

APPLICATION NO: 14/00505/FUL		OFFICER: Mr Ian Crohill	
DATE REGISTERED: 22nd March 2014		DATE OF EXPIRY : 17th May 2014	
WARD: Up Hatherley		PARISH: UPHATH	
APPLICANT:	Mr Jeremy Limbrick		
LOCATION:	Avenue Lodge Chargrove Lane Up Hatherley		
PROPOSAL:	Garden landscaping		

REPRESENTATIONS

Number of contributors	9
Number of objections	7
Number of representations	0
Number of supporting	2

4 Melbourne Close
Cheltenham
Gloucestershire
GL53 0JP

Comments: 27th March 2014

A really excellent and thorough plan to improve waste ground by landscaping. The neighbours are very fortunate that the applicant seeks to improve the visual impact of the waste ground. The landscaping will not only have aesthetic benefits but also attract garden birds and other wildlife. No doubt it will improve drainage and be a safer environment for young children, in particular. Clearly, the landscaping will also allow proper access to the ground for maintenance purposes. It is to the huge credit of the applicant that he is seeking to improve the environment and make use of waste ground that currently hosts a redundant cesspool with all the hazards associated with the cesspit.

9 St Lukes Place
Cheltenham
Gloucestershire
GL53 7HS

Comments: 2nd April 2014

Before making my opinion on the subject clear I should first declare an interest: The home-owner contacted me to assist with the drawing of the garden/planting plans. Since meeting the family, I have been a keen advocate of what they are trying to achieve, given the sorry state of their land presently.

I must say that in this instance I am appalled at the dismissive stance taken by the parish council in their comments.

I appreciate that locals have previously had genuine concerns regarding an increased risk of flooding in the past, but was a risk assessment not carried out for the purpose of clarifying this issue? The report attached to this application clearly states that 'The proposed development will not increase the risk of groundwater flooding'. Does this not categorically disprove the original concerns, and therefore the parish council's overriding objection? If professional surveys are requested for the purpose of gathering evidence, should the decisions not be based on the

evidence they derive? It would appear wholly inappropriate to use/discard this information solely to fit one's initial bias.

I would also question why flood water reaching the churchyard has been explicitly mentioned. The pond has not been reduced by the home-owner, so if flooding has indeed reached the churchyard previously it would bear no relevance on the current application. It must also be considered that if the home-owner believed the proposed work presented an increased flood-risk, his own house would be in the firing line!

The plans submitted should be considered on their own merits, without prejudice garnered from previous interactions between conflicting parties. They will improve the visual amenity beyond recognition, whilst also improving the safety of the pond for the children who regularly have access to it. The planting plans (at the behest of the home-owner) are designed specifically to encourage an even greater biodiversity on the premises by encouraging pollinators and beneficial insects.

This is an opportunity for the home-owner to create an environment that will have a substantial impact on their quality of life, with negligible effect on any others. For this reason the application should be wholeheartedly approved.

8 Aylton Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3QE

Comments: 14th April 2014

1. The key issue is the size of the pond, which we overlook. We have lived here for 10 years and during this time the applicant has gradually reduced the length of the pond by 3 to 4 metres, by tipping in the material excavated when building a house extension and also material brought from off site. The depth was also reduced at the side adjacent to our property before the work was stopped by council officials. A retrospective planning application was rejected but, regretfully, the council did not require the tipped-in material to be removed.
2. Our greatest concern is that the applicant might further reduce the length of the pond, and then make a new application to build a house on the land created.
3. We have found it very difficult to understand the plan. We assume that the continuous orange line is intended to indicate the present boundary of the pond and the dashed black line is the proposed new outline of the pond. However, because we are unsure about this, we consider that this application should be rejected and resubmitted so that only the proposal for the size and depth of the pond is shown. The proposal for landscaping the existing garden is irrelevant.
4. If our interpretation of the lines on the plan is correct, then we wish to point out that the orange line does not correctly show the pond as it currently exists. Rather, it shows the outline as it was 10 years ago before the unauthorised infilling that has been carried out.
5. If our interpretation of the dashed line is correct, we are very pleased to see that the applicant now proposes to reinstate the end of the pond nearest the house back to the position where it was 10 years ago. (We assume that the applicant checked and approved the plan before submitting it.)
6. Providing that the end of the pond nearest the house is reinstated to its former position, as we think is shown, we would have no objection to the proposed widening of the bank along the

length. Our interpretation of the plan is that the proposed overall size of the pond would be about the same as at present.

7. We have seen that two objectors have interpreted the plan as showing that the pond will be reduced to half its present size. The fact that there is such uncertainty about what is proposed brings into question the ability of anyone to make an informed judgement about it. However, if it is correct that the proposal is to reduce the size to half, then we would object strongly.
8. We note reference to small feeder ponds in the application, but we cannot find them on the plan.
9. We note the comment from someone who is not a resident of Up Hatherley that the site is at present a 'waste land'. This is simply not true. About half the site is an existing garden and most of the other half is a pond. The banks of the pond provided an excellent natural wildlife area until all the undergrowth was cleared by the applicant a few years ago. Now the banks are mostly grass, but this is not waste land.
10. So far as we are aware, the planting scheme for a private garden is of no concern to the council. However, we are pleased to note the intent to re-create a wildlife habit, although we do not want to have a wall of trees along the border with our property, taking our light.
11. The issue of safety for young children is irrelevant. The applicant's children are not young and they play unsupervised around the pond. He has tied a rope to a high branch of the oak tree so that the children can swing out over the pond. If any young children were to visit the house, the existing fence prevents unsupervised access to the pond.

1 Witley Lodge Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3LW

Comments: 14th April 2014
Letter attached.

2 Witley Lodge Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3LW

Comments: 14th April 2014
Letter attached.

3 Witley Lodge Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3LW

Comments: 15th April 2014
We find it strange that the owner has thought it necessary to apply for planning permission in this regard as the majority of the plans do not require any consent.

It is a concern that, once again, the owner of Avenue Lodge is attempting to reduce the size of the pond - this pond is widely believed to be a natural spring, providing a natural balance and, therefore, will be impervious to attempts to change it's natural state.

The pond was emptied some years ago by the current owner in pursuit of a previous unsuccessful planning application - left to it's own devices, and with no excessive rainfall, the pond refilled in a matter of weeks!

The natural ecological balance and biodiversity of the area will be affected by any attempt to reduce the size of the pond - especially the beautiful bat population, which rely on the pond insects for their survival.

The conservation of bats in their natural home is reliant on the provision of roosting opportunities together with the availability of foraging and commuting habitat. The planning authorities surely have an obligation to consider whether the bats are likely to be affected by this application.

This area is absolutely not a wasteland!! It is a naturally beautiful area that needs to be protected from over enthusiastic landscaping and, on that basis, we object to the application.

4 Witley Lodge Close
Up Hatherley
Cheltenham
Gloucestershire
GL51 3LW

Comments: 10th April 2014

We have lived next to this pond for 30 years now and we fear that, since it has already been reduced in size, that further reduction on such a scale proposed will have a serious effect on the surrounding properties. If this is allowed I have no doubt we shall see another application to build on this site.

Furthermore, if it goes ahead, the planting of so many extra trees should cause a rethink on the TPO that already exists. I have the longest border with Avenue Lodge and for years had problems with light and overhangs until they were thinned out. I do not want another high wall of trees which will come within 10 ft of my property.

Witley Edge
324A Hatherley Road
Cheltenham
Gloucestershire
GL51 6HX

Comments: 28th March 2014

I have witnessed at first hand two things:

1. The systematic destruction of trees and this area - driven principally in an attempt to gain planning permission for houses.
2. Increased flooding (most likely) as a consequence of this.

Strongly against on the bases of increased likelihood of flooding

Brambles
328A Hatherley Road
Cheltenham
Gloucestershire
GL51 6HX

Comments: 15th April 2014

I live adjacent to the property in question, Avenue Lodge, and am extremely concerned re the current application - there have probably been five applications relating to the property over the last ten years.

This latest application is so vague that I am not sure it can be taken seriously - because of the vagueness how can it be monitored? We need to start from a level playing field - how will you know what is happening?

I will not bore you with all the details of my objections over the years as these are all on file.

HOWEVER, I must take issue with the Flood Report, which comments that there is no issue regarding flooding in the area.

Where were they looking?

If you advise to whom I should address my envelope, I will deliver to the Council Offices, photographs showing my garden flooded up to the edge of my decking - this takes place every winter and it very disturbing.

Should the applicant reduce the size of the pond in any way (which he has already done over the years) where will the water go? Into my garden even more so.

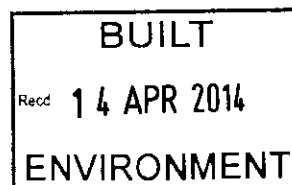
I have not objected prior to today as I have been away and only returned yesterday.

I did send Mr. Ian Crohill an email last night but up to this moment in time have not received a reply.

I understand the deadline for the objections is Wednesday the 16th.

If you let me know re the envelope I will leave the photos before Wednesday.

1 Witley Lodge Close
Up Hatherley
CHELTENHAM
GL51 3LW



Dear Ms Crews

REF: 14/00505/FUL

Proposal: Garden Landscaping at Avenue Lodge, Chargrove Lane, Up Hatherley

With reference to your letter dated 26th March 2014 we wish to **oppose** the above planning application.

Once again the applicant is seeking to reduce the area of the pond.

The applicant has been trying to reduce the size of the pond for some considerable time and has applied for planning permission five previous times.

The pond currently covers an area of approximately 540 square metres and holds just under 2million litres of water. There is no mention of the limit of the reduction but from the pictures it would appear that half the pond is to be filled in.

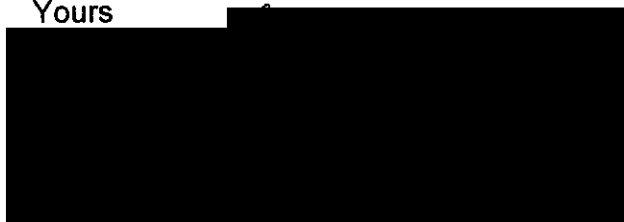
There was substantial flooding to neighbouring properties during 2007, 2008 and this last winter. Further reduction in the size of the pond will exacerbate this flooding as the plans clearly show that the water is being driven towards the neighbouring properties and away from Avenue Lodge.

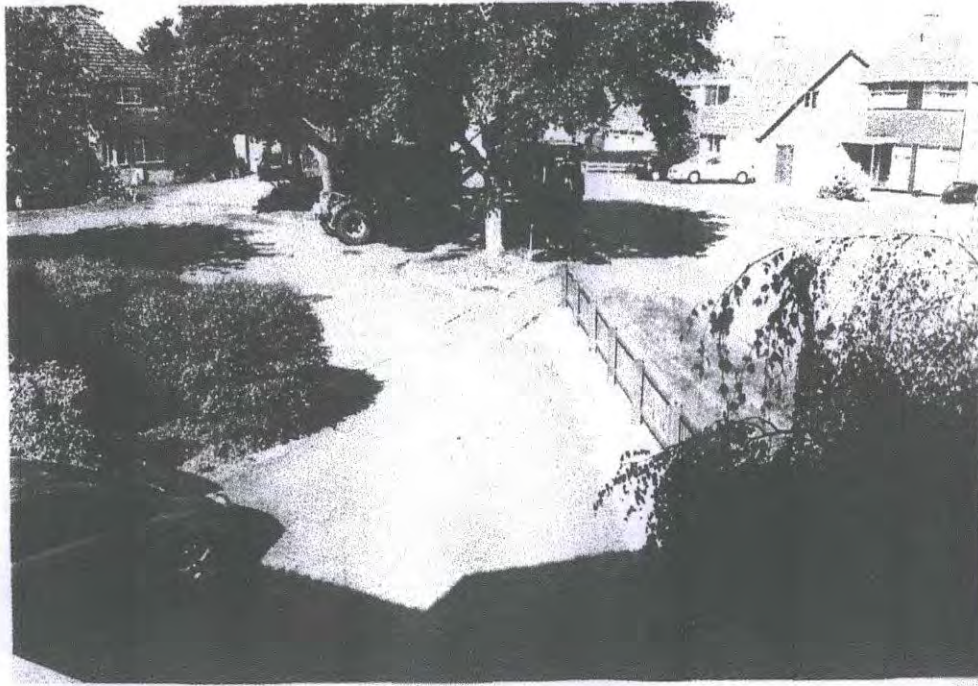
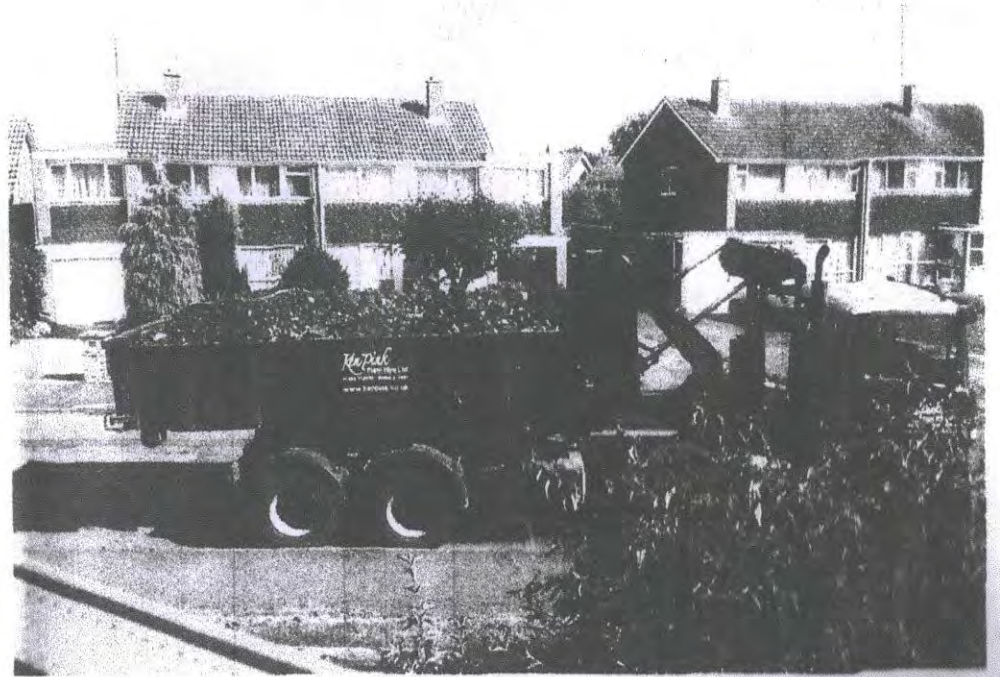
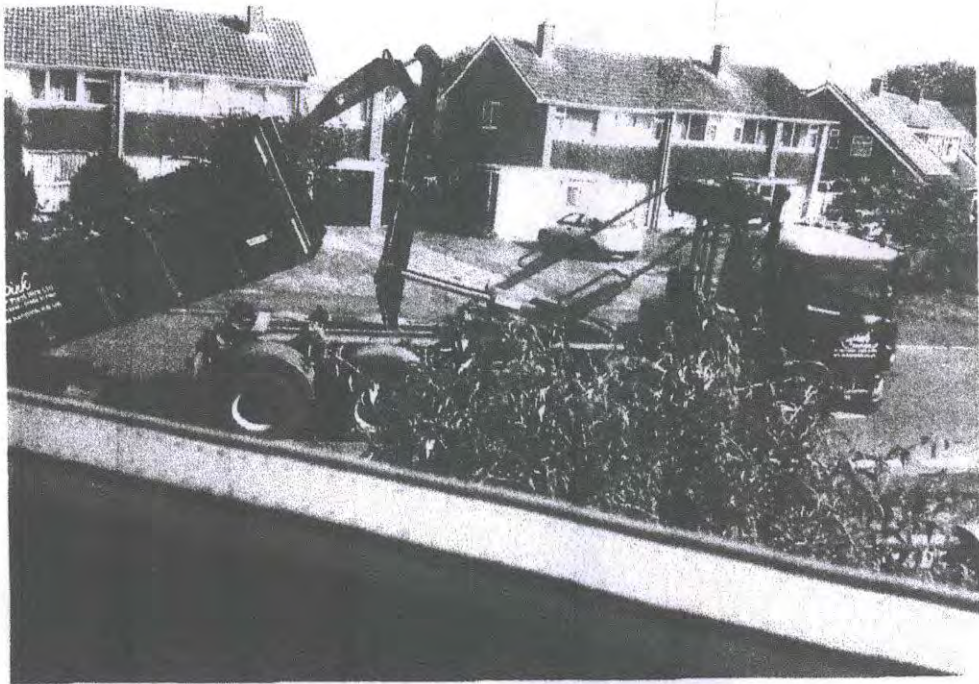
The enclosed photographs show that there was a previous attempt to fill the pond using hardcore and other matters brought in by the lorry load. This attempt was stopped by Mr P Barnett of the Planning Enforcement office but the applicant was not made to remove the infill already dumped, therefore he has already reduced the size of the pond!

The Planning Authority has consistently refused the many applications for the reduction of the pond size and the Government's Planning Inspector (09/01740/FUL 19.11.2009) stated of the pond "It is evidently a long-standing historical feature which was left alone when the area was developed and now provides a natural, relatively undisturbed environment for a variety of wildlife."

We wholeheartedly oppose this application.

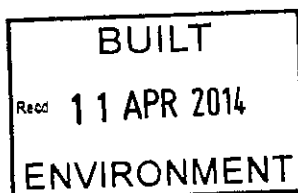
Yours





Ms Crews
Chief Planning Officer
Cheltenham Borough Council
Municipal Offices
The Promenade
CHELTENHAM
GL50 1PP

2 Witley Lodge Close
Up Hatherley
CHELTENHAM
GL51 3LW



11th April 2014

Dear Ms Crews

REF: 14/00505/FUL

Proposal: Garden Landscaping at Avenue Lodge, Chargrove Lane, Up Hatherley

With reference to your letter dated 26th March 2014 we set out below our reasons for opposing the above Planning Application.

1. In making this Planning Application the Applicant is first and foremost seeking approval to **reduce the area of the pond**. The inclusion of details appertaining to a sun-dial, patio area, pathways, planting of trees and shrubs (up to 50) and flowers surely are matters that do not require Planning Approval.
2. The applicant has on **FIVE** previous occasions sought Planning Permission for projects that necessitated **the area of the pond to be reduced**. Those applications were **refused** and details should be on file at the Council Offices.
3. The pond covers an area of 538 square metres representing 40.3% of the 1335 square metres of land within the boundary of the area to be landscaped. The pond has a capacity to hold 1.8 million litres of water. The current Application gives **no details as to the total area to be infilled but it appears to be in excess of 50%**. How will this reduction allow the pond to contain the 1.8 million litres of water within its banks without further exacerbating the flooding to neighbouring gardens which occurred in 2007, 2008 and the winter of 2013/14?
4. In September 2012 the Planning Authority were made aware of the Applicant dumping "a couple of loads of subsoil into the pond" (the applicant's own words). ***SEE PHOTOGRAPHS ATTACHED**.

Mr P Barnett (Cheltenham Planning Enforcement) visited the site and further infilling of the pond ceased but there was no removal of the already dumped material.

5. The above history shows Cheltenham Borough's Planning Authority has consistently resisted the Applicant's request to interfere with the pond. In addition, the Government's Planning Inspector in her reasons for dismissing an Appeal by the Applicant over the refusal to agree Planning Application (ref: 09/01740/FUL) dated 19th November 2009 stated "The pond provides a valuable oasis in this suburban area. **It is evidently a long-standing historical feature which was LEFT ALONE when the area was developed** and now provides a natural, relatively undisturbed environment for a variety of wildlife." (POINT NO 10) also "the general benefits for common and garden species that the pond brings to the biodiversity of the site itself and, in respect of airborne species, to the wider environment" (POINT NO 11).

We feel many of the **attractive features/suggestions** proposed by the Applicant can be achieved without the need to reduce the pond and would still greatly enhance his domestic garden.

Yours faithfully



