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Incorporating David Lees & Co

Dear Sirs

APP/DO121/W/19/3237905
NSC ref: 17/P/5406/FUL
Lord Nelson Public House, Cleeve

We act for Cleeve Parish Council (**CPC**).

This statement is to reiterate to the inquiry, CPC's objection to this development and give more detail to the first reason for refusal.

Background

The application to demolish and replace the Lord Nelson public house in the village of Cleeve with a mixed use development including a petrol station (**the Development**) was submitted on 7 December 2017 to North Somerset Council (NSC) and validated on 26 January 2018. It was refused planning permission on 9 May 2019 and three reasons for refusal were given.

Reasons of Refusal and Matters to be Considered by the Inspector

CPC fully support the reasons for refusal.

This statement is designed to help support the first reason for refusal. This reason for refusal is:

"The proposed development by virtue of its siting, massing and its proximity to the site boundaries would have an adverse impact upon the living conditions of neighbours by reason of overbearing impact from the new building and excessive noise and light pollution from the operation of the fuel filling station. The proposal is therefore contrary to policies CS3 of the Core Strategy and DM32 of the North Somerset Sites and Policies Plan (Part 1)."

This statement does not deal with the second two reasons for refusal. It is not to undermine them. CPC are leaving others to focus on these reasons.

CPC does request that the Inspector review and draw conclusions on the issues of highways and parking that will arise from the Development. CPC believe that the issue of highway safety has been missed by NSC for the reasons set out below.

Effects on Residential Amenity

Residential amenity is affected by a variety of different factors. Mainly these include visual effects, noise and changes to the surrounding area. The Development will create changes to the following:

- visual effects
- lighting or changes to lighting
- noise
- Traffic and parking

Visual Effects

New visual effects will arise as a result of the Development. In this case, it will be the demolition of an existing building and its replacement with a building of very different design with a petrol station forecourt.

The current street scene is of one of a wide central village road with buildings set off some distance from the road itself. This gives the scene a more open soft feel. This can be directly contrasted with other villages in Somerset such as Ston Easton where the main road through the village has at many points, buildings and walls right up to the road. This gives a more enclosed feel.

The Development in its massing and design is very different from the existing building. It has a two story frontage which is at the front of the site. The forecourt canopy is also at the front of the site. This brings the Development to the fore of the site. This creates a dominating and enclosing effect. In comparison the current site is repetitively open and set back. The Development is therefore not in keeping with the current street scene or feel of the village main road and will change the setting considerably. This is contrary to good design as required in **Core Strategy Policy CS12 and NS Sites & Policies Plan (1) DM32**. DM32 states that development should not prejudice the living conditions of adjoining occupiers through loss of privacy, overlooking, overshadowing or overbearing impact. Developments must not cause significant harm to the living conditions of neighbours when using their gardens or habitable rooms. It is clear that this will definitely happen for those neighbours closest to the site.

This change in massing and setting is an issue that the applicant has failed to address in any of its planning statements. All the applicant has done is to claim that the building accords with national policy on good design NPPF para 56. There is no discussion of the Development in contrast with the current buildings, what effects might flow from these changes and whether they are acceptable. All that is given is a bland statement that the Development has been designed sensitively (see para 5.45 of the Planning Statement). There is no discussion on the effects of the Development on its immediate neighbours. Had the applicant undertaken a proper visual assessment of the change to the setting and street scene it would see that the Development is not in keeping with this setting and is poorly designed in this aspect. The poor design of the Development and its setting will have an adverse effect on its immediate neighbours being overbearing and incongruous. This is contrary to the development plan policies listed above.

Light and Changes to Lighting

Currently, Cleeve is a dark village. All street lighting is turned off between 12pm and 6am except has two street lamps. Lighting at the Lord Nelson was always turned off during these hours. This is in contrast with a 24 hour petrol and convenience store proposed as part of the Development. There will be so much extra light from the Development that there is a reason for refusal regarding its contribution to effects on feeding bats. The applicant has proposed opening hours of 0700 to 2300 to avert this but this is still felt to be unacceptable in ecological terms.

There is a lighting assessment report that states there will not be any significant effects but this is flawed. Its base line is incorrect including non-existent light sources or lights that have not worked for many years.

The Development also seeks to introduce an illuminated sign. CPC cannot see that this sign has been included in the light assessment. This sign would also need to be switched off at night to stop unwanted light effects.

There are also extra lights from the cars exiting the petrol forecourt which have not been taken into account.

The fundamental problem with the Development is that it will be introducing a new busy working environment requiring lighting. This lighting is substantially more than was in place when the Lord Nelson was operating. These new light sources will affect Cleeve as a dark village and add light pollution to the village. This adds to the adverse effects on residential amenity especially to those neighbours close by.

Noise

The noise report by SLR supporting the application agrees that there will be an increase in noise at night. It makes various assumptions that there will be an acoustic fence and that plant will be centred in middle of the buildings. The reports states that at night the slamming of doors will ensure that there are adverse impacts felt by two of the receptor locations. Whilst it is the slamming of doors modelled in the report that tips the effects towards adverse, the new noises that would be introduced would also be:

- starting and stopping of engines
- moving of shopping trolleys
- music and talking from the passengers.

These are all elements of noise that would have ceased after the Lord Nelson was closed. These new noise sources would lead to a further reduction in amenity even if they don't show as adverse effects in the SLR report.

The reduction in opening hours would seek to reduce these effects. However, as noted by the NSC's environmental health officer in the report to committee there would need to be a condition put in place about the use of the carpark at night. It is questionable as to whether the applicant would be able to restrict the use of the carpark at night. Also, the use of the carpark and the petrol forecourt are required for the business. If this is what is required to stop residential amenity effects then it is questionable how the business would be able to function.

What can be said from the assessment is that whilst the Lord Nelson operated from 1100 hours until 2300 hours, the Development will be open from 0700 hours. This will create visits when previously there were no visits. This will have a direct effect on residential amenity as noise will be transferred into a time period when it was not present.

Highways and Parking

CPC ask that the inquiry look at the effects of increased traffic and parking of the Development.

The traffic assessment submitted with the application has a number of flaws in it. Firstly it makes inadequate provision for staff parking and no provision for shop delivery parking. Secondly it does not use real readily available data for vehicle movements for petrol stations that the applicant must hold for its own petrol stations in North Somerset. There must be inferences drawn from the applicant not being willing to share this data. It is also not possible to tell whether the public house with restaurant base line is also one that was matched by the Lord Nelson. A baseline should not be generated from the maximum levels that could be achieved but a realistic assumption as to what those levels were or are. The applicant would know this having had information from the previous owners on the turnover of the business. Without realistic figures being inputted into the traffic assessment it cannot be said to be an accurate assessment of the effects on highways. Given this CPC do

not see how the assessment can be used to accurately predict highway safety issues. It may also mean that the trip levels are much higher than was previously in place with the Lord Nelson. This would have a far greater effect on residential amenity.

With the (apparent) creation of new jobs from the Development but no actual provision for staff parking, this will push more parking on to the roads of the village which currently suffers problems with people parking for commuting by bus. This will increase effects on residential amenity.

Overview of effects on residential Amenity

It can be seen from review of the effects of the Development that there will be an effect on residential amenity. When weighed in the planning balance, this leads to a conclusion that the Development is not acceptable in planning terms.

Overview on Highways and Parking

The traffic assessment as it stands is not fit for purpose and the applicant should input data that it holds into the assessment to give a more accurate understanding of the effects on highways and parking.

Conditions

Turning to conditions if the appeal is to be allowed then CPC believe that conditions covering the following issues should be attached to the planning permission:

1. Opening hours should be restricted to 0700 to 2300.
2. Delivery hours should be restricted to 0900 to 1700.
3. Use of the carpark should be restricted after 2300 hours.
4. Provision of a lockable security barrier at the entrance and exit to be shut at 2300 hours until 0700 hours plan to be approved by LPA prior to commencement of development.
5. All lighting on the Development to be turned off after 2300 hours.
6. Lux levels at night to be restricted to a level agreed with the LPA.
7. Plans and materials for the acoustic fence to be submitted to the LPA for approval prior to development commencing.

Conclusion

The applicant should be asked to provide realistic and accurate figures for the traffic report to allow a proper assessment of highway safety and traffic numbers.

The incongruous nature of the Development that has not been sensitively designed in keeping with the current appearance of the centre of Cleeve village. This will cause an adverse effect on the residential amenity of the village.

Noise, lighting and highways factors will lead to further adverse effects on residential amenity. CPC believe this is a sound reason for refusal and that the appeal should be dismissed.

Yours faithfully

A handwritten signature in dark ink, reading "Lyons Bowe". The signature is written in a cursive, flowing style.

LYONS BOWE

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