

Norton St Philip Parish Council

Comment on 2023/1918/FUL

Demolition of existing garage buildings; erection of 9 No. dwellings; cottage extension; erection of new commercial garage building (sui generis); and associated access, landscaping and drainage works. Bell Hill Garage Bell Hill Norton St Philip Bath Somerset BA2 7LT

Introduction

Following the refusal of application 2021/2928 in March 2023 the applicant has engaged constructively with the Parish Council (PC). Members of the PC were accompanied by the applicant on two site visits; one prior to the lodging of the application and one subsequently. Following the first site visit and prior to submission of the application, the applicant offered the PC the opportunity to submit a “wish list” of design and sustainability aspects it would wish to see included in the application. These are referenced below.

The PC has consistently stated over many years that it supports the principle of redevelopment of the brownfield site and land currently used by the garage. The PC has also stressed the importance of any proposals not harming the area of green open space known as Great Orchard and designated Open Area of Local Significance (OALSNSP003) in the adopted [former] Mendip Local Plan Pt1. This area is also designated “Type 3” in the adopted Supplementary Planning Document “Greenspace”.

Neighbourhood Plan

In 2019 the Draft Neighbourhood Plan for the Parish of NSP passed Examination and Mendip DC resolved that it should proceed to Referendum. This decision was subsequently quashed by a Judicial Review, with the Court of Appeal ruling that the development Policy for Local Green Spaces was inconsistent with national Green Belt policy. The PC are currently considering representations submitted during a further recent Regulation 14 consultation and how to progress the draft plan.

Policy 2 of the draft plan allocates the brownfield Bell Hill Garage site and adjacent land used by the garage for housing development. The allocated land lies entirely outside of but adjacent to the designated OALSNSP003. Criteria are set for any development:

- 1) The frontage of the site (onto Bell Hill) is suitable for higher density than the rear of the site. Here development will be expected to maintain a low density, informal, rural feel, with soft landscaping and native tree-planting.*
- 2) The rear of the site, adjacent to the proposed Local Green Space designation of Great Orchard, will need to present a soft edge to Great Orchard and blend into this important Green Corridor.*
- 3). Any development proposal should incorporate the existing stone barn fronting Bell Hill.*
- 4) All development will need to comply with Conservation Area requirements, and the use of traditional building materials and features will be expected.*
- 5) Dwellings and their curtilage should make provision for refuse and recycling provision and undercover cycle parking. Attention is drawn to the requirements and suggestions for environmentally sustainable design in Policy 6 of the Norton Parish NP.*
- 6) The access road should be designed to prioritise walking and cycling safety. Paved surfaces for pedestrians should be provided with the possibility of shared surfaces if safety permits. Visitor parking should be incorporated into the highway design. Any street lighting should be unobtrusive, minimise glare and light pollution.*

The PC recognises that many of the above criteria have been addressed by this application and in particular supports the specification of heat pumps and solar panels, albeit the latter are proposed for the garage building only. There remain conflicts with the requirements for a “soft edge” and parking which are detailed below.

The land currently designated as OALS is also proposed as Local Green Space in the draft Neighbourhood Plan.

OALS/Greenspace

The Great Orchard field was designated an “Open Area of Visual Significance” in the 2002 Mendip Local Plan. This designation was confirmed in the 2014 Mendip Local Plan albeit with a different title (Open Area of Local Significance) and an amended boundary. This boundary took account of and excluded the vegetation within the garage site which had extended into the field area in the intervening period. The OALS site was also designated as Type 3 “Greenspace” in Mendip DC’s Supplementary Planning Document, adopted in February 2023.

The boundary between the OALS and garage site remains difficult to establish with precision as there are no defining features on the ground. The overlay below shows that the proposed gardens, patio areas and dustbin sheds of plots 3-7 lie entirely within the OALS. It is less certain whether any built development is within the OALS; however it is probable that the north west corner of plot 3 is



GOALS
development
Policy (DP2) is
that
*“Permission
will not be
granted for
development*

which would harm the contribution to distinctive local character made by Open Areas of Local Significance". The importance of Great Orchard has recently been described by the Council's Conservation Officer in her comment on the refused application 2021/2928:

“Old Orchard positively contributes to the rural charm of the lanes around the north and west boundaries of the site and the sense of tranquillity, distinct from the built-up areas of the conservation area, and provides a green link to the wider landscape to the north, setting the conservation area in its rural context.

While views across the site from Chever's Lane and The Barton are limited due to the high boundary wall, even if not wholly visible from the lanes, any residential development on this site (now reduced in the revised scheme) would present an entirely different character in

terms of the noise, smell, light, etc., forming a general residential hubbub, thereby not preserving the character of this part of the conservation area which would cause harm to its significance.”

Historic England referred to the risk of harm to

“ this important open green space makes to the rural character of the Ringwell Lane, The Barton, Lyde Green and Chever’s Lane Character Area. In addition, it would erode our appreciation of the development and evolution of Norton St Philip, which is characterised by important green spaces. While finally, it would also eroding [sic] our appreciation of the relationship between the historic core and the rural hinterland.”

The Officer Report summarised the many objections on landscape grounds:

“...this is a very sensitive sloping field located on the northern side of Norton St Philip. It has important vegetation to its perimeter and overlooking residential properties on the upper boundary (to the east). It is a key part of the character of the wider village. This is not simply an undeveloped open field, it has been identified specifically in the CA appraisal which adds to its local value and importance..... it is the principle of the change from an open, undeveloped green space to a residential development, in whatever shape or form, is unacceptable”

Recommending refusal, the Officer concluded that :

“A number of harms and thus conflicts with the Development Plan have been identified. These relate to the impacts upon the OALS, and Conservation Area for which no public benefits outweigh the harm.”

The PC considers that *any* encroachment into the OALS is regrettable and is grounds for objection as it involves a change from “open, undeveloped green space”. Gardens together with domestic paraphernalia (garden furniture, washing lines etc) will have a harmful impact on the OALS (and character of the Conservation Area). The applicant has written to the PC suggesting that Permitted Development rights be removed by means of a planning condition. Should permission be granted, the PC requests that PD rights be removed by way of a condition.

The level of harm to landscape character and Conservation Area caused by the incursions is hard to quantify. Whilst the PC recognises that the balancing exercise of harms and benefits is a matter of planning judgment for the LPA the PC wishes to draw the LPA’s attention to the incursion into the OALS and the resultant harm.

It anticipates comments from the Council’s Planning Policy and Conservation Officers and pending sight of those comments wishes to reserve its position on this matter. It may wish to submit a further comment in due course.

Traffic/Parking

The lack of parking within the village is a persistent and continuing problem. The PC is of the view that any proposed development should not exacerbate this problem and should provide adequate, policy compliant parking for both residents and their visitors. There is underprovision of parking to plot 3 and also no visitor parking. This is likely to lead to increased street parking on Bell Hill; already a safety issue. The PC supports the comment from Somerset Highways requiring additional parking as “*It is considered the lack of provision will lead to indiscriminate parking on the highway which will present a hazard to highway safety*” (submitted 16/11/23).

Loss of landscaping/BNG

The submitted Tree Retention and Removal Plan shows an area of approx 60x10m of vegetation (including 3 or 4 trees) proposed to be removed, together with the earth bund. An area of approx 10x10m of this vegetated strip on the eastern edge is to be retained.

There is a new landscaped strip proposed to the north of the gardens of plots 3-7. This is alongside the post and rail boundary fences. It appears to be 2m wide, but also has linear breaks. There is no landscaping proposed along the western flank of plot 3.

It is likely that the existing landscaping and bund was a condition of the permission extending the garage (025485/008). Removal of this conditioned landscaping without adequate replacement will result in the development presenting a “hard edge”. This was considered in the Officer’s Report for the permitted scheme of 10 dwellings in 2009 (025485/010). Landscaping was a reserved matter but the Officer’s report is helpful :

“Concerns have been raised about the loss of vegetation on the existing bunding, and the proposals for replacement landscaping. The replacement landscaping, including the bunding and planting is subject of the reserved matters application, and as such can be adequately controlled at that stage. There is sufficient space on the site to accommodate adequate landscaping to screen the new development and soften the edge to Lyde Green. The existing bunding and planting was provided when the 1999 permission was implemented, and as such it not particularly mature. It is not considered that its removal would be harmful to the Conservation Area subject to adequate replacement being made. The most mature landscaping to the east of the site would remain in place.”

The reserved matters application was submitted in 2012 (2012/0624) and was refused. The planting noted as being “immature” is now substantial. The PC suggests that the loss of this bunding and vegetation should be mitigated by the planting of a conditioned landscape strip of similar area to that proposed for removal. The PC considers that the proposed 2m hedge planting is inadequate and that a more substantial belt of native hedgerow and tree planting around the northern and western boundaries of plots 3-7 is required to replace that lost.

The removal of this substantial vegetated area and lack of detail in the Engain Ecological Impact Assessment BNG workings leads the PC to question the accuracy of the claim for 100% BNG and requests that this is fully considered by the Council’s Ecology Officer.

Benefits

The Bell Hill Garage is a much valued village facility. The proposed new garage building should enable the business to continue in a viable manner.

The NSP Conservation Area Appraisal describes the existing garage buildings as making a “negative contribution” to the Conservation Area. The proposed new garage building and extension to the barn appear in keeping with the character and appearance of the CA. The decontamination of the site is also welcome.

The provision of six 2 or 3 bedroom houses is welcomed as recent developments in the village have been mainly of larger “executive” homes (although there have been a substantial number of 2 bedroom age restricted homes).

Design and Sustainability

The whole site is within the Conservation Area and DP3 (Heritage Conservation) relates to the proposal. Despite the site currently making a negative contribution to the Conservation Area, the proposal should preserve and potentially enhance its significance and setting.

The PC was offered the opportunity to provide the applicant with a design and sustainability wish list prior to the application being submitted. The PC requested that any scheme incorporated:

- natural, or natural looking, building materials and finishes
- heat pumps (which we note are already being promoted)
- heat recovery ventilation

- solar panels (which we note are already being promoted)
- sensitive street lighting
- free draining road surfaces
- swift bricks
- hedgehog highways
- low post-and-rail fences and appropriate landscaping as necessary between the gardens and the OALS
- Biodiversity Net Gain contribution from the OALS: pond planting, hedges, trees

The use of natural stone to the garage elevations and barn is supported as is the use of slate and double roman roof tiles. The choice of Beckstone reconstituted tumbled for the frontage of the houses is acceptable. "Areas of" pervious paving are included.

No solar panels are proposed for the houses, although they are for the garage. The PC has not seen detail of the street lighting. Should the LPA be minded to grant permission, the PC requests these materials and ecological matters are required through conditions.

Conclusion

The PC considers this is a finely balanced application. The principle of development is accepted; furthermore there are historic permissions which have not been built out. This is a less dense scheme than those previously permitted. There are both harms and benefits. The PC has significant concerns about:

1. Harm to OALS and effect on Conservation Area.
2. Landscaping. The loss of the landscape strip and bund with a lack of mitigation for this loss.
3. Parking. The PC note that Highways have required an amended scheme which addresses the underprovision of parking and further details of access to cycle storage.

The PC thus requests that the applicant engages with the LPA and Highways authority in order to address these concerns. In the meantime the PC **objects** to the scheme on the above 3 grounds and wishes to reserve the right to comment further in due course.

Norton St Philip Parish Council 13th December 2023