



Notice of a meeting of Planning Committee

**Thursday, 20 August 2020
2.00 pm**

**Virtual WEBEX video conference via YouTube -
<https://www.youtube.com/user/cheltenhamborough>**

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

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

Important Notice

FILMING, RECORDING AND BROADCASTING OF PLANNING COMMITTEE MEETINGS

This virtual meeting will be recorded by the council for live broadcast online at www.cheltenham.gov.uk and www.youtube.com/user/cheltenhamborough. At the start of the meeting the Chair will confirm this.

If you make a representation to the meeting you are consenting to the use of those sound recordings for broadcasting and training purposes.

Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. MINUTES OF LAST MEETING**
Minutes of the meeting held on 16 July 2020
- 5. PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,**

(Pages 7 - 12)

**APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**

- a) **20/00552/FUL Car Park, Chester Walk,** (Pages 13 - 44)
20/00552/FUL Car Park, Chester Walk,
Cheltenham

<https://publicaccess.cheltenham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7SHGPELJU800>

- b) **20/01004/FUL Mendip, Tryes Road,** (Pages 45 - 56)
20/01004/FUL Mendip, Tryes Road, Cheltenham
<https://publicaccess.cheltenham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QCBJP7EL08300>

- 6. APPEAL UPDATES** (Pages 57 - 58)
Details of recent appeals.

- 7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES
URGENT AND REQUIRES A DECISION**

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

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Planning Committee

Thursday, 16th July, 2020

2.30 - 5.00 pm

Attendees	
Councillors:	Councillor Garth Barnes, Councillor Paul Baker (Vice-Chair in the Chair), Councillor Stephen Cooke, Councillor Diggory Seacome, Councillor Bernard Fisher, Councillor Dilys Barrell, Councillor Mike Collins, Councillor Alex Hegenbarth, Councillor Paul McCloskey (Temporary Vice-Chair), Councillor Tony Oliver, Councillor Simon Wheeler, Councillor John Payne and Councillor Rowena Hay
Officers in Attendance:	Gary Dickens (Planning Officer), David Oakhill (Head of Planning), Nick Jonathan (Solicitor) and Emma Pickernell (Senior Planning Officer)

1. Apologies

Apologies were received from Councillor Atherstone.

Councillor Baker welcomed back the Chair, Councillor Barnes, but confirmed that he would remain in the Chair for this meeting.

2. Declarations of Interest

Councillor Barrell declared an interest in item 6, 35 St Stephens Road.

3. Declarations of independent site visits

35 St Stephen's Road: Councillors McCloskey, Oliver, Cook, Payne and Seacome

20 Southfield Rise: Councillor Baker

4. Minutes of last meeting

The minutes of the meeting held on 18 June 2020 were unanimously approved and signed as a correct record.

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

6. 35 St Stephens Road, Cheltenham

Officer introduction

The Senior Planning Officer presented the application.

Public Speaking

Mrs Rebecca Bould spoke in objection, on behalf of 33 St Stephens Road Management Company Limited, particularly highlighting potential access issues and disruption during construction.

Mr James Griffin from Zesta Planning Limited spoke on behalf of the applicant in support of the application.

Members questions

In response to questions from Members the Senior Planning Officer confirmed that:

- There is no record of a previous application being refused
- A set of steps referred to were not shown on the site plan as they were on the other side of the building and not relevant to the application
- Although there is a preference for backland developments to have independent access, in this case access already exists and therefore officers consider the planned access to be acceptable
- The County Council is starting to recommend that there is an electric vehicle charging point. This is not always achievable but in this case it is a sensible proposition to attach this as a condition.
- Works will be required to the existing brick wall at the rear of the parking area of 33 St Stephen's Road and there is a condition on for a construction method statement and a boundary treatment condition.
- There are 8 flats in 33 St Stephens Road.

Member debate

- Support for the design
- Concern regarding access

Vote on officer recommendation to permit

8 for

3 against

1 abstention

PERMIT

7. Travis Perkins

Officer introduction

The Head of Planning presented the application.

Public Speaking

Mr Adam Cornish spoke on behalf of the applicant in support of the application.

Councillor Horwood spoke in objection, particularly highlighting the impact on residents of Mead Road of increased HGV traffic and the increased height of the new buildings. Councillor Horwood also drew attention to residents' objections and to the architects' panel objection.

Member questions

In response to questions:

- The Highways Officer confirmed he is satisfied that the re-development has no detriment or impact to highway safety. In considering this it is recognised that there is no change of use as it is currently a builders' merchants and will continue to be so, with not much more demand. Equally relevant is that there is a significant reduction in gross floor area which could result in reduced levels of traffic movement.
- It was confirmed that the additional storage and racking is factored in to the gross floor area

- It was confirmed that there are currently no conditions to limit the number of HGVs moving on and off the site and the Highways officer is not concerned that there will be a significant increase.

Member debate

- Concern about the overall appearance and increased height of the new buildings
- Concern about inevitable increase in numbers of HGVs, particularly given increased storage capacity, using narrow, residential roads with tight turnings
- Recognition that increased storage space may be more efficient and reduce the number of HGV deliveries
- Supportive of one way system for HGVs

Head of Planning confirmed that:

- There is an apartment building directly adjacent to the site which is just over 8m in height. The proposed building which would be next to the apartment building will be 8.5m in height, stepping up to a building further away which is 9m in height. Officers therefore found that the proposed building is an acceptable height.
- There is a proposed condition which restricts deliveries to Monday to Friday 7am – 6pm and Saturday between 8am and midday

Vote

For: 11

Against: 1

PERMIT

8. 20 Southfield Rise

Officer introduction

The Planning Officer presented the application

Public Speaking

Mr Mike Spink, who lives in the next door property, spoke in objection to the application. Mr Spink pointed out that his property has a large window which faces south, towards the boundary with no 20, which is not shown on the plans and that the application doesn't adhere to the 25 degree guidelines with respect to this window. He also feels that a full-house height extension would be an overbearing physical presence and he also has concerns about the plans for a basement and the consequent disruption in terms of noise, mess, dirt and damage during the excavation.

Mr James Griffin from Zesta Planning Limited spoke in support of the application. He confirmed that light tests have been applied and that development successfully passes the 45 degree test. It only fails the 25 degree test on a secondary side window to a room already served by two alternative windows.

Members questions

In response to questions the Planning Officer confirmed that:

- The secondary window fails the light test by a significant amount but the patio doors are unaffected. It is officers' view that where there are two different light sources to the same room and one is unaffected, the impact on light in to the room is considered to be acceptable, taking in to account the scale and size of the room
- The window in the other room shown in the photographs does pass the 45 degree light test

- Due to Covid-19 restrictions, neither planning nor tree officers were able to visit the site and used satellite imagery to see where the trees are. There is a tree protection plan condition given the distance to the rear boundary that the tree will survive with appropriate mitigation measures.

Member debate

- There was support for the basement
- There was concern about the failure of the light test on the south facing window which from a practical point of view could be considered as the primary source of light
- There was concern about the size of the extension and the consequent substantial affect on the amenity of the neighbour
- There was concern that members were not able to do a site visit

After consulting with the Legal Officer, the Head of Planning reminded Members that, given they were unable to do a site visit, if they don't feel they are in a position to make a definitive judgement on the information before them the options are that they don't vote or defer to try and arrange a site visit or for the officer to take more photographs. Members must be comfortable that they have enough information to make a decision.

The Legal Officer asked each Member if they had sufficient information before them in order to be able to make a decision on this application.

The meeting remained quorate and a vote was therefore taken.

Vote:

For:	3
Against:	7
Abstentions:	2

The Chair proposed that the rejection is based on CP4 local plan policy and JCS policy SD14 which both relate to impact on neighbouring properties. The Planning Officer will constitute a refusal reason and send to the Chair and Vice Chair.

The Chair moved to a vote on refusal:

Vote:

For:	9
Against:	0
Abstentions:	3

REFUSED

9. Appeal Updates

As noted in the report.

10. Any other items the Chairman determines urgent and requires a decision

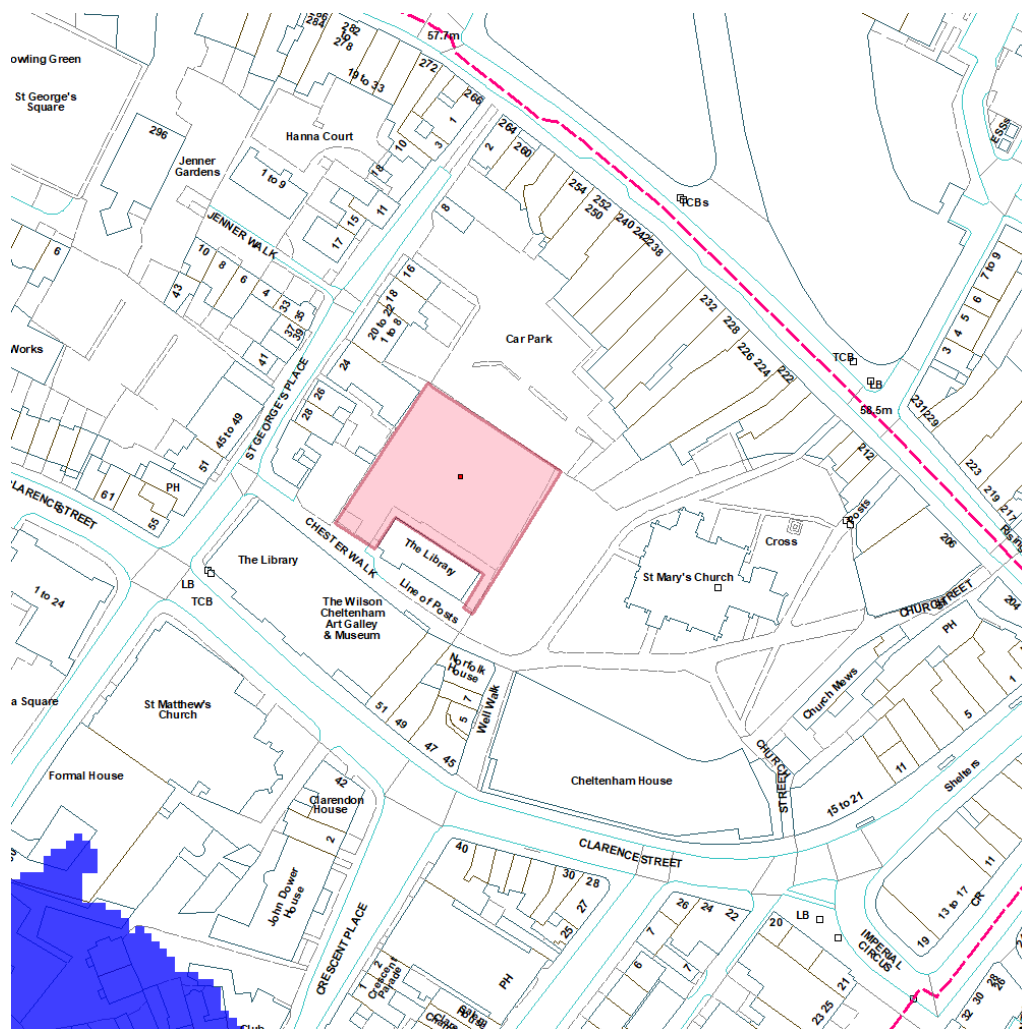
There was no other urgent business which requires a decision.

Chairman

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APPLICATION NO: 20/00552/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 27th March 2020	DATE OF EXPIRY: 26th June 2020 (extension of time agreed until 21st August 2020)
DATE VALIDATED: 27th March 2020	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	Workshop Cheltenham Limited
AGENT:	EdgeDesignWorkshop
LOCATION:	Car Park, Chester Walk, Cheltenham
PROPOSAL:	Proposed Mixed Use Innovation Hub for the town centre (revised scheme following grant of planning permission ref. 19/00204/FUL)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a Gloucestershire County Council (GCC) owned parcel of land, some 0.15 hectares, and is currently in use as a private car park for GCC staff. Vehicular access to the site is provided via Chester Walk, with pedestrian access more widely available via a number of footpaths. The site is relatively tucked away, located to the rear (north) of Cheltenham's Children's Library, with flatted residential properties to west, and a car park to the north with commercial properties on the High Street beyond.
- 1.2 To the east, the site adjoins the churchyard of Cheltenham Minster (St. Mary's). The Minster itself is a grade I listed building of mid-C12 origins, with later alterations and additions; it is Cheltenham's only surviving medieval building and is set approximately 30m from the application site. Other prominent listed buildings within the immediate vicinity include the grade II listed Library, Art Gallery and Museum, and Norfolk House; additionally there are some grade II listed lamp posts and tombs within the churchyard, whilst the standing cross is a scheduled monument. The site falls wholly within the Old Town Character Area of the Central Conservation Area.
- 1.3 Many of the buildings surrounding the Minster are 3-4 storeys in height, and the proposed development is consistent with this. The vast majority of the buildings surrounding the Minster grounds turn their backs on the Minster, with the exception of GL50 restaurant located on the corner of Well walk. The Cheltenham Central Conservation Area: Old Town Character Area Appraisal notes "*a combination of al-fresco drinking in the churchyard; evidence of graffiti and unattractive rear facades of buildings backing onto the churchyard contribute to providing the church with a poor setting*". Whilst this assessment was made in 2007 it is still true today. The proposal before you seeks to address this problem, by creating a clear frontage onto the Minster grounds and will be the first step in reinvigorating the grounds, seeking to enhance the space and encourage appropriate use.
- 1.4 The proposal before you is key to a wider Minster Innovation Exchange project, which has recently secured £3.114 million via GFirst LEP from Central Government's 'Getting Building Fund' in response to the impact of Covid-19. The wider scheme will provide for improvements to the adjacent church grounds, seek opportunities for buildings surrounding the Minster to better engage with the Minster and its grounds, and help to improve connectivity and increase footfall to The Wilson art gallery and museum, the Library and the Lower High Street.
- 1.5 The application proposes the construction of a 2,000 sqft mixed-use 'innovation centre' comprising flexible workspaces including a GFirst LEP 'Growth Hub' centre, a 300-person capacity performance arena, and community and education spaces.
- 1.6 The ground floor will now principally accommodate a reception area, the Growth Hub, a new Headquarters for Cheltenham Festivals, and a café. At first floor, a number of open plan co-working areas for small and start-up businesses are proposed, together with larger offices for more mature companies; a training room for small educational events and a number of meeting zones are also proposed. Additional open plan offices are proposed at second floor level which can be subdivided in response to demand.
- 1.7 The purpose-built performance arena is similarly located in the eastern corner of the site.
- 1.8 Bin storage facilities, secure and covered cycle parking spaces, and 4no. car parking spaces, two of which will be disabled bays, will also be provided within the site.
- 1.9 The application is at committee for reasons of transparency given this Council's interest in the land; and also because the application is the subject of an objection from Historic England, and the Architects' Panel.

1.10 Members will be aware that planning permission was previously granted for a similar scheme in June 2019; however, that scheme was to be largely created using recycled shipping containers, and modular components such as a staircase and lift core, steel structural wall and roof frames, and bespoke modular roof lights.

1.11 This application now proposes a low carbon modular construction; the Design, Access and Heritage Statement (DAS) that accompanies this application sets out that:

It soon became apparent, after reviewing the construction methodology of the previously approved project, that it would be more appropriate to use bespoke modular units instead of recycled shipping containers for two distinct reasons. Firstly, the demands of modern working require more flexible, open plan spaces that containers are simply unable to provide due to their 2.4m standardised widths and 12m elongated profiles. By utilising two modular unit configurations of 3m x 6m x 3.5m and 3m x 9m x 3.5m this can substantially improve the internal configuration and rationalisation of space. Secondly, we have been advised that less single trip containers are entering the country meaning, if we were to pursue the use of shipping containers we would essentially be fabricating them in the UK only to dismantle them on site at a later date.

1.12 The applicants in their DAS advise that they have remained in close contact with representatives of the Minster and continue to have their support for the project.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Residents Association
Central Shopping Area
Smoke Control Order

Relevant Planning History:

05/01170/DEEM4	REFUSED	2nd November 2005
Erection of 24 residential flats, apartments and mews cottages and internet café		

07/01126/FUL	REFUSED	28th July 2008
New build mixed use complex comprising 14 apartments, 8 office units and 1 cafe and underground parking (revised plans)		

08/00158/DEEM4	REFUSED	29th May 2008
Erection of 13 apartments, 1 mews cottage, internet cafe and associated works		

09/00044/FUL	REFUSED	1st May 2009
New build mixed use complex comprising 12 office units - total 1103m ² , 10 residential apartments, 1 cafe and 40 parking spaces (revised application following refusal of 07/01126/FUL)		

19/00204/FUL	PERMITTED	20th June 2020
Proposed Mixed Use Innovation Hub for the town centre		

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan (CP) Policies

D1 Design

HE2 National and Local Archaeological Remains of Importance

SL1 Safe and Sustainable Living

GI3 Trees and Development

Adopted Joint Core Strategy (JCS) Policies

SD1 Employment - Except Retail Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Old Town Character Area Appraisal and Management Plan (2007)

4. CONSULTATION RESPONSES

Historic England

7th April 2020

Thank you for your letter of 23rd March 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The application site is within the setting of Cheltenham Minster and within the Central Cheltenham Conservation Area (Old Town Character Area). St Mary's, more commonly referred to as Cheltenham Minster, is the town's only surviving medieval building. It likely dates from the mid-12th century, and as the list description asserts, the architectural design-interest arrives largely from the high quality Decorated tracery which, in some cases, fills an exceptionally high proportion of the windows. The spire is a notable Gothic feature which contrasts strikingly with the predominance of the surrounding Regency architecture. The churchyard, defined tightly by the encircling (predominantly) four-storey terraced blocks, is a somewhat unexpected space of tranquillity within the busy town centre, and associated (individually designated) assets create a distinctly characterful enclave. It is important to note that, whilst not necessarily under Historic England's jurisdiction, the churchyard contains several 'dragon and onion' lamp posts, tombstones and headstones, the churchyard wall piers and railings to the east, and a churchyard cross, all listed at Grade II (the latter being simultaneously scheduled). There are further Grade II buildings surrounding the site, in particular, the library, museum and art gallery, and Norfolk House. Your Conservation Officer will need to assess any impact to the setting of these Grade II assets.

The Minster is designated as Grade I, and as such is in the top 2.5% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

The Cheltenham Borough Council Conservation Area Appraisal and Management Plan 2007, identifies 'St Mary's churchyard as an important space within the town centre...with a sense of enclosure and is a potentially tranquil space.' It also acknowledges that 'a combination of al-fresco drinking in the churchyard; evidence of graffiti and unattractive rear facades of buildings backing onto the churchyard contribute to providing the church with a poor setting.' Indeed, Action OT13 of the Management Plan 'aims to enhance the area through proposals including maintaining existing through routes and desire lines and enhancing points of entry; encouraging interaction with the surrounding properties; encouraging increased public use; improving and enhancing the setting of the Church and strengthening the current identities of the Church and Churchyard.'

The principle of the proposed development is established through the recent Planning Permission (ref: 19/00204/FUL). This utilised re-used shipping containers as the principal form of construction. While we did not object to approve development, we expressed concerns over the eastern elevation of the site which addresses the Minster. We were not convinced that the relationship of this elevation was as positive as it had the potential to be. Also, we recognised the opportunity for an avenue through the site, connecting through to the western door of the church. Visual connectivity is an important attribute within any urban and historic context, and we were disappointed that the arrangement of the shipping containers was not adjusted to provide a more meaningful link.

The revised proposals have been developed on the basis of a new modular construction system, replacing the approved shipping containers. These modular units are larger in plan and height, and while the Design and Access Statement confirms that the footprint of the development would be reduced from that of the approved scheme, the height increase will be 1.8m. Furthermore, the ground floor arrangement on the line of the visual link through to the Minster is revised so that there unlikely to be any connectivity. While we have previously encouraged a development that could better reveal the significance heritage assets through improved access and use of the enclosed site and setting of the Grade I Minster, the revised scheme would fail to achieve this. We therefore advocate an amended arrangement that utilises the revised modular units, but makes a more positive impact upon its immediate setting and Conservation Area.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset's setting requires consideration. Para 193 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193,194 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to

the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Historic England – revised comments

28th July 2020

Thank you for your letter of 8 July 2020 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The amended proposals have modified some aspects of the massing of the modular units, albeit quite modestly. We would have considered it useful if the agent had explained these changes and how they have attempted to allay our previous concerns. Our principal issues associated with the increased height and loss of visual connectivity through the site to the Minster do not appear to have been addressed. We therefore refer you back to our previous advice of 7th April 2020.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset's setting requires consideration. Para 193 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194 and 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Heritage and Conservation

15th June 2020

There are a number of heritage assets affected by the proposal. To the east the site abuts the churchyard of Cheltenham Minster, a grade I listed building with mid-C12 origins, one Cheltenham's few surviving medieval buildings. Within the churchyard itself there are a number of grade II listed 'dragon and onion' lampposts, grade II listed tombs and a standing cross, which is a scheduled monument. There are also a number of other listed buildings within the immediate context of the site, these include, the rear of grade II listed Library, Art Gallery and Museum to the south-west, a late Victorian building in mixed Renaissance styles, Norfolk House to the south, a Regency house attached to its neighbours and to the west the rears of grade II listed 16 & 18 St. Georges Place a pair of Regency houses within a terrace back onto the site. The site is also within the Central Conservation Area: Old Town Character Area.

Given the sensitivity of the site and its context it is important to consider the policy context in relation to heritage assets which the proposed development needs to be considered against.

The relevant heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990. This requires local planning authorities to have special regard to the desirability of preserving listed buildings and their settings or any features of special architectural or historic interest which they possess.

Relevant also is the National Planning Policy Framework 2019 (NPPF) which states 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 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."

The application site is currently used as a car park. It does not contribute to the character of the conservation area. Its character is principally defined as an enclosed back land site with partial views over a boundary fence of the Minster to the east. Notably the churchyard itself is in a state of neglect and in need of enhancement. The context of the site is sensitive in heritage terms, particularly the setting of the Minster.

The principle of development on the application site was established under planning application 19/00204/FUL, which granted consent for a similar proposal. However there are notable differences between the approved scheme and the current application which are considered to result in the proposal causing harm to the setting of heritage assets.

The submitted Design and Access Statement discusses the proposal within the site and the context but it is considered it does not demonstrate how the proposed development has been informed by its setting, particularly the heritage assets. A flaw within the submitted proposal is as it is not informed by its context it does not take full advantage of the enhancements that could be brought to both the development site and, more importantly, to

the heritage assets themselves. A robust contextual analysis of the site should have been used to inform the proposal. It appears instead the proposal has been imposed on the site with little meaningful reference to its context. A proposal that fully responds to a contextual analysis is required to demonstrate its impact on the affected heritage assets have been properly considered and positively responded to.

There are concerns over the scale and massing of the proposed development. Specifically, concern is raised over the eastern elevation facing the Minster. The three storey section creates too hard a frontage and is bulky to the extent it crowds and negatively encroaches onto the sense of space around the Minster and its churchyard. It is considered this scale and massing has a harmful impact on the setting of the affected heritage assets, practically the Minster, its associated structures and the 'dragon and onion' lamps.

Further details of the proposed lift overrun are required. As shown this structure appears very low on the roof. However, concerns are raised these are typically larger than depicted in the plans. Details of the lift overrun will need to be submitted to show the size depicted can be achieved. Concern is raised the lift overrun could add to concerns over the scale and massing of the proposed development.

It is considered the proposal is a backward step in design terms to the scheme approved under application 19/00204/FUL. It is considered the issue with the scale and massing in relation to the affected heritage assets will need to be addressed before the proposal can be supported in heritage terms.

Significant discussion took place previously within application 19/00204/FUL regarding the linkages between the site and the Minster. The amended current application raises these concerns again as these issues have not been fully resolved. The submitted proposal shows no progression in terms of this relationship. It is disappointing this has not been developed further within the current proposal. It is considered insufficient consideration has been to the linkages in terms of views, legibility and permeability, within the submitted application.

The views between the development site and the Minster, as well as the other heritage assets, have not been explored within the proposed development. There is an opportunity within this application to better reveal the heritage significance of these heritage assets but little indication is given within the application this has been a significant consideration.

There is considered to be inadequate legibility and permeability within the development proposal, specifically in relation to the eastern elevation. Concern is raised the appearance of the entrance and the access to this entrance is not sufficiently resolved. The entrance to the building on the eastern elevation is defined by a gap within the elevation, over sailed by a first floor, forming the access from the churchyard. The appearance of the entrance itself is unassuming. It is considered it does not sufficiently signify itself as the entrance to the building. This is considered to result in a weak and unwelcoming entrance. It is not considered successful in terms of its legibility and permeability.

It is also unclear from the submitted details how users of the site are to arrive at this eastern entrance. The entrance relies on access over the grassed area of the churchyard but does not provide landscaping, through the introduction of a path or paths, to facilitate it. The proposal might encourage 'shortcuts' over this area, resulting in the grass becoming worn and untidy with no way of mitigating this impact. The result of this would be harmful to the appearance of the churchyard and the Minster. It is noted the Minster and its churchyard are outside the proposal site but better connectivity through a more careful consideration of legibility and permeability created by landscaping interventions is required. The proposal needs to allow for a strong entrance and clear connectivity to the Minster, its churchyard and its wider context.

As a result of the above concerns the proposed works are therefore considered to neither sustain or enhance the designated heritage assets and do not 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.

Heritage and Conservation – revised comments

31st July 2020

The following comments need to be read in conjunction with the previous conservation comments made on the proposal. Much of the advice within these comments is repeated as it is considered the amended proposed has not fully addressed the concerns previously raised.

It is noted the proposal has been amended to address the previous concerns, including the issue of its massing. However, it is considered the amendments made to the proposal are tokenistic. It was stated within the previous conservation comments, and is reiterated again here, concerns over a proposal for this site have not been adequately addressed and that the submitted supporting information does not take account of the impact the proposed works will have on the heritage assets.

It is not demonstrated within the application that the proposal has been informed by its context. It was previously stated and is stated again here, a contextual analysis of the site needs to be used to inform the proposal. A proposal that meaningfully responds to a contextual analysis is required to demonstrate the impact on the affected heritage assets has been properly considered and positively responded to. Disappointingly the amended proposal does not demonstrate a contextual analysis has been undertaken and used to justify the approach taken to development on the site.

Concerns have been raised in previous comments over the scale and massing of the proposed development. Specifically, the eastern elevation facing the Minster where the three storey section was considered too bulky, to the extent it crowded and negatively encroached upon the sense of space around the Minster and its churchyard. It was considered this scale and massing has a harmful impact on the setting of the affected heritage assets, practically the Minster, its associated structures and the 'dragon and onion' lamps.

The amended proposal is not considered to have adequately addressed this concern. A three storey element is still shown facing the Minster. It is noted this three storey element is now set back from the frontage but this amendment does not sufficiently address the concern over scale and massing. The proposal is still considered to result in a bulky and intrusive building and therefore the concerns raised previously are reiterated. It is considered further meaningful amendment to the development proposal is required.

It was previously stated further details of the proposed lift overrun on the roof were required. The amended proposal now shows a 'mesh screen' located above the second floor, presumably to screen the lift and other services, although this is not clear from the submitted details. The additional height the mesh screen creates is considered to exacerbate the concerns over the scale and massing of the proposal raised previously.

As previously stated, there is considered to be inadequate legibility and permeability within the development proposal, specifically in relation to the eastern elevation. Concern is raised the appearance of the entrance and the access to this entrance is not sufficiently resolved. The entrance to the building on the eastern elevation is defined by a set back within the elevation. Concern is raised this recessed entrance could appear overly discreet, it not sufficiently signifying itself as the entrance to the building. This is considered to result in a weak and unwelcoming entrance.

It is also still unclear from the submitted details how users of the site are to arrive at this eastern entrance. The entrance currently relies on access over the grassed area of the churchyard but does not provide landscaping, through the introduction of a path or paths, to facilitate it. The proposal might encourage 'shortcuts' over this area, resulting in the grass becoming worn and untidy with no way of mitigating this impact. This would be harmful to the appearance of the churchyard and the Minster. It is noted the Minster and its churchyard are outside the proposal site but better connectivity through careful consideration of legibility and permeability, created by landscaping interventions is required. The proposal needs to allow for a strong entrance and clear connectivity to the Minster, its churchyard and its wider context.

The issue of linkages has still not been addressed. It has been stated previously significant discussion took place previously within application 19/00204/FUL regarding the linkages between the site and the Minster. The amended proposal again raises these concerns as these issues have not been fully resolved. The submitted proposal again shows no progression in terms of this relationship. It is disappointing this has not been developed further within the current proposal. It is considered insufficient consideration has been given to the linkages in terms of views, legibility and permeability, within the submitted application.

As a result of the above concerns the proposed works are still considered to neither sustain or enhance, and would therefore harm, the designated heritage assets and their settings. It is considered the proposal does not 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.

In instances where proposals harm heritage assets and their settings a balancing exercise between the public benefits of the proposal weighed against the great weight that should be given to the conservation of heritage assets needs to be made. The great weight to be given to heritage asset's conservation is required by section 193 of the NPPF, the weighing exercise is required by section 196 of the NPPF. To properly undertake the weighing exercise it should not be conflated with the general planning balance as there are different considerations for each.

In this instance the harm to the setting of the heritage assets has not been acknowledged by the applicant/agent and this weighting exercise has not been carried out by them. From a heritage perspective while it is noted there undoubtedly are public benefits to the proposal it is not considered these are so great that they would outweigh the great weight that needs to be given to heritage assets, particularly in this instance where the setting of a grade I listed building is harmed.

Architects Panel

15th May 2020

Design Concept

The panel had no objection to the principle of building new mixed use office space and community facilities on this site but had major concerns over the design approach of this new scheme which relies too heavily on the previous permission based on the use of recycled shipping containers. The applicants state that the previous scheme was not viable primarily because of the inflexibility of the modular design. The new scheme wastes an opportunity to look afresh at the special characteristics of the site and to design a more appropriate building not limited by the modular design constraints.

On balance the panel felt this scheme is an adaptation of random elements taken from the previous scheme but with incongruous additions and layout changes that create

unattractive external spaces and an inappropriate architecture that does not relate to its context or the special character of the area.

Design Detail

The panel was particularly concerned how the new building relates to St Mary's Church (Cheltenham Minister) and the churchyard. The open site boundary treatment shown on the perspective views is not shown on plan which demonstrates lack of coherent design thinking. The East elevation and relationship the new building has to the churchyard is of prime importance and needs to positively enhance the setting.

The geometry of the building plan is a hangover from the previous scheme resulting in badly planned uninviting spaces around the building.

The long list of building materials proposed is also a concern - a more restrained and considered palette would help the building sit more comfortably in its setting and might result in a more coherent design.

Recommendation

Not supported.

Cheltenham Civic Society

7th May 2020

NEUTRAL

While the Civic Society Planning Forum still approve of the principle of a mixed use Innovation Hub on this site, this design lacks the excitement of the original proposal. The elevation facing the Minster churchyard is unresolved. The submitted design is too fussy with too many balconies, which would perhaps be more appropriate to a residential development. The bottom halves of the full-length windows are likely to be filled with office detritus which will further detract from this frontage onto a significant heritage site. The large letters on top of the building on the church yard elevation are inappropriate. There needs to be a landscaping plan for the Minster churchyard, with possible provision of a path to the Hub's main entrance. The Forum is concerned about the apparent difference in representation of cladding materials between the artist's impression and elevations.

Cheltenham Civic Society – revised comments

29th July 2020

NEUTRAL

The Civic Society Planning Forum continues to strongly support the principle of this development. It provides something that is much needed for the town and has the potential to transform this area.

We welcome that this building will be facing the Minster, unlike most of its neighbours. This latest design helps to make sense of the space around the Minster. We really welcome the plans for the Minster grounds, and these must be carried through for the scheme to be a success for this area. We appreciate that this is not fully in the applicant's hands.

The Hub will sit between the Minster, one of the oldest and most important buildings in Cheltenham, and the Children's Library, a building which really has not passed the test of time. In such an important location, it is crucial that we have a building that makes a positive contribution to its environment and that can still look as good in 30 years' time as it did when it was built. The details and materials are essential to its longevity. We are concerned that the proposed mint green colour scheme will age badly.

The Forum feels strongly that the detailing and materials should be addressed in the application itself rather than by planning conditions.

This most recent version is an improvement on the previous scheme and has the potential to be a very successful scheme. We appreciate that the applicant has taken on board our comments about the second iteration and has addressed many of our concerns.

We still have some reservations. The massing of this building is much greater than the already approved repurposed containers design. The detailing of the horizontal bands is not consistent. An alley way will be created behind the Children's Library which could present problems. While there is provision for disabled access, greater thought could be given to the experience of wheelchair users, e.g. in the height of the cut-outs.

Some problems, such as the lack of parking, can be mediated by good signage, and signage should be part of the overall design.

GCC Highways Development Management

15th April 2020

No objection (subject to conditions)

Planning History & analysis

The recent Planning History of the site, in reverse chronological order, is as follows:

20th June 2019. Ref. No 19/00204/FUL. Proposed Mixed Use Innovation Hub for the town centre. Received and Validated 18 February 2019

16th January 2009. Ref. No: 09/00044/FUL. New build mixed use complex comprising 12 office units total 1103m², 10 residential apartments, 1 cafe and 40 parking spaces. Received Fri 16 Jan 2009 - Validated Fri 30 Jan 2009 - Status Refused.

25th January 2008. Ref. No 08/00158/DEEM4. Erection of 13 apartments, 1 mews cottage, internet cafe and associated works. Received Fri 25 Jan 2008 - Validated: Thu 28 Feb 2008 - Status Refused.

10th August 2007. Ref. No 07/01126/FUL. New build mixed use complex comprising 14 apartments, 8 office units and 1 cafe and underground parking (Revised plans). Received Fri 10 Aug 2007 - Validated Thu 15 May 2008 - Status Refused.

26th July 2005. Ref. No 05/01170/DEEM4. Erection of 24 residential flats, apartments and mews cottages and internet cafe. Received Tue 26 Jul 2005 - Validated Thu 04 Aug 2005 - Status Refused.

14 Jun 1996. Ref. No 96/00550/PF. Erection Of 3 Storey Office Building Land At Chester Walk Cheltenham Gloucestershire. Received Fri 14 Jun 1996 - Validated Fri 14 Jun 1996 - Status: Permit.

18th September 1986. Ref. No 86/01018/LD. Old Bakery Site Cheltenham Gloucestershire Demolition Of Existing Buildings and Erection Of Library Phase 1. Received Thu 18 Sep 1986 - Validated Thu 18 Sep 1986 - Status Permit.

A review of the planning history has established that the loss of parking on this site has been previously established.

Proposed Development

1643sqm mixed use innovation centre comprising 1388sqm workspace (B1), 51sqm - A3 restaurant/cafe and 204 sqm D2 Assembly and Leisure based on the submitted details in the Application Form.

Site appraisal

The site is sustainably located in the town centre of Cheltenham accessible by frequent nearby bus services which also connect the site to Cheltenham station with regular rail services, with good pedestrian access and within a wide catchment for cycle trips reducing reliance on private vehicle use to and from the site. Travel distance to bus stops approx. 100m / 2 minutes walking time, Cheltenham Spa Railway - 11 □ 13 minute journey time (walk& bus) □ 21 minute walk time.

The site is considered to be a sustainable location

The site is considered to be sustainable and as such development in this area can respond and offer alternative transport solutions that are not reliant on the private car. The proposed development will not offer parking to the majority of users and as such alternative travel / parking arrangements will need to be made in areas that are underutilised including the local multi storey parking facilities.

Four parking spaces will be provided with 2 disabled bays and two electric pool car parking bays. GCC would note that it would encourage the applicant to offer charging to disabled users also. As such only essential / sustainable parking will be provided and is a considerable reduction from the existing use which does not make full use of the sustainability of the site.

Whilst arriving by private car by other users will be discouraged there are opportunities for parking that can be taken up in private parking areas. As such due to the controlled parking within Cheltenham there is not a concern about impact on the highway from any potential parking. The applicant has identified these in the parking strategy submitted.

It is understood that the existing parking has been considered and that suitable alternative arrangements are in place.

Overall the reduction in 58 parking spaces is welcomed in highways terms given the sustainability of the location.

The cycle parking provision is considered suitable along with disabled and electric vehicle parking for the site.

GCC recommend the following conditions be applied:

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

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

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plans 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.

Note: The development will require construction and delivery access by large vehicles which will be expected to require streetworks approval which should be sought by contacting the County Council at 0800 514 514 or emailing streetworks@gloucestershire.gov.uk

NOTE: The upgrade works to the access on Chester Walk and new access require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access.

The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

Tree Officer

14th April 2020

The CBC Tree Section does not object to this application.

However it should be noted that whilst construction of the site should not have a significant impact on existing young trees within The Minster, the trees will have a significant bearing on the development upon completion in terms of:

- 1) morning shade,
- 2) year-round tree litter (flowers, twigs, leaves, fruit) as well as honey dew onto surfaces beneath from aphids during summer months. There will likely be a requirement for increased cleaning/maintenance of glass frontages and decking under/near to these trees as a result of such honey dew.

From a trees perspective, the proposed balcony view into the Minster will be partially obscured by the existing trees when in leaf. These trees (lime) are far from fully grown and could live for a further century. The artist impression of the trees shows them having had their lower canopies lifted above the balconies. This is unlikely. CBC currently manages these trees, and whilst some minor crown pruning may be facilitated, it would not be to the extent portrayed within the artist's impression. As such, whilst the trees are in leaf, the views from the balconies would be partially into the crown of these trees. Many would welcome such a view with it's interesting textures, branch patterns and changing leaf colour throughout the year.

Being deciduous, the trees would be leafless for approx. 6 months of the year.

Being lime, trees, they have a naturally fairly 'fastigate' form and as such should not develop a broad canopy over this development, though there will be some overhang as branch/limb work matures.

Should this application be permitted, please condition a soft landscaping scheme detailing trees to be planted. The artist's impression shows what appears to be paper-barked birch to be planted within the site. Perhaps small evergreen trees (eg Arbutus unedo (strawberry tree) or Arbutus menziesii (Pacific strawberry tree) could be incorporated such a scheme so as to increase year-round amenity.

Please use the 'gutter cover' informative into any such scheme so as to help reduce perceived nuisance from any such tree litter.

Environmental Health

9th April 2020

Reviewed amended application and documents provided, previous recommendations from planning permission, ref. 19/00204/FUL, remain.

I would recommend approval subject to the following conditions being attached to any approved permission:

Condition 1

No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

Condition 2

Noise:

The proposed development has the potential to cause noise disturbance to existing residential or other noise sensitive properties, in particular residential properties directly west of the site on St George's Place. This noise is likely to arise from use of the 'event space' within the development.

It is required that a full Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan must include a full noise assessment and sound insulation measures for the proposed development and an assessment of the effect of the event space on the residential properties directly west of the site on St George's Place. This must be carried out by a suitably qualified and experienced acoustic consultant.

NB: The current plans show a lightweight roof construction carrying a significant load from photovoltaic panels, which may be an impractical combination.

The following information **MUST** be included in all acoustic reports:

- A statement of the reason for and scope of the report.
- Details of the proposed development to which the report relates.
- A location and development plan.
- A description of the area and environment surrounding the development site
- The methodology used to carry out the noise survey including the location of any noise monitoring locations, the equipment used and details of its last accredited calibration, and the weather conditions at the time the survey was carried out
- Full table of results.
- Assessment of the results in accordance to the relevant standards and policies.
- Recommendations for noise control measures if needed.
- Full calculations of the noise reductions expected to support any suggested noise control measures.

Reason: To prevent a loss of amenity affecting surrounding occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build.

Condition 3

Artificial Lighting (external):

No building or use hereby permitted shall be occupied or use commenced until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.

Reason: To prevent a loss of amenity affecting surrounding occupiers.

Condition 4

Flues, Ducts and Extract Systems:

The technical details of the flues, ducting, extract system, filters etc. and their continuing operation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent a loss of amenity affecting surrounding occupiers.

Condition 5

Contaminated Land:

Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

County Archaeology

7th April 2020

In connection with the above planning application I wish to make the following observations regarding the archaeological implications of this scheme.

The application site is archaeologically sensitive, since it is located in close proximity to Cheltenham's medieval parish church, and it is therefore in an area where medieval settlement associated with the church is likely to have been present. In addition, archaeological investigation of the nearby library building in Chester Walk revealed archaeological remains dating to the later prehistoric period. Ground works required for development in this locality may therefore have an adverse impact on archaeological remains.

An archaeological field evaluation which was undertaken within the application site in 2005 indicated that any significant archaeology is likely to be preserved at depths of c. 0.95m - 1.12m below ground level.

The design and access statement (Edge Design Workshop, March 2020) that accompanies the current application usefully details the archaeological background but omits to assess the impact of the revised scheme on the archaeology it describes. Details of the design of any foundations and other groundworks required for the revised scheme are absent from the application, and the archaeological implications are therefore uncertain.

In accordance with the NPPF, para 189, I recommend that the applicant should provide an assessment of the archaeological implications of the proposed development before this planning application is determined.

Cheltenham Trust

11th May 2020

The Trust is supportive, in principle, of this revised application and the redevelopment of this area to create an Innovation Business Park and to upgrade this town centre area and increase footfall.

Observations and comments that we wish to convey:

1. That the innovation park has changed from being a park for creative industry start ups (as per the application July 2019) to a commercial business centre, including a Growth Hub for the GFirst LEP
2. The vision to create a cultural quarter/hub for Cheltenham in this area as a result no longer applies which is disappointing as it was thought that this could attract more visitors and footfall based on its cultural offer
3. The kitchen originally shown (July 2019) for in-house provision is now shown as a café open to the public, with a terrace area opening into the Minster grounds. This will impact on neighbouring businesses including The Wilson café, which has seen income increase by more than 300% since August 2019, when the café was brought back in-house. This is reinforced by the TCT's 5 year plan, agreed with CBC, which contained a provisional capital funding to expand and create an Arts Cafe on the ground floor of The

Wilson, including the removal of the rear lobby, the impact of which stated, 'Enable improved access in line with the new innovation box park'.

4. The events venue (included in the development plans) that will be attended by public, will use the newly added café which will impact on neighbouring businesses (including The Wilson) - originally it was stated there would be no on site catering provision/café facility.
5. The access routes to the new park are unclear and the original concept to create a cultural quarter/hub that would encourage footfall to flow around this area to the benefit of neighbouring businesses (including The Wilson) is not set out and does not appear to incorporate any access/footfall to the rear of The Wilson Art Gallery and Museum. The original proposals had its entrance from the west side of the development, which could have established a strong physical, pedestrian and visual link from both the High St. via St. George's Place and the former car park, or via Chester Walk, through The Minster to and from Boots Corner. This was welcomed by TCT as it felt that its plans to open up the rear of The Wilson would have become an integral part of this new central focus of a cultural quarter. The current access to the new business park is via what appears to be a narrow path alongside The Minster grounds, with its established tree line and level challenges. We understand that new access arrangements from The Minster are being considered, but we have not seen these. The west side of the proposed building is now only the entrance to the new events venue, accessible car parking and servicing. The Wilson now, rather than becoming an integral part of these proposals, seem somewhat bypassed.

Building Control

31st March 2020

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 88 letters of notification were sent out on receipt of the application to surrounding properties and interested members of the public. In addition, a site notice was posted adjacent to the site, and an advert published in the Gloucestershire Echo. A revised site notice was posted on receipt of the revised plans. Two representations have been received in response to the publicity; the comments have been circulated in full to Members in full but, in brief, the concerns raised relate to:
 - the deadline for comments in light of the Covid-19 situation;
 - the suitability of the site;
 - the increase in height and floorspace;
 - the loss of existing parking and lack of parking for the proposed development;
 - highway safety;
 - the impact on the Children's library; and
 - noise from bell ringing.
- 5.2 The concerns raised have been duly noted and, where applicable, addressed in the report below.
- 5.3 The opportunity to comment on the proposals has been available throughout the application process.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key planning issues when determining this revised application are the principle of development; massing and design; impact on the historic environment; amenity; and parking and highway safety. Members will need to balance all of the planning issues and relevant planning policies when making their decision.

6.2 Policy background / principle

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 47 of the National Planning Policy Framework (NPPF) which also highlights that decisions on applications should be made as quickly as possible.

6.2.2 Paragraph 11 of the NPPF sets out a “*presumption in favour of sustainable development*” which in decision making means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.2.3 The development plan comprises policies of the newly adopted Cheltenham Plan 2020 (CP); and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

6.2.4 Material considerations include the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

6.2.5 Adopted JCS policy SD1 advises that the development of new employment land, “*where it would encourage and support the development of small and medium sized enterprises*”, will be supported within the Principal Urban Area of Cheltenham, subject to all other policies of the plan. Paragraph 4.1.14 of the JCS states that the aim of the policy is “*to support employment development and economic prosperity by taking an economic-led, urban-focused development approach, with the primary aim of attracting investment and development to the main urban areas*”. Paragraph 4.2.19 goes on to state that “*Providing start-up space...is also vital to stimulate innovation and entrepreneurship... developments are especially encouraged which provide a range of types and sizes of units including start-up and flexible workspaces*”.

6.2.6 Additionally, paragraph 80 of the NPPF states that planning decisions should place significant weight “*on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*”.

6.2.7 Notwithstanding the above, the principle of developing this site for employment purposes has been firmly established by the previous grant of planning permission.

6.2.8 The principle of development must therefore continue to be acceptable subject to the additional policy considerations below.

6.3 Massing and design

6.3.1 JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new development responds positively to, and respects the character of, the site and its surroundings; the policies are supported by CP policy D1. The policies are consistent with the general design advice set out within Section 12 of the NPPF.

6.3.2 The revised scheme has a slightly reduced footprint from that originally approved, but an increased height of 1.8m in places due to the revised construction method. Additionally, a greater extent of accommodation is now proposed at second floor level towards the north-eastern part of the site. Planning officers still consider the general massing of the development to be acceptable within its context given the nature of the surrounding built form (i.e. most buildings in the immediate locality are 3-4 storeys in height and occupy most if not all of the plot in which they sit).

6.3.3 Although the Architects Panel and others may have adopted a different design approach, planning officers do not agree that *“this scheme is an adaptation of random elements taken from the previous scheme but with incongruous additions and layout changes that create unattractive external spaces and an inappropriate architecture that does not relate to its context or the special character of the area”* nor that it results *“in badly planned uninviting spaces around the building”*. The footprint of the building within the site, and the space around it, is very similar to that previously approved.

6.3.4 Whilst the proposed development will now be of modular construction it would retain its industrial aesthetic through the use of metal trapezoidal cladding which is similar to a standard shipping container; and officers are confident that it would continue to represent an interesting and contemporary piece of architecture in this sensitive location. A uniform colour finish (off white) is proposed for the external cladding; with subtle pops of colour (peppermint green and dark green), for example in the framing for the glazing, the external stair to the south-western elevation, and the branding at ground floor. Elsewhere, the event space will be clad in insulated polycarbonate cladding to give it its own distinct identity. Conditions are proposed to control the quality of the final materials used in the development.

6.3.5 The increased level of accommodation at second floor, which is set back from the principal elevation will also provide for a more effective and efficient use of the site.

6.4 Historic environment

6.4.1 JCS policy SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 192 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

6.4.2 Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting; in this case, it is the setting of adjacent listed buildings that must be considered. Section 72(1) of the same Act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area wherein development is proposed.

6.4.3 As previously noted, there are a number of listed buildings in proximity to the application site, most notably the grade I listed Minster, and the proposed development will undoubtedly impact on the setting of these buildings.

6.4.4 Both Historic England (HE) and the conservation officer raise concerns in response to this revised scheme. The concerns mainly relate to the increase in height and the visual connectivity through the site to the Minster, but not to the use of a modular construction system; in part, officers shared these concerns.

6.4.5 In response to the initial concerns raised, the following amendments have been made:

- the second floor has been set back from the elevation facing the Minster to reduce the mass of the building; with a roof garden introduced to allow uninterrupted views of the Minster grounds
- the bolt-on terraces to the Minster elevation have been replaced by cantilevered units to help define the entrance and break up the mass of the elevation
- the first floor accommodation above the main entrance has also been removed to create a double height space which frames the spire of the Minster

6.4.6 Whilst officers acknowledge that the height of the building has increased, albeit only by 1.8 metres overall, its height including rooftop plant and lift overrun still remains lower than the ridge of the adjacent Children's library; with the eaves of the second floor picking up on the eaves of this adjacent building. The increase in height is dictated by the standard size of the modular buildings; and planning officers do not agree that such a limited increase in overall height would be so detrimental to the setting of the Minster, or other nearby listed buildings, that a refusal of planning permission is now warranted.

6.4.7 In terms of the visual connection, the main entrance to the development will be centred on the western door of the Minster, in a very similar way to the previously approved scheme. Again, the entrance is now double height with glazing framing the spire of the Minster. As the Civic Society note, most, if not all, of the surrounding buildings turn their back on the Minster; and they welcome that this building will again be facing the Minster. Given the similarities between the previous scheme and that now proposed, planning officers are satisfied with the connectivity to the Minster grounds.

6.4.8 The conservation officer comments that it is unclear how users of the site are to arrive at the eastern entrance; and that entrance relies on access over the grassed area of the churchyard but does not provide landscaping, through the introduction of a path or paths, to facilitate it. However this was also the case with the previous scheme which did not provide for a new footpath link to the development through the churchyard as the land falls outside of the application site. Should this permission be granted for the development, it is anticipated that a subsequent application will follow for improvements to the adjacent church grounds to improve connectivity and increase footfall to The Wilson art gallery and museum, the Library and the Lower High Street as part of the wider

Minster Innovation Exchange scheme. This anticipation is now firmed up through the aforementioned 'Getting Building Fund' grant of £3.1m awarded to Cheltenham Borough Council to fund this proposed development and enhance the surrounding Minster grounds.

6.4.9 Overall it is considered that the proposed development will make a positive contribution to the setting of the Minster, and the wider conservation area in which it is located. This positive contribution will be further advanced through the enhancement of the Minster grounds.

6.4.10 From an archaeological perspective, paragraph 189 of the NPPF advises that where a development site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Additionally, CP policy HE2 seeks to ensure that important archaeological remains are preserved in situ, where possible.

6.4.11 An archaeological field evaluation was undertaken within the application site in 2005; this report indicated that any significant archaeology is likely to be preserved at depths of c. 0.95m - 1.12m below ground level.

6.4.12 The County Archaeologist previously accepted that the use of recycled shipping containers would be unlikely to require foundations to intrude to the depths at which archaeological remains are potentially present; and no further archaeological investigation or recording was required.

6.4.13 In response to this application, the County Archaeologist advised that details of the design of any foundations and other groundworks required for this revised scheme were absent from the application, and that the archaeological implications were therefore uncertain.

6.4.14 Subsequently, the agent has advised that the revised scheme has been designed with the same principles in mind as the previously consented scheme, i.e. the modular units and timber framed event space will sit on Jack Pads (<https://jackpad.co.uk/>) which will disperse the loadings of the superstructure evenly over the existing car park surface, without the need for excavation. As such, only localised excavations for the electrical, data and drainage connections will be required and these will be positioned as close to the existing network of services as possible to minimise any disruption.

6.5 Amenity

6.5.1 CP policy SL1 and JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. In addition, one of the core planning principles set out within paragraph 17 of the NPPF is to *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*.

6.5.2 This revised scheme has again been reviewed by the Council's Environmental Health Team (EH) who recommend approval subject to a number of conditions; the same as those imposed on the previous permission.

6.5.3 The conditions require the submission of a full Operational Management Plan to include a full noise assessment and sound insulation measures for the proposed development, and an assessment of the effect of the event space on the residential properties directly west of the site on St George's Place. Additionally, technical details of the flues, ducting, extract system, filters etc. and their continuing operation will be secured by condition. A detailed lighting scheme will also be required.

6.5.4 It is acknowledged that this revised scheme is 1.8 metres taller overall than that previously approved, and that a greater extent of accommodation is proposed at second floor level; however, officers are satisfied that the proposed massing of the development will not result in any additional overbearing effect, nor significant loss of privacy or outlook. That said, it is recognised that outlook from neighbouring residential properties will undoubtedly be altered by the development.

6.5.5 In addition, the 1.2m increase in height of the two storey element adjacent to the rear of the Children's library is unlikely to result any significant additional impact. Additionally, the three storey part of the building is set some distance away, and to the northeast.

6.6 Parking and highway safety

6.6.1 Adopted JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 9 of the NPPF.

6.6.2 This revised scheme has been reviewed by the GCC Highways Development Management Team (HDM) who again raise no Highway objection subject to conditions to reflect those previously imposed.

6.6.3 The suitability of the site for a development of this nature has been previously established and, given the highly sustainable location of the site, officers are satisfied that that the additional floorspace would not result in any significant additional impact on the highway network or town centre parking facilities.

6.7 Other considerations

Contaminated land

6.7.1 The Environmental Health team has again suggested that a condition be imposed in relation to contaminated land; however, officers consider the suggested condition to be particularly onerous given the nature of the development which will require only localised excavations for electrical, data and drainage connections. As per the previous planning permission, an alternative condition is suggested whereby should any contamination be found during construction works it must be reported immediately to the Local Planning Authority.

Trees

6.7.2 There is a row of Lime trees within the churchyard adjacent to the eastern site boundary which will be in close proximity to the development. The Tree Officer raises no objection but advises that any future pruning of these trees, other than some minor crown pruning, would be resisted.

6.7.3 The Tree Officer has also requested that a condition be imposed requiring the submission of a soft landscaping scheme to be submitted; however, no such condition was imposed on the previous permission and as such, it is not considered necessary or reasonable to impose such a condition now.

Advertisement strategy

6.7.4 Due to the sensitive location of the site, and the nature of the proposal, a condition is recommended that requires the submission of an Advertisement Strategy to be agreed and adhered to.

Public Sector Equalities Duty

6.7.5 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties this proposal complies with the 3 main aims set out. Two car parking spaces are provided for disabled drivers, the building is fully accessible, lifts and toilets are convenient from the main entrance providing access to each floor.

6.8 Conclusion and recommendation

6.8.1 The principle of developing this site for employment purposes has been established by the recent grant of planning permission for a similar scheme on this site which remains extant. Planning officers are satisfied that the proposed development will represent an interesting and contemporary piece of architecture, and will make a positive contribution to the setting of the adjacent grade I listed Minster, and the wider conservation area in which it is located. There are no amenity or highway concerns arising from the proposals that cannot be adequately dealt with by condition.

6.8.2 With all of the above in mind, the officer recommendation is to grant planning permission subject to the following schedule of conditions which reflects the conditions imposed on the previous permission:

7. CONDITIONS

- 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 commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be adhered to throughout the development process and shall, where necessary:
- i) allocate space for the parking of vehicles for site operatives and visitors;
 - ii) allocate space for the loading and unloading of plant and materials;
 - iii) allocate space for the storage of plant and materials used in constructing the development;
 - iv) specify the intended hours of construction;
 - v) specify measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - vi) specify measures to control the emission of noise, dust and dirt during construction;
 - vii) provide for wheel washing facilities; and
 - viii) specify the access points to be used and maintained during the construction phase.

Reason: To minimise disruption on the public highway and to adjacent land users, to accommodate the efficient delivery of goods and supplies during the course of the construction works, and to safeguard the amenities of adjacent residential properties, having regard to policy SL1 of the Cheltenham Plan (2020) and policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 4 Prior to the commencement of development, a full Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall include sound insulation measures for the proposed development, and a noise assessment of the effect of the non-B1 floorspace on the residential properties directly west of the site on St George's Place; this must be carried out by a suitably qualified and experienced acoustic consultant.

Reason: To safeguard the amenities of adjacent residential and/or other noise sensitive properties, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017). Approval is required upfront so that appropriate mitigation measures can be incorporated into the development.

- 5 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017).

- 6 Prior to their installation, samples and/or details (including finishes) of the following elements of the scheme shall first be submitted to and approved in writing by the Local Planning Authority:

- a) trapezoidal cladding;
- b) fascia panels;
- c) all external doors;
- d) polycarbonate panels;
- e) mesh screens;
- f) external staircase; and
- g) Solar pv panels (including location and number).

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 7 Prior to their installation, technical details of all flues, ducting, extract system, filters etc. and their continuing operation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent properties, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017).

- 8 Prior to first beneficial use of the development, refuse and recycling storage facilities, to include a bin collection point, shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling facilities 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.

- 9 Refuse and recycling shall only be stored in the approved bin collection area on the day(s) of collection. At all other times, all refuse and recycling shall be stored in appropriate containers in the refuse and recycling storage facility approved under condition 8.

Reason: In the interests of visual amenity, having regard to having regard to policy D1 of the Cheltenham Plan (2020), and policies SD4 and SD8 of the Joint Core Strategy (2017).

- 10 Prior to first beneficial use of the development, vehicular 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).

- 11 Notwithstanding the submitted details, the car parking spaces identified on the approved plans, including the disabled spaces, shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 12 Prior to first beneficial use of the development, secure and covered cycle storage facilities 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 give priority to cycle movements by ensuring the adequate provision and availability of cycle parking, to promote cycle use and to ensure that appropriate opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 and 110 of the National Planning Policy Framework.

- 13 Prior to first beneficial use of the development, a detailed Lighting Scheme, including predicted light levels at neighbouring residential properties, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent properties, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017).

- 14 Prior to first beneficial use of the non-B1 floorspace, the proposed opening hours for the non-B1 floorspace shall be submitted to and approved in writing by the Local Planning Authority. The non-B1 floorspace shall thereafter only be open to customers between the agreed hours.

Reason: To safeguard the amenities of the area, having regard to policy SL1 of the Cheltenham Plan (2020) and policy SD14 of the Joint Core Strategy (2017).

- 15 Prior to the installation of any advertisements on the development hereby approved, a detailed Advertisement Strategy shall be submitted to and approved in writing by the Local Planning Authority. All advertisements shall thereafter be implemented in accordance with the agreed strategy.

Reason: To ensure that the development is sensitive to its surroundings, having regard to policies D2 and HE3 of the Cheltenham Plan (2020) and policies SD4 and SD8 of the Joint Core Strategy (2017).

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.

- 2 The development will require construction and delivery access by large vehicles which will be expected to require Streetworks approval which should be sought by contacting the County Council on 0800 514 514 or emailing streetworks@gloucestershire.gov.uk
- 3 The upgrade works to the access on Chester Walk require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access.
- 4 The applicant is advised that it is an offence under Section 161 of the Highway Act 1980 to deposit anything on a highway in consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.
- 5 The applicant/developer is strongly encouraged to install leaf guards for the guttering and down pipes so as to reduce levels of tree-related inconvenience experienced by future residents during the occupancy of the development.

APPLICATION NO: 20/00552/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 27th March 2020		DATE OF EXPIRY : 26th June 2020
WARD: Lansdown		PARISH:
APPLICANT:	Workshop Cheltenham Limited	
LOCATION:	Car Park, Chester Walk, Cheltenham	
PROPOSAL:	Proposed Mixed Use Innovation Hub for the town centre (revised scheme following grant of planning permission ref. 19/00204/FUL)	

REPRESENTATIONS

Number of contributors	2
Number of objections	1
Number of representations	1
Number of supporting	0

10 Pumphreys Court
Pumphreys Road
Charlton Kings Cheltenham
Gloucestershire
GL53 8BX

Comments: 7th April 2020

I would like to begin by expressing my strong objection to the deadline for comments on this revised application and feel that this period should be extended in light of the current situation with Covid-19. Many of the buildings affected are closed and their service users are unable to leave their homes.

A lot of local people rely on the library to access the internet or view printed planning documents, so they will be unable to access the support they require during lockdown to have their say.

Everyone has a right to access these proposals before decisions are made so I would urge you to consider extending the deadline for comments until after lockdown, to ensure appropriate scrutiny from the people this proposal will affect the most.

As I have previously commented, whilst I would welcome many aspects of the proposed Innovation Hub I strongly object to the use of the proposed site and feel that there are other more suitable locations available in central Cheltenham.

The development would, I feel, potentially cause far more problems than it would solve if the proposed site is used. In addition, the success of the Innovation Hub could suffer due to complications associated with the location.

The site cannot be seen from the High Street or from Clarence Street. A major concern for many new businesses is that they are visually prominent and easily found. This site offers them nothing in this regard.

Page 42

The revised plans are for a much larger building. There is an increase of almost 1,700 sq ft/over 155 sq mtrs - a huge difference. (I also wonder why the measurement is in square feet in the original application, whilst the revised version is in square metres, making it difficult to work out just how large the increase is).

It is almost two metres taller than the original plan. The rooftop garden has gone, replaced with a much larger 2nd floor of office-type rooms. The original plan would have affected the light source for the lower floor of the adjacent library building, but this new design will likely affect the light levels on all three floors. One would also assume that, with a much larger internal space there will also be a proportionately greater number of people staffing/visiting the building.

I have previously stated my concerns regarding traffic, parking and deliveries in the proposed area, and the increase in size of the building has heightened my concerns.

There seems no consideration for the volume of both staff and visitors seeking to park close to the facility. Cycles or public transport are not always suitable means of transport for many people. The Euro car park to the rear of the site is always packed and other public car parks are some distance away. Lack of adequate parking could well put off the very businesses and visitors that the Hub is looking to promote and provide for.

Deliveries are a potential nightmare, as there is inadequate room for manoeuvre either within the site or on Chester Walk for large vehicles to turn. If they end up reversing either in or out, vulnerable pedestrians and other vehicles are at increased risk. There are already many problems with traffic and parking in the area, often causing hazardous conditions.

Currently in the area are:

- The building adjacent to the rear entrance of the proposed site, housing The Children's Library, The Local Studies Library and Cheltenham Drop-in (a centre for disabled and vulnerable people). These are visited by pedestrians, including many children, elderly and disabled users, using the access door on Chester Walk. The Children's Library often have various events with large numbers of children attending on foot, including Baby Bounce and Rhyme sessions and School Visits comprising a whole class at a time. The Drop-In Centre has many visitors in wheelchairs or with walking aids, and some arrive by taxi, needing to be dropped off at the door.
- The Wilson Museum and Art Gallery, with Tourist Information Centre. This building has a public entrance on Clarence Street and another on Chester Walk. Both entrances have many pedestrian users, and quite often parents with children will walk between the Chester Walk entrance and the Children's Library. Deliveries are made to the Chester Walk side, and these are often by large vehicles needed for the change-over of exhibits.
- The Cheltenham Main Library, which has daily deliveries to the rear entrance on Chester Walk, opposite to the entrance to the proposed site. This door is also used for disabled access and for staff moving from one library building to the other.
- Shopmobility is at the entrance to Chester Walk on the corner of St George's Place. (The actual entrance is on Chester Walk.) Disabled customers hire powered scooters

or wheelchairs from here in order to access shopping in Cheltenham town centre, usually arriving by taxi or car.

- GL50 restaurant, which also has deliveries via Chester Walk.

The above illustrates the level of traffic and pedestrian use at the present time. There are also refuse and recycling vehicles collecting from the above via Chester Walk.

Some of the above already have their large refuse and recycling bins in the area where the proposed Hub is planning to site theirs. The displaced bins will obviously have to be relocated, and I would not be surprised if this would add to the current congestion of this small access road.

Others have suggested Using St James' Car Park as an alternative site, and this would make great sense: it is more visible and accessible to the public, there would still be available parking for both businesses and the public, and any delivery vehicles would not encounter the restrictions of the current proposed site. All this would help towards the success of the proposed venture, and the ensuing expansion of business and employment in the town centre.

Please reconsider this revised proposal, and in particular the closing date for comments. I am fortunate enough to be able to view and comment on these revised plans at this time, but many are not. I am sure it was an oversight and you will (now it has been reasonably pointed out) take the opportunity to address my concerns and ensure no one is unfairly disadvantaged.

30 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 15th April 2020

Whilst I support the building of offices that will help Cheltenham, I am Tower Captain of the bell ringers at Cheltenham Minster. We ring the bells regularly on Thursday evenings and Sunday mornings and occasionally on Saturdays and very occasionally during the week. Although we installed sound control when the new bells arrived in 2017, you may wish to let all occupiers know about the possible noise. This would avoid any subsequent complaints arising.

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APPLICATION NO: 20/01004/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 25th June 2020		DATE OF EXPIRY : 20th August 2020
WARD: Park		PARISH:
APPLICANT:	Mr Alton Axton	
LOCATION:	Mendip, Tryes Road, Cheltenham	
PROPOSAL:	Proposed alterations and extension to the existing two storey side extension, first floor and single storey rear extensions and a new front garden wall	

REPRESENTATIONS

Number of contributors	2
Number of objections	2
Number of representations	0
Number of supporting	0

30 Painswick Road
Cheltenham
Gloucestershire
GL50 2HA

Comments: 16th July 2020

We have examined the new scheme. We recognise that there have been some changes that will marginally reduce the impact of the new build on the immediate neighbours but we do not consider that this is sufficient to justify our withdrawing our previous objections.

We also consider that the resulting design solution is unlikely to be aesthetically pleasing or suitable as an addition in a conservation area.

Tintagel
11 Tryes Road
Cheltenham
Gloucestershire
GL50 2HB

Comments: 23rd July 2020

I wish to object to the new application to build a two storey extension on the property which is attached to our property at 11 Tryes Road.

I would ask that permission be refused for the following reasons:

- Loss of light/overshadowing of our dining room and patio
- Overlooking into our garden and loss of privacy
- Overlooking into gardens/houses on Painswick Road
- Inappropriate design for an extension in a conservation area.

This is the fourth attempt by the applicants to impose a large two floor rear extension on this modest two floor semi detached property. Although it is smaller than the previous proposals, it is still unacceptable for the same reasons and only reduces its overpowering impact to a minimal extent. In addition, because it has been chopped about so badly to attempt to meet the planners' objections, the current iteration would result in a design which is completely unacceptable in a conservation area.

Loss of Light/overshadowing

At number 11, the original living room remains and the window is set back with a patio outside. Currently number 13 has a large ground floor extension which adjoins our property and extends beyond our patio. The single floor extension does not impact significantly on the light to either the dining room or patio. The two floor rear extension currently proposed would result in substantial loss of light/overshadowing.

The planners rely on the 45 degree light tests, as set out in the Council's SPG to assess whether the loss of light caused by an extension on neighbouring property is acceptable. This proposed extension either fails or just about satisfies the 45 degree test. I am concerned that the planners are not using the 45 degree test as a broad rule of thumb (as required by the supporting documentation), but are following it slavishly.

The guide on which the planners rely (Paul Littlefair Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice) states:

'Like most rules of thumb, this one needs to be interpreted flexibly.....Special care needs to be taken in cases where an extension already exists on the other side of the window to avoid a 'tunnel effect'.

That is the case here. The kitchen extension on the other side would create such an effect.

Overlooking our garden and gardens/houses on Painswick Road

The large window on the rear of the proposed extension would directly overlook the garden to number 11. The gardens run in parallel with each other in a straight line. A two floor rear extension at number 13 would directly overlook our garden and intrude into our privacy.

Also, I believe the windows in the proposed extensions will overlook the gardens and rear windows of houses in Painswick Road, unreasonably interfering with their amenity.

Inappropriate design for our conservation area

The consequences of repeated attempts to reduce the size of the extension in an attempt to satisfy the planners has resulted in a proposal which looks strange. The smaller upper floor is smaller in all dimensions than the larger lower floor. The resulting small box sitting on a larger box would neither satisfy the Council's design guide for a conservation area nor the statutory requirement to preserve or enhance.

The extension would be clearly visible from the street to anyone going from Painswick Road into Tryes Road.

I am grateful that the Planning Committee has agreed to consider the application itself. However, to fully appreciate the impact on 11 Tryes Road, it would be necessary for the Committee members to visit the site. Indeed, the officers intended to grant permission

for an earlier revision until we insisted that they visit our property. Having done so, they indicated to the applicant that the application could not be supported. We do not believe that this fourth revision resolves the issue. The site visit was carried out by the planning officer without the need to enter our property, accessing the patio by the side entrance from the road. This could be done by Members too without compromising social distancing.

For the above reasons, I would invite the Committee to refuse the application.

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APPLICATION NO: 20/01004/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 25th June 2020		DATE OF EXPIRY: 20th August 2020
DATE VALIDATED: 25th June 2020		DATE OF SITE VISIT:
WARD: Park		PARISH: n/a
APPLICANT:	Mr Alton Axton	
AGENT:	n/a	
LOCATION:	Mendip, Tryes Road, Cheltenham	
PROPOSAL:	Proposed alterations and extension to the existing two storey side extension, first floor and single storey rear extensions and a new front garden wall	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a semi-detached, two storey residential dwelling known as Mendip located on the residential Tryes Road. The site is located within the Park Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for alterations and extensions to the existing dwelling including an extension of a two storey side extension, first floor rear extension and single storey rear extension to an existing extension, and a new front boundary wall.
- 1.3 This application is a revised scheme following the withdrawal of a previous scheme ref. 20/00326/FUL.
- 1.4 The application is at planning committee at the request of Councillor Harman on behalf of the objecting neighbours, and an objection from the residents association.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area

Relevant Planning History:

03/01314/FUL	25th September 2003	PER
Erection of a pitched roof on existing side extension and erection of a pitched roof on existing rear extension		
10/01887/FUL	24th January 2011	PER
Erection of a single storey rear extension		
20/00326/FUL	22nd June 2020	WDN
Proposed first floor rear extension, single storey side extension and alterations including new garden wall, replacement windows and re-rendering.		

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality

Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Central conservation area: The Park Character Area and Management Plan (July 2008)

4. CONSULTATIONS

St Phillips And St James Area Residents Association

14th July 2020

We have examined the new scheme. We recognise that there have been some changes that will marginally reduce the impact of the new build on the immediate neighbours but we do not consider that this is sufficient to justify our withdrawing our previous objections. We also consider that the resulting design solution is unlikely to be aesthetically pleasing or suitable as an addition in a conservation area.

Building Control

30th June 2020

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

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

- 5.1 Letters have been sent to neighbouring properties, a site notice has been displayed and an advert has been placed in the Gloucestershire Echo; two objections have been received.
- 5.2 The main concerns raised include, but are not limited to the following:
- Poor design in the conservation area,
 - Impact on neighbouring properties,
 - Loss of light,
 - Overshadowing,
 - Overlooking/loss of privacy.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key considerations in relation to this application are the design, the impact on the conservation area and any impact on neighbouring amenity.

6.3 Design

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan 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. This draws from section 12 of the NPPF, specifically paragraph 127 which sets out that development should be visually attractive and sympathetic to local character and surrounding built environment.

- 6.5 The council's Supplementary Planning Document: Residential Alterations and Extensions sets out five basic design principles maintain character, subservience, maintain space between buildings, maintain privacy and ensure adequate daylight. The document emphasises the importance of subservience setting out that an extension should not dominate or detract from the original building, but play a supporting role.
- 6.6 The application proposes a first floor rear extension, two storey side extension, single storey side/rear extension and a front boundary wall.
- 6.7 The first floor rear extension would be just over half the width of the existing building, therefore exposing the rear elevation of the original building, as such the proposed extension would not dominate the rear elevation of the parent dwelling. The proposed extension would therefore achieve a subservient addition in relation to the parent dwelling.
- 6.8 The two storey side extension would be a continuation of an existing two storey side extension. As a result of the extension, the roof form would be amended from a gable, to a hip; this design is considered to be acceptable. The single storey extension would be a continuation of the existing single storey rear extension, and would extend the width of the property. This extension would be subservient and of an acceptable design.
- 6.9 The proposed extensions would be constructed in materials to match the existing building, maintaining the existing character.
- 6.10 The proposed front boundary wall is considered to be acceptable and would not be out of character with the surroundings.
- 6.11 The proposed works as part of the application are not considered to harm the character of the conservation area. The side elevation of the property would be visible from Tryes Road, however the proposed side extension is considered to be an acceptable design, would be in-keeping with the existing building and the original building would still be read. As such, it is considered that there would not be an unacceptable harm to the character of the street scene or the wider conservation area.
- 6.12 As such, the proposed works are considered to be acceptable in terms of design and is in accordance with the relevant policies and guidance.
- 6.13 **Impact on neighbouring property**
- 6.14 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users and the locality. This echoes section 12 of the NPPF which seeks to ensure development does not harm the amenity of existing or future users.

Loss of light

- 6.15 The neighbouring resident at no. 11 Tryes Road, has raised a concern regarding a loss of light as a result of the proposed first floor rear extension. The 45 degree light test has been carried out on the ground floor rear French-door opening which serves a dining room; the light test passes on this opening and therefore is not considered to result in an unacceptable loss of light to this room. There is an existing ground floor rear extension on the application site which has an impact on the light reaching this opening, the addition of the first floor rear extension would not increase the impact to a significant level that would be contrary to the aforementioned policies.
- 6.16 The neighbour raises concern that a 'tunnel effect' would be created as a result of the proposed first floor extension. No. 11 Tryes Road has an existing rear wing which measures approximately 2 metres in depth. The existing, previously approved single storey rear extension on the application property would create the 'tunnel effect' on the

rear ground floor opening; the addition of the first floor extension is not considered to exacerbate the impact given it is at first floor and is 2.4 metres away from the boundary.

Overshadowing

- 6.17 Another concern raised relates to overshadowing as a result of the first floor rear extension; the extension would be set in approximately 2.4 metres from the boundary of the application site and no. 11 Tryes Road. It is considered that this distance from the boundary would minimise any impact of the first floor rear extension overshadowing to the neighbouring property.
- 6.18 The proposed two storey side extension would be an extension of the existing extension. The council would usually seek 12 metres from a neighbouring window to flank wall, the proposed extension would only achieve approximately 9.9 metres, however in this instance, given that there has been no objection raised by no. 86 Painswick Road, and the existing two storey side extension, it is considered to be acceptable and would not have further unacceptable harm.

Loss of privacy

- 6.19 The proposed first floor rear window achieves over 16 metres to the rear boundary. The council seeks a minimum of 10.5 metres from first floor rear window to boundary to achieve an appropriate level of amenity; the new window as part of the extension achieves this distance. Furthermore, there would be no side elevation windows that would overlook no. 11 Tyres Road or 86 Painswick Road; therefore there would be no loss of privacy.
- 6.20 For the reasons set out above, the proposed extensions are considered to be acceptable and comply with the relevant policies in terms of protecting the existing amenity of adjoining land users.

6.21 Public Sector Equalities Duty

- 6.22 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:
- Removing or minimising disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
 - Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties this proposal complies with the 3 main aims set out.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons set out above, the proposed first floor rear extension, two storey side extension, first floor rear/side extension and front boundary wall is considered to be acceptable in terms of design, the impact on the conservation area and would protect the amenity of adjoining land users.
- 7.2 The recommendation would therefore be to permit this application subject to the conditions set out below.

8. SUGGESTED 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 All external rendering shall match that of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 All external facing brickwork of the front boundary wall shall match that of the existing unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

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.

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Appeals Lodged July/Aug 2020

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Land Adjacent to The Vatch, Farm Lane, Leckhampton	Erection of two self-build dwellings and associated works	Delegated Decision	Written	October 2020	Planning ref: 19/00471/FUL Appeal Ref: 20/00013/PP1
Oakfield Hse Stables Oakfield House Greenway Lane Cheltenham	Erection of a single self-build dwelling following the demolition of existing stables (revised scheme)	Committee Decision	Written	October 2020	Planning ref: 20/00154/FUL Appeal ref: 20/00014/PP1
12 B Glebe Road	Two storey rear extension	Delegated Decision	Written	November 2020	Planning ref: 20/00027/FUL Appeal ref: 20/00015/PP1

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Imber 7 Undercliff Avenue Cheltenham Gloucestershire GL53 9AA	Erection of 2 no. additional dwellings	Delegated	Written Reps	Appeal Dismissed	Planning Ref: 19/00011/FUL Appeal Ref: 20/00001/PP1
124 Ryeworth Road Cheltenham Gloucestershire GL52 6LY	Erection of two storey 2-bedroom detached dwellinghouse on land at 124 Ryeworth Road	Delegated	Written Reps	Appeal Dismissed	Planning Ref: 19/02240/FUL Appeal Ref: 20/00006/PP1

Authorised By: David Oakhill 10.08.2020

