

# NORTON ST PHILIP PARISH COUNCIL

## MENDIP DISTRICT OF THE COUNTY OF SOMERSET

[www.nortonstphilipparishcouncil.co.uk](http://www.nortonstphilipparishcouncil.co.uk)

**Chairman** Clive Abbott, Hassage House, Faulkland, Radstock, BA3 5XG [ncliveabbott@hotmail.com](mailto:ncliveabbott@hotmail.com)

**Clerk:** Nicola Duke, April Rise, 81 Studland Park, Westbury, Wiltshire, BA13 3HN [nortonstphilippc@aol.co.uk](mailto:nortonstphilippc@aol.co.uk)

Mr. M. Fox DIPTP MRTPI  
Inspector, Mendip District Council Local Plan Pt 2  
c/o Mr. R. Young  
Programme Office  
Mendip District Council

1st August 2019

**Submission by Norton St Philip Parish Council to the Mendip District Council LPP2 Inspector concerning factual statements and representations made at the Plan Hearings on 24th and 26th July but not raised previously during the consultation process.**

### Matter 3

#### 1. In response to oral statements:

1.1 Statement	Richard Ground QC ( for Lochailort Investments Ltd)	<i>“ the NSP School roll will drop to 50% by 2022”</i>
Response	NSP PC	<p>Since 2016 the NSP school has been federated with Rode. The school has expanded; where 2 year groups were previously combined as one class, there is one class per year group. There are 5 classrooms across the two schools; the capacity of each is 30. Currently there are 28 pupils in year 4, 28 in year 3, 30 in year 2, 29 in year 1 and an entry into reception of 28 this year. <b>This is 95% of capacity.</b> In her letter of 8<sup>th</sup> July 2018 to Lochailort, The Head Teacher points out that the school is ‘<i>vibrant, expanding and sustainable</i>’</p> <p>These schools are a great example of how a federated system can work to the advantage of two distinct rural communities.</p>

1.2 Statement	Richard Ground QC ( for Lochailort Investments Ltd)	<i>“ the village shop is experiencing a difficult retail environment.”</i>
Response	NSP PC	There is <b>no evidence provided that the shop is experiencing any trading difficulties</b> and it would be for Co-Op, its operator, to state this. Feeling locally in the village is that the shop is thriving. It is in the ownership of Lochailort; the PC presumes the lease is in their control. There is retail competition not only from outside the Parish but also from the Farm Shop and Café which lies within the Parish, half a mile to the east of the village.

1.3 Statement	Dr T. Roche (for Bell Hill Garage Ltd)	<i>“A further allocation of houses from the additional 505 is required in NSP”</i>
Response	NSP PC	<p>The LPP1 allocation of housing for Norton St Philip was based on the Objectively Assessed Need for the District, with an appropriate buffer, and importantly was based on proportionate growth of the District’s villages, directing the majority of the District’s housing need to the more sustainable towns, which can accommodate more significant growth without altering their rural character. This strategy is supported by national policy. <b>The village has provided 250% of its LPP1 allocation of 45 houses within only 11 years</b>; a significant level of growth.</p> <p>The PC recognise this figure was a minimum; however as of 31/2/18 there were 113 completions/ extant permissions in the current Plan period. The need for proportionate levels of growth remains an essential consideration, noting that 250% is already considered disproportionate.</p>

## 2. In response to Document PS03-13 (Lochailort Investments)

2.1	Lochailort Investments Ltd	<i>“There are no GP services in the village, other than an ad-hoc and unsatisfactory mobile GP consulting sessions held in the Palairret Hall “</i>
Statement		
Response	NSP PC	<b>This comment is out of date.</b> These sessions were discontinued 5 years ago. The Beckington practice were consulted in 2018 by the PC on whether either re-instatement of this service or the establishment of a GP surgery could be promoted by the Neighbourhood Plan. The Practice confirmed that they would not wish to take either of these forward, preferring to <b>concentrate on their existing Beckington site</b> which, together with their Frome site, has received very substantial investment.

2.2	Lochailort Investments Ltd	<i>“the <b>village school</b> pupil role will fall to around half the school’s capacity from 2022 onwards. “</i>
Statement		
Response	NSP PC	See 1.1 above. Please also see the letter from the Chair of school Governors (Appendix - p10/11)

2.3 Statement	Lochailort Investments Ltd	<i>“The school itself accepts that improved facilities are necessary to meet DfE space standards (Appendix 3) and that staff car parking would improve pupil safety. “</i>
Response	NSP PC	<p>The school has recently had a SIAMS Inspection (statutory inspection of Anglican and Methodist schools) and was graded “excellent”. The 2017 Ofsted Inspection graded the school as ‘good’ and noted that the head and staff <i>“have created a warm and welcoming school where pupils enjoy their school experience”</i></p> <p>Consideration is being given to the provision of a staff car park within the grounds of the school. The PC are currently consulting with both the school Governors and a local landowner regarding this. Additionally, the PC have commissioned an independent report into road safety in the area of the school and will be taking recommendations forward with SCC Highways.</p> <p>It is our understanding that there is no strict requirement for staff car parking, but if the school wished to provide this to support their staff then they would apply for planning permission in the usual way, making their case based on the outcome of their road safety audit and consultation with SCC Highways etc.</p> <p><b>LPP2 does not need to allocate land for this</b> and, in any case, should this be proposed as part of a housing development it would not pass the statutory tests.</p>

2.4 Statement	Lochailort Investments Ltd	<i>"The village hall is not fit-for-purpose in terms of size, facilities or accessibility. The Parish Council has established a Community Action Group to pursue a replacement village hall (Appendix 4) which has yet to deliver any results."</i>
Response	NSP PC	<p>The remit of the Community Action Group (2005) did not include the pursuit of a replacement village hall. The PC, however, undertook a Parish consultation (including a survey of opinion) on future provision in 2017. The conclusion was that <i>"Despite a number of concerns about the PH being expressed, <b>it should continue to be the village hall</b>; but the possibility of having a new purpose-built village hall for the longer term should be on the PC's radar."</i></p> <p>Additionally, since then a considerable amount of work has been carried out including a new kitchen, central heating, floor renovation etc. The National Lottery have recently agreed a substantial Grant (over 50% of the cost) in order for the roof to be replaced and the ceiling renewed. These major improvements will proceed this autumn.</p>

### 3. In response to ED 13 ( sites in NSP promoted by Lochailort )

3.1 Statement	Richard Ground QC ( for Lochailort Investments Ltd)	<i>"The proposed schemes have been sensitively designed to respond to the dismissal of appeals on sites NSP1 and NSP2 which had proposed a significantly denser form of development"</i>
Response	NSP PC	<p>These appeals were <b>refused on the principle, not quantum of development.</b></p> <p>There was no suggestion by the Inspector that a reduced quantum of housing would be acceptable, and the principle remains unchanged.</p>

<b>3.2</b>	Richard Ground QC ( for Lochailort Investments Ltd)	<i>“ The attached representation provides a plan detailing the three sites”</i>
Statement		
Response	NSP PC	<p>A plan of the sites would have been helpful. We would like to draw the Inspector’s attention to the fact that <b>only one of the 3 sites put forward by Lochailort is proposed LGS</b> (NSP LGS007).The other 2 sites lie alongside, but importantly outside, the settlement boundary and thus <b>could be considered for any future development</b>, should the need arise, subject to meeting Mendip’s relevant policy tests. These 2 sites account for only approx. 10% of potentially developable land lying alongside the settlement boundary.</p>

<b>3.3</b>	Richard Ground QC ( for Lochailort Investments Ltd)	<i>“ Plan does absolutely nothing to promote the retention and development of local services and community facilities”</i>
Statement		
Response	NSP PC	<p>Our responses to the school, village hall, and GP services are set out above. <b>We should like to draw the Inspector’s attention to the 2015 ‘Houses for Community Benefits’ Village Survey</b> which gives a very clear indication of the village response to almost identical offers made by Lochailort at the time of planning applications for two of the three sites now being put forward.  <a href="https://nortonstphilipneighbourhoodplan.com/houses-for-community-benefits-survey2015/">https://nortonstphilipneighbourhoodplan.com/houses-for-community-benefits-survey2015/</a></p> <p>At the subsequent Appeals*, the Inspector concluded that  <i>“It is well established that the presence of what might be considered as extraneous inducements should not influence planning decisions. As those elements do not meet the relevant tests, it would be unlawful, having regard to current legislation and guidance, to take those particular obligations into account. Accordingly, they cannot carry any positive weight in favour of the development proposed.”</i></p> <p><i>*Q3305/A/14/2221776 &amp; 2224073</i></p>

## Matter 5- Local Green Space

### 4. Oral representations made on 26<sup>th</sup> July

4.1	Mr.C.Parsons	<i>" There was not a lot of consultation with landowners-they were just told when decisions were taken".</i>
Statement		
Response	NSP PC	<b>Members of the PC met with Mr Parsons to discuss LGSNSP004 on several occasions</b> and have also spoken to him by telephone. The PC recognised that the land in Mr Parson's ownership was now his garden. The PC phrased its submission to the LPP2 inspection in a manner which, should the Inspector so decide, the garden might be excluded. This wording was also subsequently used in the NP thus <i>"Should the Examiner amend the boundary of the proposed LGS so as to exclude one or both gardens, the PC would support the remainder of the site becoming a LGS."</i> The Examiner concluded the the whole site should be designated as LGS.

4.2	Mr.C.Parsons	<i>" NSP wants to prevent development at any cost"</i>
Statement		
Response	NSP PC	<b>The NSP NP encourages development within the settlement boundary. It also allocates a site and has an Exception Sites Policy.</b> Within the settlement boundary there are further opportunities for development, such as the redundant former Roman Catholic Church. Furthermore, the PC have resolved to start work on a Neighbourhood Plan Part 2. This work will include community and landowner consultation on potential future development sites so that any allocations can be guided by evidence of community needs and wishes. (NSP PC Agenda item 8222). Analysing the village settlement boundary 18% abuts the Green Belt 22% abuts proposed LGS's <b>60% abuts the rest. i.e could be considered for development.</b>

4.3	Mr.C.Parsons	<i>The analysis for the NSP LGS's is subjective</i>
Statement		
Response	NSP PC	<p>The LGS designations have been <b>directly informed by the Government's policy and guidance</b>, as set out within the National Planning Policy Framework and National Planning Practice Guidance, and the detailed approach to which (i.e. the evidence gathered by a detailed Character Assessment of the village) was commended by the Norton St Philip Neighbourhood Plan Examiner, Ann Skippers, in her report of 19 July 2019.</p> <p>The identification of Open Areas of Local Significance (OALS) designation is a local policy specific to Mendip. Local Green Spaces are part of national policy. MDC reviewed open spaces against the LGS criteria so that the reasons for their continued protection are up-to-date and take account of changes since 2002.</p> <p>Widespread consultation took place in the village both at the "Issues and Options" stage of LPP2 and the NP. All 10 proposed LGS's were very strongly supported.</p> <p>Development on two of the proposed LGS sites has been tested at Appeal. In refusing permission for two houses on LGS004 the Inspector noted :</p> <p><i>'I have also had regard to where the Framework refers to Local Green Space and the criteria for designating such areas. However, I find no significant conflict between this and the OALS designation relevant to these appeals as <b>this area is, as set out above, of particular local significance for its beauty and tranquillity, which is one of the criteria for Local Green Space designation</b></i>. *</p> <p>In refusing permission for up to 49 houses on LGS008, the Inspector recognised that <i>"substantial harm is a high test and may not arise in many cases. In this case however, I consider that the development proposed would have a considerable adverse impact on the setting and significance of the Conservation Area, completely altering its historic development pattern and plan form, with significant consequences for one of the most important and clearly cherished views into and out of the Area. To my mind, <b>the scale of that harm verges on substantial</b>. There would be corresponding harm to the established character and appearance of the area more generally."</i></p> <p>*APP/Q3305/W/16/3167455 &amp; 3167451  **APP/Q3305/A/14/2224073</p>



4.4	Mr.C.Parsons	<i>“ The boundary line of the LGS (004) goes through my kitchen”.</i>
Statement		
Response	NSP PC	<b>We understand from MDC that the plan is accurate.</b> It was checked after Mr Parsons initially raised this matter, brought about by planning application 2012/1988. The PC believes the boundary is correctly positioned. It would clearly be nonsensical for part of a house to be LGS.

4.5	Lochailort Investments	<i>“NSPLGS 008 is private land with no footpaths”</i>
Statement		
Response	NSP PC	<b>There is a permissive path across this site</b> running from the Fortescue Fields development to Church Mead. This path was an obligation under the S106 agreement for the Fortescue Development and the path is to be <i>“available for the public at all times”</i>

4.6	Lochailort Investments	<i>‘ NSPLGS 007 has some pathways’</i>
Statement		
Response	NSP PC	There is a PROW crossing this site. A further permissive path and bridleway cross the site (as per S106). Furthermore, part of the site is in the ownership of Fortescue Fields Management Company Limited who maintain <b>a network of paths around the ponds for public use.</b>

4.7	Dr.T.Rocke	<i>“ every bit of undeveloped space within the Development Limit is designated LGS”</i>
Statement		
Response	NSP PC	<p>The NP allocates the Bell Hill Garage site, part of which is currently undeveloped, for housing. Redevelopment of the former Roman Catholic Church is also likely. The PC have had discussions with the new owners of the site and expect to have further discussions with them shortly.</p> <p>The very reason that some of the remaining land is designated LGS is that it has been maintained as green space over time (i.e. protected from development) given <b>it consists of areas of particular importance which are demonstrably special to the local community</b> in Norton St Philip, holding a particular local significance. As such these areas must be afforded special protection under both the NP and LPP2 as LGS. Of the 7 designated sites within the settlement boundary, 6 are OALS and were previously Q3 and Q2. Not designating them as LGS would remove an existing level of protection which they have had for many years. The site not previously OALS, Church Mead Recreation Ground, has been owned by the PC since 1972 and we assume was considered to have adequate protection. This iconic public space quintessentially merits LGS designation</p>

Signed



Nicola J Duke  
Clerk, for and on behalf of Norton St Philip Parish Council

1st August 2019

## APPENDIX- Letter from Chair of School Governors (see section 2.2)



### RODE AND NORTON ST PHILIP SCHOOL FEDERATION

Executive Headteacher: Mrs C Tommey

#### **RODE METHODIST FIRST SCHOOL**

High Street, Rode, Somerset. BA11 6NZ  
Telephone/Fax: (01373) 830523

#### **NORTON ST PHILIP C of E FIRST SCHOOL**

Church Street, Norton St Philip, Somerset. BA2 7LU  
Telephone: (01373) 834327



30<sup>th</sup> July 2019

George Hitchins  
Norton St Philip Parish Council

Dear George

As a follow up to your email and following on from our conversation today I would like to clarify the position of Rode and Norton St Philip School Federation (RNSF) with respect to proposed future housing developments in Norton St Philip.

During the recent visit to the school by directors of Lochailort, there was discussion about how Section 106 finance from previous developments in the village had benefited the school by improving facilities. As the Executive Head Teacher Carolyn Tommey made clear in her letter dated 8<sup>th</sup> July 2019, these investments were part of a comprehensive restructuring programme that has completely turned around the school from a position of unviability to be a vibrant, expanding and sustainable school within our federation. This has proved to be very successful with the latest Statutory Inspection of Anglican and Methodist Schools (SIAMS) judging both schools as excellent.

We understand that Somerset School Place Planning Infrastructure Growth Plan of 2019 indicates that the school's numbers may fall over the next five years, however, there are many assumptions built into these numbers and for small schools especially the results can be quite variable particularly further into the future. Importantly, by providing an excellent school we are an attractive option for parents outside of the immediate catchment area as evidenced by the significant number of our children that come from the Frome area.

Nevertheless, the current economic climate is highly challenging for schools especially with respect to day to day expenses such as staff salaries, even more so than capital expenditure which is ring fenced and cannot be spent on running costs. Whilst the school will always welcome capital funding to improve facilities, it is the non-capital budget that is critical. The vast majority of our school's non-capital budget is allocated to staff costs which is principally decided by the number of classes being operated. The delivery of excellent teaching is essential whereas improved facilities take a lesser priority. The majority of school funding

comes from a formula derived by a census of pupil numbers each October. Greater numbers mean more funding per class and a healthier budget.

The effect of capital finance inputs (eg Section 106) that result from housing developments is relatively short-lived and limited in scope, however, it is the influx of families with school age children (aged 9 and below) into the village attracted by suitably affordable properties that is crucial to the long-term sustainability of rural schools such as Norton St Philip. Disappointingly, recent housing developments haven't yielded great numbers of children for the school due in the main to the type and size of properties built. We understand that the NSP Neighbourhood Plan includes provision for at least two proposals in/around the village for predominantly a mix of 2/3 bedroom houses that are more likely to attract families with young children.

Future suitable housing developments that bring school age children into Norton St Philip would be whole-heartedly supported by the school and would help ensure the school's long-term viability as a key local facility.

Yours Sincerely

*Richard Clayphan*

Richard Clayphan  
Chair of Governors  
(on behalf of the Rode and Norton St Philip School Federation Governing Body)