

Reasons for refusal

1. The increased use of the access onto the Public Highway resulting from the proposed development would, by reason of the limited visibility from and of vehicles, be likely to result in additional dangers to all users of the Public Highway contrary to paragraph 108 of the National Planning Policy Framework and DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034.
2. The proposed car park is in close proximity to mature trees. In the absence of a baseline tree survey, arboricultural impact assessment and details of tree protection measures the application fails to demonstrate that existing trees would not be harmed or removed. No proposals have been submitted to demonstrate that the proposal shall secure the existing trees nor has a scheme been provided to secure that the development will be screened from the wider landscape in order to protect conserve and enhance the landscape character. The proposal would therefore conflict with policies DEV23, DEV24, DEV25 and DEV28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and policy SNP1 of the Strete Neighbourhood Plan (January 2021).

Key issues for consideration:

- Principle of Development
- Highway safety
- Design/landscape and arboricultural impact considerations
- Drainage
- Ecology

Site Description:

An area of land, comprising the corner of an existing field located immediately to the south of the residential properties of Asherne Lodge and approximately 200m to the west of Asherne House. The area of proposed parking is accessed via a private track from the A379; there is a 20 MPH restriction in place on this section of the highway.

Although the applicant property itself is located within the Strete Conservation Area, the area of land that is proposed to be used for parking is outside the Conservation Area.

The site and the surrounding area is within the South Devon AONB, the JLP Undeveloped Coast designation and is in the 1B Open coastal plateaux landscape character type.

The Proposal:

Planning consent is sought for the construction of a stone finished car park to the south east of the property known as Asherne Lodge, including a new entrance, fence and hedge planting.

The proposal shows the laying of a hedge of native species on the line of the existing hedge extended along the same line in a southerly direction down to the existing fence on the north side of the drive to Asherne to assist with screening.

The proposal includes a fence to match the existing along the north edge of the road and incorporates a 4 m wide timber gate.

The finish of the car park would be rolled stone. A channel will be cast in concrete, 500mm in width, across the opening and directed to a local soakaway to prevent rainwater draining into the drive. The stone finish would be informally edged without any kerb stones and the parking spaces would not be marked. The ground to the perimeter of the stone surface would be maintained as grass.

The application seeks to provide an off-road parking area for the occupiers of the Lodge and two cottages on the opposite side of the road to use who are reported in the submitted statement to currently use the roadside grass verge for parking.

Consultations:

- County Highways Authority – Objection on the basis that the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the public highway contrary to paragraph 108 of the NPPF and DEV29 of the JLP.
- Landscape specialist - No objection in principle subject to it being demonstrated that the proposal would not impact on the root protection area of retained trees and consideration of additional planting along site boundary fence to improve visual screening of the site from west and south.
- Tree specialist - A tree report would be required in accordance with BS5837 to gain confidence no trees will be harmed as a consequence, especially if they are required for screening. The absence of such would lead to an objection on arboricultural grounds.
- Strete Parish Council - Support

Representations

No representations received from neighbouring properties

Relevant Planning History

No relevant planning history

ANALYSIS

Principle of development/sustainability

The principle of this development falls to be considered against the spatial strategy and detailed policies in the Plymouth and South West Devon Joint Local Plan (JLP). The relevant strategic policies are: SPT1, which encourages sustainable development, SPT2, which indicates how

sustainable development should be delivered in the JLP area. The strategic policies underpin the other policies in the Plan.

SPT2 sets out the principles of sustainable neighbourhoods and sustainable rural communities to guide how development and growth take place in the Plan Area. For the purposes of SPT2 the application site would not be classed as a sustainable location due to it not being well placed for access to community facilities, such as shops, health services, daily needs and due to the likely reliance on a car, which is why the village is not a named settlement within the JLP.

In addition, TTV1 is relevant as it deals with how development will be dealt with in the Thriving Towns and Villages Policy Area, within which the application site is located. In relation to SPT1 it promotes sustainable development and sets out the environmental economic and social aspects of sustainable development.

TTV1 sets out the development strategy across the Thriving Towns and Villages Policy Area, describing 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 or not.

Strete is not identified in the JLP as a main town, smaller town, key village or sustainable village and would therefore fall into the last category, Tier 4, in the sustainable hierarchy set out above.

Paragraph 5.5 of the JLP explains that policy TTV26, "Development in the Countryside2, will be applied 'outside built up areas'. Policy TTV26 relates to development in the countryside. The aim of the policy, as articulated in the first line, is to protect the role and character of the countryside. The policy is divided into two different sets of requirements, and only part 1 applies to development proposals considered to be in isolated locations. The second part of the policy is applied to all development proposals that are considered to be in countryside location.

TTV26 states that 'development in the countryside will be avoided and only permitted in exceptional circumstances' and should 'be complimentary to and not prejudice any viable agricultural operations on a farm and other existing viable uses'. The proposed parking area would be used to serve existing residential properties in the vicinity of the site on an underutilised parcel of land which is not currently used as part of an agricultural operation and consists of bare ground and poor quality grassland. The redevelopment of this site would therefore not prejudice any viable agricultural operation on a farm or any other existing viable uses. Therefore, there would not be an in principle objection to the proposal in this location subject to consideration of impact of the proposal on landscape character which will be considered in the relevant section of this report below.

The site is also located within the Undeveloped Coast and South Devon AONB. Policies DEV24 and DEV25 of the JLP are therefore relevant to the consideration of this application.

Policy DEV24 (Undeveloped Coast - UC) states that development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the UC not be permitted, except under exceptional circumstances. Development will only be permitted in the UC where the development can demonstrate that it requires a coastal location and it cannot reasonably be located outside the UC. Development needs to protect, maintain and enhance the unique landscape and seascape character and special qualities of the area and be consistent with the relevant AONB Management Plan.

In this case, it is accepted by Officers that given the location of the dwellings that the parking area is designed to serve, there is no other land outside the UC which could be utilised to provide parking within a reasonable walking distance from the properties. In principle, therefore, it is concluded that the parking area cannot reasonably be located outside the UC.

The principle of the proposed development in this location is accepted, subject to consideration of whether the proposal would protect, maintain and enhance the unique landscape and seascape character and special qualities of the area.

Policy DEV25 (Nationally Protected Landscapes) states that in considering development proposals, the LPA should give great weight to conserving landscape and scenic beauty in the protected landscapes. However, the policy does not prevent development in principle in the AONB subject to the impact on the protected landscape being acceptable. The ability of the proposal to conserve the South Devon AONB it lies within will be considered in the 'Design/Landscape' section of this report below.

Highways/Access:

The agent states that occupiers of the Lodge and two cottages on the north-east side of the A379 currently use the verges of the access track for parking. The proposals are intended to formalise parking for these homes which currently use the private access track from the A379 by providing an area of off-street parking.

With regard to these three properties using the proposed parking area, the County Highway Authority has visited the site and has concerns that the proposals will increase the use of a substandard access and consequently create further/additional danger for A379 users.

The Highways Officer reports that the current access serving the application site would not provide adequate visibility splays for the intended parking area and that the proposed plans submitted do not demonstrate that adequate visibility splays would be provided to make the development acceptable. The Highways Officer therefore advises that as a safe level of visibility cannot be achieved, the increased use of the access onto the public highway resulting from the proposed development would, be likely to result in additional dangers to all users of the road contrary to paragraph 108 of the National Planning Policy Framework and DEV29 of the JLP.

The Highway Officer notes the agent's claim that the access is already used by cottages to the north-east of the A379. However, in the absence of any evidence to support the historical use of the access by these homes, is unable to support the application.

Design, landscape and arboricultural Impact considerations:

The site is within the South Devon AONB, a nationally important and protected landscape, and also within the Undeveloped Coast designation of the JLP, within the 1B Open Coastal Plateaux landscape character type (LCT) and there are mature trees and existing hedgerows on site.

JLP Policy DEV23 (Landscape Character), DEV24 (Undeveloped Coast), DEV25 (Nationally Protected Landscapes) and DEV28 (Trees, woodlands and hedgerows) are therefore relevant to the consideration of this application. Policy SNP1 (Protecting the Landscape) of the Strete Neighbourhood Plan is also relevant to the consideration of the impact of the proposal on landscape character.

Policy DEV23 (Landscape Character) requires development to conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding any adverse landscape or visual impacts.

Policy DEV24 (Undeveloped Coast) requires development in the Undeveloped Coast to protect, maintain and enhance the unique landscape and seascape character and special qualities of the area and be consistent with the relevant AONB Management Plan.

Policy DEV25 (Nationally Protected Landscapes) sets out that in considering development proposals in the protected landscape of the South Devon AONB that this site lies within great weight should be given to conserving landscape and scenic beauty in the protected landscapes.

Policy DEV28 (Trees, woodlands and hedgerows) seeks to provide protection for protected and high amenity trees, woodlands and hedges and states that development that would result in the loss or deterioration of the quality of woodland, trees or hedgerows will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss and this can be demonstrated. Development should be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows.

Policy SNP1: Protecting the Landscape of the Strete Neighbourhood Plan, sets out that development shall not harm but maintain and enhance the landscape by having regard to the special qualities of the AONB in the area, particularly its high coastal character and sea views, and to the South Devon AONB Planning Guidance. Development should safeguard and enhance local features that make a positive contribution to the landscape, particularly areas of green space and should incorporate high quality landscaping which retains existing features, reinforces local landscape character, restores degraded landscapes, and provides mitigation from harm.

The Council's Landscape Specialist advises that the proposed car park would bring about a limited change to the pattern of the landscape. It would alter the existing field pattern by removing a piece of a larger field and emphasise the sub-division with a new hedgerow. However, the proposed hedgerow is considered to be a positive feature consistent with the character of the wider landscape to which it would contribute, as well as functioning as a visual screen from the east and a potential wildlife habitat.

The existing vegetation, including trees to the west, are to be retained, which is supported. However, concern is raised by both the Council's Landscape and Tree Specialists that there does not appear to have been a survey of the trees on site and so the root protection area is not known. It is unclear from the information submitted whether the potential impacts on these trees has been adequately considered. The proposed car park is within close proximity to mature trees intended to provide important screening for the car park to provide mitigation to conserve the landscape character of this part of the Undeveloped Coast designation and South Devon AONB.

The application, as a result of the failure to submit a baseline tree survey, arboricultural impact assessment and details of tree protection measures results in the application failing to demonstrate that existing trees on site would not be harmed.

There is therefore an objection on arboricultural merit to the proposed development as the application fails to demonstrate that the proposal will safeguard an existing important

landscape feature that would screen the site from the wider landscape and conserve landscape character. If the existing landscape screening were to be lost as a result of this development the presence of the car park would not be adequately screened from wider views and would as a result not conserve the landscape character of this part of the Undeveloped Coast designation and South Devon AONB. The proposal would therefore conflict with policy DEV23, DEV24, DEV25 and DEV28 of the JLP and policy SNP1 of the Strete Neighbourhood Plan (January 2021).

The Landscape Specialist's comments have suggested that the proposal would benefit from new planting being extended along the remaining proposed site boundary fence to reinforce and enhance the existing retained vegetation and improve the visual screening of the site from the west and south. It has also been pointed out that without adequate screening there would be potential views of vehicles from the nearby public right of way and from the A379. A hedgerow surrounding the site has been suggested by the Landscape Specialist to mitigate potential adverse visual effects from car headlights that would otherwise sweep across the local area when cars initially enter or leave the car park. The Landscape specialist has commented that there are no objections on landscape terms subject to consideration of these comments. If Members are minded to approve the application it is concluded that additional landscape planting could be secured by condition to address these comments.

Drainage Considerations:

Surface water drainage provision is concluded to have been adequately considered. The car park would be finished with a permeable surface and a channel is proposed across the opening and directed to a local soakaway to prevent surface water from draining onto the drive. If approved, this could be secured by condition to be delivered prior to first use of the carpark and retained thereafter for the lifetime of the development to ensure surface water from the development is adequately managed.

Ecological Considerations:

An extended phase 1 Habitat Survey has been submitted with this application. This report concludes that the bare ground and species-poor grassland proposed to be utilised for the car park area is unlikely to support an invertebrate population. However boundary hedges and trees on the boundary hedgerow have potential to provide foraging habitats for protected species and therefore it is important that these are retained as indicated.

The report does not find any ecological reasons to resist the proposed development; However it does make recommendations with regard to precautions to take during construction works and also recommends biodiversity enhancement through the introduction of bird boxes and bat boxes installed on the mature trees on the western boundary of the site, the retention of trees and hedgerow and provision of new native planting.

If Members are minded to approve, a condition could secure the recommendations and enhancement measures detailed in the ecology report are followed and implemented. Given that the hedgerows are used as foraging paths a condition is also recommended to prevent the installation of lighting on the car park unless details of lighting to be installed is first agreed in writing by the Local Planning Authority to safeguard foraging paths for protected species.

Planning Balance

Whilst the proposal provides off-road parking spaces that are not currently available to 3 properties, by virtue of the policy conflicts identified above, the application fails to comply with the Development Plan as a whole, policy SNP1 of the Strete Neighbourhood Plan and the NPPF.

In light of the above analysis the proposal is considered unacceptable. Therefore the recommendation is one of refusal.

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

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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

Strete Neighbourhood Plan

The application is located within the parish of Strete a Neighbourhood Plan was adopted in May 2021 and therefore should be given sustainable weight at the decision making process: It

now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Stoke Fleming Neighbourhood Area.

SNP1: Protecting the Landscape

SNP2: Heritage and Conservation

SNP3: Coastal Setting and Land South of A379

SNP5: Tranquillity and Dark Skies

SNP6: Development and the Settlement Boundary

SNP7: Design and Construction

It is not concluded that granting consent for the proposed development would undermine the policies in the Neighbourhood Plan other than policy SNP1 for the reasons detailed in the body of this report.

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:

South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024

The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 was adopted by Plymouth City Council on 22 June 2020, West Devon Borough Council on 9 June 2020 and South Hams District Council on 16 July 2020.

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.