

<b>APPLICATION NO:</b> 17/01266/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 4th July 2017		<b>DATE OF EXPIRY :</b> 3rd October 2017	
<b>WARD:</b> Pittville		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mrs Catherine Sheppard		
<b>LOCATION:</b>	102 Prestbury Road, Cheltenham		
<b>PROPOSAL:</b>	Construction of 30 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings		

## REPRESENTATIONS

Number of contributors	<b>11</b>
Number of objections	<b>7</b>
Number of representations	<b>3</b>
Number of supporting	<b>1</b>

33 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 16th July 2017

My wife and I are the owners of number 33, and having looked at the plans for this proposed building development, we are deeply concerned. The house has been lived in by our family since it was built in 1939. We have now retired, and on returning from a lengthy holiday will be residing there with our tennents.

1. Consultancy? Our tennents recieved a leaflet through the door, we as owners, recieved nothing. Had it not been for our tennents informing us of the problem, we would have been unaware of the development propasal, and therefore unable to voice our opinion.
2. Clearly no thought has been given to the extremely close proximity that the proposed buildings will have, to our property in particular, it is ridiculously close. The severe encroachment will mean restriction in light and privacy, both of which we are entitled to.
3. The proposed dwellings will be directly in front, and right up to our boundary, this will of course, severely affect both the future selling and rental value of the house. This might not matter to planners, developers etc but it most definitely matters to the people who own and live in existing properties.

We feel that no consideration has been given to either the logistics of this proposal or to the feelings and needs of the current residents, and we object most strongly to this development and the plans that have been put forward. In short, we see it as unacceptable.

19 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 31st July 2017

Although I welcome the usage of this area for housing as opposed to industrial purposes.

I am concerned about several issues, which will affect many of those households currently residing in both Overbrook Drive and Cleevemount Close.

1. Privacy & security in existing rear gardens and in existing houses from these (2.5 [3 story] buildings).
2. The amount of new homes in such a small area, putting pressure on existing local infrastructure (schools, doctors, roads).
3. Drainage & possible flooding into & from the closely located Wymons Brook.
4. Existing boundaries and which household will be responsible?

I trust these will be discussed fully & taken into serious consideration during the planning process and decision.

Also, on a more private level for our household & several others which would also be directly affected, I wish to draw your attention to the:

#### LANDSCAPE PROPOSALS

After careful study of this document, there is the proposal to plant a "Juglans Regia" 12/14 Heavy Standard (Walnut Tree) at the end of the garden in Plot 22.

These trees reach a height of 35metres upon maturity. The roots would affect existing garden buildings, fencing & landscaping in numbers, 17, 19 & 21 Overbrook Drive and also 2 (possibly 3) properties in Cleevemount Close. Furthermore, it would block natural light into these properties & gardens.

I would hope to see an amendment to the size of tree planted in this position to something more sensible.

25 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

#### **Comments:** 2nd August 2017

I am a resident of Overbrook Drive whose property backs onto the proposed development. Having read the application and viewed the plans my concern may seem trivial but I would like to bring it to planning's attention.

During the years that the property has been vacant bordering residents have had to cope with the weeds and brambles that have encroached into their gardens. Newland Homes state in their pamphlet delivered to homes in the area just before applying for planning permission that 'the creation of front and rear gardens gives an opportunity for new tree and shrub planting. My garden is next door to the large sycamore tree that has grown during the years that the vacant land was unattended and now overhangs part of my and two neighbours gardens. This tree is now so tall I am no longer able to reach overhanging branches to cut them back. As it is now so well established it gets taller and wider each year. My main problem is the number of seeds that fall and blow into the garden. They come down much later than the leaves (which are easy to clear when tidying the garden in the autumn) and then germinate in the spring. I gave up counting the seedlings after pulling out 400 from one small area of my garden this spring so I dread to think how many there were in total. I have spoken to some of the neighbours who hadn't realised the seedlings they were finding in their gardens were also from this tree. I am not anti trees but feel this one is far too large to be in the middle of residential housing, and the house whose garden it will be in is one of the smallest on the site. Surely it would be more appropriate to replace it with something similar to the others the developers propose planting on the site.

I have spoken to my local councillor about this. He was going to look into it but to date I have heard nothing from him so feel I need to contact planning direct. I would also like to point out that in one of the documents submitted to planning by the developers it states they had discussed the proposed development with local residents. I have only had a leaflet through my door showing the layout of their plans. I would have brought up my concerns about the tree with them if I had been contacted but was unaware it was in the plans to keep the tree until I was able to access the paperwork with full details of what was submitted to your department.

If this problem can be resolved surely it would be easier to do so when the site is being cleared. I do hope you can give this matter some consideration.

31 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 19th July 2017

We are the owners of no 31 Overbrook Drive and want to object to this development on the following grounds:-

1) Loss of privacy. Currently we have no one overlooking us from the back as it's a disused building there. How can we be assured that the buildings behind us will not overlook us? How high are the buildings scheduled to be built directly behind us? This would have a financial impact on the value of our property. We would specifically like reassurances about the property behind no 29 due to its close proximity with no large garden as a buffer.

2) Increased noise. I understand that the proposal is to build garages directly behind our back fence. What is the distance between the garages and our fence? What is the rationale of building so close to our rear boundary? Currently this is a very peaceful neighbourhood, the impact of garages being built so close will cause vehicle noise at all times of the day and night. Will any sound proofing to dampen engine noise be implemented?

3) Environmental concerns. We would like to understand why the garages have back doors leading directly on to our fence and a pathway. We would like assurances that that the pathway will not be used for storage of rubbish or bins that could potentially bring unwanted pests and / or smells close to an area that we use to socialise. We have already been burgled twice and the pathway and garages so close to our fence provides cover and a means to enter our property without detection.

4) I quote from Tree report 5.2.4 "2 and 3 (off site within neighbouring gardens) provide low level screening". We disagree this is currently high level screening as they are 6 metres high. "Groups 2 and 3 could be cut back to the boundary without the owners' consent but would this would further degrade their visual impact. Consideration should be given to the negotiated removal and replacement of all three hedges with a more suitable and sustainable boundary feature" We would like to understand how they intend to replace 6m high trees. Cutting back overhanging branches without any correspondence, although legal, would be very damaging to our relationship with the development and developer. As a gesture of good will we should be consulted before any cutting back in order to ensure that they do not cut anything back that is on our property. If they intend to build so close to our boundary we also need to understand how do they intend to ensure that they do not damage the roots of our trees. Any attempt to cut back anything on our own property is against our property rights.

5) Lack of local amenities. The local doctors surgery is due to relocate and both the nearest primary schools and the nearest secondary school were over subscribed in 2017. There are simply not enough local amenities to cope with more properties being built. The Bloor homes property on Prestbury road still isn't finished and we expect more families to move in there putting

more pressure on local resources. The disruption from that development has been massive for local residents and this development will cause more

6) We would also like to know if there is any asbestos in the building behind us and receive assurances that if any actions are taken to deal with this it will have no impact to us, our garden and our immediate environment.

33 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 14th July 2017

As residents of 33 Overbrook Drive, we are extremely concerned about the proposed Newland Homes Development on the Prestbury Road.

1. The amount of buildings seems excessive and does not seem to be in keeping with the area. The 1939 housing estate aesthetics have not been taken into consideration in the design of these proposed homes.

2. Privacy issues are a massive concern; our garden is among one of the smallest in the drive and would therefore be impacted on greatly by having dwellings built so close.

3. Noise levels are also extremely worrying. At present there is 'buffer zone' at the back of our property - in between our fence and the factory buildings. According to the proposed plans, buildings will be built right against our boundary, creating increased noise levels. We have an autistic son, who is unable to cope with sudden and large amounts of noise very well, which is also a massive concern to us.

4. The present infrastructure in the area will not be able to cope with such a large building development; the nearest Doctor's surgery is due to relocate and there are not enough schools in the area to cope.

5. The visual impact on our properties will be unacceptable. With South facing gardens, our light will be impaired and also the view from the back of the house.

6. The height of some of the buildings is excessive, which will also cut out light and have a massive visual impact.

We are greatly hoping that our comments will be taken into account with regard to this housing development. The amount of houses far exceeds an acceptable level for such a small area. We are very concerned about this proposal.

35 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 30th July 2017

We are highly concerned, as a neighbouring property owner to the site, about the positioning of the proposed garages because this compromises the security of our property. Anyone could access our rear fence. There have been burglaries in the area so you can understand that this is a serious issue for us.

There is also no details available in the plans regarding the height of the garages or houses. The garages are so close to our boundary this could greatly effect our light and shadow our garden. We note that the houses are three storey which will also significantly impact both our light and privacy. The garages could also damage the root systems of our existing trees and plants

We have a newborn baby and our extremely concerned about the safe removal of asbestos ( which is clearly present in the existing building). What assurances can be made that this removal will be done with no risk to us, our child and the community?

Our garden and the adjoining area supports diverse wildlife including newts dragon flies, song birds friogs toads, butterflies. If this project goes ahead their habitat will be compromised.

37 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 30th July 2017

I would like to object on the following grounds.

- 1) The loss of privacy , with particular respect to the number of tall houses that would now be looking into my garden and possibly my house. Some of these houses are very close to land borders.
- 2) The extra noise level, this is a quiet area and this development will seriously change that aspect of the community.
- 3) The extra traffic this will create and the additional noise and pollution from this.
- 4) This area is already affected heavily by limited school places. This will only make the that problem worse.

39 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 13th July 2017

I have several causes for concern and objections.

- 1) Contrary to document 7\_01266\_FUL-STATEMENT\_OF\_COMMUNITY\_INVOLVEMENT-812493.pdf section 2. No information has been made available to myself or to my household until council notification 17/01266/FUL. This is despite us being clearly within the numbering section allegedly canvassed. This is also despite our property being one of the most affected due to the type and number of buildings now attached to our boundary (8 residences as per 17\_01266\_FUL-REVISED\_PLANNING\_LAYOUT\_A2-813767).I would seek clarity as to why this is the case and further confirmation that this requirement has actually been performed.
- 2) Loss of Privacy . We are concerned about houses looking over into our garden and the possibility due to the tall design nature of these houses that they may also be now able to look into our windows. This has not previously been an issue. We are particularly concerned by the T/DR4 type houses which are three+ stories. We feel these will already overlook the property and have scope for attic conversions which would further exacerbate the situation.

3) Pathing/ Road. I am unclear to the function of the pathing or road surface between lots 31&32 plus lots 32&33. A large section of this directly boundaries our land and we are concerned of potential impacts made if this is a road or is used by motor vehicles e.g. motorbikes..

4) Potential increase in noise. We are worried that the quietness of our garden will be heavily impacted. Based on the numbers supplied in document 17\_01266\_FUL-REVISED\_PLANNING\_LAYOUT\_A2-813767 there is scope for 34 new neighbours and the associated unavoidable increase in noise.

5) Proposed Boundary fencing. We seek assurance the wall currently erected will remain. We do not at this juncture wish this to be changed to fencing as we feel this has a potential impact on security and visual appearance. We also have concerns that being asked to take on boundary dealings with 8 new residences is potentially stressful and excessive.

6) Trees. A significant number of the trees identified on the tree survey are located on our land. We seek further information and clarity on the proposals regarding these.

7) Environmental impact. One of the advantages to the location of our residence is the large number of species of wildlife we encounter in our garden. This includes , but is not limited to Newts, frogs, dragonflies and damselflies. I have read through the documentation but I have been unable to find any sections on potential impact to these resident species.

We would very much like to have assurances from the developers directly regarding these queries and again would like to express our concern that the community involvement as detailed in the related documents does not appear to be carried out to the extend claimed.

14 Cleevemount Close  
Cheltenham  
Gloucestershire  
GL52 3HP

**Comments:** 13th July 2017

Our bungalow is situated some 3 feet lower than the ground on which the proposed development is to be built and we would like confirmation that we would not be overlooked by the new houses. We are also concerned about drainage for the same reason. Presumably the very tall ill maintained I hedge at the bottom of our garden, but not on our property, will be removed?

16 Cleevemount Close  
Cheltenham  
Gloucestershire  
GL52 3HP

**Comments:** 25th July 2017

Letter attached.

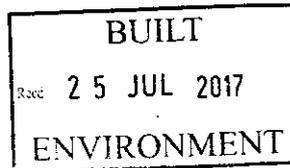
NGB (Cheltenham) Ltd  
Morringham Yard  
104 Prestbury Road  
Cheltenham  
Gloucestershire  
GL52 2DJ

**Comments:** 1st August 2017

Letter attached.

16 Clevermount Close  
Cheltenham  
Glos  
23/07/17

Your Ref 17/01266/FUL



Dear Sir

I would like to make my concerns about the planning of 35 dwellings for the site of Yeats Garages.

One / I am concern by the removal of the hedge and the lost of privacy by tall Houses over my bungalow. They say it will be replaced by other plants, will they be suitable.

Two / I am concern that the extra houses could make flooding more possible in a flood plain of PTO

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Wymans Brook.

Thank you

Yours faithfully





**NGB Cheltenham Ltd.**  
Morringham Yard  
104 Prestbury Road  
Cheltenham  
Gloucestershire  
GL52 2DJ

Cheltenham Borough Council  
P.O. Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

1<sup>st</sup> August 2017

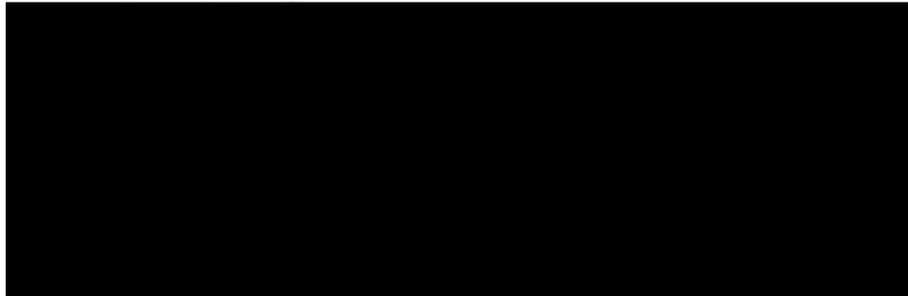
To whom it may concern,

I own the land marked blue, on the attached photograph, and have the relevant rights as detailed on the attached title register referring to the land marked brown, represented by the land outlined in red on the same attached photograph.

We regularly require HGV articulated vehicles to go and pass over the said area for prolonged periods of time.

We are therefore concerned we may obstruct and adversely affect the Highway/access land which we use to access our site, and which will be required by any prospective purchasers of the said development.

Yours sincerely





# Official copy of register of title

Title number GR112255

Edition date 03.11.1988

- This official copy shows the entries on the register of title on 18 Aug 2008 at 12:30:37.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 18 Aug 2008.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) or Land Registry Public Guide 1-A *guide to the information we keep and how you can obtain it*.
- This title is dealt with by Land Registry Gloucester Office.

## A: Property Register

This register describes the land and estate comprised in the title.

GLOUCESTERSHIRE : CHELTENHAM

- 1 (03.11.1988) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land and Buildings on the North West side of Prestbury Road.
- 2 (03.11.1988) The land has the benefit of the following rights granted by a Deed of Exchange dated 29 January 1964 made between (1) Gladys Cicely Priscilla Poulton (Grantor) and (2) Scaffolding Great Britain (Holdings) Limited (Grantees):-

"TOGETHER with the full and free rights for the Grantees and their successors in title owner or owners for the time being of the said property edged green and every part thereof for them and their tenants servants and all others authorised by or claiming under them in common with the Grantor and all others entitled to the like rights to go pass and repass over and along the piece of land coloured brown on the said plan with or without vehicles and at all times and for all purposes subject to contributing a fair proportion according to user of the cost of maintaining the said piece of land coloured brown as a roadway for motor vehicles and to lay and maintain under the said piece of land coloured brown sewers and drains and water gas and electric mains or pipes making good any damage occasioned by the exercise of the last mentioned right."

NOTE:-The land edged green includes the land tinted pink on the filed plan. The land coloured brown adjoins the south eastern boundary of the land tinted blue on the filed plan.

- 3 (03.11.1988) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Conveyance of 98 Prestbury Road dated 28 March 1977 made between (1) SGB Group Limited (Vendor) and (2) Morgan Associates (Cheltenham) Limited:-

"TOGETHER WITH the rights contained in the First Schedule hereto but EXCEPT and RESERVED unto the Vendor in fee simple for the benefit of the Vendor's adjoining property edged green on the said plan (hereinafter called "the Vendor's adjoining property") and every part thereof the

