

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 26 September 2017

**REPORT OF:** Business Manager – Strategic Place

**ITEM:** 4.

**CASE OFFICER** Angharad Williams

**APPLICATION FOR CONSIDERATION:** EXMINSTER/SHILLINGFORD ST GEORGE - 16/03251/MAJ - West Exe Park, Alphington - Outline application for employment development (Use Classes B1, B2 and B8) up to 47,112 square metres (gross floor area) together with associated infrastructure including new vehicular access, an internal road layout, car parking, landscaping, services and all other associated development (approval sought for access)

**APPLICANT:** Exeter Estates Ltd

**WARD MEMBERS:** Councillors Goodey and Lake, Kenn Valley

## 1. REASON FOR REPORT

The application was called to Planning Committee by Councilor Goodey because the proposal is outside the Local Plan designated area for employment land. There are concerns about vehicle access on surrounding areas and the effect of this on the Greater Exeter Transport Plan. There are also concerns about surface water treatment.

The application was brought to Planning Committee on 1 August 2017, when Members resolved to defer the application for further consideration of the impact of additional traffic in the villages of Kennford and Exminster.

Following Committee, Devon County Highways Officer and the applicant have met with members of the Parish Council and has worked with them and Teignbridge District Council in order to address the concerns that have been raised. The application is now being brought back to the Planning Committee for consideration.

## 2. RECOMMENDATION

Subject to:

The completion of a Section 106 Agreement to provide:

- a) A £250,000 sustainable transport contribution to deliver an off-site cycleway alongside the A379, or the delivery of the cycleway by the developer;
- b) Delivery of off site bus stops along the A379;

- c) A £5,000 contribution for a Traffic Regulation Order to enable the delivery of a scheme of signage for a 7.5 tonnes weight limit for the village of Kennford;
- d) Scheme for provision of signage at the western and eastern end of Days Pottles Lane to outline that the road is unsuitable for HGVs;
- e) Land for a future slip road as part of a wider strategic objective for Devon County Council to be made available in perpetuity,

PERMISSION BE GRANTED subject to the following conditions:

1. Requirement for reserved matters submissions;
2. Time limit for submission of reserved matters;
3. Development to proceed in accordance with the approved plans/documents;
4. Compliance with section 7 (Table 12) of the Ecological Survey;
5. Any reserved matters application to be accompanied by a landscaping plan showing trees planted within or adjacent to hard surfaces and all trees to be container grown and not planted until written approval received;
6. Prior to construction, the submission of a Landscape and Ecological Management Plan to be approved in writing by the Local Planning Authority;
7. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) will have been submitted to and approved in writing by the Local Planning Authority;
8. Prior to commencement of development a plan outlining a parking strategy for the site shall be submitted to and approved in writing by the Local Planning Authority, with parking thereafter maintained in accordance with the approved details;
9. Limitation of hours of operation during the construction period to 7 a.m.–7 p.m.;
10. All plant and machinery to not exceed the prevailing background noise levels as existing, by more than 5db;
11. Reserved matters applications to include details of design measurements to reduce noise levels including the incorporation of acoustic shrouding on all buildings;
12. A travel plan to be submitted to the Local Planning Authority for approval in writing prior to the occupation of each unit, and the travel plan implemented as approved. The travel plan shall detail a preferred route for traffic accessing the A38 north from the site that avoids travelling through Kennford Village centre;
13. Prior to the first occupation of each building, cycle parking facilities shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Cycle parking shall thereafter be maintained in accordance with approved details;
14. An implementation of a programme of archaeological work in accordance with a written scheme of investigation;
15. No development shall commence until detailed design of proposed temporary and permanent surface water drainage management has been submitted to and approved by the Local Planning Authority;
16. No development shall commence until full details of a foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority;
17. No development shall be undertaken until the submission of an investigation and risk assessment, and, where necessary, a remediation strategy and verification plan to detail how the unsuspected contamination will be dealt with;
18. Notwithstanding the submitted details, prior to the commencement of the development full access details including the new roundabout shall be submitted

to and approved in writing by the Local Planning Authority. The access works and roundabout shall be completed in accordance with the approved details prior to first occupation;

19. Provision of an external lighting scheme to be submitted and approved by the Local Planning Authority.

### **3. DESCRIPTION**

#### The Application Site

- 3.1 The application site is an irregularly-shaped area of land approximately 15.03 hectares in size, in the parishes of Exminster and Shillingford St George.
- 3.2 The site lies to east of the A379, beyond the existing Peamore Garage, to the south of Silver Ridge, and to the north of the A38. Days Pottles Lane borders the site to the immediate north, with Little Silver Plantation lying beyond. A smaller, irregularly-shaped piece of land lies to the immediate south west of the site and already benefits from the grant of planning permission for employment development (17,885 square metres) together with associated infrastructure including a new access from the A379 (Ref: 12/03079/MAJ). This land was allocated within the Council's Local Plan for such purposes.
- 3.3 Further to the north east, beyond the properties of Silver Ridge, lies the land allocated within the Local Plan for the South West of Exeter Urban Extension under Policy SWE1. A resolution to approve planning permission subject to the signing of a Section 106 agreement for the residential development of much of this land (approximately 90 hectares) including the provision of education and community buildings and Suitable Alternative Natural Greenspace (SANGS)) was reached at Planning Committee in January 2017.
- 3.4 The site is currently an agricultural field. The topography of the site slopes gently from north to south, with trees and hedgerow forming the site perimeter.

#### The Application

- 3.5 The application is submitted in outline with all matters reserved apart from access. The application proposes up to 47,112 square metres of floor space for Use Classes B1 (15,704 m<sup>2</sup>), B2 (15,704 m<sup>2</sup>) and B8 (15,704 m<sup>2</sup>) together with associated infrastructure, new vehicular access, internal road layout, car parking, landscaping, services and all other associated development.
- 3.6 The application is supported by a plan which illustrates the site sections as proposed. This provides an indication of the proposed heights of the buildings which suggests that the B1 offices (located to the northern end of the site) will be approximately 6 metres above the existing ground level (at the highest point). In respect to the other uses (including B2 and B8), these will predominately be located below the existing ground level given the proposal to cut into the land, thereby reducing the visual impact.

- 3.7 In terms of planning policy, the site falls outside Settlement Limits within an area of open countryside. The site is within an Area of Great Landscape Value (AGLV) but not within the Exminster Strategic Open Break. Whilst the site is not allocated within the Teignbridge Local Plan for employment, the site falls subject to Policy S22, where the principle of industry, business, warehousing and retail is acceptable, subject to considering the distinctive qualities of the landscape character, integrity of green infrastructure, impact of overall travel patterns and effect on the integrity of the South Hams SAC. This will be discussed in more detail in the body of the report.
- 3.8 For purposes of clarity, it should be noted that the application was initially submitted with the intention to provide an alternative access to that currently proposed. This involved the incorporation of a five arm roundabout on the far south western corner of the site, with a new slip road onto the A38. Following an objection from Highways England to this proposed access, the application was re-advertised following a decision by the Applicant to revert to the original three arm roundabout approved under outline planning permission 12/03079/MAJ.

### Background

- 3.9 Prior to the application being submitted, the Applicant engaged in pre-application discussions with the Council where the principle of the development was discussed along with the technical issues that would need to be addressed should an application come forward.
- 3.10 The Council's 'Authority Monitoring Report 2015-2016' suggests that the district has a shortfall of employment land. The number of employment completions are reducing, and it is therefore important that the right employment space is provided to supply jobs. In accordance with the consultation response received from the Economy and Asset team, there is demand within Teignbridge for around 28,000 square metres (300,000 square feet) of B use employment space. Whilst employment schemes are being approved, land is not coming forward at sufficient rates.
- 3.11 Whilst planning permission has already been granted on the site to the immediate west, there are currently viability concerns relating to this site, which means that the site is not able to come forward without the development of the subject site. The proposed scheme would therefore assist in meeting the demand for additional employment space within the district, and will unlock the site immediately adjacent to it which already benefits from planning permission. However, there are a number of considerations to take into account alongside this matter, and these are discussed below within the body of the report.

### Planning History

- 3.12 The site is subject to the following cases of planning history:
- 16/02527/SO – Screening opinion. EIA not required. 22 December 2016

- 3.13 As outlined above, outline planning permission has been granted on the smaller site to the immediate south west of the site for 17,885 square metres of employment space (Ref: 12/03079/MAJ). Reserved matters approval followed on 30 August 2016 (Ref: 16/00950/MAJ). The outline approval of this application also secured the principle of a new access off the A379, along the northern boundary of the site. In terms of context, it is this access which has already been approved that is now proposed as a means of achieving access to the subject site.

#### Introduction and structure of the report

- 3.14 As the application was deferred by the Members of Committee at the Planning Committee on 1 August 2017, this report first seeks to outline the additional measures that are being proposed by the applicant in order to address the concerns that have been raised in respect to highways, in addition to providing further information about the delivery of employment land throughout the district following some discussion over this matter at the previous Planning Committee.
- 3.15 The report therefore begins by discussing the matters that required further resolution following the Planning Committee of 1 August 2017. The report will then go on to discuss the other key considerations of the development proposal as outlined in the Officer Report that was before members at the last Committee, with the necessary updates.
- 3.16 It should be noted that since this time, the Council has received a new consultee response which has been provided in full detail under Section 5.

#### Matters that required further resolution following the Planning Committee of 1 August 2017.

- 3.17 As outlined above, the application came before Members of the Planning Committee on 1 August 2017. The application was subsequently deferred by Members for the following reason:
- 3.18 "Further consideration of the impact of additional traffic in the villages of Kennford and Exminster".
- 3.19 Following the Committee, a meeting was held on 15 August with members of the Parish Council and the Devon County Highways Officer. It is understood that at this meeting, four areas relating to highways were identified by the Parish Councils that either required further information or mitigation. Such areas included:
- The deliverability of the off-site cycleway alongside the A379;
  - The relocation or provision of additional bus stops closer to the site;
  - The need for a weight limit to be incorporated through Kennford;
  - Additional understanding of the current traffic flows and potential impact of the development on Days Pottles Lane.
- 3.20 The applicant has since worked with Devon County Council and Teignbridge District Council in order to address these concerns, and a meeting was held with the

applicant and the Parish Councils on the 11<sup>th</sup> September to discuss their proposals. This includes the following:

1. Deliverability of the off-site cycleway alongside the A379

- 3.21 The Officer Report to Committee on 1 August outlined that there would be a sustainable transport contribution to fully fund the provision of an off-site cycleway alongside the A379. As noted within the report, the amount of contribution was yet to be agreed following further discussion with Devon County Council and the applicant.
- 3.22 Following Committee, it is understood the Parish Councils have concerns over the deliverability of the off-site cycleway, and therefore the applicant has worked with Teignbridge District Council and Devon County Council in order to provide Members with the certainty that the cycleway will be delivered.
- 3.23 As part of this process, the applicant has provided a clear breakdown of the costs for the provision of a cycleway/pedestrian route, which includes costs for site clearance, new footpath construction (hard and soft), drainage, signage & lining as well as taking into account preliminaries, exclusions and allowances. The figure has amounted to a cost just under £250,000.00. The cost breakdown has been prepared on the basis of the delivery of a 3 metres wide footpath/cycleway.
- 3.24 This cost information has been reviewed by the Highways Officer at Devon County Council and is considered to be acceptable, and sufficient in enabling the delivery of the off-site cycleway/pedestrian route. The applicant has also provided a plan which illustrates the off-site cycle improvements (Drawing number: GA-01 Rev C) which will also be incorporated into the Section 106.
- 3.25 Nevertheless, in order to provide additional certainty, it has been agreed with the applicant that the Section 106 will provide the option for the applicant to either deliver the off-site cycleway/pedestrian route to the satisfaction of Devon County Council, or to provide the financial contribution of £250,000.
- 3.26 Discussions have already been undertaken with the Council's solicitor on appropriate trigger points for the obligation.

2. The relocation or provision of additional bus stops closer to the site

- 3.27 The applicant and the Highways Officer have undertaken discussions with the Devon County Council Transport Officer, in order to determine whether it is possible to either relocate or have additional bus stops closer to the site.
- 3.28 In regards to relocation of the bus stops, this was not considered to be appropriate given that it is understood that the two existing bus stops situated to the far north of the site are the nearest bus stops to the Marsh Barton Estate, and consequently to move these could cause inconvenience for those who already use this bus stop.
- 3.29 The provision of additional bus stops has therefore been investigated and it has been agreed that additional bus stops can be provided alongside the A379 close to

the application site. Stagecoach will then serve the new stops once the location has been agreed and the relevant road works undertaken. The applicant has therefore provided an additional plan (Drawing number: PHL-08-C) which illustrates an area (between A and B) of the A379 where the bus stops will be provided. This will be part of the Section 106 agreement to ensure that they are delivered.

### 3. The need for a weight limit to be incorporated through Kennford

- 3.30 At the Planning Committee on 1 August, Kenn Parish Council raised concern about the possibility of lorries using Kennford as a rat run, given that the village has no upper weight limits. It was requested that a 7.5 tonnes weight limit be introduced in Kenn.
- 3.31 The applicant and Devon County Council have since investigated how this could be achieved and it is now proposed to have weight restriction signs (7.5 tonnes) at appropriate locations alongside Exeter Road. The applicant has provided a plan entitled 'Proposed Kennford Weight Limit' (Drawing No: WL-01 Rev C) which has been reviewed by Devon County Council and is considered acceptable. The provision of the signs will be subject to a Traffic Regulation Order which will require a £5,000 contribution and this will form part of the Section 106 agreement.

### 4. Additional understanding of the current traffic flows and potential impact of the development on Days Pottles Lane

- 3.32 In order to address this matter, the applicant has provided an additional draft Technical Note (Technical Note 8 – Days Pottles Lane Traffic Note) which seeks to set out the recorded details of traffic flow on Days Pottles Lane and the rationale behind the projections for the use of Days Pottles Lane by traffic from the proposed development. It is understood that the Parish Councils are currently being consulted on the content of this note, and a further update to members may be necessary, but for purposes of this report, the note draws attention to the following:

#### Existing Traffic Flows

- 3.33 The application was supported by a Traffic Assessment which outlines that a traffic survey was commissioned at the western end of Days Pottles Lane in the form of an automatic traffic count survey (ATC). In addition to this, a manual classified turning count was also undertaken at the junction of the A379 with Days Pottles Lane and the existing Exeter Estates site access.
- 3.34 The ATC survey was commissioned at the western end of the lane and obtained traffic data on Days Pottles Lane for the period 9-15 November 2016. In addition to this, a manual classified turning count was undertaken at the junction of the A379 with Days Pottles Lane and the existing Exeter Estates site access on 28 April 2015.
- 3.35 The full results of the ATC and Manual Classified Count are shown within the draft Technical Note, but in summary, the Technical Note outlines that both sets of traffic data collected across the two year period demonstrate generally low levels of traffic

on Days Pottles Lane and low levels of traffic on Days Pottles Lane accessing the Exeter Estates site.

### Potential Future Traffic Flows

- 3.36 Future year traffic forecast for a development site is usually undertaken using a trip information database called TRICS.
- 3.37 TRICS is an industry standard database of trips rates. It includes surveys of vehicles (and other modes) arriving and departing from a site as well as information on the sites that are surveyed to determine their characteristics. There are survey sites across the country.
- 3.38 The database is interrogated to determine sites with similar characteristics to the application site. Information on trip rates is then extracted from the database (normally based on gross floor area) and applied to the application site. From this, the number of trips that the application site may be expected to generate can be calculated. This method is used in assessing the potential future impacts of development proposals across the district and across the UK.
- 3.39 The trip distribution at the proposed Exeter Estates site has been agreed with Devon County Council, and this has been calculated on the basis of proposed floor space for the proposed B1, B2 and B8 uses. The anticipated number of development trips using Days Pottles Lane between the site and the A379 to Dawlish is anticipated to be 8% of the development trips, resulting in the potential for 12 additional two way trips in the a.m. peak and 9 additional two way trips in the p.m. peak. This is also on the worst case scenario that all trips emanating from the A379 in the Dawlish direction would take the short-cut via Days Pottles Lane during most of the day, rather than continuing along the A379.
- 3.40 It is therefore considered that there will be a low level of anticipated future additional trips which when combined with the existing. The development proposal is therefore expected to have a minimal impact on Days Pottles Lane. However, in recognition of the Parish Councils' concerns, and as an additional measure, the applicant proposes to erect the following sign on the western end of Days Pottles Lane below the existing speed de-restriction sign, and at the eastern end of Days Pottles Lane to the back of the existing stop sign.



- 3.41 The provision of such signs do not require a Traffic Regulation Order (TRO) and will be erected by the developer with the agreement of Devon County Council at an agreed trigger point.



## Travel Plan

- 3.42 Whilst the provision of a detailed travel plan is a recommended condition, concern over the travel plan was noted at the previous Planning Committee, and in order to provide Members with more detail on this matter, the applicant was asked to provide a document which would set out the draft travel and operations of the site.
- 3.43 The applicant has now provided an additional Technical Note (Technical Note 9) in support of the application, which is entitled "Draft Travel and Operational Plan". This seeks to build upon the Framework Travel Plan that was submitted as part of the Traffic Assessment under Chapter 7.
- 3.44 The Technical Note outlines that further work has been undertaken since the submission of the application and further local measures are now proposed which are considered to assist in delivering smarter travel choices through the travel planning at the site.
- 3.45 The key updates evidently include the matters discussed above including the provision of the off-site footpath/cycleway; bus stop provision, and signage on Days Pottles Lane.
- 3.46 Given the concern that has been expressed regarding HGV vehicles opting to travel through the lanes of Days Pottles Lane or Kennford (despite the proposed weight restriction at Kennford), the Travel Plan will now include some operational measures including:
- The need to establish a registration scheme for the HGVs operated by new site occupiers in order that it is clear what HGV operators are registered to the site at all times;
  - A site contact number to be established and publicised should local people identify vehicles that are not registered to the site. The site contact number will be a direct number for the Travel Plan Co-ordinator;
  - Quarterly site operational review meetings with Exminster and Kenn Parish Councils;
  - The permanent siting of an automatic traffic counter to be installed on the access road to monitor traffic flows; there will then be a monthly download of traffic data to monitor site traffic flows. This can then be discussed in the quarterly site operational review meetings with the Parish Councils.
- 3.47 An on-going review of long term operational management of the site will therefore be established through the Travel Plan, planning conditions and Section 106 Agreement.

## Conclusion

- 3.48 The application was brought before Planning Committee on 1 August 2017. Following concerns raised on the impact of additional traffic in the villages of Kennford and Exminster, the application was deferred in order to provide time for further consideration on these matters.

- 3.49 Since this time, the applicants have worked with Teignbridge District Council, Devon County Council and the Parish Councils in order to establish ways in which the Parish Councils' concerns could be addressed.
- 3.50 The additional highway works proposed are considered to address the concerns that have been raised and provide additional certainty that the proposed development will not have a significant impact on the highway network surrounding the application site. It is understood that the Parish Councils have met with the applicant to discuss these proposals and are currently considering the detail of the drafted Technical Notes. Further updates may therefore be provided at Committee.

#### Further matters

- 3.51 Whilst not a reason for deferral of the application, at the previous Planning Committee Members raised a number of points in regards to the delivery of employment land.
- 3.52 For this reason, the Council's Economy Manager has provided an additional consultation response which seeks to address these points. The response can be read in full under the 'Consultee' section of this report; however, the key points are discussed below.
- 3.53 The Economic Development team have been working with Exeter Estates for almost 2 years to help bring forward the approved 5 hectares site to the immediate west of the application site. As the opening up costs for the site, (particularly the access roundabout and electricity supply) are in the region of £4 million, it has made the approved development site unviable. In addition to this cost, it is understood the lead in time for the electricity supply is approximately 2 years.
- 3.54 Teignbridge District Council's Economic Development team have worked closely with the Local Enterprise Partnership (LEP) to seek funding towards opening up costs, and the LEP have also taken up the case on the costs and timescales of power supply with Western Power Distribution. However, unfortunately, the team have been unable to make progress.
- 3.55 The subject application therefore offers a potential solution to this, in enabling the costs of opening up the site to be spread, potentially bringing in end-users who can contribute to those costs at an early stage.
- 3.56 The full consultation response received from the Council's Economy Manager sets out a table which illustrates the progress of the allocations within the Local Plan. The employment allocations are at varying stages of delivery, and the Economic Development team continue to engage with the site promoters to see what assistance is required and whether there are barriers to delivery. It is understood that opening up costs are generally cited as the main barrier and working with site promoters to see what funding is available to overcome these concerns is a consistent role for the team.
- 3.57 The Teignbridge Local Plan (Policy S3, Land for Business, General Industry and Storage and Distribution) refers to the delivery of 3 hectares of business, industrial

and warehousing sites per year, which equates to 12,000 square metres. Since 2012 the amount of delivered employment land has been significantly below the Local Plan target, particularly when considering the net gain of new floorspace. This is illustrated in the graphs set out in the full consultation response. The strategic distribution of approved sites and their delivery to date should also be noted.

- 3.58 In terms of the current demand for employment space, there is a demand for floorspace for approximately 28,000 square metres. This is from indigenous businesses wishing to expand, but unable to due to the lack of available space to move into. By bringing more land forward, the creation of more space allows for a churn of businesses. The Economic Development team currently turn away inward investment enquiries as there is no land available to fulfil the requirement.
- 3.59 Of further note, a significant opportunity presented as part of this application is safeguarding land for a new northbound slip road on to the A38. While the slip road itself is not a formal part of this application, by safeguarding the land it creates the potential to significantly improve the accessibility of the site, making it very attractive to new businesses seeking accessibility along a strategic transport corridor and access to a large potential workforce. It would also help to address a number of traffic issues from vehicles seeking to join northbound A38/M5 that currently travel across the city or have to head south down the A38 first.

#### Key considerations of the application

- 3.60 The application seeks outline planning permission for employment development (Use Classes B1, B2 and B8) with up to 47,112 square metres of floorspace, together with associated infrastructure including a new vehicular access, internal road layout, car parking, landscaping, services and all other associated development. Approval is sought for access.

The key issues in the consideration of the application are therefore:

- The principle of the development/sustainability;
- Impact of the development upon the character and visual amenity of the area;
- Impact of the development on the residential amenity of the occupiers of the surrounding properties;
- Impact of the development on biodiversity;
- Flood and drainage impact of the development;
- Highways impact of the development

#### The principle of the development/sustainability

- 3.61 The site falls outside settlement limits, within the open countryside and within an Area of Great Landscape Value (AGLV).
- 3.62 Policy S22 deals with application proposals within the open countryside and states that in open countryside, development will be strictly managed and limited to uses which include industry, business, warehousing, retail and leisure. The principle of the open countryside being developed for these uses (amongst others) is

acceptable; however, the policy also outlines that in assessing development proposals, particular account will be taken of the following:

- Distinctive characteristics and qualities of the Landscape Character Area;
- The integrity of green infrastructure and biodiversity networks;
- Impact on overall travel patterns arising from the scale and type of development proposed;
- The need to ensure that development in the countryside does not have an adverse effect on the integrity of the South Hams SAC.

- 3.63 The above points are considered in detail under the relevant heading within the body of the report; however, in summary, it is considered that the application is acceptable and does not give rise to concerns that are of a significance that would justify the refusal of the application given that it is only made in outline at this stage. Details will need to be negotiated and discussed in future reserved matters applications.
- 3.64 With regards to sustainability, Policies S1A and S1 seek to ensure that development is sustainable and outlines that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development. In accordance with Policy S1, proposals are required to perform well against a number of criteria, taking into account the social, economic and environmental benefits of the proposal, its scale and magnitude, legally protected features and any associated mitigation. Such criteria relate to (amongst other matters) the accessibility of the site; road safety and congestion; environmental effects of noise, smell, dust, light, vibration, pollution and associated traffic. Impact on the residential amenity of existing and committed dwellings on privacy, security, outlook and natural light should also be considered.
- 3.65 The above criteria are discussed below in detail under the relevant heading; however, it is considered that following negotiations and discussions with the applicant, the scheme has reached a position where it is not considered to cause a significant impact on these matters that would outweigh the benefits of the proposal. In respect to site accessibility, the development proposes to use the approved three arm roundabout to access the site. The site is located in close proximity to the South West of Exeter Urban Extension and is easily accessible off the A38. Following recent discussions, the applicant has also agreed to enter into a Section 106 agreement to provide a sustainable transport contribution for the delivery of an off-site cycleway/pedestrian footpath alongside the A379, or to deliver such infrastructure themselves to the satisfaction of Devon County Council. With regards to road safety and congestion, this has been an area of much contention and is discussed in detail above and below.
- 3.66 Environmental effects have been fully considered and appropriate discussions undertaken with the Council's Environmental Health team following concerns raised by nearby residents. The outcome of these discussions and comments received advises that the development proposal is acceptable subject to the incorporation of relevant conditions. In terms of the impact on residential amenity, this has again been carefully considered and is discussed below. However, in summary, with appropriate mitigation (achieved via conditions), it is considered that the

development will not cause any significant impact on the amenity of residents living within the surrounding area.

- 3.67 It is worth outlining within this section of the report that the application is not within land allocated as a 'Strategic Break'. Comments received about the application have raised concern that the site is located within such an area, and therefore falls in conflict with Policy EN1. It should be noted that the Exeter–Exminster Strategic Open Break designation lies further to the east of the site as shown on the Local Plan South West Exeter and Exminster Inset Map.

Impact of the development upon the character and visual amenity of the area

- 3.68 The site falls within an AGLV. Policy EN2A seeks to protect and enhance the landscape and seascape of the area, with development proposals conserving and enhancing the qualities, character and distinctiveness of the locality; restore positive landscape character (where appropriate); protect the landscape; wildlife and historic features and maintain quality by minimising adverse visual impacts.
- 3.69 The site is currently in agricultural use. The site occupies a single large field situated within the low, rolling valleys approximately 2km south of Exeter and approximately 2.5km west of the Exe Estuary. The site sits along the southern edge of a larger portion of land which is defined by three transport routes: the A38 which runs the full length of the southern boundary; the A379 which sits close to the western edge of the site beyond the existing Peamore Business Centre and the M5/A38 beyond the neighbouring field to the east of the site. Planning permission has already been granted for employment floorspace to the south west of the site, with Peamore Garage lying to the north of this site.
- 3.70 The application is supported by a Landscape and Visual Impact Assessment and this has been reviewed by the Council's Landscape Officer, as well as the plans and other supporting documents.
- 3.71 Whilst the site is visible from the M5, the other borders of the site are considered to be screened from view due to the presence of well-established hedgerow. The topography of the site means that the higher part of the site is most visible from Days Pottles Lane, with the lower end of the site falling away towards the M5.
- 3.72 Initial pre-application discussions undertaken with the applicant discussed the topography of the area, and how the scheme would need to be sympathetic to the gentle sloping nature of the site. Whilst the scheme is made in outline, it should be noted that the applicant has considered the advice received at pre-application stage, and the larger buildings on the site are proposed to the south where the buildings would not have such an impact on the skyline, with the proposed office buildings (smaller in terms of massing), located to the north of the site. Furthermore, as can be noted from the proposed illustrative site sections, the larger buildings to the south will predominately fall below what is currently the existing ground level.
- 3.73 The Landscape Officer has advised that he is happy with the overall density and scale of the buildings and the principle of the bulkier buildings being at the bottom

of the site with the smaller units at the top. However, the Officer has asked that at reserved matters stage, the applicant consider how camouflaging the buildings can be achieved via the use of materials. There were concerns raised that the structure of the landscape has been driven by a desire for habitat creation and that large areas of native scrub and species rich grassland could give the site a scruffy low status appearance. This is something that will require more attention and can be dealt with via the recommended condition for a LEMP.

- 3.74 The LVIA submitted in support of the application presents a variety of views from which the development has been considered; however, a view directly from the A38 was not initially included. Following concern by the Landscape Officer on this matter, the applicant resubmitted the LVIA with this additional viewpoint included. Whilst landscaping is a matter reserved for future consideration, the applicant has revised the site layout to enable a bolder landscaping design with trees less spread out on site as originally proposed. This again responds to the concerns initially raised by the Officer and works towards maintaining the character of the area.
- 3.75 The LVIA concludes that the study area has an overall medium–low sensitivity. In respect of site character, the effect on the site character as a result of the development would be moderate-substantial-adverse. Mitigation measures include retaining and enhancing all existing boundary vegetation together with provision of additional planting. It is evident to say that the proposed development will have an impact on the landscape character of the area, given that it is currently undeveloped, agricultural land; however, when weighed against the merits of the proposal and the matter that planning permission is already granted on the site to the immediate south west, it is considered that the proposed development together with mitigation measures can be achieved without being a detriment to the countryside. This is agreed by the Landscape Officer who agrees with the findings of the LVIA at this stage, with further detail to be agreed at reserved matters.
- 3.76 In conclusion, and referring back to Policy EN2A, the applicant has worked with the contours of the land and proposed that larger buildings be located to the south of the site where there is less visual impact. To enable a positive approach to the landscaping and setting of the development, the applicant has acknowledged concerns raised by the Landscape Officer and revised the plans accordingly to address concerns. It should be noted that at this stage, only the principle of the development is being considered together with the proposed access which is already subject to the grant of planning permission. Future reserved matters applications relating to scale and appearance will evidently need to provide more detail on how the development can be designed to mitigate harm on the character and appearance of the area in respect to materials and orientation.

Impact of the development on the residential amenity of the occupiers of the surrounding properties

- 3.77 Policy S1 requires consideration of the proposal against the impact on residential amenity of existing and committed dwellings, particularly privacy, security, outlook and natural light. Impact in terms of environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the

proposed development must also be considered. For clarity, each of these points has been considered separately below in detail.

The nearest residential properties to the site include:

- Westfield site (beyond the A38) approximately 97 metres to the south of the site;
- The properties of Little Silver accessed off Deepway Lane, to the north of the site (approximately 263 metres to the nearest dwelling)
- Dadmouth Cottage (beyond the A379) approximately 518 metres to the west of the site;
- Peamore House (beyond the A379) approximately 505 metres to the northwest of the site.

#### Impact on residential amenity with regards to privacy, security, outlook and natural light

- 3.78 Looking at all of the above dwellings, it is considered that these properties are a significant distance away from the development site that the development will not impact on the residential amenity in terms of privacy, security and natural light. Whilst residents of Little Silver have raised concerns about privacy, it is considered that the development will not cause any overlooking concern due to its distance from the rear gardens and dwellings. Whilst there have been a number of objections that relate to views of the countryside, a right to a view is not a planning matter, and cannot therefore be considered in respect to impact on residential amenity.

#### Impact in terms of environmental effects of noise, vibration, dust

- 3.79 Following several comments received from the local residents about potential noise impact, the Council's Environmental Health Officer was consulted and asked to assess the proposal. Feedback from the Officer outlines that previous sound monitoring in the vicinity of the application site showed that the prevailing noise source in the immediate area originates from the nearby highway network. It is suggested that to limit the concerns of nearby residents on the potential impacts of noise, a condition should be associated with any grant of planning permission which limits the time that the construction of the development could take place. Furthermore, it is considered that in respect to the design of the site layout, advantage can be taken of the acoustic shrouding offered by the proposed building, with sound sources such as air handling units and compressors placed so that they use the acoustic shrouding of the buildings and are not within the line of sight of noise sensitive receptors, such as residential dwellings. These issues can be addressed through consideration of the future reserved matters application.
- 3.80 Concerns about potential dust emissions arising as a result from the construction of the development have been raised, and this will be assessed/controlled via the need for the applicant to submit a Construction Environmental Management Plan (CEMP) as part of satisfying a condition.

#### Impact in terms of environmental effects of light, smell, fumes or other forms of pollution or nuisance

- 3.81 With regards to light pollution, discussions undertaken with the Council's Environmental Health Officer have suggested that this can be controlled via means of condition, with all window apertures facing into the site and the implementation of low level illumination fitted below eaves level on buildings which would again need to face into the site and be located in such a way and of an intensity to avoid causing any light pollution. This issue can be addressed through consideration of the future reserved matters application
- 3.82 Turning to matters of air quality, and other forms of pollution, the application is supported by an Air Quality Assessment as prepared by Kairus Ltd. It is understood that the scope of the report was discussed with an officer of Environmental Health, ensuring that the receptors were located within appropriate areas to give an overall representative of the air quality.
- 3.83 Concern was raised by a resident of Little Silver following review of the report and Figure 4.1 which illustrates the receptor locations. It was questioned why the receptors were placed predominately along the north west of the site, rather than any being within the area of Little Silver. The Environmental Health Officer has advised that the receptors were best placed alongside the road to get the best indication of air quality given that cars using this road would be the key source.
- 3.84 The assessment concludes that the impact of the development is not considered to be significant, and no mitigation measures are considered to be necessary. A travel plan, however, has been suggested as a condition, and the Environmental Health Officer supports the application. The delivery of an off-site cycleway will evidently also help to improve matters in addition to the provision of additional bus stops as discussed above.

#### Traffic

- 3.85 Whilst a number of concerns have been raised about the impact of further traffic on the nearby residential properties, supporting documents submitted with the application and comments received from the Highways Officer at Devon County Council suggest that the roads are capable of accommodating the additional traffic arising as a result of the development. The capacity of the roundabout has been assessed on the understanding that traffic associated with the permitted development (on the site immediately adjacent to the west) as well as that proposed under the subject application and the wider allocated development at South West Exeter will pass through. The assessment has demonstrated that the roundabout is projected to have sufficient capacity to accommodate the proposed development.
- 3.86 The previous planning permission on land to the west of the site was subject to a condition that required the delivery of the roundabout in advance of any occupation of the development. A similar condition is recommended above for the subject application. In addition to this, other conditions are recommended which require the submission of a Construction Management Plan providing details to be approved on the movements of traffic during the construction of the site, and the provision of HGV route signage to control the direction of HGV traffic.



- 3.87 Sustainable transport is also encouraged, and following concerns at the last Planning Committee, discussions have been undertaken to ensure delivery of additional bus stops which will now be incorporated along the A379 to serve the development site. As discussed above, the applicant has agreed to enter into a Section 106 agreement to deliver an off-site cycleway alongside the A379 either by providing a financial contribution to the full cost of the works, or providing the cycleway to the satisfaction of Devon County Council. A condition relating to the provision of cycle parking facilities is also recommended, together with the need for a travel plan to be submitted and approved.
- 3.88 In conclusion, following review of all relevant documentation and consultation replies from the relevant Officers of the Council, it is considered that the development could proceed without having a significant impact on the amenity of the nearby residents, provided the recommended conditions are incorporated into any grant of planning permission.

#### Impact of the development on biodiversity

- 3.89 The application falls within the following Council-designated areas:
- Cirl bunting winter zone;
  - Cirl bunting breeding zone;
  - HRA Dawlish Warren;
  - HRA Exe Estuary.

The application is supported by an Ecological Appraisal as prepared by Green Ecology. The appraisal included a desk study, an Extended Phase 1 Habitat Survey, bat activity survey, reptile survey and cirl bunting survey.

- 3.90 The results of the survey work suggest that the site consists of a low ecological value arable field which supports some notable arable plants. The site supports commuting and foraging bats, breeding birds and likely to support invertebrates. One tree proposed for retention was identified as having bat roost potential. Mitigation measures will be required for the development to be acceptable and form part of the recommended conditions.
- 3.91 The Council's Biodiversity Officer initially had a holding objection to the application pending receipt of cirl bunting survey information. Since the additional cirl bunting survey work has been submitted, the holding objection has been withdrawn and the Officer has confirmed that no compensation is needed for these species given that no cirl buntings were recorded on site. Conditions however are recommended and include the need for the mitigation chapter of the ecological survey to be followed in addition to a Construction Environment Management Plan, a Landscape and Ecology Management Plan, an external lighting scheme and implementation programme. There is, however, opposition to the planting of gunnera around the SuDS ponds, and the applicant is advised to revise this when it comes to submitting their LEMP as part of satisfying the associated condition.

### Flood and drainage impact of the development

- 3.92 In terms of its location, the site is not located within a flood zone or an area of flood risk. However, given that the application constitutes major development, the application is supported by a Flood Risk Assessment and Drainage Strategy.
- 3.93 In terms of surface water run-off, it is proposed that roof water from the proposed units will be collected from downpipes and gutters and transferred via private below-ground piped networks towards the proposed on-site drainage network and SuDS train. The road network is proposed to drain via trapped gullies into a separate highway drainage network, prior to discharging to the proposed drainage network. Attenuation and long-term storage will be provided within the attenuation features of the site. Once the long-term storage has been filled, a second outfall will engage.
- 3.94 In terms of foul water, it is proposed that the scheme will use a series of on-site private foul water treatment plants.
- 3.95 Devon County Council's Flood and Coastal Risk Management Team initially advised that whilst they had no in-principle objection to the proposed surface water management strategy, further information from the Applicant was required. Following the submission of this information, the concerns of the team were considered to be addressed and there are no objections to the proposal from the Lead Flood Authority.

### Highways impact of the development

- 3.96 As discussed above, the application has been amended to propose that access be achieved via the use of a three arm roundabout to the north west of the site, which was approved under the outline planning permission in 2013. When originally submitted, the application proposed that access be achieved via the provision of a five arm roundabout to the south west of the site, which has association with a proposed strategic highways scheme that Devon County Council has been developing. Such a scheme would involve the provision of north-facing slip roads at the Wobbly Wheel junction on the A38 together with the widening of the A38. However, due to concerns raised by Highways England, the application no longer proposes the five arm roundabout as an option. Therefore, assessment of the access to the application site can only consider that put before the Council, which is the provision of the three arm roundabout.
- 3.97 Devon County Highways have worked closely with the applicant in order to assess whether the proposed access will be suitable for accommodating not only that of the permitted employment development on the site to the immediate west, but that also of the proposed development.
- 3.98 The vehicle generation has been checked against TRICS (industry standard database of trip rates) as well as against another employment location in Devon with similar characteristics to the site as outlined at the front of this report. This has demonstrated that the trip rates used to support the application are within an appropriate range.

- 3.99 Assessment undertaken by the Highways Officer has estimated that the development would generate an additional 150 vehicle trips in the a.m. peak and 121 in the p.m. peak. When combining this with the permitted site, the total development would generate an additional 224 vehicle trips in the a.m. peak and 179 in the p.m. peak. The current traffic flows within the area are assessed at being approximately 2,000 vehicles an hour in the a.m. peak and 1,800 vehicles an hour in the p.m. peak. As such, the development traffic represents approximately a 10% increase in vehicles in this location, and when combined with existing traffic, is considered to be within the capacity of the network. It is expected that the development traffic will be distributed on the highway network, with approximately 60% routing to and from the north, and 40% to and from the south.
- 3.100 Following the concerns raised by the Parish Council's at the last Planning Committee over the potential of development traffic choosing to route through Kennford, the applicant has worked with Devon County Council and met with the Parish Councils, and it is now proposed to incorporate a weight limit of 7.5 tonnes for Kennford via the erection of signs alongside Exeter Road. A Traffic Regulation Order is required for this and will form part of the Section 106 as discussed above. Furthermore, the delivery of cycle infrastructure will help encourage the use of sustainable transport, thereby minimising the levels of traffic through the village, in addition to the provision of additional bus stops. Further detail has also been incorporated in respect to the Travel Plan, with measures proposed to monitor the HGV traffic that is associated with the site.
- 3.101 It should be noted that the Applicant has also agreed with Devon County Council to make land available for the delivery of a potential slip road on a plan to be agreed for a period of 10 years, should Devon County Council continue to develop their proposed strategic highways scheme. Should this be the case, then this will lead to further reductions in traffic travelling southbound.

#### Other matters

- 3.102 Following objections received on the application, it is understood that there was some concern from local residents on the advertisement of the application, with it being suggested that no site notices had been erected around the area to advise local residents of the proposed development when it was first submitted.
- 3.103 It should be noted that two site notices were erected on 13 February 2017 and an advertisement was published in the Express and Echo newspaper on 9 February 2017. However, following concerns raised by the residents, a further advertisement was published in the Express and Echo on 23 March 2017 and an additional four site notices were posted within the area.
- 3.104 Further site notices were erected around the site following the decision of the applicant to revise the proposed access of the application, together with a further advertisement published in the Express and Echo on 1 June 2017.

## Conclusion

- 3.105 The application seeks outline planning permission for the development of up to 47,112 square metres of employment development. Following careful consideration of the application against the relevant planning policy and having taken into account the concerns of the Parish Councils and local residents it is considered that the proposed development is acceptable subject to the provision of mitigation measures including the delivery of an off-site cycleway.
- 3.106 Whilst a number of matters have been raised throughout the consideration process, these are considered to be matters that can be addressed via the implementation of mitigation measures. There are a number of material planning considerations in relation to the benefits of the proposal that have been taken into consideration and following technical assessment and reviewing the advice received from internal/external consultees, it is considered that the development is acceptable and will assist in providing the much needed employment land that Teignbridge requires.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

#### **STRATEGY POLICIES**

S1A (Presumption in favour of Sustainable Development)  
S1 (Sustainable Development Criteria)  
S2 (Quality Development)  
S6 (Resilience)

#### **STRATEGY PLACES**

S3 (Land for Business, General Industry and Storage and Distribution)  
S22 (Countryside)

#### **QUALITY ENVIRONMENT**

EN2A (Landscape Protection and Enhancement)  
EN3 (Carbon Reduction Plans)  
EN7 (Contaminated Land)  
EN8 (Biodiversity Protection and Enhancement)  
EN9 (Important Habitats and Features)  
EN10 (European Wildlife Sites)  
EN11 (Legally Protected and Priority Species)

### Devon Waste Plan

### Exminster Neighbourhood Plan

### National Planning Policy Framework

## **5. CONSULTEES**

Economy and Regeneration - Support the proposal. Outlines that the proposed larger site will help with the viability of the overall scheme by offering a greater return on investment.

Following the discussion at the Planning Committee on 1 August 2017 regarding the application for 15 hectares of employment land at Peamore, this report seeks to address a number of the points raised by Members at the meeting relating to the delivery of employment land.

### Council Strategy

While the Council Strategy was not specifically referred to during the discussion, it is important to set out some of the commitments in that strategy, as these are some of the main drivers for the work of the Council's Economic Development team.

In both the 'Going to Town' and 'Investing in Prosperity' projects the Council commits to using its regulatory powers, decision making powers and targeted investment to support business growth.

### Delivery issues for the Exeter Estates employment land to date

The Economic Development team have been working with Exeter Estates for almost 2 years to help bring forward the approved 5 hectares site. The opening up costs for the site, particularly the access roundabout and electricity supply, in the region of £4 million, make the development unviable. In addition to this cost, the lead in time for the electricity supply is approximately 2 years.

We have worked closely with the Local Enterprise Partnership (LEP) to seek funding towards opening up costs, and the LEP have also taken up the case on the costs and timescales of power supply with Western Power Distribution. However, we have been unable to make progress.

The proposal before Committee offers a potential solution to this, by spreading the costs of opening up the site and potentially bringing in end-users who can contribute to those costs at an early stage.

### Local Plan allocated sites

Set out in the table below is the progress of the allocations within the Local Plan. It should be noted that allocation within the Local Plan does not automatically guarantee viability or deliverability.

Site	Employment land provision	Area/space delivered or approved to date	Progress to date
NA1 Houghton Barton	18 hectares	0 ha delivered.	<p>Outline permission granted for a site of approximately 0.72 ha with consent for B1 (a/b/c) employment use as part of Hele Park. The site is currently being marketed.</p> <p>The land at Forches Cross allocated in the Local Plan for employment uses could come forward once the improvements to the A382 have been undertaken in 2019.</p>
NA2 Whitehill	2 hectares	0 ha delivered	<p>This site will not be delivered. The approved alignment for the A382 improvements runs through the site. A financial contribution to employment will be the alternative approach.</p>
NA3 Wolborough	10 hectares	0 ha delivered	<p>A planning application is with the Council under reference 17/01542/MAJ for part of the site.</p> <p>The hybrid application proposes 3,500 square metres (B1), 5,500 square metres (C2 – care home), and 1,250 square metres (A1, A3, A4, A5) of new employment generating floorspace in outline. The full application also includes 1,158 square metres of hotel, restaurant and bar space.</p>
NA4 Milber Employment Area	8 hectares	0 ha delivered	<p>Reserved Matters application approved under reference 14/03208/MAJ in 2015.</p> <p>Issues relating to opening up costs, specifically the road access.</p>

<b>Site</b>	<b>Employment land provision</b>	<b>Area/space delivered or approved to date</b>	<b>Progress to date</b>
NA10 Bradley Lane	15,000 square metres	0 sqm delivered	This site will be part of the regeneration plans for the Bradley Lane area. Work is not anticipated to begin on this for at least 2 years.
KS1 Sands Copse	16.4 hectares	0 ha delivered	Part of the site is still an active quarry. No planning application received.
KK1 Land off Torquay Rd and Embury Close	0.5 hectares	0 ha delivered	Planning consent has been granted for the allocation under reference 17/00132/MAJ. The employment allocation is not being brought forward. A financial contribution towards delivering employment land will form part of the Section 106 agreement.
SWE2 Adjacent to Peamore	5 hectares	0 ha delivered	Reserved Matters planning permission granted under reference 16/00950/MAJ in 2016.  Issues relating to opening up costs linked to access and power preventing delivery.
DA2 North West Secmaton Lane	3 hectares	0 ha delivered	Outline permission granted in 2016 under reference 15/02700/MAJ.
BT2 Bradley Bends	915 sqm	0 sqm delivered	Outline permission granted in 2013 under reference 13/00251/MAJ.
BTC2 Old Newton Road	0.7 hectares	0ha delivered	No progress.
BT3 Challabrook	1.2 hectares	0 ha delivered	An outline planning application is before the Council under reference 17/01821/MAJ.
CH1 Rocklands	1.5 hectares	0 ha delivered	Outline planning permission granted in 2014 under

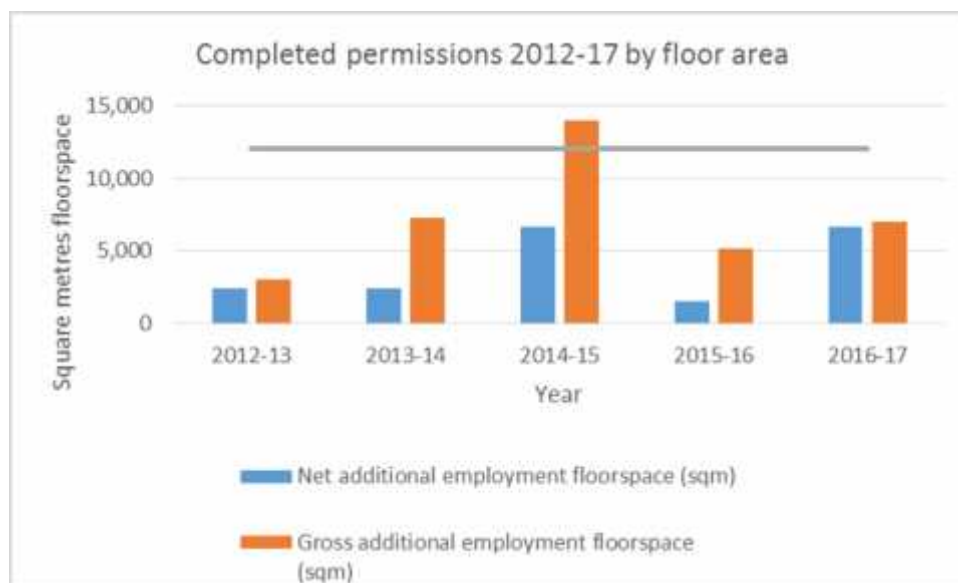
Site	Employment land provision	Area/space delivered or approved to date	Progress to date
			reference 13/01062/MAJ for 2,500 square metres of Use Class B1 (a) employment space.
CH6 North West of Town Centre (Chudleigh)	0.5 hectares	0 ha delivered	No progress.

The employment allocations are at varying stages of delivery. Some sites have had consent for a number of years without progress. The Economic Development team continue to engage with the site promoters to see what assistance is required and whether there are barriers to delivery. Opening up costs are generally cited as the main barrier and we will work with the site promoters when funding is available.

#### Employment permissions 2012-17

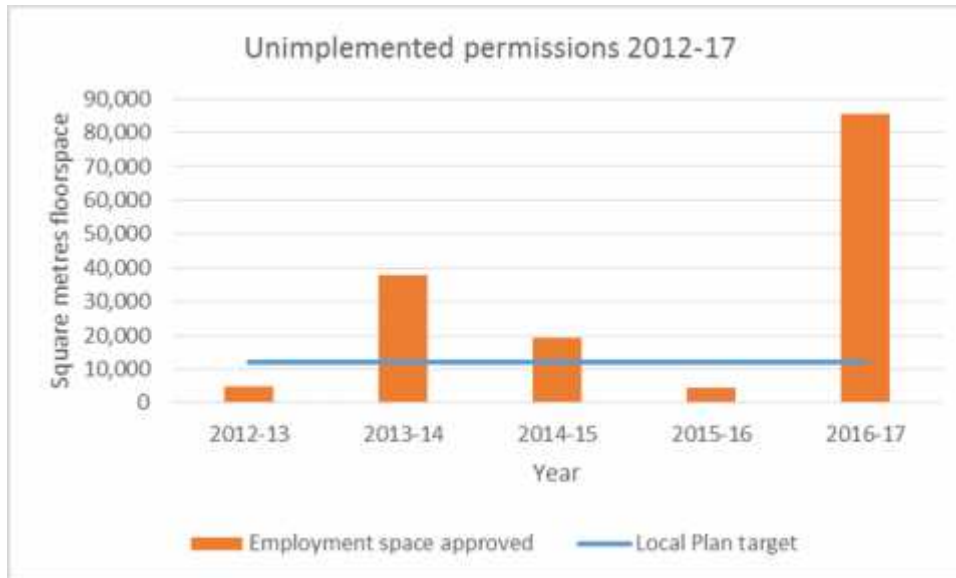
The Teignbridge Local Plan (Policy S3) refers to delivery of 3 hectares employment land per year, which could equate to 12,000 square metres. As planning permissions are recorded in square metres the following tables also use this measure.

Since 2012 the amount of delivered employment land has been significantly below the Local Plan target, particularly when considering the net gain of new floorspace.



During the same period planning permissions for a significant increase in floorspace have been granted but not implemented.





The majority of the permissions in 2016-17 relate to the indicative figures given in the outline planning permissions at Ilford Park, Stover (31,000 square metres), the land at Peamore (18,000 square metres) and land at Langdon Hospital, Dawlish (30,000 square metres).

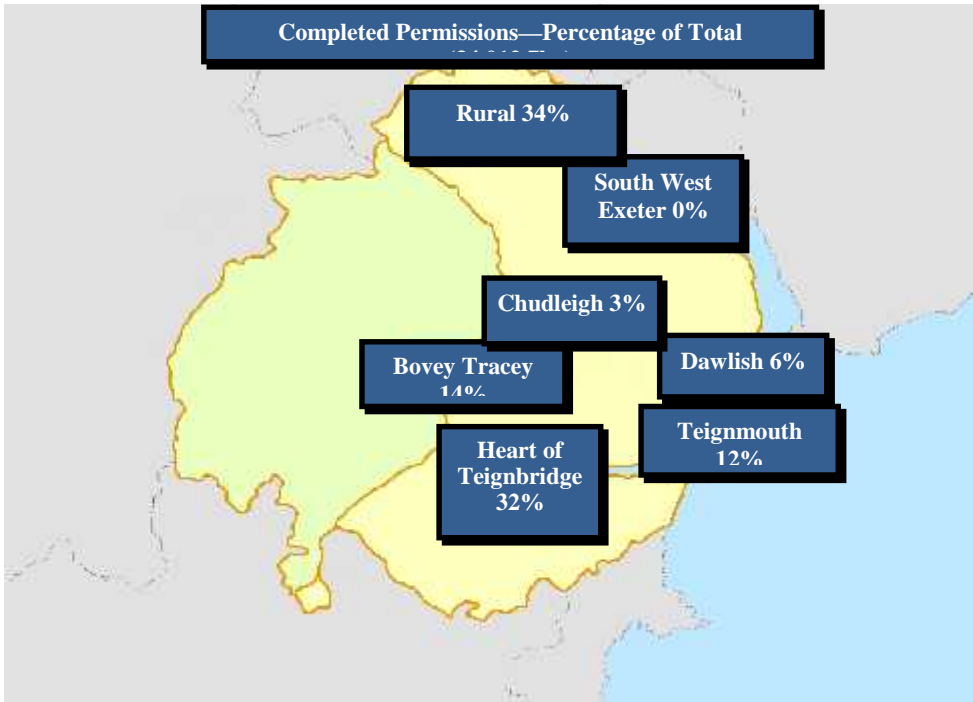
The site at Ilford Park is experiencing the same issues as Peamore, with opening up costs for highways and power supply providing a significant barrier to delivery.

#### Strategic distribution of approved sites and delivery to date

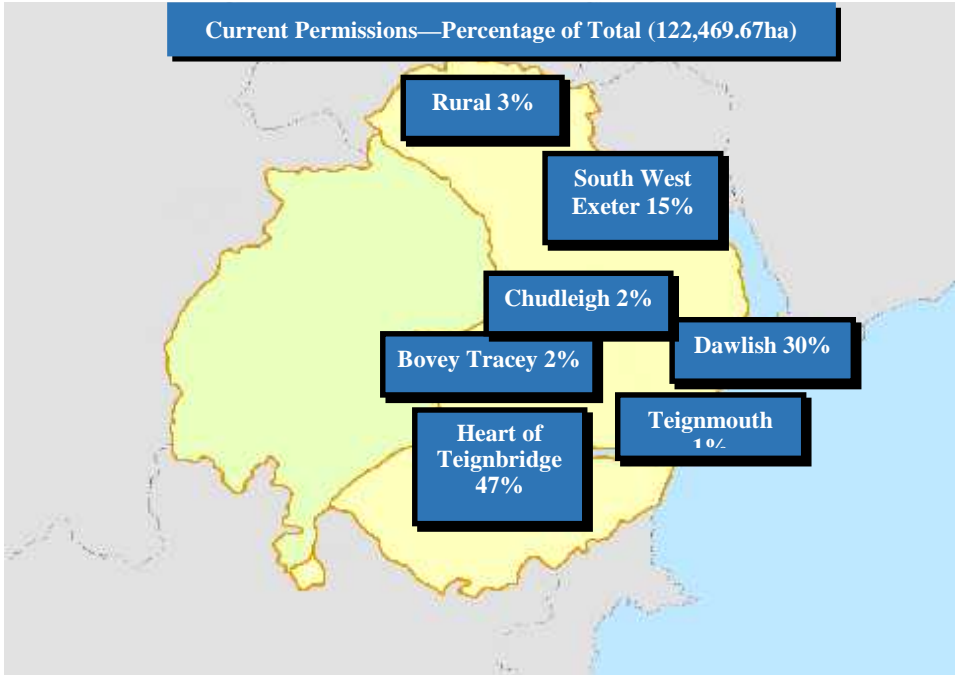
The Local Plan sets out a strategic distribution of employment sites as follows (all figures are approximate and based on an overall allocation of 75.7ha, including existing permissions):

- Heart of Teignbridge – 60%+ (45.4ha+)
- South West Exeter – 5%+ (3.8ha+)
- Dawlish – 3%+ (2.8ha+)
- Bovey Tracey – 3%+ (2.8ha+)
- Chudleigh – 3%+ (2.8ha+)

Geographically the spread of completed permissions is as follows:



Below is a similar plan showing the spatial distribution of existing permissions.



The Local Plan distributions account for 74% of the delivery of employment land, and sites were not allocated across the District. For example there is no Local Plan figure for Teignmouth or any rural locations, but 46% of delivered schemes have been in those areas, as well as a further 4% of existing permissions.

While spatial distribution is important, this is only one factor to be considered and does not mean that applications for employment sites in areas outside those listed in Policy S3 should be rejected in principle.

### Demand

Demand for employment space is always a snapshot in time. At present we are aware of a demand for floorspace for approximately 28,000 square metres. This is from indigenous businesses wishing to expand, but unable to due to the lack of available space to move into. By bringing more land forward the creation of more space allows for a churn of businesses.

We currently turn away inward investment enquiries as there is no land available to fulfil requirement.

A significant opportunity presented as part of this application is safeguarding land for a new northbound slip road on to the A38. While the slip road itself is not a formal part of this application, by safeguarding the land it creates the potential to significantly improve the accessibility of the site, making it very attractive to new businesses seeking accessibility along a strategic transport corridor and access to a large potential workforce. It would also help to address a number of traffic issues from vehicles seeking to join northbound A38/M5 that currently travel across the city or have to head south down the A38 first.

Highways England - Originally had a holding objection to the application on the basis of the five arm roundabout being proposed. This was largely because the access arrangements to the site were originally dependent on the case for a new on-slip to the A38 and Highways England wanted to consider the application in more detail.

Since this time, the applicant decided to revise the application plans, omitting the proposal for the five arm roundabout and proposing that the approved three arm roundabout be used to gain access to the site. The application was subsequently re-advertised, and consultees re-consulted, Highways England have since come back and advised that they offer no objection to the proposals.

Devon County Council (Highways) - Devon County Council's Highways Officer has worked closely with the applicant in assessing the proposals for access to the site to ensure that the location and the proposed access is suitable for the proposed development in terms of the traffic it would generate. Following a comprehensive assessment of the potential traffic implications using specialised traffic data known as TRICS, the application was referred to Devon County Council's Development Management Committee given its relationship to a future highway scheme.

Whilst Devon County Council Highways do not object to the application, there are a number of conditions and a Section 106 contribution that is recommended, which the applicant has agreed to enter into. This will provide a financial contribution to the delivery of an off-site cycle path and safeguarding land in perpetuity to facilitate future road improvements.

Further information can be found within the Devon County Council Committee report, which has been made publicly available.

Devon County Council (Archaeology) - No objection to the development. The applicant submitted a report detailing the results of the archaeological evaluation of the site, and the work demonstrated the presence of prehistoric/Roman-British activity on the site. For this reason, a condition is recommended which requires the applicant to secure the implementation of a programme of archeological work in accordance with a written scheme of investigation. The scope of such can be discussed with the Officer.

Devon County Council (Lead Local Flood Authority) - Had no in-principle objection to the scheme proposed, but required the applicant to submit additional information to demonstrate that all aspects of the proposed surface water drainage management system had been considered.

The applicant has since submitted the required details, and the Officers have now recommended that any grant of planning permission be associated with conditions relating to detailed design of proposed permanent surface water drainage management.

Health and Safety Executive - Do not advise against the development.

Natural England - No objection to the development. Encourage use of Green Infrastructure.

Devon Wildlife Trust - Disappointed that the proposal has not incorporated more biodiversity measures to increase the net gain, and concerned about the lighting of the hedgerow to the north which is understood to be used by the greater horseshoe bat. On this basis, the Trust objects to the application.

Wales and West Utilities - Provided a plan which illustrates that there is a high pressured main running along the far south eastern border of the site. Wales and West Utilities have no objection to the proposals; but outline that their apparatus may be at risk during construction works and therefore should the application be approved, the promoter of the works should contact Wales and West to discuss their requirements in detail. Should diversion works be necessary, they will be fully chargeable.

NATS Safeguarding - Proposal does not conflict with safeguarding criteria, therefore no objection to the proposal.

Environment Agency - Awaiting formal response, but telephone discussions with the Environment Agency suggest that there are no significant concerns.

Environmental Health (Air quality) - Recommends approval of the application.

Environmental Health (Noise & Light) - Outlines that previous sound monitoring in the vicinity of the application site identifies that the prevailing noise source in the immediate area originates from the nearby highway network.

Recommended that to reduce level of complaints arising from potential noise disturbance a condition could be associated with any grant of planning permission which would limit works which are likely to give rise to significant levels of noise (including vehicle movement) between the hours of 7 a.m.–7 p.m. Such a condition would be further reinforced by the Control of Pollution Act 1974 which stipulates such hours for works that are likely to give rise to noise.

It is suggested that in the design of the application, advantage should be taken of the acoustic shrouding offered by the proposed buildings, with sound sources such as air handling units and compressors placed inside the internal perimeter of the site facing into the complex in order to limit fugitive sound emissions being experienced by nearby residents.

All window apertures should also face into the site to limit the possibility of nuisance being caused and to limit light pollution from the development. Low level illumination should be fitted below eaves level of buildings again facing into the site and be located in such a way and be of such intensity so as to avoid causing a nuisance to the occupiers of nearby residential dwellings.

Environmental Health (Contaminated Land) - Recommends that a condition be associated with any grant of planning permission which requires no further development to be undertaken (unless otherwise agreed in writing with the Local Planning Authority) until the developer has submitted to and obtained written approval from the Local Planning Authority for an investigation and risk assessment, and, where necessary, a remediation strategy and verification plan detailing how the unsuspected contamination will be dealt with.

Biodiversity Officer - Originally had a holding objection to the application on the basis that it was considered that insufficient bird bunting survey information had been submitted. Following the submission of this survey information, the Biodiversity Officer has withdrawn their holding objection and has no further concerns subject to any grant of planning permission being associated with conditions including provision of a CEMP, LEMP and external lighting scheme.

Landscape Officer - Satisfied with the way the scheme has been developed. Some concern was raised about some of the views off the A38; however, it is considered that these concerns can be addressed at reserved matters stage as the detail is not required at outline.

Tree Officer - No objections to the proposal as no trees within or adjacent to the site that contribute significantly to the visual amenity of the area are affected by the proposal.

Any reserved matters application should be accompanied by a landscaping plan showing the following:

- Trees planted within and/or adjacent to hard surfaces
- All trees to be container grown and will not be planted until written approval has been provided by the Council's Arboricultural Officer

## **6. REPRESENTATIONS**

A total of 62 objections and 4 comments have been received on the application at the time of writing. Such concerns have been addressed in the body of the report where appropriate.

In summary, the objections raise the following issues:

1. Request that the application be resisted until existing areas of approved development within the Local Plan have been completed;
2. Concern that the application is not in accordance with the policies and provisions of the Local Plan;
3. Overdevelopment of the site;
4. Concern over the highway safety of Days Pottles Lane;
5. The loss of agricultural land;
6. Increase of traffic within the local area;
7. Pollution caused through the development;
8. Protection of biodiversity and flora and fauna;
9. Highways concerns;
10. Questions as to why the proposal is being considered if the site is not allocated for employment land;
11. Visual impact of the development;
12. Concern over further development of the area around the site;
13. Impact on the amenity of local residents;
14. Noise and light pollution;
15. Water contamination;
16. Concern that the application was not advertised correctly;
17. Encroachment upon the green space between Exminster and Kennford;
18. Concerns over the flood risk assessment;
19. De-valuation of property (not a planning matter);
20. Pre-empting of the Greater Exeter Strategic Plan;
21. Impact of the development alongside the residential allocation of SW Exeter;
22. Concerned that insufficient impact assessments of the development have been undertaken;
23. Concern over why a residential dwelling cannot be built within the location but employment can be;
24. Lack of services;
25. Impact on heritage;

Four comments have been received and whilst there is no objection to the principle of the site being developed, they raise concern about the traffic generation and questions over whether the decision was to be delegated or Planning Committee decision and whether comments made prior to the changes of the application would be taken on board for the revised submission.

## **7. PARISH COUNCILS' COMMENTS**

Exminster Parish Council and Kenn Parish Council have submitted a joint response in addition to an individual response. The joint response raises concern about the compliance of the development with Local Plan policy.

Exminster Parish Council - The Council object to the application and have provided a joint submission of objection with Kenn Parish Council. Whilst comments were submitted prior to the revised proposal of the 3 arm roundabout, the Council consider that the revisions have no material effect upon the decision to object to the application. The grounds on which the Parish Council object are:

- Traffic – the Council believes that the proposed development would generate a significant increase in traffic through the village and along Days Pottles Lane. If approved, requests that consideration be given to suitable traffic calming measures such as speed restrictions, access restrictions and appropriate signing. The Council have commissioned a Traffic Assessment report from Jon Pearson. The report concludes that it is considered the TA submitted with the application only considers the likely impact on the A38 and A379 rather than the impact on the area.
- Environment and sustainability - considers development to be detrimental to the environment given increase in noise, artificial light levels and general disturbance and decrease in air quality.
- Agricultural land – Concerned about the development being constructed on Grade 2 agricultural land;
- Drainage – Concerned over the FRA;
- Landscape value – Considered over the visual impact of the development;
- Availability of employment land and business premises – considers there to be sufficient provision of suitable employment land and vacant business premises. Concerned that approval will set a precedent for further development.

The Parish Council have also commissioned a Transportation Advisory Note jointly with Kenn Parish Council and a submission has been made by Jon Pearson FIHE. The submission suggests that the application would have an impact on congestion, air quality and highway safety and that the location of development is not sustainable. The applicant has submitted a technical note to address the points raised within the submission, and this has also been reviewed by Devon County Council Highways, who offer no objection to the application.

Kenn Parish Council - Provided a joint submission of objection with Exminster Parish Council as outlined above.

Shillingford Parish Council - Agree with the concerns raised by the other Parish Councils, concerned about the levels of traffic the development would create and the impact this would have. Object to the application.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

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

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter and proforma Ref: 16/02527/SO dated 12 December 2016.



