

Norton St Philip (NSP) Parish Council Consultation Response on Supplementary Planning Document 'Greenspace'

Summary

Norton St Philip Parish Council (PC) welcomes Mendip District Council's (the Council) Consultation on its Supplementary Planning Document on "Greenspace".

The PC **supports** the proposed Greenspace designations within the Parish, subject to some site specific concerns which are addressed below.

Evidence in support of the designation of the proposed sites.

The Council's Greenspace Audit includes areas within NSP which fall into all 3 stages of Greenspace typology and thus merit protection under the Local Plan Policies DP1, DP2 and DP16. These are referred to below under the site specific comments.

Furthermore, NSP has prepared a draft Neighbourhood Plan (NP) which passed Examination in July 2019. The NP proposed 10 sites within and adjacent to the settlement boundary as Local Green Space (LGS).

These 10 sites are included in those proposed for Greenspace designation. A further 5 sites are proposed, one of which is a registered Village Green. The remaining 4 sites are particularly valued for their contribution to the character and appearance of the historic heart of the village and its Conservation Area.

In her Report to the Council, the NP Examiner noted that:

"The identification of LGSs should be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. The NPPF is clear that the designation should only be used where the green space is in reasonably close proximity to the community it serves, is demonstrably special and holds a particular local significance and is local in character and not an extensive tract of land."

The Examiner concluded :

"I consider that all of the proposed LGSs are in reasonably close proximity to the community and that all are local in character and individually do not comprise extensive tracts of land....Whilst many of the proposed LGSs are located beyond existing development, this reflects the topography and the historic nature of development and I do not regard it as a ruse to prevent development.

Turning now to whether all the proposed LGSs are demonstrably special and hold a particular local significance, I consider that in each case, this

has been demonstrated satisfactorily....It should also be noted that beauty, historic significance, recreational value, tranquility or wildlife given in the NPPF are examples of what might make a green area demonstrably special to a local community and of particular local significance and is not, on my reading, an exhaustive list.

I have also considered whether there is any additional benefit to be gained by the designation for sites falling within other designations such as a CA. I consider that there is additional local benefit to be gained by identifying those areas of particular importance to the community as the designations serve different purposes.

The policy designates these areas, cross references Figure 2 (but it should be 5) which shows the areas and only permits development which enhances the use and reasons for designation of the LGSs. It is clearly worded. With a modification for accuracy, the policy will meet the basic conditions.”

Injunction/Judicial Review

At its meeting on September 2nd 2019 the Council resolved that the NSP NP proceed to a referendum. One week before the planned referendum Lochailort Investments Ltd, a property developer with a number of sites in the Parish, was granted an injunction in the High Court halting the referendum pending Judicial Review of the Council's decision.

The claim was subsequently dismissed at the High Court on 11 May 2020, the Judge concluding that the Council had been entitled to depend upon the NP Examiner's Report.

However in a decision on 2nd October 2020, the Court of Appeal quashed the Council's decision, finding that the development policy proposed for the LGSs was inconsistent with national policy. Crucially however the Judge noted that *“each of the areas was lawfully designated as an LGS”*.

As a result of the judgement, the Council have suspended progress on the NP pending the outcome of the Local Plan Part 2 (LPP2) and in particular the allocation of a site in NSP for housing outside of the settlement boundary. This site, although not a proposed LGS, is in conflict with the draft NP's Policies.

Following the adoption by the Council of LPP2 in December 2021, NSP PC commenced proceedings for a Judicial Review of that decision. A Hearing was held in the High Court on 18th and 19th October 2022; judgement is awaited at the date of submission of this comment. Should judgement be in its favour, NSP PC will be looking to the Council to progress the NP to referendum.

Green Corridors

Not only does the Draft NP designate 10 areas as LGS, but its associated Character Assessment (particularly commended by the NP Examiner in her Report) attributed great importance to “green corridors”. These are described in the Character Assessment as

“Areas of open space that form ‘green corridors’ into the village from surrounding farmland help keep this historic form distinct.”

The Design guidelines specify that

“The Green corridors should be maintained as a key definition of the historic village form.....The green corridors should remain open and continue to fulfil their visual importance as the green setting for the form and character of Norton St Philip. Existing mature trees should be retained in any development proposal.

Development on the edge of the village and green corridors should not present a hard visual edge but blend into the green space and fields with appropriate soft landscaping and layouts.”

Adopted Conservation Area Appraisal

Evidence for the Neighbourhood Plan and Character Assessment was partially drawn from the Council’s Conservation Area Appraisal for the village, produced in 2007. The village’s Conservation Area was the first to be allocated in the District, which gives an indication of the historic importance of the character and appearance of the village. The Appraisal refers to the landscape setting as

“an elevated position on a pronounced west-facing ridge overlooking the valley of Norton Brook....The village’s position on a ridge and down its western slopes, means that it dominates its immediate surroundings and is visible from lower ground to the west”

It notes that

“One of the great assets is the visual and psychological contrast between ‘urban’ and rural elements, experienced in the sudden views over the lower slopes and open countryside from The George’s car park and the summit of Bell Hill. The views back east to the ridge and the skyline of High Street and The Plain from Church Mead and the Wells Road entry are also significant.”

Evidence in support of designation of the individual sites

A summary of the sites and their respective designations is set out below, followed by site specific comments.

Greenspace	OALS	LGS	Typology	Name
1) NORT 3002	NSP004	NSP004	3	Meadow at Ringwell Lane
2) NORT 3003	NSP001	NSP001	3	Greenspace at Old Hopyard
3) NORT 3004	NSP002	NSP002	3	Triangle at Lyde green
4) NORT 3005	NSP003	NSP003	3	Great Orchard
5) NORT 1006	NSP005	NSP005	1	Church Green
6) NORT 1007	NSP006	NSP006	1	Church and Churchyard *
7) NORT 1008		NSP009	1	Church Mead - Playing Fields
& NORT 1009		NSP009	1	Church Mead - Dedicated playground
8) NORT 2010		NSP007	2	Fortescue Field South
9) NORT 3011		NSP008	3	Fortescue Field West
10) NORT 3012		NSP010	3	Shepherds Mead
11) NORT 2001			2	School Playing Fields
12) NORT 3013			3	Scrubland immediately north of Chevers Lane
13) NORT 3014			3	Laverton Triangle
14) NORT 3015			3	Garden/car park behind RC Church on Bell Hill
15) NORT 1016			1	Village Green/Shepherds Mead

*The mapping shows NORT1007 includes the adjoining paddock which is not part of the churchyard. This corresponds with the OALS/LGS designations

Site Specific Comment

1) NORT3002 Meadow at Ringwell Lane

Site is an OALS and designated LGS in the Draft Neighbourhood Plan. Site contributes to the village's rural character and the street scene. It allows

views along the network of lanes that join around the triangle and is important to the rural character of this part of the village, characterised by a network of narrow lanes interspersed by open spaces, and divided by walls, trees and historic buildings.

2) NORT3003 Greenspace at Old Hopyard

Site is an OALS and designated LGS in the Draft Neighbourhood Plan. Site contributes to the village's rural character and the street scene. Although some parts of it are enclosed it still creates a sense of openness, with vistas glimpsed through gaps in the enclosing walls and vegetation and a sense of open space above and behind the frontage. The openness of the site is particularly important to this part of the village, which is rural in character. The land is much higher than the meadows at the bottom of Ringwell Lane and is an important feature when viewed from this direction.

3) NORT 3004 Triangle at Lyde Green

Site is an OALS and designated LGS in the Draft Neighbourhood Plan. Site contributes to the village's rural character and the street scene. It allows views along the network of lanes that join around the triangle and is important to the rural character of this part of the village, characterised by a network of narrow lanes interspersed by open spaces, and divided by walls, trees and historic buildings.

4) NORT 3005 Great Orchard

Site is an OALS and designated LGS in the Draft Neighbourhood Plan. Site contributes to the village's rural character and the street scene. It is important to the rural character of this part of the village, characterised by a network of narrow lanes interspersed by open spaces, and divided by walls, trees and historic buildings. The open space can be glimpsed through breaks in the walls that surround it and there are views from the elevated ground to north east, across and over the site. The openness of the site is also an important feature in the historic development of the village, marking a break between the rural character of the lower village and the more densely built upper village, mirroring Church Mead on the other side of Bell Hill. It is important in views of the village from footpaths to the south of the village. These views are particularly significant and the historic settlement can be seen marching up the hillside towards the ridgeline.

5) NORT 1006 Church Green

Site is an OALS and designated LGS in the Draft Neighbourhood Plan. The site is important to the character of the church and the surrounding area. It frames views of the Church and adds to the sense of tranquillity of the area.

6) NORT 1007 Churchyard and adjoining paddock

Site is an OALS and designated LGS in the Draft Neighbourhood Plan. The site is extremely important to the character of the village. It provides an appropriate and tranquil setting for the church and churchyard and is important in views across Church Mead, which are pivotal in defining the character of Norton St Philip. The proposed designation is for both the Churchyard and adjoining paddock; the PC suggests that either the description is amended accordingly or these adjoining areas are designated separately.

7) NORT 1008/NORT 1009 Church Mead and playground

Site is designated as a single LGS in the Draft Neighbourhood Plan. The site is extremely important to the character of the village and it is a valuable recreational facility. The view across the site to the Church, gardens and countryside beyond is iconic in the village and is often used to sum up the character of Norton St Philip. The PC suggests that a single designation would be appropriate instead of the two currently proposed.

8) NORT 2010 Fortescue Fields South

Site is designated LGS in the Draft Neighbourhood Plan. The site has recreational value and allows views across the ponds from higher land to the north. It is also important to views across Church Mead, and although not in the foreground, the presence of open countryside beyond the immediate confines of Church Mead is visually important.

9) NORT 3011 Fortescue Fields West

Site is designated LGS in the Draft Neighbourhood Plan. Site contributes to the village's rural character and the street scene. It contributes significantly to the sense of tranquillity surrounding Church Mead and views across Church Mead.

10) NORT 3012 Shepherds Mead

Site is designated LGS in the Draft Neighbourhood Plan. The site is important to the character of the village, and is an open space in an elevated

location on the ridge. Its value is in the views it allows out of the area, across the village and open countryside. It also allows views out of the adjacent built up area across the open land.

11) NORT. 2001 School Playing Fields

The map shows the inclusion of the larger part of the field which abuts the school field to both the west and the south. This would appear to be a drafting error and the PC suggests should be amended to exclude the field.

12) NORT 3013 Scrubland immediately north of Chevers Lane

This land is immediately adjacent on its southern side to the village development limit boundary and Great Orchard, currently an OALS and proposed LGS. The northern boundary of this land adjoins the Green Belt. As such it is a transition between the two protected areas. The site makes a significant contribution to this important green corridor as identified in the village Character Assessment.

13) NORT 3014 Laverton Triangle

This triangular field of approx 0.35ha is proposed as an 'Open Greenspace which contributes to local green infrastructure' (Category 3.1).

There is a complex planning history for this land. Development of the Laverton (or Mackley) Triangle has been considered at Appeal twice in recent times-in 2001 and 2015. In 2015 the Appeal Inspector, in quoting the 2001 Appeal Inspector, concluded:

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

The 2015 Inspector also commented at Paragraph 44 that,

“As the land lies above the level of the adjacent roads, particularly Town End, I consider that houses on the appeal site would be seen above the hedges, the indicative sections through the appeal site submitted with the appeal doing nothing to allay my concerns in this regard, especially the relationship of dwellings with Town End. Whilst there would be no harm to the significance of the nearby listed cottages, and whether or not there is a need for the tree belt in relation to the Fortescue Fields development, I am in no doubt that the built impact of up to 18 dwellings on this site would be seen as an incursion into the open countryside that would cause substantial harm to the character and appearance of the area. There would be conflict therefore, with policies DP1, DP4 and DP7 of the Part 1 Plan, which together seek to ensure that new development is appropriate to its local context and that it contributes positively to the maintenance and enhancement of local identity and distinctiveness in a manner that is compatible with the pattern of natural and man-made features.”

Furthermore the Inspector considered that development of the Triangle site would result in

“harm to the setting of the Conservation Area, an integral part of its significance on this approach. Whilst, in the parlance of the Framework, that harm would be less than substantial, there would still be real and serious harm. ...”

The landowner subsequently proposed the site for development during the Council’s “Issues and Options” consultation in 2015. The Council’s view was that due to the impact on the rural setting of the village and its Conservation Area *“While this site is developable, it is not considered suitable given its impact on the countryside and conservation area. This has been considered in detail at a recent appeal.”* The requirement to plant the 15m Tree Belt, conditioned in the permission for the Fortescue Fields development, was also cited.

The Triangle has also been the subject of a number of recent planning applications which have had strong objections in principle from the Council’s consultees; Conservation, Highways, Tree Officer, Drainage etc. This itself demonstrates that there are significant inherent constraints which render the site unsustainable for development.

Although in proposing criteria for development of the Triangle as an allocation in LPP2, the Council considered that the associated negative impacts could possibly be mitigated, the resultant (and currently undetermined) planning applications clearly demonstrate that development of the site presents major challenges. The Appeal Inspector’s concerns about the potential for “real and serious harm” to both the Conservation Area and character and appearance of the village are recognised in the objections in principle by the Council’s Conservation and Tree Officers as well as Ecology, Highways and Flood Authority. The proposed allocation of the site as a

Greenspace is a welcome recognition of these constraints. The PC hope this will ensure that the critical LPP2 criteria are accepted and satisfied in any future development proposal.

The criteria relating to development of the Triangle as set in the adopted LPP2 are :

- *Have particular regard to site layout, building height and soft landscaping, to minimise the visual impact of the development, respect the rural character of the locality and maintain the Laverton Triangle's role as a feature at this gateway to the village. In particular the belt of trees on the site should be retained. Regard should be had to the elevation of the site compared to surrounding land.*
- *Proposals should preserve and enhance the significance and setting of heritage assets in the adjoining Conservation Area. Creating an appearance of countryside on the northern edge of the site will be important to the setting of the Conservation Area.*
- *New development should have regard to local materials and style.*
- *The site should be designed to safeguard the amenity of neighbouring residential properties.*
- *Opportunities should be taken to maintain and enhance biodiversity in any scheme. Provisionally 0.24 ha of bat replacement habitat should be included within the development site alongside any other required mitigation measures.*
- *Links should be made to the local footpath network, to provide convenient access to village facilities, including the recreation ground and the school.*
- *Safe access should be provided to the site from Mackley Lane, and at the junction between Mackley Lane and Townsend.*

The applications submitted since the Council's proposed allocation of the Triangle site in LPP2 have paid scant regard to these criteria; the developer seemingly brushing them aside as being of no consequence.

The Parish Council thus welcome the designation as "Greenspace" and the recognition that the site has an important function in the character and appearance of the historic core of the village. This importance has recently been recognised by the Council's Development Team who, after a site visit with the landowner/developer to discuss the live planning applications,

have published a note. In terms of the principle of development the Note concluded:

“The comments made by of Jennifer A Vyse at the March 2015 appeal decision around recognising the part the Laverton Triangle plays in the village character of that part of the village, are still valid.

It is likely that this could only be overcome by reducing the height (possibly bungalows?) and number of houses. Setting them much further back from the B3116[sic] and corner to Mackley lane would reduce the impact of the buildings on the rural character of the landscape here.”

The Note also commented on the proposal to remove hedges and widen Mackley Lane and suggested that any proposal should :

“• Remove the non-natives planted next to the native hedgerow (leylandii, Cherry Laurel)

• Retain the native hedgerows and the existing countryside feel and view of the sites

Retention of the native hedgerow in their current natural height, width, and connectivity”

The Note suggested that any scheme should “reduce impact on existing habitats and allow for buffer zones”. Furthermore it refers to the Tree Officer’s Comments on the live Planning Applications recognising that “tree belt issues are well addressed in the Tree Officer comments”. These comments which are highly relevant to any consideration of the Triangle’s contribution to the village’s green infrastructure, are attached as Appendices. They refer to the recognition by the 2015 Appeal Inspector of the significance of the Tree Belt who concluded that “I am in no doubt that the replacement tree belt remains necessary in the anticipated location in connection with the Fortescue Fields development”.

14) NORT 3015 Garden/car park behind RC Church on Bell Hill

Site contributes to the village’s rural character. It contributes significantly to the sense of tranquillity surrounding Church Mead and views across Church Mead. It forms part of the setting of the Grade 1 listed George Inn. This has been described recently by Historic England in its comments on Planning Application 2021/0248. The map of the proposed designated site includes the driveway leading from Bell Hill to the car park, the car park, the existing dwelling in the paddock adjoining Church Mead as well as the single dwelling permitted in the northern paddock under Planning Application 2021/0248. The PC suggests that the map is amended to exclude these areas.

15) NORT 1016 Village Green/Shepherds Mead

This site was designated as a Village Green in 2018 following a lengthy Public Inquiry in 2017. In his report dated 20 February 2018 the Inspector, Mr Paul Wilmshurst, stated at para 731:

“I am satisfied that the overwhelming majority of this use was by the inhabitants of the village and that they had been using the land like this as of right since at least the beginning of the 1980’s and probably before that.”

In his recommendation at para 732 the Inspector also states:

“Bearing in mind the type of activities which I have found to have been taking place I should think that the most appropriate recommendation would be for the CRA to register as new town or village green all the land south of a point 2 metres to the north of the mound. This may require the parties and the CRA to work together to implement this.”

This work was subsequently carried out by the PC and the Landowner. Thus the Village Green is distinct from the remainder of the land.

Norton St Philip Parish Council
November 2022

Appendices

Tree Officer reports on 2020/2053 and 2022/1522