

SECTION 1 – ITEM 6

Application No: 22/P/0062/FUL

Proposal: Installation of 'See Monster' a large-scale temporary art installation formed upon a decommissioned North Sea offshore platform, which provides events space (Sui Generis) along with an amphitheatre, associated engineering and landscaping works

Site address: Tropicana, Marine Parade, Weston-Super-Mare, Somerset, BS23 1BE

Applicant: NEWSUBSTANCE Limited

Target date: 12.04.2022

Extended date:

Case officer: Sally Evans

Parish/Ward: Weston-Super-Mare; Weston-Super-Mare Central

Ward Councillors: Councillor Robert Payne Councillor Mike Bell

COUNCIL OWNED LAND

Summary of recommendation

It is recommended that the application be **APPROVED for a temporary period** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The Tropicana is 0.9 hectares in area. It is a landmark site on Weston's sea front. Other nearby landmarks include Weston Grand Pier; the former 'Sea Life Centre' (now the 'Revo' café); the Winter Gardens; Knightstone Island, Beach Lawns; the Promenade and the Beach. Vehicle access is from Marine Parade at the front, eastern side of the building.

The site is prominent in views from Weston Beach; Marine Parade; the Beach Lawns; Beach Road and Clevedon Road. The main frontage building is two-storey, flanked by single storey sections which extend along the southern boundary. Buildings vary in height from approximately 5 to 8 metres. They are used for various purposes including a tourist information centre, café, a bar with function room/meeting space, and offices at the first floor level. The public entrances to the Tropicana are from Marine Parade, and include direct access to the internal courtyard space, former pool area which is open air. The north and west facing boundaries, which adjoin the beach, are enclosed by stone walls. The north boundary includes a gated service entrance. About 75% of the Tropicana's surface area is an open-air hardstanding. This has been used in recent year for events, a winter ice skating rink, and summer fun fairs.

The Application

The proposal is a full planning application for the reconstruction and adaptation of a decommissioned North Sea oil platform to form a large-scale public art installation for a temporary period. It is proposed to be located on the Tropicana's central hardstanding covering the former pool area with the purpose of creating an interactive art attraction. The design theme is the re-use of materials, renewable energy, and how sustainable practice can help reducing the global impacts of climate change.

The structure, which is predominantly steel, consists of three levels: the cellar deck (324sqm), the main deck garden (253sqm), and the helipad (253sqm). The platform structure stands on 4 pillar legs which will be piled and connected to a concrete hardstanding. The footprint will cover approximately 10% of the Tropicana area and will be clear at ground level except for the supporting legs and water feature which will extend around the base of the structure. At its highest it will be approximately 33 metres above Marine Parade level, 30 metres wide and 25 metres in depth with the platform's flare arm projecting southwards. Two large walkways will provide access to the structure from ground level. Stairs and lifts give access the upper levels. Ancillary equipment is likely to be erected on site, including generators, fuel stores and radio broadcasting facilities housed in portacabins.

Full details of the external colour finishes, final fit out and appearance of the artworks is not yet available but the main structure is likely to be brightly coloured.

Construction activity is planned to commence in March 2022 in three phases,
(i) site preparation and piling,
(ii) construction of the legs and platform, passenger lift, stairs and ramps and
(iii) fit out including landscaping and art features.

The construction phase is expected to take about 10 weeks: 4 weeks for the site preparation (clearance, piling, capping etc), 3 weeks to erect the structure, and 4 weeks for all other elements and decoration to be fitted. It is proposed to be open to the public for 3 months from July to September this year. The installation is intended to be temporary and will be removed and the site returned to its former condition after September.

Construction work will involve the improvement and repair of the existing hardstanding with enabling works for the installation of piled foundations. Piling is expected to take 1 week to complete. All structural works will take place within the boundary of the Tropicana. The heaviest parts of the structure/equipment are likely to be craned into the Tropicana from Marine Parade. Delivery and marshalling would be controlled through the Construction Management Plan.

Traffic movements associated with the construction and removal involve the transportation of sections of the rig from Europe. Approx. 2 -3 standard sized HGV's will arrive on site per day (a total of approx. 100 HGV movements) via an agreed route from J21 of the M5 to minimise disruption to the town. A holding facility will be made available at Locking Road car park to prevent queuing on local roads. Following construction there will be a fit out stage of elements manufactured off site, delivered, and built into the main framework which is scheduled to take place in May/June and the structure is due to be open to the public in July. A number and variety of mobile cranes will be used, some of which will be operated from the beach via the existing northern slipway using a metal temporary road

surface. This complies with procedures for previous events at the Tropicana. Once open, there will be a visitor travel plan promoting the use of public transport and non-car based travel. Methods of travel by train, bus, cycle and on foot will be detailed in the event publicity on individual websites for the Council, the Tropicana, Unboxed and for the See Monster. The town centre car parks will also be available.

During the operational phase visitor access/egress is via existing doors to Marine Parade, and visitors will be free to explore the site. Organisational activities and staff will be accommodated within the existing building. Deliveries and waste will be managed through the existing site arrangements. It is expected that 50-60 temporary jobs will be created for the day-to-day operation. The event will include education and learning activities for schools and colleges, including digital and visitation activities. An intern/work experience programme for key roles on site is expected.

Entry is planned to be free, and visitors will pre-book timed entry tickets to manage capacity. No new food or drink facilities are proposed and the existing Bay café on site will be remain open. Visitors will also be directed to the Town Centre via promotional information and websites to help local businesses and reduce congestion on site.

The attraction would be decommissioned and removed following its closure to the public. This is a reverse of the installation process is expected to take approximately 4 weeks. Longer term benefits to the site include refurbished public conveniences and the piles which could have the potential to be reused for future similar events.

Relevant Planning History

Year: 2022
Reference: 22/P/0063/ADV
Proposal: Display of 1no. internally illuminated fascia sign on the East face of the SEE MONSTER' large-scale temporary art installation platform (facing Marine Parade)
Decision: Not yet determined

Year: 2021
Reference: 21/P/3095/EA1.
Proposal: Request for a formal screening opinion as to whether an Environmental Impact Assessment is required to be submitted with a planning application for the proposed erection of a temporary event space formed from a decommissioned oil rig for a period of approximately 3 months from July to September 2022, providing a flexible event space (Sui Generis), including auditorium and amphitheatre, along with associated engineering and landscaping works.
Decision: EIA not required.

Year: 2018
Reference: 18/P/3819/R3
Alteration and refurbishment of un-used changing rooms to create cycle hire shop, installation of new windows and door to front elevation.
Decision: Approved

Year: 2012
Reference: 12/P/1882/O
Proposal: Outline Planning Permission with details of Access, Appearance, Landscaping and Scale for a redevelopment of the Pool site to include refurbishment of existing elevation to east of site, demolition of building to south of site, retaining boundary walls to minimum height of 9m above ordnance datum and erection of two storey building with mezzanine floor within compound. Redevelopment to provide a 50m indoor competition pool, outdoor pool and separate activity area with associated changing facilities, restaurant, retail and spa together with a temporary music stage. Details of layout to be reserved for subsequent approval.

Decision: Approved.

Year: 2012
Reference: 12/P/0045/CA and 12/P/0712/13C
Proposal: Demolition of the Tropicana
Decision: Refused.

Year: 2001
Reference: 01/P/2393/F and 01/P/2394/CA
Proposal: Redevelopment of existing swimming pool and replacement with new indoor leisure pool with ancillary family entertainment centre, multi-screen cinema, health and fitness centre, restaurants, cafes, bars and underground parking
Decision: Approved with legal agreement.

Policy Framework

The site is affected by the following constraints:

- Within the settlement boundary for Weston-Super-Mare.
- Within the Great Western Conservation Area.
- Within the Weston Town Centre (Seafront) as defined in Core Strategy policy CS19.
- Adjacent but outside the Severn Estuary SSSI and SPA
- North Somerset and Mendip Bats SAC Zone C.
- Tidal flood zone 3a.

The Development Plan

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

The following policies are particularly relevant to this proposal:

CS1 Addressing climate change and carbon reduction
CS2 Delivering sustainable design and construction
CS3 Environmental impacts and flood risk management
CS4 Nature Conservation
CS5 Landscape and the historic environment
CS10 Transport and movement
CS11 Parking
CS12 Achieving high quality design and place making

CS20	Supporting a successful economy
CS21	Retail hierarchy and provision
CS22	Tourism Strategy
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS28	Weston super Mare
CS29	Weston super Mare Town Centre

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

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM3	Conservation Areas
DM7	Non-designated heritage assets
DM8	Nature Conservation
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM28	Parking standards
DM31	Air safety
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM60	Town centres
DM68	Protection of sporting, cultural and community facilities
DM69	Location of sporting, cultural and community facilities

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

The following policy is particularly relevant to this proposal:

SA2	Settlement boundaries.
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Other material policy guidance

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 3 Plan-making
- 4 Decision-making
- 6 Building a strong, competitive economy
- 7 Ensuring vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications

- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment
- 17 Facilitating the sustainable use of minerals

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted April 2021)
- Wind Turbines SPD (Adopted April 2014)
- Travel Plans SPD (adopted November 2010)
- Weston super Mare Town Centre Regeneration SPD (adopted February 2017)
- 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.

One letter of support has been received. The principal planning points made are as follows:

- Good use for the Tropicana, essential for the town.
- Support associated economic regeneration benefits to the town.
- Support cultural and associated activities to the seafront.

Bristol Airport has commented that it has no technical or operational aviation safeguarding objections, in relation to aircraft operating to and from Bristol Airport.

Weston-super-Mare Town Council: To be reported.

Other Comments Received:

Environment Agency:

Providing the Local Planning Authority is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objections to the proposed development subject to conditions being attached requiring (i) an agreed scheme of pollution control is implemented and (ii) an agreed remediation strategy is operational should any contamination be found.

Natural England

The proposal is not directly connected with or necessary for the management of the European site, therefore should the Council be minded to approve the application it will be necessary to complete a Habitat Regulations Assessment, and Appropriate Assessment if significant effects cannot be ruled out, prior to decision. Natural England must be consulted on any Appropriate Assessment undertaken.

Officer comment.

A Habitat Regulations Assessment has been undertaken, which concluded that no Appropriate Assessment was necessary. This has been forwarded to Natural England for any necessary input prior to the above observations being received.

Historic England:

No objection on the basis that the development will only be there for a six month period, after which it will be removed. The proposals are to install a large, decommissioned oil rig in the disused Tropicana Lido on Weston-super-Mare seafront for a six month period. The oil rig would be adapted for use as a public viewing platform and interactive art piece. It is one of the most unusual planning applications we have seen.

Historic England has made significant investment in Weston-super-Mare recently, through its Heritage Action Zone programmes. The Heritage Action Zone is designed to ensure that the town's outstanding heritage plays a central role in its regeneration as Weston builds upon its recent success attracting new businesses, residents, and visitors. Part of this work has seen a comprehensive review of the town's conservation areas, which have been amalgamated into one large "Great Weston" Conservation Area, itself divided into individual zones of character.

The Great Weston Conservation Area appraisal and management plan describes the special characteristics of the seafront as derived from its seaward facing Victorian villas, stone terraces and Weston's earliest hotels, and its formal Beach Lawns and panoramic views across the bay and towards the town. It notes the contrast between open and enclosed spaces, formal and informal spaces; and the changing seasonal character, bustling with activity in the summer months. It also cites the enclave of Knightstone Island and the contrasting form of the Birnbeck and Grand Piers as key characteristics. It notes that there is variation in building types and styles in the seafront area reflecting two centuries of growth and change. The proposed temporary installation of an oil rig in the Tropicana Lido may detract from the characteristics described above, by introducing significant built form into the open environment of the beach and beach lawns. It would certainly add a dominant focal point to the seafront, but this is not necessary an adverse impact. It would no doubt attract additional visitors (enhancing the "bustle") and provide, quite literally, a platform for people to engage with the heritage of the town.

Marine Management Organisation:

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. A wildlife licence is also required for activities that that would affect a UK or European protected marine species. Under the Marine and Coastal Access Act 2009, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

Officer comments

It is believed that this is unlikely to be necessary, since the proposal is contained within the curtilage of the Tropicana, which is already an existing tourist venue. However the applicants have been advised to ensure the proposals comply with the requirements as appropriate.

Avon and Somerset Police:

No objections.

National Highways:

No objection.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development, (2) visual impacts on the seafront and promenade, (3) impact on character and appearance of the Conservation Area and the setting of Listed Buildings, (4) highways and transport impacts, (5) sustainability, (6) biodiversity, Habitat Regulations Assessment and NERC Act 2006, (7) potential for noise, disturbance and impacts on living conditions of neighbours, (8) flood risk, (9) aircraft safety, and (10) archaeology

Issue 1: Principle of development

The site is located within the WsM Town Centre (Seafront) defined in Core Strategy policy CS29, as the focus for retail, leisure and entertainment facilities to support town wide regeneration, and a prosperous vibrant economy. It identifies the Tropicana as a priority site for regeneration. Policy requirements are that development proposals should not prejudice and should complement the viability of the town centre retail core, as well as improving pedestrian, visual and connectivity linkages, be high quality design and enhance the appearance of the seafront. Through advertising, working with local community groups and by nature of its scale and character, this large (albeit temporary) public art installation will comply with many of the principal policy requirements. It is forecast to attract a large number of visitors (around 200,000 plus) to the town over 12 weeks in the summer months, and its height and visibility will act as a visitor draw to and from the town centre which should benefit from associated trade from the event.

Policy CS20 specifically supports economic regeneration, job creation and investment in Weston-super-Mare, especially in the Town Centre and policy CS22 supports tourist attractions which increase the variety and quality of the visitor experience. The proposal will encourage visitors to the town and create temporary jobs, with the likelihood of associated spend in the local economy. Particularly as a result of covid, proposals which benefit the economic health of the town centre should be supported and the positive

impact of this proposal, which accords with these parts of both policies should be recognised and given significant weight in deciding the application.

The visual impacts from the proposal must also be acknowledged as it is located within the Great Western Conservation Area and is a consideration of policy CS29 and associated Development Management Plan policies DM3, DM4 and DM32. This is discussed further below. However, on the basis that this is a temporary structure and therefore adverse effects will be removed within a few months, and there will be significant local economic benefits to the town centre, the principle of the proposal is concluded on balance to be acceptable.

Issue 2: Visual Impacts on the seafront and promenade

The Council's adopted local plan policies require new development proposals to be of the highest quality design, enhance the appearance of the seafront and promenade (CS29), and contribute to the creation of high quality, distinctive, functional and sustainable places with increased opportunities for physical activity and recreation (DM32). Developments should demonstrate sensitivity to the local character and setting, create a sense of place and generally enhance the area.

Weston Seafront provides a location for a wide variety of uses and buildings, both traditional and contemporary and leisure uses are a principal component of this. The Tropicana and Beach Lawns have hosted a wide variety of leisure uses and concerts in recent years including the "Dismaland" project in 2015, and tall fairground structures during the following summer tourist seasons are now common.

The proposed structure would be comparable in height to the 'Weston Wheel' which is 34m high and is an established seasonal feature on the Beach Lawns, and the Grand Atlantic hotel which is a building of considerable height and mass at 34.8 m high. Although these examples are on the landward side of Beach Road, they are prominent in views along the seafront. This helps to assess the impact of a development of this scale on the sea front

The re-purposed oil rig structure, due to its height, bright colour scheme, massing, form, location and appearance will undoubtedly be an imposing and prominent structure. It will dominate views of the Tropicana and the surrounding seafront and will be visible from close and longer distance viewpoints. However, as a temporary cultural attraction, which should bring substantial benefits to the economy and lively activity to the town centre, the benefits are considered to outweigh any perceived short term negative visual aspects of the proposal. The structure may appear as an incongruous feature in certain respects but as Historic England has noted, this is not necessarily an adverse impact if the structure is only there for a short period. Due to its unique nature it should attract additional visitors and provide an opportunity for people to engage with the heritage of the town. If the proposal were to be for a permanent installation, the long term impact on the character of the area would be much more significant and would need further detailed justification and assessment

Taking account of the construction, operation, and decommissioning timelines, the duration of the project would be approximately 6 months, from the start of construction to

the site being restored to its former condition. This is acceptable and development compliance is to be enforced through planning conditions.

Issue 3: Impact on character and appearance of the Conservation Area and setting of Listed Buildings

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets a general duty that special attention should be paid to the desirability of preserving and enhancing the character or appearance of the Conservation Area. Further guidance is given in the NPPF as to how to assess the impact of a proposed development on the significance of a designated heritage asset. Policies DM3, DM4 and DM7 of the North Somerset Sites and Policies Plan also apply. The visual impacts would be transient given the short term nature of the proposal and there would be no significant lasting impact on the Conservation Area. Therefore, whilst the proposals do not preserve the character of the Conservation Area for the period it will be on site, the harm is less than substantial due to its temporary nature. In such cases, NPPF paragraph 202 requires the harm to be weighed against the public benefits of the proposal. In this case the public benefits are predominantly economic and tourism based and arise from the additional visitor attraction. There will be a degree of enhancement to the wider Conservation Area from the events which will add to the liveliness and character of the seafront. The proposed structure, whilst substantial in size, would stand in relative isolation from other sea front buildings and would be seen largely in its own context. It is notable that Historic England has no objections on the basis of the temporary nature of the proposal. The unique and temporary nature of the proposal should also be weighed in the balance when assessing the impact in terms of policies DM3 and DM4. For the reasons given, it is concluded that the public benefits outweigh the impact on the Conservation Area in terms of those policies.

The Planning (Listed Buildings and Conservation Areas) Act also requires that Local Planning Authorities should have special regard to the desirability of preserving a listed building or its setting. The proposed structure, whilst substantial in size, would stand in relative isolation from other sea front buildings and would be seen largely in its own context. The impact on the setting of nearby listed buildings (for example the Grade II listed Grand Pier and the two seafront shelters) has been assessed and is considered to be detrimental but the harm will be very short lived again due to the transient nature of the proposal.

In summary, there are significant public benefits from the proposal to the economic health of the town centre and the Conservation Area. These include raised public awareness of sustainability and the need to recycle and reuse engineering structures. Moreover, the harm caused to the heritage assets is only temporary for an approximate 6-month period whilst the structure is in place, after which the harm will be removed. On this basis it is considered to be acceptable.

Issue 4: Highways and travel

Highways and travel considerations fall into two categories (i) the construction and decommissioning/removal, and (ii) operational phases as described previously in the report. The Tropicana and sea front generally is an existing event venue which have supported a number of similar events previously. The draft Construction Management

proposals are essentially sound and adopt established principles which can be enforced by planning conditions. The principles will also be applied to the deconstruction phase.

The Tropicana benefits from good pedestrian and cycle links to the town centre, train station and beyond. Weston-Super-Mare has high quality public transport facilities, with the mainline train station only 15-20 mins walk away and bus stops within a 5 mins walk from the venue. The applicant is also investigating the options for providing additional Sunday bus services during the period when the installation would be open to the public. There are a small number of cycle parking stands outside the Tropicana which are not sufficient for the numbers of projected hourly visitors (approximately a maximum of 250). Therefore, additional cycle parking stands will be required by condition.

The vehicle trip generation has been estimated and compared to the Dismaland attraction previously held at the Tropicana which resulted in additional 4% traffic movements in the outer areas of town, an additional 6% movements in the inner town and 23% to 41% increase in the central area at various times. As the proposed attraction will require visitors to be pre-booked, the trip generation should be lower therefore not a cause unacceptable congestion.

The Council is also in discussion with the applicant regarding measures to manage and minimise impacts of parking in nearby residential streets. The sea front hosts regular attractions and various measures can be adopted outside of the planning process to manage traffic and parking requirements. Traffic management for the construction vehicles will also be closely controlled.

It is concluded that on this basis the proposals accord with the relevant adopted development plan policies including Core Strategy policy CS11 (requiring adequate parking and a balance between good urban design, highway safety, residential amenity and promoting town centre attractiveness and vitality); Development Management Plan policy DM24 (new development should not prejudice highway safety); DM25 (provision to be made for cyclists, pedestrians etc); DM26 (travel plans); and DM28 (parking standards and functional parking).

Issue 5: Sustainability

Policy CS1 sets out the Council's commitment to reducing carbon emissions and tackling climate change. The theme of the attraction complies with this commitment by involving the reuse and rehabilitation of a retired industrial structure to form a large scale, temporary public art installation. There are aspects of the development (e.g. potential car journeys by the public to view the structure) which are less sustainable, but non-car based travel is being actively promoted to visitors. The close proximity to the town centre and public transport links are benefits in this respect. Overall, the message and positive sustainability indicators from the development are considered to outweigh the negatives.

Issue 6: Biodiversity, Habitat Regulations Assessment and NERC Act 2006

The Tropicana abuts the beach at the north, west and south sides. This area is within the Severn Estuary Site of Special Scientific Interest (SSSI) and is a European designated Special Protection Area (SPA). The proposals have the potential to impact on the purposes of these designations, which specifically relate to overwintering rare wildfowl. However, this is unlikely to have any significant impact because the development will take

place outside the over wintering period and this is already a part of the beach where the greatest levels of human activity take place.

The development is unlikely to have direct impacts on the SPA or SSSI as the only works outside the boundary of the existing site are the construction and deconstruction phases which will involve vehicles and cranes. Temporary events already take place on the beach and Beach Lawns which involve noisy activities (eg: the beach races with heavy vehicles moving and contouring sand) and have been assessed through an existing Habitats Regulations Assessment (HRA). The Council has drafted an updated HRA to address this application, concluding that there will be no likely significant effects on the Severn Estuary either alone or in combination with other plans or projects. Therefore, Appropriate Assessment is not required. This has been forwarded to Natural England (NE) for comment and the committee will be updated on the outcome. Subject to comments from NE it is concluded the proposed development will not have a material detrimental impact upon biodiversity.

Issue 7: Noise and disturbance, impacts on living conditions of neighbours

The Tropicana is now used as an events space and is subject to an existing Noise Management Plan. The applicants have confirmed the proposed use will comply with this. Additional controls are required however to ensure the construction activities including piling do not have an unduly harmful impact on the environment or local residents and comply with policies CS3 of the Core Strategy and DM32 of the Development Management Plan.

A Construction Environmental Management plan (CEMP) is required to manage noise and vibration during construction. It should also restrict construction working hours to 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturday with no construction working on Sundays and Bank Holidays unless otherwise agreed. Additionally, the plan should include piling management and dust mitigation measures.

External lighting of the proposed structure has the potential to cause some environmental impacts and affect living conditions of houses opposite the site. A condition is therefore proposed to require details to be submitted and approved prior to installation of external lighting on site. The piling activities could result in contamination and a further condition is proposed to address this.

Issue 8: Flood risk

Core Strategy policy CS3 and paragraphs 159 to 169 of the NPPF set out requirements for development proposals in areas at risk of flooding. The Tropicana is situated in an area of high flood risk (zone 3a) therefore the proposal is required to be subject to a sequential sites assessment. However, as this type of development is defined as "Less Vulnerable" there is no need for it to pass the Exceptions test. The submitted Flood Risk Assessment concludes that there are no alternative suitable sites for this proposal. The nature of the installation is most suited to a sea front location and there are no alternative suitable locations in the coastal area which are at a lower level of flood risk. In this respect it should be noted that a key reason for the site selection is the potential economic value of the project to the town as it enables visitors to take advantage of the location, views, and appreciation of local heritage. The proposed development would not increase the level of

flood risk elsewhere and the proposal therefore complies with the policy requirements as set out above.

Issue 9: Air safety

In consideration of the height of the structure and nearby operational flightpaths associated with Bristol Airport, the Helicopter Museum, Weston Air-day and the emergency services, the parties have been consulted. At the time of writing only the Airport has responded, confirming no objections provided regulations related to the need for red lights on high structures are adhered to and advising that use of focused illuminated lights may require further consultation by the applicant.

Issue 10: Archaeology

Development Management Plan policy DM6 requires that archaeology interests be considered and addressed in determining planning applications. Samples from boreholes previously carried out in proximity to the site found the presence of potentially important paleoenvironmental material relating to the site archaeological interest. There is a chance that the proposed piling or associated geotechnical investigations could reveal additional matters of archaeological interest.

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

The proposed development has been screened separately under the above Regulations (Reference number 21/P/3095/EA1) and has been found not to constitute 'EIA development'. An Environmental Statement 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 proposed development would create a unique work of public art which supports the Council's Green agenda and will be a major visitor attraction for Weston-super-Mare during the summer. It will be temporary and will be removed following which the site will be returned to its former condition. As a consequence, its impacts on the appearance of the sea front and heritage assets would be transient. These impacts are outweighed by the projected benefits to the vitality of the town centre, the Conservation Area and sea front. The structure is sufficiently distanced from homes in the vicinity to ensure that the impact on living conditions is not unacceptable or unmanageable. Traffic and parking arrangements can be managed in accordance with normal operational arrangements for major events on the sea front. Impacts on biodiversity and flooding have been taken into account and are not considered to be unacceptable.

RECOMMENDATION: Subject to the receipt and consideration of comments from Natural England 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 local member:

1. The structure and associated fittings hereby permitted shall be removed and the land restored to its former condition on or before 31st October 2022 in accordance with a scheme of work that has first to be submitted to and approved in writing by the Local Planning Authority.

Reason: The structure is only granted consent on the temporary basis due to impacts on matters of recognised importance including the Conservation Area, setting of Listed Buildings and the nature conservation value of the Severn Estuary in accordance with Policies DM3, DM4 and DM7 of the North Somerset Sites and Policies Plan .

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. Prior to opening the development to the public a Flood Warning Evacuation Plan shall be submitted to and approved, in writing, by the local planning authority and thereafter the shall be fully implemented.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with policy CS3 of the North Somerset Core Strategy.

4. No development shall take place, including any piling works, until a Construction and Deconstruction Environmental and Ecological Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. As a minimum, the plan 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) wheel washing facilities
- (e) measures to control the emission of dust and dirt during construction
- (f) measures to control noise and vibration from works on the site
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) measures to keep access roads clear of vehicles
- (j) routing restrictions
- (k) construction and deconstruction phasing restrictions
- (l) location and specification of fencing
- (m) site security.
- (n) fuel oil storage, bunding, delivery and use, details of how both minor and major spillage will be dealt with, containment of silt/soil contaminated run-off; disposal of contaminated drainage, including water pumped from excavations.
- (o) site induction for workforce highlighting pollution prevention and awareness.
- (p) construction working hours to be restricted to 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturday with no construction working on Sundays and Bank Holidays unless otherwise agreed.

Reason: In the interests of the living conditions of occupants of neighbouring properties, highway safety, and the character of the area and the biodiversity value of the area, and in accordance with policies CS2, CS3 and CS4 of the North Somerset Core Strategy and policy DM32, DM3 and DM8 of the North Somerset Sites and Policies Plan (Part 1)

5. The use of the structure hereby permitted by the public shall not commence until secure parking facilities for bicycles have been provided in accordance with plans and specifications to be first submitted and approved by the Local Planning Authority. The approved facilities shall thereafter be retained and kept available for the parking of bicycles at all times whilst the facility hereby approved is open to the public .

Reason: To ensure that secure cycle parking facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policy DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

6. The use of the development hereby permitted shall not take place outside the hours of 09:00 hours to 23:00; hours unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise noise nuisance in the interests of nearby occupants and in accordance with policy CS3 of the North Somerset Core Strategy.

7. Details of any means of external illumination of the structure shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site. No means of external illumination shall be installed other than in accordance with the approved details and shall not be varied without the permission in writing of the Local Planning Authority.

Reason: In the interests of the living conditions of occupants of neighbouring properties and the character of the area and the biodiversity value of the area in accordance with policies CS3 and CS4 of the North Somerset Core Strategy and policy DM32, DM3 and DM8 of the North Somerset Sites and Policies Plan (Part 1).

8. The premises shall not be occupied until the public accesses have been made suitable for use by disabled people in accordance with details that have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that there is safe, convenient and attractive access to the property for people with physical and sensory disabilities and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM33 of the North Somerset Sites and Policies Plan.

9. Should any contamination not previously identified be 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by,

the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of the water environment and in accordance with policy CS3 of the North Somerset Core Strategy.