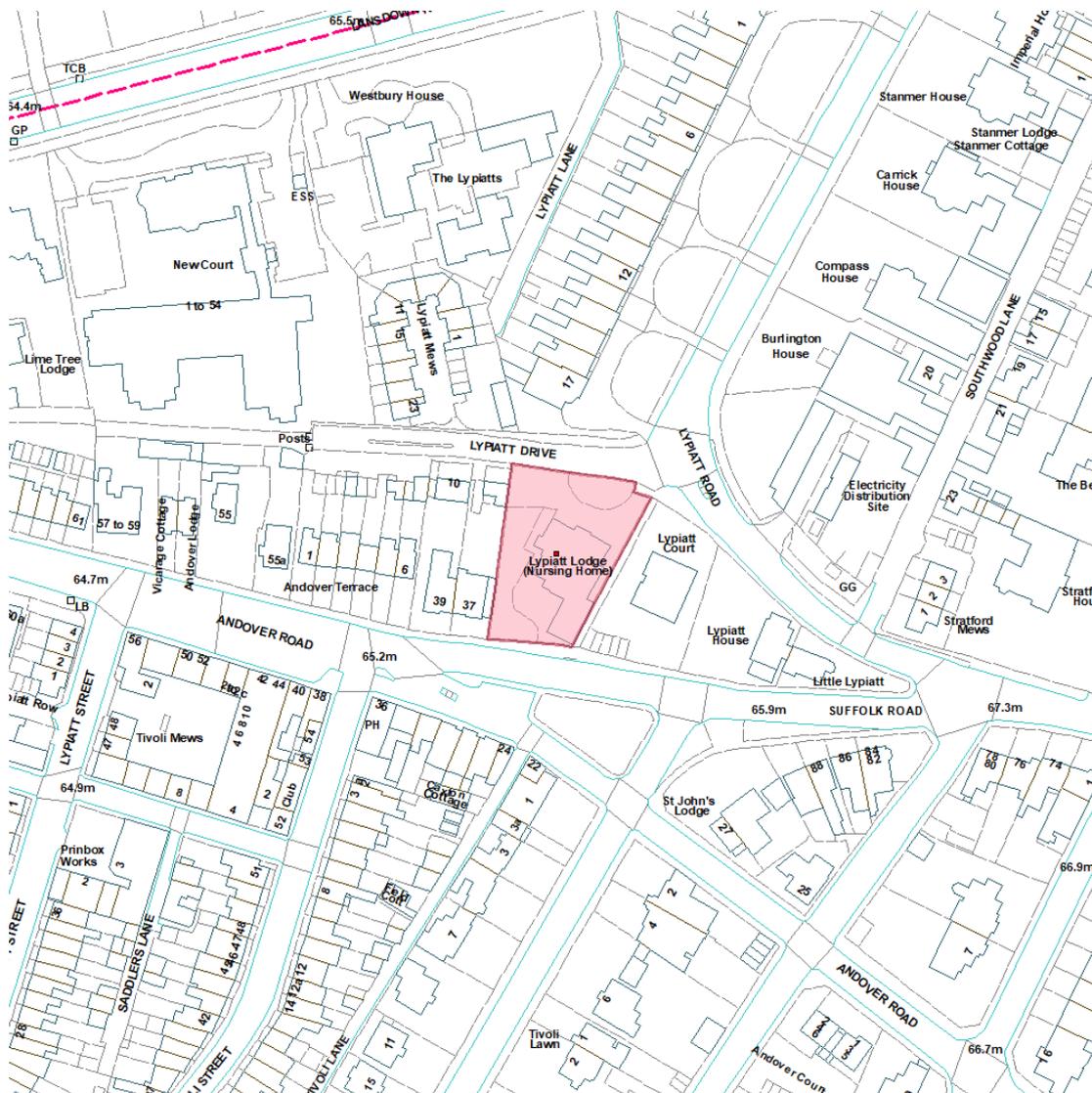


<b>APPLICATION NO: 18/01869/CONDIT</b>		<b>OFFICER: Michelle Payne</b>
<b>DATE REGISTERED: 15th September 2018</b>		<b>DATE OF EXPIRY: 15th December 2018</b> (extended until 21st December 2018 by agreement with the applicant)
<b>DATE VALIDATED: 15th September 2018</b>		<b>DATE OF SITE VISIT: 28th November 2018</b>
<b>WARD: Park</b>		<b>PARISH: n/a</b>
<b>APPLICANT:</b>	Mr A Jones	
<b>AGENT:</b>	RRA Architects	
<b>LOCATION:</b>	Lypiatt Lodge, Lypiatt Road, Cheltenham	
<b>PROPOSAL:</b>	Variation of condition 2 on planning permission ref. 17/01380/FUL to allow for alterations to the bin and cycle store, and to provide 2no. additional parking spaces	

**RECOMMENDATION: Permit**



## 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 site extends through from Lypiatt Terrace to Andover Road. The building was first constructed as a pair of semi-detached villas, c1840-50, but was, until recently, in use as a residential nursing home.
- 1.2 Planning permission and listed building consent was granted in October last year for the conversion of the building to apartments.
- 1.3 This application is now seeking a minor material amendment to the planning permission, as a variation of condition 2 (approved plans), to allow for alterations to the bin and cycle store, and to provide 2no. additional parking spaces. If approved, the application would effectively result in the issuing of a new planning permission.
- 1.4 The application is before the planning committee at the request of Cllr Barrell in response to concerns raised by a neighbour.
- 1.5 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Smoke Control Order

### **Relevant Planning History:**

**17/01380/FUL**

**PERMIT**

**20th October 2017**

Conversion of residential care home (Class C2) to 13no. apartments (Class C3) comprising 2no. one bed units and 11no. two bed units

**17/01380/LBC**

**GRANT**

**20th October 2017**

Internal and external alterations to facilitate a conversion of residential care home to 13no. apartments

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
BE 7 Parking on forecourts or front gardens in conservation areas  
GE 5 Protection and replacement of trees  
GE 6 Trees and development

### Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements  
SD14 Health and Environmental Quality  
INF1 Transport Network

### Supplementary Planning Guidance/Documents

Lansdown Character Area Appraisal and Management Plan (2008)

## 4. CONSULTATION RESPONSES

### **GCC Highways Development Management**

*4th December 2018*

I refer to the above application received on the 18th September 2018 submitted with application form, proposed site plan ref 2535 P(2) 02, proposed cycle and refuse store plans and elevations ref 2535 P(2) 01.

The proposed is subject variation of condition 2 on planning permission ref. 17/01380/FUL to allow for alterations to the bin and cycle store, and to provide 2no. additional parking spaces at Lypiatt Lodge Lypiatt Road Cheltenham.

In light of the submitted plans for variation of condition 2 of planning permission ref. 17/01380/FUL the highway authority recommends no highway objection to be raised subject to the following conditions attached to any permission granted:

The development hereby permitted shall not be occupied until the cycle storage facilities comprising 12no. cycle storage spaces have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

The development hereby permitted shall not be occupied until the car parking associated with the development has been provided in accordance with the submitted plan drawing no. 2535 P(2) 02, and shall be maintained available for that purpose thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Note: The highway works will require a consultation to the amendments on the Traffic Regulation Order.

#### Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 22 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Two representations have been received in response to the publicity, objecting to the proposals. The comments have been circulated in full to Members but, in brief, the main concerns relate to the overbearing and visual impact of the bin and cycle store. Concerns have also been raised in relation to ventilation.

## 6. OFFICER COMMENTS

- 6.1 Guidance set out within planning practice guidance (PPG) acknowledges that *“new issues may arise after planning permission has been granted, which requires modification of the approved proposals”* and that where less substantial changes are proposed, an application seeking a minor material amendment may be submitted under Section 73 of the Town and Country Planning Act 1990, which allows for conditions imposed on planning permission to be varied or removed.
- 6.2 As such, the only consideration when determining this application is the acceptability of the proposed changes as an amendment to the approved scheme. The acceptability should be judged on the basis of any increased impact on neighbouring amenity, whether the changes are acceptable from a design perspective, and any impact on highway safety. Members are advised that the principle of development, including the provision of a similar, albeit smaller, bin and cycle store in this general location, has been firmly established through the original grant of planning permission.
- 6.3 The bin and cycle store for which planning permission is now sought is 3.4 metres wide by 6.9 metres long; 0.2 metres wider and 2.1 metres longer than that previously approved. It is no higher than the approved store and is similarly located within the site, some 1.2 metres from the boundary with 37 Andover Road to the west. The additional floor space enables the gas meters for the apartments to also be accommodated within the store.
- 6.4 With regards to neighbouring amenity, the larger building does not result in any significant additional impact. Whilst the bin and cycle store is visible from neighbouring residential properties, most notably 37 Andover Road to the west, officers do not consider that it results in any greater harm in terms of daylight, or appears too overbearing, particularly when viewed in its context. Additionally, revised landscaping proposals have been submitted to include screening along the boundary to the rear of the store. The design of the storage building, which is to be clad in timber, is the same as that previously permitted, and therefore must be acceptable. The Conservation Officer has visited the site and verbally confirmed that they raise no objection to the size of the structure as built.
- 6.5 Concerns have been raised in relation to small openings in the rear elevation which appear to be for vents; the concern being that these vents will serve the bin store causing bad odours; however, the agent has confirmed that the vents will in fact serve the gas meter room and will be concealed behind the timber cladding and not be visible.
- 6.6 The additional two car parking spaces will be located to the front of the site adjacent to the highway and the Local Highway Authority, having reviewed the revised proposals, recommends that no highway objection be raised.
- 6.7 Ultimately, the amended scheme, when taken as a whole, is one which is not substantially different from that originally approved and would not result in any significant additional impact on neighbouring amenity, highway safety, or setting of the listed building and wider conservation area.

6.8 Therefore, with the above in mind, the recommendation is to grant planning permission subject to the following conditions which reflect those imposed on the original decision:

## 7. CONDITIONS

- 1 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of the original decision notice, other than where superseded by 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 Prior to first occupation of the development, vehicular parking and turning facilities shall be provided in accordance with approved Drawing No. 2535 P(2) 02 D, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraphs 108 and 110 of the National Planning Policy Framework.

- 3 Prior to first occupation of the development, secure and covered cycle storage facilities for 12no. cycles shall be provided in accordance with approved Drawing No. 2535 P(2) 01 B, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up, having regard to adopted policy INF1 of the Joint Core Strategy (2017), and paragraph 108 of the National Planning Policy Framework.

- 4 Prior to first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with approved Drawing No. 2535P(0)304 A, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that adequate sustainable waste management and recycling is provided, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 5 Prior to first occupation of the development, the hard landscaping works shall be carried out in accordance with approved Drawing No. 2535 P(2) 02 D and thereafter so maintained.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 6 All planting, seeding or turfing shown on approved Drawing No. 2535 P(2) 02 D shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

## **INFORMATIVE**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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.