



Planning Committee Report

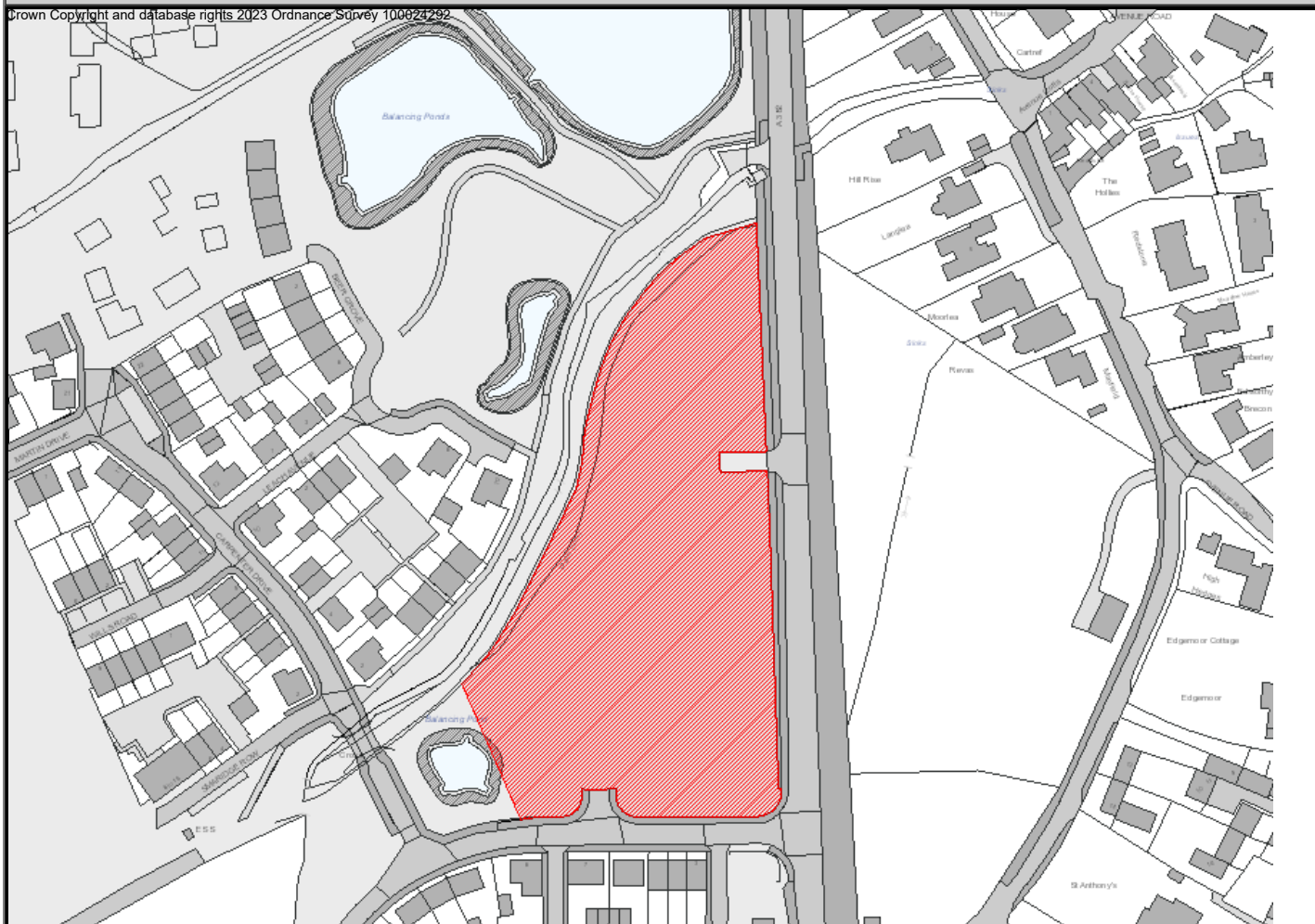
Chairman: TBC

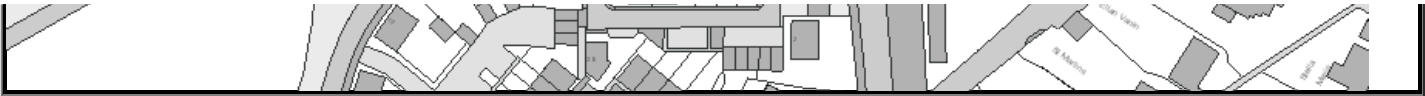
Date	13 June 2023
Case Officer	Helen Murdoch
Location	Land West Of Monks Way And North Of Marriott Way Bovey Tracey Devon
Proposal	Hybrid planning application for full planning permission for Class E foodstore with associated parking, servicing and landscaping and outline planning permission (with all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

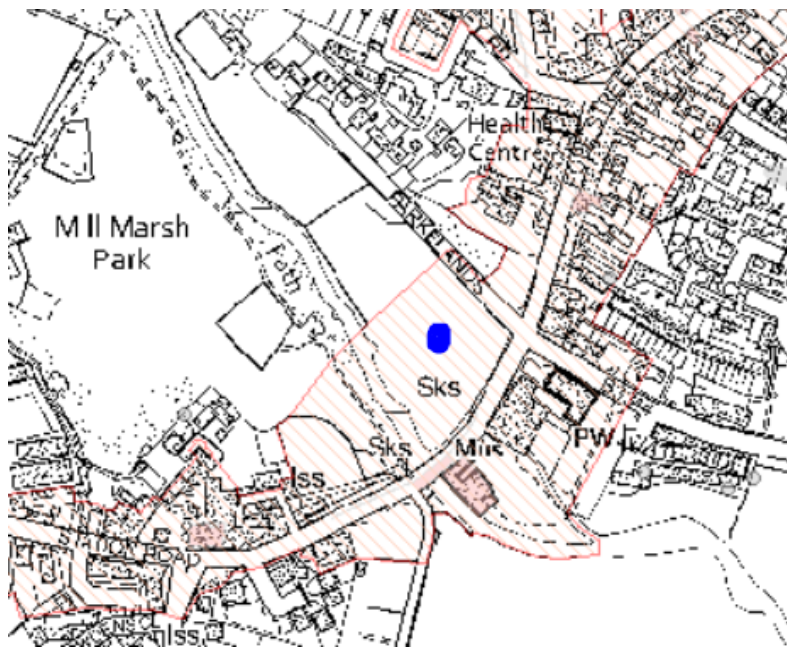
f) resist the development of new major retail and leisure developments in out of centre locations where they would significantly harm the vitality or viability of town centre, including those adjoining the plan area.”

- 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

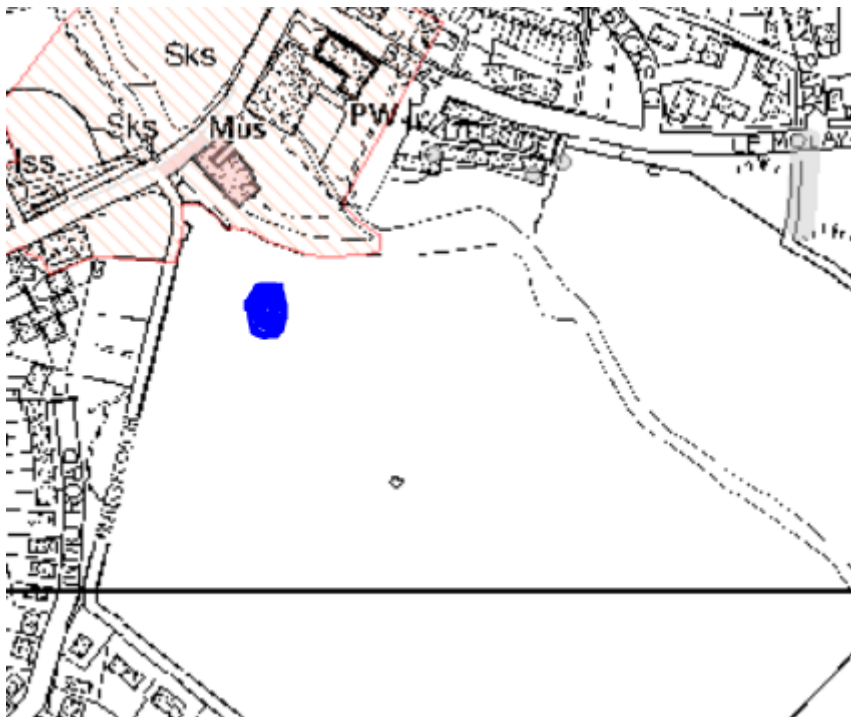


The site is greenfield grazing land and together with surrounding land parcels which including the sports pitches/play space is designated in the Local Plan as green infrastructure with a presumption against built development. Policy WE11 seeks to actively protect green infrastructure areas.

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.

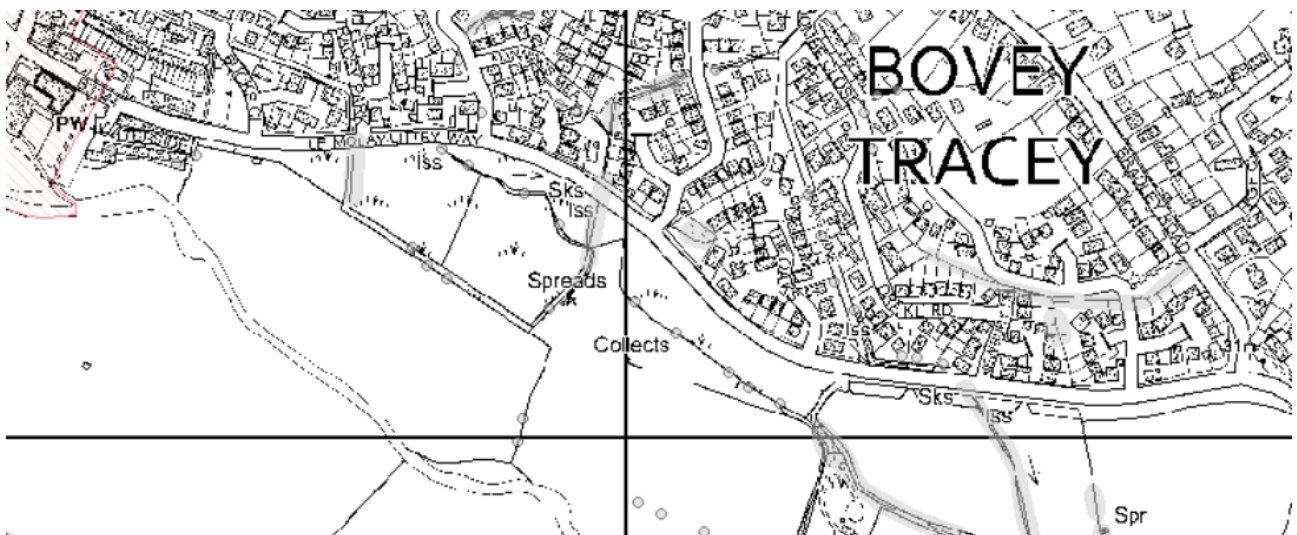
3.12 Land to the south of Co-op car park and to rear of Devon Guild of Crafts Men



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.

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.

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 m² have been approved (net gain following losses 33,037 m²) although only 3885 m² 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 20th 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 20th 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 be 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

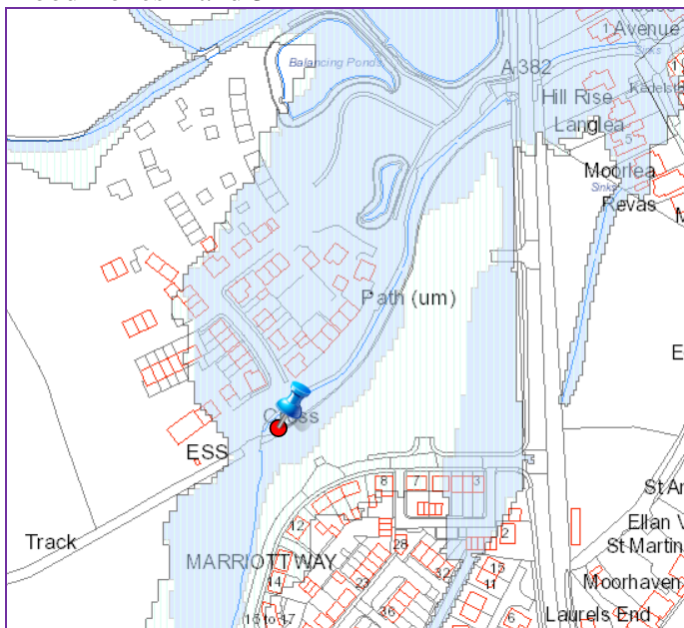
way will now be maintained at a height of 1.8m when measured from the height of the adjacent pavement. This is in line with its current height and an improvement to the initial proposals which saw it reduced to 1.1m in height. The LEMP will also secure ongoing suitable management for this hedgerow. New 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.

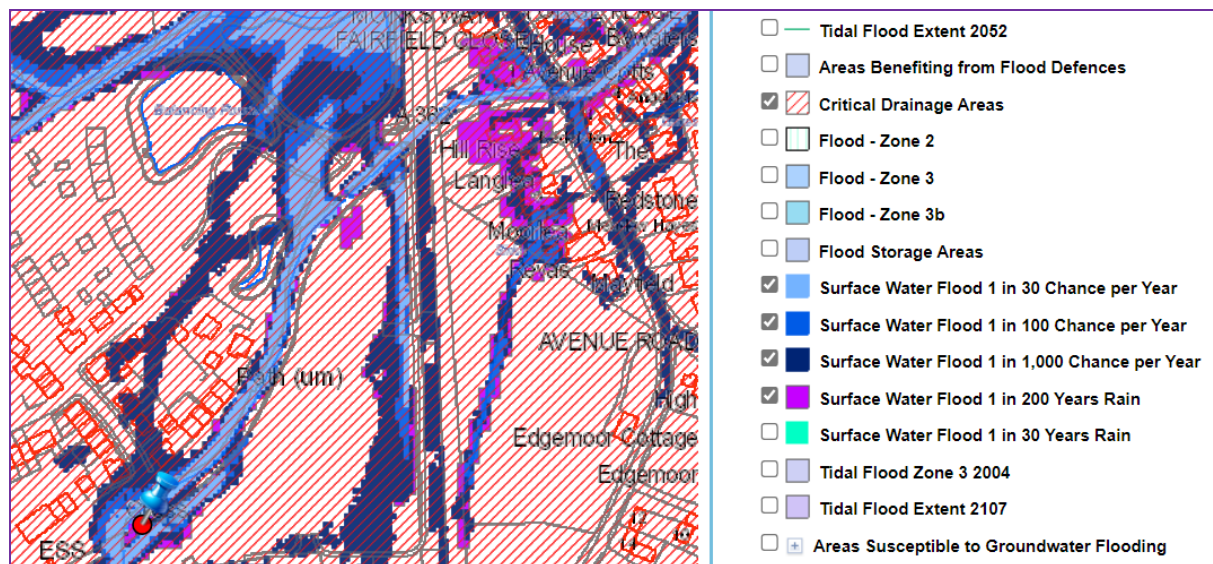
Flood Risk and Drainage

- 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 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 21st 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 m² at £150 per m² 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