

## **REPRESENTATIONS TO MDC CABINET on behalf of NSPPC 4th OCTOBER 2021**

### **1) George Hitchins Representation**

My name is George Hitchins. I attended the initial Local Plan Examination Hearings as an observer and the second round as a participant at the request of over 70 parish residents. The PC could not participate in the initial hearings, despite requesting to do so, as it supported the submitted plan.

The proposed allocation site -NSP1- is outside the Development Limit for Norton St. Philip, and was not identified as a strategic allocation in The Councils HELAA of 2018. The site had been offered for assessment as a potential allocation but was deemed by the council 'excluded' as unsuitable.

The issue of the 505 had been raised by 2 or 3 participants in their pre Hearing statements but not by the Inspector in his "Matters and Issues" paper. In fact he stated that *The quantum of new homes provided for in the Plan appears to accord with the growth requirements as set out in Core Policy 2 in LPP1*

During the Hearings it became clear that the 505 aroused the Inspectors interest. And Mackley Lane emerged as a potential site. During the Hearings the Inspector requested Lochnailort to set out their proposals for development in nsp, which they produced the following day. This was a request not made to any other participant. The Inspector also asked the Council for its view about the 505. which it subsequently set out in Examination document IQ7. This note firmly rebutted the notion that there was a requirement for the 505. It referred to para 4.21 of LPP1 and also to the importance of proportionate growth in the villages, including a table of villages which had significantly exceeded their minimum requirements. Top of the table was ... NSP.

The Inspector's Interim Note ED20 changed all this. The Council appeared unwilling to seek justification for the Inspector's area of search but set about allocating. Instead, both officers and members, including cabinet members, urged

people to object. 400 objections were received and the Inspector proposed fresh hearings. Many of the detailed and fundamental arguments put forward at those hearings have simply not been addressed in the Inspectors Report- Neither is there a single mention in the IR of proportionate development in the 3 villages - described in LPP1 as an essential consideration. There is also no mention of the brownfield site within the village development limit promoted throughout the LPP2 process and visited by the Inspector.

In the Interim note, ED20 the Inspector initially suggested that “several sites were suggested by representors, and these could form a starting point for the Council” . He then confirmed that the area of search was “the primary villages which are located to the north of Frome”. The exclusion of Frome from the area of search is not explained or even addressed in the Report: completely baffling.

I suggest that these are gaping holes in both the Officers and Inspectors Reports and that allocation of site NSP 1 is totally contrary to the strategic policies in LPP1. I urge Cabinet to consider this before recommending adoption.

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## **2) Ian Hasell Representation**

My name is Ian Hasell and I am Chair of the Norton St. Philip Parish Council.

I wish to speak about Agenda Item 6: The LPP2 Inspectors report. The PC has grave concerns regarding this report and the recommendations before Cabinet. You will no doubt have seen the letters from the PC to the Leader of the Council and to the deputy Chief Executive with the PC's initial analysis. I would like to draw your attention to just 3 points from this analysis concerning the proposed allocation in NSP: -

## Proportionality

Half way through the LPP1 plan period 113 dwellings have been permitted in the village against a minimum of 45 - exceeding the LPP1 minimum by 68 dwellings or 250% .The proposed allocation will increase this overprovision to 95 or 312% - easily the highest in the whole of Mendip. There is no mention in the Inspector's report on proportionate development in the rural villages despite this being a key element of the adopted LPP1. The report is **completely silent** on this.

## Factual errors.

Paragraph 75 of the Inspector's report states that the Green Belt "*puts peripheral villages in Mendip, facing towards Bath and Bristol , such as Norton St Philip, on the front line as the closest settlements to these cities*". NSP is 18 miles from the centre of Bristol. There are very many settlements in BANES, North Somerset and South Gloucestershire closer to Bristol than NSP. Peasedown is closer to Bath than NSP and unconstrained by Green Belt. Thus the Inspectors assertion is factually and materially incorrect; furthermore BANES has made it clear that it can meet all of its housing needs within its own borders A further materially incorrect statement of fact is made by the Inspector in Para 127 his Report. This claims that "The (2015) appeal Inspector considered that the proposed accesses, onto Mackley Lane and at the Mackley Lane/Frome Road junction, would meet the necessary highway tests". The Appeal Inspector did no such thing as no access was proposed onto Mackley Lane or the junction with the Frome Road.

## **Over provision of housing.**

The Inspector recognises in para 86 of his report that MDC has already over- provided against the identified housing requirement of LPP1. He then introduces new reasons for allocating the 505. None of these were mentioned in his Interim Note or “Matters and Issues” paper.

Given the above It is hardly surprising that we have sought and await legal advice as to whether there are grounds for Judicial Review should the Council proceed to adopt the LPP2 in its flawed state

## **3) Barbi Lund Representation**

I am here tonight to represent the residents of Norton St Philip. NSP Parish Council's view is that the LPP2 Inspector's report is flawed in its decision to confirm the allocation of the site, NSP1, in Local Plan Part 2.

NSP1 is a greenfield site outside the Norton St Philip settlement boundary and consists of 2 parcels of land. Under these circumstances you may well be curious as to why site NSP1 has been allocated at all. It comes down to one developer who, in 2010, bought a brownfield site that had been a chicken factory on the southern edge of NSP. The brownfield site has been developed with 57 dwellings and a Co-op and is now known as Fortescue Fields.

On three sides of the factory and also included in the purchase were 5 other parcels of greenfield land. The owner/developer is seemingly determined to build on all bar one of them. It would appear that the land has been allocated simply because a developer wishes to build on it, putting other material considerations

to one side. You will remember the critical point from Mr Hasell's submission - that Norton St Philip has already provided a **disproportionate number of dwellings** in the plan period - 250% of its target. Indeed, in its submission to the LPP2 Inspector Mendip Council acknowledged that NSP had experienced a "dramatic" increase in its housing stock.

But, despite this over-provision, the Neighbourhood Plan allocates a site **within the village development limit** as well as allowing for an exception site for first time buyers with a local connection. So Norton St Philip is not saying no to development.

This surely raises the question, "What is it about NSP1 that the village objects to?" First and foremost, that it is a greenfield site outside the settlement boundary, adjacent to and partly within the Conservation Area. In 2015 an application for 18 dwellings on part of NSP1 went to Appeal where it was refused. In refusing the appeal the Appeal Inspector concluded that development of the site would be,

*"an incursion into the open countryside that would cause substantial harm to the character and appearance of the area....there would be real and serious harm"* to the Conservation Area.

At paragraph 130 of his report the LPP2 Inspector states "The developer's photomontage illustrates the minimal visual impact of the scheme on the village and surrounding landscape." As **visualisations 1 & 2** circulated to Cabinet members show this is not the case. The development would extend along the ridgeline, the highest point in NSP, and would be highly prominent in views on the approach to the village from the west. Visualisation 5, submitted by the developer and given "significant weight" by the Inspector, is taken from a rarely used footpath running through a ploughed field to the south of site NSP1. No equivalent visualisation was provided from the western approaches to the village which provide the iconic and important views of the village (as shown in Visualisations 1&2).

In other words, the Inspector had no evidence before him to contradict that provided by NSP PC as to the impact on these important views from the west.

Lack of proportionality, outside the village boundary, causing substantial harm to the character and appearance of the area, prominence in the landscape, - these alone should be enough to dissuade development on this site. Yet there is also the ecological impact. If the site is developed then Mackley Lane - a quiet, single track country lane - would need to be widened and an ancient, well-established hedgerow removed. This would destroy habitat and impact on the functional green networks which allow wildlife to travel and sustain territories.

And the 'before' and 'after' visualisations submitted by the developer (Visualisations 3 & 4 on your handout) showing the junction of Mackley Lane and the B3110 fail to show the proposed removal of the hedgerow or what would be the mandatory widening of the splay.

It is not only the PC who consider NSP1 to be unsuitable. There is currently a live application for NSP1 which has been submitted since the provisional allocation of the site. This application has many objections including from the CPRE who express their concern that NSP is being overloaded with development and that if this trend continues this will lead to "an irreversible change of character from village to suburban town". There are also fundamental objections from the Council's own experts - from conservation, drainage, ecology, highways and the tree officer. A grant of planning permission would undermine these specialist officers.

Taking all of the above into account I suggest that this allocation is flawed and urge the Cabinet to consider this before recommending adoption of the Report to Full Council.



## **Visualisations 1 & 2: Existing and potential views on approach to NSP1 from West**





# Visualisations 3&4 submitted by developer-Existing and Proposed

Fortescue Fields, Phase 2, Norton St Philip, Somerset. Accurate visual representations by Anderson Terzio for Lochalort Investments Ltd. December 2019

**Mackley Lane/Frome Road Existing View 4**



From the junction of Mackley Lane and Frome Road

Fortescue Fields, Phase 2, Norton St Philip, Somerset. Accurate visual representations by Anderson Terzio for Lochalort Investments Ltd. December 2019

**Mackley Lane/Frome Road Proposed View 4**



From the junction of Mackley Lane and Frome Road



Visualisation submitted by Lochailort and given “significant weight” by the Inspector (para 130).

In this visualisation, taken from a rarely used footpath running through a ploughed field site NSP1 is screened by the intervening hill. No equivalent visualisation was provided from the western approaches to the village (on the pubic footpath FR 11/26 or bridleway FR 11/9 or along the Wells Road.

The 2015 Appeal Inspector recognised the importance of this view, and reinforced the conclusion of the 2001 Appeal Inspector:

“Nonetheless, the impression of countryside when approaching the site from the south, and along Mackley Lane, is maintained right up to the junction with Town End, the presence of the Laverton Triangle site helping the countryside to flow into this part of the village. The previous Inspector concluded that ‘The loss of the Laverton Triangle to built development would mean that the built boundary of the village would move markedly westwards, out into the open countryside. Houses on the field would be seen above the hedges, as the land lies above the adjacent roads. The built impact of the proposal would be seen as an incursion into the open countryside.’ Whilst the appeal scheme would not extend any further west than the Fortescue Fields development, the other observations hold true today.”

LD&A DESIGN



Representative Viewpoint 6 - Public footpath south west of Norton St Philip

This viewpoint is located on a public footpath on the ridgeline to the south west of Norton St Philip and the site. It is located in an open arable field with clipped hedgerows and occasional mature hedgerow trees. Properties on the higher ground in Norton St Philip can be seen above field hedgerows, set within its rural setting on the next ridgeline. The top of the tower of the Church of St Philip and St James is visible towards the left of the extent of view shown. The roof of the George Inn is also visible, as are houses at Fortescue Fields towards the centre of the view. Houses extending along From Road are visible to the right of the extent of view shown. There are views of open countryside in all directions beyond the extent of view shown.

The proposed development would be largely screened from view by the intervening landform and field boundary hedgerows. Proposed houses in the West Site would be set too far down the west facing slope to be visible from this location. The roofs of proposed houses in the East Site (NSP1) and South Site (NSP3) would be visible in some locations, above the field boundary hedgerow but in the context of the existing housing at Fortescue Fields. Intervening vegetation would further filter any visibility.

Effects would be of Small-negligible scale and, on balance, Neutral.

ISSUED BY Peterborough t: 01733 310471  
DATE Dec 2019 DRAWN VW  
SCALE@A3 NTS CHECKED RK  
STATUS Final APPROVED RK

DWG. NO. 7219\_LVIA1\_PP\_006

Camera Location (OS Grid Reference): 377052 E 154808 N  
Ground Level (mAOD): 125.3m  
Direction of View: bearing from North (°): 25°  
Distance to Site: 777m  
Horizontal Field of View: 60° (Cylindrical projection)  
Paper Size: 420mm x 297mm (A3)

Enlargement Factor: TBC  
Visualisation Type: Type 1 (for context)  
Photo Date / Time: 19/11/2019 15:20  
Camera Model and Sensor Format: Canon EOS 6D, FFS  
Lens Make, Model and Focal Length: Canon EF50mm f/1.8 STM  
Height of Camera Lens above Ground (mAOD): 1.5

PROJECT TITLE  
NORTON ST PHILIP

DRAWING TITLE  
Photograph Panel 6  
Representative Viewpoint 6