

APPLICATION NO: 20/02296/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 24th December 2020	DATE OF EXPIRY : 18th February 2021
WARD: Leckhampton	PARISH: LECKH
APPLICANT:	Ms R Tuffy
LOCATION:	Villa Nova, Undercliff Terrace, Cheltenham
PROPOSAL:	Demolition of existing dwelling, garage and shed and erection of replacement dwelling and additional new dwelling with garaging

REPRESENTATIONS

Number of contributors	21
Number of objections	18
Number of representations	2
Number of supporting	1

7 Pilford Road
Cheltenham
Gloucestershire
GL53 9AG

Comments: 13th January 2021

The stream at the end of garden comes from the stream at Villa Nova and we are concerned with the risk of flooding due to the builders diverting the stream. Over the last couple of months the stream has flooded more regularly which is a cause for concern.

15 Pilford Road
Cheltenham
Gloucestershire
GL53 9AG

Comments: 26th January 2021

you might also be interested in some observations made by a chum who's a town planner with a large developer. I hope they might be useful as they certainly echo our own views:

When did they fell the trees? Under Riparian Rights, they should not be diverting the watercourse, which might inadvertently affect the flow of water downstream that others have right to receive.

There will need to be a boundary treatment; the council will at least insist on 1.8m high closeboard fencing as a minimum. A species rich hedge too would provide biodiversity net gain.

If the track to the house is private do they have rights to plug in another house? That's not a planning matter as it's up to them if they can't actually legally access in the end.

Also, that's not a biodiversity report and there should be an arboricultural report to accompany the application (if there are any trees now left!). I would complain about not

allowing due process to be followed as it's possible that, had they been good examples, neighbours could have asked for a TPO etc but, as they've been hacked down, it's not now even possible to consider. Total lack of disregard for our planning system, democracy and hard-working planning officers.

Only just looking at the plans - I see they are proposing living rooms at first floor with HUGE floor to ceiling windows - no, no, no!!! Also, they're missing a Block Plan.

Finally, it's not in keeping with the Victorian and arts and crafts style feeling round there. There's nothing in the design that references the surrounding built or natural environment; it's just maximising square footage. The very fact they are both exactly the same demonstrates they do not individually respond to the plots position within an established residential street.

Comments: 23rd January 2021

We strongly object to any attempt to disrupt the ancient watercourse known, amongst other names, as the Pilley Brook. In any case, the Riparian Rights/Responsibilities of the land owners of Villa Nova forbid disruption, alteration or use of the watercourse across their land. So it's a matter of great concern that, if true, their application seeks to mislead you about the course of the Pilley Brook, with obvious implications about a future negative impact on flood risks in our immediate downstream neighbourhood.

An additional concern is that such a major building project relies on site access for plant and machinery along a narrow private road, with an inevitable risk of disruption to traffic on Leckhampton Hill, a major road link to Gloucester, Cirencester and Swindon.

1 Pilford Road
Cheltenham
Gloucestershire
GL53 9AG

Comments: 26th January 2021

I am writing to raise concerns and objections about the planning application and development that is already underway at the site of Villa Nova, Undercliff Terrace, Cheltenham.

There is a stream that flows near the site and continues through our back garden. I am concerned there is an increased flood risk from the villa nova development as they have already cleared the site and cut down several very large trees even before their planning application has been approved. The developers have also been seen digging trenches in the adjacent field to divert the water impacting on our road (Pilford Road). Following this activity ours and several of our neighbours gardens flooded quite badly and much more than normal in the recent rainy whether.

Moreover non of us in Pilford Road have received a consultation letter about the proposed development which seems wrong as we will be directly impacted by it. Why did we not receive a letter from you about this planning application? And Will your planning office inspect the site ASAP to check they are not going ahead with developing the site until they have been through the proper planning processes.

I look forward to your response as soon as possible.

3 Undercliff Avenue
Cheltenham
Gloucestershire
GL53 9AB

Comments: 6th April 2021

We are pleased to see the proposed development is now in keeping with those existing properties in the road, however we remain concerned about the parking and the risk of flooding. It appears the new development encroaches into the lane in order to create a deep enough driveway to accommodate the length of a car. As mentioned previously there is no room in the lane to park so more space is needed within the development site. Of the 6 spaces recorded on the application, 2 are within the garages, it's unlikely these will be used for parking.

26 Pilford Road
Cheltenham
Gloucestershire
GL53 9AQ

Comments: 25th January 2021

I am objecting to the planning application on the grounds of both its impact on the natural environment and local amenity.

The application has completely disregarded the watercourse running through the site or the natural springs along the boundary fence and in the adjacent field. Given that one of the proposed buildings appears to sit on top of the existing watercourse, I assume there are plans to divert the stream. Any work to the stream or the ground around the natural spring line will impact the flow of water and, understandably, a number of properties downstream have raised objections and concerns due to the risk of flooding. Concerns I share with them. It is disappointing to see that significant groundworks and clearance of vegetation have already begun. Vegetation that would help soak up water and stabilise the ground.

The proposed application will also have a significant visual impact, directly bordering the daisybank fields. The proposed dwellings are both imposing and overbearing and will impact on the local landscape and privacy for neighbouring properties.

Whilst I do not propose in principal to the construction of a new property, the proposal to squeeze in two 3 storey properties right up to the boundary line (and on top of an existing watercourse) does not seem appropriate for the site.

15 Fairfield Avenue
Cheltenham
Gloucestershire
GL53 7PN

Comments: 22nd January 2021

We strongly object to any attempt to disrupt the ancient watercourse known, amongst other names, as the Pilley Brook. In any case, the Riparian Rights/Responsibilities of the land owners of Villa Nova forbid disruption, alteration or use of the watercourse across their land. So it's a matter of great concern that, if true, this application seeks to mislead about the course of the Pilley Brook, with obvious implications about a future negative impact on flood risks in our immediate downstream neighbourhood.

An additional concern is that such a major building project relies on site access for plant and machinery along a narrow private road, with an inevitable risk of disruption to traffic on Leckhampton Hill, a major road link to Gloucester, Cirencester and Swindon.

Raymella
Undercliff Avenue
Cheltenham
Gloucestershire
GL53 9AB

Comments: 22nd January 2021
Letter attached.

Comments: 10th March 2021
Letter attached.

5 Undercliff Avenue
Cheltenham
Gloucestershire
GL53 9AB

Comments: 23rd January 2021

The PIP was granted by the Parish Council on the basis that the new build was 'of small size' and 'of a height and style similar to that of the existing properties in Undercliff Terrace'.

The proposed 2 new houses clearly do not fit that description. However the style presented does have the redeeming features of few windows on the south side, reducing loss of privacy, and hipped roofs which mitigate the larger aspect of the houses.

The finished height, which is crucial to acceptability is difficult to ascertain from the very basic drawings on the CBC website, however I am assured by Mr Guilor, the agent/architect for the project, that the ridge height of the building replacing Villa Nova will be within 200mm of the ridge height of the existing building which is itself similar to it's neighbour Hildewell. I should like to see confirmation of this.

We share neighbours concerns over the implications of six more cars using this narrow lane ie doubling current regular usage. The lane gives on to the pavement of Old Bath Road with no warning signs to either vehicles or pedestrians.

Eventual reinstatement of the surface must be a condition of planning.

We would also take this opportunity to ask that any exterior lighting is subdued and downward facing, there is no street lighting close by and with little light pollution there is currently an abundance of nocturnal wildlife eg foxes and owls. We would like this to continue.

4 Undercliff Avenue
Cheltenham
Gloucestershire
GL53 9AB

Comments: 24th January 2021

Further to the above planning application, I would like to make the following comments and concerns:

- The proposed roofs of the new homes are not the same height as the existing properties in Undercliff Terrace as per Permission in Principle (April 20). On the application they are shown to be level with the top of existing chimneys which, it would appear, have been increased in height to suit the proposed plans.
- The existing boundary defining Undercliff Terrace is not shown on the Proposed Site Plan but drawn as 'hedge/area overgrown'. The boundary should be a straight line from existing dwellings (Hazelwell & Hildewell) as shown in the Full Site Location Plan submitted (OS Extract).
- An observation is that The Proposed Site Plan (Oct 20) differs in shape from Location Plan (Dec 20) and the Block Plan (April 20).
- Under the Assessment of Flood Risk, (11) on the Application for Planning Permission, the proposal states 'No' to all 3 questions. This needs scrutinising.
- It has been stated that on-site parking spaces will be provided for six cars. Where are all these parking spaces on the plan? Undercliff Terrace is very narrow so 'on road' parking for the new homes would be prohibitive as it would restrict turning off existing drives and general access.
- The Terrace has an unmade road surface and will suffer tremendously with all construction and delivery vehicles required to build two new homes. I would like confirmation that the whole length of Undercliff Terrace will be made good when the project is completed.

Comments: 2nd April 2021

The front boundary of the proposed development is still ambiguous and is not a straight line taken from Hazelwell and Hildewell. This results in reducing the width of the terrace and gives the developer additional land. This could compromise access for existing vehicular access.

3 Undercliff Avenue
Cheltenham
Gloucestershire
GL53 9AB

Comments: 12th January 2021

Whilst we aren't opposed to a fourth property we do object to this planning application for the following reasons:

1. The proposal to demolish Villa Nova and replace with a much larger property, along with an additional similar property totally alters the street setting. Currently there are 3 similar properties, which sit well in the road. By replacing one and adding two much wider properties, the 2 remaining houses are overwhelmed by them. Whilst a personal view I do also think the front of the houses are unattractive and will not enhance the view we have from our property at all

2. Parking. Undercliff Terrace is a single track lane, there is not enough room for cars to pass each other. The application states parking for 6 vehicles, assuming two spaces are garage spaces. Plot 1 doesn't look like the frontage has enough depth to park a family sized car, and is it really wide enough for two vehicles to park next to each other? Given these are to be 4+ bedroom homes one can expect 3-4 cars per property. There is no room in the lane to park on the road so they must have enough space to accommodate more cars. Also if the parking space for plot one is not deep enough, any car parked on it will protrude into the road blocking access to the driveways/garages of the properties on Undercliff ave that have rear access onto the terrace.

3. Access during construction. The entrance to the terrace from Bath Rd is narrow, so narrow that the bin lorries do not venture down it. Should construction lorries use the lane there is nowhere for them to turn around once they get to the site. Consideration needs to be given to this.

4. Post development we would like the developer to return the road to the condition it was in, or better than, before work started. The residents of the Terrace and Ave maintain the road and would not wish to fund any repair work needed.

We hope our concerns will be taken into account when making your decision

2 Undercliff Avenue
Cheltenham
Gloucestershire
GL53 9AB

Comments: 20th January 2021

Work has started already despite the planning stage not having been completed.

Undercliff Terrace is much too small for the size of lorries needed for such building. Already I have seen a large lorry coming out with a digger on. It had it's wing mirrors in to avoid the hedges it was so tight. Presumably whilst reversing in it had the mirrors out & didn't worry about the hedges. Is there no minimum width of road for access to building like this?

The building in Undercliff Avenue of two dwellings to replace Imber has already destroyed the road surface. My car has been hit & lightly damaged by a lorry (with no recompense from the builders). These roads are too small for this type of traffic safely. The Terrace is even smaller.

This is a very poor trend on the hill to replace one dwelling with a decent sized garden with two dwelling with miniscule gardens. Increasing the quantity but reducing the quality of the homes on the hill.

Hazelwell
Undercliff Terrace
Cheltenham
Gloucestershire
GL53 9AE

Comments: 22nd February 2021

As a close neighbour of Villa Nova, I would like to make three comments regarding the building plans for two new houses on this site.

Asbestos and Air Pollution

I have been told that the roof tiles of Villa Nova are made of, or contain, asbestos. These may even be the original 1922 tiles, dating back to a time when the dangers of asbestos were not known.

If this is so, then I hope I can safely assume that at least part of the demolition work at Villa Nova will be done by a specialist firm who can ensure that no asbestos dust escapes to create a very nasty health hazard for people who live in nearby properties.

In addition, several of my neighbours, I know, have chronic respiratory conditions. They would be badly affected by any kind of airborne dust pollution arising from demolition work, and I hope measures will be taken to minimise this risk.

Risk of Flooding

The applicant has assured us that at the end of the building work, which will inevitably churn up and damage the road surface of the Terrace, the lane will be made good. This is good news, as the costs of resurfacing the lane would otherwise fall upon those private individuals in Undercliffe Terrace and Avenue who use it for their vehicles.

When this is done, it will be important to take care that the profile and slope of the lane does not, in conditions of heavy rainfall, allow rainwater flow over the lane edge towards the existing houses, Hildewell and Hazelwell. The lane needs to have a "concave camber" to ensure that the surface water runs well away from houses on the downward slope. I hope this will be done.

Subsidence Risk

I did mention to the applicant that some years ago a hole appeared in the surface of the lane just before it reaches the Old Bath Road. When this was investigated, it was found that underneath the thin surface layer was a very large hole, and it was thought that this

had been hollowed out over some years by the action of underground water of some kind.

There was a definite risk that several square yards of the lane could have collapsed under the weight of a car or lorry, though fortunately it was discovered in time. A leaking gas main was also discovered and had to be mended. As there is always a risk of underground water coming off Leckhampton Hill, I would recommend that before any resurfacing is done, this part of the Lane should be tested to make sure the sub-structure is sound.

It may be worth mentioning that in the last period of dry weather I noticed that a spring of some kind has re-appeared some yards further up the lane, from the garden of 368 Old Bath Road. This has happened several times in previous years due to a leaking land drain in that garden. I was told that this drain/ culvert was installed to prevent flooding in houses on the downward slope of the hill (i.e. in the Old Bath Road) and that the Department of the Built Environment has undertaken repairs in the past because of that risk. If there is water on the surface, could there also be water finding its way in the subsoil beneath the lane?

Comments: 31st March 2021

I think the revised design for the two new houses is much more in keeping with Hildewell and Hazelwell, as regards the roof height, roof profile etc. This seems a much more modest and sympathetic design for this particular location.

I do hope the other issues of parking spaces, replacement of trees, privacy for overlooked houses in Pilford Road etc. will be happily resolved.

I strongly believe that the stream (which I believe is called the Pill) should be handled with care and respect, both in regard to the part it plays or could play in flood prevention, and its value or potential value to wildlife.

17 Pilford Road
Cheltenham
Gloucestershire
GL53 9AG

Comments: 24th January 2021

Stream:

There is currently a stream running through the garden of Villa Nova, approximately where the second house is proposed to be sited, which passes through the bottom of my neighbour's garden (19 Pilford Road) then into mine, and continues past all Pilford Road houses (odd numbers). As to what would happen to the stream, it is impossible to know from the submitted planning application as it has not been referenced - rather factually misleading information has been submitted that there is not a watercourse within 20m of the property. I am very concerned that any change could impact the flow of the stream and could increase the risk of flooding for residents downstream. A significant part of the lower garden to Villa Nova allowed some excess water to be absorbed naturally - this will be eliminated if the second property with paving is built. I also do not think that diverting the flow into the adjoining field is an option, as this is already saturated at many times in the year and has been getting worse over the last few years, and the current stream is

quite free-flowing. As such, an environmental impact and assessment of flooding risk I believe must be undertaken, before the course of a flowing body of water is changed.

Privacy:

As the Villa Nova property is already elevated, by means of being further up the hill than the properties on Pilford Road, I believe the proposed design of the rear of the properties, with large floor to ceiling window on the first floor is wholly inappropriate. There will be no privacy for the bungalow and garden in No 19, and less privacy for my property. This is further compounded by the proposed second dwelling being so close to the boundary of number 19. Additionally, the modern design is not in keeping (especially at the rear) with the surrounding houses, which have a period / 'Arts and Craft' country feel - right on the edge of the town and adjoining open fields.

Although the proposed ridge height is approximately the same as the existing property, the roof ridge being changed from perpendicular to parallel with Undercliff Terrace, the rear elevation will dominate the surrounding properties - especially if a second property of such type is added.

19 Pilford Road
Cheltenham
Gloucestershire
GL53 9AG

Comments: 22nd January 2021

I wish to raise the following objections

1) Privacy - The whole of my garden and the rear of my bungalow property has up till now enjoyed substantial privacy as the current property sits to the far right of their total plot looking from the rear. Two much wider and considerably higher properties are now being squashed into this site without much consideration for neighbours. Only 3 windows from Villa Nova currently overlook my bungalow and garden and there will now be no less than 12 windows. There are also a further 4 windows owing to the second level of the proposed properties. For years there has been a 7 metre Laurel tree and a wall of 5 metre bamboo in their garden which kept my garden hidden from view. We were told by the landscapers (who have already started clearing the site) that these would remain. To my absolute horror these were destroyed 2 days ago. Bamboo needs lots of water and the loss of these will increase the volume of water in the stream. I will have absolutely no privacy from these proposed properties and will need at the very least mature evergreen shrubs etc in their place to restore some privacy.

The Stream - I along with other residents have suffered with bad flooding/drainage issues and do not want this to be increased as a result of them looking to divert the stream away from their land in any way.

11 Pilford Road
Cheltenham
Gloucestershire
GL53 9AG

Comments: 13th January 2021

My house is downstream of the stream that runs through the Villa Nova plot. The planning application appears to have ignored and made no provision for the stream. I am concerned about the increased risk of flooding of the portion of the stream through my garden.

5 Pilford Road
Cheltenham
Gloucestershire
GL53 9AG

Comments: 13th January 2021

There is a stream going through this land which is not mentioned in the plans and should NOT be diverted onto Daisy Bank. Pilford Road is at the bottom of Daisy Bank which would increase the risk of flooding.

1 Pilford Road
Cheltenham
Gloucestershire
GL53 9AG

Comments: 11th January 2021

Planning application ignores the constant stream running across the site. The planning application claims there is no watercourse within 20m of the site. This is not factually correct. The builder on site is already diverting the stream and clearing vegetation. None of this is within the planning application. This work outside of the planning application includes digging a new ditch in the Daisybank field and would not appear legal. The unauthorised work could significantly increase flood risk. The same stream runs through my garden (downstream). Flooding in recent months has been unprecedented and significantly worse than the 2007 exceptional flooding. This activity needs urgent investigation and no work should be allowed outside of the planning application. The planning application needs to reference the existing stream.

Comments: 27th January 2021

I must object in the strongest possible terms to this planning application. Urgent investigation is also required around substantial and illegal tree felling and alteration of the course of a stream prior to planning permission being granted.

My concerns are:

- o The planning application makes no reference to a stream that passes through the site. It pretends it doesn't exist. The stream flows consistently through the site all year round.
- o We live a short distance downstream of the stream which has a consistent flow all year round. Work has already commenced to divert the stream into a neighbouring field

prior to planning permission being granted and despite the planning application making no mention of the stream.

o There has been no reported flooding of the stream since our property was built in 1929, nor during our tenure since 2005 and even during the 2007 floods. However, in December of 2020 our garden and shed was severely flooded for the first time. There would appear a causal link between this flooding event and the illegal diversion of the stream upstream relating to the work at Villa North. If this work is not stopped and the stream returned to its original course we shall be seeking compensation from Cheltenham Borough Council for flood damage. It is the Council's lack of action that has caused the problem.

o There has been widespread tree felling in and around Villa North which is happening outside of planning approval.

o The proposal is a crass overdevelopment and unsympathetic to the immediate area.

o Despite being directly impacted by the development we have received no notification of the proposals.

How can tree felling and a stream be diverted without planning permission? This makes a mockery of the planning system and local democracy.

White Cottage
Leckhampton Hill
Cheltenham
Gloucestershire

Comments: 20th March 2021

Please find attached objection to the proposed development at Villa Nova and a copy of the recent appeal decision on the site uphill at Imber, Undercliff Avenue referred to in the objection. I would be grateful if these could be uploaded to the case file.

[Letter and appeal decision attached.]

Comments: 7th April 2021

Letter attached.

5 Undercliff Avenue
Cheltenham
Gloucestershire
GL53 9AB

Comments: 17th February 2021

Looking at the revised block plan we are concerned that the front boundary is still showing an incorrect frontage.....- it should be inline with the other properties, taking a straight line from Hazelwell and Hildewell.

Please correct the plan asap

Orchard House
338 Old Bath Road
Cheltenham
Gloucestershire
GL53 9AF

Comments: 24th January 2021

The planning application section 11 states that there is no stream within 20 metres. This is untrue. A simple visual examination of the site will show a stream entering the garden of Villa Nova from a culvert which runs underneath Undercliffe Terrace. The site location plan does not accurately show the watercourse. A conveyance from 1984 clearly shows the watercourse running through the garden of Villa Nova as does Google maps. The stream runs through the garden of our property and represents an important and valuable amenity. It is felt that the planning application completely fails to address the flooding implications of the proposed work. Since site work began we have noticed a marked increase in flow.

346 Old Bath Road
Cheltenham
Gloucestershire
GL53 9AF

Comments: 24th January 2021

I note that that neither the existing nor proposed site plans for the development of Villa Nova, GL53 9AE show in any way the existing water course which enters the plot from Undercliff Terrace and exits into the garden of the property at the end of Pilford Road. This watercourse appears on Land Registry documents.

I also note that the applicant has responded "NO" to the question "Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?", which by any stretch of the imagination is being very economical with the truth.

This watercourse flows through at least a dozen properties both up and downstream from Villa Nova and in the more than 20 years of living in this current address, I have never heard it referred to as anything other than a stream. Indeed until a couple of years ago, when a hungry heron had its fill, there was a self-sustaining population of trout living in the stream.

It is essential that this application presents a credible plan for managing this watercourse, without disturbing properties downstream.