

SECTION 2– ITEM 6

Application No: 20/P/1078/FUL

Proposal: Change of use of land from agricultural use to use as a woodland preschool. Erection of pre-school storage building with sedum roof, compost toilets and associated car parking and access arrangements. (Resubmission of Application ref. 19/P/0525/FUL)

Site address: Land accessed from Wentwood Drive, Weston-super-Mare

Applicant: Mrs R Landen

Target date: 14.07.2020

Extended date: 23.12.2020

Case officer: Judith Porter

Parish/Ward: Weston-super-Mare/Weston-super-Mare Uphill

Ward Councillors: Councillor Peter Bryant and Councillor John Ley-Morgan

REFERRED BY COUNCILLORS LEY-MORGAN AND BRYANT

Summary of recommendation

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

Background

This is a resubmission of planning application 19/P/0525/FUL which was dismissed on appeal in December 2019. The appeal inspector considered that the location of the woodland pre-school was acceptable and that it would not adversely affect the character of the area. However, the appeal was dismissed because the impact on protected species (bats) had not been properly addressed and because there were deficiencies in the parking/turning arrangements within the site. The current application therefore seeks to resolve the issues identified in the appeal.

The Site

The application site is part of a field located to the east of the new residential development site (Keepers Gate) at the eastern end of Wentwood Drive and south of the Oldmixon woodland. The site would be accessed through the new development from Wentwood Drive. It incorporates a small part of the woodland edge.

The Application

Full permission is sought for:

- the change of use of land to a woodland pre-school
- erection of a pre-school building and compost toilets
- provision of access, parking and turning

The application is for a Forest pre-school where children would spend the majority of their time outside. The application includes an area of land for the children to use in forest school outdoor activities, including a small area of woodland within the application site boundary.

Relevant Planning History

Year:2019

Reference: 19/P/0525/FUL

Proposal: Change of use of land from agricultural use to use as a woodland preschool. Erection of pre-school storage building with sedum roof, compost toilets and associated car parking and access arrangements

Decision: Refused. Appeal dismissed.

Adjoining site:

Year:2018

Reference: 18/P/3466/RM

Proposal: Submission of reserved matters for appearance, landscaping, layout and scale for the erection of 50no. dwellings

Decision: Approved

Year:2016

Reference: 15/P/0983/O

Proposal: Outline application with all matters reserved except access for up to 50 no. dwellings

Decision: Allowed on appeal

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary
- Wildlife Site
- Landscape Character assessment E 1 Mendip Ridges and Combes
- Horseshoe Bats Zone B

The Development Plan

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

The following policies are particularly relevant to this proposal:

CS4	Nature Conservation
CS5	Landscape and the historic environment

CS11	Parking
CS12	Achieving high quality design and place making
CS25	Children, young people and higher education
CS33	Smaller settlements and countryside

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

The following policies are particularly relevant to this proposal:

DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM28	Parking standards
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM69	Location of sporting, cultural and community facilities

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

The following policies are particularly relevant to this proposal:

SA2 Settlement boundaries and extension of residential curtilages

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following sections are particularly relevant to this proposal:

- 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 Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)
- 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: 15 letters of objection have been received. The principal planning points made are as follows:

- Highway safety, traffic and parking, including cumulative impact with other developments
- Gradients unsuitable for pedestrians and cyclists
- Adverse impact on wildlife, including Ancient woodland and relationship with ecological habitats management on adjoining residential scheme
- Impact on character
- Facilities unsuitable for children
- Noise
- Will lead to other developments

Weston-super-Mare Town Council: “The Town Council do not object to the principal of the application for a woodland pre-school. But object to the proposed access to the site which is considered a highway and pedestrian safety issue due to other new developments currently being erected adjacent to the proposed land off Wentwood Drive”.

Other Comments Received:

Natural England

The Pre-school proposals respond well to the ecological sensitivities of the site: The preschool will operate in daylight hours only, year-round. There will be no windows in the barn and no external lighting is proposed. The woodland edge and hedgerows around the site will remain dark and suitable for light-sensitive bat species. The grazing regime which is proposed (rotational, low stock and organic) will achieve an improvement in biodiversity on the site, due to increased invertebrate production, and that overall the proposals will achieve Biodiversity Net Gain. In relation to the adjacent housing site, permitted under application references 15/P/0983/O and 18/P/3466/RM, the grazing regime to be undertaken as part of the woodland preschool proposal recovers the situation where the housing reserved matters application failed to include the bat mitigation which was assessed as necessary pursuant to the Outline application.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development, (2) highway safety (3) ecology (4) character and appearance, (5) trees (6) living conditions (7) archaeology.

Issue 1: The principle of development

In planning policy terms the proposal falls under Policy CS25 which states that new schools and young people facilities will be sited in a location that would facilitate safe routes to the venue and be directly accessible to a pedestrian and cycleway network. Policy DM69 states that sporting cultural or community facilities will only be permitted outside settlement boundaries where it is demonstrated that the scale, character or potential impact is appropriate taking into account the stated criteria which include being well related to the community it is intended to serve and being in a sustainable location accessible by a choice of transport modes and to disabled people.

Forest schools provide a valuable social and environmental function in providing outdoor education and engagement with the natural environment at an early age. Given the need for natural open space, a suitable site is unlikely to be found within settlement boundaries.

In the recent appeal decision (19/P/0525/FUL) the inspector concluded that the location strikes an acceptable balance between the forest school ethos, which necessitates a “more rural and woodland location” and accessibility by a range of methods. The inspector noted that the gradient of the hill had not precluded residential development and that there is a bus service within walking distance.

It is therefore concluded (in line with the appeal decision) that because the pre-school is intended to have a more rural and woodland location and this site is also adjacent to urban/residential areas with good highway connections for walking/cycling and a bus service, the proposal is in accordance with policy CS25 of the North Somerset Core Strategy and Policy DM69 of the North Somerset Sites and Policies Plan (Part 1) in regard to the location of development, as the site is accessible via safe routes.

Issue 2: Highway safety

Whilst the overall level of parking was acceptable and it was considered that the volume of traffic would not have a detrimental impact on the local highway network or on highway safety beyond the immediate vicinity of the site, the appeal inspector concluded that the turning arrangements within the site were not adequate. This could lead to drivers choosing to park in the new housing development area and as a result could cause highway safety concerns within the new residential development.

This aspect has been addressed by an amended access, parking and turning layout, which is now considered acceptable. It includes footways and a mini roundabout which tracking diagrams show can be used without danger to pedestrians.

It is therefore concluded that the proposed development will not cause an adverse impact to highway safety and complies with policy CS11 of the North Somerset Core Strategy and policies DM24 and DM28 of the North Somerset Sites and Policies Plan Part 1.

Issue 3: Ecology

The site is within Band B of the Bat Consultation Zone, in relation to the North Somerset and Mendip Horseshoe Bats Special Area of Conservation (SAC). The access track, parking and the building fall within the boundary of the Oldmixon to Upper Canada Local Wildlife Site. The whole of the site (and the wider field within which it is located) was included as mitigation in the Habitat Regulations Assessment (HRA) for the adjacent housing development at Keepers Gate.

The recent appeal concluded that the proposed development, particularly through the need for lighting, would have an adverse impact on the SAC. It was therefore found to be contrary to Policies CS 4 and DM8 which seek to protect biodiversity in North Somerset.

Significant changes have been made in respect of the current application. In particular, the need for lighting is avoided by having opening hours within daylight hours only. The installation of lighting and the opening hours would be restricted by condition. Secondly, it is now proposed that the whole of the adjacent field, as well as the application site, will be managed for nature conservation to improve the botanical interest and crucially to secure the management for greater horseshoe bats required for the Keepers Gate HRA. As confirmed by Natural England in their consultation response, this is a net gain for biodiversity which was not secured via the permission for the residential development.

As neither the application site nor the wider site is currently under the control of the applicant (who is a prospective purchaser of both), a section 106 agreement to secure the future management and monitoring of the site will be necessary to ensure that the future management of the site is secured by making the current landowner a party to the agreement. Subject to this and to conditions preventing lighting and restricting opening hours, the proposed development complies with policy CS4 of the North Somerset Core Strategy, policy DM8 of the North Somerset Sites and Policies Plan (Part 1), the North Somerset and Mendip Horseshoe Bats SAC SPD and the North Somerset 'Biodiversity and Trees' SPD.

Issue 4: Character and appearance

The appeal decision concluded that the modest buildings would be appropriate in design and scale, that the operational development affects only a very limited part of the field and that landscape buffers mean that the site would be visually distinct from the new housing, but close to it. Overall, the proposal would not adversely impact the rural character of the site or the wider landscape. The proposal would therefore be in accordance with policies CS5 and CS12 of the North Somerset Core Strategy, policies DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

Issue 5: Trees

Trees of amenity value are on site which adjoins ancient woodland. Adequate information has been submitted to demonstrate that the trees will not be harmed by the development. If permission is granted, conditions can be included to ensure that the trees and woodland will be safeguarded during the development works and thereafter. In this respect, the proposal complies with policy DM9 of the Sites and Policies Plan (Part 1) and to the council's Biodiversity and Trees SPD.

Issue 6: Living conditions

The site adjoins a new housing development at Wentwood Drive. The access to the site lies through that development. The approved layout shows a landscape buffer separating the houses and the boundary with the current application site. It is considered that the impact of children playing would not be unacceptably harmful to those residents.

Comments have also been made about noise impacts from vehicles in Wentwood Drive. The current proposal would have a very small additional impact above that which has already been allowed via the housing scheme. It is considered that there would not be an unacceptable adverse impact on the residents in the established part of Wentwood Drive.

It is concluded that the proposed development complies with Policy CS3 of the North Somerset Core Strategy.

Issue 7: Archaeology

Although the site has been found to be of medium to high archaeological potential, the scale of development proposed is unlikely to have an adverse impact and complies with

policies CS5 of the North Somerset Core Strategy and DM6 of the Sites and Policies Plan (Part 1).

Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

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

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion 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 pre-school is intended to have a more rural and woodland location and as this site is also adjacent to urban/residential areas with good highway connections for walking/cycling and a bus service, the proposal is in accordance with policy CS25 of the North Somerset Core Strategy and Policy DM69 of the North Somerset Sites and Policies Plan (Part 1) in regard to the location of development, as the site is accessible via safe routes. The proposed development will not cause an adverse impact to highway safety and complies with policy CS11 of the North Somerset Core Strategy and policies DM24 and DM28 of the North Somerset Sites and Policies Plan Part 1.

Subject to a S106 agreement securing the future wildlife management and monitoring of the site and conditions preventing lighting and restricting opening hours, the proposed development complies with policy CS4 of the North Somerset Core Strategy, policy DM8 of the North Somerset Sites and Policies Plan (Part 1), the North Somerset and Mendip Horseshoe Bats SAC SPD and the North Somerset 'Biodiversity and Trees' SPD and will lead to a biodiversity net gain.

The proposal would not unacceptably adversely impact the rural character of the site or the wider landscape. Trees can be safeguarded and there is no significant adverse impact on archaeology or the living conditions of neighbours. The proposal would therefore be in accordance with policies CS5 and CS12 of the North Somerset Core Strategy, policies DM6, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

RECOMMENDATION: Subject to –

(a) The completion of a section 106 legal agreement securing the future management and monitoring of the site and the surrounding land for nature conservation reasons.

the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and ward members:

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. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the erection and maintenance of security hoarding
- (e) wheel washing facilities
- (f) measures to control the emission of dust and dirt during construction
- (g) measures to control noise from works on the site
- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (i) measures to keep access roads clear of vehicles
- (j) routing restrictions
- (k) construction phasing restrictions
- (l) location and specification of fencing and other measures for the protection of retained trees

Reason: In order to preserve highway safety, local amenity and the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy and policies DM24 and DM9 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to the commencement of development in order to ensure that construction works do not pose a threat to amenity, health or safety.

4. The forest nursery hereby permitted shall not be brought into use until the access and parking area have been provided in accordance with the approved plans and specifications. The approved parking area shall properly consolidated and surfaced and the parking spaces marked out before the building is occupied/the use commences and thereafter it shall not be used except for the parking of vehicles in connection with the development hereby permitted.

Reason: In order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

5. The development hereby permitted shall not be carried out except in accordance with the approved Arboricultural Impact Assessment & Method Statement (Updated 15th July 2020).

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.

6. The development hereby permitted shall not be brought into use until details of the method of disposal and storage of residue and/or waste from the compost toilets has been submitted to and approved, in writing, by the Local Planning Authority. Thereafter, residue and/or waste from the compost toilets shall be stored and disposed of only in accordance with the approved details.

Reason: To prevent harm to biodiversity and to prevent pollution in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS3 and policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

7. The forest pre-school shall not be open other than at the following times:

- 1st March to 23 October – 7.30am to 6pm;
- 24 October to 20th November – 8am to 4.30pm;
- 21 November to 31 January – 8.30am to 4pm;
- 1 February to 15 February – 8am to 4.30pm;
- 16 February to 1 March to 7.30am to 5pm.

Reason: To prevent the need for lighting which would disrupt bat habitat in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

8. No external lighting shall be installed on any part of the site at any time.

Reason: To prevent light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the premises shall be used as a forest pre-school and forest holiday club and for no other purpose.

Reason: Permission has been granted only due to the special locational requirements of a forest school. The site is unlikely to be a suitable location for other uses within the same use class or similar uses.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order, with or without modification), no extensions or external alterations (including the insertion of windows or glazed doors) to the building shall be carried out without the permission, in writing, of the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over extensions and external alterations in order to prevent light spillage from windows which could harm protected species, to maintain the integrity and appearance of this development and to prevent encroachment on the countryside and in accordance with policies DM8, DM10 and DM32 of the North Somerset Sites and Policies Plan and policies CS4, CS5 and CS12 of the North Somerset Core Strategy, the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no gates, fences, walls or other means of enclosure shall be erected or constructed on any boundaries of the site, or elsewhere within the site unless details have first been submitted to and approved by the local planning authority. Development must proceed strictly in accordance with the approved details.

Reason: The Local Planning Authority wish to retain control over means of enclosure in the interests of the character and appearance of the area and in accordance with policy DM10 and DM32 of the North Somerset Sites and Policies Plan and policies CS5 and CS12 of the North Somerset Core Strategy.