

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander and Aveton Gifford

Parish: Churchstow **Ward:** Loddiswell

Application No: 1093/20/FUL

Agent/Applicant:

Mr Mark Evans - Mark Evans Planning Limited
Cedar House
Membland
Newton Ferrers, Plymouth
PL8 1HP

Applicant:

Messrs Ben/Paddy Howard/Wellens
C/O Agent
Cedar House
Membland, Plymouth
PL8 1HP

Site Address: The Yard, Land At Sx 699 454, Aunemouth Cross To Bantham Cross, Bantham, Devon

Development: Change of use, renovation and extension of existing redundant farm building to create multi-purpose community facility including co- working hub with surfboard shaping workshop and ancillary cafe; replacement of existing equine sand school area with new five-a-side 4G football pitch; construction of new skate bowl and children's adventure play facilities; creation of communal farm and proposed substantial landscape enhancement including construction of wildlife pond, planting of community orchard/tree nursery and wildflower meadow, associated landscape and ecological enhancement measures together with the upgrade and expansion of the existing car parking area



Reason item is being put before Committee

Councillor Brazil considered that it should be considered by Committee because of the unusual nature of the application and the policy concerns

Recommendation:

Refusal

Reasons for refusal:

1. The site is located in an unsustainable location in the open countryside away from settlements and is contrary to the promotion of sustainable development via the NPPF and the strategic approach in the Plymouth and South West Devon Joint Local Plan, contained in Policies SPT1, SPT2 and TTV1. Its open countryside location also fails to meet policy TTV26, which seeks to restrict development to that which is essential in a rural location.
2. The site is located within the South Devon Area of Outstanding Natural Beauty and the development of recreational facilities, café, employment facilities in such an area would be incongruous; and detrimentally impact on the tranquillity and dark skies associated with this AONB and the development would not conserve and enhance the special landscape qualities, contrary to Policy DEV25, DEV23 and SPT1 and SPT2 of the Plymouth and South West Devon Joint Local Plan and para. 172 of the NPPF 2019.
3. The proposed development by virtue of its location, and land uses does not meet the requirements of policy DEV15, which allows for employment development in rural areas, subject to criteria relating to the environment, avoiding incongruous development and avoiding additional trips by the car, all of which fails to meet SPT1, SPT2 and TTV1 of the Plymouth and South West Devon Joint Local Plan.
4. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to Policy DEV29 of the Plymouth and South West Devon Joint Local Plan and para.108 and 109 of the National Planning Policy Framework.
5. The proposed development will generate additional noise; light pollution and disturbance to the adjoin properties, which would be harmful to the residential amenities currently enjoyed by those properties, contrary to policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.
6. The proposed development in an unsustainable location, without sufficient facilities for safe walking and cycling will result in significant car journeys to and from the site resulting in an impact on the carbon footprint of the development. Whilst other measures such as photovoltaics and ground source heat pump are proposed, it is considered that the traffic impacts outweigh the benefits, contrary to Policy DEV32 of the Plymouth and South West Devon Joint Local Plan and para. 148 of the NPPF 2019.

Key issues for consideration: Location of development; landscape impact; impact on AONB; highway safety.

Site Description: The application site is a field located off the road from Aunemouth Cross to Bantham Cross, near Bantham. The site is overgrown and in a sorry state. The previous use appears to have been equestrian, but has been abandoned for some time.

The application site lies in the following designated areas: South Devon AONB; Cirl Buntings; Churchstow Footpath No. 5 (200m east of the site); SSSI Risk Impact Zone.

The Proposal: Change of use, renovation and extension of existing redundant farm building to create multi-purpose community facility including co- working hub with surfboard shaping workshop and ancillary cafe; replacement of existing equine sand school area with new five-a-side 4G football pitch; construction of new skate bowl and children's adventure play facilities; creation of communal farm and proposed substantial landscape enhancement including construction of wildlife pond, planting of community orchard/tree nursery and

wildflower meadow, associated landscape and ecological enhancement measures together with the upgrade and expansion of the existing car parking area.

Consultations:

- County Highways Authority:
Object, due to lack of safe footway from Churchstow. The visibility splay provided overcomes concerns about the visibility splay for the access, however there are concerns with regard to the land ownership of the eastern hedgerow to the east of the access. The applicant would therefore be required to enter into a legal agreement to secure the required visibility in perpetuity. The recommendation of the Highway Authority is to refuse the application for the following reason:
The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to Paragraph 108 and 109 of the National Planning Policy Framework.
- Environmental Health Section:
No comments received
- Churchstow Parish Council:
Support. The PC would ask that if permission is given that the following conditions are attached:
 1. Antisocial Behaviour. That the opening hours for the site be similar to usual business hours (approx 9am-6pm). If the pitch is to be used for training in the evening then the gates are closed behind each user. The site has a responsible person on site at all times when open. The site is gated and locked when not open. (Mr Wellens has spoken with the PC and said the above will be acceptable).
 2. Parking. That the parking provided on site is sufficient, and more importantly: That no parking be allowed on the roadside. (Mr Wellens has spoken to the PC and has expressed his openness to advice on deterrents for roadside parking).
 3. Pedestrian Access. It is understood that this is to be considered as a drive to destination but could pedestrian / cycle access be provided at some point?
- Thurlestone Parish Council:
Support. Councillors considered that this application for the neighbouring parish of Churchstow would help contribute to a more active, vibrant year-round community and provide opportunities for local employment in the area. Thurlestone parish is generally well served in terms of private recreational facilities (golf, tennis and sailing) but has little in the way of play and youth facilities that this proposal in the neighbouring parish would provide. Highway and AONB issues would, however, be important considerations, particularly any external lighting.
- Drainage:
No objection subject to a condition on final drainage details.
- Natural England:
No comments to make.
- Sport England:

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance note

- Police Architectural liaison:

The site should be capable of being fully secured when not in use:

- ☐ To deter and prevent unauthorised vehicle access it is recommended that the vehicular entrance has some form of barrier or gate that can be secured when the premises are not in use.
- ☐ External secure storage should, where possible, be provided within the main building/s. Initial generous and well thought out storage provision should help to avoid future need for additional outbuildings which are more vulnerable to attack.
- ☐ An appropriate and fit for purpose monitored CCTV & alarm system should be installed to cover all external areas, including easily accessible windows and external doors.
- ☐ Lighting – please be advised that the proposed ‘motion sensors’ can actually increase the fear of crime due to the potential for repeated activations. Also if there is no response to the activations of this type of lighting it is likely to do little in deterring unauthorised access. Illumination of the facilities will need to be carefully considered so it coordinates with actual occupation and use to avoid unwanted attention at times when there are no users or ‘capable guardians’ present.
- ☐ Any internal doors, particularly those separating private areas from public accessible areas should ideally have an access control facility to manage and control human movement or as a minimum requirement be capable of being secured.

- Strategic Planning:

Of key concern is the lack of accordance with SPT1, SPT2 and TTV1. Equally, there is no evidence based support for the addition of recreation facilities, the café (which is a town centre use) or the employment unit(s). I’d be interested to know what the AONB response has been too – because I also feel there could be an objection using DEV25.8(ii), which seeks to avoid incongruous features within the AONB landscape – and I’m suggesting that a 4G five-a-side pitch and skate bowl would be incongruous outside an established settlement. The pre-existing sand school on site, whilst not a natural feature, is at least aligned to an equine/countryside use, whereas the proposed recreation facilities cannot be considered to benefit from that association.

Looking at the Thurlestone and AG NPs, and neither of these plans have identified a recreational need in their areas that their own NPs can’t deal with, or have asked neighbouring NPs to meet this need. The AG NP identifies two play facilities in the village already, and that both of these facilities will need contributions from future development. They are also seeking to protect the village green, which has football goals in situ, and is located at the heart of the village – and this will also need contributions to support ongoing maintenance. The TNP advocates change of use from agricultural to recreational only if there is demonstrable need – of which you

could argue that 300 letters of support would suggest there is – but the plan envisages new facilities being delivered within the plan area, not beyond the plan area.

Representations from Residents

358 letters of support have been received. Many of the comments are similar, so below is a summary of the comments received. There is however overwhelming local support for the project:

- Something that will benefit all ages of the community, particularly children and teenagers.
- Bantham is desperately in need of such a facility, to provide a safe and friendly place for locals and young families to meet with access to various recreational, educational and community focussed facilities
- There are few facilities in the area
- The nearest grass football pitch is at Marlborough (5.6 miles away)
- Nearest astro turf pitch and skate park is in Kingsbridge (5 miles away).
- Work space is also useful in this area, particularly self-employed people.
- Opportunity for cultural and social events, exhibitions
- There are no facilities for young people and the Yard could provide a safe space to socialise.
- Allotments are welcomed as it would encourage local people to grow their own and contribute to biodiversity.
- Many young people in Bantham, Thurstlestone and Kingsbridge surf and it will be a place to meet and socialise, when the sea is flat.
- The re wilding of some areas and planting of trees will help with conservation of insects, birds, mammals.
- It will encourage the local community to get together.
- Such a facility is lacking on the South Hams at the moment.
- The Yard is a great idea to bring together people in a fun, positive and productive way.
- It is a good community facility
- It will help to make the community strong
- It will be a space for young people, where they could learn new skills
- The ecological benefits are a good example.
- Job creation
- A meeting place for different ages
- A new and vibrant space which will benefit the community and the economy of the area.
- The plans are sensitive to the local environment
- A social, creative sports hub, providing year round employment
- There is a void of activities for teenagers
- It promotes a healthy and active lifestyle
- The workspace for local people to start out is a great idea
- If ever there was a reason for a rural exception this type of social enterprise is it.
- The site is at the more accessible end of the Bantham road which can be very busy during holiday periods.
- It will feed greater connections among varying generations as well as enhancing work force enthusiasm within the area.
- A fantastic asset for the community
- The café will be a lovely place to meet friends and see local craftspeople
- Provides something unique and much needed in this area.
- somewhere friends and families can go to randomly and frequently.

- Locally sourced food is another positive.
- This is something that this area badly needs.
- The power of community spaces and community is immense
- I feel that support of spaces, such as this, where community can flourish should be at the top of the agenda for local councils, especially in the current global climate where local resilience and the care of physical and mental health will play an ever more important role.
- There is a real lack of 4G pitches in the South Hams.
- It would get kids off their phones or computers
- There are so few spaces like this for the whole community to engage in.
- Rural living can sometimes be limiting. Public Transport links aren't great, residents struggle to involve themselves in the community. This would be a real step forward for our communities.
- There is nothing around Kingsbridge of this nature.

2 letters of objection:

- The road is unsuitable to cater for additional traffic. In the holiday periods the road is often gridlocked. More traffic on an already overloaded road cannot be supported.
- How can people argue there are environmental benefits when they will be travelling by car to get to the facility?
- I would support it if it were located in a more appropriate location where foot and cycle access were more able to be used.
- It will generate additional traffic, noise and litter and impact on the qualities that make it an AONB
- It will create a scar on the landscape
- It calls into question what next?

Relevant Planning History

11/1368/95/1 - Outline application for the erection of agricultural dwelling. Refusal: 17 Oct 95

3887/17/FUL - Change of use of farm field to equestrian ménage. Conditional Approval 26 January 2018.

A pre app was undertaken for this proposal and officer advice was ...

ANALYSIS

Principle of Development/Sustainability:

The principle of the development falls to be considered against the strategic approach towards sustainable development outlined in Policies SPT1, SPT2 and TTV1. The approach is to support sustainable development and for growth in the Thriving Towns and Villages policy area to focus development in the main towns. Policy TTV1 provides the hierarchy for growth and the countryside, which is where the application site is situated is in the countryside and small hamlets, which is at the bottom of the hierarchy. The policy states... *"development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27."*

The site is in the open countryside and no evidence has been provided or present in local Neighbourhood plans that there is a need for recreational development within the NP areas.

As stated by the strategic planning team above, . *“The AG NP identifies two play facilities in the village already, and that both of these facilities will need contributions from future development. They are also seeking to protect the village green, which has football goals in situ, and is located at the heart of the village – and this will also need contributions to support ongoing maintenance. The TNP advocates change of use from agricultural to recreational only if there is demonstrable need – of which you could argue that 300 letters of support would suggest there is – but the plan envisages new facilities being delivered within the plan area, not beyond the plan area.”*

As there is no demonstrated local need in the development plan documents for a recreation space in this area, the principle of the development is unacceptable.

Policy TTV26 deals with development which is proposed in the countryside and is a restrictive policy. Agriculture , forestry of another relevant occupational need must be demonstrated or a building which is in need of renovation, and which is structurally sound could be converted, however the uses for café, skate park, football pitch and employment units, provided for in this proposal are not uses which would be supported by policy TTV26.

Policy DEV15 is a policy which supports the rural economy, it states...*“seek to improve the balance of jobs within the rural areas and diversify the rural economy.”*

The employment units could potentially fall to be considered against this policy. Part 2. states: *“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.”*

All such developments in rural areas also have to meet the following 4 criteria:

- 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.*

The environment will be considered in the next section, however, in relation to the above 4 criteria, the entrance to the site was initially a concern for the highway authority but revised plans have resulted in the highway authority finding the visibility splay acceptable from a highway safety perspective, subject to the applicant entering into a Section 106 agreement with the adjacent landowner to provide the visibility splay.

Concerns are maintained however about the walkability of the site and the danger to pedestrians. So a safe access for vehicles can be provided, but safety of pedestrians is still a concern.

The site will be reliant on the use of the private car as it is located along a narrow rural road with no pavements and passing places for cars and some distance from the settlements. It would not be considered a safe place to encourage people from Bantham, Thurlestone and Churchstow to walk or cycle to. The highway officer in his comments raised this as an issue.

Whilst there is an existing building on the site which is proposed to be reused. The works also include: the provision of a 4G football pitch, a skate bowl; workshops/cafe; a pond; a car park; play structures all of which are not activities associated with a rural area. So whilst not buildings these features would appear incongruous in this rural setting. It is considered that the proposal is not in compliance with (iv) above.

Design/Landscape:

Detailed plans have been provided of the renovated barn. The proposed materials are: Cladding of Onduline (or corrugated cement board) with a matt grey finish. The porch area will have a transparent fibreglass material, creating a greenhouse type space. With a concrete plinth and the floor will be concrete. The building materials and design are typical of buildings found in rural areas and so the building would be acceptable in a rural area. The use (as considered above) is not policy compliant.

Two floodlights are proposed for the 4G pitch. Highly efficient LED lights that have low levels of light spill with downward facing cowls are proposed and will only be used for allotted periods. The parking area will also need to be lit, but will be controlled using a motion sensor.

Policy DEV 25 relates to development in the AONB. The policy seeks to ensure that any development in the AONB conserves and enhances the special landscape qualities. The policy and the NPPF 2019 also place great weight on this landscape designation in the decision making process. Part 8 of the policy provides criteria which must be met....

“Require development proposals located within or within the setting of a protected landscape to:

- i. Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.*
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
- iii. Be located and designed to respect scenic quality and maintain an area’s distinctive sense of place, or reinforce local distinctiveness.*
- iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.*
- v. Be located and designed to prevent the erosion of relative tranquillity and, where possible use opportunities to enhance areas in which tranquillity has been eroded.*
- vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.*
- vii. Retain links, where appropriate, with the distinctive historic and cultural heritage features of the protected landscape.*
- viii. Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.*
- ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects.”*

The proposal does not meet all of the criteria. The site is currently dis-used and was previously used for equestrian purposes, which can be associated with rural land uses. Whilst the condition of the site (with rubbish, a caravan and old tyres and old agricultural vehicles) cannot be described as attractive agricultural land at the moment, So in terms of conserving the landscape - the current state of the land cannot be argued to be conserving the special landscape qualities of the AONB.

However, if the tyres, and old machinery were removed the landscape is essentially rural in character. The introduction of the facilities proposed would not conserve landscape quality as there will be a significant change in the nature of the landscape as a result of the works.

In terms of enhancements, some landscaping is proposed around the site and an orchard (pears and apples) is proposed. The Design and Access statement indicates that an '*ecology led process for the landscaping, focussed on preserving the existing features*'. The proposals suggest that existing trees and hedgerows will be retained and locally sourced oak and ash trees will be planted. A mix of blackthorn, hawthorn, beech, hazel, spindle and holly will be planted in gaps in the boundary hedgerows and a new hedge is proposed in the north western corner to provide a screen from the adjoining farm and to protect the site from the south westerly winds. Grass in the orchard will be re-sown with meadow flowers.

Additional nesting and roosting habitat will be provided across the site including bird and bat boxes to encourage wildlife. All of which are a positive addition to the site and will be of biodiversity value to the area. The concern for officers is however that these benefits do not outweigh the adverse impacts the proposed development overall would on the AONB landscape.

In relation to policy DEV25, part (ii) refers to incongruous features, whilst some of the proposals are uses that would be found in rural areas, a 4G football pitch together with floodlights and a skate bowl would not be features one would normally expect to see in a highly rural area such as this.

The distinctive nature of this area is one of a traditional rural landscape, with farms and farm buildings and fields used for grazing or crops. The provision of multipurpose recreational facilities, a café and employment units in this location would be juxtaposed to that distinctive character which is protected through a national landscape designation.

The AONB in many places is known for its very dark skies and is a specific and important issue which is identified in policy DEV25 and the AONB Management Plan. The introduction of a football pitch with floodlights and the lighting of a 24 space car park would have a significant impact on those traditionally dark skies. The police liaison officer comments, places doubt on the use of motion sensor lighting for the car park and so permanent lighting on the car park would be hugely detrimental to the dark skies of the AONB.

Tranquillity is another distinctive characteristic of the AONB landscape. That relative tranquillity (acknowledging that farming practices take place and so there are some moments when there is noise), will be affected by the facilities, with peoples voices and potentially music blaring out when people are using the skate bowl and the football pitch. They are noises that are not associated with rural areas in AONB's and so their impact in terms of the tranquil nature of the area would be significant. This type of human activity is not a characteristic of the AONB and associated traffic would have adverse impact on tranquillity too.

Item (iv) seeks to protect the flora and fauna and the information provided does indicate that the existing hedges and trees will be retained and new native species will be planted as well as wild flower meadows and a new orchard. However the works associated with the creation of the football pitch, skate bowl and car park would potentially destroy some biodiversity value on the site. A Preliminary ecology survey was provided for the application which indicates that

- The hedgerows, woodland patch and scrub have value as nesting habitat for farmland birds and there is a historical record of a curlew.
- The south hedge is potentially suitable for dormice, though close to the road and the riding arena. No signs of dormice were observed.
- The barn contains a high ledge in the eaves to the north side which features 3 nests of swallows, 2 of which appeared to be occupied in May 2019.
- No signs of bats
- The likelihood of GCNs using terrestrial habitat within the site boundary is considered to be low.
- The site is considered suitable foraging habitat for badgers. However, no sign of active badger foraging or runs or a badger sett were observed during site visits.
- There are piles of tyres and rubble at several locations across the site which could provide hibernating habitat for reptiles and amphibians. A thorough check of potential refugia was undertaken in May 2019 revealed no signs of reptiles or amphibians.

The report recommends timing limitations for construction work; a watching brief and careful removal of tyres etc. to avoid potential hibernating amphibians. It also considers that *“Due to the small scale and the nature of this proposal, it is not expected to negatively impact the biodiversity and landscape value of the AONB or any other designated site. In fact, the scheme is considered to positively impact on the landscape value of the AONB and support its primary purpose to conserve and enhance the natural beauty of the landscape in the following ways:*

- *First, it will improve and restore degraded and unused agricultural land;*
- *Second, it will enable the creation of new habitats recognised as key features of the AONB;*
- *Third, it will actively seek to promote awareness of the AONB*

Officers question the term small scale in relation to the development proposed, however it appears that appropriate mitigation could be put in place to protect existing wildlife, flora and fauna on the site.

No information has been submitted about any particular historic or cultural heritage features on the application site or surrounding area. In reviewing our historic environment records, the farmhouse and farm buildings at Osborne Newton are grade 2 listed. The site is approximately ½ Km away from these buildings and the topography of the land is such that there is no intervisibility between the two sites.

In terms of furthering the South Devon AONB management plan, this type of facility is not one which has been identified as being a potential land use within the AONB management plan. Finally item (xi) is particularly relevant – *“avoid, mitigate or and as a last resort compensate”* In this case because of the potential adverse impact of the proposal on the AONB landscape, the development should be avoided. The proposal is in clear conflict with policy DEV25.

A landscape and Visual Impact Assessment was provided with the application, which assessed the landscape impact on the site from various viewpoints (some private and some public) around the area. The public viewpoints are of relevant to planning consideration. The extent of the LVIA was limited to views immediately adjacent to the site, rather than any more distant views from surrounding areas. Viewpoints 1,2,3 and 4 are the public views provided and are taken from the road between Bantham and the A379, close to the site.

Viewpoint 1 shows the rear of the barn which is proposed to be extended and renovated; viewpoint 2 is taken from the Bantham road looking east towards the access to the site.

Viewpoint 3 is directly looking into the site from the access and viewpoint 4 is taken from the road looking west.



Viewpoint 1



Viewpoint 2



Viewpoint 3



Viewpoint 4

The views of the site from the road are limited as is noted by the LVIA, however, what is noted is that there is a public footpath to the east of the site, for which there are no viewpoints provided. Even if there were no view from the footpath, a view indicating that would have been helpful. The LVIA concludes that *“the visibility of the site is clearly restricted. The site has limited visibility from any public highway or public footpath. The only visibility from the public domain is from the Bantham Village Lane and these are limited glances through gateways to the site.”*

It goes on to indicate that with additional landscaping at the entrance and parking area will diffuse views of the site and will be an enhancement.

Officers however consider that the LVIA is limited in its extent and as such does not provide the appropriate level of assessment to provide an appropriate impact of the development on the landscape. In addition viewpoint 3 clearly indicates that the proposed car parking area will be very visible from the road and will be an incongruous feature as one travels down this rural lane towards Bantham village and beach.

Neighbour Amenity:

This proposal has been supported by 358 letters of support. It is clear therefore that there is very strong community support for this proposal. The benefits to the local community are considered to be huge, the ability for there to be somewhere safe and different and educational for young people is highlighted by many. The ability for local people to have somewhere to start a new business and grow the local economy is identified by many. The lack of any such facilities in rural areas is identified as a key positive of the proposal. The LPA acknowledges these advantages to the development, but such facilities must accord with the strategic locational principles in the JLP and be located on a suitable site, outside of the most highly protected areas of landscape and with a better relationship to settlements and transport.

The extent of community support must form a material consideration in weighing the planning balance of this proposal.

The objections to the development relate to the increase in traffic, noise, litter and impact on the AONB, which are also relevant concerns. The NPPF para 172 places great weight on AONB landscapes, particularly where adverse impacts are a factor

In terms of neighbours to the development, Osborne cottages and farm adjacent, no concerns have been raised by the occupants. No concerns were raised by the Environmental Health section on the application, however in the pre app process, concerns were expressed by Environmental Health that the size of the development proposed would be likely to have and lead to an unacceptable level of impact on the residential amenities of these properties. However the proposal will at certain times generate noise, which may impact on the residential amenities enjoyed by the adjoining cottages. The proposal is therefore contrary to Policy DEV1 and DEV2 in the Plymouth and South West Devon Joint Local Plan.

Highways/Access:

The highway authority have accepted the access for the proposal. In terms of visual impact of the altered access in order to obtain an 85m visibility spay for the entrance, an area of hedgerow will need to be graded down to a height not exceeding 600mm. The area to be removed is to the east of the access and extends for a distance of 12 metres from the entrance and for a depth of approximately 2.7 metres at its widest point. There will be an adverse visual impact of the regrading of the hedgerow and the widening of the access. In addition the lighting, surfacing, security features and gates will all add to the urbanisation of a rural landscape.

The highway authority remain concerned about the potential for people walking to the site, especially for young people, which the site is likely to attract. Churchstow which is the nearest settlement is 1100m away. In making reference to the Manual for Streets the Highway Authority is concerned that there are no footways, continuous verges or street lights between the site and the village on both the Bantham road and the A379. Volumes of traffic are too high to safely accommodate pedestrians in the carriageway of the A379 into and out of Churchstow village. Officers are also concerned about the potential impact young people motivated to walk to the facility along roads which do not cater for the pedestrian.

Drainage: The drainage engineer has reviewed the proposal and subject to conditions does not object to the development.

Low carbon development: The proposal indicates two solar arrays on the site and is proposing the use of ground source heat pump technology. Rain water harvesting is proposed for grey water installations and the building will be insulated to the highest levels. Windows and doors will be double glazed.

Whilst the use of these low carbon initiatives goes some way to meet policy DEV32 in the JLP, the fact that most trips to the facility will be by car, with drop off and pick up lift by parents and friends for younger users would also be far more significant in this location than if safely accessible on foot or bike. The principle of this use in this location is not sustainable and the traffic impacts are not ameliorated by the renewable energy sources.

Other matters

No objections have been received from Natural England.

The police Architectural Liaison Officer raised issues relating to security of the site, encouraging a secure gate; CCTV/alarm system; no external storage; and secure internal doors in the building. These issues are detailed matters which in the main could be accommodated, but would have an adverse visual impact. The lighting was also mentioned and the Police view was that activation lighting such as is proposed for the car park, can sometimes increase the fear of crime especially when they are activated, but there is no one there.

This raises two issues, one with regard to keeping the car park secure, but also in relation to the dark skies in the AONB landscape. If it is necessary to have lighting that is operating all the time when the site is occupied (for security reasons), then the impact on the dark skies will be increased by the development. This is potentially another reason why the proposed facilities are being proposed located in the wrong place. If it were located within or adjacent to a settlement, then there may well be borrowed light from street lights or if permanent lighting was required it would be seen within the context of the settlement and the impact on the landscape would be minimised.

Conclusion and Planning Balance:

This proposal is an unusual one and not one which readily comes forward. In considering the proposal against the current Development Plan policies, which planning officers are required to do (NPPF para. 2), there is an in principle objection, in that the proposal in this location is in an unsustainable location, contrary to the strategic approach of the Plymouth and South West Devon Joint Local Plan and the NPPF paragraph 11.

In addition the site is located within the South Devon AONB, which must be given great weight in the decision making process, as stressed in Par 172 in the NPPF, *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”* In giving that weight, it has been demonstrated that the proposal would impact negatively on the AONB landscape and would not conserve or enhance the special landscape qualities. The proposal is in an unsustainable location contrary to the underlying principle of the Joint Local Plan through policies SPT1, SPT2 and TTV1; it fails to meet policy DEV15 because of the potential environmental impact of the development on the AONB landscape and it's reliance on the use of the private car; the risk it presents in terms of young people attesting to walk or cycle along roads which do not adequately cater for walking or cycling and it would have a detrimental impact on the residential amenities of the neighbouring dwellings; As indicated by the letters of objection the Bantham Road is narrow with only a few passing places and can already be gridlocked during holiday periods. Adding traffic to this will exacerbate that situation. The impact in terms of encouraging a facility in an unsustainable location thereby increasing the carbon footprint of the development must also be of concern, particularly when we have declared a climate change emergency. Whilst some measures have been provided to add to the biodiversity of the site, this in no way ameliorates the impact of allowing a development such as this in an unsustainable location.

The LPA recognises that there is a great deal of local public support for the proposal, some 358 letters of support have been submitted. This amount of public support suggests that this sort of facility is greatly in demand by families living in the surrounding villages. The potential benefits to the local community, economy, children, families, the older generation have all been eloquently highlighted in the letters of support. It has to be acknowledged that there is a dearth of such facilities for people in rural areas. However officers are also of the view that something like this should be delivered through the Neighbourhood Plan process, such as in the Kingsbridge, Churchstow and West Alvington Neighbourhood Plan. It may also be possible to find a site which is more local to one of the villages so that walking and cycling can be better accommodated.

The location of this site is too far away from any of the settlements to be considered to be in any way sustainable. The policy supporting the rural economy fails to override the in principle objection and in fact the proposal also fails to meet the relevant criteria in terms of the need

to use a car to access the facilities and the impact on the environment. The site is also within the area designated as the South Devon AONB and the proposal fails to meet Policy DEV23, which seeks to conserve and enhance the landscape quality and DEV25 which relates to nationally protected landscapes.

The strong local support for the proposal indicates that such facilities within the area are supported by a great many people, however as officers it is necessary to respond to the proposal based on the current development plan which must be the starting point for the consideration of applications and if proposals are against the Plan policies, which in this case the proposals are, and the development is not sustainable as required by the NPPF 2019, then applications should be refused. As stated in para 2. *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”* The application is recommended for refusal.

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

Planning Policy

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

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
DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV15 Supporting the rural economy
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11, 47, 83, 84, 91, 92, 96, 102, 103, 108, 118, 149, 163, 172, 174, and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan

Neighbourhood Plan: The site does not fall within a Neighbourhood Plan area, but the Thurlestone Neighbourhood Plan is a Made Plan and the Aveton Gifford Neighbourhood Plan is in draft form. The Kingsbridge, West Alvington and Churchstow Neighbourhood Plan is at Regulation 7 stage, so there is no draft plan at this stage.

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.