

14<sup>th</sup> February 2022

Ben Warren  
 Planning Officer  
 Place and Growth  
 Cheltenham Borough Council

Dear Ben

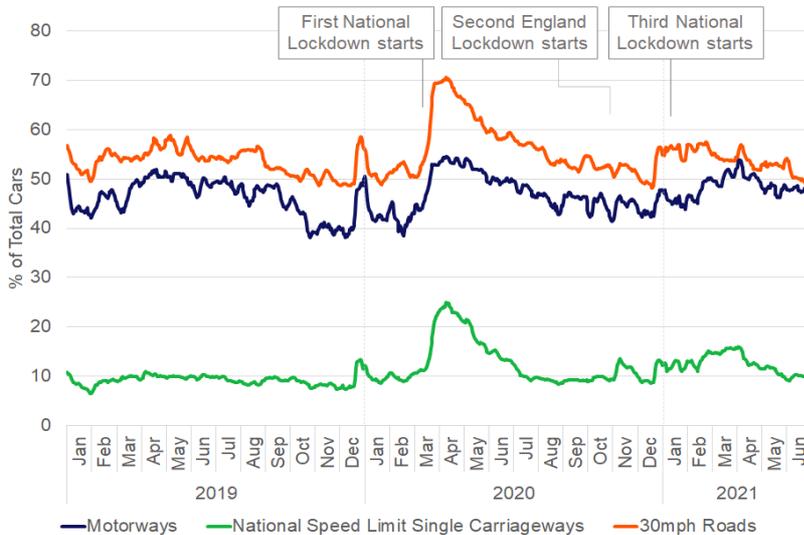
**Land east of Leckhampton Reservoir – reference 21/02148/FUL**

The submissions to this application by Councillor Horwood contain some factual errors and other misrepresentations to the extent the applicant considers it necessary to correct those in advance of the forthcoming committee meeting, and to ensure that members of the committee have all the facts available to them when determining this application.

Councillor Horwood’s letter and subsequent response raise four main issues which we cover in turn below:

**Site access and highway safety**

- Permission in Principle for up to 3 dwellings was granted in October last year, with no objection from the highway authority.
- Contrary to Councillor Horwood’s assertions, [the latest Department for Transport data](#) shows there have been just four ‘slight’ accidents in the last 22 years in the vicinity, (most recently in January 2016, a rear shut on Old Bath Road). There is not a poor safety record here, as confirmed by County Highways in its recent response to Councillor Horwood (11/02/2022).
- Councillor Horwood’s statement that 30% of drivers recorded by the Parish Council were speeding compares favourably with the latest official Government national speed compliance data, where more than 50% of drivers exceeded 30mph speed limits. Despite this, which is a legal/driver issue of course, this area of the highway network is not unsafe.



Government speed data show the percentage of cars breaking the speed limit during local traffic surveys, aggregated as a national average. The Orange line shows that over 50% of drivers broke the speed limit on 30mph roads. Note this does not show the speeds recorded, only those that were travelling faster than the limit.

[Vehicle speed compliance statistics for Great Britain: April to June 2021 - GOV.UK](#)

- Councillor Horwood's personal statements about the safety of the road here include 'evidence' such as a YouTube video showing vehicles using the road in heavy snow. This is far from typical of normal conditions of course and, in line with the other points made by Councillor Horwood, apply to almost all roads if users do not take due care and attention or abide by the law.
- An approved standardised methodology for collection of traffic data, including the 85th percentile figure, ensures outlier data (such as snowy conditions or an overzealous cyclist) do not incorrectly influence the true aggregate risk profile of a road.
- County Highways undertook their own survey which confirmed, based on recorded speeds, visibility can be achieved in both directions, with the proposal representing no harm to highway safety and a capacity impact of just 0.15%. The Parish Council's three datasets, collected over a longer timeframe, show the same or slower speeds.
- Councillor Horwood's claim that Severn Trent always use a banksman when exiting the site is wrong. Severn Trent has its own Health and Safety procedures and an email from Severn Trent dated 9th February 2022 confirmed:
 

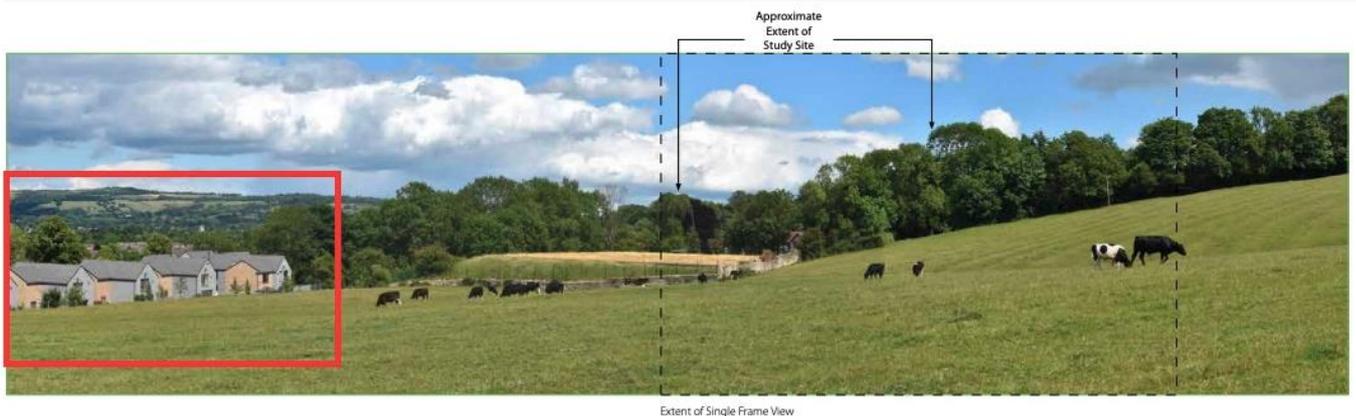
*"Severn Trent staff enter the Leckhampton site via the opening adjacent to Leckhampton hill booster / reservoir. There is a small area where the vehicles can turn, they do this without a banksman as they are single person working [sic] almost exclusively. They then return to the road facing the direction of travel. The booster site is visited at least every two weeks."*
- The comments about the unapproved A417 'missing link' proposal relate to something that may happen at some future point and are not relevant.
- This application is to be determined on the basis of current, official, and verified information, all of which, including a secondary assessment by County Highways, confirm this proposal is completely acceptable in respect of all highways matters.

### **Claimed Public Right of Way (PROW)**

- In July 2020 an application for a claimed footpath to be added to the Definitive Map was made.
- The route crosses the site connecting CHL18 ('the tramway') with Leckhampton Hill through a hedgerow with limited visibility, over a muddy surface, directly onto the highway within the 40mph zone at a point with no barriers or pavement.
- Access to footpath CHL18 from Leckhampton Road already exists just to the north, next to the Scout Hut, at a safe crossing point in the 30mph zone with footpaths on both sides of Leckhampton Road. The motive behind Councillor Horwood motioning that the Parish Council add to his support for the claimed footpath route is unclear, but it does not seem to align with the repeated concerns relating to safe use of the public highway outside the site.
- The alleged PROW is fully acknowledged in the planning application submission.
- The PROW application has yet to be determined (the application for the PROW is, like many, being decided by a Public Inquiry). As it stands there has never been, nor is there currently, a PROW across the site.
- The County Council and CBC both confirm that the route could be diverted at a later stage if required and that the planning application should be determined without prejudice to the outcome of the PROW matter.
- The Gloucestershire PROW team has been consulted and does not object to the planning application.

## Site sensitivity / Proximity to the AONB

- The Council's own landscape consultant confirms the proposals comply with relevant local and national landscape policy and supports the application subject to conditions.
- The Architects Panel supports the application.
- The image below helps to demonstrate the acceptability of the scheme in landscape terms. This is a view looking east from the AONB. The recent development of large, three storey dwellings (on land previously owned by CBC) is clearly visible in this view. In contrast, the application site is screened by dense vegetation which will remain during and after development.



## Tree Officers' Report

- A number of dead, dying, diseased and low-quality trees, including some dangerously overhanging the highway, have been removed.
- All tree removal was undertaken in accordance with DEFRA guidelines.
- An updated landscape strategy includes significant additional planting as requested by the tree officer, who has no objection.

## Concluding points

- The site is within the Principle Urban Area (PUA) of Cheltenham.
- It has permission in principle for three houses. In response to pre-application discussions, this application is for two dwellings.
- County Highways did not object to the PiP for three houses and has, after very thorough assessment, not objected to this application because there is no highway reason for it to do so.
- The Tree Officer does not object.
- The Council's own landscape consultant has no objection.
- The design is influenced by the context and evolved following officer advice at the pre-application stage, with the applicant willingly altering the scheme accordingly.
- The Architects Panel support the proposal, stating '*The scale and character of the contemporary design works well with the steep contours of the site*'.
- CBC cannot demonstrate a five year housing supply, which adds more weight to an anyway acceptable scheme.
- The owners of the site are on the Self Build Register and the Council is not yet delivering sufficient self-build plots to meet the demand.
- The Officer report is thorough and clear in its recommendation to permit, and we commend that recommendation to you.

The applicant will take the opportunity to present to Councillors at the meeting on Thursday. This letter provides more information than it would have been possible to convey in the time available at the meeting and we thus appreciate the opportunity to provide the clarifications within this letter at this stage.

Yours sincerely

**Simon Firkins MRTPI**  
**SF Planning Limited**