

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
GRANT OF CONDITIONAL PLANNING PERMISSION

Applicant: E&JW Glendinning Ltd
Mr B Wilson
Glentor
Balland Lane
Ashburton
Devon
TQ13 7LF

Agent: Atkins Ltd
Mrs A Hoey
The Octagon
Pynes Hill
Rydon Lane
Exeter
Devon
EX2 5AZ

Location: ASHBURTON - Caton Cross , A38 Devon Expressway
Proposal: Improvements to Caton Cross involving lengthening off-slip lane and associated alterations to traffic island, road markings and adjacent footpath/cycleway, replacement and compensatory planting and temporary construction area within the highway

Teignbridge District Council hereby grants planning permission to carry out the development described in the application validated on 12 March 2018 subject to the following conditions:

1. The development hereby permitted shall begin before the expiry of six years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Received 1st November 2018

- Drawing number LINHAY-ATK-SO-C-DR-0020 REV P1
- Drawing number LINHAY-ATK-SO-C-DR-0019 REV P4
- Drawing number LINHAY-ATK-SO-C-DR-0016 REV P6
- Drawing number LINHAY-ATK-SO-C-DR-0015 REV P7
- Drawing number LINHAY-ATK-SO-C-DR-0014 REV P9
- Drawing number LINHAY-ATK-SO-C-DR-0013 REV P11
- Drawing number LINHAY-ATK-GEN-DR-L-0006 REV P02
- Additional Plan/Information: 'Suggested alternative route for footpath/cycleway during construction'
- Technical Information: 'Caton Cross Improvements Revisions to Environmental Statement E&JW Glendinning Ltd November 2018'
- Technical Information: 'Caton Cross Improvements Revisions to Environmental Statement Appendices'

Received 12th March 2018

- Technical Information: 'Caton Cross Improvements Environmental Statement E&JW Glendinning Ltd February 2018'
- Drawing number. LINHAY-ATK-GEN-T-PL-0004 REV P3
- Drawing number LINHAY-ATK-SO-DR-C-1005 REV P01
- Drawing number LINHAY-ATK-SO-C-DR-0017 REV P2
- Planning Statement: 'Caton Cross Improvements Planning Statement E&JW Glendinning Ltd February 2018'
- NonTechnical Summary: 'Caton Cross Improvements NonTechnical Summary E&JW Glendinning Ltd February 2018'
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 9.6, Appendix 10.1, Appendix 10.2, Appendix 10.3
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 9.2, Appendix 9.3, Appendix 9.4
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 8.3, Appendix 9.1
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 8.2
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 8.1
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 1.3, Appendix 2.1, Appendix, 2.2, Appendix 4.1, Appendix 6.1
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 1.2 (continued)
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 1.1, Appendix 1.2

Received 9th March 2018

- 'Caton Cross Junction Improvements Badger Survey Report Confidential Woodfield Ecology On behalf of E & JW Glendinning Ltd December 2017'

REASON: In order to ensure compliance with the approved drawings.

3. Notwithstanding the approved plans, the development shall proceed in strict accordance with:

- Technical Information: 'Caton Cross Improvements Environmental Statement E&JW Glendinning Ltd February 2018'
- NonTechnical Summary: 'Caton Cross Improvements NonTechnical Summary E&JW Glendinning Ltd February 2018'
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 9.6, Appendix 10.1, Appendix 10.2, Appendix 10.3
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 9.2, Appendix 9.3, Appendix 9.4
- EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 8.3, Appendix 9.1

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- EIA – Appendix: ‘Caton Cross Improvements Environmental Statement Environmental Statement Appendix 8.2
- EIA – Appendix: ‘Caton Cross Improvements Environmental Statement Environmental Statement Appendix 8.1
- EIA – Appendix: ‘Caton Cross Improvements Environmental Statement Environmental Statement Appendix 1.3, Appendix 2.1, Appendix, 2.2, Appendix 4.1, Appendix 6.1
- EIA – Appendix: ‘Caton Cross Improvements Environmental Statement Environmental Statement Appendix 1.2 (continued)
- EIA – Appendix: ‘Caton Cross Improvements Environmental Statement Environmental Statement Appendix 1.1, Appendix 1.2
- ‘Caton Cross Junction Improvements Badger Survey Report Confidential Woodfield Ecology On behalf of E & JW Glendinning Ltd December 2017’

As amended by:

- Technical Information: ‘Caton Cross Improvements Revisions to Environmental Statement E&JW Glendinning Ltd November 2018’
- Technical Information: ‘Caton Cross Improvements Revisions to Environmental Statement Appendices’

REASON: For the avoidance of doubt.

4. Prior to the commencement of the development (including demolition, ground works and vegetation clearance), a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall accord with the noise and vibration mitigation measures and highway mitigation measures set out in:

- Technical Information: ‘Caton Cross Improvements Environmental Statement E&JW Glendinning Ltd February 2018’ received 12th March 2018) and
- as amended by Technical Information: ‘Caton Cross Improvements Revisions to Environmental Statement E&JW Glendinning Ltd November 2018’ received 1st November 2018 (including Technical Information: ‘Caton Cross Improvements Revisions to Environmental Statement Appendices’)

The Construction Management Plan shall also include:

- the timetable of the works
- daily hours of construction
- any road closure and traffic management arrangements
- the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the construction phases
- 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
- hours during which no construction traffic will be present at the site
- the means of enclosure of the site during construction works

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- details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off site
- the proposed route of construction traffic exceeding 7.5 tonnes
- details of construction worker parking
- photographic evidence of the condition of the adjacent public highway prior to commencement of any work and
- details of dust control measures
- details of noise and vibration mitigation measures
- details of road safety measures
- Registration with Considerate Constructors Scheme
- Contact Details for Primary Point of Contact for issues relating to noise and vibration for regulatory authorities, other external bodies and the general public

The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of highway safety to minimise disruption to the vehicular traffic/pedestrian route and to protect the residential amenity of local residents. This condition is required prior to commencement of development as the construction traffic has the potential to adversely impact local amenity without the agreement of further details. These adverse impacts on local amenity may occur from the movement of the first construction traffic at the commencement of the development, without reasonable controls in place.

5. Prior to the commencement of the development (including demolition, ground works and vegetation clearance), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall accord with the mitigation measures out in:

- Technical Information: 'Caton Cross Improvements Environmental Statement E&JW Glendinning Ltd February 2018' received 12th March 2018) and
- as amended by Technical Information: 'Caton Cross Improvements Revisions to Environmental Statement E&JW Glendinning Ltd November 2018' received 1st November 2018 (including Technical Information: 'Caton Cross Improvements Revisions to Environmental Statement Appendices')

The Construction Environmental Management Plan shall also include:

- Risk assessment of potentially damaging construction activities including vegetation clearance and removal.
- Identification of 'biodiversity protection zones'.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include details of lighting and no dig methods of construction.
- The location and timing of sensitive works to avoid harm to biodiversity features (including timing of vegetation removal). This includes the use of protective fences, exclusion barriers and warning signs.
- The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.

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- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: In the interests of biodiversity, to minimise impacts on protected species (to include bats, badgers, dormice, reptiles and breeding birds) and protection of trees. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by any building operations or vegetation removal.

6. Prior to the commencement of the development (including demolition, ground works and vegetation clearance) detailed mitigation proposals for dormice shall be submitted to and approved in writing by the Local Planning Authority. Mitigation proposals shall accord with the ecological mitigation, compensation and enhancement measures for dormice set out in:

- Technical Information: 'Caton Cross Improvements Environmental Statement E&JW Glendinning Ltd February 2018' and 'EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 9.3' received 12th March 2018 and
- as amended by Technical Information: 'Caton Cross Improvements Revisions to Environmental Statement E&JW Glendinning Ltd November 2018' received 1st November 2018 (including Technical Information: 'Caton Cross Improvements Revisions to Environmental Statement Appendices')

The development shall then proceed in strict accordance with the approved details.

REASON: To ensure no harm to dormice. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by any building operations or vegetation removal.

7. Prior to the commencement of the development (including demolition, ground works and vegetation clearance) updated badger surveys shall be submitted to and approved in writing by the Local Planning Authority. The construction process and development shall then be carried out in strict accordance with the approved details.

REASON: To confirm the levels of activity at the identified setts detailed in Confidential Plan: 'Caton Cross Junction Improvements Badger Survey Report Confidential Woodfield Ecology On behalf of E & JW Glendinning Ltd December 2017' received 9th March 2018 to confirm whether any new setts have been established in advance of any construction works commencing. These details are required pre-commencement as specified to ensure that badgers are not harmed by any building operations or vegetation removal.

8. Prior to the commencement of the development (including demolition, ground works and vegetation clearance) full details of a reptile displacement strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall accord with the ecological mitigation, compensation and enhancement measures for reptiles set out in:

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- Technical Information: 'Caton Cross Improvements Environmental Statement E&JW Glendinning Ltd February 2018' and 'EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 9.3' received 12th March 2018 and
- as amended by Technical Information: 'Caton Cross Improvements Revisions to Environmental Statement E&JW Glendinning Ltd November 2018' received 1st November 2018 (including Technical Information: 'Caton Cross Improvements Revisions to Environmental Statement Appendices')

The development shall then proceed in strict accordance with the approved details.

REASON: To ensure no harm to reptiles. These details are required pre-commencement as specified to ensure that biodiversity is not harmed by any building operations or vegetation removal.

9. In the planting season immediately following the completion of the development, all proposed landscaping as detailed on drawing number LINHAY-ATK-GEN-DR-L-0006 REV P02 received on the 1st November 2018 shall be implemented in full as approved. If, within a period of five years from the implementation of the landscaping scheme, any of the proposed landscaping as shown on drawing number LINHAY-ATK-GEN-DR-L-0006 REV P02 received on the 1st November 2018 are removed, become damaged, diseased or dies, they shall be replaced in the next planting season with another tree or shrub of a similar size and species and nursery stock unless an alternative scheme is submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure an appropriate landscape scheme is implemented in the interests of visual amenity and biodiversity.

10. Prior to any trees/shrubs being planted in accordance with condition 9, details of trees/shrubs to be planted shall be submitted to and approved in writing by the Local Planning Authority confirming that they are satisfied with the condition and form of the trees to be planted. Any trees delivered to site or planted will comply with the British Standard Trees: from nursery to independence in the landscape –Recommendations BS 8545:2014. Any trees that do not comply with the above British Standard shall be replaced prior to or following the planting of the trees. If any trees/shrubs planted as part of an approved landscape scheme within a period of five years from planting are removed, die or become seriously damaged/diseased it/they shall be replaced in the next planting season with one of similar size, species and nursery stock, unless the an alternative scheme of planting is submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure an appropriate landscape scheme is implemented in the interests of visual amenity and biodiversity.

11. The development shall not be used until a signage strategy has been submitted to and approved in writing by the Local Planning Authority and such time as a Traffic Regulation Order to make Caton Lane access only has been made or an alternative scheme of traffic mitigation has been submitted to and approved in writing by the Local Planning Authority.

The development shall proceed in strict accordance with the approved details.

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REASON: To reinforce the unattractiveness of Caton Lane as an alternative route in the interests of highway safety and local amenity.

12. Where the development and/or the associated construction works are within the Root Protection Areas of existing trees, Cellweb or a similar product shall be used with porous surfacing as detailed on Drawing number LINHAY-ATK-SO-C-DR-0013 REV P11 received 1st November 2019 and 'EIA – Appendix: 'Caton Cross Improvements Environmental Statement Environmental Statement Appendix 2.2' received 12th March 2018.

REASON: To ensure that existing trees are protected in the interests of biodiversity and visual amenity.

13. Clearance of trees and shrubs pursuant to this planning permission shall only be undertaken from November to February and at no other time.

REASON: To ensure no harm to breeding birds.

INFORMATIVES

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

Further details relating to this planning application, including the approved plans and the Officer's Report or the Committee Report, can be viewed at www.teignbridge.gov.uk/planningonline

Regulation 26 and 29 EIA Regulations 2017

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application, the further information sought from the developer in accordance with regulation 25 of the 2017 EIA regulations and all of the consultation responses and representations received. It is concluded that the proposed development is unlikely to have significant effects the environment due to the scale and nature of the development proposed. Where there is likely to be an adverse effect on the environment both as a standalone development and in combination with the proposed development at Linhay Quarry (under consideration by Dartmoor National Park Authority) conditions have been imposed to avoid, prevent, reduce and offset such effects and secure mitigation measures where necessary. Further details are available to view within the Officers Report which can be viewed at www.teignbridge.gov.uk/planningonline

Whilst this development is liable to make contributions under the Community Infrastructure Levy regulations to provide essential local facilities to support development in the District, no contributions are payable as calculations reveal a zero liability. Details are in the officer's report which can be viewed at www.teignbridge.gov.uk/planningonline

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The Council's Drainage Engineers recommend that the exiting Highways England surface water drainage network is inspected and remedial works which are required are undertaken.

Dated: 23 August 2019

Ros Eastman
Business Manager – Strategic Place

TEIGNBRIDGE DISTRICT COUNCIL

Notes to accompany Decision Notices

Building Regulations - This decision is not a decision under the Building Regulations and the applicant should ensure that all necessary approvals for the same proposal and same plans are obtained before commencing any work on the site. See www.devonbuildingcontrol.gov.uk for further information.

Discharge of Conditions - Any pre-commencement conditions must be discharged before work starts. The fee to discharge conditions is per request, not per condition, and it is therefore more cost effective to discharge all conditions at once. Listed Building Consents are exempt from fees. See www.teignbridge.gov.uk/planningapply and follow the links to 'Planning Application Forms' then 'Existing Permissions'

Amending your permission (only applies to planning permissions) – If it is a very small change you can apply for a Non Material Amendment. Larger changes will need a Variation of Condition application to amend the plans condition or a new Planning Application. See www.teignbridge.gov.uk/planningapply and follow the links to 'Planning Application Forms' then 'Existing Permissions'

Adherence to approved plans/conditions - Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

Right of Appeal

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk/>. Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

Planning Appeals (Section 78 Town and Country Planning Act 1990).

- Householder appeals must be made within 12 weeks of the date of this notice
- Minor Commercial Appeals (minor development, solely at ground floor level, of a building currently in Use Classes A1 – 5, not including change of use or change of number of units or increase in floor area) must be made within 12 weeks of the date of this notice
- All other planning appeals must be made within 6 months of the date of this notice.

Certificate of Lawfulness Appeals (Section 195 Town and Country Planning Act 1990)

- There is no time limit for submission of an appeal.

Listed Building Consent (and Listed Building Lawful Development) Appeals (Section 20 Planning (Listed Building and Conservation Areas) Act 1990).

- Appeals must be made within six months of the date of this notice.

Advertisement Consent Appeals (Regulation 17 Town and Country Planning (Control of Advertisements) Regulations 2007).

- Appeals must be made within 8 weeks of the date of this notice.

Concurrent Enforcement Notices/appeals

If the land/development is already subject to an enforcement notice you must appeal within 28 days of this decision notice. If the enforcement notice is issued subsequently, you must appeal within 28 days of service of the enforcement notice unless this extends the normal planning appeal period.

Third Party right of challenge

There is no right of appeal for third parties although the validity of a decision can be challenged through the courts. You should first write to the Council detailing your reasons for dispute and your intention to seek a Judicial Review to try to avoid litigation. If this does not resolve the issue, an application for permission to apply for Judicial Review must be served on the Council and any other interested party and lodged at the Administrative Court Office for the High Court within 6 weeks of the date of decision. You are advised to seek legal advice.

Purchase Notices

If the Local Planning Authority refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council requiring them to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Disabled Persons

Where any planning permission granted relates to buildings or premises to which the public are to be admitted (whether on payment or otherwise) or to premises in which persons are employed to work, your attention is drawn to Sections 4, 7 and 8a of the Chronically Sick and Disabled Persons Act, 1970 and to the British Standards Institutions Code of Practice for Access for the Disabled to Buildings.