

<b>APPLICATION NO: 21/02409/FUL</b>		<b>OFFICER: Mrs Emma Pickernell</b>
<b>DATE REGISTERED: 30th October 2021</b>		<b>DATE OF EXPIRY : 25th December 2021</b>
<b>WARD: Up Hatherley</b>		<b>PARISH: UPHATH</b>
<b>APPLICANT:</b>	Mr & Mrs Limbrick	
<b>LOCATION:</b>	Avenue Lodge Chargrove Lane Up Hatherley	
<b>PROPOSAL:</b>	Construction of 1 no. new self-build dwelling in rear garden (Revised scheme of planning application ref. 21/00540/FUL)	

## REPRESENTATIONS

Number of contributors	<b>10</b>
Number of objections	<b>9</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

2 Witley Lodge Close  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3LW

### Comments:

This is submitted on behalf of 2 Witley Lodge close.

With reference to the newly proposed and revised PLANNING APPLICATION 21/02409/FUL we wish to make the following comments:

Having lived at No2 Witley Lodge Close since 1975 we would like to point out that the builders who constructed the estate on the old Manor Farm Site approached the then owner of Avenue Lodge to buy the land comprising the back half of the garden. The lady refused as she appreciated the wildlife and oasis of pond and trees to the extent that she insisted that they construct the red-brick wall all along the side of her property to separate it from the new build and protect the area of the garden. What has changed to allow building to now take place there?

The current owners obviously have no regard for the rurality of this area in their constant pursuit of building on it.

The language used in the application is definitely designed to appeal to modern constructs of disabled access, however to describe a two-storey property as designed for the elderly or disabled is an oxymoron. People who are elderly or disabled mostly seek accommodation on a single level for ease of access.

Similarly, a property with a fairly large garden containing several trees could not be described as manageable for these groups of people, and as for woodland path walks, again - Sensible? Practical? In a wheelchair? With walking aids?

If the new property is to be aimed at a young family or as someone's first step on the property ladder, we ask again, where are the facts that back up this emotive language?

At No 2 we have been subjected to Thuja/Cypress Leylandii trees which are so far beyond the permitted height as to be beyond a joke. There have been many requests from the Council for these to be topped and trimmed but nothing has been done and they severely limit the light to our property. The trunks of these trees are flush with our fence and only 23' from the exterior wall of our house. Their roots have lifted the paving stones rendering our garden unsafe, particularly for my now severely disabled husband. We are told that they need these trees to maintain their privacy, we have no choice about ours, we are "hemmed-in" and kept in the dark.

As regards car spaces - two will not suffice as Avenue Lodge already have four cars and the family has two boys of driving age, one who may already own an additional car. Where are these cars to be parked? Will their parking be detrimental to their neighbours?

If the applicant moves his garage and shed to provide a driveway to the proposed property, then where will he store his many tools and garden equipment?

We very much doubt that one self-build property will be of much assistance to the Council when you consider the existing and proposed developments in Longlevens, Leckhampton, Bishops Cleeve and Elmstone Hardwicke.

We find the proposal that this build will provide jobs in the construction industry laughable. Anyone who has tried to employ a company in the various trades involved will tell you that it is impossible. They are all overwhelmed with work and also struggling to get supplies because of the current shortage of delivery drivers.

We endorse all the comments made by others about incorrect labelling, out-of-date photographs, noise, wildlife, flooding and amenities and would like to conclude with an issue about privacy.

For years the occupants of Avenue Lodge have shut themselves away in a 'shell' where they cannot see or be seen and we fail to understand how they reconcile their attitude with the undeniable fact that they would, if their plans succeed, be faced with a new house in their back garden and with people driving and walking along the side of their house and past their garden room and their new 'entertainments' room. The residents of the proposed property will also park their cars in full view of Avenue Lodge. We appreciate that the plans show a hedge all along the drive but this will have to be quite high to completely obscure the traffic on the new driveway. Perhaps they plan for this hedge to grow as high as the trees at the back of number 2!

We are too quick sometimes to raze historical properties to the ground. Cheltenham has already lost several lovely old buildings: The Old Grammar School in High Street, the lovely black and white house on the corner of Arle Road and Gloucester Road. Avenue Lodge (built in 1857), despite the many new attachments, is still a very old cottage within a beautiful natural area. Council, please think before you allow any further razing or spoiling.

3 Witley Lodge Close  
Up Hatherley

Cheltenham  
Gloucestershire  
GL51 3LW

**Comments:**

We wish to object to the proposed construction of a new three bedroomed dwelling in the garden of Avenue Lodge

This garden has long been a haven for wildlife and we are concerned that the proposed development would have a significant impact on the numbers and variety of wildlife that reside in this area.

Despite the loss of a large part of the pond, the garden is still a home for lots of birds, including great spotted woodpeckers, goldfinches, wrens and myriads of other smaller species. These birds nest in the surrounding trees and would be disturbed during any proposed building work and it is very likely that they would not return.

The house itself looks well designed but will, without doubt, cause major arboricultural impact due to the proximity of self-seeded and over tall trees in the area.

Additionally, over the years there has been an ongoing problem with sewerage blockages in the drainage shared between Avenue Lodge and Witley Lodge Close - surely another sizeable property linking in to the existing and inadequate infrastructure will only exacerbate the problem.

We are also concerned that as the new dwelling is stated as 'self-build', it may be outside of the builders permitted working hours - causing further ongoing disruption and disturbance to surrounding properties.

This proposal will detract from the local heritage as this is one of the oldest properties in the area. Avenue Lodge was built in 1857 - the site is an oasis of calm in the middle of Up Hatherley.

Once gone, it is lost forever!

4 Witley Lodge Close  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3LW

**Comments:**

I strongly object to this proposal as follows:

Yet another attempt to desecrate this historical piece of land. As if he has not done enough damage when he ignored conditions set by you regarding the size of the reduction of the pond. This once lovely habitat for wildlife has been reduced far beyond that which was allowed , to a mere pond completely covered with debris. In fact the pond cannot even be seen now.

We still have the constant problem with flooding on neighbouring properties as he did not adhere to the siting of a tank to address this problem. The whole area has been neglected, trees just left to tower above surrounding properties with no management care.

If he is allowed this application, what further developments has he in mind as he has left enough space to further develop this land. Who will be responsible if we have a disaster waiting to happen regarding flooding. Is the Council responsible if they allow this to happen, or the landowner who, no doubt, would have disappeared by then?

This is a very small cul de sac which additional traffic would have a severe impact, notwithstanding the disruption to properties very close to the proposal.

I vehemently object to this.

Brambles  
328A Hatherley Road  
Cheltenham  
Gloucestershire  
GL51 6HX

**Comments:**

Since 2003 the applicant has made numerous applications to build a property or properties at the rear of Avenue Lodge.

I reiterate all the comments I have made for the last 18 years.....but will set out below once again.

This is an area with mature trees and there was once a lake which the applicant has drained. As my property shares a boundary with Avenue Lodge when it rains my garden is flooded .....I am given to understand that the applicant was instructed to install a "drainage tank" to allow excess rainwater to drain into the tank. To my knowledge this tank has not been installed...hence my concern re the flooding into my property.

Also, the number of mature trees has been sadly reduced over the years.....does this new application involve more destruction regarding the remaining trees.

Maybe you could refer to the previous application to view my comments made then....will save me going over them again,

If you would like access to my garden at any time I am quite happy for you to do so and you will be able to see where the flooding extends to my patio.

1 Witley Lodge Close  
Up Hatherley  
Cheltenham

Gloucestershire  
GL51 3LW

**Comments:**

We object to this proposal for the following reasons:

To say terrain is low lying, flat and level so the trees are not exposed to wind is surprising given the strength of the wind in adjoining gardens.

Not knowing the exact nature of the materials used when the huge reduction of the lake to a small pond took place makes it difficult to establish how much affect this has made on the stability of surrounding trees.

Picture: 4.4.3 view north on the Tree Report; must have been taken many years ago since trees shown in this picture are now well over the permitted height for boundaries which affect other properties. We would question why new photographs were not taken. In fact even the Google Earth photographs are well out-of-date and all the boundary trees are now well over the permitted height.

None of the photographs or drawings reflect the two substantial new outbuildings between Avenue Lodge and Witley Lodge Close.

Cheltenham CBC Consulate comment states garage has been removed.

See page 2 of The Full Design and Access Statement -submitted:

Trees: The new application has moved the proposed building away from protected trees in order to be less hemmed in by canopy shading and to negate removal of any protected trees. Also the building of a garage has been removed to reduce overall imposition on the character of the site. No construction will take place within root protection area(RPA) which forms a protective circle around the trees. (British Standard 5837..2005-Trees in relation to construction).

Page 22 -7.0 of the Tree Forestry Report: Conclusion states; proposed garage (plans not up-to-date). This clearly conflicts with both CBC and The Design and Access Statement - which are we to believe?

The tree report (BJ Unwin Forestry Consultancy) P7 - G6 Thuja x 3 Overgrown hedge, losing low level screening. From the report on the 4th January 2020 - it says to top and trim. This has not been done.

From Mr Limbrick's side the height of these trees has no effect, but for the residents on the NNE side of his property (Witley Lodge Close) these trees have been blocking the majority of the light for many years. In fact when some of the trees were removed so that Mr Limbrick could build his 'entertainment room' even the properties on the SSW commented on how much more light was now evident across their properties.

We believe that the plans submitted of the garden layout are not up-to-date and that the applicant should resubmit with new photographs and new, more up-to-date and correctly scaled drawings.

As previously stated, this is a self-build and will probably, therefore, be constructed outside of normal working hours, therefore causing further noise and disruption to surrounding properties.

How it can provide employment is also rather speculative, as is the assumption that it will relieve the housing shortage since it is more likely to be used for extended family. We believe that the new build would seriously impinge on the privacy of all surrounding houses, including Avenue Lodge.

As stated in the comment from Brambles, 328a Hatherley Road, (Wednesday 10th November, 2021): "I am given to understand that the applicant was instructed to install a drainage tank to allow excess rain water to drain into the tank, to my knowledge, this tank has not been installed."

Neighbouring residents were assured that CBC would ensure that this work was carried out. No such assurance has been received.

#### FOUL DRAINAGE:

Full Design and Access Statement P4

Drainage Strategy Existing Parameters

External finished ground level along the north east elevation of the proposed dwelling = average 54.40m

Cover level of mains sewer manhole in Chargrove Lane = 54.48m

Invert level of mains sewer in Chargrove Lane = 50.00m

Diameter of mains sewer = 9"Ø

Direction of flow = from south west to north east.

#### PROPOSED SCHEME

Finished floor level = 54.60m

New foul drain diameter = 100mmØ laid at minimum gradient = 1:80 Length of new foul drain from property to Chargrove Lane = 115m run

Total fall required at 1:80 (0.0125) = 115m x 0.0125 = 1.4375m plus initial 600mm drop into ground = 2.0375m

Total drop from invert level at head of drain into invert of existing manhole in Chargrove Lane = 4.10m

There is sufficient drop from external finished ground level along the north east elevation of the property into the existing mains sewer in Chargrove Lane, to discharge the proposed foul drainage through intermediate manholes and access chambers under gravity.

Is it safe to assume from this that a brand new foul water sewerage pipe will be constructed and that none of the waste from the proposed new property will be directed to the existing, already overburdened, sewage pipe which goes through Witley Lodge Close?

Severn Trent have been called out innumerable times to clear this pipe causing untold disruption to adjoining properties. The applicant has been told by Severn Trent to carry out remedial works to his portion of this sewerage pipe on the site of Avenue Lodge and it would be useful to know if this remedial work has been carried out.

We have already experienced massive reductions in wildlife since the lake was reduced to a pond and the two new outbuildings created. The number of bees, garden birds and bats has dramatically reduced and further building can only exacerbate this problem, rendering our once peaceful haven into an urban sprawl.

With two new outbuildings, Avenue Lodge has vastly increased its carbon footprint. Another build will not help in this respect and neither will the addition of more vehicles.

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Similarly, a property with a fairly large garden containing several trees could not be described as manageable for these groups of people, and as for woodland path walks, again - Sensible? Practical? In a wheelchair? With walking aids?

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As regards car spaces - two will not suffice as Avenue Lodge already have four cars and the family has two boys of driving age, one who may already own an additional car. Where are these cars to be parked? Will their parking be detrimental to their neighbours?

If Mr. Limbrick removes his garage and shed to provide a driveway to the proposed property, then where will he store his many tools and garden equipment?

We very much doubt that one self-build property will be of much assistance to the Council when you consider the existing and proposed developments in Longlevens, Leckhampton, Bishops Cleeve and Elmstone Hardwicke.

We find the proposal that this build will provide jobs in the construction industry laughable. Anyone who has tried to employ a company in the various trades involved will

tell you that it is impossible. They are all overwhelmed with work and also struggling to get supplies because of the current shortage of delivery drivers.

We endorse all the comments made by others about incorrect labelling, out-of-date photographs, noise, wildlife, flooding and amenities and would like to conclude with an issue about privacy.

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4 Sedgewick Gardens  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3QD

**Comments:**

Letter attached.

8 Sedgewick Gardens  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3QD

**Comments:**

Since the pond at Avenue Lodge was filled in, I have noticed that my garden is waterlogged in winter. This means that water pools around your foot when you step on the grass in the half of the garden nearest the boundary wall. I am concerned that building on the Avenue Lodge garden will increase the waterlogging.

I am also worried about increased noise from cars driving to the new house, because the drive will be directly behind my garden wall.

However, I welcome the recommended felling of the Sycamore Tree, which has grown right next to the boundary wall, as it is damaging the wall.



I would just like to point out that the elevations are incorrectly labelled on the drawing JL/006A; the elevation labelled 'proposed south-west elevation' should say 'proposed south-east elevation' I think, and all other labels need to be changed correspondingly.

8 Aylton Close  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3QE

**Comments:**

We are horrified to see that the proposed dwelling is directly opposite our house. When we moved here in 2004, we could watch the ducks on the lake from our bedrooms, and this was one reason why we had bought the property. Since then, the owner of Avenue Lodge has submitted a succession of applications to build properties in the garden, around and over the lake. We objected to all of these and they were rejected.

In 2014 he submitted an application for Garden Landscaping, which involved in-filling much of the attractive lake. In our objection to this at the time, we expressed concern that this was simply a ploy to fill in the lake so that he could build over where it had been. However approval was given. Most of the lake was immediately filled in, probably more than in the approved plan. However, no work on the proposed landscaping was carried out. Subsequently some of the mature trees, which had preservation orders, have disappeared.

Our suspicion that in-filling the lake was simply a ploy is now confirmed.

The proposed design of dwelling is totally out of character from surrounding houses. It looks more like an industrial building, with white brick walls and an aluminium roof. The only positive about it is the fact that it is 75% the height of a normal house and it has no windows in the bedroom walls.

The dwelling is still close to large mature trees and will almost certainly damage their roots. There are many birds, squirrels and small creatures living in the trees and we are concerned that their habitats will be disturbed, especially during construction. Despite the loss of the lake, this is still the "green lung" of Up Hatherley and it should not be further destroyed. This is especially important now that we are all concerned about climate change and the need to protect green spaces.

If the dwelling were to be built there would inevitably be an increase in noise.

We are also very concerned about the increased risk of flooding. Our garden already gets very wet when there is a heavy downpour.

It is not clear from the drawings where the boundary will be between the garden of Avenue Lodge and the proposed new dwelling. It is important to be clear about who would be responsible for maintaining the mature trees and the swale.

7 Aylton Close  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3QE

**Comments:**

We live at 7 Aylton Close, Up Hatherley, Cheltenham, with our 3 children. We consider the proposed dwelling would have an unacceptable and detrimental impact on our living conditions and more worryingly increase the risk of flooding to our property.

I am writing to you to formally object to the above planning application, on the following grounds -

**1. Surface Water / Flood Risk**

Throughout the winter months, our back garden is water logged and mostly unusable. The lawn fills with water and is several inches deep in some places throughout most of the winter and water sits on top of the patio area. I am extremely concerned that the impact of the proposed development will increase surface water in the area and risk of flooding to our property and neighbouring properties will significantly rise. As well as the risk of flooding, the negative impact this will have on the usability of our garden, will be significant. I am aware that other properties that border onto Avenue Lodge have previously experienced flooding. Local residents, who have lived in the area longer than us, have commented that the surface water problem, has already increased significantly since a large portion of the pond was filled in.

**2. Wildlife and Environment**

As a family we spend so much time enjoying our garden and the wildlife that is attracted to the area. I hugely believe this is due to the pond and the established trees at the bottom of the garden of Avenue Lodge. We see squirrels and a large variety of birds daily. Yearly we have 100's of frogs and frog spawn from the pond enter our garden. Herons, bats and woodpeckers are also frequently sighted. It is such a peaceful area that I am concerned the wildlife will be displaced and not return. The trees are significant in height and are visible from some distance, so not only enjoyed by the multiple properties which immediately border the property, the benefits are shared by many local residents. The garden and pond area at Avenue Lodge provide an oasis of ambience and tranquillity. It is highly valued within the residential area, due to the wildlife it brings. I have no doubts, that should the planning application be approved, the noise and disturbance created by the construction and living at the site will displace the majority of the wildlife. I am concerned that should the application be approved, that due to the sheer size of the trees, that the future occupier will seek to remove some of the trees, due to the reduced light they would cause and the significant leaf fall onto the property and garden. The proposed development is a large 3 bedroomed house. In the likelihood that the future occupiers have children, the pond presents a health and safety risk. I think it must not be overlooked that they may want to fill the pond in completely.

**3. Privacy**

This development is on the land behind our house. The impact on this cannot be underestimated. Their garden will be directly behind ours and the noise in this area will significantly increase. This is currently such a quiet and peaceful area, which we look out onto everyday enjoying the wildlife and peaceful environment. The rear of our house has

many doors and windows, which will cause a massive reduction in our privacy. The outlook from the 1st floor of our house will be affected. Instead of looking out onto a natural and peaceful environment, we will be looking directly into the garden and rear of the new property. Considering the design of the property has large glassed doors in the kitchen / diner, we will likely be able to see directly into the house from our 1st floor.

The rear of our property is currently very peaceful and undisturbed. The proposed development will create significant light and noise disturbances. The light pollution from all of the first floor roof lights will potentially disturb the surrounding properties and wildlife. The long driveway proposed to access the property, will create light from cars and sound from engines and doors opening and closing. This could potentially be at all times of the day or night. This driveway also increases access to the boundary wall at the rear of our property. This brings with it the increase risk of crime and reduces our home security.

6 Aylton Close  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3QE

**Comments:**

We object to the latest application to build a house on the land behind Avenue Lodge.

Any development will affect the wellbeing of the residents of the surrounding properties as it looks like the property is going to be close to the existing boundary. All surrounding properties would suffer from increased noise and pollution.

As stated in previous objections the building of any property on this land can only increase the waterlogged gardens of the surrounding houses, which has been a problem since the pond has been substantially filled.

As others have said we believe this land is an oasis of calm for a variety of wildlife at a time when we have all been encouraged to make our gardens more wildlife friendly and to develop it would be bad for the environment.