

APPLICATION NO: 16/02012/FUL & LBC	OFFICER: Miss Michelle Payne
DATE REGISTERED: 11th November 2016	DATE OF EXPIRY: 6th January 2017
WARD: Park	PARISH: N/A
APPLICANT:	Mr Ashley Jones
AGENT:	John Sharp Design
LOCATION:	Lypiatt Lodge, Lypiatt Road, Cheltenham
PROPOSAL:	Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme following refusal of planning permission ref. 16/00499/FUL & listed building consent ref. 16/00499/LBC)

RECOMMENDATION: Permit / Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Lypiatt Lodge, formerly known as Astley House, is a grade II listed building located within the Lansdown Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The building is highly prominent within the street scene with views available from both Lypiatt Terrace, and Andover Road to the rear. A large Copper Beech tree and 3 no. Limes trees within the site are covered by a Tree Preservation Order (TPO).
- 1.2 The building was first constructed as a pair of semi-detached villas, c1840-50, but has been in use as a residential nursing home for a number of years. The building has been previously extended by way of a large modern extension to the rear and, more recently, the building has undergone an extensive programme of external repair and maintenance.
- 1.3 Members will recall that planning permission and listed building consent for the erection of a part two storey, part single storey rear extension, to form a new dining room on the ground floor with extended kitchen over, was recently refused at the July committee meeting.
- 1.4 This application is now seeking planning permission and listed building consent for a revised scheme.
- 1.5 The application is before the planning committee at officer's discretion due to the recent planning history and the interesting debate that took place at the May and July Committee meetings.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Conservation Area
Listed Building
Smoke Control Order

Planning History:

CB14274/00	PERMIT	13th December 1978
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Demolition of the conservatory and erection of study

CB10530/02	PERMIT	25th April 1980
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Conversion of garden store to self-contained flatlet and erection of new store

CB10530/03	PERMIT	21st March 1991
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Addition of lift and atrium plus extra floor on existing addition (formally Astley Nursing Home)

CB14274/01	PERMIT	23rd January 1992
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Change of use from residential flats to Nursing Home; demolition of garages and construction of car parking area in accordance with revised plans received on 23 Dec 91 and 10 Jan 92

CB22367/00	PERMIT	12th November 1998
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Demolition of existing office block at rear and construction of two storey extension (revised plans)

CBL1671/00	PERMIT	17th June 1999
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Demolition of office block, two storey extension and internal alterations

CB22367/01 Proposed conservatory	PERMIT	17th June 1999
CBL1671/01 Proposed conservatory	PERMIT	17th June 1999
00/00102/LBC Removal of existing metal window and replacement with timber window	GRANT	27th March 2000
15/01569/LBC Cleaning, repair and replacement of natural stone surfaces and features	GRANT	12th February 2016
15/02010/FUL Two storey rear extension to form new dining room on the ground floor with extended kitchen over	WITHDRAWN	2nd February 2016
15/02010/LBC Two storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading	WITHDRAWN	2nd February 2016
16/00499/FUL Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme)	REFUSE	22nd July 2016
16/00499/LBC Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme)	REFUSE	22nd July 2016

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
 CP 4 Safe and sustainable living
 CP 7 Design
 BE 9 Alteration of listed buildings

Supplementary Planning Guidance/Documents

Lansdown Character Area Appraisal and Management Plan (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Environmental Health

17th November 2016

This application is a revised version of an application made earlier this year, however the matters pertinent to Environmental Health remain the same, i.e. the lack of information relating to the kitchen extractor system, which has potential to affect both residents of the facility and nearby properties.

I would therefore request that further information is submitted, or alternatively a condition is attached requiring this information to be provided and approved before first use of the improved building.

Building Control

18th November 2016

No comment.

Trees Officer

1st December 2016

Notwithstanding my comment of July 12th 2016, the CBC Tree Section has no objection to this application.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 18 letters of notification were sent out individual properties. In addition, a site notice was posted adjacent to the site, and an advert published in the Gloucestershire Echo; the overall consultation period expires 13th December 2016. At the time of writing this report, no representations have been received in response to the publicity; however should any future comments be received they will be forwarded to Members.

6. OFFICER COMMENTS

- 6.1 The application refused by Members in July 2016 was first brought to the planning committee in May 2016, with an officer recommendation to refuse, essentially because officers felt the building had already seen enough development and that any further extensions would be harmful. In considering the benefits of the scheme to the care home, officers did not feel that the benefits would outweigh the harm. However, some Members had sympathy for the applicant and felt that the benefits might, in fact, marginally outweigh the harm. The application was therefore deferred to enable further discussion and negotiation to take place with the agent in respect of the design and size of the proposed extension, and to allow for further tree information to be submitted.
- 6.2 Following the May committee meeting, it was suggested to the applicant's agent that a more modern, visually lightweight approach at ground floor with large amounts of glazing and a simple flat roof with parapet, may be more appropriate; such revisions would not have reduced the usable floor space.
- 6.3 Nonetheless, these suggestions were not implemented in the revised submission that was considered by Members at the July meeting. The revisions to the scheme at that time were minimal and, although the external elevations of the extension at ground floor had been simplified, the footprint, massing and size of the extension was unchanged. Consequently officers continued to recommend refusal, and Members ultimately refused the application for the following reason:

Lypiatt Lodge, Lypiatt Terrace is a grade II listed building of architectural and historic importance, and the Local Planning Authority is therefore required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As proposed, the extension, by virtue of its design, massing and size, and the consequent erosion of space around the building would harm the character, appearance and setting of the listed building.

Accordingly, the proposals are contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF and in the Historic Environment Good Practice Advice in Planning, and policies CP7 (design) and BE9 (alteration of listed buildings) of the Adopted Cheltenham Borough Local Plan.

- 6.4 The extension now proposed largely responds to the design advice previously given by officers. The revisions also address comments previously made by the Architects' Panel which read: *"The panel had concerns that the new dining room extension was out of scale with the house and questioned the need for a pitched roof and the replication of the eaves details of the larger existing West wing. A simpler taller parapeted extension was thought to be more appropriate."*
- 6.5 In this revised scheme, the overhanging pitched roof to the single storey element has been omitted and replaced by a simple flat roof with parapet detail, and the detailed design of the external elevations has also been simplified further. In addition, at upper ground floor, the expanse of masonry has been broken up with the introduction of a 500mm return in the kitchen wall. As a result, the proposed extension would now read as a contemporary yet sympathetic addition to the listed building.
- 6.6 The recommendation therefore is to grant planning permission and listed building consent for this revised scheme subject to the following conditions:

7. CONDITIONS

16/02012/FUL

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 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.
- 3 No works shall commence on site unless details of Arboricultural Monitoring of the site to include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; and (iii) a timetable for inspections, has been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the details so approved.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 4 All service runs shall fall outside the Root Protection Area(s) shown on the approved drawings, unless otherwise first agreed in writing by the Local Planning Authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard).

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 The works shall be carried out in accordance with the working methods set out within the Arboricultural Survey, Impact Assessment and Method Statement dated June 2016 (TKC Ref: 35.39).

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 Notwithstanding the submitted Arboricultural Survey, Impact Assessment and Method Statement, the crown of the TPO'd Beech Tree (T1) shall not be reduced by more than 2.5 metres in width and 2 metres in height.

Reason: In the interests of visual amenity and in line with good arboricultural practice, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 7 Prior to its installation, details of the kitchen extract system together with an acoustic engineer's report shall be submitted to and approved in writing by the Local Planning Authority. The kitchen extract system shall then be installed in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To safeguard the amenity of residents of the building and neighbouring properties and the general locality, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

16/02012/LBC

- 1 The works hereby granted shall be begun before the expiration of five years from the date of this consent.

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby granted 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.

- 3 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:

- a) new windows and external doors (including sill, head and reveals);
- b) new external stair (including balustrade, risers, treads);
- c) new internal doors (including frames, architrave and door furniture);
- d) once weathered coping stones to parapet;
- e) new rainwater goods; and
- f) new extraction vents and flues.

The details of the above shall include the following:

- i) elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections, where mouldings are used; and
- ii) materials and finishes.

The works shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to Policy BE9 of the Cheltenham Borough Local Plan (adopted 2006), Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice (note 2).

- 4 All disturbed surfaces shall be made good using materials to match the existing materials, composition, form, finish and colour of the existing building.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy BE9 of the Cheltenham Borough Local Plan (adopted 2006) and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

INFORMATIVES

16/02012/FUL

- 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.

- 2 It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc.