

Application Number

P/2013/0136

Site AddressJunction Of Kings Ash Road And Spruce Way
Paignton
Devon
TQ3 3XF**Case Officer**

Matt Diamond

Ward

Blatchcombe

Description

Alterations to Kings Ash Road/Spruce Way to provide a new link road to the West to allow access to proposed new housing development with access to Hilltop Nursery and associated widening to Kings Ash Road to provide new vehicle lanes shared footpath/cycle way and landscape verge

Executive Summary/Key Outcomes

The proposals are to carry out alterations to the King's Ash Road/Spruce Way junction in order to provide a new access link road into the allocated housing site known as Great Parks Phase 2 to the west. This link road would be the primary access point into the proposed housing site. A master plan is currently being prepared to design the layout of this area.

The proposals are vital in securing appropriate access and infrastructure to support the delivery of phase 2 of Great Parks. The site is an important part of the Council's housing land supply and the delivery of the junction will open the site up to development.

The road would be widened to the west in order to provide the new junction meaning the housing to the east of the road would remain largely unaffected by the proposals. The frontages of the residential properties Mysca and Smallcombe to the west of the road would be directly affected by repositioning their front boundaries closer to the dwellings. However, the areas that would be lost are relatively small and it is considered that the impact on their amenities is acceptable given the distances that would remain between the dwellings and the road. A number of concerns have been raised regarding access and parking to these properties, but the Highways department has confirmed that the changes are acceptable, subject to relocating the access to Mysca further north which should be a condition of planning permission if the application is approved.

The frontage of Hilltop Nursery would also be affected by removing the existing access to the nursery from King's Ash Road and part of the hardstanding used for parking in front of the nursery buildings, together with a grassed area. However, a new access would be provided off the new link road and replacement parking space provided (no objections have been received from the nursery). The access would also provide access to the horse stables to the west and has been designed to allow access by 4 x 4 vehicles pulling trailers/horseboxes. However, access by lorries delivering feed and hay to the stables might be difficult and a condition is required to test if this is achievable and amend the access accordingly if it is deemed to be necessary.

The development would remove a relatively small area of the Ramshill County Wildlife Site (CWS), including associated grassland and hedgerow habitats. However, an Extended Phase 1 Habitat Survey Report submitted with the application notes this represents less than 0.05% of the CWS and, partly due to the existing impact from the road, the ecological integrity of the CWS would not be affected. Likewise, no harm is expected to the greater horseshoe bat population or South Hams Special Area of Conservation (SAC) at Berry Head as a result of the proposals in isolation, and the report states it is highly unlikely that there would be a negative effect event on greater horseshoe bats in combination with other projects in the area. However, a screening assessment is required to determine whether an appropriate assessment is needed under the Habitat Regulations. This is currently being carried out and the position will be updated at committee. Ecological mitigation and enhancement is recommended in the Survey Report and can be secured by condition.

Recommendation

Conditional Approval; conditions to be delegated to Executive Head of Spatial Planning (condition headings at end of report).

Site Details

The site is located on the outskirts of Paignton. It includes the following land:

- part of an agricultural field to the west of King's Ash Road (A380) and south of Hilltop Nursery;
- a 330m stretch of King's Ash Road;
- the junction between King's Ash Road and Ramshill Road;
- the junction between King's Ash Road and Spruce Way;
- part of an access lane adjacent to Hilltop Nursery; the grass embankment and part of the car park and grassed area to the front of Hilltop Nursery;
- the northeast corner of the residential property 'Mysca'; and
- the northeast corner of the residential property 'Smallcombe'.

The site area is 0.93 ha. It is bounded by agricultural land, Hilltop Nursery and residential properties to the west, and residential properties in Hoyle's Road, Ramshill Road, Honeysuckle Close, Spruce Way, Kerria Close, Abelia Close and Smallcombe Road to the east.

Part of the site to the west is allocated for housing in the Adopted Torbay Local Plan 1995-2011 ('the Local Plan') as part of Great Parks Phase 2; a master plan is being prepared to develop this area. This area is also located within the Ramshill County Wildlife Site (CWS) and SINC (Sites of Importance for Nature Conservation). A small part of the site to the northwest is within the Countryside Zone and Area of Great Landscape Value (AGLV). In addition, parts of the site to the north are located within the 5km buffer greater horseshoe bat sustenance zone and a strategic flyway associated with the South Hams Special Area of Conservation (SAC) at Berry Head.

Detailed Proposals

The proposal is to construct a new link road into the allocated housing site at the King's Ash Road/Spruce Way junction, with associated widening of King's Ash Road to the west to provide two additional traffic lanes. A new footway/cycleway would be built into the housing site and grassed verge/landscaped area provided.

As a result of the works, the front boundaries of Hilltop Nursery, Mysca and Smallcombe would be repositioned closer to the properties, and a new boundary wall would be built for Smallcombe. A new access would also be provided to Hilltop Nursery.

Summary Of Consultation Responses

Highways/Strategic Transportation: No objection. Sufficient space would remain to the front of Smallcombe for vehicle manoeuvring. The visibility splays are acceptable. The access to Mysca should be relocated to the north.

Environment Agency: Referred to standing advice for Local Planning Authorities, which states no consultation required - see surface water management good practice advice. This advice note promotes sustainable surface water management in order to prevent drainage from new development increasing flood risk either on-site or elsewhere. Sustainable drainage systems (SuDS) are strongly encouraged. The layout and landscaping of the site should aim to route water away from any vulnerable property and avoid creating hazards to access and egress routes. No flooding of property should occur as a result of a one in 100 year storm event (including an appropriate allowance for climate change). The developed rate of run-off into a water body should be no greater than the existing rate of runoff for the same event.

Engineering - Drainage: Awaiting response.

South West Water: No objection. There are public water mains in the area which are likely to be affected and may require diversion/protective measures, which will be addressed directly with Torbay Council as the applicant under the terms of the New Roads and Street Works Act consultation process.

Natural England: Requested further information initially and then issued standing advice on bats. Stated Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of bats and therefore avoid affecting favourable conservation status.

RSPB: Concerned the proposal may adversely affect Cirl buntings and Cirl bunting habitat, and that the application has been submitted ahead of a master plan for Great Parks Phase 2 and the necessary associated green infrastructure and wildlife habitat mitigation. The application documentation does not address Cirl bunting mitigation. Makes several recommendations to ensure no harm to breeding Cirl buntings and to retain important habitats if planning permission is granted.

Arboricultural Officer: A number of trees will be removed resulting in a loss to visual amenity and a potential negative effect on habitat and possible wildlife corridor. Mitigation planting could be provided to the top of the banks. If the existing trees are part of a wildlife corridor, replacement planting with extra heavy standards should take place as soon as possible, otherwise this may wait until completion of the landscape master plan.

Suitable for approval on arboricultural merit, subject to conditions to comply with the arboricultural report and submission of a detailed landscaping plan.

Senior Historic Environment Officer: There is archaeological evidence in the fields to the west of the application site. Therefore, a condition is required securing the implementation of a programme of archaeological works, including an appropriate survey, prior to the commencement of development. If archaeological deposits are found, this area should be avoided and fenced off during construction.

Torbay Development Agency: No response.

Torbay Coast and Countryside Trust: No response.

Torbay Local Access Forum: No response.

Summary Of Representations

Four objections were received against the previous application ref. P/2012/0388/R3. There have been four objections to this application, two of which raise the same issues as the previous application. The following material considerations have been raised:

- Impact on the amenity of Smallcombe;
- Loss of parking area for Smallcombe and area to manoeuvre safely in and out of the property;
- Impact of water runoff from the new highway and standing water on the highway on existing properties;
- Impact of vibrations from HGVs on existing properties;
- Increased traffic pollution;
- The proposed footway along the west of the proposals should be extended to the access of Mysca to provide a safe pedestrian route from this property to the pedestrian crossing at the new junction;
- The access to Mysca should be relocated to the north where the northbound carriageway reduces to one lane, for safe access/egress to/from this property - this will require the re-siting of the existing garage;
- The proposed alterations to the access to Mysca would inhibit manoeuvring in and out of the

- garage of the property due to obstruction and steeper levels;
- Are the necessary visibility splays provided for the new access to Mysca?
- Emergency access should be provided to Mysca whilst construction works take place;
- The new front boundary treatment for Mysca should be designed to take account of noise from traffic and potential loss of privacy, as the road will be closer to the property;
- Inadequate provision for cyclists and pedestrians - on carriageway cycle lanes are required on both sides of the road and in both directions, and advanced stop lines (ASLs) at the new junction and junction with Cotehele Drive;
- A pedestrian crossing should be provided at the new junction, such as the pelican crossing at Cotehele Drive;
- Loss of part of the access lane adjacent to Hilltop Nursery for exercising horses and ability of horse riders to cross the new junction safely - suggest pedestrian crossing control device mounted at high level to access from horseback;
- The new access to the existing access lane adjacent to Hilltop Nursery should be designed to allow access by vehicles pulling trailers and horse boxes, and lorries delivering feed and hay to stables;
- Loss of hard standing adjacent to existing access lane for parking vehicle in inclement weather in association with horse stables;
- Impact on other bird species apart from Cirl bunting;
- No mention of deer in habitat survey, which are present in the fields to the west;
- Any development along King's Ash Road will have an adverse effect on an already congested road to the detriment of tourism.

Relevant Planning History

P/2012/0388/R3: Alterations to Kings Ash Road/Spruce Way to provide a new link road to the West to allow access to proposed new housing development with access to Hilltop Nursery and associated widening to Kings Ash Road to provide new vehicle lanes shared footpath/cycle way and landscape verge: Withdrawn 18.02.2013

Key Issues/Material Considerations

The key issues are:

1. The principle of the development
2. Impact of the proposals on highway safety and function
3. Provision for pedestrians, cyclists and horse riders
4. Impact on residential amenity
5. Impact on biodiversity/loss of part of CWS
6. Impact on trees
7. Surface water drainage
8. Pollution
9. Archaeology

1. The principle of the development

The principle of the development is acceptable. Policy TS(9) of the Local Plan allows for new road construction for essential access and Policy T22 states that schemes are proposed to allow the release of new sites allocated for development along the Western Corridor route. Therefore, the principle of the development has been accepted in the Local Plan. It is not considered that the proposals would have an impact on tourism, as has been suggested.

The provision of the junction is vital in releasing the land at Great Parks for future residential development. This is a significant material consideration.

2. Impact of the proposals on highway safety and function

Highways have commented that the proposals are acceptable. In regard to the specific concerns

raised by local residents, Highways have confirmed that there would still be sufficient space to the front of Smallcombe for vehicles to manoeuvre and exit the site in forward gear. Highways have also confirmed that the necessary visibility splays for the accesses to Smallcombe and Mysca can be provided.

In regards to the comments regarding the acceptability of the access to Mysca, Highways have confirmed that the access should be relocated to the north for safety reasons. This would necessitate the relocation of the garage to this property. In regard to the point that the proposed footway should be extended to the north of the new junction to Mysca, it has been agreed with Highways that an informal footway can be provided, but the formal footway should terminate at the new junction in order to encourage pedestrians to cross the road at this point for safety.

With regard to the existing stables to the west, the new access to Hilltop Nursery has been designed to allow access by 4 x 4 vehicles pulling trailers/horseboxes, so it can also be used by the stables; however, a condition is needed to ensure it is also adequate for lorries delivering feed and hay. There appears to be space to park vehicles in front of the gate to the existing access lane to the stables without disrupting traffic to Hilltop Nursery. Replacement parking area would be provided for the nursery to replace the existing area of hardstanding that would be lost.

Therefore, subject to conditions to relocate the access to Mysca and ensure the access to Hilltop Nursery is adequate for lorries, the proposals accord with Policies T18 and T26 of the Local Plan.

3. Provision for pedestrians, cyclists and horse riders

Representations have been received commenting on the inadequate provision for cyclists and pedestrians. Policy T3 states the needs of cyclists should be taken into account in the design and implementation of all highway schemes and Policy T20 requires adequate provision for pedestrians and cyclists in all road improvement schemes.

Whilst not a road improvement scheme, it is considered that provision for cyclists and pedestrians has been adequately catered for in the proposals. A new footway/cycleway would be provided into the allocated housing site and the intention is that the cycleway would continue through the housing site/community park instead of up the steep slope along the Western Corridor, hence the reason why no cycleway is shown on the southbound carriageway. Furthermore, the applicant has confirmed that advanced stop lines (ASLs) would be included in the detailed design and controlled pedestrian and cycle crossings would be provided at the new junction. The latter could be designed to also cater for horse riders; an informative should be placed on any planning permission to address this accordingly.

4. Impact on residential amenity

Whilst King's Ash Road would be widened in the vicinity of the new junction, it is considered that this would not have an adverse impact on the amenities of existing residential properties to the east, as the carriageway widening would be to the west.

With regard to Mysca, whilst the proposals would create two additional lanes in front of the property (one right turning) and the carriageway would be between 1 and 3 metres nearer to the dwelling than at present, the dwelling would be between 22.5 and 23.5 metres away from the carriageway. This is considered sufficient to maintain adequate levels of amenity to the dwelling.

With regard to Smallcombe, the road would still have two lanes in front of the property and the carriageway would be between 0 and 2 metres nearer to the dwelling than at present. The dwelling would be between 8 and 8.5 metres away from the carriageway, which is considered sufficient to maintain adequate levels of amenity.

Given the relatively small changes in separation distance involved with these properties, the impact of vibrations from HGVs on the dwellings is unlikely to be significantly worse than at present.

Therefore, the proposals accord with paragraph 17 of the National Planning Policy Framework (NPPF) in terms of achieving a good standard of amenity for existing occupants of land and buildings.

5. Impact on biodiversity/loss of part of CWS

An extended phase 1 habitat survey has been carried out. It anticipates the likely impacts of the proposals to be as follows:

- loss of a negligible area of generally unsuitable bat habitat (0.1 ha of unmanaged pasture and 200m of narrow grassland verge) within the South SAC Flyway and Sustenance Zone;
- loss of a negligible area (approximately 0.1 ha) of Ramshill CWS;
- loss of a very short section of hedge (approximately 30m) as well as a few semi-mature boundary trees and a small area of grassland (0.2 ha); and
- loss of habitat for nesting birds (possibly including curlew) and possibly reptiles.

It concludes that greater horseshoe bats and the South Hams SAC are unlikely to be affected by the proposals, due to the type and extent of habitat that would be lost, the presence of existing street lights and relatively small scale of the scheme. It goes on to say that it is highly unlikely that the Lyme Bay and Torbay SAC would be affected by the proposals during the construction phase from surface water runoff. In addition, loss of a part of the CWS would not affect its ecological integrity, due to the limited areas of loss of hedge and grassland habitat, and their already disturbed nature adjacent to the existing road. It recommends that the new verge and landscaped area to the west of the new road should be double planted with a species-rich hedge, and the verge should be constructed using nutrient-poor subsoil to encourage a species-rich sward to establish. In addition, planting with a locally suitable wild flower seed mix would be valuable in terms of biodiversity and landscape enhancement. If possible, new lighting along the road should minimise light-spill onto the adjacent habitat through directional or cowled lighting in order to minimise harm to greater horseshoe bats. These mitigation measures should be secured by condition.

In terms of impacts on Curlew, the new species-rich hedge will provide mitigation for loss of habitat, as will additional bird habitat in the community park in the long run. The report recommends that no vegetation clearance should take place between 15 March to 15 October, which should be conditioned.

In terms of impacts on reptiles, the report says it is important reptiles are not harmed when clearing vegetation. It recommends a suitable method to achieve this, which should be conditioned.

Subject to the conditions outlined above, the proposals are acceptable with regard to impacts on biodiversity and the CWS. However, before planning permission can be granted an HRA screening of the site needs to be undertaken to determine whether an Appropriate Assessment is required. External consultants have been instructed to do this and the position will be updated at committee.

6. Impact on trees

As mentioned above, a number of trees would be removed along the western/field boundary and within the hedgerow south of Hilltop Nursery. The Arboricultural Implications Assessment submitted with the application concludes that none of the trees along the western/field boundary have sufficient amenity quality to constrain the development. There would be ecological impacts associated with the loss of trees within hedgerows, but this has already been dealt with above.

In terms of mitigation, the assessment recommends planting a variety of replacement tree species within the Great Parks Phase 2 development and appropriate tree protection measures during construction. The Arboricultural Officer accepts this and recommends mitigating planting to the top of the banks forming the junction and slip lanes. A landscaping plan is required by condition

accordingly and this should be attentive of future applications, local tree type, wildlife benefits and the importance of integrating the junction and future dwellings into the landscape from local and distant view receptors.

7. Surface water drainage

A sustainable drainage system is indicated on the application form, but no details have been provided. This accords with guidance from the Environment Agency. A condition is required to approve these details before development commences.

8. Pollution

Representations have raised concerns over increased traffic pollution. However, as air pollution disperses fairly quickly as you move away from a road and there are no existing dwellings that would abut the new road, this is not considered to be a significant issue to warrant refusal of the application. Air quality will continue to be monitored in Torbay under separate legislation. At present, Air Quality Management Areas (AQMAs) exist on Hele Road and at Brixham Town Hall only.

9. Archaeology

There are archaeological remains in the fields to the west, but these have not been accurately surveyed. Therefore, an appropriate archaeological condition is required. The works secured by this condition must be carried out before development commences in order to protect any potential archaeological deposits from construction traffic.

S106/CIL -
N/A

Conclusions

Subject to the conditions outlined in the key issues section above, the proposed alterations to form a new link road at King's Ash Road/Spruce Way to provide access to the allocated housing site to the west are acceptable from a planning perspective. However, before planning permission can be granted an HRA screening of the site needs to be undertaken to determine whether an Appropriate Assessment is required. External consultants have been instructed to do this and the position will be updated at committee.

Condition(s)/Reason(s)

01. Construction Method Statement
02. Revise drawings to show access to Mysca repositioned to the north and informal footway
03. Test access to Hilltop Nursery to ensure it is adequate for lorries and redesign accordingly if it is deemed necessary by the Local Highway Authority
04. Landscaping plan to address ecological mitigation measures and replacement tree planting
05. Lighting details to minimise impact on ecology
06. No vegetation clearance between 15 March and 15 October to protect breeding birds
07. Method to clear vegetation to ensure no harm to reptiles
08. Tree/hedgerow protection measures during construction
09. Details of surface water drainage

10. Archaeology

Relevant Policies

- H1 - New housing on identified sites
- L2 - Areas of Great Landscape Value
- L4 - Countryside Zones
- L8 - Protection of hedgerows, woodlands and o
- L9 - Planting and retention of trees
- NCS - Nature conservation strategy
- NC1 - Protected sites - internationally import
- NC3 - Protected sites - locally important site
- NC5 - Protected species
- EPS - Environmental protection strategy
- EP3 - Control of pollution
- EP4 - Noise
- EP5 - Light pollution
- TS - Land use transportation strategy
- T3 - Cycling
- T18 - Major Road Network
- T20 - Road improvements
- T22 - Western Corridor
- T26 - Access from development onto the highway