

NOTICE OF DECISION

Town And Country Planning Act 1990



Ms Amanda Sutherland
Sutherland PLS Ltd
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Stamford Road
Plymouth
PL9 9SQ
United Kingdom

Application Number: 20/P/1438/FUL

Category: Full application

Application No: 20/P/1438/FUL

Applicant: J B Pearce Limited

Site: Proposed Park And Ride Adj Heathfield Park, Bristol Road, Hewish,

Description: Change of use of land from gypsy pony track/agricultural land to use for a Park and Ride car park for Bristol Airport with 3101 parking spaces plus arrival/departure area with construction of associated roads and surfaces and the erection of a reception centre

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **REFUSE PERMISSION** for the above development for the following reasons:

1 Principle

Off-airport car parking in the Countryside is only permitted under Policy DM30 of the North Somerset Sites and Policies Plan Part 1: Development Management Policies, when it is connected to existing overnight accommodation and other policy requirements. Since the proposed development is for freestanding airport car parking that is not connected to existing overnight accommodation, it does not comply with DM30.

- 2 The application fails to demonstrate a need for the quantity of additional airport parking that is proposed. Moreover, the very nature of an airport Park & Ride car park, and especially the scale of this proposal, will encourage more passengers to undertake most of their journey to and from Bristol Airport by private vehicle. This is not conducive to sustainable travel and it would undermine the Bristol Airport Air Surface Access Strategy. The proposed development is therefore contrary to Policy CS1 and CS10 of the North Somerset Core Strategy; Policy DM24 of the North Somerset Sites

and Policies Plan Part 1: Development Management Policies and paragraphs 105 and 11 of the National Planning Policy Framework.

- 3 The proposed road junction, by reason of its design of the right turn road lane leading into the site and the absence of safe cycle and pedestrian facilities leading to and through the site, fails to provide a safe and inclusive access to the proposed development. The proposal is therefore detrimental to highway safety and it is contrary to Policy CS10 of the North Somerset Core Strategy, Policy DM24 of the North Somerset Sites and Policies Plan Part 1: Development Management Policies and paragraphs 104c, 110b and 111 of the National Planning Policy Framework.

Flood Risk / Drainage

- 4 The existing ground levels shown in Drawing Numbers EP002, 003, 004 and 005 and stated in the applicant's Flood Risk Assessment indicate that most of the application site is in a 3b ('Functional') Floodplain. The National Planning Practice Guidance says a 'Less Vulnerable' Use, which would include a Park & Ride car park, should not be permitted in a 3b 'Functional' Floodplain. The proposed development is therefore contrary to Policy CS3 of the North Somerset Core Strategy, Policy DM1 of the North Somerset Sites and Policies Plan Part 1: Development Management Policies and paragraphs 159, 161 and 162 of the National Planning Policy Framework.
- 5 The site is also over-washed by 3a ('High Probability') tidal flood zone, but the application does not include a flood risk sequential test to prove that the proposed development could not be sited on land with a lower flood risk. This is contrary to Policy CS3 of the North Somerset Core Strategy, Policy DM1 of the North Somerset Sites and Policies Plan Part 1: Development Management Policies and paragraphs 159, 161 and 162 of the National Planning Policy Framework.
- 6 The Flood Risk Assessment submitted with the application fails to demonstrate that the development can provide an acceptable surface water drainage strategy. This is contrary to Policy CS3 of the North Somerset Core Strategy, Policy DM1 of the North Somerset Sites and Policies Plan Part 1: Development Management Policies and paragraph 167 of the National Planning Policy Framework.

Noise and Light

- 7 The operating hours of the proposed development and the projected turnover of vehicle movements to and from the site and within the site, especially at night, has clear potential to have unacceptable impacts on the living conditions and health of nearby residents by reason of noise disturbance, reduced air quality, light pollution, and sleep disturbance. This is contrary to Policy CS3 of the North Somerset Core Strategy.

Biodiversity

- 8 Inadequate information has been provided with the application to assess the impacts of the proposed development on the North Somerset and Mendip Bats Special Area of Conservation (SAC); the Puxton Moor Site of Special Scientific Interest (SSSI), and Protected Species including Bats, Otter and Water Vole, and the proposals do not demonstrate that it would adequately mitigate a net loss of biodiversity habitat or result in biodiversity improvements. This is contrary to Policy CS4 of the North Somerset Core Strategy, Policy DM8 of the North Somerset Sites and Policies Plan Part 1:

Development Management Policies, the 'North Somerset and Mendip Bats Special Area of Conservation: Supplementary Planning Document, the 'Conservation of Habitats and Species Regulations' 2017 (as amended), and the Wildlife and Countryside Act 1981 (as amended).

Landscape

- 9 The application does not include an accurate survey of the existing ground levels, nor does it provide the proposed ground levels. The extent of works to form a safe vehicle access to the site, including the extent of the visibility splay, are also unresolved. In the absence of this information, the Local Planning Authority is unable to reach an informed conclusion on the impact of the proposal on the landscape having regard to Policy CS5 of the North Somerset Core Strategy and DM10 of the North Somerset Sites and Policies Plan Part 1: Development Management Policies.

Archaeology

- 10 The application site is in an area of archaeological importance. This requires the applicant to undertake a full Historic Environment Record search to assess the archaeological potential of this site and how this would be impacted on by the proposed development. The applicant's 'Heritage Statement' does not do this, and it is inadequate for the purposes of assessing the archaeological value of this site, and the impact of the proposed development. This is contrary to Policies DM6 and DM7 of the North Somerset Sites and Policies Plan Part 1: Development Management Policies, and paragraph 194 of the National Planning Policy Framework.

Environmental Statement

- 11 The scope of the Environmental Statement does not accord with the Local Planning Authority's adopted Scoping Opinion (reference number 20/P/2082/EA2) for the proposed development, in that it excludes several key components that need to be assessed to determine the environmental impact of the proposed development. This is contrary to Regulation 18(4)(a) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Advice Notes:

- 1 In dealing with the application we have worked with the applicant in a positive and proactive manner and have implemented the requirement in section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, by publishing local planning guidance on the council's website, offering pre-application written advice and publishing statutory consultee and neighbour comments on the council's website.
- 2 The application has been determined in accordance with the following documents:

Environmental Statement - January 2021

Planning Design and Access Statement - April 2020

Transport Statement Technical Note (Volume 1)

APPLICATION NUMBER - 20/P/1438/FUL

Transport Statement Technical Note (Volume 2)
Transport Statement Technical Note (Volume 3)
Transport Statement Technical Note (Volume 4)
Shadow Habitats Regulations Assessment (sHRA) and Shadow Appropriate Assessment (sAA) - January 2021
Travel Plan Framework - Technical Note 2
Landscape and Visual Impact Assessment (LVIA) September 2020
Lighting Strategy
Heritage Statement - February 2021
Flood Risk Assessment and Sustainable Drainage Strategy - December 2020
Ecological Impact Assessment (EcIA) - January 2021
Preliminary Ecological Appraisal (PEA) - July 2020
Planning Application Form
Site Location Plan - Drawing Number EP005-A
Existing Site Levels Plan - Drawing Number EP002
Existing Site Levels Plan - Drawing Number EP003
Existing Site Levels Plan - Drawing Number EP004
Existing Site Levels Plan - Drawing Number EP005
Proposed Site Plan - Drawing Number PP009 Rev A
Proposed Site Plan - Drawing Number PP010 Rev A
Proposed Site Plan - Drawing Number PP011 Rev A
Proposed Site Plan - Drawing Number PP012 Rev A
Proposed Site Plan - Drawing Number PP013 Rev A
010 - Portakabin Plan
011 - Portakabin Elevations S-1
012 - Portakabin Elevations S-2
013 Bus Shelter Plan & Elevations
Landmark 3 Bay 'BAY' MK - Drawing Number 3_BAY_BAY_MK
Landmark 3 Bay 'BAY' M1 Plate - Drawing Number 3_BAY_MK1_Plate
3 BAY- CANT BASE - Drawing Number 308200

Date: 1 September 2021
Signed: Richard Kent
Head of Planning

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) at www.n-somerset.gov.uk/contactplanning if you require further information on this decision.

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NOTES RELATING TO A DECISION TO REFUSE PERMISSION

These notes are intended as helpful advice. PLEASE READ THEM CAREFULLY.

Appeals

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or by any of the conditions, then you can appeal to the Secretary of State for the Environment in accordance with the provisions of Town and Country Planning Act 1990. If this is a decision to refuse planning permission for a householder application ¹ or shopfront proposal and you want to appeal, then you must do so **within 12 weeks** of the date of this notice. If this is a decision to refuse Advertisement Consent then you must submit your appeal **within 8 weeks** of the date of this notice. In all other cases if you want to appeal against your local planning authority's decision then you must do so **within 6 months** of the date of this notice.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appeals must be made using a form, which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Alternatively, your appeal can be submitted electronically using the Planning Portal at www.gov.uk/appeal-planning-inspectorate.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

How to get our advice

It is well worth contacting the officer who dealt with your application to see if an alternative solution can be reached which would avoid the need for an appeal. Should you require our written advice prior to submitting a new application please be aware that there is normally a fee for such requests. Details of how to obtain our advice prior to submitting an application can be found on our website.

Access to further information

Further guidance on Planning and Building regulation information and services can be accessed on our website and on the Planning Portal at www.planningportal.co.uk.

We strongly encourage the submission of planning applications via the Planning Portal. We also provide an online planning service on our website that allows you to monitor and review all applications we receive. This can help you keep you up-to-date with planning matters in your area.

This publication is available in large print, Braille or audio formats on request. Help is also available for people who require council information in languages other than English. Please contact us using our www.n-somerset.gov.uk/contactplanning

¹ Householder developments are defined as those within the curtilage of a house and are not a change of use or the creation of an additional dwelling or flat. Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses including footway crossovers, porches and satellite dishes.

