

Application Number

P/2014/0938

Site AddressLand Off Luscombe Road
Paignton**Case Officer**

Mrs Ruth Robinson

Ward

Blatchcombe

Description

Formation of up to 75 dwellings with associated road and landscaping

Executive Summary/Key Outcomes

The site is allocated in the Local Plan for housing and as such, the principle of residential development is acceptable. The Local Plan allocation includes a bank of woodland between the application site and properties on Kings Ash Road which is not included in the current application. The Local Plan indicates this slightly larger site as capable of delivering 65 dwellings; the Strategic Housing Land Availability Assessment (SHLAA) indicates that it can deliver 80 dwellings.

The outline application fixes 'access only' with conceptual plans submitted to show that the site is capable of being developed to a standard consistent with the NPPF and adopted Local Plan policies.

These conceptual plans have been amended since submission. Important trees have been subject to a TPO to ensure their protection and the number of dwellings has been reduced from 75 to a maximum of 68 in order to meet concerns about tree loss, flood risk and amenity.

The revised scheme now reflects the landscape and ecological qualities of the site, shows that the site can be developed without undue impact on the amenity of adjacent occupiers, that flood risk is minimised and that the site can deliver, albeit in a conceptual sense, a well-designed scheme with a strong sense of place although with a more tight knit 'urban' form and character than is otherwise found in this more suburban housing area.

The key issue for residents is the access from the area onto the A380. The main point of access is the Luscombe Road junction which is heavily used and which will be subject to additional traffic movements arising from development of this site.

The Transport Assessment and subsequent surveys established that the junction would continue to operate satisfactorily and that the impact was 'less than severe' which is the test embodied in the NPPF.

Improvements to the operation of the junction will be secured by the development

in the form of easing the left turn by widening the Luscombe Road junction and the possibility of a toucan crossing or similar to assist in traffic seeking to exit this junction and access the A380. The exact form that this will take is subject to some debate and a verbal update will be given at the meeting.

The site is sustainably located and moves to promote non car based means of accessing the site and travel in the local area will be assisted through the use of travel plans and improving cycling and walking links in the area. This will also act to mitigate the impact of additional traffic on the junction.

It is therefore considered that the application to 'fix' access to the site and for residential development in principle should be approved.

Recommendation

Approve: subject to a S106 agreement to deliver the Affordable Housing contribution, the community infrastructure contributions, the surface water mitigation costs, biodiversity offsetting (if appropriate), and the proposed junction improvements and to the conditions itemised below.

Statutory Determination Period

The decision on this application was due on the 16th January. Due to the need to resolve details in relation to the application and to finalise the S106 agreement, an extension of time to the 1st of May has been agreed.

Site Details

This 1.5 hectare site is allocated for housing in the Adopted Local Plan (H1.13) and in the Submission Version Local Plan it is identified for inclusion in the Paignton Neighbourhood Plan. (Policy SDP 3).

It forms part of Great Parks Phase II. It is located to the east of Luscombe Road and to the north of its junction with Queen Elizabeth Drive. Two dwellings originally occupied the north- west corner of the site (one of these has recently been demolished) and the balance of the site is rough pasture but was previously used for camping. It falls within an established residential area.

The site occupies the south east slope of the valley and it slopes quite steeply from north east to south west across the site.

The site is bounded to the west by the Luscombe Road designated cycle route and the boundary is defined by a mature hedgerow of 'important' ecological value. A number of trees occupy the site; those within the main body of the site identified as being of arboricultural value have been recently been subject to a TPO. The boundary trees, previously protected by an Area TPO have been reassessed and those of merit are now also protected by an updated TPO.

The site is, apart from the hedgerow and trees, of limited ecological value

comprising predominantly horse grazed pasture. A number of trees were considered to have potential for bat roosting and there is a 'good' population of slowworms.

The existing vehicular access to the site is from Luscombe Road. This is a designated cycle route and it provides a safe walking route to school to Kings Ash Academy.

It is sustainably located in relation to schools, public transport and local services. The A380, Kings Ash Road is accessed primarily via the junction with Luscombe Road.

The South West Water main runs north to south across the site and requires a substantial 6 metre easement to be retained free of development.

Detailed Proposals

This is an outline application with all matters save access reserved for future consideration. The original submission cited provision of 'up to'75 dwellings. Due to site constraints principally in relation to trees and flooding this has been reduced to a maximum of 68 dwellings.

An indicative layout is provided which shows terraced units running along the northern elevated boundary of the site with shorter runs of terraced properties cutting down across the site. There is provision for 128 car parking spaces.

There is an area of open space retained in the location of the existing dwelling and an infiltration basin for mitigating surface water runoff is located at the lowest point of the site adjacent to the proposed entrance. This is served by bio-retention swales which run along the most southerly edge of the site where surface water accumulates.

A new access is proposed for the site close to the junction of Luscombe Road and Queen Elizabeth Drive. This is formed largely from public highway verge fronting 42 Luscombe Road but does extend partway into the Luscombe Road cycle route.

Accompanying the application is a Design and Access Statement, an Arboricultural Report, a Transport Assessment, a Flood Risk Assessment and an Ecological Impact Assessment.

Summary Of Consultation Responses

Environment Agency: Whilst having no objection in principle to the development of the site for residential purposes the EA did object to the scheme as originally submitted as they did not consider that the risk of surface water flooding had been adequately taken into account. The scheme has been

subsequently amended by the relocation and deletion of units to avoid the high risk areas of the site along the southern boundary. The objection is now lifted.

Drainage: The Council's Engineer is concerned that the existing surface water sewer provided as part of Great Parks Phase I will not be able to deal with any additional flow unless storage capacity is increased at the Clennon Valley watercourse. This will require the applicant to fund expansion of the storage lagoon and increased maintenance through a S106 agreement in the event of the development generating surface water runoff which cannot be mitigated through on site SUDS. This can only be calculated once the drainage strategy for the site is designed. The options are to carry out the design stage now and determine what the costs will be or to require a payment of £255,869 via the S106 which is made up of £152,369 capital costs and annual maintenance costs of £2,940 for 25 years. It may be possible to reduce the scale of costs if on site mitigation proves capable of reducing surface water runoff to the Clennon Valley Watercourse.

South West Water: Raises no objection to the proposal but notes that no development should be permitted within 3.5 metres of the public water main that bisects the site.

Strategic Transport: Have requested additional information regarding junction capacity, more information on a ward basis rather than town wide and clarification re road widths/tracking for refuse vehicles etc. A request for £153,436 sustainable transport contribution is made to improve walking and cycle links in the area.

Highways: Observations awaited

Arboricultural Officer: Objections were raised to the originally submitted scheme due to the loss of trees of merit and the adverse impact on TPO trees. Since that time, TPO's have been served on trees that were at risk and the scheme revised to retain good quality trees. The scheme is now deemed to be acceptable from a tree perspective.

A LEMP is required, to be secured by condition to ensure success of ecological/landscape measures.

The lack of opportunity for street trees and mitigation for the loss of the existing landscape quality of the site remains a matter of concern.

Green Infrastructure Coordinator: Requests that the Green space and recreation contributions derived from the SPD 'Planning Contributions and Affordable Housing' are secured for the Great Parks Community Park rather than being used to provide the requisite level of open space on site. The proposed links to Luscombe Road from the site is welcomed as is the mitigation outlined in

the Ecological Impact Assessment. A LEMP is suggested to secure the implementation of the proposals. In order for retained hedgerows and trees to have ecological value into the future they should not be included within the domestic curtilage.

Clearance and demolition should be conditioned to occur only outside the bird nesting season, lighting details should be secured by condition to mitigate impact on bats and a biodiversity calculation should be done to ensure that a net gain in biodiversity. Off site biodiversity offsetting will be required if this cannot be achieved and secured via the S106. Improving habitats within adjacent Community Park which is part of the Ramshill County Wildlife site is suggested. Architectural Liaison Officer: Suggests increased surveillance of public open space and that relationship of ground floor windows to public footpaths/POS is given greater scrutiny to protect residents from anti social behaviour.

Summary Of Representations

There have been many objections to the scheme. The range of concerns is as follows.

1. Overdevelopment/out of character with surrounding residential area/cramming.
2. Impact on amenity/loss of privacy/overlooking/impact of flats/noise.
3. Loss of greenspace/impact on trees/wildlife.
4. Flooding/septic tanks.
5. Impact on schools/infrastructure.
6. Highway capacity/traffic/impact on junctions to the A380.
7. Access from the site crossing cycle route.

Each will be addressed in turn.

These representations have been sent electronically to Members for their consideration.

Relevant Planning History

The site is allocated for residential development in the Local Plan as part of Great Parks Phase II. It is shown to have an estimated capacity for 65 dwellings although this local plan allocation relates to a slightly larger site area which includes a woodland area between the site and properties on Kings Ash Road. The SHLAA indicates a possible yield of 80 dwellings for the allocated site. This woodland area is not suitable for development due to its landscape quality and difficulties of access.

Guidance about the form that the Great Parks II development should take, the contributions necessary to deliver Affordable Homes and to meet the impact of the development on the wider area in terms of mitigation and infrastructure was

originally included in the Great Parks Paignton: Phase II Planning Brief Supplementary Planning Document. This was later incorporated in the Adopted Torbay Local Plan. This identified that this site should deliver 30% Affordable Housing, that a Phasing Agreement for delivery should be provided, that physical infrastructure was required in the form of water, drainage and sewerage infrastructure and waste management, that community infrastructure contributions should be achieved and it also identified that the site should, in its design deliver a strategic landscape component and mitigation for flood risk.

An overarching Great Parks Development Transport Assessment was also carried out in 2008 to understand the need for additional highway capacity in the locality. This has informed the development of highway works particularly along the A380, the Kings Ash Road.

The Western Corridor Transport Assessment (March 2014) also tested the ability of the Bays infrastructure to accommodate 10,000 new homes and this included the application site. Highway works to improve the functioning of the A380 are currently in the pipeline.

There are two S106 agreements dated 1991 and 1995 that included this site as part of Great Parks II and secured the delivery of necessary infrastructure to enable the Great Parks scheme to proceed.

These are relevant in terms of understanding what contributions the development of this site should meet in terms of past infrastructure delivery and what necessary for it yet to meet.

Key Issues/Material Considerations

The principle of residential development of this site is long established through the allocation in the Local Plan. The key issues relate to the scale and character of development being proposed, its impact on the wider area and the mitigation needed to ensure that its impact on the area is absorbed.

The matters for consideration are:

- A. The character of the scheme.
- B. The impact on the surrounding properties in terms of amenity.
- C. The loss of greenspace, impact on trees and wildlife.
- D. Flooding and drainage.
- E. Impact on Highway network and traffic related concerns.
- F. Impact on schools and Infrastructure.
- G. S106 requirements.

Each will be addressed in turn.

A. The Character of the scheme.

The site is defined as Greenfield, but allocated for residential development in the Adopted Local Plan and is set within a wider residential area. The older

established housing areas to the east and south east of the site are relatively low density, comprising detached and semi detached dwellings set in generally spacious plots. More recent housing development to the north and west, and provided as part of Great Parks Phase 1 are more densely developed and provide smaller dwellings in tighter plots. They do however have a broadly suburban character in terms of the housing layout and the associated highway network.

The conceptual layout for this site in contrast is more urban in character with the use of terraced rather than detached/semi-detached forms producing defined perimeter blocks as a basis for the overall form of development.

This coupled with a more efficient highway layout than generally found in the area produces a more compact, efficient but well designed residential layout with good security and natural surveillance.

The conceptual mix of units is for a mix of 2, 3 and 4 bed houses including some 2 bed apartments.

In order to accommodate levels across the site the terrace blocks running across the higher part of the valley side are 2 stories to the rear with 2 stories and lower level car parking facing over the valley. Five shorter two storey ranges of terraces cut down the slope and terminate close to the hedgerow bordering the Luscombe Road cycle path.

This scale and form of development is less dominant than the 4 storey blocks of flats which occupy the adjacent site.

The initial scheme included a three storey apartment blocks with 10 2 bed units located adjacent to the boundary with 42 Luscombe Road and a smaller two storey block of 4 flats located adjacent to a small public open space to the north of the site. This has since been amended to provide smaller 2 storey apartment blocks which are more in keeping with the pattern of development on site and reduces impact on neighbours.

The overall layout and form responds reasonably well to the topography of the site and is reasonably consistent with more recent development in the area and a move to smaller dwellings. Given its position within the existing urban area it has limited visual impact on the more open rural areas beyond the site to the west.

Two areas of open space are provided on site, one centred around the SWW easement and the second around the location of the attenuation pond located close to the proposed entrance.

The ridge planting will have some strategic significance in terms of distant views and the retention/reinforcement of that is important.

A Building for Life Assessment has been submitted which seeks to demonstrate that the sites characteristics have been fully investigated, that a design response has emerged from a detailed understanding of its qualities and constraints. Whilst these details will only be secured at Reserved Matters stage it does show

the capacity to deliver a good quality scheme.

The submitted conceptual layout has been modified quite significantly during the life of the application.

This has been in response to concerns about the impact on trees, flood risk and on residential amenity. This has involved the deletion and relocation of units along the ridge and adjacent to the hedgerow to ensure the retention of trees and avoidance of the flood risk zone. The proposed public open space has been redesigned to create a more attractive space and to allow retention of trees and development along the boundaries has been scaled down to reduce impact on the amenity of neighbours. These will be addressed in more detail in the relevant section below. However, the basic conceptual approach, reached after extensive design investigation of the site and its qualities remains broadly unchanged.

It is considered that the conceptual form and layout of the scheme, whilst more urban in form and character, makes effective use of urban land and responds well to the topography of the site. It has the potential to create a good quality, well designed scheme that will provide a sense of place and a satisfactory residential environment for future residents although the detail of this will need to be secured at Reserved Matters stage. As such it accords with policies H9 and H10 of the saved Adopted Local Plan 1997-2011.

B. Impact on Amenity

Concerns have emerged from consultation about potential impact on amenity particularly from residents on Kings Ash Road and Luscombe Road. Whilst this is an outline application and matters such as siting and design of individual units will be resolved at the reserved matters stage it is particularly important to identify potential conflicts at this early stage in the process.

The proposed 10 unit apartment block adjacent to 42 Luscombe Road was located close to the boundary and there was limited information to understand level changes and potential for overlooking across the boundaries. In response, the block has been reduced from 10 to 6 units and relocated away from the boundary. This alleviates conflict and allows opportunity for landscaping to be introduced which will help mitigate concerns about privacy.

Other issues in relation to amenity largely relate to the impact of construction which cannot in itself form a reason to resist development. It is appropriate however to ask for a Construction Management Plan to ensure that the site is managed in a professional manner which will reduce nuisance to local residents. Thus it is shown that the site can be developed without undue impact on amenity in compliance with policies H9 and H10 of the saved Adopted Local plan 1990-2011.

C. Loss of Greenspace, Impact on Trees and Wildlife

This is an allocated site and so the principle of residential development is established. It is important however that the value of the site from an ecological and landscape perspective is fully understood and appropriate mitigation achieved.

The development of the site for housing purposes is inevitably going to lead to a reduction in the green, open character of the site. Greenspace is of value for both visual and ecological reasons.

In terms of the visual qualities of the site, negotiations have succeeded in ensuring the retention of many trees that were to be felled and following a detailed assessment of their health, TPO's have been served to ensure that significant trees are protected. These relate to the trees along the boundary with properties along Kings Ash Road, the existing attractive trees centred around the existing dwellings on the site (except the Monkey Puzzle which has only a limited life) and 2 trees along Luscombe Road which were either to be felled or suffer root damage under the original submission.

In terms of the ecological value of the site, an Ecological Impact Assessment has been submitted following a Phase 1 Habitat Survey. This identifies broad mitigation and enhancement proposals pre and post construction and seeks to ensure that the most important ecological features of the site are protected and indeed improved.

A key ecological feature is the hedgerow along Luscombe Road. This is species rich and merits definition as 'important'. Whilst some 21m of this hedge is lost due to the need to create a new access, its loss is mitigated by new hedgerow planting and the creation of new habitats within the site. It will also be properly managed in the long term to ensure its longevity and to provide a more effective wildlife corridor. The long term management of retained trees is also now secured to the benefit of wildlife.

A LEMP (Landscape and Ecology Management Plan) to ensure proper management of key landscape and ecology features which will be beneficial to the area is recommended by their consultant endorsed by the Councils Green Infrastructure Officer and will be secured by condition.

Further, in order to mitigate the loss of open space, the green space contribution derived from the S106 contributions will be used towards the establishment of the proposed Country Park.

Any reduction in biodiversity on site should be compensated for by improvements to the habitats in the proposed Country Park which includes the Ramshill County Wildlife Site. This requires a calculation to be carried out by the

applicant's consultant using the DEFRA biodiversity offsetting matrix to determine whether there is a net gain or not for biodiversity.

Thus it is shown that the site can be developed in compliance with policies LS, L10, L8/9, NCS, and NC5 of the saved Adopted Local Plan 1995-2011.

D. Flooding and Surface Water Drainage

The Councils Strategic Flood Risk Assessment shows the site lies in Flood Zone 1. It lies within the catchment of the Clennon Valley Watercourse which has experienced flooding downstream of this site. The scheme includes on site mitigation for surface water disposal in the form of an attenuation pond and a bio retention strip adjacent to the valley bottom where there have been incidents of surface water flooding.

The EA initially raised an objection to the proposed layout due to the location of dwellings close to the valley bottom and within the surface water flowpath. This objection was lifted when the units were relocated higher up the valley side.

The Councils Drainage Engineer has concerns about the scale of surface water discharge from the site if developed. It is not known, until full infiltration tests are carried out and the drainage scheme fully designed whether the onsite SUDS scheme is fully able to absorb excess run off. Any excess run off will have to be discharged into the Clennon Valley Watercourse via surface water sewers. This would require increased capacity at the Clennon Valley attenuation pond which the applicant would be required to fund. Currently, the applicant is reluctant to fund this detailed design work. However, for the purposes of the S106, and in the absence of firm data, it is important to include a figure that is a cautious estimate of what these works may cost. The Drainage Engineer suggests a figure of £255,890 (index-linked) which includes £ 152,369 capital works and annual maintenance costs of £ 2940 for 25 years. This may be reduced if calculations show that surface water can be more fully mitigated by on site SUDS systems.

Thus it is shown that the site can be developed in compliance with flood risk policies included in the NPPF.

E. Impact on Highway Network and Traffic Related Concerns

As previously highlighted, this is an allocated site with an identified capacity of 65 units. The development of new housing comprised within Great Parks Phase 1 and 2 has been informed by an overarching Transport Assessments designed to guide future works to achieve improved access to development sites and ease the free running of traffic along Kings Ash Road as these sites came on stream. The contribution that this site would make (once occupied) to local traffic movement has formed part of this broad assessment.

This small enclave of post war housing comprising Luscombe Road, Luscombe Crescent, Queen Elizabeth Drive, Highfield Crescent, Great Parks Road acts in highway terms like a large cul de sac with only limited access onto the principle through route, the A380. This is a busy road which is characterised by slow

moving nose to tail traffic during peak hours with much faster traffic outside peak times. Both sets of traffic conditions presents difficulties for traffic seeking to access the A380. There are three points of access into the wider highway network, Luscombe Road (the most heavily used junction) Highfield Crescent, which accesses the A380 immediately to the south of Luscombe Road and Great Parks Road which is further south again.

Increased traffic is the area of most concern to local residents particularly the operation of the junctions from this neighbourhood onto the A380, the Kings Ash Road. In order to understand the impact of the additional traffic moment in the area generated by development of this site a TA has been submitted which has been assessed by the Councils Strategic Transport Officer.

The TA assesses the accessibility of the site, the existing traffic conditions, involves detailed surveys particularly at congested junctions. It examines what difference this scheme will have on the local highway network and identifies what mitigation is achievable. It also looks at ways of improving more sustainable means of moving about the local area.

In the initial TA, traffic counts were carried out at the Luscombe Road/ Kings Ash Junction which identified that average waiting times at this junction during peak times was seven seconds and that the development was likely to introduce an additional 2 way average of 1 vehicle movement a minute during peak times. It was assumed that all development traffic would use this junction to exit onto the A380.

The Councils Strategic Transport Officer considered that, given the additional strain on this already difficult junction further assessment of the Luscombe Road junction onto the A380 through a PICARDY analysis should be undertaken along with a more detailed analysis of traffic movements in this particular neighbourhood.

This aimed to achieve a better understanding of likely trip generation, how it dispersed itself across the points of access and possible queuing times if this development went ahead.

What this more site specific assessment showed was that not all the existing traffic seeking to access the A380 from this neighbourhood uses the Luscombe Road/Kings Ash Junction. About 35% of traffic avoided the Luscombe Road junction, particularly if wishing to travel south, by using the Great Parks Road junction. This, along with the reduction in dwelling numbers, meant that the identified impact of the development on the most heavily used junction, Luscombe Road was not as significant as originally anticipated in the TA.

Whilst the slow moving traffic along Kings Ash Road is clearly identified as a key matter which inhibits access from the residential area surrounding the application site onto the wider network. The conclusion of the TA was, in summary, that

there was no unacceptable queuing arising as waiting traffic was often waved through and that the addition of 68 units should not 'have a detrimental impact on the operation of the road network'.

What did emerge however is that vehicles wanting to travel north on the A380 from the Luscombe Road junction could get held up during peak times if traffic was queuing to turn right. This arose due to the restricted width of the junction. A solution to this is to increase the exit width and thus improve ease of movement if travelling north. It is considered that this would improve the functioning of this junction and assist traffic seeking to travel north and should be secured as part of this development.

It also emerged that the nose to tail traffic along the A380 often facilitated access through the junction as waiting cars are often 'waved through'.

The current works to improve the through flow of traffic on the A380 as part of the Western Corridor Relief Works may however make it more difficult to emerge into traffic flows that are more free flowing and speedier.

A solution to this is the possible inclusion of a toucan crossing at the point of the existing traffic refuge south of Luscombe Road. This would assist pedestrian and cyclists (enhancing the options for more sustainable movement and theoretically cutting car journeys) and the inclusion of Keep Clear markings southbound across Luscombe Road would also provide an opportunity for vehicles to exit when the toucan crossing is in operation. This could be funded by the Sustainable Transport Contribution which would be derived from the scheme. Further assessment of this option is required in the context of the ongoing Western Corridor Relief Works and a verbal update will be provided at the DMC meeting.

Thus the TA identifies that the impact of the additional traffic movement particularly on the Luscombe Road junction is not considered to be severe. On that basis, in line with the test in the NPPF, the application does not warrant refusal of planning permission. The scheme also identifies a positive enhancement to the operation of the junction which could be funded by the S106 money derived from the scheme. The NPPF also advises that reducing the use of the private car by improvements in sustainable transport such as cycling and walking and through the implementation of a Residential Travel Plan should be sought to mitigate the impact of new development on the highway network. The site is adjacent to a designated footpath/ cycle route and the design includes good connectivity to this important facility. This will be upgraded as part of this scheme thus increasing the opportunities for more sustainable movement.

Requests have been made by residents of Luscombe Road to consider other options for accessing the site either by forming an access from Trelissick Road/Montesson Road (immediately to the north of the application site) or from the point where the Luscombe Road cycle route crosses Trelissick Road.

The former option is impractical due to changes in levels between the two sites and intervening land ownerships. Of these two routes, which terminate close to the northernmost boundary of the site, one would involve land take across a car parking court which serves the adjacent flats and the other a private garden and parking bay. In addition to the costs of purchasing these two strips of land a ransom of around £400,000 would be payable to the developer of Great Parks Phase 1 to meet the costs of the highway infrastructure delivered as part of that development. This would further affect the deliverability of the application site.

The applicants have, in addition to providing detailed levels, pointed out the more tortuous route to the main A380 from this point in contrast to the more direct route to the A380 junctions proposed as part of this application.

The suggestion of using the northern part of the Luscombe Road cycle path as an alternative access presents difficulties due to it being a designated cycle route. It would require widening over a significant length and require significant works to bring it up to an adoptable standard for servicing the new development.

The transport implications of both options in terms of the capacity of feeder streets and the main junction into the area are to be given some consideration by the applicants Transport Consultant.

It is likely that serious objection would be generated to any such proposal by people living in the adjacent area. A verbal update on this will be given at the meeting.

It must be borne in mind that the application for consideration is an outline application to fix access at the point shown on the submitted plans. This can only be refused planning permission if the impact on the highway network is shown to be 'severe' through assessment of a TA which is demonstrably not the case.

This application could not be refused, if it is shown that the highway network will continue to operate satisfactorily, simply because there is an alternative option.

It has also been suggested that the road traffic order operating at the junction of Lutyens Drive and Queen Elizabeth Drive, which allows access only for emergency vehicles should be amended to allow traffic from the Luscombe Road area to gain access to the A380 via the signalised junction of Cotehele Drive with the A380.

This however cannot be achieved via this planning application as it is not within the control of the applicant to deliver and it would require the road traffic order to be varied which would be subject to public consultation. It is also likely that this would attract objection from residents of the affected streets.

Other concerns relate to the proposed access to the site which crosses over public highway land and appears to coincide with the footpath/cycle route along Luscombe Road. The tentative design has been looked at and is capable of being designed to ensure full highway safety. Its relationship with the main road also requires careful design. It must be recognised that the existing housing on the site is directly accessed from Luscombe Road and as part of this scheme this potentially more unsafe means of access will be deleted and the hedgerow reinstated. This is a matter however that can be looked at in more detail at the Reserved Matters stage.

Thus it shown that the highway impacts of the site are acceptable when judged against the criteria in the NPPF and otherwise the scheme is in compliance with policies TS, T1, T3, T25 and T26.

F. Impact on Schools and other Infrastructure including Septic Tanks.

There are both primary and secondary schools located in easy walking distance. It is not considered that this application will have any appreciable impact on either school. Kings Ash Academy is within 800m of the site and has capacity at the moment. Pressures may start to emerge in 2018 but it is proposed to open a new school closer to Paignton Town Centre which will enable school catchments to be reconfigured and maintain capacity at this school.

A particular concern from residents on Kings Ash road is the impact of the development on their septic tanks and the drainage field that each requires. Properties on Kings Ash Road that back onto the site are all serviced by septic tanks located to the rear of the gardens close to the boundary of the site. The applicant, whose family has owned the site for many years, is unaware of any easements granted for occupiers of these properties to use his land for soakaways.

'Prescriptive easements' may be achieved by affected residents if they can demonstrate use of the land in question without challenge for more than 20 years.

In the absence of any easement then the use of the land for such purposes would be subject to challenge by the landowner. This is essentially a civil matter to be resolved between the respective landowners. If the Kings Ash Road properties have a legal right to use the land for soakaways, then the landowner, if he wished to carry out the development, would have to pay for the mains connection to be carried out along with an agreed maintenance charge.

As with a restrictive covenant, the landowner's legal responsibilities would not be overridden by the grant of planning permission. Further advice is being sought regarding the likely extent of soakaways and progress will be reported verbally. Nonetheless, the new dwellings are more than 15m from the boundary of the site with the Kings Ash Road dwellings which would be compliant with Building Regulations regarding the distance required between residential properties and

septic tank soakaways.

G. S106 Requirements.

The requirements in relation to the S106 are as follows:

Policy H5 Affordable Housing on identified sites requires the provision of 30% Affordable Housing. This site has been subject to an IVA which has confirmed that with the original 75 units, the scheme could deliver 17 AH units on site which comprises 22.7% of the total. The reduction in numbers of units will clearly affect the viability of the site and the offer has been reduced to 20%. This is likely to prove acceptable subject to deferred contributions being agreed and progress will be reported verbally.

In addition to meeting the AH contribution the scheme should meet the Community Infrastructure Contributions as required by the Adopted SPD 'Planning Contributions and Affordable Housing'

This is worked out on the basis of floor space and at the outline stage this is difficult to finalise. A schedule of floor space and associated costs can be prepared for inclusion in the S106. In order to provide some guidance as to the likely scale of costs the table below is calculated simply on the basis of bedroom numbers comprised within the current conceptual scheme. This also assumes all market housing and does not include any discount in respect of the Affordable Homes included within the scheme.

Waste Management (Site Acceptability)	£ 3,400.00	£ 3,230.00
Sustainable Transport (Sustainable Development)	£150,980.00	£129,576.83
Stronger Communities (Sustainable Development)	£ 10,600.00	£ 0.00
Lifelong Learning (Sustainable Development)	£ 19,360.00	£ 4,537.83
Greenspace & Recreation (Sustainable Development)	£114,060.00	£ 94,502.83
Total	£298,400.00	£283,480.00
Administration charge (5%)	£ 14,920.00	£ 14,174.00
Total with Admin Charge	£313,320.00	£297,654.00

The greenspace contribution will be used to help fund the Country Park and the Sustainable Transport Contribution to fund the Toucan crossing and improvements to the cycle path etc.

In addition to this, there is a need to either carry out the detailed drainage design to establish the costs of dealing with residual surface water runoff or to pay the contribution highlighted in the report. This can then be reduced if it is shown that surface water can be absorbed on site.

A DEFRA offsetting calculation is required to be carried out to establish whether there is any net impact on Biodiversity which should be mitigated by works to improve habitats in the Ramshill CWS.

The works to improve left hand traffic flows at the Luscombe Road/Kings Ash Road junction can be secured by a Grampian condition. The costs of these works are unclear at the moment.

Conclusions

The site is allocated in the Local Plan for housing and as such, the principle of residential development is not for consideration. The outline application fixes access only with conceptual plans submitted to show that the site is capable of being developed to a standard consistent with the NPPF and adopted Local Plan policies.

These conceptual plans have been amended by reduction and relocation of dwellings to ensure that the landscape and ecological qualities of the site are taken account of in the overall scheme, that the amenities of existing and future residents can be accommodated and that floodrisk is minimised. It also demonstrates, albeit in a conceptual sense, that a well-designed scheme with a more urban form and character can be successfully developed on the site.

The key issue for residents is the access from the area onto the A380. The main point of access is the Luscombe Road junction which is heavily used and which will be subject to additional traffic movements. The TA and subsequent surveys established that the junction would operate satisfactorily and that the impact was less than severe which the test is embodied in the NPPF. Improvements to the operation of the junction will be secured by the development in the form of easing the left turn by widening the junction and the possibility of a toucan crossing or similar to assist in traffic seeking to access the A380.

Recommendation.

Approve: subject to a S106 agreement to deliver the AH contribution, the community infrastructure contributions, the surface water mitigation costs, biodiversity offsetting (if appropriate) and the proposed junction improvements and to the conditions itemised below.

1. Submission of Reserved Matters. Appearance, Landscaping, Layout and Scale.
2. Existing and proposed levels across the site including details of all retaining structures.
3. Arboricultural Implications Study including tree protection measures.
4. Requirement to enter s278 Notice to secure junction improvements prior to occupation.
5. Drainage design and means of dealing with surface water disposal/ detail in relation to bio-retention swales/attenuation pond.

6. Submission/Implementation of LEMP.
7. Lighting strategy to include bat friendly lighting.
8. Re assessment of trees prior to any works to assess bat roosting.
9. No ground/clearance works in bird nesting season.
10. Detail of proposed access to the site including measures to ensure highway safety.
11. No works to take place prior to reptilian relocation strategy being approved.
12. Residential Travel Plan.
13. Submission/implementation of CEMP.
14. Landscape implementation

Relevant Policies

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