Norton Parish Council

Response to Tewkesbury Borough Council re 24/00331/FUL - an application for the erection of 46 dwellings (including 19 affordable homes) with associated parking, landscaping, and construction of a new vehicular access, on land south of Lime Close, Lime Close, Norton.

Norton Parish Council welcomes the opportunity to comment on this planning application for residential development.

Prior to the submission of the application, the developer held a public consultation in the village and also met councillors informally to explain its proposals, But while the Parish Council appreciated this level of consultation and the developer's offer of financial support for the Village Hall and the potential transfer of a parcel of land to Norton's primary school, the Parish Council remains concerned about several important aspects of the proposed development and therefore wishes to object to the application.

The Parish Council is not against housing development in principle and recognises that the parish must play its part in meeting local housing needs, but the village lacks true facilities for every day, sustainable living.

The proposal does not add to infrastructure provision. Table 4.1 of the Transport Statement lists a range of amenities within a 7 minute walk of the site. But a 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; the nearest small supermarket (the Co-op convenience store at Twigworth) is more than a 30 minute walk away. Consequently residents will need to rely on private cars for many of their everyday requirements, including shopping for food and other necessities, and accessing essential services such as a post office, chemist or a doctor's surgery. The Parish Council contends that the limited services and amenities 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 153 pupils on roll at the end of last term.) 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 the village, despite their parents' reasonable expectations.

While the developer may be offering to transfer a parcel of land to the primary school (which incidentally isn't adjacent to the school site) this doesn't automatically translate into classrooms and additional school places.

The site of the proposed development lies outside the village settlement boundary, as shown on plan M1 of the Down Hatherley, Norton and Twigworth Neighbourhood Development Plan (NDP). Therefore the proposal doesn't accord with Policy RES3 of the Tewkesbury Borough Local Plan which limits new housing outside settlement boundaries.

Planning consent for the existing 22 houses at Lime Close (16/01172/FUL) was given in 2018 partly on rural exemption grounds and, because the NDP was then still at a preliminary stage, the village settlement boundary was drawn around the site. The intention was to limit the Lime Close development to 22 houses and the Parish Council suggests that the integrity of this settlement boundary should be maintained.

The applicant relies heavily upon the "tilted balance" principle as set out in the National Planning Policy Framework (NPPF) where "permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits" (paragraph 11.d)ii. of the NPPF). This approach is taken because the local authority cannot demonstrate a five-year housing supply.

While the lack of a five-year housing supply attracts a significant weight in appropriate circumstances, there is no reference in Government legislation or guidance to suggest it outranks all other considerations. The NPPF is very clear that the starting point for any decision making is the Development Plan and that statutory status is not changed by the sustainability of a proposal or any "tilted-balance".

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.

While the balance is accepted as a material planning consideration, 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.

During its consultation with the Parish Council, the applicant's representative indicated that the build-out time for this development would be around 3 years, given the need to address the site's constraints, including drainage. Therefore the Parish Council questions whether it is appropriate 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”. This timeframe suggests that this is not a site that can be brought forward quickly to meet an immediate shortfall in local housing supply.

The Parish Council accepts that the building of Lime Close phase 1 may have provided a precedent for the construction of phase 2. However consent for a further 46 houses on this site shouldn't be granted until the stormwater flooding issues in this part of the village have been resolved to the satisfaction of both the Local Planning Authority and Severn Trent.

The area suffered significantly from flooding in 2007 and remains at risk from surface water and fluvial flooding from the River Severn. The loss of pasture land, which is particularly important in this area as it allowing infiltration of surface water, will only increase the risk of flooding.

Furthermore, it is a well-established principle that increasing impermeable surface areas will increase run off and put pressure on the drainage system elsewhere, often leading to localised flooding.

The local community is extremely concerned that additional development will result in additional surface water flooding, with community spaces such as the school and village hall at increased risk from pluvial flooding. The local sewerage system is already at capacity and local evidence is able to demonstrate flooding close to the site and the consequential infiltration of the local sewage network. This can only be exacerbated by run offs from the proposed development.

Paragraph 3.6 of the applicant’s Flood Risk Assessment and Drainage Strategy report states: “Online soil maps indicate the site to be underlain by lime-rich loamy clayey soil with impeded drainage.” Local residents from the existing Lime Close development confirm that the soil composition is essentially heavy clay. Whilst there is no evidence of houses being flooded, for much of the winter, water lies on the surface of the ground, or just under the surface, making residents’ gardens both uncultivatable and unusable for amenity purposes.

Photographs graphically illustrating the current issues with surface water flooding in the vicinity of the proposed development site are attached as follows:

- Photograph 1 – Wainlode Lane, adjacent to Lime Close, taken in early February 2024
- Photograph 2 – Wainlode Lane, adjacent to Lime Close, taken in early February 2024
- Photograph 3 – Proposed development site, taken from the existing Lime Close development on 9 February 2024
- Photograph 4 – Wainlode Lane, taken from the existing Lime Close development on 9 February 2024
- Photograph 5 – Wainlode Lane, taken from the existing Lime Close development on 9 February 2024

- Photograph 6 – Overflowing drain on Wainlode Lane, taken on 18 February 2024
- Photograph 7 – Close-up of “froth” from overflowing drain on Wainlode Lane, taken on 18 February 2024
- Photograph 8 – Field adjacent to Lime Close development, taken on 27 March 2024
- Photograph 9 – Field adjacent to Lime Close development, taken on 27 March 2024
- Photograph 10 – Field adjacent to Lime Close development, taken on 27 March 2024
- Photograph 11 – Field adjacent to Lime Close development, taken on 3 May 2024
- Photograph 12 – Field adjacent to Lime Close development, taken on 3 May 2024.

The following are extracts from the applicant’s Flood Risk Assessment and Drainage Strategy report dated 2 April 2024:

“5.15 Groundwater flooding can occur when the natural water table levels rise above external ground levels. Basement construction will also need to be assessed in areas of high groundwater levels.”

“5.16 There are no known recorded groundwater flooding reports in the immediate area of the site.”

“5.18 Therefore the groundwater flood risk to the site is low.”

The Parish Council suggests that the attached photographs clearly demonstrate that there *is* groundwater flooding in the immediate area of the site and that the groundwater flood risk to the site is anything but low.

Additionally, the Parish Council has correspondence which shows that issues with surface water flooding in the Wainlode Lane/Cook Lane area have been reported to Severn Trent on a regular basis since at least 2016.

Following consultation with the Parish Council, Centaur Land’s representative wrote to the Council on 17 April 2024 setting out their proposals, which included the following statement: “We have proposed to relocate the rising main foul system (now documented on page 38 of the Flood Risk Assessment and Drainage Strategy report) away from Lime Close to not to impact the Wainlode Lane pumping station. This will require a rising main crossing the play fields and the village hall car park, but feel this is a better solution for the village.”

While the Parish Council supports the applicant's desire to direct stormwater away from the Wainlode Lane pumping station, which is widely acknowledged to be significantly over-capacity, another solution to the one proposed in the application must be found.

The Parish Council is not prepared to allow an 80mm rising main to be constructed across its land and, at a full Council meeting on 17 July 2024, passed a resolution to

that effect. This rising main proposal would require the Parish Council to grant an easement to Severn Trent to enable it to access the main for maintenance or repair. However, such an easement would diminish the parish's enjoyment of both the playing fields and the village hall car park and potentially restrict the Council from extending the village hall into the car park at some point in the future.

Accordingly, the Parish Council contends that the application in its current form is untenable because the proposed rising main foul system cannot be implemented.

The proposed development will significantly increase the volume of traffic in this part of Norton, particularly on Wainlode Lane. Therefore, are the Local Planning Authority and the Highway Authority both satisfied that the proposals fully address the following factors:

(a) Will the junction of Lime Close with Wainlode Lane be appropriate to cope with this extra traffic? Are the proposed sightlines of this junction satisfactory or do they need to be improved?

(b) Lime Close is a spine road with a width of 4.8 metres. Paragraph 3.3 of the applicant's Transport Statement describes it as: "a two-way shared carriageway and a dedicated pedestrian carriageway." In other words, there is no dedicated footway for pedestrians – who are therefore required to walk along the side of the road. Existing residents routinely park their vehicles on this spine road thereby reducing its width further. The proposed spine road for phase 2 will be of a similar width and will serve a further 46 dwellings. Will the existing spine road and its proposed extension be suitable for the volume of vehicular and pedestrian traffic likely to be generated by this new development?

Paragraph 5.14 of the Transport Statement says: "Pedestrian access to the site will be achieved via the segregated shared surface arrangement along Lime Close, which includes a demarcated pedestrian corridor adjacent to the southern side of the road. The development proposals are to replicate this pedestrian provision upon entering the site."

The Parish Council maintains that this arrangement, which mixes cars, cyclists and pedestrians on the same stretch of brick-paved carriageway, is wholly unsuitable for the proposed development. The proposed development includes a variety of house sizes, including 19 affordable homes, many of which will appeal to young families with small children. Mixing parents with pushchairs, young children, and perhaps also wheelchairs, with private cars and delivery vehicles on a 4.8 metre wide spine road is an accident waiting to happen.

The Manual for Gloucestershire Streets 2020, as referred to in the Transport Statement, contains the following:

"Applicants for development should:

(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
(c) Create places that are safe, secure and attractive – which minimise the scope for conflict between pedestrians, cyclists and vehicles."

The Parish Council therefore suggests that the applicant's transport proposals fail to adhere to these Gloucestershire Streets guidelines..

(c) Has the impact of the increased volume of traffic on surrounding roads been considered? What about the added danger faced by children going to and from the nearby primary school? Does this extra traffic also call into question the suitability of the junction of Old Tewkesbury Road and the A38 at the entrance of the village?

The Parish Council is concerned that additional vehicular movements associated with this development will significantly increase the risk of road accidents, both in the immediate area and also on the A38. There are well-documented concerns about the speed of traffic and the increasing number of accidents on the Norton section of the A38 (many involving injuries that required an ambulance) which is known locally as an accident black-spot. This section of the A38 has recently been classified as one of Gloucestershire County Council's traffic "hot spots" and is currently under investigation by the County Council's road safety team.

Together with local residents, the Parish Council suggests that the potential for 92 private cars* generated by this proposed development (plus associated delivery vehicles) using this fast-flowing road (which has a 50mph speed limit at this point) will result in congestion at peak times and further accidents. The impact of this development (together with all the other recently consented proposals in the area) on the local road network needs to be rigorously assessed.

(* figure based on the provision of car parking spaces quoted in paragraph 5.51 of the applicant's Transport Statement.)

Paragraph 109 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It also states that significant development should be focussed on locations that either are, or can be made sustainable, by limiting the need to travel and offering a genuine choice of transport modes.

At a recent appeal decision at Chalfont St Peter, Buckinghamshire, the Inspector dismissed an appeal stating that: "even if a site is in a rural location and there are high levels of car ownership, these considerations do not justify development in a location where private car (sic) would primarily be used to access services, facilities and public transport" (paragraph 15, APP/X0415/W/23/3316907).

Therefore, it is not appropriate to argue that this site is in a sustainable location. The addition of another 46 dwellings in this location, without any consequent increase in local amenities or services, will increase the number of car-based journeys, to the detriment of the locality.

The Parish Council believes that there is no justification for additional housing development on the Lime Close site. In particular, no evidence has been provided to show that affordable housing is required in the village and that this is a location suitable for meeting affordable need.

There have been a number of recent planning consents in the parish and the Parish Council questions whether there has been a proper assessment of them. This application does not provide any rationale behind the increase in housing that will be delivered on this site, and why this is appropriate given the existing consents that have already been tested through the planning process.

While each housing scheme must be considered on its individual merits, the Local Planning Authority needs to look at the issues in the round and take into account the cumulative effect of the current submitted or proposed housing developments on the parish's infrastructure. Added together, the number of proposed dwellings comes to 168, which would more than double the 128 existing houses in this part of the village. How does this accord with the Borough Council's Interim Housing Position Statement which says that: "all new housing should, for example, be....of a scale and nature appropriate to its location"?

The Parish Council is dismayed by the applicant's comment in the Planning Statement that: "application (23/01003/OUT at Cold Elm) has yet to be determined, but officers confirmed that they would not have any issues with the quantum of development with regard to the social fabric of the village."

Apart from the fact that it's the Borough Council's Planning Committee that makes decisions on planning applications, not its officers, the cumulative effect of these developments will not only materially alter the character of this part of the village, but will also exacerbate the existing issues of highway safety and stormwater flooding in the centre of the village.

The Parish Council disputes the applicant's comment in paragraph 7.1 of its Planning Statement that: "The proposed development thus provides an opportunity to deliver much-needed homes, appropriate to the site and to a size, type and tenure appropriate to the current market." Where is the applicant's evidence to support the statement that these homes are "much-needed" in Norton or that they are "appropriate to the current market? To use a well-known legal phrase, this statement (and others like it in the Design Statement) is "mere puff".

During its discussions with the applicant's representative, the Parish Council agreed arrangements intended to minimise disruption to local residents during construction of the proposed dwellings. The Council is disappointed that these arrangements were not documented in the planning application.

The erection of 46 dwellings on this site will inevitably cause significant disruption to the community during the building process, particularly to the existing residents of Lime Close. If the Local Planning Authority is minded to grant consent, the Parish Council requests that any consent must be conditional on appropriate building arrangements being put in place, to include deliveries to the site, storage of

materials, parking for tradesmen and so forth. Such arrangements should be set out in the decision notice to ensure that they are adhered to.

In conclusion, and for the reasons stated above, Norton Parish Council wishes to object to this application.

Selina Bostock
Clerk to the Council
29 July 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.)