

APPLICATION NO: 16/02205/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 16th March 2017	DATE OF EXPIRY: 11th May 2017
WARD: Benhall/The Reddings	PARISH:
APPLICANT:	M P Homes Ltd
AGENT:	SF Planning Limited
LOCATION:	The Hayloft, The Reddings, Cheltenham
PROPOSAL:	Retention of works carried out; including those under planning permission reference 14/02249/FUL as well as the removal and replacement of elements of the original Hayloft building not covered by planning permission reference 14/02249/FUL and minor alterations to the approved scheme.

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is on the south side of The Reddings, east of the junction with Badgeworth Road. The site is surrounded by open fields to the west and south and by residential properties to the north and east. The site is within the Greenbelt.
- 1.2 This application seeks to regularise the development which has taken place at the site and to grant consent to complete the building in accordance with the submitted plans to provide one dwelling.
- 1.3 There is a complex history to the site comprising a number of applications for additions and alterations to the original Hayloft, some of which required planning permission and some of which did not, by virtue of permitted development rights. There has also been consents for the demolition of the Hayloft and its replacement with a modern dwelling, its conversion to a care home, and its conversion into apartments. A full list of the relevant planning history is provided below.
- 1.4 The works which have taken place at the site comprise the erection of a number of extensions and new building elements and the replacement of pre-existing elements of the building. As such whilst the site has never been completely cleared, nothing remains of the original structure.
- 1.5 The resultant scheme, for which permission is now sought comprises a single dwelling with four bedrooms on the first floor and a guest room on the ground floor including dressing room and en-suite facilities. The living accommodation includes a variety of rooms arranged over the ground and lower ground floor levels.
- 1.6 The application is at committee at the request of Cllr Britter.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Greenbelt

Relevant Planning History:

85/01395/PF 22nd January 1985 REF

Outline application for the erection of a detached dwelling. Construction of a new vehicular and pedestrian access.

85/01396/PF 7th August 1985 REF

Outline application for the erection of a detached dwelling house. Construction of a new vehicular and pedestrian access.

86/01651/PF 16th April 1986 PER

Alterations to existing barn to provide a dwelling unit

01/01704/OUT 18th January 2002 PER

Outline application for the erection of 1 no. dwelling following demolition of existing dwelling and stables

08/00296/COU 18th April 2008 PER

Minor extensions and alterations and change of use to four apartments

09/00656/COU 17th July 2009 PER

Change of use from residential into an elderly peoples home, including extensions to the front and rear.

10/00372/CLPUD 5th May 2010 REFLPU

Erection of a garage and garden store

10/01800/CLPUD 4th February 2011 CERTPU

Alterations and extensions

11/00497/CLPUD 6th June 2011 WDN

Alterations and extensions

12/00318/TIME 26th April 2012 PER

Application to extend the time limit for implementation for 09/00656/COU for change of use from residential into an elderly peoples home, including extensions to the front and rear.

12/01271/FUL 16th October 2012 PER

Replacement dwelling following demolition of existing property

14/02249/FUL 3rd March 2015 PER

Extensions to dwelling (Part retrospective)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

CO 6 Development in the green belt

CO 7 Rebuilding or replacement of dwellings in the green belt

CO 8 Extension of dwellings in the green belt

TP 1 Development and highway safety

TP 2 Highway Standards

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Ward Councillors

11th April 2017

I am writing to you as Borough Councillor for Benhall & The Reddings Ward, in which the above application has been made. Having received much feedback from local residents, I feel I must strongly support residents and express objection to this proposal.

I believe the current planning application is invalid because it is seeking retrospective permission for regularisation of further breaches of a planning permission (Ref: 14/02249/FUL) for 'Extensions to The Hayloft' - a permission that became null and void when The Hayloft was demolished.

The existing planning permission was granted on the expectation that the frontage wall would be retained. It is such a shame that this precipitate action has been taken without the

courtesy of either discussion with neighbours or following due process and seeking planning permission. One cannot help but think that the demolition of the wall was done to ensure that faced with such a fait accompli, retrospective planning permission could be more easily acquired.

As I understand it any construction of new buildings within the Green Belt are inappropriate, with limited exceptions but does include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This proposal by reason of its sheer size, its overall floor area and in the absence of any very special circumstances would lead to an inappropriate form of development in the Green Belt, detrimental to its open, rural and undeveloped character.

In 2016 the Green Belt status within this area was upheld by two Planning Inspectorate appeals against refusal for permission to develop the land off Brock Close (15/00573/OUT) and at Pine lodge Hatherley Lane 16/00805/FUL Thus demonstrating the importance of maintaining a strong and robust policy to prevent urban sprawl, maintain the unique character of the area and reject inappropriate development.

There is considerable concern locally that the building is not what it purports to be. Unrealistically large rooms hint that this is a not a real plan and is just being used to justify keeping what has been built, as a form of development-by-stealth. A building of this size is completely out of scale with its neighbouring properties. Also the very unusual mix and layout of the proposed accommodation and its patent lack of architectural merit would make this speculative development a very unlikely commercial success for the developers as a single dwelling. Development-by-stealth hurts the local community.

The construction of this building is not the result of some misunderstanding or misinterpretation of the rules on the part of the developer. It is the result of a deliberate flagrant abuse of the planning system.

Currently policies confirm that any proposed development should be in keeping with the other properties & developments in the road. This is not a commercial landscape or a multiple occupancy landscape. This is a semi-rural landscape and any such developments should remain in keeping with the surroundings.

The application does not describe the impact of the new build on foul sewage services. Experience of many local residents is that foul sewage is over capacity. A building of that size will exacerbate a problem that already exists where the system back fills during heavy rain causing a flood of untreated sewage to those dwellings already on the system clearly creating considerable demand on the foul sewage system and so it is not appropriate for this application to proceed in its current state without discussing impact on services.

If this application is permitted then it sets a precedent for more conversions of houses to create further flats/bedsits totally out of keeping with the character of the area. This would send a message to other developers and residents alike that anything is possible without appropriate prior planning permission.

This application should be refused on a number of grounds;

- The design statement and justification contains much misinformation.
- It is totally detrimental to the notion of Community Cohesion as it has led directly to disputes and tensions that will only increase in the future.
- The proposal represents an inappropriate form of development within the Green Belt and in the absence of any special circumstances would by its inappropriateness

have a harmful impact on the open, rural and undeveloped character of the Green Belt

- It is devoid of architectural merit or sensitivity, visual or otherwise, towards its surroundings, neighbours and Greenbelt location.
- The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
- The Layout and Siting, both in itself and relation to adjoining building, spaces and views, is inappropriate and unsympathetic to the appearance and character of the local environment.
- Approval of this application would in effect be rewarding the developer for its systematic breaches of the planning process and disregard for the Green Belt and may well encourage similar actions by this and other like-minded developers in the future.
- The application does not describe the impact of the new build on foul sewage services. Local residents already experience problems with foul sewage system

I would urge members to consider the impact that this application has had upon residents in the locality. The importance of the Green Belt in prevent the urban sprawl of Cheltenham into Churchdown and ultimately Gloucester. I trust that as this planning application clearly does not meet planning guidelines that it will be refused.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	113
Total comments received	20
Number of objections	18
Number of supporting	1
General comment	1

5.1 The application was publicised by way of letters to 113 neighbouring properties and a site notice. The consultation process was re-run following receipt of revised plans. 20 representations have been received which relate to the following comments:

- Proposal is a new build in the green belt
- Concerns about basement and flooding
- Concerns that building is not genuinely a single dwelling and will be used as flats/bedsits
- Concern that removal of site from the Principal Urban Area will facilitate conversion
- Building is too large, much larger than original hayloft and is inappropriate development in the green belt
- Out of keeping with other properties in the road and the surroundings
- Highway danger

- Increase in noise and disturbance
- Concerns about retrospective nature of the application and the process
- Application is invalid as it doesn't acknowledge that the building was fully demolished
- Poor design
- Approval would set a precedent
- Loss of privacy from balconies
- Problems with foul sewage and drainage

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1** The key issues in determining this application are (i) the background and site history, including fall-back positions, ii) design and layout, (iii) impact on the green belt, (iv) impact on neighbouring properties, (v) access and highways issues, (vi) Flood risk.

6.2 Background and site history, including fall-back position

- 6.2.1** As mentioned earlier in the report, there is a complex planning history to the site. The most relevant of these decisions are the two most recent decisions, 12/01271/FUL and 14/02249/FUL.

6.2.2 12/01271/FUL

- 6.2.3** This application was for "*Replacement Dwelling following demolition of existing property*". It was permitted on 16th October 2012 and was a 5 year consent; as such this is an extant consent which, subject to the discharging of conditions, could be implemented. This represents a 'fall-back position' for the applicants as it could still be implemented.

- 6.2.4** This scheme comprised a two storey flat roof dwelling in a modern style with 4 en-suite bedrooms at first floor and living accommodation on the ground floor. The approved plans will be available for members to view at the meeting.

6.2.5 14/02249/FUL

- 6.2.6** This application was for "*Extensions to dwelling (Part Retrospective)*". It was permitted on 3rd March 2015.

- 6.2.7** This application dealt with alterations to an earlier scheme (10/01800/CLPUD), which was for a certificate of lawfulness for two storey extensions to the front and rear and single storey extensions to the south side and rear. The amendments approved under 14/02249/FUL comprised:

- Infilling the south west corner at ground level between the southern and western extension
- The introduction of a basement level underneath the side extension on the south elevation

- Alterations of the ground floor roof line along the western elevation

- 6.2.8** It is this consent that the applicant has essentially been implementing in terms of form, mass, and scale but members are advised that technically the consent is no longer capable of being implemented as the original dwelling no longer exists. The decision however is distinctly relevant to the consideration of this application in that it is a relatively recent decision, which was considered to be of an acceptable design, to have an acceptable impact upon neighbouring properties and to be acceptable on flood risk grounds. The impact on the green belt in terms of openness was also deemed to be acceptable principally because the vast majority of the work that was proposed was permitted development.
- 6.2.9** In the interests of consistency, the differences between this application and that currently under consideration are relevant and will be considered below.

6.3 Design and layout

- 6.3.1** The differences between the previous 2014 approval as detailed above, are as follows:

- First floor, flat roof infill extension to eastern elevation (This has been reduced in size since the submission of the application)
- Flat roof over the extension on the northern elevation instead of previous pitched roof
- Provision of balcony on flat roof on west elevation
- Provision of fire escape in light well
- Alterations to fenestration on all elevations:
 - North elevation – replace single door with two windows on extension, additional windows at first floor
 - East elevation – alternative arrangement to entrance area comprising single door and window instead of double door and full height glazing. Removal of first floor windows. Side window in extension.
 - West Elevation – first floor windows changed to doors, removal of one ground floor window and enlargement of another. Double doors in side elevation of northern extension and two storey element.
 - South elevation – 6 windows of varying sizes to replace 4 approved.

- 6.3.2** The changes to the fenestration are considered to be relatively minor and do not, in themselves significantly alter the appearance of the dwelling, over and above how it would have appeared had it been constructed in accordance with the approved plans, as extensions to the The Hayloft.

- 6.3.3** The alterations to the extension on the north elevation have the most significant impact upon how the building appears in the street scene, however the previous extension was the same size so it is simply the roof form which differs (changing from a lean-to to a flat roof). Officers consider this element to be of an acceptable design which is still read as a subservient addition to the main building.

- 6.3.4** With respect of the first floor infill extension on the eastern elevation, glimpses of this may be possible from the street, however the amendments secured by officers mean that this

has now been set further back between the two wings of the building. As such Officers consider this element of the proposals to be acceptable.

- 6.3.5** The use of the flat roof as a balcony on the western elevation is considered to be acceptable in terms of design. The plans indicate a simple balcony balustrade which would not detract from the building.
- 6.3.6** The fire escape within the light well is simple in design and would not be widely seen from public vantage points. As such this element of the proposal is considered to be acceptable.
- 6.3.7** Therefore when assessed against the way the building would have appeared had the approved scheme been implemented in accordance with the 2014 approved plans, the proposals do not represent a significant change and are considered to be acceptable. When assessed against the fall-back position of the dwelling approved in 2012, the proposals are also considered to be acceptable. The resultant building has a similar footprint and overall height, although the approved scheme clearly has a markedly different modern aesthetic.
- 6.3.8** For these reasons the proposal is considered to be in accordance with policy CP7 of the Local Plan.

6.4 Impact on the green belt

- 6.4.1** The application site is in the Green Belt and therefore policies CO7 and CO8 are relevant.
- 6.4.2** Policy CO7 relates to rebuilding or replacement dwellings in the Green Belt and states that such developments will be permitted provided the number of replacement dwellings is no greater than the number to be demolished and the volume of the original building is not exceeded by more than 15% or 70 Cubic metres and there is no harm to the openness and visual amenity or, or encroachment upon the Green Belt.
- 6.4.3** The building has essentially been rebuilt albeit in sections and includes the volume permitted by previous extensions in 2014 (which themselves were based on a proposal for which the majority of works did not require planning permission). There is only a small increase in volume over and above that, which is provided by the first floor infill. Officers are satisfied that the proposals do not further impact upon the openness of the Green Belt. As such the proposals are not considered in conflict with this policy. (Note: Members are advised that whilst the policy refers to a 15% or 70 cubic metres tolerance, this was based on now superseded permitted development allowances. Permitted development in the green belt now allows for much larger additions and it is the new permitted development regime that the 2014 approval was based on.)
- 6.4.4** Policy CO8 relates to extensions to dwellings in the Green Belt. It states that the extension of a dwelling in the Green Belt will only be permitted where it is clearly subordinate in size to and consistent in character with the original building and does not detract from the openness of Green Belt. The extensions are of the same footprint as those previously approved and as such are not in conflict with this policy.
- 6.4.5** Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. New buildings are inappropriate in the Green Belt, however exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling, and the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 6.4.6** In light of the approved applications that this site benefits from, it is difficult to argue that the proposal in its current form brings with it a level of harm greater to the green belt than that already approved. Whilst the applicant has perhaps got to this position in a disappointing

manner, the judgement has to relate to openness and impact on the green belt. In light of the site history, officers consider that it would be unreasonable to refuse planning permission for a development that would have the same impact on the green belt as that of an already consented scheme. Members are also advised that if planning permission is refused and this authority seeks to take enforcement action, then the likely request will be the demolition of the building; this is because the original 2014 consent is no longer capable of being implemented because the original building no longer exists to be extended. In light of this history, officers would advise that this sequence of events would likely fail the test of proportionality i.e. that the work necessary to remedy the situation would be disproportionate to the level of harm. This is perhaps a regrettable conclusion but it is important that the consequences of refusal are suitably outlined within this report.

- 6.4.7** As an aside from the above, some objections have made reference to proposed changes to the Principle Urban Area. The Principal Urban Area (PUA) marks the limits of Cheltenham's urban area, being conceptually the dividing line between built-up/urban areas (the settlement) and non-urban or rural areas (the countryside).
- 6.4.8** There is currently no adopted change to the PUA boundary in Cheltenham, and no adopted policy in relation to the designation, although the 2006 plan mentions the PUA in supporting text.
- 6.4.9** Emerging JCS policies direct new development to existing urban areas and Strategic Allocations. In order to apply these policies in the future it will be necessary to have an up-to-date, accurate boundary for Cheltenham's urban area.
- 6.4.10** Therefore the Cheltenham Plan is considering updates to the PUA boundary in the light of development which has taken place since the last plan. This work is at an early stage and carries little planning weight currently.
- 6.4.11** Consideration of the PUA boundary is wholly separate to the Green Belt status of the site.

6.5 Impact on neighbouring property

- 6.5.1** The application site has one direct neighbour, Cambria. When compared to the 2014 permission, the current proposal is considered to be an improvement in terms of neighbour amenity as there are no first floor windows proposed and the porch structure has less glazing. There is one additional window on the side elevation of the extension but this is further away from the boundary than the approved windows.
- 6.5.2** Therefore the proposal is considered to be in accordance with policy CP4 of the Local Plan.

6.6 Access and highway issues

- 6.6.1** The property benefits from a pre-existing access and driveway and this arrangement is unchanged.

6.7 Flood Risk

- 6.7.1** The proposal does not fall within Flood Zones 2 or 3 and does not meet the thresholds for requiring a Flood Risk Assessment. The building control process will ensure that the basement is appropriately constructed to guard against flooding. This element of the proposals is as permitted by the previous proposal.

6.8 Other considerations

- 6.8.1** There is some concern amongst objectors that there is a possibility that the building would be converted into flats in the future. This would require planning permission and as such

would have to be considered at such time as this may be sought. The current application must be considered as submitted and on its own merits.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Whilst there is a complicated history to the site, and the way in which it has been developed to date is certainly disappointing, when compared to both approved schemes, it is not considered that the changes which are outlined above are harmful to the appearance of the building, or the wider area of the green belt. The impact on the openness of the green belt has not materially changed from the 2014 approval and therefore it is very difficult to articulate any harm when objectively assessed against the site history.
- 7.2** Officers acknowledge that the route to developing the building on site has not been in accordance with the approved schemes but despite this, the judgement has to relate to the impact on the green belt and the differences between the approved scheme and what now exists on the site. When making this judgement, the consequences of refusal also need to be factored in. If refused, the likely course of event will be the need to take enforcement action and it is the view of officers that the work necessary to remedy the situation (demolition) would be disproportionate to the level of harm when factoring in the site history.
- 7.3** As such the proposal is recommended for approval.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.
Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).
- 3 Unless indicated on the approved plans, none of the flat roofs created as part of this proposal shall be used as a sitting out area, terrace or balcony unless previously agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of neighbouring properties, in accordance with policy CP4 of the Local Plan.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any

problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.