

**SECTION 2– ITEM 7**

<b>Application No:</b>	19/P/0723/OUT	<b>Target date:</b>	28.05.2019
<b>Case officer:</b>	Judith Porter	<b>Extended date:</b>	29.01.2020
<b>Parish/Ward:</b>	Puxton Congresbury and Puxton	<b>Ward Councillors:</b>	Councillor Treadaway
<b>Applicant:</b>	Georgiou		
<b>Proposal:</b>	Outline application for the addition of overnight accommodation as an extension to the existing public house with all matters reserved for subsequent approval.		
<b>Site address:</b>	Full Quart, Bristol Road, Hewish, Weston-super-Mare, BS24 6RT		

**REFERRED BY COUNCILLOR TREADAWAY**

**Summary of recommendation**

It is recommended that the application be **REFUSED**. The full recommendation is set out at the end of this report.

**The Site**

The application site is located to the north of the A370 at Hewish, at the junction with East Hewish Lane. The site contains a traditional style public house with modern extensions and a car park fronting the road. The rear of the site adjoining the railway line is grass. The site is bounded by hedges to the east, west and north. Adjoining the site at the north is the Bristol - Taunton railway line and to the west is a caravan sales site.

**The Application**

Outline permission with all matters reserved is sought for:

- the erection of overnight accommodation (hotel type)
- 985 sq metres internal floor area is specified in the application
- It has been confirmed that the hotel is intended to be operated as part and parcel of the existing public house operation.

Although all matters are reserved the application was accompanied by detailed plans. These are illustrative, but they indicate the likely form of development on the site. The plans show a two storey building with 30 ensuite bedrooms and 114 car parking spaces in total.

### **Relevant Planning History**

No recent history of planning applications.

### **Policy Framework**

The site is affected by the following constraints:

- Outside settlement boundary
- Flood risk SFRA 3a
- Horseshoe Bats SAC Zone C
- Landscape Character Zone A1

### **The Development Plan**

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

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
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
CS22	Tourism Strategy
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:

<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM22	Existing and proposed railway lines
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM55	Extensions, ancillary buildings or intensification of use for existing businesses in the countryside

DM57 Conversion and re-use and new build for visitor accommodation in the countryside

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

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
SA2	Settlement boundaries and extension of residential curtilages

**Other material policy guidance**

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
2	Achieving Sustainable Development
6	Building a strong, competitive economy
9	Promoting sustainable transport
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

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 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:** 2 letters of objection have been received. The principal planning points made is that the proposal would generate additional traffic on a minor road

2 letters of support have been received. The principal planning points made are that the proposal will create employment and help the pub

**Puxton Parish Council:** Supports: “This application was substantially the same as that presented to the October 2018 meeting of the Council. Members felt that the proposal offered both valuable employment opportunities for the Parish as well as ensuring the future of one of its few social amenities. The previous commentator's comment re the exit onto East Hewish Lane is valid.”

**Other Comments Received:**

North Somerset IDB:

No objections subject to conditions.

Environment Agency:

No response received at time of writing.

Railtrack:

No response received at time of writing.

**Principal Planning Issues**

The principal planning issues in this case are (1) The principle of development, (2) Flood risk, (3) Character, (4) Ecology, (5) Railway line and (6) Parking and highway safety.

**Issue 1: The principle of development**

Policy CS22 of the Core strategy permits new tourist accommodation which is of an appropriate scale and improves the quality and diversity of the tourist offer, maximises opportunities for access other than by the private car and which are acceptable in terms of character and amenity.

Policy DM55 permits the extension of buildings for existing businesses in the countryside provided that the scale and design are not harmful to character. Other criteria relate to living conditions, highways and preference for conversion of existing buildings rather than new build.

Policy DM57 permits new build visitor accommodation in the countryside subject to criteria including providing a high quality of tourist accommodation in accordance with a national assessment scheme, resulting in an enhancement of the immediate setting with minimal impact of external facilities such as curtilage treatment. Parking should be minimal. It needs to be within the curtilage of an existing building and adjacent to it. Other criteria relate to highways, character and scale, living conditions and are considered below.

In this case, whilst some accommodation for visitor accommodation could be acceptable in principle, as it is adjacent to the existing public house and within its curtilage, the proposed development (the floor space of which is specified in the application) fails to comply with the criteria of CS22, DM55 and DM57 relating to scale and character, and those of DM57 relating to enhancing the immediate setting and providing minimal parking. These points are expanded in the section below. No information has been provided to demonstrate that the accommodation would be of high quality in accordance with a national assessment scheme.

The justification for Policy DM55 explains that the council may need to evaluate whether or not it is beneficial to the rural economy for a rural business to expand or intensify or whether detrimental effects would outweigh these benefits. It is acknowledged that the proposed development could provide additional employment and could contribute an income stream which might assist in the continuation of the public house. However, despite the information being requested, no substantive financial or business information has been provided to demonstrate the current viability of the business, how the hotel accommodation would support it and be managed, or how the new development would be financed. The number of proposed jobs has not been quantified. In the absence of this information it is difficult to accord this aspect anything other than limited weight

## Issue 2: Flood Risk

The site is located within a high risk flood zone (zone 3a). The principal way to manage flood risk set out in national policy is to avoid locating development within areas at risk of flooding. To encourage developers to avoid flood risk areas, Government policy set out in the National Planning Policy Framework (NPPF) and related guidance, requires that a Sequential Test and Exception Test are passed before planning permission is granted for more vulnerable development in flood zone 3a

The Sequential Test is a tool to direct new development first to sites at the lowest probability of flooding. The test needs to demonstrate that there are no reasonably available alternative sites within the area of flood risk (in this case, the search area is the site, as the proposal is an addition to an existing business so a pragmatic approach is appropriate). The site is all within the same flood zone and therefore there are no sites at lower risk of flooding. The sequential test is therefore passed.

For the Exception Test to be passed, a development must satisfy **both** the following tests:

1. It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and
2. A site-specific Flood Risk Assessment (FRA) must demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In this case, although the FRA appears acceptable, the sustainability benefits test is not passed. It has been put forward that the economic and social aspects of the development would amount to wider sustainability benefits to the community which outweigh flood risk. However, as explained above, these benefits have not been quantified and in the absence of clear evidence can only therefore be given limited weight. The hotel accommodation itself would not serve the local community, and the same quantum of accommodation could be provided elsewhere. As detailed below (character and ecology), there are adverse effects in respect of the sustainability of the development which carry significant weight. It is therefore concluded that the development does not provide wider sustainability benefits to the community which outweigh flood risk and the exceptions test is not passed.

The proposal is in not accordance with policy CS3 of the North Somerset Core Strategy, policy DM1 of the Sites and Policies Plan (Part 1) and section 14 of the NPPF

### Issue 3: Character

Whilst the application is in outline only with all matters reserved, it is supported by detailed illustrative plans and the proposed floor space is established in the application. The FRA confirms that the finished floor level would be higher than the existing public house.

The existing building of the Full Quart, despite significant extensions, retains much of its traditional character. The original farmhouse style building is clearly visible and makes a welcome contribution to the streetscene. By contrast, the development proposal would result in the original building being dominated by an excessively large extension, which is both substantially higher and with a footprint which far exceeds the existing traditional building. The focus of the site would be changed to the new building and the existing traditional building would appear subsumed within the wider development.

Instead of taking the opportunity to improve the current unsatisfactory frontage dominated by car parking, the proposed development retains the frontage car parking and proposes the loss of the majority of the green space which currently exists to the rear of the site. The building would extend across the site adding to the ribbon development along the A370 and closing the visual gap between the public house and the adjacent caravan sales site. The loss of green space to the rear, which is visible in public views from East Hewish lane and from the railway line, would have an adverse impact on rural character, replacing a paddock area with extensive car parking.

The proposed development would be out of scale and character with the existing building and would have an adverse impact on the character of the area. In this respect, the proposal does not comply with policies CS5, CS12 and CS22 of the Core Strategy, policies DM10, DM55, DM57 and DM32 of the Sites and Policies Plan (Part 1) and advice in the Landscape Character Assessment SPD

### Issue 4: Ecology

The results of a preliminary ecological appraisal and a bat survey report have been submitted with the application.

However, the reports/ site proposals do not satisfactorily deal with the following:

- There are no static detector or other surveys the hedges to identify the species and extent of use by foraging/ commuting bats. There is no consideration of lighting for the site which may impact on hedgelines and commuting routes
- Adequate surveys of the existing building have not been completed: surveys were carried out in September, which is sub optimal and the report recommends a further dusk emergence survey between May and August. The local planning authority would need this prior to any grant of planning permission as it has to apply the 3 derogation tests and therefore needs to know if a roost is affected. Mitigation is proposed on the basis of crevice dwelling bats but without the emergence surveys being completed, the possibility of bats requiring larger spaces should not be ruled out.
- The development proposal results in the loss of semi improved grassland (car parking to the rear) and the site will be substantially covered in car parking, including close to hedges. This means that adequate buffer zones cannot be provided for foraging/ commuting bats and that there is a net loss of biodiversity.

The ecological appraisal recommends 5m buffers, but the illustrative plans do not show this due to the extent of car parking.

- The development would result in the loss of the semi improved grassland which is identified as suitable for reptiles and surveys are recommended. These have not been undertaken.

It has not been demonstrated that protected species will not be adversely affected and that there will be no loss of biodiversity. In this respect, the development does not comply with the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) the council's Biodiversity and Trees SPD and the North Somerset and Mendip Horseshoe Bats SAC SPD.

### **Issue 5: Railway Line**

Policy DM22 requires a corridor of 10 m from the railway land boundary fence to be safeguarded. Despite this issue being raised in pre-application advice, car parking is shown within this area. Although the plans are illustrative, it has not been demonstrated that, with the scale of development proposed, this area can be safeguarded whilst adequate parking is provided. The proposal is therefore contrary to Policy DM22.

### **Issue 6: Parking and highway safety**

It has been demonstrated that adequate visibility can be provided. Although the sketch layout's "in out" arrangement would be unacceptable and access should avoid use of the adjacent minor road, it appears practicable to provide for safe access arrangements.

The details of access and parking (including for coach and cycle parking) would be for reserved matters. The proposal is therefore in accordance with policies DM24, DM28, DM55 and DM57 of the Sites and Policies Plan (Part 1).

### Impact on neighbours

The proposed development complies with the relevant tests contained within the Residential Design Guide (Section 1: Protecting living conditions of neighbours) and would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policies DM32 and DM55 and DM 57 of the Sites and Policies Plan (Part 1).

### Setting of Listed Building

The proposal does not affect the setting of Chestnut Farm which is a listed building.

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

The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations but does not meet the thresholds set out in Column 2, nor does it fall within a 'sensitive area' as defined in the Regulations. 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

While some level of visitor accommodation would be acceptable in principle, the current proposal is excessive in scale and would have an adverse impact on the character of the existing building and of the area. The site is within Flood Zone 3a where development is permitted only if it passes the exceptions test, which due to the lack of substantive information, this proposal does not do. It has not been demonstrated that protected species and biodiversity will not be harmed. The rail expansion corridor has not been protected. The development therefore does not comply with the development plan, specifically policies CS3, CS4, CS5, CS12 and CS22 of the Core Strategy and policies DM1, DM8, DM10, DM55, DM57 and DM32.

Substantive information about benefits to the rural economy has not been provided, and hence the economic benefits can be accorded only limited weight. Although the highways and neighbour impacts have been found to be acceptable, this is an absence of harm rather than a benefit of the scheme. On balance, therefore, the application is recommended for refusal.

**RECOMMENDATION: REFUSE** for the following reasons:

1. Insufficient information has been submitted to make an accurate assessment of the potential business case for the development and its impact on the rural economy. In the absence of such information to demonstrate that other harm as set out in reasons 2- 4 is outweighed, the proposed development is contrary to Policy DM55 of the North Somerset Sites and Policies Plan part 1.
2. The application site is in an area at risk from flooding and the application does not demonstrate that the proposal passes the Exception Test set out in policy CS3 of the North Somerset Core Strategy and section 14 of the National Planning Policy Framework. The Local Planning Authority is not, therefore, satisfied that the proposal would provide wider sustainability benefits to the community that outweigh the flood risk. The proposed development is, therefore, considered to be at an unacceptable and avoidable risk of flooding and may increase flood risk elsewhere, contrary to policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (Part 1) and paragraphs 155-163 of the National Planning Policy Framework (and the associated Planning Practice Guidance).
3. The proposed development would be out of scale and character with the existing building and would have an adverse impact on the character of the area. In this respect, the proposal does not comply with policies CS5, CS12 and CS22 of the Core Strategy, policies DM10, DM55, DM57 and DM32 of the Sites and Policies Plan (Part 1)

and advice in the Landscape Character Assessment SPD.

4. It has not been demonstrated that protected species will not be adversely affected and that there will be no loss of biodiversity. In this respect, the development does not comply with the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) the council's Biodiversity and Trees SPD and the North Somerset and Mendip Horseshoe Bats SAC SPD.
5. It has not been demonstrated that, with the scale of development proposed, the corridor of 10 m from the railway land boundary fence can be safeguarded in accordance with Policy DM22 of the North Somerset Sites and Policies Plan Part 1.