Norton Parish Council

Response to Tewkesbury Borough Council re 23/01003/OUT - an outline application for residential development for up to 35 dwellings, vehicular access and associated works, on land between Cold Elm Cottage and The Teachers, Tewkesbury Road, Norton.

This application was received with some dismay and unease in the parish because residents are concerned the proposed development could materially damage the character and integrity of this part of the village, with little perceived local benefit.

This part of Norton contains 128 properties and represents a community already distorted and lacking cohesion through the erection of 22 houses on the Lime Close development, and permissions granted for a further 25 dwellings in the past four years. Therefore you will appreciate the community's frustration when a speculative planning application like this seeks to impose further insular development on a settlement with already very limited and stretched infrastructure.

This strength of feeling and concerns about the harm that could be caused to this part of the village can be gauged by the fact that, to date, 27 objections to this application have been submitted. This number of objections represents a significant percentage of the local community.

Norton Parish Council wishes to object to this application on the following grounds:

The Parish Council is well aware of the difficulties faced by the planning authority in resisting inappropriate development, when the Government appears keen to support any housing proposal purporting to be sustainable, in areas lacking an appropriate housing land supply. Decisions appear to be made on exact mathematical calculations rather than a true examination of material planning considerations, and this opportunity "*to cash in*" appears to have been seized upon by the applicant. Little effort is offered in the formulation and provision of supporting evidence to demonstrate the proposal is necessary or has any degree of appropriateness.

The planning authority is therefore requested to seek further evidence before considering any support for this proposal.

The applicant relies solely upon the 'tilted balance' principle for the release of this site with no demonstrable evidence that housing need will be satisfied appropriately through the proposal. The balance is accepted as a material planning consideration, but of itself, it does not justify, as the applicant implies, any site as being acceptable for development. It does not remove the applicant's responsibility for demonstrating the site's suitability for development as required by the NPPF, or its sustainability. The NPPF must be applied as a whole, not selectively as presented by the applicant.

The recent appeal (at Twigworth 22/01343/OUT) examined the current housing supply and Interim Housing Position Statement. This proposal represents a similar

speculative development proposal and much of the Borough Council's evidence presented is applicable equally to this proposal. The authority must be consistent in its response and it is requested that any determination of this application should await the appeal decision.

The proposal lacks any evidence of compliance with the requirement for sustainable development set out in the NPPF. The scheme does not fulfil the social or economic requirements of sustainable development, and is largely silent on environmental impacts; generally, justification is shallow, unproven and parochial, extending little beyond site boundaries or applicant opinion.

The planning authority is presented with a 'tick box' of the factors, assumptions and interpretations upon which the applicant relies to gain approval. Policy compliance is limited to technical matters of access, flooding and the absence of any designation. There is no evidence the site is a suitable location in which to live and similarly that the assumptions and conclusions reached are substantive. Presented as a 'fait accompli' with no detail, there is no opportunity for constructive input by the local community.

The Parish Council objects to the current submission on grounds of the lack of evidence demonstrating the suitability of the site for housing. The complete lack of detail must question whether development of the site can be managed and delivered to ensure that it is sound in all respects, and will add positively and cohesively to the locality and community.

Rather than express personal opinions, the applicant should be required to demonstrate through the provision of evidence, that:

- the site is a sustainable and appropriate for housing,
- the development will meet the requirements of the Development Plan, local and national planning policies[1], including the Borough's spatial strategy,
- the proposal responds to a demonstrable need that cannot reasonably be provided at any other site;
- affordable housing is required in the village and it is a location suitable for meeting affordable need,
- the development will be delivered within a reasonable timescale responding to the need claimed;
- the development will meet local social, economic and environmental considerations and provide an appropriate mix of housing types for the local community;
- the development will not be isolated but integrate with the host community by providing beautiful, well-designed linkages, quality and useable public shared space, social interaction and healthy life-styles,

[1] Including the NPPF December 2023 and The Tewkesbury Borough Interim Housing Position Statement November 2023.

- the development will not place undue stress on existing local infrastructure, including drainage;
- the proposal will not have a detrimental impact on local character or the countryside,
- the development makes adequate and legally secured provision for related matters that will be delivered locally and quickly where the development has adverse impact,
- the development will be of a scale and form commensurate with its location and ensure it delivers benefits of beauty and placemaking;
- the proposal represents a true balance of planning circumstance, with the benefit of the site's development outweighing the inherent harm of a proposal which runs against adopted policy,
- the applicant has engaged with the local community and responded positively to its concerns,

These important considerations cannot be left for later consideration, after the principle of development is agreed. The principle of development on this site can only be determined following proper consideration of evidence submitted in response to the above points.

Early engagement concerning potential housing proposals in locations better related to the village than this peripheral site, might offer an opportunity to deliver both a design and housing mix that are better placed to integrate with the village, and add positively to the settlements character and well-being. Future proposals are not material to this application, but knowledge of the initiatives offers an opportunity for a joined-up approach to new village development.

The applicant's provision of an 'illustrative masterplan' is meaningless and unmanageable. Beyond demonstrating that part of the site is constrained and that a maximum housing number can only be delivered as two lines of development, the drawing adds little to the development's justification. The drawing serves to demonstrate the proposal is based solely on an area calculation for maximum capacity.

The illustrative masterplan should be replaced with an enforceable "parameters plan," (or a formal, evidenced masterplan) which can be conditioned to ensure future compliance. The plan should demonstrate how all material consideration have been addressed, how requirements of the NPPF are met, and how the new housing will contribute positively to the community. If approved and suitably conditioned (there would be no need to specify unit numbers) the community and planning authority will have confidence the development will be delivered as promoted and accepted. Failure to secure such a plan suitably conditioned, will provide the planning authority with little future control.

Paragraph 140 of the NPPF must be applied requiring at this outline stage sufficient plans and information to provide clarity of the development and its implementation, and to offer a level of confidence. This material must be conditioned to avoid future planning breaches and unacceptable changes for reason of "viability'.

Notwithstanding the above, the Parish Council makes the following observations:

- a minimum of consideration and mitigation has been applied, with all matters that truly determine the site's suitability for development left for later consideration; this is unacceptable.
- the applicant's assurances the development will be suitable, sustainable and of high quality are unconvincing and lacking in detail.
- the bio-diversity net gain offered could be achieved without development.
- there is no evidence the development responds to the claimed need or that it will be delivered in a timely manner in response to that need.
- pre-app advice is noted, but pre-dates both the Interim Housing Position Statement and revised NPPF.
- contributions (s106) towards infrastructure improvements do not guarantee delivery or make an unsuitable site acceptable.
- details of flooding and drainage issues provided within supporting material are generic in nature and rely upon existing records rather than any site-specific or associated investigation. The report acknowledges records are limited, but nevertheless concludes that any risk is low. This, despite local evidence of surface water flooding in areas of the village close to this site, and consequential infiltration of the local sewage network, that can only be exacerbated by run offs from the development and no consequential improvement. There is no evidence provided to demonstrate that the concept of a SUDS system at the site will remedy or improve local drainage and flooding situations. Technically, it is possible a drainage system can be provided to enhance the situation locally, but there is no evidence of what this might entail or that it would be delivered.
- the lack of integration of this proposal with the community cannot be understated. The proposed access orientates the development away from Norton and towards the A38 and the suggested pedestrian link is inadequate and unconvincing. There is no design evidence that demonstrates the development can contribute positively to the enhancement of the village.
- the proposal fills one of the few open areas remaining within the ribbon of development along the A38 from Gloucester.
- there are well-documented concerns about the speed of traffic and the number of accidents on this section of the A38. Despite Highway Authority support in principle, there is no detail in the application that explains or justifies how access into, and particularly out of the site onto the A38, would be safe for the volume of traffic likely to be generated.

- the village must play its part in meeting housing need but lacks true facilities for every day, sustainable living. The proposal does not add to infrastructure provision. Simple reference to a bus service, a local school, village hall and pub to claim a sustainable location is meaningless without evidence of their sustainability, and their existing and proposed use. There is a bus service, but this offers only a limited alternative to the private car and is no substitute for the private car for essential movements.

  There are no shops in the parish, consequently residents will need to rely on private cars for many of their requirements, including shopping for food and other necessities and accessing services such as a doctor's surgery. The Parish Council therefore contends that the limited services and facilities available are insufficient to make Norton a sustainable settlement.

- Norton has a primary school which is heavily over-subscribed, and serves a wide catchment area. (The school has a published capacity of 124 pupils, with currently 153 pupils on roll.) With priority given to siblings of existing pupils at each intake, it is very difficult for new village families to gain entry. Should the proposed housing be built, it is highly probable that children of primary school age will have to be taken to other schools outside of the village, despite their parents' reasonable expectations.

- the proposal to pay a contribution towards education in an attempt to remove any responsibility for the non-sustainable situation created, will not address the acute and chronic situation of over-subscription.

- the development will leave the school land-locked with no opportunity to expand.

- the applicant indicates education contributions will go to a school elsewhere. This risks closure of the existing school and generate further unnecessary trips. It will not only result in the loss of a vital infrastructure element, but it also threatens the financial viability of the village hall, which relies heavily on income from the school's use of the hall in term time. Several village clubs and societies depend on the village hall for their existence, including Norton Rugby Club, which uses the hall's changing rooms.

  Consequently, the new development could contribute directly to the demise of two of the three infrastructure elements on which the applicant relies to justify sustainability.

- this site does not exhibit any special character or need that requires it to be brought forward for development with haste. It should be considered in combination with other land in a coordinated spatial strategy.

- any short-term economic and employment gain claimed from construction activity is transferable to any other green field site.

- design of the access should include consideration of a right turn lane to benefit the village as a whole.

While the lack of a five-year housing land supply attracts a significant weight in appropriate circumstances, there is no reference in Government legislation or guidance to suggest it 'trumps all'. The presumption in favour set out at NPPF paragraph 11 requires all proposals to be considered against

- a sustainable pattern of development across a Borough,
- a pattern of development that meets the needs of an area,
- aligning growth with infrastructure
- improve the environment and mitigate climate change, and
- make effective use of land in urban areas.

The proposal makes no reference to these specific requirements, and avoids a response to parts (d) i and ii of NPPF Paragraph 11.

Material considerations applicable to this site are such, that even if the 'tilted-balance' carries significant weight, they set very clear parameters to an acceptable development.

These parameters and how they are to be addressed, must be agreed before any permission in outline is considered. The Parish Council understands the opportunity offered to the applicant by the current planning policy position, but this does not excuse the need to ensure the development is both appropriate to the location and sustainable. Driven only by the potential of a land sale, with limited and unproven planning justification clearly retrofitted, this proposal is currently neither appropriate nor sustainable. Consequently, the Parish Council opposes this application.

Should a proposal come forward which is properly thought out, designed and is supported by evidence, rather than applicant opinion; where it is demonstrated that all aspects of the NPPF have been met and exceeded, and the proposal is policy compliant, the Parish view might be different.

Therefore it is requested that the current application be resisted and the applicant required to submit a revised proposal in a form that provides a demonstrable justification of need, a greater confidence of local benefit and controlled deliverability. Currently the proposal is superficial, relying solely on the engagement of the "tilted balance' at the expense of all other considerations. The benefit of a modest level of new housing in an unsustainable location is not proven demonstrably to outweigh the inherent harm.

Selina Bostock
Clerk to the Council
25 January 2024

(The Chairman of the Parish Council wishes to address the Planning Committee before this application is decided, to explain further the inappropriateness of this proposal. Please notify the Parish Council of the date of the Committee's meeting so that the Chairman can attend.)