



North Somerset Council Core Strategy Consultation

Representations in respect of Core Strategy Policy CS30 – Weston Urban Extension

Representations on behalf of Mr J M Fear
February 2010



1.0 INTRODUCTION

- 1.1 WYG Planning & Design are instructed on behalf of Mr John Fear, to submit representations in respect of the Core Strategy Consultation Draft.
- 1.2 These representations principally relate to Core Strategy Policy CS30 for the Weston Urban Extension. Mr Fear owns land at Way Wick, to the south east of Junction 21 of the M5 as shown in appendix 1.

2.0 THE PROPOSAL

- 2.1 Whilst there are many exciting possibilities raised by Policy CS30 which will have an obvious benefit to the local community, these submissions contain a proposal to enhance further the Policy for the benefit of all.
- 2.2 The proposal is to relocate the employment land currently in the inhospitable helicopter safeguarding area to the newly sterilized area of land to the South East of Junction 21 of the M5 which will be enclosed between the proposed by-pass, the M5 and the A370. Instead, the helicopter safeguarding area could be used to provide high quality, easily accessible green space which would enhance the proposed residential areas, consistent with the best principles of sustainable development.
- 2.3 A plan illustrating how this proposal could be effected is attached at appendix 2. The proposal is broadly in line with an alternative option described at paragraph 4.80 of the Core Strategy consultation document.
- 2.4 For the avoidance of doubt, this submission does not suggest that the amount of proposed housing (9000 homes) and employment land (42 hectares) set out in the consultation document for Policy CS30 should be altered, but rather there are compelling planning reasons to suggest that there should be a locational redistribution of the facilities.
- 2.5 Detailed reasons to support this proposal are set out below.



3.0 Planning Advantages

3.1 In summary, this proposal would bring about 7 key planning benefits and would:

- Keep traffic away from populated/ residential areas – see para 3.2 to 3.4 below;
- Keep occupied development away from an anti social land use – see para 3.5 to 3.7 below;
- Provide high quality and easily accessible green infrastructure in the helicopter safeguarding area to support and enhance the surrounding residential area – see para 3.8 and 3.9 below;
- Avoid the real possibility that an untenable juxtaposition of land uses would result in the closure of a significant contributor to the tourist economy, namely the helicopter museum - see para 3.10;
- Provide a useful function for land which would otherwise become sterilized through being cut off from its neighbours by the proposed by-pass. – see para 3.11 and 3.12 below;
- Locate an employment use on land which offers significant advantages over the existing proposed site in terms of sequentially preferable flooding risk – see para 3.13 to 3.22 below;
- Delivering land in a location that is attractive to and sought by the commercial property market – see para 3.23 to 3.25 below.

Traffic Management

3.2 PPS1 (paragraph 1) advises that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

3.3 PPG13 (paragraph 45) advises that where possible to locate developments which generate substantial freight movements such as distribution and warehousing, particularly of bulky goods, should be located away from congested central areas and residential areas, and where good access to trunk roads can be secured.

3.4 It is clear from these policies and intuitively right, that traffic should be kept away from densely populated areas. Traffic near to residential areas causes pollution, noise, vibration and congestion as well as emitting hazardous particles. It is better for local communities in terms of social cohesion as well as for the obvious health and safety reasons that residential areas should not be blighted by large roads and heavy traffic volumes. The proposal to locate the



employment use adjacent to j21 in its south eastern quadrant is consistent with and supported by these principles and this advice.

Keep occupied development away from an anti social land use

- 3.5 PPG24 (paragraph 2) requires that the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development).
- 3.6 One of the key principles of sustainable development is that it should make a "*positive difference to peoples' lives*" (PPS 1 paragraph 1). There can be no doubt that if premises which are occupied by people can be separated from anti-social uses they should be. The helicopter museum is an anti-social use which should be isolated from both the residential and the employment land. This proposal highlights an opportunity to respect and plan for a non-conforming use which may not have been recognised when the draft was formulated.
- 3.7 It is of key importance that the employment use is likely to be occupied throughout the day at the time when the noise generated by the helicopter facility is at its most objectionable. For this reason, in these particular circumstances, an employment use is likely to be more sensitive to this non conforming use, than a residential use would be.

Provision of high quality, easily accessible green infrastructure to support the surrounding residential area

- 3.8 The case for green space on the Helicopter safeguarding area has already been made at paragraphs 4.68, 4.75 and 4.76 of the consultation document. This proposal adds to the provision of "Green Heart" already made and compliments it by enhancing the residential development proposed to the West of the area in addition the green enhancement proposed to the East. It is clear from paragraphs 4.75 and 4.76 of the consultation document that the problem of noise nuisance from the helicopter museum is one which has yet to be resolved. This proposal would give that resolution.
- 3.9 As can be seen from the plan at appendix 2, a further advantage of the proposal would be to provide better linkage of the green space within the urban extension creating a wide green vista rather than a narrow corridor linking the green areas provided for in the current proposal.



Avoidance of the real possibility that an untenable juxtaposition of land uses would result in the closure of a significant contributor to the tourist economy, namely the helicopter museum

- 3.10 It should be remembered that it is no answer to a claim for nuisance that the complainant arrived when the nuisance use was already established. If the land proposed for the area adjacent to the Helicopter Museum were to be used for employment, there is a real possibility that the Museum could be sued for nuisance. It would be disappointing if use of the land around the Helicopter Museum resulted in the Museum, a significant attraction and benefit to the local area and community, having to close down. This risk is avoided by this proposal. This is a relevant planning consideration following the Court of Appeal decision in *Wheeler v J J Saunders Limited* The Times January 3, 1995.

Use of sterilised land

- 3.11 There is a strong risk that the land at Way Wick cut off by the by-pass will become redundant and an eye sore, particularly the part to the North which also borders the A370. It is far better for CS30 to address this situation which it of necessity brings about and, in accordance with the best principles of holistic planning, to incorporate the area into the plan so that a proper and sustainable use which enhances the overall plan is made of it.
- 3.12 As the consultation document states at 4.49 "*it is important that the completed development must be an area which residents are proud of and respect and which will meet most of their day to day needs*" Sterilised land is not compatible with that objective.

Flood Risk

- 3.13 Another significant consideration in the allocation of land to the east of junction 25 is the issue of flooding. The urban extension has been prepared under the auspices of a Stage 1 SFRA and the WSM Flood Management Study. These documents have revealed that the urban extension is entirely contained in flood risk areas.
- 3.14 The main thrust of PPS25 is that a risk based Sequential Test should be applied at all stages of planning, (para D1 refers). Its aim is to steer new development to areas at the lowest probability of flooding.



- 3.15 The June 2008 PPS25 Practice Guide states at para 2.17 that when preparing LDD's, such as a Core Strategy, application of the sequential approach using completed SFRA's should be used to identify the areas within the same flood risk zone that are at least risk.
- 3.16 The completed Stage 1 SFRA shows that the urban extension land and land to the east of junction 21 are both within flood zone 3, at risk of flooding from tidal overtopping. The Stage 1 SFRA does not however identify areas within the same flood zone that are at least risk, which PPS25 requires.
- 3.17 A Stage 2 SFRA should look at risk within each flood zone, flood velocity and depth to ascertain whether there are areas of land within the same flood zone that are of lesser risk. This will then inform the most appropriate locations for land use within the flood zone areas.
- 3.18 A stage 2 SFRA has been completed for the Bridgwater area which shows land to the west and east of the M5 in the same flood zone, however land to the east of the M5 poses significantly less risk. In Bridgwater, the M5 forms a significant informal flood defence. Modeling shows that land to the east of the M5 takes longer to flood and that flood water velocities and depths are considerably lower than land to the west of the M5.
- 3.19 We understand that the Stage 2 SFRA has been completed for North Somerset but is not yet published. A Stage 2 SFRA could have significant impact upon the design concept for the urban extension. It is unfortunate that the Stage 2 SFRA was not prepared prior to this Core Strategy Consultation bearing in mind that flood risk will form a significant constraint to the urban extension.
- 3.20 Whilst we are not in receipt of the Stage 2 SFRA, we consider it safe to assume that land to the east of the M5, will be at less risk although in the same flood zone as land to the west. The relocation of employment land from a higher risk area to a lower risk area would be supported by and in accordance with one of the central tenets of Central Government policy as expressed in the recently published PPS 25.
- 3.21 The consistency of this proposal, with the approach of PPS 25, is further confirmed by the suggestion that the area from which the employment land would be relocated would become



green infrastructure. It should be remembered that amenity open space, nature conservation and biodiversity, outdoor sports and recreation as are categorised in PPS25, table D2 as "Water-compatible development" and so an ideal form of development for this area.

- 3.22 The proposal would allow for other land to the east of the M5 to be used for flood mitigation measures as proposed by the consultation document and shown in the proposed plan at appendix 2.

Delivering land in a location that is attractive to and sought by the commercial property market.

- 3.23 The junction 21 bypass will deliver significant infrastructure to land to the east of the M5 that will offer attractive locations for employment development. In particular sites surrounding the bypass and junction 21 would be attractive to distribution uses. Such development has already occurred on the west side of junction 21 with the construction of the Lidl regional distribution centre that highlights the commercially attractive nature of this location.
- 3.24 The junction 21 bypass will deliver significant infrastructure to land to the east of the M5 that will offer attractive locations for employment development. In particular sites surrounding the bypass and junction 21 would be attractive to distribution uses. Such development has already occurred on the west side of junction 21 with the construction of the Lidl regional distribution centre that highlights the commercially attractive nature of this location.
- 3.25 Land to the south of the Lidl distribution centre, immediately adjacent to the M5 is already allocated for housing and employment uses in the current Replacement Local Plan, as shown in appendix 1. This proposal for employment land to the south east of junction 21 would therefore mirror this current allocation to the south west of junction 21.

4.0 SUSTAINABILITY OF THIS PROPOSAL

- 4.1 There are a number of sustainable benefits associated with relocating a proportion of the proposed employment land to the east of the M5.



- 4.2 Traffic mixing with residential user creates pollution and health and safety issues. The traffic advantage cited is therefore a sustainable benefit.
- 4.3 The risk of nuisance and annoyance to the residential and office occupiers of the proposed urban extension will be minimised if they are kept quite separate from the Helicopter Museum and from one another. The separation of anti-social land use advantage is therefore a sustainable benefit.
- 4.4 If the otherwise sterilised land to the east of the M5 is allocated for employment uses, with an emphasis on distribution uses, this will reduce the level of heavy goods traffic that will otherwise need to pass through the proposed residential areas of the urban expansion to the west of the M5. The employment land location advantage cited above is therefore a sustainable benefit.
- 4.5 The provision of green infrastructure immediately adjacent to a large new residential development is clearly a sustainable benefit.
- 4.6 The use of the otherwise sterilised land is a sustainable benefit as sterilised land attracts illegal tipping and a general sense of neglect. Conversely the area, on this proposal, could be a vibrant area of employment with a wetland area providing ecological benefit.
- 4.7 Minimising the flooding risk to any development is clearly a sustainable benefit, and on information available, including that used by analogy, this site appears better than the site currently allocated for employment land.



5.0 Conclusions

5.1 In summary, this proposal would bring about 7 key planning benefits and would:

- Keep traffic away from populated/ residential areas.
- Keep occupied development away from an anti social land use.
- Provide high quality and easily accessible green infrastructure in the helicopter safeguarding area to support and enhance the surrounding residential area.
- Avoid the real possibility that an untenable juxtaposition of land uses would result in the closure of a significant contributor to the tourist economy, namely the helicopter museum.
- Provide a useful function for land which would otherwise become sterilized through being cut off from its neighbours by the proposed by-pass.
- Locate an employment use on land which offers significant advantages over the existing proposed site in terms of sequentially preferable flooding risk.
- Delivering land in a location that is attractive to and sought by the commercial property market.

5.2 Whilst the current position of the draft Core Strategy is not to develop land to the east of the M5, the proposed junction 21 bypass will facilitate attractive locations for employment development. This avoids a number of problems with part of the employment allocation of the existing proposal such as the risk to the continued operation of the helicopter museum should a noise nuisance injunction be granted against them.

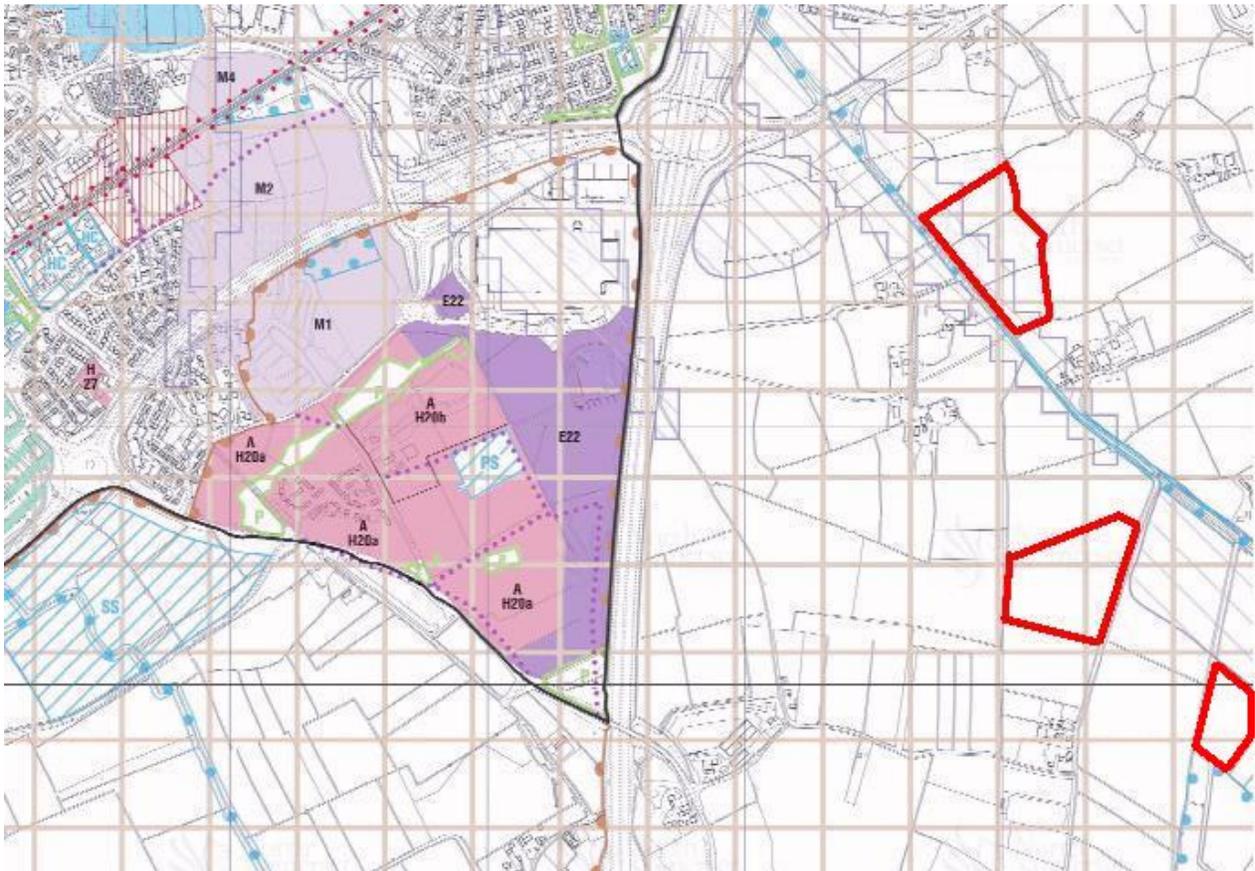
5.1 There are a number of sustainable material considerations to support the development of a proportion of employment land to the east of junction 21 summarised as follows:-

- Convenient proximity to the M5 for commercial traffic.
- Prevention of commercial traffic travelling through proposed urban extension housing areas.
- A convenient alternative to locating employment uses adjacent to noise and flightpath constraint areas.
- Possible benefits if land to the east of the M5 is found to be at less risk of flooding than the proposed urban extension areas and the possible provision of an additional wetland area



- 5.2 It is therefore requested that Core Strategy Policy CS30 and Inset 1: Draft Key Diagram: Weston Urban Extension be amended to include land for employment development in the vicinity of junction 21 of the M5 and the proposed junction bypass in line with the suggested map at appendix 2.

Appendix 1 – Land owned by Mr Fear shown in red



Appendix 2 – How the amended plan would look under this proposal

