

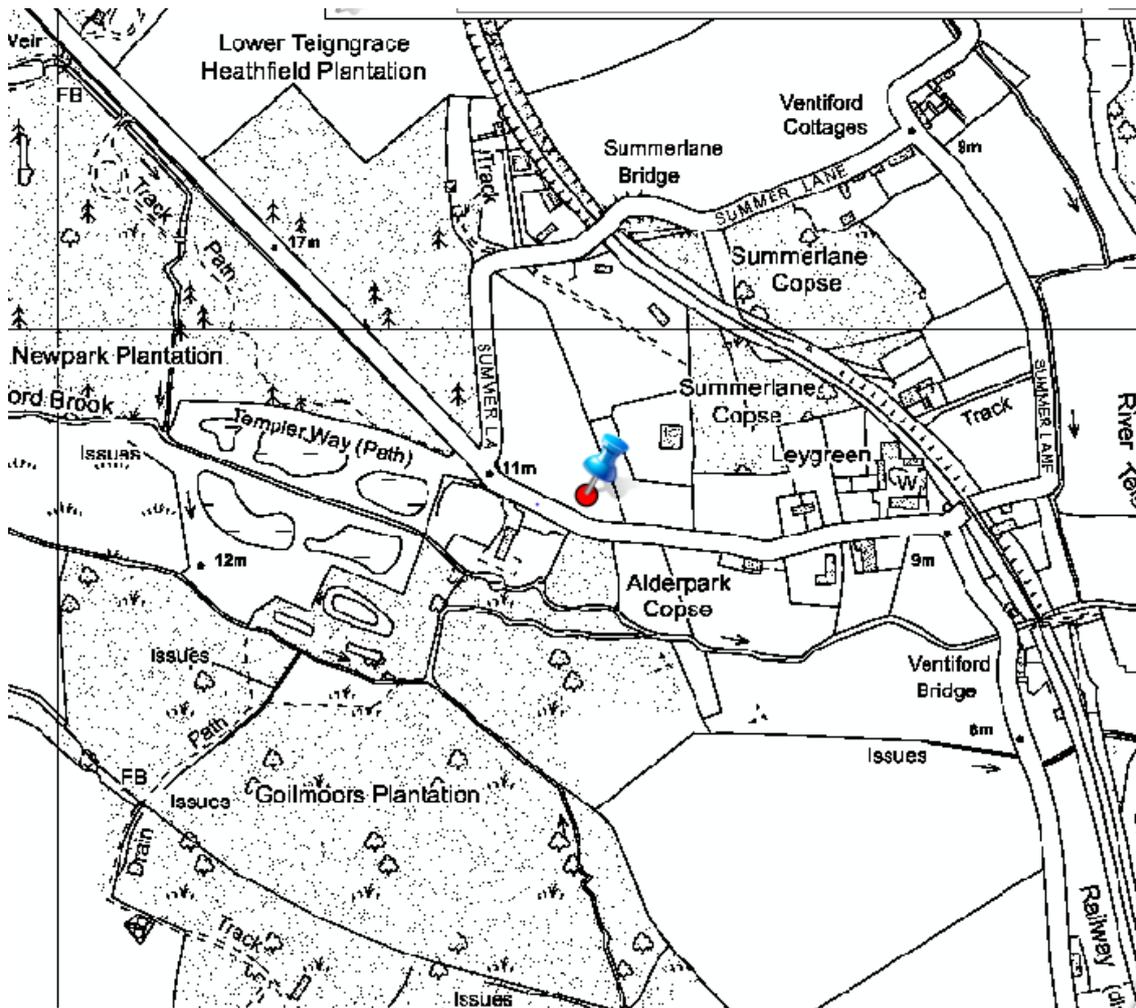
# PLANNING COMMITTEE REPORT

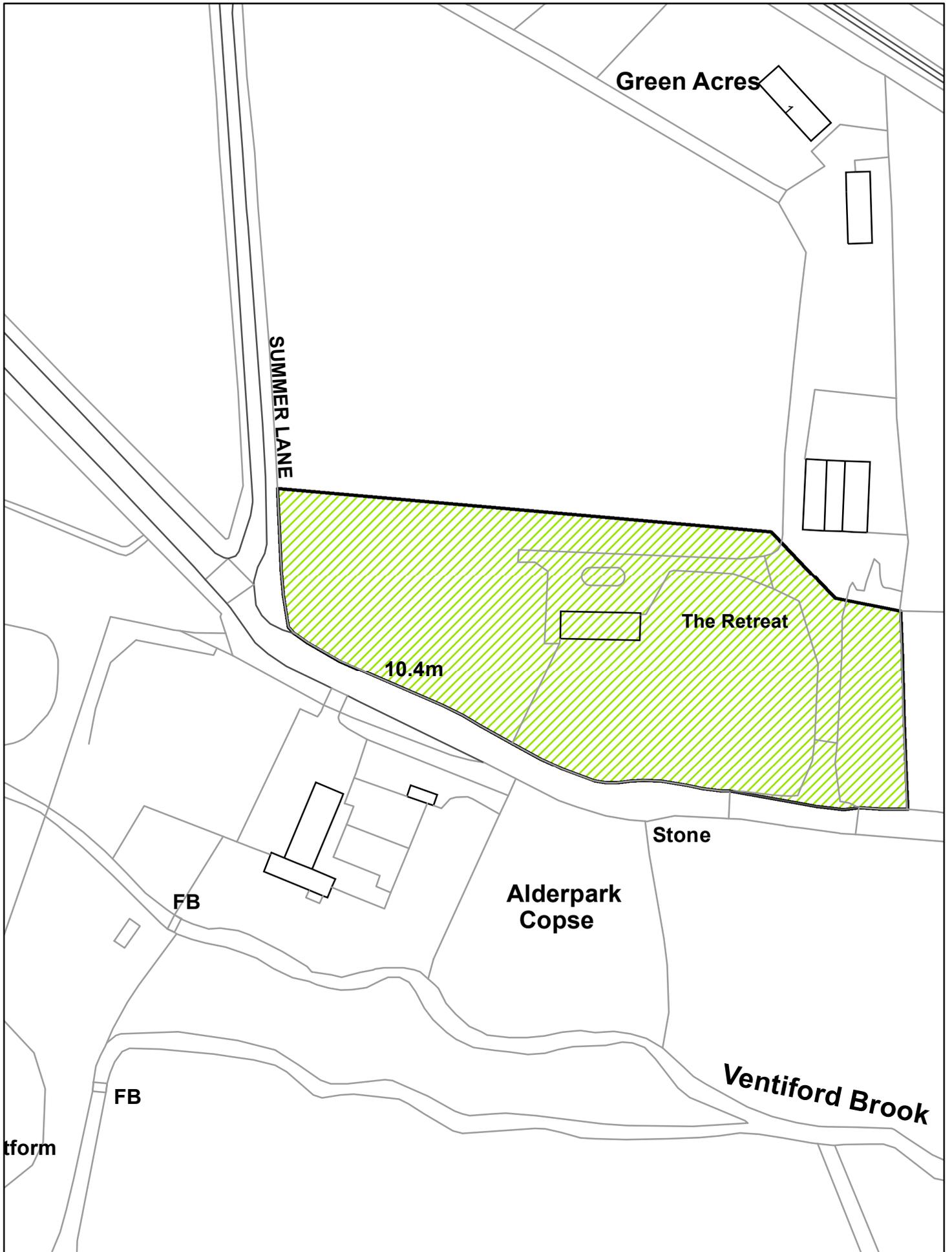
## Tuesday 18 December 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>TEIGNGRACE - 18/01759/FUL - Greenacres - Alterations to existing gypsy and traveller site including the relocation of 1 existing pitch and creation of 7 additional pitches (8 pitches in total), amenity buildings, landscaping and surface water drainage</b>	
<b>APPLICANT:</b>	<b>Westcountry Land</b>	
<b>CASE OFFICER</b>	<b>Rosalyn Eastman</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Thorne Councillor Rollason</b>	<b>Kingsteignton West</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01759/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01759/FUL&amp;MN</a>	





## 1. REASON FOR REPORT

Councillor Thorne requested Committee consideration if the Case Officer is recommending approval due to:

1. Overdevelopment of the area – severely affecting the balance in the community and hence character of the hamlet/village
2. Flooding concerns for the site and area
3. Traffic issues and dangerous entrance
4. Poorly serviced by infrastructure of schools/medical/social facilities

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions addressing the following matters:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with the approved plans
3. No external lighting unless details first submitted for approval
4. Gypsy/traveller occupancy only
5. No business use
6. Limit pitches to 8 (each comprising 1 static caravan, 1 space for a touring caravan and vehicular parking)
7. Maintenance of visibility splays
8. Works to proceed in accordance with agreed drainage strategy including foul
9. Details of location of septic tank to be submitted for approval
10. Retention of hedgerows and agreement to new boundary treatments
11. Landscaping to be carried out in first planting season after commencement and thereafter maintained

## 3. DESCRIPTION

### Site Description

- 3.1 The site is a relatively flat parcel of land of just under a hectare located to the east of Teigngrace in the Countryside.
- 3.2 The site is on the north side of the road through Teigngrace. The site lies in Flood Zone 1. It is not within an Area of Great Landscape Value.
- 3.3 The site benefits from Planning permission for 5 gypsy and traveller pitches: however, to date only one has been delivered and it is understood that in the current ownership and configuration, the remaining 4 pitches are unlikely to be delivered.

### The Proposal

- 3.4 The subject application seeks permission for the stationing of 8 gypsy and traveller pitches, just 3 additional to those that have previously been permitted at the site.
- 3.5 The proposal is for eight traveller pitches, each to provide space for one static caravan, one touring caravan and space for vehicular parking as well as a day room. Following feedback from the Gypsy and Traveller Forum and consideration of those who have been identified as needing provision, 4 of the pitches would be of

a sufficient size to accommodate a family-sized caravan whilst four would be smaller.

- 3.6 The site incorporates visitor parking and an informal area of open space/for play.

### Consideration

#### The Principle of the proposal – policy and need

- 3.7 In principle, Policy WE6 of the Teignbridge Local Plan, Homes for the Travelling Community, considers that gypsy and traveller pitches are appropriate in the countryside. This is reinforced by the extant permission on the site.
- 3.8 There is a need for 70 pitches over the life of the Plan and it was anticipated, at the time of adoption, that those pitches would, in part, be delivered through the strategic allocations at South West Exeter and West of Newton Abbot.
- 3.9 Through the application process at South West Exeter, it has been determined that the provision of gypsy and traveller pitches could be on site or could be through off-site delivered provision elsewhere.
- 3.10 The subject proposals are a partnership looking to meet a portion of the need arising from that allocation.
- 3.11 The off-site provision is required as a consequence of funding/financial constraints not only on the developers but also potentially on mortgagees. This is a difficulty that Officers are looking to resolve more widely but timescales do not permit resolution at this stage.
- 3.12 The delivery of pitches at this site is therefore of direct relevance to the delivery of the pitches allocated at South West Exeter.
- 3.13 This is important to note as our 2018 G&T supply statement includes, for example, both 3 pitches at South West Exeter and 3 additional pitches at Haldon – leading to an element of double counting. The Statement considers that we have a supply of 14 pitches against a requirement of 9. When all double counting is removed, it is my view that we have a supply of 9 pitches – but that relies on the subject site being built out to accommodate 5 pitches.
- 3.14 It is officers' view that these figures only serve to illustrate the vulnerability of our 5 year supply position to very small fluctuations in delivery and permissions, etc., and therefore where there are appropriate proposals to deliver additional pitches to meet the wider need of the community, these should be considered positively – in line with our general duty to consider proposals positively as expressed through the NPPF.
- 3.15 The other relevant consideration for the delivery of pitches in the countryside is the accessibility of services.
- 3.16 The site is approximately 2km from St Catherine's Primary School at Heathfield – if using the cycle bridge. The cycle bridge renders Heathfield significantly more accessible than the new school at Newcross, which would be 3-4km distant.

- 3.17 On balance, it is considered that this location is no less accessible than many other locations across the district and in light of the extant permission on the site – as well as its current circumstances – the development of the site for 8 pitches (3 additional pitches) is considered to comply with Policy WE6.
- 3.18 This provision is considered to fully comply with the requirements of national and local planning policy for the provision of homes for the travelling community.

#### Drainage and Flood Risk

- 3.19 The location of the site close to Flood Zone 3 has been considered by the Environment Agency. The Environment Agency originally objected to the proposal, however following the submission of additional information by the applicant team, this objection has now been removed.
- 3.20 If the site's main access were blocked, there are alternative safe routes away from the site and the proposal will not make flooding in the area any worse.
- 3.21 The proposal incorporates permeable surfacing and identifies a number of swales that will be used to mitigate any surface water run-off from the site.
- 3.22 A Drainage Report was commissioned by the Applicants, which it is considered satisfies the concerns originally raised by Teignbridge District Council's Engineers; therefore providing works are carried out in accordance with the recommendations in the report the proposals are acceptable from a drainage point of view. This includes provision for foul drainage. A condition requiring the delivery of surface water and foul drainage is included in the recommendation above.

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

- 3.23 The site benefits from permission for 5 gypsy and traveller pitches. It is not considered that the inclusion of three additional pitches would have any materially different impact on the character and visual amenity of the area than the extant scheme.
- 3.24 There are not considered to be any landscape or visual impact reasons for refusal of the proposal.

#### Impact on residential amenity of surrounding properties

- 3.25 The site is discreetly sited and has substantial natural boundaries to the south that are proposed to be retained.
- 3.26 These boundary treatments, together with a condition requiring details of new boundary treatments to be approved, coupled with the distances to neighbouring/ adjoining properties (including those to the north), mean that it is not considered that there would be any unacceptable impact on residential amenity.

#### Impact on ecology/biodiversity

- 3.27 With the site boundaries being retained and enhanced and a condition restricting the installation of external lighting, it is not considered that there will be any unacceptable impact on biodiversity at or around the site.

### Highway safety

- 3.28 The proposal will continue to use the existing entrance location. DCC have identified that a 17 x 2 metres visibility splay would be acceptable and a condition will be applied to ensure that appropriate visibility is secured.
- 3.29 The site will have adequate visibility and currently has sufficient depth to ensure there would be no unacceptable impact on highway safety as a consequence of the proposals. DCC Highways do not raise any objection.
- 3.30 There is no highways safety or access reason for refusal of the proposal.

### Conclusion

- 3.31 It is considered that this proposal accords with Policy WE6 of the Teignbridge Local Plan. The flooding concerns raised in representations have been addressed to the satisfaction of the Environment Agency and Teignbridge District Council's Engineering department.
- 3.32 It is therefore recommended that permission is granted.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Developments)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

WE6 (Homes For the Travelling Community)

EN2A (Landscape Protection and Enhancement)

EN4 (Flood Risk)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN11 (Legally and Protected Priority Species)

### National Planning Policy Framework

### National Planning Practice Guidance

### Planning Policy for Traveller Sites

## **5. CONSULTEES**

Environmental Health - Note that a Site Licence will be required

Drainage - Raise no in principle objection but request additional details.

Housing - The Housing Enabling team have been working with Teign Housing and others to build on the success of the site at Haldon Ridge, Kenn to find an opportunity to deliver further rented accommodation for the gypsy and traveller community in Teignbridge.

The Greenacres proposal, now that it includes pitches suitable for both families and smaller households, will go a long way to meeting our evidenced need for rented accommodation in the District and is to be welcomed.

It will be managed by Teign Housing and that management has proven to be a key benefit of the Haldon scheme that I am sure can be replicated here. TDC Housing Enabling Team are fully supportive of this application which has also been consulted upon and supported by the Teignbridge Gypsy and Traveller Forum.

DCC Highways - There have been previous application for pitches which have been approved.

This application is for a total of 8 pitches, the access shown on the plan is for 17 metres x 2 metres with no obstruction over 600 mm this would be acceptable, for the speeds in this area.

The number of trips 8 pitches could generate would not be a considered as severe and there are no highway safety issues with this site.

Therefore the Highway Authority would have no objections to the application.

DCC Minerals - Given that the proposal involves the revision of the layout for a facility that benefits from an extant planning permission, it is considered that no increase in the degree of sterilisation or constraint of the underlying mineral resource will occur. Devon County Council therefore has no objection in its role as mineral planning authority.

Environment Agency - No objections.

South West Water - Note the location of the water main bisecting the site

## **6. REPRESENTATIONS**

17 representations have been received in relation to the application. Of these, 16 are objections with one in support.

The objections raise the following relevant planning matters:

1. Question the need for more pitches
2. Flooding and drainage
3. Area of Great Landscape Value
4. Against policy/Local Plan
5. Highways
6. Traffic
7. Drainage
8. Over SWW water main
9. Ecology
10. Lack of amenities in area
11. No footway or pathway for children to walk to school
12. Designated as open countryside
13. Outside of the settlement boundary

## **7. PARISH COUNCIL'S COMMENTS**

## National Planning Policy Framework:

Proposed development fails NPPF 2018 Environmental Objective as does not protect or enhance the natural environment. Site is in a designated Area of Great Landscape Value. (Teignbridge Local Plan 2013-2033)

## Planning Policy for Traveller Sites 2015.

### Policy A

7. In assembling the evidence base necessary to support their planning approach, local planning authorities should:

a) Pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)

This has not been done. Furthermore, both the local Gypsy community and the Local Settled community strongly object to the application.

### Policy B Planning for traveller sites.

10. Local planning authorities should, in producing their Local Plan:

a) Identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.

01/04/2012 figures have been used in the application – the 2017 figures should be used. (The latest that have been provided by Teignbridge District Council) Application states there is insufficient provision for the next five years, this is incorrect.

The figures to 2022 show that the 5-year supply is fulfilled.

## Teignbridge Local Plan 2013-2033.

SWE1 South West of Exeter Urban Extension should be developed as proposed – this is specifically in the Teignbridge Local Plan and there is 92 hectares there for the supply of 24 Gypsy and Traveller Pitches amongst 2,000 homes. 1 hectare out of this allocation should be easy to achieve.

Perhaps the question should be asked of both Westcountry Land and Bovis Homes, why they do not wish to have this development on their site, where it would comply with the Teignbridge Local Plan and not be on land designated as Open Countryside?

## WE6A Homes for the Travelling Community

A site of 18 pitches is allocated at Haldon Hill

## NA1 Houghton Barton

A site of approximately 160 hectares is allocated at Houghton Barton to deliver a sustainable, high quality mixed-use development, which shall:

c) Deliver at least 1,800 homes with a target of 20% affordable homes

d) Secure delivery of 24 Gypsy and Traveller pitches.

11. Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria-based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

No identified need. The interests of the settled community have not been considered.

13. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

a) Promote peaceful and integrated co-existence between the site and the local community

Existing balance has proved sustainable; any more development could adversely affect co-existence and will imbalance the community. The local Gypsy community was strongly represented at the Parish Council meeting and they do not want the application approved. The reasons given were:

1 They felt that the existing balance works well with the settled community.  
2 The revised application is to accommodate single units rather than double units, so will not be used by Gypsy families. This would mean mixing Gypsy and Traveller communities on the same site, which does not work. Teignbridge District Council are aware of this.

g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans

Proposed development is in Flood Risk Zone 2. Letter from Environment Agency dated March 8th 2012 for original application 12/00676 states that the proposed development area is susceptible to surface water flood – advised to avoid buildings in this area.

Environment Agency have objected on these grounds.

Policy C: Sites in rural areas and the countryside

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Ley Green comprises 13 traditional houses and 10 Gypsy/Traveller units. An additional 7 Gypsy/Traveller units in this small hamlet is not of a scale appropriate to this rural setting. NA1 and SWE1 in the Teignbridge Local Plan 2013-2033 have a ratio of 1:75, not 1:1.

Policy H: Determining planning applications for traveller sites  
22. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Outside Local Plan as the proposed development is located in Open Countryside.

23. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

There are no bus services in Teigngrace and TDC have previously refused an extension to an existing dwelling in Teigngrace on the grounds of sustainability. "14/00280/FUL. 1. The proposed development lies outside of the defined settlement limits of Newton Abbot and remote from facilities and services. In the absence of any clear overriding justification it is considered contrary to Policies S1 (Sustainable Development Criteria) and S22 (Countryside) of the Teignbridge Local Plan 2013-2033."

25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Dominates Local Community of Ley Green. Ley Green comprises 13 traditional houses and 10 Gypsy/Traveller units. An additional 7 Gypsy/Traveller units in this small hamlet will dominate this area of Open Countryside. NA1 and SWE1 in the Teignbridge Local Plan 2013-2033 have a ratio of 1:75, not 1:1.

Highways:

Access is onto Teigngrace Road, a single-track road with a 60 m.p.h. speed limit and is adjacent to a bend.

The road is used by many cyclists and forms part of the busy local cycle network. The existing entrance does not comply with the current planning permission. D.C.C. Highways are using this specification for their response. Current splay is around 9 metres (instead of 17 metres) with a 1.8 metres high fence/hedge instead of a 0.6 metres high boundary.

D.C.C. Highways in original site application 12/00676 state vehicle movement per unit as 6 daily two-way movements. i.e. 7 units will equate to 84 additional vehicle movements per day.

Previous application 15/00262/FUL had 1 parking space for a car plus a touring caravan. This application has 2 car parking spaces plus a touring caravan.

Drainage:

Existing development has created increased water flow towards the housing in Ley

Green and this has been reported to D.C.C. Highways and Teignbridge District Council on numerous occasions.

We cannot afford any increase in run-off water from the site as the drainage on the main Teigngrace road cannot cope with the amount of water running down it during heavy rain and has been flooded a number of times due to this run-off. Proposed SUDS scheme will not work in winter when the water table is high and the clay soil is waterlogged.

It seems unlikely that the recommendations in the consultation response from Drainage can be complied with as the land becomes waterlogged during the winter months as mentioned in the previous application 15/00262/FUL 'Applicants Contamination Statement', Plate 4, "This area was noticeably waterlogged at the time of the investigation".

Local residents have complained to Teignbridge District Council of effluent draining from the site – and this is with only 1 pitch built.

**SWW Water Main:**

The site lies right on top of the main Torquay SWW Water Main. This is not a suitable site for the proposed development.

'The Retreat' is built on top of the SWW Water Main.

**Planning Enforcement:**

The Parish Council and local residents have previously repeatedly raised concerns regarding highways, flooding, drainage, mains water pipe location and failure to comply with planning permission, both for the original application 12/00676/COU and previous application 15/00262/FUL.

Teignbridge District Council have repeatedly ignored the issues Teigngrace Parish Council and others have raised regarding this site. It is good to see that the Environment Agency and SWW are now reinforcing what we have been saying for the last 6 years. Teigngrace Parish Council will be contacting D.C.C. Highways and requesting that they review their decision, given that the entrance does not comply with the current planning permission.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

This development is not liable for CIL because it relates to a use of the land and does not create any residential floorspace.

## **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.

**Business Manager – Strategic Place**