

Norton St Philip Parish Council
Comment on planning application 2025/1515/FUL Erection of 8
dwellings including affordable housing, Land West Of 67 Fortescue
Street Norton St Philip Frome Somerset

At its meeting on 10th September 2025 the PC resolved to submit a **holding objection** for the following reasons:

1) Incomplete information submitted.

a) Despite the Planning Statement referring at para 1.4 to the following documents having been submitted, they are not currently viewable on the Portal:

- i) Amended Plans and Design & Access statement (Robert Adam Architectural Consultancy and Woods Hardwick)
- ii) Preliminary Ecological Assessment (Somerset Wildlife Trust)
- iii) Badger Report (Arbtech)
- iv) Energy and Sustainability Strategy (Environment Economics)
- v) Housing Report (Pegasus Group)
- vi) Archaeology Desk Based Assessment (Heritage Information Ltd)¹
- vii) Lighting Assessment and Design – Hoare Lee

b) The Heritage Report references four appendices. Numbers 1-3 appear to be missing. Appendix 4 is assumed to be the separately submitted Heritage Rebuttal (from the 2025 Appeal).

c) The applicants "Covering Letter" refers to Plan 19126 5003 – Proposed Levels Strategy having been submitted. This document is "Boundary Treatment" and contains no levels information. No levels strategy currently online.

d) Flood Risk Assessment and Drainage Strategy This is the 2023 report with new title page referencing Appendices 1-8. These don't appear to be attached.

e) Other documents required for validation but not currently on Portal:

- i) Cross sections
- ii) Existing and Proposed levels
- iii) Sustainability Statement
- iv) BNG – The submitted BNG/Ecology documents have not been updated since the 2024 Appeal Hearings. The Somerset Council Validation Checklist states

"In addition to the national minimum requirements, Somerset Council requires sufficient information about the proposed strategy for delivering at least 10% BNG (including the expected balance between on-site, off-site and credits) to be submitted as part of a BNG-liable planning application. This focuses on submission of a BNG Statement, with exact content requirements differing depending on the type of application."

1) The "Archaeological Desk Based Assessment" is a document published by SC in 2003 but with the addition by the applicant of a title page "APPENDIX 8.0 SOMSERSET [sic] EXTENSIVE URBAN DESIGN STUDY")

The local validation requirements for BNG are:

- *Wildlife/Ecology Survey*
- *Biodiversity Checklist*
- *Arboriculture Report*
- *BNG Statement (including all necessary information as set out in the BNG Guidance Note for the type of application)*
- *Completed Biodiversity Metric (Macros disabled Excel"*

Para 4.5 of the Planning Statement states that:

"In order to address the Inspector's concerns as to whether the integrity of the SACS would be maintained through the scheme, the applicant instructed Somerset Wildlife Trust Consultancy to carryout the following work:.....

- 1. Updated HEP calculations;*
- 2. Updated bat survey information;*
- 3. Preparation of a report with desk study including data search commissioned from Somerset Environmental Records Centre.*
- 4. Review of lighting strategy"*

None of these documents have been submitted.

f) The submitted application form states that there are no protected or priority species on or near the site; also that there are no designated sites, important habitats or other biodiversity features present or nearby. The site is a designated type 3 "Greenspace" in the former MDC's Greenspace SPD. It is also within the impact zones for the Bath & Bradford-on-Avon Bats Special Area of Conservation and Mells Valley Special Area of Conservation. There are two badger setts on the site.

g) The Planning Statement includes at para 4.1:

"This submission comprises the same development as was heard at the aforementioned appeal...."

and at para 4.4

"The scheme has not been altered in terms of design following the appeal."

The submitted "Technical Site Plan" (19126/5001) differs significantly to that submitted for the refused scheme 2023/0640 (19126/4001) with a much reduced area of "Existing Landscape to be Retained".

h) The Planning Statement contains many references to the tree belt and hedgerow on the site's boundary with Church Mead. This tree belt is not within the red line or on the applicant's land but is on Church Mead, which is owned by the Parish Council. The only significant planting on the applicant's land where it borders Church Mead (and the boundary with the footpath to the east) is the non native leylandii planted by the applicant in 2017. The Parish Council was dismayed by this planting (for which it could -at that time- see no purpose) and expressed its concerns to the applicant. The removal of the leylandii (although welcome) cannot be presented as a benefit of this scheme.

Summary re “Incomplete Information”

In light of the above confused and incomplete information the PC suggest that this application should not have been validated. It is not currently possible for the PC to come to an informed view and a reasonable amount of time should be granted for the PC and others to consider the further required information following publication on the Portal.

2) Prematurity relating to NSP Neighbourhood Plan(NP)

The NSP NP passed examination in May 2025 and was subsequently sent for a parish Referendum on 17th July 2025. 48% of those on the electoral roll voted with 97.5% being in favour.

On 15th July 2025 the applicant filed a claim in the High Court for a judicial review of the Council’s decision to hold a Referendum. Proceedings are currently underway.

This application is in clear conflict with Policy 1 of the NP.

The PC suggests that pending resolution of this matter, it would be premature to determine the application. This would be consistent with paras 48-51 of the NPPF.

3.Principle of Development

The site is outside the settlement boundary; none of the CP4 exceptions to the “strict control” of development in the open countryside apply.

4.Proportionate Development

The adopted spatial strategy in the adopted LPP1 set a minimum provision of an additional 45 dwellings in the parish over the Local Plan period. This was based on a 15% growth in housing stock. To date the village has provided 128 dwellings during the current plan period- over 280% of its LPP1 “minimum” and a 43% growth in housing stock.

The adopted LPP2 confirms at section 3.27 that *“An important part of the spatial strategy is that there should be a proportionate approach to growth in the designated Primary and Secondary villages.”*

This application would be in conflict with the adopted spatial strategy.

5.Heritage harm

The 2025 Appeal Decision found *“the scheme would result in harm to the significance of the Norton St Philip Conservation Area and to the significance of The George Inn”*. Although the Inspector concluded that the heritage harms were outweighed by the benefits (in particular the provision of 8 houses) the PC maintains that this harm is real and permanent.

In particular the PC questions the depiction of the proposed site in the applicants’ photomontages.

6. Harm to landscape character/visual amenity.

No levels drawings have been submitted. It is likely however that significant groundworks and changes in levels will be required with potential landscape harm.

7. Biodiversity/ecology

This application is reliant on material submitted for the 2024 Appeal which was found inadequate by the Inspector. Further documents are referenced in the Planning Statement (prepared by Somerset Wildlife Trust) but are not yet online.

8. Surface water drainage.

The scheme seems reliant on the "slocker" with no evidence concerning its outfall. The LLFA lifted its initial objection and proposed a condition for 2023/0640: *"No development shall be commenced until details of the sustainable surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority."* There was severe flooding in the village in the winter of 2024/25.

The PC suggests that such a condition would be in conflict with NPPF§57 (*"Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification"*).

Summary.

The PC recognises that changes to government policy have increased the former Mendip District's housing requirement and that the provision of 8 houses would contribute to meeting that requirement.

This application is however a resubmission of 2023/0640 which was dismissed at Appeal in 2025. None of the reasons for either refusal of the application or for dismissal of the Appeal have been addressed. The application currently relies on documents available to the Appeal Inspector. Further documents and reports may emerge but until these have been published the PC cannot make a fully informed comment. It therefore requests that the LPA allow it to make further comment(s) as appropriate. Furthermore, this application would conflict with the Neighbourhood Plan which since the 2025 Appeal has passed Examination and been successful at referendum.

Until it is in a position to make a fully informed comment, the PC wishes to **object** to this application.

Norton St Philip Parish Council
September 2025