

Application Report

Strategic Development & Planning
Place Services

North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG



Application No:	70293	Application Expiry:	24 September 2019
Application Type:	DCC Regulation 3	Ext Of Time Expiry:	
		Publicity Expiry:	
Parish/Ward:	Bishops Tawton/Newport		
Location:	Bishop's Tawton Roundabout Barnstaple Devon		
Proposal:	Application under Regulation 3 of the T & C P General Regulations 1992 notification by Devon County Council in respect of improvements to an existing roundabout & provision of a new underpass (DCC Ref: BGX/DCC/4142/2019)		
Agent:	DCC Planning, Transportation & Environment		
Applicant:	DCC Planning, Transportation & Environment		
Planning Case Officer:	Mr. K. Bines		
Departure:			
EIA Development:		EIA Conclusion: DCC to screen	
Decision Level/Reason for Report to Committee: At the request of Cllr Leaver/Cllr York			

Site Description

This application is for determination by Devon County Council, and therefore in this instance North Devon Council is a Consultee. It is understood that the application is likely to be determined by the Planning Committee of Devon County Council on 16 October 2019.

Recommendation:

Observations

Planning History

No relevant Planning History

Constraints/Planning Policy

Historic Landfill Buffer
Within Flood Zone 2

Within Flood Zone 3
 Public Right of Way: Footpath 204FP7
 Area of Special Advert Control
 Landscape Character is: 7 Main Cities and Towns
 Landscape Character is: 3A Upper Farmed & Wooded Valley
 Landscape Character is: 4A Estuaries
 SSSI Impact Risk Consultation Requirement:
 Within Adopted Coast and Estuary Zone
 Within adopted Development Boundary: Barnstaple North Development Boundary ST06
 Adopted Existing Strategic Footpath/Cycleway: Other Footpath/Cycle Routes
 Within Adopted Unesco Biosphere Transition (ST14)
 Within Braunton Burrows Zone of Influence

ST02 Mitigating Climate Change
 ST03 Adapting to Climate Change and Strengthening Resilience
 ST04 Improving the Quality of Development
 ST05 Sustainable Construction and Buildings
 ST10 Transport Strategy
 ST11 Delivering Employment and Economic Development
 ST14 Enhancing Environmental Assets
 ST15 Conserving Heritage Assets
 BAR Barnstaple Spatial Vision and Development Strategy
 BTA Bishop's Tawton Spatial Strategy
 DM01 Amenity Considerations
 DM02 Environmental Protection
 DM03 Construction and Environmental Management
 DM04 Design Principles
 DM05 Highways
 DM07 Historic Environment
 DM08 Biodiversity and Geodiversity
 DM08A Landscape and Seascape Character

Consultees

Name	Comment
Designing Out Crime Officer Reply Received 19 August 2019	<p>The proposal has evolved considerably since my initial, brief comments to DCC back in march 2018. However, it remains that the police have no objections to the proposal from a crime, disorder and anti-social behaviour perspective. The advice given to DCC remains valid.</p> <p>The majority of underpasses are intended to avoid the need for pedestrians to cross busy roads and so continue their journey in a safe way. However, many underpasses are poorly designed and have inadequate lighting, poor sightlines, poor way-finding and no surveillance. In addition, many show signs of neglect, such as graffiti, dirt and litter. Wherever possible, pedestrians and vehicles should be kept on the same level and underpasses removed. However, should an underpass be considered to be necessary, it must be as straight, short and as wide as possible.</p>

	<p>It must also be well lit, including the approaches and entrance points, with clear lines of sight so that pedestrians can see what is ahead and that their exit is clear. Ambiguous spaces, such as gaps and corners should be avoided as they can provide hiding places for potential offenders and can increase fear of crime.</p> <p>Underpasses should be maintained in good order and monitored on a regular basis. They should be free from rubbish and any graffiti removed as soon as possible. I note the intention is to use wall finishes, both internal and external, that make this task easier to perform, for example, the use of an anti-graffiti glaze or sacrificial coating. Alternatively, non-invasive climbing plants could be considered, but this would only be suitable for the external walls, excluding the subway entrance/exit.</p> <p>Planting immediately abutting the footpath, entrance and exit points should be avoided as this can have a tendency to over grow creating pinch points and offering places of concealment leading to unnecessary / extra maintenance.</p>
<p>Sustainability Officer</p> <p>Reply Received 28 August 2019</p>	<p>Several key observations from the Wildlife Report (July 2019):</p> <ul style="list-style-type: none"> • Recommendation for further bat surveys to update ground assessment should be conducted of all trees to be directly impacted by the proposed works. At this stage the report fails to reach a conclusion on the presence of trees with moderate or high potential to support roosting bats and whether there will then be a further requirement for pre-construction endoscope/tree climbing surveys to determine their use and whether a mitigation licence from Natural England may be required. • A net loss/gain summary is included within Appendix E: Conservation Action Statement (CAS) and broadly establishes enhancement measures for each habitat to provide an indicative net gain of each habitat. Significant woodland losses are anticipated within the Key Network Feature (KNF) and the landscape proposals account for approximately 10% woodland replacement. The CAS concludes that 'the loss of woodland habitat is not considered significant as only a small part of the whole Key Network Features will be lost' and is partly compensated for by grassland compensation. There is no demonstration of how a level of significance has been assessed or that the stated net gain in hedgerow and grassland habitat is sufficient to compensate for the loss of 5200m² of broadleaved plantation woodland and amenity grassland within the KNF. • The potential net loss/gain in habitat should be fully assessed through the Defra biodiversity metric 2 and used to inform revised Landscape and Ecology Mitigation Proposal and a detailed Landscape and Ecological Management Plan (LEMP).

	<p>The LEMP should address and expand upon the provision and management of all landscape and biodiversity avoidance, mitigation and enhancement measures as set out within the Wildlife Report and should include:</p> <ul style="list-style-type: none"> • Aims and objectives of management; • Appropriate management options for achieving aims and objectives; • Prescriptions for management actions; • Preparation of a work schedule (including an annual work plan capable of being rolled forward over an initial 10- year period); • Details of the body or organization responsible for implementation of plan; • Ongoing landscape and ecological monitoring and implementation of any necessary remedial measures; • The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning landscape and biodiversity objectives of the scheme.
<p>Landscaping & Countryside Officer</p> <p>Reply Received 28 August 2019</p>	<p>In respect of the landscape and visual impacts of the proposed development I am content with the overall conclusions of the landscape impact report in that;</p> <ul style="list-style-type: none"> • Once completed and landscaped, the overall landscape effect of the proposed junction improvement on landscape elements and landscape character is considered to be neutral, taking into account the proposed range of landscape mitigation measures and following establishment of the proposed replacement planting. • The proposed junction improvement is, however, considered to result in some adverse effect on the visual amenity of footpath users and a small number of adjacent and nearby residents on Oatlands Avenue and Style Close, although this would only be slight following establishment of the proposed replacement planting. • The visual effect on road users is, however, considered to be positive, given the opening out of the existing corridor and increased visual interest, in conjunction with the limited changes to the appearance of highway infrastructure. <p>The landscape and visual effects will of course be most stark immediately following the removal of vegetation to facilitate the development and during the course of construction prior to the implementation of the proposed mitigation planting.</p>

	<p>I'm also generally content with the proposed landscape and ecological mitigation albeit I note and support Marks comments that the applicant has chosen not to use the 'DEFRA metric' to calculate biodiversity impacts of the scheme and it appears that the loss of highway plantation woodland will not be mitigated/compensated for and consequently the proposal may result in a net loss for biodiversity.</p> <p>I do however take issue with one aspect of the proposed landscape and ecological mitigation proposals and I would suggest that we query whether the use of <i>Betula pendula</i> (Silver Birch) is appropriate given the maritime influence that is still experienced at this location given the proximity to the estuary and relatively exposed position and I would suggest that the scheme is amended to replace this species with a number of <i>Acer pseudoplatanus</i> (Sycamore) and <i>Quercus petraea</i> (Sessile Oak)</p> <p>On balance I do not consider the scheme to be unacceptable in respect of the landscape and visual impacts that are likely to arise should consent be granted.</p>
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Neighbours

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	0.00	0.00	0.00

As NDC is a Consultee no neighbour notification was undertaken

Considerations

Proposal Description

This application involves the works required to increase the capacity of the Bishops Tawton Roundabout on the A361, together with additional works in the form of an underpass to facilitate the crossing of the A361 by pedestrians and cyclists. The application is not supported by an Environmental Impact Assessment, as the determining Authority has concluded that the proposed works fall outside of the requirement for an EIA.

Planning Considerations Summary

- Principle of Development
- Highways
- Flood Risk
- Public Safety
- Amenity
- Sustainability
- Ecology

- Landscape

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the Planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of Development

The adopted North Devon and Torridge Local Plan sets out the following;

Policy ST10: Transport Strategy

The Transport Strategy for northern Devon will:

(1) Provide good strategic connectivity by:

(a) ensuring the operational effectiveness of the strategic road network (A361 and A30) and other strategic routes including the A39, linking the area to the national road network (M5 and A30) and to Exeter, Plymouth and Cornwall;

The supporting text to this Policy states;

‘4.55 The A361 and A39 function as the main route between the M5 and northern Devon for tourists, visitors and business trips, as well as for long distance freight movements. Some of the key junctions on this strategic road network are busy at peak times.....’

Given the above it is considered that the principle of the proposal accords with policy ST10.

Highways

The Highway Authority supports the proposal and identifies that the scheme improves vehicular flows on the A361 and provides a significantly safer facility for pedestrians, cyclists and other non-motorised users, wishing to negotiate the crossing of the A361.

Contributions towards the improvement of this roundabout have been secured on previous grants of planning permission for sites in Fremington/Roundswell, and a further contribution is expected in respect of the development of Larkbear.

Flood Risk

The site is within a Critical Drainage Area where the requirement is for development to provide better than ‘greenfield’ run-off rates. The Environment Agency have confirmed that the submitted Flood Risk and Drainage Strategy Report is acceptable and will

provide a betterment to the existing situation, in terms of extra storage, discharge to a lower flood risk sensitive location and improve water quality.

Public Safety

The widening of the arms to the Roundabout, and other surface works , so as to facilitate the increased capacity, would result in a significant increased risk to pedestrians and cyclists who may seek to cross at level. The proposal seeks to address this through providing an underpass with attendant access ramps to provide for all users.

The Design Against Crime Officer whilst identifying that there may be concerns associated with underpasses has not raised an objection to this proposal from a crime, disorder and antisocial behaviour perspective.

Amenity

The submissions identify that the removal of the earth bund adjacent to the properties in Oaklands Avenue would be expected to increase noise levels. The Noise Impact Assessment states in para.1.5.3 states;

‘....To remove the impact of this and the predicted impacts on the resident’s gardens in these locations an acoustic barrier is to be included at the top of the earthworks around the pedestrian ramps. This has been included in the modelling with the inclusion of a 2m high timber built acoustic barrier.’

The application identifies the location of the acoustic fencing and its design.

The Report Summary states in paragraph 1.8.4;

‘During the short-term, and long-term, operation of the road network following the construction works there are no predicted perceivable changes in noise levels at any dwelling or other sensitive receptor. Whilst there are properties showing small levels of change these are all classified as negligible by the DMRB. Due to these low impacts, these show compliance with planning policies and guidance.’

In terms of any potential impact on amenity through the construction phase this element can be subject to a condition requiring a Construction Environmental Management Plan (CEMP) so as to minimise any impact.

Taking this into consideration it is concluded that there would be no impact on the amenities of the occupiers of any dwelling that would warrant a recommendation of refusal.

Sustainability

The nature of the construction of the road and associated underpass is that which would be driven by the structural requirements associated with the adopted highway, which will carry a significant volume of traffic, including heavy goods vehicles. The Council

may wish to encourage the Applicants to utilise wherever possible the local supply chain, or obtain more sustainably sourced materials.

One of the aims of the Local Plan is to reduce the emission of carbon dioxide and the reliance on the private motor car. This proposal, however, is seeking to increase the capacity of this junction taking into account the current traffic movements, and those associated with the planned growth within the locality, and thus of itself will not contribute to additional movements.

Ecology

The Sustainability Officer has identified that that clearer evidence is required in respect of ecological issues relating to the site at present and the proposed mitigation, and for the Landscape and Ecological Management Plan to address and expand upon the measures set out within the Wildlife Report.

Landscape

The overall approach to landscaping of the works is considered to be acceptable but will need to address the ecological issues raised in the previous section.

Planning Balance

The form of development before the Council is that which the Applicant is seeking planning permission, and Devon County Council as the Planning Authority will be determining the application on that basis. Whilst there may be alternative options for the pedestrian and cyclists crossing the A39 these are not before the Council, and would only become options if the scheme The Council is being consulted on is unacceptable to the point of a response being one of refusal.

In this instance there is not considered to be any fundamental objection to the form of development proposed. There is a need for a clearer assessment of the ecological implications of the development and an enhancement of the delivery of nett gain.

The need for improvements to the A39/A361 to support the delivery of additional economic growth is clearly identified within the adopted Local Plan, and this is also required to accommodate the identified growth in traffic associated with the development being brought forward during the Plan period.

Conclusion

It is considered that The Council should recommend to Devon County Council that the application be granted once greater evidence is available in respect of ecological impact including the delivery of an ecological nett gain from the completed development, and an associated (LEMP).

HUMAN RIGHTS ACT 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life
THE FIRST PROTOCOL – Article 1: Protection of Property

Recommendation:

The following Observations be made to DCC:

That the application be granted once greater evidence is available in respect of ecological impact including the delivery of an ecological nett gain from the completed development, and an associated (LEMP).

Inserts:

O.S. Location Plan
Call in request Cllr York
Call in request Cllr Leaver