

Delegated Report

Puriton	42/22/00007/SPH received 07/02/22 (FUL)
Proposal:	Variations of Conditions 2, 4, 5, 7, 9 & 13 of Planning Permission 42/11/00017 (Engineering works to facilitate the remediation including earthworks and the demolition of existing buildings) to facilitate the remediation including earthworks and the demolition of existing buildings. at Gravity, Woolavington Road, Puriton, Bridgwater, Somerset for This is Gravity Ltd

Committee decision required because

Not Relevant

Background

This relates to an application to amend and vary previously approved details, specifically Conditions 2, 4, 5, 7, 9 and 13 of Planning Permission 42/11/00017 to facilitate the remediation including earthworks and the demolition of existing buildings. The application Site relates to the Former Royal Ordnance Factory, now known as 'Gravity'.

The remediation consent (ref: 42/11/00017) granted in June 2012 granted full consent for the engineering works to facilitate the remediation including earthworks and the demolition of existing buildings. The extant permission covered a range of engineering and environmental matters to remediate the Site. It is understood that all demolition and remediation works have been completed and as such the proposed variations relate only to the earthworks associated with creating a single 'development plateau' (development platform).

The remediation consent established the creation of multiple 'development plateaus', which offer large plots for future development. Given the engagement with the market and ongoing queries for the Site it is understood that requirements of larger advanced manufacturing facilities and onsite supply chain manufacturing / assembly, are evolving.

In order to afford the flexibility to potential future occupants of the Site, the Applicant considers that this will be achieved by preparing the Site as a single development plateau. As such, this application seeks to vary previously approved details associated with the remediation consent, specifically:

- 2 - Approved Plans
- 4 - Construction & Transport Management Plan
- 5 - Soft Landscaping Works
- 7 - Ecological Mitigation and Management Plan
- 9 - Scheme for Modifications to any Ditch, Drain or Watercourse
- 13 - Tree Root Protection Fencing

This application seeks to expedite site preparation works in the short term as well as supporting the long-term ambition for the development of the Site as outlined in the Gravity Local Development Order (adopted February 2022). This application seeks to achieve this by varying conditions attached to the remediation consent such that the revised plans, including the new Illustrative Landscape Masterplan which prescribes the

size and form of the singular development plateau, can be amended. The proposed levels across the plateau will be raised from existing levels, this varies across the site, but any increase in level is by less than one metre (ranging from 0.04m to 0.90m).

Other Conditions are proposed to be varied due to the technical implications of this change, specifically on soft landscape works; ecological mitigation and watercourse management. The application seeks the approval of the wording of these Conditions to be amended to require development to accord with the revised plans submitted with this application.

Relevant History

95/21/00001	LDO	<p>Gravity Local Development Order</p> <p>Any operations or engineering works necessary to enable the development of the Site, including demolition, excavation and earthworks, the formation of compounds for the stockpiling, sorting and treatment of excavated materials, import of material to create development platforms, piling, and any other operations or engineering necessary for site mobilisation, office and worker accommodation, communications, drainage, utilities and associated environmental, construction and traffic management.</p> <p>The development of a smart campus including:</p> <ul style="list-style-type: none"> • Commercial building or buildings with a total Gross External Area of up to 1,000,000m2 which would sit within current Use Classes E(a) - (g), B2, B8 and sui generis floorspace uses and • A range of buildings up to 100,000m2 within use classes C1, C2, E (a) – (g), F, B8, including restaurants / cafes, shops, leisure, education, and sui generis uses and • Up to 750 homes in use class C3, <p>Together with associated infrastructure including restoration of the railway line for passenger and freight services, rail infrastructure including terminals, sidings and operational infrastructure and change of use of land to operational rail land, multi- modal transport interchange, energy generation, energy distribution and management infrastructure, utilities and associated buildings and infrastructure, digital infrastructure, car parking, a site wide sustainable water management system and associated green infrastructure, access roads and landscaping.</p>	ADOPTED
42/13/00010	DC	<p>Outline application for permission for an Energy Park, with all matters reserved apart from access and full details of a B8 storage building. The part of the Energy Park for which outline planning permission is sought comprises buildings with the following energy related employment uses: B1(a, b or c) buildings, B2 and B8. The application site also includes land safeguarded for energy generating uses, leisure use, and for the</p>	GTD

re-instatement of a rail head. The application also seeks development of infrastructure comprising of new road access onto the A39, a 'green bridge', internal road system, footpaths, cycle routes and bridleways; public open space, landscaping and drainage along with associated works. The B8 storage building for which full details are provided comprises 1,858m² of internal floor space, with associated open storage and infrastructure comprising car parking, internal access road, landscaping and associated works.

42/11/00017 DC Engineering works to facilitate the remediation including earthworks and the demolition of existing buildings. GTD

Supporting information supplied by the applicant

- Application Form
- Cover Letter
- Remediation Surface Water Management Strategy
- Construction and Transport Management Plan
- Ecological Mitigation Strategy and Management Plan (Remediation Phase)

Plans:

- Location Plan
- Illustrative Landscape Masterplan
- Tree Planting & Matrices -Area 1 (11-07-221 Rev C)
- Tree Planting & Matrices - Area 6
- Tree Planting & Matrices - Area 7
- Tree Root Protection Fencing Site Overview Sheet 1
- Tree Root Protection Fencing Sheet 2
- Tree Root Protection Fencing Sheet 3
- Tree Root Protection Fencing Sheet 4
- Tree Root Protection Fencing Sheet 5
- Note Pursuant to Ecological Mitigation Strategy and Management Plan (April 2022)

Consultation Responses

Puriton Parish Council: No Comments received

Woolavington Parish Council: No Comments received

SDC Environmental Health No Comment

SDC Landscape Officer: No Objection – this response is covered in detail within the 'Main Issues' section of this report below.

SCC Ecologist: No Objection in principle – this response is covered in detail within the 'Main Issues' section of this report below.

SCC Highways: No Objection

SCC Highways provided comments on the documentation submitted in relation to condition 4 of the 2011 consent only. Having reviewed the revised Construction & Transport Management Plan (CTMP), SCC note the proposal sees an additional 1 – 2 movements per day on the network and that construction traffic will also use the newly constructed link road – consequently it will not come into conflict with local traffic from Puriton and Woolavington. With regard to the internal site management proposals, SCC Highways is also satisfied that these would not result in an impact on the local highway network. SCC Highways is satisfied with the CTMP details submitted.

National Highways No Objection

National Highways has no comments regarding the proposed variation of Conditions 2, 5, 7, or 9. They have reviewed the CTMP and on the basis of this offer no objections to the proposed variation, however, note that the varied Condition 4 (as proposed) references a CTMP dated August 2021. Condition 4 (as proposed) should be amended to reference the CTMP dated February 2022.

Environment Agency (EA): No Objection

The EA had noted the surface water drainage strategy references Environmental Permits for construction activities. In their response the EA advise that dewatering activities on-site, may require an Environmental Permit unless a specific Exemption applies.

Health and Safety Executive No Comment

Historic England No Comment

Natural England Generic advice provided

South West Heritage Trust No Objection

Defence Infrastructure No safeguarding objection

Axe Brue Drainage Board No Comment

Representations

None received

Most Relevant Policies

National Planning Policies

National Planning Policy Framework (July 2021)

Sedgemoor Local Plan (2011-2032)

Policy S1: Sustainable Development

Policy S3: Infrastructure Delivery

Policy B1: Bridgwater Vision Transformational Projects

Policy B16: Transport

Policy D1: Flood Risk and Surface Water Management

Policy D2: Promoting High Quality and Inclusive Design
Policy D13: Sustainable Transport and Movement
Policy D14: Managing the Transport Impacts of Development
Policy D19: Landscape
Policy D20: Biodiversity and Geodiversity
Policy D22: Trees and Woodland
Policy D24: Pollution Impacts of Development
Policy D25: Protecting Residential Amenity
Policy D26: Historic Environment
Policy D28: Health and Social Care

Other Planning Guidance

Gravity Local Development Order
Puriton Energy Park SPD

Environmental Impact Assessment

A Screening Opinion was submitted to the Council in August 2011 in advance of the original remediation application being submitted. The remediation consent was not considered to constitute EIA development. Whilst the Regulations have been revised since the screening of the previous application, the remediation proposals, and the proposed amendments to the previously approved details sought by this application, are not considered to be 'Schedule 1' or 'Schedule 2' development within the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, therefore the development is NOT EIA Development requiring an Environmental Impact Assessment. This application is therefore considered on the basis that no environment impact assessment is required.

Main Issues

Principle of Development:

This application is not for the creation of an end use, rather the proposal is for the remediation of the Site to prepare it for subsequent development. The principle of remediation has already been established by the previous consent on the Site (ref: 42/11/00017). The only remaining works to be completed on site which are permitted by 42/11/00017 is the creation of the development plateau(s). The amendments to the development plateau would facilitate the future development of the Site in support of Policy B1 and the objectives for the Site as set out in the Gravity Local Development Order (adopted in February 2022).

The proposed amendments to previously approved details are therefore considered to be acceptable in principle. The remainder of this report considers each condition that this application seeks to amend and vary, and the acceptability of the details submitted in support of each condition.

Construction & Transport Management Plan:

The updated Construction & Transport Management Plan (CTMP) provides the details and processes for managing construction traffic in transporting plant, resources, material and

labour to the Site. It demonstrates that a suitable arrangement is in place to mitigate against any impact contingent on construction traffic, such as on highway safety or the amenity of local residents, broadly following the approach set out in the original CTMP which discharged Condition 4 in 2012. The construction traffic will use the newly constructed Gravity Link Road and therefore would not come into conflict with local traffic from Puriton and Woolavington.

SCC Highways and National Highways were consulted on the application. They are both satisfied that the proposals would not impact on the local or the strategic highway network, and that they are satisfied with the variation of Condition 4 to reference the amended CTMP dated February 2022.

The wording of Condition 4 of the remediation consent will therefore be amended as follows:

"Development shall be implemented in accordance with the approved Construction & Transport Management Plan (332310102/4503/002 dated February 2022), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents and occupiers and to ensure safety on the highway."

Soft Landscaping Works / Tree Root Protection Fencing:

The revised Illustrative Landscape Masterplan shows the singular development plateau, retaining a soft landscaping scheme around the perimeter of the Site.

On review of the soft landscaping works and tree planting plans and matrices, the proposed species and spacings detailed are as previously approved in relation to the remediation consent (ref: 42/11/00017). Although the formation of the development plateau has required revisions to several of the planted areas, the changes are not considered to be significant and the numbers of proposed trees to be planted remain the same as previously approved.

Tree protection is no longer required for those trees that are to be removed to facilitate the development plateau. The revised tree protection drawings now reflect this. Protective fencing is proposed adjacent to all areas of existing trees that are to be retained. On review of the Tree Root Protection Fencing plans, Officers are satisfied that the positions of the fencing are acceptable and note they are to be erected prior to commencement of development in accordance with the recommended British Standard (BS5837:2012- Trees in relation to Demolition & Construction).

In order to prevent root compaction, tree or root damage during the demolition of any buildings a method statement is also to be approved by the appointed Consultant Arboriculturalist prior to commencement of any works and this should ensure that works in close proximity and encroaching within root protection areas are carried out appropriately and monitored whilst demolition works are being carried out.

The wording of Condition 5 and Condition 13 of the remediation consent will therefore be amended as follows:

5 - Soft Landscaping Works

"Development shall be implemented in accordance with the approved Illustrative Landscape Masterplan (11-07-14 Rev E) and Tree Planting & Matrices plans (11-07-221 Rev C, 11-07-222 Rev B, 11-07-223 Rev B, 11-07-224 Rev B, 11-07-225 Rev B, 11-07-226 Rev C, and 11-07-227 Rev C), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape preservation."

13 - Tree Root Protection Fencing

"All earthworks and remedial works shall be implemented in accordance with the approved Tree Root Protection Fencing plans (11-07-21 Rev D, 11-07-22 Rev D, 11-07-23 Rev D, 11-07-24 Rev D, and 11-07-25 Rev D), unless otherwise agreed in writing by the Local

Planning Authority.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the Site."

Ecological Mitigation Strategy and Management Plan:

The updated Ecological Mitigation Strategy and Management Plan (EMMP) considers the ecological baseline and evaluation of important features within the Site; sets out a mitigation strategy to avoid significant adverse impacts on features due to be retained within the Site; and makes management prescriptions in order to achieve specific objectives, including monitoring requirements.

SCC Ecology and Natural England were consulted on the application and neither has objected to the proposed amendments to the revised EMMP.

SCC Ecology did advise that SDC, as the local planning authority, should request further information relating to:

- Confirmation of supervision/oversight by an Ecological Clerk of Works of all works affecting ecological receptors.
- Inclusion of schedule/timing of works considering the ecological receptors on site and mitigation measures required, during both construction and post construction management and monitoring.
- Greater detail on mitigation measures in regards to invertebrates (specifically aquatic invertebrates and brown hairstreak butterfly recorded on site), great crested newts, grass snakes, barn owls and badgers.
- A plan illustrating the ecological receptors present on site and any proposed buffer areas.

The Applicant has provided a Note Pursuant to Ecological Mitigation Strategy and Management Plan which addresses each of the points above. As such, SDC is satisfied that the updated EMMP is suitably robust to cover all the measures required to safeguard the ecological receptors on site. Out with the planning process, it is understood that a number of protected species licences have been obtained by the Applicant from Natural England for the purposes of the remediation and redevelopment of the Site.

The wording of Condition 7 of the remediation consent will therefore be amended as follows:

"Development shall be implemented in accordance with the approved Ecological Mitigation Strategy and Management Plan (5106.EMSMP. vf3 dated August 2021) and the Note Pursuant to Ecological Mitigation Strategy and Management Plan (April 2022), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecological mitigation and protection."

Scheme for Modifications to any Ditch, Drain or Watercourse:

This revised Surface Water Management Strategy describes the approach to managing surface water, particularly in relation to the management, use and maintenance of ditches, drains and watercourses. It is proposed to integrate 3.7 hectares of reed beds north of the Site into the surface water system for treatment and storage and all development drainage will eventually be directed through the reed beds and out to the Huntspill River via a new/modified outfall.

The Environment Agency (EA) were consulted on the application and responded to confirm that they had no objection to the proposed variation of this condition.

The wording of Condition 9 of the remediation consent will therefore be amended as follows:

"All earthworks and remedial works shall be implemented in accordance with the approved Surface Water Management Strategy (332310102/4002 Rev A dated 19 January 2022), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain an adequate drainage system and ensure that flood risk is not increased in accordance with the National Planning Policy Framework."

Conclusion:

The proposed amendments benefit from an extant remediation consent (ref: 42/11/00017) and its principle has been established. The details considered as part of this application raise no objection from technical consultees and provides a singular development platform that aligns more closely with the requirements for larger advanced manufacturing facilities and the ambitions for the Site as set out in the Gravity Local Development Order (adopted in February 2022). The recommendation is to grant permission subject to conditions.

RECOMMENDATION

GRANT PERMISSION

- 1 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.

- 2 Within 500 metres of residential properties, the hours of working shall be limited to 8:00am to 6:00pm on Mondays to Fridays and no working on Saturdays, Sundays or Bank Holidays unless otherwise approved by the Local Planning Authority.

Reason: To safeguard local residents from noise and disturbance during unsocial hours in accordance with Policies D24 and D25 of the adopted Sedgemoor Local Plan.

- 3 Development shall be implemented in accordance with the approved Construction & Transport Management Plan (332310102/4503/002 dated February 2022), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents and occupiers and to ensure safety on the highway in accordance with Policies D14, D24 and D25 of the adopted Sedgemoor District Local Plan.

- 4 Development shall be implemented in accordance with the approved Illustrative Landscape Masterplan (11-07-14 Rev E) and Tree Planting & Matrices plans (11-07-221 Rev C, 11-07-222 Rev B, 11-07-223 Rev B, 11-07-224 Rev B, 11-07-225 Rev B, 11-07-226 Rev C, and 11-07-227 Rev C), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape preservation and in accordance with Policies D19 and D22 of the adopted Sedgemoor Local Plan.

- 5 Development shall be implemented in accordance with the approved written scheme

of investigation Phase 1 Archaeological Evaluation Report (ref: 84300.03) prepared by Wessex Archaeology dated September 2012, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure due consideration is given to the preservation and recording of historic remains in accordance with Policy D26 of the adopted Sedgemoor Local Plan.

- 6 Development shall be implemented in accordance with the approved Ecological Mitigation Strategy and Management Plan (5106.EMSMP. vf3 dated August 2021) and the Note Pursuant to Ecological Mitigation Strategy and Management Plan (April 2022), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecological mitigation and protection in accordance with Policy D20 of the adopted Sedgemoor Local Plan.

- 7 All earthworks and remedial works shall be implemented in accordance with the approved Surface Water Management Strategy (332310102/4002 Rev A dated 19 January 2022), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain an adequate drainage system and ensure that flood risk is not increased in accordance with the National Planning Policy Framework and Policy D1 of the adopted Sedgemoor Local Plan.

- 8 Earthworks and remedial works shall be implemented in accordance with the approved site investigation reports, Contaminated Land Risk Assessment (BAE ref: B0045/05-R5-2); Remediation Options Study (BAE ref: B0045/05-R6-2); Remediation Implementation Plan (BAE ref: B0045-08-R1-3) and Groundwater Remediation Strategy (BAE ref: X0625-R5-2) as approved through the condition discharge process by LPA letter dated 13 June 2019.

Reason: To prevent pollution of controlled waters and ensure the appropriate remediation of the Site in accordance with Policy D24 of the adopted Sedgemoor Local Plan.

- 9 If, during development, contamination not previously identified is found to be present at the Site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of controlled waters and ensure the appropriate remediation of the Site in accordance with Policy D24 of the adopted Sedgemoor Local Plan.

- 10 All earthworks and remedial works shall be implemented in accordance with the approved Tree Root Protection Fencing plans (11-07-21 Rev D, 11-07-22 Rev D, 11-07-23 Rev D, 11-07-24 Rev D, and 11-07-25 Rev D), unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the Site in accordance with Policies D19 and D22 of the adopted Sedgemoor Local Plan.

- 11 No system of public address, loudspeaker system or amplified music shall be operated within the Site without the prior written permission of the local planning authority.

Reason: To safeguard local residents from noise and disturbance in accordance with Policies D24 and D25 of the adopted Sedgemoor Local Plan.

Schedule A

Location Plan Drg No. P001
Buildings & structures to be demolished Project B0045/08
Illustrative Landscape Masterplan Drg No. 11-07-14E
Tree Root Protection Fencing Sheet 1 Drg No. 11-07-21D
Tree Root Protection Fencing Sheet 2 Drg No. 11-07-22D
Tree Root Protection Fencing Sheet 3 Drg No. 11-07-23D
Tree Root Protection Fencing Sheet 4 Drg No. 11-07-24D
Tree Root Protection Fencing Sheet 5 Drg No. 11-07-25D
Discharge of Condition 5 Tree Planting & Matrices Area 1 Drg No. 11-07-221C
Discharge of Condition 5 Tree Planting & Matrices Area 2 Drg No. 11-07-222B
Discharge of Condition 5 Tree Planting & Matrices Area 3 Drg No. 11-07-223B
Discharge of Condition 5 Tree Planting & Matrices Area 4 Drg No. 11-07-224B
Discharge of Condition 5 Tree Planting & Matrices Area 5 Drg No. 11-07-225B
Discharge of Condition 5 Tree Planting & Matrices Area 6 Drg No. 11-07-226C
Discharge of Condition 5 Tree Planting & Matrices Area 7 Drg No. 11-07-227C
Proposed Newt Ponds 1 & 2 Drg No. 11-07-69B

Case Officer: Stuart Houlet

Date: 11th April 2022

By the authority delegated by this Council, I confirm that the decision notice in respect of the above mentioned application can be issued.

(For*) Principal Planning Officer/Development Manager

* Delete as applicable

on behalf of **Adrian Noon**
Group Manager:

12/04/22
Date: