

Forde House
Newton Abbot
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20 September 2019

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 1st October, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

Distribution: Councillors Haines (Chairman), Goodman-Bradbury (Deputy Chairman), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Keeling, Jenks, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick, Phipps and Wrigley

Substitutes: Councillors Dewhirst, Jeffries, Russell, Austen, D Cox, Daws and Hocking

A link to the agenda on the Council's website is emailed to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

Public Access Statement

Information for the Public

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There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at www.teignbridge.gov.uk/planningcommittee.

Please email comsec@teignbridge.gov.uk or phone 01626 215112 to request to speak by **12 Noon** two working days before the meeting.

This agenda is available online at www.teignbridge.gov.uk/agendas five working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail comsec@teignbridge.gov.uk

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at www.teignbridge.gov.uk/planningcommittee

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at www.teignbridge.gov.uk/planningonline. In the case of sensitive applications representations are not placed on the website All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

AGENDA

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes (Pages 5 - 12)
To confirm the minutes of the last meeting.
3. Local Government (Access to Information) Act 1985 - Exclusion of Press and Public
It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so,

the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

4. Matters of urgency/report especially brought forward with the permission of the Chairman.

5. Declarations of Interest.

6. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the Committee.

7. Planning applications for consideration

To consider applications for planning permission as set out below

- a) NEWTON ABBOT - 19/01685/VAR - Newton Abbot Centre Association , Kingsteignton Road - Variation of condition 2 on planning permission 19/00190/FUL (Roof canopy above main lobby doors) to change roof glazing from polycarbonate sheets to double glazed clear glass (Pages 13 - 16)
- b) NEWTON ABBOT - 19/01421/ADV - 8 - 10 Market Walk, Newton Abbot - One illuminated fascia sign, one illuminated projecting sign and one non-illuminated fascia sign (Pages 17 - 20)
- c) KINGSTEIGNTON - 18/02164/MAJ - Land At Ngr 285403 76278, Horsemills Field - Development of 15 permanent gypsy/traveller pitches, together with access, amenity and welfare buildings, community meeting room, amenity and play space, new hedgerow, landscaping and nature conservation meadow. (Pages 21 - 36)

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at www.teignbridge.gov.uk/planningonline. In the case of sensitive applications representations are not placed on the website. All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate
To note appeal decisions made by the Planning Inspectorate

PART II (Private)

Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

Local Government Act 1972 (Section 100 and Schedule 12A).

APPENDIX 1

Site Inspections - 10 October 2019

Site Inspection team 3 - C and VC and Cllrs Colclough, H Cox, Hayes, Jeffery, Phipps and Wrigley

THE LOCAL GOVERNMENT ACT 1972 (Local Government (Access to Information) Act 1985)

List of Background Papers relating to the various items of reports as set out in Part I of the Agenda

As relevant or appropriate:

1. Applications, Forms and Plans.
2. Correspondence/Consultation with interested parties.
3. Structure Plan Documents.
4. Local Plan Documents.
5. Local/Topic Reports.
6. Central Government Legislation.

PLANNING COMMITTEE

3 SEPTEMBER 2019

Present:

Councillors Haines (Chairman), Goodman-Bradbury (Vice-Chairman), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Keeling, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick and Wrigley

Members in Attendance:

Councillors Austin, Gribble, Taylor and Hocking

Apologies:

Councillors D Cox, Jeffery and Phipps

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Helen Addison, Principal Planner
Trish Corns, Democratic Services Officer
Nick Hill, Solicitor

44. MINUTES

The Minutes of the meeting held on 6 August were confirmed as a correct record, and signed by the Chairman.

45. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman welcomed public speakers to the meeting. He also reminded Members of the Committee that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application.

46. DECLARATIONS OF INTEREST.

None.

47. PLANNING APPLICATIONS FOR CONSIDERATION

The Committee considered the reports of the Business Manager – Strategic Planning Committee Place, together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

a) **Newton Abbot - 19/01172/FUL - The Minerva Building, Minerva Way - Installation of extract flues and biomass system**

It was proposed by Councillor Parker, seconded by Councillor MacGregor and

RESOLVED

Permission granted subject to the following conditions:

1. Standard three year time-limit for commencement
2. Development to be carried out in accordance with the approved plans
3. The collective acoustic impact of the use of the site and any equipment, machinery must not significantly increase the existing background noise levels at the nearest noise sensitive premise.
4. Odour from flues serving the building shall not cause nuisance to the occupants of any properties businesses in the vicinity. No odours attributed to the operation hereby approved shall be detectable outside the site boundary.
5. All releases to air from the discharge stack shall be free from visible smoke, droplets, and particulates.
6. Prior to the use of the premises a regular cleaning and maintenance programme for the extraction system shall be submitted to and approved in writing by the Local Planning Authority.

Informative: - The development hereby approved shall not be brought into use until such time as the applicant has obtained the appropriate Permit or exemption from the Environment Agency.
(18 votes for and 0 against)

b) **Bishopsteignton - 19/01414/FUL - Michaels Field, Newton Road - Installation of a single 10m column with two LED lights for Devon Air Ambulance to use at night**

Public speaker, supporter – The lighting column and night landing site would enable Devon Air Ambulance (DAA) to extend their response service, working towards a 24 hours a day service to the public; the road along Michael's field is lit with streetlights; the lighting would be controlled by DAA and switched on only when required; the public, residents and the Parish Council have been consulted; and the scheme is supported.

It was proposed by Councillor MacGregor, seconded by Councillor Clarence and

RESOVLED

Permission be granted subject to the following conditions:

1. Development to begin before the expiry of three years from the date of this permission;
2. Development to be carried out in accordance with approved plans;
3. The lighting column hereby permitted shall be used solely in connection with air ambulance operations. Once the floodlight is no longer required for this purpose the lighting column shall be permanently removed from the site;

4. The lighting hereby approved shall be installed in accordance with the lighting installation details given in the approved Design and Access Statement.
(18 votes for and 0 against)

c) **Newton Abbot - 19/00456/MAJ - A382-A383, Forches Cross - An improved highways link including pedestrian and cycle facilities, sustainable drainage features and landscaping**

The Senior Planning Officer referred to the updates previously circulated, and additional updates as follows:

- The Environment Agency has accepted the drainage details, and has requested a hydrological risk assessment in addition to other conditions:
- Devon County Highways has raised no objection following the submission of the Transport Assessment.
- Issues raised regarding the Environmental Impact Assessment would be further considered by Officers.
- The plans indicate that the road does not link with Buttercup Way and there is a strip of land between. Devon County Council as the Applicant has given an assurance that it would work to resolve this situation. A planning application would be submitted for this additional strip of land.

An amended officer recommendation was displayed on the presentation screens at the meeting, for clarity.

Comments from Members included: Highweek Village is currently used as a bypass, and the development is welcomed to relieve this situation; the carbon footprint study at page 49 of the agenda advises that 50% of the materials would be recycled, however new roads should be carbon neutral, and it is incumbent on us that the road is as carbon neutral as possible.

The Committee were advised that a significant amount of hedgerows and other landscaping would be planted. The road would have a 30mph speed limit, which would keep carbon footprint to a minimum, due to the curved design being sympathetic to the landscape.

It was proposed by Councillor Bullivant and seconded by Councillor MacGregor that planning permission be granted as set out in the report and as amended as displayed at the meeting.

RESOLVED

Subject to:

A) Completion of a S106 Obligation for provision of a contribution of £40,000 towards an offsite bat roost to be delivered within the wider NA1 allocation and

B) Receipt of satisfactory further information in respect of Environmental Statement content, specifically, assessment of vulnerability of development to major accidents and/or disasters;

Planning permission be granted subject to Conditions addressing, as a minimum, the following matters as well as any additional material matters arising from the receipt of further information and consultation responses, with the final drafting of conditions, their number, content and triggers to be delegated to the Business Manager – Strategic Place, in consultation with the Chairman of the Committee, and Ward Members for Bradley and Bushell.

- Permanent drainage design
- Construction drainage design
- Delivery of the road to boundaries
- Strategy for maintaining use of football pitch
- A hydrological risk assessment
- Tree protection during construction
- Details of boundary treatments
- Typical section through hedgebank
- Details of junctions/roundabouts
- LEMP to include monitoring provisions and feedback / enhancement
- CEMP (to include waste management requirements, and identification and protection of pre historic settlement site at Forches Cross from damage)
- CMP
- Monitoring surveys of hop overs and under passes
- Double hedgerows at crossing points
- Habitat establishment in advance of impacts
- Detailed light assessment
- Mitigation measures and management in perpetuity
- Monitoring and mitigation at Stover SSSI
- Undertake a hydroecological risk assessment
- Precautionary contamination conditions
- Secure implementation of key measures in ES to mitigate risks during construction process
- Archaeology WSI
- Lower noise road surface
- Assessment and details of noise mitigation barriers
- Details of the proportion of materials used the scheme that are recycled to be submitted to and agreed by the LPA
- Technical data provided for any mechanical power generation in connection with development
- Report from professional sound consultant detailing control measures to be adopted for the control of fugitive noise emissions
- Report detailing measures to be adopted for the mitigation of fugitive dust and fine particulates from migrating beyond the boundary onto nearby sensitive receptors
- Control measures for dust mitigation for specific processes such as movement of vehicles etc

(18 votes for and 0 against)

d) **Kingskerswell 19/00822/FUL - 7 Torquay Road- Erection of a dwelling in the garden**

Public speaker, supporter – The design is now of a bungalow, to address impact on neighbours; there are no objections from neighbours; there is adequate on-site parking; there is no definite building line; and all concerns raised at the last application stage have been addressed.

Comments from Members included: concern that the site was too small to accommodate the dwelling, and that the proposed was not in accordance with the building line of Trevenn Drive; then issue of the building line is not clear; the building line of other dwelling along the main road were different to that of Trevenn Drive; Trevenn Drive is set back from the main road and is therefore not part of the building line of the main road; and the site is sufficiently large to accommodate the proposed dwelling.

It was proposed by Councillor Haines, seconded by Councillor Bullivant and

RESOLVED

Planning permission be granted subject to the following conditions:

1. Removal of Permitted Development Rights.
2. Standard three year time limit for commencement.
3. Works in accordance with approved plans.

(15 votes for, 2 against and 1 abstention)

Note:

The decision to approve the application is contrary to the advice of the Business Manager. The Committee considered the application acceptable for the following reasons:

Statement of Reasons

1. The issue of building line is not clear due to Trevenn Drive being set back from the main road and other Torquay Road properties being set nearer the road.
2. Properties to the south of the site are at different building lines.
3. The site is considered sufficiently large to enable the proposed dwelling to be accommodated comfortably without being unduly dominant and overbearing to either the residential amenities of Thornbrook or the street scene.

e) **Woodland - 19/01351/FUL - Sunset Cottage , Woodland - Single storey rear extension**

It was proposed by Councillor H Cox, seconded by Councillor Nutley and

RESOLVED

Permission be granted subject to the following conditions:

1. Standard time limit
 2. Works in accordance with approved plans
- (18 votes for and 0 against)

- f) **Bovey Tracey - 19/00723/FUL - 65A Fore Street, Bovey Tracey - Change of use from retail (Use Class A1) to a dwelling (Use Class C3) including replacement fenestration details and replacement of single storey rear roof**

Public speaker, supporter – The report circulated with the agenda provides all the detail. Works to the property are minor and will be sympathetic to the neighbouring properties. Asbestos is currently part of the structure of the building and this is expensive to remove. He would be investing heavily to improve the property, and consequently the street scene and the setting of the Town Centre.

Comments from Members included: the Business Association and the Town Council object to the loss of a high street shop; it is just outside the primary shopping area; there is no planning reason to effuse the application if the site is outside the primary shopping area; the shop has been empty for 12 months and prior to this it was a charity shop which was not viable; there has been no demand for its use as another shop; people should live in the town centre; the proposal improves the site and this is a better situation than remaining empty.

The Business Manager advised that the site fell within the secondary shopping area and policy allows for development other than retail in such an area. The application complies with policy.

The Solicitor advised that valid planning reasons need to be given should the Committee be minded to refuse the application, otherwise costs could be awarded against the Council.

It was proposed by Councillor Kerswell and seconded by Councillor Keeling that the application be refused on the grounds of loss of a shop front in the town centre. This was lost by 3 votes for and 14 against.

It was proposed by Councillor Bullivant and seconded by Councillor Parker that the application be approved as set out in the report circulated with the agenda. This was carried.

RESOLVED

Permission be approved subject to the following conditions:

1. Standard three year time limit for commencement of development
 2. In accordance with approved plans
 3. Prior to installation, samples or details of the fenestration and roof to be submitted, no vents or flues to be installed on front elevation
- (14 for, 2 against and 1 abstention)

g) **Coffinswell - 19/00850/MAJ - Manor Farm, Dacombe, Use of additional land for camping purposes**

The Business Manager advised that the land boundaries had now been confirmed.

Comments from Members included: there have been issues of noise nuisance for residents; the site has been used for camping for several decades; the additional camping has been permitted under the 28 day rule; and approval would condition a site management plan.

It was noted that no noise issues had been reported to the Council's Environmental Health department this season.

It was agreed that condition 4 relating to the site management plan be agreed in consultation with the Ward Member, and that the Ward member would consequently keep the Parish Council updated.

It was proposed by Councillor Haines and seconded by councillor Bullivant that the application be approved as set out in the report circulated with the agenda, with condition 4 being agreed in consultation with the Ward Member.

RESOLVED

Permission be granted subject to the following conditions:

1. Standard three year time limit for commencement;
2. Development shall be carried out in accordance with approved plans;
3. Landscape and Ecological Management Plan (LEMP) to be approved prior to commencement and implemented thereafter;
4. Site management plan to be approved prior to commencement and implemented thereafter;
5. Change of use to camping shall only take place for 48 days within the calendar year. The use shall revert to agricultural use for the remainder of the calendar year;
6. Development to accord with the recommendations of the Preliminary Ecological Appraisal and Ecological Impact Assessment;
7. No more than 75 pitches shall be in use across the site as a whole at any one time;
8. The site shall be used for the purposes of camping with no use by caravans / motorhomes. This use shall only take place between the last Thursday before Easter and the 1st October in each year;
9. Removal of Permitted Development Rights for temporary buildings and uses;

The wording for pre-commencement condition 4 to be agreed with the applicant, and in consultation with the Ward Member.

(16 votes for and 1 against)

48. APPEAL DECISIONS

The Committee noted appeal decisions made by the Planning Inspectorate.

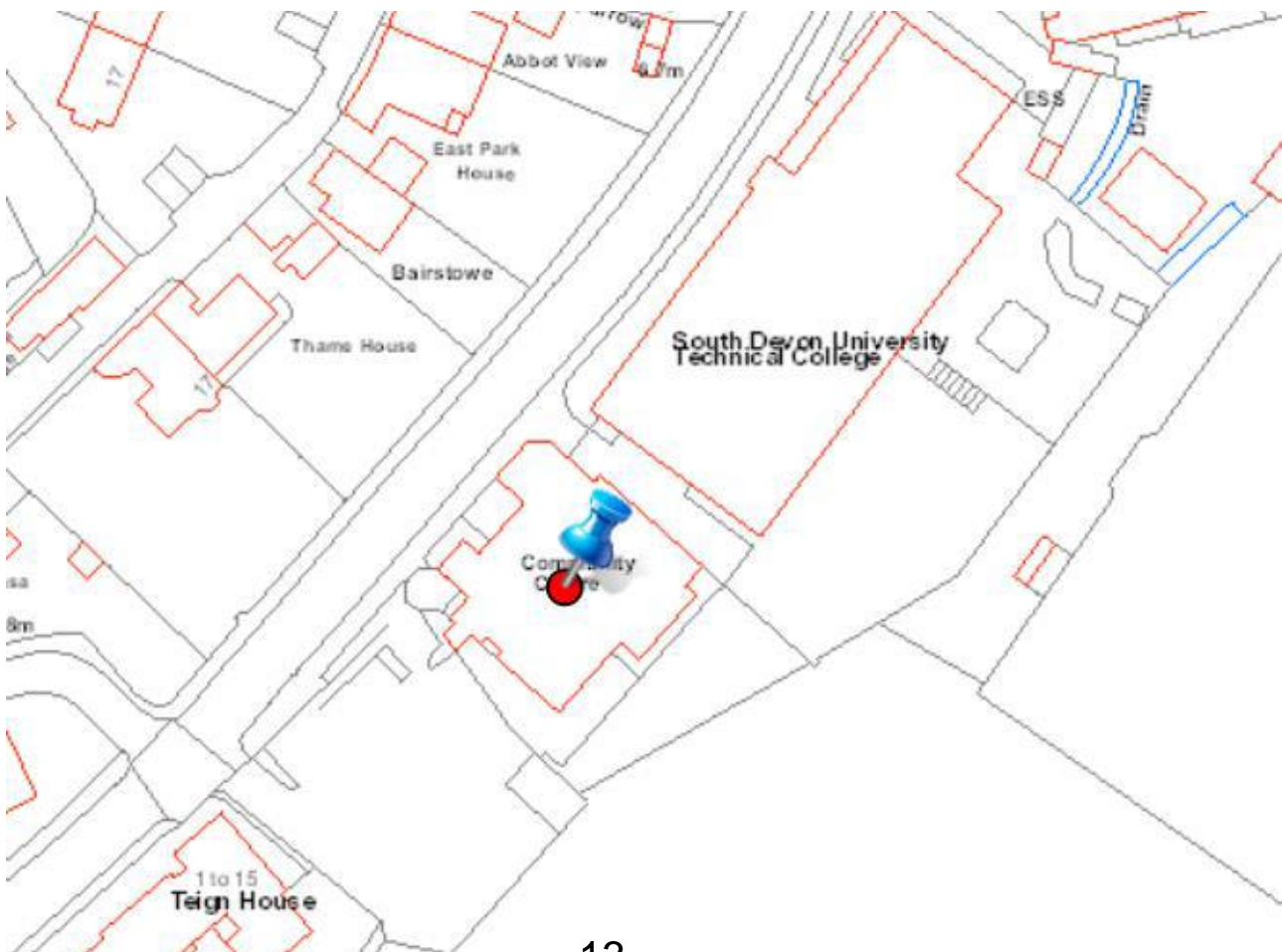
COUNCILLOR M HAINES
Chairman

PLANNING COMMITTEE REPORT
1 October 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/01685/VAR - Newton Abbot Centre Association , Kingsteignton Road - Variation of condition 2 on planning permission 19/00190/FUL (Roof canopy above main lobby doors) to change roof glazing from polycarbonate sheets to double glazed clear glass	
APPLICANT:	Mrs Cheryl Dyre	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Cllr Rob Hayes Cllr Jackie Hook	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01685/VAR&MN	





19/01685/VAR Newton Abbot Centre Association,
Kingsteignton Road, TQ12 2QA



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1. REASON FOR REPORT

Teignbridge District Council own the land

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with approved plans

3. DESCRIPTION

- 3.1 The application site consists of a two storey detached building used as a community centre, with associated off-street parking which is set on a slope off Kingsteignton Road. The frontage faces Kingsteignton Road but is set back behind the North West elevation, and has limited visibility other than from the south westerly approach along Kingsteignton Road.
- 3.2 The subject application seeks to change the roof material of the previously approved canopy from polycarbonate sheets to double glazed clear glass. The glazing material remains in-keeping with the immediate and wider area, and is considered to be betterment to the previously approved polycarbonate. The existing fenestration is in-keeping with the design and scale of the building, and reflects the appearance of the wider street-scene. The proposed works are overall minor in nature and will sit comfortably with the existing streetscape, whilst reflecting the existing design.
- 3.3 Thus, the design and scale is therefore considered to be appropriate and will not cause a significant impact on the appearance or character of the immediate or wider area. The proposed variation to the materials is considered acceptable. The proposed development is therefore considered to be in accordance with Policies within the Local Plan.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

None received

7. **TOWN / PARISH COUNCIL'S COMMENTS**

No objections

8. **COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. **ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. **HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place

PLANNING COMMITTEE REPORT
1 October 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/01421/ADV - 8 - 10 Market Walk, Newton Abbot - One illuminated fascia sign, one illuminated projecting sign and one non-illuminated fascia sign	
APPLICANT:	Mr M Fryer	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Cllr Rob Hayes Cllr Jackie Hook	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01421/ADV&MN	





19/01421/ADV 8-10 Market Walk, Newton Abbot, TQ12 2RX



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1. REASON FOR REPORT

The land and building are owned by Teignbridge District Council

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

- 1) Development in accordance with approved plans
- 2) Standard advertisement conditions:
 - a) Adverts to be erected with owner's permission
 - b) Adverts shall not endanger persons, impede interpretation of other signs etc
 - c) Adverts shall be maintained so as to not impair amenity
 - d) Structures supporting advertisements shall not endanger the public
 - e) When an advert is required to be removed, the site shall be left in a site that does not endanger the public or impair visual amenity

3. DESCRIPTION

- 3.1 The site is a retail unit within the Newton Abbot town centre and primary shopping area where there are a number of existing illuminated signs.
- 3.2 The application seeks advertisement consent for one illuminated fascia sign, one illuminated projecting sign and one non-illuminated fascia sign, and these are to have a yellow background with blue artwork and writing advertising the A1 retail store, The Works.
- 3.3 Two of the three signs are to be illuminated, one being the projecting sign and one being the main signing TheWorks.co.uk, which are to be LED back lit.
- 3.4 It is not considered that the proposed signage would have any impact on the setting of the Grade II Listed Market Hall.
- 3.5 It is recognised business needs to advertise and signage such as is proposed, is typical of the locale. The signage is within a pedestrian area, so there would be no impact on highway safety.
- 3.6 In summation, the design and siting of the proposed signage is appropriate by way of its design, with no detrimental impact on the listed buildings, public safety or visual harm. Thus, there is a recommendation of approval subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

Newton Abbot Neighbourhood Plan

NANDP2 Quality design

National Planning Policy Framework

National Planning Practice Guidance

Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

5. CONSULTEES

None carried out

6. REPRESENTATIONS

None received.

7. TOWN / PARISH COUNCIL'S COMMENTS

No objection

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

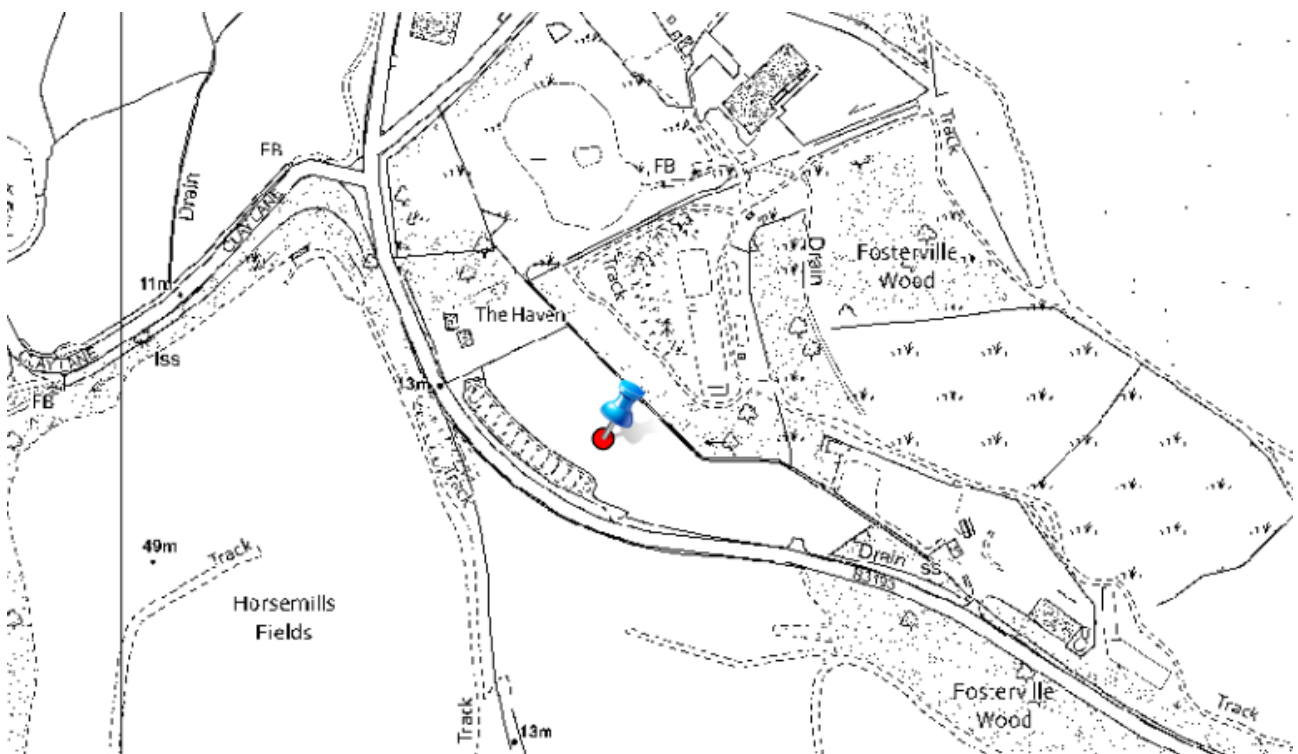
Business Manager – Strategic Place

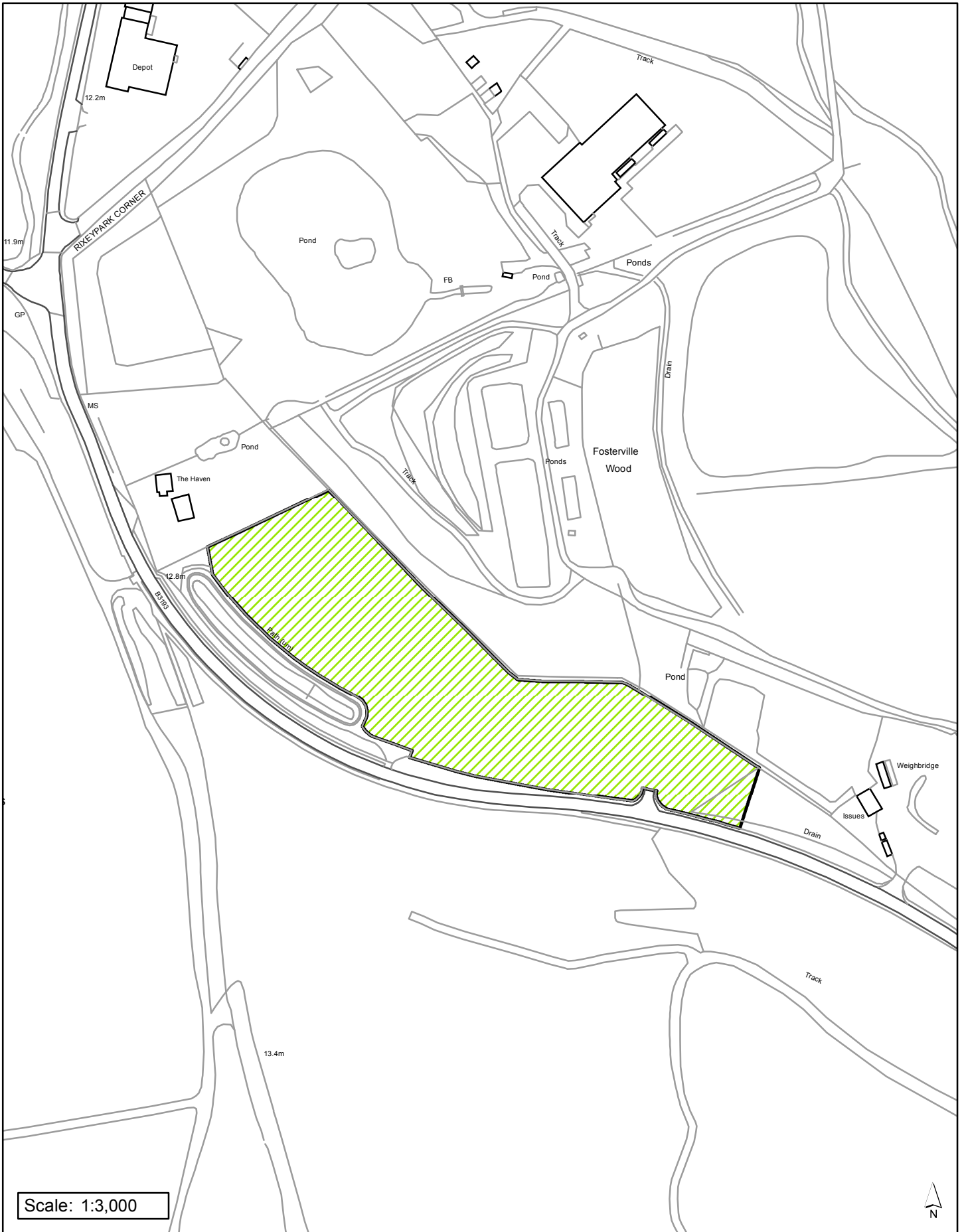
PLANNING COMMITTEE REPORT 1 October 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KINGSTEIGTON - 18/02164/MAJ - Land At Ngr 285403 76278, Horsemills Field - Development of 15 permanent gypsy/traveller pitches, together with access, amenity and welfare buildings, community meeting room, amenity and play space, new hedgerow, landscaping and nature conservation meadow.	
APPLICANT:	Teign Housing	
CASE OFFICER	Helen Addison	
WARD MEMBERS:	Cllr Bill Thorne Cllr Dave Rollason	Kingsteignton West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02164/MAJ&MN	





18/02164/MAJ Land At Ngr 285403 76278,
Horsemills Field, Kingsteignton



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1. REASON FOR REPORT

The application is a major application that is contrary to policy in the Teignbridge Local Plan 2013-33. The Council's scheme of delegation requires the application to be determined by the Planning Committee.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions addressing the following matters and any additional conditions that may be required following receipt of a consultation response from the EA

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The works hereby permitted shall be carried out accordance with the application form and the approved plans
3. This permission permits no more than 15 gypsy and traveller pitches on the site.
4. The site shall not be occupied by any persons other than gypsies or travellers
5. No business shall operate from the site including any open storage.
6. Within 3 months of the commencement of development full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to the Local Planning Authority for approval in writing.
7. Prior to occupation of each plot, its related parking shall be provided
8. The development shall be delivered in strict accordance with the submitted documents including;
 - i) The Ecological Impact Assessment
 - ii) Drawing Number: 003 – site layout showing 604m hedge
 - iii) Drawing Number: 4008-ID-DR-1001 – isolux plan
9. The development shall be delivered in strict accordance with all South Hams SAC mitigation measures.
10. Prior to commencement, including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority.
11. External lighting shall be installed in compliance with details submitted on Drawing Number 4008-ID-DR-1001
12. Prior to first occupation, a Bat Information Programme shall be submitted to and approved by the Local Planning Authority.
13. Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e. from April to October inclusive).
14. Prior to first occupation, a Bat Management Monitoring Programme
15. Submission and approval of surface water drainage details
16. No drainage to Highway
17. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP)
18. Prior to first occupation of the development hereby approved, the location and details of the proposed private packaged treatment plant shall be submitted to and approved in writing by the Local Planning Authority.

19. schedule of external materials to be used in connection with the development shall be submitted to and approved in writing by the Local Planning Authority,
20. Before stationing any mobile home/caravan on the pitches hereby approved, a report prepared by a qualified acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority confirming that the internal noise levels of the static caravan/mobile homes will meet the levels identified
21. Design and delivery of cycle link
22. Prior to construction of the amenity blocks on plots 1, 6 and 15 details of the layout, design and materials shall be submitted to and approved in writing by the Local Planning Authority.

3. DESCRIPTION

The site and proposal

- 3.1 The site is located on the recently realigned B3193 road that links Kingsteignton with Chudleigh and comprises an area of approximately 2.4ha. It is situated on the north side of the road.
- 3.2 The site had previously been used as a site compound during the construction of the B3193 and today stands as an unfinished site with loose construction rubble and earth as its surface. The site is well screened with hedges and trees along the north, south and eastern boundaries.
- 3.3 A fully formed access exists at the southern end of the site which has good visibility due to previously needing to facilitate large, slow moving vehicles.
- 3.4 Across the road to the south lies part of the existing clay workings whilst to the north is Gilpin's waste management facility. Adjacent to the south west boundary is a SUDS swale. To the north of the site is a detached residential and commercial property known as The Haven. To the east is Fosterville Recycling.
- 3.5 The proposal seeks consent for provision of 15 gypsy/traveller pitches to be operated by Teign Housing. Each pitch, being approx. 20m x 20m in size, would have space to park a mobile home, touring caravan, a 5m x 10m area for amenity and parking and a permanent amenity block building that would comprise toilet, washroom, bathroom facilities and a bin store to the rear. On the majority of pitches the amenity blocks would be combined to form one building with two amenity buildings serving adjoining pitches.
- 3.6 There would be a central access road serving the pitches, with turning heads at the end of the site and also at a central point in the road. The road would have a minimum carriageway width of 5.5m to allow for manoeuvring of mobile homes on the site. A main community building would be provided adjacent to the site entrance that would comprise two meeting rooms, a kitchen and toilet.
- 3.7 The amenity blocks and the main community meeting room building would be single storey and timber clad with concrete roof tiles, upvc windows and painted timber doors.
- 3.8 There would be 6 visitor parking spaces close to the site entrance. A centralised play area is also proposed which would be equipped with a range of play equipment and picnic benches.

- 3.9 A nature conservation meadow is proposed around the perimeter of the site that would be a minimum of 10 m wide extending to 30m in depth to the south and 50m to the north. The size of the meadow would be approx. 1.2ha which would constitute about half of the site. It would be planted and managed to provide landscape and ecological mitigation. A new species rich hedgerow and willow screen would form the boundary between the pitches and the meadow. The willow screen and a 1 m high bund would form the boundary around the pitches to ensure there would be no light spill into the meadow until the hedge has become fully established.
- 3.10 A detailed lighting scheme has been included in the application that would comprise low level bollards and wall mounted amenity lighting on the welfare block.
- 3.11 This arrangement in terms of types of facility on the site follows on from Teign Housing's successful Traveller site at Haldon forest.

Principle of the development/sustainability

- 3.12 The site is located in the Countryside and outside any settlement limit. The site is well accessed by road and by a cycle route that runs from Kingsteignton. The County bus route 182 runs an hourly bus service which serves Clay Pits Way, running between Newton Abbot and Chudleigh. Whilst the closest stops are at Clay Lane, some 1.5km from the site entrance, there is the potential to request a stop near to the site.
- 3.13 The relevant policies in the Teignbridge Local Plan 2013-33 to the principle of the proposed development are Policies S22 (Countryside) and Policy WE6 (Homes for the Travelling Community).
- 3.14 Policy S22 (Countryside) sets out development types that would be acceptable in the countryside, subject to fulfilling a number of appropriate criteria. The acceptable development types include provision of gypsy and traveller pitches. Therefore providing the development meets the relevant assessment criteria contained in the Policy the proposed development can be considered to accord with Policy S22.
- 3.15 Policy WE6 (Homes for the Travelling Community) in the Teignbridge Local Plan 2013-33 identifies that 70 pitches for gypsies and travellers will be provided between 2013 and 2033. Proposals for pitches in the open countryside are supported providing they meet a number of criteria. These criteria includes there **not** being a five year supply of permitted or allocated pitches and that the site is within approx. 30 minutes travel by means of public transport, walking or cycling of a primary school. This is an unusual policy in that it seeks to constrain development that is otherwise in accordance with Policy.
- 3.16 The Council publishes a Gypsy and Traveller statement of five year supply of available pitches on an annual basis. The most recent statement dated April 2019 confirms that the Council **has** a 5 year supply of pitches. Although the proposal would accord with the other criteria in the policy, because the Council can demonstrate that it has a five year supply of Gypsy and Traveller pitches it is concluded that the proposal **does not** accord with Policy WE6.

- 3.17 Section 70(2) of the Town and Country Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning decisions to be taken in accordance with the development plan unless there are material considerations that indicate otherwise. It is therefore appropriate to consider whether there are other **material considerations** that are relevant to this decision.
- 3.18 It is relevant that the NA1 (Houghton Barton) allocation (In our Development Plan) which relates to a site of 160 acres west of Newton Abbot and will provide a mixed use development including 1800 homes, employment development, social and community infrastructure and public open space includes delivery of 24 Gypsy and Traveller pitches. In the NA1 Development Framework Plan (DFP) June 2018 it is identified that all or part of this requirement may need to be delivered off site due to the amount of land required for pitch provision. Following pre application discussions with the site developers it is considered highly likely that this provision would be provided off- site. Furthermore conversations with the Gypsy and Traveller forum have indicated that there is a preference for the pitches not be within a residential site. It is accepted that some level of separation between the pitches and residential development may reduce the potential for tension between residents.
- 3.19 The NA1 (Houghton Barton) allocation includes the provision of 24 Gypsy and Traveller pitches. Provision of the 15 pitches the subject of this application would constitute approx. 2/3 of the requirement. Granting consent for these pitches would make a positive contribution to bringing forward the delivery of the NA1 allocation.
- 3.20 Finding appropriate sites for Gypsy and Traveller pitches is not always easy. The sites need to be in a sustainable location and have a willing landowner. In this case the application has been made by a reputable housing association that already runs a successful site at Haldon forest. Therefore there is a strong likelihood that the consent will be implemented and confidence that it will be well managed.
- 3.21 The fact that the Council has a 5 year supply for Gypsy and Traveller pitches means that sufficient planning consents have been granted to provide pitches for the next five years. However it does not necessarily follow that all the pitches will be delivered. It could be argued that a buffer over and above the 5 year level would provide greater certainty of delivery.
- 3.22 It is appropriate to consider the balance between the opportunity for a good quality application for Gypsy and Traveller pitches in the open countryside at this time, which would help to ensure against future shortfall or fluctuations and any potential harm that granting consent for the proposed use would have on the appearance and character of the countryside.
- 3.23 Further consideration of the impact of the proposal on the landscape quality of the surrounding area is below. It is concluded that the proposal can be assimilated into the area without causing harm to the character and appearance of the area.
- 3.24 In terms of sustainability the application site is within 30 minutes' walk of Chudleigh Knighton Church of England school. However the footpath/cycle way does not extend to Chudleigh Knighton. There are services including schools and a GP surgery slightly further away in Kingsteignton. There is a footpath/cycle way from the application site to Kingsteignton. The new Kingsteignton School has recently been completed and is accessible from the site. Therefore the sustainability of the

site is considered to be adequate for the proposed use as it provides a reasonable level of accessibility to services for a rural site.

- 3.25 Government advice in Planning Policy for Traveller Sites, August 2015 (PPTS) accepts that many Gypsy and Traveller sites will be in rural areas, recognises the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, the PPTS at para. 13 considers the sustainability of traveller sites in the round. The provision of a settled base for up to 15 traveller families would promote access to health services, ensure that children can attend school on a regular basis and reduced the need for long distance travelling. The site would provide a site of reasonable environmental quality for its occupants. Therefore it is considered that the site is sustainable taking into account local and national policies and meets criteria (c) of Policy WE6.
- 3.26 In conclusion, the application is consistent with Policy S22 (Countryside) and contrary to Policy WE6 (Homes for the Travelling Community) in the Teignbridge Local Plan 2013-33 by reason of the Council having a five year supply of permitted pitches. It is considered that there is a justification for accepting the principle of the application by reason of its sustainable location, the quality of the application with an experienced applicant and the levels of provision in the proposal that includes considerable new landscape provision, a community building, a play area and the fact that future delivery of the NA1 (Houghton Barton) allocation will trigger the need for 24 Gypsy and Traveller pitches which are unlikely to be provided on site. On balance, it is considered that it these material considerations provide sufficient weight to justify accepting the principle of the development contrary to Policy WE6.
- 3.27 It should be noted that this application is not considered to be a departure from the Teignbridge Local Plan 2013-33 and has not been advertised as a departure application. This is because the proposal is consistent with the general approach in the Local Plan to deliver housing provision for all members of the community. It accords with Policy S22 (Countryside) and would accord with Policy WE6 (Homes for the Travelling Community) had the Council not had a 5 year supply of Gypsy and Traveller pitches. Therefore it is considered to be in line with the Local Plan and a proposal that 'departs' from the policy objectives of the plan.

Impact upon the character and visual amenity of the area/open countryside

- 3.28 The site is currently bounded by post and rail fencing and hedge/tree planting to the roadside and a strong tree belt to the rear. At the site entrance there is a view into the site.
- 3.29 Development of the site will lead to a change in the character of this area which is currently vacant with no structures on it by reason of the introduction of mobile homes, amenity buildings, hard standings and associated activity occurring on site.
- 3.30 The existing hedge along the southern boundary provides good screening of the site. It is a new densely planted screen which provides a strong and effective visual barrier. A second new hedge is proposed to be planted along the southern boundary which will provide further screening, and the boundary to the main area of the site. The proposed pitches would be set back from the road by at least 40 metres, with the majority of pitches on the northern side of the access road.

- 3.31 The amenity buildings would have pitched roofs over and would be 4.8metres high. The community building would be 5.2 metres high. The permanent buildings would be visible above the hedge screens from the road as would the static and touring caravans. The use of timber on the elevations of the buildings would be a visually recessive material that would be appropriate for this location outside of the built up urban area. As the site is within the countryside and there are few buildings in the vicinity it would be appropriate to impose a condition requiring the specification of the external materials to be agreed with the LPA to ensure that the visual impact of the buildings is minimised.
- 3.32 The national Planning Policy for Traveller Sites August 2015 (PPTS) accepts that gypsy and traveller sites can locate in rural areas. In doing so it is logical to accept that some visual harm will occur from sites, particularly those that are on land that has not previously been developed.
- 3.33 With the extent of landscape screening from the two hedges and the set back of buildings and pitches from the road it is considered that the proposed development would be visually recessive.
- 3.34 The surrounding area is 'disturbed' having accommodated considerable alteration to the original landscape character. The locality is predominantly rural but with a number of commercial influences which dilute any impression of tranquillity. There are clay workings on the southern side of the road that are obscured by significant landscape bunds, the alignment of the new road has changed the historic field pattern and the number of commercial neighbouring uses, which although not apparent from the road when viewed on an aerial map show large scale businesses operating over significant areas, with significant landscape scarring. The surrounding area has a commercial character which has had a considerable impact on the landscape character of the area. The proposed well screened development with single storey buildings would not detract from the overall character of the area and is considered to be acceptable in this location. An aerial photograph to illustrate this point is below.



- 3.35 In the Teignbridge Landscape Character Appraisal (LCA) the site is within the Bovey Basin character area. It is assessed as having moderate landscape character sensitivity. The strategic guidelines for the area include “new built development should restore and enhance the pattern of ... fields and hedgerows”. The recommendations include “ensure that new development is well integrated into the surrounding landscape through the enhancement of woodlands, hedgerows and other features”.
- 3.36 The proposal incorporates considerable new landscaping through the provision of the new hedge and bund around the site and planting of an extensive wildflower meadow. This level of enhancement of the landscape would meet the requirements set out in the LCA and Policy EN2A (Landscape Protection and Enhancement) in the Teignbridge Local Plan 2013-33 which requires new development proposals to conserve and enhance the qualities, character and distinctiveness of the locality.
- 3.37 The existing hedgerow southern boundary of the site and the tree belt along the northern boundary would be retained. Both are sufficient distance from the proposed works on site that they are unlikely to be affected by construction works. The Council’s arboricultural officer has confirmed that he has not arboricultural objections to the proposal as no significant trees will be adversely affected.
- 3.38 In order that the existing hedge and tree belt are protected from damage during construction it is appropriate to impose a tree/hedge protection condition. A condition requiring details of the proposed planting and maintenance arrangements is also appropriate to provide certainty that the new planting will be delivered to the appropriate standard.
- 3.39 It is concluded that there would be some conflict with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan as the development would not respect and complement the physical characteristics of the site and surroundings and the natural qualities and features of the area. However, because of the level of sensitivity of the landscape, the limited visibility of the site and the scope to undertake further planting, the level of harm to the character and appearance of the area would be moderate, and is acceptable in this location.

Impact on residential amenity of surrounding properties

- 3.40 The nearest property, The Haven, is situated adjacent to the northern boundary of the site. This property is in commercial and residential use. For business purposes it is described on the VOA website as being in use as a workshop and sweeper parking. The extract below from google maps shows a number of commercial vehicles parked within the curtilage of the property;



- 3.41 The dwelling house is located on the northern side of the plot. It is situated 90 metres from the nearest proposed pitch and separated by a mature tree screen.
- 3.42 Due to the distance between the property and the proposed pitches there would not be any undue effect on light, overlooking or noise impact that would harm the amenity of existing occupiers. The vehicular access to the site would be 340 metres from The Haven which would mean that there would be no undue nuisance from vehicular movements on the site.
- 3.43 Therefore it is concluded that the proposal would not have a detrimental impact on the amenity of the adjoining occupier and would accord with Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-33 which requires development proposals to take into account impact on the residential amenity of existing dwellings particularly privacy, security outlook and natural light.

Impact on ecology/biodiversity

- 3.44 An Ecological Impact Assessment was submitted in support of the application. As part of the application 604m of new hedgerow will be planted around the periphery of the site and over 1 ha of new species rich grassland will be provided to benefit invertebrates and their predators. One purpose of the hedge would be to prevent light spill onto the new species rich meadow and to ensure that critical bat features would remain dark once the scheme is operational.
- 3.45 The application is within the Greater Horseshoe Bat (GHB) Sustainance Zone around the Chudleigh element of the South Hams SAC. It is within 500m of a GHB strategic flyway, as described under the Natural England guidance 2010. Among other species, site surveys detected use by greater and lesser horseshoe bats and barbastelle bat (all rare species) commuting and foraging on site.
- 3.46 The Council's Biodiversity Officer carried out a Habitats Regulations Assessment of the proposed development and concluded that there may be a likely significant effect alone or in combination on features associated with the South Hams SAC, in the absence of mitigation. Therefore it was necessary to carry out an Appropriate Assessment (AA). Both the HRA and AA have been produced in consultation with Natural England.
- 3.47 In the AA the following mitigation measures were taken into consideration;
- a) Currently part of the site is ungrazed semi-improved grassland, part is ruderal vegetation and part bare ground. The undeveloped areas of the site are to be

enhanced as on-site bat foraging habitat: 1.2 ha of flower-rich grassland is to be created.

- b) retention of hedges and woodland edges, with vegetated buffer zones during operational phase, and additional hedgerow to be provided on site
- c) The illumination scheme has been sensitively designed to achieve demonstrably dark zones of more than 10m wide (<0.5 lux) around the development. Lighting units would have low lumen output, low UV component and temperature of only 3000K. They will be mounted on 1m high bollards and at entrances to toilet blocks.
- d) The new hedge will be of native species and will be allowed to grow to 2.5m high. A proportion of this hedge, on the SW edge, will be on a 1m high bund/embankment. To offset short-term lighting spill into adjacent areas whilst hedges are developing, a woven willow / hazel screen (1.5m in height depending upon the presence of the bund / embankment) would be provided alongside all critical commuting routes for greater horseshoe bats.

3.48 It is concluded in the AA that subject to compliance with the biodiversity measures set out in the application there would be no adverse effect upon the integrity of the South Hams SAC. Appropriate conditions are recommended to ensure the development is implemented in accordance with the submitted details.

3.49 It is considered that the proposal will accord with policies EN8 (Biodiversity Protection and Enhancement) , EN9 (Important Habitats and Features), EN10 (European Wildlife Sites), EN11 (Legally Protected and Priority Species) and WE6 (Homes for the Travelling Community) in the Teignbridge Local Plan 2013-33.

Land drainage/flood risk

3.50 The application site is predominantly in flood zone 1 with part of the site on the eastern side, in flood zone 2. A flood risk assessment has been submitted in support of the application.

3.51 The proposed drainage strategy would incorporate a sustainable drainage system for surface water. Surface water flow would be restricted to the 1 in 1 year greenfield run off rate via a vortex flow control with excess water stored within a retention basin.

3.52 A new private package sewage treatment plant with an outfall to the adjoining watercourse is proposed for the foul drainage.

3.53 Following receipt of the consultation response from the Lead Local Flood Authority (Devon County Council) the greenfield run off rate was recalculated by the applicant, and the long term storage for runoff confirmed as 338m³. Discharge from storage would be restricted to QBAR of 3.4l/s. The Lead Local Flood Authority have confirmed that the revised detail is acceptable subject to imposition of a condition requiring the detailed design of the permanent surface water drainage management system to be submitted to the LPA.

3.54 The consultation response from the EA is awaited.

3.55 Subject to the satisfactory consultation response from the EA the proposed development would meet the requirement of Policy EN4 (Flood Risk) in the Teignbridge Local Plan 2013-33.

Highway safety

- 3.56 Access to the proposed development would utilise the existing access point that was formed when the site was used as a depot for the construction works on the B3193.
- 3.57 At the request of the County Highways Officer further information has been submitted relating to showing that the on site footway will connect to the existing footway and a swept path analysis to demonstrate that all vehicles can enter and leave in a forward gear. Following receipt of this additional information the highways officer has no objection to the proposed development subject to imposition of conditions to confirm that surface water will not drain onto the highway and a Construction Management Plan.
- 3.58 It is concluded that the proposal would be acceptable in highway terms and therefore would be consistent with Policies S1 (Sustainable development criteria) and S9 (Sustainable Transport) in the Teignbridge Local Plan 2013-33.

Noise and Dust

- 3.59 The initial consultation response from the Council's Environmental Control Team Leader raised concerns about the proximity of the proposal to existing businesses which could mean that complaints of noise nuisance are likely to be received. This was identified as being particularly likely as the nature of the proposed residential construction does not lend itself to resisting the passage of sound. In addition the Heathfield landfill site is shortly to be reopened for an initial period of 4 years for the disposal of unrecyclable waste. This may potentially impact on the proposed development by way of fugitive dust emissions and potential odour emissions.
- 3.60 In addition Devon County Council also raised the point that the onus is on the applicant to demonstrate that the proposed residential units will provide a suitable standard of amenity for their occupants and will not constrain the ability of the surrounding minerals and waste operations to continue within the scope of their planning permissions.
- 3.61 Para. 182 in the NPPF is relevant to this issue. It states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (eg places of worship, pubs, music venues and sports clubs). "Unreasonable restrictions" should not be placed on existing businesses as a result of development permitted after they were established. "Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed." The implication of this policy guidance is where a potential significant adverse effect is identified, developers are likely to be required to factor into their planning application suitable mitigation measures to avoid any significant adverse impacts on health and the quality of life for future occupiers.
- 3.62 An Environmental Noise Impact Assessment was subsequently submitted. This concluded that the presence of commercial noise to the north and east of the site was captured during noise surveys carried out on the site and also an influence

from the main road to the south was dominant. In order to safeguard the proposed traveller site, it was recommended in the report that an additional 1.5m bund with a 1 metre barrier on top be located at the rear/northern element of the site to minimise noise influence.

- 3.63 The Council's Environmental Control Team Leader raised the point that the report uses the technical data attributed for mobile homes to describe the structures that will be on site. In subsequent correspondence with the applicant it was advised that the specifications of the units has not yet been decided. In this case it is considered expedient to impose a condition to ensure that the acoustic environment predicted in the acoustic report is achieved on site.
- 3.64 It is noted that the proposal includes a 1 metre high bund and 1.5m high willow screen around the boundary of the site. In the longer term the new boundary hedge would be maintained at a height of 2.5metres. It is possible that in discharging the condition relating to the noise environment for occupiers that if required the willow screen could be changed to a higher density fence that would provide greater acoustic properties and therefore deliver a higher level of protection.
- 3.65 Subject to the imposition of a condition relating to noise levels in the static mobile homes it is concluded that the proposed development will provide a suitable residential environment. As such it would be consistent with Policy S1 (Sustainable Development Criteria) in the Teignbridge Local Plan 2013-33.

Other matters (including issues raised in representations and consultations that have not already been covered above)

Minerals

- 3.66 An initial consultation response from DCC raised an objection to the application on the grounds of the potential sterilisation of the ball clay resource and the constraint on surrounding mineral and waste operations from the introduction of sensitive residential use. This objection was subsequently withdrawn following discussions with Sibelco who undertake nearby mineral operations and formerly owned the application site. Sibleco were of the view that the limited extent of the site means that extraction of the underlying mineral resource would not be economic. Therefore it is concluded that the proposal would have no adverse impact on the mineral industry.

Summary and Conclusion

- 3.67 In conclusion, the proposal constitutes an acceptable form of development in this location. The proposed facilities for travellers would be appropriate and would include provision of a play area. The site would be effectively screened in views from Clay Pitts Way, which would provide privacy for occupiers. A good quality landscape and environmental mitigation scheme will be secured as part of the consent. Noise nuisance from existing operators in the vicinity of the site has been considered. A satisfactory residential environment is capable of being achieved on site. The exact specification of the static units that will be on the site is not available at the time of determination of the application. The applicant will therefore need to provide confirmation that the noise levels set out in the noise impact assessment will be achieved, through condition. The consultation response from the EA is still awaited.

3.68 As explained above, the proposal is contrary to Policy WE 6 (Homes for the Traveling Community). When taking into consideration the positive assessment of the application which accords with relevant policies in the Local Plan, it is appropriate to consider the planning balance in reaching a view as to whether the application should be supported. In this case because of the quality of the applicant and the application combined with the projected scale of development at NA1 (Houghton Barton) which will generate a requirement for provision of 24 Gypsy and Traveller pitches it is concluded that the conflict with the development plan is outweighed by the benefits. Therefore the recommendation is of conditional approval subject to the satisfactory consultation response from the EA.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S11 Pollution

S22 Countryside

WE6 Homes for the Travelling Community

WE11 Green Infrastructure

EN2A Landscape Protection and Enhancement

EN4 Flood Risk

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

Devon Waste Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Full responses are available to view on the application file

TDC Biodiversity Officer- Following consultation with Natural England, the Appropriate Assessment is now complete. It finds that proposals will NOT result in adverse effects on the integrity of the South Hams SAC, provided that it is subject to a suite of Conditions.

TDC Arboricultural Officer- No arboricultural objections as no significant trees will be adversely affected.

TDC Drainage Engineer- DCC will need to confirm drainage arrangements as Lead Local Flood Authority.

Lead Local Flood Authority (DCC)- No in principle objections providing a pre commencement condition is imposed regarding drainage design.

DCC Highways- No objection and recommends conditions in relation to a Construction Management Plan and Surface Water Drainage

DCC Minerals- No objection on impact on mineral extraction due to limited extent of the site. Raises the issue of potential nuisance for future occupiers of the site from noise and dust that may be generated by surrounding minerals and waste operations.

TDC Environmental Control- Raises concerns regarding the structure of units on site – resulting in recommendation of conditions.

Police Liaison- No objections to the application. Makes a number of recommendations which include; boundary must be robust to prevent unauthorised entry; play should ideally be away from highways and other more general advice on layout and ongoing maintenance.

6. REPRESENTATIONS

145 Contributors including 4 in support, with the remainder making comment and objecting to the proposal and raising the following planning matters that are covered in the body of the report:

Contrary to national and local plan policy
Contrary to character of the area
Provision exists elsewhere
Site better suited for new commercial/industrial development
Potential impact on existing businesses
Proximity to clay pits
Loss of employment land
Impact on DCC Mineral Zone
Proximity to landfill site
Site should be utilized for communal/practical purpose
Overcrowding/Overpopulation and lack of community infrastructure
Proximity to homes
Noise impact
Traffic generation / Highway safety
No crossing point
Proximity to cycle path
Availability of public transport
Environmental concerns
Loss of green space
Area of natural beauty
Impact on landscape
Visual impact
Wildlife / Biodiversity impact
Care for the environment

Flooding & Surface Water
Lighting / Lack of street lighting
Risk of Future Expansion

7. TOWN / PARISH COUNCIL'S COMMENTS

Subject to further consultation with officer and Ward Cllrs. And consideration be given re change of use from Industrial to residential site.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place