

LOCHAILORT INVESTMENTS LIMITED

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Thursday 4th April 2019

Dear Sirs

Representations: Norton St Philip Neighbourhood Plan Regulation 19 consultation

Thank you for notifying us of your Regulation 19 consultation on the draft Norton St Philip Neighbourhood Plan. Having reviewed the draft Plan, we would be grateful if the following representations are taken into account and put to the appointed Examiner.

The Basic Conditions

Only a draft *Neighbourhood Plan* that meets **all** of a set of basic conditions can be put to a referendum and be made. Those basic conditions are set out in paragraph 8(2) of Schedule 4B to the *Town and Country Planning Act 1990*, as applied to *Neighbourhood Plans* by section 38A of the *Planning and Compulsory Purchase Act 2004*. The basic conditions are:

- a. Having regard to national policies and advice contained in guidance issued by the Secretary of State; **and**
- b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses; **and**
- c. Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area; **and**
- d. The making of the *Neighbourhood Plan* contributes to the achievement of sustainable development; **and**
- e. The making of the *Neighbourhood Plan* is in general conformity with the strategic policies contained in the development plan for the area of the authority; **and**
- f. The making of the *Neighbourhood Plan* does not breach, and is otherwise compatible with, European Union obligations; **and**
- g. Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with.

The representations made in this letter are necessarily restricted to a review of the compliance of each draft policy, and the draft plan as a whole, with the basic conditions.

Draft Policy 1: Settlement Boundary

Amendment required

In order to demonstrate regard to national policies and advice contained in guidance issued by the Secretary of State, the policy text should be augmented to read:

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*“Land enclosed within the red outline shown on Figure 4 is defined as the area within which development that will enhance or maintain the vitality of Norton St Philip will be encouraged as long as it complies with planning policy in the development plan. Outside the defined settlement boundary land is defined as ‘open countryside’ and development here will not be permitted unless it complies with **policies set out in the February 2019 National Planning Policy Framework**, Policy CP4 and DP4 in the Mendip Local Plan Part 1 and other relevant policies in the development plan including Policy 3 in this Plan.”*

Draft Policy 2: Housing Sites Within the Development Boundary

Amendment required

The draft plan does not make sufficient provision to meet objectively-assessed housing need and therefore neither contributes to the achievement of sustainable development nor complies with the strategic policies of the Development Plan.

In 2014 the Local Plan Part I established a **minimum** target that equated to 420 homes per annum across the plan period. This is significantly below the objectively-assessed need subsequently identified in the Strategic Housing Market Assessment (October 2016) which calls for 490 homes per annum. A substantial uplift in new housing over-and-above that provided for in the 2014 Local Plan Part I has thus already been identified as being necessary, with the *Neighbourhood Plan* providing an appropriate and suitable mechanism for allocating this additional growth in accordance with the general principles of spatial distribution set out in the Local Plan Part I.

There is no reason to delay increasing the number of new homes being planned for and delivered in the village. The *National Planning Policy Framework* (February 2019) underlines the critical importance and urgency of building more homes, and the requirement for plans to meet the identified housing requirement. Consequently, as drafted the draft *Neighbourhood Plan* does not demonstrate regard to national policies and advice contained in guidance issued by the Secretary of State.

The draft plan’s housing policies section starts from the wholly incorrect premise that the *Local Plan Part I* somehow placed a 45-dwelling “limit” at Norton St Philip. This demonstrates a fundamental misinterpretation of Core Policy 2, in which a **minimum** level of provision is sought without any tolerance range and with **no** maximum limit. Core Policy 2 does not propose any consequence of “over-delivery” – it cannot, since its quantum is a minimum and therefore over-delivery is an impossibility. Indeed, in light of the more recent 2016 objectively-assessed need figures for Mendip, the minimum quantum of development at Core Policy 2 is deficient and should be rectified through additional housing land allocations in sustainable locations that accord with the general principles of the settlement hierarchy.

The modest level of growth that this Primary Village has seen in the past decade (9 new homes a year) is simply a reflection of the availability of previously-developed land at the settlement during that period, redeveloped wholly in accordance with the prevailing Development Plan and national planning policy. This does not provide any rationale for restricting the future growth required at Norton St Philip to meet objectively-assessed housing need and to support essential local facilities such as the village shop and school.

Norton St Philip is a higher-tier settlement where modest additional growth can be accommodated in a socially, environmentally and economically sustainable manner. That the village’s **minimum** development quantum (not only our emphasis but enshrined as a minimum in adopted local policy) has been provided cannot act in legal or national planning policy compliance terms as a barrier to allocating an appropriate quantum of additional growth to the village at this time.

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In order to ensure that the *Neighbourhood Plan* contributes to the achievement of sustainable development, the following **additional** housing allocations at draft Policy 2 are necessary:

1. **Land at Laverton Triangle** is allocated for 7 dwellings (“NSP1”)
2. **Land west of Fortescue Fields** is allocated for 15 dwellings, public car parking and public recreation uses (“NSP2”)
3. **Land south of Fortescue Fields** is allocated for 20 dwellings (“NSP3”)

Each of the three proposed allocation sites is shown on the attached site location plan and the draft development boundary should be amended accordingly.

1. **Land at Laverton Triangle** is a small, irregularly-shaped parcel of land surrounded on two sides by existing public highways and by built development on its other two sides. It lies partially within the Conservation Area and abuts the existing development boundary. A modest development of 7 new homes on this site, with particularly generous and extensive new landscape buffer planting to all boundaries and the retention of existing key trees, would be wholly appropriate.

The Local Planning Authority’s previous site appraisal concluded that the site is developable, subject to comments as to its potential impact on the Conservation Area and the nearby countryside. Any such concerns are unfounded. There is ample opportunity on this site for 7 new homes to be nestled in a particularly well-landscaped context, with no harm to the character and appearance of the Conservation Area and indeed, to its material enhancement.

A previous scheme on this site for up to 18 dwellings was dismissed at appeal. By proposing a significantly reduced quantum of development, this recognises the site’s importance as a semi-rural green gateway to the village when approaching from the south-east.

The Inspector has already helpfully concluded that the site contributes little to the setting of the nearby Grade II listed cottages. Her concerns were focused on the previous scheme’s landscaping proposals, which can be addressed by way of a reduced quantum of development and more extensive landscape planting belts. This extensive landscaping would avoid the modest quantum of proposed new dwellings from being seen above the hedges, instead providing a soft and verdant edge to the settlement in accordance with the Inspector’s reasoning. The extent of new landscaping around the properties would effectively screen them from public views, meaning that in visual terms there would not be the incursion of built form out into the open countryside that caused the Inspector concern. Instead, the modest development would enhance the character and appearance of the Conservation Area with appropriate new native planting commensurate with its rural edge location, whilst concluding the views within Fortescue Fields itself by appearing as a natural extension to what was approved previously. From all viewpoints the scheme would either provide a well-screened, verdant approach to the village and the Conservation Area, or a simple conclusion of the high-quality award-winning built environment of Fortescue Fields.

2. **Land west of Fortescue Fields** lies immediately adjacent to the development limit and can readily be designed to allow modest additional development and community facilities without causing any harm to the character and appearance of the adjacent Conservation Area (which the site abuts but does not fall within).

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In promoting an organic, loose-knit form of development, the proposed allocation would provide:

- 15 new dwellings in a logical continuation and completion of the adjacent Fortescue Fields development
- 2 community tennis courts in a landscaped setting
- A community car park to relieve pressure on parking at High Street
- A community car park with additional school drop-off facility, to help alleviate parking pressure from around the nearby school and provide safe and convenient off-road parking for those visiting Church Mead
- Significant new landscaping, to be detailed to reflect the carefully-aligned and orientated new dwellings and access road such that views through to the open countryside to the south are pronounced and focussed
- Habitat enhancement opportunities
- A footpath link through to the drainage ponds area to the west

Whilst a previous scheme for up to 39 dwellings was dismissed at appeal, it is highly material that a significantly reduced development of just 15 dwellings of a more loose-knit and organic form would wholly address and comply with the Inspector's desire to retain "*an abundance of green space*", considering the extensive onsite open space proposed, the generous space around the proposed buildings, the opportunities for extensive new landscape planting, and the retained glimpse views through to the countryside beyond. The modest development now promoted would retain the site's semi-rural character and would continue to allow an appreciation and understanding of the village's historic evolution. Church Mead would be neither physically nor perceptually separated or isolated from the open countryside beyond; to the contrary, the careful proposed alignment of the few proposed new dwellings would focus and direct views southwards to the open countryside beyond, rather than curtail them, through a wide and generous belt of open space. Whilst the Inspector found that up to 39 new dwellings in this location would cause harm to the setting and significance of the Conservation Area, the much lesser quantum of development now promoted, with its looser-knit form and high standards of design, would be a positive and significant enhancement to the Conservation Area's character and appearance.

In respect of other heritage assets, the setting of the Grade I listed George Inn and Grade II* listed parish church would both be enhanced by the additional landscaping opportunities offered, as well as the provision of a new car park which would relieve pressure for car parking in the more immediate setting of the buildings. The Inspector has already made it clear that appropriate development on this site would not affect the significance of either heritage asset in any way. Whilst cumulatively the Inspector found that a much more intensive development in this location would have caused harm to heritage assets, the significantly reduced development density now promoted means that any such harm has been wholly negated, and clearly outweighed by the material public benefits of increased housing supply in one of the District's most sustainable settlements; additional outdoor community sports facilities; improved car parking; enhanced landscaping and directed countryside views; enhanced habitat provision; and a new footpath link.

The Highway Authority had no objection to the previous 39-dwelling development. There is no ecological or habitat impediment to the site coming forward for a modest residential development, and indeed such a scheme would provide opportunities for habitat enhancement (through measures such as bat boxes, for example) which would be absent from a no-development scenario.

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The Inspector accepted that drainage matters could readily be dealt with by way of conditions in the normal manner, and indeed the nearby Fortescue Fields SUDS facility was appropriately sized to accommodate stormwater flows from approximately 50 additional dwellings. Consequently, there is no flooding or drainage impediment to the site's development.

3. **Land to the South of Fortescue Fields** lies immediately adjacent to the draft development boundary and can readily be designed to allow modest additional development without causing any harm to the quality of the landscape. There would be no harm whatsoever to the character and appearance of the Conservation Area; indeed, the site is not within the setting of any designated or undesignated heritage asset.

In seeking an organic, loose-knit form of development, the site is promoted for a modest development of 20 dwellings with associated appropriate highway improvement works to Mackley Lane, to be agreed at application stage. Significant new landscaping, to be detailed to reflect the carefully-aligned and orientated new dwellings and access road such that views through to the open countryside to the east are pronounced and focussed, is proposed together with habitat enhancement opportunities. Site layout would appropriately take footpath links into account.

There is no ecological or habitat impediment to this site coming forward for a modest residential development, and indeed such a scheme would provide opportunities for habitat enhancement (through measures such as bat boxes, for example) which would be absent from a no-development scenario. The site is sequentially preferable in flood risk terms and the nearby SUDS facility is appropriately sized to accommodate stormwater flows from approximately 50 additional dwellings. Accordingly, there is no flooding or drainage impediment to the site's development.

Draft Policy 3: Exception Sites for Local Affordable Homes

Amendment required

Lochailort Investments welcomes and supports this policy, which accords with Government planning policy as set out at paragraph 71 of the February 2019 *National Planning Policy Framework*. However, in order to promote sustainable development and have regard to national policies and advice contained in guidance issued by the Secretary of State, the policy requirement that any application submitted under this policy should be "supported by the Parish Council" is unnecessary and should be deleted.

Draft policy 4: Promoting Locally-Responsive Good Design

No amendment required

Lochailort Investments welcomes and supports this policy. Having won numerous awards for our Fortescue Fields development, we know the importance of creating a sense of place and preparing bespoke designs of the highest standard.

Draft Policy 5: Local Green Space

Amendment required

The draft plan's approach to, and over-use of, *Local Green Space* designations is not based on an appropriate assessment. The quantum and extent of the proposed parcels of land proposed as *Local Green Space* is excessive and fails to (1) have regard to national policies and advice contained in guidance issued by the Secretary of State, and (2) promote sustainable development.

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National planning policy on the *Local Green Space* designation is set out in the February 2019 *National Planning Policy Framework* at paragraphs 99 to 101. Paragraph 99 is very clear indeed that such designations should not be used as a tool to sterilise land from development, by confirming that “Designating land as *Local Green Space* should be consistent with the local planning of sustainable development and **complement investment in sufficient homes, jobs and other essential services.**” (our emphasis). This underlines the purpose of the designation, limited by paragraph 99 solely to areas of “**particular importance**”.

The proper use of the *Local Green Space* designation (i.e. on an exceptional basis) is fundamentally ignored in the draft *Neighbourhood Plan*, which instead proposes to designate numerous parcels of land throughout the village in a manner which is wholly inconsistent with the local planning of sustainable development. Rather than restricting *Local Green Space* designations only to areas of **particular importance**, instead the draft plan’s approach appears to propose designation as the default position for any open land which falls within (or surrounded by) the draft development limit. This is fundamentally wrong and, as warned against in the Planning Practice Guidance, is being used in this instance as “a back door way to try to achieve that which would amount to a new area of *Green Belt* by another name” (Paragraph 015 Reference ID: 37-015-20140306).

In particular, draft *Local Green Space* LGSNSP008 at **Fortescue Fields West** does not meet the test of particular importance to warrant designation **and should be deleted**. Scant regard has been had as to whether another designation (such as the Conservation Area) already offers a layer of protection and the test of **particular importance** has not been met. Public preference to protect this private land from development cannot in itself be used as the critical test for designation.

Draft Policy 6: Climate Change and Low Carbon Development

No amendment required

Whilst Lochailort Investments does not wish to object to this draft policy, in our view it adds nothing to existing policies at national and District levels.

Other comments

For completeness, we have no reason to believe that the making of the *Neighbourhood Plan* would be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects) and that consequently, Regulations 32 and 33 of the *Neighbourhood Planning (General) Regulations 2012* (as amended) are not engaged.

Summary

- Policy 1 should be amended to make specific reference to the *National Planning Policy Framework*
- Policy 2 should be amended to:
 - Allocate **Land at Laverton Triangle** for 7 dwellings
 - Allocate **Land west of Fortescue Fields** for 15 dwellings, public car parking and public recreation uses
 - Allocate **Land south of Fortescue Fields** for 20 dwellings
- Policy 3 should be amended to delete the requirement for Parish Council support
- Policy 4 is supported
- Policy 5 should be amended to delete the proposed *Local Green Space* designation at **Fortescue Fields West**
- Policy 6 is not a matter upon which Lochailort wishes to make representations

We are grateful for the opportunity to make these representations, which we trust will be placed in full before the *Neighbourhood Plan* Examiner.

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If the Examiner elects to hold oral evidence sessions, please inform us of this as we would wish to participate in these.

We have recently alerted the Qualifying Body to the criminal damage which took place in the last few weeks to the landscape planting that we recently implemented alongside the footpath on site NSP2. We sincerely hope that this type of unlawful intimidation does not have any influence on the proper consideration of the material considerations relevant to the forthcoming examination.

Yours sincerely



James Croucher MTP MRTPI
Planning Director

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