

## NOTICE OF DECISION

Town And Country Planning Act 1990



Mrs Meghan Rossiter  
DLP Planning Ltd  
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Broad Quay  
Prince Street  
Bristol  
BS1 4DJ

Application Number: 19/P/2713/FUL

Category: Full application

**Application No:** 19/P/2713/FUL  
**Applicant:** Coln Residential  
**Site:** Land At Dinghurst Road, Churchill, ,  
**Description:** Erection of 48no. dwellings, community orchard and associated car parking.

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 reason of its location in close proximity to the Mendip Hills Area of Outstanding Natural Beauty (AONB), would impact on views towards the AONB from Windmill Hill, have an urbanizing effect on Skinners Lane which would be visible in views out of the AONB from The Batch into Skinners Lane and have an urbanising effect on Dinghurst Lane. Light pollution created by the proposal would impact on the dark skies of the AONB. This would cause unacceptable harm to the setting of the AONB. The proposed development is therefore contrary to Policies CS5 and CS9 of the Core Strategy, the Mendip Hills AONB Management Plan 2019-2024, the North Somerset Landscape Character Assessment SPD, and paragraphs 170 and 172 of the National Planning Policy Framework.
- 2 The proposed development, due to the inadequate width of the proposed access to the site, 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 109 of the National Planning Policy Framework.
- 3 The proposed development, by reason of its proposed layout, create barriers to biodiversity between existing habitats on and adjacent to the site. insufficient consideration has been given to how the impacts of this proposal on biodiversity could be mitigated on site prior to proposing off-site compensation. The proposed

development is therefore contrary to Policy DM8 of the Sites and Policies Plan Part 1: Development Management Policies and paragraph 175 (a) of the NPPF.

- 4 The proposed development is accompanied by insufficient evidence to demonstrate that the surface water discharge for plots 44-48 can be achieved without risk of runoff to existing properties and highways. In addition, no evidence been submitted to demonstrate how the surface water drainage systems situated within public areas would be operated and maintained for the lifetime of the development. The proposed development is therefore contrary to Policy CS2 of the Core Strategy, Policy DM9 of the Sites and Policies Plan Part 1: Development Management Policies and paragraph 165 of the NPPF.
- 5 The proposed development is accompanied by an Arboricultural Assessment which has failed to take adequate account of existing ground conditions that would affect the Root Protection Areas (RPAs) of the existing trees on the site, and is not supported by a Full Arboricultural Report including a Method Statement. It has therefore failed to demonstrate that trees to be retained have been adequately considered within the design. The proposed development is therefore contrary to Policy DM9 of the Sites and Policies Plan Part 1: Development Management Policies.
- 6 The proposed development, by reason of the cramped nature of the proposed dwellings in their relationship to each other, to adjacent existing residential properties, and to retained natural features on the site, fails to create a high-quality design that reflects the character of the local area. The positioning of units on plots 2, 12 and 20-26 creates unacceptable relationships in terms of overlooking and overbearing urban form creating inadequate amenity for existing and future residents. Inadequate outdoor amenity space is provided for the future occupiers of units 21, 22, 42 and 43. The proposed orchard open space and play area lack legibility in terms of the route for the public to access this part of the site and are absent of natural surveillance. The treatment of the affordable units, by reason of their differentiation from the market units in terms of materials, landscaping and parking arrangements, fails to be tenure-blind. The proposed development is therefore contrary to Policy DM32 of the Sites and Policies Plan Part 1: Development Management Policies, the Residential Design Guide SPD and the Affordable Housing SPD.

#### **Advice Notes:**

- 1 The plans/documents that were formally considered as part of this application are as follows:

Planning Site Layout A\_102 rev. PL29  
Planning Site Layout, Coloured A\_102 rev. PL29  
Material Key Plan A\_103 rev. PL15  
Fence and Enclosure A\_104 rev. PL12  
Public Open Space A\_117 rev. PL10  
Waste Collection Strategy Plan A\_116 rev. PL13  
Storey Height Plan A\_118 rev. PL0  
External Works Plan A\_119 rev. PL09  
Street Scene A\_104 rev. PL04  
House Types and Elevations Binder Pack dated 20 August 2020

Drainage Strategy Layout A5049-3M-200 Rev. H  
Green Infrastructure Strategy 10824/P09 Rev. E  
Soft Landscape Proposals 10824/P11 Rev. E  
Soft Landscape Proposals 10824/P12 Rev. E  
Tree Constraints Plan 10824/P08b  
Tree Retention and Removal Plan 1084/P10c  
STOREY HEIGHT PLAN 10627\_A\_118\_PL05  
WASTE COLLECTION STRATEGY PLAN 10627\_A\_116\_PL08  
Proposed Site Access Layout A5049-2M-100 Rev. D  
Skinners Lane Site Access A5049-2M-104 Rev. A

- 2 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 and invited amendments and/or additional information be submitted to overcome concerns. However, notwithstanding these efforts the application does not comply with the relevant planning policies and clear reasons have been given to help the applicant understand why planning permission has not been granted.

Date: 3 December 2020  
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](http://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.

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### 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 <sup>1</sup> 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](mailto: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](http://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](http://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](http://www.n-somerset.gov.uk/contactplanning)**

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<sup>1</sup> 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.

