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5 June 2023

## PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 13th June, 2023** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

PHIL SHEARS  
Managing Director

Membership: Councillors Atkins, Bradford, Bullivant, D Cox, Farrand-Rogers, Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Palethorpe, C Parker, Parrott, Purser, Sanders, J Taylor and Williams

Substitutes: Councillors Clarence, Gearon, P Parker, Ryan and Wrigley

**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. This meeting will be livestreamed on Youtube. By entering the meeting's venue you are consenting to being filmed.

## **Public Access Statement**

### **Information for the Public**

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee).

Please email [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk) or phone 01626 215112 to request to speak by **12 Noon** two clear working days before the meeting.

This agenda is available online at [www.teignbridge.gov.uk/agendas](http://www.teignbridge.gov.uk/agendas) five clear working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee)

The Local Plan 2014-2033 is available at <https://www.teignbridge.gov.uk/media/1669/local-plan-2013-33.pdf>

## **A G E N D A**

### **PART I**

#### **(Open to the Public)**

1. Apologies for absence.
2. Election of Chair
3. Election of Vice Chair
4. Minutes (Pages 5 - 8)  
To confirm the minutes of the last meeting.
5. Declarations of Interest.  
If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
6. Public Participation  
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
7. Chairs' Announcements

8. Planning applications for consideration - to consider applications for planning permission as set out below.
  - a) 22/01194/MAJ - Land West Of Monks Way And North Of Marriott Way, Bovey Tracey (Pages 9 - 42)
  - b) 22/01853/MAJ - Car Park Brunswick Street, Teignmouth (Pages 43 - 68)
9. Major variation application decisions report (Pages 69 - 70)
10. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 71 - 76)

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**PLANNING COMMITTEE****22 MARCH 2023**Present:

Councillors Goodman-Bradbury (Chair), Bradford, Clarence, Colclough, H Cox, Hook, MacGregor, Nuttall, Nutley and C Parker

Apologies:

Councillors Hayes and Peart

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place  
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council  
Niki Warner, Planning Officer  
Steven Hobbs, Senior Planning Enforcement Officer  
Trish Corns, Democratic Services Officer  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

**29. MINUTES**

It was proposed by Councillor Nuttall and seconded by Councillor Parker that the minutes of the meeting held on 16 February 2023 be agreed as a correct record and signed by the Chair.

A vote was taken by raising of hands

Resolved

That the minutes of the meeting held on 16 February 2023 be agreed as a correct record and signed by the Chair.

**29. MINUTES**

It was proposed by Councillor Nuttall and seconded by Councillor Parker that the minutes of the meeting held on 16 February 2023 be agreed as a correct record and signed by the Chair.

A vote was taken by raising of hands and carried by a majority vote.

Resolved

That the minutes of the meeting held on 16 February 2023 be agreed as a correct record and signed by the Chair.

**30. DECLARATIONS OF INTEREST**

None.

**31. PLANNING APPLICATION 22/02223/HOU - DAINTON FOLLY, IPPLEPEN**

The Planning Officer presented the application.

In response to a question from the Committee it was noted that bee bricks and hedgehog holes, as set out in condition 2 were obtainable at minimal cost and would provide biodiversity net gain.

It was proposed and seconded that the application be approved as set out in the agenda report.

The vote was unanimous.

RESOLVED

Approved subject to the following conditions:

1. Works shall proceed in accordance with approved plans.
2. Bird and bat boxes should be installed, as illustrated in the submitted Preliminary Ecological Appraisal (by Green Laned Ecology dated July 2022). Provision shall be made for bee bricks and hedgehog holes.

**32. ENFORCEMENT 22/00116/ENF - STANCOTT, CHUDLEIGH**

The Enforcement Officer presented the case and referred to the late representation from the site owner set out in the late representations update document and the amended officer recommendation.

A statement had been received from the Ward Member in support of the amended officer recommendation.

In response to questions from the Committee the officers confirmed that there is an outstanding condition relating to the habitat regulations to be discharged for consent for the house. This also related to residential use of the caravans. No planning permission is in place until the habitat regulations have been satisfied.

It was proposed and seconded that the revised recommendation as set out in the circulated late representations updates sheet be approved.

The proposal was carried by 8 votes for, 0 against and 3 abstentions.

RESOLVED

That if the unauthorised residential use has not ceased, and the caravans have not been removed from the land by the end of April 2023:

An Enforcement Notice be served requiring that the owner:

- i) cease using the caravans for residential purposes, and
- ii) remove the caravans from the land.

The compliance period for both be six months.

**33. APPEAL DECISIONS**

The Committee noted appeal decisions made by the Planning Inspectorate.

**34. MAJOR DECISIONS SUMMARY**

It was noted that there were no S37 major determinations made during the previous calendar month.

CLLR L GOODMAN-BRADBURY  
Chair

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Planning Committee Report

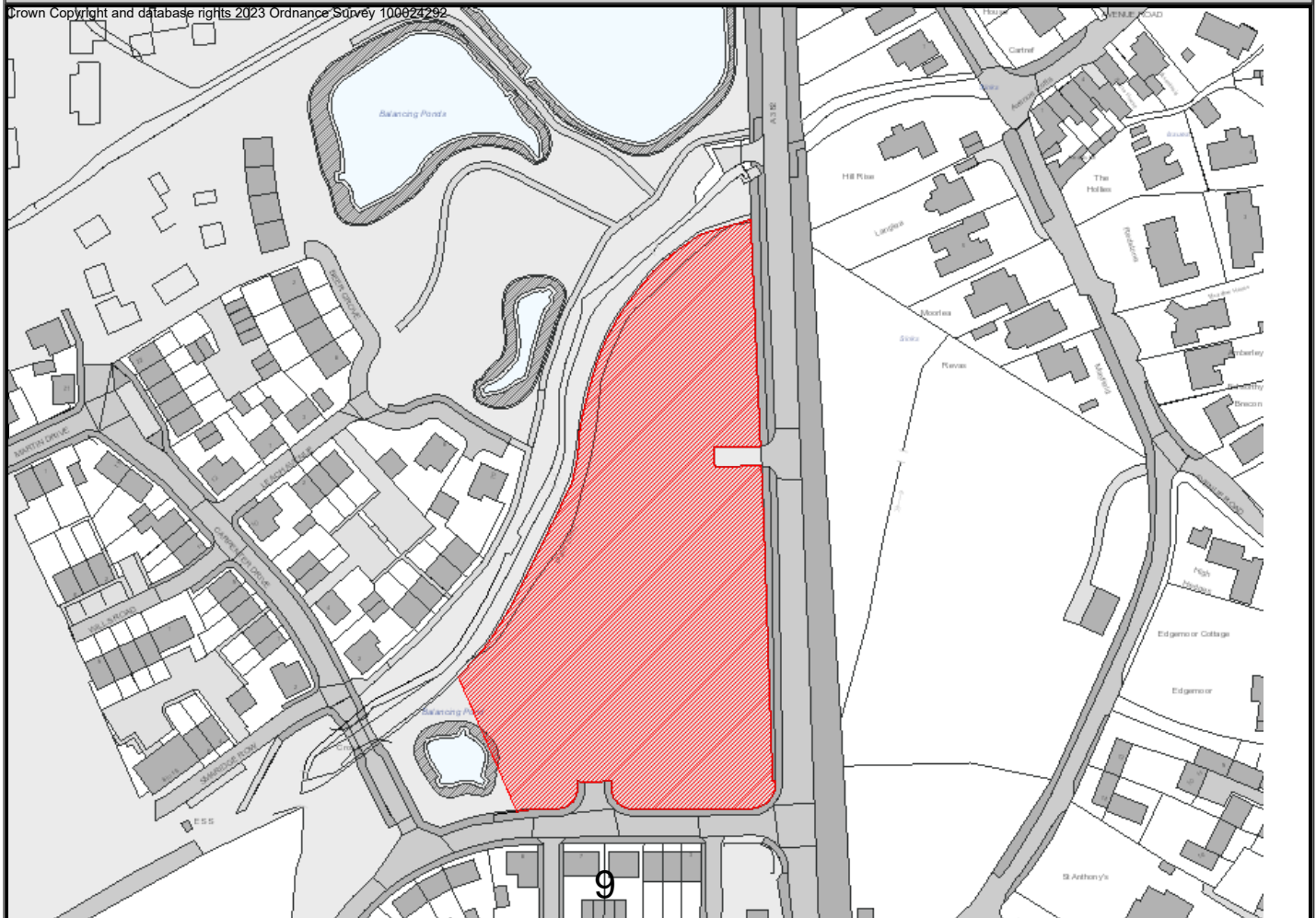
Chairman: TBC

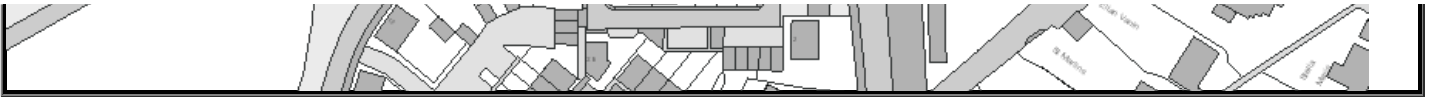
<b>Date</b>	13 June 2023
<b>Case Officer</b>	Helen Murdoch
<b>Location</b>	Land West Of Monks Way And North Of Marriott Way Bovey Tracey Devon
<b>Proposal</b>	Hybrid planning application for full planning permission for Class E foodstore with associated parking, servicing and landscaping and outline planning permission (with all matters except access reserved) for Class E(g)/B2/B8 employment uses (revised description 5.12.2022)
<b>Applicant</b>	Mrs Nicola Rickford
<b>Ward</b>	Bovey
<b>Member(s)</b>	Cllr Stuart Webster, Cllr Martin Smith, Cllr Sally Morgan
<b>Reference</b>	22/01194/MAJ



[Online Details and Documents](#)

**RECOMMENDATION: PERMISSION GRANTED - Indicative Plan**





## **1. REASON FOR REPORT**

- 1.1 The application is presented to the Planning Committee as it is a major application and a departure from Policy BT3 of the Teignbridge Local Plan 2013 – 2033 as it presents a scheme in part, for retail development in an area of land allocated for mixed uses comprising residential, office, general industrial or storage and distribution, although retail is not explicitly precluded the provision of a retail store on this site may impact on the ability to deliver the policy requirement of at least 1.2 hectares of land for employment provision.

## **2. RECOMMENDATION**

- 2.2 **SUBJECT TO** the completion of a S106 Agreement within 6 months of the date of the committee with the following Heads of Terms following conditions:

### S106 Agreement Heads of Terms

1. Provision of fully serviced employment land prior to retail store opening, and associated employment land marketing requirements.

PLANNING PERMISSION Shall be Granted subject to conditions generally covering the matters outlined below, the precise form and number of which shall be delegated to the Business Manager – Strategic Place

### Full Planning Permission only

1. Standard 3 year time limit for commencement.
2. Development in accordance with the approved documents and plans
3. Food Store opening hours restricted to 07:00 – 22:00 Monday to Saturday and Bank Holidays and 10:00 – 17:00 on Sundays.
4. Submission of a Service Yard Management Plan prior to store first trading.
5. Deliveries shall only take place only between the hours of 07:00 - 21:00 Monday to Saturday including Bank Holidays and 09:00 – 17:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.
6. No parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.
7. Prior to the commencement of development a noise report clearly demonstrating the noise mitigation measures to be employed to reach and maintain the required Specific Sound Level shall be submitted and approved. This shall cover construction and operational phases.
8. Within 2 months of the completion of the development a Post-Construction Noise survey will be submitted to the LPA to demonstrate that the sound levels emanating from the premises are in line with the levels deemed achievable in the Noise Impact Assessment. Should this demonstrate that sound levels are higher than those set out in the Noise Impact Assessment, further works shall be undertaken to ensure that sound levels will not be

such to give rise to disturbance/nuisance details of which shall be approved by the LPA to include a timetable for remediation works.

9. Collective acoustic impact of the use of the retail store and any equipment or machinery must not increase existing background noise levels by more than 5dB at the neighbouring noise sensitive façade.
10. No internal sub-division to create multiple units and no provision of mezzanine floors.
11. There shall be no more than 1,256 square metres net retail floor area provided within the foodstore of which no more than 20% shall be used for the sale of comparison goods and at least 80% shall be used for the sale of convenience goods and at no time shall more than 3,500 individual lines of goods be sold from the retail unit hereby permitted.
12. Prior to the foodstore first trading the approved car parking and associated vehicular and pedestrian access shall have been completed.
13. Prior to installation full details of all external plant associated with the retail unit to be submitted and approved.
14. Prior to their use samples of all external materials and finishes to be approved, to include sample panel of the stone walling and means of fixing for the timber boarding.
15. External lighting to be restricted; lighting within the car park shall not be operational more than 15 minutes before and 15 minutes after the approved store opening hours, lighting affixed to the building shall not be operational any earlier than 1 hour before store opening and 1 hour after store closing and all lighting shall be installed and maintained to the specifications as detailed in the approved lighting assessment. Any new or additional lighting shall not be installed without the written approval of the LPA.
16. Installation of CCTV prior to store first trading.
17. Solar panels to be installed in accordance with details to be approved and prior to the store first trading.
18. EVC points x2 to be installed prior to store first trading.
19. Within 2 months of the commencement of development of the retail unit full details of hard and soft landscaping works in association with a detailed LEMP shall be submitted for approval. LEMP to include western and northern hedge boundary treatment for the outline employment land; allowing vegetation on the western and northern boundaries to grow to suitable height to provide screening; eastern side (Monks Way) hedge to be maintained at a minimum height of 1.8m (measurement taken from adjacent pavement level), provision of 1 additional urban tree (small) to the submitted and approved Landscape Plan.
20. The guidance relating to lighting during the construction phase as set out in the hereby approved ecological report (section 5.3.2 – 5.3.4 and 5.3.7) shall be strictly followed.

21. Other than those shown on the hereby approved plans there shall be no new windows or rooflights inserted on the western north/western elevation without the prior approval of the LPA.
22. Removal of permitted development rights relating to Part 7, Classes A, B, C, and D of Schedule 2 (extensions, shop trolley stores, click and collect facilities and loading bays).
23. Within 1 month of the commencement of development full details of the proposed stone faced retaining wall which runs parallel to the eastern boundary and to include details of the pedestrian access path to monks Road will be submitted for approval.

#### Outline Planning Permission only

1. Need for approval of reserved matters.
2. Reserved matters application to be made before the expiration of 3 years from the date of permission.
3. Development shall be begun before the expiry of 2 years from the date of final approval of the reserved matters.
4. Approved uses restricted to those set out in the application E(g), B2 and B8
5. Applications for reserved matters approval for the employment units shall be accompanied by Acoustic Statements and Delivery Strategies demonstrating that the collective acoustic impact of the use covered by such an application and any equipment or machinery does not increase existing background noise levels by more than 5Db at the nearest neighbouring noise sensitive premise façade.
6. Deliveries to be restricted between the hours of 08:00 - 20:00 Monday to Saturday including Bank Holidays and 11:00 – 17:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.
7. There shall be no parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.
8. Applications for reserved matters shall be accompanied by an appropriate Carbon Reduction Plan.
9. Lighting scheme to be submitted for approval (at or prior to reserved matters stage) to include construction phase lighting. No lighting to be installed without the written approval of the LPA.

#### Full and Outline Permission

1. Prior to the commencement of construction work on site a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, this shall detail the overall drainage strategy for the site and shall include details of surface water drainage and silt run-off proposals during construction and plans indicating how exceedance flows will be safely managed at the site for the retail store element of the proposals. Works shall

proceed in accordance with the approved details and shall be completed prior to first use of the retail building. The first application for reserved matters approval for layout, scale and appearance for the employment land shall be accompanied by a surface water drainage scheme that shall be in general conformity with the site wide strategy, for written approval to include surface water drainage and silt-run-off proposals during construction and plans indicating how exceedance flows will be safely managed at the site. Works shall proceed in accordance with those approved details and shall be completed prior to first use of the building(s).

2. Full details of the adoption and on-going management and maintenance of the approved surface water drainage strategy shall be submitted to and approved in writing by the LPA prior to commencement of development on any part of the site.
3. No development on any part of the site shall commence until the completion of the flood corridor works on the adjacent site has been secured.
4. No development (including land raising and fencing etc) shall fall within 1m of the top of the flood corridor as built.
5. Demolition and construction management plan (CEMP) to be submitted prior to commencement.
6. Unsuspected land contamination condition.
7. Prior to the commencement of the development of the retail store a detailed Waste Management Plan shall be submitted and approved. A separate Waste Management Plan shall be submitted and approved prior to works commencing on the employment land.

### **3. DESCRIPTION**

#### Broad overview of the site

- 3.1 The application site is about 1 hectare of land located in the ward of Bovey and is located on the eastern edge of the BT3 Challabrook land allocation. The site is bounded along its eastern edge by Monks Way, a classified A road and along its southern edge by Marriott Way which serves the wider allocation. Monks Way is a main route into Bovey Tracey and provides access to the south / south east of the Dartmoor National Park. A Stream and a PROW run to the north and west of the site. The site is currently in use as the contractors' base including site office for the residential build out by Devonshire Homes of part of the wider allocation. Under planning permission 17/01821/MAJ the current application site benefits from outline consent for employment land. Reserved matters associated with that outline consent must be submitted within five years from 26 November 2018.
- 3.2 Dartmoor National Park lies just under a kilometre to the west and Bovey Tracey Town centre and its associated Primary Shopping Area lies 0.6km (direct) to the north east of the application site. The Bovey Tracey Conservation Area lies approximately 0.1km to the north of the site and Challabrook Cross a Grade II listed cross lies just to the west on the PROW. The site along with the wider allocation

and surrounding areas falls within a Landscape Connectivity Zone associated with the South Hams SAC for Greater Horseshoe Bats. All of the application site falls within either Flood Zones 2 or 3.

### The Proposals

- 3.3 The application is a hybrid application seeking full planning permission for a Class E(a) foodstore with associated parking, servicing and landscaping and outline planning permission with all matters reserved except access for Class E(g)/B2/B8 employment uses. The site is roughly split to provide 0.7ha for the retail unit and associated parking, landscaping and services and approximately 0.2ha for potential future employment use. The proposed employment land is to be accessed off of Monks Way. The proposed retail store will be served by a vehicular access point off of Marriott Way and a pedestrian link from Monks Way on the eastern boundary of the site. It will have a gross internal area of 2,001sq m and a net sales area of 1,256sq m. 100 car parking spaces are proposed to include 6 disabled spaces, 9 parent and child spaces and 2 electric vehicle charging spaces. Provision for 10 bicycles is also included. The application for the retail unit is made by Lidl which is classed as a Limited Assortment Discounter (LAD). The proposed retail unit will run roughly parallel with the eastern boundary of the site and will occupy, along with the car park, the southern end of the application site with the employment land proposed in the northern section. The service bay and delivery area are located on the western side of the building.
- 3.4 The retail building comprises a mono-pitched roof clad in a composite roofing material, set behind a parapet and set over elevations which are to comprise vertical timber cladding, glass, render and random stone walling. Boundary treatments will see the retention and strengthening of the native hedge along the eastern boundary with Monks Way and around on to Marriot Way. The western boundary will include tree planting and mixed planting along with high timber post and rail fencing along the car park and close boarded fencing around the delivery yard area. The northern boundary of the retail store will comprise a continuation of the mixed planting. Solar panels are proposed on the roof.

### Site History

17/01821/MAJ - Detailed application for initial phase of residential development of 156 dwellings including access, associated infrastructure and landscaping; outline application for 12 self build housing plots and employment use site (B1/B2/B8) – APPROVED

21/02462/MAJ - Hybrid planning application for full planning permission for Class E foodstore with associated parking, servicing and landscaping and outline planning permission (approval sought for access) for Class B2/B8 employment uses - WITHDRAWN

### Retail Policy Assessment

- 3.6 The Framework for assessing the acceptability of retail proposals is set by the National Planning Policy Framework (NPPF), amplified by the Teignbridge Local Plan. For sites like the subject site that are not allocated for retail development in a Local Plan nor in a Town Centre, the key policy tests relate to the availability of sites closer to, within, or on the edge of Town Centres (the Sequential Test) and to

the impact a proposal will have on town centres. There is no protection in policy terms for the impact on non town centre retail floorspace.

- 3.7 The NPPF is fairly unequivocal in setting out how retail applications should be treated:

*“88. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.....*

*90. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres). This should include assessment of:*

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).*

*91. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90 it should be refused.”*

- 3.8 This policy is reflected in the Teignbridge Local Plan including most notably Policy EC6 which states:

*“...New shops of more than 280 square metres sales floor area, or extensions to existing shops which will increase their size to more than 280 square metres sales floor area, will not be permitted outside defined primary shopping areas unless all of the following criteria apply:*

*c) the proposal accords with the sequential approach as follows:*

*i. if it is within 300 metres walking distance of a town centre there must be no site available within the town centre for the use proposed;*

*ii. if it is more than 300 metres walking distance from a town centre there must be no site available within or closer to the town centre for the use proposed;*

*d) any consequential reduction in expenditure within an existing town centre will not prejudice existing, committed and planned town centre investment and will not lead to significant harm to the vitality, viability or range of retail provision of any affected town centre, taking account of the resilience of the existing town centre, and the cumulative impacts of recent and proposed out of centre retail proposals; and*

*e) the proposal will not increase overall travel.”*

And Policy S13 which states that the Local Planning Authority will:

*“e) where possible, and in accordance with the town centres first sequential approach, locate major retail and leisure development within or on the edge of town centres; and*



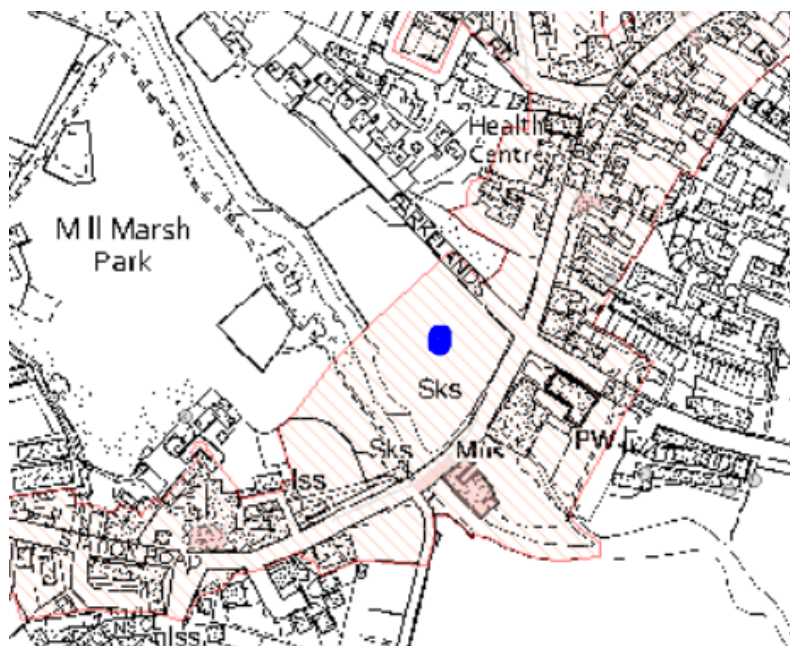
*f) resist the development of new major retail and leisure developments in out of centre locations where they would significantly harm the vitality or viability of town centre, including those adjoining the plan area.”*

- 3.9 This policy sets the local threshold of 280 square metres gross floorspace above which the policy tests set out both here and in the NPPF should be satisfied and it is these that are reviewed below.

#### The Sequential Approach

- 3.10 Bovey Tracey Town Centre is a historic centre with a fairly tightly developed core which is linear in character. Whilst Policy BT5 of the Local Plan seeks to support enhancements to the town centre particularly through any programme of measures to improve parking, accessibility and the public realm there are no appropriate land allocations within the town centre which would provide opportunities for expansion/development. There are a number of land allocations in Bovey Tracey, the application site lies within one such land allocation BT3 Challabrook for mixed use development. An allocation which whilst not specifying retail also does not exclude retail development. Using the Council's GIS mapping system the application site lies approximately 600m from the defined town centre following the main road or 520m via an alternative route via a public right of way through to Avenue Road. The sequential approach gives preference to accessible sites which are well connected to the town centre. The application site is accessible and there are established connections to the centre although these could be improved. The applicant has engaged with the Local Planning Authority both before submitting the planning application and since, taking account of advice received from the Council's Spatial Planning Officers regarding possible sites. The current position in relation to each of the possible sites is set out below and in undertaking the sequential test the Local Planning Authority are mindful of the expectations set out in para. 011 Ref ID: 2b-011-20190722 of the NPPG in respect to the sequential test and decision taking. It should be noted that in assessing potential sites there is a requirement for them to be both suitable and available and that both developers and LPAs should demonstrate flexibility - although neither the NPPF or the NPPG give detailed guidance as to what degree of flexibility is required. The sequential search has been based on locations within Bovey Tracey Town Centre, followed by sites on the edge of the centre and then out-of-centre sites. No sites were identified within the Primary shopping area for Bovey Tracey largely due to the nature and density of development along Fore Street. Again, no suitable and available sites were identified in the secondary shopping area.

3.11 Land north of Fore Street between Parkelands and the Mill Marsh Park Path and R.Bovey

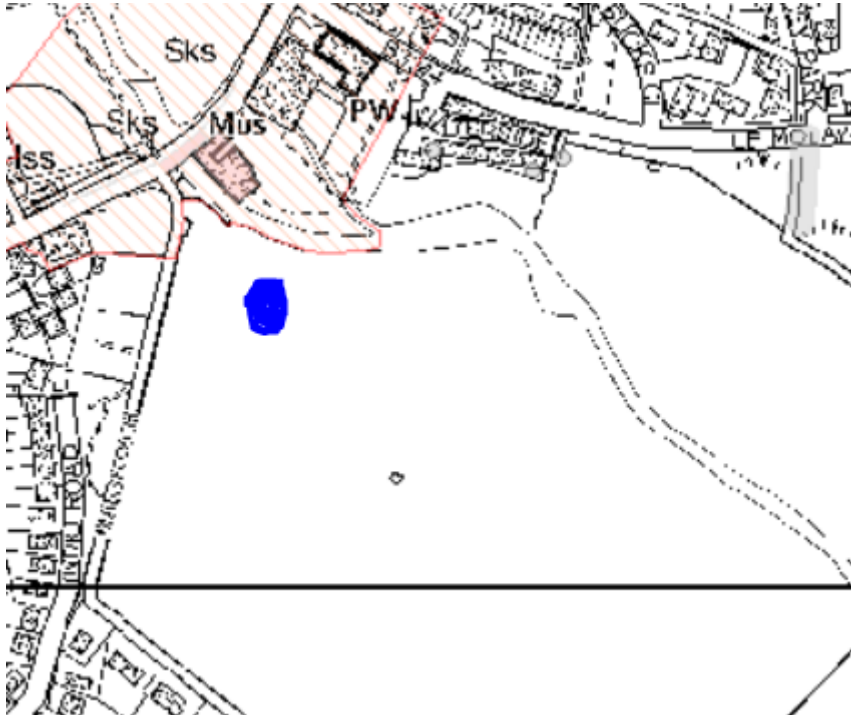


The site is greenfield grazing land and together with surrounding land parcels which including the sports pitches/play space is designated in the Local Plan as green infrastructure with a presumption against built development. Policy WE11 seeks to actively protect green infrastructure areas.

The site lies within the Bovey Tracey Conservation Area and lies opposite the grade II listed Devon Guild of Craftsmen building an important tourist destination. The open space plays an important role in the character and appearance of the town centre and its surrounds. Mature trees line the road side frontage of the site along Fore Street and these are beneficial to the wider character and appearance of the conservation area. As such there would be important heritage conservation implications. Lying adjacent to the River Bovey the site also falls within Flood Zone 3 and in terms of the flood risk sequential test this site would not be preferential given the flood improvement works which are taking place as part of the Challabrook development.

This site cannot therefore be said to be sequentially preferable.

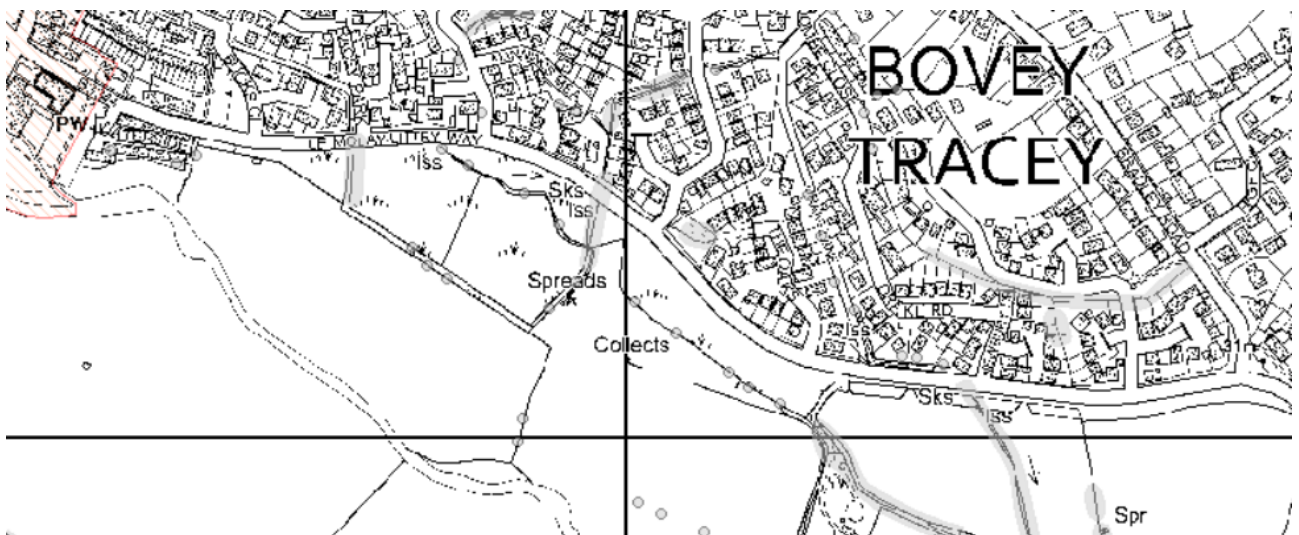
3.12 Land to the south of Co-op car park and to rear of Devon Guild of Crafts Men



The site is accessed via a narrow road and the site would constitute backland development on the edge of the Conservation Area and to the immediate rear of the grade II listed Devon Guild of Crafts Men building and as such would have considerable heritage conservation implications. The building lies outside of the defined settlement limit and falls mostly within Flood Zone 3 and in terms of the flood risk sequential test this site would not be preferential given the flood improvement works which are taking place as part of the Challabrook development.. The site would be large enough to accommodate a LAD store however, there is nothing to indicate that the land is currently available.

This site cannot therefore be said to be sequentially preferable.

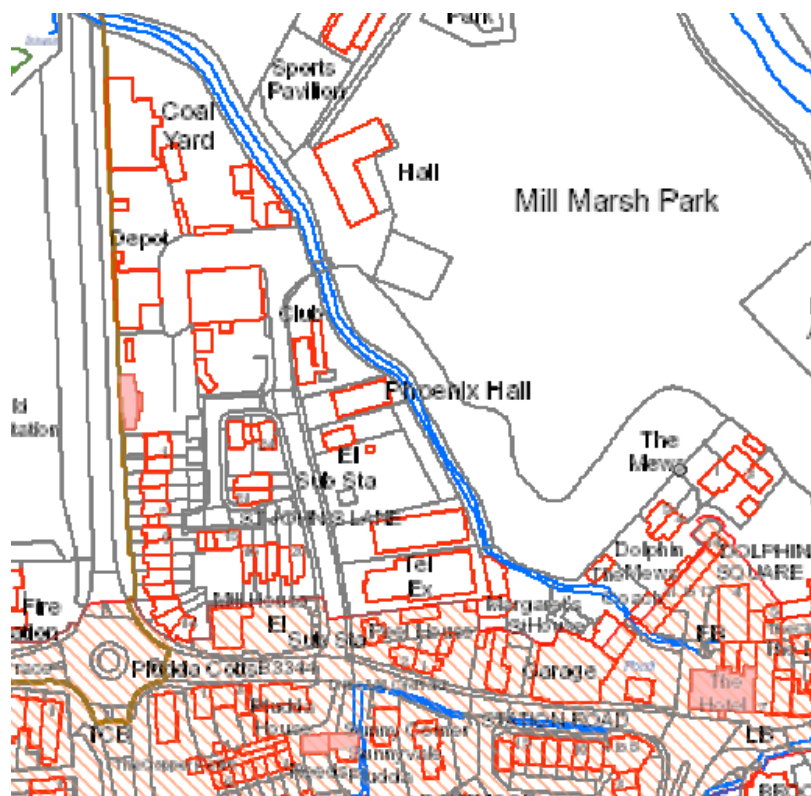
3.13 Land immediately south of B3344 Le Molay-Littry Way particularly land to the western end



The land lies outside of the defined settlement limits. Land at the most western end does not fall within any land allocation although further along in an easterly direction land falls within land allocation BT4 for community related facilities. The land falls within the West Golds Mine Marsh Unconfirmed Wildlife Site and falls within a Bat SAC landscape Connectivity Zone for Greater Horseshoe bats. The site is closer to the town centre than the application site and there would be sufficient space although this may not be within the land allocation. Land allocation BT4 is not set out as a proposed policy in the proposed submission Local Plan. Land all along this southern side has mineral sensitivities for ball clay and it is likely that DCC Minerals would raise an objection to development which would see a long term loss of this resource. Land to the south of the road also falls within Flood zones 2 and 3. It is not clear that this land is currently available. The draft Local Plan includes land allocation RT1 which lies further to the east along this same road but this is set out as a small land allocation for approximately 20 custom build homes and associated green infrastructure.

This site cannot be said to be sequential preferable.

### 3.14 Land at Station Road and St John's Lane



No single plot in this area could accommodate the scale of development as set out in the application and land adjoining the roads is in multiple ownerships such that assembling an appropriately sized area would be complex. Land appears to be in active use and not marketed for sale and as such is not considered to be suitable or available.

The site cannot be said to be sequentially preferable.

### 3.15 In addition to these sites the LPA has also considered sites in the parish of Bovey Tracey which feature in the Housing and Economic Land Availability Assessment (HELAA) June 2021. It is not considered that any of the sites within this document

would offer more sequentially preferable sites than that set out in the application submission. Most are either too small, not immediately available, inappropriate access, landscape issues, equally as removed from the town centre, biodiversity constraints and flood risk.

### Sequential Test Conclusion

- 3.16 The application is for a store smaller than that which would be optimum for Lidl however, not as small as some of their other stores. The company's store formats range from 1,672sqm to 2,461sqm gross with the standard currently being a store of circa 2,200sqm gross with circa 120 car parking spaces. The application seeks a store of 2,001 sqm gross and 100 car parking spaces. Officers have been mindful of the store sizes within which Lidl operate as set out in their own submission whilst undertaking the sequential test and assessing sites. They have however, demonstrated reasonable flexibility. Overall, Officers are not aware of any site that could be said to be a sequentially preferable site to the application site and therefore this element of the retail policy test is considered "passed". Concerns have been raised by third parties that the scope of the site search as set out in the application submission should be widened to include sites in other higher order centres including Newton Abbot with reservations being raised as to whether the Primary Catchment Area (PCA) as identified in the submitted application is correct given the rural nature of the hinterland and the town's position in the retail hierarchy. The application submission sets out that "*LAD stores such as Lidl are intended to function as neighbourhood foodstores serving relatively small local catchment areas – these typically extend to around 10-12 minutes drivetime. In the present case, given there is currently no LAD store in Bovey Tracey the proposed Lidl is expected to serve the residents of Bovey Tracey and the immediate surrounding area. The nearest LAD store is approximately 9.5km away in Kingsteignton.*

*The proposed Lidl is intended to serve a local catchment centred on Bovey Tracey, to provide both existing residents and the new housing that is being constructed (including at Challabrook, immediately adjacent to the site) with a greater choice and quality of grocery shopping. That there is a need for additional provision is amply demonstrated by the results of the household survey that was conducted for the 'Greater Exeter Retail Needs Assessment' (2019) – within that study Bovey Tracey lies within (and is the main settlement) in Zone 2a, and the survey results indicate that the town centre's market share of local (ie Zone 2a) convenience goods spending is only 10.8% for main food shopping and 54.82% for top-up. In comparison Newton Abbot's share of Zone 2a main food convenience spending is 72.28% - this high level of leakage for main food spending is not surprising given the limited offer there currently is in Bovey Tracey, with the largest store (the Co-op on Fore Street) being only 250sq m net sales. There is therefore both a quantitative and qualitative need for improved provision and it is axiomatic that to address that requires a new store to be provided in Bovey Tracey – providing a new store elsewhere would do nothing to address the local need. The sequential search therefore has to be locations within Bovey Tracey Town Centre, followed by sites on the edge of the centre, and then out-of-centre sites in the town."*

- 3.17 Officers have explored the extent of the 10-12 minute drive time catchment area and have compared this to applications made by other LAD stores in out of centre locations. The most recent case being the new Adli store in Newton Abbot. Which set out in its Retail Statement that it was "*accepted industry practice that LADs,*

*such as Aldi, will typically have smaller catchment areas of 5 minute drivetime, compared to 10 minute drivetime for larger formats.”* An approach not disputed by the independent assessment commissioned by the LPA as part of that application. Further to this it is acknowledged that LADs generally serve quite compact catchments, and this application seeks to address a suggested need (this is explored in more detail further on in the report) for a store in Bovey Tracey to address the leakage of spending currently taking place. The rural hinterland falls mostly within the National Park where a retail store and associated car park could present detriment to the policies of protection and enhancement of this designated area and landscape. As such officers are satisfied that the proposed PCA is appropriate and encourages more sustainable travel patterns.

### Retail Impact Considerations

- 3.18 As outlined above, the key policy considerations are the potential for out of centre/town retail development to harm existing or planned investment in a town centre – as well as the potential for the diversion of trade to have an unacceptable impact on trading levels within the centre.
- 3.19 The application submission has included various technical information in relation to retail impact that have been reviewed by Planning Officers with support from Lichfields. Lichfields identify a number of weaknesses in the information submitted in support of Lidl’s application. After undertaking some additional sensitivity calculations Lichfields estimates a convenience goods impact of circa -11.4%, rather than -4.2% suggested by RPS and the residual convenience goods turnover of the town centre in 2024 is estimated to be £6.38 million, compared with the benchmark turnover of £7.11 million. Convenience goods floorspace in the town centre is expected to trade about 10% below benchmark. This potential level of trading performance is within the acceptable range Lichfields would expect and store / shop closures are not envisaged.
- 3.20 The -11.4% impact does not include impact upon the town centre as a whole. Once comparison goods turnover and services (such as cafes, takeaways, pubs, hairdressers, hotels) are taken into account, the combined total impact level will be significantly lower than -11.4%, and Lichfields advised that this was “certainly not a level that could be considered to be ‘significantly adverse’.”
- 3.21 It was also concluded that the proposal will help to reduce the significant leakage of convenience expenditure in the local area to locations such as Newton Abbot and Kingsteignton and that this could help promote linked trips with the town centre, and lead to other benefits associated with the reduction in trip lengths. The LPA is not aware of any imminent planned or committed investments in the town centre that would be affected by the proposal.
- 3.22 In this instance it is felt that the balanced position advocated by Lichfields represents a reasonable conclusion for the LPA to reach. Lichfields conclude that; “the proposal will not lead to any ‘significant adverse impact’ upon Bovey Tracey town centre, or any other defined centre, and therefore accords with Local Plan Policy EC6 and paragraph 90 of the NPPF.”

## Overall Conclusion on retail policy matters

- 3.23 Taking the advice received from Lichfields into account – as well as representations received from interested parties – the LPA is content that given the current state of the vitality and viability of Bovey Tracey Town Centre overall:
1. There is no sequentially preferable site for the proposed development;
  2. Whilst there may be some weaknesses in the submitted retail impact information, it is reasonable to conclude that:
    - a) There will be no unacceptable impact on convenience goods trading levels in Bovey Tracey Town Centre.
    - b) There will be no unacceptable impact on planned investment in Bovey Tracey Town Centre; and,
    - c) There will be no unacceptable impact on existing investment in Bovey Tracey Town Centre.
- 3.24 There are therefore not considered to be any retail policy reasons why the proposal should not proceed – subject to conditions as outlined in the recommendation earlier in this report. It should be noted that the car park will not be restricted and as such there are no time limitations such that would discourage linked trips from this site to the town centre. A new pedestrian crossing on Monks Way has been provided as part of the development of the wider allocation. This links to an existing PROW to the town centre. The layout of the current application site will include a pedestrian link from Monks Way. This both supports and facilitates linked trips.

## Employment Land

- 3.25 The application site currently benefits from outline planning permission for employment use, a principle supported by allocation policy BT3 which seeks to deliver at least 1.2 hectares of land for office, general industrial or storage and distribution. Local Plan policy S3 sets a target of 3 hectares of new employment land each year which equates to approximately 12,000 square metres of floor space, and 15 hectares (or 60,000 square metres) of deliverable land at any one time. The latest monitoring figures (1 April 2021 – 31 March 2022) set out that 50,782 m<sup>2</sup> have been approved (net gain following losses 33,037 m<sup>2</sup>) although only 3885 m<sup>2</sup> have actually been delivered. Therefore, whilst the Authority continues to approve sufficient space net delivery of employment land remains low.
- 3.26 The majority of employment space demand is for freehold space, all from indigenous local businesses seeking a way out of renting and wanting a bespoke building that will meet their business requirements. The application site could answer some of this need, were the freehold to be made available. It is noted that the site lies within 2 miles of the Heathfield Industrial Estate which is the largest in Teignbridge and is now at full capacity and without opportunity for extension.
- 3.27 The application was advertised as a departure from the Local Plan due to the fact that the application as proposed may compromise the ability to deliver the policy expectation of at least 1.2 hectares of employment land. The application site equates to approximately 0.9 hectares with approximately 0.2 hectares being set out for employment uses and 0.7 hectares for the retail. However, the retail use will provide employment opportunities and will see these coming forward in the near future as opposed to the uncertainty of the previously approved employment land.

3.28 The BT3 Development Framework Plan, approved 20 September 2016, sets out the employment provision expectations in section 4.5. The below plan is taken from Appendix D and shows a Land Use Plan for the allocation. Area G (the application site) is approximately 0.9 hectares and Area H is approximately 0.35 hectares. This application would see a significant loss of available land for more traditional employment uses (E(g),B2 / B8).



3.29 Whilst the application proposes a loss of a section of previously approved employment land it should be clear that policy BT3 sets out in section b) that “support will also be given to employment generating uses provided that they are compatible with the immediate surroundings and do not conflict with town centre uses”. The previous section sets out that it is not considered that (after careful analysis) the proposed retail store would conflict with the town centre uses. The application sets out that the retail store will create 40 jobs, 5 full-time positions and 35 part-time. Further to this Lidl have confirmed that the employment land will be fully serviced making it more attractive to potential developers and will be marketed in accordance with details to be approved by the LPA. In addition to this Lidl have confirmed that they will look to sell the freehold or lease units on the site, depending upon market demand. On balance it is considered that the proposals are acceptable and would deliver jobs imminently and those jobs would include more



flexible part-time posts as well as full time jobs. Further to this Lidl like many retailers include student and graduate programmes and management programmes providing wider opportunities. Given that the applicant is keen to get on-site it will mean that the employment section of the site will be serviced and served by an approved access more rapidly making it more attractive on the market to potential developers/end users. Further to this it is expected that the provision of a retail store in this location will reduce the amount of shopping leakage to Newton Abbot and as such car based shopping trips will be reduced in frequency / distance which encourages more sustainable travel patterns and contributes to the steps being taken in line with the declared climate emergency. The servicing of the employment land will be secured via an appropriate S106 agreement.

#### Highway Safety.

- 3.30 The application as set out proposes two vehicular access points. One off Monks Way which is to serve the employment land and one off Marriott Way which will serve the retail store. Both accesses are applied for in full. The retail store will also be served by a car park of 100 car parking spaces, to include 6 disabled spaces, 9 parent and child spaces and 2 electric vehicle charging spaces. Provision for 10 bicycles is also included. These proposals have been considered by the Highways Engineer from DC. Initially the following concerns were raised; *“It is still the opinion of the Highway Authority that the junction radii are too small for use in a commercial setting and will need to be increased to 15m, for both the foodstore access and that proposed for the B2/B8 from the A382. There is a risk of vehicles having to cross the centre line on a county primary route.”* However, following detailed discussions the proposed access points have been considered acceptable. The Highways Engineer concluded that; *“Following an internal safety review, it is felt that given the location of the site, the likelihood of larger delivery vehicles turning left out of the site is minimal. It is only likely to occur if the route to the A38 is restricted for some reason. As such despite larger vehicles having to enter the right turn lane when turning left from the site, the actual risk to highway safety is seen as low due to its likely frequency.”*
- 3.31 Further to the above the parking provision is considered appropriate, noting that a number of shoppers are likely to be on foot from the adjacent housing areas. The car park will not be time restricted and thus will not preclude linked trips by foot to the town centre. A pedestrian access point as part of this application and an approved and delivered pedestrian crossing point on Monks Way has been provided as part of the 2017 permission, allowing for safe access to the PROW which links to the town centre. Further to this the 2017 permission was subject to a S106 Agreement to secure the reduction in the speed limit along part of Monks Way from 60mph to 40mph. Although concerns have been raised about increased vehicular movements and thus highway safety by local residents this is not something supported by the Transport Statement work submitted and is not a concern which has been supported by the DCC Highways Engineer.
- 3.32 Additional information was provided following the addition of use class E(g) to the outline proposals. This additional transport information was duly considered by Devon County and found to be acceptable.

## Conservation and Heritage Considerations

- 3.33 The application has been accompanied by a Heritage Statement in line with the requirements of the NPPF (para194) and which relates to the relevant conservation sensitivities highlighted in the BT3 Development Framework Plan. The application site is not within the Bovey Tracey Conservation Area and there are no listed buildings or Scheduled Ancient Monuments either within the site or adjoining the site. However, of particular note would be that the Bovey Tracey Conservation Area lies approximately 0.1km to the north of the site and Challabrook Cross a Grade II listed cross lies just to the west on the PROW. There are a number of listed buildings to the north around the old station and to the east lies the Grade II\* Church of St John the Evangelist. The Development Framework Plan does refer to additional listed buildings and these have been duly considered by officers also. Further to this officers have considered the Scheduled Ancient Monuments (Bovey Potteries and Cromwells Arch).
- 3.34 The following statutory provisions apply to the consideration of planning applications as set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. These considerations have been made in the context of the guidance by Historic England regarding setting of Heritage Assets (*Historic Environment Good Practice Advice in Planning Note 3 (second edition)*), noting that this is yet to be updated following the changes within the NPPF.
- 3.35 The definition of the setting of a heritage asset is set out in the National Planning Policy Framework (NPPF). It states the following: “Setting of Heritage Asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
- 3.36 The 2017 advice from Historic England sets out that “Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage.” The advice goes on to set out that “Setting is not itself a heritage asset, nor a heritage designation.....Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.” Further to this it states that “Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s).”
- 3.37 Having duly considered the heritage assets it is considered that apart from Challabrook Cross and the Conservation Area of Bovey Tracey, due to the spatial relationship and due to existing built development obstructing visibility or there being no intervisibility between the listed buildings identified in the Development Framework Plan and the Scheduled Ancient Monuments and the development that the proposed development would not cause any detriment to these heritage assets nor the setting of these heritage assets and therefore accords with the requirements of the NPPF and EN5. For clarity it was not found that the development site formed the setting of any of those heritage assets either.

- 3.38 Challabrook Cross is a granite cross and is located to the west of the application site. As part of the wider allocation permission it has been retained and relocated as a feature within the Public Open Space. There would be substantial soft landscaping and screening between the heritage asset and the application proposals including the bat flight corridor which would be carefully managed and maintained. It is not considered that the application site or the associated proposals would form part of the asset's immediate setting but would be part of the wider setting. The wider setting of the cross being within the BT3 land allocation, has undergone change. The relocation and associated wider development of the land allocation under the 2017 permission was found to cause less than significant harm and that the public benefits of the proposed development (provision of housing and employment) outweighed the limited impacts. The submitted Heritage Statement finds that whilst the proposals would lead to further changes within the setting of the Challabrook Cross, the key characteristics of its current setting, which relate to its position on the footpath and role as a way finder, as well as the historic interest of the Cross, would be unchanged. Officers agree with these findings. Verbal discussions with the Conservation Officer did not give rise to any concerns. As such it is not considered that the proposals would give rise to any harm or cause a loss of significance.
- 3.39 The Bovey Tracey Conservation Area lies to the north of the application site. The Conservation Area includes the existing row of terraced properties at the northern end of Monks Way called Blenheim Terrace. The wider allocation lies adjacent to these dwellings however, the area adjacent to the dwellings is approved as flood storage and public open space. This was considered to serve as a suitable buffer between the Conservation Area and the built development, this includes proposals within the current application site. The submitted Heritage Statement provides an assessment of the Conservation Area and its significance. In particular highlighting its significance to include historic interest, derived particularly from its wealth of historic buildings, boundary features and road layouts and its architectural interest which is seen in the wealth of vernacular and "polite" buildings in the town. The Statement goes on to note that the setting of the conservation area, on the eastern edge of Dartmoor, has also played an important role in its historic development. With Dartmoor and the rural land providing grazing land and a tourist interest. The application site lies to the south of the western extent of the conservation area, the western end being characterised by 20<sup>th</sup> century terraced development, including Blenheim Terrace. To the south east of the conservation area there is an extensive area of largely residential development dating from the later 20<sup>th</sup> century and which forms part of the immediate setting of the conservation area. Although once part of the rural setting of the conservation area, the application site is within a land allocation approved as part of the current local plan.
- 3.40 The landscape setting is a key characteristic of the conservation area and its history. This has been, in places, eroded / altered as a result largely of housing development. The application site lies adjacent to one of the main routes into the Conservation Area, and indeed the town and wider still the National Park. Although the principle of development has already been accepted on this site via the land allocation and the current permission for employment use, full details as to how the site is developed and the design and scale of any associated buildings has not. During the course of this application there have been numerous changes to the landscaping around the development and to the design of the building and choice of materials. The proposed scheme will see the retention of the existing hedgerows along the eastern roadside boundary. These hedgerows will be re-planted where

necessary and will include two breaks, one for access to the employment land (6m) and one for pedestrian access (approx. 2m). The retention of the hedgerow is beneficial in retaining a soft and more rural boundary treatment and character. The retail building is by nature a large structure and will be visible despite its reasonably low height. Considering other large buildings in rural areas these normally relate to some form of farming enterprise. The design of the retail store has sought to try and deliver a design, with the use of a natural stone plinth set below natural timber boarding with render sections, that may articulate some of the more high quality rural farming buildings. The use of high quality natural materials for the elevations in a simplified form will deliver a quality scheme which although visible will not be detrimental especially when considered in the context of the wider allocation. It is not considered that the proposal would detract from the setting of the conservation area given that the rural grazing nature of the site has already been lost. It may amend views out of the conservation area when looking south along Monks Way at the western end of the conservation area however, the rural setting has already been altered such that this scheme is not considered to cause harm to the setting of the conservation area or detract from its historic significance.

#### Streetscene/Design/Wider Landscape

- 3.41 As mentioned in the previous section the application site runs adjacent to Monks Way which is one of the main routes into Bovey Tracey as well as the wider National Park. The scheme includes the retention and re-planting where necessary of the existing native hedgerow and it will be managed at its current height. Further to this care has been taken in considering the impact on the streetscene and the quality of the design of the store and the associated arrangements. During the course of the application officers have sought significant changes to the landscaping especially along Monks Way and Marriott Way as well as to the design and use of materials on the actual building. The building has been orientated such that the functional side of the building where deliveries etc are made are on the western side of the building, screened by the building for those viewing the site from Monks Way. Soft Landscaping including the bat corridor will help to limit views of this elevation from within the public open space and properties associated with the current residential development. Amendments were made not only to the design to simplify the extent of the glazing but to also incorporate a more appropriate palette of materials. These have then been used very simplistically to respond to some of the more high quality modern farm buildings seen within the district. The overall height of the building has been kept low by the incorporation of a mono-pitched roof which will be set behind a parapet wall and will allow for the inclusion of solar panels. Materials and architectural detailing will all be subject to condition - especially the natural stone plinth.
- 3.42 It is considered that the development as now presented will function well and add to the overall quality of the area. It is considered that it accords with the requirements of para 130 of the NPPF and policy S2 of the Local Plan. Care will need to be taken when considering any subsequent applications for signage/ advertisement as this could easily erode the current design and appearance of not only the building but, free standing signs within the car park etc could be detrimental to the visual appearance of the site and its overall contribution to the character and appearance of the wider area. The employment section of the application is at outline only but again any subsequent reserved matters application would need to carefully consider the high visibility of the site.

3.43 In considering the application proposals officers were mindful of the proximity to the National Park and to policy BPNP LE1 of the Neighbourhood Plan which seeks that “Developments will be required to protect and enhance the unique moorland edge landscape and the statutory and non-statutory designations that contribute to and underpin the area’s natural beauty.” Concerns regarding the visual impact in this sensitive location are understood. However, this is an allocated site with permission for development. As set out above care has been taken to consider the boundary treatments and the design and use of materials to provide a sympathetic development and due regard was given to the wider Landscape Visual Impact Appraisal for the allocation and the National Park duly consulted.

#### Impact on the amenity of neighbouring residents and other users

3.44 Residential development lies to the south, west and partially to the east of the application site. That to the north is set away from the application site. The site already benefits from outline permission for employment uses to include office, industrial, storage (use classes E(g) B2 and B8). The proposed employment section of the application is no different from the current permission and circumstances around the application site have not changed such that this section of the site would no longer be considered acceptable for these uses due to impact on amenity for established or committed residential properties. Conditions would be added accordingly. The retail proposal is a new element and needs to carefully considered especially in light of the proposed hours of operation and the need for multiple deliveries on a daily basis, lighting to the car park and the amount of car movements and pedestrian activity associated with a retail store, and necessary plant, all of which can impact upon the quality of amenity for local residents. The submitted documentation sets out that the store would be serviced by 2-3 daily deliveries and unloading time is usually around 45 minutes (it is noted that other local stores monitored would suggest this is more like 1 hour). The main impacts of the store would be in the form of noise and light and of course from activities during the construction phase. The application has been duly considered by officers within Environmental Health and a number of conditions have been included following advice in order to ensure that any such impacts are satisfactorily addressed or minimised. A key condition will be the submission for written approval of a Service Yard Management Plan. This will need to contain confirmation that delivery vehicle engines will be cut once the vehicle is parked, there will be no parking of refrigerated equipment outside permitted delivery hours, crash mats will be used and that there will be no movement of service trollies outside the building outside of delivery hours. Further to this whilst the delivery would not take place within the building the delivery vehicle will be ‘coupled’ with a cowling around the loading bay doors so goods are transferred directly from vehicle to store. The conditions are set out within the earlier section of the report and have been viewed by the applicant and considered reasonable such that there should be no reason why the store cannot operate within these requirements.

As such it is considered that the proposals will accord with the requirements of para. 185 of the NPPF and policy S1 of the Local Plan.

## Ecology

- 3.46 At the time of allocation this application site comprised a greenfield / grassland site with a native species-rich hedge alongside the length of the eastern roadside boundary with Monks Way. The site is now mostly cleared and used as the works compound for the construction of the wider land allocation and the building out of approval 17/01821/MAJ and has outline permission for employment use. The site lies outside the SAC bat Sustenance Zone. Impacts were assessed through the previous 17/01821/MAJ application stage HRA, which found no significant impacts on the integrity of foraging habitat. The LPA has undertaken a HRA in association with the current application in line with our obligations under the Conservation of Habitats and Species Regulations. This is available on the application file.
- 3.47 The application site lies within a Landscape Connectivity Zone for bats and of particular importance is ensuring no detrimental impact from lighting to the strategic bat corridor which runs to the west/ north-west of the application site. It is concluded that, without mitigation measures, there would be Likely Significant Effects 'alone' and / or 'in-combination' on features associated with the South Hams SAC. An Appropriate Assessment of the plan or proposal IS therefore necessary. The identified ways in which the Qualifying Features of the European site could be affected by the proposal are set out below:
- iii - Severance or disturbance of linear features used for navigating or commuting
  - iv – Disturbance from new illumination causing bats to change their use of an area
  - v – Disturbance, loss or other impacts on mitigation land or features for SAC bats secured under a previous application
  - viii – In-combination impacts
- 3.48 It has been concluded that adverse impacts on features necessary to the integrity of the South Hams SAC, either 'alone' or 'in-combination', on current information can be ruled out, subject to conditions as detailed in the recommendation above.
- 3.49 Of note, the hedgerow along the western and northern boundaries of the employment land will be secured and provided as part of the full planning permission as the proposals will provide screening to the bat flight corridor from the lighting directly associated with the retail store.
- 3.50 Further to the consideration of SAC bats, work has been undertaken to ensure no net loss of habitats overall and achievement of a 1% biodiversity net gain (BNG) in line with the NPPF, as evaluated and enumerated through the DEFRA biodiversity net gain metric calculator (version 3.1 now 4.0). The Landscaping plan (ref. JSL4138-RPS-XX-EX-DR-L-9001 rev. P15; dated 12 May 2023 shows areas of native species perimeter planting. Consideration of the application has looked at Hedgerows as well as Habitats, which for the purposes of net gain are considered separately. Early considerations of the hedgerows using the BNG metric proved problematic as it was not felt that the metric could accurately factor in all of the changes that would occur on site to the existing hedgerow such as additional lighting, creation of access openings and therefore a true value was not being attained. As such, given that use of the metric is optional at present it was considered to assess the hedgerow loss and gain without the use of the metric. Through ongoing discussions the existing eastern hedgerow adjacent to Monk's

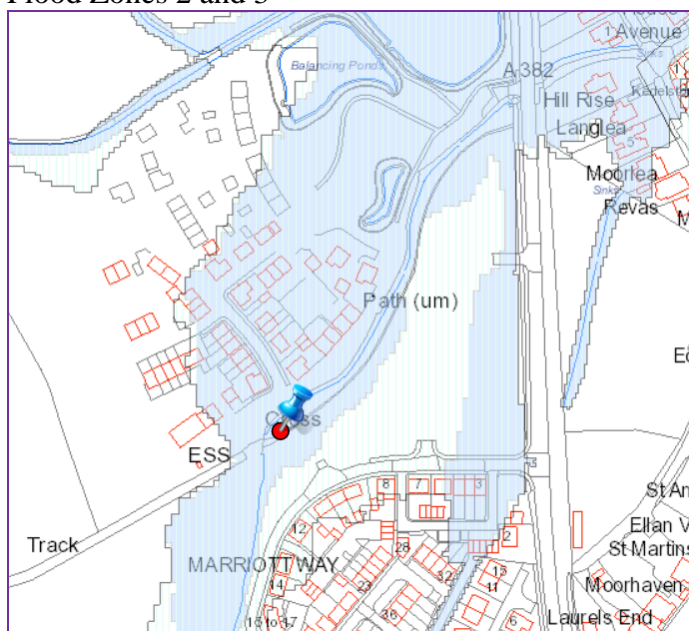
way will now be maintained at a height of 1.8m when measured from the height of the adjacent pavement. This is in line with its current height and an improvement to the initial proposals which saw it reduced to 1.1m in height. The LEMP will also secure ongoing suitable management for this hedgerow. New hedgerow is to be created along the western and northern boundaries of the employment land which under the HRA is considered for screening and not hedgerow/habitat creation and as such it is considered that the retention and better management of the existing hedgerow in addition to the new hedgerow satisfies both local and National requirements. With regard to habitat creation the metric has been applied. This considered the grassland, trees and heathland and shrub planting proposed against a pre-development setting which was based on 3m stand-off zones adjacent to the hedges recognising the existing site condition and the current outline consent. This found no net gain and no net loss. In order to secure 1% BNG one additional tree will be secured via condition within the LEMP. This is additional to the submitted landscaping scheme as set out which does include existing and proposed trees.

- 3.51 It is noted that concerns have been raised regarding the amount of biodiversity Net Gain (BNG) required. For clarity whilst the 2021 Environment Act is now law and sets out a requirement of a BNG of 10% this requirement will be phased in between November 2023 and April 2024. This application seeks to deliver the no net loss in addition to a 1% net gain in line and is considered to be in line with the requirements of the NPPF.

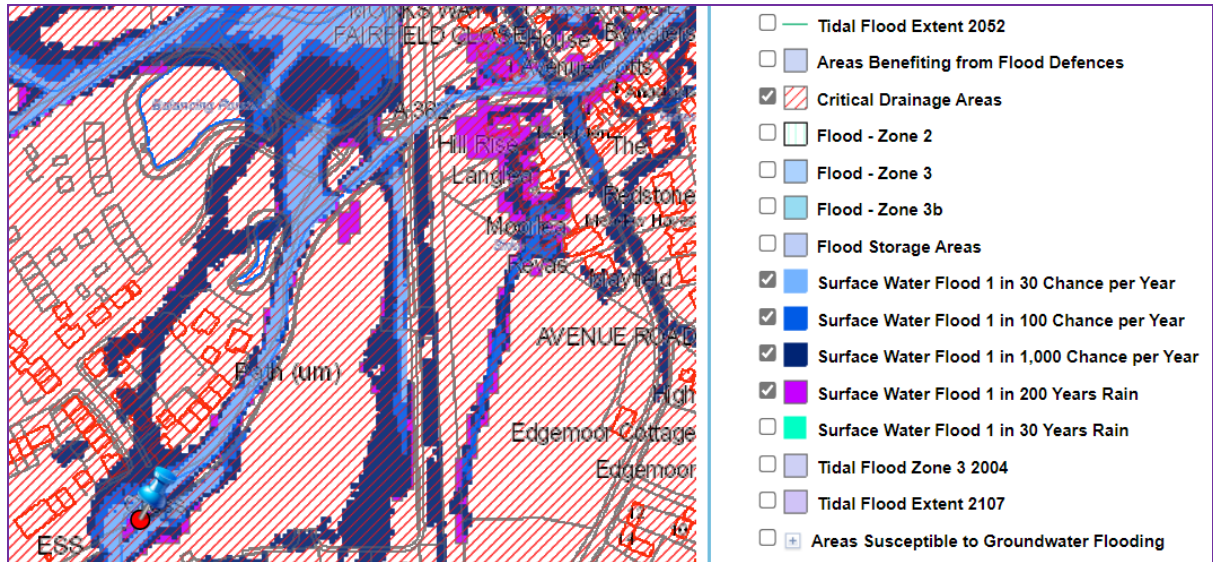
### Flood Risk and Drainage

- 3.52 The whole of the site lies within Flood Zone 2 with the northern most end of the site and the eastern and western sides of the site also falling within Flood Zone 3. The site also lies in the critical drainage area for Bovey Tracey but has a low risk of surface water flooding.

Flood Zones 2 and 3



Critical Drainage Area and surface water flooding



3.53 The application has been considered in accordance with the requirements of the NPPF and Local Plan Policy EN4 and in line with the guidance set out within the PPG. Further details of this are available on the application file.

3.54 Sequential Test Conclusion

The PPG advises that the Sequential Test need not be undertaken for development on allocated sites providing the development is in accordance with the allocation and there have been no significant changes to the known level of flood risk. As set out policy BT3 does not actively preclude retail from this land allocation and the LPA has advertised the application as a departure due to uncertainty that the stipulated employment provision could still be achieved were this permission to be granted. The allocation is for mixed use with active support for employment generating uses provided they are compatible with the immediate surroundings and do not conflict with town centre uses. The LPA has assessed the submitted Retail Statement with the independent advice of Lichfields and concluded that the proposed retail store would not conflict with the town centre uses. Further to this the proposals do not introduce a more vulnerable use than those explicitly set out in the allocation policy. However, in addition to this, as part of the Retail Sequential Test, alternative sites have been looked at and these have also been considered with a view to the flood risk Sequential Test. Most of the potential sites have flood risk concerns and/or other planning related reasons for being considered unsuitable. These sites and their considerations have been set out earlier within this report. Further to this the approved improvement works to the water course will actually result in the site being less vulnerable to flood risk than at the time of allocation although the allocation did require such works to overcome and mitigate the flood risk. In light of the above it is considered that the Sequential Test is satisfied, a position which has been agreed with the Environment Agency. Any approval would be subject to appropriate conditions to ensure that all necessary works to the water course etc have been undertaken prior to works on site commencing.

3.55 Exceptions Test Conclusion

Para 034 of the PPG sets out that:



“Where a development proposal is in accordance with an allocation made in a Plan following the application of the Sequential and Exception Tests, it should not be necessary to repeat aspects of the Exception Test unless:

- Elements of the development that were key to it satisfying the Exception Test at the plan-making stage (such as wider sustainability benefits to the community or measures to reduce flood risk overall) have changed or are not included in the proposed development; or
- The understanding of current or future flood risk has changed significantly.”

It is not considered that the Exceptions Test needs to be undertaken.

- 3.56 The application submission sets out that surface water will be attenuated on site by a cellular storage tank. Flows from the tank will be conveyed north via oil bypass separators before discharging in the river with flows restricted to agreed rates. This drainage strategy has been developed to ensure that the respective future run-off rates, with an allowance for climate change, are in line with the Environment Agency’s Critical Drainage Area Guidance and follows the Drainage Hierarchy. Both the EA and DCC are happy with the proposed scheme subject to appropriate conditions. The Surface water drainage for the employment land will of course be looked at during the course of any submission of reserved matters, albeit a strategy for the whole site should be considered. Foul water will be connected to a mains sewer and this will apply to the employment land also and this connection will be provided as part of the servicing of the employment land.

#### **4. POLICY DOCUMENTS**

##### Teignbridge Local Plan 2013-2033

S1 Sustainable Development Criteria  
S2 Quality Development  
S3 Land for Business, General Industry and Storage and Distribution  
S6 Resilience  
S7 Carbon Emission Targets  
S9 Sustainable Transport  
S11 Pollution  
S13 Town Centres  
S19 Bovey Tracey  
S21A Settlement Limits  
EC2 Loss of Employment Sites  
EC6 Large Scale Retail Development  
EN3 Carbon Reduction Plans  
EN5 Heritage Assets  
EN6 Air Quality  
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.  
BT3 Challabrook  
National Planning Policy Framework

In particular

Chapter 4 – Decision Making  
Chapter 6 - Building a Strong, Competitive Economy  
Chapter 7 – Ensuring the Vitality of Town Centres  
Chapter 9 – Promoting Sustainable Transport  
Chapter 12 – Achieving well-designed Places  
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Chapter 15 – Conserving and Enhancing the Natural Environment  
Chapter 16 – Conserving and Enhancing the Historic Environment  
National Planning Practice Guidance

#### Bovey Tracey Neighbourhood Plan

Policy LE1 – Protection and Enhancement of Landscape  
Policy LE2 – Tranquility and Dark Skies  
Policy LE3 – Native Hedgerows and Devon Banks  
Policy LE4 – Priority Habitats and Species  
Policy LE7 – Protection of Bat Flyways  
Policy LE8 – Protection of Views  
Policy LE9 – Scheduled Monuments and other Heritage Assets  
Policy LE10 - Character Areas  
Policy LE15 – Water Courses and River Banks  
Policy LE17 – Protection of Special Areas of Conservation  
Policy T1 – Highway Safety and Environmental Impact  
Policy T3 – Sustainable Travel  
Policy T5 – Parking General  
BT3 Challabrook Development Framework Plan

#### Bovey Tracey Conservation Area Appraisal

#### Devon Waste Plan

Policy W4

#### Planning (Listed Buildings and Conservation Areas) Act 1990

#### Historic Environment Good Practice Advice in Planning Note 3 (second edition)

## 5. **CONSULTEES**

**Full comments are available on the application file online**

#### Environment Agency

Response dated 14 July 2022

Our position remains as set out in our letter dated 10 December 2021 in reference to the previous application 21/02462/MAJ. We have no objection to this proposal provided that conditions can be included within any permission granted to:

- Secure the completion of the Flood Corridor works on the adjacent site before any work commences on this site;
- Ensure that any development (including land raising and fencing etc.) is at least 1m away from the top of the Flood Corridor as built; and

- Agree a Construction Environment Management Plan for the site.

...

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

The suggested wording for our recommended conditions and associated advice is set out below.

Response dated 3 November 2022

We confirm that we would be happy with a condition which requires the downstream watercourse works to have been fully completed and compliance checked prior to works commencing.

Response dated 10 November 2022

I have now sought the views of our Flood Risk Engineer on the proposed change to the wording of the condition. Having considered this, we advise that we would like the wording to remain as agreed with Helen, e.g. the downstream watercourse works shall be fully completed and compliance checked prior to works commencing.

The reason for this is not related to surface water drainage, but fluvial flood risk. The development site is currently within the flood risk area. Therefore, any earth moving, drainage, foundations etc. in this flood risk area would not currently be acceptable because they would alter flood storage and conveyance. This could potentially result in an increase in flood risk to third parties.

The flood channel works, once completed, will change the flood risks in this area to a point where the site will no longer be at risk. The downstream works therefore need to be in place to prior to any groundworks/development taking place to ensure that this does not increase flood risk to others.

DCC Local Lead Flood Authority

...

Response dated 16 September 2022

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming ... pre-commencement planning conditions are imposed on any approved permission.

...

For the class E foodstore, the applicant should assess using the landscaped areas as treatment for surface water. These planted areas could be slightly sunken and rainfall could drain to them via sheetflow across the car park. Overflows would be required within these planted areas to convey the flows into the attenuation tanks. The levels of the southeastern parking bays would need to be altered slightly to allow sheetflow to the landscaped area.

The drainage system for the foodstore could include a surface water spur for the employment land. This spur could be capped until the employment is ready to be operational. The spur could be located downstream of the foodstore flow control so that it does not interfere/compromise the foodstore drainage. The employment land would still need to manage surface water in accordance with greenfield conditions.

The employment land will need to provide sufficient space to manage surface water in accordance with greenfield conditions. Above-ground features will need to be used to manage surface water.

Above-ground features can provide opportunities for treatment as well as interception losses.

### DCC highways

...

#### *Further observations following additional information from the applicant*

Following an internal safety review, it is felt that given the location of the site, the likelihood of larger delivery vehicles turning left out of the site is minimal. It is only likely to occur if the route to the A38 is restricted for some reason.

As such despite larger vehicles having to enter the right turn lane when turning left from the site, the actual risk to highway safety is seen as low due to its likely frequency.

As no changes are occurring to the existing Highway layout, then a further road safety audit, as previously requested, is not required.

#### *Further response dated 14 December 2022*

Both accesses look to be 6m wide which would be acceptable.

#### *Further response dated 12 January 2023*

I can confirm that the Highway Authority is in general agreement with the contents of the Transport Technical Note dated 21<sup>st</sup> December 2022 and that the layouts for the accesses, as proposed, are appropriate to serve the revised description of the development.

### DCC Archaeology

Wish to make no comments.

### Environmental Health – Contaminated Land

No objections

### DCC Waste

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during

both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance.

...

We would request that a condition is attached to any permission to require the submission of an updated waste audit statement prior to the commencement of the development.

This position is supported by policy W4 of the Devon Waste Plan.

#### Natural England (FINAL Comments in relation to HRA v2.)

Thank you for your email received 14 April 2023, requesting Natural England's consultation on the revised Appropriate Assessment (AA). Thank you for working proactively with the applicants to obtain the necessary revisions/additional information that has helped to inform the AA.

Your AA concludes that Teignbridge Council is able to ascertain that the proposal will not result in adverse effects on the integrity of the South Hams Special Area of Conservation (SAC). Having considered the revised assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures specified in the AA are appropriately secured by conditions in any planning permission given.

#### Biodiversity Officer

See full comments within the HRA appendix 2 in relation to bats associated with the South Hams SAC.

...all I'm asking for now is essentially that there is no change to the Monks Way hedge compared to pre-development, that it is cut and maintained at no lower than its past evident regular cut line (and expectation that would be kept at a little higher than the past cut line).

With the hedge questions now dealt with other than by using the BNG Metric, habitat loss/gain now comes to parity.

To give an unambiguous clear net gain at the +1% or higher level, I would suggest that a simple additional habitat feature is included, for example, a single additional 'small' tree, should easily meet the +1% threshold.

#### South West Water

Upon review of the FRA I would advise that South West Water has no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy. I would further comment that South West Water do not adopt retention/detention ponds, but rather the flow through them, in order to establish flow continuity between upstream and downstream sewers or adoptable drainage SuDS elements.

### Economy and Regeneration Officer

Demand for office space has dwindled to almost nil.

The majority of Applicants seeking industrial space are seeking to own a freehold. If this site could be developed as a small units scheme where applicants could purchase a freehold, this would be our preferable use of the site. These business owners and their employers would then use the facilities in the town centre.

I understand the Local Plan allocates this site for employment generating use, however Lidl intend to employ 40 people on the site....

### Environmental Health

Should consent be given, it is advised that conditions ... should be included in the interest of protecting the amenity of nearby dwellings throughout all phases of development.

Including: Construction and Operational Noise (including from servicing), construction dust and lighting impacts

### Police – Designing out Crime

CCTV to be distributed throughout the scheme as detailed below.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour.

*Detailed site design comments provided.*

### Dartmoor National Park Authority

The Dartmoor National Park Authority has no comment to make on this application. Please do reconsult the Authority if the LVIA, when submitted, identifies an adverse impact on Dartmoor National Park interests.

The National Park Authority were sent a copy of the LVIA which related to the whole allocation site and confirmed that they did not wish to make any further comment.

### Devon Wildlife Trust

We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the Environment Act 2021 and National Planning Practice Guidance requirements relating to biodiversity net gain. ...

## **6. REPRESENTATIONS**

6.1.1 11 letters of objection, 5 letters of support and 2 letters of comment have been received in relation to this application. These letters of representation have been received over the life of the application and raised the following planning related points for consideration.

1. This will cause a detrimental shift in the dynamic of the town.
2. This is a greenfield site and sees the urbanisation of previous agricultural land on the edge of Dartmoor.
3. The location is not sustainable and will rely on carborne shopping trips which

does not tie in with declared climate emergency.

4. The site is allocated for employment and this is a major departure.

5. There is no need for an additional foodstore in Bovey Tracey, based on recent evidence.

6. There has been no public engagement.

7. The Primary Catchment Area is not large enough given the nature of the rural hinterland and the applicant's conclusions with regards trade draw and thus impact.

8. Retail Impact Assessment is flawed. Trade Draw and therefore retail impact estimates are not credible and under play the potential impact of the proposed store on the town centre.

9. Lead to 32% loss of biodiversity from this site and no information as to how the integrity of the SAC will not be harmed.

10. Will increase traffic within the local road network giving rise to concerns relating to highway safety, noise/air pollution and climate change.

11. The application ignores the Bovey Tracey Neighbourhood Plan particularly in relation to protecting the rural characteristics of the town as the gateway to Dartmoor.

12. The design and appearance of the building is not in keeping with the character and appearance of the area.

13. Not in line with the climate emergency which has been declared.

14. This is a flood plain.

15. Improves the offering in Bovey Tracey both in terms of cost of goods and product range and will reduce the need to drive to Newton Abbot to do a larger shop.

16. Will provide proper disabled parking facilities for those who struggle with current arrangements in the town.

17. Will reduce vehicular journeys and thus vehicular miles to and from Newton Abbot.

18. Will provide employment.

## **7. TOWN / PARISH COUNCIL'S COMMENTS**

7.1.1 No objection, subject to:

i) confirmation that the Delivery Management Plan will control access/large delivery vehicles as appropriate to alleviate DCC Highways concerns; and

ii) noise levels will be kept to a minimum and limited to appropriate times only so as not to cause annoyance to neighbouring residents.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

- The proposed gross internal area is 1993 square metres. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is zero. The CIL liability for this development is £444,047.07. This is based on 1993 net additional m<sup>2</sup> at £150 per m<sup>2</sup> and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

This application has been screened under the Environmental Impact Assessment Regulations 2011.

- 9.1.1 The application proposals were considered to fall within the remit of 10 (b) Urban Development Projects. Although the development threshold was not met a precautionary approach was taken and the application was duly screened. It was concluded that having regard to the characteristics of the site, the location of the development and the types and characteristics of the potential impacts it was not considered that the proposal alone or in combination with other development would give rise to any effects such that would require further investigation and understanding through an Environmental Statement. This report was completed on 5 July 2022.
- 9.1.2 Since its completion the description of the development has been amended to include office Use Class E(g) as part of the outline consent. A use which has previously been considered at the time of the initial allocation and which the land already has planning permission for under the 2017 planning application. It was considered that the proposed additional use would not give rise to any different characteristics or potential impacts such that the precautionary screening should be undertaken again.

## **10. CARBON/CLIMATE IMPACT**

10.1.1 The application is accompanied by a Carbon Reduction Plan produced by delta simons. This document sets out a range of measures/steps to be undertaken to ensure an energy efficient scheme. These include:

- Solar panels on the roof
- Inclusion of energy efficient mechanical ventilation systems with heat recovery
- Low energy lighting
- Electrical vehicle parking spaces x2
- All internal services inline with or exceeding the standards required by current Building Regulations.

It also concludes compliance with the target emissions set out in the Local Plan. The application was also accompanied by a Waste Management Plan. Whilst this document made good first steps it is considered that more detail is required and this will become the subject of a pre-commencement condition. This will further ensure good practices with regard to the recycling and handling of waste both during construction and the lifetime of the development. It should also be noted that the proposed store will seek to address the current leakage of spending to Newton Abbot and this will reduce in turn the journey length of regular vehicular movements to Newton Abbot in relation to food shopping. As such it is considered that the proposals satisfy the requirements of policies S7 and EN3 and W4 of the DCC Waste Plan.



## **11 COMMUNITY INVOLVEMENT**

As part of the previous application 21/02462/MAJ which was withdrawn Lidl undertook a public consultation exercise, sending out an information leaflet that included a pre-paid response card to provide feedback. This was sent out to residents living in and around Bovey Tracey and totaled 5,885 households. The LPA were happy that although this exercise took place in association with the previous application, the principle of the development and the location were all relevant and the time lapse was marginal. The feedback was as set out below:

1,524 responses in support

644 objected

83 undecided.

## **12 HUMAN RIGHTS ACT**

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

### **Business Manager – Strategic Place**

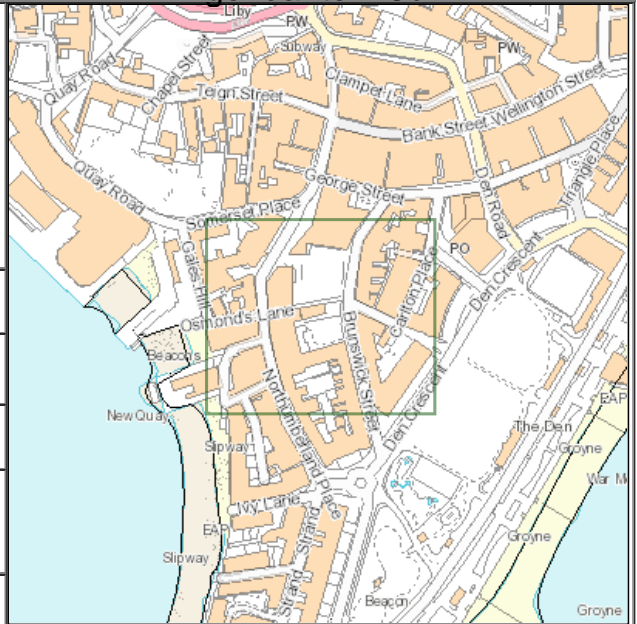
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**Planning Committee Report**

**Chairman:** TBC

<b>Date</b>	13 June 2023
<b>Case Officer</b>	Anna Holloway
<b>Location</b>	Car Park Brunswick Street Teignmouth Devon
<b>Proposal</b>	Demolition of existing building and construction of health and wellbeing centre together with associated parking and access
<b>Applicant</b>	HIPTSD (Teignmouth) Ltd
<b>Ward</b>	Teignmouth East
<b>Member(s)</b>	Cllr Michael Jackman, Cllr Peter Williams
<b>Reference</b>	22/01853/MAJ



[Online Details and Documents](#)

**RECOMMENDATION: PERMISSION GRANTED - Indicative Plan**



## 1. REASON FOR REPORT

This application is for a major development within Teignmouth Town Centre on a site owned by Teignbridge District Council. Taking into account the scale of the proposed development and that this is council-owned land it is considered appropriate for the application to be referred to the Planning Committee if the Case Officer is recommending approval.

A Members' Site Inspection will have been held on 12 June 2023.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions covering the following matters, the precise number and formation of the conditions to be delegated to the Business Manager – Strategic Place:

1. Duration of permission
2. List of approved plans and documents
3. Detailed drainage design and construction phase drainage to be approved prior to commencement
4. Construction Environmental Management Plan (CEMP) to be approved prior to commencement
5. Works to comply with the protected species and biodiversity precautions, measures and enhancements as set out within the Ecology Report
6. Development to be carried out in accordance with flood resilience measures
7. Flood Warning Evacuation Plan to be approved prior to commencement of construction
8. Contaminated land remediation strategy to be approved prior to commencement
9. Dealing with unsuspected contamination
10. Waste Audit Statement to be submitted and approved prior to commencement
11. Detailed design for highway works to be approved prior to construction
12. Osmonds Lane to be resurfaced in red blacktop from Brunswick Street through to Northumberland Place prior to initial occupation
13. Travel Plan to be approved and implemented
14. Car parking and cycle facilities to be in place prior to initial occupation
15. Development to be in accordance with Carbon Reduction Plan
16. Installation of EV charging points prior to initial occupation
17. External materials and architectural details to be submitted and approved prior to construction
18. Boundary treatments to be approved prior to demolition of stone wall and installed prior to initial occupation including details of brick / stone wall to Osmonds Lane
19. Window details to be submitted and approved prior to installation
20. Detailed design of shopfronts to be submitted and approved prior to installation and shall be of timber construction
21. Details of plant and equipment and an accompanying noise survey to be submitted and approved prior to construction to demonstrate plant and equipment will not significantly increase the existing background noise levels (an increase of 5db or more to be significant and the sound level at the neighbouring façade should be 5db below the background at time of operation)
22. External lighting to be approved and installed prior to initial occupation
23. CCTV installation prior to initial occupation
24. Restriction on future changes of use from Health and Wellbeing Centre

### **3. DESCRIPTION**

#### **3.1. Site Description and Proposed Development**

- 3.2. Brunswick Street is located in the town centre of Teignmouth, a coastal resort which occupies a position between the Teign Estuary and English Channel. The central area has a rich architectural character and urban form dating from the Regency Period and holds conservation area status. During this earlier period the town hall and market place were situated at the site. In its present state the Brunswick Street regeneration site is heavily under-used and partly derelict. The land has been previously developed, occupies 0.38 hectares, and contains three distinct parcels. In the centre is a 56 space off-street ground level car park; the smaller parcels to the north and south formerly contained two active garages. The current application is for the central and southern parcels.
- 3.3. Local Plan policy TE4 'Regeneration Proposals' supports the regeneration of the site through redevelopment proposals for up to 40 new homes and 1000 sqm of retail or commercial floor space plus replacement car parking provision through enhancements at other car parks. The site has been underused since the Second World War. A Local Development Order (LDO) for the regeneration of Brunswick Street was adopted in 2016 and followed public consultation and contamination, geotechnical, topographical and flood risk assessments as well as the production of a Design Guide. The objectives of the LDO, which were considered consistent with policy TE4, intended to promote vitality and a wider mix of uses in the town centre including not only residential and commercial but also community and recreational provisions.
- 3.4. The site is located within the Town Centre Conservation Area and the setting of several listed buildings including (but not limited to) the grade II listed 10, 11&12, 18, 20, 40, 41, 51 and Devon Arms Hotel Northumberland Place, 30A and 32 Brunswick Street, and 6-10 Den Crescent. There are also a number of non-designated heritage assets within the area that make a positive contribution to the Conservation Area.
- 3.5. The site is located within flood risk zones 2 and 3. A Flood Risk Assessment (FRA) was carried out as part of the LDO process and following the construction by the Environment Agency of a flood defence scheme including a number of flood resistance measures. The FRA informed floor levels for various uses. Since the LDO was adopted the Environment Agency has revised their position in terms of appropriate floor levels within this area, with floor levels being revised upwards to take into account more up to date flood risk information, and the current application follows advice from the Environment Agency obtained at pre-application stage.
- 3.6. The site is bisected by Osmonds Lane, which is a section of pedestrianised adopted highway running between Brunswick Street and Northumberland Place. The land to the south of Osmonds Lane is brownfield land containing a single storey building adjacent to Osmonds Lane. The northern parcel is currently Brunswick Street car park with vehicular access off Brunswick Street and pedestrian access from Northumberland Place and Brunswick Street. To the west of the site are the rear of the 3-storey properties fronting onto Northumberland Place and to the north is the 2-storey Bakery Court. To the east the site is faced by the 3-storey terrace on the opposite side of Brunswick Street and to the south are a mix of 2-storey and 3-storey

properties fronting onto Brunswick Street. The surrounding properties are a mix of commercial, cultural and residential uses.

- 3.7. In 2020 an application (20/00612/NPA) for confirmation of compliance under the LDO was approved for the delivery of a 68 bedroom hotel and restaurant on the current application site; however, this proposal was not taken forward and the LDO lapsed in April 2021 (5 years following its adoption).
- 3.8. In 2021 an application was submitted for the northern parcel of the LDO site for full planning permission for a 5-storey health and wellbeing centre (21/00299/MAJ). The proposal for the northern parcel was considered to result in an unacceptable impact on heritage assets, the townscape and neighbouring residential properties; on notification of this the applicant entered into discussions regarding the relocation of the proposed health and wellbeing centre to the central and southern parcels utilising the design of the previously approved hotel and restaurant scheme as a basis. Following a review of their space requirements and discussions with the Environment Agency, the applicant submitted a full planning application (the current application) for the proposed health and wellbeing centre on the central and southern parcels of the regeneration site. The design of the scheme was further revised to address concerns raised by the case officer and conservation officer regarding the impact on the conservation area, the setting of listed buildings, the character and appearance of the area and the amenity of neighbouring residential occupiers.
- 3.9. The proposed health and wellbeing centre, as amended, consists of a 3-storey building located on the site of the existing car park with a 2-storey wing projecting over Osmonds Lane onto the southern parcel. The building would be 2,654sqm and would provide the following accommodation: reception space; waiting room; consulting rooms; treatment spaces; changing places facility; Volunteering in Health space; administration, office, staff hub and interview spaces; digital self-help; group assessment; health hub; audiology; pandemic suite; trust hub room; and support spaces. The ground floor of the building also includes third party space with a shopfront onto Northumberland Place. The 2-storey wing would provide office and staff space at first floor level with car and cycle parking underneath. The car park would provide 23 car parking spaces including 4 disabled spaces as well as electric vehicle (EV) charging spaces. A total of 15 cycle stands are proposed, each with space for two cycles and therefore equating to 30 cycle parking spaces; these would be split between Northumberland Place and Brunswick Street entrances with staff cycle parking within the gated area to the north of the main building. In addition, there would be a separate plant room to the north and a substation and storage building within the car parking area to the south.
- 3.10. The ground floor level has been set at +4.1m Above Ordnance Datum (AOD) in the interests of mitigating flood risk and therefore the entrance to Northumberland Place would be reached via a ramp and steps. The revised plans include an entrance onto Brunswick Street adjacent to the junction with Osmonds Lane, with an internal lobby and a lift/stairs.
- 3.11. The application has been accompanied by a number of supporting documents including a Planning Statement, Design and Access Statement, Statement of Community Involvement, Heritage Statement, Archaeology, Flood Risk Assessment, Biodiversity Survey and Report, Land Contamination Assessment,

Transport Statement including Framework Travel Plan, and Carbon Reduction Statement.

- 3.12. The Planning Statement includes details of the need and rationale for the building and outlines that public engagement on a new and integrated model of care was undertaken across South Devon in 2016, 2018 and 2020 and that health and wellbeing centres are fundamental to the success of the Devon Integrated Care Model whereby new and purpose-built buildings are provided to house collocated health and wellbeing services. It is understood that Torbay and South Devon NHS Foundation Trust are leading this development on behalf of NHS and voluntary sector partners and that the proposed centre will accommodate Channel View Medical Group (the majority of GP services in the town) together with community nurses, social workers, well-being teams, therapists and lifestyle and prevention services together with voluntary sector services. The supporting information sets out that the Centre will provide sufficient GP capacity for both current and known future demand, taking into account proposed developments within the Teignmouth area and around Bishopsteignton. It is understood that the internal design and layout of the building has been formulated in close discussion with the clinical teams and with the advice of clinical and technical experts and that the design standards (number and size of various rooms) conform to the Health Technical Memoranda and industry-standard best-practice guidance.
- 3.13. The applicant (HIPTSD (Teignmouth) Ltd on behalf of Torbay and South Devon NHS Foundation Trust and the Health and Care Community) considers that the health and wellbeing public benefits of the scheme include (Planning Statement, Section 4. Statement of Public Benefits):
- Co-location of services delivers a step-change in clinical outcomes for physical health, mental health, social care and wellbeing. The Enhanced Intermediate Care Team (EICT) covering Teignmouth and Dawlish has reduced acute hospital admission by 5% and emergency department attendances by 2.5% (2018/19). It will deliver substantial service improvements and improved patient care standards.
  - New buildings and co-location are critical to the long-term sustainability of local GP provision.
  - Modern, up to date and fit for purpose facility – in particular it meets space and infection control requirements.
  - Central accessible town-centre location – services will be located nearest to the population that needs it and easily accessible on foot, or from elsewhere by public transport.
  - Multiple services in one place providing the public with access to a larger concentrated health and wellbeing resource.
  - Integrated facility and town centre location will allow the GP practices to share resources and improve their appeal to prospective staff thereby securing a continued GP service for the town.
  - The Centre is future proofed and provides sufficient accommodation for both current and known future demand. The building is also very flexible to

accommodate changes to the delivery of services within it. This ensures minimum disruption for patients and clients and ensures all their needs can be met for the future from this building.

- Interdisciplinary working delivers significant clinical efficiencies to all of the different users within the building and as the services work together around the needs of the client.

### 3.14. **Relevant Planning History**

3.15. 20/00612/NPA – Application for Confirmation of Compliance under the Brunswick Street Local Development Order for 68 bedroom hotel, restaurant and associated works – granted 23 September 2020 but not implemented and now lapsed due to expiration of the Local Development Order.

3.16. 21/00299/MAJ – Land at Brunswick Street, George Street and Northumberland Place – Demolition of existing buildings and construction of health and wellbeing centre together with pharmacy – following notification to the applicant that the Local Planning Authority were recommending refusal due to the impact on heritage assets, the townscape and neighbouring residential properties, the applicant entered into discussions regarding locating the proposed health and wellbeing centre on the car park site on Brunswick Street following the lapsing of the LDO, leading to the current application.

### 3.17. **Principle of Development**

3.18. The application site forms part of a site identified for mix use development within the adopted Teignbridge Local Plan (TLP) 2013-2033. It is within the Town Centre Conservation Area and Flood Zones 2 and 3. TLP strategic policy S13 'Town Centres' supports maintaining the vitality, viability, accessibility and attractiveness of Town Centres and identifies Teignmouth as a 'Significant Town Centre'. Town Centres are considered to be vital and sustainable locations for development, particularly retail provision but importantly also for employment, housing, leisure and accessible services. Policy EC9 'Developments in Town Centres' sets out that development within town centres will capitalise on heritage assets to support regeneration, encourage visitors and improve the environment, vitality and interest of each centre. TLP strategic policy S18 'Teignmouth' sets out that the Plan will seek to regenerate Brunswick Street / Northumberland Place and policy TE4 'Regeneration Proposals' sets out how the regeneration will be delivered.

3.19. TLP policy TE4 sets out that, subject to viability, the redevelopment will include up to 40 new homes and 1000sqm of comparison retail or commercial floor space. It is clear from the mix of uses granted under the LDO that the provision of retail, services, restaurants, office, hotel, residential, community and leisure uses would be acceptable as part of the regeneration scheme. Policy EC9 also sets out that developments will be required to, where feasible, include a mix of uses. It is clear that the preference for the regeneration would be for a mixed use scheme; however, the policy does not restrict appropriate single use development. It should also be noted that the scheme provides a building with a mix of health and wellbeing uses and ancillary community, office and third party space with significant levels of public access. The level of public accessibility would also reduce the potential impact of having a large single use building within this town centre location.



- 3.20. Northumberland Place is identified as a 'Secondary Shopping Frontage' within the TLP. To maintain town centres as a focal point for a balanced, complementary range of uses, defined secondary shopping are considered appropriate for a wide range of uses including a significant presence of retail and other attractors (TLP policy EC8). Policy EC8 sets out targets for active uses at ground floor with at least 30% of ground floor units within a street in A1 retail use, at least 70% of ground floor units within a street in active use and no more than 6 adjoining ground floor properties in non-active uses. The proposed development is considered to comply with this with a main entrance just off Northumberland Place as well as the Volunteering in Health Activity Space and Third Party Space fronting onto this area with a traditional shop front design. The requirement for a ramped access to this frontage is unfortunate and does have a detrimental impact on the delivery of public space to the front of the building. However, overall the proposal is considered to provide appropriate levels of active frontage to Northumberland Place.
- 3.21. Significant weight should also be given to the delivery of health and wellbeing services within this town centre location. It is clear from the supporting information that the delivery of a Health and Wellbeing Centre in Teignmouth represents a significant part of the delivery of health and wellbeing services for the local community. Health and wellbeing clearly form part of the social objective of the three overarching objectives for sustainable development contained within the National Planning Policy Framework (2021).
- 3.22. Whilst a mix of uses would clearly be preferable on this site, the delivery of a health and wellbeing centre clearly provides significant benefits. The proposed development is considered acceptable in principle within this town centre location and would support the regeneration of Brunswick Street.
- 3.23. **Highway Safety, Sustainable Transport and Parking**
- 3.24. The current application would result in the loss of the existing car park; however, the Local Plan does envisage the loss of the Brunswick Street car park to support the regeneration of the area. The loss of this parking was on the basis of replacement car parking provision through enhancements at the other car parks in Teignmouth; TLP policy TE4 indicates that replacement would be via enhancements at Quay Road and / or Teign Street car park.
- 3.25. TDC's Executive on the 1 July 2019 and Full Council on 29 July 2019 considered a report in relation to the delivery at Brunswick Street including a 'Car Parking Provisioning Strategy', which outlined the existing parking provision in the Town and options available for the re-provision elsewhere when the Brunswick Street car park is redeveloped. The current capacity at Brunswick Street car park is 56 spaces (55 standard spaces and 1 accessible space), which are available for the general public and permit holders use. TDC has considered two alternative locations for replacement car parking and as part of the re-provision report Quay Road and or Teign Street car parks were investigated; however, it was concluded that the financial viability rendered them undeliverable. Teign Street has capacity to create an additional 15 spaces through construction of a deck of parking; estimated cost: £1.1m. Quay Road has capacity to create a further 56 spaces through construction of a further deck of parking; estimated cost: £1.6m. Further options were therefore reviewed, including car parks within the town centre and wider area, and two car parks, (1) Eastcliff and (2) Lower Point, were identified as underutilised with potential for additional spaces to be created. The Council approved the reconfiguration of

spaces at Eastcliff and Lower Point Car Parks to provide a total gain of 58 spaces with delivery of the replacement car park spaces to be completed by the end of 2020 prior to the redevelopment of Brunswick Street being complete. TDC Asset Manager has confirmed that this work is now complete.

- 3.26. Whilst the re-provision has occurred at Eastcliff and Lower Point Car Park rather than Quay Road and / or Teign Street, this was on the basis of a detailed assessment and strategy that was considered at Full Council. The loss of the car park at Brunswick Street has therefore been adequately addressed via the replacement car parking provision which has already been delivered.
- 3.27. The scheme would deliver 23 on-site parking spaces and the revised layout plan demonstrates on-street parking would be retained at similar levels. This would be a greater level of provision than could be accommodated on the previously submitted scheme (21/00299/MAJ) on the corner of Brunswick Street and George Street, which allowed for the creation 5 spaces on site.
- 3.28. As a town centre location the site is considered to be sustainable for the proposed use in principle with good access to public transport and subject to appropriate conditions for the highway works, including resurfacing of Osmonds Lane, and the delivery of the on site car and cycle parking, the proposed development is considered acceptable with regards to highways and parking.
- 3.29. **Flood Risk and Surface Water Drainage**
- 3.30. TLP policy EN4 'Flood Risk' sets out that there will be a sequential approach to new development which guides development to areas at lower risk of river and coastal flooding and that, where possible, developments should be sited in flood zone 1. Development within flood zones 2 and 3 which meet the sequential approach will be permitted only where it provides wider sustainability or regeneration benefits to the community that outweigh the associated flood risk, taking account of the vulnerability of the proposed use to flooding; demonstrates occupants' safety in a flooding event; does not increase flood risk elsewhere and, if relevant, takes account of the Shoreline Management Plan. Paragraph 166 of the NPPF sets out that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again; however, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
- 3.31. The application site is located within flood risk zones 2 and 3 and the proposed use falls within the 'more vulnerable' flood risk vulnerability classification; however, the site is allocated for regeneration within the local plan and the proposed development can be considered to provide wider sustainability benefits to the community. Therefore, the proposal is considered acceptable with regards to flood risk subject to appropriate measures for the safety of occupants during a flooding event and appropriate sustainable drainage measures.
- 3.32. The scheme including floor levels and the location of various uses within the development have been designed in consultation with the Environment Agency with a minimum ground floor level of 4.1m AOD as well as resilience measures and a Flood Warning Evacuation Plan. The supporting Flood Risk Assessment (FRA) also sets out that the design of the development will ensure that various proposed uses

can be distributed throughout the proposed facility to optimise the delivery of essential healthcare services. It is understood that they have aimed to place as many 'higher' vulnerable uses on the upper floors as possible. In addition, flood compensation would be provided beneath the ground floor suspended slab, using external flood grills to enable passage of flood water so that building footprint is not entirely displaced and to ensure negligible impact on flood levels within the local catchment.

- 3.33. The Environment Agency has reviewed the proposals and advised that the submitted FRA has correctly assessed the flood risks (current and future) affecting the site and proposes sensible mitigation measures in the unique circumstances of the application to demonstrate that it will be safe and that this is reflected in the building's design.
- 3.34. The site has previously been discussed in detail with the Drainage and Coastal Manager, as Emergency Planner, including for the previous hotel scheme (20/00612/NPA). A Flood Warning Evacuation Plan has been submitted as an appendix to the FRA and the proposed floor plans include details of refuge areas within the stairwells. The submitted Flood Warning Evacuation Plan is in draft format and will require a finalised version; this should be agreed prior to the initial occupation. It is considered that the scheme is acceptable with regards to flood risk subject to a condition for the finalised version of the Flood Warning Evacuation Plan to be submitted and approved prior to the initial occupation of the development and for the finalised Flood Warning Evacuation Plan to be reviewed on an annual basis and following event or procedural changes.
- 3.35. Subject to the imposition of conditions regarding the incorporation of flood resilience measures up to 4.63m AOD (based on the 'upper end' climate change allowances), an action plan for measures to return the upper floors to service shortly after flooding, and a flood warning and evacuation plan, the proposal is considered acceptable with regards to flood risk and resilience.
- 3.36. TLP policy EN4 states that in considering development proposals regard will be had to the adequacy of existing conditions; the need for surface water drainage systems; and the use of sustainable drainage systems where ground conditions are appropriate.
- 3.37. The proposed development is on a brownfield site with surface water runoff draining towards existing drainage networks. The site comprises two catchments, separated by the existing stormwater culvert within Osmonds Lane. The northern catchment comprises the main building with downpipes that would drain directly into channel drains at the northern, eastern and southern building elevations. The channel drains will outfall into a new private storm drain, with unattenuated connection to the existing culvert beneath Osmonds Lane, this is on the basis that there is limited available space outside the building footprint that is suitable for the provision of stormwater attenuation. The external areas are limited in space and rely on steps and ramps to gain access to the proposed development and have restricted access for future inspection and maintenance. The southern catchment comprises the southern wing of the building and proposed car park area. The proposal is for the car parking bays will be constructed as under-drained permeable block paving. Runoff from the car park would then be directed towards the areas of block paving to receive filtration and attenuation within the sub-base media. The outflow from

each row of parking bays would then pass through an orifice control to mobilise attenuation and reduce peak rates of discharge restricting flow to 4.7l/s.

- 3.38. Devon County Council is the Lead Local Flood Authority (LLFA) for the development. They have considered the proposals and concluded that due to contamination at the site coupled with elevated groundwater and the presence of Made Ground, infiltration led surface water drainage techniques are not feasible. The LLFA states that due to the extremely shallow depth of the receiving culvert it is impractical to attenuate the flows on the site for the northern catchment. The LLFA has no in-principle objection from a surface water drainage perspective subject to a pre-commencement condition for a detailed drainage design based on the submitted FRA and details of management of surface water and silt run-off during construction. Subject to the pre-commencement condition requested by Devon County Council Flood and Coastal Risk Management Team, as LLFA, the proposal is considered acceptable with regards to surface water drainage.
- 3.39. In term of foul drainage, the development is proposed to drain via a new private gravity network towards the existing adopted foul sewer network. The submitted FRA includes correspondence with South West Water; the connection with the foul drainage network will be a matter between the developer and South West Water. SWW has not raised an objection to the proposals.
- 3.40. The proposed development has been designed to minimise flood risk and, subject to conditions, the Environment Agency and Lead Local Flood Authority have no objections. The proposal is therefore considered acceptable in terms of flood risk and drainage subject to the requested conditions.
- 3.41. **Historic Environment and Townscape**
- 3.42. The site is located within Teignmouth Town Centre Conservation Area and within the setting of numerous listed buildings. In coming to its decision the Council must be mindful of the duty as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and give it considerable importance and weight in the planning balance.
- 3.43. The site is also located within a prominent location in Teignmouth Town Centre with important pedestrian routes through the site including most notably Osmonds Lane, which is a public highway. Osmonds Lane forms part of the connection from Teignmouth Beach / The Den through to the Back Beach.
- 3.44. The site falls within the boundary / transition area of the West Teignmouth and River Frontage and The Resort Town zones of character within the Conservation Area character appraisal. The site is largely identified as an area requiring enhancement apart from the existing building which is classed as neutral or negative. The surrounding buildings are of a mix of heights varying from the two storey Bakery Court to the north and 19 Brunswick Street to the south to the three storey buildings to Northumberland Place and on the opposite side of Brunswick Street to the west and east of the application site. Within the wider area are taller buildings including four-storey buildings on George Street to the north. Originally the building was modelled to reflect the neutral / negative building at Royal Court to the southeast,

however, following discussions between the applicant's team, the Conservation Officer and Case Officer (including an on-site meeting), the design of the scheme was amended to something closer to that previously approved for the hotel / restaurant scheme and more closely following the details found within the neighbouring positive and outstanding category buildings.

- 3.45. The proposal would result in a building taller than those immediately surrounding it and ideally it would be no taller than the previously approved hotel scheme. This additional height is partially due to the higher ground floor level required to meet current flood risk mitigation measures and, it is understood, partially due to the accommodation requirements of the proposed use. This increase in height is unfortunate and a scheme with eaves and ridge to match the existing three-storey terrace on the opposite side of Brunswick Street would be more appropriate.
- 3.46. The existing building on site can be considered to have some heritage value in the form of the stone wall along its boundary with Osmonds Lane. The Conservation Officer would ideally like to see the retention of this stone wall or the reuse of the stone within the development. A Technical Note by WSP was provided with the application and describes the wall of being constructed in random stonework, possible with a rubble filled cavity and heavily altered. The note states that the roof of the existing building is currently spanning onto the existing wall and as such appears to be providing restraint to the wall and that, once the building has been demolished, they do not believe it is possible to prove that the wall has the capacity to act as a free-standing wall. The Technical Note recommends that given the nature of its construction and poor condition, the existing wall be demolished and a new wall at a lower height built in its place. The proposed development includes the demolition of this building, including the stone wall. Ideally the lower level boundary wall with Osmonds Lane would be rebuilt in stone from this wall; however, the revised plans show this (as well as the proposed sub-station) to be faced in brick. Brick walls are a character of the area; however, Officers would ideally want to see (as a minimum) the lower level wall to Osmonds Lane faced in stone from the existing wall. It is therefore considered that a condition be imposed for the facing material of this boundary wall to be approved prior to the demolition of the wall and to encourage the reuse of the existing stone as a facing material.
- 3.47. It is clear from the comments made by the Conservation Officer (please see section 5 below) that whilst the amended scheme does address a number of the issues raised with the original proposal, the scheme falls short of what could be achieved on this site and is a missed opportunity to enhance the Conservation Area through better revealing the street scene and historic and natural connections and urban design potential. However, the amendments made to the design and the proposed materials are considered sufficient to, on balance, have a neutral impact on the Conservation Area and setting of listed buildings.
- 3.48. **Residential Amenity**
- 3.49. In comparison to the previously approved hotel scheme the overall height of the building would be increased; however, the wing over Osmonds Lane and into the southern parcel of the site would be lower in height at two-storey. Also, the main building would be set slightly further away from the northern boundary with Bakery Court. The proposed plant room would be located close to the northern boundary; however here there is an existing tall brick boundary wall which would largely screen

the plant room apart from the pitched roof, the ridge of which runs parallel with the wall meaning the lower eaves would be located adjacent to the wall.

- 3.50. The proposed building would replace what is largely an open site and therefore would result in an impact on the neighbouring residential occupiers in terms of outlook and the potential for overlooking from the new windows. However, consideration should be given to the existing relationships and the town centre location with existing overlooking from the public realm and the designation within the local plan as a regeneration site. Whilst the proposed development would result in an impact on residential amenity, it is considered that the impact would not be so significant to warrant a refusal of planning permission.
- 3.51. The proposed use of the site as a health and wellbeing centre is unlikely to result in significant impacts in terms of noise and disturbance in itself when compared to the existing use of the site and character of the area. However, there is potential for impact particularly during construction works and also more long term from plant and equipment. Following detailed discussions with the Environmental Health Officer, conditions are proposed to manage noise and disturbance during construction works and to ensure any plant and equipment for the proposed use does not result in unacceptable levels of noise and disturbance for neighbouring residential occupiers. Subject to the proposed conditions, the development is considered acceptable in terms of noise and disturbance.
- 3.52. **Biodiversity**
- 3.53. An Ecology Report has been submitted in support of the application. The site largely consists of a surface level car park; however, the proposals would result in the demolition of a vacant building on the site. A Preliminary Bat Roost Assessment of the exterior of this building was undertaken in August 2022 as well as a search for nesting birds within the building on-site. A previous ecology survey of the site and adjacent buildings recorded no evidence of roosting bats and no bats flying over the site during nocturnal surveys. The site is considered of negligible suitability for roosting bats due to the absence of suitable roosting locations and the urbanised nature of the site. Feral pigeons were observed within the building and bird droppings indicated that the building is used extensively by this species. Starlings and herring gulls were recorded flying over the site, but no signs of nesting were recorded on site. No evidence of other protected / notable species was recorded during the survey within or immediately adjacent the site. The Ecology Report assessed that the ecologically impoverished habitats on the site are highly unlikely to support other protected / notable species and are of limited suitability for nesting birds.
- 3.54. The submitted Ecology Report sets out that the scheme would deliver biodiversity mitigation and enhancement by the incorporation of 4sqm of soft landscaping planted with a native wildflower species mix and the installation of three starling boxes on the northern parapet of the proposed building. In addition, demolition of the building on site should be undertaken outside of the bird nesting season or following a check for nesting birds immediately prior to demolition (if nesting birds are found, then works would have to be suspended until the birds have completed their breeding cycle).
- 3.55. The site is within the 10km zone for the Exe Estuary Special Protection Area (SPA) and Ramsar Site and Dawlish Warren Special Area of Conservation (SAC);

however, the proposal does not include residential uses and the proposed Health and Wellbeing Centre is proposed to meet the needs of the local community. The proposal is considered neutral in terms of recreational impacts on these designated sites, there is unlikely to be a Likely Significant Effect and therefore a Habitat Regulation Assessment is not required.

- 3.56. Subject to a condition for the development to be carried out in accordance with the precautions, measures and enhancements described within the submitted Ecology Report including the provision of the soft landscaping and starling boxes, the proposal is considered acceptable with regards to protected species and biodiversity.
- 3.57. **Sustainable Development / Carbon Reduction**
- 3.58. TLP strategic policy S6 sets out that the Council will work with developers to ensure that the future impact of climate change and fossil fuel scarcity is minimised through adaptations and mitigation. Strategic policy S7 seeks to reduce the carbon emissions of new development and requires a 48% reduction in operational carbon emissions. Policy EN3 states that development proposals should seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in policy S7 and that major development will be required to produce a carbon reduction plan to indicate how this could be achieved including consideration of materials, construction methods, design, energy, water, waste management, travel planning and carbon offsetting.
- 3.59. A Carbon Reduction Plan was submitted with the application. The Plan includes a number of measures including the fabric of the structure, provision of roof mounted PV array for renewable energy, appropriately zoned and thermostatically controlled heating and cooling systems utilising air source heat pumps, energy efficient lighting and water efficiency measures. The Plan states that the project is targeted to achieve a BREEAM 'very good' rating and achieve Part L2A compliance of the Building Regulations. The Plan also sets out that the proposal includes provision of electric vehicle charging points. As the proposed development is to comply with Part L2A of the Building Regulations it can be considered to comply with the requirements of policy S7.
- 3.60. The submitted Framework Travel Plan within the Transport Statement includes, as a physical measure, the provision of three EV charging points to be made available through electric provision to the car park. The Proposed Site Plan indicates 3 EV bay. It is noted that none of the proposed EV bays are disabled bays and therefore it is considered appropriate to condition that a fourth EV charging bay is provided to a disabled bay. The Framework Travel Plan and drawings also include safe and secure cycle parking within the site (see Proposed Site Plan) and provision of changing areas / lockers for cyclists (provision of showers, changing and locker room is shown within the staff area on the Proposed First Floor Plan). The cycle parking is shown within three locations including adjacent to the main entrances on Northumberland Place and Brunswick Street and within the enclosed area adjacent to the plant room and pandemic entrance.
- 3.61. Subject to appropriate conditions for compliance with the proposed carbon reduction measures, the EV charging points and the Travel Plan, the proposal is considered acceptable with regards to sustainable development and carbon reduction and to comply with TLP policies S6, S7, S9 and EN3.

### 3.62. **Contaminated Land**

3.63. The application site is previously developed land including a number of historic uses before its current use as a car park. The site suffered bombing damage during WWII. A Ground Condition Assessment was undertaken in 2015 as part of the LDO process and Remediation Statement dated 2020 was submitted as part of the LDO application for the hotel / restaurant scheme, to which Environmental Health raised no objections. A Technical Note by WSP has been submitted in support of the current application, it finds that the change from a hotel to HWB Centre does not introduce new risks with regards to contaminated land and that the recommendations remain largely the same as those in 2020. Subject to a condition for a Remediation Strategy to be submitted and approved prior to the commencement of development including any required mitigation, the proposal is considered acceptable with regards to ground conditions and contamination.

### 3.64. **Conclusion and The Planning Balance**

3.65. The proposed development would be located within a sustainable town centre location and would provide significant benefits in terms of the delivery of health and wellbeing services for the local community. Therefore, whilst the scheme does fall short of what would ideally be delivered as part of the regeneration of Brunswick Street, on balance, the Officer recommendation is for approval subject to conditions.

## 4. **POLICY DOCUMENTS**

- 4.1. Teignbridge Local Plan 2013-2033 (TLP)  
S1A Presumption in favour of Sustainable Development  
S1 Sustainable Development Criteria  
S2 Quality Development  
S5 Infrastructure  
S6 Resilience  
S7 Carbon Emission Targets  
S9 Sustainable Transport  
S10 Transport Networks  
S11 Pollution  
S13 Town Centres  
S18 Teignmouth  
S21A Settlement Limits  
EC8 Secondary Shopping Frontages  
EC9 Developments in Town Centres  
WE11 Green Infrastructure  
WE12 Loss of Local Facilities  
WE13 Protection of Recreational Land and Buildings  
EN2A Landscape Protection and Enhancement  
EN3 Carbon Reduction Plans  
EN4 Flood Risk  
EN5 Heritage Assets  
EN6 Air Quality  
EN7 Contaminated Land  
EN8 Biodiversity Protection and Enhancement  
EN9 Important Habitats and Features  
EN10 European Wildlife Sites  
EN11 Legally Protected and Priority Species



## TE4 Regeneration Proposals

4.2. Devon Waste Plan

4.3. National Planning Policy Framework (NPPF)

4.4. National Planning Policy Guidance (PPG)

### 5. **CONSULTEES**

5.1. **Environment Agency**

5.2. 21 November 2022

5.3. While the mitigation measures proposed to deal with flood risk are not those normally expected, we consider that they are acceptable given the unique circumstances of this application. Provided that your Authority, following consultation with your Emergency Planners, are comfortable with the compromises made with regard to flood risk mitigation, we would not object to this proposal provided that conditions are included within any permission granted to secure:

- Implementation of the mitigation measures proposed in the submitted Flood Risk Assessment (FRA);
- Site Investigation and Remediation;
- Details of any piling which may be required; and
- Procedures in case of any Unsuspected Contamination.

5.4. Before determining the application your Authority will need to consult with your Emergency Planners

5.5. 17 May 2023

5.6. Our position remains unchanged.

5.7. **Devon County Council – Lead Local Flood Authority (LLFA)**

5.8. Due to contamination at the site coupled with elevated groundwater and the presence of Made Ground, infiltration led surface water drainage techniques are not feasible. The applicant proposed a free discharge for the northern catchment which outfalls into a new private storm drain before discharging into the existing culvert beneath Osmonds Lane as agreed with Teignbridge District Council at pre planning stage provided that the receiving culvert has sufficient capacity and is in adequate condition. Due to the extremely shallow depth of the receiving culvert it is impractical to attenuate the flows on the site. For the southern catchment, the proposed car parks area will be constructed as under-drained permeable block paving and outflow through a 50mm diameter orifice, restricting the flow to 4.7l/s before discharging to the adjacent South West Water surface water sewer, which further discharges to the culvert beneath Osmonds Lane.

5.9. No in-principle objections to the application, from a surface water drainage perspective. Request a condition for detailed drainage design based upon the Flood Risk Assessment to be submitted and approved prior to the commencement of development to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent

land or downstream in line with SuDS for Devon Guidance 2017 and national policies.

5.10. **Devon County Council – Local Highway Authority**

5.11. 14 November 2022

5.12. The site is accessed off Brunswick Street which is an unclassified one-way street restricted to 30mph. There have been no personal injury collisions reported to/by the police on Brunswick Street between 01/01/2017 and 31/12/2021.

5.13. The site is in the centre of Teignmouth, and is surrounded by existing roads to the north, east and west. The streets immediately surrounding the site area subject to a one-way system, which forms part of a wider one-way system around Teignmouth town centre.

5.14. The streets in Teignmouth town centre vary in width and reflect a typical historic town environment. The one-way system which is in place around the town centre aids in the flow of traffic by minimising two-way traffic on the narrower streets.

5.15. Both Brunswick Street and Northumberland Place have on-street parking, which is indicated by marked parking bays. South of Fore Street, on Northumberland Place, there are six chevron parking spaces adjacent to the road.

5.16. Pedestrians are catered for through a mixture of footways and shared space arrangements on the roads surrounding the site. Cyclists share the carriageway with other motor vehicles, which is considered appropriate given the low speeds and environment of the surrounding streets.

5.17. The proposed development seeks detailed planning permission for the re-development of this brownfield site to create a new health and wellbeing centre, consisting of treatment rooms, meeting rooms, and office space, with associated infrastructure.

5.18. The structure of the building will cross Osmonds Lane on the first floor upwards, creating a small underpass and maintaining continued throughfare along Osmonds Lane. The remainder of the building will predominantly be sited on the northern half of the site, with the southern half comprising a small part of the building with parking underneath, as well as the wider car park to serve the site.

5.19. A new section of footway is required across the existing car park entrance. Please see further details of this be provided, along with any other works on Highway land. A Section 278 Agreement will be required for any works on HMPE.

5.20. The building above Osmonds Lane will require approval from Devon County Council through an appropriate licence granted under section 177 of the Highways Act 1980. A Party Wall Agreement may also be required depending on the impact of the building's piles/foundation.

5.21. Vehicular access into the site will be from Brunswick Street, in the south-east corner of the site, into the main car park serving the site. There is an existing dropped kerb with double-yellow lines to prevent parking in front of the access. According to the Transport Statement, a speed survey undertaken in May 2022 indicates that 85th percentile speeds from the south (the only direction of travel along Brunswick Street,

in the one-way system) are 21mph, which equates to a visibility splay requirement of 2.4m x 25m at the proposed access. The visibility splays are shown on drawing 1066-PHL-1001 in Appendix A of the Transport Statement.

- 5.22. Pedestrian access into the site will be from Osmonds Lane and Northumberland Place, depending on direction of travel. Visitors parking in the associated car park will be able to access the building from Osmonds Lane, as will disabled visitors via an internal ramped access from Osmonds Lane, adjacent to the proposed disabled parking bays. The primary access into the site for pedestrians will be from Northumberland Place via a ramped access.
- 5.23. Cycle access will be via Northumberland Place or via Brunswick Street / Osmonds Lane, with cycle storage provided at both locations.
- 5.24. The main site car park for both staff and visitors will be located on the southern half of the development site and will have 23 parking spaces including 3 electric vehicle (EV) spaces and four disabled spaces. There will be direct access into the building from the car park via Osmonds Lane. Following works to Osmonds Lane it will need to be resurfaced in red coloured blacktop to tie in with that on Bath Terrace, leading pedestrians to the sea front.
- 5.25. Existing parking spaces along Brunswick Street will be relocated further south to make space for a delivery bay. Can it please be confirmed that there will be no loss in parking and that the existing bay length will be replicated just further to the south.
- 5.26. Please can a drawing be provided showing these alterations to the on-street parking arrangement, including restrictions, and creation of the loading bay as a TRO will be required for any changes, at the developers cost.
- 5.27. The trip generation analysis demonstrates that the site is likely to generate a significant amount of active travel modes, including walking, cycling and public transport users. The site is anticipated to generate approximately 123 vehicle movements in the AM peak, and approximately 165 in the PM peak to the town centre. However, given that the site seeks to replace three existing practices, it is considered that this will result in a redistribution of existing traffic, rather than the introduction of new traffic to the network.
- 5.28. It is the view of the Highway Authority that the development would not have a severe impact upon the operation of the local highway network. The further information required will be needed before the Highway Authority can make a recommendation.
- 5.29. 24 May 2023
- 5.30. The revised proposals were discussed with the local highway authority officer, who raised no objections and has required conditions be imposed for a construction management plan, for detailed design of the works to the highway and, notwithstanding the submitted drawings, Osmonds Lane to be resurfaced in red coloured blacktop from Brunswick Street through to Northumberland Place.
- 5.31. **Devon County Council – Waste**
- 5.32. Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both

its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels. This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development. Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17).

5.33. **Devon County Council – Historic Environment Team (Archaeology)**

5.34. 14 November 2022

5.35. In the light of the results of the geotechnical investigations and the archaeological desk-based assessment, and in consideration of the nature of the foundations to be used for the new health and wellbeing centre, the Historic Environment Team do not consider that the proposed development will have an impact upon any significant heritage assets with archaeological interest. As such, the Historic Environment Team has no comments to make on this planning application.

5.36. 17 May 2023

5.37. No additional comments.

5.38. **Teignbridge District Council – Conservation Officer**

5.39. Previous comments from the Conservation Officer dated 26 January 2023 are available to view online on the application case file and relate to the proposal as originally submitted.

5.40. 24 May 2023

5.41. These comments relate to the revised proposal submitted in late April and further amended elevation treatments in early May 2023 following negotiations.

5.42. The revised proposal has been heavily influenced by a previous Hotel scheme on the site (20/00612/NPA). This approved scheme allowed for a move away from the previous urban design guidance under the Land Development Order that looked to achieve linked public spaces across the site from Back Beach to Sea Front. The scheme does maintain Osmonds Lane albeit through an arch with a building floor above.

5.43. Architecturally the proposal has looked to reference the terrace opposite the site on Brunswick Street, particularly the 3 storey terrace properties Nos.12-26(even). These properties date from the mid-19<sup>th</sup> century and are characterised by stucco render with soffit to eaves, slate roof, mostly 2 bay frontage with 6/6 pane sash windows with a hierarchy of heights and some variation in widths and openings often with bracket hoods. There is also a simple timber shop front to No.24. Doors are normally timber panel front doors with overlights.

- 5.44. I acknowledge that this precedent Hotel scheme and the extensive development process has meant that the current urban design approach with a single terrace that follows the alignment of Brunswick Street and a small public space that is totally enclosed by the new building set back off Northumberland Place adjoining listed building No.10, has become an established footprint and massing.
- 5.45. No.10 and adjoining No.9 Northumberland Place have angled facades that open up the potential for a new space and link between Northumberland Place and Brunswick Street. This is the site of the former Town Hall and Market Building that would have formed a covered link at this location. It is also recognised that the proposed Health and Wellbeing Centre buildings will have an internal but private street that will link the two streets.
- 5.46. The negotiations have focussed on the design and this reversion back to the mid-19<sup>th</sup> century pastiche followed concern about the elevation treatment that followed closely the poor quality late 20<sup>th</sup> century Royal Court development on Den Crescent and Brunswick Street. In addition to reviewing the elevation treatment it was also discussed that there should be a street frontage and access directly onto Brunswick Street and this should be located on a desire line on the alignment of Bath Terrace which gives a visual link toward Den Crescent and Sea Front area.
- 5.47. The amended scheme also includes an improved Plant room with bin storage area to the rear of No.9 Northumberland Place. This has gone from a flat roof building to a pitched roof in render to match the main building and is set behind screening 2m high walls.
- 5.48. Further discussion was had in respect the single storey, mono pitched roof building to the rear of 1-10 Charlton House on Northumberland Place on to Osmonds Lane that includes a stone elevation in local breccia red sandstone above a lower wall of rubble limestone fronting the lane. The other elevations appear to be brick and a later build. There appears to have been a building on this alignment onto the lane in the 1880 1<sup>st</sup> Edition OS map and the characteristic stonework with blocked window openings did provide a connection to earlier phases of development and definition to Osmonds Lane as an historic significant cross route. I note this stone wall is to be demolished and replaced with a rendered block wall. It would have been preferable to reuse the stone on site and use to face this new wall onto Osmonds Lane, this is considered a missed opportunity to preserve the Conservation Area character on Osmonds Lane.
- 5.49. The revised elevations have included use of single colour render in Light Ivory, with a basalt grey painted plinth, aluminium rainwater goods and white aluminium window frames, Redland recycled slates to the roof, painted dark grey timber shop fronts to the new Brunswick Street entrance and to the main entrance off Northumberland Place, to the new set back space behind the grade II listed No.10-10A and B Northumberland Place.
- 5.50. These amendments have made some improvement and on balance they are sufficient to consider the proposals to have a neutral impact on the Conservation Area and setting of the listed buildings and while it was desirable to have a functional and quiet building in the streetscene the lack of Urban Design quality is considered a missed opportunity to enhance the Conservation Area through better revealing the street scene and historic and natural connections and urban design potential.

- 5.51. Suggest conditions: demolition of the stone wall shall not be carried out before evidence of a start on site; submission of external architectural details; materials; slate sample; and window details.
- 5.52. **Teignbridge District Council – Climate Change Officer**
- 5.53. Policy S6c: requires the use of energy, water, soil and materials to be minimised. The carbon reduction plan draws a comparison between a ‘target’ building fabric specification and the Part L 2013 notional building specification. When compared with the latest notional building 2021 specification, the proposed target u values outperform those stated in the notional specification but fall short of achieving the air permeability rate of 3m<sup>3</sup>/h/m<sup>2</sup>@50Pa for side lit buildings. The applicant will need to demonstrate compliance with S6c though showing that the building fabric specification outperforms the 2021 notional building specification by at least 5% or more on an area weighted average to demonstrate a fabric first approach.
- 5.54. Policy S7: requires a 48% reduction in operational carbon emissions. Notwithstanding comments made elsewhere in this consultation response, if the proposed development will be constructed to Part L 2021, then it will be compliant with Policy S7. Confirmation should be sought from the applicant to confirm this detail.
- 5.55. Policy EN3: requires the provision of carbon statements. Whilst the proposal appears to meet the requirements of policy S7, a condition is recommended to require the applicant to submit an SBEM calculation for review by the local planning authority before works start on site to confirm the as- designed specification. It will fulfil the requirements set out under Policy S6c above, confirm the specification of the VRV/VRF for all heating and cooling applications, and the absence of natural gas for all other heating applications (including hot water production).
- 5.56. Policy S9e: supports the provision of electric vehicle charging infrastructure. The application includes the provision of two electric vehicle charge points. For commercial applications, I would expect to see at least one active EV charging point provided on completion of the development, with a further one in five parking bays (including disabled bays) provided with passive EV infrastructure including all cabling and ducting between parking bays and a point of connection to the mains electricity supply. All EV infrastructure must be capable of supporting 32A mode 3 type 2 EV charging systems. A condition is recommended to secure infrastructure at this minimum standard.
- 5.57. **Teignbridge District Council – Biodiversity Officer**
- 5.58. 16 November 2022
- 5.59. The ecology survey found very limited wildlife on site. The building had negligible potential for roosting bats, but feral pigeons were through to nest there. Mitigation / enhancement measures are proposed in the report and should be conditioned.
- 5.60. 17 May 2023
- 5.61. No comment further to that made in November 2022.
- 5.62. **Teignbridge District Council – Environmental Health Officer**

- 5.63. 18 May 2023
- 5.64. No phase of the development shall commence until a method statement regarding noise and the prevention of disruption of the neighbouring noise sensitive premises has been submitted to and approved in writing by the LPA prior to commencement of site works. This site is in a noise-sensitive area, the plant and activities to be employed on that site should be reviewed to ensure that they are the quietest available for the required purpose.
- 5.65. The normal expected working time (including deliveries) will be 0800-1800 Monday to Friday, 0900-1300 Saturday and no working on Sundays or Bank Holidays. If work or generators are required to operate outside of these hours, the site boundary sound level should be below the background sound level at that time; this work should be programmed, and the LPA and neighbouring properties need to be informed of this prior to work taking place. Noise levels should be monitored regularly.
- 5.66. The applicant should include a scheme of works for the control of fugitive dust and mud coming from the site.
- 5.67. A report should be provided clearly demonstrating the methods to be employed to stop noise, vibration and odour problems at the neighbouring properties from the use of any mechanical systems and energy centres (extraction units, boilers, air / ground source heat pumps / biomass boilers / HVAC systems). The noise survey method BS4142:2014 method noise and vibration from plant room and substation.
- 5.68. **Devon and Cornwall Police – Designing Out Crime Officer**
- 5.69. 28 October 2022
- 5.70. My main concern in relation the design is the undercroft area within the car park. This is somewhat hidden, sheltered space with unrestricted access. Given the town centre location which experiences relatively high levels of crime and anti-social behaviour (ASB) I am concerned that such a space will become misused, particularly during hours of darkness when legitimate use of the site will be low.
- 5.71. Further recommendations: CCTV should be distributed throughout the development; an effective lighting scheme is crucial to achieving a safe environment; external storage must be robust and secure; and, internally, access control measures should be in place to control movement throughout the site.
- 5.72. 20 January 2023
- 5.73. The applicant has been in touch to discuss the undercroft area which I had concerns with as the space was somewhat concealed and I thought given the town centre location, it could attract misuse. I appreciate in the revised plans, they have improved surveillance of this space by enabling lines of sight through the archways and lowering the height of the wall along Osmond's Lane. The new railings define the space but still allow for surveillance which is preferable to the previous design.
- 5.74. I also understand that the space will be covered by CCTV to be installed by the Trust and that they are in discussions with Teignmouth Town Council, with regards to altering the existing CCTV in the area in response to the new building. Additionally, new lighting will be installed in the car par to supplement the existing lighting to meet

British Standards as far as possible. To support the installation of CCTV and lighting and to aid crime prevention measures, I would request conditions for CCTV to be installed with coverage to include the car parking area, undercroft space, entry/exit points, storage space, reception / lobby area etc and lighting to be installed to ensure coverage of the car park and Osmond's Lane to meet British Standards where possible.

5.75. 18 May 2023

5.76. I note and support the changes to the design of the scheme and have nothing further to add to my comments of 20 January 2023.

## **6. REPRESENTATIONS**

6.1. 8 letters of objection and 1 of comment have been received to the application, raising the following summarised concerns/points (see case file for full representations):

1. Wrong location for a Health Centre.
2. Scheme is too large and there is a lack of parking provision.
3. The previous planning application (21/00299/MAJ) for the adjacent site was not supported due to the impact on the surround listed buildings, neighbouring amenity, conservation area and street scene. The arguments for not supporting that application are equally applicable on the new site location.
4. Health Centre is not included within the list of uses set out in policy TE4 and the expired LDO specifically excluded clinics and health centres at ground floor level for D1 non-residential institutions.
5. The design, scale and massing of the building has a direct and detrimental impact on the surrounding neighbouring properties. The Planning Statement readily admits that the building mass will impact on the daylight and sunlight conditions of neighbouring properties.
6. Object as a resident of Brunswick Street opposite the site as the building will affect our natural light and privacy. We purchased a property with open space in front so we are not overlooked. The building is higher than ours and any natural light to our ground and first floors will be lost.
7. Overdevelopment in a conservation area.
8. Loss of town centre parking.
9. Teignmouth has no capacity in the summer season as things currently are but loosing Brunswick Street car park and the majority of the lower point car park combined with the large increase of staff and patients is going to cause gridlock. There will be office staff on site as well as health professionals, where will they all park? Where will patients park?
10. Will create additional town centre traffic in a busy town centre where there are already queues.
11. Congestion will result in increased carbon emissions.
12. No provision for public transport servicing the site.
13. Proximity to the train station was stated in the consultation; where would people be getting the train from as Newton Abbot and Dawlish already have their own hospital and health centres.
14. Building is being raised up for flood risk reasons, why not raise the height by a metre and have a lower floor car park?
15. Will have a detrimental impact on the struggling town centre.
16. Will add nothing to the vibrancy of the town centre.



17. The expired LDO is not relevant and should not be used as the design basis for the type, scale and form of the proposed development. If the applicant wants to refer to the LDO then they must equally refer to the Feasibility and Design Guidance for the land use and building massing.
18. All the original feasibility design layouts envisaged open public space as part of the development and primary, animated frontage and secondary frontage to routes connecting Brunswick Street and Northumberland Place.
19. Overdevelopment of the plot based on the hotel and restaurant design.
20. Would result in a large unbroken building mass with a higher final elevation than the buildings directly opposite on Brunswick Street.
21. The development should not rely on neighbouring properties for natural surveillance of the street and should have its own measures to discourage anti-social behaviour.
22. Osmonds Lane is an important link between the sea front and back beach. The arch linking the two elements of this development looks good, as does the signage; however, it is not obvious from Bath Terrace that Osmonds Lane exists and that the arch is not just the entrance to the Centre. This needs to be addressed to improve legibility.
23. With the high level of the ground floor please ensure that the ramp is adequate for an electric mobility scooter.
24. There appears to be adequate waste storage capacity within the development; it is unfortunate that the artist's impression shows to dumpster type bins on the approach to the Centre.
25. The Planning Statement acknowledges that the proposed development does not strictly accord with the allocation in terms of the uses proposed through TLP policy TE4. This suggests that any approval could be legally challenged.
26. Services to be offered are duplicated at Teignmouth Hospital. There are no beds for rehabilitation patients.
27. Money should be spent on Teignmouth Hospital instead and not moved to the centre of town where parking is difficult.
28. Teignmouth Hospital site would be a better location as people would need to go down into the town centre to access the proposed Health and Wellbeing Centre and then back up a hill to go home.
29. The land should be used to provide much needed social housing instead of a Health and Wellbeing Centre.
30. Application has received less than 10 comments from the public, this does not suggest strong public support. Public may be unaware that the LDO expired.

6.2. 8 letters of support and 1 of comment have been received to the application, raising the following summarised points (see case file for full representations):

1. Support the new health centre.
2. Huge asset to our town.
3. As an employee and patient at Channel View Medical Group and a resident of Teignmouth I support the new health and wellbeing centre as I strongly feel that Teignmouth needs new fit for purpose medical facilities.
4. Population of Teignmouth is increasing.
5. Current buildings are increasingly in-accessible and the hospital is not a suitable or viable alternative.
6. Current facilities are tired and outdated and do not meet appropriate accessibility standards. They have been adapted many times over the years and don't have any further capacity or scope for additional space. They lack space for staff and patient facilities. Current clinical rooms are extremely cramped with poor ventilation.

7. New, efficient modern building.
8. The proposed Teignmouth Health and Wellbeing Centre has been developed after seven years of discussions between Torbay Hospital, Devon NHS commissioners, Teignbridge District Council, the voluntary sector and local GP practices. Initial public engagement in summer 2018 was supportive of the scheme and requested a town centre site.
9. It will provide shared services for the whole community.
10. It will support sustainable GP services into the future.
11. A modern purpose built centre suitable for the delivery of healthcare will mitigate the risk to the lack of workforce and recruitment, which is the greatest risk to local healthcare provision.
12. Will support mental health provision.

## **7. TOWN / PARISH COUNCIL'S COMMENTS**

### **7.1. Teignmouth Town Council:**

The Committee approve the redevelopment of this site. The attention of the Planner is drawn to areas of concern with the current plan.

1. The Designing Out Crime Officer identifies potential problems with Osmonds Lane and other unsighted areas beneath the building as the location for crime or antisocial behaviour.
2. For over seventy years the public have had pedestrian access between Bath Terrace and Northumberland Place opposite Devon Arms. It would promote active travel if the plan retained this.
3. Plans must include adequate provision for disposal and recycling of waste.

## **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. Any ancillary retail use (e.g. for a pharmacy) use would also be zero rated for CIL as the site is located within Teignmouth Town Centre where the CIL charge rate for retail development is £0 per square metre.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

## **10. CARBON/CLIMATE IMPACT**

Please see relevant part of Section 3 above where the carbon / climate impact of the development has already been considered as well as the comments of the Climate Change Officer in Section 5.

## **11 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**

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TEIGNBRIDGE COUNCIL DISTRICT

<h1 style="margin: 0;">PLANNING COMMITTEE</h1> <p style="margin: 10px 0;">CHAIRMAN: TBC</p>
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<b>DATE:</b>	<b>13 June 2023</b>
<b>REPORT OF:</b>	<b>Business Manager – Strategic Place</b>
<b>SUBJECT:</b>	<b>Major variation applications approved in previous year (April 2022 – May 2023)</b>

21/00416/MAJ	CHUDLEIGH - Land At Colway Lane And Grovelands Chudleigh
	Variation of condition 11 on planning permission 16/02423/MAJ (Development of up to 65 residential dwellings (Use Class C3) together with associated landscaping, open space, access and infrastructure, and outline planning permission for 4 self-build plots.) to revise design plans including increasing the size of the 4 self-build plots, various minor amendments and amending a S106 trigger to allow viable and safe build route
	VARY CONDITION APPROVAL
23/00075/VAR	KENN - Land At Telegraph Hill Kennford
	Variation of condition 1 (approved plans) of 19/02225/MAJ and removal of condition 19 (Building Height) of 16/01423/MAJ Automotive engineering premises (B2), B1b, B8 and drive-through units (A5)
	VARY CONDITION APPROVAL

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TEIGNBRIDGE COUNCIL DISTRICT

<b>PLANNING COMMITTEE</b>
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<b>DATE:</b>	<b>13 June 2023</b>
<b>REPORT OF:</b>	<b>Business Manager – Strategic Place</b>
<b>SUBJECT:</b>	<b>Appeal Decisions received during previous calendar months (March, April, May)</b>

**22/00023/ENFA**      **DODDISCOMBSLEIGH** - Mistleigh Copse Cabin Ashton Lane  
 Appeal against Grounds a, f and g for Enforcement Notice issued - the unauthorised construction of a dwelling house  
  
 Enforcement Appeal Dismissed.

**22/00029/ENFA**      **DODDISCOMBSLEIGH** - Mistleigh Copse Cabin Ashton Lane  
 Appeal against Grounds f and g for Enforcement Notice issued - the unauthorised construction of a dwelling house  
  
 Enforcement Appeal Dismissed.

**22/00033/REF**      **TEIGNGRACE** - Middlepark Yard Caravan Teigngrace  
 Appeal against the refusal of 21/02121/FUL: Replacement of residential mobile home with a dwelling  
  
 Appeal Dismissed. Delegated Decision

**22/00038/REF**      **BROADHEMPSTON** - Court Gate Road From Wheelwrights To Lower Well  
 Appeal against the refusal of 21/02708/HOU: Demolish conservatory and proposed two storey extension  
  
 Appeal Allowed. Delegated Decision

**22/00039/REF**

**BROADHEMPSTON** - Court Gate Broadhempston

Appeal against the refusal of 21/02709/LBC: Demolish conservatory, proposed two storey extension, Internal and external repairs to replace cement render and modern plaster, structural joist replacement, internal alterations, replacement and new windows, a new door for rear access

Appeal Allowed. Delegated Decision

**22/00042/NONDET**

**DAWLISH** - Lammas Park House 3 Priory Road

Appeal against the non-determination of 21/02635/FUL: Unit of accommodation associated to the guest house

Appeal Dismissed.

**22/00044/REF**

**WHITESTONE** - Cross Park Farm Heath Cross

Appeal against the refusal of 22/00694/NPA - Application for Prior Approval under Part 3 Class MA and paragraph W of the GDPO for change of use of office building to a dwelling

Appeal Dismissed. Delegated Decision

**22/00046/NONDET**

**DAWLISH** - Land Adjacent To Rock Cottage Harbour Way

Appeal against the non-determination of 22/00217/FUL - Construction of two dwellings plus associated creation of vehicular access and landscaping (phased development)

Appeal Dismissed.

**22/00050/ENFA**

**DENBURY AND TORBRYAN** - Stoneybrook Stables

Torbryan

Appeal against Ground (d) for Enforcement Notice 18/00438/ENF issued - Without planning permission, the unauthorised siting of a residential mobile home

Appeal Dismissed.



- 22/00053/ENFA**      **HENNOCK** - Oakmoor Caravan Site Bovey Tracey  
Appeal against Ground (a) for Enforcement Notice 19/00264/ENF issued - Without planning permission, the unauthorised siting of a residential mobile home
- Enforcement Appeal Dismissed.
- 
- 22/00055/REF**      **KINGSKERSWELL** - Wheatsheaf Barn Lower Cuthill Farm  
Appeal against the refusal of prior approval permitted development rights - Application for Prior Approval under Part 3 Class Q (a) and (b) and paragraph W of the GDPO for change of use of agricultural building to a dwelling
- Appeal Dismissed. Delegated Decision
- 
- 22/00060/FAST**      **KINGSKERSWELL** - 16 Avenue Road Kingskerswell  
Appeal against the refusal of 22/01035/HOU - Erection of a boundary fence
- Appeal Dismissed. Delegated Decision
- 
- 22/00061/FAST**      **SHALDON** - 4 Riverside Shaldon  
Appeal against the refusal of 21/02776/HOU - Provision of fire exit
- Appeal Dismissed. Delegated Decision
- 
- 22/00062/CERT**      **DENBURY AND TORBRYAN** - Land At Stoneybrook Broadhempston  
Appeal against the refusal of 20/01354/CLDE - Certificate of lawfulness for existing siting of mobile home for residential use
- Appeal Dismissed. Delegated Decision
- 
- 22/00066/NONDET**      **KENN** - Belford House Bulford Lane  
Appeal against the non-determination of 22/00139/LBC: Single storey extension and restoration works
- Appeal Dismissed. Delegated Decision

- 22/00067/FAST**      **BISHOPSTEIGNTON** - Sunyani Newton Road  
Appeal against the refusal of 22/00247/VAR: Variation of condition 2 and 4 on application 14/01530/FUL (Ground floor front extension and new garage) to amend balcony
- Appeal Allowed. Delegated Decision
- 22/00065/NONDET**      **KENN** - Belford House Bulford Lane  
Appeal against the non-determination of 22/00138/HOU: Single storey extension
- Appeal Dismissed. Delegated Decision
- 22/00069/FAST**      **IPPLEPEN** - Sunningdale Totnes Road  
Appeal against the refusal of 22/00506/HOU: Retrospective application for garden room
- Appeal Dismissed. Delegated Decision
- 22/00076/TREE**      **BISHOPSTEIGNTON** - 12 Murley Grange Bishopsteignton  
Appeal against the refusal of the felling of one diseased Turkey oak
- Turned Away. Delegated Decision
- 22/00073/REF**      **BISHOPSTEIGNTON** - 2 Great Furlong Bishopsteignton  
Appeal against the refusal of 21/02823/FUL: Erection of a new detached dwelling
- Appeal Dismissed. Delegated Decision
- 23/00003/FAST**      **TEIGNMOUTH** - 9 Paradise Road Teignmouth  
Appeal against the refusal of 22/01557/HOU: Construction of an off road parking area
- Appeal Allowed. Delegated Decision

**23/00005/FAST**

**IPPLEPEN** - 6 Poplar Terrace North Street

Appeal against the refusal of 22/01376/HOU: Provision of new vehicle access

Appeal Dismissed. Delegated Decision

**23/00007/FAST**

**EXMINSTER** - Redlands Deepway Gardens

Appeal against the refusal of 22/01872/HOU: Remodelling and extension to include raising of ridge height and revised roof form, and addition of two storey gable features to front and rear (revised scheme)

Appeal Allowed. Delegated Decision

**23/00009/FAST**

**HACCOMBE WITH COMBE** - Poachers Croft Hiller Lane

Appeal against the refusal of 22/01103/HOU: Upward extension to create new first floor with new pitched roof and dormer windows, balcony, single storey rear extension, canopy, garage extension, raised terrace, and alterations to fenestration

Appeal Dismissed. Delegated Decision

**23/00010/FAST**

**BICKINGTON** - Kingfishers Manor Mead

Appeal against the refusal of 22/01633/HOU: Proposed garage to front

Appeal Dismissed. Delegated Decision

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