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Please reply to: Darryl White
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Dear Councillor

WEST DEVON LICENSING SUB-COMMITTEE - TUESDAY, 28TH MAY, 2024

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No	Item
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- | | |
|----|---|
| 4. | <u>Application for New Premises Licence at Uphill Farm Walled Garden and Barn, Yelverton, PL20 6DF (Pages 1 - 66)</u> |
|----|---|

Yours sincerely

Darryl White
Democratic Services Manager

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Additional Information received from the Applicant

1. **Summary of Key Points**
2. **Noise Management Plan**
3. **Traffic Management Plan**
4. **Zone Array Fact Sheet**
5. **Planning Officer report for Application No. 1769/23/FUL**
6. **Statement of Support regarding event on 18th May 2024**
7. **Noise management record for 18th May 2024**
8. **Further information on complaints procedure and link to video of noise monitoring on 18th May 2024**



The Licensing Department, West Devon Borough
Council, Kilworthy Park, Drake Road, Tavistock, PL19 0BZ
Tel:- 01803 861336 email:- licensing@swdevon.gov.uk

SUMMARY OF KEY POINTS

These are the key points I rely on to support my representation:

Application **New Premises Licence**

By: **Mr Christopher Hayes and Mrs Charlotte Hayes**

of: **Uphill Farm, Yelverton, PL20 6DF**

Name of premises: **Uphill Farm Walled Garden and Barn, Uphill Farm, Yelverton, PL20 6DF**

Key Points		
Which of the four licensing objectives does your <i>application, representation or objection</i> relate	(✓)	Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime & disorder	☒	<p>The sale or supply of alcoholic drinks for consumption on the premises will be restricted to customers attending events at the venue.</p> <p>Customers will not be permitted to take open containers of alcoholic or soft drinks from the curtilage of the premises (within the Walled Garden)</p> <p>Customers carrying open containers of alcoholic or soft drinks will not be admitted to the premises at any time.</p> <p>Glasses will be cleared away as soon as they are finished with or empty.</p> <p>An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:</p> <ol style="list-style-type: none"> i. the date and time of refusal ii. the reason for refusal iii. details of the person refusing the sale iv. description of the customer v. any other relevant observations. <p>The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.</p>

		<p>An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.</p> <p>The Premises Licence holder will implement a drugs policy detailing the actions to be undertaken to minimise the opportunity to use or supply illegal substances within the premises.</p> <p>CCTV The premises shall install, operate and maintain comprehensive digital colour CCTV. All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder. The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition. The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All equipment must have a constant and accurate time and date generation. All recordings will be stored for a minimum period of 30 days with date and time stamping. Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation). The CCTV system will be capable of downloading images to a recognisable viewable format. There will be security measures in place to ensure the integrity of the system to prevent the tampering with or deletion of images.</p>
<p>Public safety</p>	<p><input checked="" type="checkbox"/></p>	<p>The electrical system, including portable appliances, will be inspected annually by a competent person. Bands / DJs will be required to email proof of inspection prior to attending an event at the venue.</p> <p>All safety certificates and inspections will be kept onsite and be made available for inspection by officers of relevant statutory bodies.</p>

	<p>A means of addressing patrons during operating hours, which can be heard above entertainment or a means of interrupting the entertainment to make important safety announcements will be available.</p> <p>When people with disabilities are present, adequate arrangements shall exist to enable their safe evacuation in the event of an emergency. Staff shall be aware of disabilities and react according to a pre-determined plan.</p> <p>Gangways, exit routes and steps must be maintained in good order with non-slippery and even surfaces, edges of steps and stairways must be conspicuously marked.</p> <p>There will be adequate arrangements for first aid provision. A first aid box with an adequate and appropriate supply of first aid equipment and materials will be available for the use of patrons. Suitable protective equipment must be provided to deal with hypodermic needles, blood spillages and other body fluids. Procedures will be in place to ensure that body fluids are dealt with in a safe manner to avoid the risk of communicable disease.</p>
<p>Prevention of public nuisance</p>	<p><input checked="" type="checkbox"/> Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. This will be monitored and should be in line with the Noise Management Plan agreed with EHO, this is in accordance with stipulated planning conditions.</p> <p>Phased reduction in volume commencing at 2300, promotes the gradual dispersal from the dance floor and prompt closing of the venue at 2359.</p> <p>Zone array and digital signal processor commissioned by Direct Acoustics on 8th May 2024 with real time testing conducted. Nearest residents (Sowton Farm, Broad Oak Farm and The Shutters) consulted with verbal confirmation that music was not audible. Volume control installed with reduction in volume as the only option.</p> <p>Light and traffic plan documents agreed with the Local Planning Authority will also be adhered to, ensuring minimal impact on local amenity.</p> <p>Patrons will be asked not to stand around talking in the road outside the premises or any car park and asked to leave the vicinity quickly and quietly.</p> <p>Suitable signs at all relevant exits requesting that patrons make as little noise as possible when leaving the premises will be displayed.</p> <p>The handling of beer kegs, bottles and other similar items will not take place in the late evening (in accordance with the Noise Management Plan), at night and during the early morning when</p>

		<p>the noise generated could cause a nuisance particularly outside buildings. Deliveries and collections will also not take place during these times.</p> <p>Bottle skips and bins containing cans or bottles will not be emptied outside after 7pm but must be dealt with the next day during normal office hours.</p> <p>Any rubbish stored outside and produced by the premises awaiting collection for disposal will be stored in a designated area or in a bin with a tight fitting, to prevent litter being blown around.</p>
<p>Protection of children from harm</p>	<p><input checked="" type="checkbox"/></p>	<p>There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises will ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:</p> <ul style="list-style-type: none"> - A photo driving licence - A passport - An identification card carrying the PASS hologram <p>Unless such identification is produced the sale of alcohol will be refused.</p> <p>This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.</p> <p>The premises shall display prominent signage indicating that a Challenge 25 scheme is in operation.</p>
<p>Your Signature:</p>	<p>MR C J N Hayes, Signed Electronically</p>	<p>Your address: Uphill Farm, Yelverton, Devon, PL20 6DF</p>
<p>Name:</p>	<p>MR CHRISTOPHER HAYES</p>	

Event Noise Management Plan



Contents:

1. Introduction
2. General Noise Management
3. Noise Management During an Event
4. Public Relations and Complaints Policy

Annex A: Site Map

Annex B: Noise Monitoring Log

Annex C: Complaints Log

1. Introduction

This Noise Management Plan has been prepared for Uphill Farm Walled Garden Events operating within a canvass petal pole marquee within the confines of a walled garden.

The events venue incorporates the use of wooden structures and a marquee within the garden, catering and toilets are all located within. An area for guest parking is located in the adjacent field to the south, with parking for contractors and deliveries located within the farmyard to the rear of the property.

Located onsite is a Grade II* listed property and cottage which is solely for residential use.

The specific noise level from music at any event shall not exceed 5dBa above the prevailing background noise level at the facade of any residential property. The noise level shall be measured as a 15 min LAeq.

Outside of the events will be other usages, such as elopement weddings operating with a maximum attendance number of 20, leading to minimal impact to the area. In addition, courses that will operate within the walled garden are considered to have minimal impact to the area.

Events with the provision of live and recorded music will predominately operate at the weekends with the main event being on Saturday.

The maximum number of guests permitted on site is limited to 120.

Management is committed to develop and maintain good relations with local residents and local authorities. The objective of this NMP is to minimise disturbance to local residents and to set out measures that have been considered and adopted.

2. General Noise Management

This section outlines general guidance on the management of noise from the site during an event. Any measures requiring signage will be implemented at the beginning of the season and temporary signage before the event commences.

2.1 Signage

The following signs that be installed at and in the vicinity of the venue:

- 2.1.1 Directional signs from the main roads to identify the location of the site, ensuring reduced disturbance to the local residents. These will be deployed before and recovered after every event at the venue.
- 2.1.2 Signs at the exit of the garden and the carpark to remind guest to respect the local residents and to keep noise to a minimum when leaving the venue.

2.2 Music Provision

- 2.2.1 All live music shall cease by 2300 hours and will not exceed 95Dbs(A) at source.
- 2.2.2 All music at the venue will cease by 2359 hours.
- 2.2.3 All amplified music is to be processed via the digital signal processor. This DSP is used to process and limit all signals inputted through it providing a fixed volume that the performer cannot exceed.
- 2.2.4 Musicians and speakers shall be positioned next to the dance floor, these speakers are to be positioned across the width of the marquee into the area of garden with the densest growth to reduce noise breakout.
- 2.2.5 A phased reduction in output, bass and treble will commence at 2300 hours with a reduced limit of 85Dbs(A) at source. This may be blended before 2300 hours to prevent a staggered transition.

2.3 Fireworks

- 2.3.1 Due to the setting being an active farm with livestock, the neighbouring resident's livestock/pets and the considerations for local wildlife, there will be no fireworks permitted at Uphill Farm.

2.4 Deliveries and Collections

- 2.4.1 Companies providing goods and services for events shall only access the site between 0800 and 1700 and shall conduct offloading to the rear of the property.
- 2.4.2 Emptying of bottle bins and general waste shall be conducted during the week between 0800 and 1700 to reduce disturbance.
- 2.4.3 Movement of waste and depositing of glass is to be kept to a minimum after 2200 hours.

2.5 Camping On Site

- 2.5.1 In order to further reduce noise disturbance to the area, no camping will be permitted on site at any time.

3. Noise Management During an Event

3.1 Noise Management Officer

- 3.1.1 Each event shall have a nominated Noise Management Officer (NMO). The NMO will provide the client with the limitations in order for them to plan the event and inform any performer that may be hired. This is to ensure undue noise is minimised to reduce the impact to the local residents. Limitations are promulgated within the

terms and conditions which the client is required to sign. The client will provide the contact details of any intended performer for the NMO to inform them of the venues limitations and equipment held on site.

- 3.1.2 The NMO will be responsible for the implementation of this NMP
- 3.1.3 The NMO will be on site throughout the event to provide a brief to performers before they start. The NMO will have the authority to override musicians, sound engineers, DJs and any other relevant parties in the event of a breach of this NMP or if the NMP is at risk of being breached.

3.2 Training

- 3.2.1 The Primary NMO is a qualified Noise at Work Assessor, in the event that the primary NMO is not available training will be provided locally to ensure the correct use of monitoring and calibration equipment.

3.3 Dispersal of Customers

- 3.3.1 Contract staff will actively encourage the gradual dispersal of customers to minimise noise.
- 3.3.2 Contract staff will be situated at the exit of the garden and the car park encouraging customers to be considerate when leaving the venue.
- 3.3.3 Customers will be asked to leave the venue as soon as possible and encouraged to not congregate in groups outside the walled garden.

3.4 Noise Monitoring

The intention of the requirements set out in this NMP is to minimise any noise impact that may be generated by events to the surrounding residents and properties. Proactive objective monitoring shall be undertaken as follows:

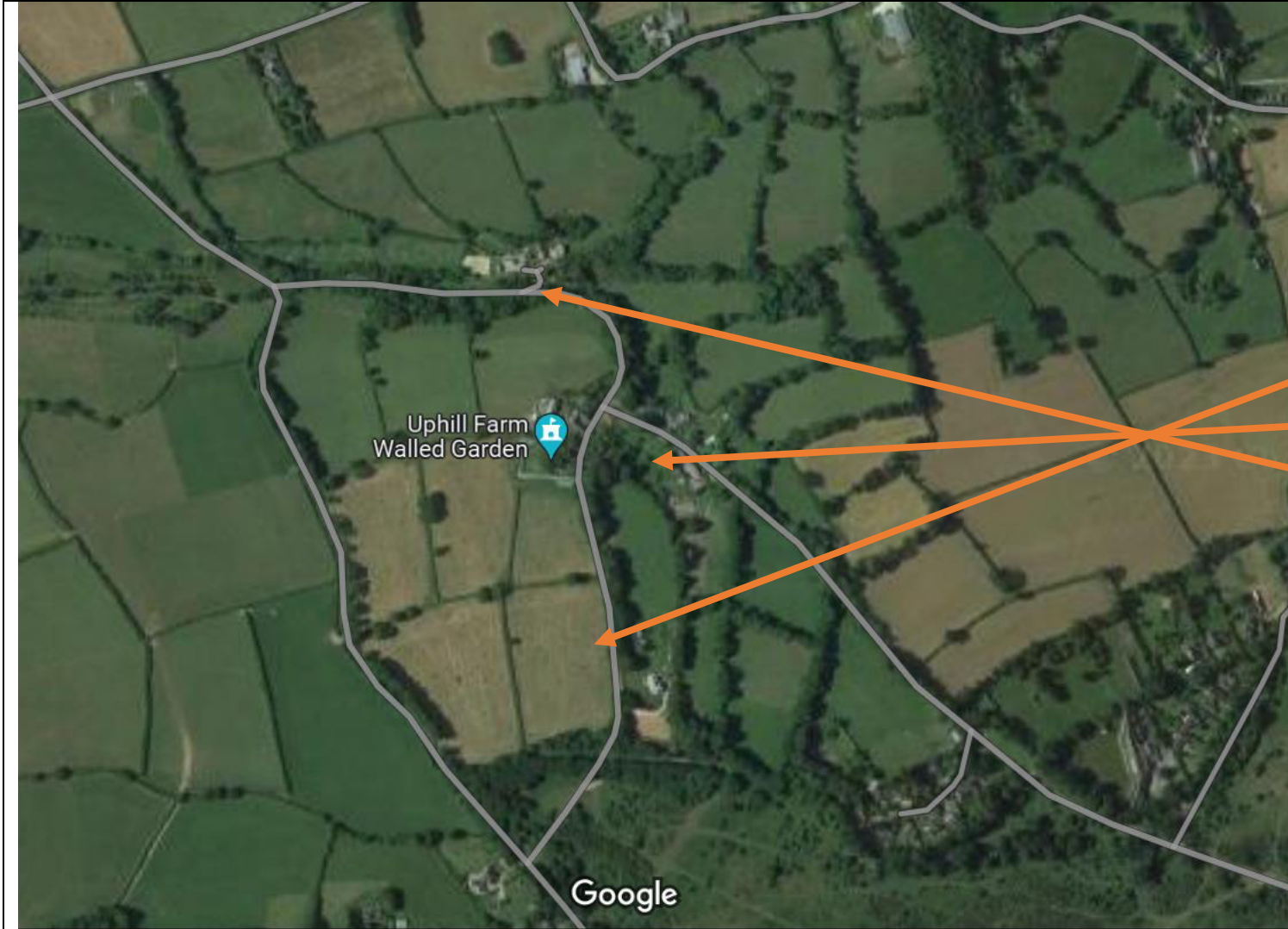
- 3.4.1 The NMO will calibrate the Sound Monitor prior to any recording. The NMO will carry out background noise level the night before an event to establish a Music Noise Level at Noise Sensitive Premises. If a previously observed level is lower than the one recorded at this time, the lower level will be applied. The MNL will be IAW the Code of Practice on Environmental Noise Control at Concerts.
- 3.4.2 The NMO will commence monitoring at the sites detailed in the Noise Monitoring Log once music starts. Sound samples will be taken at each site every hour thereafter and for the length of a song.
- 3.4.3 A guide of 15Db(A) above ambient should not be exceeded at the monitoring locations to ensure compliance of 5Dbs(A) at the façade of the NSP.

- 3.4.4 At NSP's, the C weighted recording should not exceed 20Dbs above the A weighted level.
- 3.4.5 The NMO will record his observations within the Noise Monitoring Log. Any recommendations will be annotated and actioned as required.
- 3.4.6 An assessment of meteorological data should be conducted and noise limitations revised accordingly.

4. Public Relations and Complaints Policy

- 4.1 Contact details for the venue are promulgated on the website and will be provided to West Devon EHO in case of any noise issues arising during an event
- 4.2 Contact details for the NMO shall be made available to the local residents on request.
- 4.3 Complaints regarding noise shall be investigated and recorded within the Complaints Log. If this complaint is during an event, the NMO will conduct noise monitoring rounds at all noise sensitive premises.
- 4.4 Following each event, the Noise Management Log and Complaints Log shall be maintained and made available to local authorities in the event of complaints regarding noise.
- 4.5 This NMP will be reviewed annually by the owners of Uphill Farm Walled Garden Events. All updates will be done in consultation with the West Devon EHO.

Annex A
Site Map



- Sowton Farm – 170m
- Broad Oak Farm – 174m
- Combe Farm – 230m
- The Shutters – 237m
- Moray House – 293m
- Covert House – 482m

Measurement Locations:

1. Centre of dance floor
2. Field adjacent to The Shutters
3. Orchard adjacent to Broad Oak Farm
4. Road adjacent to Combe Farm

Annex B
Noise Monitoring Log

Event Date: Event Description:					Background Sample: Maximum MNL:
Location	Start Time	Duration	Music A Weighted	Music C Weighted	Observations/recommendations
ML 1					
ML 2					
ML 3					
ML 4					

Annex C
Complaints Log

Uphill Farm Walled Garden	Noise Complaint / Comment
Date and time Complaint Received	
Name of Complainant	
Address of Complainant	
Contact Details	
Time Disturbance Noted	
Nature of Complaint (Vocal, Bass, Music in general or cheering)	
Additional Comment / Amplifying Information (weather)	
Visit / Advice from EHO	
Action Taken	
Response to Complainant	

TRAVEL PLAN STATEMENT

For Uphill Farm Walled Garden Venue
April 2023

INTRODUCTION

This Travel Plan Statement has been produced by Uphill Farm Walled Garden Venue.

Uphill Farm Walled Garden intend to operate as an events venue and location to provide courses.

The proposed number of events operating at Uphill Farm will be 20 with an occupancy of 20-120 and 35 courses/event with an occupancy of 2-20.

AIMS

The aims of this Travel Plan Statement are:

- To ensure that all parking associated with any event or course at Uphill Farm are accommodated within the parking field and within the farmyard so that no cars associated with such an event are parked on the surrounding roads.
- To promote alternative, sustainable transportation other than the private car
- To minimise the use of the private car and promote car sharing
- To ensure that car parking and vehicle movements associated with any event at Uphill Farm does not cause a nuisance to our neighbours.

VEHICULAR ACCESS

The site is located on a quiet lane within a cluster of residential properties some 1km off the A386, which is the main arterial route between Yelverton and Plymouth.

Road from A386 travelling towards Milton Combe, Buckland Monachorum and Lopwell is wide enough to permit two vehicles to pass, the final 300m of road is a single road provided with only two opportunities to pass.

Road from A386 to Sowton Farm is wide enough to permit two cars to pass for the initial 500m, the final part of the road is single lane with four opportunities to pass. This road has been monitored for vehicle flow with a daily average of 135 movements, information provided by Government transport database.

ONSITE PARKING PROVISION AND ACCESS FOR GUESTS

The parking area is located within the field to the south of the Walled Garden. This will be prepared at the beginning of the operating season to permit 40 spaces and 4 disabled spaces with an area to provide turning and a taxi holding area. At the rear of the property within the farmyard there is provision for deliveries, staff parking and turning area.

The nature of the events means that most guests will arrive and leave over a period of about an hour at the beginning and at the end of the event. With a maximum of 120 guests and 44 guest parking spaces, each car would need to carry an average of 2.7 guests to the event for all guest parking to be fully accommodated on site assuming all guests travel by car. Study conducted by Acstro on comparable wedding venues indicate an average of 3 people per car. During the operation of 2022, Uphill Farm noted that a maximum of 35 cars were parked within

the field during a wedding with 140 guests (this wedding was a one off and the maximum permitted for this application is 120) and with an average of 31 cars throughout the year, the parking field is rarely at maximum capacity. The nature of the events attracts guests that consist mostly of friends and family members, so there is a high degree of car sharing. Many guests prefer not to drive so that they can consume alcohol with the preferred method of travel being via pre organised coaches and minibuses, or public transport.

DELIVERIES AND STAFF ACCESS

The proposed large events (up to 120 guests) will attract the greatest number of vehicle movements and below is an example of the number of vehicular movements associated with these events.

Before the Wedding

Most of the requirements for an event are provided by the venue, this includes all catering (no external caterers are permitted), marquee, furniture / props, bar and floristry. Movements at the site leading up to the day are by delivery drivers (this covers fresh fruit and vegetables that are not grown on site), groundsmen, chef and florist. Over the week this involves 10 vehicle movements either a transit van or car.

Day of the wedding

The staff operating on the day are from the surrounding area and car share, they consist of 3 kitchen staff, 3 bar staff, 1 front of house and 5 waiting staff. During the operation of 2022, an average of 4 cars were used to facilitate transport.

Flowers, if not provided by Uphill Farm, are predominately delivered the day before, with one car arriving to finalise the setup on the day.

The entertainment can consist of up to 15 people (as a worst case scenario which is rarely seen), previous bands used a maximum of 1 van and 2 cars on the day of the wedding.

The wedding registrars or celebrants will arrive and leave in two cars on the day of the wedding.

The photographer will arrive and leave in a single car on the day of the wedding.

The above will result in 11 vehicle movements on the day of the wedding, before and after the guests arrive or leave.

After the wedding

The venue will be cleaned down after the event by 4 staff originating from within 2 miles (they are the same staff who work the day of the events), who arrive in 2 cars. Any hired items will be collected by 1 Transit van and collection of waste will be provided on the Monday and Thursday after the event resulting in 2 movements from a 7.5t lorry.

The above will result in a total of 4 vehicle movements after an event.

NO PARKING ON PUBLIC ROADS SURROUNDING THE SITE

It is important that the Uphill Farm Walled Garden Venue is not a nuisance neighbour, and it is therefore important that no guests or others associated with any wedding event park on the public roads surrounding the venue. The following will be put in place to ensure this:

- The invites will provide details of travel arrangements including:
 - Venue location and best vehicle routes.
 - List of recommended coaches and minibuses
 - Nearby bus stops and train stations with the venues contact details to arrange group collections
 - Parking arrangements informing them that there is minimal parking onsite and it is recommended to car share.
 - A request to respect the surrounding neighbourhood and to refrain from parking on the surrounding public roads.
- Stewards will be employed to organise on-site parking, ensuring minimal disruption on the road.

OTHER SUSTAINABLE FORMS OF TRANSPORT

During the operating years of 2021 - 2023, Uphill Farm actively encouraged and organised the hirers with coaches and minibuses. Organising the collection and return of guests to pre allocated locations, this reduced the number of journeys substantially and is recommended during the venue booking process. Throughout these years of operation, a number of connections have been made with local coach firms (Tamar and Oakely), providing the venue with reduced prices making it more appealing for the client to use. On average the venue provided 1 coach and 2 mini busses per event, which equates to 59 guests. Accommodation that is easily accessible for these modes of transport are recommended to the client and published on invites.

The nearest train station is located in Plymouth which is 14.4km away. A guest that arrives by train is expected to stay within the area, during the event planning process the venue request the intentions of where guests will stay. This allows the planning and arrangement of a mini-bus collection service, heavily reducing the number of taxis and journeys on the road to and from the location.

The nearest bus route is located on the A386 1km from the Venue, within easy walking distance. According to highways and transportation's guidance providing for journeys on foot, an acceptable distance to walk is considered to be 2 km. This location provides a good link to Plymouth and to Yelverton, both of which have accessibility to multiple end locations and accommodation. It also provides a convenient and frequent connecting link to Plymouth train station. During the day the service operates at a frequency of 20-30 minutes for NE and SW directions, this reduces to once an hour after 2000 with the final service being at 2200. Annex A provides a timetable of operations and location from the venue.

Cycling is always encouraged by Uphill Farm. With the regeneration of Drakes trail, the link between Plymouth and Tavistock, providing a safe and sustainable route. This is a 10 minute cycle from Uphill Farm and will actively be promoted, additionally Uphill Farm will provide a facilities for guests to change on arrival if travelling by this means.

Uphill Farm actively encourage the use of local coach, minibuses and local bus routes, this is actively focused throughout the planning process of any event and reiterated on invites. Not only does this promote public transport but provides additional revenue to the local economy.

SUSTAINABILITY

Sustainability is one of the main focusses of Uphill Farm Walled Garden, not only from where the produce is sourced and transported but also how people arrive at the site.

During a large wedding, when it is expected to be require the highest demand for staff, you can expect up to 12 serving staff. During the recent years of operation from 2021 – 2023, 4 staff live on-site, 6 from within 3.2km (from 2 households/villages who car share resulting in only 2 car movements) with the remaining often arriving by public transport (these figures are only relevant for a large event). This means that for the 12 staff working a larger event at the farm results in just 2 vehicular movements.

To further reduce the impact, below is a typical example of produce that is sourced for an event:

- Meat – mostly produced on the farm or from a local butcher (4.8 Km from venue)
- Fruit and Vegetable - either grown on-site or from a supplier (17.7 Km from venue)
- Flowers - grown on-site, and clients are encouraged to use them. However if using an external local florist, we encourage using our seasonal flower or a local grower. We recommend against imported flowers from Holland (the main flower markets) or further afield.
- Wine – we always recommend a local, independent wine merchant in Tavistock called Sovereign Wines to our clients (11.7 Km from venue). The company deliver the wine using electric vans during the setup process.

Focusing on weddings that will generate the greatest number of transport movements, clients that book after a viewing will be encouraged to conduct all further planning meetings via online services. This will further reduce the number of movements being conducted to the venue.

There are over 40 Airbnb's and 2 country hotels/large bed and breakfasts within a 5 Km radius of Uphill Farm that are accessible via public bus and a short walk. These Airbnb's can host more than 150 guests alone. There are also 2 Travelodge Hotel within 6.4 Km both accessible via bus routes (Annex B).

Uphill Walled Garden actively promote the use and planning of public transport and the use of sustainable modes of transportation, with the main business ethos being based around sustainability. This is further promoted by the use of local produce and how the owners of Uphill Farm operate, having transferred to the mid-tier environmental scheme. The farm on this scheme actively seeks the renewal of hedgerows, woodland and the regeneration of orchards. This traditional style of farming promotes the sequestration of carbon and further reduces the impact on the environment.

The additional resources and certainty this planning application will provide will see the overhaul of the company website. Within this it will provide the most sustainable modes of transport to the location and a list of the nearest accommodation. Currently this is provided to the client when they book on our recommended supplier list.

IMPLEMENTATION AND MONITORING

The Uphill Farm Walled Garden Venue has appointed a Travel Plan Coordinator (TPC). The implementation of the Travel Plan is integral to the business plan, ensuring the best

experience for wedding guests ensuring the smooth running of the event. The implementation will also ensure that the venue will be a good neighbour to local residents.

The TPC will be responsible for the promotion of the Travel Plan to users of the venue and guests through wedding invites and providing contact details ensuring good communication with the venue and the guest. The TPC will also be responsible for ensuring that all those involved with setting up and running the events are aware of the contents of the Travel Plan as it affects them and for enforcing the relevant protocols as they apply.

The TPC will monitor adherence to the protocols by all parties, will record modes of transportation used and will review the Travel Plan in the light of this information on a 3 year cycle. The data collected annually to accurately review the Travel Plan will be:

- Staff journeys and miles
- Miles translated into Co2 and NoX

Once this data is collected an analysis will be conducted to ensure we are meeting targets and how we could further reduce the use of personal vehicles or taxis. If the data shows that targets are not being met further implementations will be imposed. These will be in the form of:

- Enforcing the use of coaches
- Providing bicycles for nearby accommodation

As infrastructure improves to the area the venue will be able to acquire 3 phase, with this installed the provision of charging points can be installed. Allowing the charging of electric bicycles and cars.

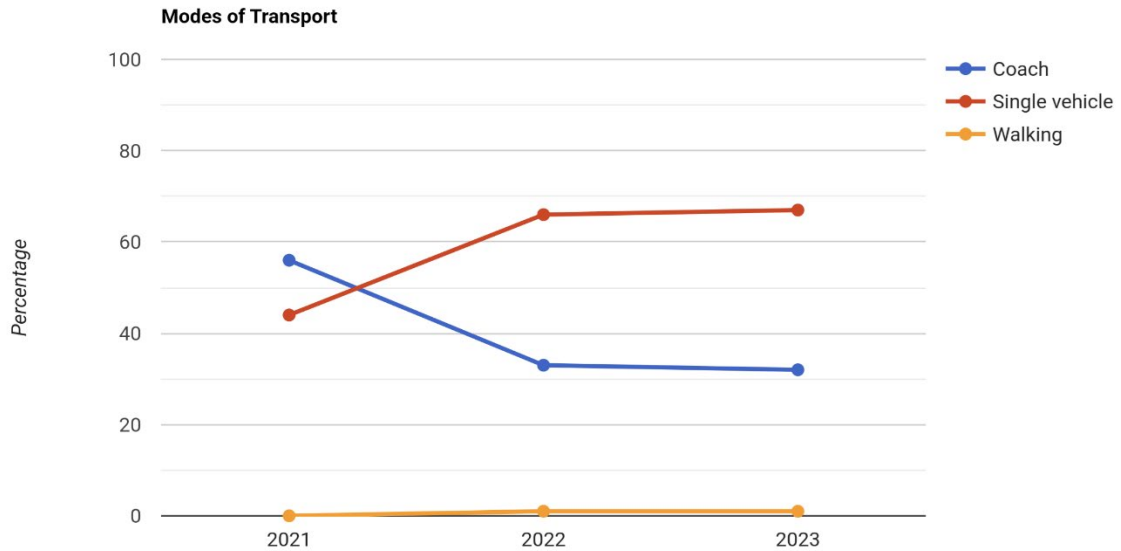
The surrounding areas, being with the TVAONB, provide a fantastic scenery for people to walk. As such part of the invites for the events/courses will provide information on walking routes to and from the venue to local accommodation.

Conclusion

Uphill Farm Walled Garden are committed to ensuring the additional generated traffic to the area has a minimal impact to the local residents as possible, additionally to promoting the use of sustainable modes of transportation by providing clients with the resources to book local coach firms or by providing information on local bus routes, walking paths, cycle paths and the nearest accommodation.

Throughout the operating periods of 2021-2023 the following statistics provide the data of travel modes:

Year	Footfall		Total	Mode of transport			
	Guests	Staff		Coach/minibus	Taxi	Personal	Walking
2021	226	31	257	144	51	62	0
2022	909	66	975	324	265	383	3
2023	722	91	813	264	113	428	8
Note:	These figures are total numbers per year.						



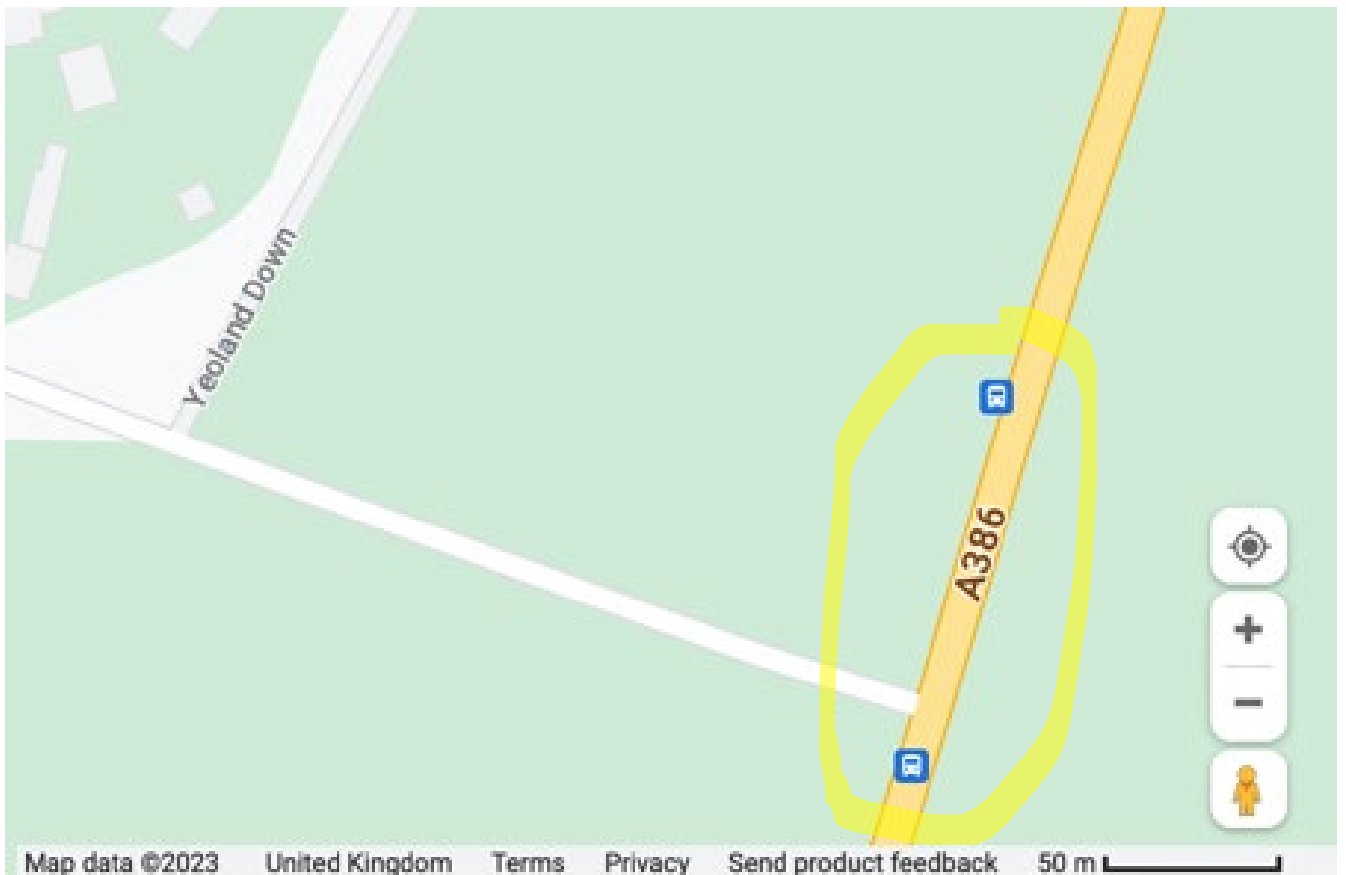
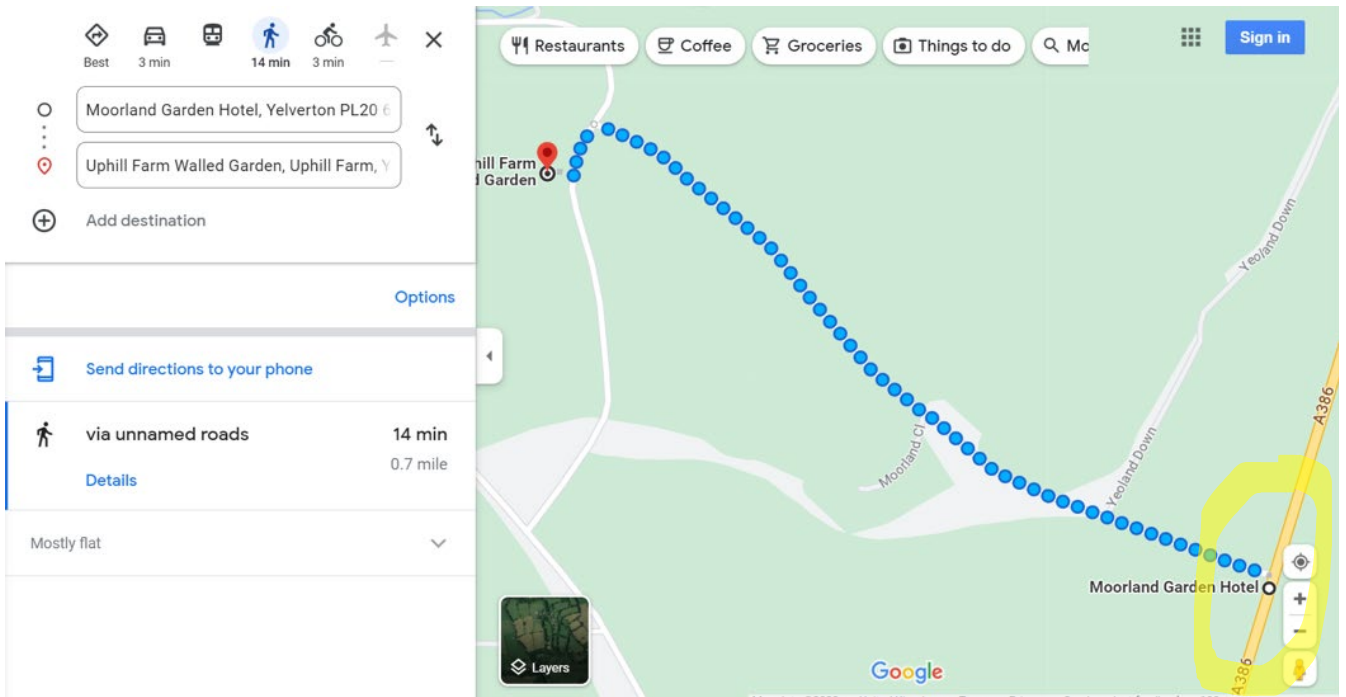
During the first year of operation after the first wedding that was held at the venue, the applicants asked the immediate residents what could be improved to reduce the impact. The initial suggestion of having coaches to reduce the number of cars was requested, after two more weddings the neighbours stated that the coaches subsequently increased the disturbance. This defines the fall in percentage used after the opening year in the vision to reduce the impact on amenity. A further 2 years of experience it is understood the failings of the initial implementation, predominantly coaches left idling within close proximity to neighbours and shuttling guests to large coaches that couldn't gain access to the venue. The applicants intend to overcome these failings and to reinvigorate the use of coaches, after consultation with a local coach firm it was confirmed that a 36 seater coach has the manoeuvrability to access the venue drive. Coaches that arrive on-site will park on the drive and turn off engines whilst waiting for and embarking passengers, this waiting area has been identified and annotated on the application location plans. Larger coaches will not be organised to prevent the shuttling of guests. During the planning of events there will be an increased focus on providing coaches, this information will be provided to clients booking and will become part of the terms and conditions to ensure the client commits to our sustainable modes of travel policy. With this travel plan in place, it will promote the use of coaches and minibuses and other sustainable methods of travel. As such, Uphill Farm Walled Garden have proposed the following targets to reduce the number of single use vehicles:

- 2024
 - o Coaches increased by 5%
 - o Walking and cycling increased by 10%
 - o Single use vehicles decreased by 5%
- 2025
 - o Coaches increased by 5%
 - o Walking and cycling increased by 10%
 - o Single use vehicles decreased by 5%

These initial targets would see less than, on average, 20 single use vehicles being onsite with over 50% of clients arriving or departing by other sustainable methods.

Annex A

Bus stop location (including walking route from the site) and timetables



27/09/2023

13:38

Go

1	Plymouth	13:53
	26034 - YX65 RCV	
1	Plymouth	14:13
1	Plymouth	14:33
1	Plymouth	14:53
1	Plymouth	15:13
1	Plymouth	15:33
1	Plymouth	15:53
1S	Southway	15:56
1	Plymouth	16:19
1	Plymouth	16:45
1	Plymouth	17:10
1	Plymouth	17:35

Bus services

- 1** Plymouth North Road East - Tavistock
Stagecoach South West
- 1S** Southway The George P&R - Tavistock
Stagecoach South West
- X1** Stoke Paradise Road Dhs Boys - ...
Stagecoach South West

Nearby stops [Map](#)

NE-bound ↗
1 1S X1

27/09/2023

13:41

Go

1	Tavistock	14:00
	15961 - YN14 OWO	
1	Tavistock	14:21
	10459 - SN65 NZS	
1	Tavistock	14:42
1	Tavistock	15:02
1	Tavistock	15:23
1	Tavistock	15:48
1	Tavistock	16:08
X1	Tavistock	16:16
1	Tavistock	16:38
1	Tavistock	16:48
1	Tavistock	17:08
1	Tavistock	17:27

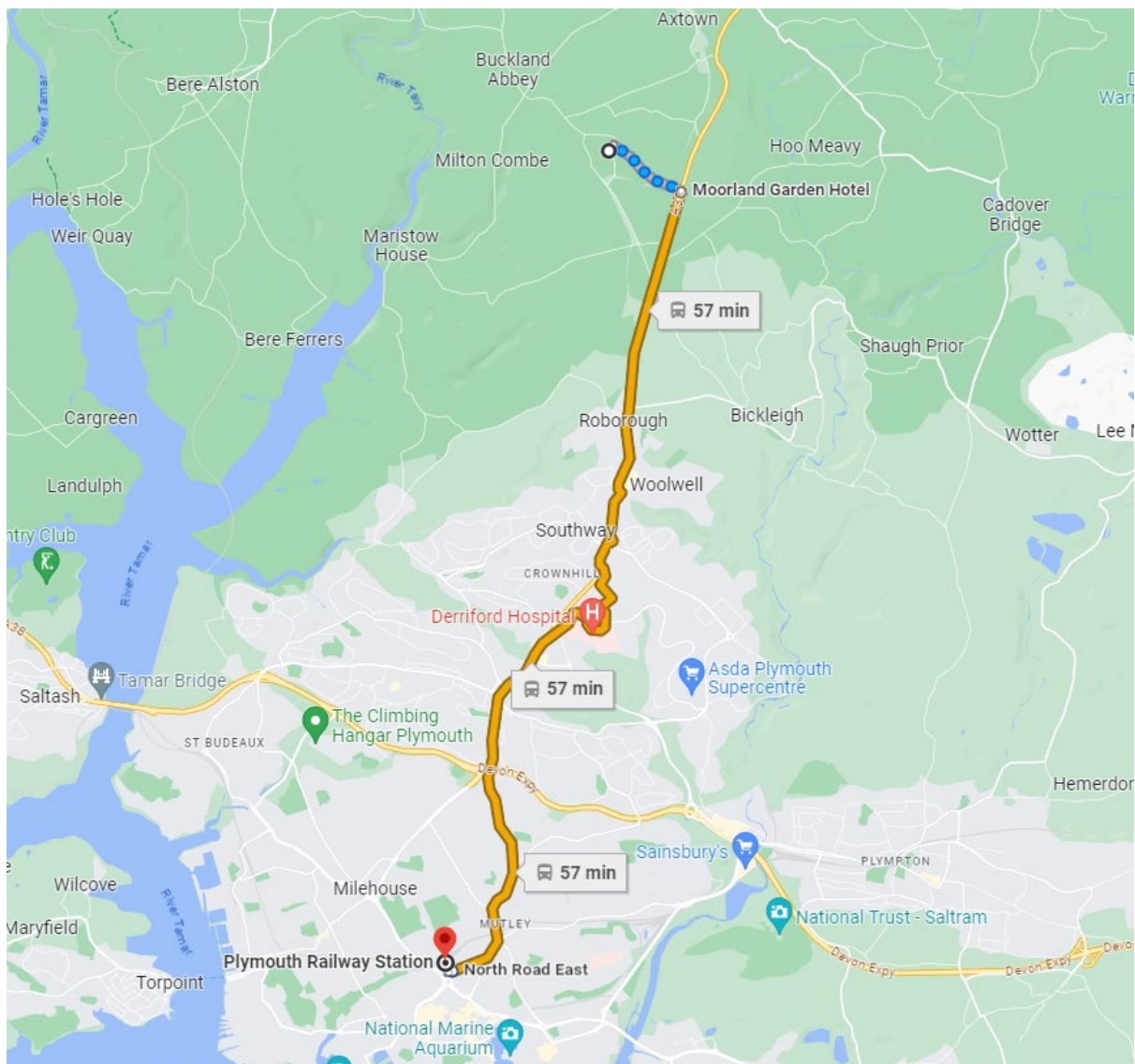
Bus services

- 1** Plymouth North Road East - Tavistock
Stagecoach South West
- 1S** Southway The George P&R - Tavistock
Stagecoach South West
- X1** Stoke Paradise Road Dhs Boys - ...
Stagecoach South West

Nearby stops [Map](#)

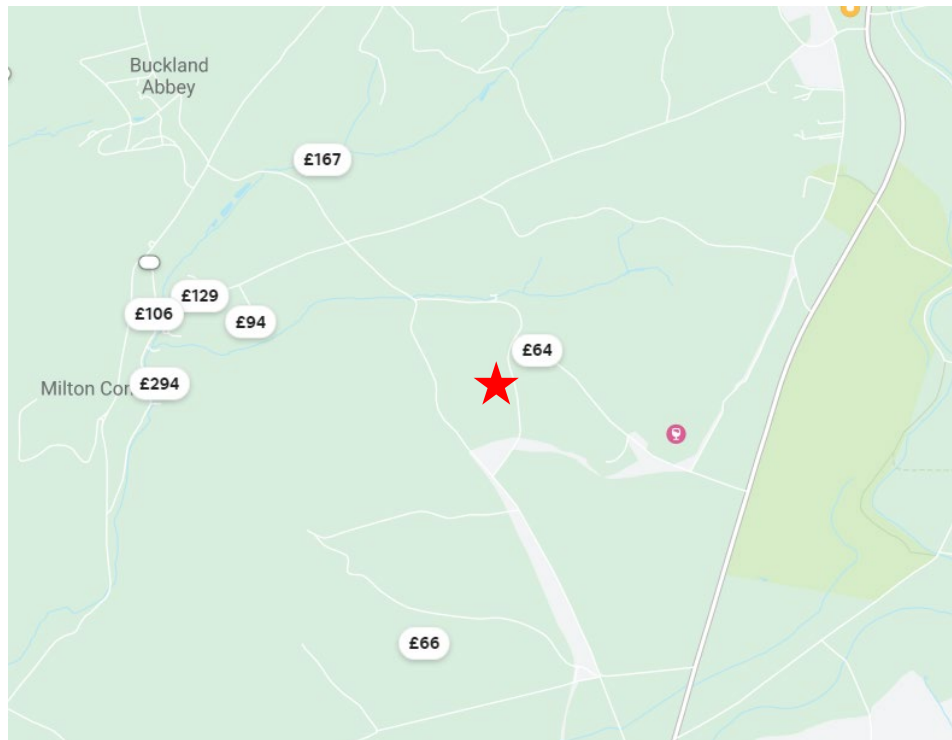
opp Moorland Garden Hotel ↙
1 1S X1

Route to Plymouth Railway Station via bus

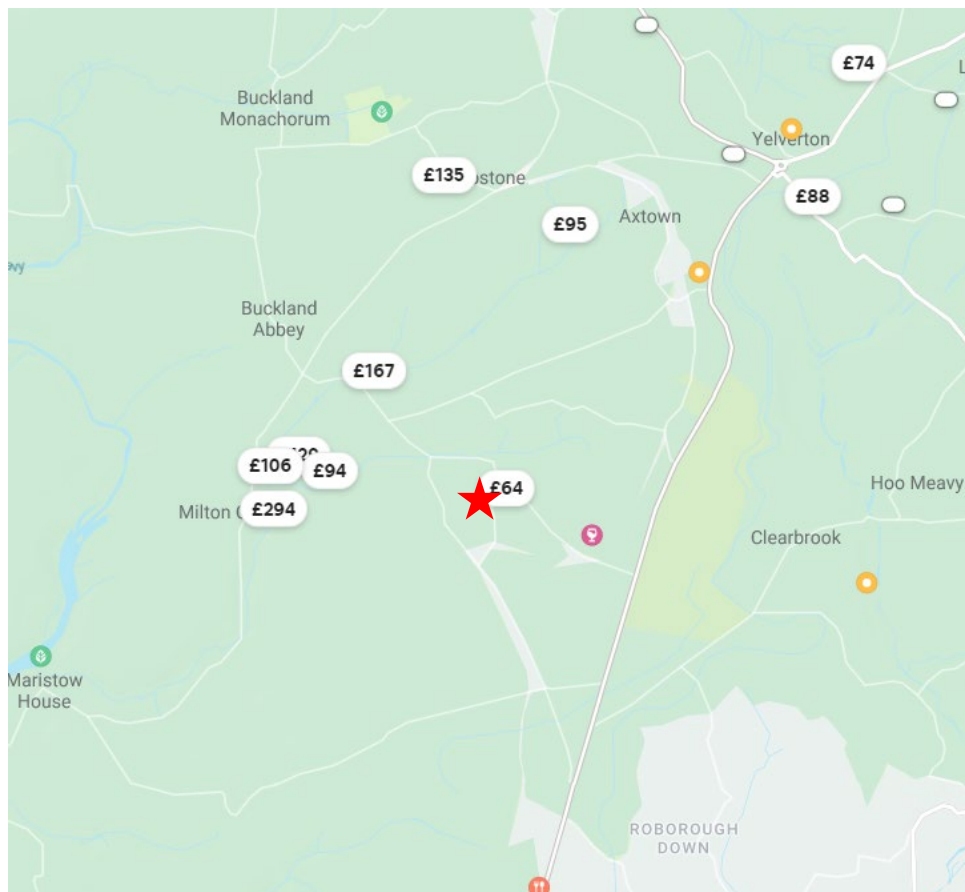


Annex B

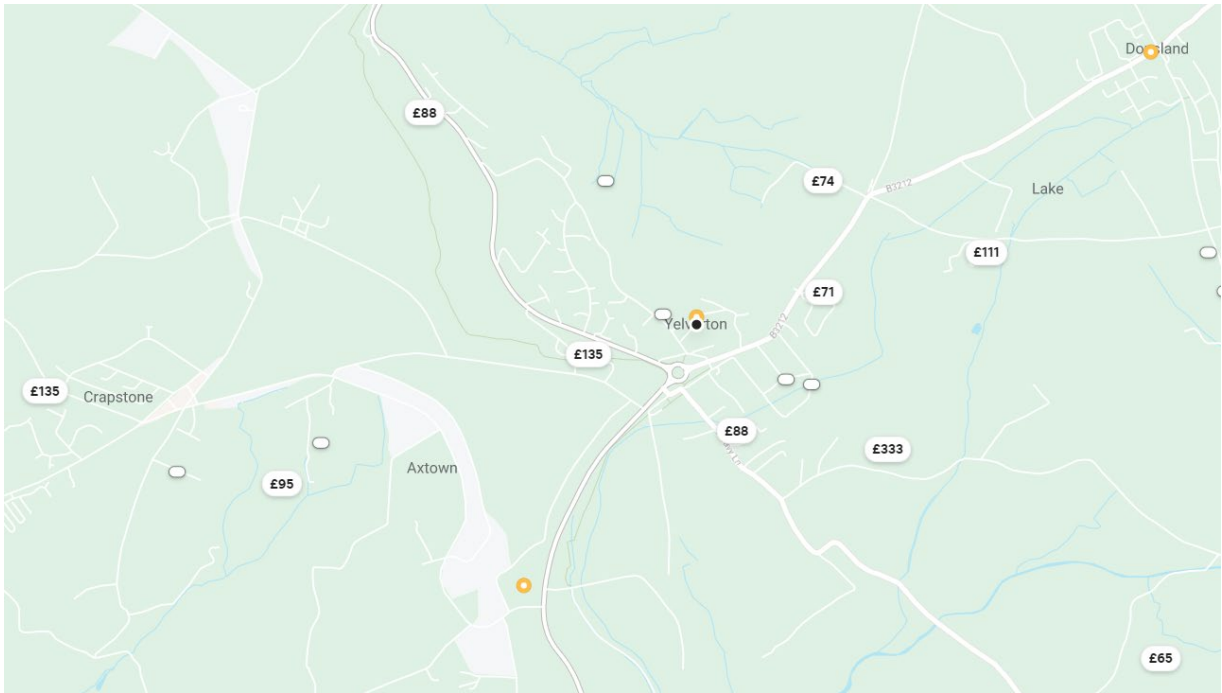
Local self-catering accommodation via Airbnb within 1.5km (site marked with a red star)



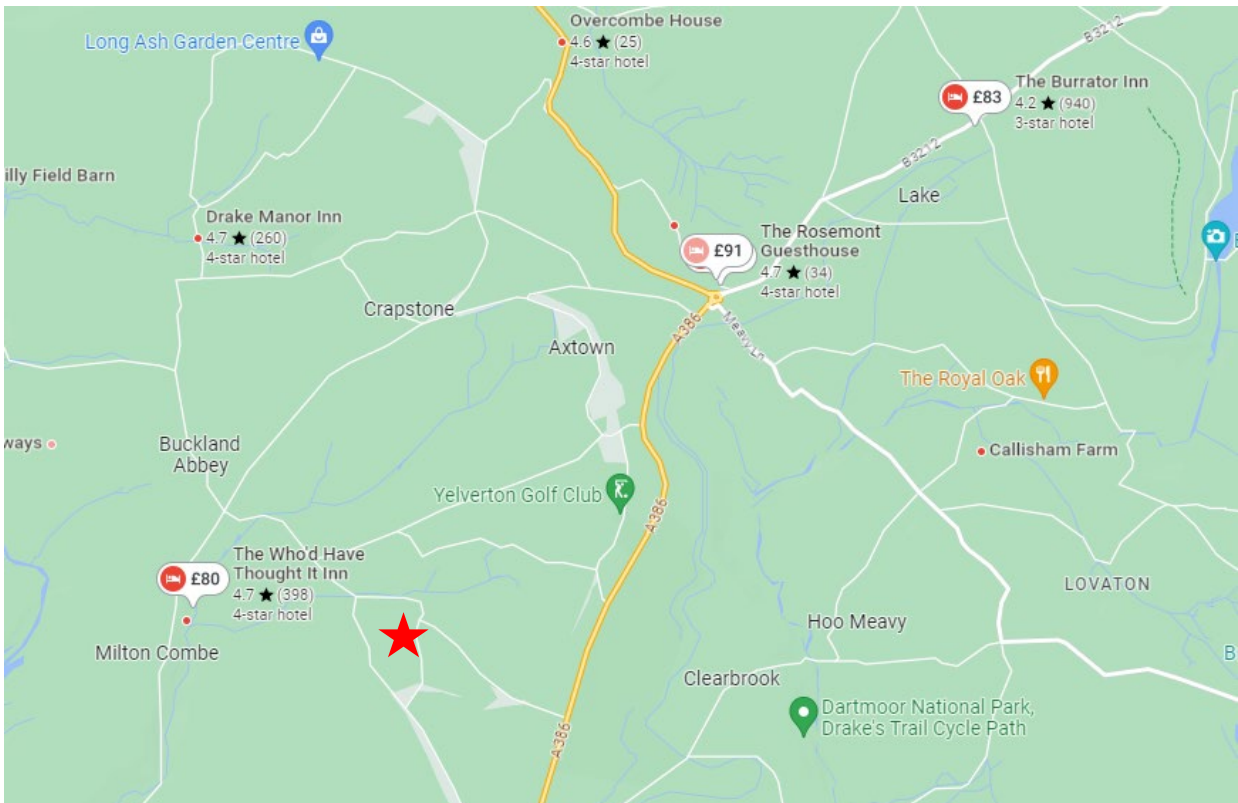
Local self-catering accommodation via Airbnb within 3km (site marked with a red star)



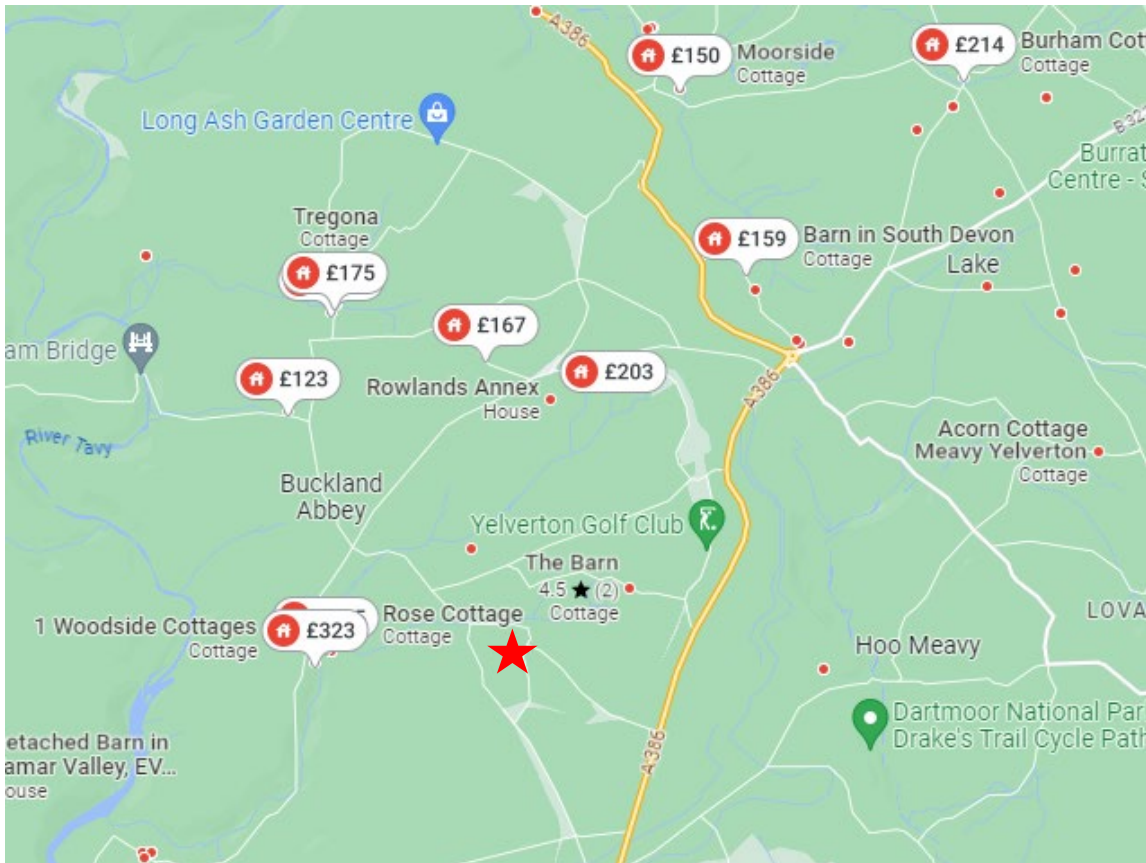
Close up of nearby Yelverton via Airbnb



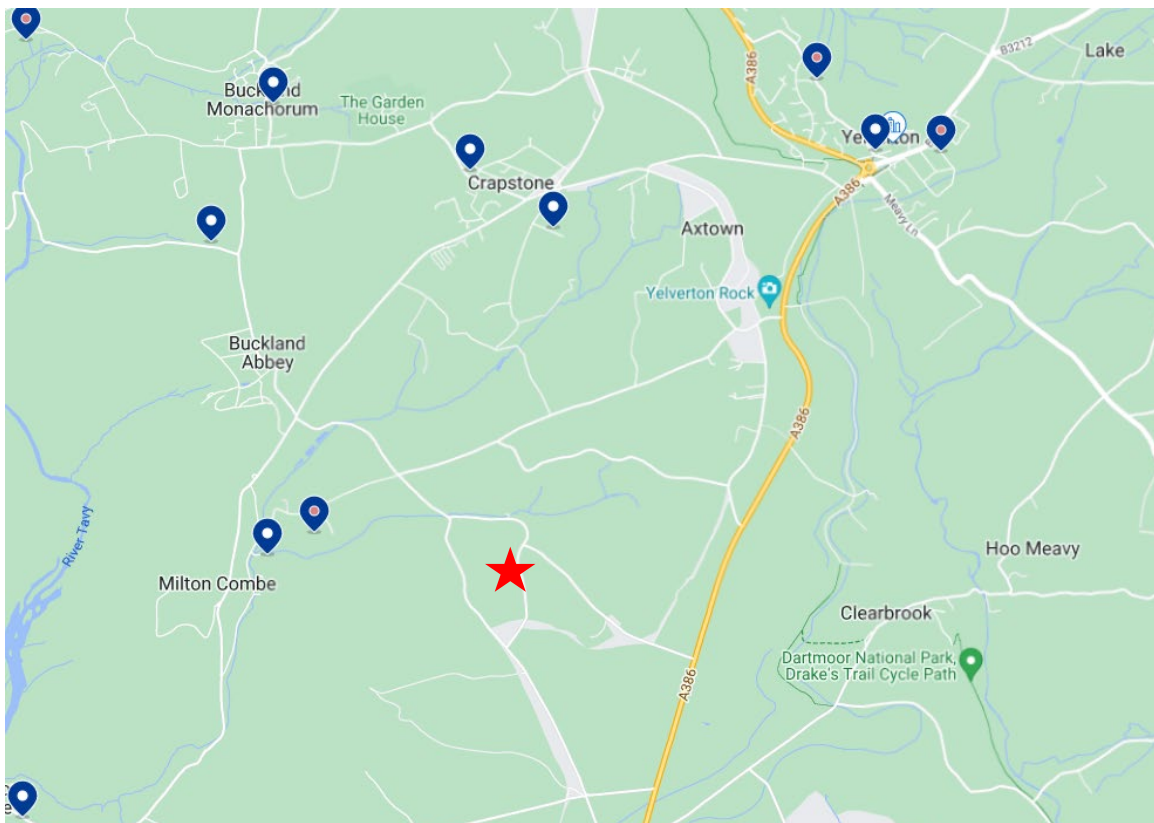
Local bed and breakfasts and hotels via Google



Local self-catering accommodation via Google



Local accommodation via Booking.com



4. Zone Array Fact Sheet

Uphill Farm Walled Garden and Barn
Fact Sheet
February 2024

Fact Sheet for Clients and Entertainment Personnel

Uphill Farm Walled Garden and Barn have installed a sophisticated speaker system in their wedding marquee, which ensures music is intelligently directed towards the dance floor at a high decibel level, whilst allowing other guests to converse. The Barn and Walled Garden is set within the Tamar Valley Area of Outstanding Natural Beauty and on the edge of Dartmoor. This idyllic location provides a quiet night time ambient noise level of 26dB. The implementation of the system and noise management plan will ensure visiting Bands and DJs will be able to provide Music Noise Levels (MNL) on the dance floor of approximately 95dB, whilst keeping within conditions set by the Local Planning Authority and Environmental Health, both pre and post 23:00hrs. In order to meet local environmental conditions, we must ask all clients and visiting acts note and adhere to the following:

1.0 - Fact Sheet

1.1 Uphill Farm Walled Garden and Barn have installed a highly directional Zone Array speaker system and process-limiter above the dance floor in the marquee. It will provide high volume levels in this specific area, with a significant reduction away from it.

1.2 PA Specifications:

- 36 x Zone Array Panels
- 2x Powersoft K3
- 1x Symetrix Prism 8x8
- 4x Community VERIS 8
- 1x Powersoft Duecanali 1604
- 1x Sennheiser Mic System

1.3 The Zone Array has a pre-determined max volume level on the dance floor. Uphill Farm Walled Garden and Barn's noise management officer has discretion on the overall volume level, dependent on the meteorological conditions on the day of the event and ambient noise readings taken before the event.

1.4 The system uses XLR inputs throughout. Band/DJ inputs are located to the right hand side of the stage, where visiting acts will set up. XLR leads and adaptors will be provided where required.

The Local Authority have used national directives when setting MNLS for Uphill Farm Walled Garden and Barn. Pre and post 23:00hrs there shall be no difference against the underlying background ambient level.

2.0 Band Backline Requirements

In order to meet conditions set by our local planning authority, we must insist on a few requirements that Bands and DJs must adhere to.

- 2.1 Live music will cease at 23:00hrs. Entertainment then continues in the form of pre recorded music through the sound array until 2345. The system will automatically change its sound profile at 23:00hrs and it is recommended that live music starts the encore at 2245.
- 2.2 Bass - It is essential that bass guitars are DI'd into the main mix for projection to the audience through the Zone Array speaker system.
- 2.3 Monitoring - Our preference is for Bands/DJs to use in-ear monitoring. Uphill Farm Walled Garden and Barn will provide in-ear monitoring and are happy to assist Bands/DJs when conducting their sound checks, in order to set the correct volume for the monitors. Please inform Uphill Farm Walled Garden and Barn if you require the use of in-ear monitors.
- 2.4 Drum kits – to get the best performance from the sound system it is preferred that electric drum kits are used, Uphill Farm has an in house electric drum kit for bands to use. Where this is not possible for other percussion instruments, the use of hot rods, drum mufflers/pads and/or other noise limiting techniques must be used to ensure MNLs from the act do not exceed the required level. Again, Uphill Farm Walled Garden and Barn are happy to assist bands when conducting their sound checks in order to achieve this.

A large proportion of acts who have performed at Uphill Farm Walled Garden and Barn and other venues have not used a Zone Array before. Their experiences highlight that once they have set up and completed their sound checks, they are able to provide a great sound for guests in the desired location, to ensure a terrific Band/DJ performance caps off the perfect day. Due to the nature of the system processor the sound engineers from Direct Acoustics advise to not attempt to drive the settings up on your own equipment as this will result in the frequencies being compressed. This will only lead to a distortion in sound.

If you have any questions about these procedures at any time, please get in touch.

Please sign below and return via email to confirm you have read and agree to above criteria.

Name.....

Signature.....

Date.....

PLANNING APPLICATION REPORT

Case Officer: Belle Richer-Hill
Buckland Monachorum

Parish: Buckland Monachorum **Ward:**

Application No: 1769/23/FUL

Agent/Applicant:
Emily Robinson - Atticus Planning
Limited
PO Box 247
Tavistock
PL19 1FJ

Applicant:
Uphill Farm Events
Uphill
Plymouth
PL20 6DF

Site Address: Uphill, Yelverton, PL20 6DF



Development: Use of walled garden for weddings, workshops & food events, construction of four ancillary buildings within the walled garden, use of part of adjacent barn for wedding ceremonies & construction of external staircase to barn (part retrospective) (resubmission of 2992/22/FUL)

Reason item is being put before Committee

Head of DM has requested that this application be considered by the Development Management and Licensing Committee because it has a number of significant material planning considerations.

Recommendation: Conditional Approval

Conditions:

1. Standard time limit
2. Accord with plans
3. Use (weddings, workshops & food events)
4. Walled garden (catering)
5. Tied to Listed Building
6. Number of events
7. Time of events – to protect the barn owls and amenity of neighbours
8. Number of guests
9. Sustainable travel plan
10. Lighting plan
11. Noise management plan
12. Amplified music
13. Ecological appraisal
14. Existing nesting site (prior to commencement)
15. New nesting site (prior to commencement)
16. Barn owl monitoring
17. Remove when no longer required

Informatives:

1. Proactive
2. Responsibility for compliance
3. Protected species

Key issues for consideration:

Location (countryside), Heritage (Listed Building), Landscape, Ecology (barn owl), and Amenity (noise and lighting)

Site Description:

The site is a curtilage listed walled garden of approximately 1 acre enclosed by a stone boundary wall (approximately 2.5 metres in height) with central double timber entrance gates to the east elevation and part of the curtilage listed threshing barn that forms part of the Grade II* Listed 'Uphill' (list entry number 1105490).

The site is located within the Tamar Valley Area of Outstanding Natural Beauty, Devon Landscape Character Area 2D Moorland edge slopes, and Plymouth Sound and Estuaries Special Area of Conservation 12.3km buffer. The site is also in proximity of the Dartmoor National Park boundary, multiple Tree Preservation Orders including Reference S73, and Grade II Listed Building 'Sowton Farmhouse' (List Entry Number: 1105489) and Grade II Listed Building 'Outbuilding Approximately 10 Metres To South-West Of Sowton' (List Entry Number: 1163329).

The Proposal:

The applicant seeks permission for the use of the barn and the walled garden for up to 55 commercial events per year (weddings, workshops & food events) for up to 120 guests. The applicant seeks permission to retain 3x unauthorised timber structures (prep kitchen, kitchen, and toilet). The applicant seeks permission for the erection of 1x glass house. The applicant seeks retrospective permission for alterations to the barn's flooring, steps, and glazed balustrade. The applicant also seeks the use of the adjacent field for parking.

We seek your assurance that these matters will be carefully considered and appropriately controlled by planning condition to ensure no detriment to the relative tranquillity of this part of the designated landscape, paying attention to the frequency and duration of events.'

- Dartmoor National Park No response received
- DCC Ecology Ok subject to conditions
8.11.2023

'Please condition the sound proofing, new barn box and monitoring as detailed in the ecology report'

- Barn Owl Trust No objections subject to conditions
08.11.2023

'It is good to see the report specifically mentioning the time of ceremonies and great to see the addition of sound-proofing into the mitigation measures.'

I think it is important that the following conditions are also clearly stipulated within the mitigation measures section which will help ensure the owls aren't disturbed while nesting:

- Ceremonies should continue to only be conducted in daylight hours
- A guest exclusion zone is created north of the walled garden following the daytime ceremony. This then means that the owls flight paths shouldn't be disturbed in the evening by guests using this area – crucial when they are feeding young and repeatedly flying back and forth from the barn.'

- DCC County Highways Authority No highways implications
- Environmental Health Team No objections subject to conditions
30.10.2023

'The comments I made on 17th October clearly set out the position with regards what noise and music could be heard at a residence which was around 500m away. The video sent was taken in the porch of the resident's home as is stated on it. This was not just distant music being heard, it was so loud that the track could be identified and words were clear.'

Yes we agree that the background noise would vary, in fact in this very rural area it is likely to drop as low as 18-20dB at times. This is why I have stated a typical rural background level to work to. The boundary of a residence is the garden boundary, not a land ownership boundary.'

The control set out by the applicant in the original noise management plan was : "The specific noise level from music at any event shall not exceed 5dBa above the prevailing background noise level at the facade of any residential property. The noise level shall be measured as a 15 min Laeq."

The noise reported over the summer suggests that this was exceeded and it would therefore be insufficient. Furthermore it would be better for the applicant to demonstrate compliance at a location he has access to, if he either receives a complaint or can hear the music himself whilst monitoring. The additional condition that I have suggested therefore does that. I have however amended the reference to background noise levels, and defined "audibility" instead of "inaudibility". In terms of noise management at source this won't make much difference - the applicant cannot turn the music volume up on nights when the background levels are higher so he needs to design the system and controls so that the music noise level never exceeds the lowest background levels. This condition fulfills the tests as it is necessary, relevant, precise, enforceable and reasonable.'

"No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence. Reason: To protect the amenity of local residents from music noise. (Note: In this case "audibility" is defined as the specific music noise level (measured as Laeq, 15 min) which exceeds the background noise level (measured as La90, 15 min) prevailing at the time.)"

Representations:

32 representations have been received (16 in support and 16 objecting) and cover the following points:

SUPPORT

- Share traditional skills and knowledge, sustainable way of life
- Locally sourced materials, simple vernacular structures
- Benefit local economy, increase footfall
- Much needed employment however seasonal
- Hardworking young family
- Investing in decrepid listed building, high economic burden and responsibility
- Diligent with volume at wedding, encouraged guests leaving to respect local residents, making best use of advanced audio-limiting equipment and hired designated sound technician
- Noise always issue in any rural setting, recent tree felling
- Request independent Noise impact assessment
- Improving their car park facilities
- Near the A386
- Not noticed significant increase in traffic
- Delivery vehicles no more noise or disruption than others
- Dartmoor wildlife get killed by inconsiderate drivers from anywhere, cattle grids both ends of the lane
- Encouraging group travel
- Low level lighting, minimal and contained
- Rubbish is cleared

OBJECTION

- Misused Temporary Event Notice, neighbours were not able to voice views/concerns
- Applicants previously informed they could not use 28 day Permitted Development Rule (PD), disregard to local planning rules and regulations, feel this was not oversight, intended to build this business into a permanent wedding venue
- Leave residents with no peaceful weekends all summer to enjoy rural tranquillity
- Caused major disturbance and nuisance on several occasions, disturbs neighbouring houses, wrong location for night club, unwelcome and overpowering, cause anxiety, stress and sleep loss, disturbance will 'occur regularly and continue for a period of time' contrary to DEFRA Statutory Nuisance, force us to close windows to block the level of noise, midnight is too late, 10 pm would be less intrusive
- Marquee no noise insulation, prefer sound proof purpose built building
- Previously talked about technologies to mitigate sound nuisance but nothing has materialised
- Request information how council/enforcement will monitor/assess venue to ensure regulations/conditions met/adhered
- Not appropriate to Grade II Listed historic agricultural farm building, not common for buildings used for facilities for 120 plus guests in a business sense, applicant purchased being fully aware of listed status and the resultant limitations

- Not make positive contribution to TVAONB, decreases level of tranquillity
- Marquee visible from neighbouring gardens and driving around locally, not reasonable within AONB, detract from the beautiful landscape
- Very stringent planning and development rules within the AONB, planning rules and regulations are there for a purpose and they must be applied fairly to all
- Light pollution, use of full headlight beams
- Impact on enjoyment to watch/listen to bats, deer, brown owls, barn owls
- Impact on Mare and Foal Sanctuary brought to area for tranquillity to aid rehabilitation
- Flora and fauna is already diminished, further activity would cause further harm
- Single-track narrow country lanes restricted by cattle grids/no street lighting and few passing places, used regularly by farm vehicles, larger sized vehicles cause significant disturbance, already dangerous with frequent accidents occurring, concern if emergency vehicle needed access, Dartmoor livestock on roads prone to be hit by drivers at night
- More parking than 30 spaces
- Short term financial gain for owners, all home owners need to fund maintenance/repair of their properties, financial justification at detriment cost of quality of life and TVAONB
- Concern regarding future development of business premises

All representations are available via the council's website.

Relevant Planning History

Decision date	Planning application reference	Proposal	Decision
21/03/2019	4126/18/LBC	Listed building consent for structural repairs and floor renovation to threshing barn at Uphill	Withdrawn
12/01/2023	2992/22/FUL	Retention of the use of the walled garden as a wedding venue & training hub (Class E) together with two ancillary buildings & car parking (Retrospective)	Withdrawn

ANALYSIS

Principle of Development:

Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out a framework for growth and change underpinned by sustainability whereby development proposals delivered across the plan area should promote a sustainable economy, sustainable society, and sustainable environment. JLP Policy SPT2 requires the application of principles of sustainable linked neighbourhoods and sustainable rural communities to guide how growth and development should be delivered across the plan area. Development can support the overall spatial strategy by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.

JLP Policy TTV1 'Prioritising growth through a hierarchy of sustainable settlements' sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable. Growth is directed to the main towns in the first instance, to promote self-containment in order to support new growth and to support existing services. Paragraph 5.5 of the supporting text

explains that development 'outside built up areas' will be considered in relation to JLP Policy TTV26 'Development in the countryside'.

JLP Policy TTV26 'Development in the Countryside' seeks to protect the role and character of the countryside. Paragraph 5.169 of the supporting text provides reasoned justification for TTV26 in general and explains how the policy works in conjunction with TTV1 and the settlement hierarchy. This accords with the wider spatial strategy for meeting housing and employment needs in the policy area and seeks to direct the vast majority of development towards the named sustainable settlements identified in Paragraphs 5.8-5.10.

The policy is divided into two different sets of policy requirements: part one (TTV26(1)) that applies to development proposals considered to be in isolated locations; and part two (TTV26(2)) that applies to all development proposals that are considered to be in countryside location.

In this regard, the LPA is applying the Bramshill Ruling in considering whether or not the site should be judged to be isolated (*City & Country Bramshill Limited v SoSHCLG, Hart District Council, Historic England, & The National Trust for Places of Historic Interest or Natural Beauty, 2020*). This judgement superseded the Braintree Ruling, which had previously applied a more literal understanding of the term 'isolated', stating that a proposal site would need to be 'far away from people, places or thing' to be considered isolated. Whether a proposed site is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand" (paragraph 10 of the ruling).

In this case, the site in question is in the vicinity of other dwellings, however, these are not considered to reasonably constitute a 'settlement' for the purposes of applying the Bramshill ruling, and the nearest obvious settlement, Yelverton, lies approximately 2.5 miles from the site. On this basis, the site is physically separate or remote from a settlement and it is only reasonable to conclude that the site should be considered 'isolated' and the proposal to constitute 'isolated development in the countryside.'

JLP Policy TTV26 'Development in the countryside' states

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

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or

ii. Secure the long term future and viable use of a significant heritage asset; or

iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or

iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or

v. Protect or enhance the character of historic assets and their settings.

2. Development proposals should, where appropriate:

i. Protect and improve public rights of way and bridleways.

ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.

- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.'*

Not every criterion within this policy would be engaged or relevant to every proposal.

The proposal does not relate to an essential need for a rural worker or a proven agricultural, forestry, or other occupational need that requires a countryside location and does not necessarily require this location. Officers acknowledge that the proposal would not prejudice viable agricultural operations or use Best and Most Versatile Agricultural Land.

The applicants seek to utilise an existing curtilage listed barn and walled garden. The applicants have indicated that the proposal would secure the long term future of the heritage assets and have offered a phased schedule of repairs for the farm store (curtilage listed building immediately outside the NW corner of the walled garden) and walled garden to secure their built fabric and this provides some support to the proposal. The applicants have stated that the farm store cannot also be reused as it has an existing function for storage. The proposals would not require significant enhancement or alteration to the curtilage listed structures. Officers acknowledge that this would provide a viable use for the heritage assets, however, this would not necessarily protect or enhance the character of the historic assets and their settings. The site is a historic farmstead complex and an events venue with commercial structures is not naturally compatible with the way that the site is experienced and understood.

JLP Policy DEV15 'Supporting the rural economy' sets out the circumstances in which the Council would support appropriately located proposals in rural areas which seek to diversify the rural economy, provided that a number of criteria are met.

JLP Policy DEV15 'Supporting the rural economy' states:

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

- 1. Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.*
- 2. Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.*
- 3. Proposals should explore opportunities to improve internet connectivity for rural communities where appropriate.*
- 4. Support will be given to the reuse of suitable buildings for employment uses.*
- 5. The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75 per cent of the goods sold will be produced within the immediate and adjoining parishes.*

6. *Development will be supported which meets the essential needs of agriculture or forestry interests.*
7. *The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.*
8. *Development proposals should:*
 - i. *Demonstrate safe access to the existing highway network.*
 - ii. *Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*
 - iii. *Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.*
 - iv. *Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.'*

As previously noted, the site is not in a location where development is typically directed. Guests are unlikely to live locally, resulting in an increase in private motor vehicles of those attending events at the site, contrary to the aims of the JLP and policy DEV15. The applicant has submitted a Sustainable Travel Plan to demonstrate how this has been considered and mitigated. It claims through 2022 they recorded an average of 31 cars per event (max 35) and that due to the desire to consume alcohol, and that guests are largely friends and family, guests often travel as a group and this is often pre-organised. It also details the public transport links and claims this is advertised in invitations to guests. The applicants have developed a Travel Plan with targets for 2024 and 2025 and seek for 50% of visitors to travel by sustainable methods. They have appointed a Travel Plan Coordinator to collect data to ensure these targets are met. The Sustainable Travel Plan also explains that catering, bar, furniture, décor, and floristry is typically provided by the applicants. For brevity, the external vehicular movements is calculated at 25 cars/transits/lorries (ranging from staff, deliveries, and waste) over the 3 days (before, the day and after). Officers acknowledge that it is difficult to enforce that visitors share transport. Given the distance (approximately 1km) from the A386 which connects Yelverton and Plymouth, and that Plymouth is a key train station (approximately 14.4km away) connecting to rail routes across the country, Officers consider that these aims are reasonable. DCC County Highways Authority have not raised concerns with the access.

The proposal seeks to reuse an existing curtilage listed barn and walled garden. The applicants have stated that the farm store (curtilage listed building immediately outside the NW corner of the walled garden cannot be reused as it has an existing function for storage. New buildings are proposed, including the regularisation of 3x unauthorised timber structures. Design and Heritage is critiqued in greater detail in the relevant section of this report, for brevity, whilst these are retrospective, they are of wood, locally sourced, and constructed on the site. They have a temporary, lightweight, and subservient character, and are easily reversible. The applicants also seek the erection of a glass house. Whilst there is no evidence for a glass house on this site and this is erroneously sited in the north-west corner, rather than orientated to the sun, this is generally consistent with contemporaneous working gardens. The proposal is considered to align with the provisions of DEV15, however Officers note that this support is generally caveated as requiring an acceptable impact on

neighbouring amenity. Amenity is discussed in the relevant section of this report, for brevity, the Environmental Health Team consider this to be controllable to an acceptable level, subject to conditions.

The applicant has claimed that the proposal would support the local rural economy through various sectors, giving a boost to the surrounding area, including, but not limited to, the employment of hospitality staff, entertainment, hair/make-up artists, photographer/videographer, and transport. The agent has also provided details of each of the suppliers that would benefit and these are largely local businesses. Officers note that the Supplementary Planning Document that accompanies the JLP expands on DEV15, explaining that such proposals are expected to '*provide decently paid employment opportunities*' noting that '*many [rural] job opportunities are poorly paid, seasonal and/or insecure*'. It is considered that the overall economic benefit of the proposal is difficult to quantify and subjective, to some extent, however, there would undoubtedly be some benefit to the local rural economy from the provision of this facility in this location.

On balance, Officers consider that whilst the proposal does not meet the planning policies completely, the proposal is considered to broadly align with JLP Policy DEV15. The proposal is for a limited number of events and is sufficiently located to be served by public transport with sustainable travel targets secured by condition. The proposal would provide some benefit to the local rural economy without undermining agricultural or other rural operations. Whilst partially retrospective, the proposed works are considered to be generally appropriate. Overall, the proposal is considered to be acceptable in principle, subject to other relevant considerations and policies in this sensitive location. Given the proposal is considered and deemed to be acceptable against the submitted information, it is considered necessary to condition the timber structures to be removed when they are no longer required.

Design and Heritage:

As the site is within the curtilage and setting of a Grade II* Listed Building and alteration to the curtilage listed barn, Officers must be mindful of the duty to pay '*special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses*' set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16 Paragraph 189 of the NPPF explains '*These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*'. The Grade II* Listed status means that the site is of 'more than' special interest and sits within the top 7% of Listed Buildings across England. This means that greater weight should be given to its conservation to reflect the asset's importance, as set out in Section 16 Paragraph 199 of the NPPF. Any '*harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: (b) assets of the highest significance, notably ... grade II* listed buildings ... , should be wholly exceptional*' as set out in Section 16 Paragraph 200 of the NPPF.

Historic England's consultation response requests that this be applied not only to the current proposal but also '*in considering future planning risk, and mitigating that risk*'. In this case, the list description notes that '*Altogether the building has been little altered internally or externally since the 18th century*' which has led Historic England to note that as '*a building that has not been detrimentally affected by development or other changes to its immediate context, and this in itself contributes to its special interest*'. This places greater pressure on any proposed development (or works) to respect the sensitivity of the site.

JLP Policy DEV20 'Place shaping and the built environment' requires that development proposals '*meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment*'. This seeks to promote high standards of design and requires proposals to have regard to the range of factors which help achieve high quality places, with particular consideration of the local context, development pattern, and design elements.

JLP Policy DEV21 'Development affecting the historic environment' requires development proposals affecting heritage assets '*to sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance*'.

Historic England's consultation response notes that they have no objection in principle to the use of the walled garden for occasional light use with temporary structures for a limited number of events and guests.

Officers acknowledge that the timber structures are for commercial use and are retrospective. The design of the timber structures are largely utilitarian and sit below the height of the surrounding wall. They are constructed of wood that was locally sourced and constructed on the site. They have a temporary, lightweight, and subservient character, and are easily reversible. Whilst there is no evidence for a glass house on this site, the submitted Heritage Statement argues '*it would be normal for kitchen gardens to have sheds and glasshouses and for the character of these buildings to evolve through the working life of the space*'. This is generally consistent with contemporaneous working gardens although this is erroneously sited in the north-west corner, rather than orientated to the sun.

The significance of the walled garden is considered to be the historic fabric of the wall, the associated built structures immediately outside the NW corner of the walled garden and the enclosed cultivated space. The sheer scale of the walled garden exceeds what would be expected for a dwelling the size and status of Uphill. It is suggested that the walled garden may have supplied high value produce to markets in Plymouth and provision to the Navy. The walled garden is itself a valuable heritage asset but also forms part of a wider complex at Uphill. In this context, there is no doubt that this asset has a clear functional link to other buildings comprising the Uphill complex and reinforces the status and value of the house and barns. This is a working space that would have adapted to changing needs.

The impact on the significance of the walled garden is considered to be limited due to the temporary and reversible nature of the timber structures. The glass house is complementary to the walled garden, however this is not as easily reversed and is not authentic in its siting or design. The proposals do introduce built form into the site that are not authentic in siting and design. This would detract from the way the building is experienced and understood. In terms paragraphs 199-202 of the NPPF, this is considered to introduce constitute less than substantial harm because the special qualities of the asset as a whole would not be vitiated (as per caselaw in Bedford). However, less than substantial harm does not equate to less than significant planning objection. Any harm to a designated heritage asset should be afforded considerable importance and weight (as per caselaw in Barnwell Manor).

Having considered that the proposal is unacceptable, the officer is aware of Section 16 Paragraph 202 of the NPPF '*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'. In this case, the proposal would bring economic benefits to the wider area through employment and suppliers and the applicants have offered a phased schedule of repairs for the farm store (curtilage listed building immediately outside the NW corner of the walled garden) and walled garden to secure their built fabric. Given the temporary and reversible nature of much of the proposal, these measures are considered to constitute public benefits of sufficient weight to outweigh the harm identified. On balance, the proposal is considered to accord with the provisions of DEV20 and DEV21.

Landscape:

The site is located within a sensitive landscape setting within the Tamar Valley Area of Outstanding Natural Beauty (AONB) which is afforded the highest statutory landscape protection in relation to the conservation and enhancement of landscape and scenic beauty. JLP Policy DEV25 'Nationally protected landscapes' requires that proposals *'conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes'*. This is further reflected in JLP Policy DEV23 'Landscape Character' which sets out that development proposals must *'conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts'*. The site is also in proximity of the Dartmoor National Park boundary.

Following the lighting strategy and noise management plan, the Tamar Valley AONB Team have not objected provided that these are secured by condition to avoid detriment to the relative tranquillity of the designated landscape. No response has been received from Dartmoor National Park. Amenity is discussed in the relevant section of this report, for brevity, the Environmental Health Team consider this to be controllable to an acceptable level, subject to conditions. It is therefore considered that the impact on the levels of tranquillity could be managed.

The proposed structures are considered to be generally consistent with the current condition of the site and largely sit below the height of the wall. The proposed parking area in the adjoining field is to be an informal arrangement without demarcation of the field or permanent interventions. A planting scheme has also been submitted offering enhancement to the natural landscape through reinforcement of the existing hedges along the southern boundary with native species. Although there would be introduction of man-made structures and associated activity, given the current condition of the site, the limited physical impact, and the enhancements proposed, the proposal is considered to maintain and conserve the landscape, subject to conditions. The proposal is considered to accord with the provisions of DEV23 and DEV25.

Ecology:

JLP Policy DEV26 'Protecting and enhancing biodiversity and geological conservation' sets provisions to ensure development *proposals 'support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area'*.

DCC Ecology initially raised concerns about the full ecological impacts of the proposals and how wedding ceremonies could occur without avoid impacting the barn owls that occupy the barn and are a protected species of bird which are protected from disturbance during the nesting season. The applicant claimed this was relative to the existing level of disturbance. It was considered necessary to also consult the Barn Owl Trust. Following discussion between the ecological consultant, DCC Ecology, and the Barn Owl Trust, a revised ecological appraisal was submitted to provide clarity to the questions raised and reviewed. The Barn

Owl Trust felt that provided events were controlled and limited to daylight hours and the barn area avoided in the evening with a guest exclusion zone, the existing nesting area was sectioned off and sound proofed, music directed away from the barn, and additional alternative permanent nesting provision created elsewhere for a minimum of 3 months before the access to the existing nest removed, then the owls should be able to tolerate the level of noise and activity experienced as it *'shouldn't be too dissimilar from loud agricultural noises that commonly occur in close proximity to nest sites'*. Whilst the LPA is concerned that the guest exclusion zone does not meet the planning tests, DCC Ecology concluded that the proposal was acceptable subject to the sound proofing, new barn box and monitoring assessment detailed in the ecology report being secured via condition. The agent raised concerns about the barn owl being moved, however, the consent would not necessarily require the existing nesting site to be cut off and could operate in tandem with the new nesting site, giving the barn owl the option of where to nest. The new nest site would have to be additional and meet requirements of distance from the existing nesting site and height. It is therefore considered necessary to condition these measures and require details of the soundproofing and new nesting site to be submitted and approved in writing prior to the commencement. Subject to these conditions, the proposal is considered to accord with the provisions of DEV26.

Neighbour Amenity:

JLP Policy DEV1 'Protecting health and amenity' requires proposals to *'safeguard the health and the amenity of local communities'*. In relation to neighbouring amenity, DEV1.1 requires *'Ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality'*.

Officers acknowledge the extent of responses received from local residents and the concerns raised and the comments from the Parish Council.

The Environmental Health Team reviewed the submitted lighting plan and noise management plan that explains noise is to be controlled using a digital signal processor, ceased by 23:59 with live music ceased by 23:00, limited at 5dBa above background noise at façade of any residential property and limited at 95Dbs(A) at the source and felt this was acceptable subject to being secured via condition.

Following the summer and feedback locally, the Environmental Health Team explained that they maintained their position that *'hearing noise is not a justification for refusing an application, as many activities in the countryside and elsewhere cause noise at times'* and that *'restriction on the number of events is an appropriate way to control the general noise levels'*, however as *'controls set out in the noise management plan were not implemented'* and *'amplified music has caused a problem'* whereby *'loud music noise was heard inside and outside nearby residences during some events'* with *'Residents report[ed] being able to hear the words of the songs and identify the tracks being played'*, the Environmental Health Team amended to conditions recommended to:

"No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence. Reason: To protect the amenity of local residents from music noise. (Note: In this case "Inaudibility" is defined as the specific music noise level which does not exceed the typical background noise level, in this area taken as 25dBa, L90, 15min.)"

The previously suggested noise condition which refers to the Noise Management Plan should remain:

"The applicant shall ensure that the commitments included within the Noise Management Plan dated April 2023 (or succeeding revisions of this plan) shall be complied with at all times during events at which live or amplified music is played. Reason: to protect the amenity of residents in the vicinity from unacceptable noise levels."

The difference being rather than noise limited at 5dBa above background noise at a façade, the noise would be limited to being inaudible at the boundary. The agent argued that this condition was not clear as background noise varies through the year, that this would not meet the tests for planning conditions, and that it would undermine the business. This was fed back to the Environmental Health Team who responded:

'The comments I made on 17th October clearly set out the position with regards what noise and music could be heard at a residence which was around 500m away. The video sent was taken in the porch of the resident's home as is stated on it. This was not just distant music being heard, it was so loud that the track could be identified and words were clear.

Yes we agree that the background noise would vary, in fact in this very rural area it is likely to drop as low as 18-20dB at times. This is why I have stated a typical rural background level to work to. The boundary of a residence is the garden boundary, not a land ownership boundary.

The control set out by the applicant in the original noise management plan was : "The specific noise level from music at any event shall not exceed 5dBa above the prevailing background noise level at the facade of any residential property. The noise level shall be measured as a 15 min Laeq."

The noise reported over the summer suggests that this was exceeded and it would therefore be insufficient. Furthermore it would be better for the applicant to demonstrate compliance at a location he has access to, if he either receives a complaint or can hear the music himself whilst monitoring. The additional condition that I have suggested therefore does that. I have however amended the reference to background noise levels, and defined "audibility" instead of "inaudibility". In terms of noise management at source this won't make much difference - the applicant cannot turn the music volume up on nights when the background levels are higher so he needs to design the system and controls so that the music noise level never exceeds the lowest background levels. This condition fulfills the tests as it is necessary, relevant, precise, enforceable and reasonable.

"No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence. Reason: To protect the amenity of local residents from music noise. (Note: In this case "audibility" is defined as the specific music noise level (measured as Laeq, 15 min) which exceeds the background noise level (measured as La90, 15 min) prevailing at the time.)"

The agent responded that the applicant would accept the updated noise condition. Ultimately the Environmental Health Team consider the disturbance associated with the proposal to be controllable to an acceptable level without detrimental impact to neighbour amenity and the tranquillity of the area, subject to conditions. The proposal is considered to accord with the provisions of DEV1. As Devon and Cornwall Police have noted, licensing related issues will be dealt with as a separate matter by licensing.

Highways and Access:

JLP Policy DEV29 'Specific provisions relating to transport' sets out provisions for development proposals *to 'contribute positively to the achievement of a high quality, effective and safe transport system in the Plan Area'*.

Officers acknowledge representations received that raise concerns that the existing highway network is limited with a winding, partially single, Class C Country Road with passing spaces given the rural context. The proposed arrangements provides off street parking with space to manoeuvre within the site and avoid causing detriment to the public highway and no related concerns have been received from DCC the County Highways Authority. Given the limited number of events and private motor vehicle numbers expected, it is considered that the increased volume of traffic attracted to the site would be sufficient to cause significant issues related to highway safety at the site access or on roads leading to the site. The proposal is considered to accord with the provisions of DEV29. Given the proposal is considered and deemed to be acceptable against the submitted information, it is considered necessary to condition the number of events and travel details.

Conclusion:

Overall the proposal is considered to result in generally consistent low level impact that is largely temporary and reversible when no longer necessary. The proposal offers some benefit to the local rural economy, with a schedule of repairs and enhancement to the native hedging. Disturbance of the barn owl is considered to be manageable through soundproofing and the creation of an additional nesting site. Through strict controls of events, travel plan, lighting and noise, the impact to the surrounding area and residents is considered to be manageable to maintain the tranquillity of the area. On balance, the proposal is considered to accord with the local plan policies and considerations, and the proposal is therefore recommended for approval, subject to conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Supplementary Development Plan (SPD) (2020) Climate Emergency Planning Statement (2022) Tamar Valley AONB Management Plan (2019-2024)

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.

Recommended 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 the following documents and drawing number(s) received by the Local Planning Authority on 08.06.2023:

- 2207 P.01 P2 (Location/Block Plan)
- 2207 P.02 P2 (Site Plan Existing and Proposed)
- 2207 P.04 P2 (Proposed Parking Plan)
- 2207 P.06 P2 (Existing/Proposed Kitchen Plan and Elevations)
- 2207 P.05 P2 (Proposed Drainage Plan)
- 2207 P.08 P2 (Proposed Prep Kitchen Plan and Elevations)
- 2207 P.07 P2 (Existing/Proposed Toilet Block Plan and Elevations)
- 2207 P.10 P2 (Proposed Glass House Elevations)
- 2207 P.11 P2 (Proposed Glass House Elevations)
- 2207 P.09 P2 (Proposed Glass House Plan)
- 2207 P.13 P2 (Barn Plans and Elevations)

And the following documents and drawing number(s) received by the Local Planning Authority on 05.07.2023:

- 2207 P.12 01 (Proposed Glass House Abutment Detail)
- 2207 P.03 01 (Proposed Landscape Plan)

And the following documents and drawing number(s) received by the Local Planning Authority on 07.07.2023:

- 2207 P.12 01 (Barn Plans and Elevations)
- 1802 P.04 (Existing First Floor Plan)

And the following documents and drawing number(s) received by the Local Planning Authority on 05.10.2023:

- Schedule of Repairs

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. The proposed venue shall be used for weddings, workshops & food events and for no other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Amendment Order 2005 (or any Order revoking, re-enacting, or further amending that Order).

Reason: To ensure that the proposed use complies with the submitted details.

4. All catering on the site shall only take place within the commercial space wedding venue (the walled garden), as shown on the approved plan 2207 P.03 01 (Proposed Landscape Plan).

Reason: To ensure that the proposed use complies with the submitted details.

5. The use of the walled garden for the purposes identified in the description of the development shall be carried out in association with the occupation of Uphill and shall

not be used, let, leased or otherwise disposed of for any other purpose as a separate unit or business.

Reason: To avoid the fragmentation of the listed farmstead in accordance with Historic England's consultation response and the provisions of Policy DEV21 of the Plymouth and South West Devon Joint Local Plan.

6. No more than 55 events are permitted to take place throughout any calendar year, in accordance with the 'Uphill Farm Business Plan'. Up to date records of events shall be kept and maintained and made available for inspection by the Local Planning Authority.

Note: In this case each "event" cannot exceed a 24 hour period, a multi-day wedding, workshop & food event would be considered as more than one 'event'.

Reason: To safeguard the amenities of nearby residents in accordance with the provisions of Policy TTV1, TTV26, DEV15, and DEV1 of the Plymouth and South West Devon Joint Local Plan.

7. No event shall take place outside the hours of 11:00 and 22:00 on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays and 9:00 and 23:59 on Fridays and Saturdays.

Reason: To protect the amenity of residents in the vicinity and the tranquillity of the rural landscape in accordance with the provisions of Policy TTV26, DEV1, DEV2, DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan.

8. No more than 120 guests shall be present during any event. Up to date records of the covers paid for shall be kept and maintained and made available for inspection by the Local Planning Authority.

Reason: To protect the amenity of residents in the vicinity, the tranquillity of the rural landscape, and highway safety in accordance with the provisions of Policy TTV26, DEV1, DEV2, DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan.

9. The measures of the Sustainable Travel Plan dated April 2023 hereby approved shall be fully implemented and adhered to at all times. Annual monitoring of the Sustainable Travel Plan against the targets set out shall be undertaken by the Travel Plan Coordinator and submitted to the Local Planning Authority.

Reason: To record compliance with the sustainable travel plan in accordance with the provisions of Policy DEV15 of the Plymouth and South West Devon Joint Local Plan.

10. The commitments included in the Lighting Plan dated February 2023 (or succeeding revisions of this plan) shall be complied with at all times during any event.

Reason: To protect the rural landscape and residents living in the area from temporary light pollution in accordance with the provisions of Policy DEV1, DEV23, DEV25, and DEV26 of the Plymouth and South West Devon Joint Local Plan.

11. The commitments included within the Noise Management Plan dated April 2023 (or succeeding revisions of this plan) shall be complied with at all times during events at which live or amplified music is played.

Reason: To protect the amenity of residents in the vicinity from unacceptable noise levels in accordance with the provisions of Policy DEV1 of the Plymouth and South West Devon Joint Local Plan.

12. No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence.

Reason: To protect the amenity of local residents from music noise in accordance with the provisions of Policy DEV1 of the Plymouth and South West Devon Joint Local Plan.
Note: In this case "audible" is defined as the specific music noise level (measured as Laeq, 15 min) which exceeds the background noise level (measured as La90, 15 min) prevailing at the time.

13. Notwithstanding the details set out on the submitted drawings, the recommendations, mitigation and enhancement measures of the Ecological Appraisal Rev B, by Rachel Hacking Ecology, dated 3 November 2023, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority. Within 3 months of the completion of works, written confirmation that the enhancement measures have been correctly installed shall be submitted to the Local Planning Authority. The approved details shall hereafter be retained and maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation of Habitats and Species Regulations 2017, the 1981 Wildlife and Country Act (as amended), and in accordance with the provisions of Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

14. Prior to the commencement of the use hereby permitted, the details of the sound proofing of the existing nesting site, shall be submitted in writing and agreed with the Local Planning Authority. The approved details shall hereafter be retained and maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the welfare of the barn owls as a protected species of wildlife, in the interests of the Conservation of Habitats and Species Regulations 2017, the 1981 Wildlife and Country Act (as amended), in accordance with the provisions of Policy DEV26 of the Plymouth and South West Devon Joint Local Plan. This information is required prior to commencement to ensure that the barn owl is not detrimentally affected by the development.

15. Prior to the commencement of the use hereby permitted, the details of the new nesting site, shall be submitted in writing and agreed with the Local Planning Authority. The approved details shall hereafter be implemented, maintained and retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the welfare of the barn owls as a protected species of wildlife, in the interests of the Conservation of Habitats and Species Regulations 2017, the 1981 Wildlife and Country Act (as amended), in accordance with the provisions of Policy DEV26 of the Plymouth and South West Devon Joint Local Plan. This information is required prior to commencement to ensure that the barn owl is not detrimentally affected by the development.

16. Annual monitoring of the Barn Owl nesting area shall be undertaken by a licensed ecologist and submitted to the Local Planning Authority.

Reason: To safeguard the welfare of the barn owls as a protected species of wildlife, in the interests of the Conservation of Habitats and Species Regulations 2017, the 1981 Wildlife and Country Act (as amended), in accordance with the provisions of Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

17. The timber structures hereby approved shall be removed from the site as soon as reasonably practicable when they are no longer required, or when they cease to function, whichever is soonest.

Reason: To protect the character and setting of the listed complex in accordance with the provisions of Policy DEV21 of the Plymouth and South West Devon Joint Local Plan.

Informatives

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

6.

RE: Statement of support for The Walled Garden wedding venue - Uphill Farm

To whom it may concern

We are writing to formally express our support and appreciation for our neighbours at Uphill Farm and The Walled Garden regarding their wedding venue. As the nearest residents to the venue, we would be the first to be affected by any noise disturbances. I am pleased to confirm that there was no noise at all emanating from the venue on Saturday, 18th May 2024. The wedding held that day had absolutely no detrimental effect on us and caused no inconvenience.

The proprietors have shown remarkable commitment to maintaining a peaceful environment. Weeks before the wedding, they visited our property, as well as other properties in the area, to conduct a comprehensive noise survey. This proactive approach allowed them to fine-tune their sound system to minimize any potential noise. Their efforts have been highly effective and greatly appreciated.

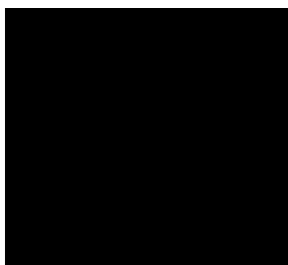
Furthermore, with the trees now in full leaf, even the slightest breeze is enough to completely block out any sound from the venue. It is also worth noting that the noise from the wedding venue at The Walled Garden and Uphill Farm which is less than 100 meters from our property is negligible compared to the traffic noise from the A386, which is over 1000 meters away.

In conclusion, we fully support the wedding venue at Uphill Farm and The Walled Garden and appreciate the considerable efforts made by the proprietors to ensure minimal noise disruption. Their dedication to addressing noise concerns and preserving the tranquility of our community is commendable.

Thank you for considering our perspective on this matter. We hope that Uphill Farm and The Walled Garden will continue to be a valued and respected part of our community.

Please do not hesitate to contact us directly should you require clarification of any part of this statement.

Yours Sincerely



Annex B
Noise Monitoring Log

Event Date: 18/05/24		Background Sample: Direct acoustics sample		
Event Description: wedding - Background singer + DJ		27.6 dB L90 average from		
		Maximum MNL: 2000 to 2359		
Location	Start Time	Duration	Music A Weighted	Observations/recommendations
ML1	2020	5 mins	91.2	N.I.C
	2106	5 mins	90.8	N.I.C
	2203	5 mins	91.7	N.I.C - DJ Attempted to plug his own speaker in to bypass system, bar staff prevented
	2310	5 mins	81.6	System confirmed to be modulating down
	2340	—	—	music stopped
ML2	2032	5 mins	35.2/level 1	Background noise level obscuring sound reading. without music playing sound reader still produces over 25 db(A). instance of acoustics observations employed resulting in level 1. concentration required and barely audible. no lyrics intelligible unable to define song
	2115		level 1	
	2213		level 1	
ML3	2040	5 mins	36.7/level 1	As above
	2122		level 1	nothing observed
	2219		level 1	nothing observed
ML4	2052	—	level 1	Nothing observed, no presence of background music after long period of concentration. only monitor ML 4 if increase observations at ML3

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messages sent to resident at [redacted] requesting feedback - nothing heard
 Resident asked at [redacted] at 2350 for feedback on the night - nothing heard
 System functioning as designed

8.

Further information on complaints procedure and link to video of noise monitoring on 18th May 2024

Email received: 23.5.24

From Charlotte and Christopher Hayes

Good morning Harry,

As we discussed with Anita to further address the complaints procedure, we will be generating a neighbourhood letter providing them with the information on how to contact us during an event if there is an issue with the music levels. This will also detail our procedures on how we will deal with the issue, initial response will be to attend the property with a sound level reader and making observations with the resident. As we have access to the system where we can only turn it down, we can make realtime volume adjustments until both parties are satisfied.

Here is a link to the video from last weekend to demonstrate the latest noise management plan working alongside the newly commissioned zone array system. Unfortunately due to its size I couldn't email the file directly.

<https://we.tl/t-0dwlqVHX6N>

Any questions please let me know.

Kind regards

Charlotte & Christopher

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Uphill Walled Garden and Barn – photographs of premises

Marquee



Area to side of marquee where glasshouse due to be built



Path leading down to marquee



Fire pit area



Fire kitchen



Fire kitchen, prep kitchen and toilet block



Door leading to barn where wedding ceremonies may be held



Toilet block and gate leading to car park



Bar within the marquee and zone array speaker system



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Additional information received from Objector

- 1. Statement**
- 2. Summary of Key Points**
- 3. Video of noise from event last summer**

1. Statement

UPHILL FARM – PRIMARY CONCERNS

The primary concerns in granting late licences for both consumption of alcohol and entertainment are as follows.

1. The noise level of both music and voices either spoken or singing of groups of people up to 120 in number after 10.00pm.
2. The driving of cars, taxis, mini coaches after midnight to and from the venue over the cattlegrid outside our house at the end of the event.
3. The walking of groups of people up the lane after midnight to get to a larger coach or bus that would have to park at the top of the lane above our house.

Generally, whilst we would rather not have any events we accept the applicants have been granted conditional planning approval subject to meeting the planning conditions. Previous history of events would indicate this is going to be very difficult to achieve. We attach a video from last summer.

We feel that finishing at 10.00pm is a much more reasonable time as the venue is in a very tranquil area within the Tamar Valley AONB and on the fringe of Dartmoor National Park.

On Saturday 18th of May 2024 an event was held at Uphill Farm. There was very loud music, shouting and singing from the venue which could be heard across the valley and at neighbouring residences including our own. A nearby neighbour complained to the applicant via text message and did not receive a response. The noise management conditions state that the applicant has to be responsible for all complaints received and, in our opinion, not replying to a noise complaint is not a responsible way to handle this condition. The applicant was told at the recent planning committee meeting that they would have to adhere to noise restrictions at all future events, and the events of this past Saturday prove they have failed to do so.

As nearby residents we are at a loss at what to do regarding this issue. The applicant has not to date complied with the noise conditions set within their planning. We feel that should an alcohol and entertainment license be granted this issue will only intensify and cause more damage to nearby residents. Time restrictions are essential.

Below are a few examples of nearby events venues which host events both outdoors and indoors within structural buildings which have noise restrictions imposed. It is important to once again note that Uphill Farm events are all held outdoors within a marquee which has no

noise insulation and therefore it doesn't seem reasonable that Uphill Farm is applying for a full entertainment license due to the nature of the venue and surrounding area.

Examples:

Pickwell Manor Devon:

(Taken from their website)

Any amplified music in outside licensed areas will be of a background level only and shall finish by 2000 hrs. This will be in accordance with the environmental health definition of background music which is "music whose main function is to create an atmosphere rather than be listened to. Background music shall always be played at a level that would allow conversation between persons in the same room or near to the music source without the need for voices to be raised".

The amplification of wedding speeches during the ceremony or reception in outside licensed areas shall finish by 2000 hrs and shall also be at a level that would allow conversation between persons at the edge of the licensable area without the need for voices to be raised.

A noise limiter shall be used to ensure that the levels of amplified music are kept within standards given by Environmental Health.

Sandy Cove Hotel:

(Taken from their website)

Can the bi fold doors stay open all day?

The bi fold doors can stay open until 10pm after this time they will be closed but you will be able to still go outside. The Venue is fully air conditioned.

Can we have a band or DJ?

Yes, you can, they must be inside and the bi fold doors will be shut at 10pm.

Polhawn Fort:

(Taken from their website)

Can we have a band or music out on the lawns?

That depends: you are welcome to hire in one or more acoustic only musicians to play outside for during your ceremony and your reception. A harpist, violinist, acoustic guitarist or similar can be a beautiful addition to your ceremony or reception.

You can have amplified music during the ceremony, but this has to be volume limited by ourselves. Music at any other time whatsoever cannot be amplified: this includes sound systems of any sort, microphones, drums, and brass instruments. This is due to the beautiful tranquil environment in which the Fort is set, and our Licensing conditions.



West Devon
Borough
Council

The Licensing Department, West Devon Borough
Council, Kilworthy Park, Drake Road, Tavistock, PL19 0BZ
Tel:- 01803 861336 email:- licensing@swdevon.gov.uk

SUMMARY OF KEY POINTS

These are the key points I rely on to support my representation:

Application **New Premises Licence**

By: **Mr Christopher Hayes and Mrs Charlotte Hayes**

of: **Uphill Farm, Yelverton, PL20 6DF**

Name of premises: **Uphill Farm Walled Garden and Barn, Uphill Farm, Yelverton, PL20 6DF**

Key Points		
Which of the four licensing objectives does your <i>application, representation or objection</i> relate	(✓)	Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime & disorder	<input type="checkbox"/>	
Public safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	1. NOISE MUSIC & LOTS OF VOICES SINGING AFTER 10.00pm 2. VEHICLES ON LANE GOING OVER CATTLE GND AFTER MIDNIGHT
Protection of children from harm	<input type="checkbox"/>	
Your Signature:		
Name:		
Your address:		

Conditions agreed with Environmental Health

Environmental Health have agreed to withdraw their representation subject to the inclusion of the below conditions on the premises licence. We have received confirmation from the Applicant that they agree to these conditions being included.

The Prevention of Public Nuisance

- No more than 120 guests shall be present during any event. Up to date records of the covers paid for shall be kept and maintained and made available for inspection by the Licensing Authority upon request.
- The commitments included in the Lighting Plan dated February 2023 (or succeeding revisions of this plan if agreed in writing by the Licensing Authority) shall be complied with at all times during any event.
- The commitments included within the Noise Management Plan dated April 2023 (or succeeding revisions of this plan if agreed in writing by the Licensing Authority) shall be complied with at all times during events at which live or amplified music is played.
- No amplified music shall be played on the premises in such a way that it is audible at the boundary of any nearby residence. Note: In this case “audible” is defined as the specific music noise level (measured as Laeq, 15 min) which exceeds the background noise level (measured as La90,15 min) prevailing at the time.

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Hi guys,

Just wanted to drop you note and let you know that your new sound system has greatly reduced any noise we are hearing up at Forest Lodge. I know it was a big chunk of cash and when businesses are finding life hard it was great to see you invest in the venue and the local community.

Having spent 20 years in your industry I know that its super hard work making the bottom-line work. So just wanted to show a little local support.

Can't wait to come and enjoy one of the feast nights!!

Kind regards

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