

APPLICATION NO: 18/01646/FUL	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 15th August 2018	DATE OF EXPIRY : 10th October 2018
WARD: Benhall/The Reddings	PARISH:
APPLICANT:	Arlo Homes Ltd
LOCATION:	Blenheim Villa The Reddings Cheltenham
PROPOSAL:	The erection of two dwellings, and formation of new vehicular access

CONSULTATIONS

The Reddings Residents Association

5th September 2018

Letter attached.

Ward Councillors - Councillor Britter

13th September 2018

As ward councillor I have received many concerns / objections from local residents regarding this new application and have waited until now to gain as much feedback as possible.

I would like to reinforce the objections raised by residents and confirm my objection to this almost identical submission to application 18/00704/FUL which was considered by the Planning Committee in July where it was refused on the grounds that the proposed access, due to its position off a busy road, over a foot/cycle way and in close proximity to a roundabout, and also due to the requirement to carry out on-going works to a hedge which is off the site in order to achieve the required visibility, fails to secure safe and suitable access. Therefore the proposal is contrary to INF1 of the JCS and paragraphs 108 and 109 of the NPPF.

It will not surprise you to learn that local residents are asking 'what has changed' the proposal does not address the concerns raised by not only them but also the planning committee when it made its decision. Residents also point out that their original objections lodged with Cheltenham Borough Council (CBC) to the first application are still very valid.

Residents take the view that this application is a garden grab and should be treated as such and refused.

Because of the site location, this is an inappropriate development; therefore it is contrary to the emerging Local Plan in relation to garden grab. The local authority has set out policies to resist such applications where proposals would not only harm but impacts adversely on the overall local environment. Secondly this proposal is also contrary to NPPF paragraph 53 in relation to garden grab

Road Safety concerns

Many residents have continually reported excessive speeds for vehicles travelling on Grovefield Way, the introduction of a new private opening, close to the roundabout, would constitute a "change in road layout" and greatly increase significantly the potential road hazards. Vehicles accessing and egressing the development will, of necessity, have to cross both the pavement and cycle path. Those wishing to turn right into the development or, to turn left into the development ahead of the roundabout would create queues of traffic.

There is currently only limited access onto Grovefield Way for good reason; it is a 40mph major Link road, not a minor estate road. None of the nearby houses or caravan parks has access onto Grovefield Way. The proposal will in fact create a "shared access" scheme in relation to the public pavement and national cycle way, contrary to the current Department for Transport (DFT) directive and as a result it will be incredibly dangerous for pedestrians, cyclists and other vehicle users of Grovefield Way and goes against the Highways Agencies recommendations for safe access to and from the site.

It should also be noted that when the southwest link road (Grovefield Way) was constructed, there were Highway design statements to the effect that no individual property access would be permitted onto the road. At the time that permission was granted, there was great emphasis that it was a link road and not a local distributor road.

Positioning an entrance from Grovefield Way, just to access two residential properties is surely a significant misuse of a link road. The whole reason for having a link road is to allow traffic to flow freely and safely, at reasonable speed, and adding a residential access is a negation of that principle.

The visibility splays shown cannot be achieved without significant cutting of the existing hedgerow which was planted as an important noise and pollution screen for the residents, when Grovefield Way was constructed.

To maintain the visibility splays required, a Section 142 agreement is being proposed to manage hedge, no account is taken of the Wildlife & Countryside Act, which will prevent any hedge trimming work being undertaken for much of the growing season, in order to protect the interests of wildlife.

Section 142 agreements are a "Licence to plant trees, shrubs, etc., in a highway". They do not deal with removal and maintenance and are not intended for this type of circumstance. The owners of the proposed properties will need to maintain a £5million public liability policy (each) and will need specialist equipment to maintain a hedge that is now at least 5m in height.

The developer is side-stepping the problem by passing the liability onto the owners of these proposed new homes who will have to carry out the works to the required standards on a very quickly growing hedgerow which is both impractical and unjustifiable with potentially very serious consequences.

Also the licence can be surrendered at any time without any reason. Therefore this is not an enforceable agreement. This I feel this is a ploy to dupe the planners and planning committee. So again the proposal is contrary to NPPF paragraphs 108- 110, inclusive.

Substantial loss of the trees and wildlife

The loss of the trees and wildlife would be substantial, the developers are trying to say it is a small -holding, it is simply a large garden. As previously stated in order to create the entrance, it would be necessary to fell a significant length of mature hedgerow, As can be seen in the applicant's own biodiversity report, this hedgerow is a "habitat of principal importance for the purpose of conserving biodiversity in England". Residents have also identify bats, sparrows which I believe are protected species

Community Asset

The hedge is also an important community amenity, providing a buffer for noise and pollution for the health benefit of local residents. Poor air quality and noise have already resulted from the huge increase in traffic in the area. Pollution is something that affects all residents, as was recognised by the designers of Grovefield Way, which is why the hedge was planted in the first place.

The JCS And Local Plan

The JCS has already identified sites to fulfil housing needs until 2031. The houses in this application are therefore not needed, they are purely to make money for the developer. To grant permission will make a mockery of the JCS.

Finally the applicant seeks to avoid the Emerging Local Plan by arguing that it is at the consultation stage, this is not the case The Local Plan has been through its final public consultation ahead of submission to the inspector. Having previously undergone 3 consultations over a number of years. The Local Plan is considered to be a much better guide to emerging policy than retained policies CP4 and CP7. Notwithstanding, CP4 states that permission should not be granted where it will cause harm to adjoining landowners, or if it causes traffic to reach environmentally unacceptable levels. The proposal breaches CP4 as the removal of the hedge to create an access to the site will have profound implications for other local dwellings in removing the designed sound and pollution baffle associated with the link road permission. The NPPF requires refusal where the residual effects on traffic will be severe. This proposal is contrary to paragraph 32 which specifically requires safe and sustainable access for all. The application is not in accordance with section 7 of the NPPF and does not contribute positively to making the area better for people. Rather, it will place a further strain on an already strained transport infrastructure, foul and storm water drainage arrangements.

In conclusion I believe this proposed development would have profound detrimental and devastating effects for the local community and for all of the reasons outlined should be refused

The Reddings Residents' Association (TRRA) object.

The application is almost identical to the previous submission and does not address the principle concerns of the planning committee, Councillors and residents in respect of the previous submission in respect of the safety of traffic, pedestrians, young children, pedestrians, disabled users of the footpath and users of the national cycleway. **We therefore request that it be rejected by the officers or otherwise referred back to the planning committee.**

1. The Emerging Local Plan has specific guidelines to moderate and control garden grabs such as this. The refusal for the previous application identified breach of JCS policy INF1 and paragraphs 108 and 109 of the NPPF. These paragraphs state that:

“108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The applicant discusses these in response to the planning committee determinations. However, he does not note paragraph 110, which we consider to be crucial:

“110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;***
- 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 conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;***
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and***
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”***

Almost none of these issues are addressed by the applicant and those that we have emphasised in bold underlining have actually been breached, in particular paragraphs 110a, c and d.

The proposal will create a “shared access” scheme in relation to the public pavement and national cycle way, contrary to the current Department for Transport (DfT) injunction. In response to the injunction, GCC Highways has disregarded its own Manual for Street Design and will now only strictly follow DfT advice.

2. The applicant now identifies that hedge H1, is under the care and ownership of Gloucestershire County Council/Highways. The hedge was planted as an important noise and pollution screen for the residents, when the south west distributor road (Grovefield Way) severed the historic village when it was constructed between 1988 and 1992.

3. Pursuant to NPPF paragraph 110d -the applicant indicates that provisions for refuse collection have been made, but we are unable to identify them. The turning space provided on the site is identified by the applicant as being only as suitable for cars. No identification of how refuse or recycling vehicles are to enter the site and leave the site in a forward gear is provided. These vehicles and any supermarket delivery, postal delivery or vehicles larger than a car will either need to enter the site by reversing onto it through live traffic, or reversing off it into live traffic, or parking (close to a busy roundabout) on Grovefield Way, whilst the delivery/collection is made. Similar issues will arise for any emergency vehicles that need to access the site and vehicles approaching the roundabout will be forced onto the other side of the road.

4. Vehicles accessing and egressing the houses both during and post construction, will, of necessity, have to cross both the pavement and cycle path. Assuming that the visibility splays conform to minimum design standards and will have been maintained, so that the vehicle can emerge onto the cycleway and footpath safely (as is claimed), these vehicles will be blocking the cycle path, whilst awaiting gaps in traffic thus forcing cyclists to use the pavement. The safety of users (including young children, pushchairs, mobility scooters, cyclists and pedestrians) will be jeopardised by this. This at a time when cycling is being promoted in the area, with the new cycle path being created further along the same link road (Up Hatherley Way). The proposal is contrary to NPPF paragraphs 110a, b and c.

5. The application form indicates 8 car parking spaces provided. This is not in accordance with the Local Plan, second review table for dwellings outside of the core commercial area.

6. The applicant indicates that stormwater will be disposed of to a soakaway, but the geology of the area is a heavy, impermeable clay where a very high number of trees and hedges are being proposed for removal. Significant ground heave problems will occur as the clays rehydrate at differing rates. Use of soakaways will further exacerbate very uneven ground recoveries, and pipes will fracture or develop backfalls. Lightweight attenuation/soakaway crates will become displaced and ineffective and pipes will fracture or develop backfalls. The design statement is ill advised and retrospective connection to mains will be required placing further strain on local infra-structure is therefore thought inappropriate and not capable of acceptance in respect of surface water treatment and will encourage local flooding.

7. The site is presently used as a smallholding/agricultural use, rather than a garden. CBC should clarify whether the land is actually designated as garden rather than agricultural under Section 65 (8) of the Town and Country Planning Act 1990.

8. The applicant at 13b of the application says that no important habitats, trees or hedges are to be removed. This is entirely untrue, as his own arboriculturalist and conservation reports detail. We are at loss to understand the GNER report when so many residents are now reporting local wildlife to them.

A sobering new report from the Lancet Commission on Pollution and Health cites pollution as the largest environmental cause of disease and premature deaths, responsible for 16% of all deaths worldwide and in Britain, for 50,000 deaths a year. Air pollution contributes significantly to this health crisis, estimated by the Royal College of Physicians and the Royal College of Paediatrics and Child Health to cost more than £20 billion per annum, for business from illness and the cost to the health service.

There is an intense debate around the urgent action needed to tackle the sources of pollution at source, including encouragement of financial incentives towards cleaner vehicles, setting up a ‘clean air fund’ to support local authority action on pollution and changing individual’s attitudes to cars.

Preventative action is essential, and there are different approaches to urban design. Use of simple and low-cost design features in new development, and planting new habitat features close to highways and other pollution hotspots, has direct beneficial effects on air quality, but this proposal will result in a considerable reduction of existing trees and hedges.

Different ecological features offer different effects on pollution levels, and the strategy should therefore be tailored to the specifics of each scheme. **Research published by iSCAPE in May 2017, for example, shows that low hedges reduce exposure to harmful pollutants from vehicle emissions by trapping exhaust releases at ground level. This simple urban design approach is far more effective than taller street trees which, like tall buildings, can create a canyon effect that prevents dispersal of pollutants.**

The *London Infrastructure Plan 2050* is one of the few in the UK which acknowledges that green infrastructure must be considered as an integral part of the city’s vital systems, as essential as the city’s transport, energy, water, waste and digital infrastructure. The London Plan specifically acknowledges the role of vegetation, and especially trees and hedges, to improve air quality by trapping particulate matter (PM) and absorbing polluting gases, such as nitrogen dioxide (NO₂). Consequently, removal of these hedges will prejudice the health and wellbeing of many existing residents and the new owners of these properties.

9. Section 142 agreements is being proposed to manage the GCC Highways hedge and the visibility splays. No account is taken of the Wildlife & Countryside Act, which will prevent any hedge trimming work being undertaken for much of the growing season, in order to protect the interests of wildlife.

Section 142 agreements are a “*Licence to plant trees, shrubs, etc., in a highway*”. They do not deal with removal and maintenance and are not intended for this situation. The licensee(s) (the 2 new owners of the proposed properties) must maintain £5million public liability policy (each) and will need specialist equipment to maintain a hedge that is now 5m to 6m tall. There is no indication of how they will avoid all of the road signs that are now embedded in the hedge and which will continue to block the visibility splay (because there is not enough room outside of the splays to relocate them). The licence will grant the power to remove the hedge altogether and/or, to surrender the licence at any time without any reason. This is not an enforceable agreement, nor one made in perpetuity, it is a completely inappropriate developer “get around” in order to pass the problems onto future owners to the further detriment of residents and to hoodwink the planners and planning committee.

It is an entirely unsafe proposal because one neighbour will be always be dependent on the other neighbour to maintain the hedge. This visibility splay and the safety of the road, pavement and cycleway users can only effectively be regularly and properly maintained by GCC Highways, with a charge being made to the developer/property owner in perpetuity. Any other proposal amounts to reckless endangerment. **The applicant’s proposals therefore remain unsatisfactory and contrary to NPPF paragraphs 108- 110, inclusive.**

10. For the reasons above, we believe that the application should continue to be refused. Notwithstanding, we will set out in further detail below why this application must again be **refused in accordance with NPPF – Section 7 and paragraphs 53, 108, 109 and 110; JCS policy SD4B and SD4C, JCS – INF1.; Emerging local plan policy D3, G12 and G13; current local policy CP4 and CP7. The proposal is also contrary to DEFRA 2007 “habitation of principal importance”:**

Transport

11. The applicant refers to the pre-application advice from Gloucester County Council (GCC) and states that the conditions have been met. However, the applicant relies solely upon his own traffic survey along a section of Grovefield Way between Tuesday 9 January 2018 and Monday 15 January 2018. Department of Transport TAG Unit M.12 "Data Sources and Surveys" identifies that surveys must only be carried out during neutral months. Neutral months are March, April (excluding Easter), May (excluding Bank Holiday weeks), June, September (excluding return to school weeks), October and November. Neutral months are ones which avoid main and local holiday periods, local school holidays, half terms and other abnormal traffic periods. January is not a neutral month and observations of the Highway Network Operation gathered cannot be considered representative and must not be used to assess the impact of this development proposal. No account is taken of known future traffic increases for the development of the land adjacent to BMW where there is a current application and appeal. Similar account needs to be taken of the proposed doubling of the Park and Ride facility to support the new Cyber Park.

12. GCC identify that Grovefield Way is a local southwest distributor road, with few private entrances, and that GCC will require robust justification of why a new access is required and why it should be regarded as acceptable. There is no robust justification set out by the applicant. This is a small development on "agricultural" ground. Despite speculation by the applicant that an agricultural smallholding is inappropriate in the area, the whole area historically was market garden and it is only extensive development and other local garden grab applications that have changed the nature of the area. The Reddings has a history dating back to 1560 and is not an estate development with its roots in the 1960's/1970's, as the applicant suggests. The development will provide 2 substantial four-bedroomed dwellings with garages. There is no shortage of houses of this type in the area, nor within the Borough. As such, we do not find robust justification here.

13. Although the applicant has considered crossover provisions for 2 estate cars passing, the estate car dimensions used are adopted from 2006. This is not considered typical of larger current estate car models.

14. In addition to the analysis for 2 estate cars, GCC require consideration of a refuse vehicle and an estate car passing in the entrance. The applicant does not do so, nor do they provide swept circle analysis for the refuse vehicle turning onto the road, nor do they provide analysis of turning circle for the refuse vehicle once on site, nor do they identify where the bins are to be stored. Requirements for a refuse vehicle access are 5m wide, plus 0.5m clearance either side. The access must also be a minimum of 0.5m from the nearest tree. The refuse vehicle will therefore require a minimum of 6.5m, and the estate car adjacent to it will require a further 2.05m, meaning that the gap in the hedge which the applicant seeks to show as 5.2m for vehicles will in fact need to be a minimum of 8.55m for a refuse vehicle (or similar) and a car to pass. Where the applicant now seeks to provide a pedestrian pathway pursuant to the "shared spaces" regulations and NPPF paragraph 110, the footpaths add a further 1.7m to the required width, making a minimum total of 10.25m of hedge that will need to be removed. This would remove the hedge completely back to the line of the proposed driveways on either side and the subsequent cutting of the visibility splays would then extend almost to the boundaries of the site, so road signs cannot be relocated without blocking the visibility splay.



It would not therefore be acceptable, or safe, for refuse vehicles to be parking on Grovefield Way, and adequate turning provision must be considered and shown on the applicant's drawings and layouts, together with details of bin stores. A 23m swept circle must be shown for the refuse vehicle's right and left turns into the development and the drawings must be drawn accurately to scale so that they comply with NPPF paragraph 110.

15. The applicant states that the visibility splays can be achieved by trimming the hedge which overgrows a cycleway and the signage for the roundabout. The tenant does not identify the signage location, which will block the visibility splay. The ecological and planning statements, and the arboricultural survey and constraints report, all anticipate a low maintenance hedge with light trimming in the autumn. Hedge H1 contains many fast-growing species. Following cutting-back, the tree/hedge species will rapidly re-grow and when they do, the visibility splay will be compromised within a matter of days/weeks. The owners of the property and the local authority could also be found liable for the cause of any accident because they have failed to adequately maintain the visibility splay. The Wildlife and Countryside Act will prevent trimming of the hedges through the critical growth periods March to August and thus, the visibility will be compromised. The applicant's proposal is, therefore, not sustainable. The height of the hedge is also such that tower scaffold or similar would be required to maintain the hedges safely, unless a mechanical flail is used. These are likely to be beyond the budget of the domestic owners of the property. Indeed, currently, only the front is trimmed, and the top has not been cut for some time. The design proposal is not therefore in accordance with the Construction Design and Management Regulations 2015 in that it introduces a significant hazard in respect of working at heights to maintain the visibility splay. The cutting of the hedges will also, at least partially, obstruct the cycleway, or the road if a tractor mounted flail is used and the licence will require the owners to maintain public liability insurance of £5,000,000, until they surrender the licence. At that point, no-one will be liable to maintain the visibility splay. This situation is entirely foreseeable and to approve this proposal would be negligent.

16. Whilst a small area of tactile pavement to warn pedestrians/cyclists has been introduced by the side of the proposed hedge opening, it would not be clear what hazard is being advised, and entry of vehicles out of the site and across the cycleway would not be expected. Pushchairs would be a risk from emerging vehicles. The applicant does not make any clear statements with regard to priority. The DfT current guidelines to accord with NPPF paragraph 110, state that tactile paving is not an acceptable solution.

17. The applicant does not detail the number of anticipated vehicle movements per day, which may reach 30 or more movements per day, given that parking for 8 cars is being provided.

18. Many residents have recently reported excessive speeds for vehicles travelling south on Grovefield Way, approaching The Reddings roundabout, as vision is now partially obscured by the hedge, which also obscures the signage. The introduction of a new private opening, close to the roundabout, would constitute a "change in road layout" as the many drivers that use Grovefield Way each day, and those that have used the road since 1992, would not be expecting vehicles to stop the traffic to turn right into the development or, to turn left into the development ahead of the roundabout where drivers would be expecting that the vehicle would be indicating to turn at the roundabout. The applicants survey data is too small to read in his report, we have enlarged the traffic speed survey portions of the report below:

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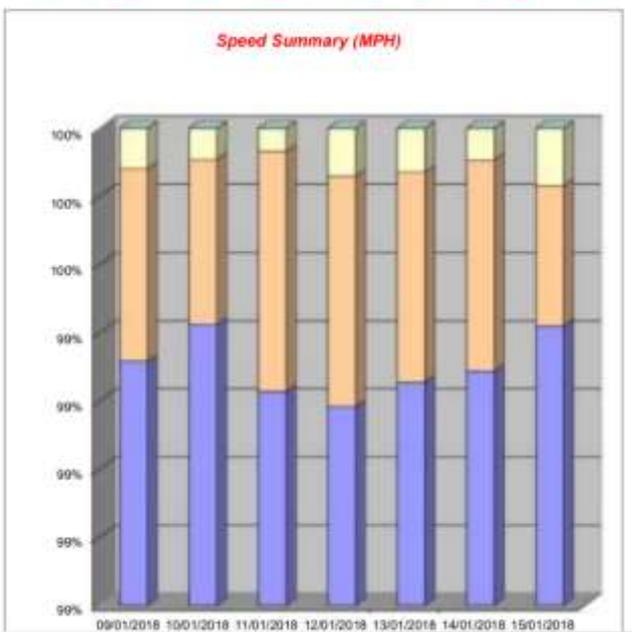
Grovefield Way – note on all days there are several vehicles travelling at in excess of 46mph and many seem to exceed the speed limit of 40mph.

Channel 1 - Northbound		Speed Summary						Week 1
Speed (MPH)	09/01/2018 Tuesday	10/01/2018 Wednesday	11/01/2018 Thursday	12/01/2018 Friday	13/01/2018 Saturday	14/01/2018 Sunday	15/01/2018 Monday	
0-30	3672	4051	3671	4080	3327	2610	3678	
31-45	524	528	548	626	579	697	602	
46-50	5	8	7	6	11	8	5	
51+	0	0	0	0	0	0	0	
TOTAL	4477	4587	4528	4724	3838	2613	4488	



The Reddings – several are exceeding the 30mph speed limit, despite the proximity to the road traffic island, some are exceeding the speed limit by between 50% to 100%.

Channel 1 - Northbound		Speed Summary						Week 1
Speed (MPH)	09/01/2018 Tuesday	10/01/2018 Wednesday	11/01/2018 Thursday	12/01/2018 Friday	13/01/2018 Saturday	14/01/2018 Sunday	15/01/2018 Monday	
0-30	4213	4264	4371	4208	3883	3227	4118	
31-45	34	21	31	29	34	26	12	
46-50	5	8	3	3	5	3	7	
51+	0	0	0	0	0	0	0	
TOTAL	4247	4293	4405	4239	3922	3256	4137	

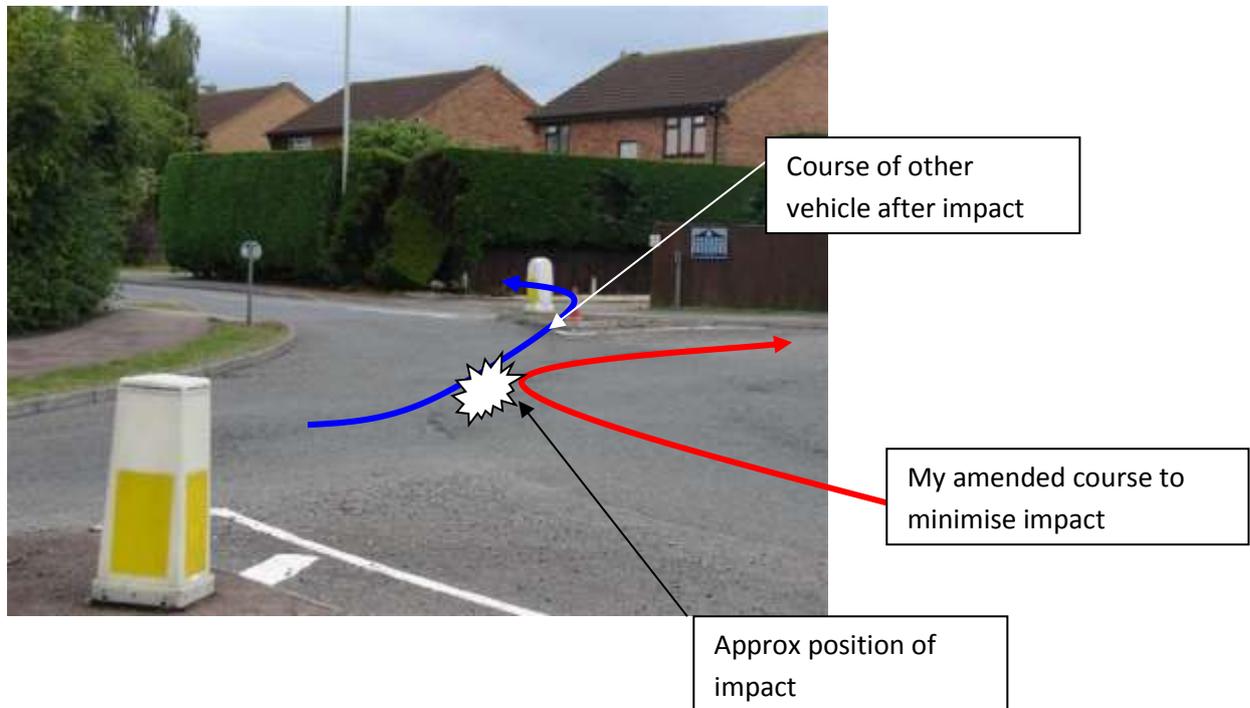


The Reddings Residents object – refuse in accordance with: NPPF – Section 7 and paragraphs 53, 108, 109 and 110; JCS policy SD4B and SD4C, JCS – INF1; Emerging local plan policy D3, G12 and G13; current local policy CP4 and CP7. The proposal is also contrary to DEFRA 2007 “habitation of principal importance”

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Evidence of what has happened at this roundabout in the past follows:.

A resident was involved in an accident there. She was on the roundabout when a car coming from the BMW direction failed to give way at the roundabout. It was travelling so fast it ended up in the hedge at entrance to the caravan site in The Reddings opposite the exiting entrance to Blenheim Villas. Photos that were used to support the resident's insurance claim are attached below:



View of roundabout in my direction of travel

The Reddings Residents object – refuse in accordance with: NPPF – Section 7 and paragraphs 53, 108, 109 and 110; JCS policy SD4B and SD4C, JCS – INF1.; Emerging local plan policy D3, G12 and G13; current local policy CP4 and CP7. The proposal is also contrary to DEFRA 2007 “habitation of principal importance”

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View of roundabout in other driver's direction of travel - (approximately where the new entrance and visibility splay is proposed for this application)



The Reddings Residents object – refuse in accordance with: NPPF – Section 7 and paragraphs 53, 108, 109 and 110; JCS policy SD4B and SD4C, JCS – INF1.; Emerging local plan policy D3, G12 and G13; current local policy CP4 and CP7. The proposal is also contrary to DEFRA 2007 “habitation of principal importance”



19. Significant road hazards could result in the event that a delivery vehicle was parked in the hammerhead simultaneously with the arrival of refuse, recycling trucks, or similar. The applicant makes no provision for this in his design.

20. Grovefield way was constructed as the southwest distributor link road. Relevant applications which should be listed in the Related Cases/Constraints tab are :

- CBC 88/01459/KZ - approval of reserved matters - outstanding
- CBC 89/00765/PM - construction of new road
- CBC 89/01826/PF - road layout and drainage
- CBC 92/00919/PF (Alt ref: CB 18844/01) - road section Golden Valley roundabout to B&Q roundabout
- GCC 92/00011/County (cross ref: CB 18844/1) - link road rail bridge
- GCC 92/00012/County (cross ref: 93/8436/0143/FUL) - link road rail bridge.

21. When the southwest distributor road was constructed, there were Highway design statements to the effect that no individual property access would be permitted onto the road, or similar. Indeed, dwellings constructed on North Road East since the time that Grovefield Way was built have a warranty that says that no entrance between North Road East and Grovefield Way will ever be reopened. At the time that permission was granted, there was great emphasis that Grovefield Way was to be a link road and not a local distributor road. In general, the link road principle has been upheld since 1992 as recent accesses onto Grovefield Way have been in the form of roads serving multi properties such as the Symphony Way housing development and most recently, the Cotswold BMW development (which has had a hugely negative effect upon traffic flows in the area since it opened in August 2017). No individual access has been created, save for the Coldpool Lane playing field which, it could be argued, is more akin to a multi access, further it can also be argued that it has not yet been brought into use. The drop kerbs along Grovefield Way (where BMW staff currently park their cars and obstruct visibility along Grovefield Way) were for historic access to the farm fields. GCC conceded that these could remain in order to avoid delay in construction of the road. At no time during the conception or construction of the Grovefield Way link road has there been any suggestion that these farm accesses would ever be used for anything other than field access, because the greenbelt was then assessed as being highly valuable as the buffer to Gloucester, and there were no proposals at all to extend the PUA into it; or that access for BMW and the employment site E3 adjacent to it; or for the Symphony Way development; or, for the Coldpool Lane field, would ever be created. There are no accesses to caravan parks anywhere off Grovefield way, only off The Reddings. The caravan park accesses are all historic and pre-existed the construction of Grovefield Way.

The applicant's Design and Access statement does not suggest to us that there have been any significant discussions with GCC, rather, an in-principle decision has been requested, and the applicant has then not acted upon all of the matters raised.

The drawings and reports submitted by the applicant in support of the transport policy are all marked "preliminary". GCC are effectively "marking their own homework" in their comments and propose conditions in lieu of proper design. This is negligent and dangerous.

If this application were to be permitted, the applicant would need to revert to the officers/planning committee for an amendment. It is therefore considered to be completely unacceptable to contemplate planning permission approval for the development, with a condition regarding transport, as the proposal by the applicant is completely misleading and the developer would be unjustly rewarded. At worst, it is misleading because the applicant recognises that approval would not be granted for the access that will actually be required. The hedgerow is much valued in the local character of the area. It was designed to act as a sound attenuation buffer for traffic and to ease pollution. As we have set out, the applicant will require a much larger hole in the hedge than has been indicated. The site is also located at the point where vehicles will be braking on the approach to the roundabout, and accelerating having left the roundabout. There will be considerable noise and associated fume pollution to many nearby properties if the attenuating effect of the hedge is lost.

This is clearly measurable following the additional noise from the A40 which is now present within The Reddings area following the drastic removal of trees and hedges around the Cotswold BMW site at the bottom of Grovefield Way. Many residents within Leyson Road and along Grovefield Way are now raising significant concern with regard to pollution levels along Grovefield Way as a result of the vast increase in traffic, and in particular, periods of slow moving/stationary traffic from 07:30 to 08:30 and 16:00 to 18:30 hours each weekday. As we have reported, the traffic analysis supporting the application is fatally flawed as it has not been undertaken during a neutral month. Notwithstanding, the applicant has taken no account of the almost certain future increase in traffic flows: along Grovefield Way which will result from the development of the remaining site adjacent to Cotswold BMW (extent outline permission for B1 offices); nor the development of employment site E2 for B1 offices (adjacent to Pure Office/Asda); nor for the proposed offices adjacent Asda; nor for the 80 bedroom care home facility being constructed in the former woodland behind Cheltenham Film Studios; nor for the increased traffic which JCS identify will be flowing into the park and ride where the spaces are to be more than doubled to more than a 1000 vehicle capacity; nor does it account for the additional bus traffic servicing the Churchdown housing developments on the Gloucester Cheltenham link; nor does it account for the new school and dwellings to be constructed in Leckhampton which will be accessing via the Grovefield Way "link road". All of this traffic will pass through The Reddings and along Grovefield Way in particular. Similarly, the use of Grovefield Way as a "rat run" to avoid the congested A40 and Hatherley Lane is not accounted for. This additional traffic will cause significant increase in local pollution (the residents' association are now undertaking their own pollution monitoring on Grovefield Way where acrid fumes linger for many hours of the day and are thought to be breaching, or close to breaching, the national thresholds). With an 10m plus gap in the hedge for access and significant reduction in the hedge volume for visibility splays, the fume pollution to the residents of the new properties and to nearby existing residents, will rise significantly, and unacceptably, contrary to local and national policy.

22. TRRA suggest that a headlight path analysis should be carried out to determine the nuisance that will result to neighbours due to the light pollution caused from headlights travelling into and out of the development, as well as the background lighting.

Previous applications

23. The planning history is noted, as is the inspector's report. The applications are now over 16 years old, during this time, local and government policies in respect of garden grabbing, vehicles, pollution, etc. have varied significantly, and there has been a great deal of very local commercial and residential development.

The applicant seeks to avoid the Emerging Local Plan by arguing that it is at the consultation stage and too early to give any weight to it, although we understand that it will shortly be submitted to the inspector, un-amended from the last consultation. The Local Plan was most recently advised as being the final consultation ahead of submission to the inspector circa August 2018, having undertaken 3 prior consultations over a number of years. The Local Plan is considered to be a much better guide to emerging policy than retained policies CP4 and CP7. Notwithstanding, **CP4 states that permission should not be granted where it will cause harm to adjoining landowners, or if it causes traffic to reach environmentally unacceptable levels.** TRRA consider that the proposal breaches CP4 as the removal of the hedge to create an access for the 2 dwellings will have profound implications for many local dwellings in removing the designed sound and pollution baffle associated with the link road permission. The access will benefit only 2 dwellings. The Local Plan advises that the current 5 year housing land supply is robust. Once again, we can find no robust reason to permit a development of 2 houses, when it will have a significant negative impact on many more local dwellings and their amenity through noise and fume pollution, whilst to the much wider area, the additional disruption that it will cause to traffic will have a significant negative effect, particularly in respect of deliveries to the new dwellings from supermarkets, online retailers, post and refuse and recycling collections in being undertaken, as well as during the construction period when heavy plant will need to access and leave the site.

24. The site is not considered sustainable, as the adverse impacts will significantly and demonstrably outweigh any benefits for these 2 houses, when assessed against the policies of the NPPF as a whole.

25. Whilst the NPPF requires the planning authority to look for solutions. However, previous applications and appeals for vehicular access off The Reddings have already been considered and rejected in 2002. That leaves only the possibility of access off Grovefield Way and this is contrary to its designation as a link road, where harm caused will outweigh the benefit. This application and other access points onto, or off Grovefield Way must fail because it is neither sustainable, nor safe.

26. The NPPF requires refusal where the residual effects on traffic will be severe. This proposal is contrary to paragraph 32 which specifically requires safe and sustainable access for all.

27. The **application is not in accordance with section 7 of the NPPF** and does not contribute positively to making the area better for people. Rather, it will place a further strain on an already strained transport infrastructure, foul and storm water drainage infrastructure, health infrastructure (there are no doctors or dental surgeries, or similar within The Reddings area). We note that in previous applications there was mention of the applicant being willing to negotiate section 106/CIL levies for playing areas etc., but these are not repeated within this application. As such, the application does not in any way contribute positively to making the places better for people. However, it will significantly disrupt the local scene by introducing a gap into a hedge which is almost continuous from The Reddings roundabout down to the park and ride roundabout/B&Q, save for a gap on North Road East.

28. There are no precedents to break the hedge in the visual street scene to provide access for two properties.

29. The application is contrary to NPPF paragraph 53 in relation to garden grab. The paragraph states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens where development would harm the local area. The Emerging Local Plan makes it clear that the proposal cannot be approved.

30. The landscaping sensitivity is high. Development will "cause harm to the architectural integrity, townscape and environmental quality of the area by eroding open space around the existing buildings" **contrary to the JCS criteria set out in SD4B and SD4C.**

31. No consultations have been made with regard to biodiversity and geodiversity. However, neighbours identify bats, sparrows and buntings as protected species. The site is clearly in use by hedgehogs. This was proven recently, as a hedgehog was run over opposite the proposed entrance to the site on 3 May 2018 (photographic evidence available).

32. The application of previous policies to the application is not equitable. The applications in 2002 and the inspector's rulings cannot be considered as relevant because, since that time, close to the site, Cotswold BMW, B&Q, Pets at Home, Home Bargains, the Nuffield Hospital, Symphony Way housing estate, Asda, Pure Officers, Harvester, KFC and Travelodge have all been built. Presently, there is a large care home under construction, site E3 on Grovefield Way (over 4 acres of employment land) and E2 on Hatherley Lane for B1 offices and a further 27 houses have also been granted permission and/or are under construction.

33. The **proposal is contrary to Emerging Local Plan policy D3** because it removes open private space that makes a significant contribution to environmental quality. The trees that are proposed to be removed have a minimum 10 years life expectancy by the applicant's own analysis.

34. The project does not enhance ecology, landscape or biodiversity in any sense; it simply provides a significantly reduced environment to that which presently exists. Proper consultation and surveys are required. The application proposes felling large areas of hedge and subsequent trimming and maintenance of a hedge that is not under the ownership or control of the applicant, for the benefit of the two private dwellings and the pecuniary gain of the applicant. Such maintenance would be at public expense if the project is allowed, and is not acceptable.

35. The application does not meet the requirements of INF1 of the JCS.

36. The contribution to the economy is negligible. The cost to the public purse of maintaining the crossover and the hedges and the loss to the environment and local character is far more significant.

37. The applicant assesses the hedgerows as being in accordance with the DEFRA 2007 criteria to be listed as "habitat of principle importance for the purpose of conserving biodiversity in England" section 41 of the NERC Act 2006. A much greater portion of the hedge than the applicant shows will need to be removed in order to comply with the requirement for an estate car and refuse vehicle to cross and to keep treelines and hedge lines out of the visibility splays.

38. The applicant does not show the views from Grovefield Way of the continuous hedge and the significant biodiversity that it affords as an intact hedgerow in his submission. Rather, the view is only included from within the applicant's garden. It is also noted that applicant's hedges H2 and H3 are also listed as intact hedgerows which are species-rich and also compliant with the DEFRA 2007 "criteria to be habitat of principle importance".

39. Policy G12 requires preservation of trees and not to allow them to be felled simply for relatively low value development purposes.

40. Policy G13 states that development causing harm to trees will not be permitted. This application will cause very significant harm to multiple trees.

41. It is of great concern to us that the applicant, Arlo Homes, state on their website that they are looking for "large rear or side gardens" and "corner plots". The nature of the developer's business is clear and seems to have little or no regard to the appropriateness of such a development or the environmental or aesthetic impact it would have on a community. The granting of such an approval will encourage, and reward, such thinking and set further precedents for inappropriate development in The Reddings area.

42. For all of the reasons listed above, the application must be refused.