

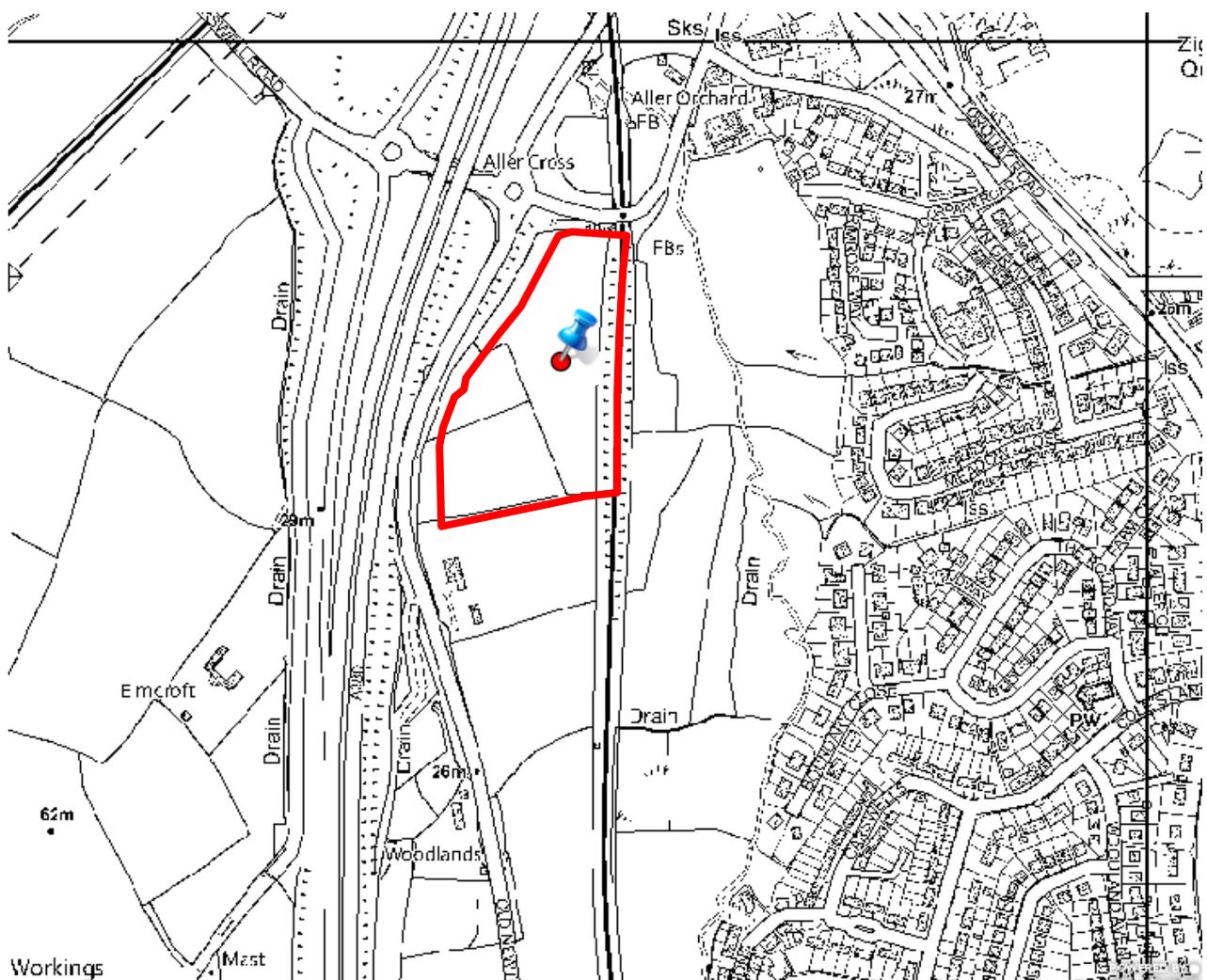
PLANNING COMMITTEE REPORT

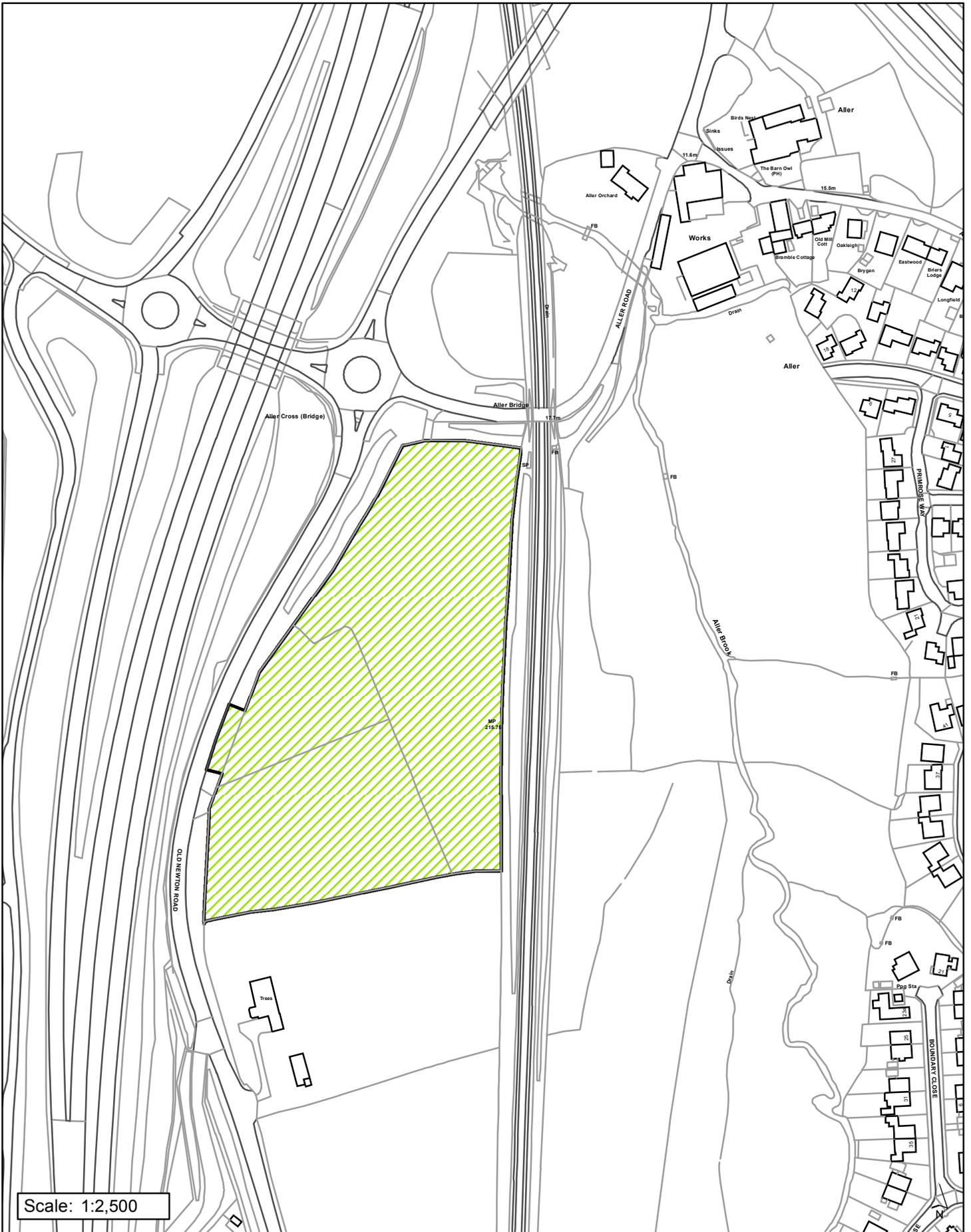
9 July 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KINGSKERSWELL - 18/01140/MAJ - Former Galliford Try Infrastructure Site Office, Old Newton Road - New employment development incorporating Use Classes B1(a) (offices), B1(c) (light industrial) and B8 (storage and distribution) with associated parking and landscaping	
APPLICANT:	Whiteway-Wilkinson Property Services Limited	
CASE OFFICER	Anna Holloway	
WARD MEMBERS:	Councillor Haines Councillor Cook	Kerswell With Combe
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01140/MAJ&MN	





18/01140/MAJ Former Galliford Try Site Office, Old Newton Road,
Kingskerswell, TQ12 5LB



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1. REASON FOR REPORT

Councillor Haines has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reasons given for this request are that it is a major application which is a Departure from the Local Plan and there have been objections which include Local Plan issues.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Use of each building;
4. Construction Management Plan (CMP) to be approved prior to commencement;
5. Permanent surface water drainage management system to be approved prior to commencement;
6. Temporary surface water drainage management system for the construction phase to be approved prior to commencement;
7. Details of exceedance pathways and overland flow routes to be approved prior to commencement;
8. Tree protection measures to be approved prior to commencement;
9. Development to strictly accord with recommendations and habitat mitigation and enhancement measures as set out within the Ecological Appraisal;
10. Full details of bat and bird boxes including their design and location to be approved prior to commencement;
11. Detailed planting plan including additional tree planting to be approved prior to construction;
12. Landscape and Ecological Management Plan (LEMP) to be approved prior to commencement;
13. Details of lighting to be approved prior to installation and only lighting approved to be installed;
14. Carbon Reduction Strategy to be approved prior to construction;
15. Noise arising from the site shall not exceed background sound level by more than 5dB when measured at 1 metre from nearest residential window;
16. 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;
17. No HGV deliveries or collections to Block 1 outside the hours of 7 a.m. to 7 p.m.;
18. Hours of operation;
19. No overnight lorry parking except in the location shown on the Block Plan;
20. Acoustic fence to be installed prior to initial occupation and permanently retained and maintained;
21. Substation details to be approved prior to construction;
22. Full waste storage details to be approved prior to construction, installed prior to initial occupation and thereafter retained and maintained;
23. No external storage;
24. Access and parking to be laid out prior to initial occupation and thereafter permanently retained;
25. Pedestrian/cycle access off Aller Road to be provided prior to initial use and thereafter retained for use by occupiers and visitors to all units;
26. Full cycle parking details to be approved and implemented prior to initial use and thereafter retained and maintained;
27. Removal of Permitted Development Rights for changes of use, alterations to the buildings and hardstanding.

3. DESCRIPTION

The Site and Proposal

- 3.1 The site is the former Galliford Try construction compound for the new Kingskerwell bypass as part of the A380 South Devon Highway improvement works. Following the completion of the bypass the land has been reinstated in accordance with condition 4 of planning permission 05/05432 for the restoration of ancillary land following the construction of the road. The site covers an area of 2.48 hectares. It is located on the western side of Kingskerwell on land bounded by the Old Newton Road to the west (with the A380 beyond), the railway line to the east, Aller Road to the north, and the residential property known as 'Trees' to the south.
- 3.2 The development consists of one office building (Use Class B1(a)) located adjacent to the proposed vehicular access to the development, which would be served by a separate 26 space car park and covered cycle parking. The proposed two storey office building would contain approximately 720m² of floorspace. It would have a height of 7.4 metres to the eaves and 9 metres to the ridge.
- 3.3 The proposal also includes seven light industrial (B1(c))/storage and distribution (B8) units with a combined floorspace of 5,190m² (excluding mezzanines). These units are speculative and have been designed so that can be potentially subdivided into a maximum of 36 units of various sizes. The units have first floor windows to facilitate a first floor mezzanine across the front of the unit if required by future occupiers. The units would mostly have mono-pitched roofs with a minimum height of approximately 5 metres and a maximum height of approximately 7.8 metres. The units would be served by 139 parking spaces plus access and turning space for HGVs. Cycle racks would be provided for each unit.
- 3.4 The existing access on Old Newton Road would be relocated by approximately 30 metres to the north and would provide the main access to the development. The existing access off Old Newton Road would be reformed and re-used as combined pedestrian and cycle path. The scheme also includes a 25 metres diameter turning circle for HGVs which would double as overnight lorry parking. Refuse storage would be contained within the individual units or sited in enclosed compounds.
- 3.5 The scheme also includes the retention of existing oak trees within the site and the planting of new hedgerows and trees as well as areas of species rich meadow grass including open greenspace adjacent to Aller Road. Bat and bird boxes are also to be installed on retained trees and new buildings.

Principle of Development

- 3.6 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 with some 60% plus of employment development within the Heart of Teignbridge (Kingskerwell, Kingsteignton and Newton Abbot). 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.

- 3.7 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. In addition that there are financial constraints to bringing such sites forward and that there is a demand for the proposed units. Therefore it is becoming necessary to look beyond the Local Plan allocations to ensure that balance of jobs, as set out in Policy S3, is achieved.
- 3.8 The application site is located adjacent to the settlement of Kingskerswell between the railway line and South Devon Link Road, within the Heart of Teignbridge which is the collective name for Newton Abbot, Kingsteignton and Kingskerswell and the adjoining urban area. The 'Heart of Teignbridge' reflects the important role the area plays in the functioning of the district as a main area for employment, culture and community facilities in Teignbridge.
- 3.9 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. The site is outside but within about 100 metres of the settlement limits of Kingskerswell and therefore can be considered sufficiently close to meet the definition of adjacent set out in Policy EC3. Consideration of the site in terms of impacts on transport, landscape, wildlife, heritage assets and flooding are set out below.
- 3.10 Policies HT3 (Heart of Teignbridge – Green Infrastructure) and KK4 (Aller Valley Country Park and Aller Valley Trail) set out the creation of an Aller Valley Country Park at Kingskerswell including pedestrian and cycle links to Newton Abbot and Torbay. This is to address an under-provision of open space within the village. The site does fall within KK4 and is therefore designated as Other Green Infrastructure on the Local Plan Map. The policy seeks the creation of a country park along Aller Brook to meet existing and future recreational needs in Kingskerswell and sets out that the park shall include 6 hectares of formal and informal recreation area as well as a safe cycle and walking link between Kingskerswell, Torquay and Newton Abbot.
- 3.11 The proposed development would result in the loss of part of the land within the KK4 designation. However, the proposal would take up about 2.5 hectares of the total 75 hectares indicated in the Local Plan proposals map for the country park and would result in the loss of a parcel of land which is relatively self-contained and separate from the majority of the designation.
- 3.12 The Key Diagram for the Heart of Teignbridge identifies the proposed location of the aspirational secondary cycle routes through the green infrastructure area between the railway line and the existing edge of Kingskerswell. Therefore, the aspirational location for a secondary cycle route is on the opposite side of the railway line from the application site. Whilst the potential for the proposed development to contribute towards the provision of a new pedestrian/cycle crossing over the railway line has

been considered, in the absence of a specific project coming forward for an additional railway crossing in this area and that the crossing of the railway will include land outside of the applicant's control, it is not considered reasonable for a contribution to be sought as an obligation on this development.

- 3.13 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, in principle the benefits of the proposed development proposed would demonstrably outweigh the loss of land designated as green infrastructure in this instance. The proposed development is therefore acceptable in principle.

Sustainable Development/Carbon Reduction

- 3.14 Although located outside of the settlement boundary the site is located adjacent to Kingskerswell and is within the Heart of Teignbridge. 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.
- 3.15 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. Therefore, a Carbon Reduction Statement has been requested to set out the proposed strategy including the provision of electric vehicle charging points and renewable technologies. The requested Statement is expected imminently and an update will be provided to Committee on this matter. However, a condition is proposed requiring the submission of a detailed carbon reduction plan prior to construction of any unit, to show in detail how the 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

- 3.16 The site is visible from a number of public and private areas and from the road and rail network. The scale and nature of the development and the sloping nature of the site therefore raise concerns about the impact on the landscape and the character and appearance of the area. The proposed development has been amended to provide more space for soft planting and a landscape scheme has been submitted which is considered to provide an acceptable basis for sufficient screening and soft landscaping to mitigate the visual impact of the development.
- 3.17 The layout has been amended to create more space for soft landscaping on the boundaries of the development as well as internally. The frontage along Old Newton Road would include areas of new hedging and trees and a new hedgebank is proposed to the internal road at the entrance. This, in addition to the existing

grass bank (which is outside the site), will create a soft landscaped boundary of between 8-16 metres width along Old Newton Road. To Aller Road an area of soft landscaping will be retained with estate railings proposed to replace the existing chain link fence and a new hedge bank adjacent to Unit 8 and associated car parking area. This space will include the existing mature oak tree and a pedestrian/cycle entrance via the existing access off Aller Road. This will create an approximately 0.3 acres area of open space within the site adjacent to Aller Road. Including the verge outside of the application site, the proposal would retain an approximately 35 metres wide buffer of soft landscaping adjacent to Aller Road. Along the eastern boundary of the site the amended plans include a tree and shrub belt with a minimum width of 5 metres. The southern boundary, with the residential property, includes the provision of a 3 metres high acoustic screen and areas of soft landscaping including native tree and shrub thicket planting and a proposed hedgebank. At the narrowest point there would be a soft landscaping buffer of approximately 7 metres which would increase to some 12 metres between the car parking for Unit 1 and the southern boundary (which is the closest point to the dwelling). The scheme also includes the retention of a length of existing hedgerow and trees within the southeast part of the site.

- 3.18 The site slopes from west to east from Old Newton Road down towards the railway and the proposed development includes elements of cut and fill to provide level bases for the proposed buildings. The proposed office building (Unit 5) would be cut into the existing slope by a maximum of approximately 1.5 metres; Unit 5 would have a ridge height of 9 metres (which would be approximately 7.5 metres above the existing bank along Old Newton Road). The other units within the proposed scheme would have ridge heights of approximately 7.8 metres. The spaces for car parking would be largely screened by the proposed buildings, landscaping and level changes.
- 3.19 The development should be considered in terms of its wider landscape setting and in terms of its location at an entrance to Kingskerswell. In the more immediate context the proposed area of open space adjacent to Aller Road and the retention of the oak tree within this area adjacent to the roundabout would maintain the existing open and green character at this entrance point to Kingskerswell. In terms of the wider context, it is not considered that the proposal would result in a significant impact in terms of maintaining the physical separation between Kingskerswell and Newton Abbot and it is noted that the site does not fall within a strategic open break.
- 3.20 Undoubtedly the proposed development would result in a change to the character and appearance of the site: however, the proposed planting scheme and retention of existing trees and hedgerows in addition to the use of the level changes across the site would soften the appearance of the development and provide a level of screening which would mitigate the impact on the landscape.
- 3.21 When considered in terms of both a local and wider landscape setting the proposal, subject to the implementation of the soft landscaping scheme, is considered acceptable with regards to Local Plan Policies S1, S2 and EN2A. The level of change to and the impact on the landscape is considered to be outweighed by the significant economic benefits of the proposed development.

Residential Amenity Considerations

- 3.22 The site is located approximately 170 metres from the residential properties to the east in Kingskerswell, which are separated by the railway line and the open space adjacent to Aller Brook. However, immediately to the south of the site is the residential property known as 'Trees'. It is therefore important that any development on the application site does not result in an unacceptable impact on the amenity of the occupiers of neighbouring and nearby residential properties.
- 3.23 There is sufficient separation between the proposed buildings and residential properties to prevent an impact from loss of outlook or privacy; although an appropriate boundary treatment would be required along the southern boundary of the site with 'Trees'. Concerns have been raised within the public representations about the impact of the proposed development on private views from residential properties; whilst the impact on outlook is a material consideration, the impact on private views is not. 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.
- 3.24 An Environmental Noise Assessment has been submitted by the applicant and reviewed by Teignbridge's Environmental Health officers. The Assessment included an on-site ambient sound survey which was undertaken across 6 days in March 2019. The findings of the assessment resulted in a reduction of the number of units on the site and a greater buffer between the proposed units and the residential southern boundary. The proposed mitigation measures include the introduction of an acoustic screen (in the form of a 3 metres high acoustic fence) and conditions limiting noise from the site to no more than 5dB over prevailing levels and limiting HGV delivery and collection hours to the closest units to between 7 a.m. and 7 p.m. The ground between the acoustic fence and the southern boundary has been designated as a 'bat corridor' and is proposed to be planted with native trees; this will provide a further level of visual screening of the development. The noise limiting condition would control both fixed plant and commercial activity noise.
- 3.25 A condition for a construction management plan to be submitted and approved prior to the commencement of development has been agreed with the applicant; this is considered to provide sufficient mitigation of temporary impacts during construction.
- 3.26 Therefore, subject to the imposition of appropriate conditions relating to noise levels, acoustic fencing and soft landscaping as well as a construction management plan, the proposed development is considered acceptable with regards to Policy S1 and residential amenity.

Highway Safety Considerations

- 3.27 The existing access on Aller Road would be re-used as a combined pedestrian and cycle access; there would be staggered/off-set barriers at the head and base for safety. The existing access off Old Newton Road would be closed and a new access created approximately 30 metres to the north.
- 3.28 The submitted plans include each block divided into a number of smaller units; however, the proposal is for there to be flexibility to allow the blocks to be divided

into fewer larger units depending on the business needs of future occupiers. Blocks 1–3 are shown divided into 7 small units of approximately 90m² (or 1,000 square feet). Car parking for 19 vehicles is shown to the front of Block 1 plus additional space to the front of each unit which could also be used for access and parking clear of the manoeuvring and turning space required. Blocks 2 and 3 would front onto one another, they are shown divided into a maximum of 7 units each and would have car parking for 18 vehicles plus additional space to the front of each unit.

- 3.29 Block 4 is shown as a stand alone unit of approximately 340m² (or 3,600 square feet) with car parking for 14 vehicles. Blocks 6 and 7 are shown divided into a maximum of 7 units each of approximately 190m² (or 2,000 square feet); both of these Blocks would have car parking for 28 vehicles plus space for manoeuvring and access of a HGV. Block 8 is shown divided into two units of approximately 245m² (or 2,600 square feet) with car parking for 32 vehicles plus HGV turning circle and overnight lorry parking.
- 3.30 The Office building (Block 5) would consist of two floors of 360m² (or 3,900 square feet) each including the service core (excluding the service core each floor would provide approximately 285m² of office floorspace). The Office building would be served by a 26 space car park.
- 3.31 Overall the proposed development would be served by 165 parking spaces which includes 21 disabled spaces plus additional space for HGV access and turning. The scheme also indicates the provision of cycle parking within each unit.
- 3.32 No objections to the proposed scheme have been raised by either Devon County Council (as the Local Highways Authority) or Highways England. It is considered that the scale of the proposed development and the access and parking details provided are acceptable subject to conditions for a construction management plan, for the parking to be laid and retained, for the cycle and pedestrian access off Aller Road to be provided and retained, and for each unit to provide and retain covered and secure cycle parking. In addition, a condition restricting any overnight lorry parking to the location shown on the Block Plan.

Impact on Biodiversity and Trees

- 3.33 The application is accompanied by an Ecological Appraisal undertaken by Devon Wildlife Consultants and dated March 2018. Devon Wildlife Consultants were initially commissioned by Teignbridge to undertake an Ecological Appraisal and a suite of surveys were undertaken for Teignbridge from August to November 2016. Surveys then continued from April to August 2017. The surveys confirmed that the site was used by breeding birds; however, whilst curlew buntings were recorded on site in 2016 they were not there in 2017. The hedgerows, tree and grassland habitats within the site provide commuting/foraging routes which are of value for bats, including the greater horseshoe bat. Common lizard, grass snake and slowworms were identified within the tall ruderal/grassland field margins. The Appraisal sets out a number of recommendations during the construction phase and biodiversity mitigation and enhancement measures.
- 3.34 The majority of bat activity recorded within the site is associated with the eastern and southern boundaries. The proposed mitigation and enhancement measures include the provision of a minimum of ten bat roosting units/tubes into the buildings

proposed for the site at a minimum height of 3 metres and on a southerly aspect, in proximity to vegetation corridors and six further units to be installed on retained trees. Lighting has been minimised and a grant of consent should include conditions removing permitted development rights for the installation of windows to the south and east elevations closest to these boundaries and also requiring all external lighting to be approved prior to installation; this is to retain a dark corridor along the eastern and southern boundaries.

- 3.35 It is considered that the site no longer supports a breeding territory for curlew due to loss of transient habitat. A minimum of ten general purpose bird bricks/boxes are also recommended to be incorporated into the buildings, on a northerly-easterly aspect, in proximity to vegetation corridors and further boxes should be installed on retained trees.
- 3.36 The mitigation and enhancement measures also include species-rich hedgebank planting with associated species-rich wildflower meadow/grassland which will be planted adjacent to the site boundaries. Habitat compensation at the site provides for a stretch of hedgerow which is greater in length than that which will be lost and an area of grassland which would be of a higher species diversity than the grassland habitats which would be lost. The hedgerow and grassland habitat will need to be managed in perpetuity for the benefit of commuting/foraging bats, badgers, birds and reptiles and a condition would be required for the approval of a landscape and ecological management plan (LEMP).
- 3.37 The proposed development includes the retention of existing oak trees and hedgerows on the site, including a section of the existing hedgerow which transects the site. Subject to suitable protection of these during construction works (which can be conditioned) and their incorporation within the LEMP, the proposal is considered acceptable with regards to the existing trees and hedgerows.
- 3.38 The site is within a Strategic Flyway for the South Hams Special Area of Conservation. The application is therefore subject to Regulation 63 of the Conservation and Habitats and Species Regulations 2017 and an Appropriate Assessment is required. The Appropriate Assessment has been undertaken and 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 including permission being conditional on compliance with the submitted Ecological Appraisal and lighting details. The Local Planning Authority, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European site such that this does not constitute any reason for refusal of the development.
- 3.39 Subject to the proposed biodiversity mitigation and enhancement measures as set out in the submitted Ecological Appraisal, a landscape and ecological management plan, and control over external lighting and additional openings, 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

- 3.40 Whilst there are a number of listed buildings within the surrounding area, there are none in close proximity to the site (the nearest being the Barn Owl public house). Aller Railway Bridge is not listed. Having considered the potential for the proposed development to have an impact on the setting of heritage assets, including the

grade II* listed Church of St Mary (Kingskerswell) and St Augustines Priory, it is considered that the proposal is acceptable due to the scale and nature of the development, the intervening structures and the distance to the listed buildings.

Land Drainage/Flood Risk

- 3.41 The development is located within flood zone 1 and is therefore an acceptable location for development in terms of flood risk. It is however important to ensure that surface water drainage is dealt with in an appropriately sustainable manner. Additional information about the proposed drainage system has been provided including a proposed maintenance strategy. Soakaway tests have been undertaken in accordance with BRE365: the results indicate that the ground has a relatively low permeability and is not suitable for the use of soakaway drainage. Therefore the proposal is for the installation of an attenuation system in the form of cellular tank storage, so that the total discharge from the site mimics the theoretical greenfield run-off rates; the design also takes into account an allowance of 40% for increased rainfall from climate change.
- 3.42 The proposed system has been assessed by Devon County Council as Lead Local Flood Authority and the proposed development is considered acceptable subject to the imposition of the pre-commencement conditions requested by County.

Summary and Conclusion

- 3.43 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 planting scheme and retention of existing trees and hedgerows in addition to the use of the level changes across the site would soften the appearance of the development and provide a level of screening which would mitigate the impact on the landscape.
- 3.44 Subject to the implementation of the proposed soft landscaping and the biodiversity mitigation and enhancement measures, the benefits of the proposed development are considered to outweigh the impacts. Therefore, the Officer recommendation is for conditional approval.

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)

S16 (Kingskerswell)

S22 (Countryside)

EC3 (Rural Employment)
WE11 (Green Infrastructure)
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)
HT1 (Heart of Teignbridge – Movement)
HT3 (Heart of Teignbridge – Green Infrastructure)
KK4 (Aller Valley Country Park and Aller Valley Trail)

Devon Waste Plan

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

5. CONSULTEES

TDC Spatial Planning and Delivery – Supportive of this proposal, which appears to be highly 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. Local Plan Policy S3 sets an overall target of about 3 hectares of employment land per year to provide about 300 jobs per year. Unfortunately this level of development has not been approached since the local plan was adopted, despite very significant work and promotional activities by Teignbridge District 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 adoption of the Plan. 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 the emerging and changing circumstances in this way.

This site could provide the short term economic boost. It is in a good location, close to the major Heart of Teignbridge urban area, right by the newly-built South Devon Highway and accessible or potentially accessible by walking, cycling and public transport from a large residential area, including proposed new homes.

In more specific terms, the site is outside but within about 100 metres of the settlement limits of Kingskerswell. It can therefore be considered sufficiently close to meet the definition of 'adjacent' as set out in Policy EC3. This assessment takes account of the overall size of the Heart of Teignbridge which influences what can be considered 'adjacent', the significant urbanisation in the area arising from the completion of the South Devon Highway since the plan was adopted and the

proposal that land in the vicinity including land between this site and the urban edge is proposed to be converted to open space/parkland use.

The site lies within land identified in Policy KK4 as Aller Valley Country Park and Aller Valley Trail. The aim of this policy is to meet an under-provision of open space within the village of approximately 6 hectares. It seeks to create a country park along the Aller Brook to meet the recreational needs of Kingskerswell and to provide an off-road cycle and pedestrian link between Torquay/Kingskerswell/Newton Abbot. The proposal would take up about 2.5 hectares of the total 75 hectares indicated on the Local Plan proposals map for the country park. It would therefore be appropriate to consider how this proposal can help to bring forward elements of the country park, including any associated cycle provision. This would have the additional benefit of improving cycling and walking access to the site. In this regard, it is understood that a new cycle/pedestrian crossing of the railway is under consideration and it may be appropriate for the site to make a proportionate contribution to that.

Economy and Regeneration – Supports this application. The development will enable those seeking workspace to move into new units in a sought-after location between Newton Abbot and Torbay. This location also sits well with the Local Plan strategy of focusing growth in the Heart of Teignbridge. It also helps to deliver the Council's aspirations set out in the 'Investing in Prosperity' project in the Council Strategy, which in turn has informed the 'Ventures' in the emerging Economic Development Plan in particular 'Driving Productivity' and 'Catalysing Growth'.

We measure demand for employment space and currently have on our books approximately 18,500m² of demand. While there are properties available, there are a number of reasons why they are not suitable such as location, building condition, type of tenure, etc. There are also those businesses looking for space who do not contact us, so we assume that the figure is higher than quoted.

Although there are sites earmarked for employment in the Local Plan, they are some years off being developed. The Local Plan seeks to deliver 12,000m² of new employment floorspace per year, but as set out in the Authority Monitoring Report (page 9) this figure has never been achieved. We believe that more employment sites are required, particularly where there is a willing and committed landowner.

The majority of landowners would prefer to sell to a residential use as it reaps a much higher value than employment. Once investigations have looked at access, ground conditions, cost of putting power and main services to the site along with ecology, many of the allocated sites will be deemed too expensive to develop. Any future employment land as allocated in the Local Plan is several years off coming to market.

We would hope that there will be a significant number of new jobs created through the granting of this permission. Around 800 young people leave school in the District each summer. If we do not continue to open up new sites for employment purposes, the chance of these school leavers to get a job locally is diminished. The high cost of renting and the hurdles young people face in buying their own home means finding a job close to home is essential for many.

Highways England – No objections.

Devon County Council Highways – The site is accessed off the C162 County Route which is restricted to 60 m.p.h. The Transport Assessment general content and conclusions are accepted. The parking proposed should be sufficient for the size of the development. The amount of additional vehicles that the proposed development will generate, including HGV movements will not result in unacceptable conflict or congestion, nor would they prejudice the existing condition of highway safety. Although the development is not located ideally with respect to accessibility by sustainable transport modes, the highway authority accepts the conclusions drawn in the Transport Assessment. Therefore, the Highway Authority has no objections to the application but recommends that a Construction Management Plan be conditioned.

Devon County Council Flood – Following the receipt of additional information, our objection is withdrawn and we have no in-principle objections to the application assuming that pre-commencement planning conditions are imposed on any approved permission for: the detailed design of the proposed permanent surface water drainage management system designed in accordance with the principles of sustainable drainage systems; a temporary surface water drainage management system during construction; and details of exceedance pathways and overland flow routes.

Teignbridge Drainage – Devon County Council is the Lead Local Flood Authority for this application.

Landscape Officer – The additional hedgebanks and tree planting shown on the revised scheme has largely addressed my concerns. Subject to minor amendments including the provision of a detailed plan and specification that includes additional trees and a landscape and ecological management plan, which can be conditioned, I am content with the latest landscape proposals.

Trees Officer – There are no arboricultural objections to the proposal subject to the submitted landscape details being made approved documents.

Biodiversity Officer – The site is within a Strategic Flyway for the South Hams SAC. The application is therefore subject to Regulation 63 of the Conservation and Habitats and Species Regulations 2017 and an Appropriate Assessment must be undertaken. The site also falls within a recorded curlew breeding territory. There should be no net loss of biodiversity and a biodiversity gain should be sought.

Greater horseshoe bat survey data does not appear to suggest significant commuting activity. Background levels of greater horseshoe bat activity indicate that low levels are associated with the site, with spikes in May suggesting foraging activity that is likely associated with individuals. Due to the distance from the key SAC designation roost, Natural England would suggest that the activity relates to local greater horseshoe bat activity that is not necessarily directly associated with designated roosts. It was considered that the development without mitigation would have no likely significant effect alone; however, it was considered that in combination with other projects the development could have a likely significant effect and therefore an Appropriate Assessment is required.

The Appropriate Assessment has been undertaken and 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 including permission being conditional on compliance with the submitted Ecological Appraisal and lighting details.

In addition to conditioning the approved plans and ecology reports, a specific condition is also recommended to control installation of additional lighting (to minimise light levels in the interest of protected bat species).

I understand cirl bunting breeding was associated with previous land use as a construction compound and that subsequent surveys have confirmed absence of the species. Strategic cirl bunting mitigation measures would therefore not apply.

Following the receipt of the amended scheme, the conclusion of the submitted Habitats Regulations Assessment still stands and no further information is required. Having checked the additional information, no objection subject to the conditioning of the submitted ecological mitigation and enhancement measures and an additional condition that no external lighting shall be installed without prior approval.

Natural England – The site falls within a greater horseshoe bat strategic flyway as identified in the Natural England guidance ‘South Hams SAC – Greater horseshoe bat consultation zone planning guidance (2010)’. As previously advised, the site is unlikely to be associated with likely significant effects upon the South Hams SAC. This is based upon the limited greater horseshoe bat activity associated with the site, the distance from the designated SAC roost, and sub-optimal habitats found on site. We agree with your Appropriate Assessment conclusion.

Environmental Control – The recommendations contained with the submitted Noise Assessment Report should be attached by way of conditions; this will serve to ensure the amenity of any nearby residential dwellings. The contents of the lighting and drainage reports should also be attached by way of conditions.

Network Rail – No objections in principle but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The development should propose landscaping within the application site and not be dependent on vegetation within the railway corridor which is to be removed imminently for railway safety reasons.

6. REPRESENTATIONS

23 letters of objection received to the application, raising the following summarised concerns/objections (see case file for full representations):

1. Devon CPRE object to the application and wishes to see the implementation of Policy KK4 which will enhance the area between Newton Abbot and Kingskerswell, provide valuable green space and conserve biodiversity in the area.
2. At odds with the Local Plan. The site is within a Green Infrastructure Zone and land indicated to be used for Aller Country Park. Inconsistent with Local Plan Policy KK4. It would undermine the allocation of this site as an amenity for walking and wildlife; it should be part of the allocation of the Aller Trail. The Local Plan is clear that such a break is needed between the urban settlements.

3. Contrary to Local Plan Policy S22; this site is outside the settlement limit. Policy S22 states that particular account will be taken of the integrity of green infrastructure and biodiversity networks and the need to ensure that development in the countryside does not have an adverse effect on the integrity of the South Hams SAC.
4. Kingskerswell lost much of its adjoining green land with the building of the South Devon Highway; this land was to be returned to green field after the temporary use during the building of the new road. This is not a brownfield site, it is fields with tree-lined hedgerows which support a huge range of insects and animals. All the new housing developments and the proposed new housing developments are quite simply contributing to turning this beautiful area into one large and ugly conurbation. Will erode the green belt between Newton Abbot and Kingskerswell.
5. Require open space as below the required needs by some 6 hectares; required for health and wellbeing.
6. Will result in loss of rural character (natural, peaceful and ecologically protected) to a noisy commercial estate. Identity and character of the old village will be lost. Will be an awful entrance to what is currently a pretty village.
7. The site is too large and potentially intrusive. The site is easily visible from many properties in the village. We have already had the vista change dramatically by the building of the new road and do not wish to see industrial units (or any other development) on this space. It should be returned to fields, as it was, prior to the building of the new road. The view from our house will be ruined. The bypass itself is heavily shielded from the village by high banking and other measures. There is no way to shield the site as it is on a hillside and besides it is a beautiful area in its own right.
8. There is no evidence to support the need for industrial units on this site. There is no need for this within Kingskerswell. The empty office space is killing our towns.
9. There are a number of employment sites allocated within the Local Plan (NA1, NA3 and NA4).
10. Existing employment sites have vacant units including half of the units at Heathfield. Should redevelop brownfield sites which have passed their sell by dates and are long overdue a revamp rather than dig up the last remaining green sites. I have recently acquired a unit and most industrial sites around Torbay and Newton Abbot are not running at full capacity.
11. Will increase traffic, including more heavy traffic, to the village. The roads and infrastructure are becoming too congested and will not support the proposed new industrial development or the extra numbers of people who would move into the area due to even more building of new houses. Concerns about wayfinding from the South Devon Highway to the site.
12. Old Newton Road is a narrow single carriageway and is not adequate to deal with the increased traffic and HGVs. Old Newton Road is a designated lorry route for Stoneycombe Quarry and is also used by the lorries that service both Hanson and Zigzag. Old Newton Road and Foredown Lane are both busy roads with a steady flow of aggregate lorries and light motor vehicles; these roads could not cope with any increase in traffic and are already used as a rat run/short cut from and to Totnes Road with people ignoring the 30 m.p.h. speed restrictions.
13. Level of parking will negatively impact on the road and immediate vicinity. If there is insufficient parking within the site, they would be parking on the Old Newton Road thereby restricting the width of the road. The application states that there will be parking available for overnight stays; concerned that

refrigerated containers with their motors going all night would disturb local residents.

14. Old Newton Road is not safe for pedestrians and cyclists. There is no footpath provision to the bus stops; employees would have to walk in the road or along the normally overgrown grass banks. The area is poorly lit.
15. Will harm wildlife. The proposed site is within a Strategic Flyway of the South Hams SAC; there will be significant in-combination impacts on the greater horseshoe bats and cirr buntings from the additional light and noise. There has not been an appropriate assessment.
16. We have been subject to enough dirty roads and building sites during the road building. We do not want to go back to constant noise and light pollution.
17. It will lower the value of our property [Note: This is not a material planning consideration.]

Two letters of comment received to the application, raising the following summarised comments (see case file for full representations):

1. A gym should be included.
2. This will make the village an overspill for Newton Abbot and Torquay.

Two letters of support received to the application, raising the following summarised comments (see case file for full representations):

1. As an Exeter-based Commercial Agent who lives in Teignbridge and has been working in the Newton Abbot and surrounding area for over 30 years, there is a significant need for additional commercial development in the Teignbridge area.
2. The development of commercial space has not kept up with the demand in the area and we now see many excellent Teignbridge-based businesses having to look outside of the area to try to secure the additional space they require. These businesses employ local people and are reluctant to relocate, but cannot allow space issues to restrict their business ambitions.
3. We are currently experiencing the lowest supply of industrial space I have seen in my 30 year career and it is essential that developments such as this are encouraged to support the extensive new housing developments that are coming out of the ground.
4. We act for a number of investors who have in excess of 20 commercial buildings each, and currently most have 100% occupation of their premises.
5. There is a need for premises in the market for new business to start and for existing businesses to develop.
6. The development is paramount to the local economy.
7. Highway access is good. The development is well served by the new road and the location between Newton Abbot and Torquay will prove popular and sustainable offering easy access to Newton Abbot and the remainder of Teignbridge.
8. The demand for commercial employment buildings for office, high tech and warehousing/manufacturing use continues unabated.
9. We are currently seeing a particularly strong demand for small industrial/office units, from 1,000 – 2,500 square feet which will be mainly taken by local start up or grow on businesses; this was well demonstrated by the scheme that Teignbridge developed themselves at Teignmouth and which was 100% let before the development was completed.
10. The site is far enough away from flood plain area to the north of the railway line (Aller Brook) not to be a potential problem for the water courses in the area; it will require a private septic tank system.

7. PARISH COUNCIL'S COMMENTS

Kingskerswell Parish Council objects for the following reasons:

1. The plan is misleading as it depicts land and road layout pre-South Devon Highway; this suggests that there is a large 'buffer' of undeveloped field around the site.
2. There is no demonstrable need for further industrial premises in the immediate area; vacant units can be found in current industrial estates at Brunel, Decoy, Milber, Heathfield and Bulleigh Barton and the Local Plan has allowed for some 50 hectares of employment land within a short distance (NA1 – Houghton Barton, NA3 – Wolborough and NA4 – Milber).
3. The development is not required by Kingskerswell (or surrounding hamlets); there are already amenities for shops and sales in the village, further units can only serve to further erode the shops already here.
4. The use of the land as the Galliford Try site was a temporary site in use while construction of the bypass was underway; it was understood that it would be returned to its former state.
5. It has been said that the land is brownfield and not suitable for agricultural use; however, the grass growing on these fields was round-bailed on 16 July 2018, so obviously this is not the case.
6. Land could have an equine use (as promoted in the Local Plan).
7. Application is at odds with the Local Plan as it will hamper the introduction of the Aller trail as per Local Plan Policy KK4 – Aller Valley Country Park and Aller Valley Trail.
8. The site is in full view when entering the village and is the default view for a number of Kingskerswell houses; the value of the land as it is far outweighs that of an industrial site. The site has hedgerows but to mask the site from view would be near impossible as it is on the side of a hill.
9. Would impact on wildlife including cirl buntings and greater horseshoe bats.
10. Flood defence would be adversely affected once this area of land is effectively concreted over.
11. Overdevelopment; 39 units and an office block is simply far too much for this site.
12. Lighting and noise would cause disruption to neighbouring properties and wildlife.
13. There will already be huge building works in the area, and huge loss of countryside. The proposed housing development at the Barn Owl, the development of the areas behind Kingskerswell School, Fluder Hill, Charles Road and indeed the commercial building at the entrance to Kingskerswell on the Torquay side of the village already represent a huge impact in the coming years. Wolborough Barton is projected to come right up to this area, meaning that this is could be one of the last areas of green before Newton Abbot.

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 proposed development would create a new business park of 2.48 hectares. 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 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 2.48 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 B1 (900m²) and B8 (5,680m²) uses with associated access roads, parking and landscaping.
- The site is located between the new South Devon Link Road (A380) and railway line.
- The site was formally used as a site compound for the construction of the road.
- The site is located within: a 500 metres wide strategic flyway for GHB, a wintering zone for Cirl Buntings and a GCN alert zone.

Whilst the site lies within the Strategic Flyway associated with the South Hams Special Area of Conservation, subject to the submission of an Ecological Impact Appraisal and appropriate avoidance, mitigation and compensation measures being incorporated within the scheme, 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.

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.

Business Manager – Strategic Place