

# PAIGNTON NEIGHBOURHOOD FORUM

- Clifton with Maidenway
- Collaton St Mary
- Goodrington with Roselands & Hookhills
- King's Ash
- Paignton Town Centre
- Preston



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Submitted by email to [planning@torbay.gov.uk](mailto:planning@torbay.gov.uk)  
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## Response to P/2020/0921 Formation of Lidl Supermarket on A380 Kings Ash Road.

### Summary

We strongly object.

This proposal is a (very) typical out-of-town supermarket. It is over-sized and out-of-character. The site is 4.3 times larger than envisaged by the consulted Great Parks Masterplan.

By Lidl's own data, the store will take revenue from other stores (including smaller local stores), and, crucially, from the town centre. The use of the term "no significant impact" will **not** go down well with the local business owners affected.

This application typifies a lip-service approach to the legal requirements of biodiversity and ecology, at the expense of the local residents of our (potentially) beautiful town of Paignton. Even the 'consultation' with the community will take place *after* the planning application process has taken place. We also note that the site was cleared prior to environmental assessments, archaeological assessments, or planning approval.

This application is **NOT COMPLIANT** with a number of very important Paignton Neighbourhood Plan policies.

In addition, discussion and feedback from Forum members, either directly or through our new Engagement Portal (at <https://portal.paigntonneighbourhoodforum.org.uk/application/2>), has shown the significant strength of negative feeling relating to this proposal.

*We view this application as a test of the commitment of Torbay Council's Planning Committee to the residents of Paignton as expressed through the Paignton Neighbourhood Plan and the Paignton Neighbourhood Forum.*

Catherine Fritz, Chair  
Chris Harvey, Digital Engagement

### **Specifics:**

#### **Policy PNP1 - Area wide**

**NOT COMPLIANT**

Development proposals will be supported which:

a) provide new employment on sites able to meet infrastructure needs and biodiversity enhancement;

**On employment, it is stated that 25 full-time and 15 part-time jobs will be created.**

**On enhancing biodiversity, the picture is less rosy: The application concludes that there will be no enhancement to overall biodiversity.**

b) provide new employment in decentralised locations that reduce travel needs, involve new technologies, and will assist moving towards a low carbon economy.

**On employment, new employment in decentralised locations will be created.**

**On a low carbon economy: see PNP1(f).**

c) provide housing growth appropriate to meet local needs and the strategic needs set out in the Torbay Local Plan 2015, including affordable housing.

**Lidl suggests that the entrance road to the site is going to help kick-start the stalled Great Parks Phase 2 housing development. Lidl will cover the costs of the construction of the entrance. Lidl intend to re-sell part of the land that they have purchased to housing developers. The application estimates approximately 50 houses could be built. This aspect of the application is also part of an 'incentive' to Torbay Council to encourage approval of the foodstore planning application.**

d) bring back into use existing homes that have been vacant for 6 months or more;

**Not Applicable.**

e) provide additional homes by the conversions of existing buildings, more efficient use of

vacant buildings in all use classes, self build; and community-led housing enterprises wherever possible;

**Not Applicable.**

Development will not be supported where:

f) the development proposal would result in an adverse impact on a European protected site;

**Natural England has raised very serious ecological concerns:**

**"The Ecological Appraisal that has been submitted fails to fully consider impacts and address the mitigation/enhancements requirements."**

**"An Ecological Impact Assessment, in accordance with best practice guidance, is required."**

**"Your authority will be required to carry out a Habitats Regulations Assessment."**

**"A lighting assessment has been put forward with the application, but fails to consider ecological constraints or impacts."**

**"As part of Torbay Council's commitment towards Green Infrastructure, we are keen to see the integration of this important element into the proposals."**

**"Biodiversity net gain delivery is enshrined within National Planning Policy Framework paragraphs 170, 174 and 175, and local policy EN8 Biodiversity Protection and Enhancement."**

**In addition, the site is of interest archaeologically, and this issue has not been addressed.**

g) the provision of houses in multiple occupation (HMOs) would adversely affect the tourism offer, worsen concentrations of deprivation, create conditions of community conflict.

**Not Applicable.**

**Policy PNP1 (a) - Rural Character Area**

**NOT COMPLIANT**

a) value the existing treescape, landscape, and scenic views;

**The proposal provides detail of all trees that will be removed and those that will be retained. Those to be removed are largely Ash trees which, the Tree Report highlights, are probably going to die anyway (due to an Ash-related disease currently prevalent in the UK).**

**Unfortunately, there are a considerable number of trees that, whilst outside of the application site, will be under threat once the further housing expansion of Great Parks takes place. This is of direct consequence of the layout of the entrance road that Lidl is planning to construct.**

**Due to the (relatively) low height of the building, views of it from vantage points all around Paignton, are shown to be negligibly impacted.**

b) increase biodiversity and coherent ecological networks by means other than off-setting;

**The proposal acknowledges that it is unlikely there will be an increase in biodiversity, on-site or off.**

c) achieve small scale food growing and rearing opportunities including improvement of soil quality and structure;

**Not mentioned.**

d) implement the Torbay Green Infrastructure Delivery Plan proposals;

**The proposal makes no mention of these plans, one way or the other. Natural England's response also highlights this deficiency.**

e) implement the management strategy of Policy PNP19 (relating to protection of open countryside).

**Whilst the land of the proposed Lidl FoodStore is on open country, its use for development has been 'approved' as part of the Great Parks Masterplan.**

f) support the provision of new allotments alongside new developments in White Rock, Roselands, South Devon College, Great Parks and Collaton St. Mary where appropriate.

**No provision proposed.**

## **Policy PNP1 (c) - Design Principles**

**NOT COMPLIANT**

Development proposals, should where possible and appropriate to the scale and size of the proposal:

1. Strengthen local identity by:

i) retaining existing natural and manmade features that make the location distinctive and attractive;

**Not strictly applicable.**

ii) being in keeping with the surroundings respecting scale, design, height, density,

landscaping, use and colour of local materials;

**The proposed building is out of character with its surroundings.**

iii) respecting important landscape or townscape vistas. Applicants are encouraged to provide accurate 'montage' photographic comparison information where such issues arise in development proposals.

**This has been provided.**

iv) protecting residential amenity in terms of noise, air, or light pollution. Non-complementary uses close to residential properties will not be supported;

**A noise survey has been included (which concludes that noise levels are 'acceptable'). No air survey is included. Analysis of lighting from the site does not consider light pollution.**

v) providing an Access and Design Statement

**This has been provided.**

2. Safeguard biodiversity and geodiversity:

vi) Safeguarding biodiversity and geodiversity by ensuring that layout and design will protect existing features of biodiversity value on site and biodiversity connections with related sites; ensure that features of geodiversity value are protected and wherever possible enhanced in their condition and future management;

**Future management of biodiversity is hardly considered (beyond planting wildflowers).**

3. Treescape

vii) provide hedgerow habitat on at least one development boundary to enhance biodiversity wherever possible;

**No new hedgerows are provided. It is possible.**

viii) include features such as bat boxes, bricks or lofts and bird boxes to increase species within the area;

**No provision is made.**

ix) include a tree survey to the current British Standard and identify how trees to be retained will be protected during the course of construction.

**A tree survey has been provided, including detail on their protection.**

x) include new tree planting. Developers are encouraged wherever possible to plant three new trees for each new dwelling proposed (or in nonresidential development one tree for each car parking space or 50m<sup>2</sup> of gross floorspace). Additional tree planting should be on site or close by, contributing to amenity and biodiversity.

**The tree report indicates that replacements for the trees that will be felled could be made; however no such replacements appear in the proposals. Furthermore, no additional trees, based on square footage or parking spaces, are proposed.**

xi) for biodiversity enhancement, support in particular will be given to tree planting using species included in Appendix 3 of this Plan (page 106);

**Not relevant, as no new trees are proposed.**

#### 4. Local food production capacity

xii) protect and increase food growing spaces to reflect the orchard and food production heritage of the area. The protection and enhancement of orchards will be supported and consideration should be given to creating edible hedgerows which serve a biodiversity and recreational function.

**Not applicable.**

#### Policy PNP1 (e) - Commercial Development

**The design statement does appear to show a high-degree of building construction and standards.**

#### Policy PNP1 (f) - Towards a sustainable low carbon energy efficient economy

On a low carbon economy: **Lidl appear to have a positive approach to a low carbon economy in that the roof of the proposed foodstore building is covered in solar panels, and they have a good approach to recycling.** On the other hand, the construction of a new supermarket, and twice a day lorry deliveries, is not, in itself "low carbon". A likely response on the latter point might be: "the lorries were on their way to the Lidl supermarket on the Brixham Road; so it's just an extra stop off".

#### Policy PNP1 (g) - Designing out crime

**NOT COMPLIANT**

All developments will be expected to show how crime and the fear of crime have been taken into account in the proposals submitted having regard to "Designing out Crime" Guidance.

**No mention appears to be made in this regard.**

#### Policy PNP1 (h) - Sustainable transport

**NOT COMPLIANT**

i) electric vehicle charging points;

**Two electric vehicle charging points are included in the proposed carpark.**

ii) comprehensive direct networks for walking, cycling and public transport within and beyond the development; Where on-site roads are planned schemes will be encouraged to include:

i) car free areas within the development;

**Not applicable.**

ii) shared space streets and squares;

**Not applicable.**

iii) on-street secure cycle storage; and

**Not applicable.**

iv) dedicated space for car club transport.

**No provision made.**

Policy PNP1 (i) - Surface Water

**Provision has been made for drainage.**

Policy PNP2 - Town Centre

**NOT COMPLIANT**

Policy PNP2 c) states:

Focus retail use within the Town Centre and promote retail growth

**Clearly, the construction of a major retail store on the outskirts of the town centre does NOT "focus retail use within the Town Centre."**

**The most significant cause for objection revolves around the potential damage that a large convenience foodstore will do to the existing smaller stores along Kings Ash Road, in the Foxhole estate, and into the wider Preston and Paignton areas.**

**Lidl argue that there will not be any "significant impact"; their arguments are considered here:**

**1. The proposed site is on the western edge of the town and the catchment is not the same as those shoppers who would find the town**

centre convenient.

**This argument flies in the face of the further information that Lidl supplies in the proposal:**

2. Lidl already has a supermarket right in the centre of Paignton town (Victoria Square); which, they state, they have no intention of closing. At this stage we are unclear as to the 'enforceability' (and details) of a section 106 Agreement (associated with its store at White Rock) that requires Lidl to keep the Victoria Square store in operation. The agreement allows Lidl to relocate the store to another location in the town centre, even though, in this proposal they state that no other suitable site exists (that would work for their business model).

3. In this proposal, Lidl goes into considerable detail in terms of financial data. The most worrying is the data under the heading: Impact on Town Centre Vitality and Viability.

They estimate that a yearly turnover of £10.17m will be achieved by 2025. Of that, £8.27m "will be derived from stores in Paignton". It expects that Morrisons, Asda, and Aldi will be the largest losers, as will be its existing White Rock store.

For Preston: "£0.8m will be taken from Preston District Centre for an overall impact of only -8.6%, which will be spread around a number of stores, including the Sainsbury's Local, Tesco and small local shops."

For Paignton town: "A further £0.5m will be taken from other shops within Paignton, which has a notional impact of -9.7% but again this is not on any single store but rather will be spread across a range of small shops over the west side of the town, such as the Premier convenience store on Marlton Road and the Co-op on Foxhole Road. The diffused trade draw will mean that no individual impact should be significant."

Overall, Lidl states:

"...impacts are all minor... and in our judgement the proposed development will not result in any significant adverse impact on the town centre.

Specifically in reference to non-convenience sales:

"there is no reason to suppose that the store's non-food turnover will undermine any existing store."

### Policy PNP7 – Victoria Square

Victoria Square policies are not directly relevant to this application. Victoria Square itself is of interest only so far as it is the site of one of the other two Lidl supermarkets in Paignton.

## Policy PNP19 – Safeguarding open countryside

Whilst the land of the proposed Lidl FoodStore is on open country, its use for development has been 'agreed' as part of the Great Parks Masterplan.

## Policy PNP20 – Great Parks

**NOT COMPLIANT**

Specifically referring to the Great Parks Masterplan:

**The plan, as consulted, proposes retail space of 550 square metres.**

However, Lidl argue that it is not financially viable, using its standard business model, for it to build anything under 2,175 square metres. **That size is inconsistent with the Great Parks Masterplan.**

**Secondly, the plan intended that a range of shops would provide for the new housing development in what has been termed a "local centre".**

Lidl readily admit that **their store will not provide a broad enough range of products and services.** In order to mitigate this, space for two 87 square metre units has been allocated at the north-east of the site.

In explanation of why a larger Lidl store is necessary Lidl argues that a local centre of 550 square metres would suit a "convenience operator" (such as Tesco Express, Sainsbury's Local or a Co-op), that only requires around 400 square metres. Lidl cites a 2017 *Which* report that states that such convenience stores are up to 7% more expensive on food items. Lidl separately states that their "prices are up to 30% lower than the mainstream supermarkets".

In documents associated with the pre-application meeting Torbay Council made a point of informing Lidl that the proposed site is in an area of "deprivation". The application uses the "cheaper food" and "fresh food" arguments in support of their proposal.

Lidl has set aside two 87 square metre plots that could be sold to a developer in order to provide products and services that, Lidl readily admit, their proposal does not provide. It lists: a butcher's counter, a fishmonger; a pharmacy, a dry-cleaning service, post office services, financial products, photography processing, a café/restaurant, and tobacco products.

## Policy PNP21 – White Rock and nearby areas

White Rock is only relevant in so far as it's the site of one of the other two existing Lidl stores in Paignton.

To support Active Travel in the Western Corridor area where appropriate, viable and achievable development proposals should provide or contribute to the provision of the following:

a) the provision of safe, continuous, separated cycling and pedestrian pathways to all schools and employment sites in the area;

**The proposal highlights the shared pedestrian & cyclist footpaths on the section of Kings Ash Road onto which the new access road will connect.**

b) the delivery of a Western Area park-and-ride facility connecting with central Paignton to accord with policy PNP6 criteria g);

**No mention specifically of park-and-ride although the hourly bus services into Paignton town centre are mentioned (although these services only operate for part of the foodstore's opening hours).**

c) the establishment of a strategic, continuous, separate cycling and pedestrian pathway across open countryside to Totnes working with local landowners, Devon County Council and other involved authorities;

**Not applicable.**

d) establishing a well connected green infrastructure network on both sides and middle of the Western corridor and the routes it serves by additional street tree planting and new public seating at selected points;

**Not applicable.**

e) space for the secure parking of at least two community car club cars in all major developments and one in each residential local centre; and

**Given that the proposed foodstore is the largest component of the "local centre" of the Great Parks development, secure parking for a community car club car is a requirement.**

f) other necessary highway and associated infrastructure

**The proposal includes the provision of highway infrastructure changes.**

**Given that EIGHT policies are not compliant, we strongly object.**