


Sent Via Email

20 November 2018

Miss Michelle Payne
Department of Planning
Cheltenham Borough Council
Municipal Offices
GL50 1PP

*"Coversdown"
Birchley Road,
Cheltenham,
GL52 6NY*



Dear Miss Payne,

Ref 18/02171/OUT

As a resident of Battledown my house, Coversdown, joins the northern boundary of the proposed development. I strongly object to this application. Not only is it in breach of national and local planning policy, which should be promoting healthy communities, it would mean the loss of valued open space which is used as a recreational area. It is of great value to those who live in this community. It threatens an area of beautiful green space.

The current plan also ignores the National Planning Policy Framework (NPPF) plan that is currently going before parliament. This plan quiet clearly identifies the land in this application, for a maximum development of 25 Houses.

Furthermore, I do not see any evidence that the reason the previous Outline plan 17/00710/OUT, which the Council turned down in August 2017, have been addressed. In the council's letter dated 16th August 2017, 5 reasons were listed and a mention was made of the NPPF. None of these reasons have been adequately addressed so this application should also be rejected.

In point of fact, I fail to see how this has been accepted as new application, as even the applicant is using the same supporting documents as they did for the previous plan that was turned down. I therefore believe that as the applicant is the same company as the previously rejected plan and they have used a number of the same original documents, that all the objections for 17/00710/OUT should still be considered by the planning committee.

Once again, the current application is riddled with inaccuracies, even down to the "Tree assessment and inspection survey for bat roost potential" using the incorrect layout in Plan 3 - Proposed Mitigation!! (Plan 3 is of the previously rejected layout! The references to the TPO trees in the various reports do not correlate with the Tree Preservation order Ref MHP 16087! TPO Tree T13 is actually an ancient oak yet in Arboriculture report done by Flac, the map on page 18 it is listed as an Ash Tree!

Perhaps this has been done deliberately to confuse CBC??

How can CBC and the surrounding residents rely on any of the supporting documentation as submitted by the applicant. The application should be rejected out of hand simply on the numerous inaccuracies.

My list of objections to the current Plan are as below:

1. Charlton Kings Parish Plan published April 2017

This plan was published by the parish council to provide guidance for the next 5 - 10 years. It was produced by a public questionnaire and parish meetings. Page 8 states "a clear consensus emerged that development on open land and green spaces should not be allowed.". Page 9 states "There was preference to avoid building on 'green' sites of any description, favouring future development on brownfield/waste or infill land;"

Therefore this development is contrary to the conclusions drawn by the Parish Council and the residents of Charlton Kings.

2. Right to Privacy

The conclusions of the developers report state that following the process of consultation, the application has been changed in a number of "significant ways". I strongly dispute this statement. At best, there has been some minor changes, but fundamentally the proposed development still has

- 69 houses
- only one inadequate transport access point,
- is still destroying natural habitat
- still gives significant flood risk
- still built on a steeply sloping site of clay
- still highly visible from offsite locations and
- still destroying an environment used by the St Edwards school for environmental and sporting activities.

The report states that the density of the houses was reduced on the boundaries that border Battledown. This is certainly not the case with the northern border of the proposed development. The plan shows double storey and 2½ story houses right on our boundary. In addition, the 2½ storey houses/flats will be on a higher elevation than our house and will therefore look directly down into 4 of our bedrooms, let alone our drawing room and conservatory. This is a gross infringement on rights to privacy.

The Landscape and Visual Aspect Report, makes general mention of the impact the development will have on residents of Birchley Road, though it specifically

avoids any mention of the most impacted properties such as Coversdown, Meadow View and Charlton Manor. This is a major oversight in the analysis, creating a clearly biased document.

In addition, as these houses are directly south of our house they will most definitely block light and direct sunlight into our property. In winter, we would not see any sunlight whatsoever.

We purchased in Battledown specifically because of its privacy and quietness. This proposed development will totally undermine our right to privacy and quiet enjoyment.

3. TPO Trees and Hedgerows

On our boundary with the proposed development, there is are magnificent specimen of an oak tree (T17 & T18), which I have been led to be believe is over 350 years old. There are also a number of other mature trees. Up until 2 years ago the St Edwards school ensured that T13 was well maintained and dead branches were removed by their tree surgeon. This practice has meant that this tree has flourished and is in excellent condition. It is quite noticeable that since the applicant has lodged for planning that the maintenance of these trees have been neglected. The regular maintenance of such magnificent trees is a necessity for the wellbeing of the tree. In addition, as the tree is south west of our house and the prevailing winds and storms would otherwise place our house at direct risk during storms.

Who is going to be responsible for the well-being of this tree and thus ensure our house remains out of danger should this development take place? The developers have already shown scant regard for us neighbours in that they accessed the currently site illegally over our properties. They also showed no regard to the TPO tree and hedgerow they removed. To date we are not aware whether this breach of the law has led to prosecution.

Secondly, I believe that the proposed houses would be built far too close to the root system of these magnificent trees. The consequences of this would most likely lead to the trees' demise. This would then place the foundations of our house and our neighbour in 29 Oakhurst Rise in danger to subsidence and cracking. In addition, any houses built within its vicinity would also be subject to these issues.

The developer already plans to destroy several protected trees including ancient old oaks. The developer also plans to destroy 2 ancient protected hedgerows (seen on a map from 1825) that are BAP priority habitat and protected by law. The site has a large number of veteran trees. These need aging as some may be ancient. Many of these trees should be protected and there have been frequent

requests that this is done as a matter of urgency. I believe that developer acted against the guidelines of the 1997 legislation on hedgerows when a large section close to my house was destroyed without the correct permission in the spring.

I feel that the developers survey into the biodiversity of the site is highly inaccurate and should be discarded and not relied upon. As our house overlooks part of the field we witness all the various wildlife that many other residents have already listed. Our CCTV cameras also regularly record the presence of all this wonderful wild life.

Cheltenham Planning Policy GE 2; Private Green Space states "The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted." So, does the proposed development site meet the requirements of significant townscape and environmental contribution? It clearly has a unique environmental impact with a wide range of flora and fauna, it is kept in semi-wild condition, with once per year grass cutting and occasional tree surgery. It is a unique site that it is surrounded by buildings on all 4 sides, it is visible from the AONB areas. It is a wonderful undeveloped area and forms part of the critical green space that goes to form Cheltenham. As such I contend that any normal person would agree the proposed development site does not meet these criteria - hence the application should be immediately rejected.

This new plan STILL does not address any on my previous objections and hence all my previous objections still stand. In particular as pertains to the houses on the North boundary that are in proximity of T13 & T18. (Note: I am using the TPO Order 96 Ref MHP 16087 as the tree references, as the applicant regularly has used the wrong references for identifying these trees.)

I have a copy of a report by Barton Hyett Arboricultural Consultants (BH), in response to the original Arboriculture report of the developer's consultants (TKC). The documents presented by TKC with regard to the TPO's and RPA's are based on guidance of BS5837 (4.6.1) whereby the maximum of 15m radius from the tree stem is being used. **In fact**, the Natural England and the Forestry Commission published in January 2018 that recommends that "for veteran trees a buffer zone of at least 15 times larger than the stem diameter or 5m beyond the crown edge if that is greater" should be used.

In addition, the council's own **Tree Officer stated on 8 Mar 2018**

"Veteran trees have not been classified as per BS5837 (2012) recommendation where veteran trees should have an automatic A3 classification. Similarly, the Root Protection Areas do not conform to the Woodland Trust and Ancient Tree Forum recommended areas equivalent to an area described as a circle of 15 (as opposed to 12 in BS5837 (2012)) times the diameter of a tree or 5 metres from

the edge of the canopy. Indeed, such recommendation of no hard surfacing within BS 5837 (2012) para 7.4 recommends that no construction occurs within an RPA."



Drawing showing the inaccuracies of the FLAC report

This has a significant impact on the developments in the proximity of T13 & T18 to mention just a few. Even the new report by Flac has errors in it!

Using the diameter of "T13" in the report as 1505mm (Which I believe is incorrect and should be closer to 1700mm), then the RPA from the T13, that should be excluded from development, should be a radius of 22,5m and NOT 15m as per the Table. Flac also lists T13 as 22m high. This is also quite clearly inaccurate.

Even based on their own drawings of the layout as submitted by the Everitt Architects, Property 66-68 falls within this "incorrect excluded area" of the radius of 15m of the Oak Tree let alone of the correct radius of 22,5m. When the correct diameter figure is applied of 1760mm diameter, this exclusion radius should be increased to 26,4m and hence the whole of this property contravenes the RPA regulations.

In addition to the above, we object strongly to the fact that Flac recommend that a number of the "Veteran Trees" have been demarcated to have their crowns reduced in size by 5m in height and diameter – is this to allow the tree to conform with the development. These trees are hundreds of years old and should not be subject to the risk of being endangered in the name of housing. It is the housing that is encroaching on the trees, not the other way around.

4. Density

According to the Battledown Estate site <http://www.battledown.co.uk/covenant.asp>, in the Deed of Covenants and Regulations, number 5 states "No person is to build on the Original Lots of Estate land more houses than in proportion of one house to each half acre of land". Battledown Estate is adjacent to the proposed site on its North and East Boundaries where the density of the site is +-20 units per hectare which equates to +-4 units per half acre of land. This is considerably more than the allowed adjacent density of 1 unit per half acre of land. As such we believe that the proposed development is not in keeping with the developments that surround the site to the North and East.

5. Increase Flood risk.

Historically there have always been significant issues with surface run off and groundwater flooding around the site. I believe a full and proper impact study needs to be done investigating the impact of the scheme on the River Chelt through Cox's Meadow onto Bath Road and Neptune's fountain. Some proper flood modelling is called for. Even with all the modelling done for the Cox's meadow flood barrier, the first time this barrier was put to the test, it failed, with large scale flooding of properties down-stream from the barrier.

I am not at all satisfied that routing all foul and rain water under Charlton Court Road will be an adequate solution at all. The ageing lower sections of the sewage system are already vulnerable to blockages and collapses according to a helpful local expert on drainage.

The consultant does not seem to recognise that there is any existing flood risk, I believe residents will tell a different story from their personal experiences.

In addition, the flood zone map created 26 March 2008 shows on page 4 a preponderance of incidents of "Recorded Flooding" in both the categories of "Artificial Drainage" and "Unknown" following the line of Oak Avenue. Anyone who has dug their garden or who remembers the old brick works will know this is an area of clay soil, which is always damp.

This is further borne out in the fact that we already have a continual spring, that starts in the field and runs through part of our property, nearly all year round. If the spring runs at present with all the natural protection that the field currently affords it, what is going to happen once this water has nowhere to go due to the impermeable surfaces that will cover the proposed site.

6. Access to site

Oakhurst Rise is a small, narrow and steep cul-de-sac. Many residents park on

the road as the driveways are so steep and narrow with often dangerous drop offs due to the gradient. The gradient is 1 in 5 at the top and narrowness of the road make sole 2-way access to 69 houses from this site totally inadequate.

In snow and icy weather, the road is immediately cut off as residents prioritise the grit for the lower part of the Rise and the busy and dangerous bend and slope near Pine Close. I wonder where snow bound cars will park on congested Beaufort and Ewen's Road. How will emergency vehicles access the development in snow? The Rise is accessed via the very narrow and congested streets of Ewen's Farm; one of the worst streets being Oak Avenue. Blind bends already make these roads that are occasionally 2-way in sections dangerous.

7. Change to Cheltenham skyline

The site is a very visible green part of the visual landscape. It adjoins Battledown, which is one of the highest points in Cheltenham. As the 2½ storey building and 2 storey house are going to be built on the crest of the development, the skyline of Cheltenham will forever be blighted. Particularly from Leckhampton Hill, the A435 and the popular Cotswold Way at Lineover Wood where the path emerges from the trees. There is no dense housing at this elevation at present and the new estate will have a very significant impact on visual amenity. It will be a scar on the tree dense and greenfield nature of the landscape at this height on the hill line as currently afforded by the properties on Battledown. This will further erode the character of Cheltenham as a scenic spa town.

8. Loss of a community recreation area

The field is used by the wider community and it is a well-regarded venue for county cross-country competitions hosted by the school, as well as being a huge draw on bonfire night when the school PTA run their fund-raiser. Children from the school benefit from the access to the field to get closer to nature, such as the popular "welly walks" from the pre-school section.

9. Damage to biodiversity.

The developers' environmental consultant claims that the majority of the site is "poor semi improved grassland" which is "regularly mown". They claim it is "short grassland" that is of "low conservation significance". I completely contest this. The developers study was done at an inappropriate time of year. I believe that other expert opinion has been obtained who believes that the site is actually species rich grassland which requires a detailed grass species survey, ideally done May-July. I understand the developers' nature survey was done in early September 2016 soon after the farmer had cut the grass down and driven over it with a tractor. Like most wildflower meadows throughout history the grass is cut once a year, contrary to the developers' claims this does not constitute regular

mowing or cultivation. I must insist that a proper survey is done to establish the true status of the meadow.

10. Amenities in the area

Already the amenities in the form of

- schools,
- hospital places and
- Sixways surgery

are all under extreme pressure. It is fairly common for current residents to have to wait over 3 weeks just to see a GP. This proposed development will further exacerbate the problem. Simple financial contributions/penalties as appear to be the norm when these issues arise in other planning applications (eg Tim Fry brown field development) will not solve the problem of residents being able to see a GP or getting places in schools.

11. Conflicts with the NPPF plan

In particular this application conflicts with the NPPF plan in the following sections:-

Para 11, 12, 43, 97,102,103, 155, 170, 170e, 175e, 190, 193, 194

12. Conflicts with the Local plan

I would like to point out that when reading the Cheltenham Borough Local Plan Second Review Adopted July 2006, it would appear that this application falls foul of the following objectives as set out in the above document. :-

General

O3 to protect public safety and amenity

O6 to create more sustainable patterns of development, with priority use of previously-developed land

O7 to make best use of development land

O8 to meet the needs of the elderly and people with disabilities

Environment

O9 to conserve and enhance the setting of Cheltenham

O10 to conserve the natural beauty of the Cotswold Hills

O11 to conserve and improve Cheltenham's architectural, townscape and Historical heritage

O12 to conserve and improve Cheltenham's landscape character and green environment

O13 to safeguard the countryside from encroachment and inappropriate

development

O16 to protect and improve the quality of land, air and water

O18 to maintain and encourage biodiversity

Housing

O23 to secure a high standard of residential amenity

Utilities infrastructure

O30 to reduce the risk of flooding and flood damage

O31 to make adequate provision in development for the satisfactory supply and treatment of water

Transport

O32 to promote sustainable transport

O33 to safeguard the potential for the future provision of transport infrastructure

O34 to ensure infrastructure in development is provided to a satisfactory standard

O35 to safeguard or improve personal safety in the transport system

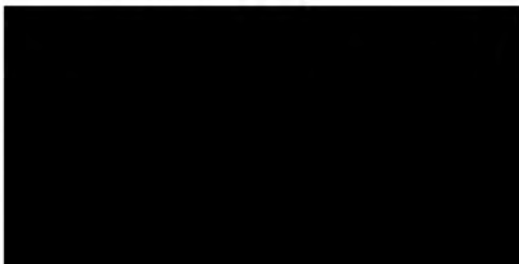
O36 to contribute to road traffic reduction and improve traffic flow

It would therefore appear that this application fails in so many of the prescribed principles as laid out in the Local Plan.

In conclusion, whilst the developers supporting documents appear to be comprehensive and all encompassing, they are far from this. They are at best extremely biased and in many cases inaccurate. They are at worst lacking in substance for a development of this scale which has far reaching implications not only to the residents of the immediate vicinity of the development but also to the greater community of Cheltenham.

We therefore implore the council to reject these plans outright.

Yours sincerely



Ref: 18/02171/OUT



Wadley's Farm,
Ham Lane,
Chalton Kings.
GL52 6NJ
20th Nov. 18.

Dear Madam,

Once again I must oppose the proposed development on land adjacent to Oakhurst Rise, Cheltenham.

The Borough Council has spent much time and money on the latest Town Plan, and Policy D3 "Private Green Space" is directly applicable to development of this site.

In my view any development would be detrimental to the area, being currently a green field site, supporting a wide range of wild life & which would probably involve the removal of well-established trees. None of the above "would retain and enhance existing landscapes" in this area, as Policy D3 requires.

The access through Oakhurst Rise, a small cul de sac, is appalling, & the impact it would have on the residents there

would be enormous, with much increased traffic, noise and disturbance and the noise and disturbance would affect St. Edward's School too.

I'd be very glad if you would be consistent and refuse this application yet again. Consenting to it would damage and alter the environment for ever.

Thank you.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.



3 Oakhurst Rise
Charlton Kings
Cheltenham
GL52 6JU

19th November 2018

Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Dear Sirs,

Ref 18/02171/OUT

I wish to register my objection to the proposed development on land adjacent to Oakhurst Rise of up to 69 dwellings.

My reasons for such objection, apart from the obvious one of the detrimental effect on a quiet cul-de-sac, and hence lowering of property values are: -

- 1) Vastly increased traffic flow on a road which is unsuitable for the purpose, especially considering that some dwellings in Oakhurst Rise do not have garages, and on road parking is the only option.
- 2) Heavy flooding has occurred in the past (especially in 1987) and this development would exacerbate the situation considerably.

These are my objections (in respect of planning matters)

Yours faithfully





St Edward's

CHELTENHAM

The School Bursary
252 London Road
Charlton Kings
Cheltenham GL52 6NR

Michelle Payne
Senior Planning Officer
(Applications)
Cheltenham Borough Council
Place and Economic
Development
Promenade
Cheltenham
GL50 9SA

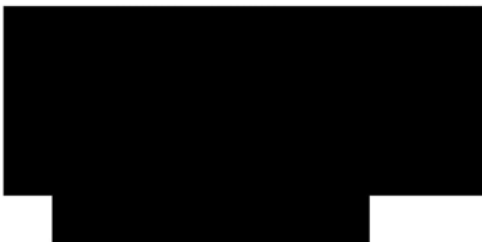
30th October 2018

Dear Ms Payne,

RE: Land off Oakhurst Rise, Charlton Kings - Planning Ref 18/02171/OUT

Further to my letter dated 13th July 2018, please find attached a more detailed statement from St Edward's School in support of the planning application for development of the land adjacent to Oakhurst Rise.

Yours sincerely,



Chair of Trustees

ST EDWARD'S SCHOOL STATEMENT OF SUPPORT

Introduction

- 1) St Edward's School supports the development of this portion of the 45 acre site, being non-essential to the educational and recreational requirements of the School for the following form of development:

'Proposed development on land off Oakhurst Rise, Cheltenham.'

- 2) The development would lead to significant enhancement to the facilities at the School which should attribute 'great weight' in the decision-taking on this planning application. The Framework 2018 states at paragraph 94:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

- 3) These development proposals, by gifting a major capital asset in the form of the freehold of the school and its grounds to St Edward's will enable the School to be altered and expanded in the public interest.

St Edward's School Strategic Plan 2015 – 2020

- 4) The School has published a Strategic Plan (which is attached as APPENDIX 1). The Strategic Plan identifies Strategic Objectives for St Edward's, which include improvements to the physical facilities at the School, namely:
 - I. Invest in new capital projects to enhance the facilities for sport on both sites (by improving the swimming pool, changing rooms, gym and hall on the Senior School site and the Red Gra and sports hall on the Preparatory School site) to complement the educational provision.
 - II. Maintain existing buildings and facilities to a high standard and adopt, where practicable, sustainable solutions to improve energy efficiency.
 - III. Develop outside spaces to extend opportunities for outdoor learning and pupil wellbeing.

Public Benefits

- 5) Lest it be suggested that these enhancements benefit only a minority sector of the local community, St Edward's responds as follows:
 - i. National planning policy as set out in the Framework does not seek to confine the application of 'great weight' to public sector schools.
 - ii. In any event St Edward's School remains committed to the aim of providing public benefit in accordance with its founding principles. The Trustees have given careful

consideration to the Charity Commission's general guidance on public benefit and confirm that they have complied with their duty in Section 17 of the Charities Act 2011. The Trust fulfils its obligations under this Act through the availability of bursaries, the affordability of school fees and the availability of its facilities to community groups and State funded schools.

- iii. The School makes its facilities available to local community groups including sport (cricket, swimming, rugby, football, tennis and hockey), drama and music groups. The Trust values its links with the local community and plans to continue to build on these strong relationships.
- iv. Below is an outline of some of the links the School has with local community groups and state-funded schools:
 - Free or subsidised use of the School's swimming pool to local state funded schools.
 - Rounders, football, athletics and quadkids tournaments are held at the Preparatory School with the involvement of state schools for no charge.
 - Local sports groups including East Gloucestershire Hockey and GoCrea8 Hockey use the Senior School's AstroTurf pitches.
 - Pupils from many local state primary schools take part in the many free experience days that the Senior School holds which offers them the opportunity to expand their knowledge and experiences of particular subject areas. Successful music, sports, STEM and drama days are held regularly.
 - Use of the School's cricket pitches and equipment by Charlton King's Cricket Club.
 - Use of the School's rugby pitches and equipment by Old Patesians RFC
 - Both school sites are made available through the holiday periods for holiday camps which benefits the many local working families.
 - Year 12 students take part in a community service programme.
 - The School's CCF resources are shared with All Saints Academy and Pate's School, both State funded schools.
 - The Highbury Club, a local community group for partially sighted and disabled, use the School facilities once a term free of charge and are entertained by the School's pupils.
 - Annual fireworks event at the Preparatory School open to the entire community and attended by several thousand people each year.

Conclusions

St Edward's school is not the freeholder of the land for development. It has a diminishing lease (less than 30 years remaining) at a significant annual cost. However, the freeholders have agreed to transfer the ownership of the school and grounds to the School Trust at nil premium in the event that planning permission is granted for the proposed development. A conditional contract has been agreed to reflect this arrangement.

The ability to acquire the freehold not only secures the School's long term future, it also has a significant impact upon the ability of the School Trust to raise finance so as to enable the capital improvements described in the Strategic Plan to be undertaken. The School Trustees believe that the acquisition of this asset will have a seminal effect upon the fulfilment of its Strategic Objectives.

Strategic Plan 2015 -2020

St Edward's Cheltenham Trust formed in 1987 manages two Schools, St Edward's School (11-18) and St Edward's Preparatory School (2-11). These were established from a merger of two former Roman Catholic grammar schools, Whitefriars and Charlton Park.

St Edward's School and St Edward's Preparatory School are both lay-run day Schools and are fully co-educational; with approximately 400 pupils aged 11-18 including 100 in the Sixth Form and 300 pupils aged 2-11. The Schools are sited about a mile apart on the southern outskirts of Cheltenham. The Preparatory School has approximately 45 acres of beautiful parkland and the Senior School occupies a smaller, yet attractive 16 acre site. The two Schools have autonomous Heads and separate staff with one Board of Trustees.

St Edward's is a Catholic School which welcomes pupils of other denominations provided they are willing to join in all the religious activities of the School and share in its ethos. The School attracts a large proportion of its pupils from non-Catholic parents seeking a Christian education. All Staff are required to respect and support the School's religious ethos. Our inclusive approach and the importance we place on the spiritual, academic and personal development of our pupils means that each one of them has the foundations to become confident, responsible contributors to society in the future.

St Edward's is the only independent day school (2-18) in Cheltenham and we have the advantage of being able to offer very small class sizes and an extended day which provides opportunities for pupils to experience a wide range of extra-curricular activities; this is integral to school life. Customarily about 50% of the Year 6 cohort from the Preparatory School transfers to Year 7 in the Senior School.

St Edward's is a vibrant community of committed staff and enthusiastic pupils who together enjoy excellent relationships which results in a nurturing environment for our pupils to grow within and thrive.

Strategic Objectives 2015 – 2020

- Provide a cohesive and continuous journey (2-18) as one School Trust operating on two sites.
- Ensure the Prep School's provision prepares all pupils for successful transition to their School of first choice at Year 6
- Provide the most affordable independent education for day pupils aged 2-18.
- Retain selection criteria at points of entry to achieve an intake ability profile which in general is above national averages.
- Ensure excellence in teaching, learning and pastoral care.
- Invest in new capital projects to enhance the facilities for Sport on both sites (*by improving the Swimming Pool, Changing Rooms, Gym and Hall on the Senior School site and the RedGra and Sports Hall on the Prep School site*) to complement the educational provision.
- Maintain existing buildings and facilities to a high standard and adopt, where practicable, sustainable solutions to improve energy efficiency.
- Develop mutually beneficial partnerships which utilise the Schools' estate and provide a community benefit.
- Develop outside spaces to extend opportunities for outdoor learning and pupil wellbeing.
- Achieve a minimum of 60% transfer from Kindergarten to Reception in the Prep School and from Year 6 to Year 7 in the Senior School.
- Maintain a strong sense of community and develop long-term relationships with the School through liaison with the alumni.
- Generate a recurrent surplus which will enable capital improvement in facilities on both sites.
- Ensure long-term financial sustainability of the School Trust.

From: [REDACTED]

Tall Timbers
Ashley Road
Charlton Kings
Cheltenham
GL52 6NS

Director of Planning- Cheltenham Borough Council
Cc: Miss Michelle Payne,
Cc: Cheltenham Planning Committee members

(by email)

6th November 2018

Dear Sirs

Planning application 18/02710/OUT - Gloucestershire Highways ignoring safety concerns and disregarding their own Specification for new streets

Thank you for inviting me to comment on the further revisions for plans for residential development at Land Adjacent to Oakhurst Rise.

Summary:

The further revision to this submission still does not address my primary objection to this development. The professional officers from Gloucestershire Highways have, to the best of my knowledge, made no attempt to address the dangerous departure that would be required from the Gloucestershire Technical Specification for New Streets 1st edition (GTS) at the junction between Oakhurst Rise and Ewens Road/Beaufort Road. The Transportation Consultants have chosen to ignore the issue. The planning statement from Framptons seeks to address the matter by simply calling in to question the Committee's original decision.

The Specification (GTS) states at Appendix B "It is recommended that any departure from this guidance (the GTS) is agreed with the Council as part of the TA scoping report prior to any work being carried out that might trigger the need for a Road Safety Audit to avoid the risk of abortive work, and costs, being incurred by the Developer."

I would recommend that the planning committee should refuse this application in the absence of an independent Road Safety Audit of the junction and insist that the professional officers explain their full rationale behind any departure from their own specification. The lack of attention to this detail by both the professional staff and the Transport Consultant is something that does little to bolster public confidence on the appropriateness of this process and I am grateful to our elected representatives for the accuracy of their decision making thus far.

By way of background I trained as a Civil Engineer, became a Chartered Engineer and Member of the Institution of Civil Engineers in 1986 and majored in transportation, road design and drainage. Schemes that I have been involved in include the M42, the M54, the A483 Oswestry by pass as well as many smaller road improvement schemes.

..... Continued

Most of the Planning Committee members have visited Oakhurst Rise and are therefore well aware of the gradient at the bottom of the road where it connects to Ewens Road/Beaufort Road. It is only 5.5 meters wide with footways of 1.6 and 1.8 metres width. The last 50 metres of Oakhurst Rise before its junction with Beaufort Road falls at a gradient of just under 15%. There is a reason the road was named “Rise!”

The GTS requires, at 1.17, “that the maximum longitudinal gradient on a minor road approach to a junction should not exceed 5% (1 in 20) for a distance of 20 metres. The full specification is reproduced below:

Gradient at Junctions

- 1.17 The maximum longitudinal gradient on a minor road approach to a junction should not exceed 5% (1 in 20) for the distance specified in Table 8.2 measured from the nearside edge of the major carriageway. It should be noted that when the minor road approach to the junction is downhill rather than uphill a longer distance with a gradient not exceeding 5% is required. This is intended to reduce the risk of vehicles sliding onto the major road in icy conditions.

Table 1.12 - Maximum Distance for Longitudinal Gradient at 5%

Minor Road	Major Road	Distance along Minor Road measured from nearside edge of Major Road Carriageway [metres]	
		Downhill Approach	Uphill Approach
Residential Road	Residential Road	15m	10m
Residential Road	Local Distributor	20m	15m
Local Distributor	District and Distributor	30m	15m

The GTS also suggests 5.5 metre carriage way widths for the predicted volumes of traffic and service vehicles. It also calls for 2 metre footways and wider is recommended if non-vehicle use is to be encouraged.

The Gloucestershire cycle facility guidelines recommend the following Geometric design requirements for on highway gradients:

Length Recommended	maximum gradient
Over 100m	3%
30 - 100m	5%
0 - 30m	7%

The superseded “Manual for Gloucestershire streets - 2016”, which is cited as a key reference document in the Independent Planning Consultants report of October 18, requires the same gradients as listed above at junctions and states at 3.25, inter alia, “the gradient is a factor that can have a significant influence on the success of such routes [walking and cycling] in terms of encouraging modes of travel other than the car.”

..... Continued

The Institute of Highways and Transportation guidelines “Designing for Walking - March 2015” which provides more updated thinking than the IHT 2000 Guidelines cited by the Transport Consultants states:

“Pedestrians do not like changes in level or grade. Ramps should not exceed 1 in 20 (5%) generally. In exceptional circumstances ramps can be as steep as 1 in 12 (8%), but this gradient will cause a difficulty for people.”

The Department for Transport’s (DfT) current technical guidance for planning local cycling and walking networks includes the following advice *“Gradient has now been added [to the route selection tool criteria] as it is an important factor in the choices made.”* The table included in the DfT route selection tool referred to in these guidelines is shown below. Needless to say that “0” is not a good score!

Gradient Scores Table						
Maximum Grade along each section (%)	Maximum slope (m)					
	15m	30m	50m	80m	150m	exceeds 150m
<2	5	5	5	5	5	5
2	5	5	5	5	5	4
3	5	5	5	5	4	3
4	5	5	5	4	3	2
5	5	5	4	3	2	1
6	5	4	3	2	1	0
7	4	3	2	1	0	0
8	3	2	1	0	0	0
9	2	1	0	0	0	0
10	1	0	0	0	0	0
> 10	0	0	0	0	0	0

I would suggest that it is disingenuous, if not an attempt to totally mislead, for the Transport Planning Consultant to make no reference to “gradient” in their Residential Travel Plan or Transport Assessment - See Appendix A, particularly after the Planning Committee highlighted this as an issue with the original submission. I would also suggest that the same Consultants confident claims at 9.3 of their Transport Assessment are inaccurate and misleading. They claim that:

- iii The site is fully compliant with local and national planning policy guidance;
- iv. The site access arrangements are safe and appropriate and have been designed to Manual for Streets and Manual for Gloucestershire Streets requirements;

Access to this site via Oakhurst Rise is neither of the above.

..... Continued

It is therefore of great concern that the Transport Planning Consultants, state in their report, that Gloucestershire Highways Department approve this scheme and that no mention is made of the departures from current National Planning guidelines or from their own current Technical Specification for Street Design. Fortunately, the Planning Committee identified that *“Additionally, the steep incline within the cul-de-sac would fail to encourage the use of sustainable modes of transport and would likely result in a reliance on the use of private motor vehicles. Alternative potential vehicular access routes do not appear to have been fully explored.”*

The revised submission, 18/02710, does not address the above or the findings of the Committee that: *“The access would therefore be at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018).”*. The Transport Consultants simply rely on the fact that Gloucestershire Highways raised no objections previously. Framptons, in their planning statement, also rely heavily upon the lack of objection from Gloucestershire Highways and the fact that the Applicant *“has investigated the potential for alternative potential vehicular access routes. None are available!”* This is equivalent to saying, “we have looked at this and the Planning Committee were wrong!” The Committee was entirely correct in their original decision making and the revised submission still does not enable safe and suitable access to the site for all people.

Nothing has changed in this submission with regard to the original refusal on traffic grounds other than the volume of traffic is likely to be slightly reduced. I would therefore urge the planning committee to seek answers on the matters I raise here, in addition to seeking satisfaction on all of the other grounds for refusal that are not overturned by this revised submission.

In closing, I would point out that the current highway code contains the following:

Rule 110

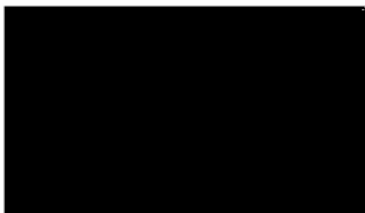
Flashing headlights. Only flash your headlights to let other road users know that you are there. Do not flash your headlights to convey any other message or intimidate other road users.

Rule 111

Never assume that flashing headlights is a signal inviting you to proceed.

It is entirely appropriate for the Planning Committee to appropriately question the advice of anyone, including professional advisers, who suggest that the above rules should not be adhered to!

Yours faithfully



APPENDIX A - Word Search on Travel plan and Transport Assessment

The image displays two screenshots of a word search tool interface. Both screenshots show a search for the word "gradient".

Top Screenshot:
- Search bar: "Find on page gradient" (highlighted in yellow)
- Results: "125 results" (highlighted in yellow)
- Document content: A slide with the Cotswold Transport Planning logo, the text "William Morrison (Cheltenham) Limited", "Land Adjacent to Oakhurst Rise, Cheltenham", "Residential Travel Plan", and "October 2018".

Bottom Screenshot:
- Search bar: "Find on page gradient"
- Results: "No results"
- Document content: A slide with the Cotswold Transport Planning logo, the text "William Morrison (Cheltenham) Limited", "Land Adjacent to Oakhurst Rise, Cheltenham", "Transport Assessment", and "October 2018".



Tall Timbers
Ashley Road
Charlton Kings
Cheltenham
GL52 6NS

Director of Planning- Cheltenham Borough Council
Cc: Miss Michelle Payne,
Cc: Cheltenham Planning Committee members

(by email)

28th December 2018

Dear Sirs

Planning application 18/02710/OUT - Gloucestershire Highways ignoring safety concerns and disregarding their own Specification for new streets

I have had the opportunity to read the letter written by Mr Lucas Arinze, date 13 December, in relation to application 18/02710/OUT. He covers many points in relation to the design of the roads within the new development. However, he fails to address the fundamental safety concerns in relation to the junction between Oakhurst Rise and Ewens/Beaufort Road. He points out that:

“Gloucestershire County Council’s Manual for Gloucestershire Streets guidance provides guidelines for adoptable gradients and geometries and these must be achieved if the roads are to be adopted. Even if the developer does not want the carriageways and footways within the site to be adopted they must still be constructed to an adoptable standard.”

For some reason he has chosen NOT to point out that the junction of Oakhurst Rise does not meet these gradients and geometries. He states that:

“There are many ways that the required gradients can be achieved through various earthwork techniques.”

He does NOT point out that the gradient of Oakhurst Rise cannot be changed appropriately through earthwork techniques without compulsory purchase of the gardens of some of the Oakhurst rise properties and rendering their own drives and gardens unusable. Finally he relies upon:

“There has been no personal injury collisions recorded on Oakhurst Rise and therefore nothing to suggest that this highway is unsafe nor anything to suggest that the traffic generated by additional dwellings would make this section of highway unsafe.”

I am at a loss to explain why an officer from Gloucester County Council (GCC) Highways department would appear to conclude that there is nothing unsafe in a road which currently fails badly when measured against GCCs manual for streets particularly with a gradient of 15% v the allowable 5% and footway widths of only 1.6 and 1.8 v the allowable 2 metres. Yet he is content to allow a proposal that will see traffic volumes tripling!

.....Continued

I have also had the opportunity to read Mr Adam Padmore's letter dated 30th November 2018. For ease of reference I have enclosed his letter at **Appendix A**.

I note that Mr Padmore dismisses my concerns about the safety of the Oakhurst Rise Ewens/Beaufort Road junction by relying entirely on the work of GCC. He avoids commenting on the safety and suitability of the proposed departure from the GCC manual for streets. He therefore fails to address one of the reasons for refusal raised by the planning committee in July 2018 which was, inter alia:

"The proposed access via Oakhurst Rise would have an unacceptable impact on the local highway network, and the amenity of local residents. The access would therefore be at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018)."

I am grateful to Mr Padmore for pointing out that the current Design Manual for Roads and Bridges that *"All schemes that will alter the current highway layout must go through the road safety audit procedure"*. However, I am confused by Mr Padmore's following assertion that the Oakhurst Rise Ewens/Beaufort Road junction does not require a road safety audit because *"the junction referenced in the objection letter is located approximately 200m travel distance from the application site and there are no works proposed that alter the current highway layout or create physical changes to the highway."*

This confuses me because his own organisations October 2018 reports states *"The internal site layout will be designed in a manner which facilitates walking and cycling and provides accessible facilities (dropped kerbs, tactile paving etc) with connections into the existing network of routes surrounding the site."*

His organisation appears to be suggesting that cycling will be encouraged through creating an inter connected network of cycle paths. This would necessitate physical change at the said junction. If there is no physical change proposed, then he should be clear that he expects cyclists to share roads with vehicles at a road junction with an approach gradient nearly three times that allowable in the GCC manual for streets or he would expect cyclists to use footways that are much narrower than the manual permits.

I am also grateful to Mr Padmore for acknowledging that *"The matter of gradient and impact on travel mode choice is not an irrelevant discussion point in connection with this site."* Many of us concluded that Cotswold Transport Planning had thought it was irrelevant in their earlier reports and hence the word "gradient" was completely absent in these reports! However, Mr Padmore has not offered the planning committee, in his letter, anything that would overturn their reasons for refusal raised in July 2018 which was, inter alia:

"Additionally, the steep incline within the cul-de-sac would fail to encourage the use of sustainable modes of transport and would likely result in a reliance on the use of private motor vehicles. The access would therefore be at odds with saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 - 110 of the National Planning Policy Framework (2018)."

.....Continued

I note the observations in Mr Padmore's penultimate paragraph specifically his assertion "*in my opinion inaccurate and incorrect.*" However, I would point out that he has not called in to question the accuracy of any of the comments I have made in my November 18 letter about current design standards. All he has done is state that he has interpreted them in a different manner. I would also point out that I am NOT being paid for submitting documents that could accidentally mislead (lack of mention of gradient at this site by a professional planning consultancy) or submit documents that perhaps suffer from tortological inexactitude.

I stand by my recommendation that the planning committee should continue to refuse this application in the absence of an independent Road Safety Audit of the junction and insist that the professional officers explain their full rationale behind any departure from their own specification. The lack of attention to this detail by both the professional staff and the Transport Consultant is something that does little to bolster public confidence on the appropriateness of this process and I am grateful to our elected representatives for the accuracy of their decision making thus far.

Yours faithfully

A large black rectangular redaction box covering the signature area.

**APPENDIX A - CTP letter to Michelle Payne 30th
November 2018**



COTSWOLD
TRANSPORT
PLANNING

Michelle Payne
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham,
GL50 9SA

Date: 30th November 2018

Our ref: CTP-16-332

Dear Michelle,

Planning Application ref. 18/02710/OUT – Proposed Development of 69 Dwellings on Land East of Oakhurst Rise, Cheltenham

I am writing to you, on behalf of the applicant for the above scheme, in reference to points that have been brought to my attention, raised in a recent objection letter on Cheltenham Borough Council's (CBC) online planning portal. For ease of reference I have enclosed the objection letter at **Appendix A**.

You will be aware that Cotswold Transport Planning have been involved with both the 2017 application for 90 residential dwellings at this site (ref. 17/00710/OUT), and latterly with the revised application for a smaller quantum of housing (69 dwellings), both proposed to be taken from the same access via Oakhurst Rise.

As Cotswold Transport Planning have stated within the latest submission documents, namely the 2018 Transport Assessment, Gloucestershire County Council (GCC) in their role as the Highway Authority and in consultation of the 2017 application made, after several months of analysis of our submissions, no objection to the planning application for 90 dwellings.

The matters raised in the objection letter that I am writing to you about, which concern the existing highway outside of the application site, were reviewed and accepted by GCC in their assessment of the 2017 planning application, against both regional and national design guidance, and concluded not to be of material significance that should lead to the refusal of that planning application. It is therefore considered wholly acceptable to present the argument that a smaller development with a lesser amount of traffic generation, using the same highway network for access and travel, should still be deemed appropriate and attract the same support from GCC to this latest planning application.

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Comments Raised in the Letter of Objection

Comments have been made in regard to two points, both relating to highway gradients outside of the application site but on routes between the application site and service and amenities surrounding the site:

1. Absence of a Road Safety Audit to assess the junction of Oakhurst Rise / Ewens Road / Beaufort Road; and
2. Impact of gradient of mode choice when undertaking trips.

For the benefit of this application, this letter will address each point in turn.

Requirements for a Road Safety Audit

Design Manual For Roads and Bridges document GG 119 Road Safety Audit (formerly HD 19/15) states in paragraph 2.1, relating to applicability of road safety audit, "*Where there are physical changes to the highway impacting on road user behaviour or resulting in a change to the outcome of a collision on the trunk road and motorway network, road safety audit (RSA) shall apply, regardless of the procurement method.*" Whilst this document relates to the trunk road network, GCC Guidance Note For The Provision Of Safety Audit makes reference to the predecessor document HD 19/03 and also states in paragraph 5.1 "*All schemes that will alter the current highway layout must go through the road safety audit procedure*". Both documents stress that the Safety Audit is not a check of design standards.

A Stage 1 Road Safety and Mobility Audit, complying with the GCC Guidance Note and undertaken by an independent Audit Team, has been undertaken on the proposed works in accordance with the above requirements. However, the junction referenced in the objection letter is located approximately 200m travel distance from the application site and there are no works proposed that alter the current highway layout or create physical changes to the highway impacting on road user behaviour / resulting in a change to the outcome of a collision. Therefore, the junction falls outside the scope of where a Road Safety Audit is applicable and appropriate.

Impact of Gradient on Mode Choice

Transport Assessments submitted with both the 2017 and 2018 planning applications have demonstrated that a suitable range of services and amenities exist within appropriate walking and cycling distances of the application site, as defined by regional and national guidance. This has been accepted by GCC and is not called into question by the objector.

The matter of gradient and impact on travel mode choice is not an irrelevant discussion point in connection with this site. However, it is not appropriate to draw a blanket conclusion that the gradient will render the site unsustainable or fail to encourage the use of sustainable transport modes. This point is no better made than observing existing local residents walking in the vicinity of the site, travelling to and from London Road. More able-bodied and motivated people will walk to and from this site to London Road and indeed into Cheltenham itself, or access various local bus services.

I would accept that local road gradients could deter some people from cycling, but that in itself is not a reason to object to or refuse a planning application. Whilst we cannot do anything to change the topography of existing roads, our offer to provide e-bike vouchers through the Travel Plan may perhaps help change attitudes towards using alternative modes of transport.

The NPPF seeks uptake of sustainable modes, which in this case will be predominantly walking and accessing public transport. Also acknowledged as a theme within the NPPF, sustainable travel is also promoted by the clustering of services and amenities, as is present on London Road and in Cheltenham town centre, where multiple purposes (school drop-off, commute, retail, leisure) can be fulfilled all within a single linked trip, which can sensibly be undertaken by any mode of travel. The proximity of this site to Cheltenham will facilitate this whether by walking, taking public transport or by short trips undertaken in a car.

Summary

The author of the objection letter has called into question, in my opinion inaccurately and incorrectly, the interpretation of the guidance, leading them in turn to make misinformed conclusions. My letter has sought to clarify, and provide comfort, that the guidance has been interpreted and used correctly.

In accordance with the views set out in this letter, and the findings and conclusions of Cotswold Transport Planning's Transport Assessment, in highways and transportation terms the development proposals accord with paragraphs 108 and 109 of the National Planning Policy Framework (NPPF), providing safe and suitable access, and should be considered acceptable, in concurrence with GCC's recommendation to the previous application.

Yours Sincerely

Adam Padmore BSc Hons, MSc, MSc, MCIHT

Managing Director on behalf of **Cotswold** Transport Planning Ltd

Enc.

Appendix A – Letter of Objection to 18/02710/OUT