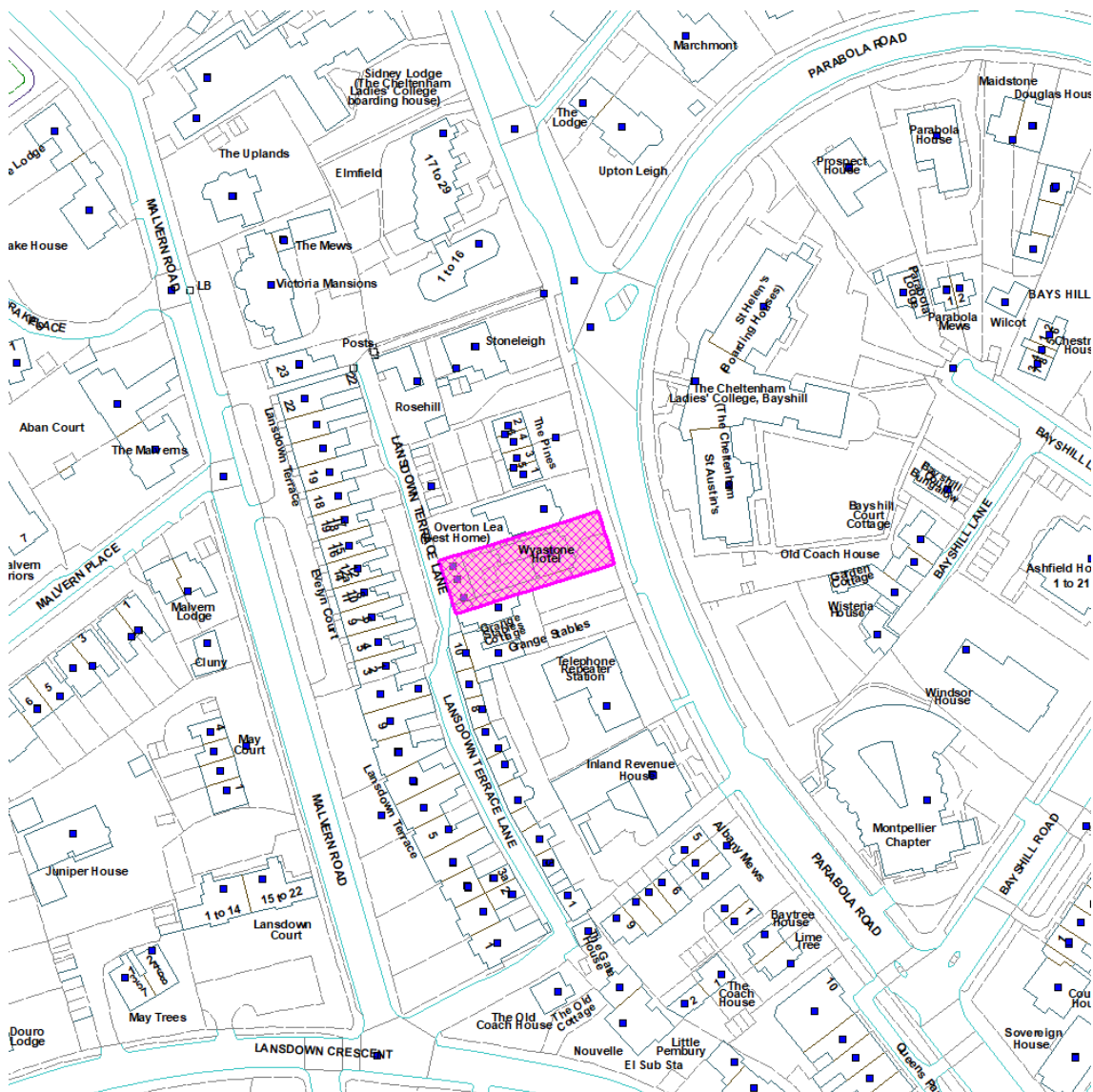


<b>APPLICATION NO: 20/00214/CONDIT</b>		<b>OFFICER: Mrs Victoria Harris</b>
<b>DATE REGISTERED: 5th February 2020</b>		<b>DATE OF EXPIRY: 1st April 2020</b>
<b>DATE VALIDATED: 5th February 2020</b>		<b>DATE OF SITE VISIT: 12<sup>th</sup> February 2020</b>
<b>WARD: Lansdown</b>		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr J Krauer	
<b>AGENT:</b>		
<b>LOCATION:</b>	Wyastone Hotel, Parabola Road, Cheltenham	
<b>PROPOSAL:</b>	Variation of condition 2 on Planning permission 17/01835/FUL	

**RECOMMENDATION: Permit**



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to the former detached 2-storey garage building originally associated with the Wyastone Hotel. The 2 storey building is located to the rear of the former Wyastone Hotel and is accessed from Lansdown Terrace Lane.
- 1.2 Planning permission was granted in November 2017 for the change of use of the hotel (Class C1) and coach house to two independent dwellings (Class C3) and the change of use and external alterations of the rear garage building to create three dwellings.
- 1.3 Applications to vary conditions attached to a planning permission are known as s.73 applications and are commonly used to vary approved schemes where the proposed revisions constitute a material change but do not alter the overall form, character or description of development. The consultation process is the same as a planning application and a new decision, along with relevant conditions is issued at the end of the process.
- 1.4 The proposed amendments relate to a change in the doors, windows and rainwater goods. The current approved plans show white painted doors and windows. The windows had the appearance of sash windows however this was not specified or conditioned. The proposed plans show powder coated aluminium grey windows and doors and grey rainwater goods.
- 1.5 The application is at committee at the request of Cllr Seacome because the proposal is not in accordance with the original application; the windows now grey and not white and no longer sash window openings.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area  
Local Listing  
Principal Urban Area  
Smoke Control Order

### Relevant Planning History:

**02/00568/CONDIT 28th June 2002 PER**

Removal of condition 2 on planning application CB14134/04 requiring the dwelling and utility area to be used in connection with the Wyastone Hotel for occupation by the proprietor/manager of the hotel and for storage of hotel equipment

**04/01238/COU 13th September 2004 REF**

Change of use of The Coach House from hotel rooms to private dwelling with minor alterations

**05/01291/COU 10th October 2005 PER**

Change of use of the coach house from hotel rooms to private dwelling with minor alterations

**09/01300/FUL 28th October 2009 PER**

Modifications to existing roof with additional modified dormers and rooflights - revised proposal following withdrawal of previous application under ref. 08/00828/FUL

**10/01678/COU 14th December 2010 PER**

Change of use of first floor rear annexe from owners/manager's accommodation and utility and storage space to 3 letting rooms in connection with existing hotel

**17/01835/FUL 17th November 2017 PER**

Change of use of hotel (class c1) and coach house to two independent dwellings (class c3), change of use and external alterations of rear annexe to create three 1-bed dwellings; and use of associated land as domestic curtilages.

**19/00919/AMEND 4th June 2019 PAMEND**

Non material amendment to planning permission ref. 17/01835/FUL - minor door and window alterations to rear annexe

**19/01045/DISCON 13th June 2019 DISCHA**

Discharge of conditions 3 and 7 on Planning Permission 17/01835/FUL - External render colours and highways construction management plan

**19/02217/ADV 10th December 2019 GRANT**

2 no. 0.9m x 1.8m freestanding signs advertising properties for sale

**10/01678/COU 4\_PERP**

Change of use of first floor rear annexe from owners/manager's accommodation and utility and storage space to 3 letting rooms in connection with existing hotel

### **3. POLICIES AND GUIDANCE**

**National Planning Policy Framework**

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

**Saved Local Plan Policies**

CP 4 Safe and sustainable living

CP 7 Design

**Adopted Joint Core Strategy Policies**

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

**Supplementary Planning Guidance/Documents**

Central conservation area: Bayshill Character Area and Management Plan (Feb 2007)

Central conservation area: Lansdown Character Area and Management Plan (July 2008)

### **4. CONSULTATIONS**

None

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>23</b>
Total comments received	<b>7</b>
Number of objections	<b>7</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** 23 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. In response to this publicity, 6 objections have been received. The planning objections related to;

- Concern that extra bedroom will increase demand for parking/inadequate parking for 2 bedroom houses. Highway safety.
- Impact on privacy
- Design not in keeping with the location.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

**6.2** The key issues in determining this application are considered to be (i) fall-back position, (ii) design and visual impact, (iii) neighbour amenity, (iv) highway safety issues.

### 6.3 The site and its context

**6.4** The application site is within the Principle Urban Area of Cheltenham and the principle of development/change of use to provide three houses has been accepted through the granting of planning permission 17/01835/FUL.

**6.5** This application seeks retrospective planning permission for powder coated aluminium grey windows and doors and rainwater goods to replace the approved white painted windows and doors and rainwater goods. Therefore, the consideration of this application relates purely to the acceptability of the proposed fenestration and rainwater goods and it is not possible to revisit any other issue in relation to these new dwellings.

### 6.6 Fall-Back Position

**6.7** Members will be aware that sometimes a 'fall-back' position is established for sites. This relates to development and alterations which could be carried out lawfully on the site in the absence of the current application.

**6.8** In this instance, planning permission would not specifically be required to alter the number of bedrooms within a dwelling. For example, a large bedroom could be subdivided to create two bedrooms or a dining room or study could be used as a bedroom without the need for planning permission.

### 6.9 Design

**6.10** Local Plan policy CP7 (design) requires all new development to be of a high standard of architectural design and development should complement and respect neighbouring development and the character of the locality. Additional design principles are set out within adopted JCS policy SD4.

- 6.11** It is regrettable that the windows and doors installed are not in accordance with the approved plans; however this would not in itself be a reason to refuse the planning application. That said, the merits of the alternative windows will need to be assessed in terms of their impact upon the character and appearance of both the existing building and wider conservation area.
- 6.12** The application site comprises of a modern building built in the early 1990s and is located within the Central Conservation Area (Lansdown/Bayshill Character Areas) and close to a number of listed buildings.
- 6.13** The grey aluminium windows, doors and rainwater goods are of a contemporary high quality design and are of an appropriate material and colour given the age of the building. Officers do not consider that they would impact negatively upon the dwellings themselves or the character or appearance of the wider area.
- 6.14** The proposed windows, doors and rainwater goods are therefore considered acceptable and comply with policy SD4 of the Joint Core Strategy and saved Local Plan policy CP7.

**6.15 Impact on neighbouring property**

- 6.16** Saved Local Plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users or the locality. The policy is consistent with advice set out within adopted JCS policy SD14.
- 6.17** The front first floor windows have been installed as clear glazed openings. A number of neighbouring properties have objected to these clear glazed windows because of the impact on privacy.
- 6.18** On planning application 17/01835/FUL the windows were conditioned to ensure at all times the windows were glazed with obscure glass. See below condition;

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the front first floor windows to the three 1-bed dwellings shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).*

*Reason: To safeguard the privacy of adjacent properties having regard to Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).*

- 6.19** Supplementary planning document 'Residential Alterations and Extensions' states that to ensure privacy is maintained, facing windows to habitable rooms (living, dining and bedroom) should be a minimum of 21 metres apart, with at least 10.5 metres from window to boundary.
- 6.20** Similarly, Policy CP4 (note 4) sets out that the Council will apply the following minimum distances:
- 21 metres between dwellings which face each other where both have windows with clear glazing
  - 12 metres between dwellings, which face each other where only one has windows with clear glazing.
- 6.21** It is noted that the first floor windows on the front elevation are within approximately 7m of the shared rear amenity space of Evelyn Court and approximately 14m from the neighbours' windows in the rear wing of Evelyn Court. The new clear glazed windows (as

initially proposed) failed to achieve the minimal distances as set out in CP4 and therefore would have had an unacceptable impact on neighbouring amenity.

**6.22** The plans have therefore been revised and the front first floor windows are now shown as obscure glazed openings to ensure the privacy of the adjacent properties is protected.

**6.23** As such, it is considered that the proposal accords with the aims of policy CP4 of the Local Plan and policy SD14 of the JCS.

#### **6.24 Access and highway issues**

**6.25** Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission should be granted where the highway impacts of the development would not be severe.

**6.26** A number of local residents have raised concerns that, due to the increase in accommodation within the properties from 1 to 2 bedrooms, the proposal would result in additional cars parking on the highway, causing safety and congestion concerns.

**6.27** When considering the original application, the Highway Authority had no objection to the principle of no off street parking being provided for the 3 x 1 bed dwellings.

**6.28** The site is located in a sustainable location with more than acceptable access to public transport and local amenities and facilities. Given the site's location, the increase in bedrooms from 1 to 2 should not result in a severe impact on the highway network, which is the test outlined in JCS policy INF1 and the NPPF.

**6.29** In any event, it must be remembered that, as outlined in section 6.8, these works would be capable of being carried out under permitted development, were the houses complete.

**6.30** Therefore it is not considered that the proposal results in an unacceptable impact on the highway network.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** For the reasons outlined above the proposal is considered to be acceptable and is therefore recommended for approval. The list of conditions has been updated to reflect the current stage of construction.

## **8. CONDITIONS / INFORMATIVES**

1 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice and in accordance with the approved plans listed in Condition 1 of the decision notice issued under planning permission ref. 17/01835/FUL, 19/00919/AMEND and 19/01045/DISCON which are not superseded by the granting of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

2 The planning permission 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 development hereby approved shall not be occupied unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times

Reason: To ensure adequate provision and availability of cycle parking, having regard to Policy TP 6 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 The development hereby approved shall not be occupied unless the bin storage has been provided in accordance with the approved plans. The bin storage shall be retained in accordance with the approved plans at all times

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the front first floor windows to the dwellings shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

- 6 The development shall be carried out in accordance with the submitted details for the exterior colour previously approved under planning ref. 19/01045/DISCON.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 7 The development shall be carried out in accordance with the submitted Highways Construction Management Plan previously approved under planning ref. 19/01045/DISCON.

Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006). This information is required up front because highway safety could otherwise be compromised at the beginning of construction.

## **INFORMATIVES**

- 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.