

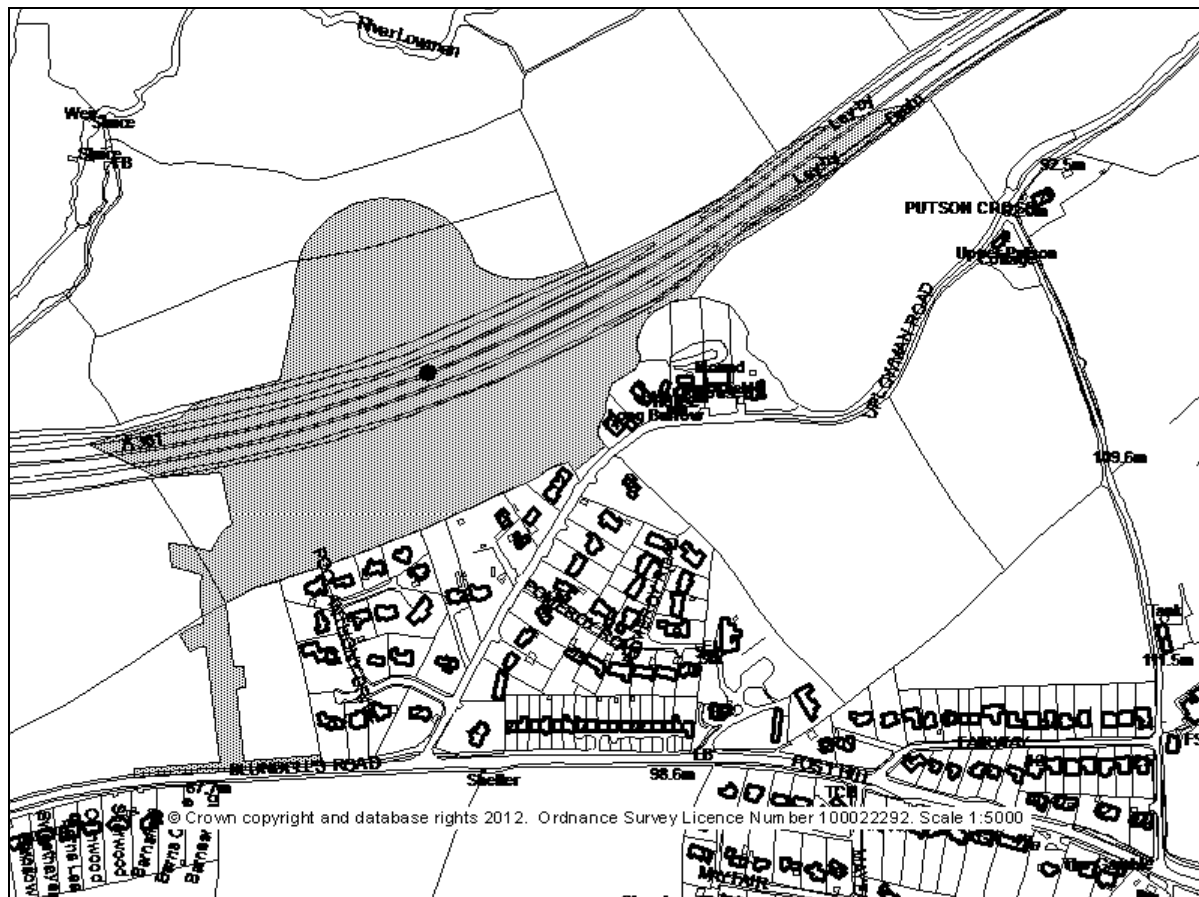
Grid Ref: 113326 : 298039

Applicant: Mr David Whitton
Devon County Council
County Hall
Topsham Road
Exeter

Location: Land at NGR 298079 113306
(Off The A361) Blundells Road
Tiverton Devon

Proposal: Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of the houses on Uplowman Road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's Road with associated engineering works and landscaping

Date Valid: 28th July 2014



REPORT OF THE HEAD OF PLANNING AND REGENERATION

14/01168/MFUL - CONSTRUCTION OF A 'CLOVERLEAF' ROAD JUNCTION WITH ACCESS AND EGRESS ONTO BOTH THE EASTBOUND AND WESTBOUND CARRIAGEWAYS OF THE A361 WITH ASSOCIATED ENGINEERING WORKS, DRAINAGE FACILITIES, EMBANKMENTS, ROAD BRIDGE, LIGHTING, SOFT LANDSCAPING AND A NOISE BARRIER TO THE REAR OF THE HOUSES ON UPLOWMAN ROAD, A ROUNDABOUT, A STRETCH OF CONNECTING HIGHWAY AND A JUNCTION AND ACCESS ONTO BLUNDELL'S ROAD WITH ASSOCIATED ENGINEERING WORKS AND LANDSCAPING

Reason for Report:

This is a major planning application and Members of the Planning Committee have requested that the Committee determine the application.

RECOMMENDATION

Planning permission granted subject to conditions as set out in this report.

Relationship to Corporate Plan:

Managing the environment

Financial Implications:

Should the application be refused and an appeal submitted to the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have behaved unreasonably.

Legal Implications:

None

Risk Assessment:

None identified

Consultation carried out with:

1. Highways Authority
2. Environment Agency
3. Natural England

4. Historic Environment Service
5. Devon and Cornwall Police Authority
6. Environmental Health
7. Tiverton Town Council
8. Halberton Parish Council
9. South West Water

1.0 PROPOSED DEVELOPMENT

A description of the development proposed by this application is set out in the description above, and a brief description of each of the key parts of the scheme are set out below. The site area comprises an area of approximately 10.04 hectares, currently in use as grazing land. The site is dissected east/west by the A361. To the south of the application site there is existing residential development in Uplowman Road and Pool Anthony Drive (11 Dwellings share a common boundary with the application site). Approximately 400metres to the north east of the application site is the hamlet of Craze Lowman.

The new highway infrastructure: The west bound A361 off slip road from the A361 follows a route across the field to the south set away from the rear garden boundaries of the following properties along Uplowman Road: Blenheim House, Long Barrow and no's: 14, 12, 6, 10 & 2 and Pool Anthony Drive no's 15, 17, 19 & 21. Towards the eastern corner of the site a roundabout is proposed which manages the routing of traffic to and from Blundells Road (the Distributor Road), and back onto a slip road that rejoins the A361 travelling in a westerly direction, together with a route over the proposed over bridge leading to on and off slips to the east bound carriageway.

The distance from the westbound off slip to the roundabout covers a span of approximately 360 metres, with running lanes travelling in each direction and gently sloping upwards in an easterly direction. The distance from the roundabout to the junction with Blundells Road covers a span of approximately 220 metres with running lane travelling in each direction.

The Bund: The area of the site between the rear garden boundaries of the existing and the new slip road properties will be engineered with a bund to effectively form an envelope to form this infrastructure.

Initially the new highway corridors will run at a level below the rear of the adjacent residential properties, gently sloping upwards. At the rear of number 10 Uplowman Road the new highway corridor would run at a datum level that is level to the ground level of the back garden to No.10 Uplowman Road. Adjacent to rear garden of no.21 Pool Anthony Drive the new highway corridor will run 3.3 metres higher than the ground level of back garden to no.21 with a further 2.5 metres to the top of the engineered bund (i.e. a 6.0 metre change in levels). At the top of the engineered bund across its length an acoustic barrier is proposed which would stand 2.0 metres high.

New planting: Additional native planting is proposed along the bund and across the part of the site that sits between the northern boundary of the site and the northern edge of the engineered bund.

During the application process for the LILO application which has fed into this application, the scheme has been amended realigning the highway envelope that form the new slip road

and the bund feature further away from the southern boundary of the site and away from the boundary from the residential dwellings.

The east bound A361 off slip road follows a route across the field to the north of the A361 and loops to the west. It then joins the proposed overbridge over the A361 which in turn connects to the previously approved LILO (left in left out) junction to the south of the A361. There is also an on slip road onto the A361 allowing traffic to join the A361 in an easterly direction.

An overbridge is required to allow traffic to pass north/south over the A361. The bridge is 5.7m high above the carriageway of the A361.

The plans also indicate the following additions/alterations, over and above the plans approved for the LILO under application reference 14/00667/MFUL. Current surfacing of the A361 to be replaced with Stone Mastic Asphalt (SMA), additional noise/acoustic fence along top of A361, additional lengths of acoustic/noise fence close to and east of 14 Uplowman Road.

2.0 APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Protected Species Report

Environmental Statement containing following information on following environmental issues:

- Planning policy compliance
- Assessment of cumulative impact;
- Socio-economics;
- Arboricultural;
- Biodiversity;
- Cultural Heritage;
- Transport and accessibility
- Flood risk and drainage;
- Air Quality;
- Flood risk and drainage;
- Ground conditions /contamination
- Landscape and Visual impact;
- Noise and vibration

3.0 TIVERTON EASTERN URBAN EXTENSION MASTERPLANNING PROCESS

This application constitutes a key piece of infrastructure required to facilitate the development proposed as part of the Tiverton Eastern Urban Extension. The Tiverton EUE is now subject to an adopted Masterplan which is a Supplemental Planning Document and a material consideration when assessing developments within the Masterplan area.

Spatially, the application site for the Cloverleaf junction and bridge over the A361 link the new east bound A361 junction with the west bound A361 junction south of the A361 and distributor road to Blundell's Road. The site occupies 10.04 hectares of land to the north and south of the A361. The adopted masterplan indicates that the new A361 full road junction and distributor road would be provided approximately in the position that the planning application has proposed. The location of the Cloverleaf junction and distributor road is considered to be in accordance with the general principles of the masterplan. The detailed design and specific location of the Cloverleaf junction and distributor road has been prepared following discussions with the Highway Authority. The following section of this report provides an overview of the background to the Masterplanning process for the Tiverton Eastern Urban Extension.

The role and purpose of a Masterplan is a comprehensive plan that acts as a blueprint for the development of an area: setting out principles for the way in which it will come forward, coordinating policy and infrastructure requirements. It is common to utilise this approach for larger scale developments where there are multiple landowners/developers and there is a need to ensure development takes place in a comprehensive way to deliver common infrastructure, coordinate phasing and to resolve often complex planning issues.

Masterplans bridge the gap between planning policy aspiration and implementation in order to achieve a high quality design and create a successful place. They also set out key principles that planning applications will need to have regard to in order to be considered acceptable. It is important to understand that whilst a Masterplan sets out guidelines and principles for the development, it does not contain the same level of detail and supporting documentation that would be expected at a planning application stage. Additionally as Masterplans often relate to large strategically important sites that are to be delivered in phases over what may be a long time period, they also need to contain flexibility in order to respond to changing circumstances.

Further details about the process of consultation on the Masterplan process and the scope of change from the Masterplan as initially drafted to the approved document are set out in the report that was presented to the Cabinet on the 17 April 2014, and subsequently to Council on the 30th April 2014 when it was voted to endorse the Masterplan and approve it as a material consideration for the determination of planning applications for new development, including this application.

4.0 RELEVANT PLANNING HISTORY

14/00667/MFUL Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier – Approved

5.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1)

COR1 - Sustainable Communities

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

AL/TIV/1 - Eastern Urban Extension

AL/TIV/2 - Eastern Urban Extension

AL/TIV/3 - Eastern Urban Extension Environmental Protection & Green Infrastructure

AL/TIV/4 - Eastern Urban Extension Community Facilities

AL/TIV/5 - Eastern Urban Extension Carbon Reduction & Air Quality

AL/TIV/6 - Eastern Urban Extension Phasing

AL/TIV/7 - Eastern Urban Extension Masterplanning

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM6 - Transport and Air Quality

DM7 - Pollution

DM27 - Development affecting heritage assets

Tiverton Eastern Urban Extension Masterplan – Supplementary Planning Document

6.0 CONSULTATIONS

HIGHWAY AUTHORITY - 3rd September 2014 - Observations:

The Highway Authority has no objection in principle to the above development but many of the issues associated with the recently granted consent for the Left in Left out junction apply to this application, The Local Planning Authority in determining the recent application have required some additional conditions and the Highway Authority would wish for an extension of time to ensure that the applicant can make alteration to the plans taking into considerations these conditions and some of the committees observation.

Upon receipt of the changes to the scheme the Highway Authority will comment further and is likely to recommend conditions.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION:-

ENVIRONMENT AGENCY - 26th August 2014

From the development and flood risk perspective we can confirm that having recently received an amended surface water drainage proposal (ref Drawings 353-FRA22 Rev D dated 21/08/14 and 353-FRA23 Rev D dated 21/08/14 by TeignConsult) we are happy to withdraw our previous objection subject to the issue being managed by a planning condition.

We are happy that surface water runoff from the application site, that being the proposed new A361 junction and associated link road to Blundells Road, can be managed in accordance with Suds principles and without having to rely on utilising underground storage tanks and the existing highway drain in Blundell's Road.

We make your authority aware that the revision will mean that the surface water drainage strategy, to manage surface water from the area of land currently subject to an outline planning application (ref 14/00881MOUT), will have to be amended to cater for the additional rates and volumes of surface water runoff from the A361 junction scheme.

NATURAL ENGLAND - 19th August 2014 - We have considered the proposal against the full range of Natural England's interests in the natural environment and have the following comments recognising that this application forms part of the wider Tiverton East Urban Extension proposals.

Designated sites

Tidcombe Lane Fen Site of Special Scientific Interest (SSSI) - insufficient information. The development is in close proximity to Tidcombe Lane Fen SSSI (notified for its M22 Fen meadow) and has the potential to adversely affect the special interest of the SSSI by virtue of impacts on water quality and quantity and impacts on air quality.

Hydrology

The Flood Risk and Drainage Assessment for the clover leaf junction has concluded that the Residual Impact on the hydrological regime of Tidcombe Lane Fen SSSI, after mitigation measures, is considered to be Negligible but with only a Medium level of confidence. Chapter 9 Flood risk and drainage (Volume 2 Environmental Statement) at 9.2.2 states 'the proposed site lies within the River Lowman catchment in its entirety' and the Non-Technical Summary highlights that 'this site lies in a separate surface water drainage catchment which sheds to the north and as such there is no cumulative impact to be considered within the wider development'.

1. This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended), Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. However, Chapter 9 of the Environmental Statement identifies at section 9.3.1 that 'If the surface water runoff from the development and upstream slope areas is not managed as 'Source Control' (i.e. dealt with as close as possible to source and designed to mimic the existing runoff situation) then there will be an off-site impact on the hydrological regime downstream of the site. This would have a permanent impact with some positive and some negative effects on the downstream areas. The main impact would be on the Tidcombe Lane Fen SSSI where wetter or dryer areas will establish depending on the proposed site drainage regime'. Natural England does not consider that the evidence has been presented to support the conclusion drawn that the development would not have an adverse impact on the hydrology of the SSSI. In our view, the evidence base specifically relating to impacts on the SSSI is not presented in a discrete, easily accessible section of the report to assist Natural England and the Local Authority in understanding the nature and scale of the impacts. Although the risk from the road junction is deemed low because of the separation distance and the junction being sited within the catchment of the River Lowman rather than the Ailsa Brook, Natural England's advice is that a discrete assessment, specifically related to the impacts on the SSSI, is completed, which, as far as feasibly possible, sets out:

- the predicted quantitative impacts of the proposal on the hydrological functioning and water quality of the SSSI, both before and after mitigation measures are taken into account
- the nature and scale of the uncertainty that has been identified

This application forms part of the wider Tiverton East Urban Extension proposals. We are aware that PFA Consulting Ltd are in the process of addressing the above issue in relation to Natural England's objection regarding application 14/00881/MOUT (copy of Natural England's objection response attached) and we would suggest that this information is also a key consideration prior to determining this application (14/01168/MFUL) to reassure the Local Planning Authority (LPA) that there will be no adverse impact on the SSSI.

We also note that the maintenance strategy of the proposed SUDS has yet to be fully developed and that the drainage strategy detail is proposed for the reserved matters stage. In our view this is a critical element to get right, to ensure that they continue to function properly whilst also optimising benefits for biodiversity. We are aware of cases where surface water run-off from urban areas close to freshwater wetlands appears to have significantly contributed to enrichment with phosphates and associated problems with eutrophication. There is also evidence to suggest that constructed wetlands have to be managed carefully to ensure that such features effectively remove phosphate in the long term. Indeed, research work has been conducted which suggests that through time they can actually act as sources of phosphates, rather than sinks, if they are not managed appropriately. We request that this specific issue is clearly addressed as part of the assessment of this proposal.

We would ask for reassurance that the road scheme will not compromise or exacerbate any mitigation proposed as part of the wider scheme, to ensure no impact on the SSSI.

Air Quality

Based on the information provided we are satisfied there will not be any significant adverse impact on the SSSI in terms of air quality impacts subject to the mitigation measures included in the Environmental statement being conditioned.

Tidcombe Fen Site of Special Scientific Interest (SSSI) lies 0.6 km south west of the proposed junction. The transport and air quality assessments conclude that any increase in

traffic and resulting dust, nitrogen or nitrogen oxides deposits in the region of the SSSI will not be sufficient to significantly affect the SSSI.

Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

If your Authority is minded to grant consent for this application contrary to the advice relating to Tidcombe Lane Fen SSSI contained in this letter, we refer you to Section 28(1) (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Ancient woodland and veteran trees

Veteran trees can be hundreds of years old, provide habitat for many different species and are a part of our landscape and cultural heritage. Local authorities have a vital role in ensuring the protection and conservation of ancient woodland and veteran trees, in particular through the planning system.

Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation. Natural England's standing advice for veteran trees can be found at http://www.naturalengland.org.uk/Images/ancient-woodland-standing-advice_tcm6-37627.pdf

Soils and Land Quality

Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements because the site is allocated in the local plan, Natural England draws your Authority's attention to the following land quality and soil considerations. The proposed development comprises approximately 10.4 ha of agricultural land classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Natural England holds copies of the MAFF post 1988 ALC surveys which are available on request.

Government policy is set out in paragraph 112 of the National Planning Policy Framework which states that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

Despite a reference to agricultural land quality and soils issues in your Authority's scoping opinion, there does not appear to be any specific assessment in the submitted documents to enable your Authority to fully understand the impacts on soil of this development and how the most sustainable use of soils and of high quality agricultural land is being made, for example in the layout proposed and methods used to protect soils during development.

The majority of the 'best and most versatile' agricultural land would be irreversibly lost to the road junction. However, a proportion of the agricultural land affected by the development will remain undeveloped as sustainable urban drainage systems. In order to retain the long term potential of this undeveloped land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. There does not appear to be any commitment to do this in the submitted proposals and we would advise this should be rectified and secured as a condition.

Further guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Landscape

This proposal is not located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment and the policies protecting landscape character in your local plan or development framework. Local wildlife sites. If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) your authority should ensure it has sufficient information to fully understand the impact of the proposal on the site, and the importance of this in relation to development plan policies, before it determines the application.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Local authority biodiversity duty and biodiversity enhancements

Your Authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

The Town and Country Planning Association's publication 'Biodiversity By Design' provides further information on this issue and the publication can be downloaded from <http://www.tcpa.org.uk/pages/biodiversity-by-design.html>. Examples of biodiversity enhancements that can be widely incorporated into development proposals include:- Landscaping Native species of plant should be used in landscaping proposals associated with development, unless there are over-riding reasons why particular non-native species need to be used. The nature conservation value of trees, shrubs and other plants includes

their intrinsic place in the ecosystem; their direct role as food or shelter for species; and in the case of trees and shrubs, their influence through the creation of woodland conditions that are required by other species, e.g. the ground flora.

Sustainable urban drainage system (SUDS). We note this proposal includes an element of SUDs. Many existing urban drainage systems are damaging the environment and are not, therefore, sustainable in the long term. Techniques to reduce these effects have been developed and are collectively referred to as Sustainable Urban Drainage Systems (SUDS). SUDS are physical structures built to receive surface water runoff. They typically include ponds, wetland, swales and porous surfaces. They should be located as close as possible to where the rainwater falls, providing attenuation for the runoff. They may also provide treatment for water prior to discharge, using the natural processes of sedimentation, filtration, adsorption and biological degradation. The SUDS strategy should be capable of delivering a high quality multi-functioning approach that provides high water quality (e.g. pollution control measures, use of reed beds, etc.), quantity (flood alleviation, run-off, etc.), and ecological and amenity value. They can also contribute towards green infrastructure by increasing biodiversity and amenity value. Paragraph 103 of the NPPF indicates that development should be required to give priority to the use of sustainable drainage systems. Further guidance on the design of SUDs for wildlife by the RSPB can be found at www.rspb.org.uk/sustainabledevelopment

Any design layout for the site should work towards a net gain in biodiversity. The National Planning Policy Framework (paragraph 9) states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including moving from a net loss of biodiversity to achieving net gains for nature.

We note that the proposal includes areas of habitat enhancement/creation in and around the road such as wildflower meadow and hedgerow planting and consider that this should be secured via an ecological and landscape management plan.

We also note that a Construction Environmental Management Plan (CEMP) will be agreed with the planning authority prior to commencement of works. This should be secured as a condition of the permission.

Additional matters

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

HISTORIC ENVIRONMENT SERVICE - 15th August 2014 - I refer to the above application. The proposed development lies in an area of high archaeological potential. Previous investigative archaeological excavations and geophysical survey work has identified prehistoric activity in the vicinity, in the form of ploughed-out funerary monuments and an extensive field system. The geophysical survey of the application area shows anomalies that are indicative of archaeological features of similar character. The construction of the new road junction and associated infrastructure will expose and destroy these heritage assets. Given the demonstrated truncated nature of the archaeological deposits in this area I do not regard there to be any requirement to undertake any further field evaluation in support of the planning application. However, a programme of archaeological investigation and recording will need to be undertaken to preserve by record any archaeological deposits affected by the construction of the new junction.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of the archaeological control of the topsoil stripping and any subsequent ground reduction, as required, across the proposed development's 'footprint' to allow for the identification, investigation and recording of archaeological and artefactual deposits affected by construction works. This work would have to be undertaken in advance of any construction work and the applicant should ensure that sufficient time is allowed in the construction programme for this archaeological mitigation to be undertaken. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

DEVON & CORNWALL POLICE AUTHORITY - 13rd August 2014 - Having liaised with the local Road Casualty Reduction Officer the Police have no comments at this time.

HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 31st July 2014 - As you are aware, the Agency has concerns about the potential traffic impact of the wider development proposals for the Tiverton East Urban extension on M5 J27, and we have previously issued conditions restricting development until Devon County Council's pinch point scheme has been implemented.

However, this application relates solely to the provision of a new junction on the A361, and in itself is not predicted to increase traffic movements through J27.

The Agency therefore has no objection, although we would suggest that a construction traffic management plan be submitted prior to commencement of works which includes an assessment of construction traffic impact at J27.

ENVIRONMENTAL HEALTH - 14th August 2014 -

Contaminated land - N/A

Air quality - no objection to this proposal

Drainage - no objection to this proposal

Noise and other nuisances - no objections to this proposal, however, the comment below should be noted.

Housing standards - N/A

Licensing - N/a

Food hygiene - N/A

Private water supplies - N/A

Health and safety - No objection

TIVERTON TOWN COUNCIL - 20th August 2014 - Unable to support this as we feel there are better alternative solutions. This proposal would be unacceptable to residents because of the high noise, air and light pollution increases. It would be very close to properties. It would also cut off a public right of way. Suggest that highways look at an alternative solution with less impact on local people.

HALBERTON PARISH COUNCIL - 13 August 2014 - no objection to the plan but firmly believe that a roundabout is needed on the Blundell's road to ensure the smoother flow of traffic onto the feeder road to the new A361 junction.

SOUTH WEST WATER - 12 August 2014

Enclosed is a plan showing the approximate location of a public sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

The applicant/agent is advised to contact the Development Planning Team to discuss the matter further.

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Permission will not be granted for the surface water from this site to return to the public combined or foul sewerage network. We will request that investigations are carried out to remove the surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove the surface water, please contact the Development Planning Team for further information.

If further assistance is required to establish the exact location of the sewer or should you require any further information please contact the Development Planning Team.

7.0 REPRESENTATIONS

10 objections have been received. The comments raised have been summarised as follows:

- Inadequate drainage information
- The new road will produce an unacceptable amount of noise pollution
- The new road will produce an unacceptable amount of air pollution
 - Too close to properties in Craze Lowman
 - Too close to properties in Uplowman Road and Pool Anthony Drive
- Lighting the Cloverleaf will produce an unacceptable amount of light pollution
- A T junction connecting the proposal to Blundells Road is not adequate for the amount of vehicular movements
- The construction of the road will be disruptive to the surrounding area
- The Cloverleaf will lead to more traffic on Blundells Road and it won't be able to cope
- Visual impact on local residents
- Traffic vibration
- Proposed development is out of character with the existing neighbourhood

8.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

- Policy/masterplanning
- Design of Left In Left Out junction and distributor road
- Impact on nearby residents
- Drainage
- Noise and vibration
- Air Quality
- Ecology

- **Policy/masterplanning**

The earlier section in this report overviews how the development proposed by this application forms part of the adopted Masterplan, and in terms of the timescale for the delivery the Masterplan infrastructure, the table at section 6.4 of the Adopted Masterplan document sets out the following aspirations:

- i) The delivery of the on and off slip prior to any development - for use by construction traffic
- ii) The delivery of the left in and left out junction to the A361 and highway link between this junction and Blundells Rd – Prior to the occupation of any development
- iii) Completion of full movement grade separated junction to A361 – prior to occupation of more than 600 dwellings

- **Design of Cloverleaf junction and distributor road**

The application consists of the construction of a new Cloverleaf junction providing new access onto the east bound and west bound carriages of the A361 North Devon Link Road as well as the construction of a distributor road linking the new Cloverleaf junction with Blundells Road to the west of Pool Anthony Drive. The distributor road includes a roundabout which forms the connection point for a new bridged road and slip roads from and onto the eastbound and westbound carriageways of the A361. The Cloverleaf application also includes the provision of the new bridge over the A361 to link the new A361 slip roads together.

The application also includes drainage facilities, embankments, soft landscaping and noise bund to the north of properties in Uplowman Road and Pool Anthony Drive.

While the LILO and associated distributor road connecting to Blundells Road will be used for construction traffic while development of the Tiverton Eastern Urban Extension (Tiverton EUE) is underway, the Cloverleaf is required to serve the development of the Tiverton EUE. The time frame for requirement for the provision of the full Cloverleaf junction is prior to the occupation of more than 600 dwellings within the Tiverton EUE Masterplan area.

The details of the LILO section of the full Cloverleaf junction were described in the recent committee report for the LILO which was subject to its own application, and incorporated into this application for the full Cloverleaf junction. The details of the LILO are repeated below and followed by details of the northern part of the Cloverleaf junction.

There is an approximate land level height difference of 6m between the existing A361 carriageway and the proposed road through the field north of Pool Anthony Drive (to link onto the A361 travelling eastwards). The new on and off slip roads onto the westbound carriageway of the A361 will be engineered to form an acceptable gradient of road. This will inevitably require the removal of a large amount of earth to enable the new link onto the A361 to be provided.

The land upon which a majority of the LILO, roundabout and distributor road is proposed to be constructed is currently relatively level. These levels will be manipulated in order to achieve an acceptable gradient for the road and to reach the required height at the western end of the road to form a link with the proposed roundabout. The roundabout is by necessity elevated above the height of the existing land as it will be connected to an 'overbridge' across the A361. The height of the new road above existing land levels will increase from east to west. While at the

far eastern end of the new road the carriageway will be approximately 4m lower than the floor level of the nearest property (14 Uplowman Road), at the far western end the road and roundabout level will be approximately 4m above the floor level of the nearest property (21 Pool Anthony Drive). This represents a 1:41 road gradient which is very shallow and acceptable to the Highway Authority.

The connecting road from the roundabout to Blundells Road will ultimately be used to serve development on the northern side of Blundells Road. The standard junction arrangement as proposed with Blundells Road will be adequate to be used by construction traffic only, and will not be acceptable for use by occupants of new development. This junction will need to be upgraded (most likely to a roundabout) prior to the use of the road by occupants of new dwellings or new employment floor space. The junction would be acceptable for use to serve construction traffic for the development of the Tiverton EUE Masterplan area. To ensure that the LILO and connecting road can be used by non-construction traffic as soon as possible, a condition has been imposed requiring the upgrade of the junction to enable non-construction traffic use prior to the first occupation of any new dwellings permitted as part of the Tiverton EUE Masterplan development (excluding development of the former Post Hill Hospital site). While this condition is also proposed on the current application for the Cloverleaf, the red line of the application site has been amended to include the land that would be required in order to provide the surface type roundabout likely to be proposed in lieu of a standard junction.

It is also proposed to construct an acoustic and visual bund along the southern edge of the proposed LILO carriageway. The design and location of the bund has been revised in order to reduce the impact on the occupiers of neighbouring residential properties in Pool Anthony Drive and Uplowman Road which share a boundary with the field within which the LILO and distributor road is proposed. The southern edge of the bund is closest to number 12 Uplowman Road at 2m from the rear garden boundary, and furthest away from 21 Pool Anthony Drive where it is approximately 28m from the rear garden boundary. The proximity of the bund to the dwellings has been measured and is included in the following section regarding impact on neighbouring residents.

The bund is approximately 2m higher than the existing land level at the eastern end with a 2m high acoustic fence on top. At this point the bund is much closer to neighbouring residential properties. The bund increases in height to the west and where it is in line with 21 Pool Anthony Drive the bund is approximately 6.5m higher than the existing land level with a 2m acoustic fence on top. However, at the western end the southern edge of the bund is approximately 28m from the rear garden boundary of this property.

The Highway Authority has previously indicated that it is satisfied with the design and layout of the proposed LILO and distributor road and this infrastructure is required by Policy TIV8 AIDPD and the Tiverton EUE Masterplan SPD and supported by the requirements of policy COR8 MDCS. The design and siting of the LILO and associated infrastructure is therefore considered to be in accordance with planning policy.

The additional infrastructure works proposed as part of this Cloverleaf junction application include the provision of the 'overbridge' and connecting east bound on and off slip roads onto the A361.

The overbridge is designed to be 5.7m high above the carriageway of the A361. The minimum height for an overbridge over a road such as the A361 is 5.3m. However, a height of 5.7m is used where a bridge cannot be readily designed to resist impact. The Highway Authority have indicated that the design code for 'overbridges' has an

accidental impact force that has to be applied if the headroom is less than 5.7m. In order to design for the additional, onerous, impact load, additional bracing steel is required. The Highways Authority have therefore set all their steel girder bridges at 5.7m.

The provision of the junction infrastructure on the northern side of the A361 (eastbound carriageway works) will require significant earthworks and re-engineering of the existing embankments to create road gradients necessary to enable the new slip roads to connect to the new overbridge while also meeting current highway standards. The east bound on/off slips and connecting road will be cut into the current bank where close to the A361. As it is necessary to bring the slip roads up to the height of the overbridge the road is then placed on top of an embankment 6-7m above ground level that enables the roads to connect with the overbridge at the right height.

The land to the north of the A361 is lower than that on the southern side of the A361, hence the necessity to place the new slip roads to the north of the A361 on an embankment. The proposed works to this northern side of the A361 has a tight radius to minimise land take and reduce the overall impact of the new infrastructure provision. However, two mature oak trees will be lost as a result.

The land to the north of the A361 is more level and open than that to the south, this means the junction and its embankments will be visible and prior to additional planting growing up, could be in contrast with the context of the immediate surrounding area. Mitigation is proposed on the embankments in the form of additional hedgerow and tree planting as well as additional planting within field boundaries to the north. When this additional planting has become established, the new junction and embankments should then integrate well with the surrounding landscape.

- **Visual impact on nearby residents**

The provision of the new Left In Left Out junction and connecting road to Blundells Road will have an impact on the view and outlook from a number of properties in Pool Anthony Drive and some properties on the northern side of Uplowman Road.

10 letters of objection have been received from residents of properties in this area. The concerns raised in these letters have been taken into account during the assessment of the application.

Concerns have been raised about the proximity of the proposed acoustic and visual bund. The following table provides measurements of the distances between neighbouring property boundaries and from rear of the properties and the southern edge of the bund. The siting of the bund has been revised and moved north away from the rear boundaries of the neighbouring properties. The bund is proposed to follow the southern edge of the carriageway rather than the rear boundary of neighbouring properties.

Name/No. of property	Distance from <u>property</u> to southern edge of bund (Metres- approximate)	Distance from <u>boundary</u> to southern edge of bund (Metres – approximate)
Long Barrow	27	10
14 Uplowman Road	16	14
12 Uplowman Road	9	5
10 Uplowman Road	30	10
6 Uplowman Road	23	13
2 Uplowman Road	77	18
15 Pool Anthony Drive	28	20
17 Pool Anthony Drive	38	23
19 Pool Anthony Drive	43	28
21 Pool Anthony Drive	38	28

The bund will be visible from all of the above properties but to varying degrees depending on the existing boundary treatment between the properties and the application site. A number of the affected properties have fairly dense screening on their northern boundary which will limit the impact of the bund and acoustic fence on the outlook from these properties. However, other properties currently have very limited screening on the northern boundary which will result in the bund and acoustic fence being more visible until the proposed planting has occurred and had time to become established.

Where the bund is highest it is also the furthest from neighbouring properties. The bund is closest to 12 and 14 Uplowman Road, however the visual impact of the bund on these properties would be quite different. 14 Uplowman Road is orientated to look west/south west. The LILLO at this point on the application site is cut into the land and would be between 2 and 4m lower than the boundary level of this property. From the rear garden of 12 Uplowman Road the bund would appear approximately 1.5m high with the 2m acoustic fence on top of the bund.

The table below indicates the height of the bund as viewed from the rear gardens of the neighbouring properties as well the height from the ground level adjacent to the north elevations of these properties.

Name/No. of property	Height of bund from northern garden boundary + 2m acoustic fence (metres - approximate)	Height of bund from ground level on northern side of property (metres- approximate)
Long Barrow	No bund – road cut in	No bund – road cut in
14 Uplowman Road	No bund – road cut in	No bund – road cut in
12 Uplowman Road	3.5	3
10 Uplowman Road	3.75	0
6 Uplowman Road	5	4.25
2 Uplowman Road	6	6
15 Pool Anthony Drive	6.25	6.5
17 Pool Anthony Drive	6.75	7.25
19 Pool Anthony Drive	8	8
21 Pool Anthony Drive	8.0	8

The bund and acoustic fence combination would sit approximately 8.0 m high when viewed from the northern garden boundary of 21 Pool Anthony Drive. However, there is an existing boundary hedge (albeit not overly high) and the bund would be 28m from the boundary. The southern edge of the bund would be 38m from the north elevation of the property.

The intervening space between the northern garden boundaries of properties adjacent to the application site is proposed to be landscaped. While the landscaping would not have an immediate effect in softening the appearance of the bund, overtime the planted landscaping in this area will assist in reducing the view of the bund itself. While the outlook from these neighbouring properties will inevitably change following construction of the road and bund, it is not considered that the bund will be overbearing on the residents of these residential properties. Some objections that have been received refer to the loss of view into the existing field and beyond, however, planning policy and legislation provides no right to a view and cannot be considered as a valid objection to the proposed development.

The visual impact of the proposed road and bund on the amenity of occupiers of neighbouring properties has been carefully assessed. While it must be stated that the construction of the bund will have an impact on the outlook from these properties, however once the bund has been formed and is as part of an integrated the landscape it is considered that it will sit more comfortably. In making a decision on this application it will be necessary to balance the impact on the amenities of the occupiers of the affected properties against the overriding benefits of delivering this infrastructure.

Overall and in the long term your officers consider that the impact of this part of the application proposals would not have an unacceptably adverse effect on the amenity of these properties and that a refusal based on visual impact ground would not be justified.

The additional infrastructure required to provide the full Cloverleaf junction would be to the north of the A361. While the overbridge, embankments and engineering works required in order to provide this half of the overall infrastructure would not be easily visible from properties to the south of the A361, the works will be visible from the north and north east. The works will be visible from Craze Lowman and from parts of the public footpath which runs alongside the River Lowman to the north.

In order to mitigate the visual impact of these works a landscaping strategy has been proposed to be compatible with the local landscape character, rather than attempting to completely screen views toward the junction. The mitigation principles are based on information on the landscape character type of the area and include: replacement planting with native species along the A361 corridor, enhancement of landscape/wildlife corridor through retention of mature trees and supplemental planting, enhanced planting along access road to soften views, new hedgerows around base of embankments and native woodland planting on embankments, protect trees for retention during construction, additional planting beyond application site to reinforce landscape character and filter views of the new road, more significant planting off site in low lying areas to strengthen planting in hedgerows and plant some more hedgerow trees as well as planting the new embankments. With time the general views of the junction will not be significantly adversely affected, although they will be different, however the LVIA concludes that some views from the public footpath to the north close to the River Lowman will be significantly adversely affected.

Overall, although there will be a residual visual impact on the views from the public footpath to the north of the site, it is considered that the wider benefits of achieving this full Cloverleaf road junction (allowing for direct access to the Tiverton EUE

employment areas, positive impact on traffic levels on Blundells Road, facilitation of housing delivery) together with the proposed mitigation, outweigh the impact on views from part of the nearby public footpath. The development is therefore considered to be in accordance with policies COR8 and COR18 Mid Devon Core Strategy, AIDPD policies relating to the Tiverton Eastern Urban Extension and policies DM1, DM2, DM7, DM27.

- **Drainage**

The proposed drainage strategy for a SUDs scheme has been revised during the application process and the Environment Agency have no objections subject to the surface water drainage being implemented in accordance with the submitted details. Natural England have stated that they consider surface water from this proposal could have an impact on Tidcombe Fen to the south. The fen is some distance from the development proposed as part of this application, however, as a concern has been raised the applicant will be asked to provide a response to the Natural England concerns. This information will be reported to the Planning Committee as an update. Subject to a satisfactory response regarding the Natural England comments, the application will be in accordance with the requirements of policy DM2 Local Plan Part 3 (Development Management Policies).

- **Noise and vibration**

The LILO (southern half of the full Cloverleaf junction) is approved to be constructed on land to the north and west of Uplowman Road and Pool Anthony Drive. The application site is a noisy environment due to the proximity to the A361. The A361 is clearly audible when visiting the application site and many of the neighbouring properties. The noise assessment submitted with the application concludes that some properties closest to the LILO are likely to experience a marginal increase in background noise levels. However, there is no evidence to suggest that these properties will experience a significant increase in noise levels as a result of this development. Environmental Health have reviewed the proposal and the accompanying assessment and raised no objections. They indicate that the assessment has been carried out in accordance with the Department of Transport guidance in Design Manual for Roads and Bridges and Calculation of Road Traffic Noise and the conclusions within the assessment are acceptable.

The noise and vibration assessment is based on traffic data provided by the applicant's transport consultant, on-site verification measurements, noise modelling and noise predictions. Noise levels during construction have been predicted at noise-sensitive properties in the vicinity of the site. The assessment concludes that noise levels are predicted to remain within the 65 dB(A) target criterion for all works and receptor locations and that due to the distances between the site and sensitive receptors there is a low probability of perceptible levels of vibration at receptor locations. According to available sources 65 dB(A) would equate to a normal conversation in a restaurant or office.

Policy DM7 Local Plan Part 3 (Development Management Policies) prevents development where pollution (including noise pollution) would have an unacceptable negative impact on health, the natural environment or general amenity. The need to take into account the acoustic environment is also identified in the NPPG. This requires LPA's to consider whether or not a significant adverse effect is occurring or likely to occur, whether or not an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved.

The noise assessment and further clarification letter from the noise consultant indicates that 12 properties would experience a slight increase in noise levels. The

increase in noise levels ranges from 0 to 4.9 dB(A) but is as a result of both the approved LILO and assessed proposed changes in traffic levels on Uplowman Road. With such a slight increase in noise levels the development of the LILO is very unlikely to result in a material change in behaviour which would be associated with a noise level causing a significant observed effect. It is also unlikely to have an observed adverse effect as this would also require changes in behaviour and/or attitude. The noise associated with the construction of the LILO is likely to be heard, albeit for a temporary period and it is also possible that some properties will experience a very slight increase in background noise levels when the LILO is operational. However, it is considered that the additional noise associated with the development would have no observed adverse effect and would not lead to a perceived change in the quality of life. Occupiers of nearby residential properties are unlikely to share this view and may consider that the noise level during and post construction would have an observed effect and that their behaviour would change as a result. Even if this was considered to be the magnitude of effect on nearby residents, the NPPG does not suggest that the development should not go ahead, it recommends that the effects are mitigated and reduced to a minimum. This application delivers mitigation through the provision of an earth acoustic bund (to be landscaped) with an acoustic fence erected on top of the bund.

The noise assessment is broken down into short term and long term impacts. The short term impact assessment is based on the future year so a direct comparison and prediction of specific impact of the LILO could be completed. The long term assessment considers the impact of proposed developments, not subject to this application, but which are included in the wider Masterplan area.

The noise assessment concludes that on an area wide basis the LILO will have a negligible to minor area-wide acoustic benefit. There are also some localised predicted noise increases, and as mentioned above 12 properties closest to the development are predicted to experience a moderate increase of up to 4.9 d(B), however this has been assessed as a negligible to moderate adverse impact. The long term impacts are not easy to quantify just for the LILO as the assessment takes into account other developments. However, the long term assessment predicts noise impacts of no worse than minor.

While there will be some localised increase in background noise levels for some properties closest to the development, this impact is considered to be a moderate adverse impact at worst. Overall, with regards to noise impacts from the LILO, the development is considered to be in accordance with policy DM7 Local Plan Part 3 (Development Management Policies) and the NPPG.

The submitted technical reports also include information with regards to the northern half of the Cloverleaf junction, to the north of the A361. This part of the development is set significantly further away from any residential properties (approximately 500m to north east in Craze Lowman), but the land is lower lying. The technical reports and the proposal itself has been reviewed by Environmental health and they have raised no objections to the Cloverleaf junction. The Cloverleaf is considered to be in accordance with policy DM7 Local Plan Part 3 (Development Management Policies) and the NPPG.

- **Air Quality**

The focus of local residents objections and concerns have related to the provision of the LILO element of the overall Cloverleaf junction. This is understandable as residential properties are much closer to the LILO section than they are to the northern half of the junction, where the closest properties are approximately 500m to

the north east. The Planning Committee have already granted planning permission for the LILO element of the new junction.

The application is supported by an Environmental Impact Assessment which includes a chapter on air quality. The air quality information has been reviewed by Environmental Health who raised no objection to the proposed development and considered the supporting air quality assessment to be in accordance with the DEFRA Local Air Quality Management – Technical Guidance (LAQM.TG(09)), Department of Transport Design Manual for Road and Bridges, 2014 Transport Analysis Guidance Unit A3 Environmental Impact Appraisal and the Environmental protection UK – Development Control: planning for Air Quality 2010. Environmental Health consider that the correct criteria has been followed and the conclusions of the air quality assessment are acceptable.

The air quality assessment undertaken has included potential impacts during construction and during the operational phase of the LILO development. The impacts on air quality differ between the construction and operational phases of the development. Any construction phase impacts would arise primarily from emissions of dust and fine particulate matter and potentially from nitrogen dioxide from construction vehicles. Operational phase impacts will arise as a result of the redistribution of road vehicles giving rise to nitrogen oxide emissions and dust and fine particulate matter.

During construction activities there is potential for emissions of dust from the site to result in soiling at nearby properties. Without mitigation there is a medium risk of properties within 100m of the development being effected. Dust emissions can be effectively controlled through management and mitigation practices with adherence to a Dust Management Plan (part of the Construction Management Plan) that is likely to limit the potential adverse impacts on residential properties to negligible impacts.

The redistribution of traffic as a result of the introduction of the LILO has indicated that pollution concentrations will generally be beneficially effected, however, there would be a slight adverse effect on annual mean nitrogen dioxide at two properties closest to the LILO.

The impacts of the LILO have been assessed using the methodology in the Department of Transport's TAG Unit A3 Environmental Impact Appraisal. The TAG assessment for the LILO is based on the assessment of ten roads which have been identified as making up the affected network including: A361 link close to Blundells Road, A361 link close to A361, Blundells Road (east centre and near school), Post Hill, Heathcoat Way (south and north), A361 LILO to M5 junction 27 and A361 LILO to Gornhay. The TAG assessment predicts that the introduction of the LILO would result in an improvement in air quality at 927 existing and proposed residential properties, with deterioration at 299. At all locations where the LILO is predicted to result in an increase in pollutant concentrations the annual mean NO₂ concentrations are predicted to remain below or comfortably below the objective target of 40 ug/m³ for nitrogen dioxide. The concentrations of dust and fine particulate matter follow a similar pattern to the nitrogen dioxide result. The assessment found that an imperceptible increase/decrease is predicted to arise in all but eight of the receptors. The TAG assessment concludes that overall the LILO would result in a reduction in emissions and have a beneficial effect on air quality.

The application is accompanied by an acceptable air quality impact assessment and it is concluded from this assessment and review by Environmental Health that the Cloverleaf development will not have unacceptable negative impact on nearby receptors (including occupiers of residential properties). With regards to air quality

the application is therefore in accordance with the requirements of policy DM7 Local Plan Part 3 (Development Management Policies).

- **Ecology**

The Environmental Statement details the potential impacts on protected species and concludes that the site supports the following protected species.

Dormice: Nests were found across the site within hedgerows with the potential to support approximately 5 individual dormice and suggests that those dormice inhabiting the site could be part of a larger population. Dormice are considered likely to be present within all hedgerows.

Without mitigation, it is likely that the proposed slipway would represent a significant barrier to dormouse movement and disturbing, injuring or killing dormice, or affecting their habitats. A permanent significant adverse effect is predicted. With mitigation in the form of planting new habitat and installing dormouse nest boxes will reduce the impact and connectivity and habitat quality is likely to be restored within 2-3 years. No residential significant impact is predicted.

Bats: Low to moderate levels of bat activity were found on the site for foraging and commuting bats, particularly around mature trees at hedgerow junctions. A total of 12 bat species were found on the site, the majority of individuals being common pipistrelles. The proposed slipway is likely to increase isolation of bat habitats and to affect commuting corridors. Temporary and permanent lighting is also considered to reduce the value of foraging corridors. A permanent, slight potential significant adverse effect is predicted. With mitigation in the form of planting new habitat and a lighting strategy will reduce the impact and connectivity is likely to be restored. No residential significant impact is predicted.

Badgers: Limited evidence was found of badgers using the site, except for a small but likely main sett within a hedgebank at the western end of the site, tracks suggesting the animals use the sunken lane on the western boundary to commute away from the site. A small number of badgers may be displaced from their foraging habitat but there is a low risk that badgers will be killed. A very low, not significant adverse effect is predicted. With additional habitat planting and improved connectivity, a residual significant beneficial effect is predicted.

Birds: There will be a direct loss of nesting, foraging and sheltering habitat and increased disturbance. A permanent, moderate potential significant adverse effect is predicted. The Construction Environmental Management Plan and lighting strategy will be conditioned and the new habitat to be provided will result in a residential significant beneficial effect.

Reptiles and amphibians: The hedgerow habitats have limited potential to support a low population of widespread reptiles and amphibians. Some individuals may be killed during vegetation clearance and a very low/slight potential significant adverse effect is predicted. The Construction Environmental Management Plan and lighting strategy will be conditioned and the new habitat to be provided will result in a residential significant beneficial effect.

Mitigation to take the form of planting new species-rich hedgerow, scrub and woodland will improve habitats and corridors. A Construction Environmental Management Plan will be conditioned to be submitted prior to commencement of works. The Plan will provide appropriate measures to mitigate construction impacts upon sensitive wildlife and include on-going management and monitoring.

The Environmental Statement also sets out significant habitats in the vicinity of the site which have the potential to be impacted by the development. These habitats include an area of culm grassland SAC and the Tidcombe Lane Fen SSSI site, native hedgerows and mature trees. The Environmental Statement concludes that no potential significant effect is predicted in relation to the culm grassland SAC and the Tidcombe Lane Fen SSSI. However, a permanent, moderate potential significant adverse effect is predicted on hedgerows through removal to create the new slipway access, although it is noted that the hedgerows to be removed are less diverse. A permanent, slight adverse effect is predicted on trees as two mature trees will need to be removed.

With additional planting, the impacts will become significantly beneficial. Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Subject to appropriate mitigation, it is considered that the proposal will comply with policies DM2 and DM30 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework in respect of impacts on protected sites, habitats and species.

- **Landscape and Visual impact**

The scheme has been described in detail above, and given the nature and magnitude of the proposals there will be an impact on the landscape character and visual amenities of the area. An overview of the impact of the application on the outlook from vantage points to the south (i.e. from the residential properties adjacent) and from the north (specifically from the public footpath close to the River Lowman) has already been set out above. From the north, the current hedgerows and trees will provide some screening of the new junction and the proposed mitigation planting will greatly assist with assisting the changes as a result of the development to integrate with the surrounding landscape. The junction will be visible, but within the context of the of the new masterplanned environment. Where views are affected from vantage points to the north these will be seen in the context of other development being undertaken within the Masterplan area. The LVIA submitted with the application indicates that the proposed works would not have any additional impacts on heritage assets and therefore there is not considered to be any detrimental impact on the Scheduled Ancient Monument to the East. However, due to archaeological interest in the area a condition requiring a written scheme of investigation has been proposed. New planting will assist mitigate any impact, including planting to the engineered bund associated with the LILO and planting on and alongside the embankments required within the northern half of the full Cloverleaf junction. The transition spaces between the southern boundary and the A361, and the northern side of the A361 with the new north boundary embankments are intended to be landscaped, with a wild flower plantation proposed on the northern side of the A361.

9. SUMMARY

This application seeks planning permission for the construction of a full Cloverleaf junction onto and off the westbound and eastbound carriageways of the A361, in association with engineering works, drainage facilities, the formation of a bund/noise barrier and soft landscaping on land adjacent to rear of the existing residential dwellings on Uplowman Road and Pool Anthony Drive, embankments and soft landscaping on the northern side of the A361.

The alignment of the highway envelope that forms the southern half of the proposed Cloverleaf junction (called the LILO scheme) has been designed to minimise the noise and visual impact of the development on the occupiers of the adjacent houses

to the south, whilst maintaining a scheme that remains acceptable in highway design terms and so that vehicles are able to access and exit the Masterplan area directly from and onto the A361 travelling in a westerly direction.

The alignment of the highway envelope that forms the northern half of the proposed Cloverleaf junction has been designed to minimise land take and mitigated with planting to minimise impact on the lower lying, more open landscape character, while also meeting the highway design requirements for a new overbridge and additional on and off slip roads.

10 representations have been received raising an objection to the application proposal which mainly relate to the impact of the application scheme on the residential amenities of the neighbouring occupiers to the south given the separation distance between the residential boundaries and the scope of development proposed. The scheme has been designed so that the running lanes of the new road on the southern half of the junction will sit behind a bunded formation which will be planted up with a native planting scheme and an acoustic barrier standing 2.0 metres on top of the formed bund. At its closest point to the affected residential dwellings the back of edge of the bund will sit approximately 5.0 metres to the neighbouring residential boundary. The corresponding distance from the rear elevation of the affected properties to back edge of the highway envelope is 9.0 metres. The formation of the bund and acoustic fencing will minimise the noise impact, so that the increase in the background noise level along the southern boundary adjacent to the affected residential dwellings is not predicted to be more than 4.9 dB.

In policy terms the principle of the development is supported by Policy AL/TIV/2 and the adopted Masterplan which presents an adopted spatial strategy to deliver the proposed Tiverton Eastern Urban Extension which is promoted in the adopted development plan by policies AL/TIV/1-7 of the Allocations and Infrastructure Development Plan Document. Furthermore by granting planning permission for this application scheme, and facilitating the delivery of the scheme as proposed, the development of the Masterplan area will be able to progress in accordance with the highways infrastructure triggers as set out in the adopted Masterplan. The component parts of the application scheme will affect the amenities currently enjoyed by a limited number of local residents and views from a public footpath. However when balanced against the overriding benefits to the delivery of the Masterplan proposals as a whole it is considered that planning permission should be granted, subject to the conditions as set out.

10.0 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 12 months from the date of this permission.

Reason: Given the specific circumstance relating to the application scheme and the need to ensure that it is delivered in a timely fashion.

2. The development hereby permitted shall not be commenced until a programme showing the phasing of the application scheme has been submitted to, and been approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved phasing programme.

Reason: The Local Planning Authority wishes to ensure that the development proceeds in an orderly manner and in the interests of safeguarding the amenities of the residents who live adjacent to the site, in accordance with policies policy DM2 of the Local Plan Part 3 (Development Management Policies).

3. No development shall take place until detailed drawings showing the following modification to the scheme shall be submitted to and approved by the Local Planning Authority: Proposed junction arrangements from the distributor link road through to the Masterplan development areas north of Blundells Rd as shown on drawing 11226.553. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice and the approved plan showing the revisions as set out above.

Reason: In order to ensure all the junction arrangements have been assessed in terms of terms of their design, for the avoidance of doubt and in the interests of proper planning.

4. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed schedule of the new landscaping and engineering works incorporating proposed details on the formation of the bunding, acoustic barrier, embankments and additional landscaping / planted areas across the application site as hereby approved, including a full planting schedule and datum levels across the site where engineering works are proposed.

Reason: To assist with the mitigation of the impact of the application and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with policies policy DM2 of Local Plan Part 3: (Development Management Policies) and the adopted Masterplan.

5. All the works associated with the formation of the bunding/acoustic barrier and planted zone as shown on as shown on plan 1126.553 (rev P1), is to be completed in accordance with approved details prior to commencement of use of the new highway routes.

Reason: To assist with the mitigation of the impact of the application and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with policies policy DM2 of Local Plan Part 3: (Development Management Policies) and the adopted Masterplan.

6. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping and engineering works is to be completed in accordance with approved details prior to the first use of the development hereby approved and any trees or plants which within a period of ten years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To assist with the mitigation of the impact of the application and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with policies policy DM2 of Local Plan Part 3: (Development Management Policies) and the adopted Masterplan.

Reason:

7. Before the development hereby permitted is first brought into use for vehicular traffic other than construction traffic associated with the development of any residential and/or commercial development across the adopted Masterplan area (excluding the site of the former Post Hill Hospital site), details of junction improvement works at the junction of the approved route with Blundells Road to make the junction, connecting road and Left in left Out junction suitable for use by all traffic, shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved details shall be completed to the satisfaction of the local planning authority prior to its use by non-construction vehicular traffic.

Reason: In order to ensure all the junction arrangements have been assessed in terms of terms of their design, for the avoidance of doubt and in the interests of proper planning.

8. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (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) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) the means of enclosure of the site during construction works; and
 - (i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (j) details of wheel washing facilities and obligations
 - (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (l) Details of the amount and location of construction worker parking.
 - (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason: To assist with the mitigation of the impact of the application and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with policies policy DM2 of Local Plan Part 3: (Development Management Policies).

9. The proposed new road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

10. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

Reason: To protect water quality and minimise flood risk in accordance with policy in NPPF.

11. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
12. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

Contact for any more information

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Background Papers

Tiverton Eastern Urban Extension
Masterplan
14/00667/MFUL

File Reference

14/01168/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee