

## PLANNING APPLICATION REPORT

**Case Officer:** Bryn Kitching

**Parish:** Kingsbridge **Ward:** Kingsbridge

**Application No:** 1108/23/FUL

**Agent/Applicant:**

Baker Estates Ltd  
Green Tree House  
Silverhills Road  
Decoy Industrial Estate,  
Newton Abbot  
TQ12 5LZ

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Green Tree House  
Silverhills Road  
Decoy Industrial Estate,  
Newto Abbot  
TQ12 5LZ

**Site Address:** Land At Sx 729 441, Morley Way, Kingsbridge



**Development:** Proposed construction of employment buildings & associated works

**Reason item is being put before Committee:** Cllr O’Callaghan has called the application to committee for the following reason: “I would like this to be considered by the DM committee please as it is part of a major application in the AONB, so that issues such as neighbour amenity/landscaping and parking can be discussed in detail, in an open and transparent manner.”

**Recommendation: Grant conditional planning consent**

**Conditions** (list not in full)

1. Time limit – 3 years.
2. Building accordance with approved plans list.
3. Accord with Carbon Reduction Statement.
4. Construction and Environmental Management Plan (pre commencement Date Agreed 18/07/23).
5. Construction Management Plan (pre commencement Date Agreed 18/07/23).
6. Submission of a Noise and Complaint Management Plan (pre occupancy).
7. Landscape and Environmental Management Plan (pre occupancy).
8. Detailed Landscaping scheme (pre occupancy).
9. Parking and Turning provided (pre occupancy).
10. Electric Vehicle Charging Points (pre occupancy).
11. Hours of use of machinery, processes and deliveries – 8am to 7pm mon-fri and 8am to 1pm sat.
12. Noise restriction – machinery inaudible beyond boundary.
13. No external lighting without approval.
14. Accord with Ecological Impact Assessment.
15. No clearance during bird nesting season without qualified ecologist supervision.
16. Permitted development restricted for extensions and hardstandings
17. Restrict use to B8 and E(c)-(g) only.
18. Outdoor storage screening and restrictions.

**Key issues for consideration:**

1. Principle of Development (KWAC Env1, SPT1, SPT2, SPT4, TTV1, TTV2)
2. Residential Amenity and Appropriate Uses (DEV1, DEV2)
3. AONB Considerations (KWAC Env 3, DEV25)
4. Design/Appearance (KWAC BE3, DEV20, DEV31)
5. Landscaping (KWAC Env10, DEV23, DEV25, DEV28)
6. Ecology/Biodiversity Net Gain (KWAC Env3, DEV26)
7. Drainage and Flood Risk (KWAC Env6, DEV35)
8. Carbon Reduction (KWAC Env7, DEV32)
9. Historic Environment (DEV21)
10. Access and Parking (DEV29)
11. Conclusion

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**Site Description:**

The application site forms part of a larger mixed use (residential and employment) site that is also known as K5, Kingsbridge. Development has commenced on the larger site with two vehicle accesses being constructed as part of the approved outline consent for the mixed use development and subsequent reserved matters for residential development.

The site lies on the western edge of Kingsbridge, to the north of the A381, West Alvington Hill. The land is within the South Devon Area of Outstanding Natural Beauty (AONB) and lies

approximately 320 metres from the Kingsbridge Conservation Area to the east and approximately 500 metres from the West Alvington Conservation Area to the west. The Salcombe to Kingsbridge Estuary Site of Special Scientific Interest (SSSI) lies approximately 500 metres to the east of the site.

The site is situated immediately west of Station Yard and extends to Norden Lane to the west. It comprises an area of approximately 0.5 hectares of the larger 1.2 hectare field between Station Yard and Norden Lane. The remainder of the field is part of a larger development site and construction is due to recommence on the approved access road and 23 dwellings shortly. To the north west of the application site is a grade II listed building called Norden and the larger field on the western side of Norden Lane is to be developed with a further 29 dwellings.

The north western boundary to Norden comprises a mature tree lined hedge that forms a significant screen to the listed property. The south western boundary to Norden Lane is a recently laid hedgebank, that then drops down to the sunken lane. The north eastern boundary to Station Yard comprises a post and wire fence with some off-site semi mature planting that separates the industrial yard car park and building from the application site.

The site slopes significantly downwards from south to north and has a fall of about 15m from corner to corner. It is currently laid to grass with the new foul and surface water sewer outfall points being constructed in the northern corner.

A Public Right of Way runs along the south west boundary of the site along Norden Lane.

### **The Proposal:**

This application is for full planning permission to erect 7 employment units with parking area, bike and bin storage, and hardstanding/yard area. The employment units would be comprised in 2 separate buildings with a total floorspace of 581.1 sqm. Each unit is approximately 83sqm floorspace with the opportunity for further mezzanines to be inserted at a later date.

The application forms proposed the buildings to be Use class E(c)-(g) and B8. A breakdown and explanation of those uses is below:

#### *Class E - Commercial, Business and Service*

- *E(c) Provision of:*
  - *E(c)(i) Financial services,*
  - *E(c)(ii) Professional services (other than health or medical services), or*
  - *E(c)(iii) Other appropriate services in a commercial, business or service locality*
- *E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)*
- *E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)*
- *E(f) Creche, day nursery or day centre (not including a residential use)*
- *E(g) Uses which can be carried out in a residential area without detriment to its amenity:*
  - *E(g)(i) Offices to carry out any operational or administrative functions,*
  - *E(g)(ii) Research and development of products or processes*
  - *E(g)(iii) Industrial processes*

#### *Class B8 - Storage or distribution.*

The application is accompanied by a Planning Statement, Carbon Reduction Plan/Statement, Heritage Statement, Noise Impact Assessment, Drainage details, Ecological Report, Tree Survey and Protection Plan, and Landscape Strategy.

### **Consultations:**

- **Kingsbridge Town Council** – Support / Recommend Approval:
- **West Alvington Parish Council** – Support subject to the following:
  - No loss of amenity to surrounding properties.
  - Suitable landscaping to dull any noise and screen the buildings.
  - Sufficient parking spaces must be provided to ensure that no vehicles spill onto the housing estate.
- **County Highways Authority** – No objection subject to conditions (CMP and access, parking and site compound constructed prior to development commencing):
- **Environmental Health** – We have considered the application and have the following comments:

This proposal is for small commercial units in a mixed use area with residential properties nearby. There is potential for residents to be impacted upon by activities and deliveries and we therefore recommend noise conditions. The noise report only considers potential noise breakout and the impact of external noise on occupiers of the units. These are not the important noise considerations for this kind of development: working hours and noise from extract/ventilation equipment are the main concerns. We therefore recommend the conditions are included on any approval.

- **Tree Specialist:** No objection on arboricultural merit subject to the noted documents being made approved plans if consent follows.
- **Landscape Specialist** – Initial holding objection that localised effects on character and visual amenity are not fully addressed in the proposals, and the ‘conserve and enhance’ expectations of Landscape policies DEV23 and DEV25 are not fully met.

Following submission of landscape masterplan, the Landscape Specialist confirmed that it forms a strong basis for a detailed landscape scheme to be secured by condition.

- **South Devon AONB** – No comments supplied but were involved in discussions with the Landscape Specialist prior to their response being sent.
- **DCC Historic Environment** – No comments: Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.
- **DCC Ecology** – No objection subject to conditions following submission of revised Ecological Impact Assessment). Recommended conditions: Carry out in accordance with EIA, no site clearance during bird nesting season, submission of LEMP and CEMP.

- **Local Lead Flood Authority** – Initial objection withdrawn following submission of further information. We have no in-principle objections to the above planning application at this stage.

The applicant acknowledge that the total impermeable area is 1.209 ha and attenuations cellular storage was increased from the 1 in 100 year storm event (plus 30% CC) to 1 in 100 year storm event (plus 50% CC). The discharge rate from the attenuation tanks is 10 L/s. The outfall of the site proposed connect to South West Water (SWW) public surface water sewer and location was demonstrate in Pre-Development Point of Connection Enquiry Proposed Foul and Surface Water Sewers Drawing (Drawing No.0001, Issue. P1) in Flood Risk Assessment Technical Note Appendix D.

- **Historic England** – Comment:

In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

- **Waste Specialist** – Comment:

Would need to see domestic waste collection plan in greater detail to be able to comment at this stage. *[officer note, this application does not include domestic premises which are on the adjoining site]*

- **South West Water** – No comment or concern

- **Natural England** – Comment:

Your authority will need to determine whether the proposal is likely to have a significant effect on the South Hams Special Area of Conservation (SAC) greater horseshoe bat population by undertaking a Habitats Regulations Assessment, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

*[officer note: the comments from NE incorrectly identify the site as being within a greater horseshoe bat Sustenance Zone and Landscape Connectivity Zone associated with the South Hams Special Area of Conservation (SAC). The site is not in the bat Sustenance Zone and the comments from DCC Ecology correct this]*

- **Police Designing Out Crime Officer** – Comment:

- Rear of commercial units can be vulnerable and therefore it is recommended that access to the back of units is controlled by adding gates or fences.
- Welcome the simple design with no recessed doorways or windows.
- Cycle store lacks natural surveillance and could be vulnerable – it would be preferred if it were moved and be overlooked by the front of the units.
- All external doors and windows should meet security standards
- Recommend a mail delivery system that does not rely on letter plate apertures which can be subject to arson or mail theft.
- Avoid design features that can be used as climbing aids, e.g., external rainwater goods should be flush fitter or concealed.

- Welcome access gate which should match the boundary treatment and be lockable to avoid unauthorised access outside of operational hours.
- It would be beneficial to install vehicle mitigation bollards in front of pedestrian doors to avoid vehicle /pedestrian contact.

### **Representations:**

3 letters of objection (2 of which received from the same person) which raise the following issues:

- Inappropriate location and creation of additional traffic in area that is oversubscribed.
- Industrial estates are only appropriate outside of the town and located away from residential areas.
- Anyone needing to access the industrial units will need to drive through a residential area.
- Even existing industrial units should be removed to outside of towns.
- Existing trees and rights of way should remain.
- The advertised address for this application does not exist and the application should be readvertised.
- Does not appear to be any provisions to accommodate water that flows down Norden Lane and then enters a pipe under the bank into the lower section of K5. This could cause problem for neighbouring listed home (Norden)
- Multiple small employment units will attract more traffic passing through the housing part of the site.
- Operating hours, odours and noise levels should be limited to avoid impact on neighbouring residents.
- Installation of solar panels and water heating on each unit should be mandatory.

### **Relevant Planning History**

28/0508/15/O - Outline application (with all matters reserved except access) for erection of up to 60 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage. Approved 27 July 2015.

2434/18/ARM - Application for approval of reserved matters (appearance, landscaping, layout and scale) for 52 no. dwellings and associated garages, infrastructure and landscaping following outline approval 28/0508/15/O for up to 60 no. dwellings, 0.5 hectares of employment land, 2no. vehicular accesses, open space, play provision and drainage. Approved 17 September 2020.

0304/21/CLP - Certificate of Lawfulness for proposed confirmation of valid implementation of planning application 28/0508/15/O. Granted 17 February 2021.

### **ANALYSIS**

**1 Principle of Development (KWAC Env1, SPT1, SPT2, SPT4, TTV1, TTV2)**

- 1.1 The Council's local plan 'Plymouth and South West Devon Joint Local Plan, 2014 – 2034' was adopted in March 2019. A fundamental element of delivering economic growth is ensuring that there is sufficient land to meet the need for new employment premises, and through its allocations and existing communities the plan identifies land to meet this requirement.
- 1.2 Policy SPT1 promotes a sustainable economy where opportunities for business growth are both encouraged and supported. It also supports a sustainable society where neighbourhoods and communities have a mix of local services which meet the needs of local people, and a sustainable environment where adverse environmental impacts of development are minimised and effectively mitigated where unavoidable.
- 1.3 Policy SPT2 seeks to promote sustainable communities which have access to a vibrant mixed use centre, and provide the appropriate level of facilities to meet the identified needs of the local community including employment uses.
- 1.4 Policy SPT4 requires the LPAs covered within the plan area (South Hams District Council, West Devon Borough Council and Plymouth City Council) to provide for a net increase of at least 375,208 sq. m of employment floor space land within the plan period. South Hams falls under the 'Thriving Towns and Villages Policy Area' and of that larger figure the policy sets out that 28,900 sq. m should be made for (former) B1a offices (focused within town centres), 21,700 sq. m for B1/B2 and 33,100 sq. m for B8. The use classes proposed in this application align with the former B1 uses classes and current B8 class, while not including the retail elements of class E (that were formally in the A classes for town centre type uses).
- 1.5 Although allocation K5 was not carried through and repeated in the TTV section of the Joint Local Plan, the site was identified as a mixed use commitment on the Policies Map to account for the extant 2015 consent for up to 60 dwellings and 0.5 hectares of employment land. The application site lies within the settlement boundary for Kingsbridge (as identified in the Neighbourhood Plan). Policy KWAC Env1 supports the principle of development inside the settlement boundaries subject to national Policy Guidance and the Development Plan.
- 1.6 JLP Policy TTV1 provides a hierarchy of settlements for the distribution of growth and development to deliver homes and jobs, to enable each town and village to play its role within the rural area. The supporting text to this policy through paragraphs 5.7 to 5.10 names the settlements that are applicable to the hierarchy referred to in the sub-components of policy TTV1 as 'The Main Towns' (TTV1. 1), 'Smaller Towns and Key Villages' (TTV1. 2), 'Sustainable Villages' (TTV1. 3) and 'Smaller villages, Hamlets and the Countryside' (TTV1.4). Kingsbridge is identified as one of the six main towns at the top end of the hierarchy and where development delivering jobs is prioritised.
- 1.7 Leading on from policies SPT1, SPT2 and TTV1, policy TTV2 states that the Local Planning Authority will support development proposals in the TTV policy area which reinforce the sustainable settlement hierarchy and includes the growth and expansion of rural business and enterprise.
- 1.8 Spatial Priority SP3 seeks to enhance the vibrancy and sustainability of Kingsbridge. This includes Providing for mixed use development to help meet local housing need and increase employment opportunities to support the Spatial Priority. The residential parts of the larger K5 site are coming forward with the delivery of 52 homes and this

application would allow for an appropriate amount of employment to come forward as part of a mixed use development.

- 1.9 Given the above considerations, as the site lies within the defined settlement boundary of an identified 'Main Town', has a previous allocation and extant outline consent for employment development, it is considered that the principle of the proposed development is in accordance with the strategic Development Plan policies and is acceptable. It is therefore necessary to consider the finer details of the application.

## **2 Residential Amenity and Appropriate Uses (DEV1, DEV2)**

- 2.1 Since the original allocation and grant of outline planning permission (for mixed use residential and employment development), it has been long established that this part of the development site would be suitable for employment uses. Those uses need to be compatible with the surrounding area, which includes the new residential development that is immediately adjacent to the proposals. The original consent included a use class restriction that the employment units only be used for B1 (Business Uses). The reasoning given for this was to protect the residential amenity of existing and future residents. On 1<sup>st</sup> September 2020, the government implemented changes to the Use Classes Order which removed class B1 and replaced it with a new E class Commercial Business and Service). The list of uses in this new class include the former B1 uses, but also add in other uses that are generally compatible with nearby residential uses. The application seeks consent for the majority of uses within the more recent Class E, but specifically excludes retail and food and drink. This is a result of pre-application discussion where it was advised that these type of destination uses are best placed in town centre location where the Neighbourhood Plan seeks to specifically protect and enhance those facilities.
- 2.2 Access to the employment site will be along the road (Morley Way) that was approved as part of the reserved matters consent. The residential development was designed in such a way to set buildings back from the road to account for potential disturbance from vehicles accessing the employment site. The employment buildings would be situated at a much lower height than the adjoining residential. The openings in the nearest building would face away from the residential and towards the existing employment buildings in Station Yard
- 2.3 Class B8 (storage and Distribution) is also included in the uses proposed by the applicant. Large scale B8 can result in a significant number of vehicle movements to and from a facility, however, given the scale of the buildings involved, any storage and distribution is likely to be low key and related to small scale business operations that are often associated with this type of start up unit. It is considered that with the appropriate use of conditions, the residential amenity of nearby residents can be safeguarded and accord with the provisions of Policies DEV1 and DEV2. This would include the conditions recommended by Environmental Health Officers.

## **3 AONB Considerations (KWAC Env 3, DEV25)**

- 3.1 The site lies on the edge of the South Devon AONB but is fully within it (as is the rest of the larger development site). The application needs to be considered in the context

that development will be taking place on two sides of the application site and further into the AONB. The scale of the development is unlikely to have significant impacts on the wider landscape character (see following landscape section for further discussion) and it would not harm the special qualities and distinctive qualities of the AONB. It is therefore considered to accord with the provisions of policy KWAC Env3 and DEV25 of the Neighbourhood Plan and Joint Local Plan.

#### **4 Design/Appearance (KWAC BE3, DEV20, DEV31)**

- 4.1 The design of the employment units is uncomplicated and is reflective of other new build employment starter units. As these type of employment unit generally require a level site, it is proposed to use cut and fill to construct a yard and buildings at the same level as the access road. They effectively 'sit down' within the site with eave and ridges heights that are not too dissimilar from the neighbouring employment yard. Sections have been provided to show the relationship with the approved residential development and retained boundary features. Dark colours are to be used that will be recessive and muted. This is considered to be good design practice and in accordance with the provisions of policy DEV20. The proposals include dedicated areas for waste management at the site entrance which will be collected as part of commercial waste contracts. This is next to the turning head of what will become the adopted highway (Morley Way) and therefore has easy access.
- 4.2 The comments from the Police Designing Out Crime Officer have been taken into account and while some of these relate more to operational requirements of individual units, the entire area is to be fenced off with good levels of overlooking the site access. The comments regarding the location of the bike storage areas are noted, however in order to access these facilities, it would require passing in front of all the units which have good surveillance. Given the need to keep the larger yard area open for vehicles, it is considered that on balance, the proposals are acceptable.

#### **5 Landscaping (KWAC Env10, DEV23, DEV25, DEV28)**

- 5.1 The Landscape Specialist considers that the proposals broadly accord with policies DEV23 and DEV25 with the wider landscape character being conserved, and with significant and adverse landscape or visual impacts avoided. However, they considered the localised effects on character and visual amenity had not been fully addressed in the proposals, and the 'conserve and enhance' expectations of Landscape policies DEV23 and DEV25 had not fully met.
- 5.2 This has been addressed by the submission of a landscape strategy plan that can be used as a basis for a condition requiring detailed landscaping proposals. The Landscape Specialist has indicated that this addresses previous concerns/discussions and that the locations and species for different types of planting are acceptable.
- 5.3 The trees on the boundary to Norden are all retained, and the tree protection plans could be conditioned to ensure that no development or construction takes place in root protection zones.

#### **6 Ecology/Biodiversity Net Gain (KWAC Env3, DEV26)**

- 6.1 The application is accompanied by an Ecological Impact Assessment that has been updated in response to the initial consultation response from the Council's Ecological

Specialists. This was in response to questions about the openings in one of the buildings that face towards the boundary hedges and whether this would result in potential light spill on dark corridors. In the updated report, the consultant ecologist confirms that there is sufficient distance between the opening and hedgerow to avoid harmful light spill.

- 6.2 The development site lies within the South Hams SAC Landscape Connectivity Zone for greater horseshoe bats. It should be noted that in the Natural England consultation response they incorrectly identify the site as being in the Sustenance Zone. The Council's Ecological Specialist has confirmed that the development would not impact on suitable commuting features for greater horsehoe bats and as such there is unlikely to be significant effect on the South Hams SAC. Appropriate Assessment is not deemed to be required.
- 6.3 It is suggested in the consultation response that conditions requiring implementation of the actions set out in the EIA, no site clearance in the bird nesting season (without ecologist supervision, and the submission of a LEMP and CEMP are required.
- 6.4 Biodiversity Net Gain (BNG) calculations have been submitted which show net gain in both habitat and hedgerow units for the individual site. The wider site for the original outline consent includes further areas of greenspace and a cirl bunting mitigation area which should result in further gains.
- 6.5 Subject to appropriate conditions, the requirements of Policy DEV26 and KWAC Env3 have been met.

## **7 Drainage and Flood Risk (KWAC Env6, DEV35)**

- 7.1 The site is not within any flood zone and it is also outside of the identified Critical drainage Area for Kingsbridge. The approved surface water attenuation tanks for the wider residential development are to be located in the application site. It is proposed the enlarge the capacity of these tanks so that they can accommodate surface water from both the residential development and the proposed employment development.
- 7.2 The discharge rate would remain largely unchanged from the approved rate at 10 litres per second. The capacity of the system has been upgraded to account for the increase in impermeable area and it is also proposed to increase capacity for the entire site from the originally approved from the 1 in 100 year storm event (plus 30%) to 1 in 100 year storm event (plus 50%). This is considered to be a betterment from the existing approval. The discharge point for the surface water has been agreed by South West Water and this will be to their surface water sewer network.
- 7.3 Following the receipt of further information, the Local Lead Flood Authority removed their holding objection and it is therefore considered that the drainage is acceptable.
- 7.4 One of the objection letters raises concerns about the drainage in Norden Lane, however this is outside of the application site and no changes to the lane or its drainage system are proposed.

## **8 Carbon Reduction (KWAC Env7, DEV32)**

- 8.1 The application is accompanied by a Carbon Reduction Strategy in response to the requirements of DEV32 and the Climate Emergency Planning Statement. The buildings are assessed to have low energy demand on the basis that space heating is unlikely to be required for the proposed uses. The submitted calculations show that (after energy demand reduction) the regulated carbon emissions are predicted to be 1,891 kgCO<sub>2</sub> per year. Photovoltaics are proposed which would have a predicted annual generation of 4,456 kWh and saving 560 kgCO<sub>2</sub> per year. This is a 26.56% reduction from the Part L compliant baseline and over the 20% saving identified in Policy DEV32 (for major applications) and the Climate Emergency Planning Statement.
- 8.2 Given the design and use of the buildings, battery storage systems could be easily accommodated in the building footprint. Electric Vehicle charging points can be covered by condition and the Climate Emergency Planning Statement stipulates that these should be 22kw for Class E uses.
- 8.3 The measures set out in the Carbon Reduction Statement and identified in the Climate Emergency Compliance Form are considered to be acceptable for this development.

## **9 Historic Environment (DEV21)**

- 9.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) states: "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 9.2 To the north west of the site is a grade II listed building (Norden). This is separated from the site by a tall tree lined hedge which provides an effect visual screen and there is no intervisibility between the two sites. The main facades and outlook from Norden do not face the development and there is paddock area between the house and application site. The previous allocation and subsequent outline planning consent considered the potential impacts on the setting of the listed building and concluded that changes to its setting were not significant and were acceptable. The detailed design of this application would see one of the buildings cut into the slope, with the other partially cut in to, and partially above existing ground levels. The boundary hedgerow is to be retained and fenced off from the buildings and yard. As such it is considered that if there were any impacts on the setting of the listed building, these would be less than substantial and at the very minor end of the scale. The benefits of employment provision as part of a mixed use development are considered to be of public benefit that should be weighed in favour of granting consent.
- 9.3 It is considered that the application site is a sufficient distance away and does not include any parts which would impact on the setting of wither the Kingsbridge or West Alvington Conservation Areas.

## **10 Access and Parking (DEV29)**

- 10.1 Access to the employment site would be via the new road that runs across the lower parts of the wider site. This road is to be named Morley Way and the junction with West Alvington Hill has already been constructed. The road was originally designed to access both the residential and the employment parcels of land. It was permitted as part of the reserved matters consent for residential development and was shown to be adopted by the highway authority. The County Highway Authority have no objection subject to conditions.
- 10.2 17 parking spaces are proposed with 7 of these being extra wide disabled spaces. The SPD provides additional clarity on parking requirements under policy DEV29, although it should be noted that there has been a change to the use classes order that has some impacts on the indicative parking provision table under para 8.16. The total floor space for the development is 581.1 sqm and if all the units were to be under the former B1 (general business uses) the table suggests 1 space per 30sqm. This would result in 19 spaces being required. However, if all the units were used as a B8 (storage and distribution) then only 8 spaces would be required. The yard area is quite substantial and includes 3 areas of land (next to parking spaces 1,12 &17) where it would be physically possible to park additional vehicles without affecting circulation space. This would increase the parking to 20 spaces, of which 35% would be suitable for motorists with disabilities.
- 10.3 Cycle parking is proposed in a purpose built enclosed bike store that would contain at least 7 spaces.
- 10.4 It is considered that the level of parking meets the indicative standards set out in the SPD and Policy DEV29 of the plan and is appropriate for this accessible and well connected location.
- 10.5 It is proposed to include a condition requiring a construction Management Plan with the same criteria that were required for the outline consent.

## **11 Conclusions**

- 11.1 The site was originally allocated for a mix of residential and employment uses and the extant outline permission permitted this area for employment uses. This full application broadly aligns with the principles that were agreed as part of the outline and the uses have been updated to accord with the updated use classes order. The introduction of potential B8 uses is appropriate for this style of employment unit and with appropriate conditions, would not result in significant harm to residential amenity. The detailed design and landscaping are an appropriate response for this sloping and constrained site. For the reasons given above the proposals are considered to accord with the Joint Local Plan and Neighbourhood Plan when read as a whole.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

## **Planning Policy**

## Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 14<sup>th</sup> January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

### **The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019.**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT4 Provision for employment floorspace

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV20 Place shaping and the quality of the built environment

DEV21 Development affecting the historic environment

DEV23 Landscape character

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV31 Waste management

DEV32 Delivering low carbon development

**Following a successful referendum, the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan was adopted at South Hams District Council Committee on 15th December 2022. It now forms part of the Development Plan for South Hams and should be used in deciding planning applications within the Kingsbridge, West Alvington & Churchstow Neighbourhood Area.**

Policy KWAC Env1 Settlement Boundaries and the avoidance of coalescence.

Policy KWAC Env3 Impact on the Natural Environment, South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.

Policy KWAC Env5 Prevention of light pollution.

Policy KWAC Env6 Prevention of Flooding and the impact on water quality.

Policy KWAC Env7 Carbon Reduction.

Policy KWAC Env10 Promotion of tree planting.

Policy KWAC BE3 Design Quality.

Policy KWAC BE4 Safeguarding Designated and Non-Designated heritage assets within the Plan area and the conservation areas of Kingsbridge and West Alvington.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- South Devon AONB Management Plan (2019-2024),
- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020;
- Plymouth and South West Devon Climate Emergency Planning Statement 2022.

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Conditions**

- 1 The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

- 2 Unless modified in compliance with the conditions below the development hereby permitted shall be carried out in accordance with the following approved plans:

- 171202 L 01 01 Rev C - Location Plan
- 2488 P10 - Proposed Site Plan
- 2488 P02 - Unit A: Floor Plan and Elevations
- 2488 P03 - Unit B: Floor Plan and Elevations
- 2488 P04 - Bike and Bin store details
- 2488 P05 - Proposed Site Sections
- 05098 TPP 22.2.23 - Tree protection plan

- 1844 0120 TA4 - Impermeable Area Plan
- 1844 0500 P4 - Drainage Layout

Reason: To ensure that the proposed development is carried out in accordance with the drawings and documents forming part of the application to which this approval relates.

- 3 The development hereby permitted shall incorporate the measures recommended within the Carbon Reduction Strategy by AES Sustainability Consultants dated February 2023.

Reason: In the interests of delivering low carbon development in accordance with the provisions of policy DEV32 of the Plymouth & South West Devon Joint Local Plan and policy KWAC Env7 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan.

### **Pre-commencement conditions**

- 4 The development hereby permitted shall not be commenced until a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and shall be directly informed by the Ecological Impact Assessment dated May 2023 (ref 1801-EclA-FM) and tree protection plan ref. 05098.TPP Rev B 22.2.23. The CEMP shall include the following details:
- a) a risk assessment of potentially damaging construction activities;
  - b) identification of biodiversity protection zones;
  - c) revised mitigation statements;
  - d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
  - e) the location and timing of sensitive works to avoid harm to biodiversity features, including protective fences, exclusion barriers and warning signs;
  - f) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
  - g) responsible persons and lines of communication; and
  - h) the role and responsibilities on site of an ecological clerk of works or similarly competent person.

The development shall then proceed in accordance with the approved CEMP.

Reason: In the interests of ecological protection and enhancement in accordance with the provisions of policies DEV25, DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan. A pre-commencement condition is required given that risks will arise from the outset of works.

- 5 No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:
- (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
  - (d) any road closure;
  - (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00am and 6.00pm Mondays to Fridays inc (excluding the hours between 8.30 to 9.00am and 3.00 to 4.00pm during school term times).; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays;
  - (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (i) provision of wheel wash facilities, dust suppression and noise limitation measures;
  - (j) hours during which no construction traffic will be present at the site;
  - (k) the means of enclosure of the site during construction works;
  - (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
  - (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
  - (n) a road condition survey using photographic evidence neat to each proposed entrance to the site.

This approved CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety, including taking into account school pick up and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles in accordance with the provisions of policies DEV1, DEV2 and DEV29 of the Plymouth & South West Devon Joint Local Plan. A pre-commencement condition is required as measures will be required to be taken from the outset.

### **Pre-occupancy conditions**

- 6 Prior to the first occupation of the employment units a Noise and Complaint Management Plan shall be implemented. The approved plan shall designate overall responsibility for noise management to a named individual or officer of the company responsible for the management of the site and the plan shall thereafter be implemented and regularly reviewed. Any equipment, plant, process or procedure provided or undertaken in pursuance of this condition shall be operated and retained in compliance with the approved plan.

Reason: To protect the amenity of residents from noise and vibration in accordance with the provisions of policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan. A pre-commencement condition is required as measures will be required to be taken from the outset.

- 7 Prior to the first occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be informed by the Ecological Impact Assessment dated May 2023 (ref 1801-EcIA-FM) and shall include the following details:

- a) a description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) identification of the body or organization responsible for implementation of the LEMP;
- h) ongoing monitoring and remedial measures; and
- i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity in accordance with the provisions of policies DEV23, DEV25, DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan.

- 8 Prior to the first occupation of the employment units hereby permitted a detailed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape scheme shall follow the overarching principles and indicative species mixes set out in the submitted Landscape Masterplan ref CLPD 143 P01 rev A.

All planting, seeding, or turfing comprised in the approved landscaping scheme shall be carried out in accordance with the submitted details by the end of the first planting and seeding seasons following the first occupation of the employment units hereby approved or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity in accordance with the provisions of policies DEV23, DEV25, DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan

- 9 Prior to the first occupation of the employment units hereby permitted, the related parking and turning spaces for that unit shown on the approved plans shall be fully constructed and made available for the parking and turning of vehicles. The parking and turning spaces shall thereafter be retained and kept available for such uses at all times.

Reason: To protect the amenities of local residents in accordance with the provisions of policies DEV1 and DEV29 of the Plymouth & South West Devon Joint Local Plan.

- 10 Prior to the first occupation of the employment units hereby permitted, full details of proposed electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the location, number and power rating of the charging points. The electric car charging provision shall accord with the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (Adopted July 2020) and Plymouth and South West Devon Climate Emergency Planning Statement (Adopted November 2022)

The development shall be carried out in accordance with the agreed details and shall be made available for use prior to the first occupation of the dwelling to which they relate, and retained thereafter as such.

Reason: To avoid air pollution and enable appropriate opportunities to promote sustainable transport modes in accordance with the provision of Policy DEV32 of the of the Plymouth & South West Devon Joint Local Plan

### **Other post occupancy monitoring, management or compliance conditions**

- 11 No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 8am and 7pm Monday to Friday, or 8am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise and disturbance in accordance with the provisions of policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan.

- 12 Noise emitted from any refrigeration unit, cooling system, extract ventilation system or any other specific noise source shall be inaudible beyond the boundary of the site. For these purposes, "inaudibility" shall be determined as the specific noise level (after correction factors have been applied) being at least 5dB less than the lowest background noise level measured at the time of the assessment, all measured in accordance with BS4142:2014.

Reason: To protect the amenity of residents and adjoining occupiers from excessive noise in accordance with the provisions of policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan.

- 13 No external lighting shall be installed in relation to the development hereby permitted until a lighting strategy, whose purpose will be to demonstrate how the design, specification and operation of external lighting will minimise its impacts on both the occupants of nearby dwellings and bats, has been submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed, and thereafter operated in accordance with the approved strategy.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity in accordance with the provisions policies DEV26 and KWAC Env5 of the Plymouth & South West Devon Joint Local Plan.

- 14 Development shall be carried out in accordance with the actions set out in the Ecological Impact Assessment. This condition shall be discharged when the consultant ecologist confirms in writing to the LPA that the recommendations have been implemented.

Reason: In the interests of ecological protection and enhancement in accordance with the provisions of policies DEV25, DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan.

- 15 No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: In the interests of ecological protection and enhancement in accordance with the provisions of policies DEV26 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan.

- 16 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re enacting this Order) no development of the types described in Part 7, Classes A, E & H (erection, extension or alteration of commercial, business or service establishment; hard surfaces for commercial, business or service etc premises; and extensions etc of

industrial and warehouse) shall be undertaken without the express consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality and wider AONB; to safeguard residential amenity; and to safeguard parking and circulation areas in accordance with the provisions of policies DEV1, DEV23, DEV25, DEV26 and DEV29 of the Plymouth & South West Devon Joint Local Plan.

- 17 Notwithstanding the provisions of Class B8 and Class E of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) use of the development hereby permitted shall be restricted to uses within Class B8 or Class E(c)-(g) only, and no other use, without the express permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character of the development within the locality and wider AONB; to safeguard residential amenity; and to safeguard parking and circulation areas in accordance with the provisions of policies DEV1, DEV2, DEV25 and DEV29 of the Plymouth & South West Devon Joint Local Plan.

- 18 Details of the location and screening of any outside storage areas for the industrial units shall be submitted to and approved in writing by the local planning authority and they shall be completed in accordance with the approved details before the development is first brought into use. The approved storage areas shall thereafter be retained and no outside storage of goods, equipment or any other articles on the site shall take place outside of the approved areas.

Reason: In the interests of visual and residential amenity and in accordance with the provisions of policies DEV1, DEV2 and DEV25, of the Plymouth & South West Devon Joint Local Plan.