



Appeal Decision

Site visit made on 19 May 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/P1133/W/21/3267480

Trago Mills, Road Past Trago Mills, Liverton TQ12 6JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Trago Mills (South Devon) Ltd against the decision of Teignbridge District Council.
- The application Ref 20/00434/FUL, dated 4 March 2020, was refused by notice dated 24 July 2020.
- The development proposed is the construction of a new secondary access.

Decision

1. The appeal is allowed and planning permission is granted for construction of a new secondary access at Trago Mills, Road Past Trago Mills, Liverton TQ12 6JD in accordance with the terms of the application Ref 20/00434/FUL, dated 4 March 2020, subject to the conditions in the attached schedule.

Applications for Costs

2. Separate applications for costs were made by Trago Mills (South Devon) Ltd against Teignbridge District Council and against Teignbridge District Councillor Adrian Patch. They are the subject of separate decisions.

Procedural Matters

3. A revised National Planning Policy Framework (the Framework) was published in July 2021. The main parties have had the opportunity to provide comments on the revisions and I have taken these into account in my decision.
4. During the appeal it came to my attention that the 'Traffic & Highway Assessment' (2021) (the Addendum) submitted with the appeal had not been published to the Council's website. An opportunity for interested parties to comment on the Addendum was subsequently provided, and I therefore had regard to it in my own assessment without prejudice to any party.
5. My attention was also drawn to permission granted on 13 July 2021 for 'outline for B1, B2 and B8 units' (the Business Park Scheme)¹ on land adjacent to Little Liverton Business Park, Liverton, Newton Abbot, TQ12 6AB. Given that this decision was made after the appeal before me was lodged, I have taken it and comments made by the parties about it into account in my assessment.
6. Cllr Adrian Patch and the appellant further submitted separate details relating to the planning history at Gorge Blossom Farm, a site close by along Staplehill Road to the east of the appeal site. As this evidence was of potential relevance, I also took it into account in my decision.

¹ Appeal Ref: APP/P1133/W/20/3258883

Main Issue

7. The main issue is the effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using the surrounding highway network.

Reasons

8. Trago Mills is a retail and leisure park with its public entrance from the A382 at its east side, which provides access to Newton Abbot to the south east, and the A38 trunk road and the town of Bovey Tracey via Drumbridges Roundabout to the north. The appeal relates to the upgrade and public use of an existing access at the rear, south west boundary of Trago Mills, off Staplehill Road. Staplehill Road also provides direct access to other properties, most notably the Brethren Gospel Hall and the Devon Yurt Camp opposite the appeal site.
9. Staplehill Road joins Bickington Road a fairly short distance to the west, which provides access to the A38 trunk road via the A383 further to the west. To the north of Staplehill Road's junction with Bickington Road, just on the other side of an overbridge across the A38 trunk, is a junction which leads to the nearby Blackpool Primary School (BPS) and, beyond BPS, the settlement of Liverton. Near to BPS along Bickington Road is Coldeast and the Liverton Business Park.
10. Collection of the appellant's traffic data was completed in 2015, and the data is consequently considered by the Council and interested parties to be out of date. However, Devon County Council has confirmed that it is representative of the usual traffic conditions by comparing it to the Highways Authority's TRADS data. The Addendum augments the data with that collected in 2017 in relation to the A383², which shows a negligible increase in traffic flows between the two data sets. To my mind, this further evidences a robustness in the 2015 data in that it suggests that traffic flows have not significantly increased in the area.
11. The people most likely to use the new access would be those who currently approach Trago Mills from the west, and, in a much lesser quantity, those based around Coldeast and Liverton. The Addendum reassigns 100% of the 2015 flows from these locations to the new access. In taking a worst-case scenario in capacity terms, it takes the peak customer traffic data, recorded as 10:00-12:00 on a Saturday, and assigns this level of customer flow for the weekday AM and PM network peak times, 0745-0845 and 17:00-1800.
12. Interested parties and the Council are concerned that people based around the Highweek area and those who would reside at Houghton Barton would also use the proposed access and cut through the lanes or take the A383 to do so. However, it is evident that this could as much as double the travel time for some residents, who would also be well aware of the physical shortcomings of the lanes around Bickington and the site, as well as the fairly convoluted suburban highway layout within the Houghton Barton development itself. As such, these residents would more likely travel to Trago Mills via the A382. For these reasons, the Addendum provides a robust, reliable basis for my assessment of the likely, and indeed worst case, impacts of the proposal.
13. The confinement and alignment of Staplehill Road dictates that speeds along it are low. The proposed entrance would provide adequate visibility here, based on the Manual for Streets. The carriageway nonetheless maintains a width of at least 5m from the proposed access to the junction with Bickington Road. I also

² Clarkebond, March 2020, Houghton Barton Transport Assessment, Table 4.2

see no rational basis why HGV drivers would, as a matter of course, choose to use this access in preference to the more highly specified main entrance to the Trago Mills site. As such, despite anecdotal evidence of vehicles becoming stuck or colliding, Staplehill Road is capable of safely accommodating likely flows. Given the low likelihood of reassigned traffic using Staplehill Road east of the appeal site, its use by other road users would be largely unaffected.

14. When approaching the Bickington Road and Staplehill Road junction from the west, a bend restricts visibility, which has led to concern that a collision could occur if reassigned vehicles were to wait or queue within Bickington Road. However, the Addendum forecasts that, at most, two vehicles would use the junction per minute, with less than one vehicle queuing at any time.
15. Whilst I observed myself that parents and guardians do park in the junction and on the adjacent verge during the school runs, the free flow of traffic continued, and visibility was not significantly obstructed. Vehicles parked on the overbridge were at a sufficient distance so as to not unacceptably diminish visibility. In any case, the morning school run takes place before Trago Mills is open to customers and it is logical that less people would be seeking to access Trago Mills later in the day. The clear majority of users who happen to leave Trago Mills during the PM school run would be unaffected by the school parking as they would opt to take the single arm of the junction on to Bickington Road.
16. When turning right on to Bickington Road one has somewhat restricted visibility south of around 80m, owing to the bend. However, I consider this acceptable given the limited proportion of reassigned vehicles that would be making this manoeuvre. It is also acceptable on the basis that there are no recorded personal injury collisions over the last 21 years at the junction. This is despite the school parking situation and even though the Brethren Meeting Hall, since 2016, is likely to attract high concentrations of vehicles at specific times. As such, the evidence draws the conclusion that the junction is not unsafe and can safely accommodate the increased flows generated by the proposal.
17. Vehicles heading to or from the A38 to the west would negotiate Bickington Road's junction with the A383, which is considered dangerous by the Council and interested parties. However, there is limited evidence of collisions. One 2016 collision is formally recorded at the junction, as is an incident close by later that year. A further 2020 collision at the junction is reflected in news reports, and I also understand that a collision occurred here shortly after that, although there are no substantive details of this incident before me.
18. Even taking into account the incidents which have not been formally recorded, the junction falls short of being a 'cluster site', which I understand is effectively Devon County Council's benchmark for a manifestly unsafe area of highway. Additionally, it is evident, and has not been disputed with comparable technical evidence, that the envisaged reassignment of traffic flows to the junction would not cause capacity issues here either. As such, the greater weight again attaches to the appellant's view that this junction is not unsafe and can safely accommodate the increased flows that would be generated by the proposal.
19. Traffic to and from Liverton would logically use the junction near to and pass by BPS. At my visit I observed the afternoon school run to be quite chaotic and congested here, with children and adults in the carriageway, vehicles parked at the junction, vehicles using the junction and turning within it. However, the data suggests that the increase in traffic flow during the afternoon school run

would be small, with a total of 46 additional trips during the peak PM period. In reality, as the data is based on the Saturday peak, the actual traffic levels during the weekday afternoon would be considerably lower than that, especially so given that many of the children of families who would be drawn to the leisure facilities at Trago Mills would be at school during term time.

20. It is also logical that those travelling to and from Liverton and/or Coldeast would be local, aware of the school, and motivated to avoid it during the school run, as not doing so may well lead to delay. On this point, I note that the existing Liverton route via the A382 would take only a couple of minutes longer than that via the proposed access, and that is assuming no delay when passing BPS at congested times. This leads me to find it highly unlikely that people living in the Liverton, Coldeast and Bovey Tracey areas would travel near or via BPS at these times. Consequently, whilst I am keenly aware of the sensitivity of BPS's location in relation to the proposal, the highway situation at BPS and in the lanes beyond it would not be significantly impacted in my opinion.
21. Most of the traffic that would be generated by the Business Park Scheme would head to or come from Drumbridges Roundabout to the east, away from the appeal site. The granting of planning permission for this scheme has therefore not significantly impacted upon my assessment of the appeal proposal.
22. The site history at Gorge Blossom Farm comes from a significant time ago and a different national and local planning policy context. I also note that it relates to an access it has which is further to the east and off a narrower section of the Staplehill Road carriageway in comparison to the section proposed for use here. This matter is therefore of little influence in my assessment.
23. Ilsington Parish Council has made reference to speed and traffic data it has collected. However, this data is not provided in full, particularly the 85th percentile speed, which would provide a good indication of the speed which most drivers consider to be reasonable along Bickington Road. The location where it was collected is also not clearly identified, but it appears that it was not at the Staplehill Road and Bickington Road junction. On the evidence before me, this matter is consequently of limited weight.
24. Drawing my findings together, I conclude that the use of the proposed access would have an acceptable effect on the safety of pedestrians, cyclists and drivers using the surrounding highway network. The proposal would accord with the relevant aims of Policies S1 (b) and S22 (h) of the Teignbridge Local Plan 2013-2033 (adopted 2014) (TLP) and the Framework.

Other Matters

25. Interested parties have queried the principle and necessity of the development. However, Policy S22 (b) of the TLP supports the principle of business use development within the countryside, as is the case here.
26. Whilst Staplehill Road is a rural lane, its first section around the site is fairly developed through the presence of sites such as the Brethren Meeting Hall and Trago Mills itself. The intensification of use of the existing highway network would not significantly alter the established relationship between settlements such as Bickington, their residents, and existing roads. As such, the proposal would not unacceptably prejudice the character and appearance of the area, nor the living conditions of local residents.

27. As traffic would be reassigned by the proposal, air pollution would not logically increase, and indeed is more likely to reduce as congestion would be lessened at Trago Mills' main entrance. I have found that traffic flow around the school and Liverton, and therefore associated pollution, would not significantly increase. There is no substantive evidence that the increased traffic flows would negatively affect the viability of the Devon Yurt Camp site.
28. The reassignment of traffic is unlikely to have a tangible impact upon access to Trago Mills via public transport. Whilst I understand there are flooding issues at the proposed entrance, I have no reason to doubt that these could be resolved through the proposed drainage works, nor that Staplehill Road is structurally able to cope with the additional use and would be adequately maintained.
29. The site is within a Landscape Connectivity Zone and is part of a movement corridor used by bats, including greater horseshoe in connection with the South Hams Special Area of Conservation (SAC). However, the scheme would only remove existing grassland at the edges of the new access, not the hedgerows. Given the integral measures also proposed, such as those relating to lighting at the access, I can ascertain at the screening stage that likely significant effects on the integrity of the SAC can be ruled out. This is consistent with the expert advice of Natural England received by the Council. As such, the scheme would not harm biodiversity, including protected species,

Conditions

30. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. Conditions are required to ensure that the work provided in accordance with the recommendations of the ecology report, and that the access remains unlit to safeguard the integrity of the SAC.
31. In the interests of highway safety and the living conditions of residents, it is necessary for a Construction Management Plan to be agreed. As this relates to the construction phase, it must be agreed prior to the commencement of development. Also in the interest of highway safety, it is essential for a condition to ensure that the visibility splays are provided and retained.
32. In order to manage flood risk, it is necessary for the drainage works to be delivered and maintained and for further detail to be secured, prior to the commencement of development, with regard to exceedance pathways and overland flow routes and the adoption and maintenance of the drainage works.

Conclusion

33. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeal, subject to conditions.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15/1402/01, 15/1402/02, 62240287-WSP-00-XX-DR-DR-0002 Rev P01, 62240287-WSP-00-XX-DR-DR-0003 Rev P01, 62240287-WSP-00-XX-DR-DR-0004 Rev P01, 62240287-WSP-00-XX-DR-DR-1100-102 Rev P02.
- 3) The access road hereby approved shall remain unlit for the entirety of its length and shall be retained and maintained thereafter in that manner.
- 4) The works shall proceed in accordance with the recommendations in Section 4 of the Ecological Verification Survey (by Devon Wildlife Consultants dated 2020), including lighting controls, vegetation management and planting and maintaining of a new native-species hedge.
- 5) Prior to commencement of development, the Local Planning Authority shall have received and approved a Construction Management Plan which shall include: (a) the timetable of the works; (b) daily hours of construction; (c) any road closure(s); (d) hours during which delivery and construction traffic will travel to and from the site; (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits; (f) details of wheel washing facilities (g) the proposed route of all construction traffic exceeding 7.5 tonnes; (h) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
- 6) No part of the development hereby approved shall be brought into its intended use until the access, visibility splays, access drive and access drainage have been provided and maintained in accordance with plans 62240287-WSP-00-XX-DR-DR-005 Rev P01.01 and 62240287-WSP-00-XX-DR-DR-0001 Rev P01.04 and retained for that purpose at all times.
- 7) No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority.
- 8) No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority.