

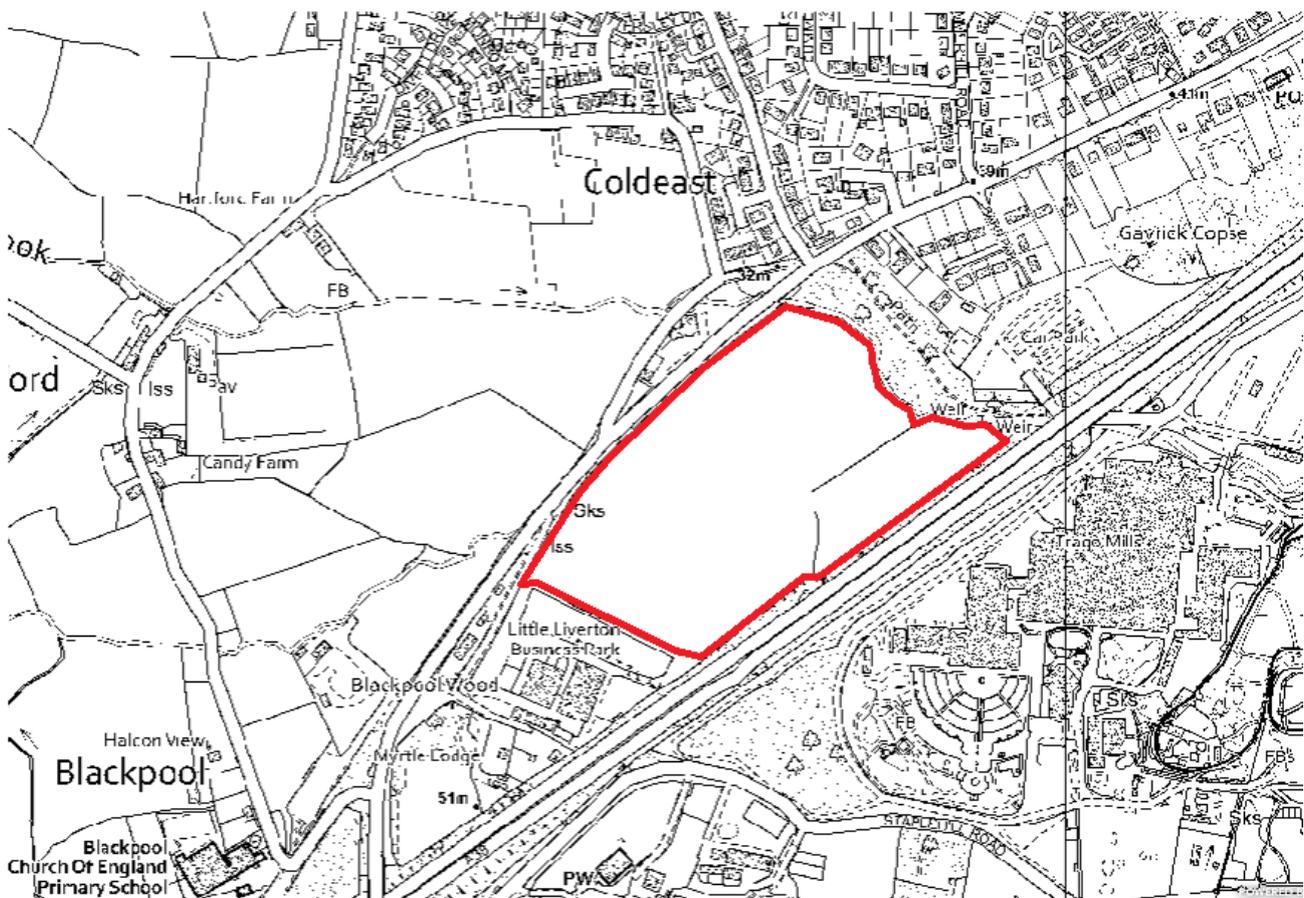
# PLANNING COMMITTEE REPORT

## 23 June 2020

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>ILSINGTON - 19/00122/MAJ - Land Adjacent To Little Liverton Business Park, Liverton - Outline - Business units (Use Classes B1, B2 and B8) (approval sought for access and landscaping)</b>	
<b>APPLICANT:</b>	<b>Mr B Nock</b>	
<b>CASE OFFICER</b>	<b>Anna Holloway</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Patch</b>	<b>Haytor (02/05/2019)</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00122/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00122/MAJ&amp;MN</a>	





**19/00122/MAJ - Land Adjacent to Little Liverton Business Park,  
Liverton, TQ12 6AB**



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## **1. REASON FOR REPORT**

Former Ward Member Cllr Christophers requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reason given for this request is that the site is outside the land allocated in the Local Plan.

## **2. RECOMMENDATION**

PERMISSION BE GRANTED subject to the following conditions:

1. Submission of reserved matters (layout, scale and appearance);
2. Submission of reserved matters within 3 years;
3. Development to commence within 2 years of final approval of the reserved matters;
4. Development to accord with approved plans/documents including Developable Areas Plan, Landscape Strategy and Access plan;
5. Development to not exceed a maximum of 14,000sqm of floorspace;
6. Programme of archaeological work;
7. Development to accord with measures identified within Appropriate Assessment;
8. Landscape and Ecological Management Plan (LEMP) to be approved prior to commencement;
9. Biodiversity Management Plan to be approved prior to commencement, to include safeguarding measures and details of mitigation and enhancement measures;
10. Construction Environmental Management Plan (CEMP) to be approved prior to commencement;
11. Construction Management Plan (CMP) to be approved prior to commencement;
12. Construction compound plan to be approved prior to commencement;
13. Permanent surface water drainage management system to be approved prior to commencement;
14. Temporary surface water drainage management system for the construction phase to be approved prior to commencement;
15. Adoption and maintenance details for permanent surface water drainage management system to be approved prior to commencement;
16. External lighting strategy to be submitted demonstrating compliance with dark buffer zones and only approved external light to be installed;
17. External materials details;
18. Detailed hard and soft landscaping plans including planting plan and implementation and management; planting schedule to accord with Highways England requirements;
19. Levels plans including all proposed earthworks;
20. Treatment boundary plan;
21. Carbon Reduction Statement;
22. Details of hours of operation and deliveries to be submitted with reserved matters application(s);
23. Noise emitted from each of the units proposed shall not exceed the existing background noise level prevailing at the time by more than a LAeq 5 dB (5 min) at the nearest sensitive receptor;
24. Details of any noise mitigation measures required;

25. Details of any mechanical power generation to be used on site or proposed air conditioning units/air extraction or plant to be approved prior to installation;
26. No overnight lorry parking unless approved;
27. Access and crossing point to be provided prior to initial occupation;
28. Travel Plan(s);
29. Parking Strategy to be submitted and informative for the scheme to make provision for parking at a ratio of floorspace to parking spaces similar to that shown on illustrative layout plan;
30. Full cycle parking details including provision for secure and covered cycle storage;
31. Full waste storage details;
32. No external storage;
33. Removal of Permitted Development Rights for changes of use, alterations to the buildings and hardstanding; and
34. No wind turbines.

### **3. DESCRIPTION**

#### The Site and Proposal

- 3.1 The application site is located adjacent to the existing Little Liverton Business Park within the open countryside just beyond the settlement limit of Liverton (Coldeast). The Devon Expressway (A38) runs along the southeast boundary, whilst Liverton Brook separates the site from the residential area to the north. To the southwest is Blackpool School. The site is accessed from the C-class road (C454, Road from Blackpool Cross to Summerhill Road) from the northwest. The site covers an area of 6.68 hectares and is currently arable farmland.
- 3.2 The site is located within a mineral consultation zone for ball clay. It is within the South Hams Special Area of Conservation (SAC) Landscape Connectivity Zone for Greater Horseshoe Bats and a wintering zone for ciril buntings. Also, flood risk zones 2 and 3 run along Liverton Brook extending into the northern part of the application site, the remainder of the site is within flood risk zone 1
- 3.3 The application seeks outline planning permission for a mix of B1(a) and (c) (office and light industrial), B2 (general industrial) and B8 (storage or distribution) business units. Approval is sought for access and landscaping details with appearance, layout and scale being reserved matters. The application form states a total of 14,000sqm of floorspace including 3500sqm each for B1(a), B1(c), B2 and B8 uses. This will be controlled by conditions.
- 3.4 A Developable Areas Plan has been submitted showing a developable area of 4.1 hectares; a revised plan, dwg no. 054 Rev B, was received on 2 June 2020 to address matters raised during the Habitats Regulations Assessment. A revised Landscape Strategy Plan (dwg no. 504/01 Rev F) was also received on 2 June 2020 and includes a wetlands/flood area and a dark bat flight corridor adjacent to Liverton Brook. The flood area would consist of a wetland meadow area as an extension of the north-eastern woodland whereby wetland meadow grass and patches of native scrub with occasional specimen trees would create a naturalised flood area buffer. The dark bat flight corridor would be a 10m wide low herb layer, with 2.0m high hedgebank to edge and a 3.0m wide maintenance strip to western

side of hedge. The existing hedgerow along the C454 road would be retained and enhanced and a native tree and shrub belt is proposed to be planted approx. 3m behind the existing hedge. Along the A38 would be an approx. 13m wide planting belt formed for the existing hedgerow / tree boundary vegetation and proposed native species planting. A 3.0m wide buffer of species rich grass would be provided around all existing and proposed woody vegetation and would provide a maintenance strip.

### Principle of Development

- 3.5 Strategic policy S3 (Land for Business, General Industry and Storage and Distribution) of the Local Plan sets out that the Council will promote an improved balance of jobs to working population by positively supporting business, general industrial and storage and distribution development in sustainable locations to create about 300 jobs per year in these sectors. In addition, the policy states that the Local Plan will ensure a deliverable supply of 15 hectares of land for business, industrial and warehouse uses at any one time. Also, that the Council will monitor and seek to proactively bring forward employment land and buildings to achieve the strategic objectives of the Local Plan.
- 3.6 The Planning and Delivery Authority Monitoring Report 2018-2019 is the most recently published Monitoring Report and sets out that between 1 April 2018 and 31 March 2019 7,993sqm of land for business, general industry and storage and distribution was completed and 9,087sqm was approved. This is set against a target in policy S3 of 3 hectares of land / 12,000sqm per year. Therefore it is becoming necessary to look beyond the Local Plan allocations to ensure that the balance of jobs, as set out in Policy S3, is achieved. The NPPF is clear at paragraph 81 in its expression that the planning system needs to support economic growth and productivity, to be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances. With regards to more recent changes to the economy, the proposed development would likely be an economic boon, particularly in relation to the economic benefits attached to the construction phase and also more long term with regards to the provision of modern floorspace close to the strategic road network whilst accessible to local areas of population by means of travel other than the private car.
- 3.7 As the site is outside the settlement limits it is classified as open countryside and therefore Policy S22 (Countryside) is relevant. Policy S22 sets out that development will be strictly managed; however, the list of acceptable uses includes industry, business and warehousing. This should be read alongside Policy EC3 (Rural Employment) that sets out criteria against which economic development within the open countryside will be assessed.
- 3.8 It is clear from the consultation responses from Spatial Planning and Economic Development that there have been very low rates of employment development delivered and that, despite very significant work and promotional activities, the level of development set out in the Local Plan has not been approached since the Plan was adopted. Spatial Planning and Economic Development are both supportive of this proposal, as it appears to be deliverable in a reasonably short timescale. This view takes account of recent very low rates of employment development, the overall targets contained within the Teignbridge Local Plan and the accessible location of the proposal.

- 3.9 The site is in a good location, adjacent to the trunk road network within easy reach of Exeter and with good links to Newton Abbot, Bovey Tracey, Heathfield, Exeter and beyond. The business units would help to deliver much needed employment land and to create jobs, and would contribute to the 15 hectares of employment land that S3 aims for.
- 3.10 The site lies within easy walking distance of the settlement of Liverton, within easy reach of Newton Abbot and Bovey Tracey via bus or bicycle and would improve the balance of jobs to working age population in the immediate vicinity. The site is outside but within about 100 metres of the settlement limits of Liverton and therefore in this instance can be considered sufficiently close to meet the definition of adjacent set out in Policy EC3. In more specific policy terms, the proposal is for an expansion of an existing business/employment site, which Policy EC3 permits, subject to the level of accessibility of the site in relation to its scale, impacts on the South Hams SAC and subject to compliance with policies relevant to landscape, ecology, heritage and flooding.
- 3.11 In terms of the planning balance, whilst the site is not designated as employment land in the Local Plan, significant weight should be given to the delivery of employment units in the face of significant under-delivery, in the interests of strategic Policy S3. In addition, Policies S22 and EC3 allow for the delivery of employment uses outside of settlement boundaries. The delivery of a balance between jobs to working population is a key element of sustainable development. Therefore, the proposed development complies with Local Plan policies S3, S22 and EC3 and is acceptable in principle.

#### Sustainable Development/Carbon Reduction

- 3.12 Although located outside of the settlement boundary the site is located adjacent to an existing employment site and is close to access onto the A38. Whilst other sites may have better public transport links, the site offers an opportunity to deliver much-needed employment land within Teignbridge. The balance of jobs and homes is a key part of ensuring the delivery of sustainable development across the District and therefore the under-delivery of employment land is a significant material consideration. The benefits of the proposed development in terms of the delivery of employment land and the potential for job creation, should therefore be given significant weight in the planning balance and the principle of the development is acceptable from a sustainable development perspective.
- 3.13 The scheme however should also take the opportunity to incorporate measures to reduce carbon emissions and improve the overall efficiency and sustainability of the buildings and it will be expected that any scheme coming forward at reserved matters stage will clearly detail this. Therefore, a condition requiring the submission of a Carbon Reduction Plan would be appropriate, to demonstrate how the proposed built development will contribute to achieving the carbon emissions target in Policy S7 (Carbon Emissions Target) and to accord with Policy EN3 (Carbon Reduction Plans).

#### Impact on the Character and Appearance of the Area

- 3.14 The site is a relatively flat 6.68ha field located between the road from Blackpool Cross to Summerhill Road (C454) and the Devon Expressway (A38) and is approx.

300m from the boundary of Dartmoor National Park. As well as the residential area of Liverton (Coldeast) to the north, the existing Little Liverton Business Park is located to the southwest of the application site and the Trago Mills complex is located on the opposite side of the Devon Expressway. To the northeast is Liverton Brook and an associated woodland area which separates the application site from the residential properties to the north; running roughly parallel with Liverton Brook is a public footpath. Overall the character of the area could be classed as semi-rural.

- 3.15 The application seeks outline planning permission for a developable area of 4.1ha within the 6.68ha site and therefore a large part of the site would remain undeveloped. The site would be more closely associated with the existing employment area of Little Liverton Business Park to the southwest. The combination of the proposed flood area to the north of the site with the existing woodland area along Liverton Brook would provide a green buffer between the development and the residential area to the north. The proposed landscaping strategy would also strengthen the existing perimeter planting.
- 3.16 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which includes an assessment of the impact on Dartmoor National Park. The LVIA indicates that the site lies in an area that is of low sensitivity to large scale development. The proposed development has embraced a strategic landscape approach, making use of plantation style boundary planting, reflecting the character of the forestry plantations found in the close vicinity of the site. This will help ensure that the visual impact of the use of the site for employment purposes, is minimised and not easily perceived by the users of the neighbouring highways and wider landscape; in particular, the setting of Dartmoor National Park.
- 3.17 Highways England has requested a restriction on certain species within 15m of the highway boundary with the A38 and asked to be consulted on the planting mix. It is considered that this can be accommodated within the proposed scheme and mix of species and therefore a suitable condition could be imposed.
- 3.18 When considered in terms of both a local and wider landscape setting the proposal, subject to the implementation of the proposed landscaping strategy, is considered acceptable with regards to Local Plan policies S1, S2 and EN2A.

#### Residential Amenity Considerations and Air Quality

- 3.19 The proposed scheme is submitted for outline permission and the reserved matters include appearance, layout and scale. However, the scheme is accompanied by a plan setting out the developable area and does include landscape details at this outline stage. The application form sets out a total proposed floor space of 14,000sqm. As the supporting documentation, such as the Transport Assessment and Flood Risk Assessment, is clearly based on a development of approx. 14,000sqm it would be appropriate to clearly restrict the development, by condition, to this as a maximum. Therefore, whilst details of appearance, layout and scale are still required to be submitted, the scale of the development would be limited by the proposed conditions regarding the developable area and the maximum floorspace.
- 3.20 There is sufficient separation between the proposed developable area and residential properties to prevent an impact from loss of outlook or privacy. Therefore, the proposed development is considered to accord with Policy S1

(Sustainable Development Criteria) in terms of the impact on privacy, outlook and natural light.

- 3.21 The proposal has also been considered in terms of noise and air quality. The site is not located within an Air Quality Management Area and the Council's Principal Environmental Health Officer has reviewed the application with regards to air quality, in particular the transport assessment, and has concluded that the impact on local air quality is not going to be significant. In terms of noise, due to the close proximity of residential dwellings, details specifying the provisions to be made to control noise emanating from the site should be a condition of any consent together with a requirement that the rating level of noise emitted from each of the units proposed shall not exceed the existing background noise level prevailing at the time by more than a LAeq 5 dB (5 min) at the nearest sensitive receptor.
- 3.22 A condition for a Construction Environmental Management Plan (CEMP) to be submitted and approved prior to the commencement of development would enable controls and mitigation of temporary impacts during construction.
- 3.23 Therefore, subject to the imposition of appropriate conditions relating to the scale of the development and developable area to accord with the details submitted, noise levels as well as a CEMP, the proposed development is considered acceptable with regards to residential amenity and air quality and local plan policies S1 and EN6.

#### Highway Safety Considerations and Traffic Generation

- 3.24 Details of access to the site have been included with this application for outline planning permission. The access would be off the C454, which in this area is restricted to 30mph although the observed speeds were higher. The submitted Transport Assessment (TA) took into account 12 units of B1, B2 and B8 use up to 14,121sqm.
- 3.25 The trip rates have been taken from TRICS, which is a nationally accepted database. The peak rates and distributions routes are considered acceptable by the Local Highways Authority and show that the level of impact that this development will have on the local network will not be severe. Highways England has also not raised an objection on this point.
- 3.26 The details of the proposed access, including the proposed visibility splays, is acceptable in terms of highway safety.
- 3.27 There is a bus stop 400m from the site access (which is within the acceptable distance of 800m); however, there is no formal crossing point at these bus stops. The Local Highways Authority requested that a safe suitable crossing point be provided. They note that the current bus service is not ideal for normal working hours but have no objection subject to a full travel plan and promotional travel vouchers to encourage sustainable forms of transport; it is considered that the requirement for the Travel Plan(s) can be appropriately secured by condition.
- 3.28 An amended access plan has been provided (dwg no. PHL-101 Rev B) showing no obstruction over 600mm in the visibility splays and the provision of an uncontrolled crossing to provide access to the existing footway to the north of the street. Subject to appropriate conditions to require the access and crossing to be provided prior to

initial use of the site this detail is considered acceptable (the applicant would need to get the relevant permissions to carry out works in the highway).

- 3.29 Parking details would be agreed at reserved matters stage; however, it will be important to ensure that adequate parking is provided and that provision is made to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The revised illustrative site plan provides details of parking numbers which are acceptable to the Local Highways Authority; whilst the Local Highways Authority has requested that this plan is included as part of the permission to ensure adequate parking numbers, as this is an illustrative plan at this stage it is not considered appropriate. However, a parking condition could carry an informative to make it clear that the reserved matters application(s) should make provision for a ratio of parking to floorspace similar to that shown on the illustrative layout plan.
- 3.30 No objections to the proposed scheme have been raised by either Devon County Council (as the Local Highways Authority) or Highways England subject to the imposition of appropriate conditions. It is considered that the proposed development would not result in a severe impact on the highway and therefore a refusal on the grounds of highway impact and traffic generation is unlikely to be able to be substantiated.

#### Impact on Biodiversity

- 3.31 The application site is located within the Landscape Connectivity Zone associated with the South Hams Special Area of Conservation (SAC) for Greater Horseshoe Bats (GHB). It is located approx. 6km to the Chudleigh Roost, and within 4.5km of the Haytor & Smallacombe Roost. It is 400m from Haytor Sustenance Zone and at the crossing point of two Strategic Flyways (one along the A38, the other along the Liverton Brook). Therefore the Council's Biodiversity Officer has undertaken a Habitats Regulations Appropriate Assessment in consultation with Natural England. The Appropriate Assessment has concluded that there would not be an adverse effect on the Integrity of the South Hams SAC either alone or in-combination, provided mitigation is secured as set out within the Appropriate Assessment. The Local Planning Authority, as Competent Authority, is therefore able to conclude that there will not be an adverse effect on the integrity of the European site, such that this does not constitute a reason for refusal of the development.
- 3.32 The proposed development would retain and enhance the boundary hedges with adjacent strips of woodland/scrub planting, which totals at least an extra 0.355ha of potential enhanced foraging habitat. In addition, a 1.194ha (as set out in the applicant's Ecological Report) area of wet, rough grassland is proposed to be created in the undevelopable floodplain area, adjacent to Liverton Brook and the existing woodland, where most greater horseshoe bat activity was recorded. This area will be substantially enhanced as prey generating habitat, over the current value of arable/ley. Planting of scattered shrub and boundary trees is proposed within/around this area. It should be noted that these measures are not solely for SAC bats but also to maintain a 'naturalised buffer' between the existing settlement and the proposed industrial estate. A flood attenuation pond will be created in this area; it may also act as a wildlife habitat and could potentially generate GHB prey insects.

- 3.33 The applicant has submitted a revised illustrative layout to demonstrate that the layout of the site can address the need to minimise light spill onto bat features and buffer zones; including buildings backing onto boundaries with no fenestration facing boundaries. Whilst this layout is illustrative at this time it is considered that a suitable scheme can be achieved and the Biodiversity Officer would be consulted on any subsequent reserved matters application to ensure that the layout is appropriate and accords with the measures set out in the Appropriate Assessment. A condition requiring the reserved matters to accord with the Appropriate Assessment should be imposed. This will be in addition to the imposition of conditions requiring the layout to accord with the revised Developable Area Plan and to demonstrate appropriate dark buffer zones will be secured. In addition, conditions are proposed to control external lighting, for a Landscape and Ecological Management Plan (LEMP) and for a Biodiversity Management Plan. The Biodiversity Management Plan will be required to cover measures for the protection of species including hazel dormouse, nesting birds, reptiles, and badgers as well as providing bat and bird boxes to be installed at a minimum rate of one per each unit and hedgehog holes to be incorporated into all fences.
- 3.34 The Biodiversity Officer has also requested that no lighting be installed on the road and the 30mph zone be extended. Whilst the applicant can control the provision of lighting within the application site, they could not control the installation of lighting within the public highway, although it is noted that none is currently proposed in association with the development.
- 3.35 Several other bat species were recorded using the site and otter are known to use Liverton Brook. Dormice and breeding birds may be present in the hedges and reptiles may use hedge bases. Potential impacts on these species are habitat loss, severance of habitats/flyways, pollution of the Liverton Brook and disturbance from noise, activity and, especially, light. The measures required for greater horseshoe bats will also mitigate most impacts on these other species, others can be addressed by a Biodiversity Management Plan and water pollution issues will be addressed by the CEMP. The date of the submitted surveys has been questioned in relation to the presence of otters within the area; however, it is already known that otters are using Liverton Brook, from Devon Biodiversity Record Centre records. Given that the brook itself is off-site and a wide, dark buffer zone alongside the brook is required in terms of the GHB mitigation, the proposal is also considered acceptable with regards to the otters and a further survey is not considered necessary in this instance.
- 3.36 Subject to the imposition of the conditions set out above, it is considered that the proposed development would accord with the biodiversity and protected species policies of the Local Plan (including EN8, EN9, EN10, EN11 and EN12).

#### Heritage Assets

- 3.37 Having considered the potential for the proposed development to have an impact on the setting of heritage assets, including the grade II listed Old Benedicts Bridge and milestone, located to the northwest of the application site, it is considered that the proposal would not result in an unacceptable impact on the setting of these heritage assets.
- 3.38 Of greater consideration for the proposed development is the potential for archaeology within the application site itself. The Historic Environment Team at

Devon County Council has reviewed the submitted archaeological field evaluation. This work has demonstrated the presence of Bronze Age activity on the site, in the form of a ditched enclosure as well as possible structures within the enclosure. In addition, an area of medieval, or later, tin streaming has been identified. These heritage assets are not of such significance that preservation in situ is required. Subject to a pre-commencement condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation, the proposed development is considered acceptable with regards to archaeology.

- 3.39 Subject to the imposition of a condition for an appropriate programme of archaeological work to investigate, record and analyse any deposits in advance of any development of the site, the proposed development is considered acceptable with regards to local plan policy EN5.

#### Land Drainage/Flood Risk

- 3.40 Liverton Brook flows along the northeast boundary of the application site. Flood zones 2 (medium probability) and 3 (high probability), including zone 3b (functional floodplain), follow the line of the brook and extend into the northern corner of the application site for a sizable area. This area is also susceptible to surface water flooding. The remainder of the site falls within flood zone 1 (low probability).
- 3.41 Local Plan policy EN4 sets out that there will be a sequential approach to new development which guides development to areas at lower risk of river and coastal flooding and that where possible developments should be sited in flood zone 1. Also, that development should use sustainable drainage systems (SuDS) and make adequate provision for surface water drainage and disposal.
- 3.42 The application is accompanied by a revised Flood Risk Assessment (FRA) dated October 2019 and a Developable Areas Plan. The developable area is shown to be located within flood zone 1. The part of the site within flood zones 2 and 3 is excluded from the developable area and is identified as land for flood zone and soft landscaping.
- 3.43 As the developable area is located within flood zone 1 and provision of safe access and egress to the site is also shown located within flood zone 1, the proposed development passes the Sequential Test. Excluding appropriate works to the flood plain (such as any appropriate and approved landscaping works), the developable area should be clearly limited to that shown in the submitted plan only and not the entire site within the red line.
- 3.44 In addition to the above, it is also important that the scheme incorporates a surface water drainage management plan which ensures that the development will be safe throughout its lifetime and that it does not increase flood risk elsewhere. The surface water drainage will need to include appropriate mitigation measures so that existing greenfield runoff rates are either replicated or reduced.
- 3.45 The submitted FRA sets out that the surface water drainage strategy has been developed to account for runoff in up to the 100 year critical storm event, with 40% allowance for climate change. Given site conditions the use of soakaways would not be suitable and therefore the proposal is for on-site attenuation, combined with off-site discharge. Runoff would be managed through a series of sub-catchments

which would utilise a private drainage network to route runoff to a geo-cellular storage attenuation tank with hydraulic control to restrict the peak rate of discharge. This will merge towards a series of new detention basins and conveyance swales to provide attenuation storage whilst also offering water quality enhancement. The peak rates of discharge from the basins will be managed by a series of hydraulic controls with the restricted outflow being discharged through a new conveyance swale, towards the Liverton Brook. All sub-catchment discharges to pass through a bypass/oil separator prior to being discharged to the detention basin or conveyance swale. Within the appendices to the FRA (at Appendix F) there is a preliminary drainage layout showing the provision of storage tanks within areas of hardstanding within the developable area and the provision of two detention basins located within flood zone 2.

- 3.46 The proposed surface water drainage strategy has been assessed by Devon County Council as Lead Local Flood Authority (LLFA) and is considered compliant with Devon County Council's SuDS Guidance (2017). The strategy will attenuate water in a combination of underground storage tanks and detention basins discharging at 10.3l/s into Liverton Brook. Storage tanks are considered accepted in this instance due to the site constraints caused by flood zone 3. As the detention basins are in flood zone 2 SuDS features will need to be inspected following a flood event and maintenance carried out as required. The scheme meets the SuDS pollution hazard index as water that is stored in the tanks will pass through bypass/oil interceptors and both the detention basin and swale before it is discharged to the watercourse.
- 3.47 Therefore, subject to the imposition of the pre-commencement conditions requested by the LLFA, the proposed development complies with Local Plan policy EN4.

#### Minerals

- 3.48 The application site lies wholly within the Mineral Safeguarding Area for the ball clay resource, which is noted within the Devon Minerals Plan (DMP) as being of national importance. Policy M2 (Mineral Safeguarding Areas) of the Minerals Plan seeks to protect mineral resources from sterilisation or constraint by other development, but it does allow for such development to be permitted in specific circumstances. This policy reflects paragraph 206 of the NPPF. The Bovey Basin Strategy, published by Devon County Council in 2000 to provide a long-term strategy for development of the ball clay resource, includes the application site as part of a 'candidate clay working area' for the 2042 to 2100 time horizon. While the DMP looks to 2033, it is critical to take a longer-term perspective in the case of a nationally-important resource such as ball clay in order to avoid the permanent sterilisation of clays that may be required in the future when new sources of specific grades of clay are required. Given the national importance of the ball clay resource, criterion (d) (that there is an overriding strategic need for the non-mineral development) sets a high bar for non-mineral development to be capable of overriding that importance.
- 3.49 Devon County Council, as the relevant Minerals Planning Authority (MPA), originally objected to the application as contrary to DMP Policy M2. Following this objection the applicant submitted a Ground Investigation Report dated October 2019, which concluded that the Bovey Formation ball clay deposits appears to be of significant thickness beneath the site. DMP policy M2 criterion (a) sets out that non-mineral development can be permitted if it can be demonstrated through a Mineral Resource Assessment and in consultation with the relevant mineral operators that

the mineral resource or infrastructure concerned is not of current or potential economic or heritage value. Devon County Council has had further discussions with Sibelco on the timescale for future mineral extraction in the area south of Liverton. Sibelco referred to potential extraction at the application site being at a 100 years' time horizon in response to the Ground Investigation Report; however, they have subsequently re-evaluated the ball clay resources in the Bovey Basin as a whole and now place a 250 years' time horizon on the resource south of Liverton. In these circumstances the MPA has withdrawn its objection as it does not consider that an objection under criterion (a) of DMP policy M2 can be substantiated as the likelihood of the resource being of economic value is too far in the future to be material to the current planning application.

- 3.50 Given the 250 years' time horizon now placed on the ball clay resource south of Liverton it is considered that the current application would not be contrary to Devon Minerals Plan policy M2 and that a refusal on the grounds of sterilisation of the minerals resource could be not substantiated.

#### Summary and Conclusion

- 3.51 In terms of the planning balance, whilst the site is not designated as employment land in the Local Plan, significant weight should be given to the delivery of employment units in the face of significant under-delivery, in the interests of strategic Policy S3. In addition, Policies S22 and EC3 allow for the delivery of employment uses outside of settlement boundaries. The delivery of a balance between jobs to working population is a key element of sustainable development. Whilst undoubtedly the proposed development would result in a change to the character and appearance of the site, the proposed landscaping scheme and wet / floodplain area will appropriately mitigate the impact.
- 3.52 Subject to the imposition of the conditions set out above, the benefits of the proposed development are considered to outweigh the impacts. Therefore, the Officer recommendation is for conditional approval of outline planning permission.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A: Presumption in favour of Sustainable Development

S1: Sustainable Development Criteria

S2: Quality Development

S3: Land for Business, General Industry and Storage and Distribution

S5: Infrastructure

S7: Carbon Emission Targets

S9: Sustainable Transport

S22: Countryside

EC3: Rural Employment

EN2A: Landscape Protection and Enhancement

EN3: Carbon Reduction Plans

EN4: Flood Risk

EN5: Heritage Assets

EN8: Biodiversity Protection and Enhancement

EN9: Important Habitats and Features

EN10: European Wildlife Sites

EN11: Legally Protected and Priority Species

EN12: Woodlands, Trees and Hedgerows

Devon Waste Plan 2011-2033

Devon Minerals Plan 2011-2033

M2: Mineral Safeguarding Areas

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

## 5. **CONSULTEES**

Spatial Planning and Delivery – Supportive in principle subject to impacts on landscape, heritage, flooding and ecology.

The site lies outside the settlement limit of Liverton but at its closest is approx. 40 metres from the boundary. The spatial planning team is supportive of this proposal, as it appears to be deliverable in a reasonably short timescale. This view takes account of recent very low rates of employment development, the overall targets contained within the Teignbridge Local Plan and the accessible location of the proposal. This support is also subject to impacts on landscape, heritage, flooding (drainage) and ecology and also receipt of satisfactory comments from Devon County Council as Minerals Authority.

The local plan strategic policy S3 sets an overall target of about 3 hectares per year of employment land to provide about 300 jobs per year in relevant economic sectors. Unfortunately this level of development has not been approached since the local plan was adopted, despite very significant work and promotional activities by Teignbridge Council corporately. While it was to be expected that some time would elapse before employment sites came forward, a number of years have elapsed since the plan's adoption. The review of the local plan (and the GESP) is underway but their adoption dates are several years away. In overall terms, therefore it is becoming necessary to look beyond the confines of local plan allocations to meet our short and medium term development requirements, pending development occurring on those allocated sites and the various plan reviews. It is important that the planning system is sufficiently flexible to take account of emerging and changing circumstances in this way. Both the previous and recently published revised NPPF express the need for the planning system to support economic growth and productivity and to be "flexible enough to accommodate needs not anticipated in the plan....and to enable a rapid response to changes in economic circumstances." (para. 81 of the revised NPPF).

The site is in a good location, adjacent to the trunk road network within easy reach of Exeter and with good links to Newton Abbot, Bovey Tracey, Heathfield, Exeter and beyond. The business units would help to deliver much needed employment land and to create jobs, and would contribute to the 15 hectares of employment land that S3 aims for.

The site lies within the countryside, but is close to the settlement boundary of Liverton.

In more specific policy terms, the proposal is for an expansion of an existing business/employment site, which Policy EC3 permits, subject to the level of accessibility of the site in relation to its scale, impacts on the South Hams SAC and subject to compliance with policies relevant to landscape, ecology, heritage and flooding.

The site lies within easy walking distance of the settlement of Liverton, within easy reach of Newton Abbot and Bovey Tracey via bus or bicycle and would improve the balance of jobs to working age population in the immediate vicinity. As such, subject to impacts on landscape, heritage, flooding and ecology, the proposal could accord with Policy EC3.

Economy and Assets – Supports this application.

While the site lies outside any development boundary as identified in the Local Plan, it is a good location for new employment premises due to its proximity to the Strategic Road Network of the A38 between Exeter and Plymouth, and also the A382 between Bovey Tracey and Newton Abbot.

The site is also close to Heathfield, which is the largest employment estate in the district, where demand for employment space remains high but available land is low.

Current demand v supply:

We are currently aware of demand for new employment space of around 250,000sqft (23,000sqm) from existing businesses across Teignbridge looking to grow. The true number is likely to be higher, as not all businesses make us aware of their space demands. The majority of the known demand is for freehold ownership.

To put that figure into context, since the Local Plan was adopted in 2014 there has been a net increase of 34,000sqm net new employment space, equivalent of 6,800sqm per year, below the 12,000sqm per year Local Plan target.

The distribution of that space is set out in the table below, alongside the Local Plan's strategic targets. It will be noted that the majority of delivery has been in rural areas, which are made up of many small scale developments.

Deliverability:

In addition to the delivered employment space mentioned earlier, since 2014 around 123,000sqm of net new employment space has been approved but is yet to be implemented, some of which are Local Plan sites.

The barriers to bringing these sites forward include the opening up costs, particularly relating to road access and power supply, and developer interest in bringing the site forward.

Following the submission of additional information, I can confirm I am satisfied with the additional information within the supporting Planning Statement (p11), relating to the timescale for delivery and whether the site will be sold as freehold or retained and leased. I don't believe either of these can be covered by a condition of

approval, but they do provide reassurance that the site will be brought forward to meet current demand. At a time of significant economic uncertainty, the commitment shown to delivering much needed new employment land is welcomed.

Carbon emissions:

Part of the Council's vision for future economic growth, as set out in the Economic Development Plan, is 'to prosper within our ecological limits and to enhance the circular economy'. Having looked through the submitted information I couldn't see any reference to carbon emission targets (as per Policy S7) or a carbon reduction plan (required for major developments as per Policy EN3). It would therefore be beneficial to see this information.

Following the submission of additional information, I am very pleased to see the commitment in the agent's covering letter to accepting conditions relating to carbon reduction plans on reserved matters applications.

Environmental Health – Raises no objections subject to conditions.

Air Quality: I have looked at the application, in particular transport assessment and the AADT growth calculations, and they seem to be a reasonable prediction. With regard to the specific concern about HGVs moving up hill, under strain, and therefore generating relatively more pollution near to the school I also observe that this would be occurring in the order of 85-100m from the boundary of the school, thus providing plenty of opportunity for the dispersal and dilution of pollutants. In short, based on these two elements the impact on local air quality is not going to be significant.

Noise: Due to the close proximity of residential dwellings to this proposal, complaints of noise nuisance are likely to be received. Therefore, recommend conditions for: details of a noise control scheme to be submitted and approved; and, that the rating level of the noise emitted from each of the units proposed for the site shall not exceed the existing background noise level (LA90) prevailing at the time by more than a LAeq 5 dB (5 min) at the nearest sensitive receptor.

Biodiversity Officer – No objection subject to conditions.

South Hams SAC:

This application, together with two adjacent applications, are within the Landscape Connectivity Zone of the South Hams Special Area of Conservation. They are also in the junction of two Strategic Flyways – along the A38 and Liverton Brook. Appropriate Assessments of the three applications, considering 'alone' and 'in-combination' effects recommend a suite of measures required to avoid impacts on greater horseshoe bats associated with the SAC. The revised plans are acceptable and I consider this requirement of the Appropriate Assessment has been satisfied, although various conditions will also be required.

Legally Protected Species:

Several other bat species were recorded using the site and otter are known to use the Liverton Brook. Dormouse and breeding birds may be present in the hedges reptiles may use hedge bases. Potential impacts on these species are habitat loss,

severance of habitats/flyways, pollution of the Liverton Brook and disturbance from noise, activity and, especially, light. Fortunately, the measures required for greater horseshoe bat will also mitigate most impacts on these other species, others can be addressed by a Biodiversity Management Plan. Water pollution issues will be addressed by the CEMP.

Highways Issues:

The Highways lighting and speed limit requirements should be discussed with DCC Highways Officer to ascertain i) whether additional street lighting will be necessary on the main road near the likely bat crossing points. If lighting is required, the most bat-friendly lighting must be agreed, including: locate lamps as far as possible away from the (proven or most likely) bat crossing points (Liverton Brook and small stream at southwest corner of site); use the lowest light intensity/output that will be effective for safety purposes; turn lights off during quieter periods of the night; and use a colour temperature of 3000 Kelvin or less, light wavelength above 550 nanometers, and with no UV component. And ii) whether the 30mph speed limit zone might be extended further west (especially if permission is granted for 'in-combination' application 18/01428/MAJ for affordable housing).

Landscape Officer – No objection.

This application was considered at pre-application enquiry stage, at which point I was content with the landscape and visual impact assessment (LVIA), in particular, the impact on Dartmoor National Park.

The site lies in an area that is of low sensitivity to large scale development.

In addressing the likely adverse effects identified in the LVIA, I was keen to ensure that the site was well screened from the neighbouring highways, in a way that reinforced the landscape character of the area, and minimised the perception of the site.

I am disappointed that my desire to make changes to the proposal in order to help reinforce a sense of place to the area has not been adopted, however I appreciate that this is due to other concerns and constraints.

The proposed development has embraced a strategic landscape approach, making use of bold, plantation style, boundary planting, reflecting the character of the forestry plantations found in the close vicinity of the site. This will help ensure that the use of the site, for employment, is minimised and not easily perceived by the users of the neighbouring highways and wider landscape - in particular, the setting of Dartmoor National Park.

I am content with the landscape details.

Tree Officer – No objections to the proposal as no significant trees within or adjacent to the site will be adversely affected by the proposal.

Waste Team – No comments; there are no waste and recycling implications for the authority.

Devon County Council, Minerals Planning Authority – No objection.

The application site lies wholly within the Mineral Safeguarding Area for the ball clay resource, which is noted in Table 8.1 of the Devon Minerals Plan (DMP) as being of national importance. Policy M2 of the Minerals Plan seeks to protect mineral resources from sterilisation or constraint by other development, but it does allow for such development to be permitted in specific circumstances. This policy reflects paragraph 206 of the NPPF.

The Bovey Basin Strategy, published by Devon County Council in 2000 to provide a long-term strategy for development of the ball clay resource, includes the application site as part of a 'candidate clay working area' for the 2042 to 2100 time horizon.

The DMP does not allocate new sites for ball clay extraction. Ball clay is a highly variable resource, as indicated in paragraph 4.2.2 of the DMP, with over 100 different grades of clay having been identified in the Bovey Basin. While the existing planning permissions within the Bovey Basin provide extensive reserves in total, specific grades of clay will be more constrained and may require their ongoing supply to be achieved through extension of an existing pit or development of a new site.

As it was difficult to predict the requirements for development of new resources at the time of adoption of the DMP in 2017, the Plan took a positive approach through Policy M4 to allow for maximum feasible exploitation of clays within defined Mineral Working Areas, while providing for future development of new sites through a partial review.

While the DMP looks to 2033, it is critical to take a longer-term perspective in the case of a nationally-important resource such as ball clay in order to avoid the permanent sterilisation of clays that may be required in the future when new sources of specific grades of clay are required. As mentioned above, the Bovey Basin Strategy takes such a long-term perspective, looking ahead beyond the expiry of the existing planning permissions in 2042 to 2100. The availability of ball clay reserves for the DMP period is only part of the context – the Mineral Planning Authority has to ensure continued supply of this scarce and highly variable mineral for many decades to come.

Given the national importance of the ball clay resource, as indicated in Table 8.1 of the DMP, criterion (d) sets a high bar for non-mineral development to be capable of overriding that importance. Paragraph 3.3.10 indicates that allocation of a site for non-mineral development in an adopted Local Plan "will normally amount to 'an overriding strategic need' for the purposes of criterion (d)" as such an allocation will have been the subject of consultation with the Mineral Planning Authority and other stakeholders, thereby allowing the potential sterilisation of the mineral resource and the merits of the proposed allocation to be properly considered.

The key issue for the County Council as mineral planning authority is whether there is a need for employment development at this specific site that is capable of overriding the national and international importance of the underlying ball clay resource.

Following the submission of a Ground Investigation Report in October 2019 and further discussions between the Minerals Planning Authority and Sibelco:

Sibelco referred to potential extraction at the application site being at a 100 years' time horizon in their response on the applicant's ground investigation report. However, they have subsequently re-evaluated the ball clay resources in the Bovey basin as a whole, and now place a 250 years' time horizon on the resource south of Liverton. In these circumstances, I do not consider that an objection under criterion (a) of Policy M2 of the Devon Minerals Plan can be substantiated as the likelihood of the resource being of economic value is too far in the future to be material. I therefore confirm that Devon County Council does not object to application 19/00122/MAJ in its role of mineral planning authority.

Devon County Council, Local Highways Authority – No objections subject to conditions for: a Construction Management Plan (CMP); and, for dwg no. 051 Rev B to be included as part of the permission to ensure adequate parking numbers

The access will be off the C454 which in this area is restricted to 30 MPH although the observed speeds were higher. The number of personal injury collisions which have been reported to the police in this area between 01/01/2013 and 31/12/2017 is none although there were 2 slight and one serious. There has been a reported collision on the C454 outside Benedicts Cottage which involved a large goods vehicle, but the data will not come through our system until May 2019.

Transport Assessment:

The Transport Assessment (TA) has taken in to account 12 units B1, B2, B8 use up to 14,121sqm.

Liverton Road in parts is up to 9m wide, there is a bus stop 400m from the site access, the acceptable distance is 800 metres. Although there looks to be no formal crossing point at these bus stops. As part of this application the Highway Authority would like to see a safe suitable crossing point proposed; drawing number PHL-101-Rev B has been submitted showing the informal crossing points. The bus that uses this stop is the X38, 178 and 193 and these services are not ideal for normal working hours as the peak journeys. The X38 is designed around travel to Exeter from Plymouth this route has also been considered for a reduced service. The 39 also would drop of at Drumbridges which in practice is not easily accessible to the site as the 1.5 km walk from Drumbridges is not very attractive, the road towards Liverton is not lit and so not very desirable in the dark.

The speeds in the area are higher than the restriction of 30 MPH. The proposed visibility splays of 2.4 m x 120 metres in both directions is acceptable although the drawing will need to show that there will be no obstructions over 600mm high within these visibility splays.

The Trip Rates for this type of use has been taken from TRICS which is a nationally accepted database. These peak rates and distribution routes are accepted and they show the level of impact this development will have on the local network will not be severe. Although this impact should be agreed also by Highway England.

A full travel plan and promotional travel vouchers to encourage other forms of transport should be secured through a S106 Agreement.

Parking levels are to be agreed at Reserved Matters stage. It is important to ensure that adequate parking is provided to ensure there will be no impact on the existing highway and the site to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Drawing number 051 Rev B has been submitted which shows adequate parking for this size of Industrial Estate.

Therefore the County Highway Authority has no objection to this application.

Devon County Council, Lead Local Flood Authority – No in-principle objections subject to pre-commencement conditions regarding: detailed design of the proposed surface water drainage management system for both permanent and construction phases; and, details of adoption and maintenance arrangements.

Following previous consultation response, dated 11th July 2019, the applicant has submitted additional information in relation to the surface water drainage aspects. The applicant has produced a surface water drainage strategy which is compliant with Devon County Council SuDS Guidance (2017). The strategy will attenuate water in a combination of underground storage tanks and detention basins discharging at 10.3l/s into Liverton Brook. Storage tanks are accepted in this instance due to the site constraints caused by flood zone 3. As the detention basins are in flood zone 2 SuDS features will be inspected following a flood event and maintenance carried out as required. The scheme meets the SuDS pollution hazard index as water that is stored in the tanks will pass through bypass/oil interceptors and both the detention basin and swale before it is discharged to the watercourse.

Devon County Council, Archaeology – No objection subject to condition for the implementation of a programme of archaeological work.

The proposed development lies in an area of archaeological potential, occupying a large area within a landscape known to contain extensive evidence of medieval and post-medieval tinworks which lie to the north and south-east of the application area. These heritage assets are of regional importance with regard to the county's industrial heritage.

The Historic Environment Team has now received a copy of the archaeological field evaluation of the above site that has been undertaken in support of this planning application. This work has demonstrated the presence of Bronze Age activity on the site, in the form of a ditched enclosure as well as possible structures within the enclosure. In addition, an area of medieval, or later, tin streaming has been identified. These heritage assets are not of such significance that preservation in situ is required, but they will be impacted on by the development of the site and, as such, the Historic Environment withdraws its previous objection and would recommend that the impact upon these regionally significant heritage assets should be mitigated by a programme of archaeological work to investigate, record and analyse the deposits in advance of any development of the site.

The Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment

Team. If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the NPPF and the supporting text in paragraph 5.17 of Local Plan Policy EN5, that any consent is subject to a condition for the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall have been submitted and approved prior to commencement of development.

Environment Agency – Raises no objections subject to conditions.

The development will be acceptable provided that conditions will be included within any permission granted to ensure:

- The approval of all development (i.e. landscaping, earthworks etc.) within flood zones 2 or 3;
- the construction compound is not located within a flood zone; and
- a Construction Environmental Management Plan (CEMP) is agreed.

Part of the application site is located within Flood Zones 2 and 3, defined as having a medium and high probability of flooding respectively. We note that the submitted information states that the new business units themselves will be located within Flood Zone 1, which is acceptable. This shows that a sequential approach has been taken to the layout of the site. However, the illustrative site plan indicates that a flood attenuation pond may be located on the edge of the floodplain. We consider that the above mentioned conditions will be sufficient to ensure that the design of the pond and any other landscaping/earthworks are appropriate and will not increase flood risk to others. They will also ensure that any temporary compounds and storage avoid the floodplain.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Natural England – Raises no objections regarding the South Hams SAC providing that all mitigation measures are appropriately secured.

South Hams Special Area of Conservation (SAC): Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Having considered the appropriate assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Natural England notes the concerns of the Council's biodiversity officer regarding the age of the surveys and provides additional general guidance and advice on biodiversity resilience, landscape, green infrastructure, best and most versatile agricultural land and soils, protected species, local sites and priority habitats and species, ancient woodland, ancient and veteran trees, access and recreation, rights of way, access land, coastal access and national trails, and that the local planning

authority has a duty to have regard to conserving biodiversity as part of its decision making. [Note: there is no ancient woodland on the application site nor rights of way crossing the site.]

Highways England – Recommends that conditions should be attached to any planning permission that may be granted.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policy of the Secretary of State as set out in DfT Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development” and the DCLG National Planning Policy Framework (NPPF).

The proposed development site is located to the west of Liverton, bordered to the south by the A38(T) and to the north by the former A38. Drumbridges roundabout is located approximately 1.5km east of the site and provides access to the A38(T) and the A382. The development proposals make provision for 12 industrial units under B1/B2/B8 use, with a total GFA of approximately 14,121sqm. The exact quantum of each use class is unknown at this stage, with the final development mix to be agreed through the Reserved Matters process. The TA and accompanying masterplan however assumes that the development would predominantly comprise B2 use. Whilst it is accepted that the exact development mix is yet to be determined, Highways England has based its assessment on the quantum broadly indicated in the masterplan, and should this change significantly we would expect the applicant to revise the TA accordingly for re-consultation at Reserved Matters stage.

At present the site has minimal vehicle movements, therefore all trips are assumed as being new to the network. The applicant has utilised TRICS to estimate the predicted trip generation for the proposed development and supplied the relevant outputs as part of the TA. The assessment uses the 02 Employment/D Industrial Estate category which comprises B1, B2 and B8 sites, and in line with TRICS guidance should be used where “a number of industrial buildings occupy the same site” and “where B2 is the predominant activity at the site”. Therefore its use within the TA to calculate predicted trip generation is accepted on the basis of the development proposals as set out in the masterplan.

The masterplan mix of B1/B2 and B8 trip rates are set out in the AWP TA, and include 0.500 arrivals, 0.282 departures and 0.782 two-way trips in the AM peak hour, between 08:00-09:00. The PM peak includes 0.235 arrivals, 0.454 departures and 0.689 two-way trips (per 100sqm) between 1600-1700.

Referencing the most sensitive AM peak period, the proposals (14,121sqm) would generate 71 arrivals and 40 departures. Using mode split data from 2011 Census Travel to Work Area (TTWA) of Teignbridge 007 the TA identifies that the majority of traffic (96%) accesses the site via the A38 (T) Drumbridges roundabout, which equates to 106 two-way vehicle trips between 08:00-09:00 and 94 two-way trips between 16:00-17:00. These figures include all vehicular movements generated by the development across all arms of the junction, and as above equate to approximately two additional vehicles trips routing via the Drumbridges roundabout per minute in the peak periods. Highways England has undertaken an exercise to assess the trip rates contained within the TA and whilst we are unable to replicate them exactly, the difference is not considered material.

The TA limits its consideration of the impact of development traffic on the SRN to the flows expected to use the Drumbridges roundabout at the junction of the A38(T) and A382, which as above is assumed to be 96% of the total development traffic. This is the single unsignalised junction arm of the gyratory which is subject to a give way arrangement.

To assess the impact of the development traffic on the SRN, a growth factor of 14% derived from TRADS traffic counts on the A38(T) to the west of Drumbridges between 2011-2018 has been applied existing flows from a 2011 survey undertaken for the Ilford Park development to the south of Drumbridges. When the development traffic is applied this results in an overall increase of traffic at A38(T) Drumbridges roundabout of 1.97% in the AM peak and 2.44% in the PM peak respectively. As expected, the A382 south has the greatest increase in traffic, at 3.8%. It should be noted that Highways England does not support the use of percentages as a means of calculating traffic impact because these may mask the actual impact of traffic movements at a junction. However when considered against the existing flow data, supporting survey data and calculations contained within the TA it is accepted that these increases could be considered to fall within the natural daily variation at the A38(T) Drumbridges roundabout. Our Road Safety Team have confirmed that based on the available data there is no significant safety issue at the roundabout or is likely to arise through the predicted intensification of use at this junction arm.

Highways England also notes that the development proposes to implement a comprehensive Travel Plan comprising implementation, management, measures and monitoring which is welcomed by Highways England to reduce vehicular trip generation and promote sustainable journey alternatives.

Based on the proposed development mix quantum as laid out in the masterplan and transport analysis presented in the TA, Highways England concludes that the proposals are unlikely to have a severe impact on the safe and efficient operation of the A38(T) Drumbridges roundabout as defined by NPPF.

We have viewed the supporting 504/01 'Landscape Strategy Plan' which shows a section B-B through the southern boundary with Highways England. This section does not show any existing or proposed physical boundary feature between respective ownerships, and Highways England requests that any existing or proposed physical positioning of such fencing (or similar) is clarified on the plan. We also seek confirmation from the applicant as to whether there is intention to replace or enhance the boundary feature, and what mitigation will be included to prevent damage to existing trees on the Highways England estate. We intend to deal with this by planning condition via the request that a boundary treatment plan is provided for our review and approval.

In respect of planting, Highways England requests that none of the below species are planted within 15m of our boundary;

- Douglas fir *Pseudotsuga menziesii*
- European aspen *populus tremula*
- Scots pine *Pinus sylvestris*
- Common dogwood *Cornus sanguinea*

We will therefore be recommending, via planning condition, that a detailed planting schedule be provided for our review and approval.

## 6. REPRESENTATIONS

110 representations in objection have been received to the application including from the CPRE Devon and Love Liverton Community Group. The representations raised the following summarised concerns/objections (see case file for full representations):

1. Adverse impact on local wildlife. The ecological report is out of date. The site contains an ideal feeding area for bats, cirl buntings, goldfinches, long-tailed tits and other species and the adjoining coppice provides home for badgers and foxes with slow worms living in the grassed margins. There are also reports of otters currently in Liverton Brook.
2. What CIL can be applied to this development? Would like to see improvements made in respect of road safety, especially pedestrian footpaths and crossings and speed limit enforcement.
3. Increased traffic and congestion. The road through Liverton has become increasingly busy especially with development of Little Liverton Business Park, surrounding properties and what seems like an increasing level of school traffic. There will be increased traffic through Liverton village to the east and Bickington village to the west. Increased traffic on Drumbridges roundabout.
4. Concerned that parking will spill out onto the main road and nearby smaller residential roads. School traffic already reaches as far as the junction next to Benedicts Bridge Garage and overspill parking from the garage can also be seen along the road opposite the proposed entrance.
5. Highway safety; including the safety of children walking to Blackpool Primary School. Currently the site entrance cannot be seen clearly by traffic travelling down the hill towards the village. There has been a recent accident when a heavy plant vehicle caused damage to a local property as the driver was driving too fast and had to swerve to avoid a parked car. There is no street lighting on the main road, the pavements are fairly narrow in parts and on one side for a short distance there is no pavement at all. Traffic calming measures are required and / or street crossing.
6. Provision needs to be put in place to enforce 30mph speed limit though the village as vehicles already drive too fast.
7. As this will significantly change the nature of the village more publicity needs to be done and it should be brought to the attention of all the residents of the village.
8. Impact on Benedicts Garage.
9. Field should be compulsory purchased and planted with deciduous trees to help combat climate change.
10. Flooding. The extent of recent flooding on this site was significantly greater than the worst case predicted by the Environment Agency.
11. Does not comply with the Local Plan. The wording of S21 states that any development for employment purposes will be 'limited' and should protect the rural nature of the village. The proposal represents roughly a 23% increase in the developed area of the village, which is not 'limited'.
12. The submitted Ground Investigation Report states that "The site is located in the immediate vicinity of local residence and businesses and will have an adverse effect on the surrounding community" and so if they cannot extract ball clay for

that reason, why should they be allowed to build an industrial site with all the noise, pollution and highways implications?

13. Pollution risk from HGVs pulling themselves up the hill past the school.
14. Loss of valuable farming land.
15. The existing Little Liverton Business Park is relatively small and contained. The proposal would expand the existing employment site, but at a 450% land area growth it would better be described as a new self-contained medium-sized industrial estate.
16. The proposal is beyond an extension or expansion allowed under policy EC3. Liverton is a small village on the edge of Dartmoor National Park which lacks infrastructure and services to support a site of this size.
17. Size of development is disproportionately large compared to the size of Liverton.
18. No proven need and market oversupply. Teignbridge has allocated appropriate employment land in its Local Plan. There is around 37,000sqm of employment land coming forward at BCT, an allocated site of circa 15,000sqm at Stover and another 35,000sqm of commercial space coming forward locally. A further 8700sqm of existing B1, B2 and B8 accommodation in units of 5000sqft and above currently on the market for let within this same area. There are vacant units on Heathfield Industrial Estate. The application site will fundamentally jeopardise the sale and development of preferable employment sites. Low overheads on this greenfield site would undermine the other existing premises and allocated sites.
19. The proposal is distant from population centres and is poorly served by public transport.
20. Contrary to Minerals Local Plan that safeguards ball clay resources.
21. Development of greenfield site, outside the settlement limit in a rural location.
22. Impact on residential amenity.
23. Noise pollution and vibration. Will it be 24/7?
24. Air pollution. Effects on children attending Blackpool primary school.
25. Light pollution.
26. Loss of visual amenity.
27. Impact on the rural character of the area.
28. Very close to Dartmoor National Park.
29. There should be an Environmental Impact Assessment.
30. Loss of carbon sink.
31. Impact on water quality. Hardstanding will impact on drainage in the area and could cause pollution and damage to biodiversity from run off into the hedges and streams.
32. Development should be on brownfield sites first.
33. Impact on house values [note: this is not a material planning consideration].

## **7. MP / COUNCILLOR / PARISH COUNCIL'S COMMENTS**

Ilington Parish Council objects for the following reasons:

1. The of safety of the shared entrance within the close vicinity of a primary school
2. The increasing traffic on the road, which is currently a 60mph.
3. The safety of the children going to and from school.
4. Environmental impact for the surrounding area.
5. Noise pollution.
6. Inadequate parking for the new uses.
7. Out of character within the landscape of currently a green field site in a rural location.
8. Against the local mineral policy.

9. Inadequate provision for surface water drainage which would impact the local environment.
10. The increase traffic flow would affect the currently overloaded Drumbridges roundabout.
11. It has also been noted that within the landscape and visual impact assessment it agrees that the development would have a major to moderate adverse effect on the current open field space.
12. Not within the TDC local development plan.
13. An environmental impact assessment is required, including noise, air quality and other pollutants, impact on wildlife and close proximity to Dartmoor National Park.
14. Concern regarding impact on the primary school.
15. The applicant should provide economic reasoning for why there is a need for this greenfield site to be development when it is within a small radius of the established sites of Trago Mills and Heathfield Industrial Estate, both of which are areas for employment and industry and recently approved sites such as at Kingskerswell.

Cllr Patch objects for the following reasons:

1. The ecological survey work dates back to 2014. Given the recent reports of otter activity, an up to date survey is required.
2. Concerned regarding proximity to the primary school and especially road safety (e.g. HGV traffic) and air quality / particulate pollution from HGV exhaust and any industrial processes at the proposed site.
3. The site is within the flood plain and therefore unsuitable for this sort of development.
4. The argument that there is demand for extra employment land and a lack of sites coming forward is undermined by the proposed development of the ex-BCT site in Heathfield and the recently approved application for employment units at Kingskerswell.
5. Lack of public transport.
6. Requests a site visit be made by members of the Planning Committee.

Mel Stride MP has made the following observations regarding the proposed development:

1. Greenfield site.
2. Less than two miles from established Heathfield Industrial Estate which has recently benefited from major investment surrounding road infrastructure, making access appropriate for HGVs.
3. Proposed site in Liverton would result in HGVs travelling through the villages of Liverton and or Bickington.
4. Would change the village.
5. Particularly concerned with B8 units and 24-7 operations.
6. Who would be employed there? Based on data from last census (age and employment demographics) there isn't a need for employment land / buildings for the resident population. Since last census there has been very limited housing development in the village and therefore it still provides valid indicative figures for the local population.
7. Concerned regarding parking overspill into the surround area.

## **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**

The development falls under part 10. Infrastructure projects within Column 1 of Schedule 2 of the EIA Regulations 2017. The scheme is speculative in terms of the end users; however, the application includes B1, B2 and B8 uses. The threshold for industrial estates (10(a)) is development exceeding 0.5 hectares, whilst the threshold for urban development projects which is not dwellinghouse development (10(b)) is more than 1 hectare. At 6.68 hectares the proposed development exceeds the threshold in Column 2 for both 10(a) and 10(b) development.

In terms of the selection criteria in Schedule 3 of the EIA Regs 2017:

- The proposed development is for a maximum of 14,000sqm of B1, B2 and B8 floorspace with associated access roads, parking and landscaping.
- The site is located adjacent to the Devon Expressway (A38).
- The site is located approx. 300m from the boundary with Dartmoor National Park.
- Part of the site is located within the floodplain.
- The site is located within the landscape connectivity zone associated with the South Hams SAC for Greater Horseshoe Bats.

Whilst the site lies within the Landscape Connectivity Zone associated with the South Hams Special Area of Conservation, subject to the imposition of appropriate conditions and mitigation measures, it is considered that the proposed development would not result in any significant environmental effects. From the information submitted, there does not appear to be any other factor in this individual case in this specific location that would necessitate the requirement for an Environmental Impact Assessment.

In determining this planning application, the Local Planning Authority has taken into consideration the Archaeological Assessment, Ecological Assessment, Flood Risk Assessment, Ground Investigation Report, Landscape and Visual Impact Assessment, and Transport Assessment submitted with the planning application and also all of the consultation responses and representations received.

## **10. HUMAN RIGHTS ACT**

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