

NOTICE OF DECISION

Town And Country Planning Act 1990



Copesticks
39 Tudor Hill
Sutton Coldfield
Birmingham
B73 6BE

Application Number: 17/P/5406/FUL

Category: Full application

Application No: 17/P/5406/FUL

Applicant: Tout Ltd

Site: Lord Nelson, 58 Main Road, Cleeve, BS49 4NR

Description: Construction of mixed use redevelopment, incorporating petrol filling station with associated retail store, lounge bar/restaurant, hair and beauty salon and owners office accommodation following demolition of the former Lord Nelson Public House

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 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).
- 2 The proposal involves the demolition of the former Lord Nelson public house which is a local heritage asset. The heritage statement submitted with the application does not take into account the building's local heritage value of 1930's roadside public houses in the area and the evidence of both archival and historical association value. It is therefore concluded that the case for demolition has not been adequately made and the proposal therefore conflicts with policies CS5 of the Core Strategy and policy DM7 of the Sites and Policies Plan (Part 1).
- 3 The proposed development will have an adverse impact on bats in the Greater Horseshoe Bat SAC Juvenile Sustenance Zone caused by the expanded rear car park and the proposed lighting scheme for the whole development. The development does not therefore comply with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core

Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

Date: 9 May 2019
Signed: Richard Kent
Head of Development
Management

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 application¹ 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.

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.