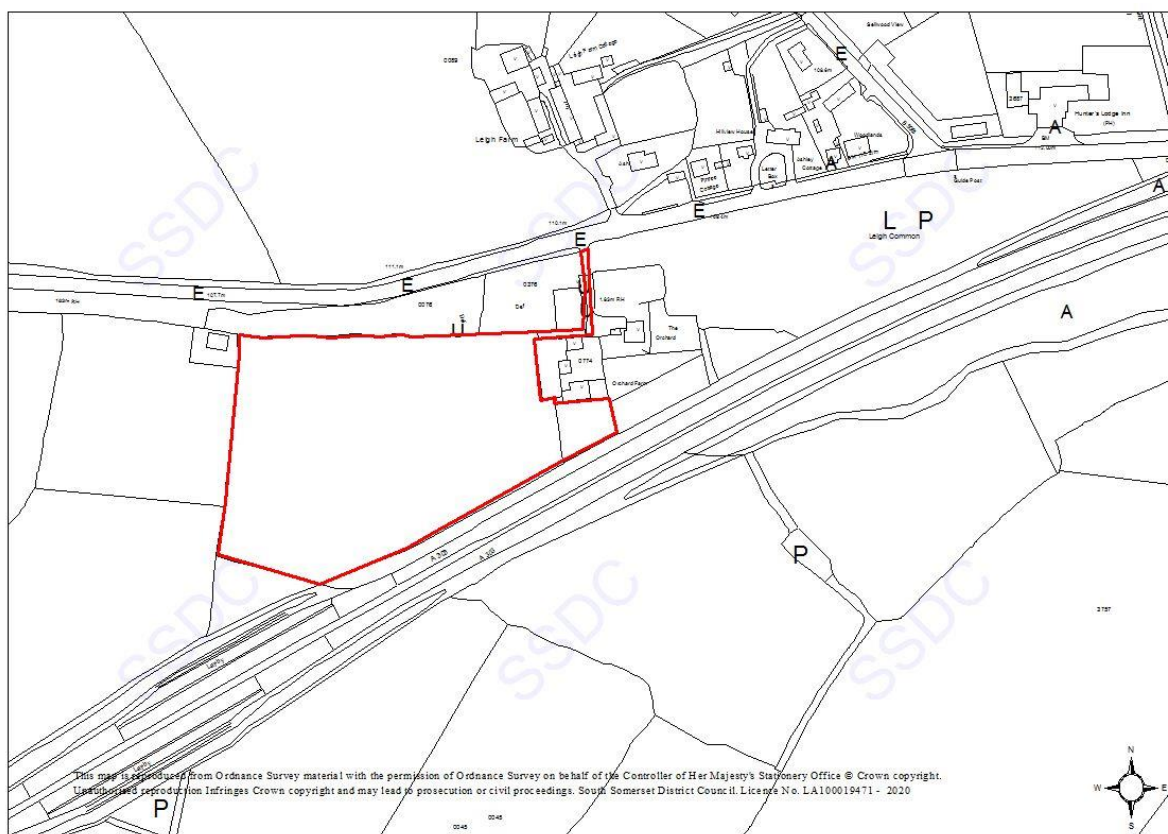


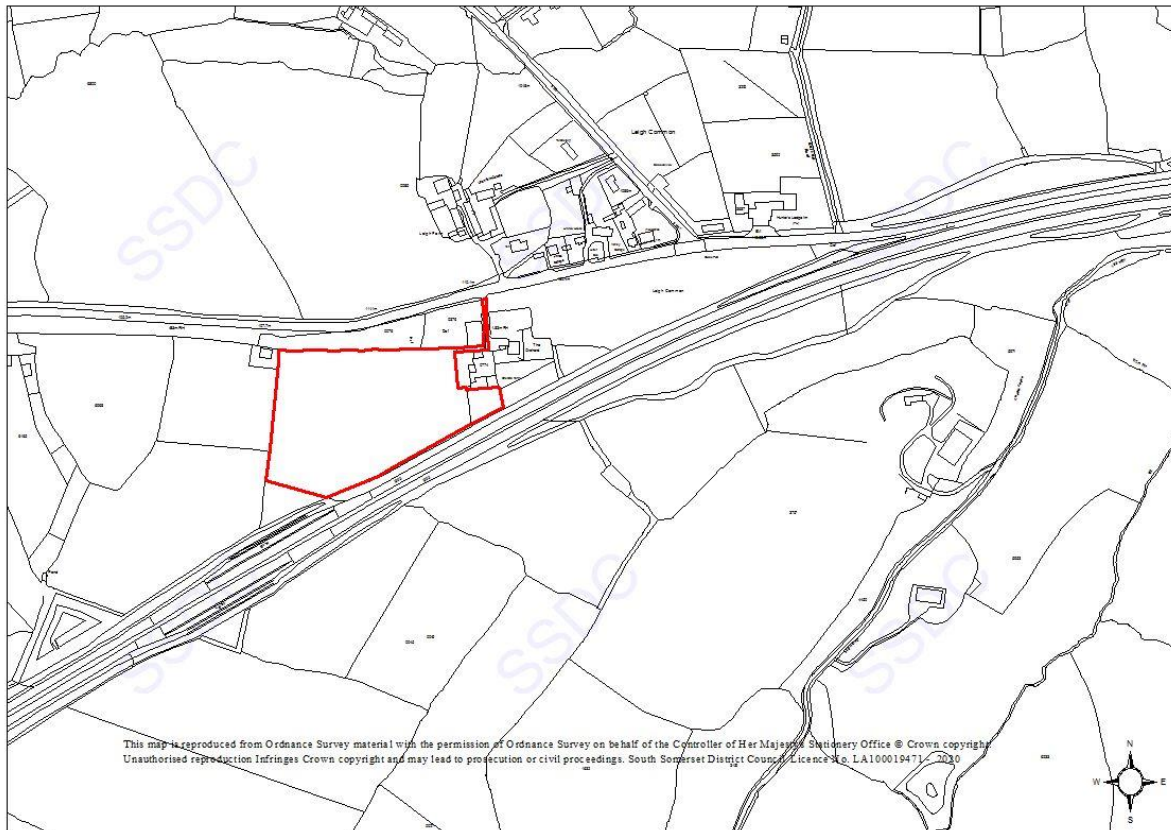
Officer Report On Planning Application: 20/01511/FUL

Proposal :	Construction of engineered noise attenuation bund.
Site Address:	Land Adj Orchard Farm Leigh Common Stoke Trister
Parish:	Stoke Trister
TOWER Ward (SSDC Member)	Cllr R Bastable
Recommending Case Officer:	Peter Thomas Tel: 01935 462350 Email: Peter.Thomas@SouthSomerset.Gov.Uk
Target date :	2nd September 2020
Applicant :	Mrs Carol Foster
Agent: (no agent if blank)	Land & Mineral Management Roundhouse Cottages Bridge Street Frome BA11 1BE
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL

The application is referred to Committee, due to its scale being over 2 hectares in size (measuring 2.4 hectares).





Site description and application

The application seeks permission for the construction of an engineered noise attenuation bund at land adjacent to Orchard Farm, Wincanton, Somerset. The development site covers approximately 2.4ha and comprises part of a single agricultural pasture field and a residential garden. The site is located immediately north of the A303 trunk road boundary, and approximately 1.2km west of the A303/B3081 junction.

It is noted that a planning application for a similar acoustic bund at the site was submitted to South Somerset District Council in 2010 (Ref: 10/00333/FUL), although this was subsequently withdrawn.

A Planning Statement, Geotechnical Design Report and Flood Risk Assessment have been submitted in support of the application

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraphs 2, 11, 12, and 14 of the NPPF 2019 state that applications are to be 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 policies of the South Somerset Local Plan 2006-2028 (adopted March 2015) and the Wincanton Neighbourhood Plan 2018-2028 (Statement of Decision to Make the Plan, 1st March 2018).

The policies of most relevance to the proposal are:

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EQ1 - Addressing climate change in South Somerset
Policy EQ2 - General Development
Policy EQ4 - Biodiversity
Policy EQ6 - Woodland and Forests
Policy EQ7 - Pollution Control
Policy TA5 - Transport Impact of New Development

National Planning Policy Framework - February 2019
Chapter 2 - Achieving Sustainable Development
Chapter 4 - Decision-making
Chapter 11 - Making Effective Use of Land
Chapter 12 - Achieving Well Designed Places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Other Material Considerations

Somerset County Council Parking Strategy (September 2013) and Standing Advice (June 2017)

CONSULTATIONS

Stoke Trister Parish Council

Stoke Trister with Bayford Parish Council have no objections to the attached application provided it is done completely in line with the plan produced

County Highway Authority

No objections subject to the imposition of highways related conditions.

SDDC Highway Consultant

The highway authority may wish to consider the measures outlined in the Planning Statement in terms of the management of construction traffic but more details may be necessary or for a detailed Construction Traffic Management Plan to be prepared and submitted. When reviewing the Highways England response it would appear that the preparation of a CTMP has been recommended by that authority, which I concur with.

Environmental Health

No comments to make

Highways England

Highways England has considered the impact of the proposals and does not consider that the impact of development upon the safe and efficient operation of the Strategic Road Network is likely to be severe. It makes recommendations precommencement conditions to address water runoff and construction of the bund.

Lead Local Flood Authority

The applicant has provided a Flood Risk Assessment advising that the proposed noise attenuation bund has the potential to increase surface water run-off from the site, and have provided supporting discharge rates and volumes both pre and post development to show this. To address this, measures have been proposed to attenuate this increase in flow to control and

mange surface water from the site, however, no supporting attenuation calculations have been provided. Therefore, we would advise that the applicant provides an assessment of the attenuation volumes needed to control the flow from the site, advise where the storage will be provided and demonstrating that discharge rates will be restricted to pre-development rates. Furthermore, noting the proposal to install check dams to the western ditch system, this will need to demonstrate that the ditch has the capacity to take flows from the site, and that discharge rates will not increase as part of the proposals. This would require an assessment of the capacity of this system and consideration the flow and catchment that this system picks up. The proposal also has the potential to change the existing hydrological regime and overland flow paths on the site. We would advise that this is addressed in terms of flow routes and velocity of flow and show that there is no significant increase in flow to the system. From the Highways England response, it appears that the southern stone drain discussed within the drainage strategy may be a Highways England asset, this should be clarified, and the proposal confirmed acceptable by them.

We would advise that the land drains and ditches are most likely ordinary watercourses, and as such may need Land Drainage Consent from ourselves for works to be undertaken.

Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.

Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

South West Heritage Trust

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

County Ecologist

No objections but, to comply with local and national policy, wildlife legislation and the requirements of the mitigation hierarchy, and for biodiversity net gain, several ecological conditions are recommended.

Considerations

This application is seeking to construct an acoustic barrier with the aim of reducing the impact of traffic noise generated by the nearby A303 upon the amenities of Orchard Cottage.

The bund will be achieved by importing approximately 30,000m³ of suitable materials. The bund will be a maximum of 7.3m in height above original ground levels in the field and 2m in height in the garden. There will be a 5m standoff along the southern boundary to take account of the water main that runs through this part of the field. Access will also be maintained to the water main by leaving a 5m gap between the western field boundary and the bund. A 5m buffer from hedgerows and trees shall be maintained at all times throughout the development.

The gradient of the bund will be 1 in 3 on the outer edge, while the inner edge will blend with the contours of the existing field. In the garden of Orchard Farm House the bund will form a short ridge. The final landform will be laid to grass in order to blend with the existing landscape.

Justification

An acoustic report has been submitted as part of the application which concludes that the proposed bund should significantly reduce the level of road noise reaching Orchard Cottage.

SSDC's EP officer has offered no comments on this report however the submitted noise report states that the works would achieve a moderate reduction in external noise levels at Orchard Farm House and would reduce noise in the gardens areas to the west of the dwelling.

Whilst large scale change to local land form is often strongly resisted, in this instance the proposal has been carefully designed and is accompanied by an extensive planting scheme which should not only sit comfortably in the local landscape but also offer some real enhancements to both the landscape and local wildlife habitat and ecology.

The field within which the proposal is set is classified as grade 3 agricultural land. Paragraph 112 of the NPPF states that decisions should contribute to and enhance the natural and local environment and recognise the intrinsic character and beauty of the countryside, including economic and other benefits of the best and most versatile agricultural land.

In this regard, the proposal is considered to be very site specific and is required to dampen the noise of the main road. The loss of the agricultural land would be limited to an extent of land along its furthest boundary and would not prevent farming of the wider field. Given this the principle of development is considered to be acceptable.

Landscape Impact

The Site is not in a sensitive or designated landscape, although the Cranbourne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) is located approximately 1km to the northeast. The submitted LVIA states that to the north, east and west, the proposed development will be largely contained and enclosed by surrounding mature vegetation and sloping landform, ensuring that its wider influence will be limited. Meanwhile, to the south, the proposed development will be perceived only from the A303 and any glimpsed, fleeting views very quickly become restricted by the undulating landform and mature vegetation enclosing this busy major road corridor. It is noted that other earth bunds have been constructed to attenuate the noise of the road, and therefore such an addition along the road would not be unusual.

No detailed plans of the proposed boundary treatment or planting schedule have been provided. This concern has been raised by the Highways Agency, and it is considered reasonable that a condition is attached to any permission requesting the details. The HA have specified which species of plants would not be acceptable and this could be included as an informative.

Given the above, it is considered that subject to conditions the proposal is acceptable in landscape terms.

Impact upon highway safety and the structural stability of the A303

In terms of land stability, as the site is adjacent a major road a ground investigation has been submitted. To ensure the long-term stability of the proposed landform, lab testing of the existing ground conditions and a Stability Risk Assessment of the proposed design have been undertaken. This report concludes that when undrained, the foundation soils and landform are stable and safe. However when foundation soils are drained, the embankment has insufficient stability due to the presence of shear surfaces.

It is therefore recommended that to enhance the strength of the near surface foundation soils containing shear surfaces by constructing a "shear key". This will be achieved by excavating and recompacting the previously sheared strata to destroy existing shear surfaces at the bund's toes.

The HA have advised that the report requires a number of revisions to enable them to certify the submitted investigation and geotechnical design report. These changes are stated within the HA response. It is further stated that the applicant is required to produce a geotechnical

feedback report upon completion of the bund to ensure there is no adverse impact upon the A303 or its assets.

The construction of the bund would require the importation of around 30,000m³ of suitable materials to the site. Owing to the proximity of the proposed construction works to the A303 trunk road, it is requested that the submission of a Construction Traffic Management Plan (CTMP) for HA review and approval, ahead of commencement is provided.

Flooding

The application site is not within a flood zone, but a small area is within a surface water flooding area. The Environment Agency have raised concerns regarding lack of attenuation calculations from surface water runoff. They have requested details an assessment of attenuation volumes needed to control flow from the site. It is further requested that details show that a check dam in the western ditch has the capacity to take flows from the site and discharge will not increase as part of the proposal. The proposal also has the potential to change the existing hydrological regime and overland flow paths on the site. The EA advise that this is addressed in terms of flow routes and velocity of flow and show that there is no significant increase in flow to the system. They also advise that there is a legal requirement to seek consent from the county council to seek consent before piping/culverting or obstructing a watercourse.

Similar concerns are raised by the Highway Agency. The assessment of water runoff for the field indicates that the run-off rate is likely to be trebled post construction due to the channelling caused by the proposed bund. As the site is immediately adjacent to and upstream of the Highways England boundary, it will need to be ensured that the proposed drainage is sufficient to prevent any overland/exceedance flow problems. The HA require the submission of a detailed drainage strategy for our review and approval, ahead of commencement.

Drainage records indicate that there is an existing connection from the field into the Highways England drainage asset, although this is not referenced in the submitted reports. The HA therefore require a drainage survey to confirm the location and condition of the asset. These are recommended by the HA as planning conditions. Given this, it is considered that a condition could be attached to any permission to ensure the drainage details are submitted for approval. These condition would need to be pre-commencement conditions, and have been agreed with the applicant.

Residential amenity

Bearing in mind the distance between the application site and the nearest neighbouring properties, the background noise generated by the A303 and intervening road between the noise and general disturbance generated by the proposed development should not amount to a demonstrable level of harm to the amenities of these properties. SSDC's Environmental Protection Unit has raised no objection to the proposal.

Ecology

SSDC's Ecologist has not raised an objection to the proposal. Subject to conditions ensuring a bio-diversity net gain, and protection of protected species, there are not considered to be any objections in this regard.

Conclusion

It is considered that the proposal, subject to conditions is acceptable. The precommencement conditions have been agreed with the applicant.

RECOMMENDATION

Approve subject to the following conditions:

01. The proposed acoustic barrier 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 planting scheme that will form part of this application will not adversely affect any protected species and is likely to provide enhanced habitat to wildlife in the vicinity to the benefit of local ecology. As such the proposal accords with policies SD1,SS2.EQ1, EQ2 EQ4 EQ6 EQ7 TA5 of the South Somerset Local Plan (2006-2028)

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 Site Layout 782/02, Location Plan, combined PSS-GIR-GDR, noise bund assessment A1468TN01A, flood risk assessment, ecological appraisal (MEC 19 May 2020)

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

03. Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, a revised Ground Investigation and Geotechnical Design Report shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). The development shall be carried out in accordance with the agreed details.

Reason: The details are required at an early stage to ensure the protection of the Highways England geotechnical asset in accordance with the provisions of the National Planning Policy framework and policy TA5 (Transport impact of New Development) of the south Somerset Local Plan

04. Prior to the commencement of the development hereby permitted, a detailed drainage strategy including detailed designs of the proposed surface water drainage, flow calculations, attenuation and discharge details, and a drainage survey of the existing Highways England drainage asset at the south of the site shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). The development shall be carried out in accordance with the agreed details.

Reason: The details are required at an early stage to ensure the protection of the Highways England drainage asset and to ensure that the site is suitably drained in accordance with the provisions of the National Planning Policy Framework, and policy TA5 (Transport Impact of New Development) and EQ1 (Addressing climate Change in south Somerset) of the South Somerset Local Plan

05. Prior to the commencement of the development hereby permitted, a detailed boundary treatment plan for the site boundary with the A303 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). The development shall be carried out and retained in accordance with the agreed details.

Reason: The details are required at an early stage to safeguard the integrity of the A303 trunk road and its assets in accordance with the provisions of the National Planning Policy Framework and policy TA5 (Transport Impact of New Development) of the South Somerset Local Plan.

06. Prior to the commencement of the development hereby permitted, a planting schedule shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). The development shall be carried out and retained in accordance with the agreed details.

Reason: The details are required at an early stage to safeguard the integrity of the Highways England soft estate in accordance with policy TA5 (Transport Impact of New Development) of the South Somerset Local Plan

07. Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). This must include the proposed duration and scope of all construction activities, and appropriate method statements for all works adjacent to the A303 boundary. The development shall be carried out in accordance with the agreed details.

Reason: The details are required at an early stage to ensure the integrity of the Highways England infrastructure asset and the continued safe operation of the A303 trunk road in accordance with policy TA5 (Transport Impact of New Development) of the South Somerset Local Plan.

08. Following the completion of the development hereby permitted, a Geotechnical Feedback Report undertaken in accordance with Appendix I of DMRB Standard CD 622 'Managing Geotechnical Risk' shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England).

Reason: To ensure the protection of the Highways England geotechnical asset in accordance with policy TA5 (Transport Impact of New Development) of the South Somerset Local Plan

09. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority and agreed in writing.

Reason: In the interests of ecology in accordance with the provisions of the National Planning Policy Framework and policy EQ4 (Biodiversity) of the South Somerset Local plan as although nesting birds are protected are afforded protection under the Wildlife and Countryside Act 1981 (as amended the law does not specify a time period - some species can breed outside the time frame given

10. All retained trees and hedgerow shall be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012. The boundary hedgerows and trees will be subject to a 10m buffer, marked by Heras fencing erected prior to works commencing. No materials or plant should be allowed within the buffer zone.

Reason: In the interests of protecting Ancient woodland, ancient trees and veteran trees in accordance with the National Planning Policy Framework and policy EQ6 (Woodland and Forests) of the South Somerset Local Plan

11. a) Two bat boxes (Schwegler 1FF) shall be hung on two mature trees on the western or northern boundary of the pasture field. Each bat box should be positioned as high above the ground as possible and a minimum 3m above ground level. Clear lines of flight to box entrances should be maintained at all times.
b) One no. Schwegler 1B and one no. Schwegler 2H bird boxes will be installed on retained trees at the boundary.
c) The grassland within the development site should continue to be maintained as a short/open sward through continued sheep-grazing and/or regular cutting through the growing season (e.g. March to October). This will avoid the grassland developing a tussocky sward and potentially becoming more suitable for some wildlife to use.

d) New woodland planting on the outer face of the new bund will be implemented as stated within section 7.3 of the Malford Environmental Consulting report 2020.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework and policy EQ4 (Biodiversity) of the South Somerset Local Plan

Informatives:

01. Drainage

The Environment Agency would advise that the land drains and ditches are most likely ordinary watercourses, and as such may need Land Drainage Consent from them for works to be undertaken.

Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted. For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

02. Badgers

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

03. In relation to conditions 5 and 6 Highways England advise that the following species must not be planted within 10m of our soft estate:

- o Blackthorn (*Prunus spinosa*)
- o Goat willow (*Salix caprea*)
- o Crack willow (*Salix fragilis*)
- o Dogwood (*Cornus sanguinea*)
- o Italian alder (*Alnus cordata*)
- o Bird cherry (*Prunus avium*)
- o Quaking Aspen (*Populus tremulans*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway, or any Highways England asset:

- o Silver Birch (*Betula pendula*)
- o Austrian Pine (*Pinus nigra*)

In respect of any proposed planting, highways England would encourage the use of native and naturalised species planting to provide or support screening mitigation, with an evergreen component to support this all year round.