



Planning Department
Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury GL20 5TT

26 July 2023

Dear Sir/Madam

RE: Planning Application 23/00569/FUL. Land to the Rear of Golden Hay, Main Street, Dumbleton.

The Dumbleton Conservation Society (DCS) would like to register its **OBJECTION** to the above planning application on the grounds set out below.

Provision of Reliable Information

The National Planning Policy Framework (NPPF) places great weight on the provision of information to enable Officers and Planning Committee Members to make fully informed planning decisions and places trust in applicants to act in good faith when presenting supporting information with a planning application.

The DCS is very concerned to note that this application contains **material errors and misrepresentations** that unless they are addressed could lead to an ill-informed decision. These misrepresentations include: skewing of statistics, use of out of date supporting information, deliberate falsehoods. In addition to the risk of an unlawful decision these could present a real risk of an application being the subject of a High Court Challenge (Judicial Review).

Officers should therefore ensure that the members are fully informed of these errors and that any decision relying on this information in any way could be challenged.

Please note that DCS made a Freedom of Information Request relating to pre-application advice given by TBC and its relevant consultees. The applicant has chosen to ignore much of this advice.

The misrepresentations include but are not limited to the following:

1. Planning Statement referring to previous application.

- a. Applicant states that the application was withdrawn due to unfavourable comments on design and connectivity. It admits in para 1.3 that it has only dealt with connectivity but treats that as dealing with the design concerns.
- b. Refers to GRCC Housing Needs Survey 2019. This document is out of date and relates to the former parish. One whole village has now been removed from the parish.

Dumbleton Conservation Society, Main Street, Dumbleton.
Chair: Darren Price e: dprice1974@yahoo.co.uk

- c. Para 3.2b states that there were no previous objections on ecology. This is incorrect, an objection from Professor Anne Goodenough, Professor of Ecology at University of Gloucestershire is one of the documents available on the portal
- d. The Applicant states no objections on grounds of design, this contradicts their own para 1.2. Further there were objections from Adam Clarke Architect, Dumbleton Conservation Society, Dumbleton Parish Council and TBC Heritage Conservation Officer, all citing design as reasons for refusal.
- e. The applicant states that there were no objections on highways grounds. This is **FALSE** Gloucestershire County Highways as statutory consultee objected and recommended refusal. The letter is available on the portal and as Appendix 1 to this letter.

2. Planning Statement in the context of the new application

- a. Para 4.8 claims that owing to the undersupply of homes in the TBC area that only marginal weight can be given to existing policies particularly in regard to housing numbers. **This is incorrect.** The TBC Local Plan was adopted on 8th June 2022, as such its policies must be given full weight. Rural exceptions sites are exactly that – Exceptions, so great weight must be given to the policy tests.
- b. Para 5.8 states that the 13 dwellings will provide 4% growth. This is **materially misleading**. Based on the applicants' own numbers the growth is 4.8%, which if rounding to an integer, convention is that if this is being rounded it should be rounded up making the correct figure 5%. However, the applicant bases the number of dwellings at 270, this is the old Parish containing 3 villages which the HNS 2019 refers to 245 dwellings. The Parish now has only 2 villages and the settlement of Dumbleton is smaller again at 170 dwellings. It is estimated the this means **the resultant growth in the village will be 8 (rounded from 7.6%) and materially above the 5% set out as the maximum in the Adopted Local Plan.**
- c. 5.12 states that the land is not used by members of the public. **This is materially incorrect.** The land is frequently used with an informal footpath, for dog walking and for recreation The path is long-standing, listed on every OS map included in the Applicant's own Heritage Report (dates = 2020, 1994; 1973; 1923;1902; 1884). This is material to the planning application. Having assessed the importance of the site and adjoining land to the community, it is subject to an application under the Localism Act as an **Asset of Community Value**, made prior to this planning application. This is material to the planning application.
- d. 5.18 refers to the GRCC Housing Needs Report requiring 8 affordable homes. This is **Materially Incorrect**. The GRCC report dated 2019, is based on a parish of 3 villages, there are now only 2. Further it places all of the housing need for the 3 villages in Dumbleton. This is clearly flawed.
- e. 5.20 refers to a viability assessment provided. This is **Materially Misleading. No Viability Report has been submitted.** This means that the report cannot be scrutinised. The viability should show 4 main interdependent variables: Developer Profit, Cost, Revenue and Land Value. It is normal for affordable housing on Rural

Exceptions sites to produce minimal land value and developer profit at 10% or less of Gross Value. In these circumstances affordable housing including social rent tenures are typically viable without cross subsidy from market homes. In a statement by the Land Agent Fisher German at the Parish Council meeting it was stated that they are looking to generate an increased land value greater than the current agricultural value. This is not compatible with a rural exceptions site philosophy. Further this development is proposed by a promoter not the developer or a landowner. This means that there will be additional cost in terms of the promoter's fee (usually via a land value uplift). These additional fees are not compatible with the principle of rural exceptions.

- f. 5.34 states that there are no protected species on or near the site. This is deliberately misleading. The Ecology Report notes a Lesser Horseshoe roost 0.72 km to the SSW. This species has a Core Sustenance Zone of 4 km according to Bat Conservation Trust, who also note that high quality feeding sites within this area should be identified and managed sensitively for this species. Independent research has shown at least 11 of 17 UK bat species are recorded on site, all bats are protected by law. As a result of this significant number of bats an application is underway to give the site protected wildlife status. Further the Ecological report submitted is Materially Misleading as it states there are no ponds within 250 m. This is misleading as there are several ponds and ditches within the range of newts, including five that immediately border the site, but the ecologist did not carry out any survey despite this being within a Newt Protection Red Zone. In addition, the Ecology Report notes the presence of Hedgehogs within 280 m of the site but makes no further reference to this legally protected species.
- g. 5.46 – 5.48. The applicant states that the layout responds to the built form of the village. **This is materially incorrect.** The built form does not have short back-to-back gardens. The only back-to-back gardens are located in the centre of the village not the fringe. The applicant states that the density and massing reflect the character of the village. **This is objectively untrue.** The gable depths and roof pitches are not consistent with the village or the Cotswolds in general. The applicant states that the properties meet Nationally Described Space Standards (NDSS). **This is materially untrue.** Based on the applicants' own dimensions given, **plots 1, 3 and 8 are significantly under sized and plots 4-7 marginally undersized** (note these are the affordable plots where space standards must be given greater weight). In addition, plots 3, 9, 10 and 11 have bedrooms that **do not meet the space standards.**
- h. 5.5 The drainage survey does not account for surface **water flooding that occurs in the southwest corner of the site.** The applicant has not recorded any communication with Severn Trent Water regarding the capacity of the treatment plant in Dumbleton. This means that comments by the applicant on drainage are **Materially Misleading.**
- i. Bus Services. The application notes the bus services; however, it is **Materially misleading** as it does not make it clear that the buses are infrequent and unsuitable for anyone using public transport to reach employment centres.

- j. The application refers to Dumbleton Tennis Club as a facility that provides coaching etc. This is **Materially incorrect**. The club has been closed for several years and the court has passed back to the Monsell Estate.

3. Design and Access Statement

- a. 1.2 Topographical survey is not present.
- b. 1.3 A Freedom of Information Request by DCS shows that the applicant has **Not Included Material Detail** from pre-application enquiries. For example:
 - i. Strategic Housing and Enabling Officer states that **Cross Subsidy via market housing is not required**.
 - ii. In a letter to the applicant dated 10th June 2020 the Planning Department states that it has **"Serious Reservations"** about the proposal in multiple contexts including cross subsidy, impact on AONB, size of development.
 - iii. **Heritage Conservation Officer is not supportive** of the design of the houses, the open plan frontages.
 - iv. **Tewkesbury Conservation Specialist "The house designs are particularly unsympathetic and unsuitable"**
- c. 2.0 Housing needs survey. Refers to a GRCC survey with a different date from that referred to in the Planning Statement. This remains **Materially misleading** as it relates to the old parish size and covers 3 villages rather than the two in the parish.
- d. 2.1 Refers to emerging local plan. This is out of date; the Local Plan is adopted. This demonstrates that the applicant **has made no attempt to update the application**.
- e. 5.0. The applicant states that the houses are suitable for Modern Methods of Construction. There is **No evidence to support this statement**. (MMC does not lend itself to homes that fit rural character and provides very limited flexibility in design – N Towe – Director ilke Homes UK's largest MMC builder former Director EDAROTH MMC developer)
- f. 6.0 The applicant **deliberately understates** the visibility of the site from the footpaths surrounding the village. They also **ignore** the fact that the finished levels of the houses will make them substantially higher than the surrounding listed buildings. Further the Lansdscape and Visual Assessment does not show the visibility of the site from the surrounding high areas of the AONB, the photographs are at site level only.
- g. 7.0 Scale of development – see comments above.

Turning to relevant policies. The application is affected by national policy in the NPPF and local policies in the Adopted Joint Core Strategy and Adopted Tewkesbury Borough Local Plan. These documents are all current policy and great weight must be given to their contents.

The application should be considered in the light of the following:

- Fails to meet the validation requirements of Tewkesbury Borough Council
- Fails to meet requirements outlined to the applicant during the pre-application process
- The application statements include material errors and misrepresentations
- Provides no clear evidence of a housing need in Dumbleton and uses outdated data as the rationale for the development
- Fails to meet the requirements of the *Tewkesbury Borough Local Plan 2011-2031 Adoption Version*, including:
RES3; RES4; RES5; RES6; RES12; RES13; DES1; HER1; HER2; HER4; LAN2; NAT1
- Fails to meet the requirements of *the Joint Core Strategy 2011-2031*, including Strategic Objectives 4, 5, 6, 7 and Policies SD4, SD6, SD7, SD8, SD9, SD10; SD12, SD14, INF1, INF4
- Fails to meet the requirements of *National Planning Policy Framework*, including Sections 2, 9, 11, 12, 15 and 16
- Fails to meet the requirements of the *Dumbleton Conservation Area Character Statement 2002*
- Fails to address highway safety issues including recommendation for refusal Gloucestershire County Council Highways on the previously submitted application for fewer houses (22/00009/FUL)
- Proposes development in a non-service village which is not a Strategic Allocation, the location is inappropriate for development
- Sets a precedent for future development in a Conservation Area and the Cotswolds AONB

The application does not meet the policies and requirements of:

- Tewkesbury Borough Council's planning and validation
- the Joint Core Strategy
- the Tewkesbury Local Plan
- the National Planning Policy Framework
- the Dumbleton Conservation Area Character Statement

REASONED JUSTIFICATION FOR REFUSAL

1. Housing Need

Policies RES6, RES12, RES13, JCSSD12, NPPF2

The main justification for the application is centred around a housing need, specifically the need for social and affordable housing. As Dumbleton **is not a Service Village** the presumption is that an application of this type **must be refused** unless there is sufficient justification. The application seeks to justify the need by referring to a 2019 Housing Needs Assessment carried out by the GRCC (note the application also refers to a 2020 document purporting to be the same).

This survey was based on the old Dumbleton Parish comprising 3 villages, the parish has been reduced in size removing the second largest village into a separate parish, as such the GRCC data is out of date and cannot be used to support the application. Further the assumption made by the developers is that all of the housing requirement for the old larger parish should be met by Dumbleton. This is obviously flawed as the measured need is spread over 3 villages so the housing should have been spread over the 3 villages. This would leave the maximum need in Dumbleton at 3-4 social/affordable houses not 8 as proposed by the applicant.

Policy RES6 states:

4. *Under no circumstances will schemes be permitted where the number of affordable units exceeds the need identified in the Housing Needs Survey.*

There is no clear evidence of housing need, and the application should be REFUSED

The Local Plan states that growth of a settlement of greater than 5% will not be acceptable. Dumbleton village has 170 dwellings and the parish 195. This makes **the proposed growth of the settlement 8%** and on this basis the **application fails to meet adopted policy and should be refused.**

Policy RES6 also states:

- 3.38. *All schemes involving an element of market housing must be robustly justified through a viability appraisal which should highlight that the amount of any market housing included is minimised so that only sufficient finance is raised to provide the required cross-subsidy without leaving a residual profit.*

The applicant has not provided a viability assessment and has ignored the written correspondence in the pre-app discussions that funds could be made available to eliminate the need for cross subsidisation by market housing. Despite the applicants' pleas to the contrary at Parish Council meetings, this clearly demonstrates that the motive from the landowner and applicant is purely financial, otherwise 3 social or affordable houses would be financially viable as confirmed by the Housing Enablement and Strategy Officer who stated in pre-application discussions that cross subsidy would not be required as the Local Authority would make "Gap Funding" available. Further the applicant has not revealed who the operating Housing Association will be. In many cases HA's have recycled grant, and other Homes England grants designed to Gap Fund social housing development. Had the applicant explored Grants properly it is likely that cross subsidy would not be required.

DCS is able to consult a professional with 30 years of development viability experience and expertise, however the lack of such an assessment, despite being a validation requirement, means that it is not possible for the applicants need for cross subsidy to be properly scrutinised by consultees or officers.

The application should be REFUSED as it fails to meet the policy tests of: Policies RES6, RES12, RES13, JCSSD12, NPPF2 and has failed to provide the necessary validation documents.

2. Layout and Design

Policies RES4, RES5, DES1, HER1, HER2, LAN1 and LAN2. JCS Strategic Objective 5; Policies SD4; SD6, SD7, SD8. NPPF 2, 12 and 16. Dumbleton Conservation Area CON1. Cotswolds AONB

The layout of the site and design of the proposed homes is out of character with the built form of Dumbleton, and the site is erroneously described by the applicant as a "hinterland" to the AONB. There is no such concept of hinterland in the description of the AONB or special landscape areas nor in the underpinning legislation. The site falls fully within the AONB and should be considered in that context.

Dumbleton village has a clear character to its layout, with linear development along the roads at the edges of the village and denser development towards the centre. The only back-to-back gardens are in the centre of the village and are the long garden between Diary Lane and Garden Close. See Figures 1 and 2 below. The proposal brings back-to-back gardens to the edge of the village and is clearly contrary to the pattern of development in the village, bringing short gardens and back-to-back houses.

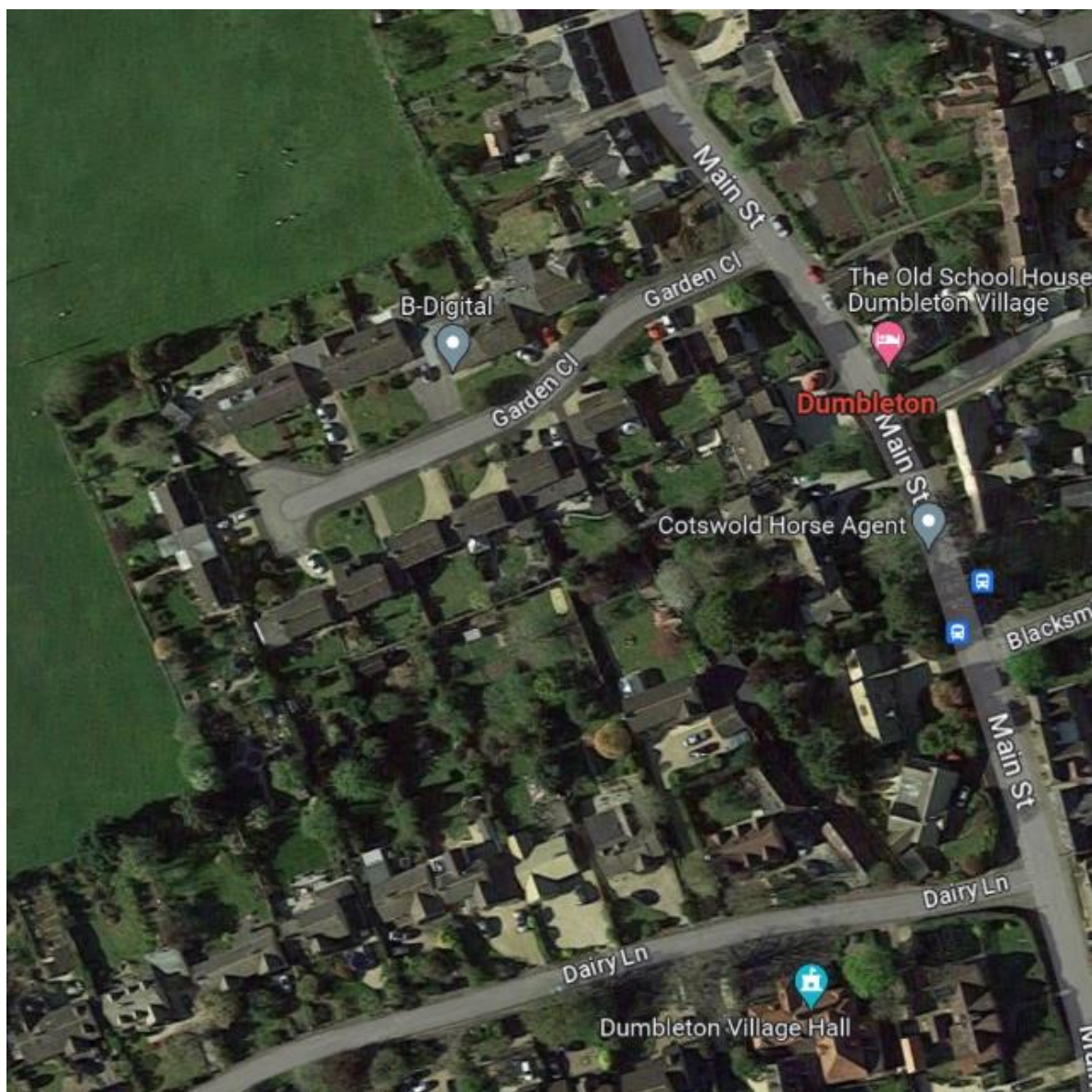


Figure 1 - Pattern of development village centre

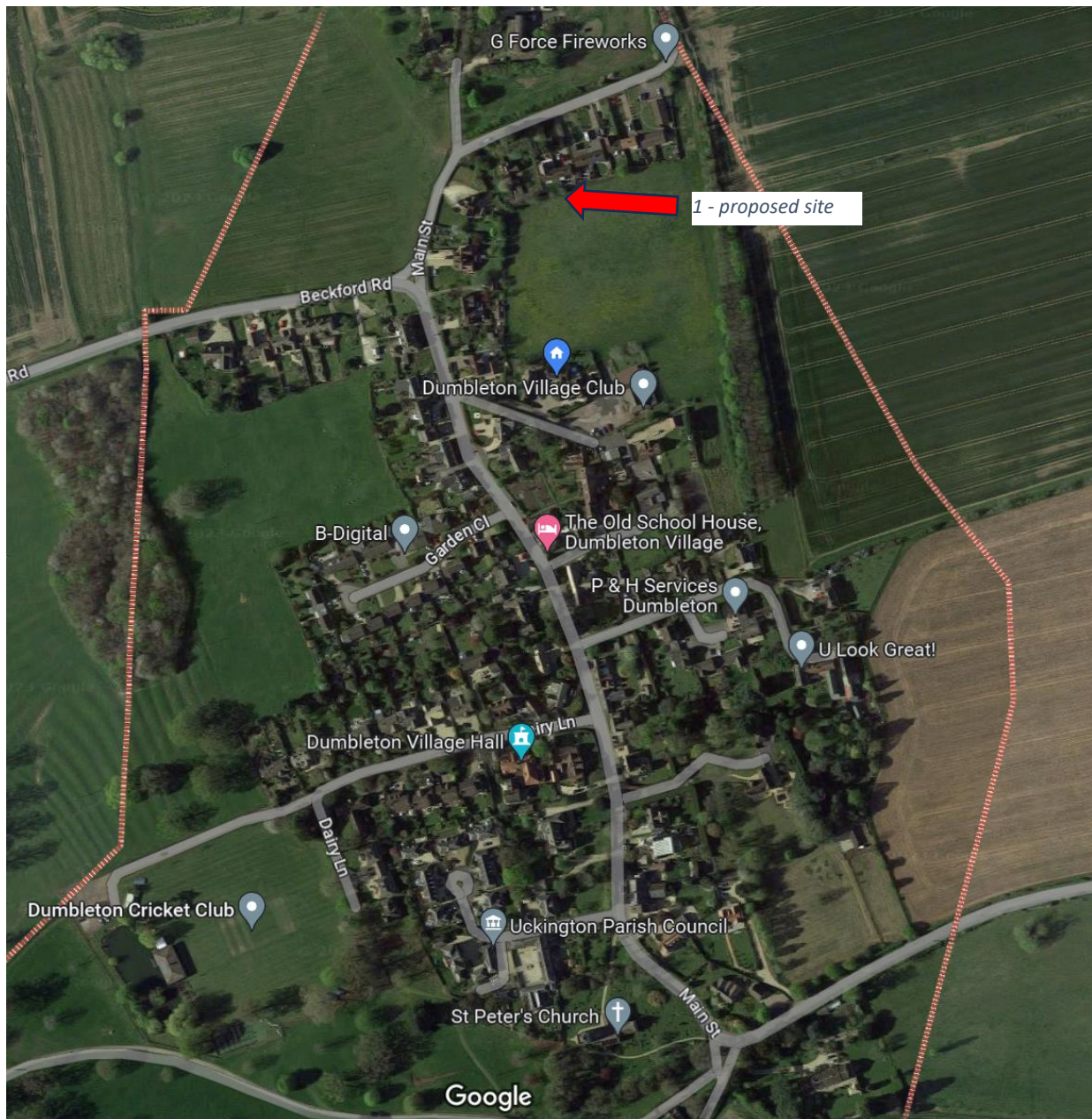


Figure 2 - Photograph showing development pattern

The applicant has neglected to include a site section showing the size and mass of the proposed units. DCS has worked with a local architect who is able to demonstrate that the proposed houses will be circa 3.3m higher than the character cottages immediately adjacent to the site. See Figure 3. This means that the new homes will adversely affect the setting of listed buildings, and contrary to the applicants rather scant landscape assessment will be clearly visible in the AONB as being of completely different scale and character to that part of the village. The gardens to the proposed houses when coupled with the small rear gardens of the character cottages result in some window-to-window separation distances below 21 metres.

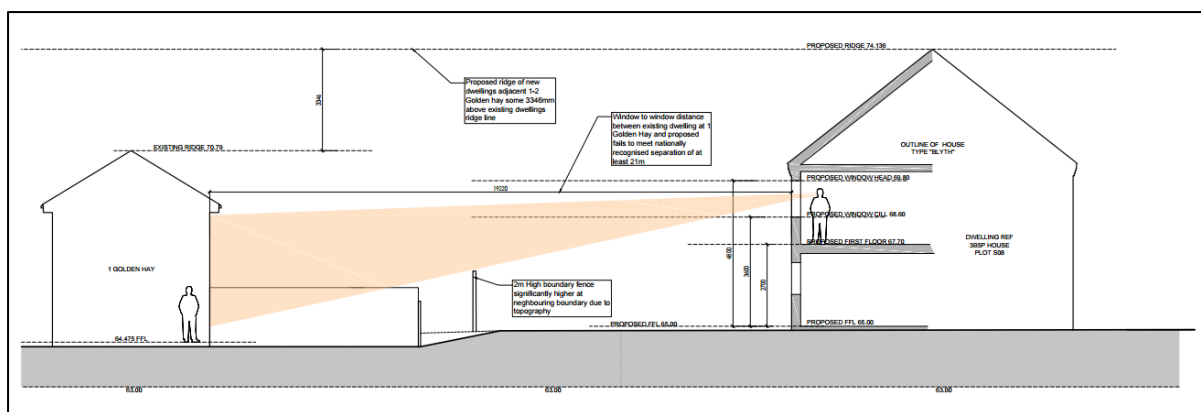


Figure 3 - Relationship Between Character Buildings and Proposed Development

In addition to the height, the scale and massing of the proposed houses is out of keeping. Dumbleton, like most Cotswold villages is characterised by houses with narrow gable depths usually no more than 8m and steeply pitched roofs. The proposed development has significantly larger gable depths and shallow pitched roof resulting in dwellings that are completely out of character with the area. The design of the houses was criticised in the pre-application discussions, however the applicant has neglected to take account of this professional advice and placed suburban style houses in a rural location.

The adopted Local Plan requires ALL new homes to meet Nationally Described Space Standards, further, where homes are to be for social and affordable tenures this is usually a requirement of the housing needs assessment and managing housing associations. The majority of the proposed houses do not meet NDSS.

The application should be REFUSED as it does not satisfy the tests of policies: RES4, RES5, DES1, HER1, HER2, LAN1 and LAN2. JCS Strategic Objective 5; Policies SD4; SD6, SD7, SD8. NPPF 2, 12 and 16. Dumbleton Conservation Area CON1. Cotswolds AONB

3. Services and Accessibility

Policies: Local Plan RES6, JCS Strategic Objective 5, Strategic Objective 6 and Strategic Objective 7; Policies SD4; SD10 and INF1, NPPF 2 and 9

The applicant makes misleading statements about the services in Dumbleton and uses those as justification for the application.

Dumbleton is not designated in the JCS or Local Plan as a Service village scoring 0 out of 15 for accessibility and 8 out of 48 for total accessibility. Since the total accessibility was last visited the school has closed with no intent to re-open, which, according to Dumbleton Parish Council estimates at a Planning Consultation meeting on 10 July, would likely mean a downwards revision of the total accessibility to 5 out of 48.

The applicants Design and Access Statement (DAS) states that the village has a number of services including tennis club, cricket club and village club. The tennis club closed several years ago, and the land returned to the landowner, the cricket club and village club require the payment of membership fees for access to all facilities and as such may not be available to occupiers of social housing who by definition have constrained disposable income.

The development will be totally reliant on the private car, the applicant acknowledges that the nearest shop is circa 2 miles away, and this is only a petrol station forecourt with very limited provisions that would either require a walk over fields or along a minor road with a 60 mph speed limit and no pavement followed, in either case, by a walk along the main A46 with no pavement. The reliance on the private car is emphasised by the applicant's own design citing >41 car parking spaces (including garages) for 13 homes!

The applicant implies that the village bus service is suitable for residents. The bus service is in fact extremely infrequent and does not run at times that provide viable access to any employment centres.

The application should be REFUSED as it does not meet the tests in policies: Local Plan RES6, JCS Strategic Objective 5, Strategic Objective 6 and Strategic Objective 7; Policies SD4; SD10 and INF1, NPPF 2, 9 and 12

4. Biodiversity, protected species, habitat

Policies: Local Plan NAT1, JCS Strategic Objective 4; Policies SD7, SD9 and SD14, NPPF 2, 11 and 15

Dumbleton Conservation Society is extremely concerned that the proposed development will cause material harm to protected species and habitat, and that the submitted ecology report is negligent as it ignores important protected species, does not carry out a full and proper ecological assessment. Further the DCS is concerned that the Local Authority Ecologist has accepted the report without question despite (or possibly because of) several material flaws. The DCS has worked with Professor Anne Goodenough, Professor of Applied Ecology, to analyse the submitted report.

Following community bat walks in September 2022, which recorded 5 bat species on site, an independent survey of bats using the site has been carried out by University of Gloucestershire. (Summary at Appendix 2) This survey was conducted in April 2023 over a total of 20 nights at 4 locations surrounding the site using industry-standard methods approved by the Bat Conservation Trust and in line with best practice given by CIEEM. The results of this survey show that at least 11 of the 17 species of bat breeding within the UK use the site regularly for feeding. Of these several species are very rare including the Barbastelle, which is threatened globally, Leislers which is rare in the UK, Lesser Horseshoe one of the UK's rarest species and Noctule which is Biodiversity Action Plan Listed.

This species richness, coupled with the very high level of bat activity (over 120 bat passes per night at the very start of the bat survey season when overall activity is normally low) makes the site at least locally significant and potentially nationally significant as a high-quality feeding ground. All bats are legal protected in the UK under the Wildlife and Countryside Act and are European protected species and the Ecology Report makes reference to local important roosts sites. It is thus both surprising and disappointing that no primary bat surveys were conducted on site.

An application has been made to the Local Wildlife Site Selection Panel to formally assess the site for possible listing. The application has been made under Criterion 4 "Rare or Exceptional Feature" Part A "the species present are rare, either in an international, national, or county context". It is noted in the LWS guidance that LWS designation is not usually a suitable approach for roosts in domestic dwellings, but designation of associated habitat can be suitable to aid protection and management. The specifics of the application relate to the site being a key foraging area for a diverse assemblage of bats – including those that are rare in a national context (Leisler's; Lesser Horseshoe),

UK priority species (Barbastelle; Noctule), or Near Threatened internationally (Barbastelle) – and the very high activity levels recorded. The bat-specific data for the site has been cross-referenced with thresholds in Table S3 of the LWS documentation. It should be noted that the LWS framework is a material consideration in planning policy to prevent loss of, or irreversible degradation of, sites that are of county-level significance. It should also be noted that whereas destruction of a bat roost due to development can be suitably mitigated by provision of one or more artificial roosts, loss of or degradation to feeding grounds **is not realistically possible to mitigate**.

The applicant has not carried out the required lighting assessment which is a validation requirement of TBC. This means that officers do not have the data to assess the impact of the development on species, including bats which are light sensitive.

The ecological report submitted is not a thorough assessment of bats and its conclusions **MUST** be considered irrelevant in the context of bats and should raise questions about its veracity and accuracy regarding less obvious rare or protected species.

As regards other species, the site lies within a NatureSpace Partner's "Red Zone" (i.e., highly suitable habitat – the most important area) for Great Crested Newts (GCN) however the report submitted totally fails to consider this species and the habitats that support it. The site is named after a pond on the site "Golden Hay" and the neighbouring area "Silver Hay" is named after the second pond on the site. The submitted report ignores the presence of these ephemeral ponds and the network of connecting ditches. Furthermore, the ecology survey was carried out in one of the hottest driest months for many years, and hence reaches unreliable conclusions about habitats for amphibians.

The ecological report states that there are no ponds within 250 m, this is **materially incorrect** there are multiple ponds within this range, including five in gardens that border the site several of which are easily visible from the site itself, and four more substantial water bodies within the wider countryside, some of which have good connectivity with the site via the local ditch network (Figure 4 and 5). GCN's are known to travel up to 1.6 km from breeding ponds but these facts are ignored or obscured by the applicant and its advisors. The lack of a proper survey of amphibians and in particular the GCN means that the application **does not meet the validation requirements of TBC**.

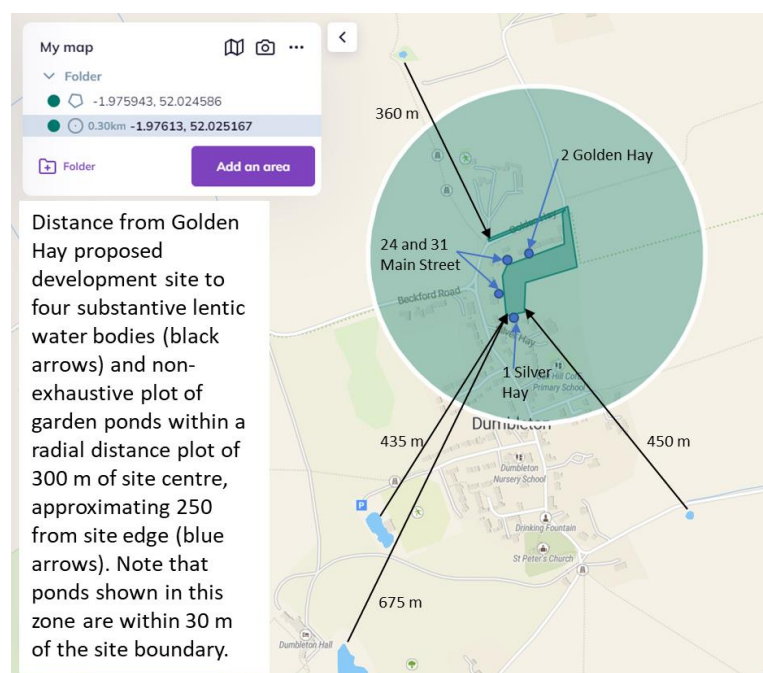


Figure 4 - Connections to Local Ditch Network



Figure 5 - Ditch Connections

The submitted report states that no hedgehogs are recorded within 250m of the site. This is materially misleading, all of the residents with gardens backing onto the site have reported frequent presence of hedgehogs which are a legally protected species with a significant foraging range. There are multiple records of injured hedgehogs to Vale Wildlife Hospital within the last two years from within 100 m of the site (one hit by a vehicle, one caught with a strimmer and one stuck in a fence) suggesting that the local population is already being impacted by human activity; logically population-level effects would be likely to increase if human activity were to increase with this site being developed. Moreover, basic surveying by members of DCS in September 2022 at multiple locations immediately bordering the proposed development site to the North (Golden Hay), West (Main Street) and South (Silver Hay), using industry-standard methods endorsed by the Mammal Society, showed presence of hedgehog at all locations (Figure 6; original footprint tracking papers retained). Again, the flaws in the submitted ecology report are evident. This MUST be taken into account when making a planning decision.



Figure 6 - Hedgehog Tracking

Several bird species including those with the highest level of protection are known to use the site, these include: 3 species of owl, skylark, red kite, yellowhammer, and sparrowhawk. Unfortunately, the submitted ecological report has not undertaken any form of primary survey and has relied totally on secondary data from record offices, which are known to be incomplete. The current management (hay cut with aftermath grazing) creates ideal nesting conditions for some conservation priority species, such as skylark, but no breeding bird survey has been conducted.

It is a requirement of a range of policies from the NPPF downwards that new development MUST demonstrate a biodiversity net gain of a minimum of 10%. This was formalised in the Environment Act 2021 as a legal requirement. The applicant provides no evidence or workings to demonstrate this, and, in the light of the flawed ecology report they are **unable to demonstrate that there is no loss of biodiversity** let alone the gain required by policy and law. Moreover, **lack of a full and comprehensive Ecology Report means that the baseline against which 10% biodiversity uplift post-development would be measured is incorrectly and artificially underestimated.**

The application should be REFUSED as it doesn't meet the policy tests of Local Plan NAT1, JCS Strategic Objective 4; Policies SD7, SD9 and SD14, NPPF 2, 11 and 15

5. Highways Safety and Capacity

Policies: JCS Strategic Objective 6 and Strategic Objective 6; Policy INF1, NPPF 9

The previous application (22/00009/FUL) for the same site with 5 fewer dwellings was recommended for refusal by Gloucester County Highways, the consultation response containing that refusal, is in the public domain on the planning portal. Yet **the applicant makes a blatantly false statement that there was no highways objection.**

The applicant has made no material changes to the highways element of the planning application, so the objection from GCC remains material.

The applicant states that the surrounding roads have a low record of accidents. This is materially untrue. As the Transport Statement correctly states, the A46 is the main route to access Dumbleton. This is the fifth most dangerous road in the UK (Freedom of Information requests compiled by UK Carline June 2018). The A46 stretch between Evesham and Teddington Hands (circa 6 miles had 35 fatal collisions in the 5 years 2016-2020 (DfT statistics) and is currently subject to a national safety review. In addition, the other side of the village is accessed via the Black Sheds crossroads, a well known accident black spot There have been multiple accidents on the bends on the lane leading to the village, these bends are tight and blind, and the carriageway is not wide enough for 2 vehicles to pass easily.

The entrance to the site itself is on a blind bend, and the road leading up to this bend is only wide enough for a single vehicle, so no passing is possible. Further this road is bounded by Grade II listed railings and therefore cannot be widened, and it is not possible to see from one end of this section of road to the other to ensure there is no oncoming vehicle when proceeding.

The applicant has not carried out a proper TIA and no valid assessment of additional vehicle movements has been provided. The applicant shows complete disregard for the nature of the access roads, highways safety and sustainability.

The application should be REFUSED as it fails to address safety concerns raised by statutory consultees and cannot meet the tests contained within policies: JCS Strategic Objective 6 and Strategic Objective 6; Policy INF1, NPPF 9

6. Pre-application issues

Policies: Local Plan RES3 and RSE12, JCS Policy SD12

DCS has made two FOI requests relating to the content of pre-application consultations. TBC complied with its legal duty and provided this information.

It is clear that the applicant has disregarded much of the advice they were given during the pre-application process, an approach that is both arrogant and disrespectful to the professional advice given by local authority officers and specialists. The applicant then goes on to ignore these valid points but implies in its DAS that it has addressed the issues raised.

Fundamentally, the applicant was advised that TBC had serious reservations about the number of dwellings, that there was no need for market homes to cross subsidise social and affordable as the LA has funds to assist.

The applicant also states that it addressed the design issues. Clearly it did not do this. The house types remain, being the same out of character suburban designs and a token gesture of a new pedestrian access was made, addressing only one of the multiple design concerns. It should also been noted that this new pedestrian access link, onto Main Street at the junction with Beckford Lane, would bring pedestrians onto a section of pavement that is not wide enough to accommodate a pushchair nor a wheelchair for onward travel to the village centre, despite the affordable housing being targeted at young families and with the applicant claiming some of the dwellings as wheelchair accessible.

The application should be **REFUSED as it has failed to meet the policy tests as set out in policies: Local Plan RES3 and RSE12, JCS Policy SD12**

7. Archaeology and Heritage

Policies: Local Plan Policy HER4, JCS Strategic Objective 4

The applicant has carried out a medium scale trenching exercise and reports findings commensurate with the historic use of the site being a Roman villa or a Romanised Farmstead. This is supported by the fact that the Main Street in Dumbleton forms part of the ancient "Salt Way" a Roman road utilised for transporting salt from the brine springs of Droitwich to Cirencester and on to other parts of the roman empire. Salt was a valuable commodity and important residences could be expected along the routes used for its transportation.

The applicant therefore concludes that the site has **High Archaeological Potential**. Policy HER 4 therefore requires that further assessment must be carried out. The applicant has not carried out further assessment.

In addition, the development will dominate the Grade II Listed cottages immediately adjacent to the proposed development as described in section 2 above.

The application should be **REFUSED as it fails to meet the requirements of policies: HER4, JCS Strategic Objective 4**

8. Land of Community Value

Policies: Local Plan RES4, RES5 and NAT1, JCS Policy INF4, NPPF 2

The land has been utilised for many years by villagers for informal recreation, dog walking etc with no restrictions imposed by the landowner. Being adjacent to the Village Club it is often used by children of patrons and for ancillary purposes when the club holds events.

The site is subject to an application as an **Asset of Community Value** under the Localism Act 2011 s88.

The application should be REFUSED as it conflicts with policies: Local Plan RES4, RES5 and NAT1, JCS Policy INF4, NPPF 2

9. Community Engagement

Policies: JCS INF4, NPPF 4 and 12

The applicant has shown no evidence of engaging with the community despite an invitation from the Parish Council to represent themselves at the 10 July Planning Consultation meeting. They have made no attempt to seek the views of residents or stakeholders and have based this application purely on housing need derived from a materially out of date survey based on a Parish that no longer exists.

Had proper engagement taken place, then the applicant would have properly understood the constraints of this site and the location as a whole, particularly in the context of affordable housing in a location with very few services and exceptionally poor accessibility.

The application should be REFUSED as the applicant has failed to meet the policy objectives set out in policies: JCS INF4, NPPF 4 and 12

10. Foul and Stormwater Drainage

The applicant has failed to agree the foul drainage requirements with Severn Trent Water (STW). Foul sewage in Dumbleton is treated by a small treatment plant close to Cullabine Farm on the edge of the village. For several years this plant has been unable to cope with the output from the village and is frequently visited by large tankers to remove excess effluent pumped out by STW. Additional homes would increase this burden on the treatment works and create a material risk of contamination of the local water courses and in particular the ponds and stream adjacent to the treatment works.

The southwest corner of the site is prone to surface and ground water flooding affecting the properties on Main Street and Silver Hay, the proposed development will reduce the capacity for the site to accommodate this flooding. The applicant's drainage design does not show any connection to its stormwater drainage system and the presence of new developed hard footprint will exacerbate these flooding issues.

The application should be REFUSED as it fails to take account of the foul and stormwater drainage issues of the site and the locality.

11. Planning History

This site has been proposed and rejected in several previous Local Plans. The conditions and constraints of the site have not improved since those rejections. The services in the village have reduced and the site is now known to be an important habitat for protected wildlife species and has also been found to have significant archaeological importance.

12. Precedent

Allowing this application would set a clear precedent for development in non-service villages throughout the Borough, creating increased reliance on the private car and flying in the face of sustainability policies and goals.

The applicant has designed the layout specifically to open up the remainder of the site for development, development that would be materially detrimental to the village and create growth many times outside the threshold adopted by the TBC in its planning policies.

Summary

Dumbleton Conservation Society wishes to **OBJECT** to planning application ref: 23/00569/FUL on the basis of all of the points raised above.

Further, DCS is extremely concerned that the application contains material falsehoods and misrepresentations that attempt to mislead officers and planning committee members in order to justify a flawed application, which the landowner's agent admitted at a Parish Council meeting, was solely to enhance and release value from the substantial estate. DCS also notes that the applicant has failed to take account of the Pre-Application advice as disclosed to DCS through an FOI request

DCS is also very concerned that TBC has validated a planning application that is missing multiple documents that TBC makes it clear are required for an application to be validated.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'N Towe'.

N Towe.

On behalf of Dumbleton Conservation Society

Appendix 1 – Consultee Response from Gloucestershire County Highways to previous smaller application

Appendix 2 – Summary of Independent Bat Survey carried out by University of Gloucestershire

Appendix 1 – Consultee Response from Gloucestershire County Highways to previous smaller application on the same site



Tewkesbury Borough Council
Council Offices
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

Highways Development
Management
Economy Environment and
Infrastructure
Shire Hall
Westgate Street
Gloucester
GL1 2TG

10 May 2022
Your ref: 22/00009/FUL

**TOWN AND COUNTRY PLANNING ACT 1990
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY**

PROPOSAL: Proposed development of 8 affordable dwellings and associated works
LOCATION: Land To The Rear Of Golden Hay Main Street Dumbleton
APPLICANT: DB Land & Planning Consultancy Ltd

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 recommends that this application is **refused**.

The justification for this decision is provided below.

The proposal seeks a proposed development of 8 affordable dwellings and associated works at Land To The Rear Of Golden Hay Main Street Dumbleton. A Transport Statement has been prepared by Cotswold Transport Planning in support of the application.

The site is located off the eastern side of Main Street in the village of Dumbleton, approximately 11km South from Evesham and connects to the A46 and B4078 to the west and east, respectively. The application site is bound to the north, west, and south by residential dwellings, and to the east by agricultural land. Main St is subject

to a 30mph speed limit. The road is rural in nature, with no street lighting, and the nearest footway is located circa 35m west of the site access.

Sustainability

The site is in a rural community and there would be limitations to the choice of transport modes available for future occupiers. Manual for streets (mfs) states that walkable neighbourhoods are characterised by having a range of facilities within 10 minutes' walk, which is approximately 800 metres. However, this is not an upper limit and industry practice considers that 2km is a maximum walking distance door to door. The nearest bus stops are located circa 250m west of the site. These stops are serviced by no. 608 and 656 services to Cheltenham (on Thursdays) and Bishops Cleeve (Mondays and Fridays) with only one directional service per day. Additional facilities include a primary school some 450m west from the site. Whilst there is a primary school within walking distance to the site, the lack of suitable commutable bus services would present a barrier for future occupiers and result in heavily, if not entirely, dependency on private vehicle for commuting and access to everyday services and facilities. Furthermore, cycling would also not be seen as a suitable alternative as users would be restricted to either the A46 or B4078 in order to access further afield facilities, and neither of these roads would be appropriate for less experienced cyclists due to their design speed and average daily traffic volumes, however more experienced cyclists may not see this as an obstacle.

The Highway Authority therefore concludes that given the location of the site, there are no realistic transport choices other than the private vehicle to gain access to the site.

This proposal would be car dominated and fails to address sustainable transport; these matters cannot be mitigated. Tools such as a travel plan cannot address the harm due to the lack of transport choices available to support it.

In terms of safe and suitable vehicular access to this site, the proposed arrangements are deemed acceptable and the impact on highway network is also accepted and considered negligible.

Therefore, the proposal conflicts with policy INF1 of the Joint Core Strategy 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 National Planning Policy Framework contained in paragraphs 110 and 112.

Yours Sincerely

Development Coordinator

Appendix 2 – Summary of Independent Bat Survey carried out by University of Gloucestershire

Passive Acoustic Survey of Bats in Dumbleton: Survey Centred on Golden Hay

University of Gloucestershire Research Project by Niamh O'Reilly under supervision of Dr Chris Hatcher

Lay summary by Anne Goodenough (Professor of Applied Ecology and Dumbleton Conservation Society)

Background

The two main methods of surveying bats are walked activity surveys and passive acoustic surveys. Both focus on identification of bats based on frequency and sound patterns of bat echolocation calls. These calls are ultrasonic sounds made by bats as they move around the landscape and forage for nocturnal insects such as moths. Bats make these calls so they can listen to the echoes and “see through sound” – much in the same way as sonar works – but ecologists can use these calls to quantify bat use of an area by detecting, identifying, and enumerating the calls recorded.



Bat Echolocation Schematic
copyright Bat Conservation Ireland

Walked activity surveys involve identification of bats in real time using a “heterodyne detector” that listens for ultrasonic sounds and transforms the sounds down to human hearing range: species are identified based on call parameters. This requires an ecologist to be physically present throughout the survey and such surveys are thus usually 2-3 hr in duration starting at dusk. Passive acoustic surveys, by contrast, involve use of remote units that are deployed on site and both listen and record ultrasonic sounds. This means they can be left out all night, for multiple nights, and the data then processed.

Methods

In April 2023, two passive acoustic devices (Anabat Express units made by Titley Scientific) were deployed in four gardens in Dumbleton, overlooking areas with no lights around Golden Hay field, considered to be potential hotspots for bat activity. These collected data for 20 nights in total (five nights per garden).



Anabat unit in security box with microphone visible (above) and overlooking field (right)



Results

Across the 20 recording nights, there were 2,409 bat recordings (technically termed “bat passes”). This is an average of over 120 bat passes per night, which means bat activity in the greenfield areas around Dumbleton village is substantial. It should be noted that recorded activity is likely to be an underestimate as the work was done at the very start of the survey season, well before the seasonal peak in June-August.

Interestingly, these recordings showed that at least 11 of the 17 bat species breeding in the UK are using this small area (approximately 2 hectares), which makes the site extremely important in terms of bat species richness. This also suggests the open ground and greenfield sites around the village are vital for foraging of multiple species (technically termed a multi-species “Core Substance Zone”). The data were:

Species	Bat pass recordings over 20 nights in April 2023	Number of locations where species found (out of 4)
Common Pipistrelle	958	4
Soprano Pipistrelle	647	4
Noctule	473	4
Whiskered and/or Brandt's*	82	4
Daubenton's	75	4
Leisler's	55	4
Brown Long-eared	37	4
Lesser Horseshoe	35	4
Barbastelle	34	3
Natterer's	7	3
Serotine	6	3

* it is not possible to split closely-related Brandt's & Whiskered bats based on sound recordings; capture under licence and/or DNA analysis needed

All bats are legally protected in the UK under the Wildlife and Countryside Act, and under EU legislation that has been subsumed into national legislation post-Brexit. This means that **all** 11-12 bat species detected here are important, especially given the high levels of activity observed. However, some species are rare (regionally, nationally, or internationally), whilst others have very specific habitat requirements and are only found in specific locations. It was, therefore, especially interesting to record:

Barbastelle (<i>Barbastella barbastellus</i>)	Near Threatened globally (International Union for Conservation of Nature) AND rare in a UK context so a UK conservation priority species (Biodiversity Action Plan listed).
Brown Long-eared (<i>Plecotus auratus</i>)	Specialist forager on tree lines and woodland edges.
Leisler's (<i>Nyctalus leisleri</i>)	Rare in the UK and Bat Conservation Trust advises special care should be taken of wooded areas where the species is present.
Lesser Horseshoe (<i>Rhinolophus hipposideros</i>)	One of the UK's rarest bats and still declining. UK conservation priority species (Biodiversity Action Plan listed). There is an active roost at Dumbleton Hall the open ground around the village is vital for foraging (technically a Core Substance Zone). Highly sensitive to disturbance. Bat Conservation Trust advises that “sensitive management of their foraging area is very important”.
Noctule (<i>Nyctalus noctule</i>)	UK conservation priority species (Biodiversity Action Plan listed).