



2nd July 2020

Emma Pickernell
Planning Department
Cheltenham Borough Council
Municipal Offices
Promenade
GL50 9SA

Regent House
65 Rodney Road
Cheltenham
GL50 1HX

01242 230066
www.ridge.co.uk

Dear Emma

Outline application for 43 dwellings including access, layout and scale, with all other matters reserved for future consideration at Land adjacent to Oakhurst Rise, Cheltenham (Ref. 20/00683/OUT).

Ridge and Partners LLP would like to make a number of comments in support of the above application. This letter seeks to focus on the acceptability of the principle of development.

The site is allocated in the Cheltenham Borough Emerging Local Plan under Policy HD4 for *"a minimum of 25 dwellings, subject to masterplanning"* as set out within the Cheltenham Plan Main Modifications October 2019. Given the emerging local plan is in its final stages of its examination process, with the Inspector's report released on 17th March 2020, it is considered due weight can be given to its policies. The Plan is at an advanced stage in its preparation and its allocation has been endorsed by the Local Plan Inspector and still by the Council. For the purpose of determining this planning application we therefore consider that the significant weight be given to its allocation when considering whether the principle of development is acceptable or not on the site.

The proposed scheme is broadly in accordance with Emerging Policy HD4 by seeking to deliver 43 dwellings on site. The decision to allocate the site for 25 dwellings is made as a minimum figure. That number will not have had the opportunity to scrutinise the site's constraints and opportunities in the same level of detail that a planning application will. Indeed, the NPPF encourages developers and LPAs to make efficient use of land whilst of course having regard to the character of the area in which a site is situated. Further, the use of the word 'minimum' when referring to a site's allocation is surely favoured in places like Cheltenham which are heavily constrained by the Green Belt and AONB and where full use should be made of those land opportunities that do exist in the urban area so as to relieve pressure on those constraints now and in the future. The delivery of development will seek to significantly boost the supply of housing within the Borough, and deliver 18 affordable dwellings that are urgently needed for the 2,500 people that are on the affordable housing shortlist in Cheltenham.

When assessing the proposals against the Joint Core Strategy, it is clear the development is in line with its overall spatial strategy by meeting the need to deliver at least 10,917 new homes within Cheltenham (Policy SP1) well within its development boundary (Policy SP2); thereafter complying with Policy SD10. Furthermore, the delivery of 43 dwellings has sought to make the most effective use of the site, as advocated in Policy SD10 and Chapter 11 of the NPPF, by allowing for a density of development which also takes into account previous comments received by the LPA and the Planning Inspectorate in relation to previous applications submitted.

In light of those comments, the number of dwellings proposed has been reduced where originally a scheme of 90 dwellings was refused at planning committee in July 2018 (with an officer's recommendation to permit)¹, and subsequently a scheme of 69 dwellings was dismissed at appeal in September 2019 on heritage grounds and the impact on trees². The amended scheme has sought to address the reasons for dismissal by ensuring no harm or loss is caused to the trees on site, and substantial planting is now proposed to further screen the development from surrounding heritage assets as well as softening the proposal within its wider context. The tree officer has already commented on the application raising no objection.

Furthermore, the scheme has drastically reduced in scale with the dwellings accommodating the northern and western parts of the site, ensuring appropriate distance is achieved between the built form and the heritage assets, namely Charlton Manor House, Ashley Manor House and Ice House. This is considered too broadly accord with the requirements of Emerging Policy HD4. Whilst Historic England have raised an objection to the amended scheme, they recognise that the proposals now represent a less intensive form of development. Any identified harm identified now needs to be weighed in the balance. As concluded within the accompanying Heritage Impact Assessment³, the amendments made to the proposals result in less than substantial harm to the setting of the three heritage assets, at the lower end of the spectrum. Indeed, for the more intensive scheme of 69 units the appeal Inspector's conclusion stated that it would cause less than substantial harm, at the higher end of the spectrum. It follows that a smaller scheme, located more appropriately on the site and with additional landscaping will cause less harm. Therefore, to be weighed against the less than substantial heritage harm are the benefits which are still very substantial:

- The proposals would contribute to the supply of housing within the borough, and particularly the provision for affordable housing where there is a clear identified and urgent need;
- The provision of jobs within the construction industry for the duration of the development (which was previously given moderate weight due to the short term nature);
- The proposal will bring significant financial benefits for St Edwards School, which will secure its long-term future as well as providing the means to improve their current facilities, which are enjoyed by other schools and the local community;
- The proposals seek to conserve and enhance the vitality of existing services and facilities within the local area, particularly at Sixways;
- An increase in green infrastructure – this has been significantly enhanced as part of the amended scheme through the reduction in built form and influx in green space at the western edge of the site and through additional, significant landscaping (including the retention and protection of veteran trees);
- This land which is to be publicly accessible will enable more people to appreciate some of the heritage assets near to the site;
- The influx in green infrastructure is considered to provide key ecological enhancements to the site. This includes a long term habitat for the wildlife, trees, flora and fauna within the development itself, but most importantly within the 30 acres of "Parkland" to be transferred to the School, as well as a permanent and long term habitat for badgers; and
- Proposals for managing flood risk will lead to a betterment in the area.

In addition, previously officer's gave limited weight at the time for the potential land allocation for housing development at the site (as part of the Cheltenham Plan Pre-Submission Document). Given the greater certainty of

¹ Ref. 17/00710/OUT.

² Ref. 18/02171/OUT; Appeal reference: APP/B11605/W/19/3227293.

³ Prepared by Grover Lewis Associates Ltd (April 2020).

the site's allocation under Emerging Policy HD4 becoming adopted, greater weight can now be attributed to this key benefit as the Council are now reliant on its delivery to achieve a five year housing land supply.

As set out in paragraph 124 of the previous dismissed appeal decision: *"There is still potential for the site to be developed in line with an emerging local plan allocation, albeit for a lesser scheme, as well as by the likelihood that, within the foreseeable future, the Cheltenham Plan, currently under examination, will be adopted, with a resultant increase in housing land supply for Cheltenham to above five years."* Within this in mind, and taking into account the proposals comply with the JCS and Emerging Policy HD4, it is requested that officer's support this *"lesser scheme"* to not to undermine the imminent adoption of their emerging plan, or their reliance in achieving a five year housing land supply.

I trust this letter will be reviewed and considered as part of the determination of the planning application. If you require any further clarification on any of the matter raised within this letter please do not hesitate to contact me.

Yours sincerely



Guy Wakefield
Partner
For Ridge and Partners LLP
gwakefield@ridge.co.uk

Ref: 20/00683/00T



Wadleys Farm,
Ham Lane,
Charlton Kings,
GL52 6NJ
19th May, 20.

Dear Madam,

Once again I must oppose ANY development on the site next to St. Edward's Prep. School using Oakhurst Rise as the access, even though "outline" permission is being sought for fewer houses than previously.

This is a "Private Green Space" subject to conditions in the Town Plan, and development of any sort on this green field site would not in any way "retain and enhance existing landscapes"

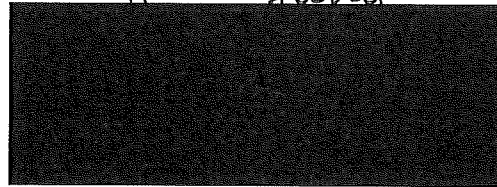
The site supports a wide variety of wildlife and remaining as it is, is without doubt the preferred option for the Environment, St Edward's Prep. school and the residents of the area, particularly those of Oakhurst Rise.

If permission is given, the impact it would have on the locality would be appalling with noise & disturbance and much increased traffic (heavy duty builders lorries, refuse lorries, deliveries & private vehicles) to the detriment of

St Edward's School, residents of Oakhurst Rise and Ewers Farm.

Planning permission has been refused twice for similar applications and I hope Cheltenham Borough Council will be consistent in refusing this application yet again, and thus preserving a green open space instead of consenting to tennis and dwellings.

Yours faithfully



28 Copt Elm Close

Charlton Kings

Cheltenham

GL53 8E

20 Aug 2020

01242252664

3

Planning Application 20/00683/ OUT



Dear Planning Officer

I wish to OBJECT to the above application, my grounds are


- 1.. The traffic issue, the new development will mean heavy construction vehicles using a very narrow and busy road. Following the construction those living in the development will use cars when traveling to work, tacking children to school and various service vehicles. It is unlikely people will walk, as the road is steep, and the paths are narrow. Because of the gradient people are unlikely to cycle and could also be put off by the road traffic. The access points onto the main traffic points are now busy throughout the day, not just in the 8-9 morning period and 3.30 to 6 in the evening. My view, having looked at various development plans, is that traffic considerations are no longer factor, even when it results in more congested roads.
2. The disruption to people's lives in the area, both during the building phase and thereafter. Again, I suspect this is of little account to the development company and the Carmelite order.
3. The whole process has been very cynically presented. The developers, I suspect, have put in a plan for 90 houses, expecting to be rejected, then submitted a plan with fewer houses. They I imagine, had always a figure much lower than 90 at which they could still make a profit.
4. The role of St Edwards School regarding this overall proposal has changed. This is still more strange given that the Carmelite order are the owners of two pieces of land, one the proposed planning application site and that of St Edwards School off the London Road. When the first application was first made, they were strongly against and I think mobilised parents to object. However, they are now in favour of it. Looking at the Supports, comments many have come from people who say their children are at the school and this agreement with the developers will give further financial support for the school. These supporters have little interest in the lives of the people directly affected by the development. Nor do they consider the effect on local support services, such as schools, doctors etc.
6. Little attention has been paid to where the occupants of these houses, which are built with families in mind, will send their children in an area where local primary or secondary schools are oversubscribed. Will St Edwards offer free places?
7. Under the "Report to Cheltenham Borough Council, Report of the Examination of the Cheltenham Plan 2011-2031, paragraphs 58 and 59" ref HD6 and MM016, suggests the site could accommodate a minimum of 25 houses and that consideration of the environment and local houses, should be considered.. The current proposal is for 43 houses, with 18 affordable. This factor will appeal to the Council. However, I would query whether the developers will deliver this number. Developers have said on other sites that that a number of affordable houses will be built, yet when building is underway, they say they can no longer afford to build the agreed number. In addition, I query what affordable in this development will mean. The affordable houses have to be ones that are in keeping with the ones that are for sale. It is possible that the affordable

ones will be offered for sale at a figure beyond £250,000. Assuming a 10% deposit this would mean a mortgage of £225,000. Even with a 25year mortgage and the present low interest rate, the monthly repayment of approx. £1000. Hardly the sort of sum a young couple could afford if unless their joint salaries were approx. £50,000 a year. Looking at property prices in Cheltenham. A three bedroom semi built in the 1950's on the Beeches Estate is on the market for £400, 000, yet a similar 1950's semi, now extended in Warden Hill is listed at £350,000. Affordable in is a different value, when location is taken into account. Some of those supporting the application do so, because they are looking for affordable properties, I am not sure these houses, if built would be affordable to them.

I have no doubt this application will be approved as little consideration is given to the above factors. No doubt this is the type of application the government talks of is taking too long. Is this because developers put in applications knowing they are unacceptable and are prepared as in this case to make new applications until the proposals are accepted, at a number of houses that they can still make a profit on.

To me the main issue is whether it is acceptable to have such a development off a single access road, at the top of a hill. Additional no account is taken of the disruption to the quality of life of those in the immediate neighbourhood. It is not surprising people have little confidence in the planning process.

Yours sincerely

A large black rectangular redaction box covering the signature area.

From: [Redacted]

Tall Timbers
Ashley Road
Charlton Kings
Cheltenham
GL52 6NS

Director of Planning- Cheltenham Borough Council
Cc: Cheltenham Planning Committee members

(by email)

11th May 2020

Dear Sirs

Planning application 20/00683/OUT - Objection - Safety concern re access and other matters.

Many of the planning committee members will be aware of the safety concerns that I raised in relation to the previous applications that have been made for this site and in particular access to the site via the Oakhurst Rise Ewens Road/Beaufort Road junction. The current application does not address these concerns. I have, for your ease, reproduced the statement that I made to the Appeal Hearing in August 2019 at Appendix 1 to this letter.

The planning committee wisely chose not to approve the previous application (18/02171/OUT) at their meeting on 21st February 2019. The meeting minutes record the concerns of several of the Councillors in relation to access via Oakhurst Rise. Immediately prior to voting on refusal it was confirmed that access via Oakhurst Rise would be recorded as a reason for refusal. At the following planning meeting on 21st March the committee voted to delete concerns about highways as a refusal reason because of "the likely extent of costs" should there be an appeal.

In refusing the appeal that took place following the committee's February decision (APP/B1605/W/19/3227293) the Planning Inspector concluded, inter alia, "*notwithstanding the lack of any objection from the highway authority, this factor [access via Oakhurst Road] militates to some degree against the grant of permission*".

We also heard at the appeal that the developer's planning consultant, an ex-employee of Gloucestershire Highways (GH), had met with employees of GH on several occasions and been afforded the opportunity to persuade them of his views. I would warmly welcome the same courtesy and have requested such meetings historically but been refused.

I would urge the planning officers and the planning committee members to refuse this application on the basis of unsafe access in addition to the harm to designated heritage assets and the degree of long term risk to retained trees.

Yours faithfully

[Redacted Signature]

By way of background I trained as a Civil Engineer, and became a Chartered Engineer and Member of the Institution of Civil Engineers in 1986. I majored in transportation, road design and drainage. I was a design engineer working as a Consultant for the Department of Transport and I was involved in the design and supervision of the construction on major parts of the following road schemes, the M42 - Water Orton to Tamworth, the M54 in entirety, the A5 Improvement scheme Telford to Shrewsbury and the Shrewsbury bypass, the A483 Oswestry by pass as well as the many smaller road improvement schemes involved with each of these major projects. I am well versed in the design and safety of highways.

I object to the application to build 69 properties on land adjacent to Oakhurst rise primarily because of the unsafe nature of the proposed access via Oakhurst Rise and its junction with Ewens Road/Beaufort Road . The access proposed is contrary to the Gloucestershire Technical Specification for new streets (TSfNS), inconsistent with the Local Transport Plan and not in accord with the National Planning Policy Framework (NPPF).

The TSfNS 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 15 metres. A copy of the relevant part of the TSfNS is attached to this statement at Appendix A. For the record the last 50 metres of Oakhurst Rise before its junction with Beaufort Road falls at a gradient of just under 15%.

The TSfNS also suggests 5.5 metre carriage way widths and also calls for 2 metre footways and wider is recommended if non-vehicle use is to be encouraged. At the bottom of Oakhurst Rise where it connects to Ewens Road/Beaufort Road the Carriageway is only 5.5 meters wide with footways of 1.6 and 1.8 metres width. So, not only is the gradient nearly triple of that allowed in the TSfNS but there is no opportunity to build protected cycleways because the footways are already too narrow.

The transport plan produced by the appellants Consultants Cotswold Transport Planning (CTP) include as one of its main aims to “*increase walking and cycling*”. So, examining safe design for those cyclist, the Gloucestershire cycle facility guidelines published in March 2012 recommend a maximum gradient of 3% for any length of cycleway over 100m. The relevant part of these guidelines are attached to this statement at Appendix B. I have also reproduced in appendix B some of Highways England’s interim advice note on cycle traffic and the roads network where it states, inter alia, “*the speed of travel is another important factor to consider, as well as the length of the gradient. Steep gradients can lead to high speeds for descending cyclists or low speeds for climbing cyclists, which can create hazards for all users of the route. Stopping distances also increase significantly on gradients in excess of 3%.*”

For the record, the distance from the junction at the bottom of Oakhurst Rise to the start of the new development roads is approximately 200 metres. The elevation gain in that 200m is around 20 metres (from 93m ASL to 113m ASL) - this is a gradient of 10% for 200m not a maximum of 3% for anything over 100m which is recommended in the Gloucestershire Cycle facility guidelines. Oakhurst Rise, the access to this new development, is a steep gradient and it will create hazards for new users of the route.

Gloucestershire Highways did not address the safety concerns in relation to the gradient of this junction in any manner in their December 2018 report on the development. Unfortunately, when questioned on the matter at the planning meeting in 22nd February 2019 Gloucestershire Highways stated the following: “*regarding the gradient of Oakhurst Rise, Oakhurst Rise is a publicly maintainable historic highway which has served 30+ dwellings for a number of years. There is nothing to suggest that this section of highway is unsafe and there have been no personal injury collisions recorded.*”

I have reproduced the relevant part of CTP's technical note CD N2 at Appendix C to this statement in which they seek to address this major safety concern voiced by many of the public in their comments on the application. BUT I have concluded that CTP may have an issue with the dictionary or vocabulary that they use in their word processing systems. In the residential travel plan and transport assessment done by them in August 2017 this key item was not spoken about and the word gradient did not appear once in either report. Similarly, in the updated documents produced in October 2018 the word gradient was absent again. Now in document CD N2 produced by CTP for this hearing the word gradient is used five times: twice in headings, twice in describing some of the objections that have been made and finally once in seeking to respond to those objections.

However, you can see from Appendix C that CTP seek to address these perfectly legitimate safety concerns with the statement "having undertaken numerous site visits along Oakhurst Rise without difficulty, witnessed other travellers using this section of highway, and seeing no evidence before me in the form of personal injury collision data that demonstrates there to be any pattern of highway safety concerns, I conclude that Oakhurst Rise is acceptable to serve the additional traffic that will be placed on it."

On the first point I have undertaken numerous trips up the A417 in the last 20 years without difficulty and seen other travellers using this section of highway but there have been over 40 serious injuries and 13 fatalities on that road during that time. CTP's "observations" are not seriously to be relied upon. Looking at the data that has quoted I presume that both CTP and Gloucestershire Highways have referred to what is often called "Stats 19 data" in quoting "no personal injury accidents recorded." For those of you unfamiliar Stats19 data it is the core set of statistical data which each police force is required to collect for personal injury accidents reported to them. It would not show that I fell off my bike at the bottom of Oakhurst Rise and went to hospital with a broken arm unless I had reported that to the police. It would not show

that an amazon delivery van had run in to the back of the occupant of #5 Oakhurst rise, causing them whiplash unless they went to the police.

The stats19 data actually carries with it the following health warning *“it has long been known that a considerable proportion of non-fatal casualties are not known to the police.”* This data is useful to Highway Engineers generally for identifying the most serious accident blackspots such as Nettleton Bottom on the A417. It is also used to identify causal effects such as increases in drunk driving or accidents caused while using a mobile phone.

Stats19 data is generally NOT used to clear an engineer from their obligations to model the safety of a steep approach to a major road when traffic and cycle volumes are proposed to triple. In fact my engineering experience would suggest that to go ahead with this scheme, without considering the changes that the scheme will impose on this junction from an engineering safety point of view is bordering on negligent. It’s a preposterous response. Its equivalent to me as a bridge designer saying “the bridge has been fine so far, therefore there should be no problem in it carrying three times the load” or an aeronautical engineer saying “planes flown OK so far, I am sure that plane can carry another 50 or so passengers!”

What I hope this appeal hearing will take as facts are:

1. The proposed access to the development has a down gradient for the last 50m approaching the major road of 15% and the relevant design documents calls for only 5%
2. The relevant Cycleway design criteria calls for a maximum gradient of only 3% for 100m versus the proposed access via Oakhurst rise with 10% for 200m
3. Statistically increasing traffic (car and cycle) volumes reduces road safety
4. The appropriate safety audit for this proposed access route has not been carried out and no resultant mitigating actions are proposed

The National Planning Policy Framework (NPPF) states at paragraph 109 that “development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety” and that for approval to be given “any significant impacts from the development on highway safety, should be cost effectively mitigated to an acceptable degree”.

No credible engineering work has been carried out to assess the impact of this scheme on road safety and there have certainly been no mitigation actions proposed. For this reason I would advocate that this Appeal be refused.

Technical Specification for New Streets
--

Table 1.11 – Vertical Curves

Design Speed (kph)	Desirable min. Crest K value	Absolute min. Crest K value	Absolute min. Sag value	Min. Vertical curve length (m) ^a
50	10	65	9	30
32	65	65	9	30
24	65	65	9	30

^aWith evidence based justifications relaxations may be permitted.

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

Frontage Access

- 1.18 The Council will not usually consider a private access serving fewer than 6 dwellings (inclusive of any existing dwellings) for adoption. However, the Council will apply the Advanced Payment Code to all development comprising 2 or more buildings. You are encouraged to create layouts and construct the street to an adoptable standard regardless of whether the access is to be offered to us for adoption.
- 1.19 The Council cannot insist that an access serving a development is adopted, but a developer should consider the following factors when deciding whether to offer an access for adoption or whether to retain it as a private access:

The speed of travel is another important factor to consider, as well as the length of the gradient. Steep gradients can lead to high speeds for descending cyclists or low speeds for climbing cyclists, which can create hazards for all users of the route. Stopping distances also increase significantly on gradients in excess of 3%. Designers shall carefully consider the combination of horizontal and vertical geometry where gradients are greater than 3%

“Cycle Traffic and the Strategic Road Network” - Highways England Interim Advice Note 195/16

- Oct 2016

6.4.11 The maximum gradients for routes used by cyclists should generally be no more than 3%, or 5% maximum over a distance of 100 m or less, and 7% maximum over a distance of 30 m or less.

“Manual for Streets” - Department for Transport 2007

Geometric design requirements for on highway gradients:

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

“Cycle Facility Guidelines” - Gloucestershire County Council March 2012

Width and Gradient of Oakhurst Rise

Summary of Objection

3.4 Objections have been raised in regard to whether or not Oakhurst Rise is wide enough to accommodate additional development traffic, and also whether the gradient is acceptable to serve the development.

CTP Response

3.5 The TSfNS specifies on page 10 that a minimum width of 5.5m is required for a cul-desac. On-site and topographical survey measurements confirm Oakhurst Rise is 5.5m, and is therefore an acceptable width.

3.6 Having undertaken numerous site visits along Oakhurst Rise without difficulty, witnessed other travellers using this section of highway, and seeing no evidence before me in the form of personal injury collision data that demonstrates there to be any pattern of highway safety concerns, I conclude that Oakhurst Rise is acceptable to serve the additional traffic that will be placed on it in the event the Appeal is allowed.

Propensity for Walking or Cycling due to Gradient between London Road and Application Site

Summary of Objection

3.33 General objections are made on the basis that the gradient of Oakhurst Rise and connecting roads to London Road will discourage residents from walking and cycling, thus rendering the development over reliant on car travel.

CTP Response

3.34 The gradient of Oakhurst Rise and Beaufort Road is likely to have some impact on the choice of travel by residents of the development, but it is not prohibitive, and the fact remains that the site does provide opportunities to walk and cycle, in addition to providing access to bus stops on London Road, all within distances prescribed within prevailing design guidance.



tworivers
HOUSING

Rivers Meet, Cleeve Mill Lane, Newent
Gloucestershire, GL18 1DS
Tel: 0800 316 0897
Email: customerservices@2rh.org.uk
www.tworivershousing.org.uk

3rd June 2020

Dear Laurence

Site: Oakhurst Rise, Cheltenham

Further to our recent discussions regarding the proposed site at Oakhurst Rise in Cheltenham, we are writing to confirm our support of the development to deliver circa 18 affordable homes out of a total of 43 new homes.

There is clear need and demand for the provision of affordable homes in this locality, both rented and shared ownership, now more so than ever. We would be supportive of a higher proportion of rented accommodation (both Affordable Rent and Social Rent) and also welcome the inclusion of a 4-bedroomed home. We would have no concerns about letting the rented homes and selling the shared ownership.

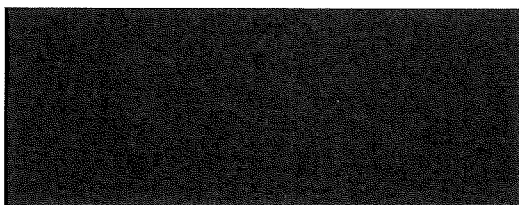
Two Rivers Housing was set up in 2003 as a stock transfer organisation and have continued to grow since this time, now managing over 4,000 homes. Our operating area covers Cheltenham, Tewkesbury, Gloucester, Stroud, the Forest of Dean, West of the Cotswolds and East Herefordshire. We have a robust development programme with the aim to deliver 100 new homes a year and have strong working relationships with our Local Authority Partners and Homes England.

As an organisation we are focused on delivering sustainable communities and work hard to deliver excellent customer service. Two Rivers Housing has its own in-house Clerk of Works, Repairs and Maintenance Team which includes grounds maintenance, Housing Management, ASB, Debt and Welfare, Community Engagement as well as Home Ownership Sales Team. We also have a subsidiary estate agency called TwoCan who has a vast knowledge of the local area and sells not only Two Rivers Housing properties,

but properties on behalf of other Housing Associations, properties on the open market and Local Authority owned stock. All profits are used to support the delivery of more affordable homes.

We have been supportive of this proposed developed since the outset and are keen to work with the developer to deliver good homes for local people and would welcome the opportunity to discuss this further.

Yours sincerely



Angharad Hodge
Head of Development

Direct line:

Email:



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

Sent Via Email

18th May 2020

Mr D Oakhill
Department of Planning
Cheltenham Borough Council
Municipal Offices
GL50 1PP



Dear Mr Oakhill,

Ref 20/00683/OUT

As a resident of Battledown my house, Coversdown, joins the northern boundary of the proposed development. As such we strongly object to the application 20/00683/OUT.

I also objected to the previous applications by the same developer 17/00710/OUT & 18/02171/OUT in 2017 and 2018. No houses should be built on this green meadow. I feel strongly that there should be a limit in the number of times an application be allowed to be put forward to the Council. If the planning committee turns it down three times, that should be the limit. I wish that my letters of objection sent to the previous applications be lodged in addition to this letter.

As it is public knowledge that the previous applications were actually supported by the Planning Officers ONLY to be turned down by the council's planning committee on 3 separate occasions and also by the Appeal inspector, as we are essentially dealing with the same developer and the same site, this application should be referred to the Planning Committee and not simply the Planning Officers. If, because of the COVID situation, and until the planning committee can meet together, which I am sure they will be able to do so before too long, THE DECISION SHOULD BE DEFERRED until the Committee can meet.

Proposed housing density

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.

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". This proposed

development is adjacent to Battledown and in particular to my property. The proposed density of the site (shown in the Design and Access Statement is 11 units per hectare (2.47 acres) which equates to 2.225 units per half acre of land. This is double the allowed adjacent density of Battledown of 1 unit per half acre of land. Why are we only comparing the density of this site to the density of Ewen's farm and not to that on Battledown, especially as Battledown borders to the North Boundary of the proposed site? In addition, the North Boundary is where the developers are proposing all the affordable houses to be located. 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.

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.

The application is completely contrary to the Cheltenham Plan. (see below)

The Cheltenham Plan POLICY HD4: LAND OFF OAKHURST RISE describes the site and then goes onto state some of the issues with this site

Heritage assets Site specific requirements

- Approximately 25 dwellings
- Safe, easy and convenient pedestrian and cycle links within the site and to key centres
- A layout and form that respects the existing urban characteristics of the vicinity
- A layout and form of development that respects the character, significance and setting of heritage assets that may be affected by the development
- Measures necessary to mitigate the traffic impact of the site and to encourage the use of more sustainable transport modes
- Protection to key biodiversity assets"

It is quite clear that the developers have totally ignore the Heritage assets Site specific requirements mentioned above.

The current plan also ignores the National Planning Policy Framework (NPPF) plan that is currently going before parliament. This plan quite clearly identifies the land in this application, for an approximate 25 Houses. The proposed plan of 43 houses is well in excess of this number therefore it should be rejected out of hand. It also fails to meet the condition of the form of layout of those affected by the development.

Furthermore, I do not see any evidence that the reason the previous Outline plan 17/00710/OUT & 18/02171/OUT which the Council turned down in August 2017 and 2018, 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.

I fail to see how this has been accepted as a 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 and 18/02171/OUT should still be considered by the planning committee.

How can CBC and the surrounding residents rely on any of the supporting documentation as many have been resubmitted by the applicant from the previous applications – many of which were found to be totally inaccurate? The application should be rejected out of hand simply on the numerous inaccuracies.

Additional objection points 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. TPO Trees and Hedgerows

On our boundary with the proposed development, there is a magnificent specimen of an oak tree, which I have been led to 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 thereby reducing the risk to damaging our house. As the tree is south west of our house and the prevailing winds are from the south west the failure to dead branch this tree would otherwise place our house at direct risk during storms. We would therefore require an undertaking by the developer to ensure this tree is maintained and also to insure against any possible damage at any time in the future to property and potential loss of life. The Developer should be required to establish an ESCROW account or an Insurance policy specifically to cover any damage that may occur to our property from this tree.

The developers have already shown scant regard for us neighbours in that they accessed the current 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 this magnificent tree. The consequences of this would most likely lead to the tree's demise. This would then place the foundations of our house and our neighbour in 29 Oakhurst Rise in danger of subsidence and cracking. In addition, any houses built within its vicinity would also be subject to these issues.

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. In addition, they are proposing removing a large section of hedge row and Ash Trees in order to put in a road.

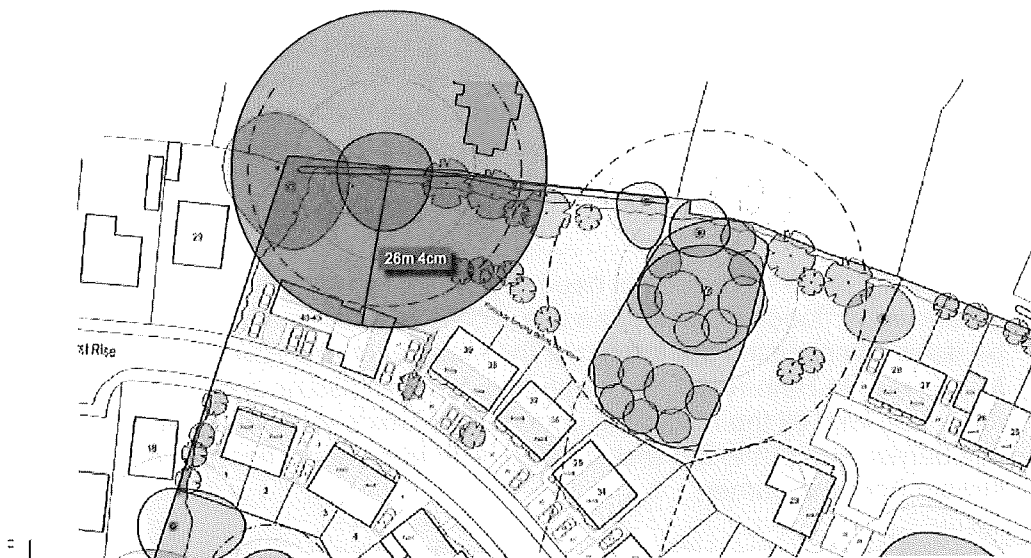
I feel that the developers survey into the biodiversity of the site is highly inaccurate and should be discarded and not relied upon. As our house overlooks part of the field we witness all the various wildlife that many other residents have already listed. Our CCTV cameras also regularly record the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



This has a significant impact on the developments in the proximity of T13 to mention one.

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.

When the correct diameter figure is applied of 1760mm diameter, this exclusion radius should be increased to 26,4m and hence the property 40-43 contravenes the RPA regulations.

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.

The application involves the removal of 2 x ash trees, one with a TPO. The reason given last time is that 'they are of limited value because they are susceptible to die back'.

My understanding is that the TPO'ed ash tree stated for removal has been identified as a veteran by the Woodland Trust (WT). With different numbering systems being used across all the documentation that is impossible to check on a laptop!

The WT challenged the RAVEN system being used by the developers at the appeal, stating that it was not an industry recognised system (it is an in-house classification of trees used by the developer's consultants only).

In any event, this most recent study (<https://www.bbc.co.uk/news/science-environment-52582304>) casts some considerable doubt on the CBC position showing that Ash Trees within a hedgerow are far more resistant to Ash Die Back. We trust that this new study will be taken into consideration when assessing the application.

3. Increased 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 downstream from the barrier.

I am not at all convinced 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.

4. Access to site

Even the Appeals inspector made mention of the inadequacies of the access to this site in his Appeals report **Appeal Ref: APP/B1605/W/19/3227293**

I full support the detailed submission that the owners of Tall Trees have lodged on the 11th May 2020, regarding this inadequate access.

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 43 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.

5. 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 houses 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.

6. 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.

7. 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.

8. Amenities in the area

Already the amenities in the form of schools, hospital places and Sixways surgery are under extreme pressure. It is fairly common for current residents to have to wait 3 weeks to see a GP. I also understand that the schools in our area are all fully subscribed. This proposed development will simply 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 as the amount of the penalty paid to the council, cannot possible pay for a new school or doctors surgery to be built.

9. 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.

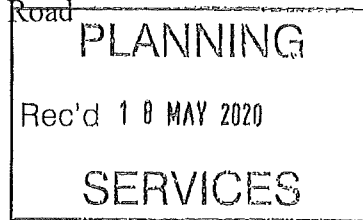
Yours sincerely



6

4 Charlton Court Road
Charlton Kings
Cheltenham
GL52 6JB

14th May 2020



Cheltenham Borough Council
Planning Department
Municipal Offices
The Promenade
Cheltenham

Your Ref: 20/00683/OUT

PLANNING FOR LAND ADJACENT TO OAKHURST RISE (OBJECTION)

To Whom it may concern

This proposed development is leaving me with the impression that the pursuit of profit alone is driving greed beyond all reason. The effects on the surrounding area should be evident to the most obtuse minds.

The area is undisturbed with old ground cover that dissipates surface water fairly evenly over the sloping surface. Any water that does not soak into the ground flows evenly across the whole width of the plot and slowly down the slope eventually into the drains or the culvert at the bottom. The culvert has coped with this situation in the past except for July and September 2007 when the above property was flooded twice. The cause of the flooding appeared to have been work covering open ground at Whitefriars now St Edwards school behind the property coupled with debris restricting the flow into the pipe.

The culvert passes from the surface to underground at the boundary of the above property. Under ground is an old pipe of undetermined diameter said to be in good order on the purchase in 2001. It is too small to cope with any increase in water from the open culvert. This was confirmed in 1971 by Severn Trent Water who deemed the culvert to be AT CAPACITY. After remedial work was carried out by Cheltenham Borough Council (CBC) on the culvert to alleviate the pressure on the entrance to the underground pipe and control the flow further up the watercourse. This has so far been effective but it does not alter the fact that the flow can be controlled but the CAPACITY cannot be increased without enlarging the pipe which surfaces the other side of Charlton Court Road. It is apparent to me that the documentation supporting the proposed development limits its scope to the immediate environs and ignores anything adjacent to the development area that will raise negative issues.

After the flooding in 2007 I carried out some research on the land behind the above property and discovered that there were a number of planning applications on file in the CBC Planning Department, each stating 'existing facilities' as a means of dealing with surface water. As far as I could ascertain none existed. The fact that there has been no further flooding since the work by CBC (and others?) is an indication that the work was successful, however, there has been no increase in capacity. The water at the start of the underground pipe has reached the top of the entrance on a few occasions but not overflowed.

Any disturbance of the ground at the proposed development site is certain to change the flow of surface water resulting in additional water entering the culvert at

the bottom. From my perusal of the paperwork related to this aspect I cannot see any realistic solution to this problem within. The reports etc. conveniently gloss over the germane issues and stress the solutions, which to me, are the crux and should not be accepted without challenge.

Additionally, the sewers and surface water drains along Charlton Court Road, Beaufort Road, Oak Drive and Haywards Road continually require attention because this seems to be the sump for the surrounding higher ground. The assertion that the water and sewage can be controlled by using various means probably assumes the use of reservoirs and pumps etc. We have seen the results of relying on this type of solution in places like Raynham in Essex where my daughter was lucky to get out alive when the pumps failed and an underpass filled with water in minutes. With any equipment of this nature it is not a case of IF it fails but WHEN it fails.

Usually I do not get involved in this sort of hassle, I have enough of my own, but it seems to me that the people behind this proposed development are using the Chinese Water Torture to wear down resistance. I cannot believe that it is good practice to allow this type of application to roll along, reducing the numbers or making small alterations. Even ONE property with its necessary services will alter the balance. Is this what they are trying to do? Build one and the reasons for any limit are then null and void!

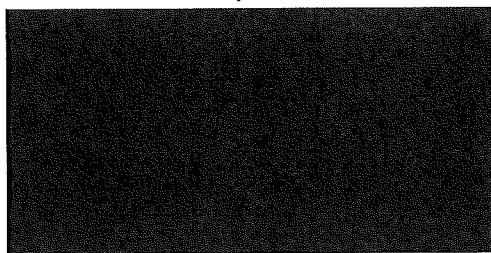
In the list of documents is C21505 Rev M April 2020 that I studied because I do not have the time to peruse the others in detail. Page 7 5.8 states as FACT that the land is classified as 'Flood Zone 1' but essentially, given the land below the site has a water course and reservoirs to control waterflow, would not 3b be more appropriate. Flood Zone 1, although not proven, was stated as FACT in following paragraphs. Their map, Fig 5 on Page 8 clearly shows the reservoirs and watercourse that was the cause of the flooding in 2007, and those further up the slope. I suspect that their capacity has not been measured.

Remedies for flooding, or indeed any other problem requiring maintenance, are only as good as the maintenance so any long-term provision will rely on a sound provision plan funded, either by a levy on house owners or an ESCROW account set up by the developer. I see no such provision. I suspect it will fall on the Rate Payers in the longer term.

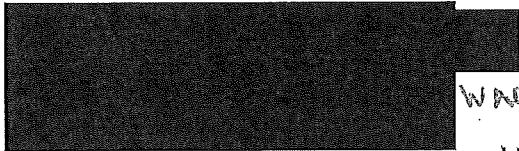
Finally, to increase the capacity of the culvert means upgrading and enlarging the existing one from the back of the above property as far as it goes underground towards Cheltenham. I do not think the Developer nor the Borough Council can afford the cost of such a project.

This is not an issue that can be a 'wait and see', once it is started it cannot be returned to its original state. There seems to exist an attitude that if something is not within the boundary of the development it need not be considered. There are many other issues involved in this development but I am very sure that they have been aired so I will not waste your time repeating them here. However, I would like to know if the same inducement to support the plans has been offered to St Edwards as was described in the support letter for the previous application from the then Governor.

Yours Sincerely



7



WADLEYS FARM,
HAM LANE,
CHARLTON KINGS,
CHELTENHAM,
GL52 6WJ
19-5-20

your ref. 20/00683/00

PLANNING
Rec'd 21 MAY 2020
SERVICES

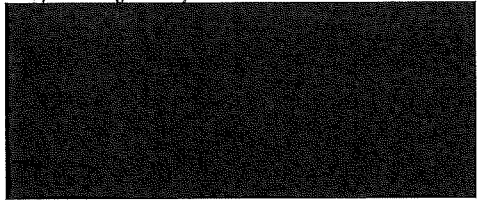
Dear Mr. Pickardell,

I wish to object to the latest attempt by the very
persistent developer to build on a totally unsuitable site at
Cobhurst Avenue.

The approach road is totally unsuitable and the
proposed site is in a well established natural area adjacent to
a junior school.

Please continue to refuse the latest application and the
developer might eventually get the message and go and find
another authority.

Yours faithfully,



29 May 2020

Site: Oakhurst Rise, Cheltenham

Dear Laurence

Following on from our conversations about the Oakhurst Rise site, we are writing to confirm our interest in the affordable housing element of the scheme which comprises 18 homes or 42% of the development. We would support the inclusion of a greater level of rented housing against other tenures and are confident of being able to let the homes.

We would support the delivery of more affordable homes in this area.

Cottsway are a Registered Provider based in Witney, a 45 minute drive from Cheltenham. We manage existing homes in Cheltenham and have recently completed and successfully let 90 homes in the Prestbury area.

Cottsway currently manages almost 5000 homes for rent and shared ownership for over 10,000 customers. Our homes are based in West Oxfordshire, Cheltenham, Gloucestershire, Wiltshire and Worcestershire. We are in a strong, robust financial position and committed to doing more to help people in housing need. Our ambitious development programme delivers over 160 homes per year. We work in partnership with Homes England and have strong relationships with Local Authority partners. Cottsway keeps our existing customers homes in great shape with an inhouse team of skilled tradespeople. We put our customers at the heart of everything we do with a dedicated team of housing, neighbourhood, financial and welfare officers to provide support where needed.

We would be very interested in the affordable homes due to be provided as part of this development and welcome further discussions in this regard.

Yours sincerely



Development Manager

www.cottsway.co.uk



Charlton Manor
Ashley Road
Cheltenham
GL52 6NS

4th September 2020

Dear Ms Pickernell
Cc Gary Kennison, County Ecologist
Juliet Hynes, Gloucestershire Wildlife Trust

Ref: 20/00683/OUT

There are a number of errors in recent correspondence on ecology regarding St Edwards School Field.

It is truly regrettable that the annual hay cut of the field has been cancelled (according to the contractor who was scheduled to cut it in early July, "the developers' ecologists need to do more work"). Such a delicate ecosystem is easy to undermine, and it is difficult to believe claims that the future of the site should be trusted to those wishing to profit from the land, when there is scant evidence the biodiversity that exists today is being protected under their stewardship.

With respect to the repeated surveys of the site in July and August (reptiles and grassland), it is regrettable that nothing has been done at the appropriate time of year, since 2016 when this site was first proposed. Any such surveys might have captured its full ecological value. Their absence speaks volumes, as the planning inspector noted in 2019.

In particular, the Aspect survey in 2020 returned a similar count to the Bioscan survey done at the same time of year in support of CBC's case at appeal in 2019 (12 vs 14 grassland species, July / August). When the meadow is in flower, a very different result might have been evident; Bioscan's principal ecologist recorded 21 species and discounted a further 4-5 found, photographed and GPS recorded by non specialists, as unproven.

Specific areas of concern or contradiction:

- The county ecologist states only 43% of the existing grassland will be retained, which sits uncomfortably with statements that 'new wildflower meadow' will be created. As is evident from photos that have already been submitted, the retained grassland is already a wildflower meadow so no 'new' creation is possible. The meadow flowers between April and June but has never been surveyed at that time (other than by Bioscan). Cowslips, vetches, woodrush, pignut, trefoils, various buttercups and cuckoo flower predominate (The protected English bluebells, photos taken 3 May 2020, can be found across the field, including on the proposed site of the driveways for houses 22-28 and across the wider site of houses 11-21), **not**, as Aspect claim, in the hedgerows).
- There are repeated statements that the meadow is mown but not baled (although Aspect's evidence to the 2019 planning appeal stated the soil had been compacted

by extensive use of machinery – that was also untrue). The field was baled the day before the inspector visited last year (photo below), and has been cut annually for as long as residents can remember. Hay is used by St Edwards School for the school farm, and is of sufficient quality to be usable by the Riding for the Disabled charity (they struggle to source organic hay locally and the school donate their surplus). Plenty of photos are available on social media.

- Various ecology statements now note that the grassland will be leased to the school for their future use. It is unclear how ecologists are qualified to make that assertion. As a primary school St Edwards does not allow children on uncut grass given the prevalence of deer ticks. In the 10 years our children have been pupils at the school, they have kept off the main wildflower area and used the walking paths cut elsewhere across the site for forest school, nature walks and more.
- There is a conflict between school use and biodiversity protection (as well as child protection, given the claimed access for residents of the new estate) – which is going to take primacy? And why should the tax payer fund (through S106 payment or otherwise) the maintenance of land that is going to be retained for the sole use of a private school?
- Aspect state that the ‘scrub’ under the ice house is to be retained in their biodiversity metric, but elsewhere in the application it states that the scrub will be removed as part of the condition to improve the ice house. Which is it?
- The most recent county ecology statement notes that mature trees will be removed above the badger sett, including ash and sycamore. This area of woodland is described as ‘scrub’ in the Aspect biodiversity metric rather than hedgerow or woodland, and the removal of the trees is not given comment in the FLAC tree report. Is the data is being used selectively to pass policy tests, rather than objectively to do the right thing by the site and the planning committee?
- The county ecologist states that mature ash “will be lost” in the next decade to ash dieback. This is unreasonable. Any mature tree could become diseased, but on that basis no tree merits protection, contrary to NPPF guidance. Natural England research indicates that hedgerow ash trees appear to have a level of immunity to ash dieback, and therefore have a particular biodiversity importance.
- There appears to be conflict between the drainage strategy below ground and the tree planting above ground (namely there are claims to an unbroken new tree belt, without explanation as to how trees can be planted over a main drain). This affects the biodiversity metrics, the claimed screening for a Grade 2* listed building, and the claimed flood protection to the wider River Chelt flood plain.
- The county ecologist states that the pond at the top of the site will be lost to the development, counter to statements elsewhere in the proposal. Given the pond is spring fed (and has been on Ordnance Survey maps since at least 1836), where is that water going to go?
- Why is there no comment made on the loss of nearly 30% of an 150+ year old important hedgerow? It is inconceivable that this habitat could be restored or replaced within a 15 year window. Risks to any claimed new habitat include climate change affecting the survival of new planting (drought and floods have killed off any new planting across the Battledown Hill since 2017, other than non native species), the impact of the roe and muntjac deer population in residence, the steep terrain

precluding water retention and the dense clay subsoil noted in the Simpson report on drainage.

- Comments from other sources seem to have been ignored across the ecology debate, whereas the claims of William Morrison's planning consultant have been repeated verbatim. Counter views include those of the county moth recorder on record ("lepidoptera assemblage would indicate high quality grassland", first recording of chimney sweep moth in the borough since the 1960s) and HMT's inspector of planning ("there will be a net biodiversity loss to the badger population", full reptile survey necessary before permission is granted) but these have not even been mentioned, let alone addressed. This is regrettable, particularly from supposedly neutral consultees.

I would be grateful if this letter could be added to the objections associated with this application. Other objections previously raised still stand.

The failure to address the views of the statutory authority on heritage is woeful.

Kind regards





A picture taken for other reasons, identifying bluebells flowering April 2020. Aspect fail to mention their presence across the meadow; e.g. approx. 70 plants between the ice house and the northern boundary.





July 2019.



One of at regular cross country competitions that take place each year, since at least 1957. The only soil had been compacted from Children running a cross country course!

