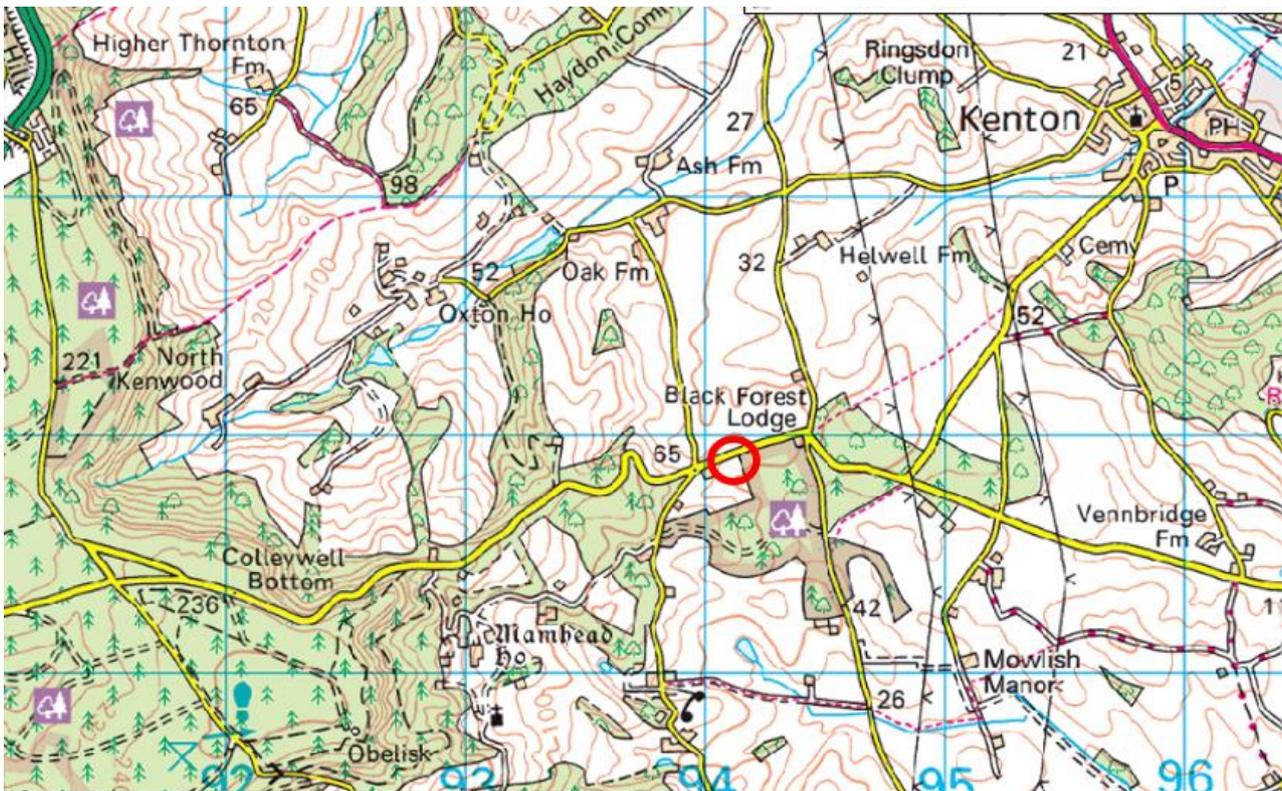


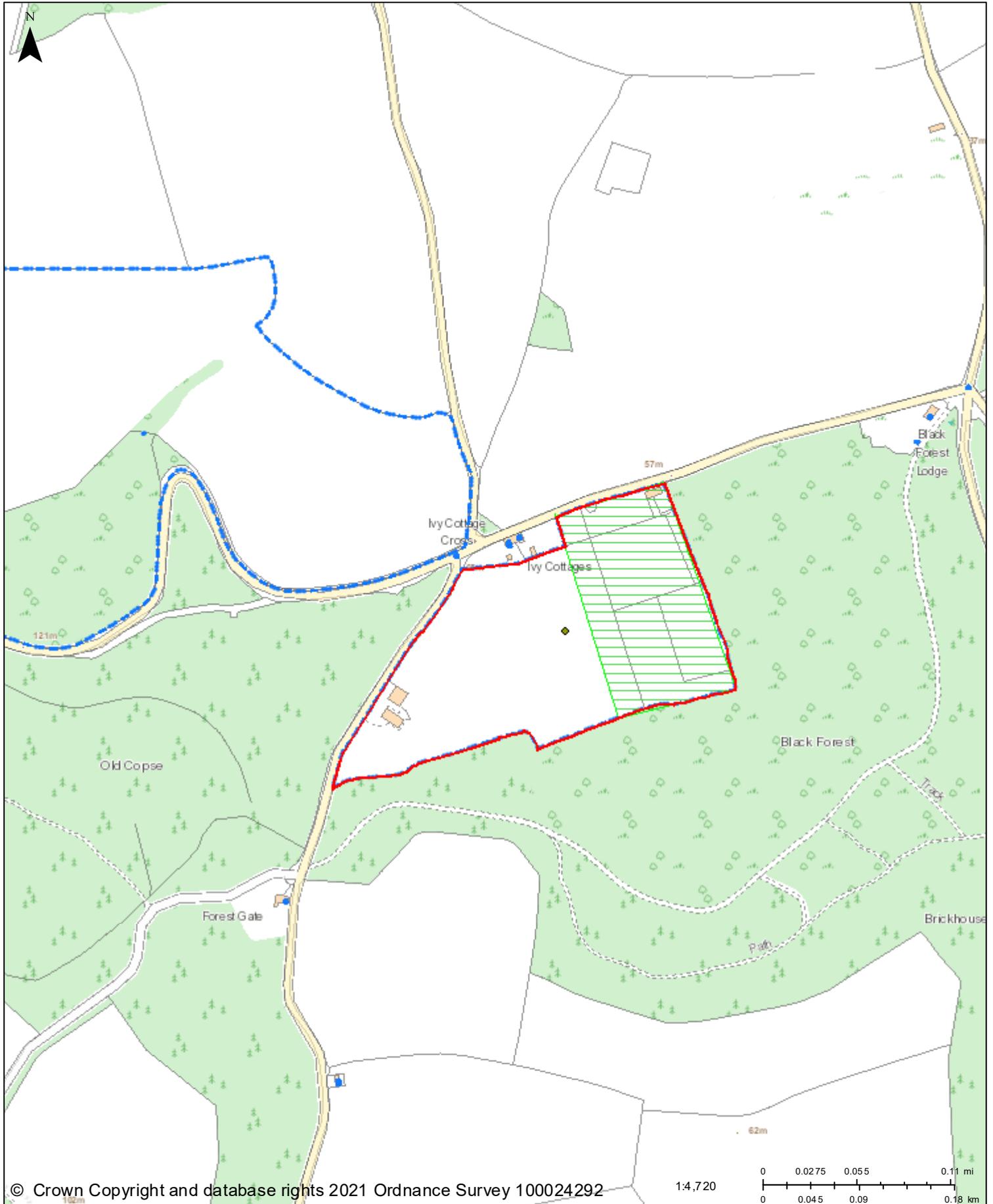
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	MAMHEAD - 21/00762/FUL - Land At NGR 294030 81786, Mamhead - Use of land for two gypsy and traveller pitches including two mobile homes, one day room and new driveway	
APPLICANT:	Mr Small & Ms Ineson	
CASE OFFICER	Jennifer Joule	
WARD MEMBERS:	Cllr Alan Connett	Kenton With Starcross
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=21/00762/FUL&MN	





1. REASON FOR REPORT

This application has been called to Committee by Cllr Connett for the following reasons:

The proposed park homes are out of keeping with the area and contrary to Teignbridge Local Plan EN2A. The application does not take account of Policy EN5 or describe how the potential impact will be mitigated. The application does not establish a need as described in policy WE6a – that a five-year supply of permitted or allocated pitches does not exist. The application is contrary to Teignbridge Local Plan Policy WE6c.

The application site is in an Area of Great Landscape Value, in close proximity to Grade II listed buildings and within the wider setting of the national asset of Mamhead Park and Gardens.

Policy SWE1 provides for further pitches and a start has been made on this development.

2. RECOMMENDATION

The application is recommended for approval subject to the following conditions:

1. Standard three year time limit
2. Standard plans condition
3. Restriction of occupancy to members of the G&T community
4. Details of the new hedgerow planting shall be submitted to and agreed by the LPA and the hedgerow then planted prior to the first bringing of the caravans on to the site.
5. Details of the day room materials shall be submitted and agreed by the LPA prior to first use on site.
6. Mobile Homes shall conform to definition of a caravan and external materials and appearance of the caravans shall be limited to either wood or a wood-effect.
7. No external lighting other than motion-activated, low-lumen, directed down lighting.
8. The development shall proceed only in accordance with the recommendations of the ecology report.
9. Drainage of the site shall be by soakaways unless otherwise agreed with the LPA.
10. Visibility splays shall be provided, laid out and maintained in accordance with submitted plans.

3. DESCRIPTION

3.1 SITE DESCRIPTION

- 3.1.1 The application site is located in an area of countryside to the west of Starcross and to the north east of Mamhead. It is immediately south of the principal Starcross-A380 road and is to the east of Ivy Cottage. Black Forest mixed plantation lies immediately to the east of the site.

- 3.1.2 The red line plan for the site covers the northern section of the field area between the road and the woodland to the east. The field is currently used for grazing alpacas and is laid to grass. There are a small number of related agricultural buildings along the northern boundary of the site.
- 3.1.3 It is proposed to locate two caravans and a 'day room' to the north western corner of the field, with an access track running along the northern boundary to the existing field access. The alpacas will remain and the applicants will continue to farm at the site as they have done for approximately 15 years.
- 3.1.4 To facilitate access to the site it is proposed to alter the existing access point by removing two sections of hedgerow and shifting the access point to the west by 5m. Replacement planting is proposed.
- 3.1.5 The site is designated as an Area of Great Landscape Value. It lies c. 100m from the grade II Ivy Cottages and is immediately adjacent to the Mamhead grade II* Registered Park and Garden. The Park and Garden wraps around this site but the focus of the Park and Garden is to the south west of the site where it encapsulates the Grade I Mamhead House.
- 3.1.6 This site has one previous planning application of relevance – reference 20/02046/FUL - which proposed the same development: Use of land for two gypsy and traveller pitches including two mobile homes, one day room and new driveway. That application was withdrawn towards the end of the determination period. This revised applicaiotn seeks to overcome concerns raised and the agent has since employed the services of a transport consultant and made amendments to the scheme such that it is now recommended for approval.

3.2 KEY PLANNING CONSIDERATIONS

3.2.1 PRINCIPLE OF THE DEVELOPMENT

- 3.2.1.1 The site is located outside any settlement boundary and within the open countryside, as defined by Local Plan Policies S21A and S22.
- 3.2.1.2 Policy WE6 Homes for the Travelling Community permits gypsy and traveller pitches in the open countryside provided certain criteria are met. There are 6 criteria which are addressed in turn as follows:

a) Five year supply of permitted or allocated pitches

The 2021 Gypsy and Traveller Five Year Land Supply Statement indicates there is currently a five year supply of pitches. As of 1st April 2021 there was a supply of exactly 6 years. This supply is however considered very vulnerable to changes and fluctuations in delivery and this, together with the inherent difficulties in providing new sites for members of the Gypsy and Traveller Community in good locations means that there is a significant material benefit to granting permission for appropriate sites, such as the subject one, even where a five year supply exists.

b) (not considered – this is not a Travelling Showpeople plot)

- c) Access within approximately 30 minutes by sustainable means to a primary school, with exceptions to be clearly justified.

The closest primary school to the site is located in Kenton, 1.6 miles from the site. There are no suitable public transport options for access to the school as the site is not located on a bus route, and the closest bus stop is in Kenton itself. It would be possible to walk to the school in approximately 30 minutes and there is a public right of way for some of the route. However, the main highways to be used for the remainder of the route are unsafe for pedestrians given the national speed limit of the roads and the lack of any pavement. It would also be possible to cycle along these roads but the same concerns would remain with small children regularly making use of the high-speed highways.

Despite its proximity to Kenton Primary School, the site actually lies within the catchment area of Gatehouse Primary School in Dawlish. Gatehouse is 3.7 miles from the application site.

The Devon County Council Transport Coordination Officer, Kieran Maher, has been contacted to understand what transport options would be available for any future children to Gatehouse Primary School. The Case Officer was advised that, as the site is more than 2 miles from Gatehouse, as well as the nearest secondary school, free transport would be provided for any children at the site for both primary and secondary education. It is expected that this would be by taxi. Both schools would be too far to access by walking and, although cycling would be an option, it is considered likely that the free transport would be taken advantage of.

The agent has pointed out that point c) of Policy WE6 was not applied to other recently consented gypsy and traveller sites, such as the Haldon Ridge and Teigngrace site. It is suggested that these set a precedent for the application of this policy.

It is therefore noted that access within approximately 30 minutes by sustainable means to a primary school is not possible from this site. However, it is considered that there is justification for an exception from this policy on the basis that Devon County have confirmed free transport would be provided to the catchment school. Members may recall that careful consideration was given to access matters in Teigngrace and the site at Haldon Ridge was subject to very special circumstances / material considerations of its own that weighed in favour of approval.

On balance it is therefore considered that there is no reason to refuse the application having considered point c) of WE6.

- d) Occupation is limited to those meeting the definition of Gypsies and Travellers.

It has been confirmed via the Gypsy and Traveller Forum response and the Project and Policy Coordinator for Travelling and Vulnerable Communities that the applicants meet the definition of Gypsies and Travellers set out within Planning Policy for Traveller Sites. A Condition is recommended to secure this.

- e) Any business use is limited to 50% of the developable area of the site.

No business use is proposed within the meaning of this policy criterion – the applicants will continue their agricultural activities within the wider landholding.

- f) Will not affect the integrity of the South Hams SAC.

The Biodiversity Officer has commented on the application and does not object and recommends conditions which will make the application acceptable in ecological terms. This element of the Policy is therefore considered to be met.

- 3.2.1.3 The principle of the development of the site for a gypsy and traveller residential use is guided principally by Local Plan Policy WE6. The key criteria for this application is point c), whether the site can achieve sustainable access to a primary school. It is considered that, on balance, sufficient justification for a departure from this requirement has been provided and point c) is therefore met.

- 3.2.1.4 In addition to Local Plan policy, a material consideration is the Government's Planning Policy for Traveller Sites. This guidance sets out that the following matters require consideration in the determination of applications for traveller sites:

- a) the existing level of local provision and need for sites

The local authority is currently able to demonstrate a five year supply of sites, and allocated through the current Local Plan a site at Haldon Forest, which lies in close proximity to this proposal, as well as requiring delivery through strategic site allocations at SWE1 and NA1.

However, on the basis of the representations submitted, the Case Officer has some concern with the relevance of the five year supply for local gypsy and traveller communities. The Devon County Council Project and Policy Coordinator for Travelling and Vulnerable Communities makes clear that site choice is highly restricted for travelling groups within Devon. Communities are reliant on the identification of private sites on a speculative basis to secure accommodation. The views of the Teignbridge Gypsy Forum are also noted where it is stated that the provision of self-funded private sites is currently the only route through which new pitches can be secured. Additionally, it is noted that the Teignbridge area is extensive, encompassing the Torbay edge to Tedburn St. Mary. Even if pitches are secured in one part of the District, this is not necessarily a guarantee that they will be suitable for communities or families with ties to other areas. The positive planning framework for unallocated private sites set out within the Government's Planning Policy for Traveller Sites is a material consideration and the ability to demonstrate a five year supply is therefore considered a neutral factor in the planning balance.

- b) the availability (or lack) of alternative accommodation for the applicants

From the information available to the local planning authority it is understood that the applicants currently live in Newton Abbot in settled accommodation. There is no information to suggest the applicants will be unable to find alternative accommodation should the application be refused.

- c) other personal circumstances of the applicant

The applicants own the land and currently use it to graze alpacas. A member of the applicant's family was granted a personal consent (secured with a S106) in 2009 to live at a site to the south west of the open field where this application is located. It is

understood that this application is therefore sought to live in close proximity to a family member.

3.2.1.5 It is therefore considered that there are material factors weighing in favour of the application, notably the applicant's personal connection to the site, and the general lack of available sites in the District.

3.2.1.6 Despite the availability of a 5 year supply of Gypsy and Traveller sites, there are strong reasons for the provision of two additional pitches for the Romany Gypsy community who struggle to secure accommodation within the District. Submissions to this application from TDC and DCC Officers with expertise this area are clear that the LPA should be looking to support applications for new Gypsy and Traveller accommodation, despite the 5 year supply, given the general lack of sites within the District and Devon as a whole, and in light of the fact that this is a self-supported site.

3.2.1.7 On balance, it is therefore considered that the principle of the development is a positive matter in the planning balance.

3.2.2 IMPACT UPON SETTING OF IVY COTTAGES (GRADE II) AND MAMHEAD PARK REGISTERED PARK AND GARDEN (GRADE II*)

3.2.2.1 The site is located to the east of Ivy Cottages, former estate cottages of Mamhead Park, and is directly adjacent to the Mamhead Registered Park and Garden, which wraps around the open field where the site is located.

3.2.2.2 As a result of the site being positioned in close physical proximity to these assets, and because of the link of the cottages to the Mamhead estate, the site is considered to lie within the setting of both the Park and Garden and the grade II cottages.

3.2.2.3 The Park and Garden derives its significance from its design under Capability Brown and its link with the grade I Mamhead House as well as a wide number of associated assets. It comprises formal and informal elements, with the plantation parts of the Park located to the north and north east of the Park and enclosing the wider estate. It is understood from the list description that the Black Forest part of the Park was described by Loudon in 1842 in Gardener's Magazine and therefore likely dates from either the late 18th Century or early 19th Century. Ivy Cottages are listed at grade II and are considered to derive their significance from both their vernacular character and historic links with the Mamhead estate.

3.2.2.4 For the following reasons the proposal is not considered to result in harm to either asset. This view has been formed following discussions with the Conservation Officer, Landscape Officer and two site visits during the course of the determination of the application.

1. Positioning the new units in the north east corner of the site lessens their impact on Ivy Cottages by protecting the wide body of open space around the Cottages, which in turn preserves their rural and tranquil setting.
2. The intervening distance and vegetation, including an orchard, between Ivy Cottages and the application site ensures little intervisibility, and as a result very little to no impact on the setting of the Cottages. This impact will be further lessened

by proposals to site a new hedgerow band along the western edge of the application site.

3. Although the site is considered to fall within the setting of Ivy Cottages as a result of the Cottages' historic association with the Mamhead Park and Garden, in visual terms the impact on the Cottages is therefore extremely limited. The impact is therefore not sufficient to result in harm to the setting of the listed assets.
4. Views of the application site in relation to the Registered Park and Garden are also very limited. The only public vantage point from which the application site will be seen against the Park and Garden is through the entrance gate of the other Gypsy and Traveller site in the south west of the field. Due to the surrounding topography of the area and the existing hedgerows to the north the site is extremely well screened. There are also no public rights of way within the Park and Garden from which the site can be seen.
5. The applicant has agreed to a condition which will control the external appearance of the caravan units in perpetuity, ensuring the LPA can retain control over the visual impact of the site. Wood or a wood-effect design will be required for any future units. In the limited views of the site that are available, the proposal will therefore have a suitable appearance and a low visual impact in the landscape. It will not, therefore, distract from nor harm the significance of the nearby listed assets including the Park and Garden.
6. There is an existing Gypsy and Traveller site in the south west corner of the same field as this site. That site has been designed in a sympathetic manner such that it blends effectively and is of very low visual impact. It is not considered to bring about any harm to the Park and Garden or Ivy Cottages. The proposal for this site is to replicate the style of caravan used. It is therefore considered that the pitch opposite sets an effective precedent for what can be achieved – it confirms that an unobtrusive and low impact site can be established with no harm to the adjacent heritage assets.

3.2.2.5 As a result, the proposal is considered to be in accordance with Policy EN5 as it will protect the area's heritage. The specific landscape impact of the proposal is considered further below.

3.2.2.6 In coming to this decision the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.

3.2.3 IMPACT UPON THE CHARACTER AND VISUAL AMENITY OF THE AREA/OPEN COUNTRYSIDE

3.2.3.1 The site lies detached from any settlement, within a designated Area of Great Landscape Value and in the area of transition between the Haldon Ridge and Exe Estuary Farmland Landscape Character Areas. It has also historic landscape value in light of its proximity to the Registered Park and Garden.

3.2.3.2 By siting the development within the north eastern corner of the field, it will not be possible to see the site within public viewpoints from anywhere but the entrance to the existing Gypsy and Traveller site to the south west of the site. The local topography and existing mature hedgerows almost entirely screen the site.

3.2.3.3 In addition, it is proposed to plant a new hedgerow to the west of the site along the boundary of the curtilage. The details of this hedgerow will be secured through condition. This will further screen the site.

3.2.3.4 The Landscape Officer raised concern with the last application (which was withdrawn) on the basis that the site was visible from the public highways and that the character of the development proposed would: erode the rural, tranquil character of an Area of Great Landscape Value (AGLV); and dilute the historic landscape setting of Mamhead Park (2* listed Registered Park and Garden (RPG)) and the former estate cottages of 1 and 2 Ivy Cottages (grade 2 listed).

3.2.3.5 Having now visited the site and discussed possible mitigation with the agent and applicant, the Landscape Officer considers that the adverse effects that will result from the proposed development can be adequately mitigated in a way that reinforces the distinctive landscape character of the area. The Officer recommends two conditions be applied to the development which are noted above (amalgamated to one condition) and involve additional new hedgerow planting around the site. With this planting in place, it is considered that the site will be effectively screened and will meet the requirements of EN2A to conserve and enhance the qualities, character and distinctiveness of the locality.

3.2.3.6 A key area of concern with the last application (which was withdrawn) was the scale of the red line. The red line encompassed the full field in the ownership of the applicants. Whilst the plans indicated development would be located within the north eastern corner of the site, forms of visual clutter associated with residential occupation, which are not defined as development, could reasonably be sited anywhere within the red line area. This could include, for example, the creation of a private landscaped garden or car parking to the south of the site.

3.2.3.7 The Case Officer is therefore pleased to note that the red line for this application has been significantly reduced to encompass only the driveway and north eastern corner of the field. The area within the red line will benefit from a change of use to residential but the wider field, within the blue line, will not.

3.2.3.8 The development proposal is therefore considered to be in accordance with Policy EN2 as it will protect the area's distinctive landscape qualities and character. Improvements to the scheme, in the form of the additional hedgerow planting and cover of the shipping container, have been secured which will lessen its impact.

3.2.4 HIGHWAYS SAFETY

3.2.4.1 Concerns with access to the site were raised under the last application, which was subsequently withdrawn. It is understood that the applicants therefore sought the views of a transport consultant and liaised with DCC Highways in order to consider the visibility that could be achieved, and to consider the optimal design for the access point.

3.2.4.2 The visibility that can be achieved is shown on plan reference TDC1 rev B. Highways have no objection to the arrangement proposed as it is noted that speeds on this section of highway are typically lower than the speed limit of 60mph owing to the slightly winding and narrow nature of the highway at this point and the visibility splay distance can be achieved for a c. 50mph road.

3.2.4.3 In order to achieve the extended visibility splays beyond those of the last application it is now proposed to remove two partial sections of the hedgerow either side of the access (leaving sufficient in place to screen the site). 6 meters of hedgerow is to be removed from the western side and 28 meters of hedgerow to be reduced to 600mm in height to the east. (Additional hedgerow planting is proposed to off-set this loss.)

3.2.4.4 Subject to the maintenance of this visibility arrangement in perpetuity the Highways Officer is satisfied that safe access to the site can be achieved.

3.2.5 IMPACT ON RESIDENTIAL AMENITY OF SURROUNDING PROPERTIES

3.2.5.1 The closest residential properties to the site are Ivy Cottages c. 100m to the west and Black Forest Lodge c. 300m to the east. Given the intervening distances there are not considered to be any likely impacts on residential amenity as a result of the proposal.

3.2.5 IMPACT ON ECOLOGY/BIODIVERSITY

3.2.5.2 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .

3.2.5.3 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £902 per additional dwelling is required to offset in-combination recreation impacts on the SPA and/or SAC. A net gain of two residential units is proposed, i.e. a total of £1,804 is required to be contributed.

3.2.5.4 To mitigate against impacts of the development on these habitats the applicant has elected to make an upfront Habitat Mitigation Contribution of £1,804. With this in place, the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

3.2.5.5 The Biodiversity Officer has considered the development and recommends approval subject to the imposition of conditions which will prevent harm to nesting birds on site, possible use of the landscape area by bats and to secure the additional hedgerow planting.

3.2.5.6 It is therefore considered that, subject to the conditions recommended above, the development will meet the requirements of Policies EN8, EN9, EN10 and EN11.

3.2.6 DRAINAGE

3.2.6.1 The proposal will involve the laying of new impermeable surfaces at the site. The Drainage Officer has commented that a surface water drainage scheme should therefore be installed as part of the development.

3.2.6.2 It is the applicants' intention to install a soakaway system. The following condition is therefore recommended which will ensure any variation away from soakaways is agreed with the Drainage Engineer prior to bringing the caravans on to the site.

3.2.6.3 *Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the bringing of either of the two permitted caravans on to the site.*

REASON: To ensure a satisfactory and sustainable surface water drainage system can be provided before additional impermeable surfaces are laid out at the site.

3.2.7 CONCLUSION

3.2.7.1 When considering an application it is important to weigh the relevant factors within the overall planning balance.

3.2.7.2 In this case it is considered that the principle of the provision of two additional Gypsy pitches is a factor weighing in favour of the application. Although the District can demonstrate a five year supply of pitches, in all other respects Policy WE6 is considered to be met. There are strong material considerations for an application for a private pitch, including the difficulty for such families to find suitable sites, and there are personal connections which tie the applicants to this immediate area. In addition, the Government places significant weight on the provision of Gypsy and Traveller pitches through the Planning Policy for Traveller Sites.

3.2.7.3 Alongside the principle of the development are the matters considered above relating to heritage, landscape, highways, ecology and drainage. All of these points have been addressed during the course of the application and, after some amendments to the proposal, and the submission of additional information, all DCC and TDC Officers as well as the Case Officer are satisfied that no harm will occur and the proposal is in compliance with Local Plan Policy.

3.2.7.4 These factors are, however, neutral in the planning balance, as it is not considered that any benefits will arise from the proposals, but simply that no harm will occur.

3.2.7.5 Taking the planning balance as a whole, it is therefore considered that the principle of the development weighs in favour of the application, such that the application is recommended for approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033
S1A Presumption in favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S22 Countryside
WE6 Homes for the Travelling Community
EN2A Landscape Protection and Enhancement
EN5 Heritage Assets

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

National Planning Policy Framework

National Planning Practice Guidance

Planning Policy for Traveller Sites

5. CONSULTEES

TDC Housing Enabling Officer

As indicated previously may I say that the appropriateness of this site is a matter for consideration in accordance with the Teignbridge Local Plan policies and one for the planning officers to weigh up based on the evidence.

However, I understand that the Devon County Council Gypsy and Traveller Liaison Service and the Teignbridge G and T Forum are supportive of this application as are the Housing Service.

The role of the Housing Services Enabling Team is to facilitate the delivery of G and T pitches across Teignbridge to meet evidenced need. The Local Plan sets a target of 70 pitches over the life of the plan (3.5 per year) Housing Services hold a waiting list.

To date there has been success in the delivery of the 15 New Traveller Rented Pitch Site at Haldon Ridge, Kenn and its additional three pitches. However no rented provision has been made to meet the evidenced need for Romany pitches despite good progress being made in various locations.

Therefore, when applications are submitted by the Romany community to meet its own need without recourse to public subsidy the Housing Enabling Team are supportive, as we are in this case.

DCC Policy and Project Coordinator (Vulnerable and Travelling Communities)

I am happy to make the following observations in line with National and County Policy, and observations following a site visit to the above location with the applicant on

Devon has only three local authority Gypsy sites: Sowton, Exeter; this site is a long-term residential site managed by Elim Housing, which holds a waiting list. Broadclyst, East Devon is managed by Elim Housing is leased by the County Council and offering new pitches are governed by the terms set by the landowner. Haldon, Teignbridge offers the only pitches for those identifying as New Travellers and is managed by Teign Housing.

Whilst accommodation for the settled community is increasing in the South West there is still little provision for Gypsy and Traveller families. There are no agreed/emergency or transit sites in Devon and most of the traditional stopping places have been blocked off or developed for other purposes. Due to this, it is becoming more essential for Gypsy and

Traveller families to have an authorised stable base from which they may access services such as Health and Education, that the rest of us may take for granted. It also provides the security to travel for economic purpose, knowing that there is an authorised base on return.

Small private sites continue to be the best option for local planning and housing authorities in relation to accommodation for Gypsies and Travellers. Meeting this need in Devon is important if the number of unauthorised encampments and unauthorised developments are to reduce across the county, at the same time it allows local planning authorities to fulfil their responsibility to meet the accommodation need alongside other communities in Devon.

I can confirm Gypsy/Traveller status for the applicants.

The County Council has a range of responsibilities in these matters and, on education, health and welfare grounds this application is supported, recognising the lack of pitches available on authorised sites within Devon.

DCC Highways Officer

Previous observations from 30th April 2021.

The proposed site is accessed off a C classified County Route which is subject to the national speed limit for a single carriageway of 60mph. On driving the route, it is the opinion of the Highway Authority, that speeds are lower due to the nature of the road. There have been no personal injury collisions reported to/by the police between 01/01/2015 and 31/12/2019.

According to the application, the current access has been in use for the past 14 years. As it stands in its current form the visibility is below standard. However following a site visit, to measure the visibility, it is possible for the site to achieve approximately 215m to the left (west) and 205m to the right (east). This would be acceptable for the likely 85th percentile vehicle speeds. In order to achieve this the applicant would need to reduce the height of the hedgerow, within the visibility splay either side of the access, to 600mm in height. This would allow for some growth of the hedge and the applicant still being able to have adequate visibility. There are visibility splays shown on the newly submitted drawings but unfortunately the visibility splay lengths, if shown, are unreadable on screen. Please can the applicant confirm what these are.

The gateway, as shown on the site access plan, would need to be repositioned slightly further south to allow a vehicle to leave the site perpendicular with the C Class road, rather than at an angle. This would allow the full range of visibility splay to be utilised. Again, repositioning the gateway will allow a vehicle to fully leave the carriageway whilst opening/closing the gate.

The proposed use of the site is unlikely to increase the number of vehicle movements significantly and as such, will not have a severe impact on the Highway network.

Further details of the visibility splays and a drawing showing the revised gateway position will be required before a recommendation can be made.

Further observations following additional information from the applicant.

Drawing number PL02 shows that visibility of 151m can be achieved to the east of the site. This is more in line with a speed of 50 mph but is acceptable in this instance due to the likely speed of traffic and the limited number of increased vehicle movements. The situation shown on the drawing is certainly a vast improvement over the visibility that is currently available to the site. The gateway also appears to have been moved back to its original position.

So long as this visibility can be achieved and maintained in perpetuity then the Highway Authority has no objections to the proposal.

Recommendation for the following condition:

Visibility splays shall be provided, laid out and maintained for that purpose at the site access in accordance with drawing PL-02 where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6m above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4m and the visibility distances along the carriageway of the public highway (identified as Y) shall be 151m in both directions. REASON: to provide adequate visibility from and of emerging vehicles.

TDC Landscape Officer

No objection on the proviso that a landscape condition requires the creation/establishment and management of hedgebanks at the entrance and within the site, the purpose being to screen the view of the development from the public highway and to knit the changes into the landscape patterns in a way that reinforces the distinctive landscape character of the area.

ASSESSMENT

This planning application is a resubmission of a previously withdrawn application ref 20/02046/FUL. I commented on this earlier application, raising concern that the site was visible from the public highways and that character of the development proposed would: erode the rural, tranquil character of an Area of Great Landscape Value (AGLV); and dilute the historic landscape setting of Mamhead Park (2* listed Registered Park and Garden (RPG)) and the former estate cottages of 1 and 2 Ivy Cottages (grade 2 listed).

Before the application was withdrawn I met the applicant's agent on site and discussed how best the development could be mitigated so as to minimise the adverse landscape effects and agreed an acceptable approach.

I note that the approach to the landscape works that I recommended has not been included in the new application and that instead there is an expectation that I will set out recommended landscape conditions to be followed. I am happy with this approach as long as the landscape works are followed through in the early stages of the development and not relied on until the end, for example, stipulate that details on landscape works shall be submitted for approval prior to work commencing on the site.

Subject to the requirement of the following landscape condition, I would be happy to recommend that the adverse effects that will result from the proposed development would be adequately mitigated in a way that reinforces the distinctive landscape character of the area.

Recommended landscape condition

- Construct/establish new hedgebanks at the site entrance in the position shown on the plan below, extending the hedgebank around the bell-mouth of the entrance so as to fully screen the development from the highway.

The hedgebanks shall be formed from an earth bank constructed to a minimum of 1.5m in height and 1.5m wide at the base.

The bank shall then be planted with a double, staggered row of mixed native species, 45cm between rows. Species to include 50% hazel, 20% field maple, 20% oak and 10% holly. The plants shall be 90-120cm tall transplants. The holly shall be container grown. The plants shall be set 45cm apart.

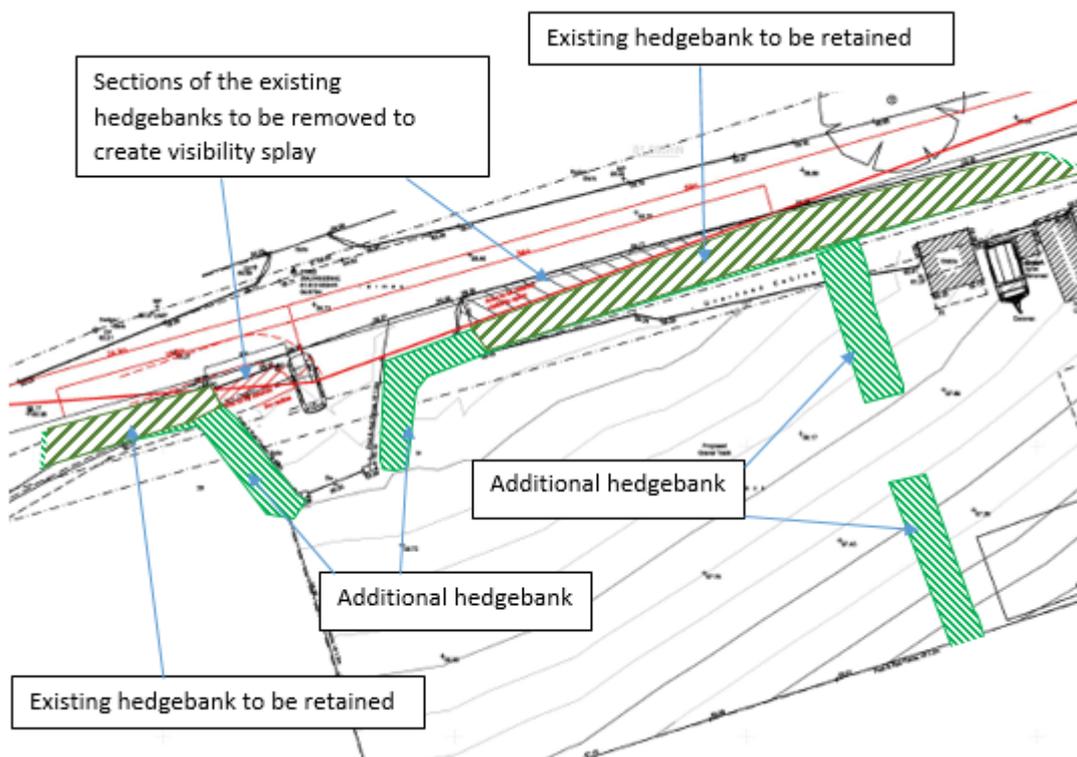
Once established the hedgebank shall be managed to match the remaining roadside boundary hedge but kept to a minimum height of 2.2m above ground level.

- Construct/establish new hedgebanks that runs perpendicular to the boundary hedge in the position shown on the plan below. The hedgebank will contain the domestic curtilage of the site and, additionally, add to the screening of the development and from the west – particularly the lower elevations.

The hedgebanks shall be formed from an earth bank constructed to a minimum of 1.2m in height and 1.2m wide at the base.

The bank shall then be planted with a double, staggered row of mixed native species, 45cm between rows. Species to include 50% hazel, 20% field maple, 20% oak and 10% holly. The plants shall be 60-90cm tall transplants. The holly shall be container grown. The plants shall be set 45cm apart.

Once established the hedgebank shall be managed to a minimum height of 1.8m above ground level.



TDC Biodiversity Officer

The site is within 10km zone of recreation influence for the Exe Estuary SPA and Dawlish Warren SAC. Within this zone all new residential accommodation developments, including traveller pitches, are required to contribute to measures to mitigate in-combination, increased recreation impacts on the SPA and SAC. The contribution is currently £902 per dwelling/pitch, so a total of £1,804 for this development. This can be paid in advance, or a Unilateral Undertaking can be signed guaranteeing the contribution prior to occupation.

The site is within the Landscape Connectivity Zone identified for the greater horseshoe bats of the South Hams Special Area of Conservation. This rare and legally protected species is particularly light averse, so a limit on external lighting is required. This will also benefit other wildlife species.

The protected species survey found two swallow nests in the stable. These should be retained and the door left open to permit ongoing access for swallows. The site is within a curlew breeding territory. However the proposal is thought unlikely to adversely affect this species.

There will be a loss of hedge and bank at the site entrance. New native-species hedging is proposed which will compensate for this loss of habitat and provide biodiversity enhancements as required by NPPF and Local Plan policy EN8. Please ask the applicant to submit details of the hedges to be planted, including species, size and density, plus information on planting and management. This could be required as an additional plan now, or conditioned.

Species protection measures should be followed during works and these are listed in the protected species report, the following of which should be conditioned.

CONDITIONS REQUIRED

Submission of details of proposed hedging, including species, size and density, plus information on planting and management.

The works, including any demolition and vegetation clearance, shall proceed in strict accordance with the precautions, measures and enhancements described in the protected species survey report (Moor to Sea Ecology, dated March 2021; see especially section 5 and Appendix 4).

REASON: For the benefit of legally protected and other wildlife.

No external lighting shall be installed on, or in association with, the new buildings, except for low-lumen, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any lights should be mounted at a height no greater than 1.9m from ground level, directed and shielded downward and away from the site hedges and trees. The lights should produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (3,000K or less) and a wavelength of 550nm or more.

REASON: For the benefit of legally protected, light averse bats.

TDC Drainage Engineer

The applicant is required to submit a surface water drainage management plan which

demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>

Devon County Council Transport Coordination Officer, Kieran Maher

Telephone correspondence on 3rd June 2021 in relation to school transport

Teignbridge Council Gypsy Forum

Comments below are submitted on behalf of Teignbridge Gypsy Forum and we as a forum strongly support the application.

The site meets the criteria as set out by the planning requirements as regards to location sustainability and travel times to schools doctors and other amenities. The size of the site is in scale for the area and will not in any way be dominant within the local area.

As a Forum we dispute the site numbers used by Teignbridge Planning department regarding need. The numbers of authorised sites on paper differs greatly from the numbers which are actually built and useable at the present time. An example of this is in the village of Teigngrace where a site has permission for eight pitches but as yet only one has been built and will not be useable until the other seven have been completed. At the present time there is no time scale for the completion of this site.

If Teignbridge council planners are to argue the point that they have met the need perhaps they could show where there are pitches available and if they say as a council they have met the current need there would no longer be a list of families waiting for a pitch to become available for use.

Little progress other than one site for New Age travellers have been developed by the council since the gypsy forum began more than 15 years ago. The only sites that have been authorised for Romany Gypsy families have all been small private family sites which have all been self funded. In the past and still as to the present day Teignbridge Council representatives who attend the forum meetings see this as a way forward and show their encouragement and support for such applications.

This application is also a self funded small family site and should be given the backing of the planners and the planning committee on its own merits.

Comments to the previous (withdrawn) application from Historic England

Thank you for your letter of 9 December 2020 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

6. REPRESENTATIONS

Two representations have been submitted to this application objecting to the application. One representation has been submitted by the Teignbridge Gypsy Forum in support of the application (the content of which has been copied in to this report above). Two additional comments have been submitted by the agent in the form of representations but providing additional information about the scheme.

The two objections identify the following points:

- Concern with road safety at the access point owing to high vehicle speeds and cyclists along this portion of the route
- The development would reduce the landscape value of the area
- It would be detrimental to the historic characteristics of Mamhead and the wider area
- Once permitted, the site could expand
- No objection to a development with a similar appearance to Small View (a log cabin style – located to the south east of this site and occupied by the applicant's relative)
- Increased activity in the area will impact biodiversity

7. TOWN / PARISH COUNCIL'S COMMENTS

None received

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is less than 100m² of new build that does not result in the creation of a dwelling.

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. CARBON/ CLIMATE IMPACT

As a small scale (minor) development the proposal is considered likely to have a low environmental impact.

11. 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