbing the quiet enjoyment of the environment.

- The access is at the crest of the hill with poor sight lines for traffic exiting the farm, and the existing junction (minor access) is actually in common use as a passing place at the crest of the hill.
- There is no existing signage (stop at junction/give way, junction ahead, lane marking - stop lines), and passing space south of the junction which appears to be removed by the local widening to create visual splays.
- Any live music/band/ disco music must be contained indoors and a deadline to stop all music at 11.00. With the exception of 'New Year's Eve' all events should be finished by 11.30
- Lighting, the house and barn has been previously lit up like a Christmas tree during parties. Any lighting outside should be low impact. In addition, I have a concern over the nocturnal wide life this area has abundance of owls and bats.
- Concern about number of cars using narrow lanes, especially at night
- Additional wear and tear on public highway from additional traffic
- Lights from vehicles using the access on the farm will disturb residents of Beeson
- Night time disturbance to wildlife including bats
- Applicant has not consulted residents
- Noise from guests celebrating outside the venue
- entirely out of keeping with the rural and agricultural nature of the land surrounding the village of Beeson and incompatible with AONB
- It is not true to state (as the application does) that the development is "not visible from any neighbouring properties with no visual or sound impact on anyone" The current farm is near the top of a ridge which is very visible from the properties 7 to 12 Chestnut Park.
- There is a potential fire risk if people let off fireworks/ lanterns etc. At the very least a condition -should be imposed banning fireworks etc. and for all activities to cease by 11pm.
- Inadequate vehicle parking
- Disturbance to guests of Lower Kellaton Farmhouse B & B
- Conditions should require (1) physical sound proofing to a given standard and (2) installation of an electronic noise limitation system whereby the sound/PA system will automatically cut out above a given level.
- The economic benefits would be lucrative to the owner of the venue but seemingly minimal to the local community.
- The events may deter tourists seeking peace and relaxation – there is a popular walk which runs past this venue
- 15 to 20 weddings a year could equate to one every weekend during the summer months
- Don't consider this to be farm diversification because the farm has not been farmed by the family for some time and has been leased to tenant farmers. Only recently have the farm buildings been taken back and house been renovated into a holiday let. The fields have continued to be let to a local farmer.

Relevant Planning History

None relevant.

ANALYSIS

South Hams Development Plan policy DP16: Conversion and re-use of existing buildings in the countryside states:

- "1. Proposals for the conversion or reuse of a building in the countryside will be permitted where:*
- a. it gives priority to economic uses before residential uses;*
 - b. it is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses;*
 - c. the form, bulk and general design of the building is in keeping with its surroundings and the proposal and any associated development will not harm its landscape setting;*
 - d. the building is structurally sound and is capable of conversion without the need for significant extension, alteration or rebuilding;*

e. it will not damage the fabric or character of any traditional building and, in the case of a Listed Building, the proposal will not damage the architectural or historic merit of the building or its setting.”

The proposed conversion of the building from its previous agricultural use to a wedding venue is an economic use and so satisfies criteria a. of the policy.

The new use will not prejudice the viable operations on the farm and other existing viable uses. The farm is arable and so there are no farm animals which might present human health issues through proximity of the agricultural use on surrounding land and buildings to the wedding venue. The tenant farmer does not live on site and so there is no conflict within the site between residential use by persons other than the applicant. The surrounding buildings are empty and disused and are in the ownership of the applicant and not used by the tenant farmer. The level of use anticipated for a wedding venue of this character would be unlikely to hinder farming operations. Occasional access to buildings where equipment or materials are stored could be arranged on the majority of days when the venue is not in use. As such criteria b. is satisfied by the proposal.

With reference to criteria c., the form bulk and general design of the building will remain unchanged. The wooden panelled upper parts of the walls will be repaired and render on the lower parts re-painted. An extension to create a large porch area on the southern side of the building where the main entrance will remain is proposed. The design and detailing of the porch has been refined since the application was submitted. The most recent drawing shows a slate roof and glass walls on timber supports. This is not a significant change to the general design, and will not be clearly visible in many local views as the building is positioned behind the farmhouse and Beeson which is on the opposite side of the valley to the south.

Criteria d. is satisfied in that the building appears to be structurally sound and capable of conversion without the need for significant extension alteration or rebuilding. It could in fact be converted for the proposed use without any extension. No rebuilding is proposed, the works are more accurately characterised as refurbishment and repair with the addition of the modest porch to the front. The building is not a heritage asset and has no architectural merit and the conversion is intended to add some character and charm to appeal to wedding guests. The building forms part of a cluster of farm buildings few of which are of historic interest, although the farmhouse and a small stone building to its east could be considered as non-designated heritage assets. The character of these buildings will not be adversely affected by the modest changes proposed to the barn and the change of use of the building will not detract from their character. Overall, therefore, the criteria of policy DP16 are satisfied and the proposal accords with this policy and is therefore, in principle, acceptable. Other matters are considered in detail below.

Policy DP15: Development in the Countryside states:

“1. Within the countryside, development will be permitted where it requires a countryside location and:
a. supports the essential needs of agriculture or forestry interests; or
b. meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries.

2. All development in the countryside should:

a. make use of suitable existing buildings or previously developed land before proposing new buildings or development of greenfield land;

b. be well related to an existing farmstead or group of buildings, or be located close to an established settlement; and

c. be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.”

The proposed development, being a wedding venue, does not as such ‘require’ a countryside location, although its location in the countryside is part of its appeal and would add to the range of wedding venues of various types available in rural South Hams. With reference to criteria a., the

venue would not support the essential needs of agriculture, but the applicant has argued it would enable the farm to remain in their ownership and remain a working farm, avoiding parts of it being sold off for financial reasons. This policy is intended to avoid inappropriate development in the countryside which might change its character and be unsustainable (South Hams Development Plan paragraph 3.128). The supporting text for this policy also goes on to state:

“3.131 *The Council accepts that some limited, carefully planned development in the countryside is acceptable, to enable the countryside and local rural communities to evolve and thrive.*

3.132 *Uses that could be appropriate in the countryside include development necessary to support agricultural activity, facilitate rural diversification or to provide necessary local facilities. New development in the countryside should reuse previously developed land or existing rural buildings, where possible.”*

It is acknowledged that the applicant is the landowner and not the tenant farmer, but the change of use does apply to part of the farmstead and so the proposed development is still a type of farm diversification. The applicant states that the proposal will enable his family who have owned and farmed the land until recent years to continue to expand their business and continue to make enough money from the site to remain living there and retain a tenant farmer to work the surrounding land and therefore the agricultural character.

The second part of policy DP15 sets further criteria for development in the countryside. As required by criteria a. the development reuses an existing building and previously developed land around it. It is located within the existing cluster of the farm development and as such is well related to the farmstead, meeting criteria b. As discussed above the development will not prejudice the existing arable farming operations (criteria c.). Overall therefore the application accords with policy DP15 and is suitable for a countryside location.

Design, Landscape and AONB:

Policy DP1: High Quality Design requires that all development is high quality and *“in particular, respects and responds to the South Hams character in terms of its settlements and landscape.”* The refurbishment of the building and addition of a porch retain the agricultural appearance and character of the building. The effect on the character of the farmstead is therefore limited, and visual impacts of the building from beyond the site are therefore negligible. There are no new windows or doors and so lighting impacts on the dark rural skies and local amenity from the use of the building itself will be limited.

It is acknowledged that guests of the venue are likely to require some external lighting, and a planning condition is proposed to require the applicant to submit details of a lighting scheme. While it is anticipated that only a low level of lighting would be required to decorate the outside of the building, and it is noted that the front of the building faces into the courtyard which is screened in some views by existing buildings and landform, a number of local objections raised concern about lighting, including the AONB team, and so it is considered reasonable given the sensitivity of the location to request submission of details to ensure the dark skies and landscape character can be protected. It is also noted that the applicant could install some lighting on the building without the need for planning permission, but the proposed change of use introduces more frequent night time use of the site and so a condition is proposed.

The courtyard area is visually contained and largely screened from Beeson by the existing farm buildings. The Public Rights of Way (Stokenham Footpaths 16 and 17) which run to the east of the site will have some views of the site but these will remain largely unchanged due to the limited physical works proposed. The paths already pass through a working farmstead and that character will remain with occasional new activity from the wedding venue use.

Some responses to the public consultation raised concern about the impact of light from vehicles accessing the site as the track is visible from Beeson and the effect of this upon the qualities of the

AONB. This was not a concern raised by the AONB team, and it is noted that most of the access track is bordered by a mature hedge-bank on both sides which will be unaffected by the development. While there may be some lights evident from vehicles passing, the main beam will be pointed down toward the ground and contained behind the hedge bank when viewed from Beeson.

In terms of effects on landscape character (policy DP2: Landscape is relevant here), these are similarly limited. The South Devon AONB initially commented expressing general support for the farm business diversification approach being taken here and being comfortable with this application on Landscape and Scenic Beauty grounds. However, the AONB did request further information in relation to noise and lighting aspects of the proposal. The applicant has provided further detail regarding the insulation proposed and the AONB then revised its comments to withdraw the holding objection.

No further information has been provided regarding lighting and as already mentioned, in order to address local concern and the concerns of the South Devon AONB team, a condition requiring submission of lighting proposals is recommended.

The AONB also requested appropriate conditions attached to control the hours of operation, number of events per year and maximum permitted sound level. This is considered in more detail below.

Amenity effects

Noise

While the initial application documentation did not restrict the number of events per year to any number, following consideration of the consultation responses, further information was provided by the applicant suggesting a limit of 15-20 per year. Weddings are more likely to take place in the summer months and so this may result in a wedding being held on average each weekend through the summer period. Local residents have expressed concern over such frequency of events. This should be considered in terms of the likely effects of the development which, if adverse or significant would be exacerbated by frequency.

In relation to noise effects, planning conditions are recommended to limit live or recorded music to take place only within the building, requiring music to be inaudible at the nearest residential property outside the site boundary after 23:00 hours, and for all event activities on site to cease by 01:00 hours. These conditions address Environmental Health comments which raised no concern if events were held within the building, and noted this is quite a different scenario to events held in marquees which have much poorer noise amelioration properties.

The Environmental Health Specialist suggested that if a condition to control noise is considered, it should state that music should be inaudible at the nearest residential premises after 23:00 hours. The applicant maintains that in response to customer demand they would like to allow music to be played until midnight, however due to the remote rural site, its location within the AONB where tranquillity is a special quality, and in response to the level of public concern, it is considered appropriate to apply the 23:00 hours noise limit.

Some of the public comments referred to events which had taken place at Lower Widdecombe Farm in the past which they consider caused a noise disturbance. However it is not known whether those events took place in one of the buildings on site, in a marquee or in the open air. Importantly, the application only seeks permission to use an existing building which will be refurbished and its structure improved with soundproofing. The site area subject to the change of use only includes the building, parking areas and site access and does not include any other area of land capable of accommodating a marquee.

The proposed refurbishment, soundproofing and use of a building as a venue, in combination with the proposed planning conditions is considered sufficient to address amenity concerns in relation to noise and as such the development accords with the requirements of policy DP3: Residential Amenity.

Traffic and parking

The applicant estimates that the venue can accommodate 200 people. Guests mostly car share to weddings and so the number of vehicles movements and vehicles which require parking space is expected to be much less than that number. While there is local concern about additional vehicles on the local road network, the Highway Authority notes the road leading past the site carries low levels of traffic and agrees with the submitted assessment that the traffic speeds are in the region of 25mph at the site access. It raised no concern about the capacity or suitability of the road network to accommodate the additional traffic which might result from the proposed development.

The Highways Authority considers that the visibility splays shown indicatively on the submitted plans meet national guidelines set out in the Manual for Streets, but notes that a topographical survey and accurate engineering designs are required and as such recommends a condition to require submission of that information.

The proposal includes 2 separate parking areas which provide parking for 61 cars (39 in Carpark 1 and 22 in Carpark 2). People mostly car share to weddings and so the parking provision is considered to be adequate for the proposed use. The Highways Authority has raised no concern regarding the level of parking proposed. A condition secures the provision of parking before the first event takes place and the retention of these parking areas for guests to use at any event taking place at the venue.

Some of the items suggested as part of the Construction Management Plan by the Highways Authority have been removed from the proposed planning condition as they do not reflect the nature of the development and are not necessary.

Overall, for the reasons set out above, the development accords with policy DP7: Transport, Access and Parking.

Lighting

Beeson is approximately 500m south of the site which means any light which can be detected will be in the distance and will not affect amenity for other residents. Residential properties to the north, west and east of the site are similarly distant from the site, and to the north and east are separated by rising landforms so that there is no inter-visibility.

Responses to the public consultation raised concern regarding amenity effects of lighting and vehicle lights associated with the proposed use. This has been considered in detail in the earlier section of this report which consider light impacts on landscape character and the AONB. Given the intervening buildings and hedgerows, the absence of rooflights on the building and the proposed condition requiring submission of a lighting scheme, it is considered that lighting effects can be adequately controlled.

Ecology:

The application includes a Preliminary Ecological Appraisal report by Simon Geary Ecological Services Ltd. Its notes that the building shows some evidence of use by bats indicating a lower conservation status roost for a very small number of bats.

It recognises that without mitigation, the proposed development will impact on the roost in the building which could be lost through alterations proposed, or at least disturb the bats through the works and end use. As such a Bat Mitigation License will be required from Natural England. A condition of such a license is that a Registered Consultant must attend site where works may directly affect roosting bats.

The report recommends:

- to compensate for loss of pipistrelle crevice roosts two bat boxes are installed on outer walls of other buildings on the site in a non-illuminated location

- prior to works beginning a Registered Consultant should brief contractors that bats are present, on the law protecting bats, measures to protect them, good working practices and what to do if a bat is found as well as methods for working around bats and potential roosts.
- Due to sensitivity of bats to lighting, low luminaires should be chosen and illumination should avoid hedges and trees and field boundaries.

With these measures secured through planning conditions a favourable conservation status can be maintained and the requirements of DP5: Biodiversity and Geological Conservation as well as NPPF paragraph 109 are met.

Drainage

There is no foul drainage proposed as no WC facilities are proposed. The existing building will retain existing surface water drainage arrangements.

Conclusion

The proposed development will enable the existing farm to diversify by offering up to 20 wedding events per year. It re-uses an existing building and previously developed land with minimal change to the external appearance of the building and character and appearance of the farmstead.

The development will provide jobs for the local family running the business and will support other local businesses through the conversion works, as suppliers for the events and for local guest accommodation.

While there is some local objection, there are no holding objections from statutory consultees. The additional information which has been submitted to support the application, and the proposed planning conditions can satisfactorily control the development and avoid adverse effects on the character of the AONB, residential amenity and protected species. Overall the proposed development is sustainable and accords with local and national planning policy with some benefits for the local rural economy. For the reasons set out in this report it is recommended that the application is approved subject to conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
 CS7 Design
 CS9 Landscape and Historic Environment
 CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
 DP2 Landscape Character
 DP3 Residential Amenity
 DP4 Sustainable Construction
 DP5 Conservation and Wildlife
 DP7 Transport, Access & Parking

DP12 Tourism and Leisure
DP15 Development in the Countryside
DP16 Conversion and Reuse of Existing Buildings in the Countryside

South Hams Local Plan

SHDC 1 Development Boundaries

National Planning Policy Framework

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

SPT11 Strategic approach to the natural environment

SPT13 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Planning Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) [to be inserted] received by the Local Planning Authority on 1 November 2017.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Live music, amplified music or live entertainment shall only take place within the building and shall at no time take place in the outside areas.

Reason: To prevent noise and disturbance to residents, to prevent the emission of noise above a level which would be detrimental to the aural amenity of the area and to protect the tranquillity of the AONB.

4. Music shall not be audible beyond the site boundary at any lawfully existing residential property (except Lower Widdecombe Farm) between the hours of 23:00 and 08:00.

Reason: In the interests of residential amenity.

5. All event activities on the site shall cease by 01:00 hours.

Reason: In the interests of residential amenity.

6. There shall be no more than 20 events held in any calendar year.

Reason: In order to protect residential amenity.

7. The recommendations, mitigation and enhancement measures of the Ecological Report, by Simon Geary Ecological Services Ltd dated 8 September 2017, shall be fully implemented and adhered to at all times.

Reason: To safeguard the interests of protected species

8. Prior to installation of any external lighting, full details of the location and specification including luminaire shall be submitted to and approved in writing by the Local Planning Authority. Lighting shall only be installed in accordance with the approved scheme and maintained as such thereafter.

Reason: To protect the countryside from intrusive development and to protect wildlife interests.

9. Prior to commencement of the approved change of use the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (k) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

This CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

10. Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with the attached diagram C where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive 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 33m metres in both directions.

Reason: To provide adequate visibility from and of emerging vehicles.

11. The proposed access, retaining walls, verges, embankments and visibility splays, shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

12. Prior to the commencement of the use hereby approved the parking areas numbered 1 and 2 as shown on the approved plans shall be provided for the use of the venue guests. The parking areas shall be retained free of obstruction and made available for the use of the venue guests in conjunction with any event held at the venue.

Reason: To ensure that adequate parking is available to serve the consented use.