

**SECTION 1 – ITEM 7**

<b>Application No:</b>	19/P/0303/R3	<b>Target date:</b>	09.05.2019
<b>Case officer:</b>	Emma Schofield	<b>Extended date:</b>	
<b>Parish/Ward:</b>	Locking Hutton And Locking	<b>Ward Councillors:</b>	Councillor Ap Rees Councillor T Porter
<b>Applicant:</b>	North Somerset Council		
<b>Proposal:</b>	Temporary storage of materials at Parklands Village		
<b>Site address:</b>	Land between Locking Parklands and Somerset Avenue, Locking Moor Road, Weston-super-Mare		

**COUNCIL APPLICATION**

**Summary of recommendation**

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**The Site**

The application site is located within Locking Parklands and comprises four open fields to the north east of the existing residential development at Flowerdown Park. Three of the fields lie adjacent to the Grumblepill Rhyne and the fourth is directly to the west of the approved North South Spine Road, abutting the Cross Rhyne to the south. All of the fields are within North Somerset Council ownership. The red line also includes the southern extent of the North South Spine Road where it connects with the A371.

**The Application**

This application seeks temporary planning permission for the stockpiling of material to be used in construction of the North-South Spine Road. The material will eventually be used to raise the existing ground levels.

Stockpile A will comprise approximately 22,000sqm with a height of 1.15m and hold a volume of approximately 26,000 cubic metres.

Stockpile B will comprise approximately 18,000 sqm with a height of 1.15m and hold a volume of approximately 21,000 cubic metres.

The material for the stockpiling will be site won and there will be no importation of fresh material from other sites. The material would be on the site for approximately 10 years.

**Relevant Planning History**

<b>Year</b>	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
2016	16/P/0330/F2	Construction of a 2.2km single carriageway road from A370 Somerset Avenue to A371 Locking Moor Road including 3 no bridges, 2 no culverts and associated infrastructure	Approved
2016	16/P/2758/RG4	Outline application for mixed use residential, employment, education and infrastructure development to include up to 1200no. residential dwellings, up to 5.5ha of employment development, up to 2.1ha of retail, services, café, restaurant, drinking, takeaway and community uses, up to 5.15ha leisure use, 2.5ha primary school, secondary education 1.8ha, with 32.4ha of landscaping, open space and necessary infrastructure works and construction of new access from A371. Details of access of A371 to be decided but appearance, landscaping, layout and scale all reserved for subsequent approval.	Approved
2017	17/P/1286/NMA	Non-material amendment application to 16/P/0330/F2 (North South Spine Road) to change the wording of the conditions to refer to two phases	Approved

**Policy Framework**

The site is affected by the following constraints:

- Within settlement boundary Weston-super-Mare
- Greater Horseshoe Bats Habitats
- Floodzone 2
- Tidal Floodzone 3a
- Junction 21 Enterprise area

**The Development Plan**

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS1	Addressing climate change and carbon reduction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment

CS7	Planning for waste
CS9	Green infrastructure
CS10	Transport and movement
CS30	Weston villages
CS34	Infrastructure delivery and Development Contributions

West of England Joint Waste Core Strategy (adopted 25 March 2011)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
Policy 1	Waste Prevention

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM4	Listed Buildings
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM19	Green infrastructure
DM20	Major Transport Schemes
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM32	High quality design and place making
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
SA1	Allocated residential sites (10 or more units)
SA3	Sites allocated for a mix of uses
SA4	Business employment development – allocations/safeguarding

**Other material policy guidance**

National Planning Policy Framework (NPPF) (July 2018)

The following is particularly relevant to this proposal:

Section No	Section heading
2	Achieving Sustainable Development
4	Decision-taking
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

#### Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Weston Villages SPD (adopted June 2012)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

#### **Consultations**

Copies of representations received can be viewed on the council's website. This report contains summaries only.

**Third Parties:** No letters received.

**Locking Parish Council:** No comments received at time of writing.

#### **Other Comments Received:**

Environment Agency: No objections but recommend informatives.

North Somerset Levels Internal Drainage Board: No objection.

Police Crime Prevention Design Advisor: No objection.

#### **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of the development, (2) impact upon landscape and trees, (3) highway considerations, (4) flooding and drainage, (5) ecology/protected species considerations, (6) setting of Listed Building, (7) archaeological considerations.

#### **Issue 1: The principle of the development**

The site lies within the settlement boundary of Weston-super-Mare and on a site which currently has outline planning approval for a mixed used development including up to 1200 new dwellings (application 16/P/2758/RG4). This application seeks temporary permission for stockpiling of material which will be drawn from the existing parklands site (with no new material brought in) to facilitate the construction of the North-South Spine Road (NSSR) which also has planning permission (application 16/P/0330/F2). The NSSR runs through the site and will link into the mixed-use development referred to above. The southern part

of the NSSR is currently under construction. The material will eventually be used to raise the ground levels within the consented mixed-use scheme on the site.

The principle of the development is considered acceptable as it will facilitate the delivery of the Weston Villages and North South Spine Road in accordance with Policy CS30 of the Core Strategy and DM20 of the Sites and Policies Plan Part 1.

### **Issue 2: Impact upon landscape and trees**

The landscape character is relatively flat and falls within the Local Character Area A4 Locking and Banwell Moors. A landscape appraisal has been submitted with the application. This concludes that the main negative impacts on landscape character will be to the landscape elements of topography and land use but notes that this will only be temporary. The landscape will ultimately be changed by the consented NSSR and mixed-use development on the site. Mitigation measures are limited due to the nature of the proposal but the report notes that the stockpiles could be seeded if the materials are to be stored for long periods.

Although the stockpiles will cover an extensive area, their height will only be 1.15m and they will only be temporary. Therefore, it is not concluded that there would be any adverse impact upon the landscape character that would warrant a reason for refusal. The proposal is therefore considered to be acceptable in terms of policy CS5 of the North Somerset Core Strategy.

No tree works are proposed and there are no TPO's on the site. A condition is recommended to ensure that tree fencing is erected around the trees to be retained. As such the proposal is considered to comply with Policy DM9 of the Sites and Policies Plan Part 1.

### **Issue 3: Highway considerations**

The development will facilitate the surcharging of the ground for the construction of the road. The scheme will not result in any net additional traffic and haulage routes have been considered as part of the planning application for the NSSR. There will be some short-term traffic movements to remove the excess material and stockpiling. These traffic movements will take place from the NSSR to the stockpile location using a haul road. No new accesses are proposed and there would be no public access to the stockpiles. A condition on the original NSSR application required a Construction Management Plan and therefore it is considered that no additional highway conditions are required.

As such, it is considered that the proposal would have no detrimental impact upon highway safety in accordance with Policy DM24 of the Sites and Policies Plan Part 1.

### **Issue 4: Flooding and drainage**

The site lies within a flood zone. A flood risk assessment had been submitted with the application which accompanied the original application for the North South Spine Road. The impact of raising ground levels on the flood plain has already been covered by the previous applications and the Environment Agency has raised no objection to the application.

The site is adjacent to the Grumblepill Rhyne and crossed by the Cross Rhyne which are important features of the local drainage network. Advice is that there should be no interruption to the surface water drainage system of the surrounding land as a result of the operations of the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that land owners upstream and downstream of the site are not adversely affected. The applicant states that the contractor will be required to manage surface water run-off from the temporary storage area to minimise the risk of pollution.

The stability of the stockpiles has been considered, so that any slippage which may occur will not encroach on adjacent water features. The buffer shown on the plans to the rhyne network is acceptable and a drainage strategy was provided for the North South Spine Road planning application. Mitigation measures are listed to prevent adverse incidents and the Internal Drainage Board has raised no objections to the application.

As such, the proposal is considered to be acceptable in terms of policies CS3 of the Core Strategy and DM1 of the Sites and Policies Plan.

### **Issue 5: Ecology/protected species considerations**

There are no statutory designated sites within 2km of the proposed temporary storage area although the North Somerset and Mendip Bat SAC is within 5km to the south of the site. The Grumblepill Rhyne SNCI lies adjacent to the site to the east and is recognised for supporting nationally scarce aquatic invertebrate and flora species.

An ecological appraisal has been submitted with the application, which identifies that protected species surveys have already been carried out as part of the consented NSSR application. A bat roost was found within the water pumping station to the south of the site, but no works are proposed to this. The report identifies that the proposed development has the potential to disrupt commuting and foraging bat routes and mitigation measures are proposed. A 15m buffer zone is to be provided from the Grumblepill Rhyne throughout the duration of the proposed development. Mitigation measures are also proposed in respect of retained hedgerows and trees, water pollution prevention measures, fenced off habitat and the protection of badgers, otters, reptiles and other species.

A condition is recommended to ensure that these mitigation measures are carried out. As such, the development is considered to comply with Policies CS4 of the Core Strategy and Policy DM8 of the Sites and Policies Plan as well as the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and the Natural Environment and Rural Communities Act 2006.

### **Issue 6: Setting of Listed Building**

The proposal falls within the setting of Locking Head Farmhouse a II Listed Building but is some distance away to the south west. Given the distance, it is considered that it would have a negligible impact upon the setting of the listed building. The proposal is therefore in accordance with policies CS5 of the Core Strategy and policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

## Issue 7: Archaeological considerations

Policy DM6 requires archaeological interests to be fully taken into account when determining planning applications. Locking Castle Motte and Bailey scheduled ancient monument is some 500m to the south west of the proposed stockpiles. Given this distance and the temporary nature of the development, it is considered to have a negligible impact upon the setting of this.

A condition for a programme of archaeological investigation was attached to the approved outline application 16/P/2758/RG4. Further information is required to demonstrate that there will no impact on archaeological deposits through compaction and a written scheme of investigation will be required. The applicant has agreed to submit this prior to determination of the application. An update on this will be provided at the Committee.

## The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development has been screened separately under the above Regulations 18/P/4554/EA1 and has been found not to constitute 'EIA development'. An Environmental Statement is not, therefore, required.

## The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

## Conclusion

The proposed temporary stockpiling of material will facilitate the construction of North South Spine Road, which has previously been granted planning permission and is currently under construction. Whilst the proposed stockpiles would cover a relatively large area, their height has been minimised to minimise the impact upon the surrounding area. The site layout has been designed to retain a buffer zone to the Grumblepill Rhyne dark corridor and the Cross Rhyes to minimise any impact upon ecology and drainage and mitigation measures are proposed to avoid adverse environmental impacts.

The proposal is therefore considered to be acceptable in terms of Policies CS3, CS4 and CS5 of the North Somerset Core Strategy and would help facilitate the aims of Policy CS30 Weston Villages.

**RECOMMENDATION: APPROVE** (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The stockpiles hereby permitted shall be removed and the land restored to its former condition on or before 10 April 2029 in accordance with a scheme of work that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: The Local Planning Authority wishes to monitor the effects of the development on the surrounding area and in accordance with Policy CS5 of the North Somerset Core Strategy 2017.

4. Protective fencing shall be erected around the retained trees before any equipment, machinery or materials are brought on to the site for the purposes of the development. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Unless otherwise specified the fencing shall be 1.5m high and consist of fencing supported by a rigid framework braced or driven into the ground to resist impacts. Unless otherwise specified the fencing shall be erected at 1m beyond the canopy spread. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree. No equipment, machinery or structure shall be attached to or supported by a retained tree. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area. The local planning authority is to be advised prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with Policies CS4 and CS9 of the North Somerset Core Strategy, Policies DM8, DM9, DM10 and DM19 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Biodiversity and Trees SPD.

5. A Construction Environment Management Plan shall be submitted to and approved by the Local Planning Authority before works commence. This shall include details of the method of works, including measures to control dust emissions. Measures to protected ecological features and trees during the construction phase shall also be detailed. Works shall be implemented in strict accordance to the approved methodology.

Reason: To comply with the Natural Environment and Rural Communities Act 2006 and Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1) due to the proximity to a Local Wildlife Site. The details are required prior to commencement of development in order to ensure that the designated site

is not harmed during construction or site preparation.

6. The development shall not take place except in strict accordance with the measures outlined in section 6 of the Ecological Appraisal Version 1.0 dated February 2019. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, The Protection of Badgers Act 1992], policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).