



Notice of a meeting of Planning Committee

**Thursday, 16 January 2020
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Alex Hegenbarth, Paul McCloskey, Tony Oliver, Simon Wheeler, John Payne and Rowena Hay

The Council has a substitution process and any substitutions will be announced at the meeting

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Agenda

- 1. APOLOGIES**
Cllr Hegenbarth.
- 2. DECLARATIONS OF INTEREST**
Clyde Crescent: Cllr Hay – will speak but not vote.
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
Cllr Fisher, Cllr Seacome, Cllr Oliver – all have visited **27 Promenade**.

Cllr Cooke asked why declarations of independent site visits are necessary, and was informed that this has become a standard

agenda item. It is useful for members to know who has visited the sites, and in the interests of transparency for members of the public.

4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 12)
To approve the minutes of the meeting held on 19th December 2019.
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA CONSENT/ADVERTISEMENT APPLICATIONS, APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATE AND TREE RELATED APPLICATIONS – SEE MAIN SCHEDULE**
 - a) **19/01844/FUL & LBC 27 Promenade** (Pages 13 - 28)
[Planning Application Documents](#)
 - b) **19/02335/FUL Recreation Ground, Clyde Crescent** (Pages 29 - 34)
[Planning Application Documents](#)
 - c) **19/02446/LBC Municipal Offices, Promenade** (Pages 35 - 42)
[Planning Application Documents](#)
7. **APPEAL UPDATES** (Pages 43 - 44)
8. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**
9. **EXEMPT MINUTES** (Pages 45 - 48)
To approve the exempt minutes of the meeting held on 19th December 2019.

Contact Officer: Democratic Services,
Email: builtenvironment@cheltenham.gov.uk

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Planning Committee

Thursday, 19th December, 2019

6.00 - 7.25 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Stephen Cooke, Councillor Diggory Seacome, Councillor Victoria Atherstone, Councillor Bernard Fisher, Councillor Dilys Barrell, Councillor Mike Collins, Councillor Alex Hegenbarth, Councillor Paul McCloskey, Councillor Simon Wheeler, Councillor John Payne and Councillor Rowena Hay

1. Apologies

Apologies were received from Councillor Oliver.

2. Declarations of Interest

Cllr Barrell declared an interest in 19/02213/FUL 1 Bath Mews as the ward Councillor, she had called in the application as a result of concerns from neighbours, however, hadn't taken a view herself.

3. Declarations of independent site visits

Councillor McCloskey – 15 Hartley Close, 1 Bath Mews and 7 Nettleton Road
 Councillor Baker – 15 Hartley Close
 Councillor Payne – 15 Hartley Close, 1 Bath Mews and 7 Nettleton Road

4. Public Questions

There were none.

5. Minutes of last meeting

The minutes of the meeting held on 21st November 2019 were approved and signed as a correct record.

6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

7. 19/02143/FUL 15 Hartley Close Cheltenham Gloucestershire

GD introduced the application, he advised that the applicant was seeking permission to demolish the existing attached garage and build a two storey side extension, a single storey rear extension, remodelling and general modernisation works to a two storey link detached dwelling.

Miss Plouffe, neighbour in objection

Speaking on behalf of the residents of Hartley Close who were objecting to the application. She noted that only 4 notices had been sent to residents of Hartley Close concerning the proposal and a number of residents who would be visually impacted by the development were not formally invited to contribute their reviews.

The main reason for her objection was the fact that the application was in direct contravention to Core Policy 7 (Design) which requires development to be of a high standard of architectural design and to complement and respect neighbouring development. She noted that the council's adopted Supplementary Planning Document: Residential Alterations and Extensions (2008) emphasised the importance of achieving subservience, and that an extension should not dominate or detract from the original from the original building but play a supporting role. She felt

that the side and rear alterations proposed were substantial and the size and height of the proposed two storey side extension which comes forward from the principal house would dominate the property, create an elongated effect and be out of character to neighbouring properties. Plans to fully render the home would also create an overbearing property out of place on the street.

She highlighted that the planning officer report stated that in the NPPF design should not be used as a valid reason to object neighbourhood development. However, noted that the same policy states that design should be developed with local communities, and therefore requested that the design elements of the proposal and impact should be considered.

She felt that the proposal did not respect the local context and street pattern of Hartley Close, and in particular, the scale and proportions of the surrounding properties. It would create an adverse effect on the visual amenity of the street. She also had concerns about the impact on the sense of 'openness' for the street and the precedent this could set for future development.

She noted that the parish council did not submit an objection, however reasoned that this decision was taken without soliciting views from residents.

Whilst she fully respected the desires of the owners or modernise and alter the current property, she felt that this could be accomplished in a different way, minimising the unacceptable impact for others residing on the street.

Miss Davies, agent in support

She highlighted that, as per the officer's report, the extensions were not of a scale that would result in an overdevelopment of the site and that the proposed scheme represents a high quality design. She further acknowledged that the proposals were in accordance with the relevant local plan policies and guidance contained within the NPPF.

She noted that the objections largely related to the scale of the proposed extensions and potential loss of openness to the street-scene, the design approach and the potential loss of car parking. She wished to draw Members attention to the letter sent to them on 16th December which addressed those matter in great detail. She further noted that a number of other properties within close proximity had been extended and modernised.

She stressed that the property was not listed, not located within a Conservation Area or the AONB and was located more than 25 metres from objecting residents. Similarly, the houses in Hartley Close were predominantly wide fronted with many occupying the widths of their plots. She acknowledged that the proposed side extension would reduce the space between the neighbouring property to the west at the first floor level but a visual gap of 5 meters would be retained. The proposed extension would also bring the side elevation and porch slightly forwards of the existing frontage to allow for a front apex and porch which would replicate the existing local architectural features and would harmonise with the existing dwelling. Overall, it was not considered the proposed design would reduce the perception of openness within the street scene.

She highlighted that the design would reflect the many gable end buildings in Hartley Close and as a number of properties within the locality had undertaken similar works it was considered that the visual amenity and character of the area would not be unduly affected by the proposals. Similarly, the proposed materials were not at odds with the prevailing nature of Hartley Close.

Following concerns regarding parking, she confirmed that the property would still benefit from a driveway and garage, capable of accommodating three parked cars.

Member Debate

PB: Confirmed that whilst he had had a number of residents contact him about the site, he had not engaged with residents about the application itself. He noted that Hartley Close was an attractive street with high quality accommodation that offered a fantastic backdrop to the AONB. A number of residents in the nearby area had modified their properties in order to suit their requirements. He stressed the importance of good design although acknowledged that this was extremely subjective. He noted that there was a mix of housing in Hartley Close and felt that this application would make a high quality family home.

Vote on officer recommendation to permit

12 For

0 Against

1 Abstention

PERMIT

8. 19/02213/FUL 1 Bath Mews Commercial Street Cheltenham

MP: Introduced the application, she explained that the applicant was seeking permission for the provision of pitched roofs on two semi-detached dwellings. The application was before the committee at the request of Councillor Barrell and Councillor Harman.

Mr Boyle, neighbour in objection

Was the owner of number 11 Victoria Retreat and was speaking on behalf of all of those residents who would be negatively affected by the scheme. Whilst they understood the need for development they felt the proposal would have a negative impact on a number of its closest neighbours. He reasoned that an upward extension of over 2 metres would raise the building up by 40%, causing overshadowing and loss of light to a number of properties on Victoria Retreat. The Bath Mews properties already dominate the skyline to Victoria Retreat and currently block a substantial amount of sunlight from the properties, even with the 2 storey flat roof design.

He highlighted that a report on the original build acknowledges that there is already a breach of the 25 degree light rule and the new proposal would cause even more loss that would result in up to a 55% loss of daylight to the rear of a number of properties on Victoria Retreat. He stressed that this would disregard normal protections afforded by CP4. He noted that section 118 of the NPPF encourages the support of proposals that use the air space above existing residential and commercial premises for new homes, however, reasoned that as the proposal was not creating new homes it did not fall in to this category. He felt that the height of the extension was oppressive and overbearing in a tightly packed area and would encroach on the privacy of neighbouring residents. The lack of privacy would extend to those on Commercial Street who would be overlooked by windows and a roof top terrace. He also had concerns that this would set a precedent for future development that could lead to an even greater loss of amenity character of the area.

Mr Everit agent in support

He highlighted that an application for an extension was made earlier this year, however, that application was withdrawn following feedback from the local authority

that the proposal was potentially overbearing and likely to have a negative impact on some of the adjacent properties. He confirmed that following consultation with the Local Authority, they had revised the scheme so that it was more of a traditional form which would help to reduce its impact on the locality. The proposal now comprised a pitched roof form so it would significantly reduce the amount of shadow cast compared to the flat roofed scheme. The pitch had been kept shallow to keep the ridge height low and due to the elevation of the sun when it is to the south of the site, the shadow cast to the north of the site would be no greater than the shadow cast by the existing parapet wall for the majority of the year.

He confirmed that the gable ends of the extension were now a continuation of the existing rendered gables ends and as such, the property appears as a two storey building with a pitched roof rather than a three storey flat roofed structure. All of the windows proposed in the rooftop structure had been carefully positioned to ensure that they didn't overlook the private amenity space of the adjacent properties. The only window facing Victoria Retreat was at the top of the staircase and they would effectively be high-level windows because when an occupant was passing them they would be at a lower level on the staircase. He confirmed that to further reduce any perceived sense of overlooking these windows had been frosted.

He explained that the windows to the new bedrooms look into a roof terrace and were clear glazed in order to provide natural light and ventilation for the occupant but they would have no outlook over any private amenity spaces relating to the surrounding buildings. The terraces would look over the car park and the flat roof of an adjacent property. He reasoned that there were many two storey buildings with pitched roofs in close proximity to the site and so felt the proposal was in keeping with its context.

He highlighted that since the officers report was written a number of supporting letters had been posted on the planning portal.

Cllr Harman

Noted that previously an application was submitted which has now been modified, the original application was originally recommended for approval until Councillor Harman requested an officer visit the site and subsequently the recommendation was changed to refusal. He questioned whether the late representations received were a process of lobbying by the applicant as they did not live near the property. He felt that residents in Victoria Retreat and Commercial Street would be adversely impacted by the proposal and requested that it be rejected. His concerns were largely around loss of light and the fact it could potentially be part of a creeping process.

Member Debate

SW: Felt that aesthetically, the modifications would improve the properties. However, had concerns regarding the loss of light and would appreciate an officer steer on these concerns.

JP: Felt that the design was innovative and of good quality. Had concerns about the two small spaces on the North facing aspect and questioned whether you could access those spaces. If so, he had concerns that this would adversely affect the amenity of the residents in Victoria Terrace. He also had concerns about the light issue and sought clarity from officers on the matter.

DB: Felt that the design was an improvement on the original and was pleased to see obscured windows at the front. However, shared similar concerns about privacy and loss of daylight. She noted the neighbours concerns regarding 55% loss of daylight and asked for clarity from the officers as she believed this to be 25% which would be the same as the current situation.

PM: He believed that in the summer months the sun would be sufficiently high so that the extension would not affect the residents to the rear. Similarly, it was his understanding that the ridge height would not cause the shadow but the end of the parapet.

MP in response:

- Confirmed that the light test that they would carry out is the 25 degree light test so the parapet height facing the rear of properties in Victoria Retreat would stay the same as is now and the roof pitch behind it is at 25 degrees so by its nature it would not materially alter the existing situation. The reference to the 55% was looking at something different to the 25 degree light test.
- She confirmed that the smaller spaces would not be accessible, and as per condition 6, no access would be given to the flat roofed areas other than the balconies.

MC: Had concerns about the practicalities of construction works including where materials would be stored and how contractors would get access in and out of the site.

PB: Had concerns about the condition that stipulated the hours for construction and felt that 07:30 was too early. Requested that this be pushed back if the committee were minded to approve the application.

SC: Felt that the design was innovative, although was concerned about how compact the site was and the proximity to Victoria Retreat. He noted that on the 3D sketch view which compared the existing situation to the proposed, it looked as if the shadow would extend further. He was also struck by the number of neighbours who had objected to the application. He noted that the reason it was a flat roof to begin with was because of issues of height so questioned why if it was inappropriate to put a pitched roof on in the first instance, it was now deemed appropriate.

MP in response:

- Confirmed that for this level of development, they wouldn't expect a construction method statement, however, if Members felt it necessary they could ask the developer for details about the construction method and where they would store the materials.
- The hours of work were taken from the council's website and these were hours suggested by environmental health. They were not a condition just the recommended hours.
- Couldn't comment on the original application with regards to the flat roof and she was not the relevant officer.

MC: Agreed that they should ask the developer what they intended to do about things such as parking of contractor vehicles, storage of materials and deliveries.

PM: Shared similar concerns about the area turning in to a building site and causing disturbance to nearby residents.

Vote on officer recommendation to permit with a requirement for a management plan for the construction work

**10 For
2 Against
1 Abstention**

PERMIT

9. 19/02229/FUL 7 Nettleton Road Cheltenham Gloucestershire

GD: introduced the item, he explained that the application was seeking permission for a single storey rear extension. The application was at committee as the applicant was employed within the Place and Growth Division of the Council. No objections had been received.

MC: Understood that the application was at committee for reasons of transparency but did not feel that the extension would be intrusive and could see no reason for refusal.

Vote on officer recommendation to permit

13 For
0 Against
0 Abstentions

PERMIT

10. 19/02062/LBC Municipal Offices**Vote on officer recommendation to permit**

13 For
0 Against
0 Abstentions

PERMIT

11. Appeal Updates**12. Any other items the Chairman determines urgent and requires a decision**

The Head of Planning advised that there was an urgent exempt item that the committee needed to consider.

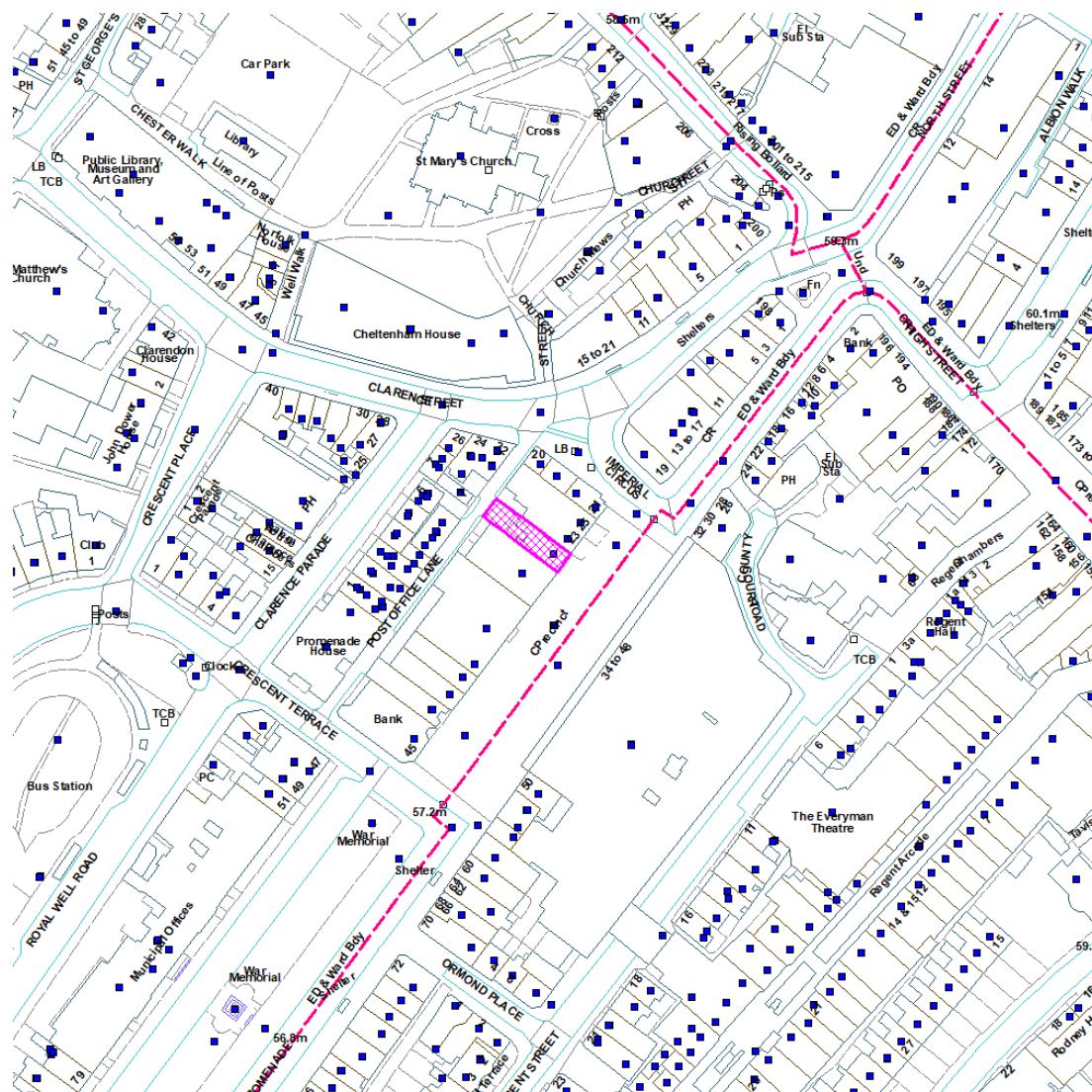
Vote on officer recommendation

12 For
0 Against
0 Abstentions

Chairman

APPLICATION NO: 19/01844/FUL&LBC		OFFICER: Mrs Lucy White
DATE REGISTERED: 17th September 2019		DATE OF EXPIRY: 12th November 2019 EOT 24 th January 2020
DATE VALIDATED: 17th September 2019		DATE OF SITE VISIT: 24th October 2019
WARD: Lansdown		PARISH:
APPLICANT:	Raynol Properties	
AGENT:	Stanley Partnership Architects	
LOCATION:	27 Promenade, Cheltenham	
PROPOSAL:	Change of use to residential of first, second and third floors from A1 to C3 to provide 1 no. apartment and erection of external staircase and single storey basement extension to rear.	

RECOMMENDATION: Permit/Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a three storey over basement, grade II listed building and currently in retail use (A1) on all floors (upper floors used for storage and ancillary staff facilities). The building forms part of a Regency terrace with 21-31 (odd) built circa 1820-30 historically as houses but by the early Victorian period had become commercial properties, along with much of the Promenade. The building has an attractive and traditional timber painted shop front and there is off road parking and pedestrian access from the rear via Post Office Lane.
- 1.2 The property is located within the Montpellier Character Area of the Central Conservation Area, Core Commercial Area, Central Shopping Area and Primary Shopping Frontage.
- 1.3 The applicant seeks planning and listed building consent the change of use of the first, second and third floors from A1 retail to C3 residential to provide 1 no. apartment and the erection of an external staircase and single storey basement extension to the rear.
- 1.4 The proposals have been substantially revised during the course of the application; the three storey rear extension removed and replaced by an external staircase and the number of apartments reduced to one plus associated alterations to internal layout.
- 1.5 This application has been referred to the Planning Committee at the request of Councillor Rowena Hay. This application represents a good example of proposed re-use of underused or vacant upper floors of commercial premises, providing a more vibrant mix of uses within the town centre and thereby enabling the longer term vitality of the high street.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Listed Buildings Grade 2
Principal Urban Area
Central Shopping Area
Smoke Control Order

Relevant Planning History:

09/01310/LBC 4th January 2010 GRANT

Internal and external alterations to facilitate a change of use from Class A2 (building society) to Class A1 (retail)

10/00543/LBC 19th May 2010 REF

Alterations to existing floor levels and internal partitions at ground floor

10/00985/LBC 5th August 2010 GRANT

Redecorate existing shopfront and modify front door opening together with internal modifications and alterations

10/01081/FUL 5th August 2010 PER

Alterations to shopfront and installation of new plant

10/01082/ADV 5th August 2010 GRANT

New internally illuminated fascia sign

19/01844/LBC PCO

Change of use to residential of first, second and third floors from A1 to C3 to provide 2 no. apartments, erection of three storey rear/side extension and associated internal and external alterations.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

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 6 Mixed use development

CP 7 Design

BE 5 Boundary enclosures in conservation areas

BE 6 Back lanes in conservation areas

BE 10 Boundary enclosures to listed buildings

RT 10 Access to upper floors of commercial premises

Adopted Joint Core Strategy Policies

SD2 Retail and City / Town Centres

SD4 Design Requirements

SD8 Historic Environment

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

24th September 2019

I refer to the above planning application received on the 20th September 2019, submitted with supporting information including drawing numbers - 1494(SK)008, 1494(EX)006, 1494(SK)007.

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-.

1. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan REF: 1494(SK)008, 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.

2. 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. 1494(SK)008, 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.

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.

Gloucestershire Centre For Environmental Records

30th September 2019

Report available to view.

Building Control

23rd September 2019

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Heritage and Conservation

19th November 2019

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states, "In considering whether to grant listed building consent for any works the local planning authority... shall 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."

A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 193-196 set out the framework for decision making with applications relating to heritage assets. This assessment takes account of the relevant considerations in these paragraphs.

Local planning authorities are required by Paragraph 192 of the NPPF requires a to identify and assess the particular significance of any heritage asset... taking into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 193 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight

should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

27 Promenade, Cheltenham is a grade II listed building within the Central Conservation Area. It formed part of a Regency terrace with 21-31 (odd) built circa 1820-30, historically houses but within the early Victorian period had become commercial properties, along with much of the Promenade. The site is also located within the Central Conservation Area: Montpellier Character Area.

The significance of 27 Promenade is in its historic and evidential value as a regency terrace house and slightly later conversion to a shop. It is considered this value lies with the whole building, internally and externally, including the rear elevation which, unlike most of the rest of the terrace in which it sits, is largely unaltered.

This application proposes development affecting the listed building and the terrace in which it sits. The proposed works include the change of use to residential of first, second and third floors from A1 (shop and retail) to C3 (dwelling house) to provide two apartments and the erection of three storey rear extension. The proposal raises concerns. The impact of the proposal is considered to harm the special interest of listed building. The proposed works are not considered to neither sustain nor enhance the designated heritage asset.

The proposed extension is considered to have an awkward and bulky appearance that appears incongruous and lacks sufficient subservience to the listed building. It is considered to harm the heritage significance of the listed building. It is noted there are a number of buildings within the terrace that have had significantly larger extension than the one proposed within this application. However, these extensions are not considered sympathetic and should not set a precedent for further inappropriate works. 27 Promenade is one of the few buildings not to have had an extension making it an unaltered example of this building typology and period and therefore more significant than its altered neighbours.

It should be noted the historic floor plans and internal features form part of the interest of a listed building. There are a number of instances within the proposal where internal alterations, including subdivision and partial removal of a wall, are considered to have a detrimental impact on the heritage significance of the listed building. These are highlighted below.

The proposal shows the opening up of a wall on the second floor between the existing storage room (S01) and Staff Room (S02). This is considered to undermine the historic rooms by creating a more open plan living space where historically there would have been separate rooms, likely higher status bedrooms. The creation of a large opening in this location is considered to harm the special interest of the listed building.

The proposed subdivision of room F/02, as shown on the proposed first floor, to create a kitchen and bathroom results in the room, which historically was a high status room, having its historic proportions distorted and historic features such as the chimney stack, decorative coving and ceiling rose becoming obscured. This has a harmful impact on the heritage significance of the listed building.

Similarly, the proposed subdivision shown in rooms S/04 and S/05 shown on the proposed plans runs across a chimney stack. This is considered to obscure this feature to the detriment of the special interest of the listed building.

While the reuse of the upper floors to a residential use is fully supported in principle the way in which this scheme proposes to achieve this raises significant concerns. The proposed two apartments are considered to result in inappropriate changes to the listed building and due to the density of the residential use considered overdevelopment. All the concerns identified with the proposal can, with careful consideration, be addressed by reducing the

development from two apartments to a single dwelling only. This would avoid the need for a large rear extension (which could be limited to the basement only) and reduce the need for harmful internal alterations. Discussions over how this could be achieved would be welcomed.

As proposed the application will have a materially harmful effect on the significance of the heritage asset. The extent of harm is considered to be less than substantial harm. As required by paragraph 196 of the NPPF, if less than substantial harm is identified it is necessary to weigh this harm against any public benefit resulting from the proposal.

The public benefits of the proposal are not noted in the submitted application as harm is not identified. It is considered the public benefits of the proposal are the addition of two flats within a sustainable town centre location in a time of acute housing need, increasing the vitality of the town centre and in better ensuring the future maintenance of the listed building. However, in this instance the limited public benefit is not considered to justify the harm caused to the heritage significance, therefore the application is unacceptable.

The proposed works therefore do not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework 2019 and Policy SD8 of the Joint Core Strategy 2017. It is therefore considered the proposal should not be supported and is in need of significant revision to address these concerns.

Heritage and Conservation - further comments

20th December 2019

The application has been revised to address all the previous concerns. The amended proposed works are now considered to sustain the designated heritage assets and therefore comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

If the application is approved it is advised the following conditions be attached to any approval:

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

- a) New balustrades to lower ground, ground and second floors
- b) Reinstated fireplaces
- c) Repaired and reinstated staircase from ground to second floor
- d) Method of cleaning of external masonry
- e) Minor associated works such as flues, vents, pipework, rainwater goods, etc

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

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Chapter 16 of the National Planning Policy Framework.

Facing and roofing materials samples

No external facing or roofing materials shall be applied unless in accordance with a written specification of the materials and physical samples of the materials, details of which shall

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have 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: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

Door and windows

No new or repairs to doors (both internal and external) and windows shall be implemented unless carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to, materials, finish, elevations to a scale of 1:10 or similar and cross sectional details (showing glazing bars and opening mechanism) to a scale of 1:2 or similar.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Chapter 16 of the National Planning Policy Framework.

External stairs, walkway and balustrade

Details of external rear north-west stairs, walkway and balustrade shall not be implemented unless carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to, fixings, materials, finish, typical elevation details to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Chapter 16 of the National Planning Policy Framework.

Hard landscaping

No hard landscaping, bin stores, cycle parking, etc, shall be implemented unless carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

Minor Ancillary associated works

No minor ancillary associated works such as vents, flues, pipework, meter boxes, insulation, or works associated with building regulations or fire regulations or other similar works shall be implemented unless carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

Disturbed surfaces

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 saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Chapter 16 of the National Planning Policy Framework.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Letters of notification were sent to 7 neighbouring properties, a site notice displayed within the vicinity of the site and an advert placed in the Gloucestershire Echo. No representations were received following the publicity.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key considerations are (i) the principle of a change of use to residential; (ii) the design and scale of the proposed development and their impact upon the character and setting of the listed building and character of the wider conservation area; (iii) neighbour amenity; and (iv) parking and highway safety implications.

6.3 Principle/Design and layout

6.4 Policy Background

- 6.5 The first and second floors of the building are currently used for the storage of retail stock and staff facilities. Although the majority of the upper floor accommodation is in use, there is clearly an option to consolidate the amount of storage space needed for the retail unit with further capacity available in the basement. As such, the seeking of an alternative use of the upper floors is considered acceptable in principle.

- 6.6 Policy SD10 of the Joint Core Strategy states that conversions to dwellings on previously developed land in the Principal Urban Area (PUA) of Cheltenham will be permitted except where otherwise restricted by policies within the Local Plan. Encouragement is also given to proposals involving the sensitive, adaptive re-use of vacant or redundant buildings, subject to the requirements of Policies SD1, INF4 and SD8.

- 6.7 Paragraph 85 of the NPPF requires planning policies and decisions to take a positive approach to the growth, management and adaptation of town centres. Planning policies should make clear the range of uses permitted in such locations and recognise that residential development often plays an important role in ensuring the vitality of centres.

- 6.8 Paragraph 11 of the NPPF states '*Plans and decisions should apply a presumption in favour of sustainable development....and for decision making this means approving development proposals that accord with an up-to-date development plan*'.

- 6.9** As at the time of writing, Cheltenham Borough Council cannot currently demonstrate a five-year supply of housing land. The proposal would provide for one additional dwelling which would make a small contribution towards alleviating the shortfall. This shortfall position is a material consideration and it means that the JCS (housing policies) are currently out-of-date, pursuant to NPPF paragraph 11 (d), footnote 7 (the 'tilted balance').
- 6.10** Paragraph 11(d) advises that planning permission should be granted '(i) *unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*'. The protected assets and areas of importance relate, in this case, to the listed building and conservation area.
- 6.11** In light of the above policy background and circumstances of this case, the proposed change of use of the upper floors to provide one dwelling is considered acceptable in principle. However, there is a requirement to consider the merits of the proposed development as a whole, which will include an assessment of any relevant planning history and all other considerations set out in paragraphs 6.2 and 6.8.
- 6.12** Design and Layout
- 6.13** Paragraph 124 of the NPPF sets out that good design is a key aspect to achieving sustainable development, and creating better places in which to live. Paragraph 127 goes on to set out that development should add to the overall quality of the area, be visually attractive, and be sympathetic to local character. Policy SD4 of the JCS and saved Local Plan policy CP7 require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.
- 6.14** Policy SD8 of the JCS and section 16 of the NPPF also provide guidance with regard to development within the historic environment. They advocate development that sustains and enhances the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 6.15** The Conservation Officer comments that the significance of 27 Promenade lies in its historic and evidential value as a Regency terrace house and slightly later conversion to a shop. This value lies with the whole building, internally and externally, including the rear elevation which, unlike most of the rest of the terrace in which it sits, is largely unaltered.
- 6.16** The scheme as first submitted raised significant concerns. The design, scale and bulky appearance of the proposed three storey rear extension was considered to lack subservience and would appear incongruous; thereby harmful to the character and setting of the listed building. Although it is acknowledged that the majority of buildings in this terrace have very large extensions at the rear, these additions are not considered sympathetic and should not set a precedent for further inappropriate and harmful development. No 27 Promenade (and to some extent Nos 23-25), in comparison with surrounding development, is an unaltered example of this building typology and period.
- 6.17** A number of concerns were also raised regarding aspects of the proposed alterations to internal layout and loss of historic fabric.
- 6.18** Following discussions with the applicant a revised scheme was submitted which addresses all concerns raised previously. An external staircase and single storey basement extension replace the three storey rear stairwell extension. Their simple form and design should not dominate the rear elevation or block/obscure from view any of the existing openings. The number of dwellings is reduced to one single apartment across

two floors with minimal internal alterations. The significance of the heritage asset is therefore unharmed.

6.19 Furthermore, the ground floor retail unit is retained with ancillary storage and staff facilities provided within the extended basement. Externally, shared refuse and cycle storage facilities are provided plus the retention of two off road parking spaces for the residential unit.

6.20 The Civic Society (commenting on the original scheme) considered this an exemplary proposal which will encourage more development of the unused area above town centre shops and *'bringing people into the town centre to live in existing structures is sustainable'*.

6.21 In light of the above, the proposed works are considered to comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework 2019, Policy CP7 of the Local Plan and Policies SD4 and SD8 of the Joint Core Strategy 2017.

6.22 Impact on neighbouring property

6.23 Paragraph 127 of the NPPF requires development to be of a high standard of amenity for existing and future users. Policy SD14 of the JCS and saved Local Plan policy CP4 require development not to cause unacceptable harm to the amenity of adjoining land users and the locality.

6.24 There are no side facing windows in the flank walls of the two adjoining properties and no additional openings are proposed for No 27. The distance to the nearest clear glazed openings of residential properties located on the north side of Post Office Lane is approximately 21 metres. As such, there should be minimal impact on the amenities of occupiers of neighbouring properties (the majority in commercial use) in terms of loss of privacy, outlook or overbearing appearance.

6.25 No letters of objection were received from local residents/businesses.

6.26 Access and highway issues

6.27 The existing off road parking and access arrangements are retained and will be allocated for use by the proposed dwelling.

7. CONCLUSION AND RECOMMENDATION

7.1 The proposed development is considered a sympathetic and constructive use of currently underused upper floors of a commercial property and should ensure the long term use and viability of this important listed building within the town centre. The design, scale and layout of the proposals (as revised) are well considered and policy compliant and there are no amenity or highway safety concerns.

7.2 Furthermore, the proposals represent long term investment in the Promenade which will make a positive contribution to the ongoing vitality and viability of the town centre. The challenges facing High Streets throughout the UK are well documented and new, appropriate investment coupled with opportunities to provide a more vibrant mix of uses within the town centre should, in officer opinion, be welcomed. Paragraph 4.4.2 of the JCS identifies that the nature of the town centre is changing due to the increase in internet shopping, and highlights the importance of allowing the flexibility to diversify and bring activity to the upper floors of commercial units, where possible.

- 7.3 For all reasons set out above the recommendation is to grant planning and listed building consent, subject to the following conditions.

8. CONDITIONS / INFORMATIVES

Planning 19/010844/FUL

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 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 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:

1. Railings/balustrade to lower ground floor, ground and second floors
2. Refuse/recycling and cycle stores (including elevations and facing materials)
3. Rainwater goods

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 4 No new doors or repairs to doors (both internal and external) and windows shall be inserted/carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to, materials, finish, elevations to a scale of 1:10 or similar and cross sectional details (showing glazing bars and opening mechanism) to a scale of 1:2 or similar. The doors and windows shall thereafter be retained in accordance with the approved details at all times.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the National Planning Policy Framework.

- 5 No external facing or hard surfacing materials and any materials used in the construction of the staircase shall be applied unless in accordance with:

- a) a written specification of the materials; and
- b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- 6 Prior to first occupation of the development, parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure the adequate provision of car parking within the site in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 7 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 8 The proposed external rear north-west stairs, walkway and balustrade shall not be implemented unless carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to, construction methodology, fixings, materials, finish, typical elevation details to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Chapter 16 of the National Planning Policy Framework.

- 9 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

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

- 10 No minor ancillary associated works such as vents, flues, pipework, meter boxes, insulation, or works associated with building regulations or fire regulations or other similar works shall be implemented unless carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

- 11 The raised landing area of the staircase hereby permitted shall not be used as a balcony, roof garden or other external amenity area at any time.

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).

Listed Building 19/01844/LBC

- 1 The listed building consent hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 listed building consent 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:

1. Railings/balustrade to lower ground, ground and second floors
2. Refuse/recycling and cycle stores (including elevations and facing materials)
3. Rainwater goods
4. Reinstated fireplaces
5. Method of cleaning of external masonry
6. Repaired and re-instated staircase from ground to second floor

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 4 No external facing materials (including those used in the construction of the proposed staircase and landing) or hard surfacing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and
- b) physical sample(s) of the materials.

The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- 5 No new doors or repairs to doors (both internal and external) and windows shall be inserted/carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to, materials, finish, elevations to a scale of 1:10 or similar and cross sectional details (showing glazing bars and opening mechanism) to a scale of 1:2 or similar. The doors and windows shall thereafter be retained in accordance with the approved details at all times.

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Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Chapter 16 of the National Planning Policy Framework.

- 6 The proposed external rear north-west stairs, walkway and balustrade shall not be implemented unless carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to, construction methodology, fixings, materials, finish, typical elevation details to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Chapter 16 of the National Planning Policy Framework.

- 7 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 saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 8 No minor ancillary associated works such as vents, flues, pipework, meter boxes, insulation, or works associated with building regulations or fire regulations or other similar works shall be implemented unless carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

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.

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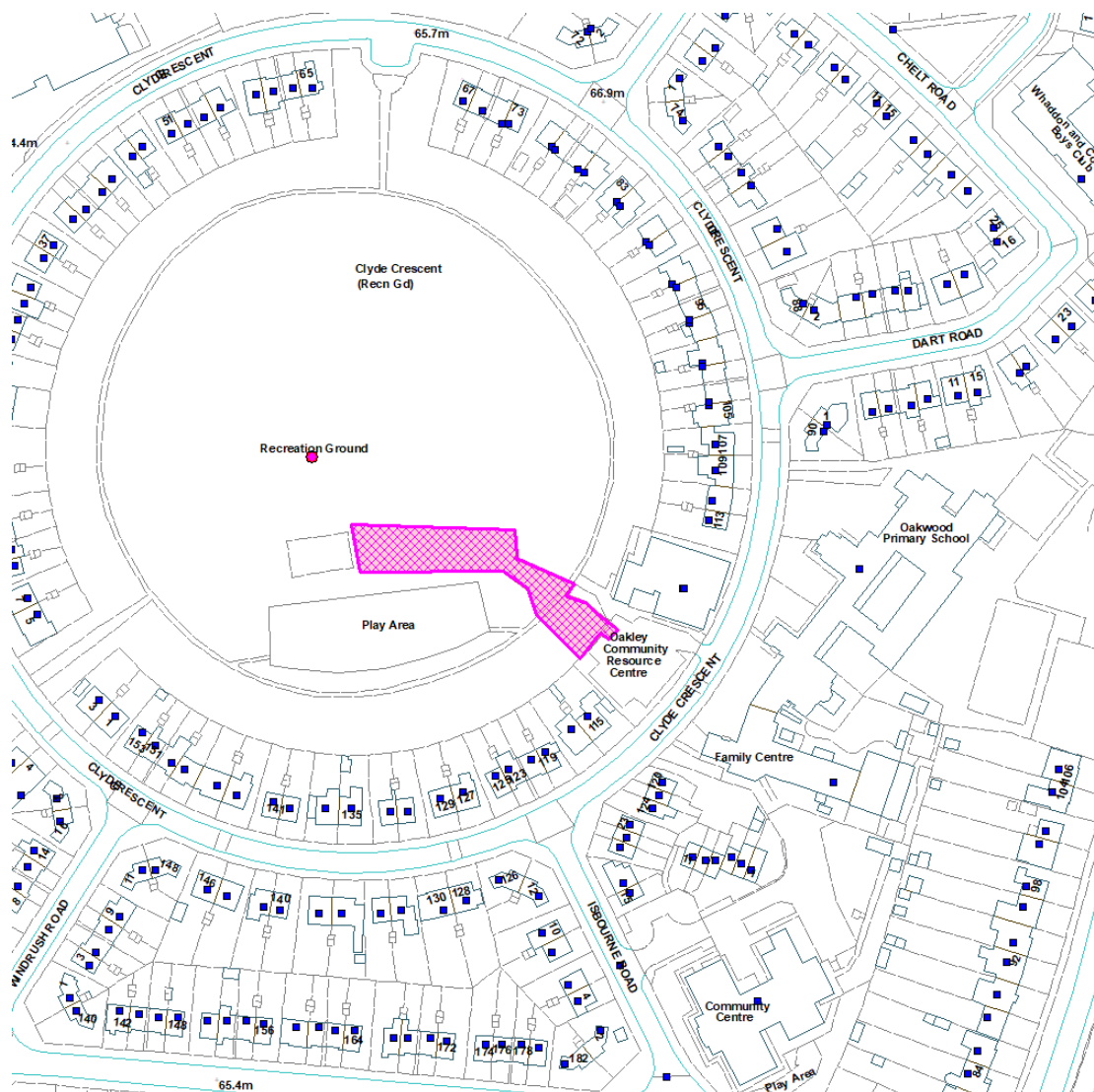
In this instance, the authority sought revisions to the design and scale and internal layout of the proposed development, in the interests of the character and setting of the listed building.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

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APPLICATION NO: 19/02335/FUL	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 23rd November 2019	DATE OF EXPIRY:
DATE VALIDATED: 23rd November 2019	DATE OF SITE VISIT: 11th December 2019
WARD: Oakley Ward	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	n/a
LOCATION:	Recreation Ground, Clyde Crescent, Cheltenham
PROPOSAL:	Construction of a concrete scooter skate park, access path and the installation of a bin, cycle racks and sign

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site falls within the public green space known as 'Clyde Crescent Recreation Ground', located on Clyde Crescent within the Oakley Ward.
- 1.2 The applicant is seeking planning permission for the construction of a concrete scooter skate park next to the existing multi use games area, play area and grass football pitch.
- 1.3 The design is a bowl shape with over 14 features and will support the needs of skaters, scooters, roller bladers and BMX riders. The overall site area measures approximately 30.7 metres in length and 22 metres in width, with the maximum height at any one point being 2.1 metres.
- 1.4 The proposal includes a bench, bin, cycle racks, sign and tree planting.
- 1.5 The application is before committee as Cheltenham Borough Council are the applicant and the land owner.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

80/00421/PF 31st October 1980 VARIED

Clyde Crescent Playing Field Pavillion Cheltenham Gloucestershire - Re-Roofing Of The Pavillion

85/01067/PF 12th December 1985 PER

Erection Of Play Equipment And Mounding And Landscaping Of Area

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places

Saved Local Plan Policies

CP 2 Sequential approach to location of development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 1 Public green space
GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD4 Design Requirements
INF3 Green Infrastructure

4. CONSULTATIONS

Building Control

5th December 2019

No comment

Tree Officer

19th December 2019

The Trees Section does not object to this application. Please could details of tree planting (Species, size and locations) be submitted.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	80
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 80 letters were sent to neighbouring properties and a site notice was displayed. No letters of representation have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations in relation to this application are the principle of the use of the land for this development and impact on neighbouring amenity.

6.3 The principle of development and impact on the character of the area.

- 6.4 The Clyde Crescent Recreation Ground is currently used by a number of different users, ranging from dog walkers to people engaging in various sporting activities, including football and basketball. The field is recreational land and therefore provides the space for a number of users to take part in various outdoor activities.

- 6.5 The public art youth shelter 'toast rack' will be removed to provide space for the new scooter skate park. The design and access statement confirms that this 'shelter is deteriorating and the users of it have said it's not fit for purpose any more. Children also use this structure to kick balls up against which due to its structure creates a very loud noise and nuisance to residents. An alternative location and a more appropriate structure will be identified when funding is available.'

- 6.6 The loss of the youth shelter is regrettable however the proposed scooter skate park would provide a new use in the field, is relatively small scale and is positioned well within the site with a new access path. Officers therefore consider the principle of using the area of land to the south of the field to facilitate a scooter skate park to be acceptable.

- 6.7 The proposed scooter skate park is a bowl shape and the maximum height of the track at any point is 2.1 metres. The material used for the construction of the park itself is concrete for the riding surface and grass for the banked sides. These materials are entirely suitable for their context and will not create a visually harmful structure within the field.

- 6.8** A direct link from the existing public footpath to the new facility is proposed which will ensure there is not a potential conflict between users of the field and potential harm to the grass surface of the field.
- 6.9** The proposal is considered to be compliant with the requirements of Section 12 of the NPPF in terms of improving the character and quality of the area.

6.10 Impact on neighbouring property

- 6.11** Local plan policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.12** The scooter skate park is proposed to be sited close to the existing play area to the south of the playing field, which at its nearest point is approximately over 45 metres away from the closest residential building and will not be artificially lit. The design and access statement confirms the bowl shape design will reflect the majority of the noise away from the neighbouring properties, the proposed material concrete has been chosen because it gives off less noise compared to facilities made from metal and the proposed trees will soften noise levels. Officers therefore do not consider any noise generated from the use of this facility would cause any harmful impact on the amenity of the surrounding residential properties. The field is a public space and therefore the hours of use cannot be controlled.
- 6.13** It should be noted that the proposed scooter skate park is not of a suitable size or standard to be able to host any form of sporting event or competition and is therefore only suitable for public recreational use. With this in mind it is unlikely that the proposed scooter skate park will attract any large volume of users at any one time.
- 6.14** With a limited number of users of the facility at any one time, officers do not consider that any noise generated would be of an unacceptable level. The proposal is therefore compliant with Local Plan policy CP4 which requires development to protect the existing amenity of neighbouring land users and the locality.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Paragraph 97 of the NPPF states “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:... the development is for alternative sports and recreational provision, the need for which clearly outweigh the loss.” The proposal will not result in any loss of the open space but will enable provision for a different form of outdoor activity for the sports field. It is clear to officers that there is a demand in and around Cheltenham to provide members of the public with new facilities and the opportunity to engage in outdoor sports.
- 7.2** In this instance the demand for such a facility is given great weight in the consideration of the application. The provision of this new facility will introduce a new use to the field that officers believe can happily co-exist alongside all other uses of the field, including football and dog walkers.
- 7.3** Based on the above, the proposed scooter skate park is considered to be in accordance with the relevant policies and guidance in terms of achieving an acceptable design, impact on the character of the area and will not result in unacceptable harm to the amenity of adjoining land users.

- 7.4 The recommendation is therefore to permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 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 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of all new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 4 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

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

- 5 Prior to first occupation of the development, the cycle racks shall be provided in accordance with the approved plans. The cycle racks shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

APPLICATION NO: 19/02446/LBC	OFFICER: Mr Nikita Hooper
DATE REGISTERED: 14th December 2019	DATE OF EXPIRY: 8th February 2020
DATE VALIDATED: 14th December 2019	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT: Cheltenham Borough Council	
AGENT:	
LOCATION: Municipal Offices, Cheltenham Borough Council, Promenade	
PROPOSAL: Removal of existing modern partition walls and doors. Blocking up of redundant openings.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The Municipal Offices are located on the north-western side of the Promenade in central Cheltenham.
- 1.2 The application is before the Planning Committee as the Borough Council own the building subject to the proposed scheme.
- 1.3 Removal of existing modern partition walls and doors. Blocking up of redundant openings. [Ground and first floors, south wing].
- 1.4 The scheme was subject to revision on 20 December 2019. The nature of the revisions was to propose to retain some items/fabric on the first floor; no re-consultation was deemed necessary given this.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Listed Buildings Grade 2star
Principal Urban Area
Smoke Control Order

Relevant Planning History:

15/00608/PREAPP 28th April 2015 CLO

Listed building works to enable Room G17 to be used as police point

00/01282/LBC 4th December 2000 WDN

Awning over front entrance door to tourist information centre

00/01698/LBC 6th March 2001 GRANT

Alterations to Tourist Information offices

01/00657/LBC 13th August 2001 GRANT

New parapet wall and door to rear elevation, access lift and new signs to front elevation

03/01032/LBC 14th October 2003 GRANT

Internal alterations to part of ground floor to create an open space to be used as a reception and customer service area and office space

86/00715/PF 28th August 1986 PER

Installation Of Civil Defence Radio Aerial

86/00719/LS 28th August 1986 PER

Municipal Offices Cheltenham Gloucestershire - Erection Of Civil Defence Radio Aerial

86/01084/LA 27th November 1986 PER

Alterations To Provide 2 Security Doors And 1 Screen At Basement And Ground Floor Levels

88/01536/PF 15th December 1988 PER

Alterations And Extension

88/01550/LA 15th December 1988 PER

Alterations And Extension

88/01762/LA 19th January 1989 PER

Installation Of E.M.U. 24 Hour Visual Display Unit Information System Behind Central Front Window In Portico Of The Building

88/01782/LA 19th January 1989 PER

Erection Of A Temporary Sign

89/00567/LA 25th May 1989 PER

The Erection Of Individual 150mm High Bronze Lettering To Read:
Tourist Information Centre

89/01378/LA 22nd February 1990 PER

Installation Of Satellite Dish On The Flat Roof Of The Municipal Offices Behind Parapet

90/00260/PF 24th May 1990 PER

Proposed New Wall And Motor Cycle Shelter

90/00267/LA 24th May 1990 PER

Proposed New Wall To Enclose A Proposed New Motor Cycle Shelter

91/00831/LA 26th September 1991 PER

Alterations To Existing Reception Area At Ground Floor Level

92/00131/PC 26th March 1992 PER

Proposed Change Of Use Of A Flat Into Offices

92/00137/LA 26th March 1992 WDN

Change Of Use From A Flat Into Offices And Alterations To Create Offices

92/00174/PF 17th December 1992 PER

Municipal Offices Cheltenham Gloucestershire - Extension To The Rear Of The Building

92/00175/LA 17th December 1992 PER

Extension To The Rear Of The Building, Proposed Internal Alterations (Department Of The Environment Decision - No Cbc Decision Notice)

92/00808/AN 22nd October 1992 REF

Erection Of 6 Additional Flag Poles To First Floor Balcony

92/00809/LA 22nd October 1992 REF

Erection Of 6 Additional Flag Poles To First Floor Balcony

92/01028/PF 21st January 1993 PER

Formation Of Access Ramp To Front To Assist The Disabled ***Note - Application Not Determined***

92/01031/LA 21st January 1993 PER

Formation Of Access Ramp To Front To Assist The Disabled

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94/00807/LA 20th October 1994 PER

Alterations To Reception Area ***Application To Be Determined By Doe***

95/00093/LA 27th April 1995 PER

Structural Opening Between Landing And Office On The Second Floor

Approved By D.O.E. 18 May 95 - Hbmc 19 May 95

96/00224/LA 8th May 1996 PER

Install Wrought Iron Handrails On Access Steps To Tourist Information, Cash Hall And Main Entrance, Plus Replacement Of Existing Lamp On Main Entrance

98/00773/LA 15th October 1998 WDN

Installation Of 2 Cctv Cameras (Retrospective) On Rear Elevation Of Building

98/00775/PF 15th October 1998 WDN

Installation Of 2 Cctv Cameras On Rear Elevation Of Building (Retrospective)

98/00979/PF 12th January 1999 GRANT

Disabled Access And Improvements To Rear Of Municipal Offices. *Hold Decision - Referred To G.O.S.W.*

98/00985/LA 12th November 1998 PER

Disabled Access And Improvements To Rear Of Municipal Offices.

98/01023/NZ 14th December 1998 GRANT

Removal Of Existing Brass Handrails And Installation Of New Brass Handrail To Main Entrance, Cash Hall, Tourist Info. and Council Chamber Entrance*Referred To G.O.S.W.*

98/01052/LA 14th May 2002 UNDET

Refurbishment Of Interior To Tourist Information Centre

99/50199/LBC 22nd October 1999 NOOBJ

Removal of existing 2 No. CCTV cameras to rear elevation and replacement with 2 No. new cameras

99/50200/FUL 22nd October 1999 NOOBJ

Removal of 2 No. CCTV cameras to rear elevation and replacement with 2 No. new cameras

99/50386/LBC 22nd December 1999 GRANT

Removal of 1no. window bars, installation of lattice grilles to six windows

04/01124/LBC 29th July 2004 REFCSS

Amendments to previously approved scheme - Ref. 03/01032/LBC; insertion of new doors to new reception area and relocation of internal entrance doors with external handrail

82/01000/PF 29th July 1982 PER

Safety barrier to flag pole

82/01001/LA 29th July 1982 GRANT

Safety barrier to flag pole

16/00337/CLBW 14th March 2016 CERTPU

To overcover existing felt roof and re bed existing coping stones

16/01497/CLBW 5th September 2016 CERTPU
Service of sash windows

16/02132/FUL 17th February 2017 PER
Erection of war memorial interpretation board

16/02273/CLBW 10th January 2017 CERTPU
Repairs to corona mould

17/00268/LBC 21st April 2017 GRANT
Replacement of some of the fire doors in the Municipal Offices

17/01873/LBC PCO
To replace plastic window with aluminium item to match existing adjacent windows

17/01983/LBC 3rd May 2018 WDN
Removal of existing modern partition stud wall separating rooms 8 & 9B

18/00795/CLBW 11th June 2018 WDN
Alterations to reception to accommodate the relocation of the Housing Service HOS.

18/00936/LBC 21st September 2018 GRANT
Remove modern stud partitions to the Urban Room and Agile Area on ground floor (part retrospective)

19/01110/LBC 22nd July 2019 GRANT
x4 wireless receivers/transmitter boxes, associated with existing public realm CCTV cameras, affixed to the exterior of the lift shaft on the roof.

19/02062/LBC 20th December 2019 GRANT
Remove modern stud walls (rooms 244, 245, 246 and 247) and install x2 fire doors and associated walls to corridor to the second floor

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies

SD8 Historic Environment

4. CONSULTATIONS

Building Control

3rd January 2020

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury borough council on 01242 264321 for further information.

Historic England

6th January 2020

Thank you for your letter of 13 December 2019 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	N/A
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 A site notice was displayed and the application listed in the Gloucestershire Echo.

6. OFFICER COMMENTS

- 6.1 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant listed building consent to “have special regard to the desirability of preserving the building...or any features of special architectural or historic interest which it possesses.”
- 6.2 Paragraph 184 of the National Planning Policy Framework 2019 (NPPF) states that “Heritage assets...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance”.
- 6.3 Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that “Designated...heritage assets and their settings will be conserved and enhanced as appropriate to their significance.”
- 6.4 The building forms part of a terrace that previously comprised 19 houses; constructed of which started in 1823 and continued until c.1840. The central seven houses were converted into Municipal Offices in 1916. Listed (Grade II*) on 12 March 1955 (list entry number: 1387631).
- 6.5 The scheme relates to the removal and infilling of later (post mid-twentieth century) interventions, as such the impact on historic fabric will be negligible and the effect on the much compromised historic plan form will be of no consequence.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposal will not detract from the significance of the listed building and is in line with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the JCS; therefore it is recommended that consent is granted subject to conditions.
- 7.2 [This position of 6 January 2020 is subject to the consideration of any comments received from any third party by the end of the statutory consultation period; 9 January 2020. Comments have been received from Historic England; however,

they are entitled to submit additional comments by the end of the statutory consultation period that is applicable to them; 10 January 2020].

8. CONDITIONS / INFORMATIVES

- 1 The listed building consent hereby granted shall be begun not later than the expiration of three years from the date of this decision.
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 listed building consent 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 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 saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.
- 4 All new skirting shall match the design of the existing.
Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.
- 5 The window opening to be in-filled (first floor) shall match externally its immediate surroundings (render) in terms of appearance/finish/material.
Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

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, the authority sought suitable revisions.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

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Appeals Lodged Dec/Jan 2020

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Nothing to report	"	"	"	"	"

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Land Adjacent to Hectors House, Baker Street	Erection of a new terraced house	Delegated decision	Written	Dismissed	19/00796/FUL 19/00010/PP1
Land At North Road West And Grovefield Way Cheltenham Gloucestershire	Hybrid application seeking detailed planning permission for a 5,034 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (Use Class D1), 1,742 sq.m supermarket food retail unit (Class A1), a 204 sq.m coffee shop retail unit and drive-thru (Use Classes A1 and A3), with	Committee	Hearing	Decision Allowed	16/022208/FUL 18/00011/PP1

	<p>associated parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (Use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved (except access).</p>				

Authorised By: David Oakhill 06.01.2020

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