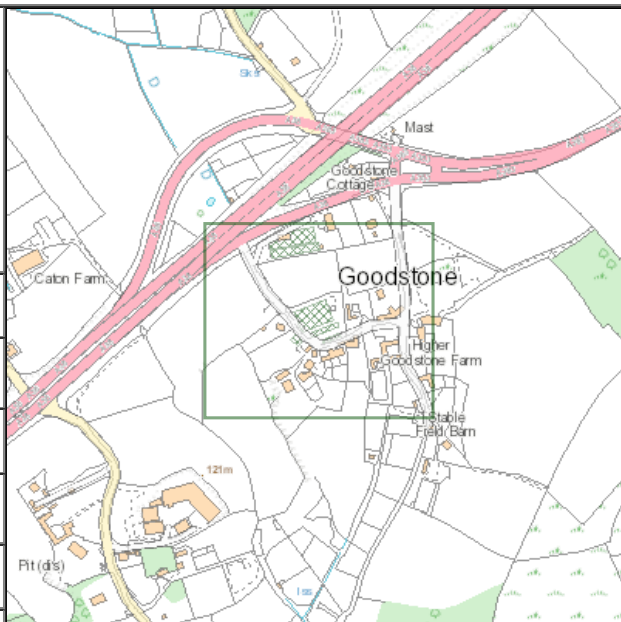


Planning Committee Report

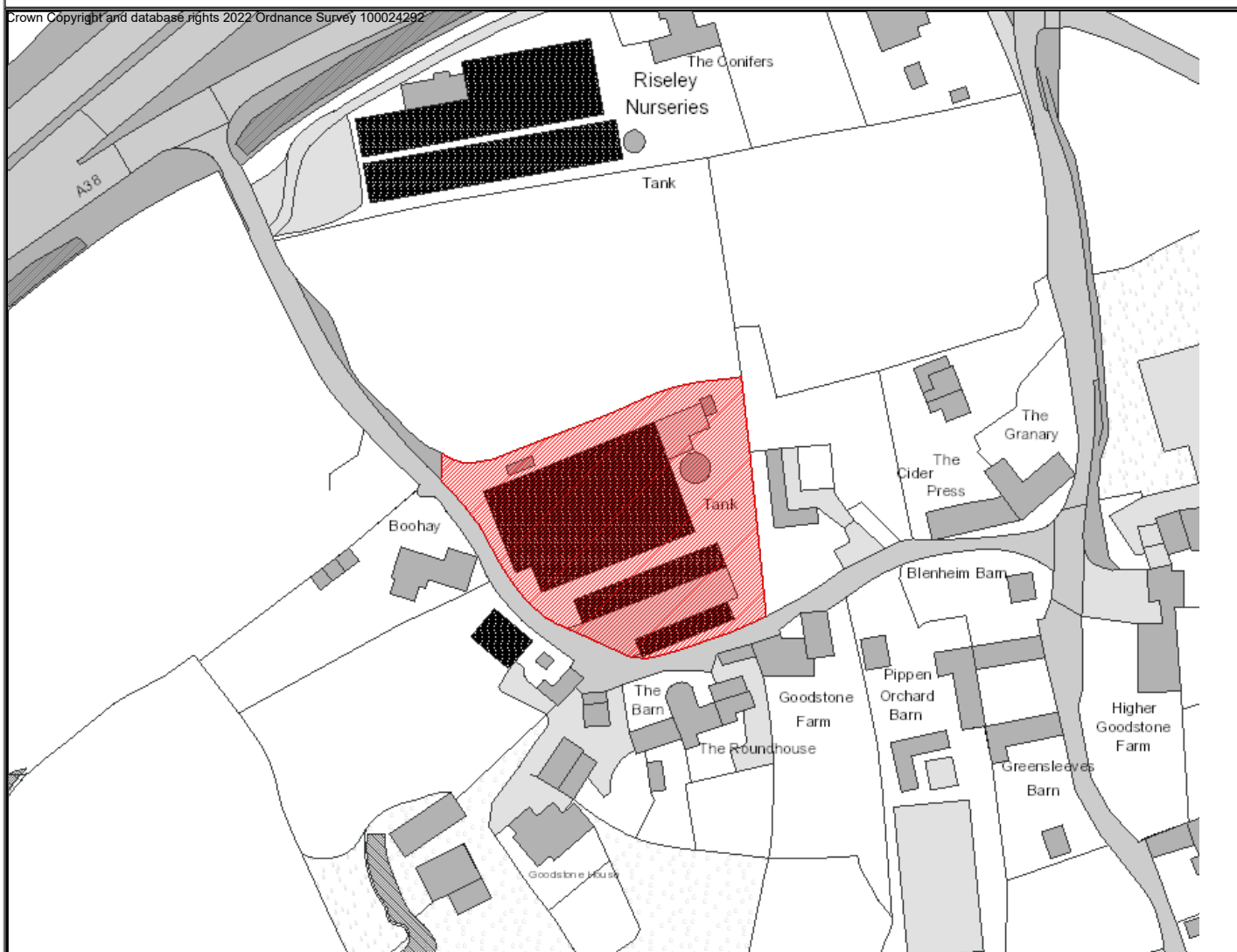
Chairman: Cllr. Linda Goodman-Bradbury

Date	22 March 2022
Case Officer	Kelly Grunnill
Location	Riseley Nurseries Bickington Devon TQ12 6LJ
Proposal	Revised Description: Erection of 8 dwellings to include four affordable housing units
Applicant	Goodstone Estates Ltd
Ward	Ashburton And Buckfastleigh
Member(s)	Cllr Huw Cox, Cllr John Nutley, Cllr Sarah Parker-Khan
Reference	20/00981/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION REFUSED



1. REASON FOR REPORT

- 1.1 The application has been called to the Planning Committee by Councillor Nutley, if Officer is recommending refusal, for the following reasons:

The Parish of Ashburton is in much need of affordable housing. The revised application having now been reduced to eight dwellings should be more acceptable to the present residents in the area. The Enabling Officer has also indicated that subsequent viability, could support the revised application.

2. RECOMMENDATION

Refusal for the following reasons:

1. The proposed affordable housing exception site does not accord with requirements of Policy WE5 of the Teignbridge Local Plan 2013-2033 (6th May 2014) as the site does not adjoin a settlement, appropriate planning obligations have not been secured to ensure the delivery the affordable housing and there is no evidence that public grant to fund the affordable dwellings is not available.
2. The site is in open countryside and situated some distance from essential facilities. There are no recognised cycle routes connecting the Site to local town centres, the nearest bus stops are via routes that have no footpath or street lighting and the distance between the Site and local amenities is prohibitive to walking. The proposed development is therefore contrary to the objectives of Policies S1A (Sustainable Development Criteria), S1 (Sustainable Development Criteria and S9 (Sustainable Transport) of the Teignbridge Local Plan 2013-2033 (6th May 2014) and the National Planning Policy Framework which seeks to ensure that new development complies with various sustainability criteria, one of which is accessibility, by public transport, walking or cycling, for main travel purposes.
3. The proposed surface water drainage proposals have failed to demonstrate that the proposed drainage strategy will operate effectively and will not cause an increase in flood risk either on the site, on adjacent land or downstream. The proposed development has not demonstrated that surface water will be appropriately managed in accordance with the principles of sustainable drainage. Given the importance of this matter this detail should not be left to condition. Therefore the development is contrary to policies S1A (Presumption in favour of Sustainable Development) and EN4 (Flood Risk) of Teignbridge Local Plan 2013-2033 (6th May 2014) and the National Planning Policy Framework.
4. The proposed development has failed to incorporate bin collection points into the design and layout of the development and therefore is contrary to policies S1 (Sustainable Development Criteria and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 (6th May 2014) and the National Planning Policy Framework.

4. DESCRIPTION

The site

- 3.1 The application site is a disused plant nursery 'The Old Risely Nursery' which comprises a disused plant nursery with existing tarmac/concrete hardstanding, landscaped areas, and greenhouses. The site is generally unkempt with overgrown shrubs and bushes encroaching the hard-paved areas.
- 3.2 The site lies outside of defined settlement limits in the countryside at Goodstone alongside a cluster of barn conversions and a few detached dwellings, a further nursery (north), agricultural land and pasture used for cattle and pony grazing.



- 3.3 The site is largely enclosed by mature hedgerows of varying quality and completeness and takes access onto a rural road which lies close to the slip road that leads from the A383 from Newton Abbot onto the A38 and there is direct access within about 300 metres of the site onto that slip road.
- 3.4 In terms of existing site topography, the site falls generally from the north-west to south-east



- 3.5 There are no public rights of way (PRoWs) or permissive footpaths within the site.
- 3.6 The site is located within the Bat SAC Landscape Connectivity Zone 2019, the SAC 500m Wide Strategic Flyway and, within a Great Crested Newt Alert Zones (i.e within 5km of existing great crested newt record).
- 3.7 The site lies within a Critical Drainage Area and Flood Zone 1 (FZ1) in the Environment Agency (EA) Flood Maps. The site is also located within a Mineral Consultation Area.
- 3.8 The site does not lie within a Conservation Area. There are listed buildings within the vicinity of the site; Grade II listed The Press and The Granary and Higher Goodstone Farm to the east.

Planning History

- 3.9 13/03323/OUT - Outline application for five work/live units (approval sought for access) – Withdrawn

The Proposals

- 3.10 This application seeks planning permission to demolish the existing plant nursery infrastructure, including greenhouses and construct 8 dwellings as an affordable housing exception site. The application proposes four affordable housing units and four market dwellings. A new access to the site is proposed at the north west corner
- 3.11 Surface water is proposed to be discharged via ground water infiltration. The nearest mains drain is approximately 0.8 km away within the village of Bickington, as such a non-mains drainage solution for the site is proposed. Foul drainage is proposed to be discharged to a sewage treatment plant, the outfall would be in a drainage field (within the applicant's control) at the west side of the lane. A pump station would be required to lift flows from the site into the drainage field.
- 3.12 A preliminary Ecological Appraisal and Biodiversity net Gain (BNG) proposals accompany the application as well as

- 3.13 The applicant has submitted a Carbon Calculator which sets out that all of the proposed houses would be A/A+++ or better white goods, 2 cycle spaces per dwelling and also the provisions of vehicle charging points. In addition to this Combined Heat and Power (CHP) units are proposed.
- 3.14 During the course of application the proposal description has been amended and revised plans submitted.
- 3.15 The initial development submitted 05 June 2020 comprised a development of 10 dwellings (5 Affordable Dwellings and 5 Market Dwellings). Following a review of consultation responses and letters of representation, the applicant submitted a revised development on 14 May 2021, in order to seek address matters relating to affordable housing provision, highway, landscape, ecology and density/visual impact.
- 3.16 The key changes can be summarised as follows:
- A reduction in the number of dwellings proposed, from 10 to 8
 - Alteration to the house types, siting and layout
 - A detailed landscape plan has been prepared as well as an ecology package to demonstrate net biodiversity gain
 - Submission of a Sustainability Appraisal
 - Carbon Reduction Calculator
 - Formal confirmation from Rentplus, that they would be interested in acquiring the 4 affordable houses proposed as part of this development.

Principle of Development

- 3.17 Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise.
- 3.18 For planning policy purposes, the site lies within open countryside where Policy S22 (Countryside) of the Local Plan would apply. Policy S22 states that, in open countryside, development will be strictly managed and limited to uses which are necessary to meet the overall aim, which includes, inter alia, the delivery of affordable housing for local needs. The purpose of policy S22 is to ensure that new development, particularly housing, is directed towards the more sustainable locations within the district.
- 3.19 The National Planning Policy Framework states that “In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”
- 3.20 Policy WE5 (Rural Exceptions) of the Local Plan is permissive of affordable housing in rural settlements. The policy states that the development of a site for 100%

affordable housing will be permitted subject to the following criteria being met [Officer Response set out below each criteria]:

a. There is a proven need for affordable housing from households who have a strong connection with the parish or adjoining parish;

The TDC Housing Enabler has advised that given the location is not well connected to local facilities, except by car and is adjacent to a very busy road, the site is may be more suited to intermediate affordable provision on site.

In the Housing Enabler's consultation response they have advised that the demand/local need for Intermediate products would previously have been recorded by the Help to Buy agency network. However, the current Help to Buy agency only records data for Government grant funded schemes, and is therefore restricted to the Help to Buy Equity Loan Scheme. Evidencing local need for Intermediate products is therefore more difficult.

Nevertheless, they have advised that the HelptoBuy register shows 3 applicants who have indicated Bickington as their preferred area. Those applicants have an average annual income of a little below £30,000 with savings of £9,000-£10,000 and based on these figures are unlikely to be able to buy a property suitable for their needs on the open market. If this search area is further widened to the adjoining parishes of Ilsington, Ashburton, Ogwell and Denbury and Torbryan, the numbers increase to Ilsington 1, Ashburton 37, Ogwell 23 and Denbury and Torbryan 23. It is not felt to be good planning to develop affordable housing here when higher order settlements may be better placed to meet these needs closer to existing facilities however, based on these figures it is the advice of the TDC Housing Enabler that a need can be evidenced.

The proposal therefore satisfies criteria a) of Policy WE5.

b. The site adjoins a settlement and does not have a disproportionate impact on local environmental or historical assets;

The site lies well beyond the nearest defined settlement limit at Bickington. Goodstone is a small hamlet which does not benefit from a settlement boundary. The proposals therefore do not adjoining a settlement limit.

The proposal therefore fails criteria b of Policy WE5 which seeks to deliver exception sites adjoining settlements where it is likely there will be a range of services amenities and public transport links that can support the development in a sustainable way. This matter is discussed in more detail under the sustainability section of this report.

c. The type of affordable housing and the scale of provision are limited to meeting the proven local need;

With regard to tenure, it is the TDC Housing Enablers preference that Intermediate housing should be delivered as shared ownership, as this is most accessible based on local income levels.

The proposed 4 affordable homes would comprise intermediate units, delivered as shared ownership. Rent Plus have confirmed interest in these plots should

planning permission be granted. Rentplus are a member of the Teignbridge Affordable Housing Partnership and therefore the TDC Housing Enablers have confirmed that the type and scale of the proposals are limited to meeting the above local need and intermediate tenure is most appropriate in this location.

While Officers have concerns with the delivery of the affordable housing through the RentPlus model and how this would operate in practice, the model complies with the definition of affordable housing set out in Annexe 2 of the NPPF.

In the supporting Sustainability Statement the applicant also states as follows: *A Registered Provider (Teign Housing) has confirmed that it would be prepared to take the 5no. Affordable Housing units as Shared Ownership properties, subject to final board approval.*

A S106 Obligation would be required to secure the intermediate affordable housing tenure whichever provider were engaged at the site.

Criteria c) of Policy WE5 can therefore be met.

d. A planning obligation is enforced ensuring the affordable dwellings are retained as affordable in perpetuity;

A planning obligation has not been provided to ensure the affordable dwellings are retained as such in perpetuity.

As there is no planning obligation in place to ensure the affordable dwellings would be retained as such in perpetuity, the proposals are therefore assessed to fail criteria d) of Policy WE5.

e. The price paid by the Registered Provider or other appropriate housing provider is limited to £10,000 per plot or £300,000 per hectare equivalent, whichever is least;

A viability appraisal was undertaken for the larger 10 unit's scheme which probed 50% Affordable and 50% Market housing, which concluded that the proposals were not viable and the correct balance of 50/50 had been applied. The number of units proposed have been reduced to 8, retaining the 50/50 split. Officer view is that the assessment of the viability remains applicable on the reduction in numbers.

The viability appraisal assumes £10k per plot for land value.

f. Where there is a proven need according to (1) but no available public grant to fund the affordable dwellings, the incorporation of open market housing on the site may be permitted, at the minimum amount required to fund the affordable housing provision if in accordance with the parish/neighbourhood plan (if any);

There is no evidence that public grant has been sought to fund the affordable dwellings. Therefore, the proposals fail criteria f of Policy WE5.

g. It can be demonstrated the proposals are in a location or of a type that will not affect the integrity of a European site.

Compliance with criterion g is addressed later in this report.

As set out above, the TDC Housing Enabler supports this development and welcomes this opportunity to bring forward an exception site in Goodstone,

Bickington as an intermediate site for housing. However, they have also raised concerns regarding this site's location and its suitability for affordable housing.

As set out above the proposals fail to meet the criteria of Policy WE5 criteria b, d and f) of the Local Plan. Importantly, the dwellings would not be retained in perpetuity.

The proposed exception site does not therefore accord with Local Plan policy WE5.

Sustainability and Suitability of the site

- 3.21 Policy S1 of the TLP requires, subject to the aforementioned policies, schemes to perform well against a number of criteria. This includes, amongst other things, the accessibility of a site by walking, cycling and public transport for main travel purposes, particularly work, shopping, leisure and education.
- 3.22 Goodstone has no services or facilities. Is a lengthy walk from the site down the Lane, which is a single track largely without lighting or dedicated pedestrian space. The lane is sunken and narrow in places and provides very little space for pedestrians or cyclists to take refuge from passing motor vehicles.
- 3.23 The applicant has submitted a Sustainability Appraisal which compares the application proposals with existing dwellings located *within* the defined Bickington settlement limits and their current access to services, amenities and public transport. It concludes that the application site has better bus service access than properties within the settlement limit of Bickington. The purpose of this exercise is to demonstrate that the fact Goodstone not a settlement does not mean that it does not have sustainability credentials.
- 3.24 In terms of the two bus stops located closest to the application site, which are identified in the sustainability assessment, neither is easy or safe to get to from the site.



- 3.25 The west bound bus stop is on the slip road for the A38. The on-slip is heavily trafficked with vehicles increasing their speed to join the A38. There is no footway and you would have to walk from the site to the stop using the grass verge. This is not appropriate as it makes it unsuitable for all users. There is also no street lighting which would make the use of the stop unappealing during the winter months and darker mornings and evenings.
- 3.26 The east bound bus stop at Goodstone Cross is also difficult to get to from the site. You would have to walk on the carriageway through Goodstone to Goodstone Cross and then attempt to cross the road. This involves walking on grass verges as there is no footways or formalised crossing across the A383. Again there is no street lighting making winter use unappealing for users.
- 3.27 Having regard to the location of the site and the evidence set out in the applicant's Sustainability Assessment, it is concluded that proposal site is in a location from which, without a car, it would be difficult to easily access places of work, shopping, leisure and education and where permitting further residential development would conflict with sustainability of the rural landscape and the aims of local plan policy S1.
- 3.28 Drawing the above findings together, it is concluded on this issue that the site would not be suitable for the proposal, having regard to the development plan's approach to the location of housing, with reference to the accessibility of services. The proposal would conflict with the relevant aims of Policies S1, S2, S22 and WE5 of the TLP and the Framework.

Five Year land supply

- 3.29 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that this application be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises the Teignbridge Local Plan (TLP) which was adopted in May 2014.
- 3.30 Paragraph 33 of the NPPF 2021 sets out that 'Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary'.
- 3.31 A full assessment of the Local Plan tested against the NPPF was carried out when the 5 year review of the plan was undertaken in May 2019. This concluded that "in general the policies of the Teignbridge Local Plan 2013-2033 comply with national policy and legislative changes".
- 3.32 Nevertheless the 5 year review did acknowledge that there had been an immediate impact on Policy S4 as the change in housing need affects the calculation of the 5 year housing land supply (YHLS). Since that time, the five year supply and housing delivery test calculations have been undertaken on the basis of the standard method calculation (currently 760 homes per year) rather than the local plan target. The Council's 5YHLS assessments are therefore up to date in respect of NPPF changes.
- 3.33 The Council has passed the 2021 Housing Delivery Test (HDT) and can demonstrate a 5 year supply of deliverable sites for housing. As set out in the Council's Five Year Land Supply Statement (updated December 2021), the Council can demonstrate a supply of 6.29 years.
- 3.34 As the Council can presently demonstrate a 5 year supply of deliverable sites for housing, and having regard to the unsustainable location of the site, Members are advised that the addition of 8 houses to the Council's housing delivery should carry limited weight.

Heritage Considerations

- 3.35 LP Policy EN5 deals specifically with heritage assets. To protect and enhance the area's heritage, consideration of development proposals should take into account the significance, character, setting and local distinctiveness of any affected heritage asset, particularly those of national importance.
- 3.36 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest in which they possess.
- 3.30 Reflective of that, the NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration and that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.

- 3.37 The NPPF defines the setting of a heritage asset as, 'The surroundings in which a heritage asset is experienced'. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 3.38 The site is not within a Conservation Area. There are a number of listed buildings within 100 metres of the application site including:
- Grade II listed Higher Goodstone
 - Grade II listed The Press
 - Grade II listed The Granary
- 3.39 Due to the location of the development, intervening buildings and having regard to the current appearance of the site and the design and siting of the proposed development, the proposals are not considered to harm the significance of any of the listed heritage assets.
- 3.40 For the reasons set out above, the proposed development is considered to be acceptable in terms of setting of those heritage assets set out above, having regard to the requirements of policy EN5 (Heritage Assets) of the Teignbridge Local Plan, the NPPF and the statutory duty of the Council as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Character and appearance

- 3.41 Policies EN2A: Landscape Protection and Enhancement of the TLP requires development to be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge.
- 3.42 Policy S2 of the Local Plan requires new development to be of high quality design which will support the creation of attractive, vibrant places. Designs should be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character. Account should be taken of a number of objectives, inter alia, a) the integration with and, where possible, the enhancement of the character of the adjoining built and natural environment, particularly affected heritage assets; and k) respect for the distinctive character of the local landscape and seascape, and the protection and incorporation of key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets, and skylines.
- 3.43 The National Planning Policy Framework and the National Design Guide place further emphasis on the importance of high quality designed development.
- 3.44 The site is not located within a designated protected landscape. The site currently comprises a collection of glass greenhouses and is very agricultural in nature, albeit run down in appearance. Whilst land to its south and adjacent to the site has been developed for housing, the land to the wider east and west is far more undeveloped. The site's stout and dense boundary hedgerow along its perimeter to the adjoining Lane is also an important element of green infrastructure.

- 3.45 The scheme would introduce eight large dwellings with their domestic grounds and paraphernalia. The dwellings are designed to take reference from the design and layout of adjacent rural housing. While the proposals would result in a more urbanising effect than presently exists, the built form of the proposal are clustered around where existing development is located.
- 3.46 Officers originally raised concerns about the number of dwellings proposed, having regard to the size of the hamlet. However, this has been reduced and visually the impact is now considered to be acceptable, having regard to the appearance of the existing site.
- 3.47 The design, layout, landscaping and hard surfaces and boundary treatments of the proposed development have been revised on a number of occasions since its initial submission.
- 3.48 Consequently, it is concluded that the proposals would not have an unacceptable effect on the character and appearance of the area, *subject to conditions being proposed*. The proposals satisfy the landscape aims of Policies S1, S2, EN2A and EN12 of the TLP and the Framework.

Residential Amenity

- 3.49 Policy S1 (Sustainable Development Criteria) of the Local Plan specifies that proposals will be required to perform well against 10 criterion. Criterion (e) relates to protecting residential amenity of existing and committed dwellings particularly with regard to privacy, security, outlook and natural light.
- 3.50 Residents living near the site have raised concerns about the impact of the proposals on their amenity. In particular a concern has been raised from the land owner to the east that the development (Plot 5 and Plot 6) is close to the boundary where horses are kept/stabled and where waste/manure is stored.



- 3.51 The site is located in a mixed use area with agricultural, equestrian and residential uses. Therefore some noise/odours associated with a countryside location can be expected. It is considered that conditions can be imposed to strengthen boundaries along the eastern side to increase separate and the buffer between these sites. The impacts are not considered to be such that planning permission would be refused on this basis.

- 3.52 The proposed development would be two-storey and set at an appropriate distance from the neighbouring properties and separated by the retained hedgerow and trees and new buffer planting. The layout of the proposed development has sought to ensure that the proposed residential units do not immediately abut the site boundaries to ensure there would be no undue overlooking or overbearing impact that would arise for existing residential properties adjoining the site.
- 3.53 The residential amenity of nearby properties will not be unacceptably affected and a high level of amenity will also be provided for occupiers of the proposed residential development
- 3.54 Whilst a certain level of disruption during the construction phase is inevitable, a condition requiring the submission and approval of a Construction Management Plan (CMP) would be recommended to ensure that the construction impacts are sensitively managed.
- 3.55 Overall, the scale and massing of the dwellings proposed and the layout of the scheme and its relationship with the existing neighbouring dwellings is considered acceptable, would provide an acceptable level of amenity for future occupiers. The proposed development accords with Policy S1 in this regard

Flood Risk/Drainage

- 3.56 Policy S6: Resilience requires development to take account of likely climate change impacts in assessing the flood risk of developments.
- 3.57 The Environment Agency indicative flood map for planning (Figure 2, below) shows that the entire site is in Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding) and is therefore not at risk from either fluvial or tidal flooding. The site is though located within a Critical Drainage Area.
- 3.58 The development of the site will alter the nature of the surface permeability throughout the site through the implementation of residential units and paved areas. In this case however, a large proportion of the site is currently impermeable with hardstanding and greenhouses covering much of the site area. The development may reduce the overall impermeable area due to the introduction of soft landscaped residential gardens. Nevertheless, it is important that surface water runoff from the development is understood and managed by means of a sustainable surface water drainage system, to prevent an increase in the risk of flooding to areas downstream of the site.
- 3.59 The submitted Flood Risk Assessment (FRA) sets out that the proposed drainage solution for the site would be to drain all surface water runoff from the development using infiltration, in line with best practice guidance to deal with runoff as close to source as possible.
- 3.60 When DCC LLFA comment on the application (while it was a major proposal for 10 dwellings and they were a Statutory Consultee, in January 2021) the following response was given:

- *We are pleased that infiltration techniques are being proposed in line with the preference in the surface water management hierarchy. However, in light of the fact no groundwater monitoring has been undertaken at the site and the infiltration testing was not at the proposed location of the soakaway devices, we would require an alternative attenuated surface water drainage strategy which could be utilised should additional site investigation deem infiltration not appropriate at this site.*
- *We only accept FEH rainfall for new applications in line with best practice. The FSR is based on a dataset from 1970s and is out-of-date.*
- *We have a requirement for 10% urban creep for residential developments so this should be included within the soakaway/attenuation calculations.*
- *The applicant should also confirm whether the road drainage will be put forward for adoption to DCC highways.*

3.61 The above details are presently being addressed by the applicant's drainage engineers.

3.62 Of particular importance is the following paragraph set out in the applicant's Flood Risk Assessment:

Site investigations indicated that rock was present at shallow depths in trial pits excavated in the west of the site. Trial pits excavated in the north-east and east of the site indicated infiltration-based drainage systems are suitable for these locations. Further trial pits should be excavated in the central parts of the site to assess ground conditions at the proposed soakaway location at detailed design stage to confirm suitability; it is not possible to undertake additional testing at this stage due to the presence of the existing greenhouses.

3.63 The site investigation which was undertaken shows the Eastern extent having the ability to drain to soakaways and the western extent being on shallow rock. There is a risk that proposed central soakaway serving a majority of the site is located where there is no details of the ground conditions and proposed soakaway to be in the region of 2.5-3m deep and could conflict with shallow rock. There is a risk that infiltration may not be possible at this depth.

3.64 It may be that an alternative attenuation based solution is required and this matter could be conditioned, however, further information would also be required to enable such a condition to be imposed i.e the location of an appropriate discharge point and the size and location of any attenuation feature with the site boundary.

3.65 At this stage, the applicant is seeking to address the above requirement. However, as this has not yet been provided Officer Recommendation would be to refuse the application based on insufficient information being made available on how surface water will be disposed of.

Highways

- 3.66 Policy S1 of the TLP requires development to be accessible by walking, cycling and public transport, particularly work, shopping, leisure and education and to not harm highway safety or create unacceptable levels of congestion. Policy S9 seeks to encourage sustainable transport choices through an integrated approach to transport.
- 3.67 DCC Highways has raised no objections to the proposals and confirmed that the proposed site access has suitable visibility.
- 3.68 While letters of representation have raised concerns about the impact of vehicular traffic on the lane and potential safety conflicts with pedestrians, horses or other vehicles, having regard to the last use of the site as a plant nursery and the response from the Highway Authority, it is concluded that there would be no severe impact on highway safety that would arise from the scale of the proposals.
- 3.78 DCC Highways has also commented that the lack of turning for larger vehicles within the site would prevent the site from being eligible for adoption as Highway maintainable at public expense. As such, conditions are recommended to be imposed to ensure that a management body is formed to ensure the long term maintenance of the sites access and internal roads.

Refuse collection

- 3.79 In earlier versions of the development, a bin collection point was provided at the front of the site which Officers resisted due to visual impact. This was subsequently removed from the drawings with bin collection points to be at the front of each property.
- 3.80 The TDC Waste Officer has confirmed that the main access road is of an adequate size to allow our Refuse Collection Vehicles access. In addition to this that the bin collection areas proposed would allow containers to be placed out for collection without causing obstruction to other properties and allowing for the efficient collection of the containers.
- 3.81 However, this response has been made on the basis that the road within the development is to be offered for adoption. This is because the waste and recycling collection service provided is a kerbside collection, i.e collection from the kerbside of adopted highway.
- 3.82 If the roads within an estate are to remain un-adopted, the TDC refuse vehicles would not be able to enter onto the estate to collect and they would be liable for any repairs for damage that is caused by large vehicles driving around the estate on a weekly basis.
- 3.83 If roads are private then it is expected that all containers are presented at the entrance to the estate at the adopted highway, and for a bin collection point to be created to house the containers for this. *No details for this provision have been provided in the application.*

- 3.84 If an area were to be made available close to the entrance of the site, this would mean that every other week there would be 10 black wheeled bins as well as 10 sets of recycling containers (2x recycling boxes and a food waste caddy for each set) sat out at the entrance to the site on collection day and until the residents collect them after collection.
- 3.85 Bin storage proposed at the site's entrance would be unacceptable in terms of amenity and visual appearance within the rural lane resulting in an unattractive environment contrary to Policies S1 and S2 of the Teignbridge Local Plan.
- 3.86 The development is also contrary to the National Design Guide 2019, specifically Part 2 H3 which states that well designed places include a clear attention to detail. Local waste storage should be accessible and well integrated into the design of the streets, spaces and buildings to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage, or in a location that is visible from a street, they should be sited within well-designed refuse stores that are easy for the occupants to use.
- 3.87 DCC already confirmed that the internal roads are not suitable for adoption, while Officers have set out above concerns about roadside storage, no details of the proposed storage of waste for collection is put forward in the application. It is not considered reasonable to require this information by condition.
- 3.88 Therefore, on the basis of information presented in the application, Officers concluded that there is insufficient information available that waste associated with the development can be collected from the site.

Biodiversity

- 3.89 Policies EN8 Biodiversity Protection and Enhancement, EN9 Important Habitats and Features, EN10 European Wildlife Sites & EN11 Legally Protected and Priority Species are the relevant TLP Policies and require that protected species and habitats are protected and enhanced. The NPPF also requires development proposals to minimise harm to biodiversity and provide opportunities for biodiversity enhancement.
- 3.90 The site is located within the Bat SAC Landscape Connectivity Zone 2019 and the SAC 500m Wide Strategic Flyway associated with the South Hams SAC but is not within a Pinch Point nor does it impact on any Existing Mitigation Feature. In accordance with the South Hams SAC HRA Guidance 2019, there is unlikely to be a Likely Significant Effect and therefore detailed HRA has not been requested by the TDC Biodiversity Officer.
- 3.91 As such, as competent authority, Teignbridge District Council concludes that there would not be Likely Significant Effects 'alone' or 'in-combination' on features associated with the South Hams SAC.
- 3.92 The application is accompanied by an Ecological Assessment and the TDC Biodiversity Officer has raised no objections subject to the mitigations and recommendations being undertaken and conditions relating to lighting overspill.

- 3.93 In addition to the Ecological Assessment, the applicant has prepared a Biodiversity Net Gain report which sets out how a net gain will be achieved at this site. This is a material consideration that adds limited weight in favour of the proposals.
- 3.94 Subject to the recommended conditions and net gain being secured, the proposal is considered to be in accordance with Policies EN8 Biodiversity Protection and Enhancement, EN9 Important Habitats and Features, EN10 European Wildlife Sites & EN11 Legally Protected and Priority Species and paragraph 175 of the NPPF.

Climate Change and Carbon Reduction

- 3.95 Policies S7 and EN3 of the Teignbridge Local Plan (2014) set out requirements for new development to reduce carbon emissions and provide a carbon reduction plan to indicate how this could be achieved. Policy S7 states the Council seeks to achieve a reduction in carbon emissions by 42% by 2030, which amounts to a target of 2.86 tonnes per person.
- 3.96 Teignbridge District Council declared a climate emergency aiming to be carbon neutral by 2025. The Council recently approved a report entitled, 'Existing Future planning policies to meet the challenge of climate change'. This seeks to increase the required carbon reduction from 42% to 48% below 2009 levels. The 48% target amounts to a target of 2.58 tonnes per person.
- 3.97 The applicant has submitted a Carbon Reduction Plan which includes specific details to be incorporated within the development for the reduction of carbon emissions.
- 3.98 The TDC Climate Change Officer has reviewed the application and provided the following response:

Policy S7 requires a 48% reduction in carbon emissions. Proposals set out in the Energy and Sustainability Statement covering regulated emissions are policy compliant and exceed the minimum emissions reduction of 48%. Figures set out in the submitted Policy S7 demonstrator calculator sheet show that the development will achieve an improvement of 69.6% over current building regulations. In terms of regulated energy, proposals including good fabric standards (e.g. U-values approaching the notional building specification), low carbon heating (from air source heat pumps) and on-site generation (inclusion of solar PV), also comply with Policy S6(c), requiring minimised use of energy (based on regulated emissions), and Policy S6(d), requiring maximised use of renewable energy.

Policy S9(a) promotes the use of public transport, cycling and walking, and minimising dependence on car travel. A transport assessment does not appear to have been submitted with the planning application. Due to the location of the Site and distant proximity to local amenities, the site does not lend itself well to low carbon transport options. The distance between the Site and local amenities is prohibitive to walking. Based on available data, current bus services are infrequent. There is also a lack of recognised cycle routes connecting the Site to local town centres. On the basis of the above, the proposals do not appear to comply with Policy S9(a) due to the intrinsic nature of the site

Policy S9(e): supports the provision of electric vehicle charging infrastructure. The Energy and Sustainability Statement suggests that each plot will be provided with

an Electric Vehicle (EV) charger, and is therefore policy compliant. Although the provision of EV charging is a welcomed proposal, provision of EV charging alone is not enough to mitigate deficiencies in other low carbon transport options. The minimum specification for EV charging points and associated infrastructure should be 32A Mode 3 Type 2.

Policy S1(i) requires construction and demolition materials to be re-used on-site where possible, Policy S2(g): requires the use of locally sourced materials where possible and Policy S6(c), requires minimised use of energy. The Energy and Sustainability Statement contains strong proposals to reduce regulated energy emissions, and section 10 contains initial steps to mitigate emissions that are not covered by Part L1A (non-regulated emissions). Ahead of procurement and construction of the development, an A1-A5 RICS lifecycle assessment is recommended to measure baseline construction related emissions and demonstrate the impact of initiatives set out in Section 10 of the Energy and Sustainability Assessment to reduce embodied emissions throughout the development.

- 3.99 The proposal is assessed to perform well against Policy S7 and S1(i) regarding the carbon omission measures to be incorporated into proposal. In terms of Policy S9, while EV charging points are proposed, the LPA presently expect all developments with any vehicle requirement to make this provision. Additionally, as the TDC Climate Change Officer points out, due to the location of the site and it's poor cycle or public transport infrastructure, it performs poorly against Policy S9(a).
- 3.100 Therefore, whilst the build and construction measures are welcomed and positive features of the proposals, these do not outweigh the harm of allowing a residential development in this intrinsically unsustainable location whereby occupiers of the development are highly likely to be dependent on a car for transportation.

Planning Balance

- 3.101 The application is for an exception site under Policy WE5 of the Local Plan, comprising 50% affordable housing.
- 3.102 The site is a disused plant nursery, and its present appearance is an eyesore. The proposed development has been designed to reflect the rural character of the area and the TDC Landscape Officer had no objections to the detail of the scheme. The proposal also offers a Biodiversity Net Gain. Therefore, there are matters that weigh in favour of the re-development of this site.
- 3.103 The Government is seeking to significantly boost the supply of housing and small and medium sized sites can make an important contribution to this objective. Weight has been given to the fact that the proposals would provide four market and four intermediate affordable dwellings to the local housing supply.
- 3.104 However, the LPA at this time can demonstrate a 5 year supply of deliverable sites and given the highly unsustainable location of the site and the high likelihood that future occupants would be rely on a vehicle for transportation to access services and amenities, this weighs heavily against the application proposals.
- 3.105 Officer assessment of the application is that the site's location is not a sustainable location for housing and the proposals do not comply with the criteria of Policy WE5

(Rural Exception Sites) or policies S1 (Sustainable Development Criteria) or S9 (Sustainable Transport).

3.106 Given the modest number of homes that would be delivered, these benefits of the scheme are limited and do not outweigh the significant harm that would arise. It follows that there are no other considerations, including the Framework, that outweigh the conflict with the development plan in this case.

3.107 The application therefore has an Officer recommended for refusal for the reasons set out.

5. POLICY DOCUMENTS

5.1. Teignbridge Local Plan 2013-2033

- S1A Presumption in favour of Sustainable Development
- S1 Sustainable Development Criteria
- S2 Quality Development
- S6 (Resilience)
- S7 (Carbon Emission Targets)
- S9 (Sustainable Transport)
- S22 Countryside
- WE4 (Inclusive Design and Layout)
- WE5 Rural Exceptions
- EN3 Carbon Reduction Plans
- EN4 (Flood Risk) EN5 (Heritage Assets)
- EN6 (Air Quality)
- EN7 (Contaminated Land)
- EN8 (Biodiversity Protection and Enhancement) EN9 (Important Habitats and Features)
- EN11 (Legally Protected and Priority Species)
- EN12 (Woodlands, Trees and Hedgerows)

4.2 National Planning Policy Framework

4.3 National Planning Practice Guidance

4.4 National Design Guide

6. CONSULTEES

Full consultee responses are available on the application file

TDC Environmental Control (24/06/2020)

Please apply an “unsuspected contamination” condition

TDC Biodiversity (14/07/2020)

SUMMARY

Conditions required, please.

DESIGNATIONS/ISSUES

The proposal is in the South Hams SAC Landscape Connectivity Zone. As such, light spill into the countryside should be avoided.

Dormouse may be present in site hedges and invading bramble. The site is suitable for reptiles, hedgehogs and breeding birds. The ecological report recommends a number of mitigation/ compensation measures which should be followed.

CONDITIONS REQUIRED

1. Compliance with ecological survey & Biodiversity Net Gain report
2. Dormouse survey report and mitigation
3. Low emission glazing / lightspill minimisation
4. Integrated biodiversity features – bat / bird / bee / hedgehog

TDC Housing Enabling Officer (03/08/2020)

Background

According to the application the nursery has been vacant since 2008. It does not lie within the boundary of any of the settlements defined in policy S21 of the Local Plan. The Local Plan specifies that the settlement limit for Ashburton is defined as in the Dartmoor National Park (DNP) Development plan. The site is outside of this boundary and is not within the

TDC Housing Enabling Officer (16/06/2021)

Background

A previous Enabling response was provided in July 2020 based on a proposal to provide 10 units. Since that time there have been various changes to the layout and design of the homes on site, most recently resulting in the current proposal for 8 units, 4 to be provided as affordable. Whilst the numbers have reduced, our comments in the previous

TDC Housing Enabling Officer (17/02/2022)

Overview

This report is in addition to previous submissions in respect of this scheme, the most recent dated 18 June 2021, and is specifically to deal with the issue of tenure for the 4 Intermediate units on the development. In other respects the responses in the report of the 18 June still apply.

We understand that although no formal arrangement has yet been reached, the developer is considering the RentPlus model to deliver the 4 Intermediate units. RentPlus joined the Teignbridge Housing Partnership in August 2019, with Member approval, as an additional alternative means of delivering Intermediate Housing to meet the need of applicants who are unable to access home ownership by other more established routes. This could be for a number of reasons the most common being that they are unable to save enough for a deposit whilst renting privately. A copy of the presentation explaining the RentPlus model is attached with this report, but essentially RentPlus is a rent to buy low cost home ownership model. Qualifying applicants are able to rent the property at a discounted rent for a fixed term of 5,10,15 or 20 years, agreed at the time of sign-up, at the end of which

time they will purchase the property at a discount. The properties are managed by a registered provider. More details of how the scheme works can be found on the RentPlus website <https://www.rentplus-uk.com>

...

It is accepted that by the very nature of Intermediate Housing it may not be retained in perpetuity. Homes may be lost to the open market, either through the right to staircase to full ownership in the case of shared ownership purchasers or, in the case of the RentPlus scheme, by purchasing at a discount at the end of the rental period.

This site could provide a small number of affordable homes in a location which would otherwise be beyond the reach of many local people due to high values in the area. The figures shown above provide evidence of the demand for intermediate housing in this area and we therefore support the scheme.

TDC Landscape (16/07/2021)

The revised scheme now shows a mixed native hedgebank on the boundary. This has addressed one of my earlier concerns and is acceptable. Further details will be required that set out:

- the size and construction of the hedgebank (which should be 1.2m wide at the base and 1.2m tall as a minimum); and
- planting specification.

...

TDC Climate Change Officer

Full comments online

Conditions required if approved.

TDC Waste (10/02/2021)

...

I am also pleased to see that bin collection areas have been included in the plans to allow containers to be placed out for collection without causing obstruction to other properties and allowing for the efficient collection of the containers.

I have responded on the assumption that the road within the development is to be offered for adoption.

TDC Waste (30/07/2021)

The revised description and reduction to 8 dwellings does not have any impact on my previous consultation response and the comments previously made are still valid.

DCC Minerals (24/06/2021)

The application site is within a Mineral Safeguarding Area for the limestone resource, with Policy M2 of the Devon Minerals Plan seeking to protect such resources from sterilisation from other development.

In the case of this site, however, the mineral resource in this location is already effectively sterilised by existing dwellings to the west, south and east, and is not considered to be economic. The proposal is therefore consistent with Policy M2, and Devon County Council has no objection in its role of mineral planning.

DCC Waste (16/07/2020)

Requested waste audit condition – but only relevant to major developments

DCC Highways (03/08/2021)

Previous Observations from 30th June 2020.

There is a previous use for the site as a nursery which had a traffic generation associated with it. This would have included larger vehicles. The proposed use would generally involve smaller vehicle trips.

The road is such that vehicles are likely to be travelling at 15 mph, which would require a 2.4m x 17m visibility splay in both directions. It is stated in the design and access statement that this is achievable within the access shown on the submitted plans.

The site can be accessed from two ways, one of which is from the on-slip for the A38. This is not a preferred access, but has been considered against the previous use. The previous use would have involved larger vehicles and as such the use by smaller vehicles is not considered to be severe. Furthermore, smaller vehicles may be encouraged to access the site from the A383 as this allows access from all directions, whereas the access from the on-slip is a left in, left out junction only. It should be noted that the slip road is a Highways Agency road and as such the Local Planning Authority may wish to consult the HA, the junction onto the slip road has been considered from the Highway Authority's perspective.

Access to the site involves vehicles using a narrow lane. Whilst, it is narrow, the number of vehicles generated by the development using the lane is likely to be low and therefore there it is not considered that there will be a significant impact. The Highway Authority has no objections to the proposal subject to the provision of the 2.4m x 17m visibility splays. The Highway Authority would like to see a drawing showing the visibility splays so this can be conditioned to ensure a safe and suitable access.

Further Observations following additional information from the applicant.

The Highway Authority is satisfied that the proposed development can achieve the required visibility. The lack of turning for larger vehicles within the site would prevent the site from being eligible for adoption as Highway maintainable at public expense.
Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF
DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS

THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including: ...;
2. The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance ...

DCC Education (on 10 unit proposals)

Not relevant as proposal reduced in size

DCC Leading Local Flood Authority (LLFA)

Recommendation: At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy EN4 (Flood Risk) of Teignbridge District Council's Local Plan (2013-2033). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations: We are pleased that infiltration techniques are being proposed in line with the preference in the surface water management hierarchy. However, in light of the fact no groundwater monitoring has been undertaken at the site and the infiltration testing was not at the proposed location of the soakaway devices, we would require an alternative attenuated surface water drainage strategy which could be utilised should additional site investigation deem infiltration not appropriate at this site. We only accept FEH rainfall for new applications in line with best practice. The FSR is based on a dataset from 1970s and is out-of-date. We have a requirement for 10% urban creep for residential developments so this should be included within the soakaway/attenuation calculations. The applicant should also confirm whether the road drainage will be put forward for adoption to DCC highways. We would be delighted to provide another substantive review if additional information is submitted to the local planning authority

7. REPRESENTATIONS

- 7.1. 8 letters of support and 25 letters of objection/comment have been received. Full copies of all representations are available on the application file. The representations are summarized below:

Support

- Provides homes for young people to help them get on the property ladder
- The market housing would assist in delivering the affordable housing to people in the area
- Site is presently a Health & Safety risk, development will remove this
- Design of the development in keeping with the area
- Fully support the proposals, however, request conditions/caveats relating to lighting, bringing fibre/broadband into the hamlet, removal of permitted development rights for extensions and alterations and control over construction traffic, ensure appropriate parking is provided.
- Brownfield development should be supported
- Site is an eyesore, re-development will be a visual improvement
- Sustainable development, near to a bust stop, cycle path and footpaths

- Will result in less traffic than the vehicles associated with the previous use of the site

Objection/comment

- Double the size of the hamlet, decrease from 10 to 8 makes no difference. Development should be reduced further.
- Eye sore, poor quality design, visual impact, density is out of character, harm to rural and historic character of the area, over developed and crammed into the site, if existing hedges are removed and replaced with fences this would destroy the areas character
- Unsustainable location, lack of amenities, poor public transport, unsuitable lands and slip roads, poor internet connection/broadband – have no fibre and there are no imminent plans for BT to provide this service
- Not the right place for affordable housing
- There are better places to locate affordable housing
- Traffic impact, road safety, access to the site is poor, pedestrian access is poor
- Ecology – harm to horses, bats and other protected species, insufficient biodiversity enhancements
- Impact on amenity and surrounding land users, equine land uses
- Likely future expansion of the dwellings and associated outbuildings
- Sinkholes in the area and therefore a geology survey should be undertaken
- Site is in countryside out of settlement limits, proposal does not accord with Local Plan policies
- development in the countryside, at the village of Bickington for nine dwellings, including 4 'affordable', was refused, this planning outcome should be based on the same decision making process. The Bickington proposed development had much better road access and was not contrary to the overall character of the settlement.

8. TOWN / PARISH COUNCIL'S COMMENTS

8.1. Ashburton Town Council (23/07/2021) – second comments

Ashburton Town Council welcomes the improved information about the proposed development of the former plant nursery in Goodstone. The queries raised in our previous report dated 05/10/2020 relating to the proposal for 10 dwellings at the site have been largely addressed. Eight dwellings in the revised proposal, half of which would be made available for “affordable housing” would perhaps be a better fit on the site for this hamlet.

There is still some doubt within Ashburton Town Council about the suitability of the road system within such a small hamlet for a development that would effectively change the character of Goodstone. Ashburton Town Council hope that Teignbridge District Council Planning Department will take into consideration the views of Highways England and other highways expert opinions as to the suitability of the road system for access and ingress to the development site.

Ashburton Town Council welcomes the “affordable element” but have concerns that this location might not currently have sufficient infrastructure such as bus services, pedestrian, or cycle access to support such homes where access to a car might be a necessity. It is also noted that there is no mention of electric car charging points in these proposed new homes.

Ashburton Town Council support this application provided that the 50% Affordable housing is maintained and should that not be achieved ask for a viability test for an offsite contribution within the parish of Ashburton.

Supported by Ashburton Town Council

9. COMMUNITY INFRASTRUCTURE LEVY

8.1 Market Housing

The proposed gross internal area is 537.17m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0 m². The CIL liability for this development is £149,688.37. This is based on 537.17 net m² at £200per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

8.2 Affordable Housing

The CIL liability for the affordable housing element of this development is Zero as the CIL rate for this type of development is Zero (50 % Affordable Housing) and therefore no CIL is payable on the 4 affordable dwellings, subject to a S106 Obligation being completed.

10. ENVIRONMENTAL IMPACT ASSESSMENT

- 9.1 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

- 10.1 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