Norton Parish Council

Response to Tewkesbury Borough Council concerning revised plans for 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.

The following objections to planning application 23/01003/OUT are in addition to, and supplement, Norton Parish Council's submission dated 24 January 2024. These further comments and objections are in direct response to the revised plans and additional supporting documents now submitted by the applicant.

The emphasis of this revised application is on a new vehicular access proposal. On page 5 of our January submission, the Parish Council stated: "*design of the access should include consideration of a right turn lane*" so we support the principle behind this proposal. Nevertheless the Parish Council still has concerns.

Firstly, the proposal requires the closing of the existing junction of Old Tewkesbury Road with the A38 and its replacement with a new vehicular access from the A38 to serve both the proposed development and the village. The Parish Council is concerned about the adequacy of the width proposed for this new vehicular access. Old Tewkesbury Road is a bus route served by long-wheelbase single decker and double decker buses, and is used extensively by tractors and other farm machinery. Therefore the Local Planning Authority needs to be satisfied that this new access has sufficient width to cope with the type and volume of vehicles likely to use it.

Secondly, the section of new road is adjacent to Norton CofE Primary School. Its proximity to the existing junction with the A38 means that traffic drives past the school well below the current speed limit of 30mph. However this is unlikely to be the case once the proposed new vehicular access is constructed. A longer stretch of road between the new A38 access and the school means that traffic will inevitably pick up speed before reaching the school buildings, which will create road safety issues for children and their parents at peak times.

Consequently if a new vehicular access serving the village is constructed, the speed limit on Old Tewkesbury Road between the new access and the junction with Wainlode Lane should be reduced from 30mph to 20mph to ensure the safety of children and their parents when walking to and from school.

Nevertheless, the Parish Council contends that a safe access does not make an unacceptable development – contrary to recognised planning policy – acceptable.

The applicant's statement: "*We remain of the view that the proposed illustrative masterplan, by virtue of its layout, scale, legibility and appearance, provides for a high-quality development that meets the design expectations of the Development Plan. It therefore continues to accord with Policies, SD10, SD4 and RES5 of the JCS and TBP respectively*" is misleading. How can this statement be true when no details of layout, scale legibility or appearance have been provided?

The applicant's masterplan is illustrative only and therefore carries no weight, and no safeguards are provided to indicate the masterplan can be developed or to ensure that it's not changed.

All of the faults previously raised about this proposal remain. Additionally, the applicant has not responded positively to any sound concern that the Parish Council raised in its January submission.

The applicant's assertion in the second paragraph of their Planning Statement dated 13 May 2024 that: "*Officers had previously confirmed their intention to recommend this application favourably at Planning Committee, which followed positive pre-application discussions*" is no justification for an inadequate and inappropriate housing proposal. This proposal, as illustrated by the applicant's own comments, is clearly a matter for consideration by the Borough Council's Planning Committee.

The proposal is in outline only. The applicant has simply not provided evidence that can be assessed and measured to demonstrate that the claims and assurances offered can be delivered. Consequently, the Parish Council has no confidence that the development is either appropriate or policy compliant.

It is impossible to have any faith in a housing development proposal where so much is presumed and not evidenced.

There is no evidence the development can be integrated within the village. The applicant's masterplan continues to show an absence of linkages with the village, and a development that is beyond the normal walking limits of residents needing local services.

The lack of planning policy compliance is indicated by the applicant's over-reliance on "tilted balance", namely: "*This revised submission addresses all outstanding matters, to the degree where the tilted balance as set out in NPPF paragraph 11(d) firmly points to the grant of permission.*" This clearly demonstrates that the applicant is seeking to divert attention from site considerations that they cannot address.

The applicant has indicated that the build-out time for this development is a minimum of 5 to 6 years, given the need to address site constraints, including drainage. Therefore it is inappropriate for the applicant to use the "tilted balance" argument to justify the proposal. Early delivery to meet an acute housing shortage is an essential prerequisite for the use of "tilted balance". The delay the applicant accepts suggests that this is not a site that can be brought forward quickly to meet an immediate shortfall in local housing supply.

The applicant's arguments about drainage are contradictory and consequently lack certainty. The proposal is therefore premature.

The applicant complains about drainage being the responsibility of others and that this should not give rise to a refusal. However it is the duty of the applicant to demonstrate that the site can be satisfactorily drained. Severn Trent Water states in its letter of objection dated 17 April 2024 that it cannot accept the additional flows at present, therefore the site cannot be drained satisfactorily.

It may be correct that Severn Trent cannot refuse a connection, but that is not the issue here. If a connection were to be made, there is no guarantee that the site would drain, or that there would be capacity within the system to accept the additional flows. If the development site cannot drain to the main sewer, then the applicant must make other provision until such time as that connection is effective.

The Parish Council suggests that it would be perverse to approve this application in the knowledge that drainage cannot be accommodated.

The applicant's comment that sewage capacity is not a matter for the Local Planning Authority is misleading. The applicant goes on to say that if sewage cannot be disposed of appropriately then the proposal will be "*unimplementable*". That statement makes no sense as the applicant must surely appreciate that planning permission should not be granted for a scheme that is knowingly unimplementable.

While it is possible to attach a condition to a planning permission where there is a reasonable expectation that a constraint (such as drainage capacity) might be eased with the passage of time, this proposal lacks the certainty which would allow such a condition to be imposed as it fails to meet any of the NPPF's "six tests" for the use of planning conditions.

Accordingly, Norton Parish Council continues to maintain its strong objection to this planning application and the revised plans, based both on its original submission dated 24 January 2024 and on this supplementary submission.

Selina Bostock
Clerk to the Council
11 June 2024