

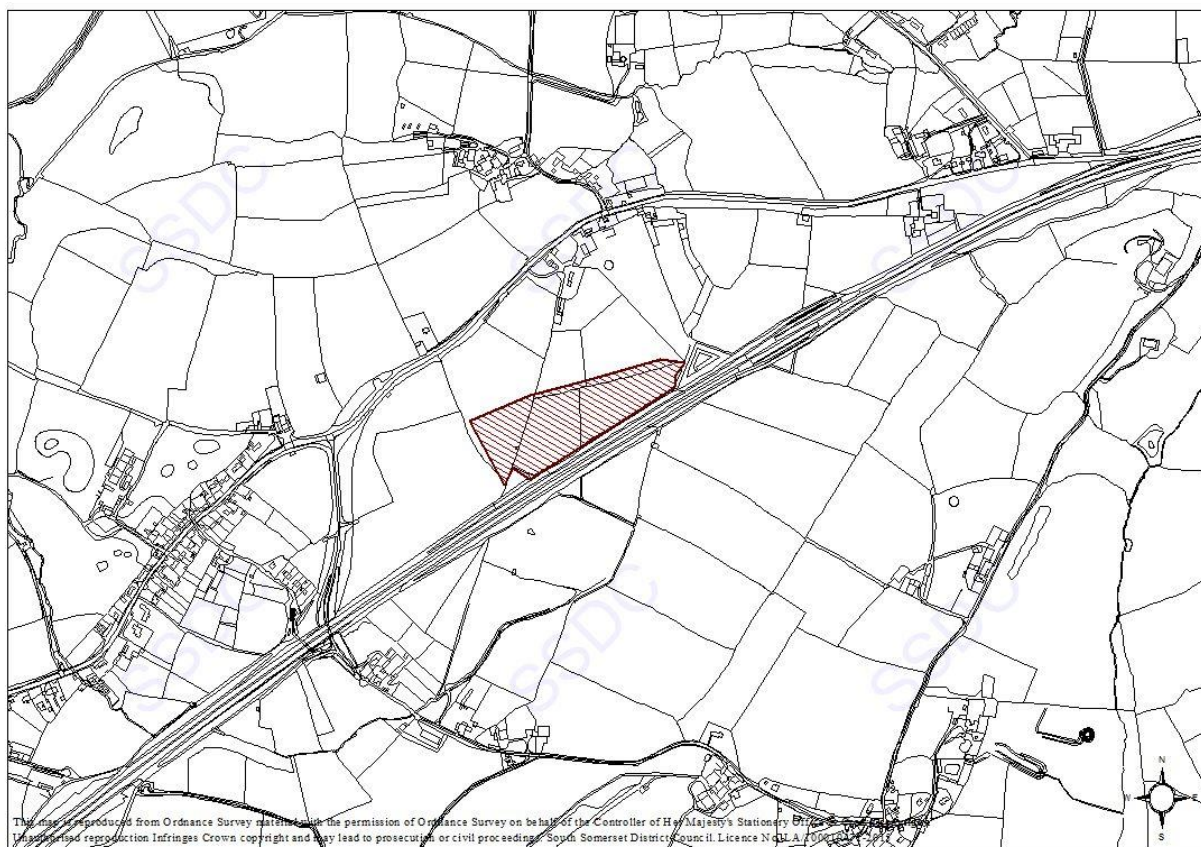
Officer Report on Planning Application: 15/00070/FUL

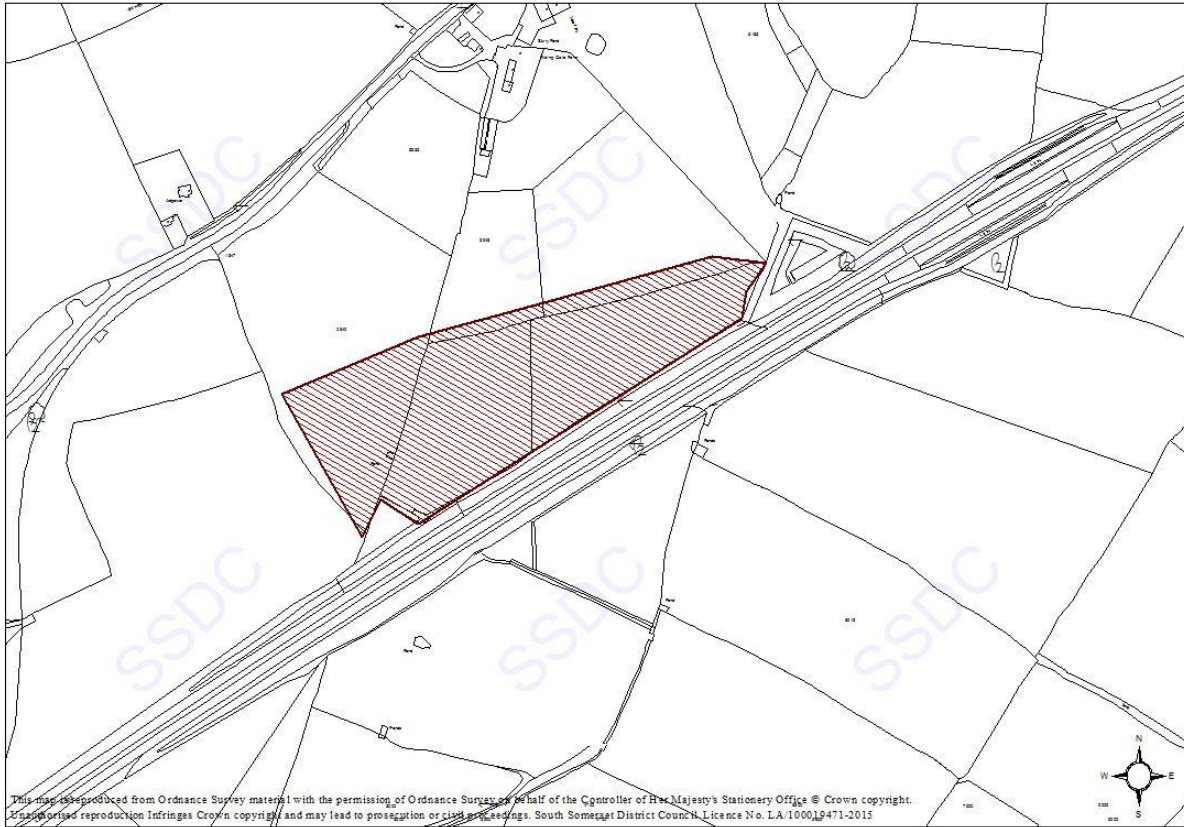
Proposal :	Variation of configuration of acoustic barrier (GR:373458/129571)
Site Address:	Land OS 2000 Riding Gate Riding Gate Stoke Trister
Parish:	Stoke Trister
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	9th April 2015
Applicant :	Ms J Josie
Agent:	Mr Lucy Binnie Suite 1, 82c Security House, Chesterton Lane Cirencester, GL7 1YD
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO AREA EAST COMMITTEE

The proposed development falls into the category of major development, due to the size of the site exceeding 2 hectares in area, and is recommended for approval. In these circumstances the South Somerset District Council's scheme of delegation requires the application to be determined by the area committee.

SITE DESCRIPTION AND PROPOSAL





This application is seeking alterations to an approved scheme for an acoustic barrier (planning consent 10/02210/FUL). The alterations include raising the bund height by up to approximately 2 metres above that approved as well as the slight remodelling of its form. It is understood that these revisions are sought as the approved bund, which is still under construction, does not appear to be as effective in reducing traffic noise from the A303 to the landowner's property Riding Gate Cottage.

The proposed bund affects four agricultural fields, situated between Riding Gate Cottage to the north and the A303 to the south and is located in the open countryside. The site occupies a relatively low position within the landscape with a range of hills rising in the distance to the south and the land rising more gently to the north. The A303 which passes along the valley floor is elevated on raised banking in the vicinity of the application site and the application land is known to have a high water table and to be prone to surface water flooding, particularly the land towards the southern perimeter.

The application fields are bounded by native hedgerows interspersed with mature trees, with the exception of the southern boundary. The works to the approved bund were quite advanced at the time of the site visit with the banking alongside the A303 raised up significantly above road level.

HISTORY

14/02905/FUL: Variation of configuration of acoustic barrier. Refused for the following reason:

- *“The proposed increase in height of the approved acoustic barrier and provision of an additional barrier, by virtue of its height and configuration, fails to respect the characteristic features of the surrounding landscape and will introduce land forms whose engineered visual profiles will be at variance with and uncharacteristic of the*

surrounding valley landscape, contrary to the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan.”

10/02210/FUL: Raising the level of the land to form an acoustic barrier (revised application). Permitted.

09/03763/FUL: Formation of an acoustic bund. Withdrawn 2009.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the saved policies of the South Somerset Local Plan 2006. On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 – 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to “the stage of preparation” and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

On this basis the following policies are considered relevant:-

Policies of the Emerging South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development
EQ2 - General Development
EQ3 - Historic Environment
EQ4 – Biodiversity
EQ5 – Green Infrastructure
EQ6 – Woodland and Forests
EQ7 – Pollution Control

Saved Policies of the South Somerset Local Plan (2006)

ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EC1 - Protecting the Best and Most Versatile Agricultural Land
EC3 - Landscape Character
EC3 - Landscape Character
EC7 - Networks of Natural Habitats
EC8 - Protected Species
EP1 - Pollution and Noise
EP3 – Light Pollution
EP9 - Control of Other Potentially Polluting Uses

National Planning Policy Framework

Part 1 - Building a strong, competitive economy
Part 4 - Promoting sustainable transport
Part 7 - Requiring good design

Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance

Natural environment
Noise

CONSULTATIONS

Stoke Trister Parish Council: No objections

SCC Highways: No observations

SCC Rights of Way: Noted that there are public rights of way that run through the site, any proposed works must not encroach on the width of the footpaths. The proposed development may well obstruct the right of way and a diversion might be necessary. The right of way will need to remain open and available until the (stopping up / diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Highways Agency: No objections, subject to conditions seeking an updated method statement with regard to the construction of the bund and an updated Geotechnical Report and Certificate.

Environment Agency: No objection.

Ecologist: No objection or recommendations.

Landscape Officer: Raises no objection.

Following receipt of an amended landscaping plan and detailed planting scheme submitted in response to the Council's Arborist's comments, the Landscape Officer confirmed that the amendments were acceptable.

(Initial comments) You will be aware that I have had pre-application involvement relating to this latest proposal, and had earlier expressed reservations over any increase in height of the roadside bund, viewing the bund as currently constructed to be at an acceptable maximum.

However, in favour of the proposal now before us;

- The southwest end of the current bund is already at the height proposed by this application, hence it is only the bund's central and northeast end that is yet to be built up to a comparable height. Thus the remaining build-up of spoil will not exceed that 'acceptable maximum' I have referred to above;
- By filling the 'valley' central to the bund's length, the bund will gain a greater horizontal emphasis, and;
- The planting scheme, which by suitable choice and disposition of species, will limit the woody growth profile over the upper shoulder of the bund, yet by virtue of tree planting around the junction of existing tree and shrub cover/ground level, and the lower shoulder of the bund, will help to more gently 'grade' the earth form into its landscape context.

Whilst I am not entirely won over by the proposal before us, I consider that sufficient

landscape mitigation

has been factored into the revised application, to enable the bund to integrate into its landscape context

in a manner that is not overtly at variance with its surrounds. Consequently, if you are minded to approve

this proposal, please condition planting works to be undertaken as detailed on the revised landscape

documents, planting plan (revD) and specification (RevB).

Arborist: Raised concern with regard to the use of 16-18' standards, noting that they are susceptible to transplant shock and failure caused by drought. If this size is considered desirable, I would recommend improving the root-to-shoot ratio by amending the specification to 'container-grown' rather than 'root-balled'. Amending the specification to 'fully feathered' (trees that have not had their lower branch structures removed) rather than 'tr standards' is also a measure that improves their chances of establishment, particularly with Oaks.

The species-diversity of the larger trees could be widened a little - the use of some Italian Alder (*Alnus cordata*) would be a faster-growing addition, particularly well-suited to the characteristics of the site.

Recommended the use of cell-grown trees over bare-root specimens.

REPRESENTATIONS

None.

CONSIDERATIONS

Planning permission for the construction of an acoustic barrier on this site was first approved in 2010 under planning consent 10/02210/FUL. This application is seeking modifications to the approved scheme to raise the overall height of the bund from that approved by up to 2 metres along its south eastern side where it is parallel with the A303 and to remodel it slightly to give it a more regular form. The construction of the bund is now quite progressed and incorporates part of the modifications that are being sought under the current application with the southern end of the bund already at the increased height being proposed through this revised scheme.

Principle:

The acoustic barrier was originally sought with the aim of reducing traffic noise, resulting from the A303, to the applicant's property Riding Gate Cottage, and clearly the principle of a bund on this site has been established as a result of the 2010 permission. The 2010 application was accompanied by an acoustic survey that lent support to the applicant's case that the bund would help to mitigate road noise. Since construction works have progressed on site, however, it has become apparent that the bund as approved is not as effective in this regard as was hoped. It is for this reason that the applicant is seeking the proposed modifications, which are considered to be acceptable in principle.

Visual amenity and landscape impact:

An application submitted in 2014, which sought modifications to the 2010 application, was refused due to concerns about its height and configuration which was considered to have an overly engineered profile that was at odds with the characteristic features of the surrounding landscape. The current scheme differs significantly to the one proposed under the 2014 application.

The Landscape Officer and Arborist are broadly satisfied with the revised scheme now under consideration. Whilst the increase in height is disappointing and makes the bund more pronounced when viewed from the A303, its general form has a slightly more natural profile to that previously agreed. Arguably the more sensitive public views are from the public rights of way that pass through the site as well as those to the south of the A303, including from Stoke Trister church. When viewed from these points it is anticipated that the modified bund, especially once the planting scheme which forms part of the proposal has become established, will have an unobtrusive presence that blends into the surrounding landscape features. The proposed planting scheme is comprehensive with blocks of tree and shrub planting along the A303 side of the bund which should in time offer fairly dense wooded cover.

For these reasons the modified scheme raises no new substantive landscape or visual amenity concerns.

Residential amenity:

The development, due to its scale and nature, could harm the amenities of one or two nearby properties particularly as a result of noise and disturbance. The original 2010 permission included a condition restricting the hours that construction works could be carried out to between 07.00 – 17.00 Monday to Friday, 07.00 to 13.00 Saturdays with no works being carried out outside these hours or on bank or public holidays. On the basis that this condition remains in force for this amended scheme, it is accepted that the proposal will not result in any new demonstrable harm to neighbour amenity.

Ecology:

The Council's Ecologist has raised no objections to this proposal. Bearing in mind the large scale planting scheme that is to be implemented it is accepted that the proposal offers suitable ecological enhancements.

Highway safety, drainage and public rights of way:

Neither the Environment Agency or the relevant highway authorities have raised any objections to this development, as such it is not considered to raise any new highway safety or drainage concerns. A couple of public rights of way pass across the site and County Rights of Way have noted that a diversion order might be required during construction. This matter was brought to the applicant's attention during the 2010 application and there is no reason why a temporary diversion order could not be satisfactorily achieved and as such is matter for the County Rights of Way Officer to follow up and is not reason to object to this application.

Conclusion:

For the reasons set out above, this amended scheme raises no new substantive harm, is considered to accord with the aims and objectives of both the saved and emerging local plans as well as the National Planning Policy Framework and as such is recommended for approval.

RECOMMENDATION

Grant permission for the following reason:

The acoustic barrier, by reason of its form, scale and accompanying landscaping scheme, is considered to respect the characteristic pattern and features of the surrounding landscape, to cause no demonstrable harm to residential amenity or the rural amenities of the area or to adversely affect highway safety or the structural stability of the adjacent A303. The associated planting, which will provide enhanced habitat to the benefit of local ecology. The proposal therefore accords with the aims and objectives of saved policies ST3, ST5, ST6, EC1, EC3,

EC7, EC8, EP1, EP3 and EP9 of the South Somerset Local Plan 2006, the policies of the emerging South Somerset Local Plan 2006-2028 as well as the National Planning Policy Framework.

Subject to the following:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans numbered 2088-1B Revision B received 08/01/2015 and DLA.1621.L001.01 Rev D received 23/02/2015.

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

03. No works pursuant to the construction of the development hereby permitted shall take place outside the hours of 07.00 to 17.00 Mondays to Fridays and 07.00 to 13.00 Saturdays nor at anytime on bank or public holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity and the amenities of the area to accord with saved policy ST6 of the South Somerset Local Plan 2006.

04. The development hereby permitted shall not be commenced unless an aftercare scheme has been submitted to and agreed in writing by the Local Planning Authority setting out details to restore the land to the required standard for the use of agriculture.

Reason: In the interests of the rural character of the area and to ensure the continued agricultural use of the land to accord with saved policies ST5, ST6, EC1 and EC3 of the South Somerset Local Plan 2006.

05. The scheme, to ensure that all vehicles leaving the site are in such condition so as not to emit dust or deposit mud, slurry or other debris on the highway, agreed under planning application 10/02210/FUL shall continue to be implemented in full for the duration of the development hereby permitted, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety to accord with saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

06. The finished levels of the development hereby permitted shall match those detailed on drawing numbered DLA.1621.L001.01 Rev D received 23/02/2015.

Reason: For the avoidance of doubt and to safeguard the character and appearance of the area to accord with saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

07. The planting scheme as detailed on the Landscape plan (drawing number DLA.1621.L001.01 Rev D received 23/02/2015) and the accompanying written specification (titled 'Detailed Planting Scheme Revision B' received 23/02/2015) shall be carried out in full in the first planting season following the completion of the development hereby permitted. Any trees or plants which within a period of five years

from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the rural character of the area to accord with saved policies ST6 and EC3 of the South Somerset Local Plan 2006.

08. The amendments to the construction of the acoustic barrier hereby permitted shall not be commenced unless an updated method statement for its construction has been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details.

Reason: To safeguard the integrity of the proposed works and to avoid any adverse impacts upon the adjacent SRN to accord with saved policy ST5 of the South Somerset Local Plan 2006.

09. The amendments to the construction of the acoustic barrier hereby permitted shall not be commenced until an updated Geotechnical Report and Certificate (compliant with HD 22/08) have been submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency acting on behalf of the Secretary of State for Transport).

Reason: To safeguard the integrity of the proposed works and to avoid any adverse impacts upon the adjacent SRN to accord with saved policy ST5 of the South Somerset Local Plan 2006.

10. The development hereby permitted shall be carried out in accordance with the Construction Environmental Management Plan agreed under planning consent 10/02210/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment to accord with saved policy EP9 of the South Somerset Local Plan 2006.

11. The Tree Protection Plan and Arboricultural Method Statement agreed under planning consent 10/02210/FUL shall continue to be implemented in their entirety for the duration of the development hereby permitted, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the rural character of the area and to preserve and retain existing trees in accordance with the statutory duties defined within the Town & Country Planning Act, 1990 (as amended).

12. No means of external illumination/lighting shall be installed without the prior written approval of the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with saved policies ST3, EC3 and ST6 of the South Somerset Local Plan 2006.

Informatives:

01. The proposed access route and some of the proposed planting and new ditches could affect public footpaths (NW 28/9 and NW28/10) that cross / pass near the application site. Should the proposal obstruct these rights of way, affect the health and safety of

walkers or make their use less convenient for members of the public a temporary closure order may be necessary and a suitable alternative route provided. In such circumstances the applicant is advised to contact Sarah Hooper of Somerset County Council on 01823 483086. Please note that authorisation is also needed from SCC should new furniture or any changes to the surface of the footpaths be required.

Refer to ROW ..