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CASE OFFICER REPORT

Case Officer	Tessa Hampden
Application Number	2021/2928/FUL
Site	Bell Hill Garage Bell Hill Norton St Philip Frome Somerset
Date Validated	12 January 2022
Applicant/ Organisation	Stonewood Partnerships (Bell Hill) Ltd
Application Type Proposal	Full Application Demolition of existing garage buildings; erection of 21 No. dwellings; extension to existing barn dwelling; erection of new commercial garage building (sui generis); and associated access, landscaping and drainage works.
Ward	Rode And Norton St Philip
Parish	Norton St Philip Parish Council

Scheme of Delegation

In accordance with the scheme of delegation, this application can be determined under delegated powers. This is because the case officer recommendation is to refuse the application which is in line with both Parish Council recommendations and the Ward Member did not submit a comment.

Description of Site, Proposal and Constraints

This application relates to land at Bell Hill Garage which is a centrally located site in Norton St Philip. The site measures approximately 1.4 hectares and there are two distinct parts to it. The smaller part is Bell Hill Garage itself which consists of hard standing and a range of buildings fronting Bell Hill. The larger part consists of a field to the rear (referred to locally as The Great Orchard). The site is surrounded by residential properties and public highways.

The application site lies within the defined Primary Village development boundary and Norton St Philip's Conservation Area. Part of the site is also subject to an Open Area of Local Significance (OALS) designation. The Bath-Bristol Green Belt lies to the north Chever's Lane. The site is located in Flood Zone 1

The application seeks for full planning permission for the demolition of the existing garage buildings; erection of 21 No. dwellings; extension to existing barn dwelling; erection of new commercial garage building (sui generis); and associated access, landscaping and drainage works. During the course of the planning application, the scheme has been revised and reduced from 27 dwellings. Further amendments have been made to the design including the reduction in height of the taller buildings with the 3 storey elements being removed from the scheme.

An application for 33 dwellings was refused on the site for the following reasons

1. The proposed development would result in an unnecessary and disproportionate increase in the amount of housing in Norton St Philip given the number of new dwellings that have already been completed and consented since 2006. As such, the scale of the proposed development fails to comply with Core Policies 1 and 2 of the Mendip District Local Plan Part I: Strategy and Policies (adopted, December 2014), and Chapter 6 of the National Planning Policy Framework.
2. The proposed development would harm the contribution that The Great Orchard makes to the local character and the proposed development therefore fails to comply with Policy DP2 of the Mendip District Local Plan Part I: Strategy and Policies (adopted, December 2014) and Chapter 8 of the National Planning Policy Framework.
3. The proposed development of The Great Orchard, which makes an important contribution to the character and appearance of the Conservation Area, would result in less than substantial harm to a designated heritage asset which is not outweighed by the public benefits, particularly given that the proposed housing development is unnecessary and unjustified. Furthermore, the proposed development fails to make a positive contribution to local character and distinctiveness, fails to preserve those elements of the Conservation Area that make a positive contribution to its significance, and fails to enhance or better reveal its significance. As such, the proposed development fails to comply with Policy DP3 of the Mendip District Local Plan Part I: Strategy and Policies (adopted, December 2014) and Chapter 12 of the National Planning Policy Framework. In reaching this balanced judgement, regard is had to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which places a legislative duty on the LPA in exercise of planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
4. The proposed development would be in a location with limited services and facilities and would therefore result in an unnecessary increase in the number of private vehicle movements. The alternative travel modes available, and a travel plan, would not secure a significant modal shift and the proposed development would therefore not make satisfactory provision for access by all means of travel (particularly by means other than the private car). As such, the proposed development fails to comply with Policy DP9 of the Mendip District Local Plan Part 1: Strategy and Policies (adopted, December 2014) and Chapter 4 of the National Planning Policy Framework.
5. In the absence of a Section 106 Agreement to secure adequate provision for public recreational open space and affordable housing, the proposed development fails to comply with Policies DP11 and DP16 of the Mendip District Local Plan Part I: Strategy and Policies (adopted, December 2014) and Chapters 6 and 8 of the National Planning Policy Framework.

Summary of Ward Councillor comments, Parish Council comments, representations and consultee comments:

Landscape Officer – Objects to the development due to the harm to the character of the conservation area. The redevelopment on the Bell Hill side would be supported but not on the Lyde Green side.

Conservation Officer – Objects to the development identify less than substantial harm to the Conservation Area and to the setting of Listed Buildings.

Historic England - raised concerns regarding the proposed development. These concerns relate to the erosion of Lyde Green and Old Orchard, which would result in the loss of an important open and green space within the Norton St Philip Conservation Area. The proposals result in the erosion of the town's relationship to its rural hinterland, while also eroding our appreciation of the town's historic evolution. However, it is recognised that the brownfield Bell Hill Garage site does present some opportunity for positive sensitive redevelopment to occur within the conservation area.

Environmental Health - The proposed scheme is considered acceptable subject to the inclusion, within of conditions and advisories as a set of controls to sufficiently limit any potential detriment to amenity.

Somerset Ecologist – Further information required to inform the HRA in relation to bats.

Archaeology – No objection subject to conditions

SCC Education – No objection subject to an education contribution of £53,823.00.

SCC Highway Development – Further revisions required

Contaminated Land Officer – No objection subject to conditions

The Environment Agency No objection, in principle, to the proposed development subject to conditions

LLFA - Requested further details

RUH - £31,434 sought to go towards the gap in the funding created by each potential patient from this development.

Cllr Barkshire – The development would represent considerable harm to the conservation area of Norton St Phillip, and is contrary to DP2 and DP3. Any development on the green field area Old Orchard is unacceptable. The remaining development on the brown field site of the Bell garage, whilst it might be acceptable in principle has been designed taking no account of its setting.

CPRE Somerset - object to the development due to the loss of the green space.

Norton St Philip Parish Council – object to the development but acknowledge that the applicant has, in the revised layout, made efforts to reduce identified harm. However objections are raised on the following grounds

- Importance of the setting – the loss of the green space and the impact upon the historic form of the village
- Impact upon the Open Areas of Local Significance (OALS)
- Harm to the Conservation Area (CA)
- Elements of design which conflict with local identity and distinctiveness
- Concerns relating to the amount of growth the village has seen (Spatial Strategy CP1 and Principles of proportionate growth)
- Amenity (In particular the impact upon the existing occupier at the Old Orchard)
- Highway safety (Including loss of on road parking and increase in traffic creating a hazard on Bell Hill)
- Biodiversity
- Light pollution

- Benefits welcomed including the retention of the garage and affordable homes.

123 objections have been received. These can be summarised as follows:

Impact upon Open Area of Local Significance

Loss of green space

Impact upon Conservation Area and Listed Buildings

Inappropriate design/scale/siting of buildings

Impact upon local character and distinctiveness

Drainage/flooding concerns

Impact upon neighbouring residential amenity – including loss of privacy, light, overbearing impact, noise and disturbance

Impact of garage/noise

Insufficient details in plans

Highway safety issues

Increased traffic congestion

Lack of parking/impact upon parking in the village

Lack of need for housing in the village

Disproportionate growth

Lack of employment in the village

Previous refusals

Light and noise pollution

Ove development of the site and village

Lack of supporting infrastructure

Impact upon historic wall

Ecological implications

Loss of trees

Loss of outlook/views

Concerns with housing type/mix

Impact upon services/utilities

Climate emergency implications

4 supporting comments have been received. These can be summarised as follows:

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)
- Emerging Norton St Philip Neighbourhood Plan

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

CP1 (Spatial Strategy)

CP2 (Housing)
CP4 (Sustaining Rural Communities)
DP1 (Local Identity and Distinctiveness)
DP3 (Heritage Conservation)
DP4 (Mendip's Landscapes)
DP5 (Ecological Networks)
DP6 (Bat Protection)
DP7 (Design and Amenity)
DP8 (Environmental Protection)
DP9 (Transport Impact of New Development)
DP10 (Parking Standards)
DP11 (Affordable Housing)
DP14 (Housing Mix)
DP16 (Open Space and Green Infrastructure)
DP17 (Safeguarding of Community Facilities)
DP18 (Safeguarding Corridors for Sustainable Travel)
DP19 (Development Contributions)
DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation)

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Somerset County Council Parking Strategy, 2013
Somerset County Council Standing Advice, 2015
Fields in Trust - Guidance for Outdoor Sport and Play (2020)
Manual for Streets (2007)

Representations

Housing Enabling Officer - Support the development. The scheme is policy compliant and delivers benefits through the provision of affordable housing.

Officer assessment

Principle of development

The provision of housing in this location is supported through its location within the Development Limits of Norton St Phillip. However, the application must be considered against the Development Plan as a whole.

It is noted that a previous application of the development of the site, albeit for a larger number of units (33) was refused for the following reason:

'The proposed development would result in an unnecessary and disproportionate increase in the amount of housing in Norton St Phillip given the number of new dwellings that have already been completed and consented since 2006. As such, the scale of the proposed development fails to comply with Core Policies 1 and 2 of the Mendip District Local Plan Part I: Strategy and Policies (adopted, December 2014), and Chapter 6 of the National Planning Policy Framework'.

Core Policy 1 (CP1) outlines the spatial strategy for Mendip, which seeks to direct the majority of development towards the five principal settlements and, in the rural areas, towards defined

primary and secondary villages. CP1 explains that development will be provided for to meet local needs.

Core Policy 2 (CP2) sets out how the required housing numbers will be delivered across the District. Norton St Philip is a primary village, which is regarded as a sustainable location where development may be acceptable.

Core Policy 2 allows for infill development within the development limits defined on the policies map, subject to compliance with national planning policy and specific policies within the Local Plan, particularly matters related to design, local distinctiveness and identity and amenity. The site is within the Development Limits.

CP4 explains that rural settlements in the wider rural area will be sustained by making planned provision for housing within the primary villages having regard to identified constraints at a scale commensurate with the existing housing stock in line with CP1 and CP2.

The application would represent an infill development within the settlement boundary. Whilst the development would take the numbers above that envisaged for Norton St Philip (including the site allocations), the numbers within CP2 are not a cap and any increase above these is not necessarily objectionable, particularly in light of the housing supply position (see below)

Table 8 (LPP1 p36) indicates 45 dwellings as a reasoned scale of minimum housing growth in Norton St. Philip. 132 homes were consented within the village between 2006 and 2019. This is significantly more than the level of growth planned for the village within LPP1.

Whilst the dwellings may not be needed, the fact remains that they are within the development boundary and no harm has been demonstrated resulting from the numbers exceeding that as set out within CP2. However, the lack of need may reduce the benefits given to housing delivery in the overall planning balance. The argument of disproportionate growth in a village was rehearsed at a recent appeal for the development of 95 houses outside the development limits at Chilcompton. The Inspector concluded that the scheme would skew the spatial strategy of the development plan away from the main towns and deliver a less sustainable pattern of growth for Mendip district than the LPP1 intended. However, he concluded that unless repeated in other villages, it would not seriously undermine the strategy overall and would amount to limited harm.

Given the scheme is only for 21 dwellings, within the development boundary, and no harm has been identified though the growth of the village, such as impact upon local services, it is not considered that the above reason for refusal can be sustained.

The previous application was also refused for the following reason:

The proposed development would be in a location with limited services and facilities and would therefore result in an unnecessary increase in the number of private vehicle movements. The alternative travel modes available, and a travel plan, would not secure a significant modal shift and the proposed development would therefore not make satisfactory provision for access by all means of travel (particularly by means other than the private car). As such, the proposed development fails to comply with Policy DP9 of the Mendip District Local Plan Part 1: Strategy and Policies (adopted, December 2014) and Chapter 4 of the National Planning Policy Framework.

Again, in the context of the current policy position and a number of recent planning decisions/appeals, it is considered that this reason for refusal is hard to sustain. By virtue of being within the development boundary, it must be accepted that the site is reasonably well located in terms of local services and public transport provision.

Norton St Philip has a journey to work bus service, a local shop, several pubs, a village hall and a primary school, which are the main facilities required to meet the criteria of a 'Primary Village'. Whilst the occupants may be reliant on private car for some of their more distance trips, this is not unusual for a village location. Whilst 21 dwellings is a major scheme, it not represent a substantial addition to the village.

The development is therefore considered to be sustainably located in terms is proximity to local facilities and public transport provision.

5 year housing Supply

Whilst the principle of development is supported, the Council's five-year supply of housing is still a material consideration. The council is currently unable to demonstrate a 5 year housing supply against the national Local Housing Need figure of 617 dwellings per annum. An Inspector dealing the a recent appeal concluded that the supply is in the range of 2.87 to 2.94 years

Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted. This will be dealt with in full as part of the 'Planning Balance' section at the end of this report.

Housing Mix

Development Policy 14 requires that proposals for residential development should provide an appropriate mix of dwelling types and sizes. This is echoed in the NPPF which emphasises the need for local planning authorities to plan for the housing needs of different groups in the community in order to achieve mixed and balanced communities. The development is considered to achieve these aims.

Open Area of Local Significance

The site is designated as an Open Area of Local Significance under Policy DP2 of LPP1. DP2 advises that permission will not be granted for development which would harm the contribution to the distinctive local character made by Open Areas of Local Significance (OALS) as identified on the Policies Map.

The Inspector dealing with appeal reference APP/Q3305/W/20/3247051 which relates to development of a OALS within Norton St Philip concluded that the OALS policy is broadly consistent with the Framework. He concluded that the current Local Plan has been adopted and it would have been through various stages of public consultation and public examination prior to its adoption. He concluded that it was not appropriate for the justification for the policy, or the designations to be reassess. Moreover, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with this Framework. Officers therefore consider that significant weight must be given to policy DP2.

The key argument therefore is whether the proposed development harms the contribution to the distinctive local character made by the OALS. As identified in a historical decision the policy

designation does not prevent development of the spaces, but development will not be permitted where it harms the contribution to local character made by them.

It is acknowledged that the development has evolved during the application process to reduce the harm to the OALS. The revised plans result in a reduction in built development coverage on the OALS from approximately 50% to around 35%. However, the development as proposed due to the development on the open green space is not supported. It is the undeveloped nature of the space which is the fundamental important attribute of this site. This will fully be detailed in the relevant sections below. As the development harms the contribution to the distinctive local character made by the OALS, there is a direct conflict with policy DP2. This will be weighed in the planning balance.

Character and appearance of the Conservation Area/general design considerations

The submission explains that the scheme has been informed by an iterative engagement process with an independent design review panel, Design West. Paragraph 133 of the NPPF explains that planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels. The comments of the Design Review Panel are therefore given weight in the decision-making process but considered alongside internal and external consultees and well as third party comments.

The scheme has been revised during the application process and it is recognised that significant compromises have been made by the applicant in order to try and address concerns raised. The number of units has been reduced from 29 to 21 allowing for a wider green buffer to the northern boundary of the site. Further, all units have been reduced from three to two storeys.

Policy DP1 of the Local Plan states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. Policy DP7 states that proposals should be of a scale, mass, form, and layout appropriate to the local context.

Policy DP3 of the Mendip District Local Plan relates to 'Heritage Conservation' and confirms and confirms that proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance and setting of the District's Heritage Assets, whether statutorily or locally identified, especially those elements which contribute to the distinct identity of Mendip".

The Local Planning Authority has a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The application site comprises two very different parts. It comprises of the brownfield element to the Bell Hill side and the greenfield side adjacent to Chever's Lane (known as Lyde Green). The application site is wholly within the Norton St Philip Conservation Area. The smaller part of the site containing the garage and the hardstanding area makes a negative contribution to the character and appearance of this part of the NSP Conservation Area. There is no objection to the demolition of the buildings and the redevelopment of that part of the site subject to an acceptable design coming forward.

However, despite the reduction in the number of units, and the increase in the green buffer, significant concerns remain with regards to the development of the green space to the rear of the brownfield site. Concern has been raised by consultees, including the Council's Conservation Officer, Landscape Officer, Historic England, the Parish Council as well as

numerous third parties. Notwithstanding the improved design and lesser density development proposed compared to the earlier refused scheme, the fundamental concerns echoes those previously made.

The application is accompanied by a Heritage Statement (HS) which provides an assessment of the significance of each of the designated heritage assets identified. The Council's Conservation Officer is in broad agreement with this, but in terms of the impact of the development on their settings, there are differing views.

The smaller part of the site containing the garage and hardstanding makes a negative contribution to the character and appearance of that part of the Conservation Area and there is no objection to the demolition of the buildings and the redevelopment of that part of the site.

The Norton St Philip Conservation Area Character Appraisal identifies the Old Orchard site as an Area of Landscape Value. A Conservation Area Appraisal was published in 2007. It identifies the significance of "Old Orchard" at paragraphs 6.4 and 7.21, as follows:

"...There are two significant undeveloped areas on the east side of Ringwell Lane (along the Norton Brook) and at The Old Orchard, between the east side of The Barton and the rear boundaries of North Street and Bell Hill properties. Trees and hedges underline the rural character but stone walls also form boundaries or retain slopes". (para 6.4)

7.21 The important green spaces in the conservation area are Church Mead (with some stone boundary walls and trees), Lyde Green and the adjoining Old Orchard, the field to the south of the School and the course of Norton Brook, on the east side of Ringwell Lane (para 7.21)"

This sits alongside its designation as an Open Area of Local Significance referenced above. It is an important green space within the Conservation Area and makes a significant contribution to the rural character of this part of the village. It is a prominent site in surrounding views and provides a clear connection between the village, its historic development and wider agricultural surroundings. It is the open and undeveloped nature of the land and the contribution this makes to the character of the Conservation Area and surrounding environment that is being sought to be protected.

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 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.

The Heritage Statement is in agreement with this finding of harm, concluding in 7.2.5: *"The Ringwall Lane Character Area will undergo change as a result of the proposals, with the partial infilling of the open space known as Great Orchard. It has been established that this change will cause some harm to the significance of the character area and thus to the broader conservation area and one which affects a sense of place (albeit peripherally) and the ability to understand or 'read' that locale. In the context and terminology of the NPPF (paras. 199 to 202) this harm is assessed as amounting to 'less than substantial'."*

The Heritage Addendum hasn't retracted this original assessment in light of the amended plans and concludes that "...*the level of harm is considered to be less than substantial and on the very lower end of this scale.*"

The Council's Conservation Officer concludes that the reduction in the number of dwellings is not sufficient to remove, or even reduce, the finding of harm, as the objection here is the principle of developing the Old Orchard. It is the loss of the contribution this important green space makes to the rural character of this part of the conservation area which is fundamental. The important green spaces, as identified in the conservation area appraisal, make an important contribution to the understanding of the evolution of Norton St Philip, and the relationship between the historic core and the rural landscape to the north would be diluted.

Historic England echo the above concerns, and again comment that the revisions do not overcome their concerns. They explain that the medieval settlement of Norton St Philips grew up around two historic cores. The first focused around the Church of St James and St Philip (grade I listed) at the bottom of the hill, while the second focused on the marketplace and the George Inn at the top. Bell Hill linked the two with incremental historic development being built along the lane. Norton St Philips is in part characterised by the important green spaces left by this distinctive historic development, notably Church Mead and Lyde Green and the associated Old Orchard. These contribute to our understanding of the evolution of the village.

Lyde Green and the Old Orchard are located to the north of Bell Hill behind the current narrow back lanes with sporadic development forming the interface with the rural landscape beyond. Historic England explain that the survival of this historically enclosed open space provides a visual connection, acting as an area of transition between the urban core of the village and its green rural hinterland.

Lyde Green has been included into the Norton St Philips' Conservation Area and is recognised for the positive contribution it makes to the character and appearance of the area. The site is highlighted as being of landscape value within the appraisal due to the important contribution it makes as an open green space. It also forms a key component of the Ringwell Lane, The Barton, Lyde Green and Chever's Lane, which has been recognised for its low density and rural character.

This will introduce of dense urban development of a suburban character into an area of open green space recognised for its landscape value and its important contribution to this part of the conservation area. The development will erode the rural character, open spaces and appreciation of the sporadic development that helps to articulate the evolution of the village and its relationship to its rural hinterland. The addition of planting offers only limited mitigation.

Notwithstanding the significant concerns relating to the development of the open space, consideration must be given to the general siting form and design of the scheme. The development has been revised during the application process and it is recognised that there are positive elements to the scheme.

The development proposes higher density development adjacent to existing built form, and more spacious as you move through the site. This is considered appropriate in the village location. The open space is located in the most sensitive part of the site. The development allows for increased permeability through the site. The alignments of roads are similar to village locations.

The overall height of the units has been reduced so they are now all two storeys which better reflects local character. The dwellings follow the topography of the site which aids in reducing the impact and assimilating the development into the landscape.

The development has been designed to allow for views through to the open space and whilst there is a loss of open space, from within the site the verdant character is retained. Gardens are commensurate with the size of the dwellings.

Plots 8 to 10 face onto the open space which provides natural surveillance and a positive response to the public realm. Buildings face onto the access road which is considered to be a positive design approach. Whilst there is some parking in rows, most parking is discreetly located which helps the development appear less suburban in form.

The contemporary approach is supported in this context. The units will be constructed from a recon and natural stone. There is considered to be a missed opportunity for a higher quality development by the use of more natural stone and any resubmission should consider this point. The proposed use of zinc shingles as a roofing material is still of concern as are flat roofs to the garages.

The redevelopment of the brownfield site associated with Bell Hill Garage provide some development opportunities that could positively respond to the Conservation Area. It is readily accepted that the current buildings here detract from the Conservation Area.

The Bell Hill Garage forms a largely open site along Bell Hill part of the urban core of the village. The challenging feature of the forecourt canopy has now been removed allowing the opening character of the site to be more readily appreciated. A historic stone-built barn survives on the site and this again reinforces the link between the village and its agricultural surroundings. These features contribute to our appreciation of the conservation area's evolution.

The Bell Hill frontage is improved on the amended scheme. The Council's Conservation Officer queries the intermediate piers between stretches of walling. It is positive that the infill railings have been replaced with stone walling, but a more vernacular approach should be employed here, taking its reference from the historic boundary walls in the vicinity. The piers should be removed, leaving a continuous simple stone wall either side of the vehicular access (where simple piers could be employed either side), and capped with either cock & hen or a simple lime mortar cap.

This part of the proposal has great potential for the enhancement of of the character and appearance of the conservation area, but as currently submitted there would be some harm (albeit reduced) to the significance of these heritage assets, fundamentally due to design. While there has been an improvement with the revised plans, this would still lie at the lower end of "less than substantial", although a little lower down the scale.

However, overall, the impact of the development, due to the loss of the important green space would, in the language of the Framework lead to less than substantial harm to the Conservation Area. When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification. In line with the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposals. It is therefore important to understand that considerable importance and weigh must be given to the conservation of the heritage asset when carrying out the balancing exercise.

This will be undertaken in the planning balance section of the report when the benefits of the scheme have been identified.

Setting of the nearby listed buildings

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It was considered that the originally-proposed scheme would cause less than substantial harm at the lower end of the scale to the significances of the Grade II listed buildings: The Old Hopyard and Manor Farm, due to impact on their settings.

The amended proposal reduces the number of dwellings and moves the development away from the northern and western boundaries of the site, leaving wider margins of green space, tree planting, etc. It is now accepted that the impact on the settings of Manor Farmhouse and The Old Hopyard has been reduced such that the development would result in no substantive harm to these assets' significances.

The Council's Conservation Officer does however continue to find harm to The Church of St Philip and St James. The church is a key focal point in the village and denotes the original first settlement. It's immediate setting comprises its churchyard, historic school and the other buildings on Vicarage Lane, while its wider setting includes the development site as views of the church tower can be seen from the upper section of Chevers Lane and from within the site. These views of the church from the rural periphery of the village provide the first indication of a historic settlement, across an undeveloped green space, which links to the farmland and landscape to the north. The development would, in part, obscure these views, and in areas where the tower can still be discerned, it will be viewed in the context of a modern development in the foreground. This will have some negative impact on the wider setting of the church and, therefore, some harm will be caused to its significance. This harm would be at the lower end of "less than substantial"

It is agreed that, other than a general impact on the wider settings of the listed buildings in the village as a whole, the key listed buildings whose settings could specifically be affected by the development of the Bell Hill Garage brownfield site are the pair of cottages adjacent to the west – Manor Farm Cottage and the smaller cottage attached to its right, now known as Red Hill Cottage. Their setting is predicated on their position on Bell Hill which is compromised by the commercial nature of the adjacent Garage site whose open aspect to the street is uncharacteristic in the conservation area, characterised by rows of attached properties set at the back of the pavement or with a shallow frontage.

The redundant garage buildings are proposed for demolition with only part of the frontage barn being retained and extended as a dwelling to be repurposed for the garage owner's occupation. A new two service bay garage is proposed on the Bell Hill site frontage with its own access and parking area.

This part of the proposal has great potential for the enhancement of the setting of the identified listed cottages, but as currently submitted there would be some harm (albeit reduced) to the significance of these heritage assets, fundamentally due to design. While there has been an improvement with the revised plans, this would still lie at the lower end of "less than substantial", although a little lower down the scale.

In line with the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposals. It is therefore important to understand that considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise. As set out above, the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm.

This weighting will be undertaken in the planning balance section of the report when the benefits of the scheme have been identified.

Impact on Residential Amenity:

Policy DP7 of the Local Plan states that development proposals should protect the residential amenities of neighbours, and that new dwellings should provide acceptable amenity space. DP8 concerns the prevention of environmental impacts and nuisances.

The field within the site provides an attractive outlook for adjoining residential properties, and the proposed development of it would therefore have a negative impact on the occupants of these properties as their outlook would change. However, the loss of an attractive outlook is not, in itself, a reason to refuse planning permission. Whilst the development would change the way the nearby residents would experience the site, this is not a reason to withhold planning permission.

The dwellings are sited a sufficient distance away from the neighbouring occupiers to ensure that they do not compromise their residential amenity to a significant degree. There would be no undue overlooking, and due to the change in levels, the dwellings would not result in an overbearing impact or dominate the outlook of these neighbouring occupiers.

The future occupiers would benefit with satisfactory living accommodation with all occupiers having acceptable size accommodation and private or shared outdoor amenity space.

It is noted that the Council's Environmental Health Officer has highlighted that lack of an Construction Environment Management Plan. However, this could be secured on any subsequent planning permission. He has also noted that the submission does not include a noise assessment that assesses any impact of the new garage upon the existing amenity or proposed dwelling units. This again could be secured via a condition.

The development is therefore considered to comply with the relevant part of DP7 which seeks to safeguard residential amenity for existing and future occupiers.

Landscape Issues

The site is visually prominent and is a key part of the character of the wider village. As such it has considerable importance and a high sensitivity. It is however noted, that the Bell Hill / brownfield side has a different character and is currently a detracting element within the streetscape.

In respect of the open field element, 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.

The scheme itself is of relatively low density and retains more peripheral open space than might normally be included, it is the principle of the change from an open, undeveloped green space to a residential development, in whatever shape or form, is unacceptable.

In respect of landscape character, the site is of high sensitivity and the magnitude of change would be major. The combination would be a 'very substantial adverse' degree of harm, and this cannot be acceptable in either local or national planning policy. It is noted that this harm is linked directly to the character and appearance of the Conservation Area rather than the wider landscape impact. In regard to visual effects, it is accepted that the proposed scheme might be relatively discrete when viewed from the wider landscape.

Assessment of Highway Issues

Policy DP9 of the Local Plan sets out a range of criteria to ensure that new development provides safe access arrangements that avoid causing traffic or environmental issues on the transport network; avoid direct access onto National Primary or County Routes outside Development Limits; and, where appropriate, demonstrate how sustainable modes of transport would be promoted. Policy DP10 concerns the provision of adequate vehicle parking space to serve new development.

In terms of accessibility, Norton St Philip is identified as a Primary Village because it has a range of core facilities - namely a primary school, a shop meeting a range of daily needs, a meeting place (whether a public house or a village hall) and a public transport service that allowed people to at least reach a nearby town by 9am and return to their village after 5pm. It has been confirmed in the 'Principle of development section' that the site is sustainably located.

The average dwelling generates 6-8 vehicle movements per day which mean that this proposal is likely to generate approximately 168 vehicle movements per day. It must be noted that there is an element of existing traffic movements to and from the garage and this proposal does represent an intensification. However, when looking at the surrounding highway network, it is the opinion of the Highway Authority that this proposal would not represent a severe impact as defined within the National Planning Policy Framework.

The access of the proposal is onto Bell Hill which has a 20mph speed restriction. Manual for Streets (MfS) would require visibility splays of 2.4x25 metres. SCC Highways are comfortable from their site observations, that this can be achieved and the visibility splays proposed exceed requirements. The Highway Authority would raise no objection to the visibility splays as shown on Drawing Number S686/10.

The parking levels fall slightly short of the requirement of the Somerset Parking Strategy (SPS). A balance must be made between achieving a high-quality public realm and achieving the right parking levels to ensure that the proposals do not encourage indiscriminate parking. On balance, the parking levels are considered to be acceptable.

The SPS sets out many requirements including the dimensions of garages which must be 3x6 metres for a single garage and 6x6 metres for a double garage, one space must be available per bedroom for bicycle parking and also the inclusion of electric vehicle charging points. These objectives can be achieved.

The Highway Officer raised some concerns with the layout and these were discussed in a meeting with the applicant who subsequently responded to the points of concerns. Whilst gates are proposed to plots 8, 9 and 10, if the application was approved, their siting could be dealt with via a condition.

In several locations the width of the footway seems to be less than 2m, particularly near plots 12-21. However, this is a shared surface with 5m width road and there is therefore no dedicated footway provision.

Concerns were raised with regards to the width of the access road and the footways on both sides throughout the site. As above, the applicant has confirmed a shared surface is proposed and this is considered to be acceptable.

There are no footways linking to the footpaths to the west of the site but this could be secured through a condition or within a s106 agreement.

Taking the above into account, the development is not considered to result in any highway safety issues, subject to a suitable Travel Plan being secured within the Section 106 legal agreement and a number of planning conditions.

Archaeological implications

The archaeological evaluation that took place on this site indicates that the area was likely to have been in agricultural use throughout the medieval period, but that there is potential for prehistoric and/or Roman period activity on the site. For this reason archaeological monitoring of the development and a report on any discoveries made should be secured via a condition on any permission.

Ecological Implications

Policies DP5 and DP6 concern the impacts of proposals on biodiversity, along with bat protection.

The site is largely within Band B of the Bath and Bradford on Avon SAC, and Band C of the Mells Valley SAC. Looking at the data and bat survey methodology, the surveys do largely accord with the Technical Guidance for these respective SAC's. Engain has also provided a separate Biodiversity Net Gain Assessment report.

A HRA is likely going to be required for the application site concerning of the Bath and Bradford on Avon SAC and Band C of the Mells Valley SAC, and in accordance with the respective Technical Guidance in relation to both SAC's, A Habitat Evaluation Procedure concerning Replacement Bat Habitat concerning lesser and greater horseshoes respectively needs to be provided.

This calculation needs to be provided to inform the HRA, and separate scores for the two species need to be provided in accordance with the band scoring system illustrated within the Technical Guidance. This will of course impact the overall net gain and this will have to be amended in the separate BNG report to reflect the Replacement Bat Habitat required in relation to the SAC's.'

Engain as requested by SES have submitted a HEP, which is solely based on Greater Horseshoe Replacement, and this is based on a Density Band Score of 1.0, otherwise translated as 'Band C'.

Firstly, concerning Greater Horseshoes alone, the Site just crosses over into Band B, therefore in accordance with the Technical Guidance the Density Band Score needs to be increased from 1.0 to 2.0. This amendment will ultimately result in more Replacement Bat Habitat being required. However, it is noted that this replacement bat habitat will also jointly cover the requirements concerning Mells Valley SAC (as they both concern the same species), so no further HEP calculations will be needed for Mells Valley, which the Site lies within Band C.

Secondly, a second HEP calculation will be required. It should be noted that Greater Horseshoe bats and Lesser Horseshoe bats result in different scores as per the Technical Guidance, which is primarily because their habitat requirements do differ somewhat. As this site also lies within Band C of the Bath and Bradford on Avon SAC concerning Lesser Horseshoes, a separate HEP which can be based on a Density Band Score of 1.0 will be required.

In summary, two separate HEP calculations will be required to inform the respective Habitat Regulation Assessment concerning Greater Horseshoes (Band B, Density Band Score 2.0) and Lesser Horseshoes (Band C, Density Band Score 1.0). This will likely mean more Bat Replacement Habitat will need to be incorporated into the development to benefit both species, and thus maintain the Favourable Conservation of the designated site, which in part is designated for these two species (as well as Bechstein's, which in this Site's case isn't required as it doesn't sit within any Impact Risk Zones concerning this species).

Whilst there is likely to be space within the site to implement additional mitigation measures, at this stage, it is not considered possible to be certain that the scheme is ecologically acceptable.

Flooding and Drainage

The application site falls entirely within Flood Zone 1. In this respect the Technical Guidance to the National Planning Policy Framework advises that this zone is appropriate for housing development in principle drainage terms. Given the nature of the development proposed it will result in an increase in hard surfaces within the site (including buildings, roads, driveways etc..) and a subsequent increase in surface water run-off

The applicant has identified areas of low surface water flood risk associated with predominantly shallow (less than 0.15m deep) overland flow routes which cross the site. The proposals intend to raise site levels in specific areas to ensure that the finished floor levels of properties will be above the anticipated water depths and sufficient free board shall be allowed for. In addition, an interception trench is proposed in the public space area on the eastern site boundary to intercept shallow overland flow and facilitate infiltration into the ground to prevent continuation through the site. The LLFA has advised that the applicant should submit a proposed levels plan to indicate that the proposed finished floor levels for properties and external levels are above the existing ground. This could be secured as a condition on any permission.

The LLFA has not objected in principle but has requested further information as follows:

A complete summary of infiltration testing results with calculations, indicative plan of test locations and the report with a summary of likely ground conditions including permeability and contamination risks.

- A maintenance schedule to be issued to the homeowners, detailing type of maintenance and frequency, which should not involve the use of specialist equipment.
- Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the lifetime of the development. Where available, the name of the maintenance company and a contact for who will be responsible for the site shall be provided to the LPA.
- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water drainage system should be provided.
- Written confirmation of consent to connect including agreement of proposed rates by the downstream asset owner.

Whilst there are some outstanding matters to be agreed, it is considered that these could be secured via a condition if planning permission is granted, It is not considered that this would form a reason for refusal of the application.

Contaminated Land

No objections are raised by the Contaminated Land Officer in relation to contamination and remediation subject to conditions being applied to any permission. The development therefore accords with the provisions of Policy DP8 of the LPP1.

Healthcare

It is accepted that the development will place additional pressure on healthcare facilities locally as a consequence of an increase in the population of the village, however the LPA have not been made aware of any concerns in relation to the capacity of local medical practices.

The Royal United Hospital in Bath have however requested a contribution of £31,434 to go towards the gap in the funding created by each potential patient from this development. This could be secured by S106.

The development is therefore deemed to be acceptable in terms of healthcare contributions in accordance with Policy DP19.

Public Open Space

Policy DP16 Open Space and Green Infrastructure of LP1 and supporting text requires that proposals for new residential development make provision for different open space typologies. DP16 also requires development to make provision for formal public open space (POS) on the basis of the National Playing field Association's (NPFSA) long standing standard of 2.4ha of new space per additional 1,000 people.

Based on this standard and an average dwelling occupancy of 2.4 persons per dwelling, this equates to approximately 50 people living on the site meaning that the required area of POS, based on the proposed population of the development is 0.12 ha (2.4ha/1000 x 72). The development secures well in excess of this at 1190m².

'Fields in Trust Guidance for Outdoor Sport and Play' also states that developments between 10-200 dwellings require both a LAP (Local Area for Play) and a LEAP (Locally Equipped Area for Play) as well as a contribution towards a MUGA (Multi-Use Games Area). The development

provides for play equipment in the form of a LAP. Given the additional open space being provided, this is considered to be sufficient.

The final details and mechanism for future maintenance would be secured through a legal agreement. This would include measures to ensure that this was made available to the wider public, which is particularly important given that this is being counted as a public benefit in the overall planning balance.

Arboricultural Implications

The application demonstrates that the most important trees on the site will be retained. The proposals are set a sufficient distance away to ensure that these trees will not be compromised by the development.

Sustainability and Renewable Energy

Policy DP7 of the LP1, requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for the use of sustainable construction techniques; the use of sustainable drainage systems; renewable energy generation on site; the use of water efficiency measures, recycling and conservation; new residents to minimise, re-use and recycle waste, in addition to using locally sourced or recycled materials wherever practically possible.

The Design and Access Statement explains that sustainability forms a fundamental part of the design. The scheme has been designed with a fabric first approach as far as possible. Further savings can be made by maximising the efficiency of appliances, lighting fixtures etc. Air source heat pumps will provide renewable energy to homes and solar panels will also be included on the south facing roof slopes of the new garage and apartment building.

Overall, therefore, the development is considered to have strong sustainability credentials and is considered to comply with the relevant part of Policy DP7. The appropriate measures would be secured by condition.

Affordable Housing

The application proposes a policy compliant 30% affordable housing provision (6 units) in line with DP11 of the Local Plan. A policy compliant tenure ratio is also proposed and would be secured via a S106 agreement.

The proposed affordable housing types and tenure options is considered to support people with differing incomes and would contribute to the sustainability of the affordable element of the scheme. The opportunity to deliver additional affordable homes in Norton-St-Phillip with its associated wider economic and social benefits, is given significant weight in the overall planning balance.

The final details would be agreed and secured through a legal agreement if planning permission is granted.

Education

There is only a need for early years places in this area, as all the other schools will have capacity for a development of this scale.

Therefore, SCC Education will only require contributions for Norton St Philip Pre-school at a build cost per pupil of £17,941.00 x 3= A total education contribution of £53,823.00. This would be secured in a legal agreement if planning permission is granted.

Planning benefits

The following public benefits have been identified in the submission and through the assessment of the application

- Retention of employment use through the construction of a new garage building to be retained by the landowner
- Clearance of the current garage buildings and redundant fuel tanks thus removing potentially hazardous materials including fuel and asbestos
- Provision of a policy compliant number of affordable homes on site.
- Provision of market housing
- Provision of public access through the site with associated community benefits in terms of enhanced permeability for walking.
- Provision of public space accessible to the wider community
- Biodiversity enhancements
- Economic benefits through the construction period and through future spend of occupiers
- Contribution to vitality of village facilities by increased users for example the local primary school

Planning balance

In line with the NPPF, the harm identified to the heritage assets be weighed up against the public benefits of the proposals. The NPPG advises that public benefits may be anything that delivers economic, social or environmental progress as described in the NPPF but it must flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. It also recognises that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. What amounts to a relevant public benefit in a particular case is a matter for the decision-maker. So is the weight to be given to such benefits as material considerations.

The harm to the listed building is considered to be at the lower level of less than substantial. Whilst great weight is given to this harm, the public benefits outlined above, particularly with regards to housing are considered to outweigh and justify this harm. However, the harm to the Conservation Area is much higher on the 'less than substantial' spectrum. These benefits are not considered to outweigh the harm to the character and appearance of the Conservation Area.

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for any determination then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

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. Other areas of harm have been identified to the significance of the listed

buildings, but this harm, which is at the lower end of less than substantial have been outweighed by the public benefits.

It is readily accepted that the Council cannot demonstrate a 5 year land supply and the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. This advises that permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

In this case, it is considered that there are specific policies which indicate that development should be restricted. In this case (in accordance with footnote 7) policies which seek to preserve the character and appearance of the Conservation Area.

Even if this were not the case, it is not considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

Overall, the harms are given significant weight and overall they are considered to significantly and demonstrably outweigh the benefits.

The application is therefore recommended for refusal.

Recommendation

Refusal

1. The proposals, due to the development of the open green space, harms the contribution to the distinctive local character made by the site, which is designated as an Open Area of Local Significance. The development therefore fails to comply with policy DP2 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014)
2. The proposed development would erode the contribution this important open green space makes to the rural character of this part of the Conservation Area. In addition, it would erode the appreciation of the development and evolution of Norton St Philip, which is characterised by important green spaces and it would erode the appreciation of the relationship between the historic core and the rural hinterland. The development would therefore result in less than substantial harm to the Conservation Area. This harm is not outweighed by public benefits. The proposals are therefore contrary to the provisions of Policies CP2, DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), and Parts 2, 15 and 16 of the National Planning Policy Framework (NPPF).
3. Insufficient information has been submitted to inform a Habitat Regulation Assessment concerning Greater Horseshoes and Lesser Horseshoes or to inform the required bat replacement habitat which will need to be incorporated into the development to benefit both species, and thus Maintain the Favourable Conservation of the Mells Valley and Bath and Bradford on Avon SACs. The development therefore fails to comply with policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy and Policies

2006 - 2029 (adopted 15th December 2014)

4. In the absence of a Section 106 Agreement to secure affordable housing, education and healthcare contributions, the proposed development fails to comply with Policies DP11 and DP19 of the Mendip District Local Plan Part I: Strategy and Policies (adopted, December 2014).

Informatives

1. Plans List

199-001,199-002,199-03,199-201,199-301,199-501,199-502, 21435/3600B, 21435/5001F,21435/5011D,21435/5013C,21435/5014C, 21435/5015c, 21435/5016C, 21435/5017C, 21435/5018C, 21435/5019C, 21435/5020D, 21435/6002-1B, 21435/6002-2C, 21435/6002-3A, 21435/6002-4B, 21435/6003-1B, 21435/6003-2C, 21435/6004-1A, 21435/6004-2B, 21435/6008-3A, 21435/6008-4B, 21435/6009-1B, 21435/6009-2A, 21435/6010-1B, 21435/6010-2A, 21435/6011-1C, 21435/6011-2B, 21435/6011-3A, 21435/6011-4A, 21435/6011-5B, 21435/6011-5B, 21435/6020-1B, 21435/6020-2C, 21435/6021-1A, 21435/6021-1A, 21435/6050, 21435/6051, 1001, 6001-1A 6001-2B, 6004A, 6005-1,6005-2A, 60061,6006-2A,6008-1,6008-2A

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework by working in a positive, creative and pro-active way. Despite negotiation, the submitted application has been found to be unacceptable for the stated reasons. The applicant was advised of this, however despite this, the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Case Officer: Tessa Hampden

Authorising Officer: Simon Trafford

Date Authorised: 10.03.2023