

Case Officer	Mr James U'Dell
Application Number	2016/1292/FUL
Site	Land At The Barton The Barton Norton St Philip BA2 7NE
Date Received	16th May 2016
Applicant/ Organisation	Mr + Mrs C Parsons
Application Type	Full Application
Proposal	Erect single dwelling house with access garage & parking.
Ward	Rode And Norton St Philip
Parish	Norton St Philip Parish Council

### **Description of Site, Proposal and Constraints**

This full planning application relates to Land at The Barton, The Barton, Norton St Philip and proposes the erection of a single dwelling with access, garage and parking.

The site is located within the Norton St Philip Conservation Area and is designated as an Open Area of Local Significance (OALS).

### **Summary of parish comments, any objections or conflict with the recommendation**

#### Ward Member

Please find below my Ward Member response to the above application. I can confirm that I fully support the local community and the Parish Council in objecting to this application.

I would like to reserve my right to request this application be considered by the planning board should the planning officer be recommending approval. At this stage my reasons for objecting are detailed below. I would however like the opportunity to respond to the planning officer's case report and prepare a justification for it to be considered by the planning board if necessary.

#### Principle of Development

Whilst it is accepted that the application site is in the development limits of Norton St Philip it is within the Conservation Boundary, in close proximity to listed buildings and is designated under DP2 as an 'Open Area of Local Significance'. This designation is still in place and retained under Policy DP2 in the current adopted Mendip Local Plan.

#### Policy Issues

##### CP1 Spatial Strategy

Housing requirements specified within this policy have been more than met in Norton St Philip and any further development will add further to the disproportionate growth of housing stock and exacerbate the inappropriate scale of development in this rural

community. There should be no further development in Norton St Philip in the lifetime of this current Local Plan.

#### CP2 Supporting the Provision of new housing/ DP7 Design and Amenity of New Development

The proposal by reason of design, scale and layout does not 'relate to the local distinctiveness and identity of the area'.

- The application site is sensitively located in DP2 designated land
- The site is within the Conservation Area
- The site is within a known flood plain
- The design of the proposed dwellings is inappropriate in its context and provides no benefit to mitigate its impact.
- Will require significant trees to be removed to accommodate the dwelling
- Vehicular access, egress and visibility appear to be contrary to Highways Standards.

#### CP4 Sustaining Rural Communities

The dwelling proposed has no regard to the housing needs of the local community and does not meet any identified local need. Norton St Philip does not need any further executive 5-bedroom properties. The wider Mendip District Housing needs is for much smaller properties, 1, 2 bedrooms, not 5 bedrooms.

#### DP1 Local Identity and Distinctiveness

The development proposal will have an impact on the landscape of the area and will be significantly prominent and, therefore, have an impact on the distinctiveness and character and identity of this area.

I refer you to the Norton St Philip Conservation Area Appraisal of October 2007, section 5, Spatial Analysis that clearly demonstrates that the views into the area are relevant.

#### DP2 Open Area of Local Significance

This area has been identified as an area of Local Significance for a considerable amount of time. (Q2 in the previous Local Plan) It still benefits from DP2 status and as part of the Local Plan Part II process an application has been submitted for designation as Local Green Space. This application accords with the NPPF under paragraphs 76-78. Members of the community, the Parish Council and the Ward Member, support the LGS application.

Nothing has changed in terms of the way this community values the special nature of this land and the significance of it. If anything, the importance is more significant as a result of the extensive housing development Norton St Philip has suffered in a short space of time.

#### DP3 Heritage Conservation

The development proposals neither enhance nor contribute to the heritage assets in close proximity to this area.

The Norton St Philip Conservation Area Appraisal of October 2007, section 3, shows the number of Grade II buildings in the area that look into this view and seen from the wider views as detailed in Section 5 of the appraisal.

For all the reasons above, and those outlined by a significant number of local members of the community, I recommend that this planning application be refused.

#### Norton St Philip Parish Council

Please note the query in the final response, which is an amendment to a comment already submitted.

Following submission from the landowner members reconsidered the council's submission relating to this planning application and agreed to submit an amended response to remove the comment relating to the flood plain (proposed Cllr Smallacombe, seconded Cllr Eastment). Members reviewed each objection submitted and agreed to remove objection number 3 relating to the narrow access. Objection number 4 would be rephrased to state 'immediately adjacent' to a conservation area as opposed to 'within'. Objection number 6 would be removed. The remaining objections were felt to still stand and the overall objection would not therefore be rescinded. It was agreed to seek clarification from the LPA that the Local Plan which ended in 2004 would continue to be relied upon until the new Plan was in place.

#### *Original Parish Comments (received 30<sup>th</sup> June 2016):*

Members of the public were invited to make comments and following debate it was resolved to **OBJECT** to the application on the following grounds:

- The proposed properties are within the DP2 protected area designated as an Open Area of Local Significance (OALSNSP004) and subject to an application for Local Green Space status as part of the Local Plan Part II process;
- The development would be on a natural flood plain which would be exacerbated by building;
- The narrowness of the entrance and increase in traffic would generate highway safety issues;
- Ringwell Meadows are inside the conservation area and provide an open and tranquil setting for the Grade II ancient monument the Tudor Dovecote and listed buildings in Ringwell Lane and the development would therefore have an adverse impact on local amenity and the conservation area ;
- The low density of the setting is a characteristic part of the village and the development would have an adverse impact on this feature;
- The location and design would result in a development with adverse prominence which would not enhance the setting and is out of proportion and not of the same scale and design as existing properties;
- No housing need is identified under the Local Plan and Norton St Philip has exceeded its housing requirement as supported by the Planning Inspectors ruling against further development at Fortescue Fields.

#### Planning Policy Officer (MDC)

##### Relevant Policies

The key policies of relevance to this application are:

- National Planning Policy Framework (NPPF), para's 76 - 78 covering Local Green Space
- Mendip Local Plan 2006-2029:
- Core Policy 1, Mendip Statial Strategy
- Core Policy 2, Supporting the Provision of New Housing
- DP2, Open Areas of Local Significance

## Description and Policy Background

The application is for a dwelling in the garden of The Barton with access from Ringwell Lane.

### Mendip Local Plan Part I (Adopted December 2014)

Core Policy 1 of the Local Plan 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. Core policy 2 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.

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

Paragraph 76 of the NPPF says that local communities should be able to identify green areas of special importance to them through Neighbourhood and Local Plans. This will rule out development other than in very special circumstances. Spaces should only be designated when a plan is prepared or reviewed, and should be capable of enduring beyond the end of the plan period. Paragraph 77 goes on to describe the circumstances in which this protection should be applied, including where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance and tranquility (amongst other things).

Mendip District Local Plan Part 1 defines the site as part of an Open Area of Local Significance, designated for its significant contribution to the quality of the built environment. The designation is applied to spaces which contribute to the locally distinctive character of an area for a variety of reasons, including allowing views out of an otherwise built up street scene, allowing views of significant local features, enhancing the setting of a settlement or creating a sense of space. The OALS were defined by a previous Local Plan, and have been retained because they warrant continued protection.

Part 2 of the local plan is currently in preparation. Part 1 of the plan makes a commitment to reviewing the OALS and considering whether they should be designated as Local Green Spaces as set out in NPPF para 77 as part of the preparation of Part 2.

Policy DP2 is part of the current Development Plan and says that the areas defined as OALS have value because of their contribution to local distinctiveness and does not permit development which would harm that contribution.

In the case of Ringwell Meadows the area's contribution to local distinctiveness is created by the open meadow, with a sharp slope to the eastern edge overlooking the

brook. There is also an area of garden, with prominent trees that forms a dramatic backdrop to the meadow when viewed from the northern end. Both the meadow and the slopes are prominent when viewed from Ringwell Lane despite a boundary hedgerow and the openness of the area introduces a sense of rural tranquility within the built up area.

If it is considered that the development will affect the area's contribution to local distinctiveness by harming the important features of the area defined on the proposals map, the application should be refused.

#### Conclusion

If the application will harm the features that make the OALS defined on the Local Plan policies map locally distinctive, the proposal will not be in accordance with policy DP2 of the Mendip Local Plan and should be refused.

#### Conservation Officer (MDC)

This application seeks planning permission for a detached dwelling with access, garage and parking.

The site lies towards the western boundary of the Norton St Philip Conservation Area.

The proposed dwelling would be set back significantly from any roads so would not be readily visible from within the conservation area, nor from outside looking in, plus there are several dwellings of different architectural styles in the vicinity. Therefore the character and appearance of this part of the conservation area would be preserved.

I therefore have no objections to this application.

#### Tree Officer (MDC)

I can confirm that I have visited the site and have assessed the information submitted in support of the above application with particular attention to the trees and shrubs/ hedge included in the Arboricultural Impact Assessment / Arboricultural Method Statement / Tree Protection Plan prepared by Jon Price of Greenman Environmental Management Ltd - which I shall refer to as the "Tree Report".

I would like to offer the following Observations / Comments. I consider the information and assessments of the trees implicated in the Tree Report to be a fair and reasonable appraisal of the trees and their "retention value" as guided by the British Standard - BS5837:2012 - Trees in relation to design, demolition and construction - Recommendations.

There are four trees that would be lost to development, trees numbered 3, 7, 8, and 9 in the survey schedule. They form part of a group of garden trees that are of moderate high quality from an individual / group amenity value point of view and offer a pleasant vegetative feature adjacent to the designated open space - land adjacent Norton brook / Ringwell lane.

The four trees consist of two B category and two C category trees - one Willow, one Ash, one Field maple and one Sycamore. None of these trees are considered to be of sufficient merit to warrant being made the subject of a Tree Preservation Order (TPO). Their loss could be mitigated for by way of a robust landscape scheme -

which could be secured by way of a condition of approval (if consent is granted). The remaining trees (those shown for retention) are of similar quality and also provide some visual amenity to the garden of the application site.

The line of scrub / hedgerow alongside Ringwell lane / adjacent the sub-station provides a green screen to this element of the curtilage of the property. The opening up to create an access will have some effect on this screen.

With the above in mind, should the application be approved, it should be on the condition that the Tree Protection Measures are carried out under the supervision of an appropriately qualified professional, and that there is a record kept of the implementation of such measures (available for inspection upon request). A landscape scheme should be submitted for approval and this should show trees / hedgerow for retention and new planting which should be maintained appropriately.

*Highways Officer (Somerset County Council)*

Refer the LPA to Standing Advice.

*Building Control Officer (MDC)*

BC comments;

- 1) the garage is sat close to the boundary and so the timber cladding will need treating for fire spread;
- 2) the car parking is the opposite side of the bridge to the dwelling - how will disabled access be achieved?
- 3) the foundations and ground floor will need to be designed due to the proximity of the trees.

*Contaminated Land Officer (MDC)*

No observations.

*Historic Environment Officer (Somerset County Council)*

Advises that the site lies outside of the Norton St Phillip Area of High Archaeological Potential.

The site itself is however situated within the grounds of a grange associated with the Carthusian Monastery at Hinton Charterhouse. The granary precinct is well preserved. However, there is currently insufficient information contained within the application on the nature of any associated archaeological remains, to properly assess their significance and interest.

For this reason I recommend that the developer be required to carry out archaeological investigations and provide a report on any discoveries made as indicated in paragraph 141 of the National Planning Policy Framework. This should be secured by the use of model condition 55 attached to any permission granted.

'No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological investigations in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the local planning authority.'

*County Ecologist (Somerset County Council)*

I note that trees would be felled to facilitate the proposed development. These trees may potentially support bat roosts. I would therefore need to know either presence or absence of these roosts before giving comment. In addition, if roosts are present in trees not due to be felled they may be affected by external lighting. Bats may also be using Norton Brook or hedgerows on site. Therefore I would advise the applicant to have surveys for bat roosts/activity carried out at the earliest opportunity in accordance with the Bat Conservation Trust Survey guidelines (2016), which are the standard accepted by Natural England. As you are aware, Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

*CPRE (Campaign to Protect Rural England)*

CPRE Somerset is opposed to this application for the following reasons:

- 1) No housing need has been identified under Local Plan;
- 2) The village has exceeded its housing requirements and no further permissions should be granted. This point was supported by the Planning Inspector ruling against further development on Fortescue Fields;
- 3) The development is within the DP2 protected area designated as an Open Area of Local Significance and is subject to an application for Local Green Space status supported by villagers and Parish Council in meetings from late 2015;
- 4) If approved, this would set a dangerous precedent for developments in other similarly protected sites in the area. No approvals should be considered before the Local Plan Part 2 is complete.
- 5) The location and design of this proposal would result in a development with adverse prominence that does not enhance the setting and is not of the same scale and design as existing properties in this part of the village.

*Environment Agency*

No comments received.

*Representations*

The LPA has received 74 letters of objection, raising the following issues (summarised):

- Impact to conservation area;
- Impact to distinctive local character of Ringwell Meadows;
- Harm to setting of listed buildings, particularly the Grade II\* Ancient Monument Tudor Dovecote and the important view to the Church;
- Norton St Philip has exceeded its housing requirements;
- Loss of trees;
- Ringwell Meadows is designated under Policy DP2 of the Local Plan as Open Area of Local Significance (OALS);
- Key protected green space which should be preserved;
- Harm to open and tranquil setting of Ringwell Meadows;
- Prejudice Part II of the Local Plan;
- Poor scale, massing and design;

- Out of character;
- Impact to floodplain;
- Poor and unrealistic parking layout;
- Highway safety and overspill of parking onto streets;
- Harm to ecology and biodiversity;
- Harmful to local distinctiveness and architecture;
- Loss of privacy and harmful to neighbours;
- Harmful precedent could be set;
- Green spaces need preservation and are a distinctive part of the character of the village;
- Previous appeals dismissed on similar grounds for sites at Fortescue Fields;

### **Relevant planning history**

The site history relates to extensions and alterations to the existing dwelling.

2016/1293/OTS - Outline planning permission sought for access, appearance, layout and scale with other matters reserved for two detached dwellings (at Land Adj to The Barn, The Barton, NSP) – Refused September 2016.

### **Summary of planning policies:**

#### **Policy Context**

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:

#### Development Plan

The following policies of the Mendip District Local Plan 2006-2029, Part 1: Strategy and Policies (adopted December 2014):

CP1 (Spatial Strategy)

CP2 (Housing)

CP4 (Sustaining Rural Communities)

DP1 (Local Identity and Distinctiveness)

DP2 (Open Areas of Local Significance)

DP3 (Heritage Conservation)

DP4 (Mendip's Landscapes)

DP7 (Design and Amenity)

DP8 (Environmental Protection)

DP9 (Transport Impact of New Development)

DP10 (Parking Standards)

DP23 (Managing Flood Risk)

#### Material Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Somerset County Council Standing Advice, June 2013

The Countywide Parking Strategy (2013)

Norton St Philip Conservation Area Appraisal, 2007

### **Consideration of Issues:**

#### Principle

The site is located within the development limits of Norton St Philip (NSP) and as such the general principle of the development is considered to be acceptable as it accords with the provisions of policy CP1 and 2 of the Mendip District Local Plan.

NSP has over-exceeded its projected housing targets for the Local Plan period, up-to 2029. However, the housing numbers put forward under Policy CP2 are treated as a 'minima' and do not represent an absolute cap on housing numbers since many further units may come forward on appropriate sites in order for the Council to demonstrate a continuous 5 year supply of housing within the District. The emphasis of Policy CP1 is to secure development within development limits and under part 3 states:

*"In identifying land for development the Local Plan's emphasis is on maximising the re-use of appropriate previously developed sites and other sites within existing settlement limits as defined on the Proposals Map, and then at the most sustainable locations on the edge of the identified settlements. Any proposed development outside the development limits will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities".*

Bearing in mind the steer of Policy CP1 and CP2 of the Local Plan, the general principle of the development is considered to be acceptable. However the site is part of an Open Area of Local Significance (OALS), protected under Policy DP2 of the Mendip District Local Plan. As such the impact of the development needs to be weighed up against the harm to the OALS, in combination with any harm that would result, which will need to be weighed against the overall benefits of the development. The benefits for housing supply are limited given that Norton St Philip has massively exceeded its housing targets. The dwelling proposed is not affordable housing and does not offer significant wider economic benefits. As such there are no special exemptions associated with the development.

#### Character and Appearance

The site in question is currently an extended garden area serving The Barton, which is partly screened from the main open section of Ringwell Meadows by an established deciduous tree screen. The site is however identified as part of the designated OALS within the Policies Map of the Local Plan Part 1 and is therefore afforded protection from development by the provisions of Policy DP2 of the Mendip District Local Plan, which is afforded significant weight. Policy DP2 is part of the current Development Plan and says that the areas defined as OALS have value because of their contribution to local distinctiveness and does not permit development which would harm that contribution.

Mendip District Local Plan Part 1 defines the site as part of an Open Area of Local Significance, designated for its significant contribution to the quality of the built environment. The designation is applied to spaces which contribute to the locally distinctive character of an area for a variety of reasons, including allowing views out of an otherwise built up street scene, allowing views of significant local features, enhancing the setting of a settlement or creating a sense of space. The OALS were defined by a previous Local Plan, and have been retained because they warrant continued protection.

In the case of Ringwell Meadows the area's contribution to local distinctiveness is created by the open meadow, with a sharp slope to the eastern edge overlooking

Norton Brook. There is also an area of garden with prominent deciduous trees that forms a dramatic backdrop to the meadow when viewed from the northern end, belonging to the site in question, which is part of the OALS. The meadow, slopes, brook and trees are all prominent features of the OALS when viewed from Ringwell Lane and the openness of the meadow and natural planting introduces a sense of rural tranquility within the built up area, which also forms a green link to the countryside beyond.

Given the level of objection received and the fact that a Local Green Space application has been made, it is clear that there is strong local support for the continued protection of this valued green space/ OALS.

Policy DP2 suggests 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 LPA considers that the development will cause significant visual harm to the important features of the OALS due to the scale of the development and the level of urban/ built encroachment (including dwelling, garage and new access) into this protected open space, which will dilute its distinctive rural character. The development will result in the loss of a number of prominent trees within the site and further trees would also be lost along Ringwell Lane, adjacent to the proposed access point, to allow for appropriate visibility splays.

The existing vegetation screening to the site will not mitigate against the visual impact of the development sufficiently given that the majority of the trees are deciduous, therefore prominent views of the proposed development will be present for long periods of the year, especially when viewed from within the meadow looking south and from parts of Ringwell Lane. The visual impact of the development to the OALS is therefore considered to be unacceptable and cannot be satisfactorily mitigated against through landscaping, as new planting would take a significant amount of time to reach full maturity. The development will therefore harm the contribution to distinctive local character made by the OALS.

The Conservation Officer raises no objections to the visual impact of the development to the character and appearance of the Conservation Area or the setting of nearby listed buildings or monuments (heritage assets). The external design of the dwelling is considered to be appropriate to the context of built development found within this locality, which reflects dwellings of varying designs and scales. As such the LPA considers that purely the external appearance of the dwelling and impact to the conservation area and setting of heritage assets is acceptable. However this does not satisfactorily mitigate the visual harm that would be caused to the OALS, for the reasons outlined above.

The development is therefore considered to be contrary to the provisions of Policy DP1, 2 and 4 of the Mendip District Local Plan and paragraph 17 and parts 7 and 11 of the NPPF.

#### Neighbour Amenity

Due to the orientation, layout, scale and position of the dwelling, the proposal would not result in unacceptable loss of amenity to future and existing occupiers/ neighbours.

#### Access & Parking

A new access is proposed onto Ringwell Lane to serve the development. A detached double garage and relevant access and turning heads are proposed to allow vehicles to enter and exit the site in a forward gear. The site would have sufficient space for parking 4 cars, which would meet the relevant County parking requirements/ standards. However, the visibility at the access would be restricted due to the presence of existing vegetation screening, which would need to be removed to facilitate the required visibility splays. This part of Ringwell Lane is subject to a 30mph speed limit, so the splays would be measured 2.4m back from the carriageway edge, in the centre of the access, to points 48m to the north and south.

With the attachment of relevant conditions to secure appropriate visibility splays etc.. the development would not pose an unacceptable risk to highways safety. However, as highlighted above, the creation of the parking and turning area, garage and visibility splays (with consequent loss of planting) will add to the urban encroachment of development into the OALS.

#### Archaeology

The Historic Environment Officer at Somerset County Council has raised no objections in regard to the impact of the development to archaeology, subject to the attachment of a relevant condition.

#### Flooding

The Environment Agency has raised no comments, despite being formally consulted.

Norton Brook (watercourse) is located within 7 metres of the proposed dwelling. The site is not located within a high risk flood zone and the dwelling is positioned on elevated land, due to the slope of the land leading down to the brook. As such it is considered that the development will not significant harm the flood zone and will not be adversely affected by flooding due to the difference in levels.

#### Energy Conservation

The proposal would utilise practical methods for energy conservation within its construction.

#### Environmental Impact Assessment

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 so an Environmental Impact Assessment (EIA) is not required.

#### **Conclusion**

On the basis of the above assessment it is considered that the harm created to the Open Area of Local Significance (OALS) is not outweighed by the limited benefits of granting planning permission for 1 dwelling given the special qualities of the OALS and the fact that housing supply for Norton St Philip has already been significantly exceeded. As such it is recommended that planning permission be REFUSED.

A decision can be made under delegated powers, in accordance with the adopted scheme of delegation, as the Ward Member and Parish Council also recommend refusal.

## **Reason/s for Recommendation**

1. The development proposes a harmful encroachment of built development into an Open Area of Local Significance (OALS) to the detriment of its distinctive local character and appearance. The limited benefits of the development for housing supply do not outweigh the visual harm to the OALS and the development proposes limited economic benefits and will not extend the range of facilities available to the local community. As such there are no special exemptions associated with the development. The proposal is therefore contrary to the provisions of Policies DP1, 2 and 4 of the Mendip District Local Plan and the guidance set out within paragraph 17 and parts 7 and 11 of the National Planning Policy Framework (NPPF).

## **Conditions**

### **List of Advices**

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. However, in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.
2. This decision relates to drawings: LOCATION PLAN; 1462/1; 1462/P1; 1462/P2; 1462/P3; 1462/P4; 1813PRS-01; Arboricultural Impact Assessment Arboricultural Method Statement Tree Protection Plan; DESIGN ACCESS STATEMENT and Sustainable Energy Protocol For Planning Applications validated on the 26th May 2016 and EXTENDED PHASE HABITAT 1 AND BAT SURVEYS received on 28th July 2016 only.
3. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.