

Notes of meeting with Mendip Planners

Date of meeting: 31st October 2013

Attendees: Mendip – Ian Bowen (Planning Policy Manager)
Mendip – Laura McKay (Planning Officer)
Norton PC – Linda Oliver
Norton PC – John Davidson

Meeting Agenda: Obtain guidance directly from Mendip planners on how the PC should deal and respond to the current multiple applications for development in a valid way and also to gain some insight from the planners on how they deal with the applications.

1 Green belt

There has been a perception that green belt status of land is no longer a protection against development. Mendip's request for landowners to put forward sites for potential inclusion in the housing land supply provision had included Green Belt, so as not to exclude any categories of land. Each application has to be considered on its balance of merits versus negative impacts. The planners clarified that Green Belt status **did** still carry significant weight as a negative impact in protecting land from development. Norton St Philip is bounded by Green Belt on the northern edge of the settlement.

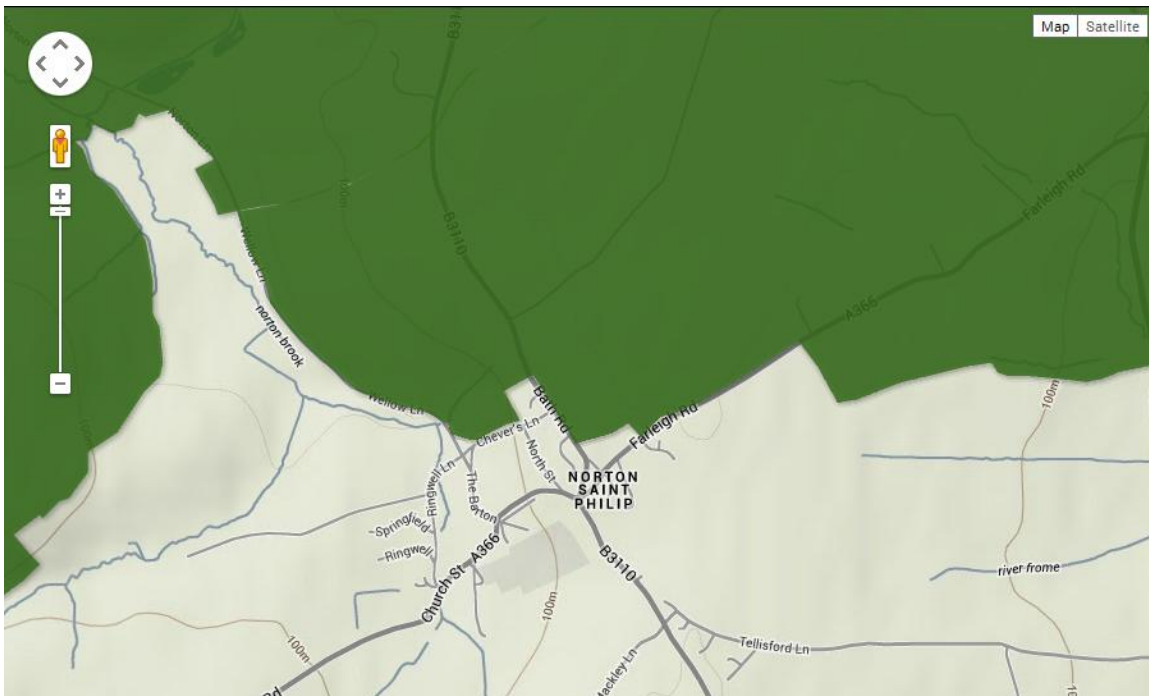


Figure 1: Green Belt around Norton St Philip

2 Planning consideration - benefits versus negative impacts

A key point which came up many times in the meeting was that when the planners consider applications they have to look at the balance of benefits of a development against its negative impacts. For example a development may be proposed on an area that currently provides an “outstanding contribution to the local environment” and taking that away would count as a negative. However, if a developer can provide enough other benefits as part of the proposal to mitigate this negative impact then that aspect would not prevent approval.

3 Input of Housing Needs survey to the planning process

The planners stressed that in order for any Housing Needs data to be taken into consideration, it was important that this is provided prior to the planning stage where “reserved matters” are defined. If given before that point the developers can be encouraged to tailor their applications to take the Housing Needs data into account.

4 Sustainability

One of the main inputs to be considered is whether a development is sustainable. Sustainability has a number of aspects such as transport and impact on local services for example. The definition of sustainability has an element of subjectivity. The planners explained that the exact definition of sustainability will have an element that is specific to each application. Hence it is important to have a specific definition and examine all aspects of sustainability for each particular site. Reference Chilcompton appeal ref APP/Q3305/A/13/219507. The conclusions of the appeal inspector that resulted in the appeal being dismissed were fundamentally about the fact that the houses despite being in a sustainable location and contributing to the housing supply. This however would not outweigh the harm that this particular scheme would cause to the character and appearance of the area.

The question is asked, “can the village sustain the impact of the extra development”. If not, what is the impact and has the developer included sufficient measures in their application to mitigate the negative impact. If they have then these aspects are not grounds for refusal. It is important to carefully work out what are the limiting factors in any aspects of sustainability.

An application may be refused on a specific point, but if a developer appeals and responds with measures to mitigate this point, then approval is likely.

5 Mendip’s Local Plan

The Baltonsborough appeal stated that the Mendips emerging Local Plan (LP), which is attempting to define the level and distribution of development across the Mendip region “carried very little weight”. This is because the LP has (1) not been submitted and (2) not gone through public examination.

Mendip expect to be submitting the LP (step 1) around the end of November/beginning of December. Once submitted the LP may then be eligible to

be considered in the evaluation of applications. However, it will probably at best still only carry a very small weighting. This is due to the fact that prior to completion of the public examination (stage 2), the correctness of the overall housing supply numbers across the region in the LP will not have been validated. Not until successful completion of stage 2 will the plan start to carry any significant weight. Mendip hope that the public examination (stage 2) will take place in the spring 2014.

In the meantime Mendip must continue to evaluate applications within the standard 13 week deadline. Failure to meet these deadlines on applications could lead to the department being put into special measures.

Planning applications are evaluated against the status current at the time of a decision. For example, if an application was refused and it went to appeal the status of the LP at the time of the appeal decision would apply.

The current LP submission is only Part 1 of the LP. Part 2 will follow next year and will consider detailed aspects such as Primary Secondary status of villages, review of current Development Limits, etc... The PC asked to be involved in these types of reviews for Norton St Philip.

6 Existing completions and approved application numbers

The planners confirmed that the often quoted fact that the number of completed developments and approvals in NSP are already much higher than the previously published housing supply numbers up to 2026 cannot be considered as a material fact in considering applications in the current environment.

7 Consideration of effect of cumulative development

The planners are not permitted to consider the cumulative effect of a number of parallel applications. They are only allowed to consider the effect of each individual application on what is already there and/or already approved. Any new approvals are material considerations on any subsequent applications. For example, if three applications are submitted over 3 successive days, they would consider each application individually in turn against the current status and any developments already approved. They cannot consider the effect of the first, as yet unapproved, application when reviewing the second and third applications. However, once one of the applications is approved, that approval can be considered as a material fact in any re-evaluation of the other or new applications.

The effect of this process is that later applications may have to contend with progressively more difficult conditions to satisfy in mitigating impacts of their application.

We discussed if highways would be assessing the traffic movements based on the cumulative impact if all the development in the system were to be approved. We were advised that each application would be considered individually and that the cumulative impact would not be assessed. It was envisaged that it is likely that the

traffic movements would not be considered to be a significant increase based on the housing numbers involved.

The PC asked if there might be any merit in the PC undertaking its own traffic assessment and one that would consider the impacts on the village if all these developments were approved. Mendip said that this could be an appropriate thing to do.

8 Neighbourhood Plan

The response from the planners on a quick review of the PCs “Wish List” for the Neighbourhood Plan (NP) was that it was difficult to see how the NP would help. For example, they did not believe that the NP would be a direct means to achieve a traffic free high street as the NP would not compel Highways to implement such a scheme. It may however help in making the communities views clear to the planners regarding what type of development is needed and the preferences for its location.

There are also advantages in having a NP in terms of obtaining a share of the Community Infrastructure Levy (CIL). Details on the below link:

<https://www.gov.uk/government/policies/giving-communities-more-power-in-planning-local-development/supporting-pages/community-infrastructure-levy>

9 Issue of the PC engaging a Local Planning Consultant

The planners advised that if they relied on information provided by the PC in support of their refusal of an application and the application went to appeal, the PC could be called to give evidence at the appeal. Should the appeal be lost, costs could be awarded against the PC. Hence careful consideration should be given to the risks of hiring a consultant to advise on matters of planning policy.

The planners stated that it is their job to make decisions on matters of planning policy and they needed to rely on the PC to provide details of local knowledge to support the process via the information provided in the PC responses to applications.

Hiring a consultant to help collate local knowledge and statistics about material facts, such as traffic, housing needs, impact of numbers on schools, healthcare, etc., that need to be considered in an application response could be a suitable use of consultancy time. These statistics could then be used by the PC in support of their planning decisions. Provision of this local information would provide a better depth of information from the PC. This would not preclude local residents from also employing a consultant with a wider brief.

A consultant could also advise as to whether issues raised are relevant in planning terms and hence valid as evidence in application responses.

Laura also confirmed that she is always happy to provide any guidance or answer questions for the PC about planning policy.

10 Brown field sites

The PC asked if Mendip had/would use up all its brown field sites before granting applications on green field sites to satisfy their housing needs supply. Mendip have not exhausted all their brown field sites. However, they could not hold back green field developments because of existing brown field sites. Each application had to be considered individually. The issue of brown field sites will be looked at in Phase 2 of the Local plan that is scheduled for next year.