

Committee date 11/06/2024

Application No: 34/24/00003

Application Type: Full Planning Permission

Case Officer: Amelia Elvé

Registered Date: 19/02/2024

Expiry Date: 19/05/2024

Parish: Middlezoy

Division: Bridgwater East & Bawdrip

Proposal: Variation of Condition 5 of Planning Permission Application No. 34/23/00007 (Proposed formation of a temporary material stockpile for reservoir embankment construction, erection of fencing and gates, siting of welfare unit, alterations to existing access with parking and turning area.) to amend previously submitted documentation, to allow for a change to the proposed access route.

Site Location: Land To The North Of, Olivers Road, Middlezoy, Bridgwater

Applicant: Environment Agency

**** THIS APPLICATION IS CODED AS A MAJOR APPLICATION ****



Committee decision required because

This application is referred to the area committee as it is a major development and the comments from the Parish/Town/City Council and/or elected member/s are contrary to the recommendation

Background

Permission has been granted for the formation of a temporary material stockpile to service three reservoirs in the vicinity; Southlake Moor, Curry Moor and Westmoor. The scheme includes the erection of fencing, a welfare unit and alterations to the existing parking and turning area.

The application seeks to vary condition 5 of planning permission 34/23/00007. This condition states:

The development shall be carried out in accordance with the submitted and hereby approved Construction Traffic Management Plan (CTMP) within the Transport Assessment (Atkins, 12 May 2023) and adhered to fully for the length of the construction period.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

The variation is sought on the basis that the proposed access route from the application site to Southlake Moor Reservoir, as detailed within the Transport Assessment, is incorrect. The approved Transport Assessment proposed the use of the A361 and access to Southlake Reservoir via Stathe Road. However there is no access into Southlake Reservoir from Stathe Road as it is the wrong side of the river, and it is therefore proposed that the A361 and Pathe Road are used instead.

Relevant History

34/23/00007 - Proposed formation of a temporary material stockpile for reservoir embankment construction, erection of fencing and gates, siting of welfare unit, alterations to existing access with parking and turning area. - **Granted**

Supporting information supplied by the applicant

Site Location Plan Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000 Rev. C03

Site Layout Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000 Rev. C04

Consultation and Representations

- Date of consultation: 20 February 2024
- Date of revised consultation (if applicable): 13 March 2024 (Othery Parish Council only)
- Press Date (if applicable): 20 February 2024

- Site Notice Date (if applicable): 01 March 2024

The submitted comments are available in full on the Council's website.

Consultees the following were consulted:

Consultee Name	Summary of Response
Middlezoy Parish Council, c/o The Robins	<p>Object</p> <p><i>Due to the amount of anticipated large lorries traffic (approx.. 100 per day) it was felt that the road routes submitted were unsuitable for the large lorries to use.</i></p> <p><i>The various road plans did not take into account the narrowness of the road – and more importantly narrow bridges.</i></p> <p><i>There is also insufficient guidance from Highways – they state – “comments to follow a full assessment” – nothing on the portal as of 20.03.24.</i></p>
Westonzoyland Parish Council	No response
Othery Parish Council	<p>Object</p> <p><i>Othery Parish Council are in a difficult situation as they understand that the work on flood prevention is essential but it is clear that this route that is before them is unsuitable and has not been correctly risk assessed even though we were assured by the EA that it was the planned route from the start but there was an error in not submitting it with the initial application.</i></p> <p><i>Othery were not consulted on the first application and would not have been consulted on this application if Middlezoy Parish Council had not alerted Othery of this alteration to the delivery route. We then with the assistance of Cllr Martin contacted the planners and we were only then included as consultees.</i></p> <p><i>Othery will be badly affected by the vehicle movements through the village and the meeting last Monday attended by over 50 members of the</i></p>

public is testament to the level of anger there is in the village. Pathe Road is designated as unsuitable for HGV vehicles so an amendment was made to the application changing 40 HGV movements a day to 50 tractor and trailer movements a day with a limit of 20 tons maximum gross weight. Taking the weight of the tractor and trailer into consideration only 10 tons can be transported on each load. 50 movements double up to 100 when one takes into consideration the return journey during a 10 hours working day because of the journeys being suspended when the children going to Othery Primary School 08:00 to 09:00 and home at the end of the school day 15:00 to 16:00 which must be monitored by the contractor. This was one of the conditions in the permission granted to the last application 34/23/00007 but it would seem only covered Huish School. It must also include Othery Primary School .

Only now are Kier assessing the two passing bays on Pathe Road which are the only places that the tractors and trailers can pass other vehicles using this route let alone the cyclists, walkers, mothers with buggies and Othery residents on horseback. They suggest that they will have traffic marshals in place to control the tractors and trailers but they will have no jurisdiction over normal traffic which during the day number 20 an hour but will be more during the morning run to work and the evening run home. Pathe Road is well used by commuters thus avoiding going through the centre of Othery. The solution should have been a road closure for all but residents and construction traffic but we are told that it is too late to consider this now. Why wasn't it part of the initial planning if as we are told this route was always going to be used?

Residents are concerned that alternative return routs through roads such as Summerhedge will be used when Kier realise that they will not get

	<p><i>the quantity of deliveries a day through Pathe Road. The other alternative is continue along Pathe Road to Aller but there are very tight corners and a vulnerable bridge to be considered. The meeting was told that no alternative routes were being considered.</i></p> <p><i>Mud on the road from the tractor tyres will definitely happen as there is no plan in place for the wheels to be cleaned before going onto the road which is a road traffic offence. The solution is to have a road sweeper on site which will have to be used after each tractor leaves the site and this will slow down access to the site. Burrow Mump Car park was suggested as an access for all sites but the meeting was told that this was unsuitable but the meeting felt that with forward planning it could have been made suitable. None of this seems to have gone through the necessary risk assessment process. We are told that there are already problems with one access point because National Grid are well behind with their plans to move overhead cables so will this project be finished by July 2025 the date we were given at the meeting on Monday?</i></p> <p><i>Residents along the route in listed or heritage building are concerned that their properties will be badly affected but they have to apply to Kier to have their property assessed before the work commences. Surely this should have been part of the initial risk assessment. What happens if someone is away and does not get their property assessed before the work starts? Pathe Road will be damaged by this work and Kier stated that it will be reinstated after the work has finished and any damage caused by Kier will also be reinstated but the meeting felt that this should be in the planning conditions.</i></p>
Bridgwater East & Bawdrip 1 - Andy Dingwall	No response
Bridgwater East & Bawdrip 2 - Diogo	No response

Rodrigues	
King Alfred 1 - Matthew Martin	No response
King Alfred 2 - Harry Munt	No response
Somerset Council - Civil Contingencies	No response
Coastal and Land Drainage	No response
Environment Agency (drainage/water)	No objection
Environmental Health - Somerset Council (Sedgemoor Area), Email Address Only	No comment/observation
Historic Environment Service, Somerset Heritage Centre	No objection
Rights of Way Officer	No response
Somerset Council - Ecologist	No comment
Somerset Council - Local Lead Flood Authority	No response
Somerset Council - Rights of Way	No response
Somerset Highways	<p>No objection</p> <p><i>We can agree to the variation of condition 5 and using Pathe Road subject to them obtaining the necessary streetworks/network management approvals.</i></p> <p><i>Our streetworks team have suggested an alternative could be to close Pathe Road and limit this to construction traffic only and they manage resident movements themselves using Summerhedge Road and Rye Lane. They could use banksman to manage movements in and out of Pathe Road and voice traffic lights on the A361. This will also be subject to their discussions with network management when securing approvals.</i></p> <p><i>If they are altering the route and using Pathe Road, they should do a pre-commencement condition survey of this road too on top of what (was required) for condition 7 for 34/23/00007).</i></p>
South West Heritage Trust	No response
Sustainable Drainage Systems (LLFA)	No comment
Parrett Drainage Board	No response

Local representations:

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

2 representations, from 2 addresses have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
<p>The proposal poses safety concerns and traffic dangers for the children of the village, residents and cyclists/pedestrians that use Pathe Road.</p> <p>Suggestion of alternative route to by pass the village of Othery.</p> <p>Request for a lollipop person and temporary zebra crossing.</p> <p>Request for a condition to prevent construction traffic travelling through Othery during school drop off/pick up and at weekends/Bank Holidays.</p> <p>Request for imposition of a 20mph speed limit.</p>	<p>The Highways Authority have reviewed the proposed amended route and have raised no objection. Advice has also been given regarding how the traffic is managed in respect of road closures, however this is a matter to be addressed between the developer and the Highways Authority post-decision.</p>
<p>Request for pollution monitoring to be set up at Othery Primary School</p>	<p>Environmental Health have been consulted on the application and have raised no comment/observation.</p>
Support	Officer comment

Summary of objections - non planning matters

- Request to delay the decision until structural surveys of the residential properties along the route is undertaken to allow for claims for damage.

Summary of support - non planning matters

Most Relevant Policies

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

National Planning Policy Framework

Section 9 – Promoting sustainable transport

Sedgemoor Local Plan (2011-2032)

D14: Managing the Transport Impacts of Development

Main Issues

As this is a Section 73 application, there is no need to revisit matters that are not subject to change as a result of this application.

Assessment of Changes

The proposed variation of condition seeks to amend the approved access route to the site, due to the inability to access one of the reservoirs that the stockpile will serve by the consented route.

The Highways Authority have reviewed the revised route, and have raised no objection, recommending the carry over of the road condition survey that had been attached to the original consent. Comments have also been provided advising of how the traffic could be managed in respect of road closures, however this would be a matter to be addressed following the planning application between the developer and the highways department.

In respect of the comments raising concerns about the impacts of the traffic movements in relation to Othery Primary School, the originally consented scheme proposed a route that travels past the school, along the A361 using Stathe Road, in Burrowbridge, to access the site. The amended route will still travel near the school, but will use Rye Lane, which is opposite the school, to access the site.

As the Highways Authority have not raised an objection, it is considered that the proposal is acceptable in respect of policy D14 of the Local Plan. It is therefore recommended that the variation of condition is granted planning permission.

Other Issues

A 3rd party representation has requested the delay of the planning application determination to allow for structural surveys to be undertaken to assess if any damage arises to residential properties as a result of the traffic generated. This is a civil matter that would need to be addressed outside of the planning system.

Conclusion

It is considered that as the highways authority have not objected to the amended construction traffic route, that the proposed variation complies with policy D14 and therefore, it is the officer's

recommendation that this is approved.

RECOMMENDATION

GRANT PERMISSION

- 1 The development hereby approved shall have ceased and any buildings or works authorised by the permission shall be removed and the land reinstated to its former condition no later than 14/11/2025.

Reason: The application is for a temporary development.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 Maintenance of the permeable surfacing for the period of use shall be completed and maintained in accordance with the details submitted and approved on 12 December 2023 under planning permission 34/23/00007.

Reason: To safeguard the operation of the proposed system to ensure development is properly drained as in accordance with policy D1 of the Sedgemoor Local Plan 2011-2032.

- 4 All ecological measures and/or works shall be carried out in accordance with the submitted and hereby approved Ecological Impact Assessment (Atkins, May 2023) and the Environmental Management Plan (Kier, 02/05/23).

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy D20 of the Sedgemoor Local Plan 2011-2032.

- 5 The development shall be carried out in accordance with the submitted and hereby approved Construction Traffic Management Plan (CTMP) within the Transport Assessment (Atkins, 31 January 2024) and adhered to fully for the

length of the construction period.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 6 No ground disturbance should take place in the area identified as containing archaeology, except the storage of soils as described in the submitted and hereby approved "Planning, Design and Access Statement & Sustainability Statement Doc No. ENV0000727C-ATK-XX-3SP-RP-PL-000001, 24 May 2023" and the "Site Layout Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000002C03".

Reason: The site contains areas of archaeological interest and the Council wish to ensure preservation in-situ of remains on the site as in accordance with policy D26 of the Sedgemoor Local Plan 2011-2032.

- 7 No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway on Pathe Road from the junction with the A361 to the site entrance has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Within 6 months of the cessation of use of the development hereby approved, any damage to the adopted highway network shall be made good to the satisfaction of the Highway Authority.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

Schedule A

Site Location Plan Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000 Rev. C03

Site Layout Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000 Rev. C04

Floor Plan & Elevations Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000004C01

Floor Plan & Elevations Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-0000041C01

Levels Plans Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000003 Rev C01

Sections Plan Drg No. ENV0000727C-ATK-XX-3SP-DR-PL-000005 Rev C01

Strategic Stockpile Drainage Strategy dated 11/10/2023 Doc No. ENV0000727C-ATK-XX-4ZZ-RP-D-000001 Rev P02

DECISION
