

NOTICE OF DECISION

Town and Country Planning Act 1990



Mr Jonathan Chick
Walsingham Planning Ltd
1 Gas Ferry Road
Hotwells
Bristol
BS1 6UN

Application Number: 21/P/0236/OUT

Category: Outline application

Application No: 21/P/0236/OUT
Applicant: Mead Realisations Ltd
Site: Land At Rectory Farm, Chescombe Road, Yatton,
Description: Outline planning application for a residential development of up to 100no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and all other matters for subsequent approval.

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

- 1 The proposed development of up to 100 dwellings would deliver a scale of development that is in conflict with the spatial strategy for the development plan, which permits sites of up to around 25 dwellings adjoining the settlement edges of service villages. The proposed development is therefore contrary to policies CS14 and CS32 of the Core Strategy, and the made Yatton Neighborhood Plan.
- 2 The proposed development, due to its location in close proximity to the North Somerset and Mendip Bats SAC, would have significant effect on this habitat site. The site is located in Bat Consultation Zone B as designated in the North Somerset and Mendip Bats SAC SPD and the survey evidence and consultation with Natural England suggests that SAC bats would be adversely affected by the development. The proposed mitigation measures do not prioritise on-site mitigation, and the proposed off-site mitigation is unsuitable.

Additionally, the development, due to its location in close proximity to the Biddle Street SSSI, is likely to result in operational impacts and increased recreational pressure on this nationally designated site. The submitted Ecological Impact Assessment has not adequately identified and considered the scope of these impacts, nor identified how mitigation could be achieved.

The proposal also fails to adequately demonstrate a Biodiversity Net Gain can be achieved on site, as the calculation of Biodiversity Net Gain includes habitat utilised for mitigation purposes.

The proposed development is therefore contrary to Policy CS4 of the Core Strategy, Policy DM8 of the Sites and Policies Plan Part 1: Development Management Policies, the North Somerset and Mendip Bats SAC SPD and paragraphs 175 and 177 of the NPPF.

- 3 The proposed development, by reason of its protrusion in an area of high landscape sensitivity in close proximity to the Strawberry Line, does not accord with the linear form of the village and would appear as an incongruous projection into open countryside. The proposal would cause unacceptable harm to the amenity value of the Strawberry Line being a popular recreational route forming part of the strategic cycle network. The proposed development is therefore contrary to Policies CS5 and CS9 of the Core Strategy, Policy DM10 of the Sites and Policies Plan Part 1 - Development Management Policies, the North Somerset Landscape Character Assessment SPD, and paragraphs 98 and 170 of the National Planning Policy Framework.
- 4 The proposed development, due to the substandard width of Chescombe Road, the inadequate visibility splays at the adjacent junction between Chescombe Road and Mendip Close, and the lack of submission of a Road Safety Audit and tracking data for cars and emergency vehicles, would have an unacceptable impact on highway safety. The proposed development is therefore contrary to Policy DM24 of the Sites and Policies Plan Part 1: Development Management Policies, and paragraph 108 and 109 of the National Planning Policy Framework.

Advice Notes:

- 1 Positive and proactive statement: The council worked with the applicant in a positive and proactive manner and 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 advice and publishing statutory consultee and neighbour comments on the council's website. The council also looked for solutions to enable the grant of planning permission. However, in this case the proposal is not sustainable development for the reasons set out above and the council was unable to identify an appropriate way of securing a development that improves the economic, social and environmental conditions of the area and complies with the relevant planning policies. Clear reasons have been given to help the applicant understand why planning permission has not been granted.
- 2 The plans/documents that were formally considered as part of this application are as follows:

Affordable Housing Statement January 2021

Drainage Strategy Ref. 14730-HYD-XX-XX-RP-D-0002

Energy and Sustainability Statement December 2020

ECOLOGICAL IMPACT ASSESSMENT January 2021

Landscape and Visual Appraisal January 2021

Yatton Preliminary Lighting Design 179-01-S38-2011125-LO-LI-A

Preliminary adoptable and non-adoptable lighting 179-01-S38-2011125-CD-LI-A

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Indicative Species List
SECTION 106 - DRAFT HEADS OF TERMS (JANUARY 2021)
Statement of Community Involvement January 2021
Transport Assessment 14730-HYD-XX-XX-RP-5001
Residential Travel Plan 14730-HYD-XX-XX-RP-TP-6001
Tree Survey 05476 TCP 04.08.20
Landscape Masterplan 2775/6
Topographical Survey 14730-TS01
Tree Constraints Plan 05476 TCP 4.8.2020
SITE ACCESS GENERAL ARRANGEMENT PRIORITY CROSS-ROADS AND PEDESTRIAN
ACCESS 14730-HYD-XX-XX-DR-TP-0201
Historic Environment Assessment ACW1271/1/1
Flood Risk Assessment 14730-HYD-PH1-XX-RP-FR-0001
Desk Study Report 14730-HYD-XX-XX-RP-GE-1000 S2 P2
1037-PL01A ILLUSTRATIVE MASTERPLAN
1037-PL03A LOCATION PLAN
Design and Access Statement 23.12.2020
Planning Statement January 2021
Arboricultural Impact Assessment Report 05476 RECTORY FARM AIA 02.02.21
Tree Protection and Removal Plan Rev B (sheets 1-4)

Date: 12 May 2021
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.

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.

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.

