

APPLICATION NO: 20/01882/FUL		OFFICER: Mr Daniel O Neill
DATE REGISTERED: 29th October 2020		DATE OF EXPIRY : 24th December 2020
WARD: Leckhampton		PARISH: LECKH
APPLICANT:	Mrs Heidi Wood	
LOCATION:	Edge Hill, Kidnappers Lane, Cheltenham	
PROPOSAL:	Extensions to existing property	

ADDITIONAL REPRESENTATION

20th January

The Coach House
Kidnappers Lane
Cheltenham
Gloucestershire
GL53 0NX

Comments: 20th January 2021

Cllr Stephen Cooke has advised me to copy to you information that I have recently been given about a Restrictive Covenant attaching to Edge Hill, relevant to the Planning Application being heard by Committee this Thursday.

[Name supplied] is the owner of Home Orchard, the property adjoining Edge Hill on the other side from the Coach House. Edge Hill is built on land sold by [name supplied], the then owner, in 1954. The owner has informed me of a Restrictive Covenant on the Edge Hill site, stipulating that no building greater than one storey is permissible. The existence of this Covenant is confirmed by the Property Register for Edge Hill (attached). The owner confirms that [the previous owner] (Section C:1) was the owner of Home Orchard before its purchase by [the current owner], and that the Restrictive Covenant "followed the property" to them in the usual manner.

At [the owner's] request, I have now applied to the Land Registry today for a copy of the Restrictive Covenant (it is held in hard copy, and therefore will take a little time to obtain). She is determined to enforce it once a copy has been obtained, as she feels strongly that the proposed development will impact on the amenity of her property, and fulfills neither the spirit nor the letter of the Restrictive Covenant. She further asked me to contact Cllr Cooke on behalf of both herself and ourselves in the Coach House; accordingly I contacted Cllr Cooke this morning. As a result he has asked me to pass the information to you.

We appreciate that a Restrictive Covenant is a civil (legal) one between two parties. Nevertheless, it is surely appropriate for the Planning Committee to take full cognisance of a Restriction that impinges fundamentally on this planning proposal. We would formally request that

- the existence of this Restrictive Covenant be drawn to the Planning Committee's attention before/during Thursday's meeting

20th January 2021

- the Planning Committee at least determines a delay in the final decision about the Edge Hill Planning Application to its next meeting, in order to give time for the Restrictive Covenant to be tabled (unless of course the Committee decides to turn down the Application).

I trust this information is relevant and that it will be brought to the Committee's attention. I look forward to your reply.