

**TO EACH MEMBER OF THE
PLANNING COMMITTEE**

18 March 2024

Dear Councillor

PLANNING COMMITTEE- TUESDAY 19 MARCH 2024

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Additional Representations Sheet.

Should you have any queries regarding the above please contact Democratic Services on
Tel: 01684 272021

Yours sincerely

Executive Director: Resources

ADDITIONAL REPRESENTATIONS SHEET

Date: 19 March 2024

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting.

A general indication of the content is given but it may be necessary to elaborate at the meeting.

Agenda Item No	
6c	<p>22/01220/FUL</p> <p>Land Off Old Gloucester Road and South Part Parcel 5800, Old Gloucester Road, Boddington</p> <p>Staverton Parish Council has submitted a further representation which has been emailed directly to Members and is attached in full.</p> <p>The comments relate principally to:</p> <ul style="list-style-type: none"> - Noise air and soil pollution - Drainage - Accessibility - Wildlife <p>The Council's Environmental Health Officer has reviewed the additional representation and raises no objections in terms of air pollution, based on nearby monitoring data. The approach to noise is considered consistent with that at the nearby 'Showpersons' site and mitigation is covered by Condition 6.</p> <p>Given the former use of the site, the Officer has requested an additional condition in respect of land contamination as set out below –</p> <p>Condition 8:</p> <p>'Any contamination that is found during the course of construction or landscaping of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.'</p> <p>Reason: To ensure appropriate living conditions for future occupiers.'</p> <p>Drainage is discussed in Paragraphs 8.63 - 8.66 of the Committee report and details can be appropriately secured by Condition 7 in the report.</p> <p>Accessibility is discussed in Paragraphs 8.34 - 8.46 of the Committee report.</p>

The Council's Ecological Advisor has reviewed the details and recommended an ecological survey. This has not been submitted and would need to be prior to any grant of planning permission. The recommendation is revised as below:

An Objection has been received from CPRE. The comments raised are summarised below:

- The site is undeveloped land lying within the Gloucester-Cheltenham Green Belt.
- The area is not allocated for development.
- Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- NPPF Paragraphs 154 and 155 to describe certain potential exceptions, but none of these relate to a gypsy and traveller site.
- Site is not GTTS allocation in the plan.
- Lies within open countryside
- Would conflict with JCS Policy SD6
- Strongly disagree with the site being considered previously developed land

While these observations are noted it is considered that the points raised have been addressed in the report.

Conclusion and Revised Recommendation:

In view of the absence of an ecological assessment at this time the recommendation should be revised to:

Delegated Permit subject to no adverse impacts, following the receipt and consideration of an appropriate ecological assessment and any additional conditions arising.

From Staverton Parish Council
To Tewkesbury Planning Committee

11th March 2024

Re: Planning Application 22/01220/FUL Gypsy site, Change of use.

Dear members of the Planning Committee, we are writing to you on behalf of the residents of Staverton Parish.

We understand that the above application is due to be determined at your meeting on 19th March. Before determining this application, please be aware of our following concerns. We acknowledge the Council's responsibility to find suitable sites for gypsy and traveller families and support you in these endeavours.

1. We understand that there are special circumstances, presumably health, which affect this application, about which we, quite rightly, have no knowledge of. We would ask you to ensure that you are satisfied that these circumstances have been tested and ratified by the appropriate agencies. If the special circumstances are health related, is this site suitable in terms of Noise and Air quality issues?
2. **Noise Levels.** The Environmental Health consultant, in his/her email of 21/12/23 requires that the applicant will have to provide further information relating to noise levels as the site is 170 metres from the M5 and adjacent to the B4634. Also, that a mobile home is unlikely to give high levels of noise attenuation and that the impact of an acoustic fence is unknown without further information. It also states that prior to determination a Noise Impact assessment shall be undertaken. The NIA shall be submitted to and approved in writing by the planning authority. Has this been actioned and evidenced?
3. **Contamination Risk.** The Environmental Health consultant noticed that the intended play area is located over the former agricultural buildings, where there is a potential risk of contaminated land. Has this been checked and evidenced?
4. **Air Pollution.** Has this site been tested for air pollution on a still day, when the exhaust fumes from the B4634 and 6 lanes of motorway traffic are in the atmosphere?
5. **Drainage.** As at 5th December 23, the Flood planning officer states that no surface water drainage strategy plan had been received. As the plan is also to use a Package treatment plant for sewage, not connected to mains, therefore discharging into the field, has the applicant undertaken the Ground Percolation tests to BRE365 to ensure that ground conditions are suitable and drawn up detailed plans as requested?
6. **Wildlife.** Bearing in mind that this site has been left wild for many years, has any wildlife assessments been made in respect of Newts and other Amphibians, Bats, Voles, Birds of prey and other wildlife and Fauna taken place? Diminishing green spaces in Tewkesbury Borough are being eroded at an alarming rate and we feel it important to protect what we have left. We strongly recommend that such assessments should be made before a determination is made on this application.
7. **Amenities and Transport.** In terms of amenities such as Schools, Shops, Doctors, there are none within the parish, the nearest being in Churchdown, being over 2 miles away. As there are no bus routes on the B4634 and is a ½ mile walk to the nearest bus stop, it is likely that all journeys to and from the site would be by motor vehicle. Highways recommend Refusal indicating that the proposal conflicts with policy INF1 of the JCS 2011 to 2031, policies PD 0.1 and PD 0.4 of the local transport plan 4 and would conflict with the sustainable transport aims of the NPP Framework contained in paragraphs 110 and 112.

8. **Planning Policy for Gypsies and Travellers.** As mentioned above, we fully understand the need for the Council to provide suitable sites for Gypsy and Traveller families. We are not convinced that this application justifies Very Special Circumstances. We don't know what these very special circumstances are of course and we do sympathize with any family who has to cope with illness or disability of any description, but we would ask why is this family's special circumstances different to any other family who has a relative with special needs? The applicants of this proposal would have the same access to doctors, hospitals and social services as any member of the public. We conclude therefore, that the only Very Special Circumstance for this application is the shortfall of suitable sites in the borough. This should not mean TBC take the path of least resistance and permit any application on the basis of Very Special Circumstances. There is of course a simple solution to this lack of sites. When applications are made for large developments such as 10,000 houses in the new Garden town, 3000 at the Cyber Park, 4000 at Elmstone Hardwicke, add in a space for Gypsies and Travellers. As demonstrated by the application under discussion, gypsies don't mind living close to settled communities. We fully agree with the policy to ensure fairness for gypsies and travellers, but also agree with the part of the policy which states "while respecting the interests of the settled community". We ask you to take into consideration the wishes of the settled community.
9. **Nomadic Lifestyle.** We agree and support the fact that travellers have a right to their nomadic lifestyle and therefore areas need to be identified for them to use whilst travelling through, please refer to the point made above about utilising some space as a part of new developments. It seems in this situation this family are looking to settle and therefore poses the question to why this family are not being referred to the housing association to provide suitable accommodation which would give them the immediate access to the amenities they require and would save avoidable development on green belt land.
10. **Communication with planners.** We are disappointed with lack of meaningful communication with the planning officers. We were not informed by TBC in November 22 that this application was in progress and heard in March 23 through the local grapevine. We asked your planning department on numerous occasions from March 23 to keep the Parish Council updated on progress in order that we could react as necessary to any issues that cropped up. No progress reports were received.
11. **JCS and Strategic Local Plan.** The area of land on which this application has been made is not identified as potential for development on the JCS or Strategic Local Plan consultation.

Prior to making your decision, we would ask you to answer the questions raised, if this cannot be done before the planning meeting, may we respectfully suggest you postpone your determination to ensure that all aspects of this application have been considered.

Please take into consideration the points made above and the 23 objections raised by the settled community of Staverton and reconsider your inclination to permit.

Staverton Parish Council.

16 March 2024

██████████
Planning & Development Services,
Tewkesbury Borough Council
Gloucester Road, Tewkesbury GL20 5TT

Dear ██████████

Planning Application 22/01220/FUL
Change of use of land to private Gypsy/Traveller site.
Land off Old Gloucester Road and South Part Parcel 5800, Old Gloucester Road, Boddington,
Cheltenham, Gloucestershire

I apologise for this very late submission regarding the above planning application. I would be grateful if you would draw the contents of this letter to the urgent attention of the Borough Planning Committee.

CPRE objects to the application for the reasons set out below. In this connection we disagree with the designation of the land set out in your report to the 19th March Planning Committee meeting. It would have been helpful if the report could have been available on the Council website as a document associated with the application: as far as we can ascertain it is only publicly available starting on page 102 of the papers for the Committee meeting.

Planning Context

The site is undeveloped land lying within the Gloucester-Cheltenham Green Belt. The area is not allocated for development in either the Joint Core Strategy (JCS) or the Tewkesbury Borough Plan to 2031 (TBP).

Paragraphs 152-3 of the NPPF (2023) state:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

It goes on in paragraphs 154 and 155 to describe certain potential exceptions, but none of these relate to a gypsy and traveller site. Note however the conditional exception at Para 154 d): *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*

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Planning Policy for Gypsy and Traveller Sites was published in August 2015. Paragraph 16 states: *“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.”*

Paragraph 4 of the NPPF states: *“The Framework should be read in conjunction with the Government’s planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.”*

The relevance of the Planning Policy for Traveller Sites was made clear by Mrs Justice Lieven in her High Court judgement [*Royal Borough of Kingston Upon Thames v Secretary of State for Levelling Up, Housing and Communities & Anor*](#) [2023] EWHC 2055 (Admin) in which she overturns a planning appeal which had allowed a gypsy and traveller site in a green belt elsewhere. Note also that she dismisses an argument that the policy as applied in this case was discriminatory against Gypsies and Travellers; she determined that residential development of any kind and by anyone was deemed inappropriate.

National policies are reflected in the JCS Policies SD5 (Green Belt), and SD13 (Gypsies and travellers). The TBP sets out the planned provision of gypsy and traveller sites at Policy GTTS1; this does not include the present site. In addition the development would be in breach of JCS Policy SD6(Landscape).

The status of the site

This is a greenfield site which, apart from being adjacent to the M5 motorway, lies in open countryside and is some considerable distance from other development. It is against this situation that the above policies need to be applied.

From a number of comments submitted concerning this application, there seems to be some dispute about whether or not the site has been used for equestrian purposes. However, whether or not this has been the case (either recently or in the past) we strongly disagree with the statement in your report (para 8.10) that “as it has been used for equestrian purposes and the existing buildings are associated stables, the site is considered to constitute previously developed land.” If this line of argument were valid, planning authorities would be obliged to approve the conversion of stable blocks to dwellings all over the country. In planning terms, the application site does not constitute previously developed land.

Conclusion

The application is clearly contrary to both national and local policies regarding development in the Green Belt, including those policies with respect to gypsy and traveller sites. And the site is not ‘previously developed land’.

Accordingly, CPRE urges Tewkesbury Borough Council to refuse this application.

Yours sincerely



Chairman, CPRE Cheltenham, Gloucester and Tewkesbury District