

SECTION 2 – ITEM 6

Application No: 20/P/0701/FUL

Proposal: Erection of 4no. buildings: 1no. building to be for Use Class B8 (Storage and Distribution) and 3no. buildings to be for indoor sport, recreation or fitness uses together with access roads, paths and parking for 36 cars, including 5 parking spaces for the adjoining children’s day nursery (part retrospective).

Site address: Puxton Park, Cowslip Lane, Hewish, Weston-super-Mare, BS24 6AH

Applicant: Mr Mead

Target date: 17.06.2020

Extended date: 20.07.2020

Case officer: Louise Grover

Parish/Ward: Banwell/Banwell and Winscombe

Ward Councillors: Councillor Ann Harley, Councillor Karin Haverson

REFERRED BY COUNCILLOR HARLEY

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 a 0.78ha former field located to the south-west of the Puxton Park complex, south of the existing car park. A significant hedgerow with hedgerow trees and ditches divides the site from Balls Barn Lane, a narrow, unadopted lane to the south. The site is linked by a path to a traditional brick barn off-site to the south east which has recently been converted to a children’s day nursery using permitted development rights. Works have partially commenced with the tarmac roads and hardcore parking areas shown on the proposed site layout plan having been constructed without planning permission.

The Application

Full permission is sought for:

- the erection of one building for ancillary storage purposes
- the erection of three buildings for leisure uses including a dance studio, gym, seasonal events such as Nativity plays and Halloween events, an indoor Segway training area and indoor trampolining
- total floor area comprises 732 square metres

- each building has a pitched roof and measures approximately 18m long x 11m wide x 7.4m tall. Materials comprise timber clad walls above a Bradstone plinth and matt black profile roof cladding
- Access is proposed via the existing car park. A new road layout leading to new parking areas for a total of 36 cars has been constructed. This includes 5 parking spaces for, and pedestrian access to, the off-site children's nursery on Balls Barn Lane.

Relevant Planning History

Year: 2019

Reference: 19/P/0815/FUL

Proposal: Introduction of formalised overflow car park and coach park. Removal of existing coach park and replacement with lake and gazebo

Decision: Not yet determined

Year: 2019

Reference: 18/P/5131/FUL

Proposal: Construction of a new building for animal management training courses (D1 use) with associated parking and hard landscaping

Decision: Approved

Year: 2018 (land off-site to south of Puxton Park complex)

Reference: 18/P/3778/CSA

Proposal: Prior approval for the change of use from 1no. agricultural building and land to children's day nursery

Decision: Permitted Development - Prior Approval granted

Year: 2017

Reference: 17/P/2163/F

Proposal: Erection of 2no. buildings to accommodate a Santa's grotto and folly

Decision: Approved

Year: 2017

Reference: 16/P/2634/F

Proposal: Change of use of first floor offices to children's day nursery

Decision: Refused - Appeal dismissed

Year: 2016

Reference: 14/P/2087/F

Proposal: Change of use from agricultural land to holiday lodge caravan site

Decision: Refused - Appeal allowed

Year: 2014

Reference: 14/P/1083/F

Proposal: Erection of an animal barn open for public viewing

Decision: Approved

Year: 2013

Reference: 13/P/1527/F

Proposal: Erection of cheese and ice-cream manufacturing buildings with associated parking area for 30 cars, turning areas for lorries and to include landscaping and raising land levels

Decision: Approved

Year: 2014

Reference: 11/P/2296/F

Proposal: Erection of new buildings to aid the extension of restaurant, provide a larger gift shop and create a new garden centre with a machinery repair centre built over existing delivery yard

Decision: Approved with s106

Year: 2014

Reference: 11/P/2248/F

Proposal: Change of use from delivery yard/car park to an outside, garden products, retail area

Decision: Approved with s106

Year: 2011

Reference: 11/P/0504/F

Proposal: Construction of a boating lake with bund, track and access paths for use with Puxton Park visitor centre.

Decision: Approved

Year: 2010

Reference: 09/P/2200/F

Proposal: Erection of an agricultural building within the existing farm visitor attraction including attached play barn, a freestanding wooden play fort and construction of a farm themed pitch and putt golf course.

Decision: Approved

Year: 2009

Reference: 08/P/2629/F

Proposal: Variation of condition no 10 attached to approval 04/P/1935/F to extend the opening hours of the farm park to be open between the hours of 8am to 8pm during the whole year.

Decision: Approved

Year: 2008

Reference: 08/P/0574/F

Proposal: Variation of Condition 8 of approved planning application 04/P/1935/F to allow entry to farm shop without paying admission to farm park

Decision: Approved

Year: 2006

Reference: 06/P/2074/F

Proposal: Alterations to vehicular access including erection of gates.

Decision: Approve

Year: 2006

Reference: 04/P/1935/F

Proposal: Change of use from farmland involving the creation of an all-weather, all year round farm visitor attraction- comprising the erection of new buildings (entrance building, farm shop, indoor play barn, performance barn, cider mill & museum, birds of prey building and model farm buildings), creation of an outdoor display area, visitor car park, new lake, reed bed sewage treatment works, landscaping and new access onto the A370.

Decision: Approved with S106

Policy Framework

The site is affected by the following constraints:

- Outside any settlement boundary
- Flood Zone 3a
- Horseshoe Bat Consultation Zone C
- Landscape character Area A1 Kingston Seymour and Puxton Moors

The Development Plan

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

The following policies are particularly relevant to this proposal:

- 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
- CS11 Parking
- CS12 Achieving high quality design and place making
- CS20 Supporting a successful economy
- CS22 Tourism Strategy
- CS26 Supporting healthy living and the provision of health care facilities
- CS27 Sport, recreation and community facilities
- 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:

- DM1 Flooding and drainage
- DM2 Renewable and low carbon energy
- DM8 Nature Conservation
- DM10 Landscape
- DM24 Safety, traffic and provision of infrastructure etc associated with development
- DM27 Bus accessibility criteria
- DM28 Parking standards
- DM32 High quality design and place making
- DM33 Inclusive access into non-residential buildings and spaces
- DM51 Agriculture and land-based rural business development in the countryside
- DM53 Employment development on greenfield sites in the countryside
- DM55 Extensions, ancillary buildings or the intensification of use for existing businesses located in the countryside

- DM69 Location of sporting, cultural and community facilities
DM71 Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

- SA2 Settlement boundaries and extension of residential curtilages

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 3 Plan-making
- 4 Decision-taking
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well designed places
- 15 Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- 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: No comments received

Puxton Parish Council: "Members of Puxton Parish Council reviewed this application via email and confirmed that they had no objection to it and welcome the increased local employment opportunity. There was a caveat to this position, however, and that is that, given the substantial nature of the buildings, the planned usage explanation was significantly vague: it needs to be more clearly explained and justified".

Officer comment

Further information about the details of the proposed use of each building was sought but remains imprecise.

Other Comments Received:

Environment Agency:

Notes missing data in the Flood Risk Assessment but, providing the LPA is satisfied that the Sequential Test is met under the National Planning Policy Framework, and on the basis of this being an extension of the existing Puxton Park attraction, raises no objections subject to conditions regarding finished floor levels, flood resilient design and prevention of pollution of the water environment.

North Somerset Levels IDB

No objection to the proposals. However, there does not appear to be adequate details of how surface water will be managed. The proposals mention an existing sustainable drainage system that is to be connected into but does not provide any information on where this is or if it has capacity for additional surface water run-off. The Board therefore recommends a condition to secure surface water drainage details.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development, (2) sustainable location, (3) flood risk and drainage, (4) design and landscape, (5) access and parking, (6) inclusive access, (7) biodiversity and trees, (8) living conditions, (9) sustainable construction, and (10) setting of listed buildings.

Issue 1: The Principle of Development

The site lies outside any settlement boundary and within a countryside setting where policy CS33 states that development will be *'strictly controlled in order to protect the character of the rural area and prevent unsustainable development'*.

Puxton Park is an established visitor attraction. It was first granted planning permission in 2006 (04/P/2935/F) as a form of farm diversification. Conditions were imposed (and repeated in subsequent applications) limiting its use to a 'rural farm attraction'.

Ancillary uses to the rural farm attraction are acceptable in principle and would be assessed either as a tourist facility under policy CS22, an ancillary building to an existing business under policy DM55, or as a form of farm diversification under policy DM51.

Storage use

The applicant has confirmed that there is a need for an ancillary storage building to replace 8 shipping containers which are on site without planning permission. These are used to store a variety of things including, mowers, outdoor/inflatable play equipment and boats. This use is acceptable in principle under policy DM55 which permits ancillary building to existing businesses in the countryside, subject to compliance with criteria regarding, scale, design, living conditions and highway safety.

Ancillary uses

A number of the proposed leisure uses could be regarded as being ancillary to the rural farm attraction. These include seasonal events such as nativity plays and Halloween events and the indoor Segway training area. These uses are acceptable in principle under policy CS22 which permits improved visitor and tourist facilities provided that they are of an appropriate scale, improve the quality and diversity of the tourist offer, maximise where

possible travel by means other than the private car, support conservation and economic objectives and have no adverse implications for the character of the area or the environment.

Other uses

The proposed dance studio, indoor trampolining and gym are not considered to be ancillary to the rural farm attraction. There may be some trips linked to visits to the farm park, but these uses are considered likely to be largely independent of the farm park. Such uses would constitute sporting and community facilities assessed under Policy DM69. This policy permits such facilities *inside* settlement boundaries provided:

- The site is well related to the community it is intended to serve; and
- The site is in a sustainable location genuinely accessible by a choice of transport modes and to disabled people; and
- The layout and design include features to facilitate combining other community needs within the same site unless this is agreed to be inappropriate; and
- The proposal would not prejudice the living conditions of neighbouring properties

Policy DM69 goes on to state: *“Facilities will only be permitted outside settlement boundaries where it is demonstrated that the scale, character or potential impact of the facility would be appropriate taking into account the above principles”*.

The proposed dance studio and gym would not comply with policy DM69, primarily because of the location not being ‘well related to the community it is intended to serve’ and the site not being ‘in a sustainable location, genuinely accessible by a choice of transport modes’. This is covered in more detail under Issue 2.

Farm Diversification

Policy DM51 permits diversification of existing agricultural and land-based businesses where the proposal is necessary for and ancillary to the use of the land for viable agricultural or land-based businesses and that there is sufficient certainty of long-term benefit to the farm business as an agricultural operation. The policy also requires that other rural businesses and the character and appearance of the countryside are not adversely affected. The applicant has not submitted any information to indicate that the proposal would be acceptable under this policy.

Redevelopment of Previously Developed Land (PDL)

The applicant has argued that the proposal falls under policy DM54 which permits the redevelopment of previously developed land in the countryside for economic development. Economic development is defined in the Sites and Policies Plan (Part 1) as including ‘development within the [former] B Use Classes, public and community uses, main town centre uses and uses that provide employment opportunities, generate wealth or produce or generate an economic output or product’. Policy DM54 permits development subject to no harm to the character and appearance of the countryside, existing buildings being converted first, materials and design being in keeping with the surroundings, safe and convenient access to the highway, no harm to living conditions, and subject to the redevelopment bringing significant local environmental, economic or social benefits. The applicant argues that the proposal complies with this policy, in particular, that it will bring significant economic benefits, with the site generating 100 jobs and the current proposals creating 12.

The National Planning Policy Framework provides a definition of 'Previously Developed Land' (PDL) as '*Land which is or was occupied by a permanent structure, including the curtilage of developed land (although it should not be assumed that the whole of the curtilage should be developed)...*'

Whether the application site falls within the curtilage of a building is a matter of fact and degree and involves an assessment of complex case law. Various factors need to be taken into consideration, including physical layout, ownership past and present and use or function past and present.

There are no buildings on this specific application site. Whilst there are buildings at Puxton Park that fall within the same ownership, the land affected by this application would have to serve the purposes of those buildings in some 'necessary or useful manner' to be considered as possibly falling within their curtilage. There is no evidence of this. The site is a field with no obvious physical or functional link to the buildings at the visitor attraction which are some distance away. Whilst the applicant has commented that the land has been used to store stone, this is, no longer in existence and has not become lawful with the passage of time. It would also be a breach of a condition on the planning permission for the park which prevents outside storage. In any event any functional connection of this storage of stone with the buildings at the farm park has not been demonstrated. Even if there were surface structures which have become overgrown, the NPPF definition of PDL excludes structures and fixed surface structures which have blended into the landscape.

As a matter of fact and degree, it is considered that the application site does not fall within the curtilage of a building and therefore does not constitute Previously Developed Land. Policy DM54 does not, therefore, apply. Even if this was regarded as Previously Developed Land, as the NPPF states, '*it should not be assumed that the whole of the curtilage should be developed*'. This is considered to be particularly relevant in this case, given that the planning permission for the site (08/P/2629/F, which amended the original permission) restricts the use of the land and buildings to a '*rural farm attraction*' stating they shall be used for '*no other purpose whatsoever*'. Permission 08/P/2629/F also places restrictions on the erection of new buildings, the change of use of buildings and on retail use.

Class E Uses

Recent changes to the Use Classes Order that came into force during the processing of this application, widen the Use Class that includes sporting and leisure facilities (formerly Class D2). As well as sport and leisure uses, the new Use Class (Class E) encompasses such uses as retail, banks, building societies, sale of food and drink for consumption on the premises, medical and health services, creches, day nurseries, offices and light industry. Given the location of this site outside any settlement boundary, the majority of the uses within Class E would not comply with adopted policy and therefore if the Committee is minded to grant permission, a condition would be necessary limiting changes to other uses within Class E.

Conclusion regarding the principle of the development

The proposed storage and ancillary leisure uses are acceptable in principle under policies DM55 and CS22. The dance studio, indoor trampolining and gym are not considered to be genuinely ancillary to the rural farm attraction and, have not been justified as a form of farm diversification under policy DM51. Even if policy DM54 had applied, the proposal would not meet all criteria. The buildings would not be on Previously Developed Land

Furthermore, the definition of PDL in the NPPF states that it should not be assumed that the whole curtilage should be developed and, in this case, there are planning conditions restricting the type of development that can take place within the curtilage of the rural farm attraction. Whilst sporting and community facilities can be acceptable under policy DM69 subject to various criteria the proposed dance studio and gym would conflict with policy DM69 on grounds of unsustainable location as set out below.

Issue 2: Sustainable Location

As explained above, the proposed dance studio and gym are not regarded as ancillary uses to the farm park and instead should be considered as sporting and community facilities under policy DM69.

Policy DM69 requires, amongst other things, that:

- The site is well related to the community it is intended to serve; and
- The site is in a sustainable location, genuinely accessible by a choice of transport modes...

Whether the use of Puxton Park site for community facilities complies with the above requirements has recently been examined at appeal (ref 16/P/2634/F) for a children's nursery at the park. The Inspector concluded that walking and cycling to the site is unlikely to be practical due to (1) distance - Congresbury is 5km from the site and Worle is 2km, scattered rural communities are likely to have to travel considerable distances, and the access drive is 700m long; and (2) safety - high volumes/speed of traffic using A370, need to negotiate the Junction 21 roundabout, limited street lighting, lack of continuous footways to Worle, limited formal crossing points, and rural country lanes are often unlit with unmade surfaces.

The Inspector noted that there are bus stops adjacent to the A370 but did not afford this significant weight as he had not been provided with sufficient information regarding bus times and frequency. In addition, he noted that *"to access the nursery from the bus parents and children would have to cross the busy A370 on their outward or return journeys at a point where there is no signalised pedestrian crossing. Also they would still have to negotiate the park's long drive"*.

The applicant has commented that the bus service is currently well used by staff and also that there will be some linked trips, including linked usage with the nearby children's nursery (recently created at Balls Barn Lane using permitted development rights after a similar scheme on the Puxton Park site had been dismissed on appeal). Whilst the frequent bus service is noted, this part of the site is approximately 1km from the bus stop making this mode of travel less convenient, especially travel involving young children. In addition, whilst linked trips are possible, in reality, the proposed gym and dance school are likely to generate trips that are independent of the farm park, many of which will be by private car, due to the limitations on other modes of travel as described above.

It is concluded that the dance studio, indoor trampolining and gym would not be ancillary to the rural farm park, would not be well related to the community they are intended to serve, and would not be in a sustainable location that is genuinely accessible by a choice of transport modes. This part of the proposal therefore conflicts with policy DM69 and related

policies which seek to avoid unsustainable travel (notably policies CS1 and CS33 and section 9 of the NPPF) and thereby support the council's wider climate change objectives.

Issue 3: Flood risk and drainage

The site falls within flood zone 3a and therefore the Sequential Test must be passed in accordance with policies CS3 and DM1, Section 14 of the NPPF and the associated Planning Practice Guidance. The proposed uses are classed as 'less vulnerable' meaning that the additional Exception Test need not be passed.

For the purposes of the Sequential Test, policy CS3 states that the area of search for alternative sites will be North Somerset-wide unless (amongst other things) it can be demonstrated with evidence that there is a specific need within a specific area.

The applicant has submitted a Flood Risk Assessment (FRA) which does not consider alternative sites, stating that *"the application site is located within the existing Puxton Park Attraction, with space available for extension. Puxton Park is owned by the applicant and it would be impossible to relocate the business"*.

The search area for the Sequential Test can be confined to Puxton Park for genuinely ancillary uses and, given that the whole site falls within flood zone 3a, there is no other land at Puxton Park at lower risk of flooding. The ancillary leisure and storage uses are therefore considered to pass the Sequential Test.

However, the dance studio, indoor trampolining and gym proposals, are not considered to be genuinely ancillary to the visitor attraction or reliant upon this location. For these uses, a district-wide search for reasonably available alternative sites at a lower risk of flooding is necessary. This has not been carried out and therefore, this aspect of the proposal does not pass the Sequential Test and is contrary to policies CS3 and DM1 and Section 14 of the NPPF.

The Environment Agency has noted missing data in the FRA but, providing the Council as Local Planning Authority (LPA) is satisfied that the Sequential Test is met under the National Planning Policy Framework, and on the basis of this being an extension of the existing Puxton Park attraction, raises no objections subject to conditions regarding finished floor levels, flood resilient design and prevention of pollution of the water environment.

The Environment Agency however also points out the need to secure the provision of an emergency flood plan with adequate flood rescue and evacuation arrangements. No details have been submitted in this respect although the FRA does state that *"there is a flood warning evacuation plan at the site on the notice board within the children's play area and café ... and this will be repeated in the proposed new building"*. Further details could be secured by condition if planning permission is granted.

In terms of surface water drainage, the applicant indicates that the proposed new buildings will utilise "sustainable drainage already on site". However, no surface water drainage details have been received as part of this application. The council's Flood Risk Management Team and the North Somerset Levels IDB have both requested further details to ensure that the surface water drainage details are acceptable. This could be secured by condition.

It is concluded that the Sequential Test has not been passed with regards to the proposed dance studio and gym uses and that this renders the proposal contrary to policies CS3 and DM1 and Section 14 of the NPPF. Surface water drainage details are inadequate but could be secured by condition.

Issue 4: Design and Landscape

Policy CS5 states that the character, distinctiveness and diversity of North Somerset's Landscape will be protected and enhanced by careful, sensitive management and design of development and that close regard will be paid to the landscape character areas identified in the North Somerset Landscape Character Assessment. This is reiterated in policy DM10. Policies CS12 and DM32 require high quality design which responds to context. Policy DM55 (relevant to the proposed storage building) requires the scale and materials to be appropriate to the rural surroundings and policy CS22 (relevant to tourism uses) requires facilities to be of an appropriate scale and have no adverse implications for the character of the area.

The site falls within Landscape Character Area A1 - Kingston Seymour and Puxton Moors. The Landscape Character Assessment states that this area *“exhibits characteristics typical of the Moors Landscape Type including flat landform with semi-enclosed views to wooded ridges and highly rural pastoral character. The medieval historic landscape is apparent in the form of the organic pattern of enclosure, winding rural roads and tracks alongside sinuous ditches and scattered farmsteads. Together, these features create a remote and ancient character. There is some influence from the urban edge of Weston-super-Mare and from the A371 but this is slight. Overall character is considered to be strong”*. The overall landscape condition is described as 'good' and the landscape strategy is to 'conserve'.

The proposals will extend the built form towards the edge of the farm park site, with the southernmost building (Barn 4) being approximately 10m from Balls Barn Lane. The original landscape assessment for this visitor attraction justified the proposals on the basis that the *“main buildings and ancillary activities would be located at the centre of the site to minimise impact on surrounding areas”*. Copse planting and wildflower meadows were proposed for this part of the site, to act as a landscape buffer. These were identified as longer-term measures that would mitigate against landscape impacts of the original scheme. The applicant has stated that the original copse planting and wildflower meadows were not implemented (which was a breach of the that condition), that related conditions are now unenforceable and that this land has been used for the storage of stone

The applicant has also made reference to the holiday lodge complex allowed on appeal on the adjoining land to the west (ref 14/P/ 2087/F). The appeal inspector considered Puxton Park to appear as a significant built form in this countryside location and did not regard the area to be overwhelmingly rural, stating that *“some of this character has already been eroded by the introduction of a number of significant buildings on the site along with the change of use from agriculture to tourism, educational/commercial uses”*. He stated that the access from the A370 and the screen planting means the effects on the rural character have been localised and mitigated.

The appeal decision is contrary to the original landscape design concept for Puxton Park, although holiday lodges would have a lesser impact, being smaller scale than the current

proposals. Each of the proposed buildings measures approximately 18m long x 11m wide x 7.4m tall. Materials comprise timber clad walls above a Bradstone plinth and matt black profile roof cladding. Whilst the design of the buildings is appropriate for a rural setting, the siting and scale of Barn 4 so close to the adjoining hedge and lane will be visually intrusive in this rural landscape.

Policy DM10 states that where some harm to the local landscape character is unavoidable, but a development is otherwise deemed beneficial, then positive mitigation measures should be secured by a landscape condition or planning agreement. The applicant has stressed that this proposal will create 12 new jobs and therefore be beneficial to the rural economy. However, whilst this is welcomed, the proximity of Barn 4 to the edge of the site will not leave space for positive mitigation measures and, in this respect, the benefits are not considered to outweigh the harm.

It is concluded that the proposal will cause-harm to the character of the landscape due to the scale and position of the southernmost building so close to Balls Barn Lane. The proposal is therefore contrary to policies CS5, CS12 and CS22 and CS33 of the Core Strategy and policies DM10, DM32, DM54, DM55 and DM69 of the Sites and Policies Plan (Part 1) and the North Somerset Landscape Character Assessment.

Issue 5: Vehicular Access and Parking

Policy DM24 states that development will be permitted provided it would not prejudice highway safety and policies CS11 and DM28 require proposals to comply with adopted parking standards.

Vehicular access to the site is proposed from the existing access on the A370, via the existing parking area, which is acceptable in highway safety terms. The proposed development is unlikely to cause an increase in the peak hour traffic and is therefore unlikely to have a significant impact on the local traffic volumes.

The submitted plans show provision for 36 parking spaces. The parking standard has been met and the proposed spaces meet the required dimensions. Cycle parking for 4 cycles should also be provided, which could be secured by condition.

Issue 6: Inclusive Access

Policy DM33 requires inclusive access arrangements to be incorporated into proposals for public buildings. In addition, to this policy requirement, there is separate need for the applicant to comply with the duties placed upon them by the Equality Act 2010.

The Design and Access Statement refers to provision being made for disabled people, but this is not clear from the submitted plans and further details have been requested regarding width of doorways, ramped access design, door and canopy designs to aid visually impaired people, disabled parking provision and materials used for external hard

surfaces. This information has not been submitted but could be secured by condition if permission was to be granted.

Issue 7: Biodiversity and Trees

The site falls within Consultation zone C of the North Somerset and Mendip Bats Special Area of Conservation Guidance on Development SPD. In such areas the SPD requires developers to consult their ecologists. The applicant has been requested to provide an ecological report but has not done so. The most important feature to bats is likely to be the roadside hedge, with mature hedgerow trees along the southern boundary of the site. This has been identified as a foraging area and commuting route for bats in a recent ecological survey on nearby land (18/P/3778/CSA). The applicant has stated that the field has been used to store stone, which may have reduced any foraging potential. Rhynes exist on the southern and western boundaries which are also likely to be of value to wildlife. There are no existing buildings on site or trees to be removed that might offer roosting opportunities.

Given the above, it is considered that conditions could be imposed to safeguard protected species and trees, including retention and protection of the hedge and hedgerow trees, restriction on external lighting, and improving biodiversity value overall (which would require proposals and a management plan informed by an ecological assessment of the site). In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

Issue 8: Living conditions

The nearest neighbouring use is the children's day nursery to the south-east, off Balls Barn Lane. The proposal is unlikely to have any adverse impacts on the nursery or any other nearby residents/occupants. Given this, the proposal complies with policy CS3 of the Core Strategy and policy DM69 of the Sites and Policies Plan (Part 1) with regards to living conditions and the Residential Design Guide (Section 1): Protecting living conditions of neighbours).

Issue 9: Sustainable Construction

Policy CS2 sets out certain requirements that should be met in order to ensure that a new development is constructed to a sustainable standard. For non-residential developments between 500 and 1000m² policy CS2 requires BREEAM 'very good' standard to be achieved. This could be secured by condition.

Issue 10: Setting of Listed Buildings

The site is sited approximately 660m from Maysfield Farm (Grade II), 1.1km from Myrtle Farm (Grade II), and Puxton Church (Grade I) and 780m from Stuntree Farm (Grade II). However, the development is not considered to have an adverse impact on the setting of these Listed Buildings due to the distance and intervening buildings. The proposal is therefore in accordance with policy CS5 of the North Somerset Core Strategy on the historic aspect, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF

and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

The proposed development has been screened separately under the above Regulations and has been found not to constitute 'EIA development'. An Environmental Statement 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

The proposed ancillary leisure and storage uses are considered to be acceptable in principle as they relate to the original rural farm attraction and are in accordance with policies DM55 and CS22.

The proposed dance studio, indoor trampolining and gym would not be ancillary to rural farm attraction and would not comply with policy DM69 as they constitute sporting and community facilities that are not well related to the community it is intended to serve and the site is not in a sustainable location that is genuinely accessible by a choice of transport modes. This aspect of the proposal is not permitted by policy DM54 as the site is not considered to constitute Previously Developed Land. Notwithstanding this, the proposal does not comply with criteria in policy DM54 such as landscape impact. Furthermore, the host permission for the rural farm attraction restricts such development.

The application site is in an area at risk from flooding and the application does not demonstrate that the proposal relating to the dance studio, indoor trampolining and gym passes the Sequential Test set out in policy CS3 of the Core Strategy and section 14 of the National Planning Policy Framework. In the absence of details to the contrary, this aspect of the proposal would be at an unacceptable and avoidable risk of flooding. Insufficient information has been submitted with regards to surface water drainage and access for disabled people, although suitable details could be secured by condition to ensure that the proposals comply with policies DM1 and DM33.

The proposal will cause harm to the character of the landscape due to the scale and position of the southernmost building so close to Balls Barn Lane. The proposal is therefore contrary to policies CS5, CS12 and CS22 and CS33 of the Core Strategy and policies DM10, DM32, DM55 and DM69 of the Sites and Policies Plan (Part 1) and the North Somerset Landscape Character Assessment.

The proposal is unlikely to harm protected species, provided that adequate mitigation is secured. In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policies CS4 and DM8 and the council's Biodiversity and Trees SPD.

The proposal does not give rise to highway safety concerns and is in accordance with policies DM24 and DM28. There are no nearby neighbours that would be adversely

affected by the proposals and in this respect, the proposal complies with policies CS3 and DM69 and the Residential Design Guide (Section 1: Protecting living conditions of neighbours).

The proposal would not adversely affect the setting of local listed buildings due to distance and intervening buildings and the proposal is therefore in accordance with policies CS5, and DM4, section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

The applicant has stressed the economic benefits of the proposal, stating that the overall site provides employment for 100 people and that the current proposals will generate 12 new jobs. However, whilst this is welcomed, it does not override the policy requirements outlined above and is not sufficient to outweigh harm caused to the environment and the council's wider climate change objectives in terms of unsustainable travel, unacceptable flood risk and adverse landscape impact.

RECOMMENDATION: REFUSE for the following reasons:

1. The site lies outside any settlement boundary and within the countryside where development is strictly controlled. The proposed dance studio, indoor trampolining and gym would conflict with policy DM69 in that the site is not well related to the community it is intended to serve and is not in a sustainable location that is genuinely accessible by a choice of transport modes. The proposed dance studio, indoor trampolining and gym would therefore give rise to unsustainable forms of travel, contrary to policies CS1 and CS33 of the North Somerset Core Strategy, policy DM69 of the North Somerset Sites and Policies Plan (Part 1: Development Management Policies) and the principles set out in sections 2 and 9 of the National Planning Policy Framework.
2. The application site is in an area at risk from flooding and the application does not demonstrate that the proposals relating to the dance studio, indoor trampolining and gym pass the Sequential 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 there are no alternative sites in the area that are reasonably available for the proposed dance school, indoor trampolining and gym which have a lower probability of flooding. In the absence of this, the proposed dance studio, indoor trampolining and gym are considered to be at an unacceptable and avoidable risk of flooding, contrary to policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (Part 1) and paragraphs 155-158 of the National Planning Policy Framework (and the associated Planning Practice Guidance).
3. The site lies outside any settlement boundary and within the countryside where development is strictly controlled. Barn 4, by reason of its scale, height and siting will cause unacceptable harm to the character and appearance of the area resulting in visually intrusive built development close to a remote rural lane and adjoining countryside contrary to policies CS5, CS12, CS22, and CS33 of the North Somerset Core Strategy, Policies DM10, DM32, DM55 and DM69 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Landscape Character Assessment SPD.