



# CHELTENHAM BOROUGH COUNCIL

## Notice of a meeting of Planning Committee

**Thursday, 20 October 2022  
6.00 pm  
Council Chamber - Municipal Offices**

### Membership

<b>Councillors:</b>	Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Emma Nelson, Tony Oliver, John Payne, Diggory Seacome and Simon Wheeler
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The Council has a substitution process and any substitutions will be announced at the meeting.

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The Chair will confirm this at the start of the meeting.

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## Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **MINUTES OF THE LAST MEETING** (Pages 3 - 8)  
To approve the minutes of the meeting held on 22<sup>nd</sup> September 2022.
5. **PLANNING APPLICATIONS**
- 5a **22/01373/FUL 129-133 Promenade, Cheltenham, GL501NW** (Pages 9 - 34)

[Planning application documents](#)

- 5b      **22/01540/FUL St Marys Mission, High Street,  
Cheltenham, GL50 3JA**      (Pages 35 - 40)  
[Planning application documents](#)
- 5c      **22/01439/FUL Pittville Pump Rooms, East  
Approach Drive, Cheltenham, GL52 3JE**      (Pages 41 - 208)  
[Planning application documents](#)
- 5d      **22/01438/FUL Cheltenham Town Hall, Imperial  
Square, Cheltenham, GL50 1QA**      (Pages 209 - 348)  
[Planning application documents](#)
- 5e      **22/00799/TREEPO 1 Hill Court, Hillcourt Road,  
Cheltenham GL52 3JJ**      (Pages 349 - 364)
6.      **APPEAL UPDATE**      (Pages 365 - 422)  
For information.
7.      **ANY OTHER ITEMS THE CHAIRMAN DETERMINES  
URGENT AND REQUIRES A DECISION**

**Contact Officer:** Claire Morris, 01242 264130  
**Email:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk)

### Planning Committee

Thursday, 22nd September, 2022

6.00 - 7.00 pm

#### Attendees

**Councillors:** Councillor Paul Baker (Chair), Councillor Garth Barnes (Vice-Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Bernard Fisher, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler

**Officers in Attendance:** Nick Jonathan (Solicitor), Lucy White (Senior Planning Officer), Liam Jones (Head of Planning) and Victoria Harris (Planning Officer)

#### 1. Apologies

Apologies were received from Cllrs. McCloskey and Nelson.

#### 2. Declarations of Interest

There were none.

#### 3. Declarations of independent site visits

Cllr. Oliver had visited the sites at Imperial Gardens (5b) and All Saints Road (5c).

#### 4. Minutes of the last meeting

The minutes of the 18<sup>th</sup> August meeting were approved and signed as a correct record.

#### 5. Planning Applications

##### 5. 22/01078/FUL Prince of Wales Stadium, Tommy Taylors Lane, Cheltenham, GL50 4RN

The Planning Officer, Victoria Harris, presented the report, which related to two portable steel containers on existing hardstanding at the Prince of Wales Stadium. It was at committee because the council owned the stadium.

In response to a Member question, the Planning Officer confirmed that the applicant, Cheltenham Country Harriers, would be responsible for looking after the containers.

There being no further questions or debate, the Chair moved to the vote:

**Vote on officer recommendation to permit subject to conditions:**

**FOR: 9**

**AGAINST: 0**

**ABSTAIN: 0**

**PERMITTED**

##### 5. 22/01200/FUL Imperial Gardens, Promenade, Cheltenham

The Planning Officer, Victoria Harris, presented the report, which related to the erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens, and was at committee because the council was the applicant.

Speaking in objection to the application, Mr Peter Grimley made the following points:

- there were two reasons to refuse the application, the first being air pollution and the second being the harm it would create.
- the design and access document stated that the operator must not use 100% diesel-powered generators, but must instead use either hybrid or biodiesel sources. In reality, there were no hybrid generators big enough to power an event of this size, so it would have to be biodiesel, probably HVO (hydrotreated vegetable oil)
- last year's ice rink consumed 34,540 litres of red diesel over 42 days, emitting 100 tons of CO<sub>2</sub> – an unacceptable amount by the council's own admission.
- running on HVO for 46 days this year would be equivalent to 40 on red diesel, which surely could not be acceptable if 42 were unacceptable last year.
- the application was based on erroneous or insufficient data, and failed to recognise the limitations of biofuels and their effect on local air pollution.
- in 2013, when the committee granted permission for the current 70 day period, it stated that this was the appropriate balance between allowing use of the gardens to continue while protecting the amenity of the site, the locality and the local community
- more than doubling the permitted event days would destroy that balance and protection and double the harm.
- this proposal ignored previous planning decisions, policies and legislation.
- it was not 75 days but rather 145 of significant harm, and there was no clear and convincing justification for this.
- it ignored the requirement that great weight be given to the asset's conservation.

### **Member questions**

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

- the application form stated that the event would close at 10pm each night, though this would be managed through the land use agreement with the council.
- the applicant hoped a fully electrical power supply would be available next year, but could not guarantee that this would be the last year using generators.
- the 'ancillary Christmas activities' described in the report were still quite vague at this point, though she had asked the applicant to provide more detail.
- the agreement of the Environmental Health Officer was required for the generators to be used, and if he did not approve then the condition requiring his consent could not be discharged until an agreement was reached.
- the application was for the principle of the land, and only limited information could be provided as they did not know the user at this point.

### **Member debate**

In debate, Members made the following points:

- it was unfortunate that the committee did not have any assurances about the use of mains electricity, and a proper mains supply seemed to be some way off.

- the difference between biodiesel and normal diesel was relatively minor, and biodiesel was very expensive.
- the noise of a diesel generator would cause particular harm to hotel guests and affect Cheltenham's reputation as a tourist town.
- the application was contrary to the council's recently agreed Climate Change SPD.
- other venues in the town were more suited to an event of this kind, especially those with mains electricity.
- there was no doubt that the ice rink and Christmas market would be a huge economic boost to the town, but it was important not to contradict the council's own climate change policies by allowing generators to be indiscriminately used.
- the applicant's promise that they would not use 100% diesel generators was not reassuring without greater detail, as this could technically mean 99% diesel.
- they needed to mitigate the environmental impact and judge whether it met their high standards, and this could not be done without a full picture of the situation.
- when the 70 day period was agreed back in 2013, it was clearly stated that this would never increase again, but now they were looking at a further 75.
- generators produced carbon fumes in what was meant to be a carbon neutral town.
- the ice rink damaged the grass in Imperial Gardens.
- it was good to see a large number of visitors to a park that was not used much in December and January, but any negative effects like the damage to flowers and grass needed to be mitigated in compliance with the Environmental Health Officer's requirements.
- residents had been vocal in their concerns about noise.
- there needed to be some assurance that they would not find themselves in the same situation again next year.

The Chair suggested that there were two possible courses of action: deferring the application until they had more information, or approving it with tightened conditions regarding the electrical supply and the length of the permission.

One Member cautioned that deferral might effectively be rejection considering the time pressure, and another Member noted that a provider would not be found unless the application was approved in principle. The Head of Planning added that the Environmental Health Officer had already given feedback on the application, so deferral would be unlikely to bring any greater detail from him. Members' concerns about the future electrical supply could, however, be controlled by condition.

One Member suggested that the key problem was the generators. If Environmental Health were to have a significant objection to them then the plan would not progress. Another Member responded that it was not just about the generators, with other factors including conservation and the damage to the gardens.

**Vote on deferral:**

**FOR: 2**

**AGAINST: 7**

**ABSTAIN: 0**

**NOT DEFERRED**

The Head of Planning explained how the specific issues with the application that Members had raised could be solved through conditions. A condition could be imposed ensuring that diesel generators were not used, while another could ensure that generators of any kind were only permitted for one year rather than in the two following years as well. They could also specify a particular type of generator, in consultation with the climate change team.

He suggested amending condition 5 as circulated to require details of what exactly they were approving, in consultation with the climate change team. A condition would also be added which retained the three-year consent but only allowed generators in the first year. The precise wording of the conditions would be delegated to the Chair and Vice-Chair.

**Vote on the proposal to permit with tighter conditions applied:****FOR: 7****AGAINST: 2****ABSTAIN: 0****PERMITTED****5. 22/01257/FUL 90 All Saints Road, Cheltenham, GL52 2HQ**

The Planning Officer, Lucy White, presented the report, which related to the insertion of a first floor gable window and the installation of three roof lights to the front and rear roof slopes of 90 All Saints Road, and was at committee because the applicant was a borough councillor.

There being no Member debate or questions, the Chair moved to the vote.

**Vote on officer recommendation to permit****FOR: 8****AGAINST: 0****ABSTAIN: 1****PERMITTED****6. Appeal Update**

The appeal update was noted.

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

There were none.

The Chair added his thanks to Nick Jonathan (One Legal) for his hard work during his time as the committee's Legal Officer, and wished him every success in his next venture. Cllr.

Barnes added his thanks to Nick for his advice and generosity during his time as the previous Chair. Michael Ronan was introduced to the committee as his interim replacement.

Chair

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<b>APPLICATION NO:</b> 22/01373/FUL		<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 30th August 2022		<b>DATE OF EXPIRY:</b> 25th October 2022
<b>DATE VALIDATED:</b> 30th August 2022		<b>DATE OF SITE VISIT:</b> 7 <sup>th</sup> October 2022
<b>WARD:</b> Lansdown		<b>PARISH:</b>
<b>APPLICANT:</b>	Lucky Onion Group	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	129 - 133 Promenade Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Retention of existing temporary marquees at 125, 127, 129, 131 and 133 Promenade, Cheltenham for a further two year period	

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a group of 3no., two storey over basement grade II\* listed Regency villas (Nos 125-133), located prominently within the Central Conservation Area (Montpelier Character Area).
- 1.2 The application proposes the retention of all existing temporary marquees at 125, 127, 129, 131 and 133 Promenade for a further two year period.
- 1.3 The applicant (Lucky Onion Group) benefitted from the Council's relaxation of enforcement proceedings for temporary, moveable structures which was put in place to help and support the successful running of businesses and organisations within the town to ensure they remained open and viable during the pandemic. The Council's relaxation measures allowed businesses to provide more physical space or utilise existing external areas to allow the required social distancing and safer operations during the COVID-19 periods of government imposed restrictions.
- 1.4 The marquees present on site today were erected in June and October 2020 in response to the above relaxations of enforcement. These temporary structures replaced, in part, a number of existing parasol structures within the frontages and external side and rear areas of 131 and 133 Promenade.
- 1.5 The Council decided to bring an end to the temporary relaxation of enforcement on 30th September 2022 given that government imposed COVID-19 restrictions had ceased by this time. Subsequently, all businesses that had notified the Council previously of their intention to erect temporary structures were notified in writing of the need to remove the structures. Any businesses seeking to retain their structures past this date, were required to seek the necessary planning consents for their retention and provide clear and convincing justification for doing so.
- 1.6 The application is accompanied by a Heritage Appraisal and covering letter setting out the applicant's justification for the proposed retention of the marquees.
- 1.7 It is important to note that consent is being sought for the retention of similar temporary structures located within Montpelier Gardens and the Pump Rooms. These proposals (under application references 22/01438/FUL and 22/01438/FUL) are also being considered by Members at the October Planning Committee.
- 1.8 This application is before Planning Committee at the request of Councillor Wilkinson. The reasons given for the referral are as follows:

*local hospitality businesses, including the applicant, are facing extreme cost pressures as a result of increased energy bills. Consequently, I feel a public discussion about the retention of temporary structures that enable extra revenue generation is appropriate. Inevitably, similar discussions will take place about other businesses and it is clearly desirable that this discussion and decision-making process takes place in the most public forum. I feel this will benefit the decision making process and lead to wider understanding of the pertinent issues among members of the public, various interested stakeholders and the business community.*

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Business Improvement District  
Listed Buildings Grade 2star

Principal Urban Area

**Relevant Planning History:**

**12/01392/COU 7th March 2013 PER**

Change of use from B1 (Office) to C1 (Hotel) and A3 (Restaurant)

**12/01392/LBC 7th March 2013 GRANT**

Works in association with change of use from B1 (Office) to C1 (Hotel) and A3 (Restaurant)

**13/00957/LBC 6th August 2013 GRANT**

Treatment of dry rot by removing existing affected timber, treat all sub-strates adjacent and and re-instate as per existing

**14/00150/FUL 21st May 2014 PER**

Provision of temporary generator in car park with temporary acoustic fence to enclose the generator (retrospective)

**15/02243/COU 20th December 2016 PER**

Change of use from offices (B1) to hotel accommodation as part of existing hotel facilities at 129-131 Promenade with landscaped front amenity area new ground floor extension/link and formation of external courtyard to 133 Promenade (and associated internal and external alterations)

**15/02243/LBC 20th December 2016 GRANT**

Change of use from offices (B1) to hotel accommodation as part of existing hotel facilities at 129-131 Promenade with landscaped front amenity area and erection of ground floor extension/link and formation of external courtyard to 133 Promenade (and associated internal and external alterations) Proposed change of use from offices to hotel with new link to 133 Promenade

**16/00254/CLBW 25th February 2016 CERTPU**

Like for like remedial works - remove existing capping to the parapet, supply and fix new code 5 lead capping to the parapet, redress lead gutter, clean out the associated lead gutters and outlets, replace missing slates and any rotten batten and felt membranes to the affected area with new to match existing.

**16/00999/LBC 20th July 2016 GRANT**

Miscellaneous remedial works due to dry rot outbreak

**16/01169/ADV 12th August 2016 GRANT**

Advertising on hoarding (retrospective)

**16/01428/LBC 4th October 2016 GRANT**

Removal and restoration of entrance gate piers and re-erection in original position

**16/01704/LBC 24th November 2016 GRANT**

Removal and restoration of veranda on front elevation

**16/01738/LBC 15th December 2016 GRANT**

Proposed Re roofing and misc internal restoration works

**17/00556/FUL 26th September 2017 PER**

Erection of external toilet block, side extension to provide new bar facilities, external seating area, 3 no. boiler flues and landscaping (part revisions to planning permission 15/02243/COU)

**17/00556/LBC 26th September 2017 GRANT**

Erection of plant room, new external toilet block, external seating and new bar extension, 3 no. boiler flues, landscaping and internal alterations (part revisions to planning permission 15/02243/LBC)

**18/00567/LBC 20th July 2018 GRANT**

Repositioning in basement of plant room and toilets on ground floor and repositioning of 3 no. flues to north west elevation (revision to listed building consent 17/00556/LBC)

**18/02503/FUL PCO**

Extension of external seating/dining area at rear of building including additional landscaping (part revision to 17/00556/FUL\_LBC)

**18/02503/LBC PCO**

Extension of external seating/dining area at rear of building including additional landscaping (part revision to 17/00556/FUL\_LBC)

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

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 Conserving and enhancing the historic environment

#### **Saved Local Plan Policies**

RT 2 Retail development in the core commercial area

RT 3 Non-A1 uses in primary shopping frontages

#### **Adopted Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

#### **Adopted Joint Core Strategy Policies**

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

INF5 Renewable Energy/Low Carbon Energy Development

#### **Supplementary Planning Guidance/Documents**

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

Cheltenham Climate Change (2022)

### **4. CONSULTATIONS**

#### **Historic England**

*5th October 2022* - Dear Ms White

T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990

125 - 133 PROMENADE CHELTENHAM GLOUCESTERSHIRE

Application No. 22/01373/FUL

Thank you for your letter of 16 September 2022 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**

##### **Significance of the designated heritage asset**

Located in the heart of historic Cheltenham, the semi-detached villas at no 125-133 are highly representative of blossoming of Cheltenham as a Regency Spa town, between the end of the 18th and the beginning of the 19th century. Built in the early 1830s and attributed

mainly to architect John Forbes, the paired villas sit within their own garden plot behind railings and gated walls.

They present a double pile plan and rise for two storeys plus attic over basement. Internally they retain much of their plasterwork and in some cases further original features such as staircases and fireplaces survive.

Externally, despite some differential treatment in the fenestration and architectural detailing of their elevations, they are unified in materiality and massing, and clearly exemplify the formal and elegant Regency development phase of the area.

The villas are located on The Promenade, one of the spinal axis of Montpelier Character Area, part of the Central Conservation Area. This is an area that, particularly where the properties in questions are located, is characterised by spaciousness, a loose urban grain around wide tree lined roads and formal green spaces, and medium and long vistas that open up towards larger public buildings or even surrounding countryside.

The properties subject to this application both contribute to and are enhanced by the distinctive character and appearance of Montpelier, which is to be considered part of their immediate setting.

Because of their more than special historic and architectural interest, they have been designated as Grade II\* listed buildings, which places them among the top 8% of the most important buildings in the country.

### Impact of the Proposals

The application seeks consent for the retention of the 13 marquees installed in 2020 for a further period of two years.

The installation relates to Cheltenham Borough Council's permission to erect moveable structures in front of the above properties on an emergency and temporary basis as a response to the outbreak of Covid-19 pandemic 2020.

As the temporary permission has now come to an end, Historic England considers it would be beneficial for your Authority to assess the current proposals following established principles for such developments.

A useful stepped approach is given by our guidance on temporary structures produced in 2010 (<https://historicengland.org.uk/images-books/publications/guidance-ontemporary-structures-for-events/>).

This will allow an informed review of the current proposals, their impact and their benefits, and in particular it will highlight what further information might be required by your Authority to arrive to that comprehensive and balanced assessment (we refer you in particular to the checklist on chapters 6 and 8 of the above guidance).

Historic England considers that the structures do cause a degree of harm to the significance of the designated heritage assets.

Although physically detached from the buildings, their scale, design and density do have a detrimental visual impact on the Grade II\* villas, as they substantially screen off the buildings both in close up and long views.

The temporary structures do not respond to the architectural character of the buildings they serve. Instead, their tent like profile substantially obscure the ground floor and detract, with their apex, from the elegant prominence of the first floor. The continued infilling of the space

between the buildings and the walls or railings also compromises the distinctive spaciousness of the larger plots on which the villas sit.

These plots, larger compared to later developments in other sub-areas of the town, are an integral and distinctive part of these Regency villas, shaped by and illustrating the social trends of the day. Therefore, they inherently contribute to the significance of the assets and the erosion of their legibility is of concern.

### Planning Policy Context

The National Planning Policy Framework (NPPF) sets out that when considering a proposed development, irrespective of the level harm, great weight should be given to heritage asset's conservation', with higher designated building commanding greater weight (Paragraph 199). The high designation of the villas would therefore warrant higher weight to be given to their conservation.

Paragraph 195 also sets out the need to avoid and minimise any conflict between the asset's conservation and any aspect of the proposal. And, should a proposal still prove harmful to the significance of the heritage asset, that harm should be clearly and robustly justified (Paragraph 200). In this case, the emergency nature of the existing installation has prevented the exploration of less harmful options. However, should the need for the temporary structures be evidenced, alternatives which address the above concerns on design, positioning and density should also be explored.

For instance, the space to the rear and side on no 133 is by the nature of its double aspect and use of solid boundaries naturally more screened off from public views and may therefore lends itself more to temporarily accommodating a small quantum of ancillary structures. In the absence of a meaningful assessment of alternatives, the harm brought about by the proposal cannot be considered justified.

### Historic England's Position

The emergency nature of the original installation may have resulted in the adoption of a solution that, though functional, does not better reveal or enhance the form and architectural interest of the buildings' façade and plot. Instead it visually detracts from both, causing harm to the overall significance of the designated heritage assets. Should the continued need for temporary structures be evidenced, the visual harm currently derived from the existing structures should be avoided or minimised or if, still occurring, needs to be justified.

### 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 195, 199 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 and 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.

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**

*5th October 2022 –*

## Page 15

The proposed works are for the retention of existing temporary marquees at 125, 127, 129, 131 and 133 Promenade, Cheltenham for a further two year period. The marquees are comprised of several interconnected structures with translucent plastic walls, white coloured soft plastic roof, timber entrances and bar structures located internally. The marquees extend around most of the external garden area of both the front, side and rear of 125, 127, 129, 131 and 133 Promenade.

The marquees are used as a temporary restaurant/bar. Notably the marquees were originally constructed without planning permission, with the knowledge of the local planning authority, when planning enforcement was relaxed to address social distancing concerns during the Covid 19 pandemic. These restrictions have now ended. The applicant was previously made aware of the temporary nature of this relaxation and constructed the marquees with this understanding. Notably various unauthorised temporary structures outside these properties pre-date the Covid pandemic.

It is important to consider the policy context in which the proposal needs to be determined. The cornerstone of heritage legislation is the Planning (Listed Building and Conservation Area) Act 1990. In determining this application it is important to note the statutory duty of local planning authorities under 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 and 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.

A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets need to be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

The context of the development site is highly sensitive in heritage terms. The development proposal is within the curtilages of 125, 127, 129, 131 and 133 Promenade, grade II\* listed buildings. The site is prominently visible from the Promenade, Imperial Gardens and within the context a number of listed buildings whose setting is affected by the proposed works, including: 99-119 Promenade, a grade II listed terrace of regency townhouses; The Queen's Hotel, Imperial Square, a grade II\* listed Regency Hotel; Crimean War memorial, a grade II listed memorial; x2 pairs of gates pier and railing and pier adjacent to 131 Promenade which are each separately grade II listed; Queens Circus 1-6 Montpellier Avenue, a grade II listed Regency shop terrace; 14-34 Imperial Square, a grade II\* listed terrace of Regency townhouses; and Cheltenham Town Hall, a grade II listed Edwardian municipal building.

The site is also located within the Central Conservation Area: Montpellier Character Area. The area is noted within the Central Conservation Area Montpellier Character Area Appraisal and Management Plan adopted 2007 (the Appraisal) for predominantly containing Regency buildings, with the presence of many complete and uniform formal terraces, large villas set within spacious grounds. It is also noted within the Appraisal for containing three important areas of public open space, which includes Imperial Gardens. These formal gardens are stated as greatly enhancing the character and appearance of the Montpellier, and the setting of surrounding buildings. The Appraisal also notes the Promenade, which contains the town centre's southern spine and one of the town's most visually striking streets.

## Page 16

Regarding the justification for the proposed works in heritage terms, it is considered the supporting information within the application does not fully recognise the significance of the site and its context and the impact the development proposal has on them. It is also considered unclear from the submitted application why the continued need for a temporary orangery structure is required given the lifting of Covid restrictions and why this use cannot be accommodated within the existing grade II\* listed buildings. It is considered this can be used as a reason for refusal.

The proposal is considered to fail to meet the requirement of paragraph 194 of the NPPF, which requires an applicant to describe the significance of any heritage assets affected by a development proposal, including any contribution made by their setting, with the level of detail proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance. It also fails to address paragraph 200 of the NPPF, which requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), to require clear and convincing justification.

In terms of the design of the marquee structures, the cumulative impact of their temporary appearance, bulky scale and massing, exacerbated by their inappropriate materials, result in a development proposal that is prominent, intrusive and obscures views of the elevations of grade II\* listed 125, 127, 129, 131 and 133 Promenade, significantly undermining their setting, to the detriment of their special interest. Because of this impact the marquees also detract from views along the Promenade, views within Imperial Gardens, views along Imperial Square, views north from Imperial Gardens which affects the setting of the numerous listed buildings located here (listed above) and the Central Conservation Area: Montpellier Character Area. The proposed marquee structures therefore harm the immediate and wider setting of the affected listed buildings and the character and appearance of the conservation area. Given the highly sensitive nature and its context in heritage terms, this impact is considered unacceptable even on a temporary basis and should be removed without delay to address the harm it is causing.

It is important to note outside the context of the social distancing required by the Covid pandemic this or any similar such proposal would be have been supported because of its harmful impact on the setting of heritage assets. A concern is also raised accepting this impact on a temporary basis would set an unwelcome precedent to allow similar such harmful development within the setting of listed buildings elsewhere.

The impact of the temporary proposed works on the heritage assets is considered to neither sustain or enhance their special interest as required by Paragraph 197 of the NPPF and does not meet the requirement of paragraph 199 of the NPPF, which requires great weight be given to the asset's conservation, which includes setting. The temporary retention of the existing marquees and associated structures harm the heritage assets, considered to be less than substantial harm for the purposes of the NPPF. The supporting information within the application demonstrates a poor understanding of the affected heritage assets and offers no meaningful justification for the proposed works in heritage terms. The development proposal does not to 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.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the NPPF requires this harm be weighed against the public benefits of the proposal. It is important this exercise be undertaken as a separate exercise to the general planning balance as it is distinct from it.



In relation to application 22/01373/FUL for the retention of existing temporary marquees at 125, 127, 129, 131 and 133 Promenade, Cheltenham for a further two year period, there are no objections from Environmental Health for the retention of these structures.

The rationale for this is the limited number of recorded complaints we hold on this address and the period of time which has passed since a complaint was received by this department.

**Building Control**

25th August 2022 - This application may require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

**Cheltenham Civic Society**

22nd September 2022 - 3 22/01373/FUL | Retention of existing temporary marquees at 125, 127, 129, 131 and 133 Promenade, Cheltenham for a further two year period | 129 - 133 Promenade Cheltenham Gloucestershire

**OBJECT**

This very handsome group of buildings are grade II\* listed. The tents are already starting to look tatty and detract from their setting.

Despite the obvious economic benefits of these temporary structures, they were only permitted as a special measure to address the Covid crisis, and not as a long term solution. The applicants should comply with the class BB regulations which permit temporary structures for 120 days.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	23
Total comments received	10
Number of objections	10
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters sent to 23 neighbouring properties, a site notice displayed within the vicinity of the site and an advert placed in the Gloucestershire Echo. A total of 10 representations were received following the publicity. The comments/concerns raised, in summary, are as follows:

- Marquees only allowed in response to Covid-19 lockdown requirements
- Elegant and attractive listed building frontage obscured by canvas, large ugly tents and the appearance of a camp site
- Harmful impact on the character and aesthetic value of iconic grade II\* listed Regency terrace and the conservation area/Montpellier Character Area
- Frontages and elevations of listed buildings obscured and impact on important views/vistas within the Conservation Area
- Proposals fail to enhance the significance of heritage assets - retention of marquees beyond pandemic will not protect the buildings' heritage
- Marquees more visible after leaf fall in autumn

## Page 18

- No longer a pandemic requirement to eat outdoors as opposed to inside the hotel
- Proposals have allowed expansion of business/covers and do not provide an alternative or a continuation at a lower than pre-covid level
- Internal restaurant now used as a Japanese restaurant
- Previous parasol structures allowed adequate shading for customers
- Increase in noise and disturbance affecting neighbouring properties and area in general
- High energy costs in heating inefficient tent structures during winter periods
- Further temporary extension approval will lead to a permanent extension
- Proposals in conflict with Historic England advice on temporary structures
- Proposals not in the public interests of Cheltenham as a whole
- Area already well served by bars and restaurants

### **6. OFFICER COMMENTS**

#### **6.1 Determining Issues**

#### **6.2** The key matters for consideration are as follows;

- The impact on designated heritage assets (subject grade II\* listed buildings, other nearby listed buildings and Central Conservation Area)
- The public benefits and wider economic benefits of retaining the structures
- The impact on amenities of neighbouring properties, in terms of noise and disturbance
- Sustainable development and energy costs
- Impact on trees.

#### **6.3 The site and its context/Planning History**

#### **6.4** The application site comprises of 3no grade II\* listed Regency villas which are located prominently on the north side of the Promenade, one of the spinal axis of the Montpellier Character Area of Cheltenham's Central Conservation Area. The buildings form the end of the Promenade (Nos 125-133 Promenade) and are part of an important group of large detached, former residential properties, now almost entirely in commercial use. These buildings are of considerable aesthetic and historic significance and there are long distance and important views of three elevations of No 133 (Clarence House) and the front and rear of 125-131 from Queen's Circus, Montpellier Street, Montpellier Gardens and the Promenade.

- 6.5** Surrounding development is a mix of residential, commercial, restaurant/bar/cafe uses; the site being located within the Core Commercial area of Cheltenham's town centre.
- 6.6** Montpellier Street runs along the rear boundary of the site, beyond which is the Cheltenham Ladies College. There are a number of other key grade II and II\* listed buildings and listed terraces within the vicinity of the site, notably the Queens Hotel, properties surrounding Imperial Gardens, the Town Hall and properties surrounding Montpellier Gardens. A number of large, mature street trees are located in front of all three buildings.
- 6.7** Clarence House (133) is a substantial two storey detached villa with two lower side wings and the only detached villa in this location sitting alongside the three pairs of equally imposing, semi-detached Regency villas. The gate and boundary piers to Clarence House are listed separately as grade II. Planning permission was granted in 2015 for the change of use from offices (B1) to hotel accommodation forming part of the existing hotel facilities at 129-131 Promenade (ref 15/02156/COU).
- 6.8** Nos 129-131 were originally a semi-detached pair of Villas and were substantially refurbished in 2016. As part of these works, the front façade of the building was altered to appear as a single detached building. Nos 125-127 Promenade is a semi-detached pair of villas; planning permission granted in 2017 for the change of use of the property from offices to hotel accommodation in associated with Nos 129-133 Promenade. (17/01438/COU & LBC)
- 6.9** The application site (Nos 125-133) is entirely in use as a hotel with bar and restaurant facilities; 131 being the original hotel and providing the guest reception and main bar and restaurant facilities of the hotel. Part of the basement of 129-131 and the external areas of 133 are operated as a bar (Gin and Juice).
- 6.10** As outlined in the introduction, marquee structures were first erected outside 131 and 133 Promenade in June 2020; shortly after the Council adopted its relaxation of enforcement measures in relation to temporary structures. In October 2020, during the second wave of COVID-19, further temporary structures were erected at 125, 127, 129, 131 and 133 Promenade. A total of 13 temporary marquees/canvas structures have been erected within both the front and side curtilages of the three buildings). They are all of a similar 'hat' type appearance and broadly similar in height and size; albeit some of the canopies/structures at the side and rear of No 133 covering the external bar/drinking areas have a larger footprint and roof span.
- 6.11** The marquees were erected by the applicant in full knowledge of the temporary nature of the Council's planning enforcement relaxation measures. It should be pointed out that, prior to the COVID-19 pandemic, there were already several unauthorised 'temporary' structures outside of Nos 129-133.
- 6.12** In addition, the outside areas of No 133 were being used for external dining/catering purposes and subject to planning and listed building consent applications, submitted in 2018 (ref 18/02503/FUL&LBC). These applications remain undetermined, pending the submission of revised details from the applicant. Given the Council's enforcement relaxation measures in force from June 2020, officers did not seek to progress these applications during the pandemic and are now minded to await the outcome of the current application before pursuing matters further. Furthermore, the use of the side and rear curtilages of No 133 for external dining/drinking purposes has intensified noticeably since 2019, when these applications were first submitted. The use has since extended to the side of 133 and the overall number of covers increased at the rear. As mentioned previously, the external areas of No 133 are now used entirely in association with the Gin

and Juice Bar which also occupies a large part of the basement of 131; this basement area once providing the largest of the hotel's restaurant facilities.

- 6.13** It should also be noted that prior to June 2020, the area at the front of Nos 125-127 was not being used for any catering purposes and there was no planning consent in place to do so.
- 6.14** The marquees fronting the promenade are entirely enclosed and include timber doors, and connecting doors leading to the stairs and front entrances of 129-131 and 125-127 Promenade. The marquee/canopy structures at the side and rear of 133 are predominantly enclosed, either by canvas or existing brick boundary walls. The applicant states in the supporting information that the marquees are regularly inspected and are anchored by weights.
- 6.15** The marquees fronting the Promenade are heated by way of 4no. fan heaters which are powered by 4 diesel generators located just outside of the marquees, plus several internally mounted electric heaters. The generators are thermostatically controlled, meaning that they switch off automatically when the temperature reaches a certain point. Officers have been informed that the generators do not run during the night. The remaining marquee/canopy structures are similarly heated by diesel generators.
- 6.16** During the site visit, the applicant confirmed that the business has an on-site 800 persons capacity at any one time (including all staff and registered hotel guests). The internal and external areas provide approximately 525 covers in total (excluding standing customers where permissible); 140 covers in the marquees in front of 125-131 Promenade, 45 in the Japanese restaurant, 80 covers in the basement Gin and Juice Bar and the remainder under cover externally.

### **6.17 Heritage Impacts**

- 6.18** As stated previously, the application site comprises of grade II\* listed buildings, located centrally and prominently within the conservation area. These buildings are of considerable aesthetic and historic significance and there are long distance and important views of the three elevations of No 133 (Clarence House) and the front and rear of 125-131 from Queen's Circus, Montpellier Street, Montpellier Gardens and the Promenade. Given the highly sensitive nature of the site's location, the potential impact of the proposals on the significance of designated heritage assets must be considered very carefully.
- 6.19** Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. It states how '*Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance*'.
- 6.20** Section 16 of the NPPF sets out the importance of conserving and enhancing heritage assets. Paragraph 192 of the NPPF 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.*

**6.21** Paragraph 199 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.”*

**6.22** Paragraph 200 of the NPPF states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

**6.23** The Council’s Conservation Officer and Historic England have considered the submitted Heritage Appraisal and applicant’s justification for the proposals. Both raise significant concerns about the proposed retention of the marquees. The Civic Society has also raised an objection to the proposals. Their comments are set out in full in section 4 above.

**6.24** Conservation Officer

**6.25** In summary, the Council’s Conservation Officer (CO) identifies that the site is prominently visible from the Promenade, Imperial Gardens and within the context a number of listed buildings whose setting is affected by the proposed works. The CO considers that the justification for the proposed works in heritage terms does not fully recognise the significance of the site and its context and the impact of the proposals on these heritage assets. The continued need for the structures following the removal Covid-19 restrictions is also considered unclear.

**6.26** Concerns are raised regarding the cumulative impact of the temporary appearance, bulky scale and massing of the marquees structures, exacerbated by their inappropriate materials. The CO considers the marquee development prominent, intrusive and obscures views of the elevations of grade II\* listed 125, 127, 129, 131 and 133 Promenade, significantly undermining their setting, to the detriment of their special interest. The marquees also detract from views along the Promenade, views within Imperial Gardens, views along Imperial Square, views north from Imperial Gardens which affects the setting of the numerous other listed buildings and the Central Conservation Area: Montpellier Character Area. The proposed marquee structures therefore harm the immediate and wider setting of the affected listed buildings and the character and appearance of the conservation area. Given the highly sensitive nature and its context in heritage terms, this impact is considered unacceptable by the CO even on a temporary basis.

**6.27** The impact of the temporary proposed works on the heritage assets is considered to neither sustain or enhance their special interest as required by Paragraph 197 of the NPPF and does not meet the requirement of paragraph 199 of the NPPF, which requires great weight be given to the asset’s conservation, which includes setting. The identified harm to the heritage assets is considered to be less than substantial harm for the purposes of the NPPF. terms. The proposals therefore fail to 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.

**6.28** Historic England

**6.29** Historic England (HE) similarly point out the sensitive location and context of the site and considers that the proposals do cause a degree of harm to the significance of the designated heritage assets. Although physically detached from the buildings, the scale, design and density of the temporary structures are considered to have a detrimental visual

impact on the Grade II\* villas, as they substantially screen off the buildings both in close up and long views; their tent like appearance substantially obscuring the ground and first floors. Neither do they respond to the architectural character of the buildings they serve and the infilling of the space between the buildings and railings compromises the spaciousness of the larger plots on which the villas sit.

**6.30** In conclusion, HE considers that this temporary solution to the pandemic, though functional, visually detracts from the architectural interest of the building's facade and plot, causing harm to the overall significance of the designated heritage assets. If there is evidence of a continued need for the temporary marquee structures, HE advise that any visual harm will need to be avoided or minimised. Should there be continued harm, this will need to be justified.

**6.31** Officers have also had regard to Historic England's published general advice on the erection of temporary structures.

### **6.32 Public Benefits**

**6.33** As discussed above, the proposed development is considered to result in harm to the significance of these important grade II\* listed buildings, other listed buildings within the vicinity of the site and the wider conservation area. The conservation officer considers the level of harm to be less than substantial.

**6.34** Paragraph 202 of the NPPF states:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."*

**6.35** There is no definition of public benefits within the NPPF. However, the nPPG offers further guidance on this matter and refers to public benefits as anything that delivers the economic, social or environmental objectives of sustainable development described in paragraph 8 of the NPPF. The nPPG makes it clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large.

**6.36** The applicant has submitted supporting information which sets out the below justification for the proposed further temporary retention of the marquee structures. Any economic, social and environmental benefits identified as part of the applicant's justification must therefore be considered very carefully.

### **6.37 Applicant's Justification**

**6.38** The applicants supporting information sets out several reasons for needing to retain the marquees for a further temporary period. Firstly, they '*create a suitable outdoor dining experience over the cooler and less clement months of the year, as well as providing much needed shade during the increasingly warmer summer months*'.

**6.39** Secondly, following recent changes to permitted development rights, pubs and restaurants occupying listed buildings are able to erect a moveable structure outside of premises for 120 days in a 12 month period, subject to the prior approval of the local planning authority. The applicant considers this to be an important fall-back position and a material consideration; this application seeking to simply extend the period already allowed via permitted development.

**6.40** The applicant states that the external catering facilities have enabled the business to continue trading over last two years at a '*reasonable level... to ensure a degree of viability*', but not to the same pre-COVID levels.

**6.41** The applicant also points to increasing post pandemic customer expectations on being able to use outdoor space. The applicant therefore needs to maximise the use of its outdoor spaces for both staff and customers, in as safe a way as possible,. In addition, the structures have helped the business to adapt *to challenging and evolving social and economic circumstances* whilst also benefitting the wider, more economic activity of Cheltenham. As such, the applicant considers the proposals will complement the temporary structures referred to in the notifications made to the Council in June and October 2020 and will allow time for the applicant to create a *more sensitive and bespoke* long-term design solution to outdoor dining at 131.

**6.42** The applicant also cites the apparent lack of complaints received by the Council in relation to the design, appearance and impact of the marquees on heritage assets, as further justification for their retention.

### **6.43** Economic and Social Benefits

**6.44** It is quite clear that the hotel business has been able to trade successfully and remain viable during the post lockdown periods of the COVID-19 pandemic. It is also evident, based on the number of marquees installed to the front and side of all three buildings, that there has likely been an increase in overall covers for the both the restaurant and bar elements. Without clear evidence presented by the applicant to the contrary, external dining and drinking capacity was most likely lower pre-pandemic; given that the marquee structures now extend across all frontages.

**6.45** In light of the above, the retention of the 13 marquees would maintain this level of trade for 131 Promenade, contributing (but not essential) to the overall viability and vitality and retail/leisure and accommodation offer within the town centre. As such, the proposals provide some economic and social benefits to the wider public and the town centre economy.

**6.46** It is also worth pointing out that the marquees are largely, fully enclosed and heated during the autumn and winter months. As such, the applicants need to provide a 'safer' environment for its staff and customers is considered somewhat counter-intuitive. In essence, officers question whether a suitable, all year round, outdoor environment for the consumption of food and drink is actually provided. Whilst there may be an element of natural ventilation during the winter months, these are not all outdoor spaces in the traditional sense; rather they offer additional seating and cover outside of the hotel buildings.

### **6.47** Environmental Benefits

**6.48** Officers consider that there is no evidence of the proposals offering any environmental benefits. The identified harmful impact of the proposals on the significance of designated heritage assets is discussed above.

**6.49** The applicant has not addressed climate change and the guidance set out in the relevant SPD. No alternative solution to the use of diesel fuelled generators has been provided.

### **6.50** **Impact on heritage assets versus public benefit test**

**6.51** As set out and discussed above, harm to the significance of designated heritage assets has been identified. The identified harm is considered to be *less than substantial* and will therefore need to be weighed against the public benefits of the proposals, as required by paragraph 202 of the NPPF.

**6.52** In summary and as set out above, there are limited public benefits associated with the retention of the marquees. Furthermore, these benefits existed pre-COVID/prior to the installation of the marquees and it is likely that the additional marquees and increase in

external covers are now allowing the business to trade more successfully. If this is the case, it also does not amount to a public benefit.

- 6.53** The town centre offers a wide range of alternative catering facilities and hotel accommodation. Put simply, the retention of the 13 marquees for a further two years is not considered to be essential to maintain the viability/vitality of the town centre economy.
- 6.54** Neither do the proposals constitute enabling development that would bring about the public benefits necessary to justify the retention of the marquees.
- 6.55** Whilst officers acknowledge fully that there are some social and economic benefits associated with the retention of the marquees, these benefits are not considered to outweigh the identified harm to the significance (including setting) of designated heritage assets. Neither does the temporary nature of the proposals alleviate the concerns or change the opinion of officers.
- 6.56 Impact on neighbouring property**
- 6.57** Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, loss of light and outlook, noise and disturbance. The policy is consistent with adopted JCS policy SD14.
- 6.58** Due to the location and the number and size of the marquees, there is potential for the proposals to impact upon the amenities of neighbouring land users, in terms of noise and disturbance and possibly light spill. In addition to the use of the marquees as an external dining area, the noise impacts of the diesel fuelled generators used to heat the marquees must also be considered. However, the marquees are not considered to result in any unacceptable loss of light or overbearing impact on any neighbouring land user.
- 6.59** Whilst the predominant use of surrounding development is commercial (retail, restaurant, bar, café uses), there are many dwellings located on Imperial Square.
- 6.60** The Council's Environmental Health team (EHO) was consulted on the proposals. No objection is raised and the reasons for reaching this recommendation is the limited number of recorded complaints held for this address and the length of time since a complaint was last received by the EHO.
- 6.61** Given the above EHO comments and the distance of the application site from the nearest residential properties, officers consider that the retention of the marquees for a further two year period should not result in an unacceptable impact on the amenities of neighbouring land users. However, any future application for the permanent retention of the marquees or proposals for an alternative permanent solution, would require a more detailed consideration of potential noise impacts.
- 6.62 Access and highway issues**
- 6.63** The Highway Authority was not consulted and, despite a potential increase in the use of the premises over the last couple of years, there are no relevant highway and access matters to consider as part of this application. This is an existing commercial operation within the town centre and, in the main, the proposals relate to on-site activity associated with the authorised use of the premises as a hotel with restaurant and bar. In this respect, no material change of use has occurred.
- 6.64 Sustainability**



- 6.65** In June 2022, Cheltenham's Climate Change SDP was adopted which identifies and provides guidance for how development can contribute to the aims of sustainability to achieve net zero carbon by 2030 and how applicants can successfully integrate a best-practice approach towards climate and biodiversity in their development proposals. The SPD is now a material consideration in the determination of applications.
- 6.66** Given the temporary nature of the proposals, officers acknowledge that there is perhaps little opportunity to include specific low carbon technologies within the proposed development. The applicant has not provided a sustainability statement or offered any information on energy/climate change/sustainability.
- 6.67** Notably, during the autumn, winter and early spring months the marquees and canopy structures are heated during the day by a number of diesel powered generators and internally mounted electric heaters.
- 6.68** The proposals are therefore in conflict with the objectives of the SPD.
- 6.69 Other considerations**
- 6.70 Trees**
- 6.71** There a number of large, mature Plane trees located adjacent to and in close proximity of the site. The canopies of some of the trees overhang the marquees. These trees contribute to one of the finest avenues of trees within Cheltenham.
- 6.72** The proposals have been discussed with the Council's Tree Officer who raises no concerns. There is no evidence that the marquees under the large plane trees are being damaged by or are damaging the street trees. The proposals are not therefore considered to result in any harmful impact on the existing trees and therefore accord with Cheltenham Plan Policy G12.
- 6.73** Any proposal for the permanent retention of the marquees or an alternative design solution, would require further consideration of the long term impacts on existing trees.
- 6.74 Public Sector Equalities Duty (PSED)**
- 6.75** As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three 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; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.
- 6.76** 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.
- 6.77** In the context of the above PSED duties, this proposal is considered to be acceptable.

## **7. CONCLUSION/PLANNING BALANCE AND RECOMMENDATION**

- 7.1 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.
- 7.2 NPPF paragraph 11 sets out a '*presumption in favour of sustainable development*' which in decision making means '*approving development proposals which accord with an up-to-date development plan*'.
- 7.3 Harm to the significance of designated heritage assets has been identified. The identified harm has been weighed against the public benefits of the proposals, as required by paragraph 202 of the NPPF. Whilst officers acknowledge that there are some social and economic benefits associated with the retention of the marquees, these benefits are not considered to outweigh the identified harm to the significance of the heritage assets.
- 7.4 The information and reasons set out within the applicant's covering letter have been considered very carefully but are not considered to provide clear and sufficient justification for the proposed development or outweigh the identified harm to designated heritage assets.
- 7.5 Officers note that the application is seeking consent for a further temporary 2 year period to allow time for the applicant to consider an alternative permanent solution. As such, the identified harm could be considered as temporary. However, the applicant was aware of the temporary status of the Council's relaxation of enforcement in relation to temporary structures during the pandemic. To date, no alternative (permanent) solutions or scheme have been presented to the Council or discussed informally with officers; this forming part of the applicant's justification for the retention of the marquees.
- 7.6 Furthermore, there is evidence to suggest that the marquees have resulted in an increase in overall covers/dining capacity at 131 and it is therefore likely that the retention of the marquees will allow the business to continue to trade more successfully in comparison with pre-COVID levels. Officers consider therefore, that the benefits associated with the existing marquees could be achieved without the need for their retention, whether on a temporary or permanent basis.
- 7.7 In light of the above and having also considered the extent to which the proposals amount to sustainable development, the identified harm to heritage assets outweighs the public benefits and there are no other benefits or reasons that would demonstrably outweigh the identified adverse impacts of the proposals.
- 7.8 The proposed retention of the marquee structures for a further two years is therefore considered to be unacceptable and conflicts with relevant local and national planning policy and guidance.
- 7.9 The recommendation is to therefore refuse the application for the following reasons.

## 8. REFUSAL REASONS

- 1 Nos 125, 127, 129, 131 and 133 Promenade are grade II\* listed Regency villas located prominently within Cheltenham's Central Conservation Area (Montpellier Character Area). As required by paragraph 197 of the NPPF, the impact of the proposed temporary retention of existing temporary marquees on the designated heritage assets, by virtue of their location, number, form and design, scale and prominence, is considered to neither sustain or enhance the buildings' special interest and would harm the setting of nearby listed buildings and the character and appearance of the conservation area. Neither do the proposals meet the requirements of paragraph 199 of the NPPF, whereby great weight should be given to the assets' conservation, which includes setting.

The identified harm to the heritage assets is considered to be less than substantial harm for the purposes of paragraph 202 of the NPPF. The public benefits of the proposals are not considered to outweigh the identified harm to the heritage assets. In addition, the supporting information within the application demonstrates a poor understanding of the affected heritage assets and offers no clear or convincing justification for the proposed works in heritage terms. Therefore, the development proposals do not to comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policies SD4 and SD8 of the Joint Core Strategy 2017 and Policy D1 of the Cheltenham Plan (2020).

### **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 authority cannot provide a solution that will overcome the identified harm to designated heritage assets.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

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<b>APPLICATION NO:</b> 22/01373/FUL	<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 30th August 2022	<b>DATE OF EXPIRY :</b> 25th October 2022
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	Lucky Onion Group
<b>LOCATION:</b>	129 - 133 Promenade Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Retention of existing temporary marquees at 125, 127, 129, 131 and 133 Promenade, Cheltenham for a further two year period

## REPRESENTATIONS

Number of contributors	<b>10</b>
Number of objections	<b>10</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

Flat 3 Burston House Pittville  
Circus  
Cheltenham  
Gloucestershire  
GL52 2PU

### Comments: 31st August 2022

I walked past these buildings last week for the first time in six months, with visitors from Oxford. Like me, they were not impressed that such beautifully restored and repurposed houses could be obscured and disfigured by so many and such ugly tents. I appreciate that retaining them will bring in more money but at lunch time last week there were very few people actually dining - or even drinking. Talking about protecting their heritage by keeping these beyond the pandemic is disingenuous. Maybe a compromise should be made - a covered area at the side of 129 where there is more space. We already have to deal with large and unsympathetic so-called temporary structures at Pittville Pump Room and the Town Hall which compromise their surroundings. If these are approved, and this application as well, why bother having heritage listings at all?

Flat 4  
40 Evesham Road  
Cheltenham  
Gloucestershire  
GL52 2AH

**Comments:** 31st August 2022

The Promenade is arguably the Regency face of Cheltenham. Currently, 129-133 give it the appearance of a Bedouin camp site, spoiling the entire ambience of this iconic Regency parade. By removing the overall character I believe that the town in general suffers. It was absolutely fair that these TEMPORARY structures had their place during the difficult period but they are no longer warranted. We are heading towards winter during a time when large amounts of energy will be used to heat these highly inefficient structures. A 2 year extension will just become a lifetime extension which is no doubt the plan, get us used to it? It certainly is not in the interest of Cheltenham as a whole.

32 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 5th September 2022

I object very strongly to this planning application. Imperial Square is a beautiful regency square which is totally ruined by the plastic marquees outside 131. This is supposed to be a conservation and heritage area, and whilst understanding the problems caused to businesses during Covid, this is no longer causing the necessity to eat outside as opposed to in the hotel. Once the trees lose their leaves in autumn the marquees will again stick out like a sore thumb. Please do not grant them permission to keep their "temporary" extensions

17 The Pavilions  
Sandford Road  
Cheltenham  
Gloucestershire  
GL53 7AR

**Comments:** 3rd October 2022

The temporary structures around these Grade 2 listed buildings may well have been necessary during the Covid epidemic, however it is surely time to return to some degree of normality.

These Grade 2 listed buildings form an elegant and attractive frontage to the promenade and it would be a mistake to continue to allow them to be concealed in canvas. The existing planning permission has expired and they should be ordered to take them down without further delay.

Worcester House  
Pittville Circus Road  
Cheltenham  
Gloucestershire  
GL52 2QA

**Comments:** 18th September 2022

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area, As stated in the proposers application. The tented village look to the fronts and side of the development are to the detriment of the core of the Montpelier conservation zone. They obscure the frontages or 3 grade 2star listed buildings, especially from the pavement on that side of the promenade, where they obscure the view of the entire terrace of listed townhouses further down the promenade. They are opposite imperial gardens, where the railings are being replaced to enhance the heritage of the area as a core part of heritage of the town. From here, the sides of the tents, with wooden fire doors - all removed for the proposers photographs, usually totally obscure the lower levels of the listed buildings, and the sides to the tents obscure or detract from the railing detail specifically mentioned in the listing.

Section 16 of the NPPF focuses on the conservation and enhancement of the historic environment. Conservation (for heritage policy is defined in the Glossary (Annex 2) as: "The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance." - this refers not to its economic significance, but to its significance within the built environment, and this development can only diminish this, and in no way enhances it.

With regard to the comments by the proposer that the tents have allowed the business to continue at a lower level than pre civil 19 is clearly fatuous. The outside area has added almost 400 covers, far more than the original indoor dining area and bar, and are clearly more full than these areas would be, even at capacity. The addition of these tents have allowed the original indoor restaurant to be reimagined as a totally separate Japanese restaurant, with separate theme and menu, as has the rum bar to the original gin bar - both therefore represent an extension of the business into the outside space, not a necessary alternative. The argument that the tents are needed to shade customers from the sun in the summer is untrue - the venue managed perfectly well previously with outside tables shaded by much more appropriate parasols.

We're this proposal to be approved, it should be for this winter only, in its current form as per the photographs without sides, and should be removed in the summer, when the venue can revert to the tables shaded by parasols that it used in all the years prior to covid restrictions

36D The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

**Comments:** 31st August 2022

I object to the Lucky Onion Group's application for the following reasons.

This proposal fails to comply with any of the current planning policies and legislation specifically designed to protect Listed Buildings and Conservation Areas. These marquees only exist because of Covid 19 first and second wave lockdowns. They are no longer required.

Historic England's publication 'Temporary Structures in Historic Places' points out that "Very short term, genuinely temporary and wholly reversible changes are unlikely to have an unacceptable impact on setting. Longer term or recurrent changes, even if notionally temporary, may have a more serious impact."

The key piece of heritage legislation is the Planning (Listed Building and Conservation Area) Act 1990 which requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting. It also requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the area. These 13 marquees completely mask the frontages of three Grade II\* listed Regency villas and do absolutely nothing to preserve or enhance the Montpellier Character Area, quite the opposite, they create significant harm.

This application ignores, or has no knowledge of, the National Planning Policy Framework 2019. It does not consider or acknowledge the owners responsibility for these Heritage assets or their setting and only recognises their commercial value.

This is not a temporary shelter outside a pub or half a dozen tables outside a brasserie, this is a long row of 13 Marquees obscuring three Grade II\* listed Regency villas creating almost 500 square metres of additional floor space. I believe this is a blatant attempt to permanently expand their operation off the back of the Covid 19 special measures and is therefore exploitive and opportunistic. This is inappropriate and damaging to the Heritage and Conservation of the area.

6 Imperial House  
Lypiatt Road  
Cheltenham  
Gloucestershire  
GL50 2QJ

**Comments:** 5th September 2022

I am objecting to this application as they are beautiful Georgian buildings and these eyesores are ruining the look of the buildings also you can see them from a distance. They are far too big and look like a circus.



1 Promenade  
Cheltenham  
Gloucestershire  
GL50 1LN

**Comments:** 5th September 2022

We object to this planning application. The need for this business to have marquees outside of their premises has now passed. Whilst it was necessary to have some outdoor eating spaces during the Covid-19 pandemic this is not the case anymore. It looks as though the owners of this business have experienced an increase in income because of the increase in the number of people they can serve and now they want to maintain this level of income. Unfortunately it comes at a cost to the natural beauty of the area. The marquees cover up the Regency style buildings which is such a shame.

I may support a smaller area of marquees but just not as they have proposed in their application. It is just not acceptable for all these buildings to be covered up.

1 Claremont Lodge  
Montpellier Spa Road  
Cheltenham  
Gloucestershire  
GL50 1UG

**Comments:** 13th September 2022

The existing temporary marquees on Cheltenham's signature thoroughfare are an eyesore and spoil the vista of the three listed buildings in a conservation area. One questions the whole point of listing a building if it can't be seen. In addition, the existing marquees provide almost 500 square metres of hospitality space increasing greatly the noise and general disturbance in that part of town. The Promenade and Montpellier are already well served by restaurants, bars and cafes and there is no need to provide more through the erection of what are temporary structures.

32 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 5th September 2022

I object to the Application.

The existing temporary marquees were allowed because of the Covid pandemic. Even then they were only permitted on a 'temporary' basis.

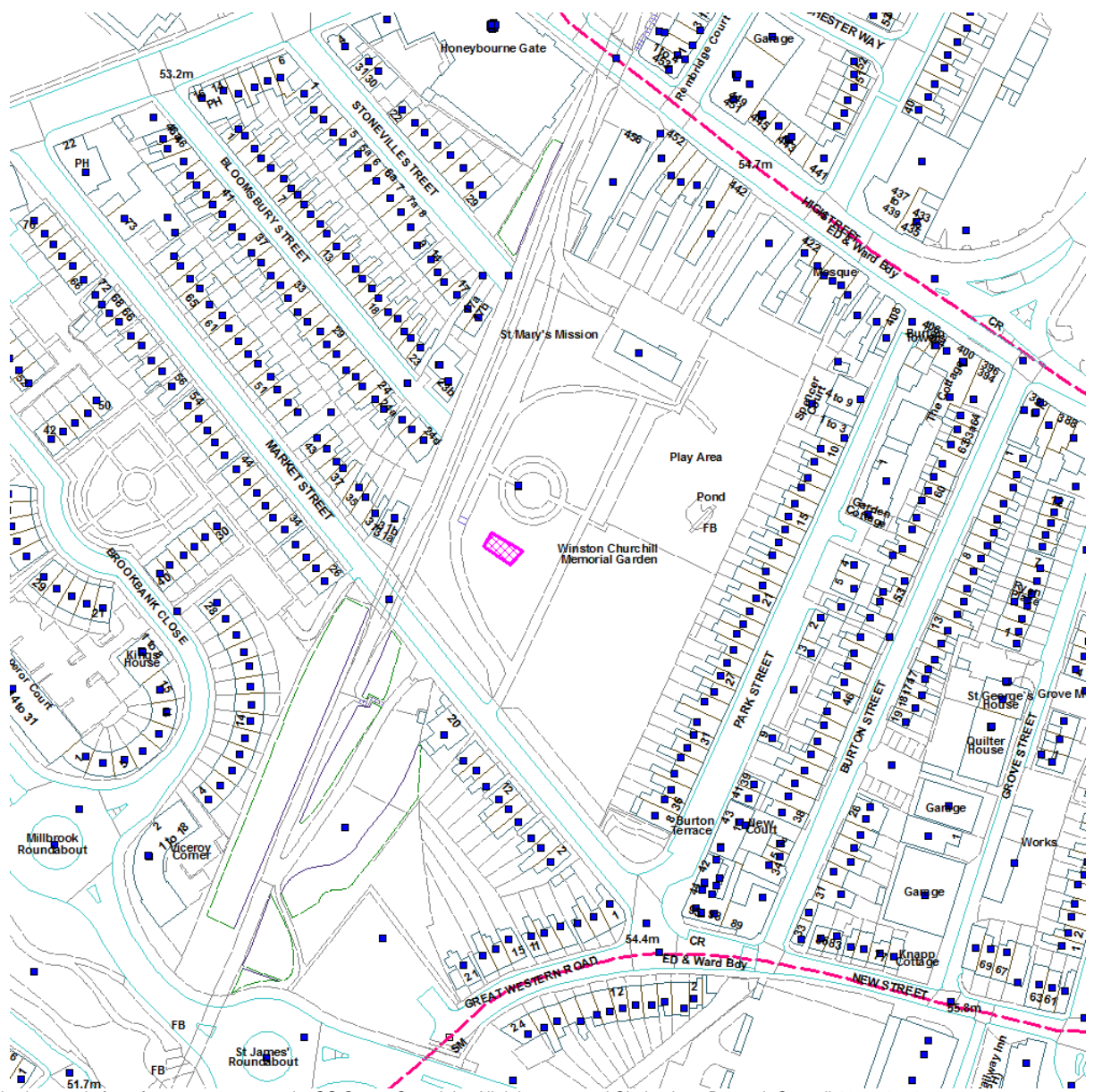
The marquees obscure Grade 2 listed Regency buildings which face Imperial Gardens and The Promenade. There is no point of paying lip-service to protecting this high profile conservation area if the 'temporary' marquees are allowed to remain.

No extension should be allowed.



<b>APPLICATION NO:</b> 22/01540/FUL	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 26th August 2022	<b>DATE OF EXPIRY:</b> 21st October 2022
<b>DATE VALIDATED:</b> 26th August 2022	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Peters	<b>PARISH:</b>
<b>APPLICANT:</b> Cheltenham Borough Council	
<b>AGENT:</b>	
<b>LOCATION:</b> St Marys Mission High Street Cheltenham	
<b>PROPOSAL:</b> Installation of a ground mounted flagpole within Winston Churchill Memorial Garden	

**RECOMMENDATION:** Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of the St Mary's Mission Grade II listed building and its associated grounds known as the Winston Churchill Memorial Gardens, a designated public green space. The site is located within Cheltenham Central Conservation Area and is accessed via the High Street.
- 1.2 The applicant is seeking planning permission for the installation of a ground mounted flag pole to be located within the grounds of the Winston Churchill Memorial Garden.
- 1.3 The application is at planning committee as Cheltenham Borough Council is the applicant and land owner.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area  
Honeybourne Line  
Principal Urban Area  
Public Green Space (GE36)  
Residents Associations  
Smoke Control Order

### Relevant Planning History:

**07/00846/LBC 26th September 2007 GRANT**

Remedial repair works to include new render coat to upper west elevation and installation of bird guarding/proofing systems to front elevation

**18/01770/FUL 19th October 2018 PER**

Installation of a roof mounted flagpole to the front elevation of St Marys Mission to display the recently awarded 2018 Green Flag for Winston Churchill Memorial Garden

**18/01770/LBC 19th October 2018 GRANT**

Installation of a roof mounted flagpole to the front elevation of St Marys Mission to display the recently awarded 2018 Green Flag for Winston Churchill Memorial Garden.

**20/01010/FUL 20th November 2020 PER**

Change the current colour of the 2 main entrance gates (Lower High Street and Market Street and attached entrance railings from black to RAL 6000, and also of the entrance archway to the adjacent Honeybourne Line. To remove the railings around St Mary's Mission Hall.

**20/01010/LBC 20th November 2020 GRANT**

Change the current colour of the 2 main entrance gates (Lower High Street and Market Street and attached entrance railings from black to RAL 6000, and also of the entrance archway to the adjacent Honeybourne Line. To remove the railings around St Mary's Mission Hall.

**21/02648/LBC 27th April 2022 WDN**

Remove, refurbish, and re-install street light

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 4 Decision-making

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

### Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

## **Adopted Joint Core Strategy Policies**

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

Central conservation area: Lower High Street Character Area and Management Plan (July 2008)

## **4. CONSULTATIONS**

### **Building Control - 5th September 2022**

No comment

### **Heritage And Conservation - 5th September 2022**

No observations.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 The application was advertised by way of a site notice and an advert published in the Gloucestershire Echo. No letters of representation have been received in response to this public consultation process.

## **6. OFFICER COMMENTS**

- 6.1 The main considerations of this application are the principle, impact on the setting of the listed building, memorial gardens and conservation area and impact on amenity.
- 6.2 As already noted in the introduction, the application site consists of a detached Grade II listed building known as St Mary's Mission and is set within the grounds of the Winston Churchill Memorial Gardens, which is a designated public green space.
- 6.3 The proposal is to install a ground mounted flag pole within a central section of the memorial gardens and located to the rear of the St Marys Mission building. The pole will be 8 metres high and manufactured from a white powder coated aluminium tube. The pole will be used to display a recently awarded 2022/23 Green Flag award which recognises parks and open spaces which fulfil a number of criteria including design, bio-diversity, sustainability, community involvement and visitor experience.
- 6.4 The flags associated with previous awards accredited to this site have been displayed on a flag pole mounted to the roof of the St Mary's Mission building which was granted consent in 2018, application reference 18/01770/FUL. However due to building maintenance needs, an alternative flag pole is now required.
- 6.5 Due to the listed status of the building and its position within the conservation area the council's conservation team were consulted on this application, no concerns or objections have been raised.
- 6.6 Officers consider the principle of a single flag pole, centrally located within the site to be acceptable and do not consider that this would result in any unacceptable harm to the design, character or setting of the listed building or the surrounding conservation area. The proposal is therefore considered to be compliant with Cheltenham Plan policy D1 and adopted JCS policies SD4 and SD8, which requires development to achieve an appropriate design and to conserve the historic environment.

6.7 Due to the scale and location of the flag pole it will have no impact on neighbouring amenity and is therefore compliant with Cheltenham Plan policy S11 and Adopted JCS policy SD14.

### 6.8 Other considerations

#### *Climate change*

The recently adopted Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy to help Cheltenham become Carbon Neutral by 2030 and identifies how new development can help achieve this aim. Due to the nature of the development there is no scope for any specific low carbon technologies or any way for this form of development to help achieve this goal, in this instance this is considered to be acceptable.

#### *Public Sector Equalities Duty (PSED)*

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three 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; and
- 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 is considered to be acceptable.

## 7. CONCLUSION AND RECOMMENDATION

7.1 Having considered all of the above, officer recommendation is to permit the application, subject to the conditions set out below;

## 8. CONDITIONS / INFORMATIVES

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

## 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.

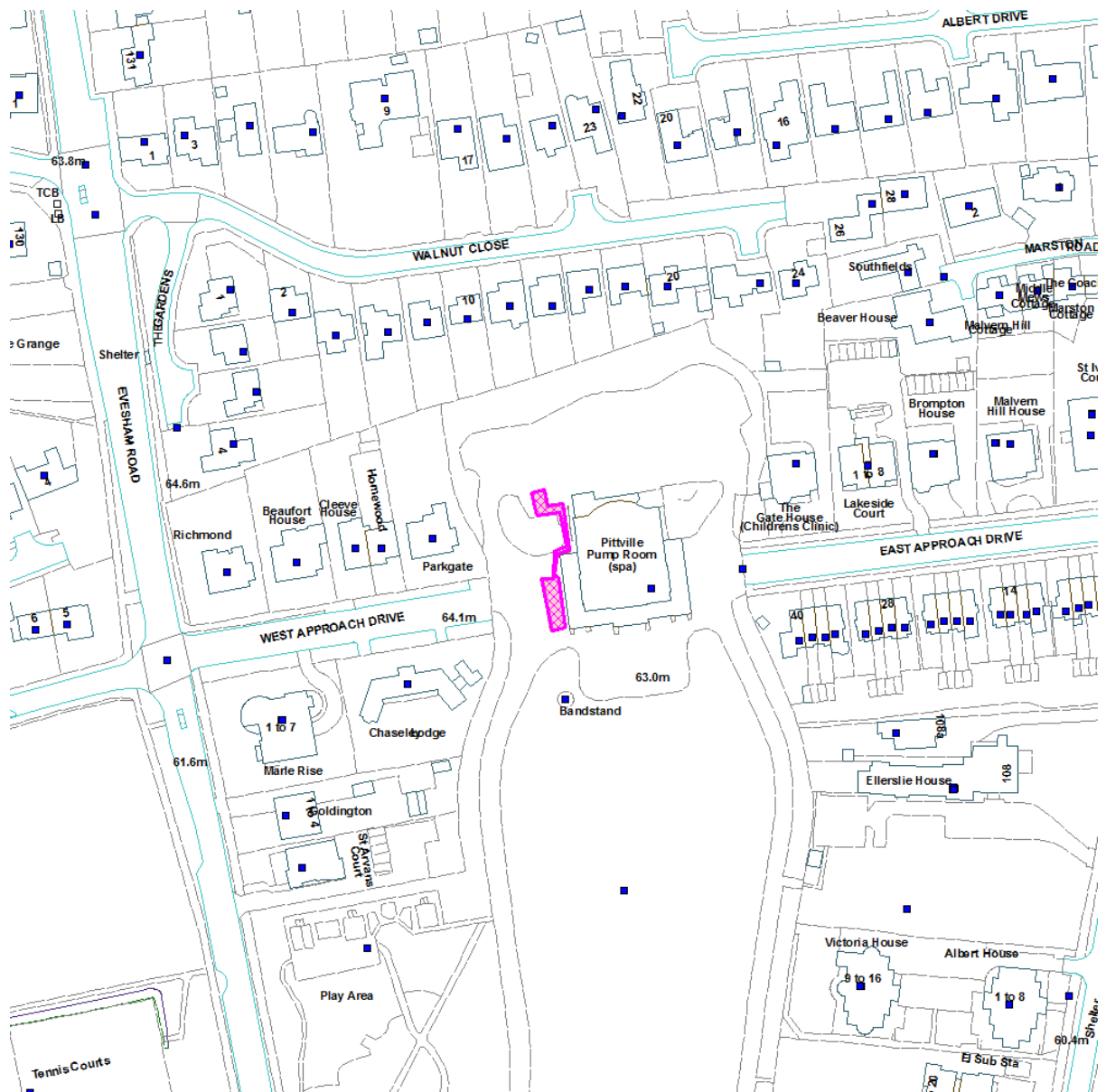
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**Officer Report**

<b>APPLICATION NO:</b> 22/01439/FUL	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 10th August 2022	<b>DATE OF EXPIRY:</b> 5th October 2022
<b>DATE VALIDATED:</b> 10th August 2022	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b>	The Cheltenham Trust
<b>AGENT:</b>	Evans Jones Ltd
<b>LOCATION:</b>	Pittville Pump Room East Approach Drive Cheltenham
<b>PROPOSAL:</b>	Temporary change of use of land for up to two years for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility

**RECOMMENDATION:** Refuse





## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to Pittville Pump Room a Grade I listed building located within the northern section of Pittville Park. Pittville Park is registered park and garden and is also a designated local green space. The site sits within Cheltenham's Conservation Area and forms part of the Pittville Character Area and Management Plan.
- 1.2 During the early stages of the COVID-19 pandemic Cheltenham introduced a short-term relaxation of enforcement for temporary structures. This relaxation was introduced in order to help and support existing businesses and organisations to continue to operate whilst the Government imposed social distancing restrictions. The Cheltenham Trust benefitted from this temporary relaxation and as such the structure that now forms the Orangery at the Pittville Pump Room, and the ancillary toilet and storage facilities were installed to facilitate the use as a café. The use has been operational since September 2021.
- 1.3 The temporary period of relaxation that was granted ended on 30<sup>th</sup> September 2022 and therefore any business or organisation that had benefited from this relaxation either had to remove the temporary structures or were required to seek consent for their retention. In this instance, the Cheltenham Trust is seeking consent for the retention of the structures and use as a café for a further period of up to 2 years.
- 1.4 It is important to note that the Cheltenham Trust are also seeking temporary consent for the retention of a similar structure located within Montpellier Gardens, this is being considered under application reference 22/01438/FUL.
- 1.5 The application is at planning committee as Cheltenham Trust are the applicant and Cheltenham Borough Council are the land owners.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Listed Buildings Grade 1  
Principal Urban Area

### Relevant Planning History:

#### **19/00485/LBC 4th June 2019 GRANT**

To remove asbestos cement promenade tiles from the flat roof to the rear of the Pittville Pump Rooms 1960 extension, repair existing asphalt covering and overlay with liquid applied waterproof membrane colour to match existing, renew 10 nr circular skylights using white GPP to match existing profiles, with triple skin polycarbonate skin to adjacent existing leads and copper flashings to suit

#### **20/01702/LBC 21st December 2020 GRANT**

Investigate survey to open up three sections of the balcony

#### **20/01899/LBC 29th April 2021 DISPOS**

Installation of 8no. speakers located under the colonnade to supply music and announcements to the colonnade area of the Pump Rooms.

#### **21/00579/LBC 21st May 2021 GRANT**

To replace six cracked and unsafe slabs like for like

#### **21/01391/DISCON 23rd June 2021 DISCHA**

Discharge of conditions 3 (Details of materials) of planning permission 21/00579/LBC to replace 6 cracked slabs

#### **21/01687/LBC 17th September 2021 GRANT**

Installation of new gates and railings at East and West Approach Drives and associated alterations, and restoration of c19th steps to the front of the Pump Rooms

#### **21/01687/FUL 17th September 2021 PER**

Installation of new gates and railings at East and West Approach Drives and associated alterations, and restoration of c19th steps to the front of the Pump Rooms

**21/01874/LBC 1st November 2021 GRANT**

Removal of defective insulation and roof covering on the balcony, timber repairs, repointing of stone steps, addition of rodding point

**21/02449/DISCON 8th November 2021 DISCHA**

Discharge of conditions 3 (Repair and maintenance works) and 4 (Roofing material) of listed building consent ref. 21/01874/LBC

**21/02560/FUL 23rd February 2022 WDN**

Installation of 2 no. temporary buildings and associated services for a period of 3 years on existing hardstanding adjacent to the Pittville Pump Room, to comprise a storage unit and public WC unit to be associated with the existing outdoor cafe and associated events.

**21/02560/LBC 22nd November 2021 NOTREQ**

Installation of 2 no. temporary buildings and associated services for a period of 3 years on existing hardstanding adjacent to the Pittville Pump Room, to comprise a storage unit and public WC unit to be associated with the existing outdoor cafe and associated events.

**21/02618/FUL 3rd December 2021 WDN**

Proposal to retain the current temporary Orangery structure on a permanent basis

**21/02618/LBC 25th November 2021 NOTREQ**

The proposal seeks to retain the current temporary structure and confirms the layout and arrangement within the application for further detail (retrospective)

**22/00340/LBC 22nd April 2022 GRANT**

Various repairs works

### 3. POLICIES AND GUIDANCE

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 Conserving and enhancing the historic environment

#### **Adopted Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

GI1 Local Green Space

GI2 Protection and replacement of trees

GI3 Trees and Development

#### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD14 Health and Environmental Quality

INF1 Transport Network

#### **Supplementary Planning Guidance/Documents**

Cheltenham Climate Change (2022)

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

## 4. CONSULTATIONS

**Historic England** - *31st August 2022*

T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990

PITTVILLE PUMP ROOM, EAST APPROACH DRIVE, CHELTENHAM,  
GLOUCESTERSHIRE, GL52 3JE  
Application No. 22/01439/FUL

Thank you for your letter of 15 August 2022 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.

### Summary

The proposed temporary retention of the café structure would be harmful to the significance of the Grade I Pumprooms and has not been justified under para 200 of the NPPF, and we object to the application. While we would not be supportive of a permanent solution on this site, we would encourage the applicant to consider alternative options that utilise the listed building or perhaps an alternative site within the park.

### Historic England Advice

#### Significance of Designated Heritage Assets

Pittville Pump room of 1825-30, with restorations and alterations of 1949-60 was designed by John Forbes for William Pitt. Considered to be the finest in Cheltenham and constructed in ashlar over brick with slate roof and copper dome, the details based on Stuart and Revett's engravings of the Temple of Illissus. It is situated in Pittville Park (Grade II Registered Park and Garden) and the Cheltenham Conservation Area. Being of the highest heritage significance and holding wide-ranging heritage value, it 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'.

#### Summary of proposals.

Following the withdrawal of a previous planning application for the permanent retention of the structure, the current application proposes the retention of the café for up to two years. We understand that the temporary structure was erected without the need for planning permission, which will expire in September 2022.

#### Impact of the Proposed Development

We objected to the permanent retention of the café building in December 2021 on the basis of its position and design, and the associated impacts and harm to the setting of the Grade I building. We also offered to engage with the applicant to explore alternative solutions, which was not taken up.

To summarise our objection to the proposed structure in this location, we previously advised that the proportions, design and construction of the building make for a temporary-looking addition alongside a solid and architectural flamboyant focus within Pitville Park. It sits in an elevation position with the parkland sloping down to the serpentine lake below, making for a dramatic historic landscape with reflections of the Pumproom. While the flanking elevations of the GI building are less prominent within its wider setting, the approach from West Approach Drive still provides a framed setting to the west elevation with a symmetrical focus of its architectural components.

The temporary structure has resulted in impact on the setting of the GI building, its setting contributing highly to its significance. It is most prominent from within the immediate setting by virtue of existing landscape and trees. However, its position being close to the western side of the Pumproom and level with the front colonnade compromises the experience of the symmetry of the principal façade and obstructs views of the Grade I building.

In terms of the design and construction of the café structure, this is a not a bespoke design response to its setting and elements such as building proportions and the temporary visual nature of timber cladding does not responding positively to the sensitivity of its setting.

The revised application includes a Planning Statement which outlines the rationale for the request for a temporary permission. The structure was added to the site for the purpose of providing outside catering during the pandemic when the government had placed restrictions on existing inside facilities. These restrictions have now ended, and the planning statement outlines that the applicant is seeking a temporary permission while a solution for a permanent building is sought.

In terms of our standard guidance on temporary structures, this can be found in the document: *Temporary Structures in Historic Places* (2010).

Our principle concern over the principle of retaining the structure, even on a temporary basis, is that it has not been demonstrated why the Pumprooms cannot accommodate the café, which was presumably the situation pre-pandemic? Outside seating during good weather could still be accommodated outside on the terraces. We advise that this would be the most appropriate long-term solution, which would also provide the heritage benefit of public access into the Grade I building and utilise the existing kitchen and toilet facilities. An alternative, permanent building in this location would not be acceptable or supported, particularly if there is no clear or convincing justification. We therefore advise that the applicant considers alternative options to continue the café facilities in the longer term while utilising the principal listed building in the meantime.

The temporary retention of the existing café would be harmful to the setting of the Grade I building, and there is little justification offered why the Pumproom cannot be utilised for the café business, even in the short term. This is therefore contrary to par 200 of the NPPF. We consider there to be a solution that would minimise the harm, or even remove the harm all together. If the Trust are seeking a separate new café building within the park, we would be happy to provide pre-application advice, although this should be informed by a comprehensive assessment of the significance of the wider site, where the sensitivities lie and provide a range of options for discussion.

### Planning Legislation & Policy Context

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 194 of the NPPF, the significance of the asset's setting requires consideration. Para 199 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 200 goes on to say that clear and convincing justification is needed if there is loss or harm. Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (*Historic Environment Good Practice Advice in Planning Notes* (2015 & 2017)).

Heritage assets are an irreplaceable resource NPPF 189 and consequently in making your determination your authority will need to ensure you are satisfied you have sufficient information regarding the significance of the heritage assets affected, including any contribution made by their settings to understand the potential impact of the proposal on their significance NPPF 194, and so to inform your own assessment of whether there is conflict between any aspect of the proposal and those assets' significance and if so how that might be avoided or minimised NPPF 195.

The significance of a heritage asset can be harmed or lost through alteration or destruction of the asset or development within its setting. As heritage assets are irreplaceable, any harm (whether substantial or less than substantial) is to be given great weight, and any harm to, or loss of, the significance of a designated heritage asset (or site of equivalent significance) should require clear and convincing justification.

### Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 199, 200 and 206. 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 and 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.

### **Building Control - 15th August 2022**

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

### **Heritage And Conservation - 29th September 2022**

The proposed works are for the temporary change of use of land for up to two years for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility. The orangery structure is comprised of a glass room supported by a dark coloured metal frame, with a white coloured soft plastic roof and a timber base, which extends to form a covered raised deck, enclosed by dark coloured metal railings and a post and rope fence, used as a patio for outdoor seating. The orangery structure and decking is used as a temporary café/bar, called Heritage Deco Cafe, associated with Pittville Pump Room.

Notably the orangery structure was originally constructed without planning permission, with the knowledge of the local planning authority, when planning enforcement was relaxed to address social distancing concerns during the Covid 19 pandemic. These restrictions have now ended. The applicant, the Cheltenham Trust, would have previously been made fully aware of the temporary nature of this relaxation and constructed the Heritage Deco Cafe with this understanding.

It is important to consider the policy context in which the proposal needs to be determined. The cornerstone of heritage legislation is the Planning (Listed Building and Conservation Area) Act 1990. In determining this application it is important to note the statutory duty of local planning authorities under 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 and 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.

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A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets need to be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

The context of the development site is highly sensitive in heritage terms. The Heritage Deco Cafe is located in Pittville Park and at the end of West Approach Drive, where it is prominently visible within the context a number of listed buildings, whose setting is affected by the development proposal.

These listed buildings include Pittville Pump Room, Pittville Park a grade I listed Regency pump room. Pittville Pump Room is the principle building within Pittville Park, standing to the east of Evesham Road, in the north part of the park. It was built in 1825-30 for Joseph Pitt, by the architect John Forbes. It is a square, two-storey ashlar building in the Greek Revival style, based on engravings of the Temple of Illissus, near Athens. The roof is of slate and has a central copper dome. The east, south, and west sides projecting colonnade with Ionic columns around three sides of ground floor with the upper stage set back. The main, central entrance is in the south face of the building. It is described in its list description as the finest Regency building in Cheltenham.

There is a group of similar grade II listed villas on the north side of West Approach Drive, which include Park Gate, Cleeve House and Homewood (subsequently divided villa), Beaufort House and Mount Sorrell, Italianate, dating from the early 1850s.

The site is also located in Pittville Park, a grade II listed Park and Garden laid out 1825-42 as a centrepiece for the town of Pittville, a development undertaken for the wealthy lawyer, banker, and MP for Cricklade, Joseph Pitt. It provided walks for those taking the waters at Pittville Pump Room or living in the estate.

The site is also located within the Central Conservation Area: Pittville Character Area. The area is noted within the Central Conservation Area Pittville Character Area Appraisal and Management Plan adopted 2008 (the Appraisal) for Pittville Park which creates a parkland setting for the character area and takes up approximately 50% of the total space of the character area. The park is a quintessential component of the character area. It is also noted within the Appraisal for containing the Grade I listed Pittville Pump Room, which dates from 1825. The building is seen by Bryan Little (author and historian) as being "...the supreme architectural masterpiece of Cheltenham".

Regarding the justification for the proposed works in heritage terms, it is considered the supporting information within the application does not fully recognise the significance of the site and its context and the impact the development proposal has on them. It is also considered unclear from the submitted application why the continued need for a temporary orangery structure is required given the lifting of Covid restrictions and why this use cannot be accommodated within Pittville Pump Room. Concern is therefore raised over the principle of retaining the structure in heritage terms, even on a temporary basis, as it has not been adequately demonstrated why Pittville Pump Room cannot accommodate a café without a temporary structure.

The proposal is considered to fail to meet the requirement of paragraph 194 of the NPPF, which requires an applicant to describe the significance of any heritage assets affected by a development proposal, including any contribution made by their setting, with the level of detail proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance. It also fails to address paragraph 200 of the NPPF, which requires any harm to, or loss of, the significance of a designated heritage



asset (from its alteration or destruction, or from development within its setting), to require clear and convincing justification.

In terms of the design of the orangery structure, it is not a tailored response to the site and its setting, the cumulative impact of its temporary appearance, scale and massing, design detailing and prominent location is considered to respond poorly to the sensitivity of its setting. The proposed orangery structure, due to its temporary appearance and prominent location, is considered to appear incongruous within its context and therefore detract from the setting of the listed buildings, the registered park and garden and the conservation area, an unacceptable impact even on a temporary basis.

The impact of the proposed works on the heritage assets is considered to neither sustain or enhance their special interest as required by Paragraph 197 of the NPPF and does not meet the requirement of paragraph 199 of the NPPF, which requires great weight be given to the asset's conservation, which includes setting. The temporary retention of the existing café is considered to cause harm to the heritage assets, which is considered less than substantial harm for the purposes of the NPPF, with a poor understanding of the affected heritage assets and justification. The development 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.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the NPPF requires this harm be weighed against the public benefits of the proposal. It is important this exercise be undertaken as a separate exercise to the general planning balance as it is distinct from it.

### **Parks & Landscapes Division - 31st August 2022**

For clarification, our comments submitted on 30th August 2022 are not an objection to the current application.

*30th August 2022 - LOCATION: Pittville Pump Room East Approach Drive Cheltenham*

*PROPOSAL: Temporary change of use of land for up to two years for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility.*

*COMMENTS: Whilst it is acknowledged that the application is for a temporary change of use, Green Space Development would be opposed to it becoming a permanent fixture beyond the proposed timescale. The view of the Pump Rooms from the lake area and along West Approach Drive are iconic to the Park and it's listed setting, both of which are detrimentally affected by the orangery structure.*

Kind regards  
Green Space Development

### **GCC Highways Planning Liaison Officer - 3rd October 2022**

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore submits a response of no objection.

Yours Sincerely

Development Coordinator

**Environmental Health - 23rd August 2022 –**

In relation to application 22/01439/FUL Pittville Pump Room, please could the below be added from Environmental Health:

**Condition:**

A condition for deliveries, collection of waste, and servicing of the temporary toilets to be restricted to hours of work of: Monday-Friday 07:30 to 18:00. Saturday 08:00 to 13:00. Never on Sundays or bank holidays.

**Reason:**

To prevent noise from legitimate use of the premises from causing loss of amenity to residential properties in the vicinity.

**Ward Councillors -26th August 2022**

As Borough Councillor for Pittville. I have serious concerns about the continuation of a temporary structure that effectively extends onto a Grade I listed building, especially when facilities are already available inside the Pump Room to provide wedding and dining services.

There were already concerns about the structure when it was first placed, but due to the COVID situation there was as feeling of leniency in the community as businesses were struggling and it was positive to have such a facility in a beautiful public park to encourage people to enjoy themselves safely in the open air.

That time has now gone, there is no need for this temporary structure continuing - why not still provide a cafe inside? Why not have seating under the portico still providing people the ability to enjoy themselves outside if there are additional COVID restrictions. This would provide a great service to locals and tourists while also respecting the Grade I listed building?

Historic England have already stated their concerns before. Cheltenham Trust need to look at this again and change the application.

**Pittville Pump Room Revival Group - 13th September 2022**

Comment from Pittville Pump Room Revival c/o 42 Clarence Square, Cheltenham GL50 4JP <https://pumproomrevival.com/>

I OBJECT to this planning application as Chair of Pittville Pump Room Revival (PPRR), a Cheltenham Borough Council-recognised community group working to ensure that Cheltenham's most important heritage building is preserved, developed, interpreted and promoted in a way that acknowledges its Grade I listed status and its significant place in Cheltenham's history.

The outside cafe in the portico was welcomed during Covid. Then, along came a temporary structure serving as a café, with an outside portable toilet trailer and an industrial storage container. The development was constructed almost 'overnight' and in secret, with no announcement or consultation with anyone in Cheltenham, not even immediate residents.

If we are to go back to life as near normal post-pandemic then the temporary structure, erected without planning permission or building controls, and this retrospective planning application for a change of land use, suffers from the following points:

1. It is a 'land grab' of public space. Can The Cheltenham Trust, which does not own any land but is the equivalent of a lessee of the Pump Room from the Borough Council, which

took over responsibility and ownership on behalf of the people of the town in 1890, erect buildings wherever it wants and can the Borough Council pass its own planning decisions, as its senior officers contend?

2. The Change of Land Use application is most likely outside of The Cheltenham Trust's 'leased listed building' curtilage of control. It is noted that the land at the rear of the building, within what is marked on the plan as the curtilage of the Pump Room, is owned and operated separately to the building as an income-generating car park.

3. The temporary café is sited just two metres away from the Grade 1 listed building; we believe its closeness is to utilise for the temporary café the alcohol licence held for the Pump Room. That siting is in direct contravention of Historic England guidance and resulted in Historic England objecting twice to planning applications by The Cheltenham Trust to legalise the erection of the structure.

4. The temporary structure housing the café is an eyesore immediately adjacent to the No.1 landmark building of Cheltenham.

5. It creates noise and smells and light pollution to local residents, removing from them the right to peaceful enjoyment of their properties.

6. Unless proved to the contrary, the development may involve the misuse of central government grant money received during the pandemic; we would not want the Borough Council to be held in disrepute as a result of the Trust's application.

7. The arrangement between The Cheltenham Trust and the Borough Council in this instance is unfair to other business operations within the town which have had to take out loans and mortgages, etc and/ or pay hefty rent and leases in order to expand their businesses.

8. We object strongly to this latest application to circumvent the law with regard to the removal of temporary structures erected under Covid-related rules.

9. The raised floor design of the temporary café is a magnet for vermin, particularly relevant in an area of the town that has suffered from high rat populations in recent years; they are regularly seen in the park.

10. The temporary structure is what it is, a temporary structure. It conflicts with Cheltenham Borough Council's 'Climate Emergency'. It will clash with plans to become a net zero carbon council and borough by 2030. It is environmentally unfriendly and will take tremendous amounts of energy to heat and light over winter as it is not fit for purpose.

11. It could jeopardise Pittville Park's hard-won Green Heritage Site accreditation. Although the judges re-accredited Pittville Park this year they were not pleased to see the temporary structure.

12. Why does The Cheltenham Trust have an unchallenged right to manage food, beverage and other services at the Pump Room when the town might be better served if the cafe operation was put out to tender? Does the Trust pay rent and rates for the temporary cafe space? The heritage of Cheltenham might be better served by putting the catering operation at the Pump Room out to competitive tender at the earliest legal opportunity. The TripAdvisor reviews on the current operations do the town no favours.

13. The bigger picture, of course, is that despite the Cheltenham Trust claiming "1.5m have visited the Pump Room temporary cafe", the reality is that the Pump Room has mostly been used as a facade backdrop for events in the park.

14. The correct solution, and one that has led to so many objections to this planning application, is to operate a cafe inside the Pump Room and under the colonnade and for this to be a catalyst for the Pump Room to become the heritage destination that the town needs to drive it forward (see the Vision and Plan for Pittville Pump Room at [www.pumproomrevival.com](http://www.pumproomrevival.com)).

15. Moving the cafe inside, and under the colonnade, would be a sensible long-term solution and might even get the Borough Council to focus on getting the mineral waters flowing again after an absence of four years. Virtually all publicity promoting the town uses images of the Pump Room and refers to spa town and waters, probably not in breach of advertising standards but not far away.

16. The planning application has no decision date, obviously by intention, and should be discussed before the full committee and speedily rejected, no matter what the recommendation made by planning officers who will be under pressure from other officers

and councillors in the Municipal Building to allow the Trust to carry on regardless of objections.

17. The business case for an inside cafe is now proven, following the release of data by The Cheltenham Trust. With 1.5million visitors to the temporary cafe (1500 on average each and every day since opening (source CT petition)).

18. Weddings are clearly a source of income for the operator of the Pump Room but only less than ten weddings per year have used the main hall, most are in the smaller rooms (source Revival minutes of meetings with the Trust). So let's assume £3000 profit per main hall wedding, minus wear and tear and repairs paid by the council, that amounts to, let's say, £30k per annum. Note that weddings will go back down to pre-Covid levels soon.

19. The Trust previously declared intentions to build a glass-like structure to the rear of the building as a cafe and restaurant (source minutes of revival /Trust meetings). Compare 19, above, with the cost of building an outside permanent café at, let's say, £800,000. The loan to fund the outside permanent café would take 26 years to pay off, even without interest.

20. All kinds of grants and fundraising would be achievable for an inside cafe, mineral water refurb, Heritage Destination enhancement. Buxton secured £42million for its major heritage works, over half from the private sector.

21. It should be noted that Cheltenham Borough Council does not have a Heritage Strategy, whereas many other Spa towns and neighbouring boroughs such as Tewkesbury and Stroud do. The creation of such a Strategy would be of considerable value to residents, developers, the planning department, Historic England, councillors and officers of the Borough Council.

22. In conclusion, PPRR believes that the revival of the Pump Room should be seen in the context of Cheltenham's new-found position as a leading centre of cyber security, both internationally and nationally. Linking the Pump Room with the global players that are setting up shop just a mile away, providing a setting for the signing of compelling contracts of such international significance, will be beneficial to the town at a much higher and more valuable level than operating our major heritage asset as a wedding venue.

Ends

### **Cheltenham Civic Society - 8th September 2022**

On 24 Nov 21, 21/02618/FUL sought to retain the current temporary oangery structure on a permanent basis. That application was withdrawn due to widespread public opposition. That application confirmed that temporary structures/buildings may be placed on land without planning permission until 1 January 2022. This arrangement was put in place to support hospitality businesses during the COVID-19 pandemic.

Class BB was effective from 2 January 2022 (over 8 months ago) under the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021. The pertinent parts of this Order as they apply to listed buildings enable permitted development of one moveable structure within the curtilage of a listed building, for a total of no more than 120 days per year, with a maximum height of 3 metres, and with a footprint of the lesser of 50% of the footprint of the building or 50 square metres, and is not to be used for advertising. The present application exceeds all these parameters, including advertising banners that have been attached to the structure.

COVID restrictions are no longer in place so the application should be considered solely on its planning merits.

The planning statement outlines that the applicant is seeking a temporary permission while a solution for a permanent building is sought. Evidently the Cheltenham Trust (CT) has failed to use the last 2 years to find a viable permanent solution to replace the temporary structure.

It is not for the planning system to compensate for an applicant's failure to manage its business in line with operating conditions, especially when the impact on heritage assets is so significant.

NPPF para 200 states that clear and convincing justification is needed if there is loss or harm to a heritage asset. This application fails to do that. In particular, the application fails to say why the Pump Room itself cannot be used to accommodate the café. This would have the benefit of bringing the building into better use and allow the building to be appreciated from the inside. The Pump Room has been closed to the public for most of the time for so long, even before Covid, that it is almost as though the Trust does not want people to appreciate it or use it.

NPPF para 194 requires the significance of the asset's setting to be considered. Para 199 states that, in considering the impact of proposed development on significance, great weight should be given to the asset's conservation: the more important the asset the greater the weight should be. The Pump Room is a Grade I listed building that sits within Pittville Park, a Grade 2 listed parkland on the English Heritage Register of Historic Parks and Gardens.

Pittville Park forms approximately half the total space of the Pittville Character Area of the Central Conservation Area. It is an essential component of the character area. The Park was awarded Green Flag and Green Heritage Site status and is the only park in Gloucestershire to hold the prestigious Green Heritage award. The application fails to acknowledge this significance. It fails to demonstrate how the setting is enhanced by this temporary structure. The Civic Society believes the Park is affected detrimentally by the structure, particularly the views from East Approach Drive and looking northwards from Pittville Lake towards the Pump Room.

NPPF para 190 requires proposals to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. The proposal is silent on this critical matter.

The NPPF advises that such a strategy should take into account:

- (a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- (d) opportunities to draw on the contribution made by the historic environment to the character of a place.

The café is an important economic consideration, especially to the financial viability of CT, but that function can be carried out in other ways without these temporary structures and without compromising the important and significant heritage structures or the surrounding heritage context. The application fails to demonstrate why the Pump Room cannot be used to achieve these considerations without the need for such a poor quality temporary structure (indeed, CT's failure to appreciate the heritage significance of the Pump Room is demonstrated in its branding of the temporary structure as a 'Deco Café', which ignores the Pump Room's Georgian and Regency richness). Alternatively, there is land behind the Pump Room that could accommodate a café.

The Civic Society opposes this application and recommends the land now be reinstated, in accordance with the legislation. The CT should without delay work to find an acceptable permanent solution that respects the outstanding heritage qualities of the Pump Room and its setting.

**Tree Officer - 26th August 2022**

The Trees Section has no objection to this application.

### **Property Services - 2nd September 2022**

Further to your recent correspondence in respect of the above planning application, the various planning and associated arguments put forward for the proposals are acknowledged. We will, therefore, accede to the judgement of the Local Planning Authority to determine this application appropriately and as landowner, have no objection in principle in terms of the planning issues.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 31 letters were sent to neighbouring land users, two site notices were displayed (one at the end of West Approach Drive and one at the end of East Approach Drive), the application was also advertised by way of a notice published in the Gloucestershire Echo.
- 5.2 In response to this public consultation process the following number of representations have been received:
- 38 individual letters of objection
  - 11 individual letters of support
  - 11 petitions in support
- 5.3 The concerns raised in the letters of objection have been summarised but are not limited to:
- Inappropriate design
  - Impact/harm on heritage assets
  - Impact on amenity – loss of privacy, noise and disturbance
  - Highways – congestion and parking
  - Health and safety
  - Orangery unnecessary as use could be accommodated within the existing building
- 5.4 The reasons given in support of the application have been summarised and include the following:
- Economic benefits
  - Social benefits

## **6. OFFICER COMMENTS**

- 6.1 **Determining Issues**
- 6.2 The key considerations of this application are impact on heritage assets, design, public benefits, impact on neighbouring amenity and highways related matters.
- 6.3 **The site and its context**
- 6.4 As already noted in the introduction to this report, the application site relates to the Pittville Pump Room, which is a Grade I listed building located within the northern part of Pittville Park which is a registered park and garden. The site also falls within Cheltenham's Central Conservation Area and Pittville Character Area.

- 6.5 The orangery has been erected on an area of hardstanding to the east of the Pittville Pump Room, with the toilet block and storage container located further north and towards the rear of the building. The orangery measures approximately 15 metres by 9 metres and has a ridge height of approximately 4 metres. The frame of the structure is made of steel in anthracite grey and includes double glazed wall panels and doors. It also provides ramp access points and an external decking area. The toilets are contained within a moveable structure and the storage facility comprises of a shipping container.
- 6.6 In terms of the wider context, the surrounding development is predominantly made up of residential dwellings. The properties to the north of West Approach Drive consist of detached and semi-detached properties, all but one of these are Grade II listed, to the south are two large detached buildings which consist of residential flats, one of which is locally listed. On East Approach Drive the properties to north of the highway are detached, some of which are locally listed, and properties to the south of the highway are made up of two storey terraced properties, all located within the conservation area.
- 6.7 The orangery structure is fully visible on the approach to the Pump Room building along West Approach Drive, is also visible from within Pittville Park when looking north and a small section can be seen when approaching from the east.
- 6.8 **Impact on heritage assets**
- 6.9 The application site has a particularly sensitive location, the proposed development affects a number of designated heritage assets including the setting of the Grade I listed Pump Room, the Grade II registered park and garden, the conservation area in which it sits and a number of listed buildings that surround it. Both the Council's conservation team and Historic England were consulted on this application and their detailed comments can be read in section 4 above. In addition, comments have also been received from the Pittville Pump Room Revival Group and Cheltenham's Civic Society.
- 6.10 Policy SD8 of the JCS relates to the historic environment and states how *'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance'*. Section 16 of the NPPF also echoes the importance of conserving and enhancing heritage assets.
- 6.11 As required by the NPPF paragraph 199, *'great weight should be given to the assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*. Furthermore, paragraph 200 of the NPPF states that *'any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.'*
- 6.12 Concerns and objections to the application have been raised by Cheltenham's Conservation Officer, Historic England, the Civic Society and the Pittville Pump Room Revival Group.
- 6.13 Comments from Cheltenham's Conservation Officer highlighted that the supporting information within the application did not fully recognise the significance of the site, its context, or the impact of the development on the heritage assets, and therefore failed to comply with paragraph 194 of the NPPF which requires applicants to describe the significance of any heritage assets affected by the development. The conservation officer also noted that clear and convincing justification had not been provided which also failed to comply with paragraph 200 of the NPPF, something that was also raised in comments from the Historic England and the Civic Society. It should however be noted that a justification statement was subsequently received on 6<sup>th</sup> October 2022, this statement also includes a project timeline for the future plans of the site.
- 6.14 The conservation officer considers that the orangery fails to respond to the sensitive setting in which it sits by virtue of its temporary appearance, scale, massing, design

detailing and prominent position in which it is located. The development is considered to read as an incongruous addition in this context and detracts from the setting of the designated heritage assets. The conservation officer concludes that the development will neither sustain nor enhance the special interest of the heritage assets as required by paragraph 197 of the NPPF and therefore does not meet the requirements of paragraph 199.

6.15 Historic England, a statutory consultee for applications that affect a Grade I listed building, have raised an objection to this application. Their summary states *'The proposed temporary retention of the café structure would be harmful to the significance of the Grade I Pump rooms and has not been justified under paragraph 200 of the NPPF.'* This is a conclusion also made in comments from the Civic Society and Pittville Pump Room Revival Group.

6.16 The local ward councillor for Pittville has also raised similar concerns to those set out above.

### 6.17 **Public benefits**

6.18 When considering public benefits, the NPPF itself does not define what public benefits are for this purpose. Further guidance is given in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development described in paragraph 8 of the NPPF. Those objectives are defined in paragraph 8 of the NPPF as follows:-

(a) Economic - to help build a strong, responsive and competitive economy

(b) Social - to support, vibrant and healthy communities

(c) Environmental - to contribute to protecting and enhancing the natural, built and historic environment.

6.19 The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large but these benefits do not always have to be visible or accessible to the public or to all sections of the public to be genuine public benefits.

6.20 In terms of benefits, the supporting planning statement identifies that the café has been a huge success since its implementation and has generated a significant increase in revenue for the Cheltenham Trust. The statement also identifies that The Cheltenham Trust is a non-profit organisation and uses its funds to re-invest in to the town by way of maintaining much of Cheltenham's heritage, whilst also being the lead provider of culture, heritage, sport, leisure and entertainment. The statement highlights that the success of the café and the money that it has generated will allow the Cheltenham Trust to deliver their annual programme of free and inclusive events, as well as delivering the social benefits of providing a place for members of the public to meet and experience the assets that Cheltenham has to offer.

6.21 The justification statement received on 6<sup>th</sup> October 2022 touches on the benefits of this development and also details how the retention of the orangery and café use will enable a more permanent solution to be developed, the statement includes a project time line on how this would be achieved within the next 2 years and is the applicants justification for the 2 year temporary consent that is being sought.

6.22 It is quite clear that the café provides significant economic benefits, as well as social benefits to the wider public and to Cheltenham in general. However, the requirement of paragraph 202 requires these benefits to be weighed against any harm to the designated heritage assets. This is discussed in the next section of this report.



### **6.23 Impact on heritage assets versus public benefits test**

- 6.24 Significant concerns regarding the impact of the orangery on the various designated heritage assets, most notably the setting of the Grade I listed building have been raised by a range of consultees, local residents, community groups and ward councillors. The conservation officer has identified the level of harm as being 'less than substantial', and officers agree with this assessment. With this being the case, paragraph 202 of the NPPF is relevant to the considerations of this application. Para 202 states 'Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.'
- 6.25 Clear public benefits have been identified, this includes the economic benefits which in turn would be reinvested in to Cheltenham, as well as the obvious social benefits by providing a place for Cheltenham residents and tourists to enjoy social gatherings within the setting of one of Cheltenham's most well-known listed buildings and registered park and gardens. It should however be noted that this is not the only café facility that currently provides this type of facility/use within Pittville Park.
- 6.26 A point raised by the consultees and also in a number of letters of representation from the public highlights a lack of information or reasoning within the application to understand why the café use cannot be provided within the existing Pump Room building, this would negate the need for the orangery structure, but would still provide the noted public benefits associated with the use.
- 6.27 Officers are also mindful that the orangery structure was only allowed to be erected on a temporary basis due to the relaxations imposed by the Council in direct response to the COVID-19 pandemic and the need for social distancing. Under no other circumstances would these structures have been allowed. The government are no longer imposing any social distancing requirements, nor are there any restrictions regarding indoor activities. Therefore officers no longer consider there to a need for such a structure.
- 6.28 As noted above, a justification statement has been submitted, albeit quite late in the decision making process. The information and reasons provided within the statement are not considered to provide sufficient justification for the development which results in harm to the designated heritage assets, particularly as officers believe the benefits associated with the café use could still be achieved without the need for the orangery structure.
- 6.29 Officers duly note that the application is seeking consent for a temporary 2 year period and therefore harm could be considered as temporary, however, the structure is prominently located in front of one of the principle elevations of the Pump Room Building and therefore has a significant impact on this designated heritage asset and its surroundings. Furthermore, due to its temporary nature the scale, form, design and finish of the structure is not considered to be appropriate and results in further harm to the setting of this designated heritage asset.
- 6.30 Whilst officers fully acknowledge the social and economic benefits associated with the development and use as a café, on balance, these benefits are not considered to outweigh the harm that the orangery has on the setting of the Grade I listed building, the registered park and gardens and the surrounding designated heritage assets, even on a temporary basis.
- ### **6.31 Impact on neighbouring property**
- 6.32 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. The Local Authority will consider matters such as potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact.

- 6.33 Policy SD14 of the JCS and Cheltenham Plan Policy SL1 require development to not harm the amenity of adjoining neighbours.
- 6.34 Due to the position of the structure within the site, its height and its relationship with neighbouring land users, the proposal is not considered to result in any unacceptable loss of light or overbearing impact on any neighbouring land user.
- 6.35 Concerns from local residents have been raised regarding the impact of the development in terms of a loss of privacy, as well as noise and disturbance associated with the use of the café. The nearest residential properties and therefore those most impacted by the development are those properties directly to the west of the site located on West Approach Drive, this includes the properties known as Park Gate and Chaseley Lodge, which are approximately 30 metres away from the Orangery. The specific concerns raised by these local residents include the general noise and disturbance associated with the use of the facility, the noise created by deliveries to the site, as well as the setup of the café each day which requires the transportation of equipment and food stock from the Pittville Pump Room building to the Orangery itself.
- 6.36 It is important to note that the café business operates from within the Orangery structure, rather than simply being an area for external seating, which is the case for the application within Montpellier Gardens.
- 6.37 Due to the sloping nature of the site, the construction for the base of the orangery has created a platform area that is raised above the existing ground level, whilst this is duly noted, due to the distance from the neighbouring properties, officers do not consider that the development results in any unacceptable overlooking or unacceptable loss of privacy to any of the adjoining residential land users.
- 6.38 Officers acknowledge that the use results in an increase in deliveries to the site, potential noise and disturbance resulting from the general use of the facility as well as from the day to day operational needs. Officers consider that whilst the use may cause an impact on amenity, the operating hours, as set out in the application form are not considered to be unreasonable. These are stated as Monday – Friday 09:30 – 17:00, Saturdays 09:30 – 19:00 and Sundays 09:30 – 17:00.
- 6.39 Officers do however raise concerns with regards to the disturbance associated with deliveries, waste collection and servicing of the facilities and therefore would seek to control such activities if permission were to be granted. The Council's Environmental Health team have reviewed the application and have suggested a condition which would restrict the times for such operations, these being Monday – Friday 07:30 to 18:00, Saturdays 08:00 – 13:00 and never on Sundays and bank holidays. Officers agree with this suggested condition and would seek to impose such a condition in order to protect the amenity of the neighbouring land users and in order to comply with Cheltenham Plan policy SL1 and JCS policy SD14.
- 6.40 **Access and highway issues**
- 6.41 Adopted JCS policy INF1 sets out that planning permission will only be granted where the impact of the development is not considered to be severe.
- 6.42 Comments within a number of representations raise concerns regarding increased traffic and parking congestion which have been duly noted.
- 6.43 Gloucestershire County Council as the Local Highways Authority has been consulted on this application and their detailed comments can be read above. No objection has been raised and they conclude that the development does not result in an unacceptable impact on highway safety or result in a severe impact on congestion. The proposal is therefore considered to be compliant with adopted JCS policy INF1.

### 6.44 Sustainability

6.45 As members will be aware Cheltenham adopted the Climate Change SPD in June 2022. The SPD sets out a strategy for decarbonising buildings and other development in order to help Cheltenham meet its target of becoming carbon neutral by 2030.

6.46 In this instance the development is for a temporary structure and is proposed for a temporary period of up to 2 years, this therefore means there is little opportunity to include specific low carbon technologies. However, a sustainability statement has been provided which details how the orangery is acceptable and accords with the SPD. Particular points such as ventilation, solar gain, natural light, heating, cooling and lighting are all discussed in the statement. It identifies that the electricity supply serving the development is from a renewable energy source. Given the temporary nature of the structure, officers consider the detail included within this statement to be acceptable and the proposal to be compliant with the SPD.

### 6.47 Other considerations

6.48 A number of trees are located within close proximity of the development, the council's tree officer has therefore been consulted. No concern or objections have been raised, the development is therefore not considered to result in any harmful impact on the existing trees and therefore accords with Cheltenham Plan Policy GI2.

### 6.49 Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three 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; and
- 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 is considered to be acceptable.

## 7. CONCLUSION AND RECOMMENDATION

7.1 Having considered all of the above, whilst the café may well be considered to be acceptable in terms of its use, impact on neighbouring amenity, highway safety and congestion, the concerns regarding the impact of the orangery structure on the character and setting of the Grade I listed building, the registered park and garden and surrounding heritage assets are not considered to be outweighed by the identified public benefits and therefore officer recommendation is to refuse the application.

## 8. REFUSAL REASONS

- 1 By virtue of the scale, form, design and siting of the development in relation to Pittville Pump Room, a Grade I listed building, the development is considered to represent harm to this designated heritage asset, the level of harm is considered to be less than substantial. The public benefits associated with the development are not considered to outweigh the harm that has been identified and therefore the development is considered to be unacceptable in heritage terms. The proposal therefore fails to comply with Cheltenham Plan policy D1, Adopted JCS policies SD4 and SD8, and section 16 of the NPPF.

### **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 authority cannot provide a solution that will overcome the harm to designate heritage assets;

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

<b>APPLICATION NO:</b> 22/01439/FUL	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 10th August 2022	<b>DATE OF EXPIRY :</b> 5th October 2022
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b>	The Cheltenham Trust
<b>LOCATION:</b>	Pittville Pump Room East Approach Drive Cheltenham
<b>PROPOSAL:</b>	Temporary change of use of land for up to two years for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility

## REPRESENTATIONS

Number of contributors	<b>50</b>
Number of objections	<b>38</b>
Number of representations	<b>0</b>
Number of supporting	<b>11</b>

7 Regent Terrace  
Edinburgh  
EH7 5BN

**Comments:** 20th September 2022

As a frequent visitor to this neighbourhood, it seems highly inappropriate that a temporary structure, built for the purposes of addressing a national emergency, should now be given another period of use when it is so jarringly out-of-place in the curtilage of a listed building and so near residential property. Such a structure would on it's own merits would never have been given planning permission in the first place. I oppose this application.

22 Walnut Close  
Cheltenham  
Gloucestershire  
GL52 3AG

**Comments:**  
NONE GIVEN

Marston Cottage  
Marston Road  
Cheltenham  
Gloucestershire  
GL52 3JQ

**Comments:** 23rd August 2022

It is very nice having a cafe at the Pump Room, but the current construction is not in keeping with the magnificent Grade 1 listed building, which is such an icon for the town, and destroys the western aspect. There have been objections to the original plans on these grounds by Historic England and it would be terrible if the building were to lose its status because of this unfitting extension. The Pump Room itself could easily be used as a cafe, with the existing toilets, as was tried out very successfully once with a pop-up cafe, when it is not in other use. If this is a two-year extension, what is to happen at the end of these two years? The original permission was granted under pandemic concessions, but those reasons no longer apply. So the intention behind the application is not clear but appears to be purely on commercial grounds, and not on conserving the town's heritage.

Parkgate House  
West Approach Drive  
Cheltenham  
Gloucestershire  
GL52 3AD

**Comments:** 21st August 2022

This Glasshouse was erected last September towards the end of the pandemic under central government legislation allowing temporary moveable structures in the grounds of historic buildings during Covid.

Cheltenham Trust who manages the Pump Room and this building had no change of use planning permission to open a café which they have never had before nor to erect a new building on ground that they do not even own in a grade 2 listed park.

They did not inform or consult any of their neighbours in Pittville of the plan.

The temporary moveable building is made of steel, wood and glass and took an army of workers several weeks to construct.

I do not believe from the onset that Cheltenham Trust regarded this as a temporary, moveable building and neither did they as demonstrated by The Trust submitting a planning application for the orangery and toilets to be made "permanent" several weeks after it was erected (planning applications 21/02560/FUL and 21/02618/FUL).

Last November's application was for 3 years and this year it is for 2 but no doubt Cheltenham Trust will try to extend the period ad infinitum in effect making it a permanent building by the back door.

Applications (21/02560/FUL and 21/02618/FUL) were withdrawn last December after 27 objections and no support but clearly Cheltenham Trust has ignored all the last objections including that from Historic England.

I live 10 meters away from this structure which has 20m of glass windows with decking at the end looking directly into my house.

The closeness of the structure causes severe problems with privacy for all the occupants of this building.

## Page 63

The orangery creates a huge amount of noise 7 days per week for my residence. Catering trolleys and crockery are moved between the kitchen in the Pump Room and the café from 6.30am every day creating a great volume of noise. The glass, wood and steel nature of the building inherently transmits noise to the outside. What was once the beautiful Western Colonnade of the Grade 1 listed Pump room is now degraded by an ugly greenhouse with a white plastic roof that flaps in the wind and an array of open-air beer pumps sitting on its veranda decking. Delivery lorries using West Approach Drive block my gates most days of the week and as they back along the road which has no pavement are a clear danger to children going to Pittville School. I therefore very strongly object to this construction on the ground of privacy, noise, and traffic in addition to destroying the Western aspect of Cheltenham's only iconic grade 1 listed building.

34 Wigeon Lane  
Tewkesbury  
GL20 7RS

**Comments:** 13th September 2022

This cafe has kept so many people happy through the awful shutdown with covid and all the other awful things that seem to be happening in the world! Not only this but the money that it makes help to keep these wonderful old buildings going ,as they must cost a lot to keep in good repair! Everybody I talk to would sadly miss the happiness these cafes bring.

36 East Approach Drive  
Cheltenham  
Gloucestershire  
GL52 3JE

**Comments:** 30th August 2022

it is an eyesore next to the Grade 1 listed Pump Rooms. We have put up with it for far too long already and i long for the beauty and surroundings to be restored to this building. I understand that Historic England have previously objected to this application quite rightly and I fully support all of the reasons they cite.

As a resident in East Approach Drive we are directly affected by the increased volume of traffic never mind number of people who do not always place their rubbish in the bins.

Let us go back to the natural beauty of the Pump Rooms without the totally unnecessary structure which will encourage vermin and return to the space around it which is how it should be aesthetically restored

1 Church Lane  
High Street  
Prestbury Cheltenham  
Gloucestershire  
GL52 3AP

**Comments:** 21st August 2022

This is the second proposal that Cheltenham Trust has put in for the Carbuncle of a structure next to a grade listed building. No interest to what the neighbours thought when it was constructed. The people who had purchased their property. The only building they were looking at was the Pittville Pump Rooms. Now they are looking at a structure that's out of place for the surrounding area. It serves no purpose when you have the pump rooms being underused. I strongly disagree with the proposal.

2 East Approach Drive  
Cheltenham  
Gloucestershire  
GL52 3JE

**Comments:** 31st August 2022

We have enjoyed the presence of the cafe by Pittville Pump Room and think it is a great addition to the area. It also makes the park more friendly towards those with difficulty walking any distance as they can enjoy the view with a cup of tea or coffee. As residents of East Approach Drive we use the cafe ourselves too. It can get very busy on sunny days, but the presence of a cafe has not altered that very much compared to pre-Covid times - it would be helpful though if the road from the gate at the Pump Room to West Approach Drive was reopened as it would spread the load more fairly and avoid East Approach Drive being clogged up at busy times - concerns about motorbikes driving through at speed in the evening could be solved by locking one or the other sides at night.

The cafe has made the people appreciate the beautiful building that Pittville Pump Room is even more.

98 Evesham Road  
Cheltenham  
Gloucestershire  
GL52 2AL

**Comments:** 7th September 2022

I see the Cheltenham Trust has spent resources on a petition "for the temporary cafe structure". Point 1. They make no mention in the petition that it is the intent that this process paves way for a permanent building on the same site. I think this is misleading and undermines the integrity of the petition. No other option was offered e.g. the more desirable plan to use the Pump Room, terraces and balconies for the cafe. Point 2. On the petition document the Trust claims over 1 million visitors to the "Heritage Art Deco Cafe" (i.e. the temporary structure next to the Pump Room). Well that's around 1,500



visitors every day , seven days a week, from the day the cafe opened! Surely these numbers justify making the Pump Room the centre stage as a cafe and Heritage Destination and not just a facade back drop for a separate stand alone cafe and other events on the park lawns. Point 3 . Is it normal practice to have petitions formally posted within planning applications? should they not meet certain design standards or numbers etc?

Park Lodge  
4 Douro Road  
Cheltenham  
Gloucestershire  
GL50 2PQ

### **Comments:** 5th September 2022

As one of the iconic buildings of Cheltenham, a Regency masterpiece with historical importance; I am surprised that the Cheltenham Trust has even considered making an application for an adjoining structure which is totally out of keeping with the parkland environment. Although their Articles of Association are focussed on developing cultural activity; this should not be at the expense of the built environment which they should be protecting. The normal rules of curtilage and listed building and conservation area consent must be maintained by the local authority who have a duty to protect the historical integrity of Pittville park.

This applies to all other 'temporary' structures which have appeared in the town; blocking pavements, enabling an increase in anti-social behaviour whilst obscuring vistas of Grade 1 listed squares and crescents. Shame on you! Covid should no longer be used as an excuse for these.

As a member of the Institute of Historic Buildings and of the Society for the protection of Ancient Buildings; I strongly object to this application.

With a career in Heritage Management; I completely understand the need to raise money for the protection of cultural assets whilst creating local jobs; but this is not an appropriate solution.

Perhaps a well thought out HLF application is needed for appropriate, well designed and high quality facilities at an alternative location in the park. In the interim, this proposal damages the historic environment, which you are beholden to protect, because you are perhaps simply trying to do too much within a building that was not designed to be an entertainments venue.

303 Turnpike Drive  
Luton  
LU3 3RE

**Comments:** 4th September 2022

I strongly object to the application. It disfigures a Grade I listed building and causes the residents much nuisance and stress. The noise I can hear from my family house is unbearable and affecting my wellbeing.

WI House,  
2 Brunswick Square,  
Gloucester,  
GL1 1UL

**Comments:** 6th September 2022

The trustees of Gloucestershire Federation of Womens Institutes would like to offer their support for the temporary planning permission for two years for the temporary structures at the Garden Bar, alongside Cheltenham Town Hall, and the Heritage Deco café, on the west side of Pittville Pump Room.

Gloucestershire Federation of WIs regularly holds events at both Cheltenham Town Hall and Pittville Pump Rooms to engage and entertain not just its members who number almost 4000 across the County, but also the general public. Attendees to these events benefit greatly from the facility offered by these two cafes which have provided places to socialise and offer a well-ventilated environment.

The only thing we would add is that we would welcome the introduction of free short stay parking (up to 90 minutes) in the car park adjacent to Pittville Pump Rooms, to encourage even greater use of the facility as a community hub.

35 George Street, Markinch,  
Markinch  
Markinch  
Glenrothes  
KY7 6AT

**Comments:** 24th August 2022

I would like to object to the temporary cafe because it is an ugly temporary structure next to a listed building of great beauty. It creates an unsightly and noisy environment which disturbs the people living in the surrounding area. We visit our relatives in Cheltenham regularly and think that it is an eye sore.

11 Newcourt Park  
Cheltenham  
Gloucestershire  
GL53 9AY

**Comments:** 25th August 2022

The proposed structure detracts from the beauty of a Grade 1 listed building. It is too close and prevents the facade from being seen properly. The ancillary toilets are ugly and out of keeping.

There is plenty of space inside the Pump Room, if it is desired to have a cafe on these premises. The Pump Room in Bath is a great example of a cafe during the day, but allowing for other events such as weddings to take place later in the day/evening.

Internal access would also allow people to take the waters, which was one of the main functions of the original Pump Room.

28 East Approach Drive  
Cheltenham  
Gloucestershire  
GL52 3JE

**Comments:** 2nd September 2022

Additionally to the points made by others I would point out:

1. **RESTRICTIVE COVENANTS:** most land on this road is covered by protective covenants specifically prohibiting the opening of coffee shops to protect the character of the area: it needs to be checked whether this land is not also covered in that way, and even if it isn't explicitly covered, consideration needs to be given to the character of the area written into neighbouring properties' deeds;
2. **DISRUPTIVE:** I have found the Pumproom café bad neighbours between 2020 and 2022. To drive footfall and café turnover they have organised a number of very noisy events in the park that never used to take place. On at least one occasion their music was audible more than 750 metres away (beyond Pittville Gates) when the nearest house is only 20 metres away, and this has always been a quiet residential area. They have not asked or consulted neighbours about this, and only recently started even informing us in advance. Before making the decision on the café, it is relevant to consider the noise complaints against the pumproom since the café opened.

Otherwise I would agree with points already made by others that:

3. **NOT REQUIRED:** there is no need for yet another café in the park (there are four others at Havana's, Central Cross, Boat and Leisure@);
4. **TRAFFIC IMPACTS:** the café need to be removed so that normal access via West Approach Drive can be restored (the café blocks what was previously used as public road). West Approach is more direct from main roads than East Approach, and dual access routes load traffic more evenly between East Approach and West Approach; and
5. **HERITAGE SPOILED:** the Pumproom is Cheltenham's most iconic building, and this ugly and environmentally unsound shed ruins its appearance.

8 Lourdes Manor Close  
Sellindge  
Ashford  
TN256BU

**Comments:** 29th August 2022

I am complaining on behalf of my family home which I visit with my own family. There is considerable noise from the cafe which is difficult with young children especially in the evenings when they are trying to sleep or when we are trying to enjoy our family garden. There are large numbers of people going past, the cafe acts as a hub therefore compromising our privacy. The cafe itself also defaces a grade 1 building which is sad to see.

Flat 3  
Burston House  
Pittville Circus Cheltenham  
Gloucestershire  
GL52 2PU

**Comments:** 23rd August 2022

This application is a precursor to permanence for the cafe structure or regular renewals for it. Nice though it was to have the outdoor cafe during the pandemic we need to return to respect for a beloved building and the Grade 1 rules.

It would in fact be sensible and more sensitive to return to a seasonal cafe just in the colonnade once more. In addition, more imagination is needed to combine this with more use of the interior as a cafe as well and, take a deep breath, a spa. It would mean going up-market a bit, no harm in that. If only the upper floor of the building had quality use, rather than as offices. This could then be combined with using the roof terrace.

16 St Albans Close  
Glos  
GL51 3DF

**Comments:** 6th September 2022

I hope this email finds you well. I have recently been notified of the fact that the Cheltenham Trust is looking to apply for planning permission for both of their structures at the Pump Rooms and Imperial Gardens. These cafes have been excellent platforms for encouraging creativity and supporting local artists as well as a sense of community for the wider public.

From my perspective, the Garden Bar Orangery has provided me with continued employment as a musician which has been extremely difficult to come by in the last two years due to Covid. I am also well connected with other musicians who have commented on the support that the Cheltenham Trust has provided them with, as well as members of the public who enjoy the free entertainment from local talent. It would be extremely

detrimental to the community if these places were shut down due to not only the loss of an excellent support and employment network for local artists but also of over 40 jobs.

Not-for-profit organizations such as this one can be hard to come by, especially ones that so clearly care for the well-being and continued growth of local culture. It is this which has led me to write this email. I sincerely hope that you come to the conclusion that granting their application for planning permission (reference 22/01438/FUL) would be greatly beneficial to Cheltenham and its residents.

Cleeve House  
West Approach Drive  
Cheltenham  
Gloucestershire  
GL52 3AD

**Comments:** 5th September 2022

I object on the following grounds

1. Heritage: I support Historic England's objections especially with regard to the impact on the West and South facades of the Grade 1 listed pump rooms.
2. Highways: the practice of delivery lorries backing off the Evesham Road and along West Approach Drive without a banksman, often at the same time as children are walking to school or parents are taking young children to the park, is particularly dangerous.

Flat 3  
The Gate House  
East Approach Drive  
Cheltenham  
Gloucestershire  
GL52 3JE

**Comments:** 25th August 2022

My partner and I live in The Gate House on East Approach Drive.

We have considered the documents which support the application and think insufficient consideration has been given to the impact the development will have on the traffic affecting East Approach Drive.

East Approach Drive is now the only route into and out of the Pittville Pump Room car park. As described on Page 8 of the submitted Planning Policy Statement, the applicant's reliance upon the increased volume of visitors to the park is significant.

Prior to this increase, the Pump Room offered free parking and crucially, access to the car park from both the East and West Approach entrances. The present location of the temporary structure evidently now precludes any practical use of the West Approach Drive gates thereby placing increased pressure on East Approach Drive.

Whilst East Approach Drive has unrestricted parking on its north side, the south side is subject to the Zone M. This is only available to residents living on the south-side resulting in north-side residents having to compete with visitors to the Pump Room who are unable or unwilling to park in its car park. With cars parked on both sides, there is room only for one car to exit or enter at any one time.

As noted in the Planning Policy Statement, the applicant devises and promotes a series of events throughout the warmer months designed to increase visitor numbers. These events place a significant strain on East Approach Drive and this year, there have been several instances of our building's driveway being blocked by inconsiderate visitors attending the Pump Rooms. This issue is compounded by the unrestricted parking on the north-side and the heavily restricted parking on the south-side.

Policy INF1 (3) of the JCS describes scenarios where applicants' may be asked to assess the impact of their proposals on the traffic network and thereafter, mitigations can be agreed with the council. There is no evidence in the documents submitted with the application that any such assessment has been undertaken.

Consequently, our objection is also premised on the basis that the applicant needs to mitigate the impact of its development through a review of the traffic/parking arrangements on East Approach Drive and through the re-opening of the West Approach Drive gates to permit traffic to flow in both directions again.

Flat 4  
The Gate House  
East Approach Drive  
Cheltenham  
Gloucestershire  
GL52 3JE

**Comments:** 18th August 2022

I object to the application on the following grounds.

1. Noise and disturbance from the venue which will affect many residents in the area close to the Pump room.
2. Additional traffic will cause considerable inconvenience to local residents, particularly those in East Approach Drive, where the road is simply not sufficient to cope with the additional vehicles visiting the venue. Examples of this have been observed in the past. The extra traffic is potentially dangerous as examples of vehicles using the footpaths as extra carriageway to get in or out of East Approach Drive.
3. The orangery which is already constructed is detrimental to the view of the Pump Rooms which as you are aware is grade 1 listed, I do not feel this is acceptable. I also feel it inappropriate that the orangery has already been constructed and that planning permission is being applied for retrospectively, surely this has to be wrong. I trust common sense will result in this matter being declined.

Parkgate House  
West Approach Drive  
Cheltenham  
Gloucestershire  
GL52 3AD

**Comments:** 25th August 2022

This is Cheltenham Trust's second retrospective attempt at making this large ugly greenhouse with a white plastic roof and an adjacent shipping container toilet "permanent".

No doubt 2 more years will be strung out ad infinitum.

The first planning applications (21/02560/FUL and 21/02618/FUL) submitted last November a few weeks after the building was erected were withdrawn after a considerable number of objections.

Cheltenham Trust have clearly ignored the 27 objections (no support) from last year including the criticism from Historic England.

This glasshouse defaces the west side of Cheltenham's only grade one listed building and is always surrounded by catering trolleys, waste bins and rubbish; food is cooked inside the Pump Room and transported in the open air to the glasshouse.

The South side of the building has a veranda with beer pumps on open display.

I live 10m from this structure which has 20m of clear glass sides with customers looking directly into my house.

This is very intrusive; I need to keep my curtains drawn for privacy.

As TripAdvisor customers testify the building is also very noisy due to its constriction of wood steel and glass.

This noise is transmitted to my residence a few meters away.

The orangery is also environmentally unfriendly and possibly dangerous.

During storm Eunice last February, the company Ascot Structures who erected the building had a van with 2 men sitting inside situated outside the glasshouse all day while the roof flapped about like a sail and the doors rattled alarmingly.

They clearly seemed concerned that the building would collapse.

During the recent heatwave an air conditioning van was sitting outside.

Why doesn't Cheltenham Trust use the inside of the Pump Room which is empty most of the week to run a café/bar.

This is cool inside in a heatwave and the Pump Room is unlikely to collapse in a storm.

Delivery lorries for the cafe/pub park outside my drive frequently blocking access and then backup West Approach Drive while schoolchildren are walking along to Pittville School

West Approach Drive has no pavement, and this looks dangerous.

I therefore strongly object on grounds of privacy, visual impact to an iconic building, noise, and traffic.

Pittville Park already has 3 other cafes and if Cheltenham Trust wish for another then they have thousands of square feet of space inside lying empty for most of the week.

21 All Saints Villas Road  
Cheltenham  
Gloucestershire  
GL52 2HB

**Comments:** 24th August 2022

I support the proposal for the retention of the temporary structure with one caveat. On the positive side, the cafe has been and remains a much appreciated and extremely well-used facility for the people of Cheltenham, with indoor/outdoor flexibility that has been and will no doubt continue to be very useful as the pandemic continues. Personally, and unlike others who have commented, I find the position of the cafe and the design completely inoffensive. My only caveat is that The Cheltenham Trust shouldn't be permitted to hang large advertising banners from the front of the balcony; those really are ugly.

36 Windsor Street  
Cheltenham  
Gloucestershire  
GL52 2DE

**Comments:** 12th September 2022

The original outdoor bar area was helpful during the pandemic but the structure has always been an anachronistic eyesore. Such a structure should not be in the curtilage of the listed Pump Room.

Visitors to Cheltenham may like it but many residents are upset at the disregard for the heritage of Pittville. Shame on CBC.

It is not safe or easily accessible for many elderly or disabled residents who may want to meet there. It is a real obstacle course for anyone with a wheeler or other mobility issues. I take my elderly mother to the park each week and we are always worried that she will trip on the ramp or the pavings (or the dogs!)

There must be a better solution to having a cafe in the vicinity.

161 St Georges Road  
Cheltenham  
Gloucestershire  
GL50 3EJ

**Comments:** 2nd September 2022

I write to support the planning application of the Cheltenham Trust Oranangies at Imperial Gardens and Pittville Pump Rooms.

These community cafes I believe are now an important part of Cheltenham life and about the only place where individuals; young people; families, visitors to the town and the older generation can mix anytime of the day in the centre of Cheltenham and Pittville. They have proved to be hugely popular and provide a valuable offer to the whole community. I use them both regularly for coffee; drinks and food. We lack this diverse space in Cheltenham which is increasingly becoming polarised and the town centre



longer term will suffer from the lack of areas for the general public to meet and enjoy some open space and access to the resources provided by the Trust. Cheltenham is becoming increasingly an expensive and overpriced destination and people will eventually vote with their feet. We need more diversity in Cheltenham.

The contribution the cafes make to the trust's income is significant as the orangeries are not for profit cafes. Supporting the community as vibrant social hubs and now significant visitor destinations, the orangeries offer free year round community events enabled by the café income. This re-investment is vital in supporting the important heritage buildings they adjoin, helping to secure the future sustainability of both the iconic Cheltenham Town Hall and Pittville Pump rooms.

I understand that If the temporary applications are refused both cafés would close, with the loss of c40 jobs including chefs, café and bar staff. In addition the many local musicians and artists that perform at the Garden Bar Orangery and Heritage Deco café would also suffer.

Please look further into the future and what Cheltenham needs to look like.

4 Mayflower House  
Leckhampton Place  
Cheltenham  
Gloucestershire  
GL53 0FB

**Comments:** 2nd September 2022

We are writing to you to voice our wholehearted support towards the planning applications 22/01439/FUL for the Heritage Deco Café at Pittville Pump Room, and 22/01438/FUL for the Garden Bar Orangery at Cheltenham Town Hall.

We (Fire & Flow Limited) have been working with Cheltenham Trust for the last 10 months, providing coffee, tea and various coffee shop related products to both locations. As a business we have dedicated a significant amount of time and resources to set up, train and support these two locations, and it's a real financial worry to our business if they were not allowed to continue trading.

As a business, these two sites contribute a significant portion of our revenue, which supports 4 full-time employees salaries within Gloucestershire. If we were to lose this income, it would put significant strain on our entire business, and may potentially result in the loss of jobs and/or put the business at risk.

From a personal standpoint (\*\*\*\*\* writing - I am a Cheltenham resident and taxpayer), I feel that both locations add a significant amount of value to the local community. Pittville Park is an amazing location, and the Heritage Deco Cafe not only adds a great resource for visitors to this park to use, but it also draws in people from the wider community. I have friends who travel from as far as Swindon and Chippenham, coming to this park and cafe, and in doing so, supporting the local commerce/economy.

I live in Leckhampton, and would not normally travel across town to the Pump Rooms, but given the amazing offer that has popped up at the Heritage Deco Cafe, I have now have made, and continue to make, numerous trips across town to enjoy both the park, the Heritage Cafe and other surrounding local businesses.

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We hand deliver orders to both these locations, and during these deliveries I have had many great conversations with the customers who use them. I recall one such conversation with an elderly gentleman at Heritage Cafe. He was speaking to me about how he comes every day for a coffee, and was glad to have such an amazing location on his doorstep, given his mobility issues. These are the kind of residents who will be impacted most, and this should be deeply considered, especially given the difficult times we are in and have been through recently.

The Imperial Garden Bar provides a peaceful 'getaway' in the heart of Cheltenham, perfect for those who want to sit down and relax outside of the hustle and bustle of the town centre. It's an amazing location for families with children, people with dogs, and the elderly. I had never previously spent much time in this area of town, but approx. 1 year ago, having heard about local live music at this location, I visited to check it out. Having enjoyed that night, the Imperial Garden bar and the other surrounding food & drink businesses have become a regular checkpoint for my wife, my friends and I.

I really do feel it would be a huge loss to the local community to remove both cafes, and I strongly urge you to approve this planning permission, not only for the sake of the 40 staff who would lose their jobs, but also the loss of income for other local businesses (such as ourselves), and not to mention the loss of two great locations for the residents of this town.

The email is sent on behalf of all 4 of our employees (all copied), who all support the approval of this planning application:

Thank you for your consideration, and I'd be happy to speak to anyone further on the above points.

4 Mayflower House  
Leckhampton Place  
Cheltenham  
Gloucestershire  
GL53 0FB

### **Comments:** 2nd September 2022

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As a business, these two sites contribute a significant portion of our revenue, which supports 4 full-time employees salaries within Gloucestershire. If we were to lose this income, it would put significant strain on our entire business, and may potentially result in the loss of jobs and/or put the business at risk.

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From a personal standpoint (\*\*\*\*\* writing - I am a Cheltenham resident and taxpayer), I feel that both locations add a significant amount of value to the local community. Pittville Park is an amazing location, and the Heritage Deco Cafe not only adds a great resource for visitors to this park to use, but it also draws in people from the wider community. I have friends who travel from as far as Swindon and Chippenham, coming to this park and cafe, and in doing so, supporting the local commerce/economy.

I live in Leckhampton, and would not normally travel across town to the Pump Rooms, but given the amazing offer that has popped up at the Heritage Deco Cafe, I have now made, and continue to make, numerous trips across town to enjoy both the park, the Heritage Cafe and other surrounding local businesses.

We hand deliver orders to both these locations, and during these deliveries I have had many great conversations with the customers who use them. I recall one such conversation with an elderly gentleman at Heritage Cafe. He was speaking to me about how he comes every day for a coffee, and was glad to have such an amazing location on his doorstep, given his mobility issues. These are the kind of residents who will be impacted most, and this should be deeply considered, especially given the difficult times we are in and have been through recently.

The Imperial Garden Bar provides a peaceful 'getaway' in the heart of Cheltenham, perfect for those who want to sit down and relax outside of the hustle and bustle of the town centre. It's an amazing location for families with children, people with dogs, and the elderly. I had never previously spent much time in this area of town, but approx. 1 year ago, having heard about local live music at this location, I visited to check it out. Having enjoyed that night, the Imperial Garden bar and the other surrounding food & drink businesses have become a regular checkpoint for my wife, my friends and I.

I really do feel it would be a huge loss to the local community to remove both cafes, and I strongly urge you to approve this planning permission, not only for the sake of the 40 staff who would lose their jobs, but also the loss of income for other local businesses (such as ourselves), and not to mention the loss of two great locations for the residents of this town.

The email is sent on behalf of all 4 of our employees (all copied), who all support the approval of this planning application:

Thank you for your consideration, and I'd be happy to speak to anyone further on the above points.

3 Castlefields Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YW

**Comments:** 2nd September 2022

Please don't let this ugly structure obscure the iconic front of the pump room  
Thank you

L'Enclos  
14 Wellesley Mews  
Wellesley Road Cheltenham  
Gloucestershire  
GL50 4LZ

**Comments:** 25th August 2022

I strongly object to this planning application and agree with many of the comments already made. Historic England's opinion is that the structure is harmful to the setting of a grade one listed building by virtue of its setting and design and this view is incontrovertible. Cheltenham Trust is putting profit before the integrity of the Pump Room and the park when there are other options to explore for a café in the Pump Room itself (or indeed elsewhere). Cheltenham Borough Council should refuse this application in the interest of preserving the unique splendour of this iconic building.

5 Pilford Close  
Cheltenham  
Gloucestershire  
GL53 9HA

**Comments:** 5th September 2022

I wish to strongly object to the proposal to renew temporary Planning Permission for the Café/bar At The Pump Rooms as outlined in this emails subject line.

How on earth this Pump Room carbuncle was allowed previously, just" beggars belief" , we are very lucky to have inherited this most beautiful and wonderful building, it is one of many around Cheltenham that Tourists come to visit.

Furthermore the temporary café/bar is a direct insult to the original Architect John Forbes who must be "Turning in His Grave"

Flat 3 Burston House Pittville  
Circus  
Cheltenham  
Gloucestershire  
GL52 2PU

**Comments:** 20th August 2022

Am I being obtuse here but isn't 'change of use' rather than permission to retain a temporary structure for up to two more years a bit underhand? Either way, the temporary structure and ancillary buildings are an eyesore and compromise the Pump Room. Why do we bother with heritage listing if it is just ignored when it suits? And while I am at it, was permission of any kind needed for the flood lights which are attached to the roofline, in front of the statues?

Of course I understand why the applicant wants to keep the cafe as it brings in the most money for the least effort. All the talk about bringing new audiences etc to the building is fine but the unintended consequences (traffic accidents, constant traffic, pollution, poor parking, wear and tear on the grass and beside the footpaths, litter) need to be dealt with. And if two years is granted what is to stop the applicant applying again in two years time? We need to know what the plans are for the future - this building is owned by us, the people of Cheltenham, after all.

**Comments:** 24th August 2022

'Change of use' is rather different from the previous application for planning permission (which was withdrawn). Is this a backdoor way of keeping the cafe now - and forever? An 'up to two year' extension can be requested ad infinitum. The cafe is there because of Covid19 restrictions. It has proved an easier way of making money than renting out the pump room. I recognise the positive impact of the cafe over the Covid period, but that has passed now. The temporary structure and the ancillary buildings are an eyesore and the pump room merely a backdrop! The pump room is the most recognised structure in Cheltenham and it is being compromised in many ways, not just by the cafe. It needs a much longer vision for its future than we, the public, are being shown. What are the plans post 'up to two years'? This building is owned by us, the residents, after all.

20 Cakebridge Road  
Cheltenham  
Gloucestershire  
GL52 3HJ

**Comments:** 19th August 2022

Not sure why we are seeing this again so soon?!

Pittville Pump Rooms has plenty of space for a cafe and already has ample toilets. It is a landmark structure for Cheltenham and can only be spoiled by a temporary structure alongside, Particularly if it requires further temporary structures containing toilets. Just use the Pump Rooms and surrounding walkway!

19 Redlands Drive  
Southampton  
SO19 7DA

**Comments:** 23rd August 2022

I strongly object to the planning application 22/01439/FUL to site an Orangery structure for two years to be used as a café, a toilet block and a storage facility within the land adjacent to the national treasure that is the Pittville Pump Room in Cheltenham.

There are several strong reasons to block this proposal:

1. The Pump Room is a Grade 1 listed building of national and local importance and sited within a Grade 2 listed park, one of the finest treasures in Cheltenham; having a café and toilet sited beside the Pump Room would be an eyesore and a travesty of the Regency heritage of the site, it would destroy the splendour and indeed the reason visitors come to the site. It would also block the view to the Pump Room itself. I'm sure Historic England would be appalled by the proposal.
2. The damage in terms of noise and excess parking will overcome the local area, particularly for those living in West Approach Drive and East Approach Drive, their quality of life will be downgraded, together with the value of their properties. Indeed, I have found it almost impossible to drive along these approach roads because of the cars parked haphazardly in the road, never used to be like that. As for the noise, it is just too much for residents, the site loses its tranquillity and beauty.
3. This application is essentially a repeat of previous applications (21/02560/FUL; 21/02618/FUL) that failed because of many wise objections received; why repeat now, the situation hasn't changed? Indeed, Historic Britain objected previously as the plan being harmful in position and design adjacent to a Grade 1 listed building. Nothing has changed, it should be declined.
4. The Orangery already built was agreed to be temporary to cover the unique requirements during the Pandemic when access indoors was restricted to visitors, it should not be used to be a backhand route to permanence.
5. These facilities are just not required, there are cafes and toilets located elsewhere in the park, no reason to destroy the centrepiece of the site's heritage.

13 Rotunda Terrace  
Montpellier Street  
Cheltenham  
Gloucestershire  
GL50 1SW

**Comments:** 17th August 2022

I strongly object to this planning application 22/01439/FUL

I do not understand how the application can be considered on a Grade 1 listed heritage building. It is totally out of keeping and not to mention the noise.

There are other cafes already in the Park.

Similar applications such as 21/02560/FUL have been declined so why should this have special treatment because of the local council links?

Should this be approved I will be taking my objection to central Government.

CLIFTON  
PITTVILLE CIRCUS ROAD  
CHELTENHAM  
GL52 2QH

**Comments:** 17th August 2022

I strongly object to this planning application 22/01439/FUL.

It is similar to the previous applications (21/02560/FUL & 21/02618/FUL ) That had 25 objections.

The Pump Room is a Grade I property in a Grade II Park. This structure is not in keeping with the Regency historic style. Have historic England been informed?

This temporary structure was only meant to be in place during the pandemic. Why is it still up when there is plenty of room for a cafe within the Pumproom and also toilet facilities.

Fernmoor  
Tommy Taylors Lane  
Cheltenham  
Gloucestershire  
GL50 4NP

**Comments:** 28th August 2022

To the best of my knowledge the land on which this temporary cafe has been constructed is still part of Pittville Park which is Grade 2 listed. Therefore the change of use in this application appears to be from heritage parkland to commercial use. If granted this could be a dangerous precedent for our parks. What happens at the end of two years?

East Approach Drive was constructed in the mid nineteenth century and provided a clear view of the west elevation of the Pump Room. The trees do not block the view of the Pump Room - the temporary cafe does. Historic England have made clear their objections with which I agree.

I accept that it is necessary for the operation of the Pump Room to generate money. It could however be operated more like the Bath Pump Room with tea rooms during the day in the building and under the portico and other events early morning and in the evening. If this happened there would be no need for this temporary cafe. Is it necessary for the Trust to use the whole of the first floor for offices? The Pump Room is a valuable heritage asset belonging to the people of Cheltenham and could provide better community access and facilities.

92 Bath Road  
Cheltenham  
Gloucestershire  
GL53 7JT

**Comments:** 19th August 2022

Detrimental to our town's heritage and the iconic location.

Previous application had an objection from Historic England that said "the proposed structure to be retained is harmful to the setting of the Grade I building by virtue of its position and design" - I completely agree with their expert opinion.

Parkside  
3 Albemarle Gate  
Cheltenham  
Gloucestershire  
GL50 4NG

**Comments:** 6th September 2022

Structure of glass coffee house it totally out of character alongside the historic pump room building. It detracts from the beauty of the building. Enough coffee places in the park already, 3 in total.



90 Linden Avenue  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3DS

**Comments:** 6th September 2022

The glass structure should be demolished as it spoils the beauty of the iconic structure of the Pump Room. I am not a neighbour but I live in Prestbury and frequently walk in the park. It is also not safe, I recently fell and broke my ankle falling down an unmarked step on my way into buying coffee for myself and a friend. I know this is a separate issue and is currently being dealt with. However, I was told at the time that as it was on a National Heritage site they were restricted as to how steps were marked, so this being the case it is surely another reason why a building serving the public should not be in use.

I see no reason why the cafe should not operate in the way it did prior to building the glass structure, at least during the summer but not in the winter when unsightly polythene covers were erected.

Parkgate House  
West Approach Drive  
Cheltenham  
Gloucestershire  
GL52 3AD

**Comments:** 2nd September 2022

Cheltenham Trust erected this 1000sq ft glasshouse last September 10m away from two residential properties.

Neither property, nor any other Pittville residents were informed of the plan which was allowed without change of use planning permission for a café/bar or any planning permission for a new building. I reside in one of those properties and therefore have 20m of clear glass windows looking at an angle of 40 degrees directly at this house. I can easily see all the staff and customers and no doubt vice versa, so a clear and severe breach of my privacy. The nature of the wood, steel and glass structure makes it very noisy.

Permission was granted by Cheltenham Borough Council following a central government consultative document allowing these types of buildings during covid but only up to 1st January 2022. Daniel Lewis, a planning enforcement officer from the council, agreed with this statement but then the council granted an extension until September 2022 due to Covid. We are now out of Covid. Darren Knight CMgr FCMI Dip.RSA Executive Director of People & Change for Cheltenham Borough Council indicated to us that the building was to be removed by September '22. Therefore, are any guarantees from the council with respect to the period that this temporary café/bar is to be in situ believable?

There are a number of questions:

1. The land on which Cheltenham Trust has applied to keep this glasshouse is not owned by them. It is part of the Grade II listed park, that is owned by Cheltenham Borough

Council (i.e. us). Therefore, should the planning application not be from the Council to themselves?

2. This is being classified as a "temporary" structure that is in the park which is surrounded by notices indicating a £500 fine for drinking alcohol, yet The Trust are running it as a pub.

Would other temporary structures be permissible to drink from in the park; say a deckchair? Do the park bylaws have any meaning?

3. Is Cheltenham Trust damaging their own core business by running this café? I would not wish to have my wedding or to run an event with this café being run alongside using the same kitchen.

4. There are 3 other cafes in this medium sized park  
Are their businesses being damaged by this addition?

5. Can any business in Cheltenham apply to erect a temporary structure on land owned by another individual and then kept it in situ for years? Do we have a level playing field for businesses in Cheltenham or is Cheltenham Trust being given special privileges? To coin an apt phrase from a more famous Gloucestershire resident this is a "monstrous carbuncle on the face of a much-loved friend"

On grounds of breach of privacy, noise and parking problems, and damaging the western aspect of The Pump Room - I strongly object to this application. Anyone supporting this structure should be willing to have it 10m from their residence.

North Drum House  
Drumoak  
Drumoak, Banchory  
AB31 5ET

**Comments:** 29th August 2022

During a visit to this historical site, I was horrified to find this ghastly piece of plastic and glass, obscuring the main Colonnade.

I am amazed that such a structure be allowed, even for shortest of durations, and sincerely hope that the powers that be remove it, and adjust any new building to an appropriate quality, in keeping with this landmark of English architecture.

157 Gloucester Road  
Cheltenham  
Gloucestershire  
GL51 8NQ

**Comments:** 31st August 2022

This temporary cafe structure, with storage shed and temporary toilets should not be retained any longer. It is damaging to the setting of the Grade I listed Pump Room. The Cheltenham Trust also have the care of Pittville Pump Room, and already need to access it for water for their temporary cafe. With their usual lack of imagination they have overlooked the opportunity to use the Pump Room for the purpose it was originally designed in the 1820s - entertainment and catering. (They could move their office staff out of the Pump Room, perhaps to the Municipal Offices which are apparently too large for the Council to fully utilise, and allow the people of Cheltenham and visitors to enjoy their heritage in Pittville.)

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The original reason this temporary structure was allowed, i.e. during the pandemic when people were advised to meet outdoors, no longer applies.

If this structure remains, then Green Flag status is likely to be removed from Pittville Park - one of the aspects on which it is judged is 'Biodiversity, Landscape & Heritage' - keeping this cafe in this position is an insult to the scheme, and is a 'blot on the landscape'!

By retaining this temporary structure, instead of utilising the facilities already within the Pump Room, the Cheltenham Trust will demonstrate to the town that we should have no confidence in their guardianship of our heritage.

19 Linden Avenue  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3DW

**Comments:** 3rd October 2022

I strongly object to the application for the following reasons.

1. Original planning was granted for a temporary structure due to the Covid Pandemic. Therefore, there is no requirement for the structure to remain.
2. The temporary structure is an eyesore to the surrounding buildings both within the park and nearby residences.
3. The Pump Room is already under-utilised and a permanent cafe could be accommodated within the building.
4. The extra costs associated with heating and lighting the temporary structure goes against current environmental policies.
5. Toilet facilities are not easily accessible especially for disabled people and in Autumn and Winter would be hazardous.
6. There are already three cafes within the park that serve visitors.

Flat 2/2  
16 Minerva Street  
Cheltenham  
Glasgow  
G3 8LD

**Comments:** 3rd September 2022

This is a Covid period temporary structure that Cheltenham Trust are trying to extend for 2 years and probably indefinitely if they can get away with it. It is called a Heritage Art Deco Orangery but has no heritage, no art deco features and not even any citrus plants. The Trust seems to be trying to make a fast easy buck at the expense of degrading the Western Colonnade of the Grade 1 listed Pump Room with a glorified greenhouse covered by a polythene roof instead of formulating a coherent plan to use the vast empty space inside the Pump room as a café or restaurant. It has been severely criticised by Historic England and a ward councillor, yet Cheltenham Trust are persisting in presenting this second planning application. The structure is clearly unsustainable requiring a huge

amount of heating in winter and cooling in summer. I spend a considerable amount of time in a family home near this building.

The Trust treats its neighbours with complete disregard and contempt having deposited this building on land it does not own in a Grade 2 park with no communication or consent to any of the surrounding residences. Is Cheltenham Trust being given special privileges not offered to any other businesses in Cheltenham on account of the close connection between the Trust and the Council? The Trust are clearly showing themselves incapable of running a historic building and are an embarrassment to Cheltenham.

82 Evesham Road  
Cheltenham  
Gloucestershire  
GL52 2AH

**Comments:** 22nd September 2022

This is a Covid-era temporary structure which was good to have with the café during the pandemic.

However, the Orangery in its current form is detrimental to the view of the Pump Rooms and damaging to its setting in the park.

The Cheltenham Trust have used the Orangery as a cash machine charging high prices for poor quality products.

Further, they also cover the Orangery in advertising banners which are totally inappropriate.

Why does the Cheltenham Trust not use the space inside the Pump Rooms for a café which would be in keeping with the surroundings?

98 Evesham Road  
Cheltenham  
Gloucestershire  
GL52 2AL

**Comments:** 23rd August 2022

Re . Application number 22/01439/FUL ( temporary structure and toilets at Pittville Pump Room) OBJECTS

I OBJECT to this planning application. My reasoning is as follows;

The outside cafe in the portico was welcomed during covid. Then along came a temporary structure serving as a cafe and toilets that were constructed "overnight" and in secret, with no announcement or consultation with anyone not even immediate residents.

If we are to go back to life as near normal then this temporary structure suffers from the following points:

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It is a land grab of public space. Can the council erect buildings wherever it wants and pass its own planning decisions?

It is most likely outside of the Cheltenham Trust's curtilage of control.

It is 2 metres away from a Grade 1 listed building.

It is an eyesore to the No.1 landmark building of Cheltenham.

It creates noise and smells and light pollution to local residents.

It is a possible misuse (or grey area) of grant money received during the pandemic.

It is unfair to other operations within the town who have had to take out loans and mortgages etc and/ or pay hefty rent and leases.

Historic England have objected.

The raised floor design is a magnet for vermin of all sorts.

It is environmentally unfriendly. It will take tremendous amounts of energy to heat and light over winter as it is not fit for purpose.

It could jeopardise the parks Green Flag status.

In addition, why do the Cheltenham Trust have a right to manage it? The town might be better served if the cafe operation was put out to tender? Do the Trust pay rent and rates for the cafe space?

The bigger picture of course is that despite the Cheltenham Trust claiming "150,000 people have visited the Pump Room" the reality is that the Pump Room has mostly been used as facade backdrop for events in the park.

The proper answer, of course, is to move the cafe into the Pump Room itself and for this to be a catalyst for the Pump Room to become the Heritage Destination that the town needs to drive it forward ( see the "vision and plan" for the Pump Room at [www.pumproomrevival.com](http://www.pumproomrevival.com) ).

Even then the town might be better served by putting the catering operation out to competitive tender. The Tripadvisor reviews on the current operations do the town no favours.

What is the role of the Cheltenham Trust? Is it to provide cafes (I think they have 5 now?) or something else?

Moving the cafe inside (and under the portico maybe) would be a sensible long term answer and might even get the Spa Water flowing again after an absence of 4 yrs or so.

The planning application has no decision date ( why?) and should be discussed before the full committee and speedily rejected.

67 Prestbury Road  
Cheltenham  
Gloucestershire  
GL52 2BY

**Comments:** 23rd August 2022

The Pump Room is the only Grade I listed building in Cheltenham in public ownership and is the town's most important heritage landmark. Any alteration or addition, whether temporary or permanent, should respect and enhance - rather than harm - its architectural integrity and significance.

The café was erected in 2021 under the Borough Council's special COVID provisions which enabled temporary structures to be put in place without planning permission in order to support businesses during the pandemic. The scheme originally ran until 1 January 2022 and was subsequently extended until 30 September 2022. It is unclear why a further extension is being sought, as there are no longer any Covid-related restrictions in place. The Pump Room is fully open and has returned to normal operation.

I am concerned that the successive temporary extensions are in effect a slippery slope to making this a permanent structure, and I think the public has a right to know what the longer term plans for the site are. Historic England objected in the strongest terms on heritage grounds to an application made last year for the permanent retention of the café (which was subsequently withdrawn): "the proposed structure to be retained is harmful to the setting of the Grade I building by virtue of its position and design". It would be extremely worrying if this extension was a back-door route to a further application for the café to become permanent in its current form.

67 Pecked Lane,  
Bishops Cleeve  
Cheltenham  
GL52 8JS

**Comments:** 15th September 2022

I use the Heritage Deco Café almost on a daily basis, I have found that a large number of people often meet friends that if it wasn't for these two Cafés would not have even met. I certainly have many more friends including all of the friendly staff since the Deco Café opened. Its location next to the Historic Pittville Pump Rooms makes it one of the best places to visit in Gloucestershire.

I heard on the news very recently that 46% of people say they are lonely, I don't remember if this was general or related to older people. The Cafés go along way to helping people connect.

In these difficult times it is essential that we help people to keep talking to each other, these meeting places do what the 'NHS Lets Talk' fails to do. So continue to do positive things "AND GRANT PLANNING PERMISSION" for the two Cafés.

Flat 2  
121 Ashley Road  
Bristol  
BS6 5NU

**Comments:** 5th September 2022

We are writing to you to voice our wholehearted support towards the planning applications 22/01439/FUL for the Heritage Deco Café at Pittville Pump Room, and 22/01438/FUL for the Garden Bar Orangery at Cheltenham Town Hall.

We (Fire & Flow Limited) have been working with Cheltenham Trust for the last 10 months, providing coffee, tea and various coffee shop related products to both locations. As a business we have dedicated a significant amount of time and resources to set up, train and support these two locations, and it's a real financial worry to our business if they were not allowed to continue trading.

As a business, these two sites contribute a significant portion of our revenue, which supports 4 full-time employees salaries within Gloucestershire. If we were to lose this income, it would put significant strain on our entire business, and may potentially result in the loss of jobs and/or put the business at risk.

From a personal standpoint (\*\*\*\*\* writing - I am a Cheltenham resident and taxpayer), I feel that both locations add a significant amount of value to the local community. Pittville Park is an amazing location, and the Heritage Deco Cafe not only adds a great resource for visitors to this park to use, but it also draws in people from the wider community. I have friends who travel from as far as Swindon and Chippenham, coming to this park and cafe, and in doing so, supporting the local commerce/economy.

I live in Leckhampton, and would not normally travel across town to the Pump Rooms, but given the amazing offer that has popped up at the Heritage Deco Cafe, I have now have made, and continue to make, numerous trips across town to enjoy both the park, the Heritage Cafe and other surrounding local businesses.

We hand deliver orders to both these locations, and during these deliveries I have had many great conversations with the customers who use them. I recall one such conversation with an elderly gentleman at Heritage Cafe. He was speaking to me about how he comes every day for a coffee, and was glad to have such an amazing location on his doorstep, given his mobility issues. These are the kind of residents who will be impacted most, and this should be deeply considered, especially given the difficult times we are in and have been through recently.

The Imperial Garden Bar provides a peaceful 'getaway' in the heart of Cheltenham, perfect for those who want to sit down and relax outside of the hustle and bustle of the town centre. It's an amazing location for families with children, people with dogs, and the elderly. I had never previously spent much time in this area of town, but approx. 1 year ago, having heard about local live music at this location, I visited to check it out. Having enjoyed that night, the Imperial Garden bar and the other surrounding food & drink businesses have become a regular checkpoint for my wife, my friends and I.

I really do feel it would be a huge loss to the local community to remove both cafes, and I strongly urge you to approve this planning permission, not only for the sake of the 40

## Page 88

staff who would lose their jobs, but also the loss of income for other local businesses (such as ourselves), and not to mention the loss of two great locations for the residents of this town.

The email is sent on behalf of all 4 of our employees (all copied), who all support the approval of this planning application:

Thank you for your consideration, and I'd be happy to speak to anyone further on the above points.

18 Fitzgerald Avenue  
Highworth  
Swindon  
Sn6 7jj

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## Page 89

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23

# The Heritage Deco Café at Pittville Pump RPage 90w your support

The café opened in summer 2020 to support the local community at a time when social interaction was severely limited by the Covid19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangery structure was installed during this period.

Opening with two trestle tables under the portico, the café was an instant success with the community referring to it as its 'lifeline'. Since opening, the café has been visited by more than one million customers and has become a significant social and cultural asset for the community, hosting a vibrant free live music in the park programme, Christmas celebrations including choirs and lights switch on, and Cheltenham's first American Retro Festival weekend.

The Cheltenham Trust, a not for profit, independent charity, will be seeking temporary planning permission to retain the orangery for visitors to continue to enjoy.

We are inviting you to support the continuation of this vital community asset.

Thank you for your support as a valued customer.

## The Cheltenham Trust

Name (Print)	Email address	Address and phone number	Signature
		29 GILWROSA ROAD CHELTENHAM G11 6JF	
		[REDACTED] GL5C 35 Armstrong Road 75B	
		u u	
		12 Grand Drive in B/C Cell	
		15 Nicholas Drive Cheltenham GL50 4RY	
		15 Nicholas Drive Cheltenham GL50 4RY	
		75 CHELTENHAM RD LENDING GL7 7FS	
		1 YORK MFW STRETTON BA4 5LX	
		80 GREENBANK BLOOMSBURY	
		28 Bymore Ave GL52 3DY	
		GL50 4RJ mailing 32	
		34 Conygar mail.co.uk	
		The College Sports GL5 0AE	
		School Lane Southam	

30  
**The Heritage Deco Café at Pittville Pump RPage 91 w your support**

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**The Cheltenham Trust**

Name (Print)	Email address	Address and phone number	Signature
		Churchdown. Brockworth gmail.com C. Kelly C. Kelly com	
		com. Co. Wick Lymington Lymington Trentsbury el.com	
		Co. Wick WESSLA com 11 Branch Hill com Cheltenham Robertson.com	
		Cheltenham Cheltenham ← 15, GL52 5SB Wm Clarke 647 6M4	
		"	
		"	
		GL5 1 3CD "	

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Table with 4 columns: Name (Print), Email address, Address and phone number, Signature. Contains handwritten entries for various postal codes and phone numbers.

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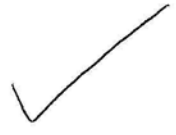
## The Cheltenham Trust

Name (Print)	Email address	Address and phone number	Signature
[Redacted]	[Redacted]	[Redacted] 200.W2. GLS25123. GLS19HU GLS19HU	[Redacted]
[Redacted]	[Redacted]	GLS23JX (4) 0789 CL3 2SE GLS19HG GLS2 2DE GLS17RQ	[Redacted]
[Redacted]	[Redacted]	GLS19EY [Redacted] co.uk GLS370	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	GLS10TF GLS22AQ GLS2 2BY " "	[Redacted]
[Redacted]	[Redacted]	WR 11 810 sk Albert Rd. planet.com GL208P sk.com GL208PA	[Redacted]

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				GL53 8SB 259		
				GL53 0DD (12)		
				GL51 6P2		
				GL51 3YA		
				GL52 3U		
				GL5028U		
				GL5028U		
				GL207RS		
				GL52 5P2		
				GL52 6SL		
				GL52 9HR		
				GL32DU		
				67 Pechel Lane		
				Village Rd		
Willchurch						
GL52 7YU						
GL55 8LQ						
B74 2NP						
16/GL52 6DJ						

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**The Heritage Deco Café at Pittville Pump Room with your support**

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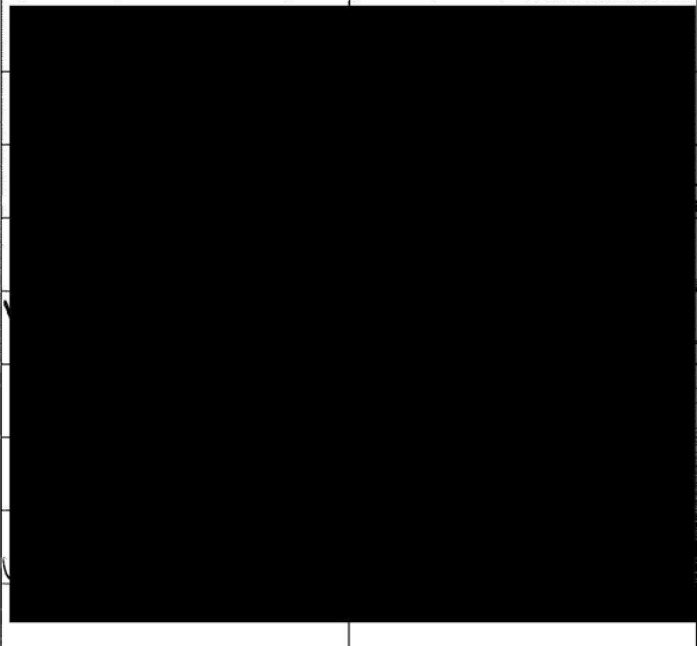
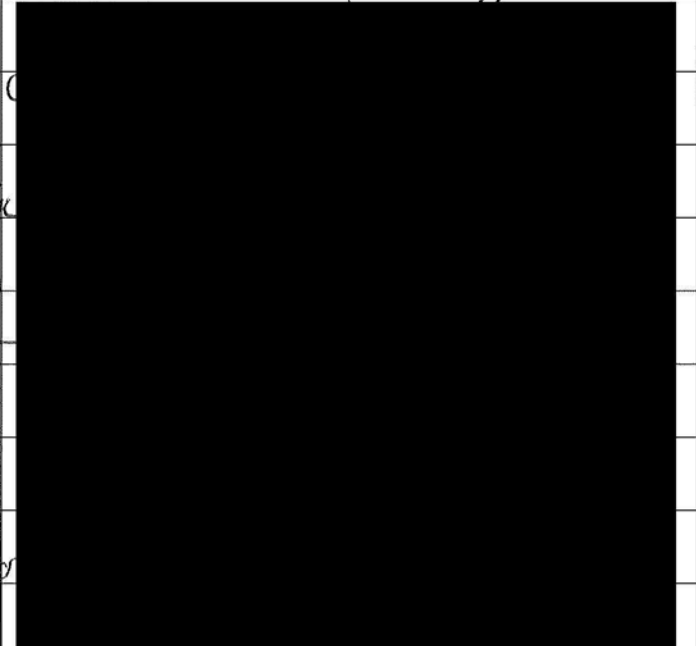
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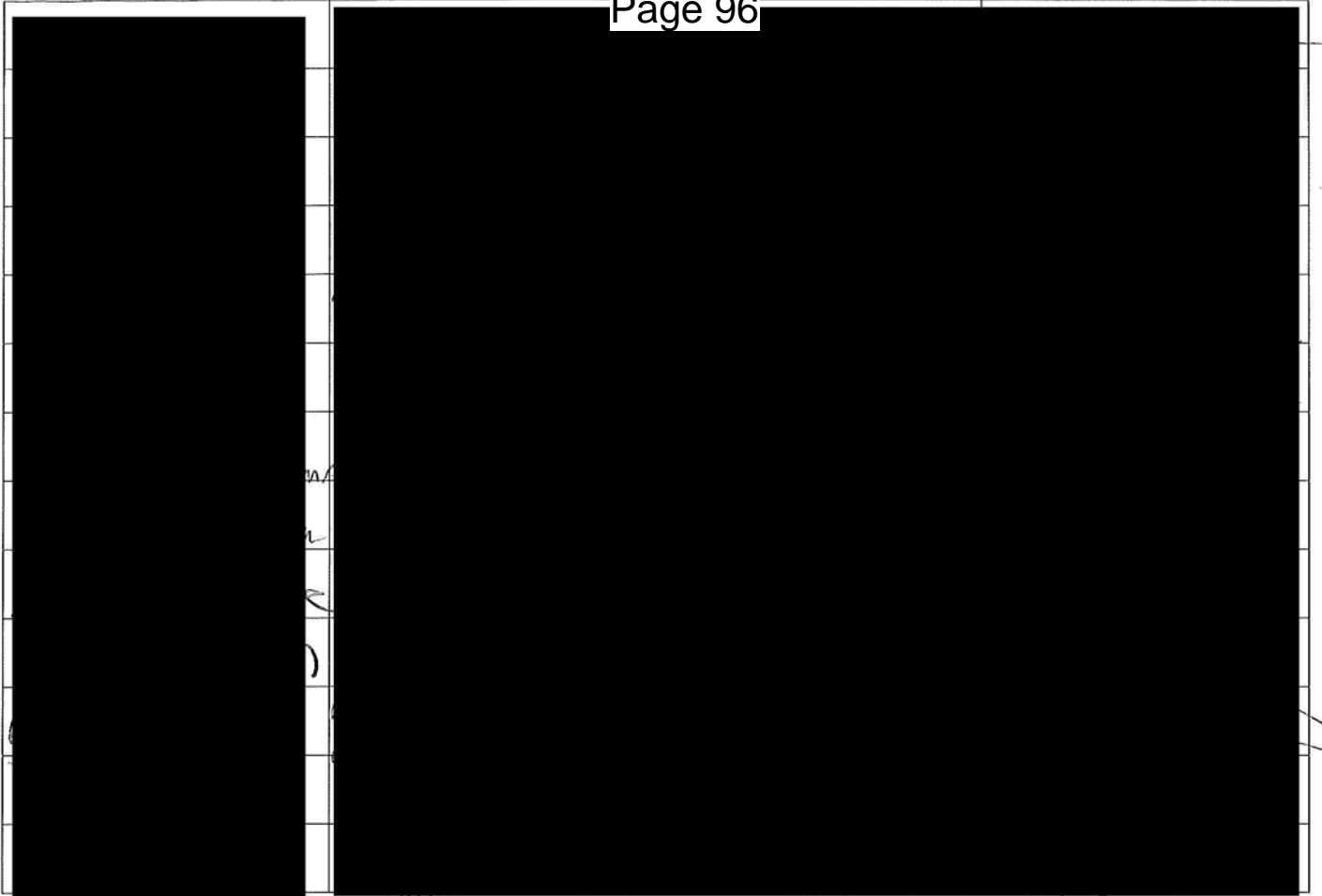
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29



# The Heritage Deco Café at Pittville Pump Room **Page 97** with your support

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Name (Print)	Email address	Address and phone number	Signature
[Redacted content]			

25

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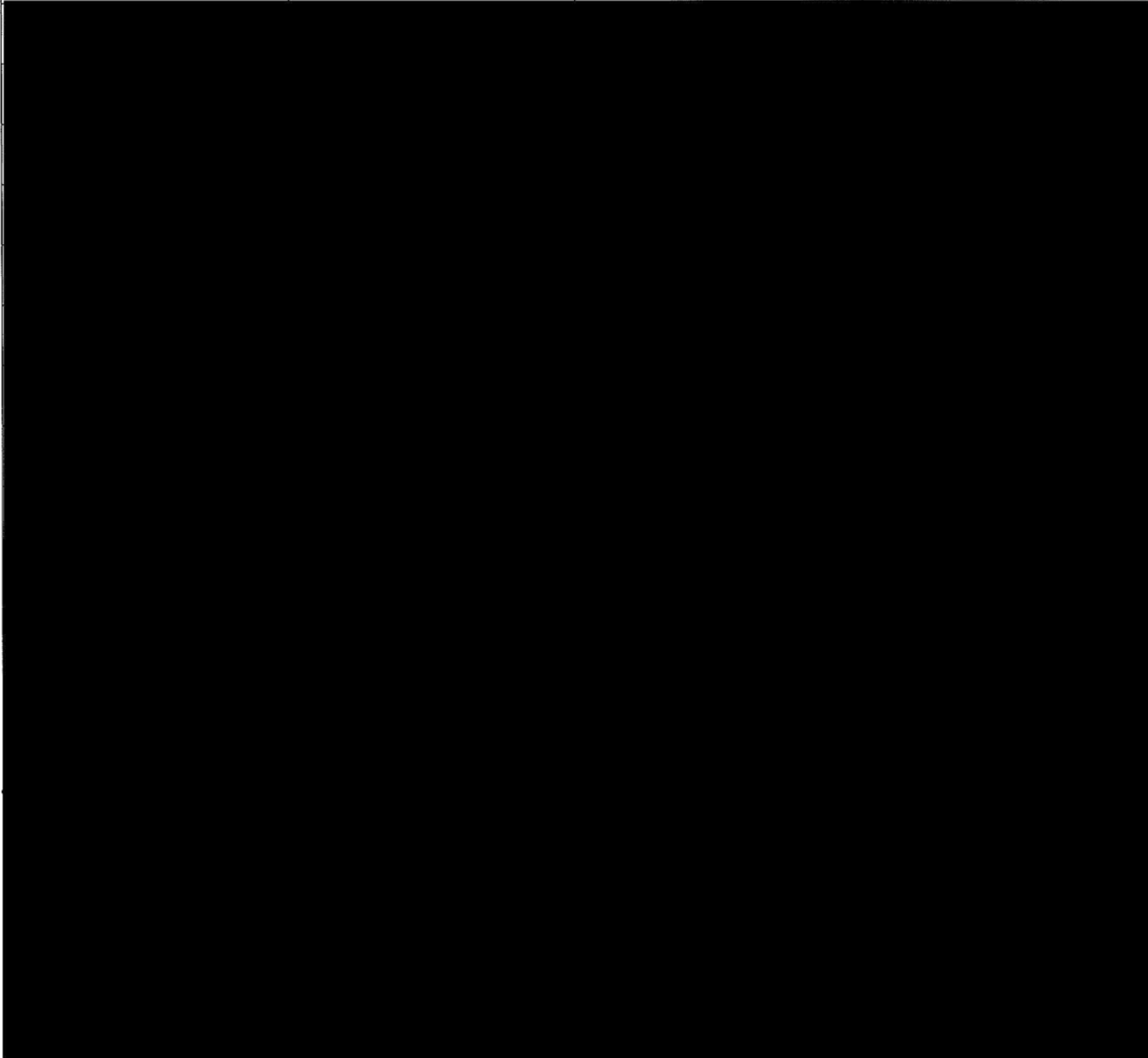
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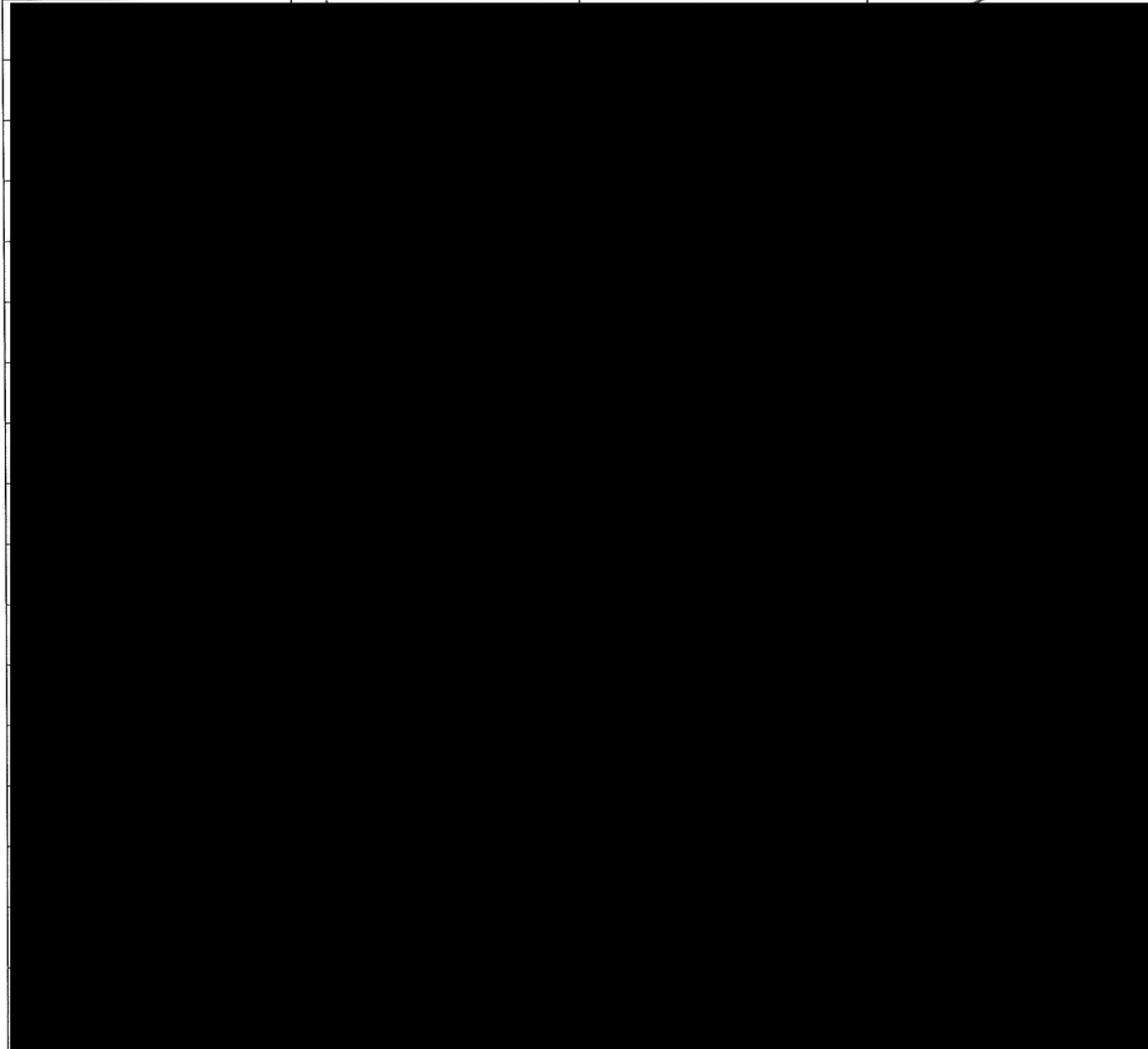
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Name (Print)	Email address	Address and phone number	Signature
			

Name (PRINT)

Email address

Phone No.

Signature

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6  
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Name (Print)	Email address	Address and phone number	Signature

27

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27

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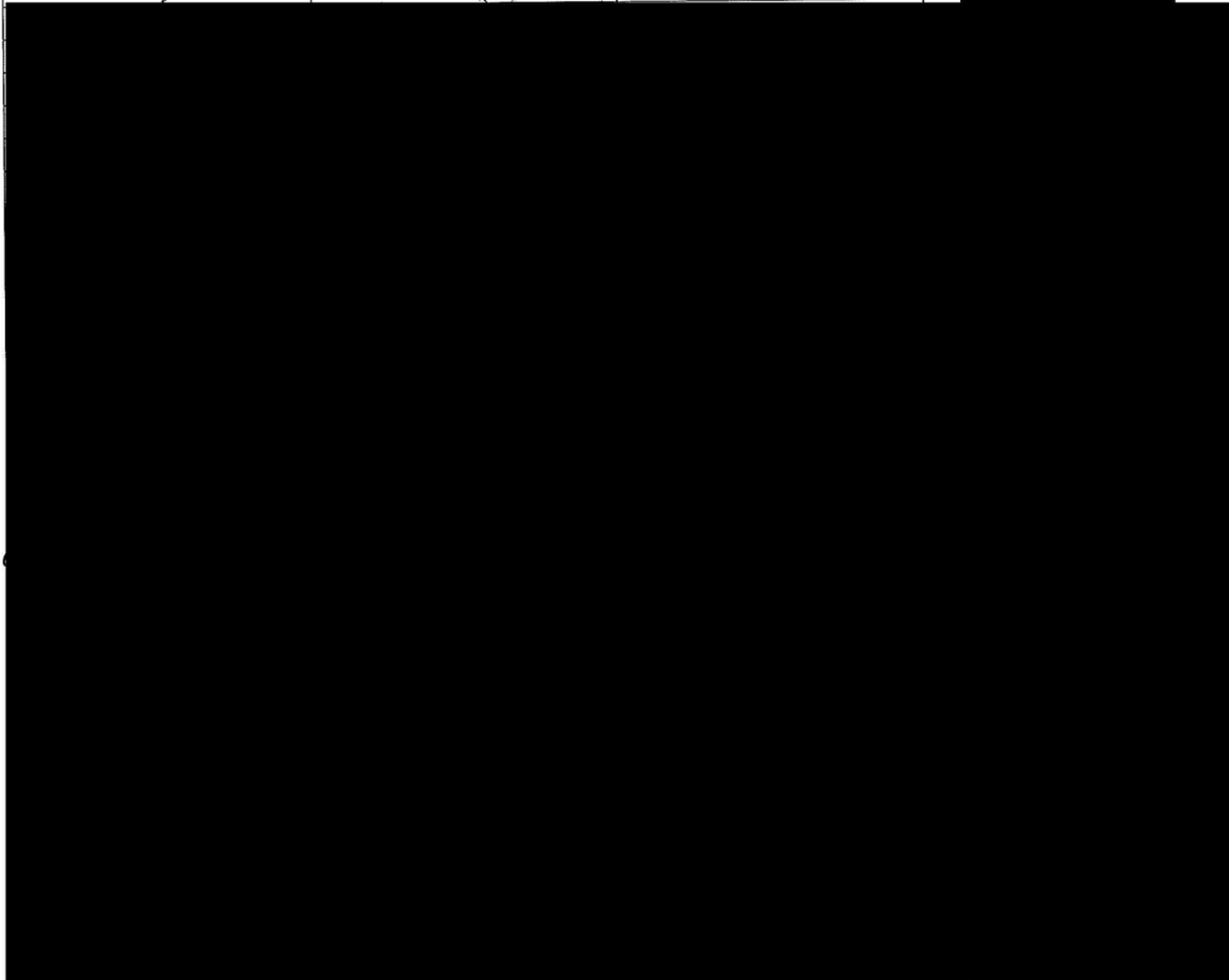
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# The Deco Café at Pittville Pump Room – Page 107 Support

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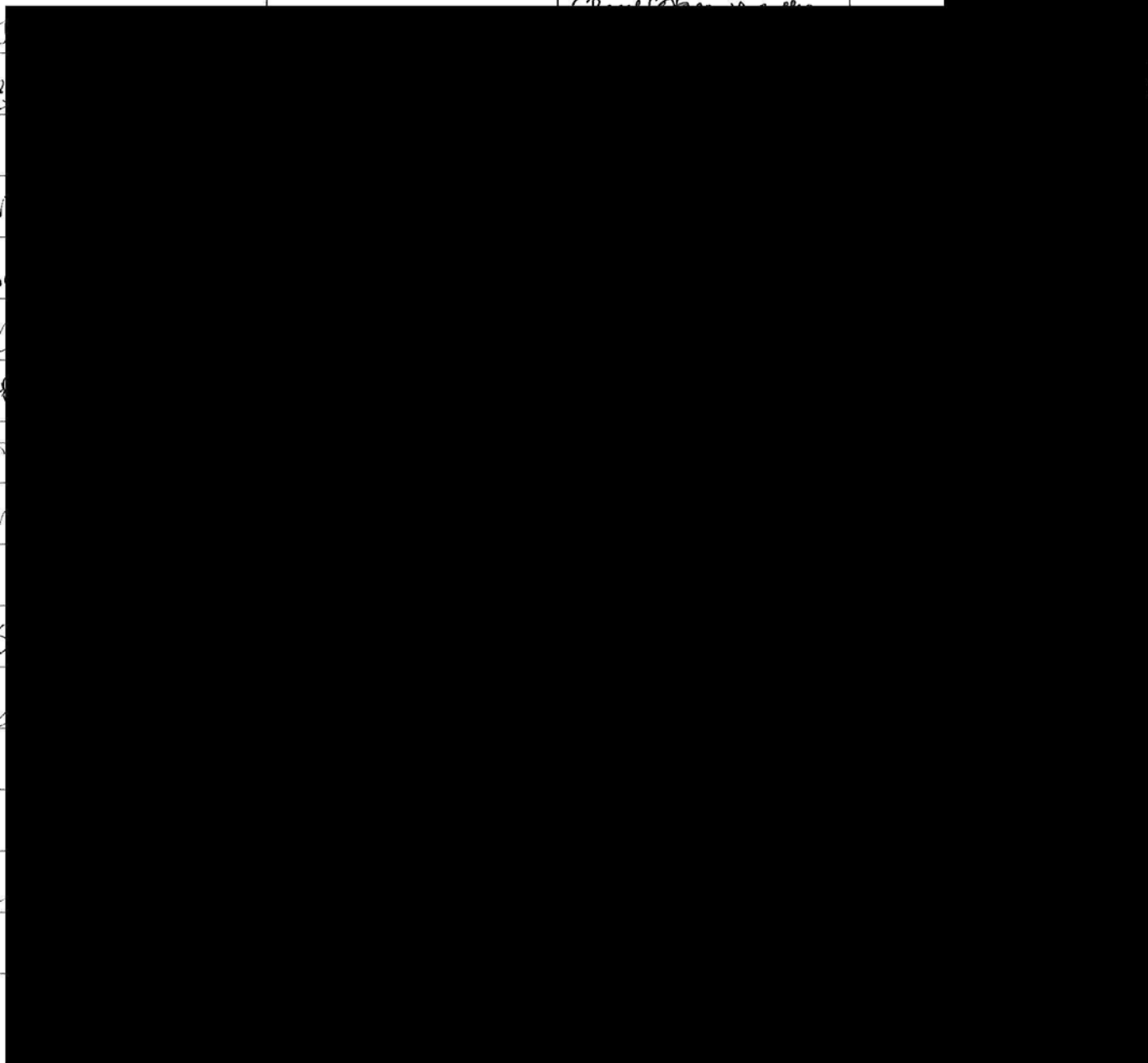
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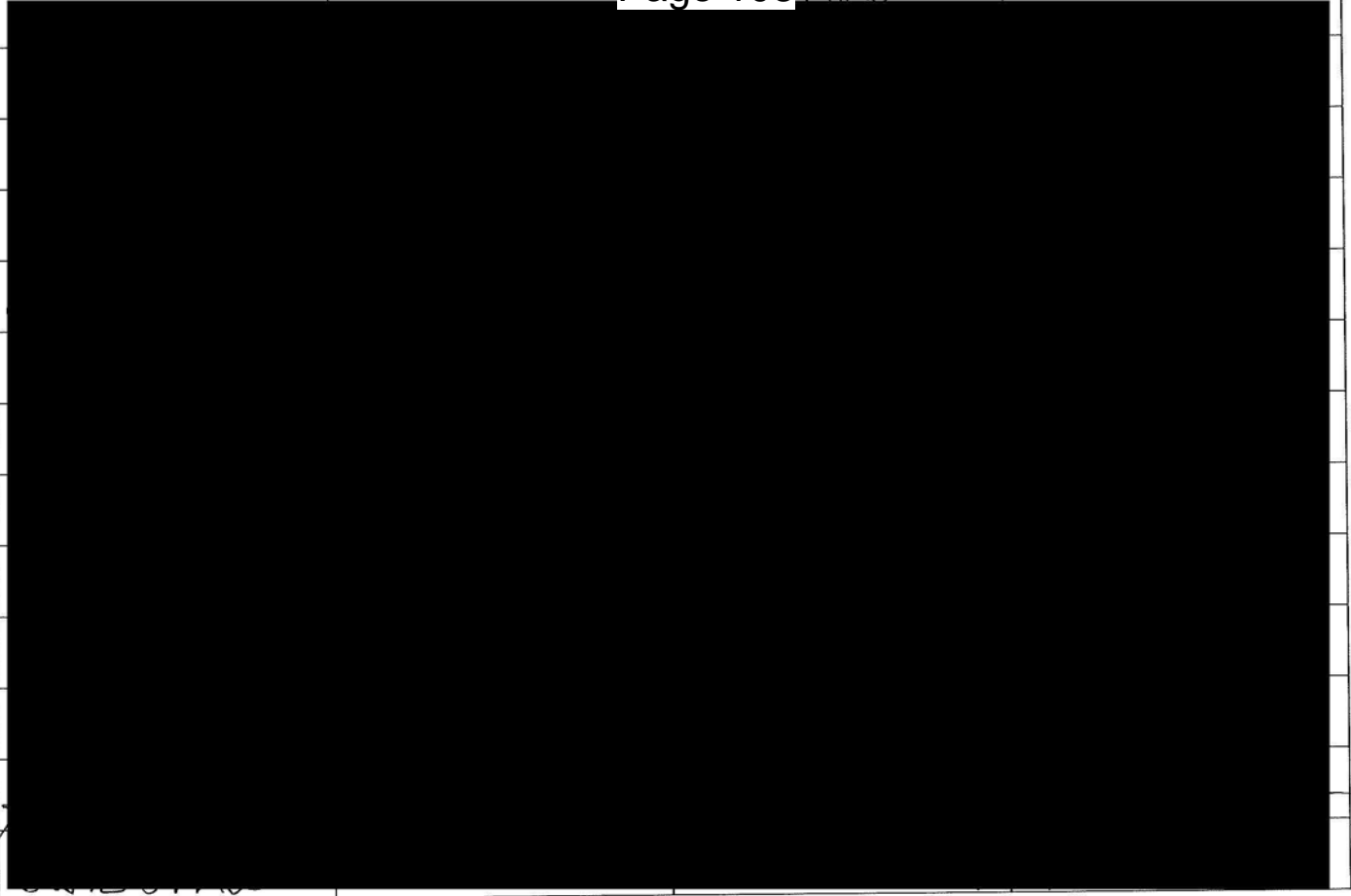
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email

Address +  
Phone number

Signature.

Page 1083 8PB



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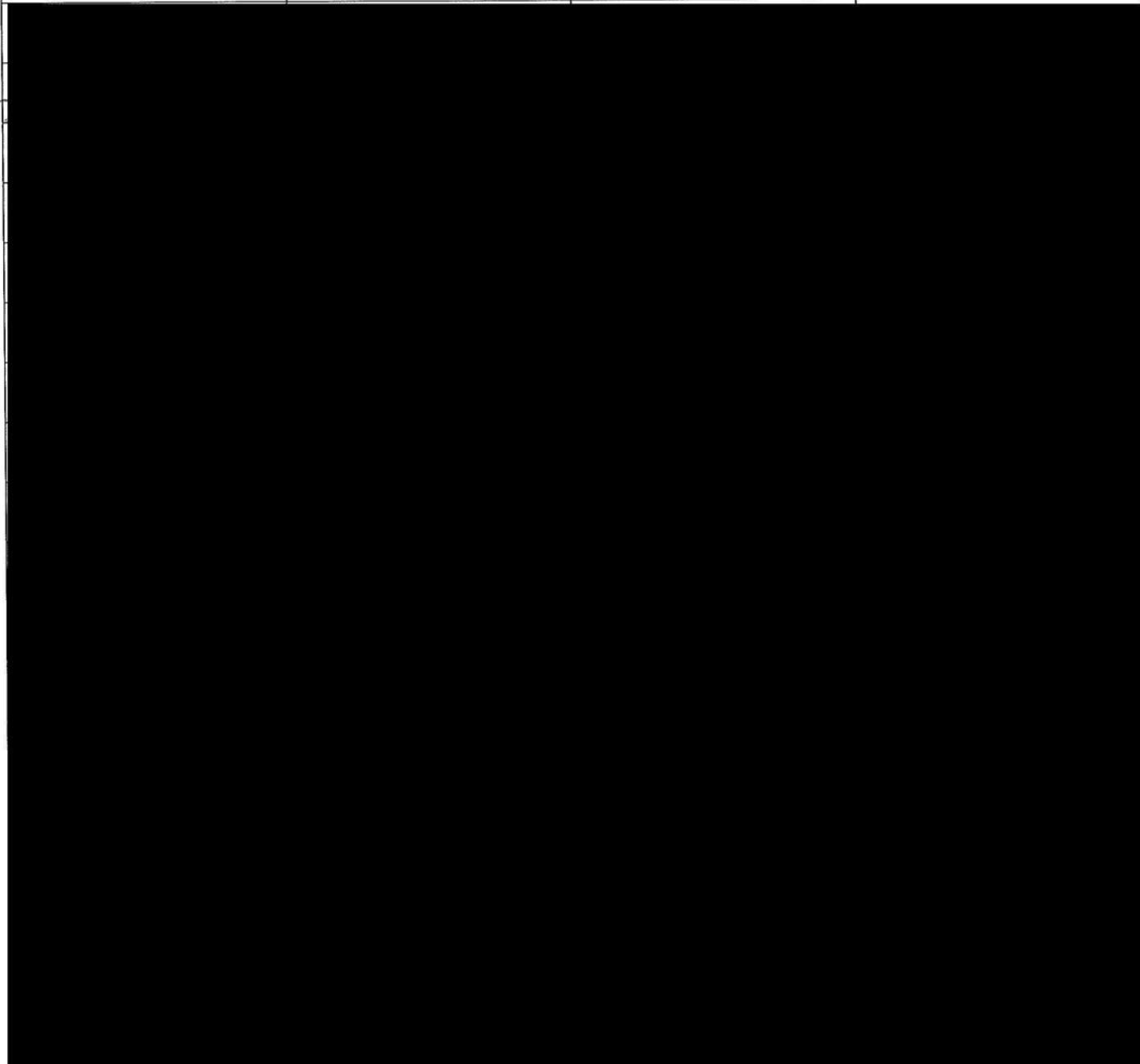
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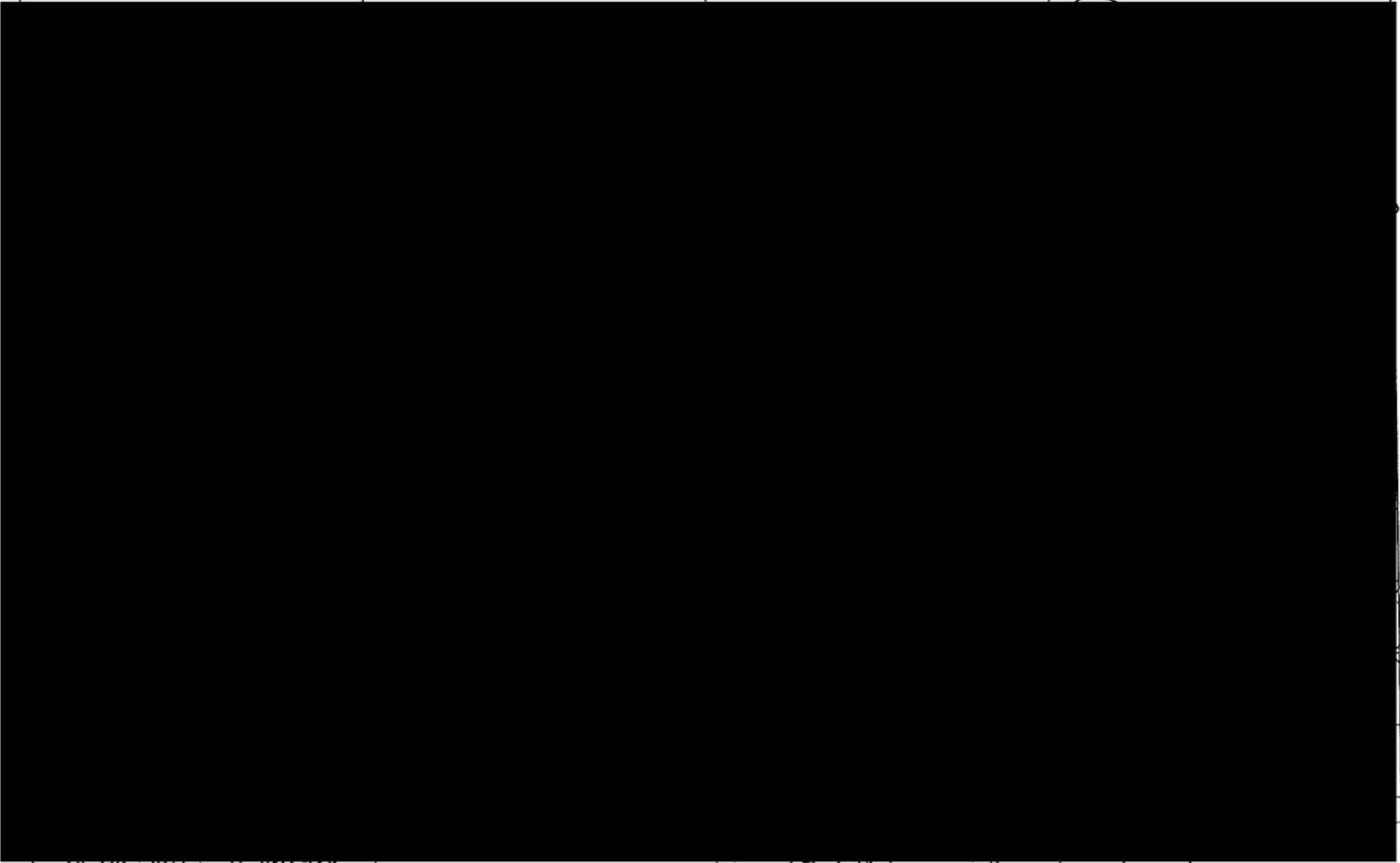
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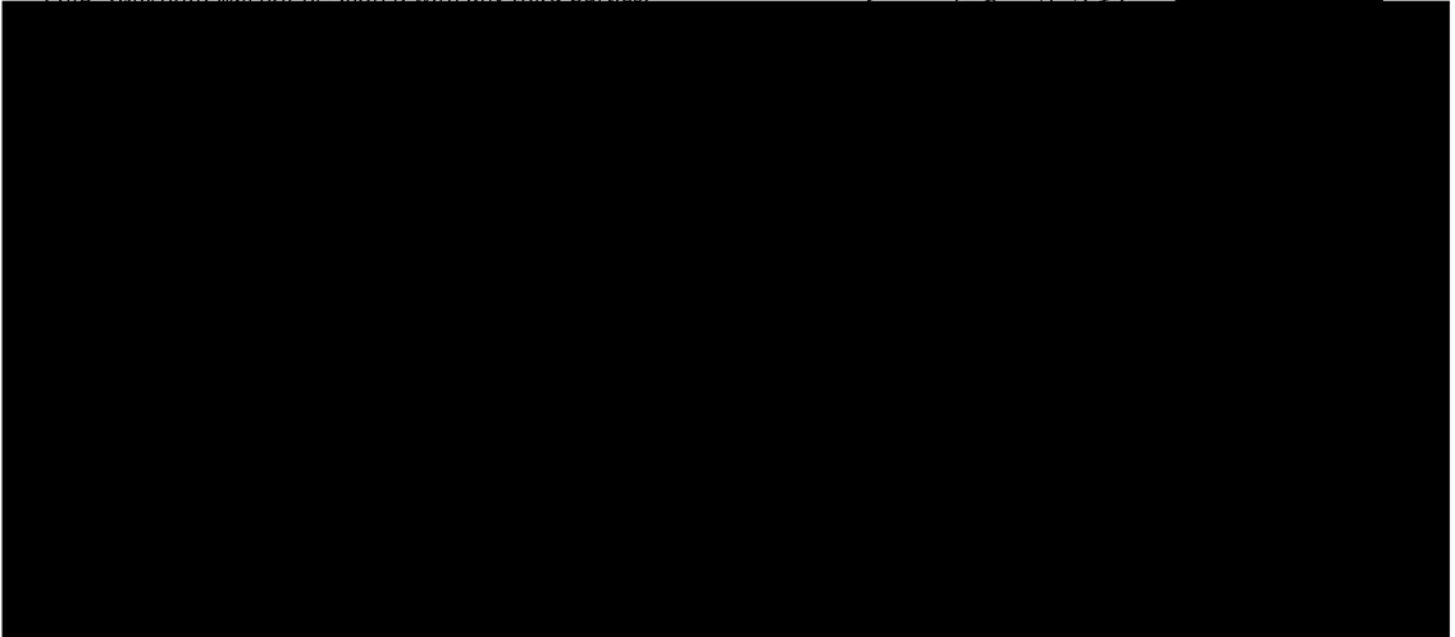
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Name	E-mail	Phone #	Sign

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10

# The Heritage Deco Café at Pittville Pump Room and Garden Bar Orangery at Cheltenham Town Hall – show your support

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The Garden Bar Orangery used to be open every summer and would consist of tables and chairs being brought in and out each day. During the summer of 2020 we put a marquee in place to allow people to sit down and enjoy their food and drink when restrictions allowed to and no matter the weather. Due to its success we build an orangery to allow a new vibrant and fresh space to be available for customers with free live music available regularly for the community to enjoy.

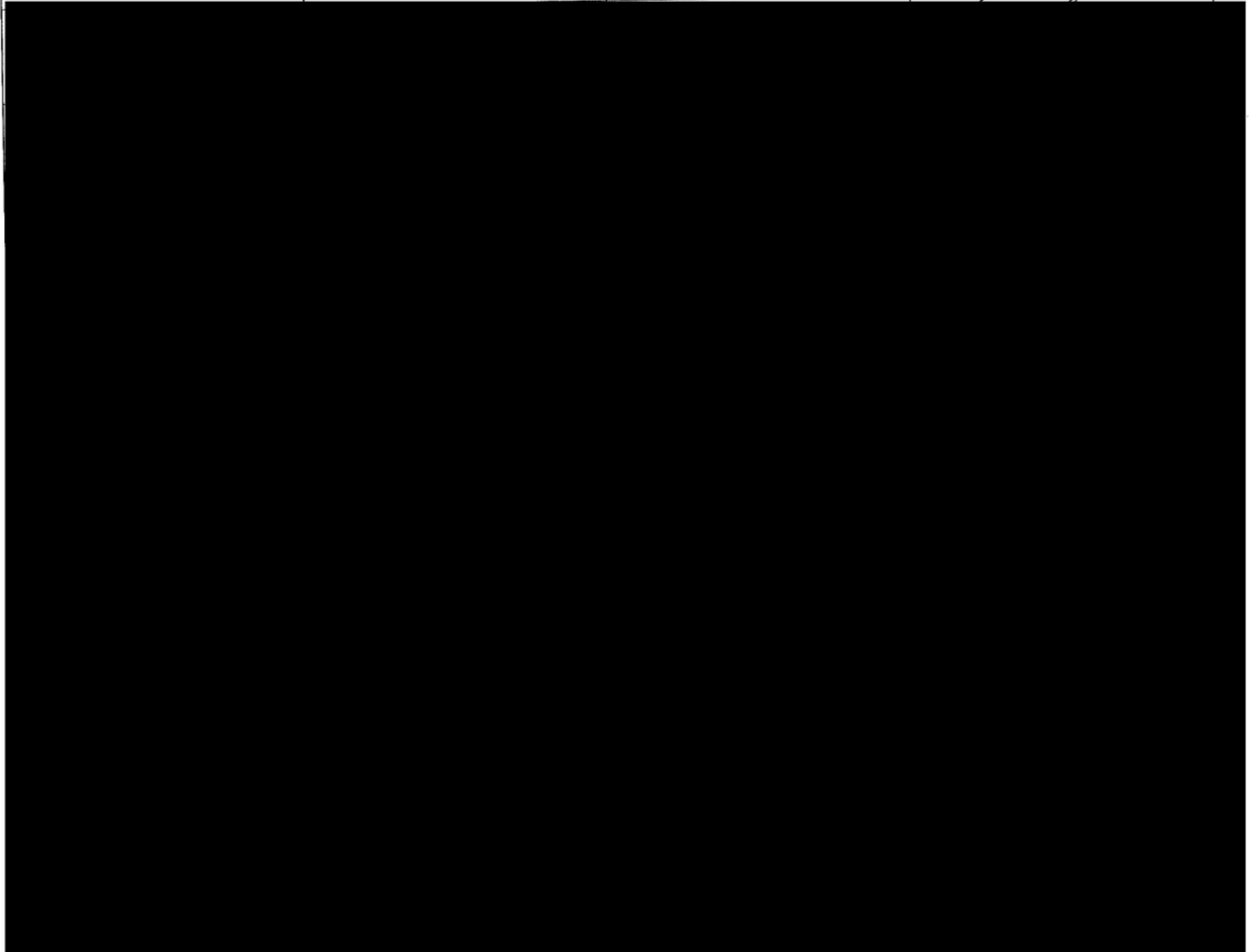
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The Cheltenham Trust

Name (Print)	Email address	Address and phone number	Signature
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2

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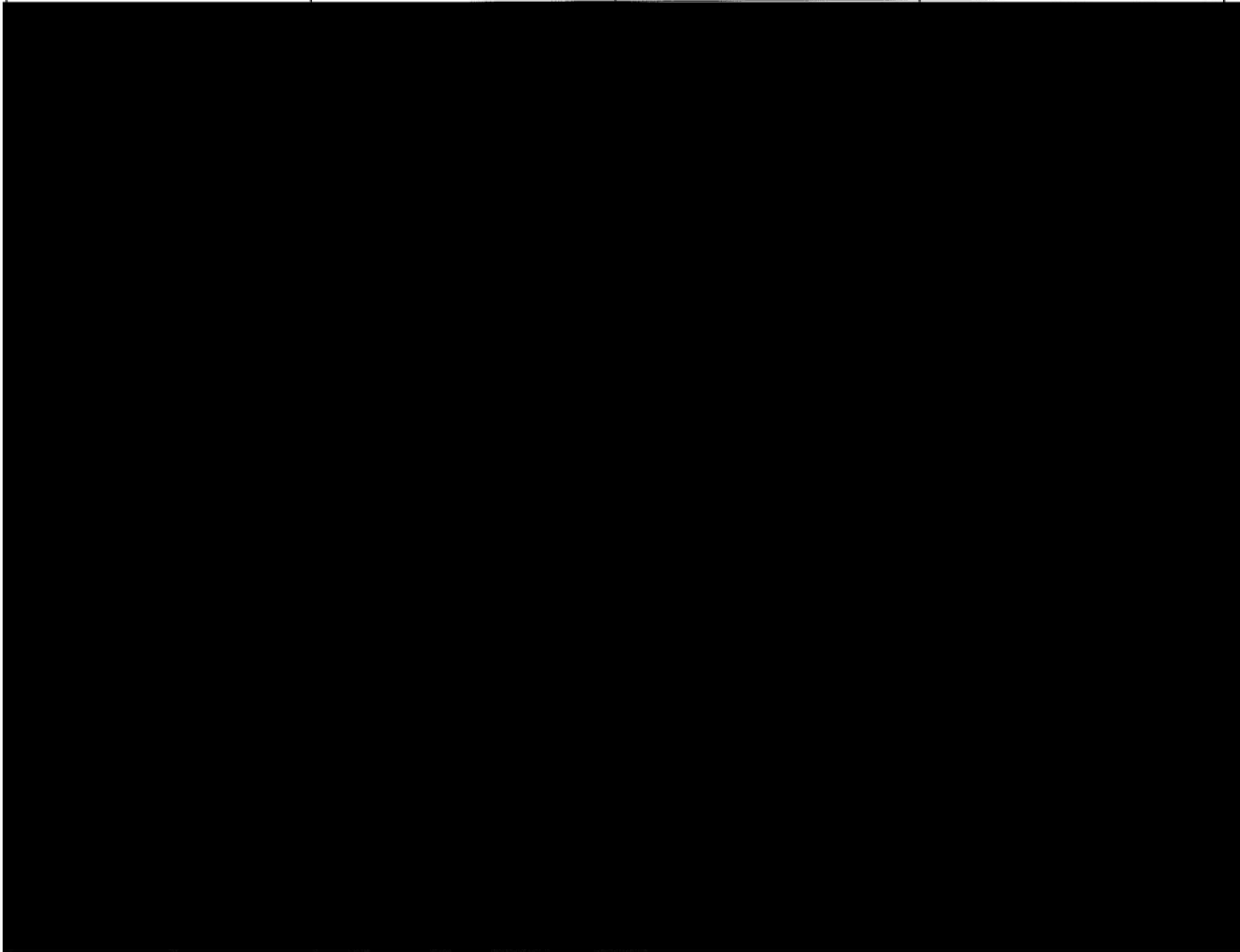
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10



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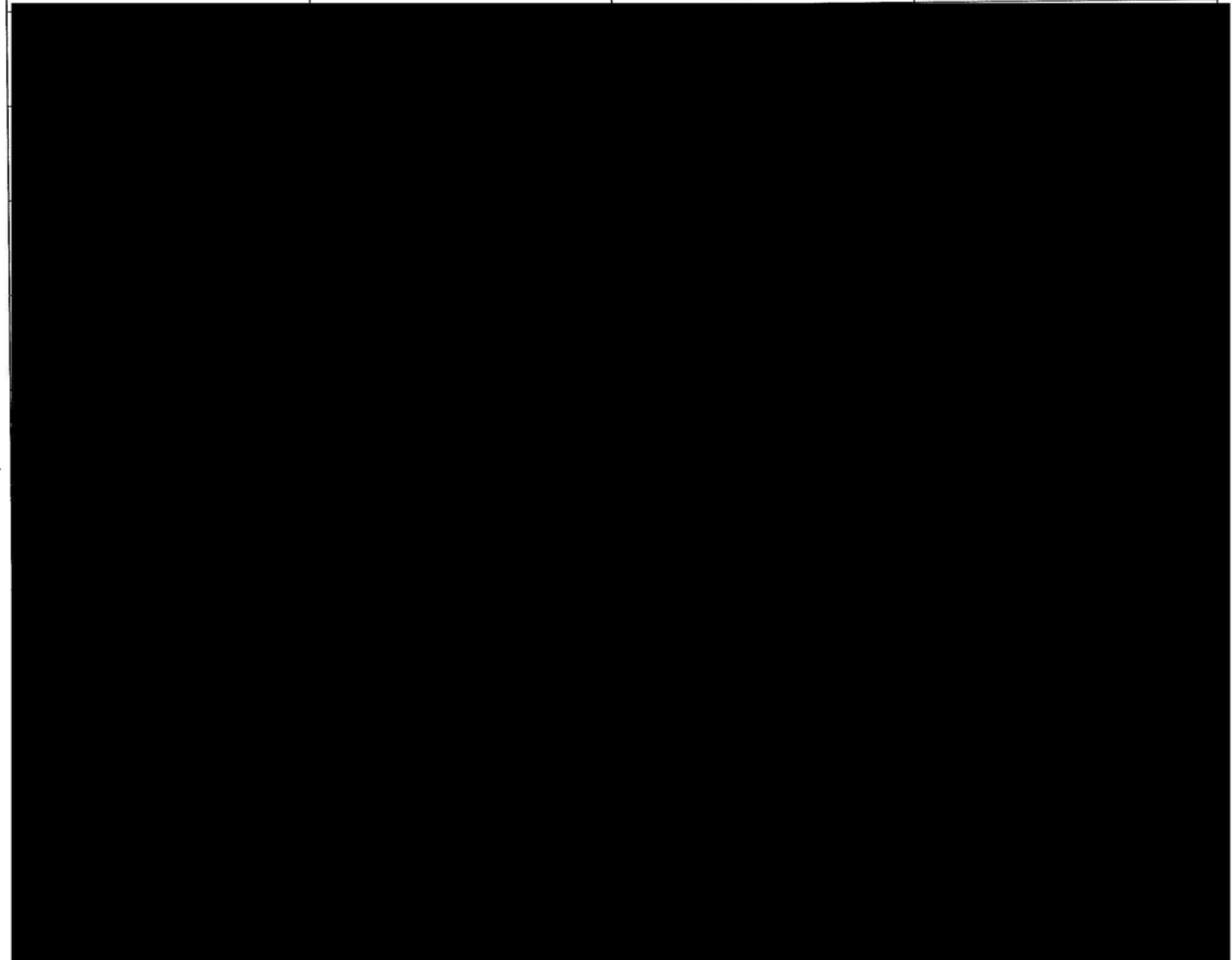
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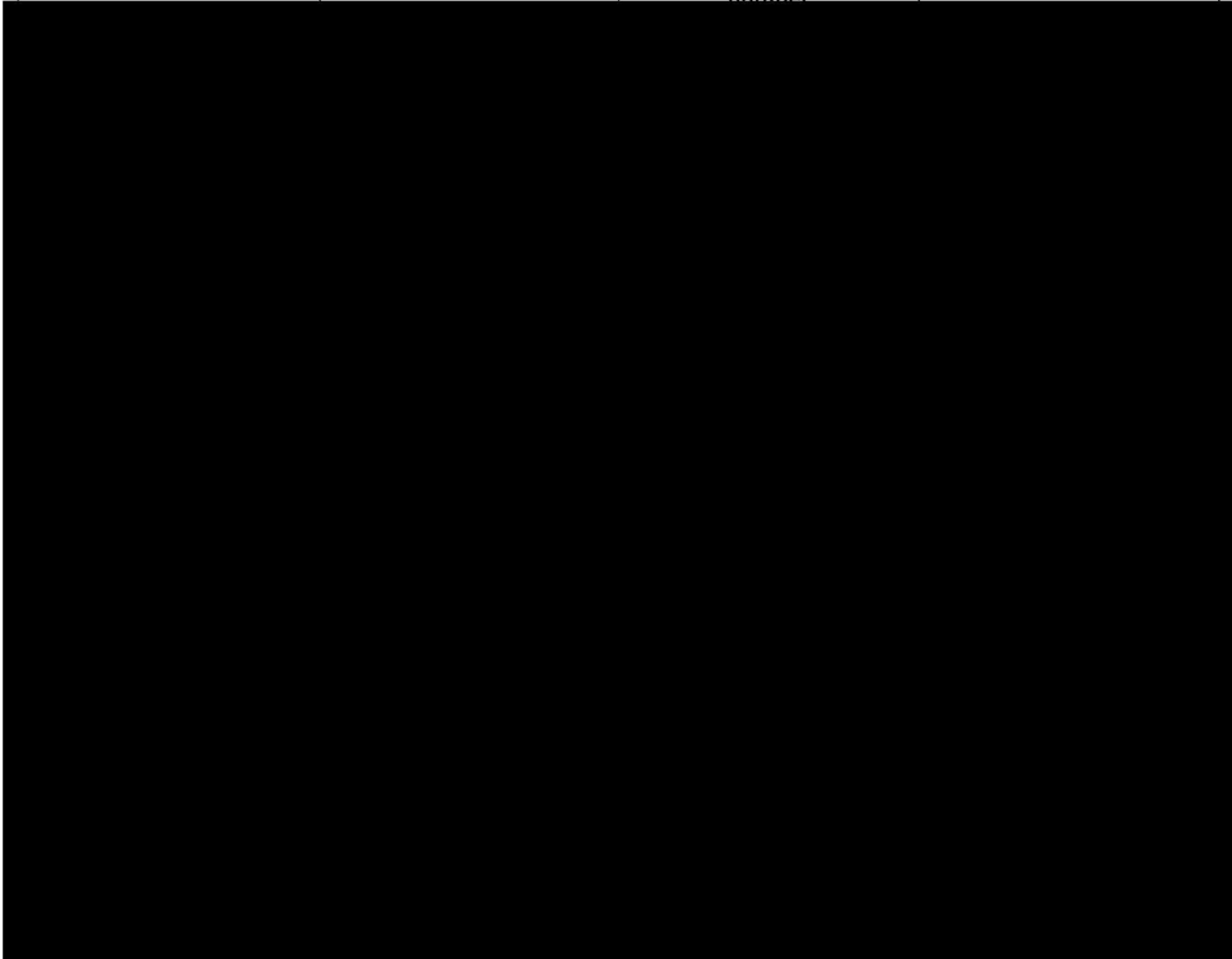
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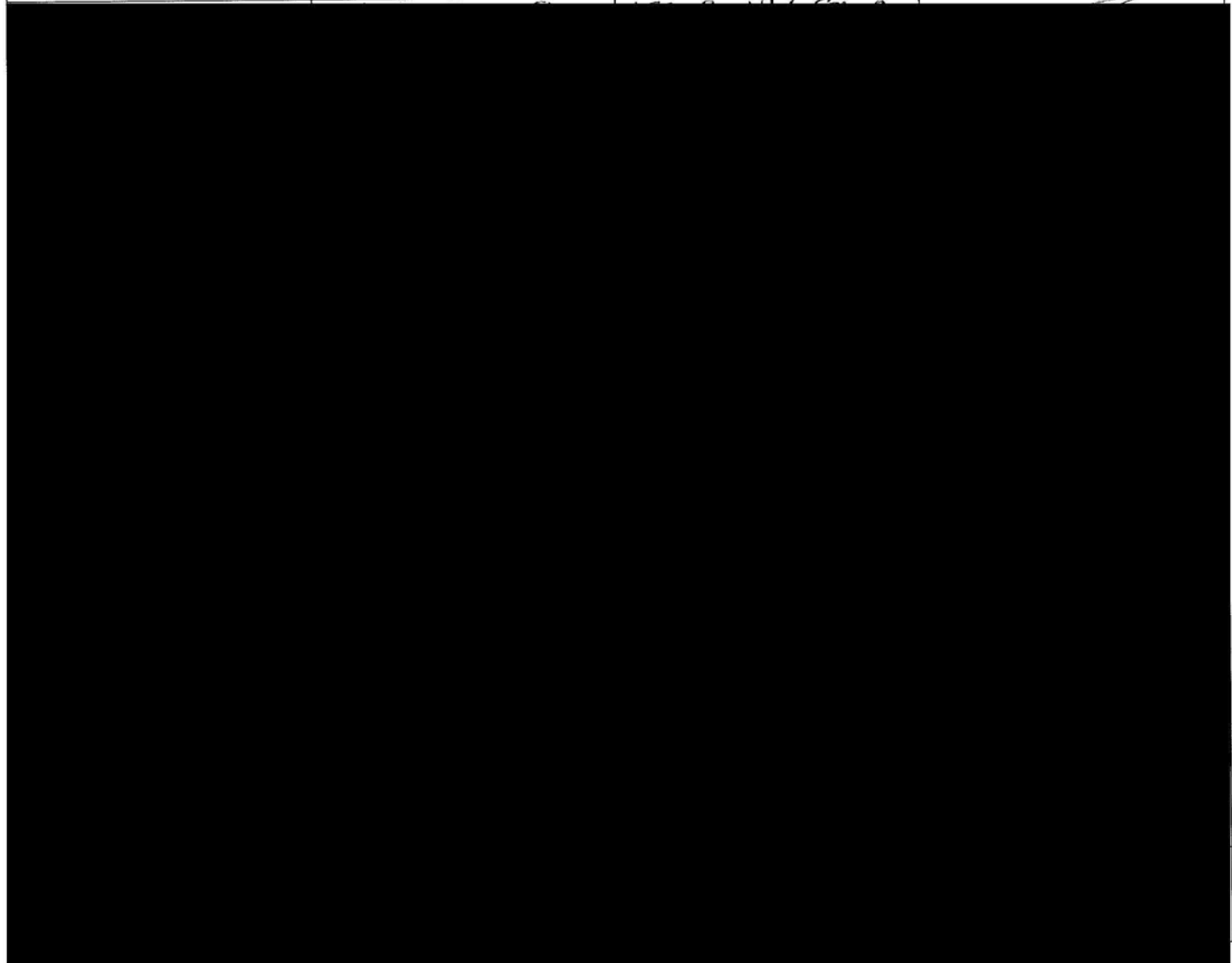
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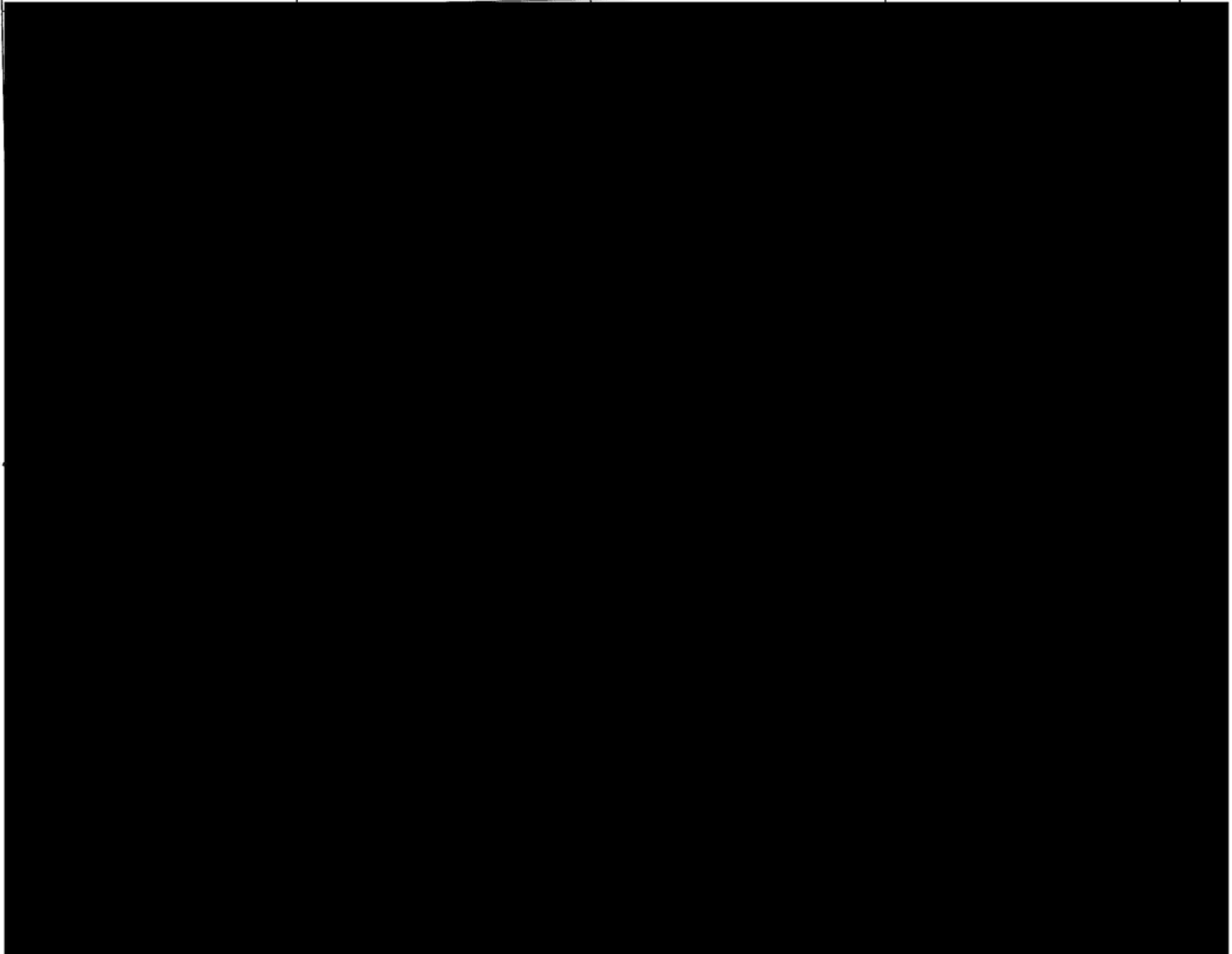
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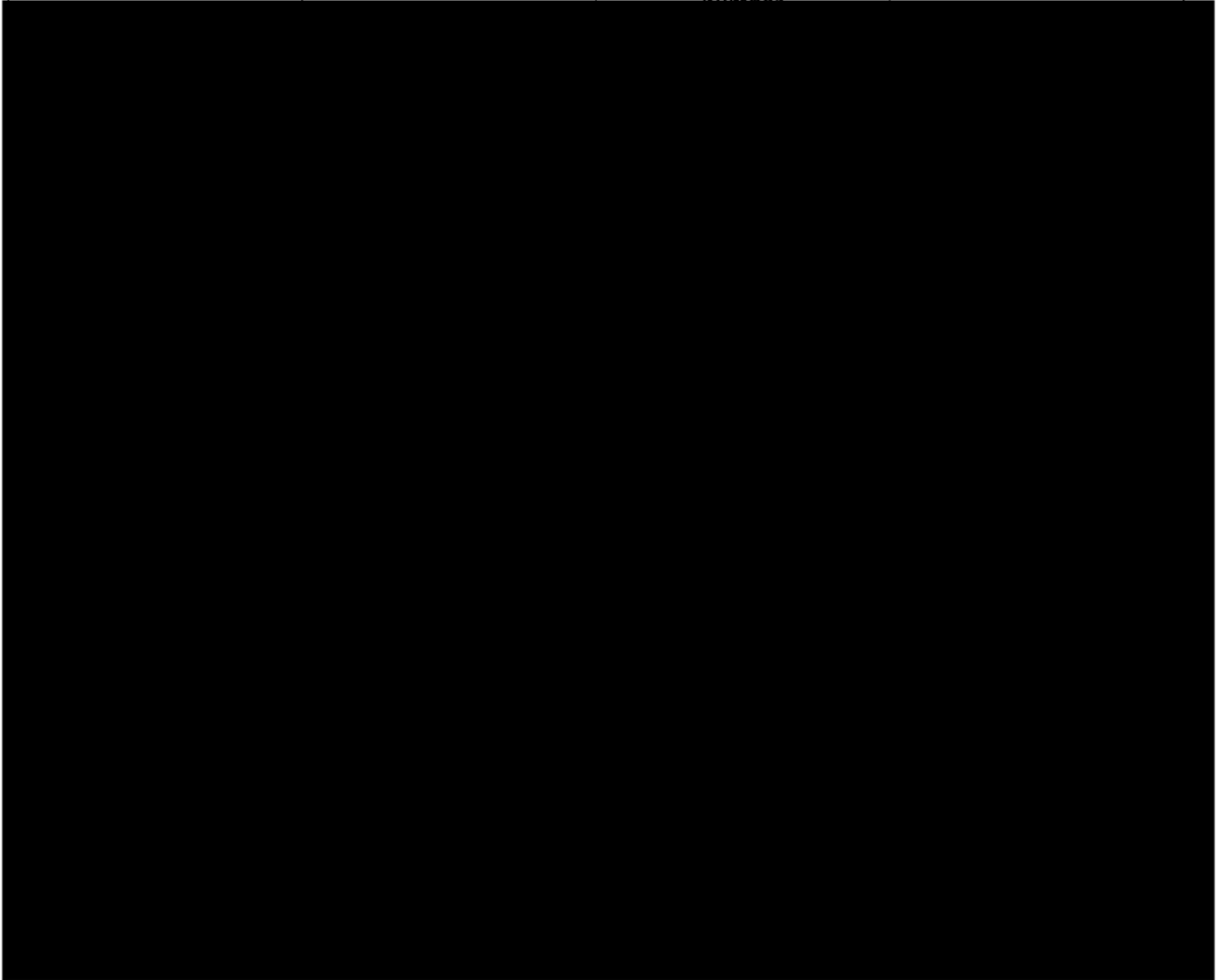
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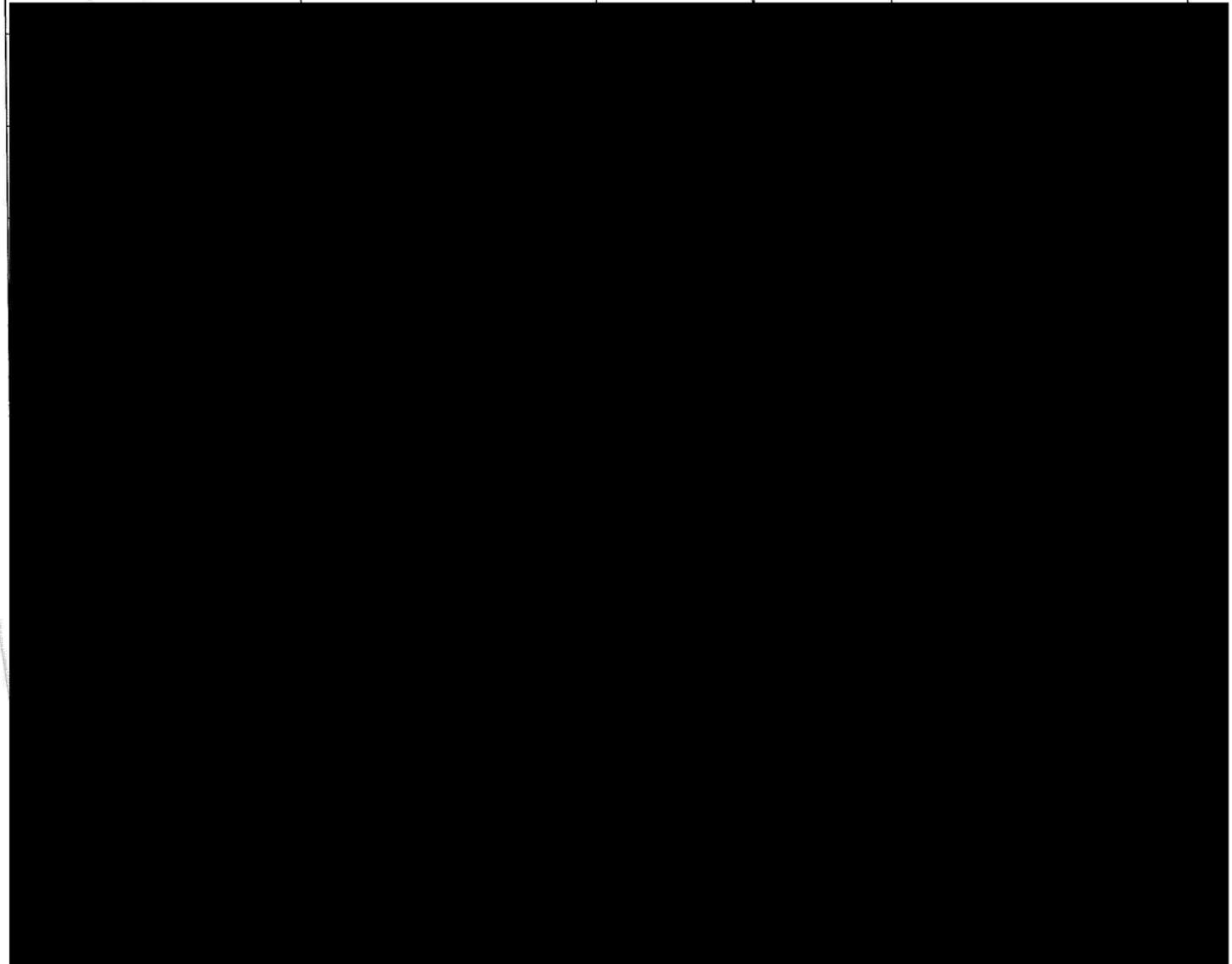
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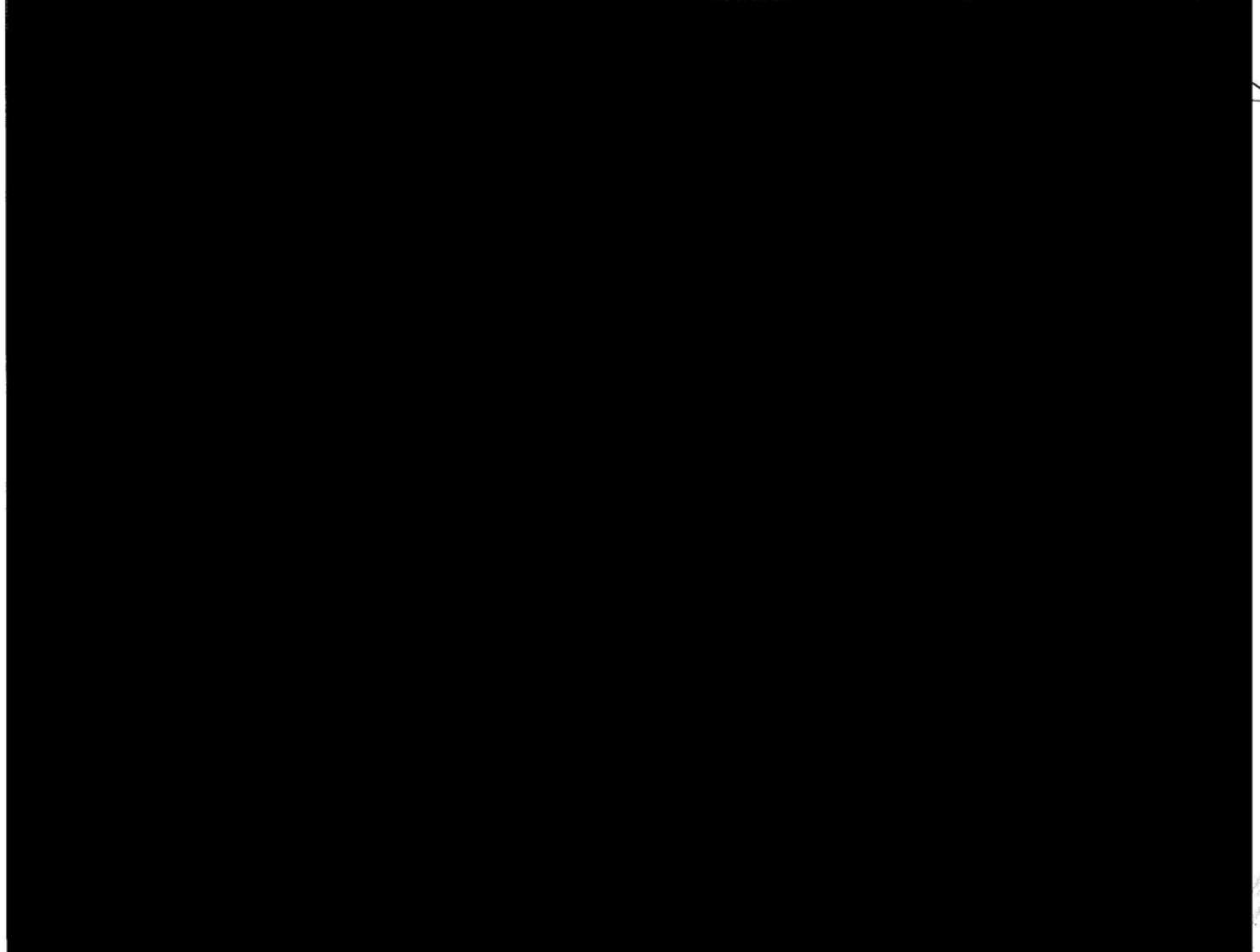
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The Cheltenham Trust

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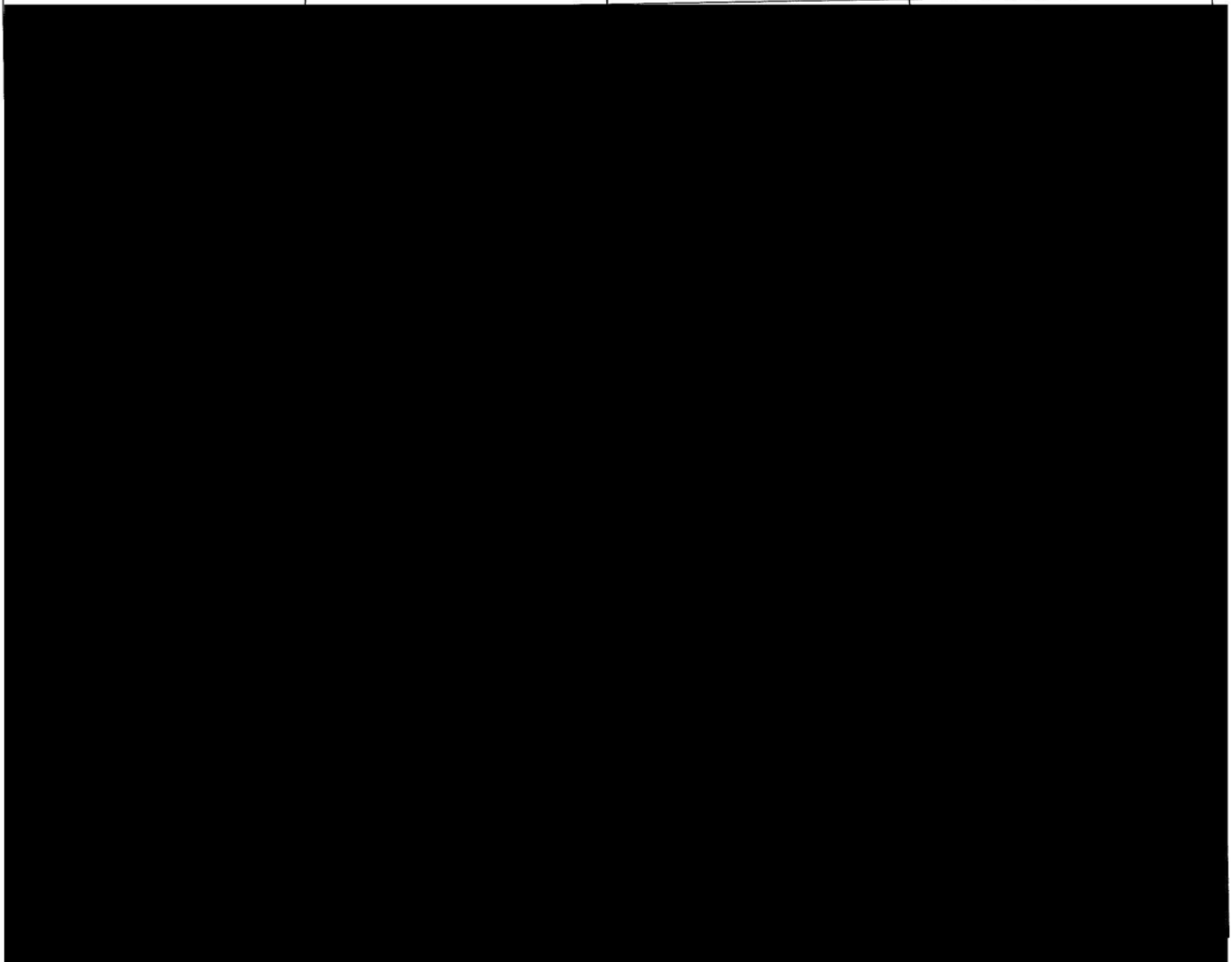
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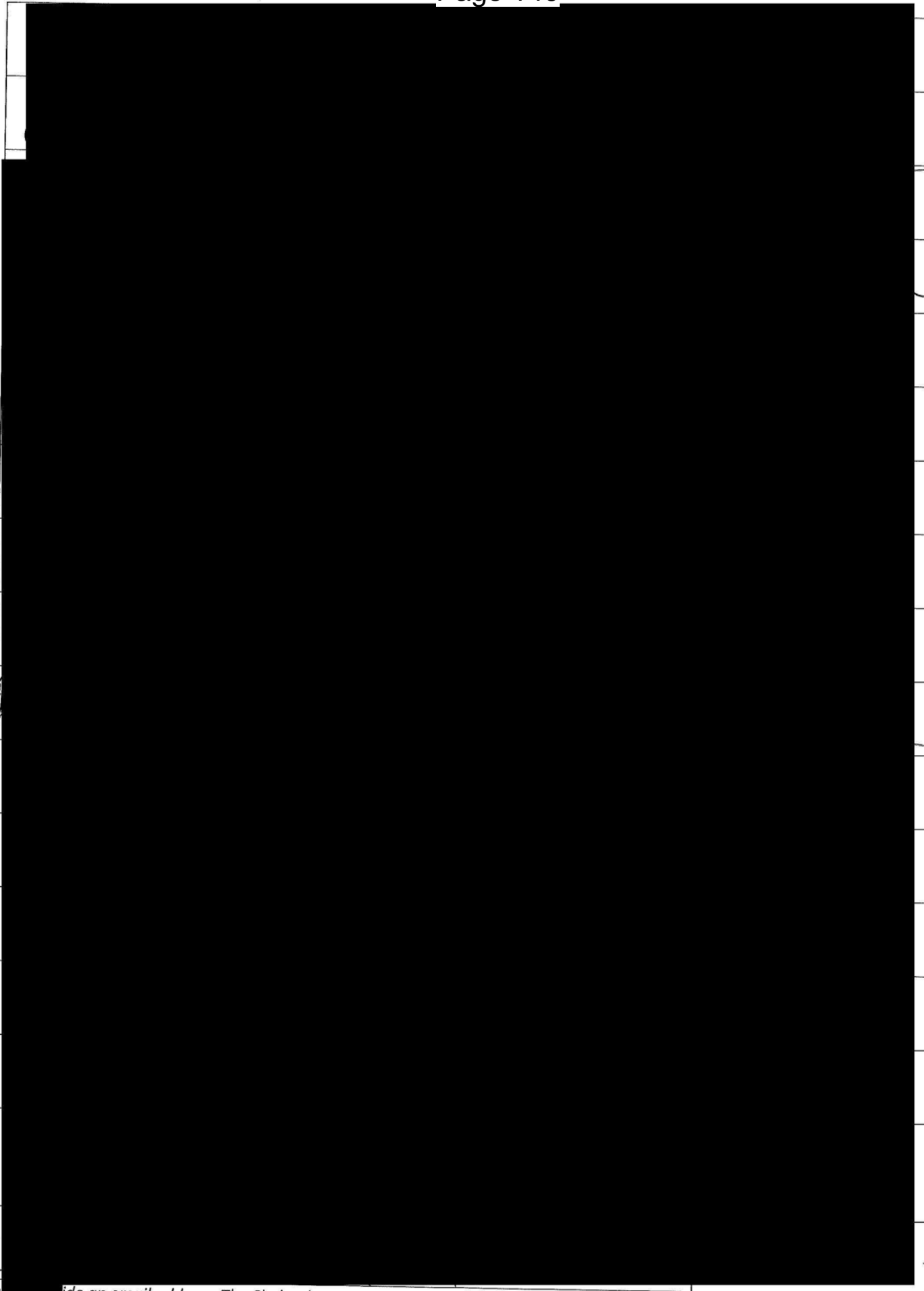
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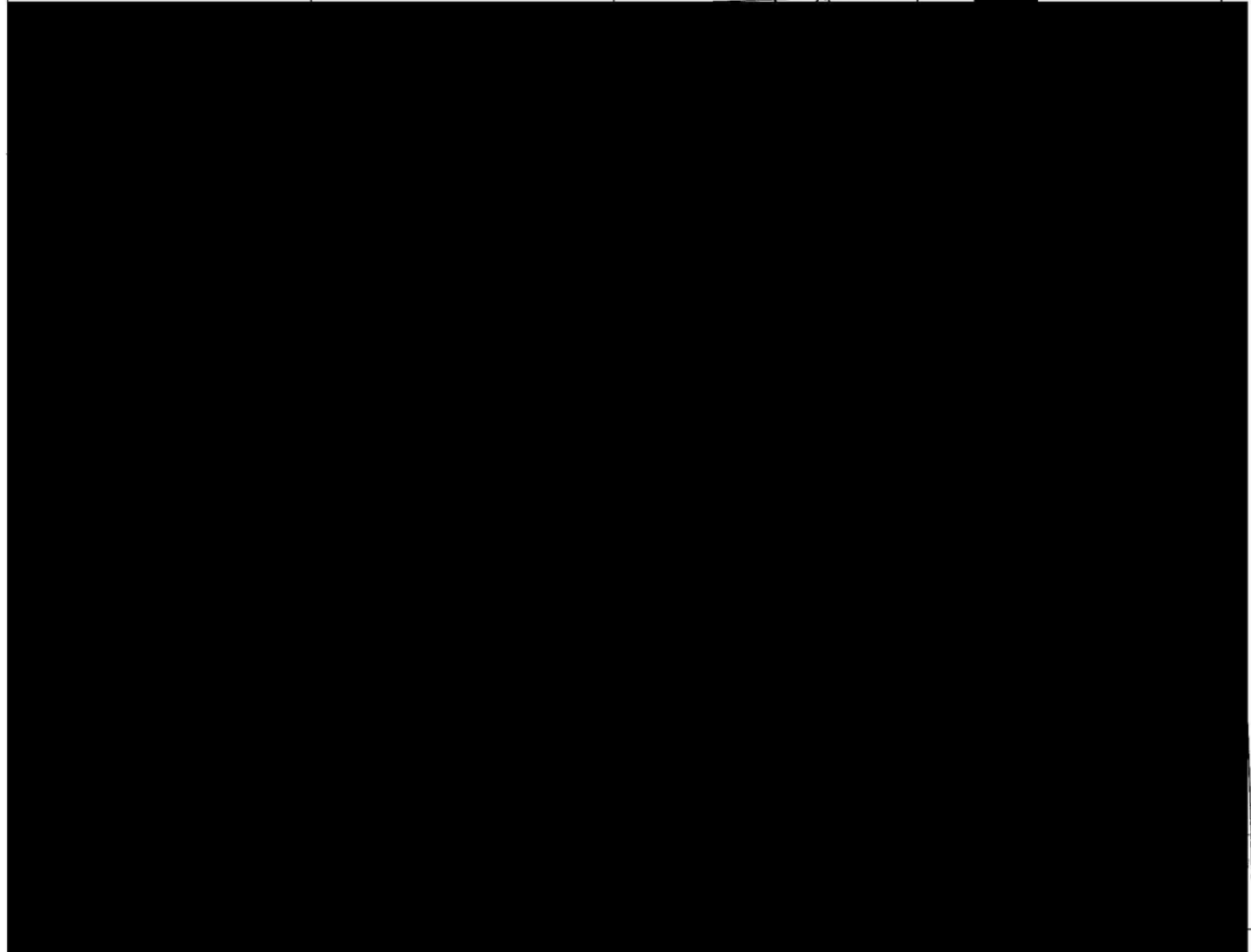
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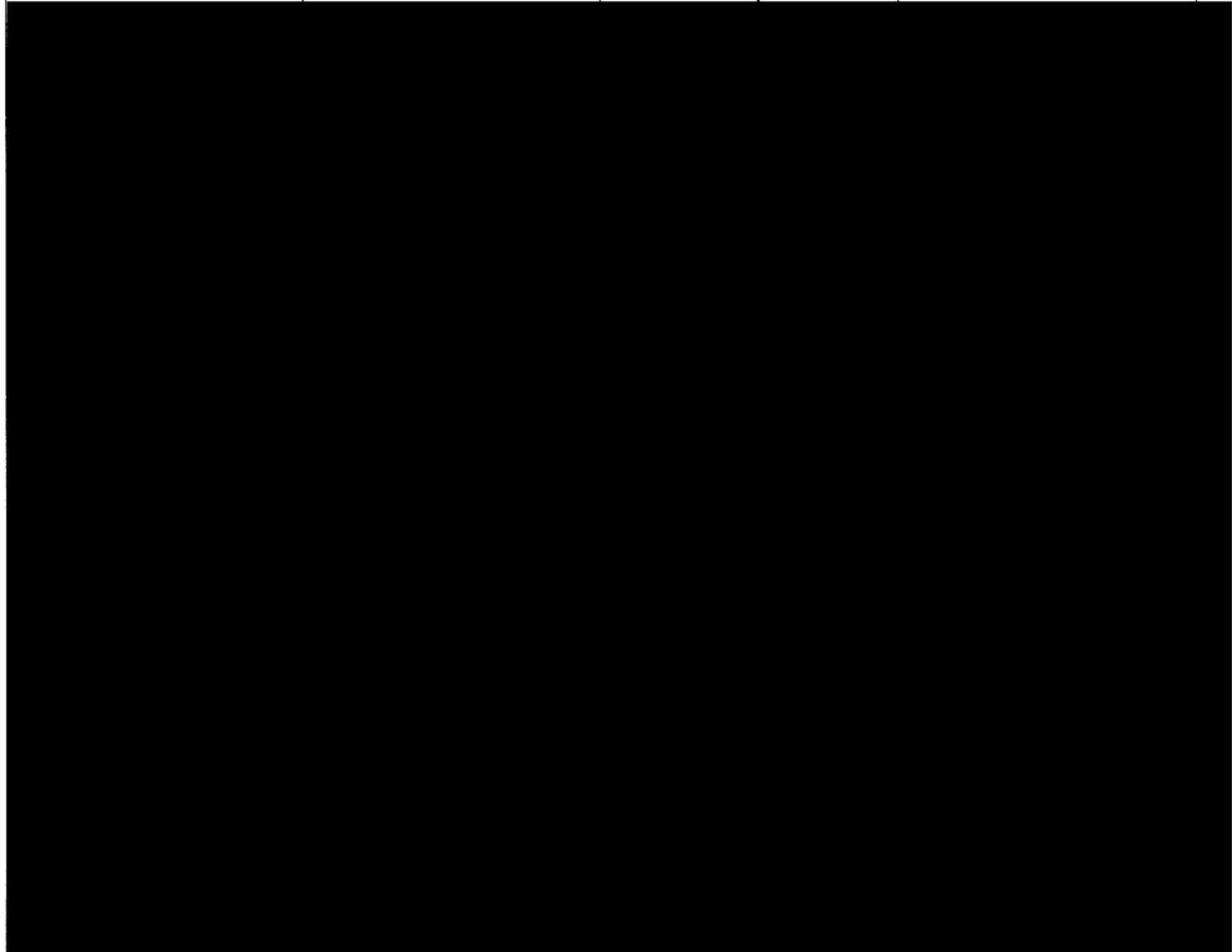
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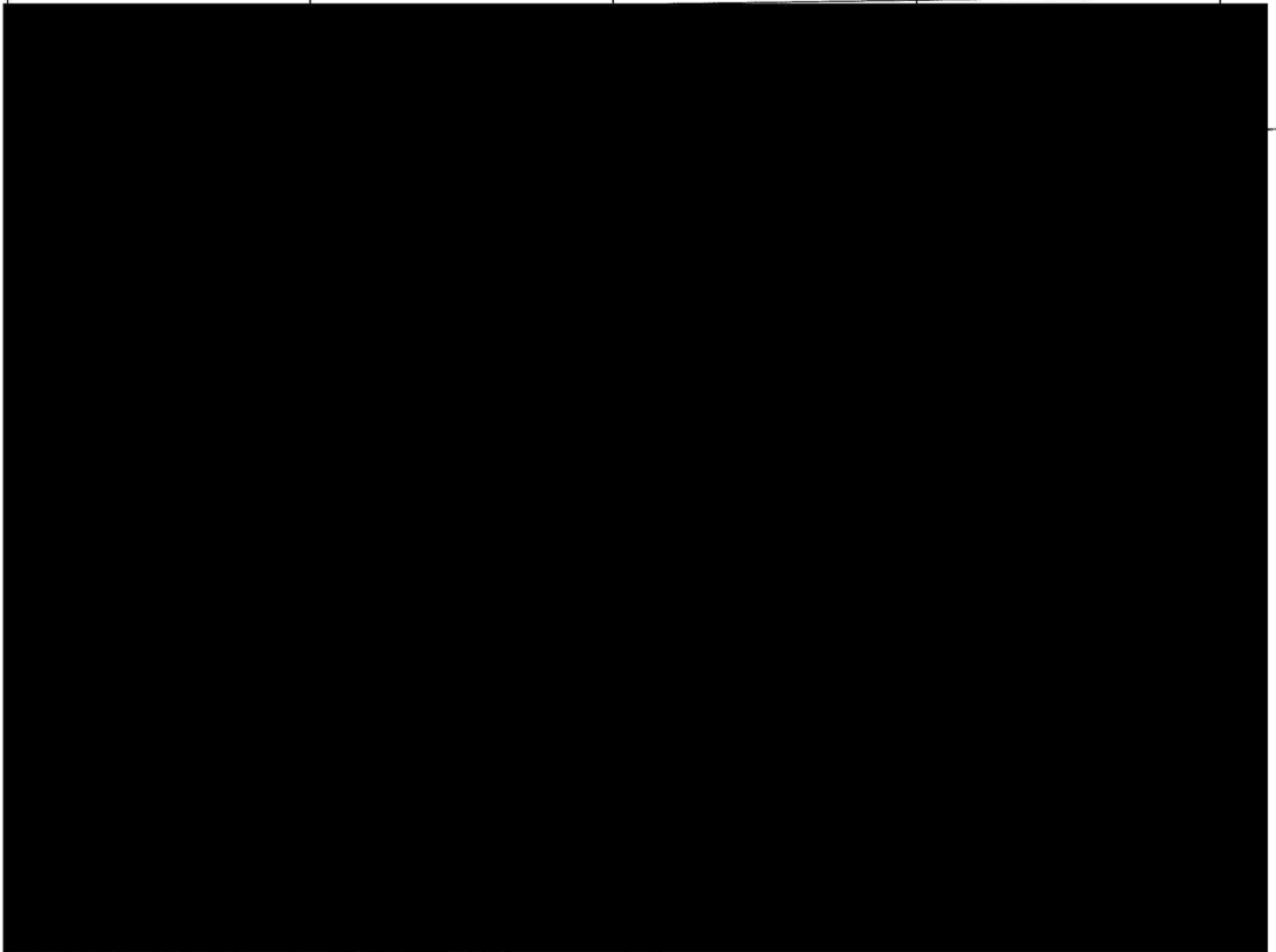
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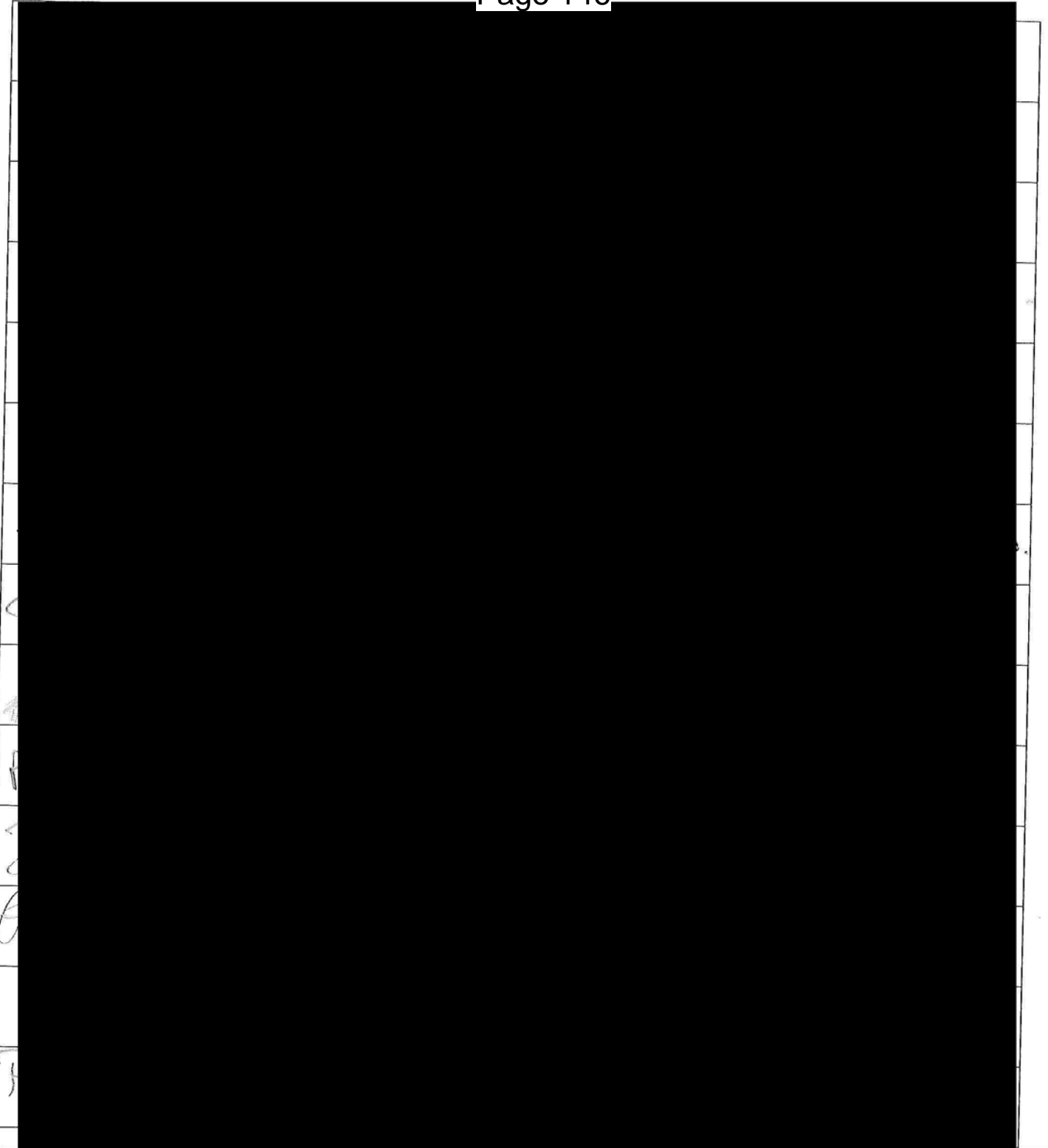
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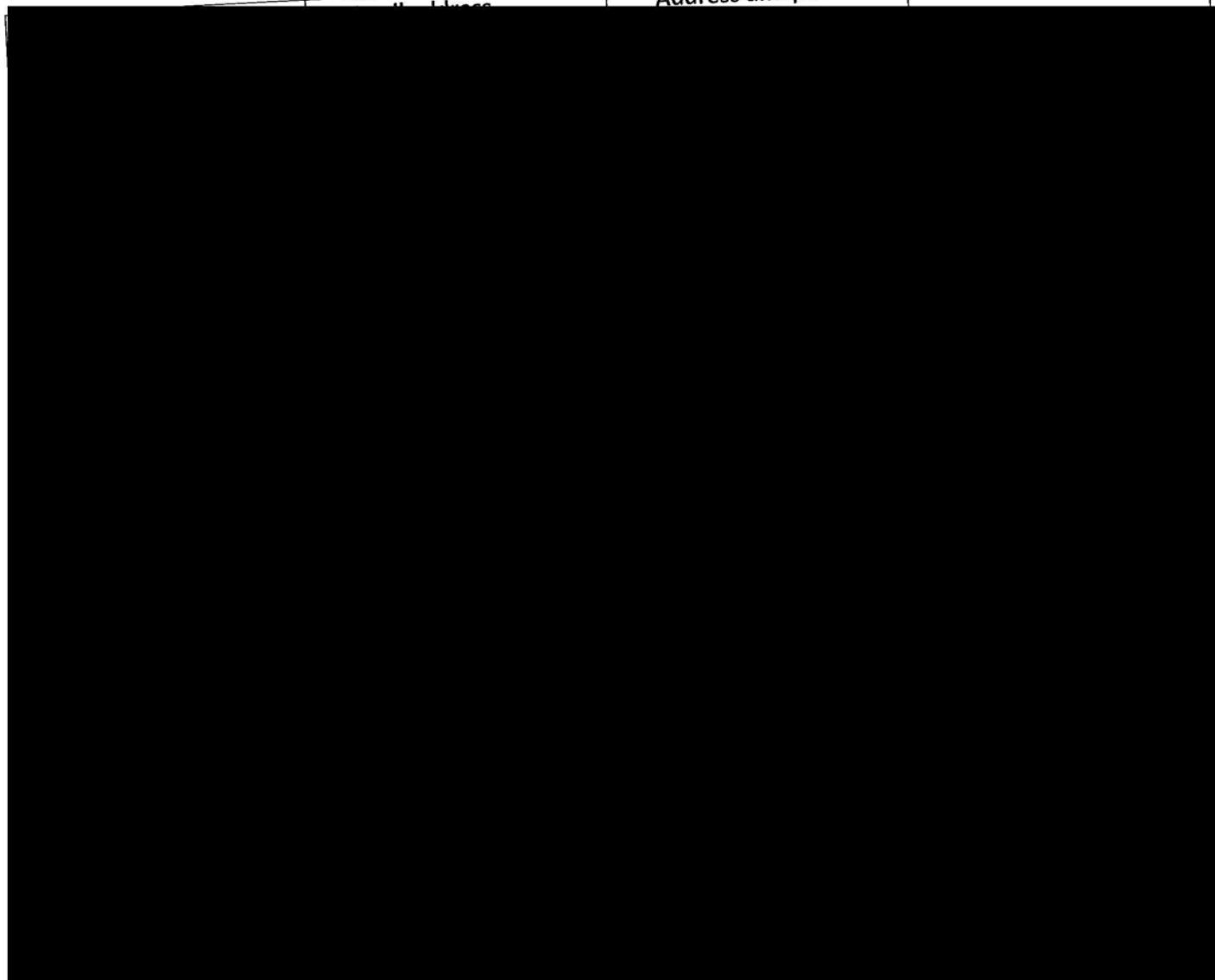
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# The Heritage Deco Café at Pittville Pump Rooms and Garden Bar Orangery at Cheltenham Town Hall – show your support

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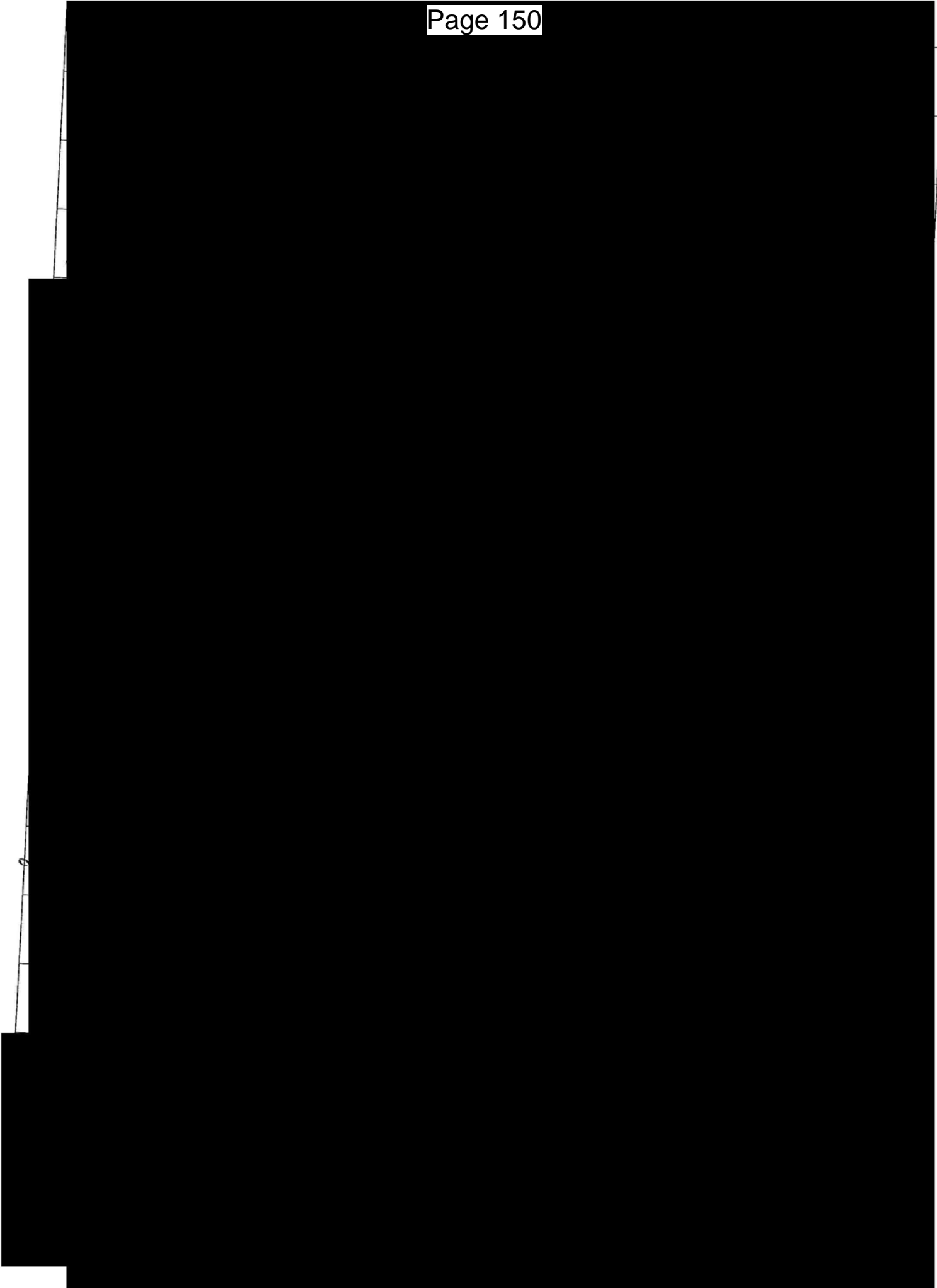
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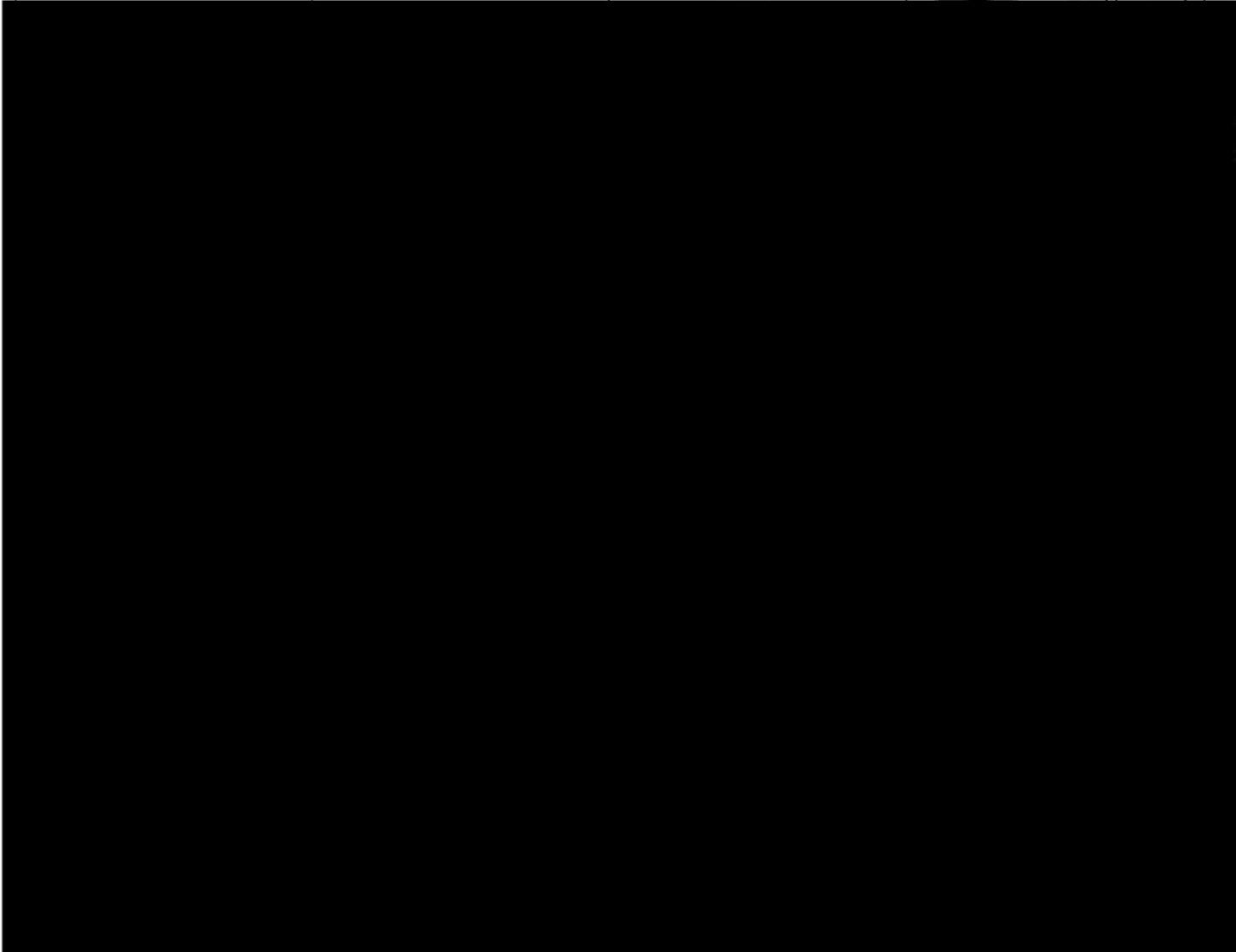
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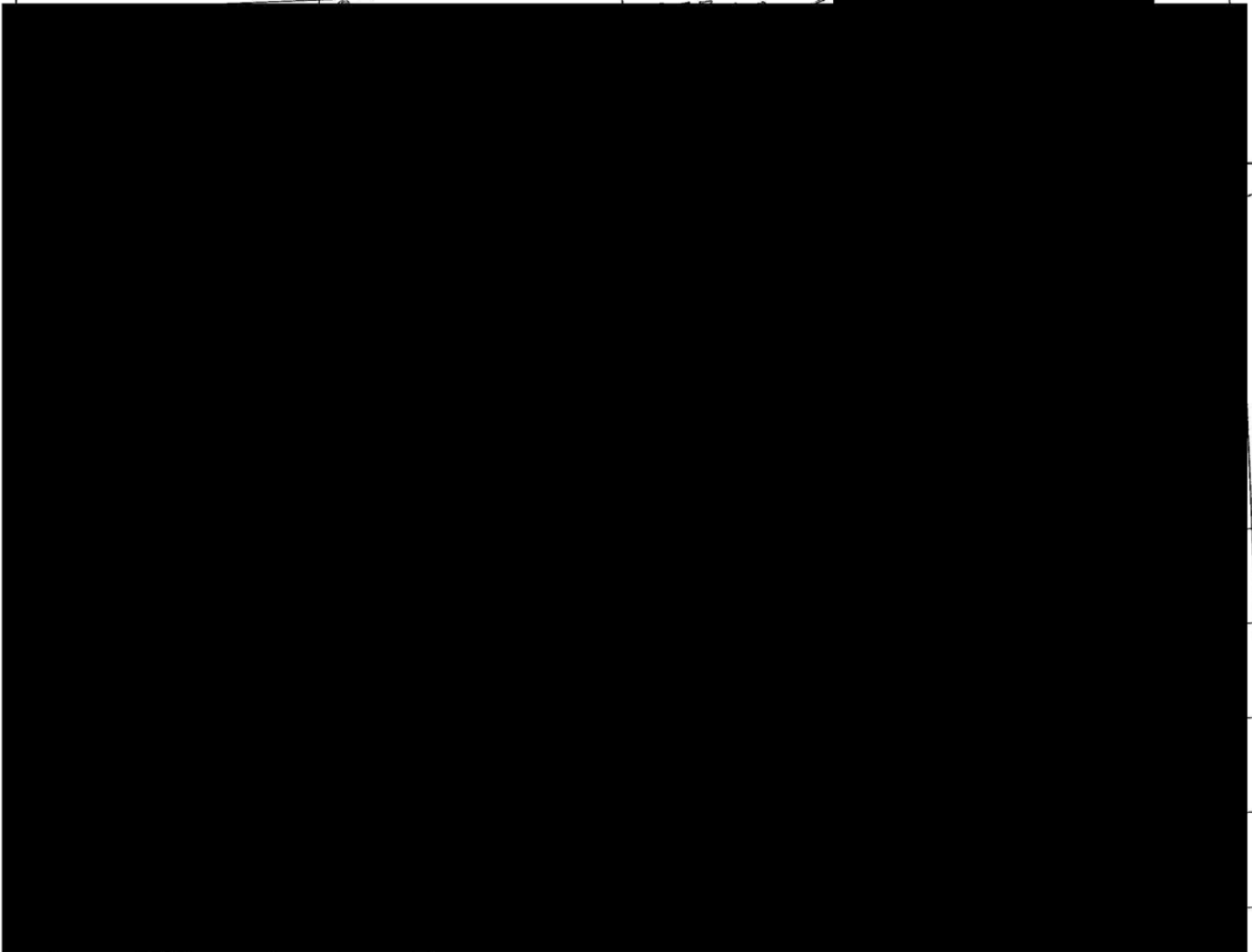
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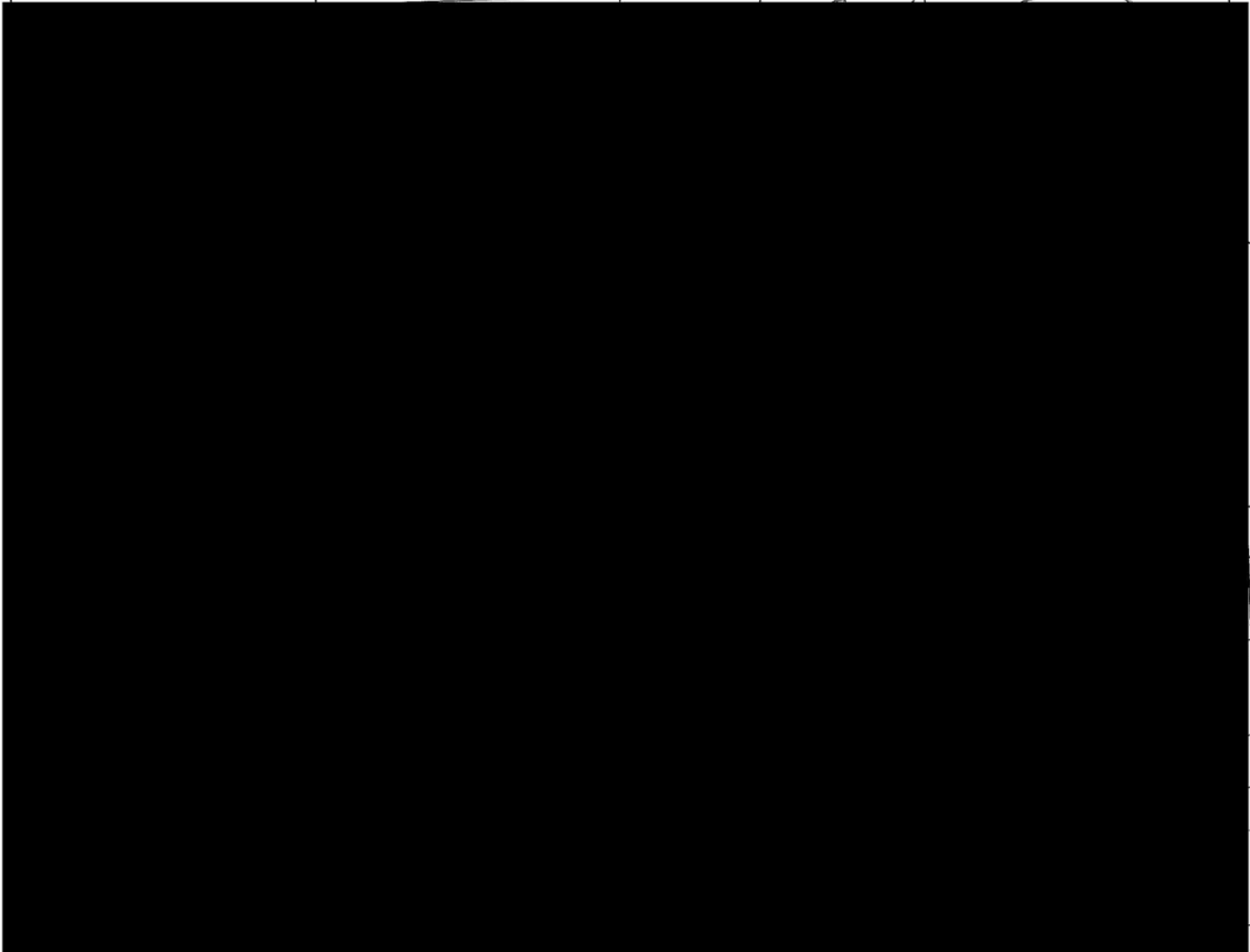
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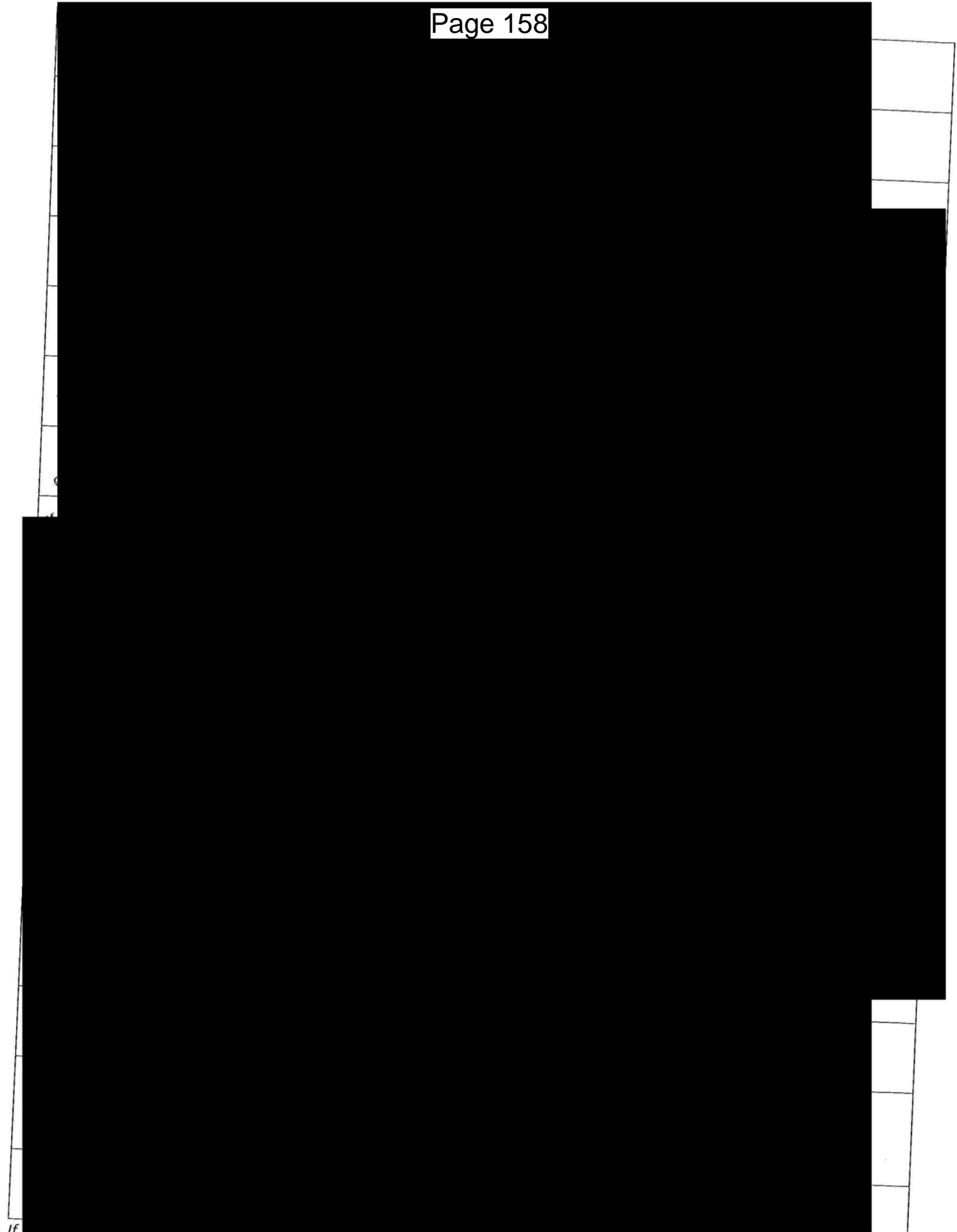
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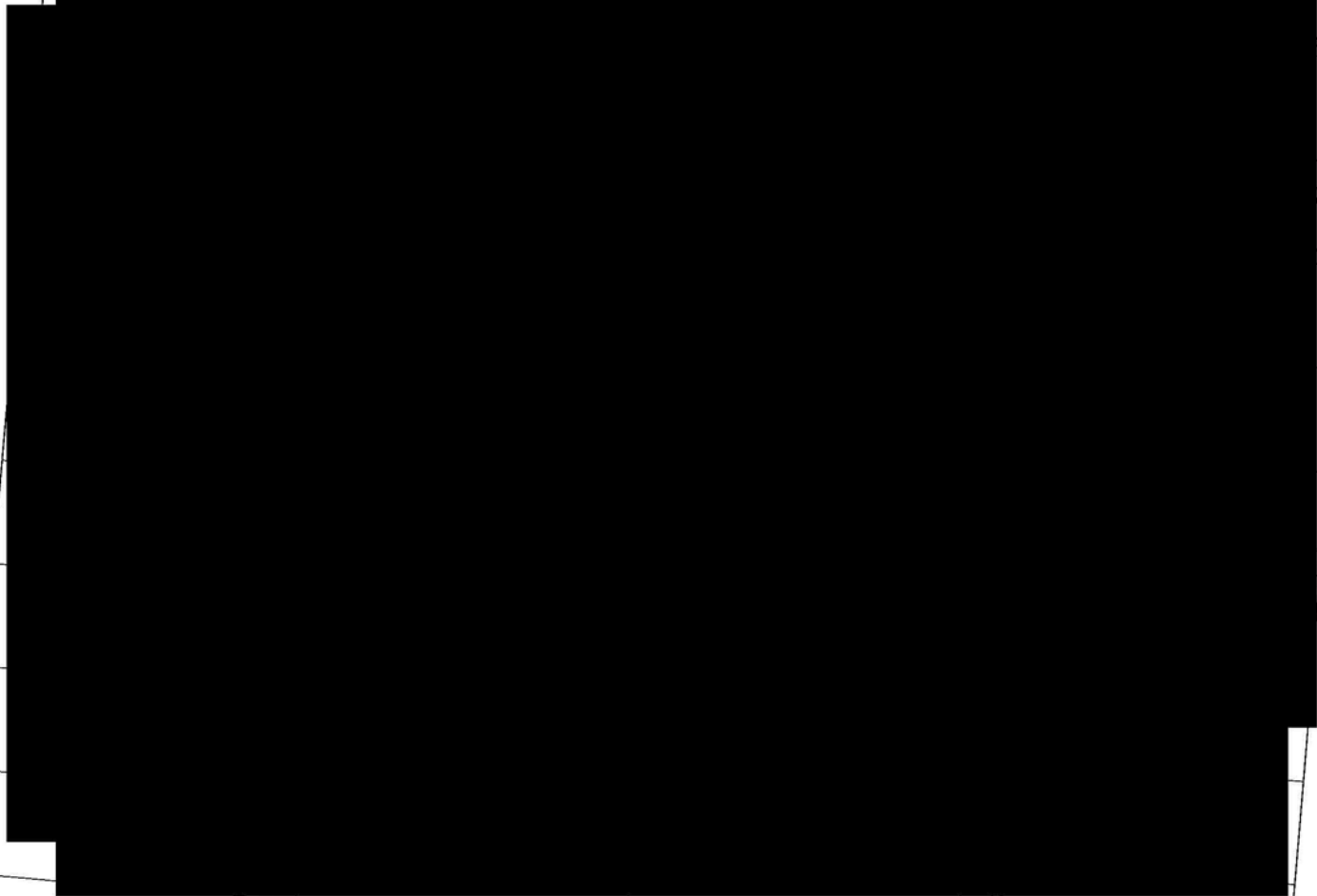
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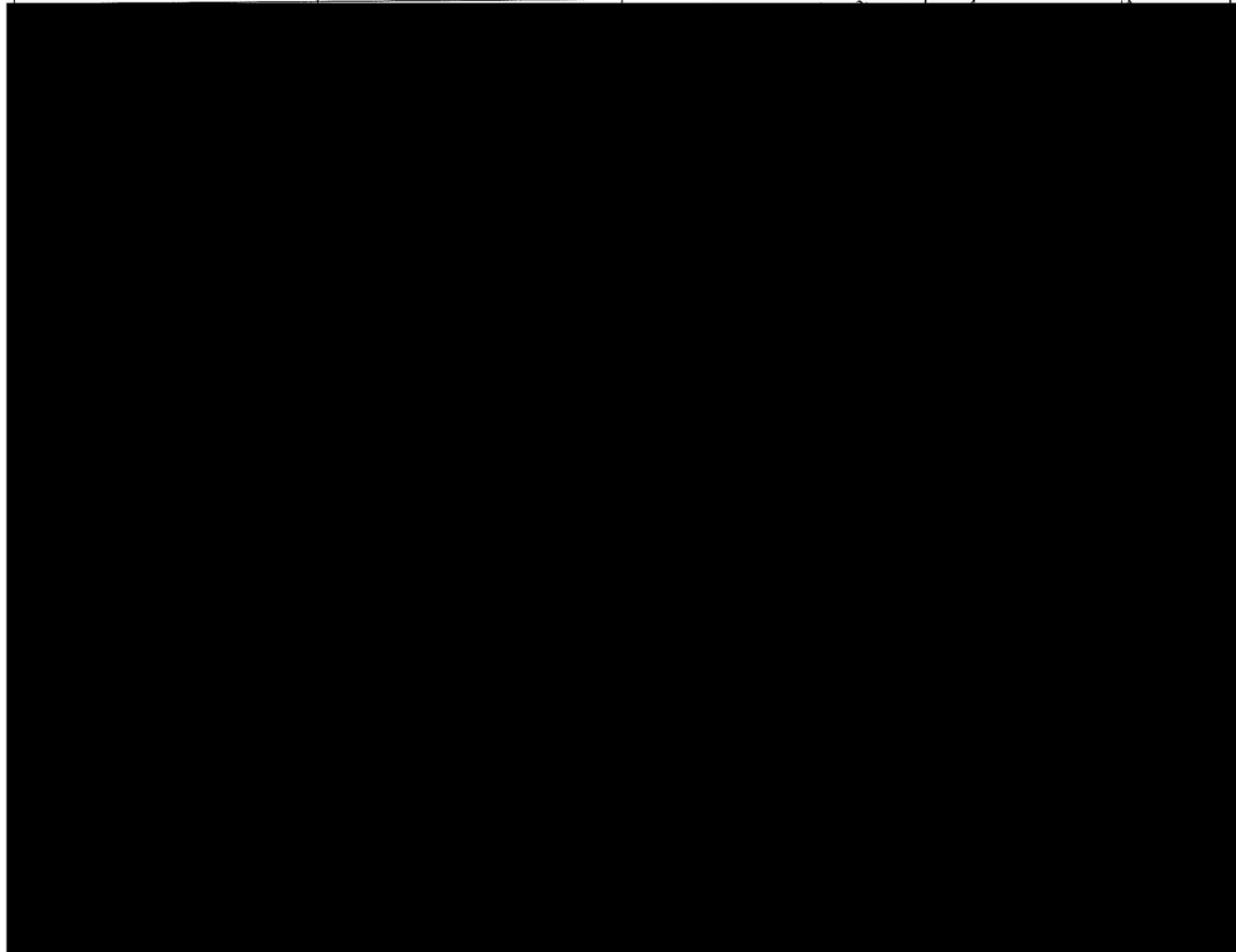
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Email

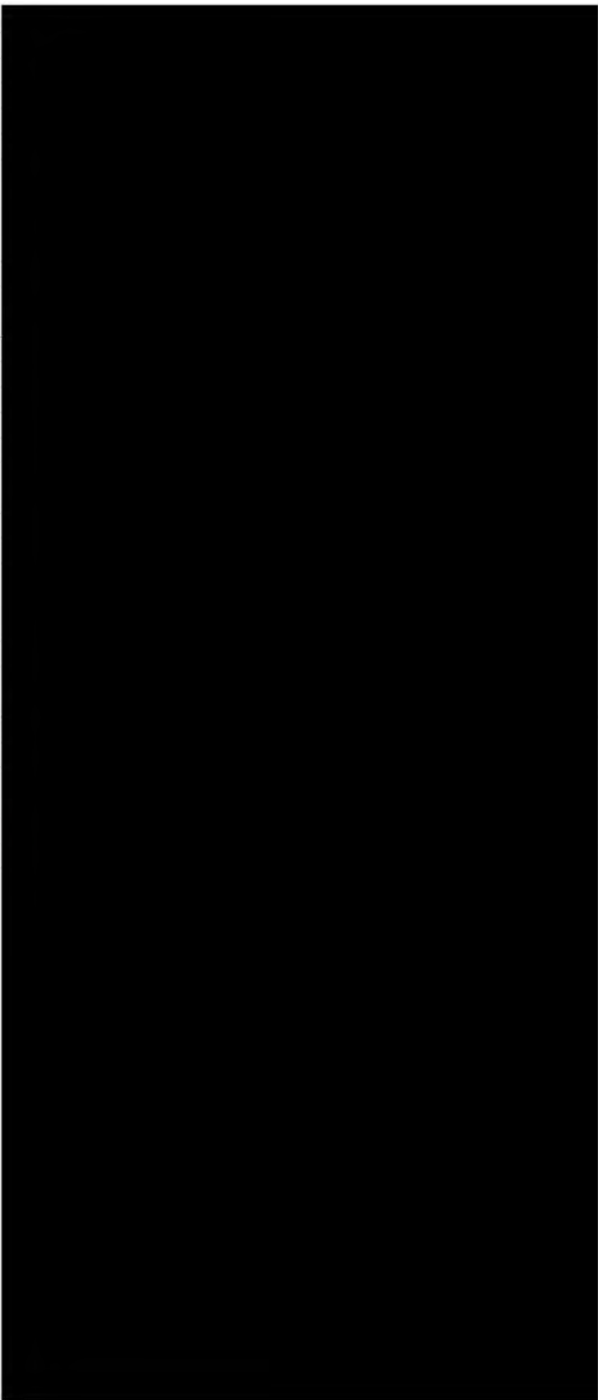
Please leave a message of support

Visit our cafes and pick up one of our new loyalty cards across our cafes and bars and we'll say thank you for your support with a free cup of coffee or tea on us. Purchase six cups of tea or coffee and have a free one on us, and then pick up a new card to start collecting for your next free cup of tea or coffee.

**SUBMIT**

#	Date Submitted	First Name	Last Name	Email	
5	08/20/2022				Please leave a message of support
6	08/30/2022				I use this cafe several times a week and consequently the park. I wouldn't go to pittville Park so much if it wasn't for the cafe. Its a great place to meet friends and family
7	08/30/2022				Excellent community venues, Thank you to all involved.
8	08/30/2022				
9	08/30/2022				Came here for my birthday, it's such a great place, especially in the colder months, really hope it stays. It's a welcome addition to a lovely town
10	08/30/2022				Please leave these- a great addition to the pump rooms, and a community hub.
11	08/30/2022				Fabulous community spaces please continue to support! Both indoor/outdoor areas are great additions to the existing Cheltenham Trust venues and I hope they stay as I've never seen them empty. It's nice to sit down and have a tea at the Pump rooms, and I've booked The Orangery for after work drinks before and it's a great place to meet friends.
12	08/30/2022				
13	08/30/2022				
14	08/30/2022				
15	08/30/2022				
16	08/30/2022				Think this is a great asset! looks lovely and makes so much more of the pumprooms
17	08/30/2022				
18	08/30/2022				
19	08/30/2022				
20	08/30/2022				
21	08/30/2022				
22	08/30/2022				
23	08/30/2022				
24	08/30/2022				The garden bar is great and an asset to the park
25	08/30/2022				Really enjoy using these facilities and hope they continue for many years. A real asset to Cheltenham.
26	08/30/2022				This is my favourite bar, please allow it to stay permanently, it will make a lot of people very happy.
27	08/30/2022				It's a wonderful addition and the music choices are always good and fun.
28	08/30/2022				All best wishes and heartfelt gratitude for all that you do. Tremendous asset. Thank you. M x
29	08/30/2022				
30	08/30/2022				Keep these cafes going please. They are such a brilliant addition for Cheltenham.
31	08/30/2022				Been a great asset to Cheltenham and the pump Rooms I have never known the Cheltenham Trust properties be so vibrant and popular and I have been in Cheltenham my whole life. My family, friends and everyone I know cannot believe the change in the look, condition and vibe of these buildings. Once they were tired, old and empty with a cold atmosphere and not offering anything to the local residents or visitors. Now they are amazing, full of joy, warmth, history, music and happy people. Well done the Cheltenham Trust.
32	08/30/2022				

33 08/30/2022  
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Excellent venue which must be allowed to continue.  
Lover of live music, keep the orangery cafes open.  
Please continue with these venues they have bee. A real asset to the community and great social space  
  
Thank you for providing this space to socialize in comfort, whilst enjoying the beautiful park and gardens. The outdoor area is particularly vital for those who do not feel comfortable in indoor spaces - for whatever reason. Also, many thanks to the staff who serve at these venues.  
Just wish you were open a little later! Again, a wonderful addition to the community.  
  
These venues are perfect for people who feel more comfortable eating outside. Let us not forget them. They are not permanent and in no way do they detract from the building they are adjoining.  
  
Both venues are great meeting places and deserve support  
  
The cafe and the orangery are a wonderful additions to the parks and should stay permanently.  
This is a vital part of our local community. With a lot of testing times occurring at the moment, we need spaces such as these to escape and get together.  
  
Itâ€™s a beautiful place to sit, have a cuppa. Letâ€™s make it permanent. Good luck!  
Well done on all you've achieved so far. Fabulous venue, with great events being in held in fab surroundings for all to enjoy. Dance days & nights are brilliant.  
May you go from strength to strength. ðŸ—ðŸxx  
  
These are important to the community providing a welcome and bright areas to meet, socialise and be in the centre of Cheltenham.  
What wonderful indoor/outdoor venues bringing people together and life back to our parks.  
  
These are essential parts of our community that allow the trust to provide its rich programme of cultural and sporting activities and events for Cheltenham.  
I support this  
  
Love this place. Also love all the entertainment that has been on recently for free at the Pump Rooms. We need more weekends like this

59	08/31/2022		Both these cafes really add to the areas where they are located.
60	08/31/2022		Great idea :)
61	08/31/2022		Though we have emigrated to Hampshire, I will support a good cause that keeps my home town alive. Many happy hours spent in Pittville and Montpelier Gardens. DJJ
62	08/31/2022		
63	08/31/2022		
64	08/31/2022		Great addition to Cheltenham gardens
65	08/31/2022		
66	08/31/2022		
67	08/31/2022		Fully support the continuation of the garden bar orangery. Makes the place look so much better and useable throughout the year.
68	08/31/2022		
69	08/31/2022		
70	08/31/2022		
71	08/31/2022		This is a lovely venue for the Cheltenham community. A place to relax with friends and family
72	08/31/2022		
73	08/31/2022		These cafes and that in the Wilson provide much needed funding for the trust - if you wish them to close, the council can take back the running of these venues.
74	08/31/2022		
75	08/31/2022		
76	09/01/2022		Amazing venue for visitors to enjoy
77	09/01/2022		
78	09/01/2022		
79	09/01/2022		
80	09/01/2022		
81	09/01/2022		
82	09/01/2022		
83	09/02/2022		
84	09/02/2022		
85	09/02/2022		Always busy and lots of choice. Nice places to stop on walk round Pitville Park and also during shopping in town at Imperial Gardens.
86	09/03/2022		What a great cafe which is needed to keep the building alive and open for generations to come.
87	09/03/2022		Don't know what Cheltenham would have done without you during lockdowns and hope that they will continue to support you
88	09/03/2022		

89	09/03/2022		I've used both the Deco bar and the Orangerie and though not cheap (I'm a pensioner) the ambience at both is wonderful. I can understand why the deco bar might be less popular than the Orangerie as it's a bit out of town and expensive. The Orangerie is a delight and I'm always pleased to find a seat! I've never booked a table at either.
90	09/03/2022		
91	09/03/2022		
92	09/03/2022		
93	09/05/2022		<p>Hi</p> <p>I was born in Cheltenham and moved back after 20 years. It's so important to provide friends and families with smart places to meet, socialise, eat and drink in our beautiful parks and gardens. If we don't provide suitable socialising, covered space, we will lose tourists. Or, more to the point, the parks and gardens will be busier if these facilities remain. I fully support planning permission for the temporary structures to remain. I also support planning permission for permanent structures when that time comes.</p> <p>I have enjoyed many evenings here and have always recommended it to others. It would be a great shame to see it gone and it's always so busy so clearly draws in plenty of custom and people into the area which needs to be encouraged so that we have such things to enjoy. It's far more enjoyable supporting these types of ventures versus large chains, and these have fantastic settings, promoting the enjoyment of the outdoors and enjoying local music.</p> <p>It's a must keep. There is no cafe in this area of cheltenham of note.</p> <p>The cafes at both Imperial Gardens and Pittville are both gorgeous and despite being temporary structures, they are concrete parts of the community.</p> <p>I had no idea these were only temporary and I would absolutely urge for the structures that are there currently to be made permanent. The clear perspex gives both venues a unique feel that really suits the aesthetic of both surrounding areas. I spent much of my maternity leave meeting friends at both venues and have loved using them both. I even intended to book the orangery at the gardens bar for my 30th birthday celebrations this year as I love it so much (I didn't actually realise I was actually booking the little secret walled garden behind when I booked it!).</p> <p>I absolutely support the continuation of these venues and I hope they are made permanent for many more years!</p> <p>I will, however, use this as an opportunity to add that the public toilets in both Pittville park and down the side of the Cheltenham Town Hall (which are the closest available toilets to each cafe) are in serious need of urgent renovation and are nowhere near the same high standard of the cafes they serve, or the surrounding areas. I would strongly suggest that these are reviewed at the same time as any updates to the cafes themselves.</p>
94	09/06/2022		
95	09/06/2022		
96	09/06/2022		
97	09/06/2022		Wishing The Cheltenham Trust continued success. The Orangeries bring great opportunities to Cheltenham, weather proofing & added venues for all the visitors. Please keep them.
98	09/06/2022		The Heritage Deco Cafe is a great addition to the Cheltenham community, it would be such a shame for it to go! It is so loved by the locals!
99	09/07/2022		This is a beautiful addition to the pump rooms in keeping with the wonderful Cheltenham era. It brings a community together and deserves to stay!
100	09/07/2022		a valuable addition to the community of cheltenham



101	09/07/2022		Have visited both venues a number of times and both are excellent additions to the town, it would be such a shame if they had to close.
102	09/08/2022		
103	05/09/2022		The cafe makes the top end of pittville park an all weather attraction. It's well run by helpful staff. The pumprooms should be alive. Recognizing the heritage of the area but not becoming a museum exhibit Please keep the cafe
104	02/09/2022		Thoroughly enjoyed lunch at the cafe. Delightful staff and atmosphere. The cafe is an asset to the Pump Room and to Pitville Park, and must make both more of a draw for visitors.
105	31/08/2022		A great addition to Cheltenham...please keep it!
			These cafes are brilliant, much loved facilities in Cheltenham. A great addition to what Cheltenham has to offer to both its local residents and visitors. Please keep!

# The Heritage Deco Café at Pittville Pump Room and Garden Bar Orangery at Cheltenham Town Hall – show your support

The Heritage Deco Café and Garden Bar Orangery opened in summer 2020 to support the local community at a time when social interaction was severely limited by the COVID19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangery structures were installed during this period.

The Heritage Deco Café opened with two trestle tables under the portico, the café was an instant success with the community referring to it as its 'lifeline'. Since opening the café has been visited by more than one million customers and has become a significant social and cultural asset for the community.

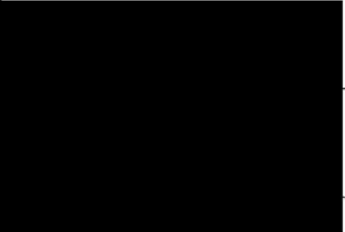


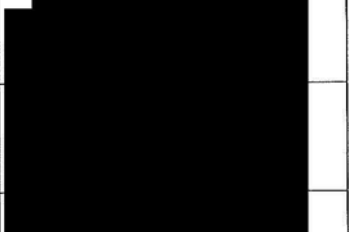
The Garden Bar Orangery used to be open every summer and would consist of tables and chairs being brought in and out each day. During the summer of 2020 we put a marquee in place to allow people to sit down and enjoy their food and drink when restrictions allowed to and no matter the weather. Due to its success we build an orangery to allow a new vibrant and fresh space to be available for customers with free live music available regularly for the community to enjoy.

The Cheltenham Trust, a not for profit, independent charity, will be seeking temporary planning permission to retain the orangeries for visitors to continue to enjoy.

We are inviting you to support the continuation of these vital community assets.

Thank you for your support as a valued customer.

## The Cheltenham Trust

Name (Print)	Email address	Address and phone number	Signature
			

10

## The Heritage Deco Café at Pittville Pump Room and Garden Bar Orangery at Cheltenham Town Hall – show your support

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Name (Print)	Email address	Address and phone number	Signature
[Redacted content]			

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## The Cheltenham Trust

Name (Print)	Email address	Address and phone number	Signature



## **Show your Support for The Cheltenham Trust and The Heritage Deco Café and Garden Bar Orangery**

**Please Sign this petition to show your support for temporary planning permission to keep these cafes open.**

The Heritage Deco Café and Garden Bar Orangery opened in summer 2020 to support the [Page 174]community at a time when social interaction was severely limited by the COVID19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangery structures were installed during this period.

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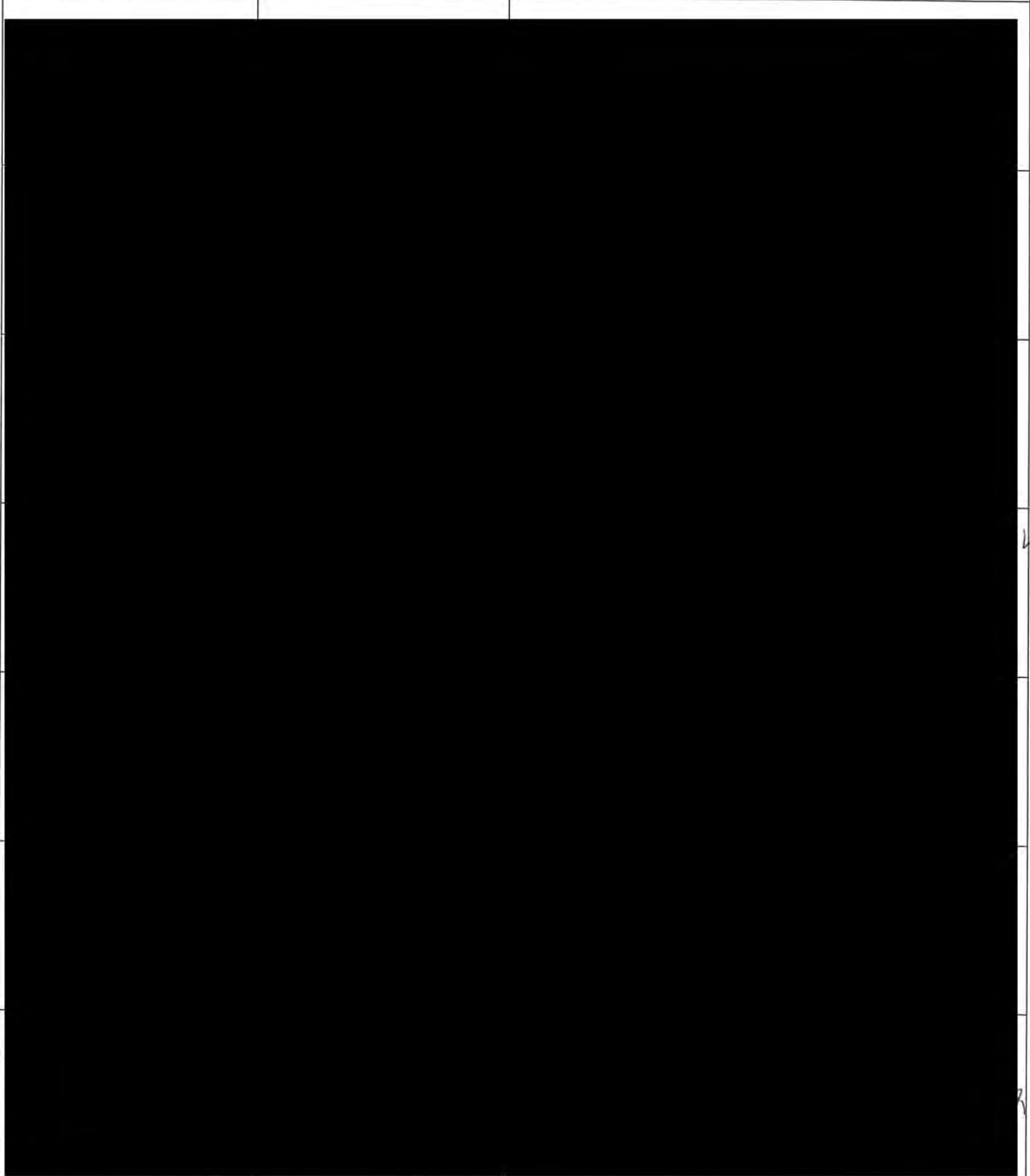
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We are inviting you to support the continuation of these vital community assets by adding your details to our form below.

Thank you for your support as a valued customer.

*If you provide an email address, The Cheltenham Trust will add your details to its database and you will receive email updates, news and offers from The Cheltenham Trust.*

I sign this petition in support of the temporary planning application for the Heritage Café and Garden Bar Orangery

First Name	Surname	Email and signature
		

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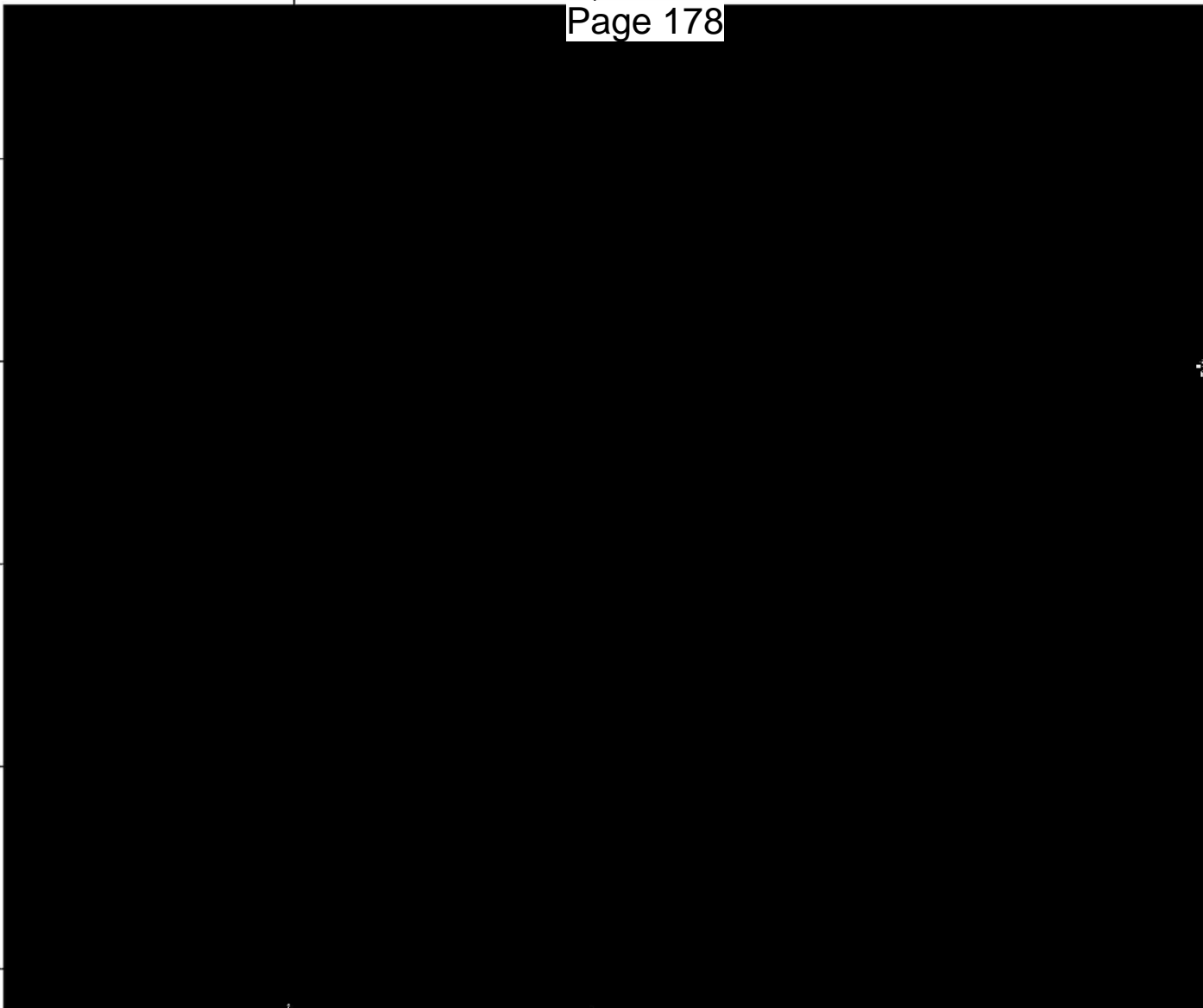
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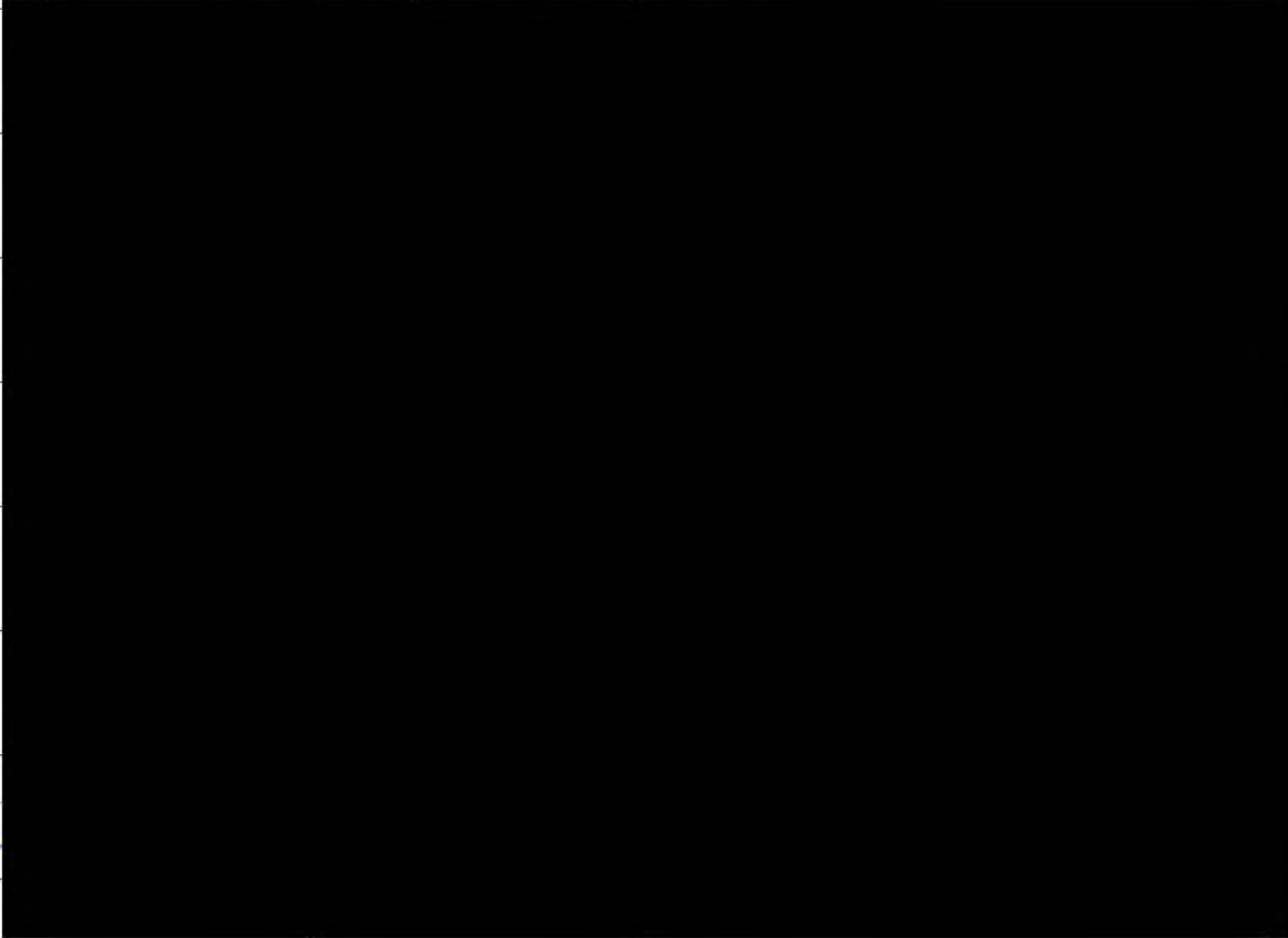
I sign this petition in support of the temporary planning application for the Heritage <sup>Page 177</sup> Café and Garden Bar Orangery

First Name	Surname	Email and signature
		



		Sign:
		Sign:
		Sign:
		Sign:

I sign this petition in support of the temporary planning application for the Heritage Deli Café and Garden Bar Orangery

First Name	Surname	Email
		

JK

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## PETITION

Name

First

Last

Email

Please leave a message of support

Visit our cafes and pick up one of our new loyalty cards across our cafes and bars and we'll say thank you for your support with a free cup of coffee or tea on us. Purchase six cups of tea or coffee and have a free one on us, and then pick up a new card to start collecting for your next free cup of tea or coffee.

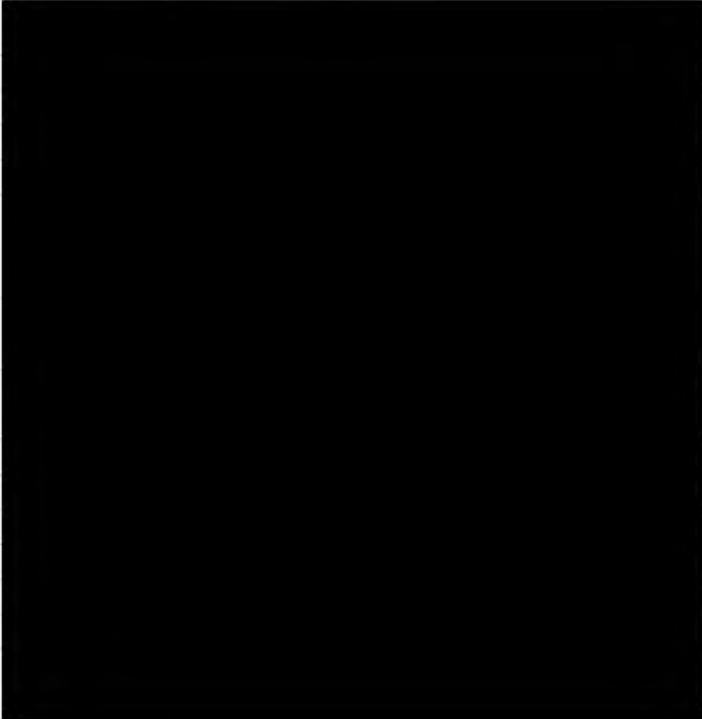
**SUBMIT**

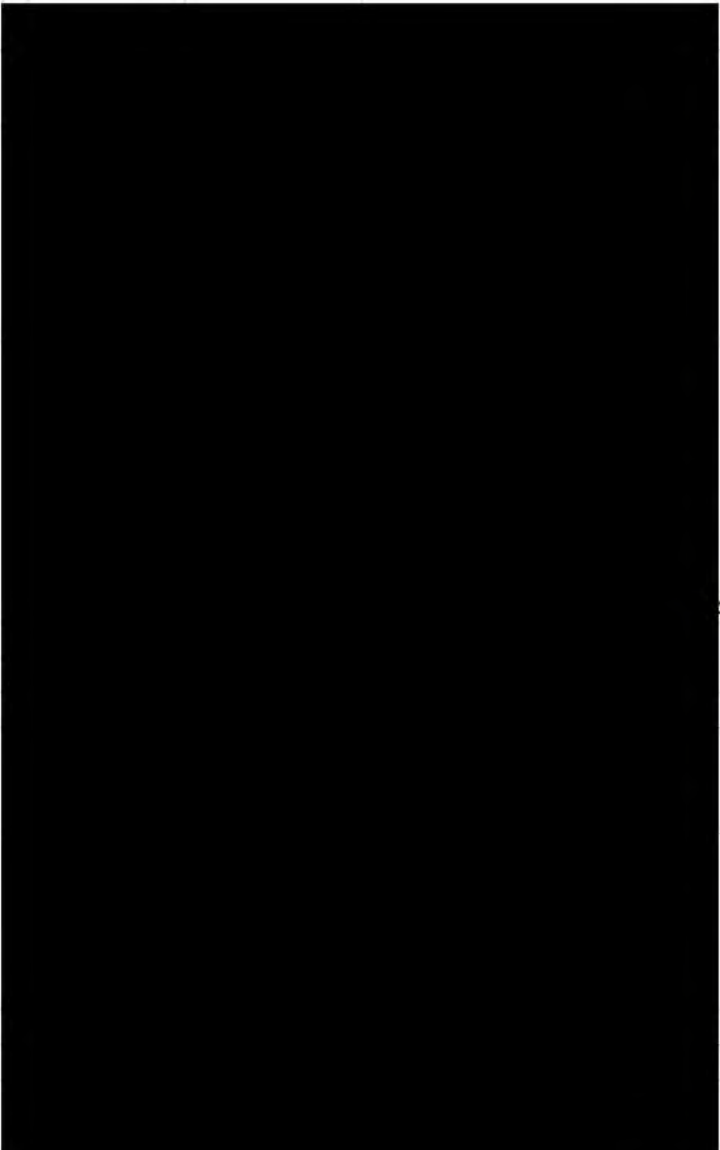
#	Date Submitted	First Name	Last Name	Email	Please leave a message of support
103	09/08/2022				These caf�s add something exciting and special to both venues, something that is attractive to all types of customers. I have definitely spent more time (and money) at the Pittville Pump Room cafe since the outdoor structure was put up and it would be a shame to see it go.
104	09/10/2022				
106	09/13/2022				Both sites are wonderful community spaces that are a great benefit to the town of Cheltenham
107	09/16/2022				
108	09/16/2022				Please keep this great asset open for us all to enjoy.
					These are a great addition to Cheltenham and the Town Hall... as a life time resident of Cheltenham it would be a shame to see these assets gone and they have been well used.
					Thanks
109	09/16/2022				Mark
110	09/16/2022				Lovely place for a relaxing drink in a safe environment
111	09/16/2022				
112	09/16/2022				I have used this facility and found it to be charming and of great service to Cheltenham and as such should continue.
113	09/16/2022				Lovely to stop half way round a walk of Pottsville park
114	09/16/2022				Love the cafes, brings a wonderful vibrancy to Cheltenham.
115	09/16/2022				
116	09/16/2022				I used to work at both venues before retiring; wished we had both facilities then. Good luck with your efforts
117	09/16/2022				
118	09/16/2022				This is a wonderful asset to Cheltenham and a perfect place to meet up with friends and family! The orangey has been a fantastic addition to imperial gardens and has become somewhat of a hub. I have visited imperial gardens more with the orangey there than ever before and it would be a shame and a loss to Cheltenham for it to go
119	09/16/2022				
120	09/16/2022				I think they are an asset worth keeping
121	09/16/2022				
122	09/16/2022				
123	09/16/2022				

124	09/16/2022		An absolutely fabulous place to stop for a coffee and a chat and discuss all the great things about Cheltenham - it must be retained - it is an essential part of Cheltenham
125	09/16/2022		An excellent amenity for people to meet up in all weathers in an attractive setting. Long may it continue.
126	09/16/2022		
127	09/16/2022		The Heritage Cafe at Pitville is a HUGE asset for the Park. It's also a wonderful venue to meet friends for a catch up. Long may it remain!
128	09/16/2022		We need the cafe && garden bar to remain open as it a lovely place to relax && meet people. Which is very important for so many
129	09/16/2022		I very much support the continuation of the Heritage Deco Cafe and the Garden Bar Orangery which are an asset for residents and an attraction from r visitors.
130	09/16/2022		
131	09/16/2022		These much used and valued spaces need to be retained
132	09/16/2022		We need to keep this very pleasant place
133	09/16/2022		The cafe and orangery are assets and should remain.
134	09/16/2022		I think the orangery cafes beside the Pump Room and the Town Hall should remain. They are are valuable community resources, especially the one by the Pump Room where is very limit other prvision. The buildings are light, attractive, and in no way detract from the neighbourhood or the structures they adjoin. Please keep them!
135	09/16/2022		A much needed and utilised facility. Please allow it to remain.
136	09/16/2022		The Pittville Heritage Cafe gives me somewhere with a 'delicious reward' to aim for when out exercising! (I have arthritis)
137	09/16/2022		
138	09/16/2022		
139	09/16/2022		keep them open
140	09/16/2022		
141	09/16/2022		An excellent addition to these venues, brings the community together.
142	09/16/2022		Great community asset!
143	09/16/2022		The cafe is a wonderful place to relax after a walk around the park. It was a godsend during the past two years of restrictions for my family, and we continue to use it as a meeting place.

144	09/16/2022		The Arts are very important to our culture.
145	09/16/2022		Great community facility and great food and drink. Not noisy and always very tidy. A very well used and respected cafe. Please award permission
146	09/16/2022		
147	09/16/2022		These are desirable public amenities and should be retained and encouraged
148	09/16/2022		These cafes are popular and well thought off by everyone I know that has visited them.
149	09/16/2022		I would wish these to be preserved as a leisure service and activity for the benefit of residents and visitors alike.
150	09/16/2022		There is great demand for both venues and they provide a great andnity
151	09/16/2022		The extended indoor areas compliment the surroundings and offer a competitively priced service which enables all incomes to enjoy. They also enable older generations to enjoy being out without getting too hot or cold
152	09/16/2022		
153	09/16/2022		We so valued what you did during lockdown, the open-air music and jiving was our lifeline....and we continue to support your lovely jive events.
154	09/16/2022		
155	09/16/2022		
156	09/16/2022		
157	09/16/2022		Given the times that we are in, anything that improves the mental welfare of people, by allowing them to relax in pleasant surroundings has to be beneficial to all and the community.
158	09/16/2022		
159	09/16/2022		For that reason I support the application and hope that it becomes a permanent fixture.
160	09/16/2022		
161	09/16/2022		A wonderful addition to one of the lovely gardens of central Cheltenham.



				Cheltenham has been reborn and given a new lease of life with the ever developing venues that this Trust has achieved. During the Panademic theses fledgling venues struggled on to give a sense of hope and community and social interaction that could not be found anywhere else in Cheltenham and under difficult circumstances achieved and formed a new following that is to be commended. They are the life blood of the local community and remain the go to place for so many events and occasions and bring to life those venues that had remained for so long neglected and under funded and brought Cheltenham into the realm as The festival Town it so clearly wishes to be regarded as . They have my thanks and my continued support in all they do and so deserve to be a permanent asset to this town .
162	09/16/2022			
163	09/16/2022			
164	09/16/2022			
165	09/16/2022			
166	09/16/2022			
167	09/16/2022			We moved to Cheltenham one year ago this week and thought the Orangery caf�� was absolutely wonderful. It is a lovely place to sit and watch the world go by and we would be si
168	09/16/2022			disappointed to see it close for any reason. These two cafes are a major benefit for the Town Hall and the Pump Room to get rid of them makes no sense.
169	09/16/2022			I was born in Cheltenham many years ago. I lived abroad for most of my working life but love Cheltenham so much. The orangery in particular must be saved and cherished!
170	09/16/2022			A real asset to the town. Keep I the good work
171	09/16/2022			Please keep the orangery facilities going. We love them!
172	09/16/2022			
173	09/16/2022		Both orangeries are great meeting places and serve a useful purpose in the town	
174	09/16/2022			
175	09/16/2022			
176	09/16/2022		Please leave these facilities, a lot has been invested in these structures and have proved to be most enjoyable.	

177	09/16/2022		A really good addition to both historic buildings and a cost-efficient means of generating income to look after them for the future.	
178	09/16/2022		The Heritage Deco cafe in Pittville park is an important part of the community. It is a centre for all the activities taking place in the Park and the Pump Room	
			The orangery is a great place to meet friends for a coffee. Long may it stay so we can enjoy coffee and cake in beautiful Pittville park.	
179	09/16/2022			
			My wife and I have enjoyed many lunches at the Pump Rooms cafe since the beginning of the year. Now that she is wheelchair bound we still enjoy visiting as the entrance ramps provide ease of access to both the interior and exterior areas. The only reservation is regarding the toilet facilities which are not wheelchair friendly, however, we would be very sad if the cafe was closed.	
180	09/16/2022			Regards, Godfrey & Pamela Johnson
181	09/16/2022			Brilliant to have 2 such nice venues it'd be great to retain them - thank you
182	09/16/2022			
183	09/16/2022			Please extend the planning permission for these lovely venues.
				We visit the Art Deco Cafe regularly and also take visitors there. Everyone really enjoys it and comments on how lovely it is and that it fits in so well with the vibrancy of Cheltenham as well as being a fantastic meeting place for the community
184	09/16/2022			The orangeries have been wonderful places to take refreshments, especially after a walk around the beautiful Pitville Park. My group of friends and I, all over the age of 75yrs, have enjoyed meeting for coffee and cake and of course chat in these two lovely cafes overlooking the gardens. Please , please grant permission for these to become permanent buildings for community benefit.
185	09/16/2022			
186	09/16/2022			Lovely places to meet for a coffee and chat
187	09/16/2022			
188	09/16/2022			Keep up the good work supporting Cheltenham residents and visitors, well done for the initiative

189	09/16/2022		These places are a key feature of Cheltenham and part of its central event venues...don't destroy what makes Cheltenham special!
190	09/17/2022		Wonderful assets to the town. We use both of them regularly and are proud to take our visitors there.
191	09/17/2022		Great spaces, I use them both. An asset to the location
192	09/17/2022		These facilities have been a lifeline for many since the start of Covid and still remain so. The cafes are attractive to look at and should be kept.
193	09/17/2022		Each of these venues has improved facilities for the residents of Cheltenham during Covid "19 and subsequently for residents and visitors to the town.
194	09/17/2022		
195	09/17/2022		
196	09/17/2022		
197	09/17/2022		These cafes are in lovely settings and would be missed.
198	09/17/2022		
199	09/17/2022		
200	09/17/2022		This is a great meeting place that makes a difference to a lot of people's lives.
201	09/17/2022		
202	09/17/2022		
203	09/17/2022		It's a great asset for our town. It brings a community feel to Pittville Park. Many events have taken place since it was built and has enhanced the experience.
204	09/17/2022		Me and my family have sat and watched the world go by sipping a cuppa or two.
205	09/17/2022		It is a real asset and well used y. Please keep it
206	09/17/2022		The cafe is a real bonus for the park, we go there nearly every week. We support the continuation of this venue for the future.
207	09/17/2022		
208	09/17/2022		The orangeries are a very popular asset - please keep them (but remove the large, unsightly banners from them).
209	09/17/2022		Fantastic venue with wonderful staff. It attracts so many visitors with the beautiful views over Pittville Park, close access to the children's play area and vibrant menu.
210	09/17/2022		
211	09/17/2022		I have visited both these venues many times, they are exceptional as they are set in such beautiful settings and attract many tourists.

212 09/17/2022

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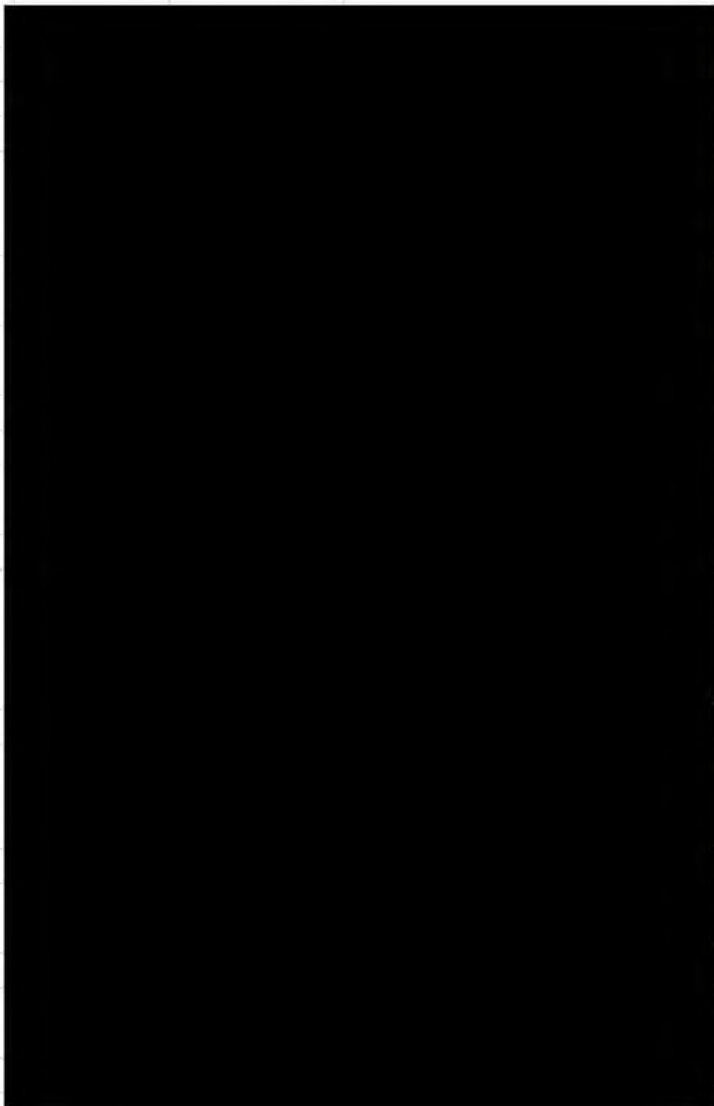
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The extended restaurant facilities at the Pump Room and the Orangery at the Town Hall are a wonderful use of the available space and offer a relaxed up to date vibe. I have used both venues and support a campaign for them to be retained.

Lovely cafe, keep it open!

It has been a wonderful asset, having this Caf  , to be able to meet up with friends, or stop off for a drink, and lovely food, after a walk, it would be sorely missed. It was a wonderful idea, and enhances a visit to the pump rooms.

A very pleasant place to visit surrounded by beautiful views and parkland. The staff are very friendly and helpful. It would be a great shame if this facility was lost to Cheltenham.

I am yet to visit but hope I will be able to in my wheelchair!!

Looks a lovely venue to enjoy     

Please retain the orangeries which have proved to be a lifeline for many customers. I visit regularly and it is a lovely place to meet friends.

A great facility - only draw back is it is a shame the town hall and pump room toilets are not open to use for this but we appreciate the temporary ones anyway.

So lovely to keep in the winter too when we have limited access to the light and outdoors.

These garden bars/cafes are great additions to both locations and suitable for all ages to enjoy. They are visually attractive considering they are   temporary   structures and sympathetic to their surroundings. Let  s hope they are allowed to stay!

Very happy with all you are doing and planned. Thank you.

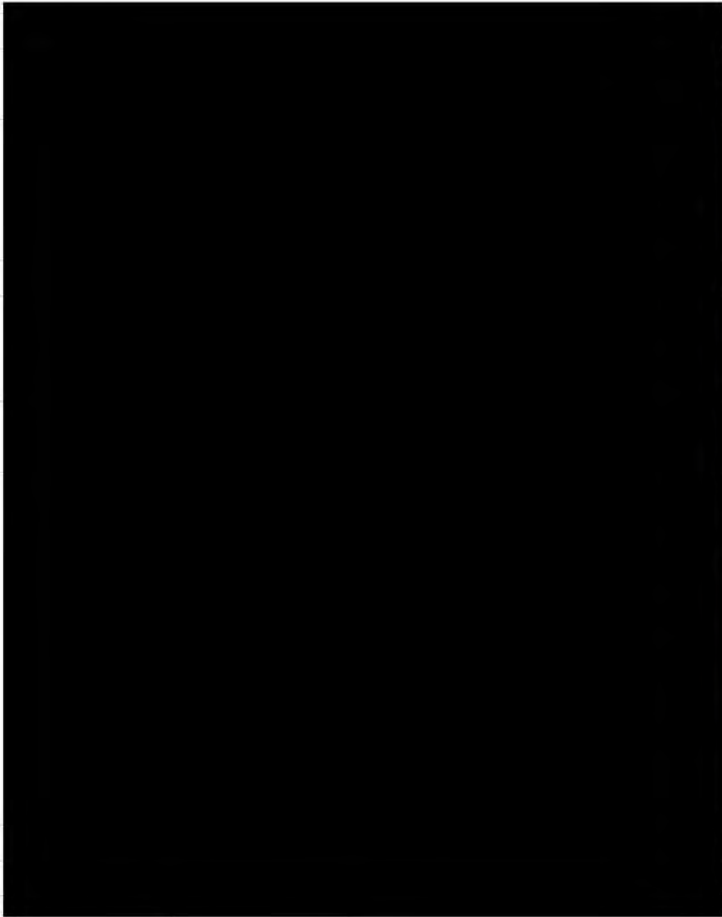

The Garden Bar is an excellent facility, that I have many times already since moving to Cheltenham.

Use both and feel they are an asset to residents and visitors.

These facilities are not only good for the public but also give a lot of revenue to the Cheltenham Trust which in turn reinvests it for the good of the community.

Great place for all the family, please keep it open.

231	09/17/2022				I would love these cafes to continue, they are perfect for meeting friends, both in wonderful locations too.
232	09/17/2022				
233	09/17/2022				great asset to the venue. needs to be kept. looks amazing when lit at night too
234	09/17/2022				The Cafes are a very welcome addition adding to the enjoyment of visiting the parks in Cheltenham.
235	09/18/2022				
					It is more vital than ever to retain venues such as this for the benefit of the arts in general, to continue to promote live music and theatre in all its forms. And to provide friendly , welcoming places to enjoy events whilst socialising and supporting the cafe and venue and thereby providing local employment. In my opinion, in the times ahead these are the things that we need to retain in our lives when times are definitely going to be the hardest to bear for many, many people.
					As a regular visitor to Cheltenham, I support this petition and wish you the success you deserve.
236	09/18/2022				END
237	09/18/2022				
238	09/18/2022				please continue to provide a wonderful service.
239	09/18/2022				
240	09/18/2022				These cafes are great amenities for locals and visitors to use, even in the depths of winter (if wrapped up warm!)
241	09/18/2022				
242	09/18/2022				Excellent venues to enjoy the town, thank you. Please keep the orangeries open as they provide a vital income stream for the support of the Trust.
243	09/18/2022				
244	09/18/2022				
245	09/18/2022				
246	09/18/2022				We have used both cafes, the one at the Pump room and also the one at the town hall often , and we would love to be able to continue to use these facilities in the future . They both seem to be used by locals and tourists alike.

247	09/18/2022		
248	09/18/2022		A wonderful place to meet. I take a friend there who has Alzheimer's she feels safe and happy there unlike other claustrophobic cafes it would be a great loss.
249	09/18/2022		We use one or other of the cafes at least once a week. They were wonderful sanctuaries for us during the pandemic and continue to offer a pleasurable environment in which to watch the world go by. We're very proud of The Cheltenham Trust. Long may you and your facilities continue to thrive! Thank you!
250	09/18/2022		It is so much better than it used to be.
251	09/18/2022		Excellent facilities where people can meet in very pleasant surroundings and enjoy a coffee or snack. We should encourage such use of our heritage facilities and promote Cheltenham as a pleasant place to come.
252	09/18/2022		Lovely addition to Cheltenham - something that the park had been missing. It would be such a backwards step to remove it.
253	09/18/2022		I think both bars run by the Cheltenham Trust, in Imperial Gardens and Pittville, add enormously to the lovely Cheltenham vibe. It makes no sense to me to close either of these venues.
254	09/18/2022		The bar in Imperial Gardens and the Cafe in Pittville stepped up during the Covid era to offer additional benefits, presumably investing heavily to ensure a welcoming but safe venue. They can surely run alongside existing/new hospitality businesses to provide both the people of Cheltenham and the many visitors who come to this vibrant festival town more choice.
255	09/18/2022		These venues are assets to our town.
256	09/18/2022		Myself and my family have really enjoyed the use of all of these venues. Meeting up with friends for coffee. On other days meeting up with family or grown up children with grandchildren.
257	09/19/2022		They have added so much to these areas. Just such beautiful areas to meet up and enjoying the surroundings.
258	09/19/2022		both have really brightened up the town, beautiful settings and have been used by everyone I know!
			These are very useful venues. I support their continuation.

259	09/19/2022		The area has been regenerated thanks to the cafe
260	09/19/2022		We often visit the Garden Bar and find it a very good addition to the town centre. We would be saddened to see it go as it has become such a vibrant part of the community.
261	09/19/2022		The heritage cafe & garden bar orangery is such an asset for locals & visitors to our Cheltenham parks.
			The two "temporary" cafes have proven their value to visitors and the local community and should be granted planning permission to remain in situ. The loss of the Orangery in Imperial Square would be a blow to the town as it's such a lovely sunny place to relax and enjoy the gardens in comfort and warmth, particularly in the early Spring and late Autumn. The Orangery helps to confine and reinforce the use of that side of Imperial Square as a refreshment area alongside Bosco and (in time) the new rooftop bar/restaurant.
262	09/19/2022		
263	09/19/2022		
264	09/20/2022		I am a regular user of both cafes. They offer a warm environment to sit during the winter months to enjoy both Pittville Park and Imperial Park.

**The Heritage Deco Café at Pittville Pump Room and Garden Bar Orangerie at Cheltenham Town Hall – show your support**

The Heritage Deco Café and Garden Bar Orangerie opened in summer 2020 to support the local community at a time when social interaction was severely limited by the COVID19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangerie structures were installed during this period.

The Heritage Deco Café opened with two trestle tables under the portico, the café was an instant success with the community referring to it as its 'lifeline'. Since opening the café has been visited by more than one million customers and has become a significant social and cultural asset for the community.

The Garden Bar Orangerie used to be open every summer and would consist of tables and chairs being brought in and out each day. During the summer of 2020 we put a marquee in place to allow people to sit down and enjoy their food and drink when restrictions allowed to and no matter the weather. Due to its success we build an orangerie to allow a new vibrant and fresh space to be available for customers with free live music available regularly for the community to enjoy.

The Cheltenham Trust, a not for profit, independent charity, will be seeking temporary planning permission to retain the orangeries for visitors to continue to enjoy.

We are inviting you to support the continuation of these vital community assets.

Thank you for your support as a valued customer.

The Cheltenham Trust

Name (Print)	Email address	Address and phone number	Signature
[REDACTED]	[REDACTED]	24 Leake Road, Prestbury.	[REDACTED]
[REDACTED]	[REDACTED]	" "	[REDACTED]
[REDACTED]	[REDACTED]	St Giles Cottage Sandhurst GL2 9NW	[REDACTED]
[REDACTED]	[REDACTED]	F. Abington lane Cheltenham GL53 7BN	[REDACTED]
[REDACTED]	[REDACTED]	"	[REDACTED]
[REDACTED]	[REDACTED]	St Giles cott age GL2 9NW	[REDACTED]
[REDACTED]	[REDACTED]	53 albermale gate, GL50 4PH	[REDACTED]
[REDACTED]	[REDACTED]	14 Norton Lane.	[REDACTED]
[REDACTED]	[REDACTED]	5 PORTLAND SAVAGE GL52 2HT	[REDACTED]
[REDACTED]	[REDACTED]	9 Cadogan house GL52 2HA	[REDACTED]
[REDACTED]	[REDACTED]	078001585732	[REDACTED]



# The Heritage Deco Café at Pittville Pump Room Page 193 Garden Bar Orangery at Cheltenham Town Hall – show your support

The Heritage Deco Café and Garden Bar Orangery opened in summer 2020 to support the local community at a time when social interaction was severely limited by the COVID19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangery structures were installed during this period.

The Heritage Deco Café opened with two trestle tables under the portico, the café was an instant success with the community referring to it as its 'lifeline'. Since opening the café has been visited by more than one million customers and has become a significant social and cultural asset for the community.

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Thank you for your support as a valued customer.

**The Cheltenham Trust**

Name (Print)	Email address	Address and phone number	Signature

# Date Submitted First Name Last Name Email

266 09/20/2022

267 09/20/2022

268 09/20/2022

269 09/20/2022

270 09/20/2022

271 09/20/2022

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273 09/20/2022

274 09/20/2022

276 09/20/2022

277 09/20/2022

278 09/20/2022

279 09/21/2022

280 09/21/2022

281 09/21/2022

Please leave a message of support

This has been a fantastic addition to the cheltenham social scene and must stay

A great and successful venue deserves to be allowed to thrive and continue to be enjoyed.

I support the continuation of these vital community assets.

The Heritage cafe is a wonderful social meeting place,my friends and I go everyday after dog walking.The staff are really friendly and helpful,nothing is too much trouble.The band concerts are great and bring a lot of people to the park.It's the sort of place you could go on your own and still chat to someone,everyone is so friendly.

These are proven important community assets.

I love the cafe in Pittville Park. I have lived in Pittville for more than 20 years, and I wish it had been there all that time. I do not think there is a problem with additional traffic along East Approach Drive, and I have not noticed either smells or noise near the cafe. So many events have been held in front of the Pump Room this summer, bringing a great deal of joy to Cheltenham residents, and introducing many visitors, no doubt, to the beautiful Pump Room.

I used to wonder why the park had no cafe. Now there are visitors all the time, enjoying the building and the spectacular view of the lake while they meet friends and enjoy a coffee.

If there are problems with the design, construction or siting of the cafe, then these are the problems which should be addressed. The cafe should remain for the people of Cheltenham to continue to enjoy.

These facilities need to be retained.

Very happy to make use of the facilities at Cheltenham especially during the Literature Festival

Having been a 'life saver' during the pandemic, the new orangery has become a great asset. Somewhere to bring visitors, to while away a free morning or afternoon and a pleasant stop off on my infrequent cycle rides.



**Show your Support for The  
Cheltenham Trust and  
The Heritage Deco Café and Garden  
Bar Orangery**

**Please Sign this petition to show your support for temporary planning permission to keep these cafes open.**

The Heritage Deco Café and Garden Bar Orangery opened in summer 2020 to support the [Page 196]community at a time when social interaction was severely limited by the COVID19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangery structures were installed during this period.

The Heritage Deco Café opened with two trestle tables under the portico, the café was an instant success with the community referring to it as its 'lifeline'. Since opening the café has been visited by more than one million customers and has become a significant social and cultural asset for the community.

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The Cheltenham Trust, a not for profit, independent charity, will be seeking temporary planning permission to retain the orangeries for visitors to continue to enjoy.

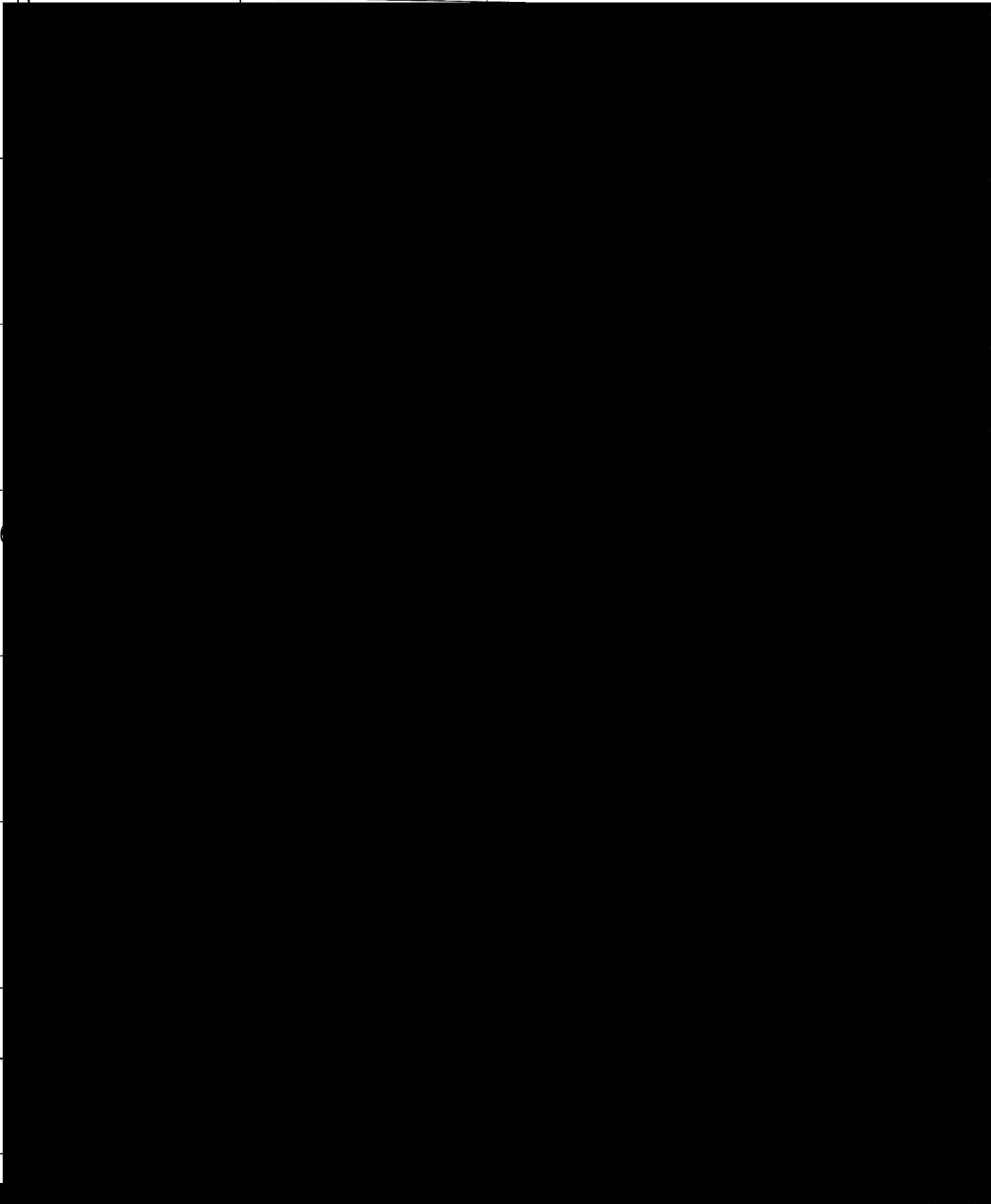
We are inviting you to support the continuation of these vital community assets by adding your details to our form below.

Thank you for your support as a valued customer.

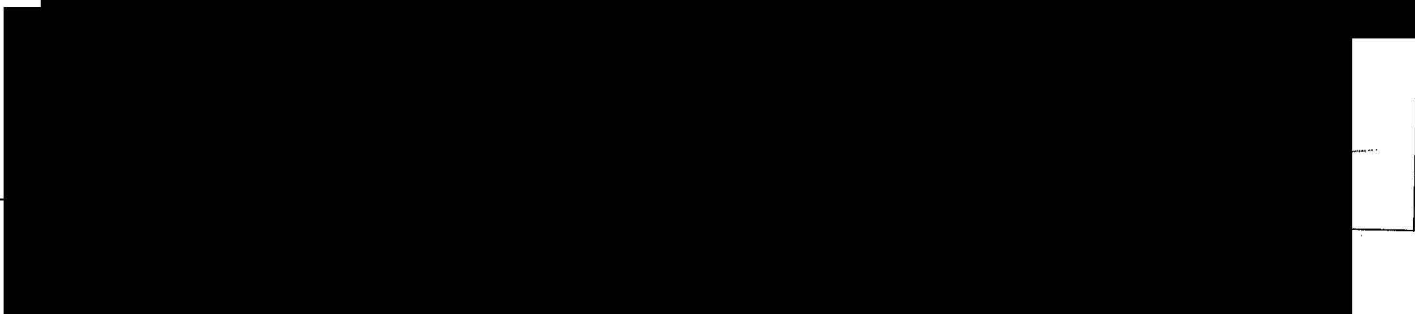
*If you provide an email address, The Cheltenham Trust will add your details to its database and you will receive email updates, news and offers from The Cheltenham Trust.*

Sign:

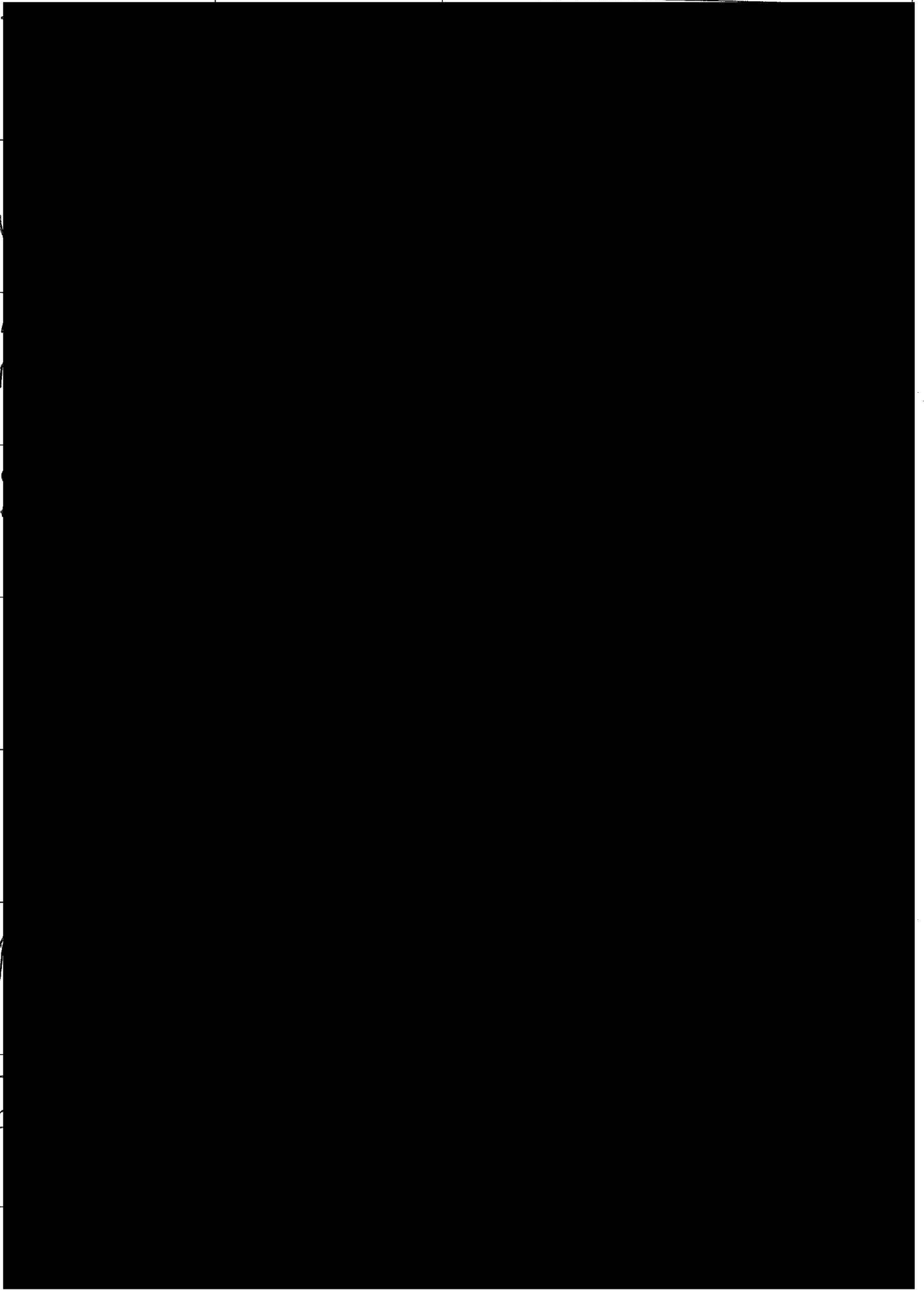
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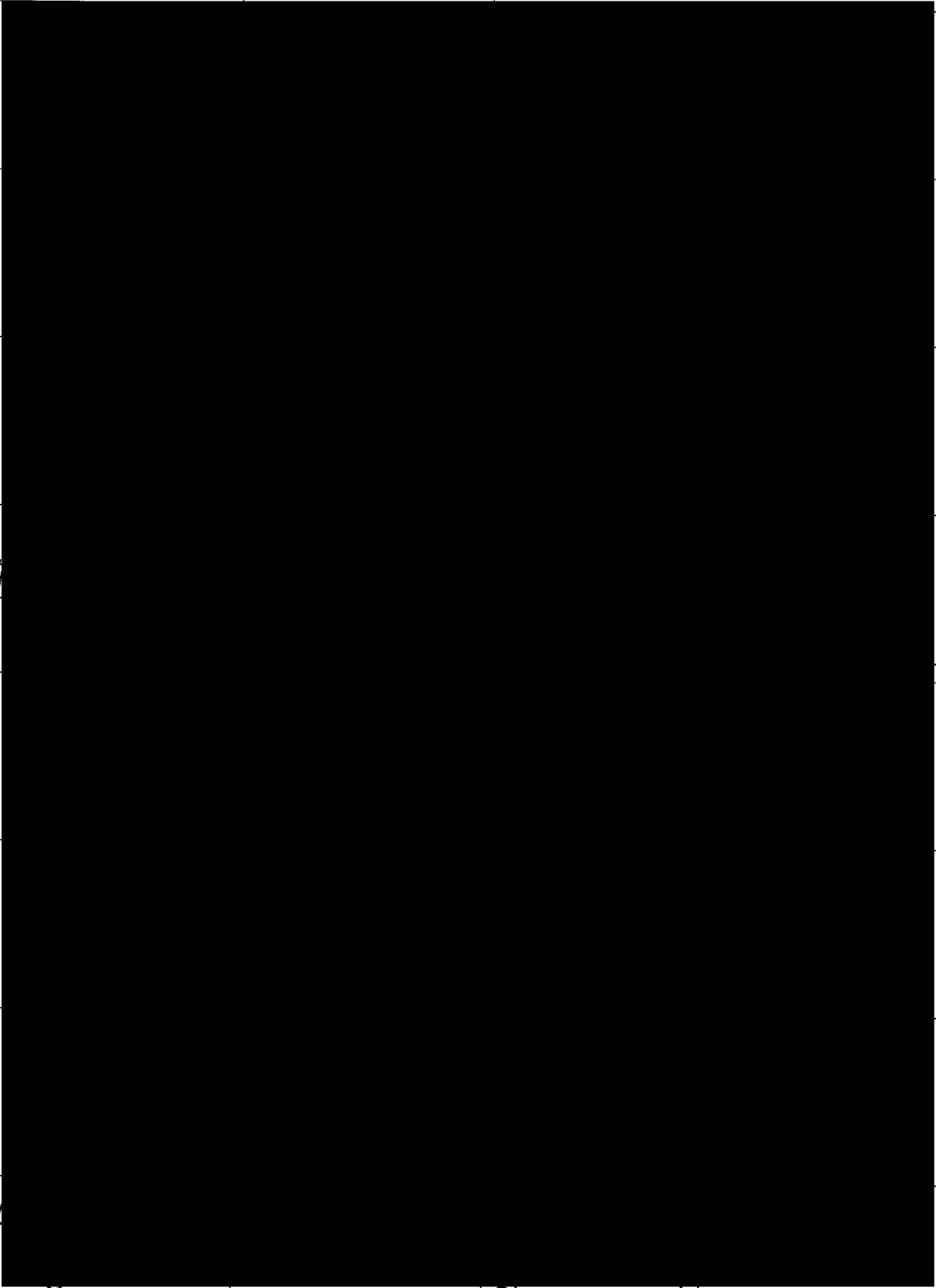
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Page 199

Sign:



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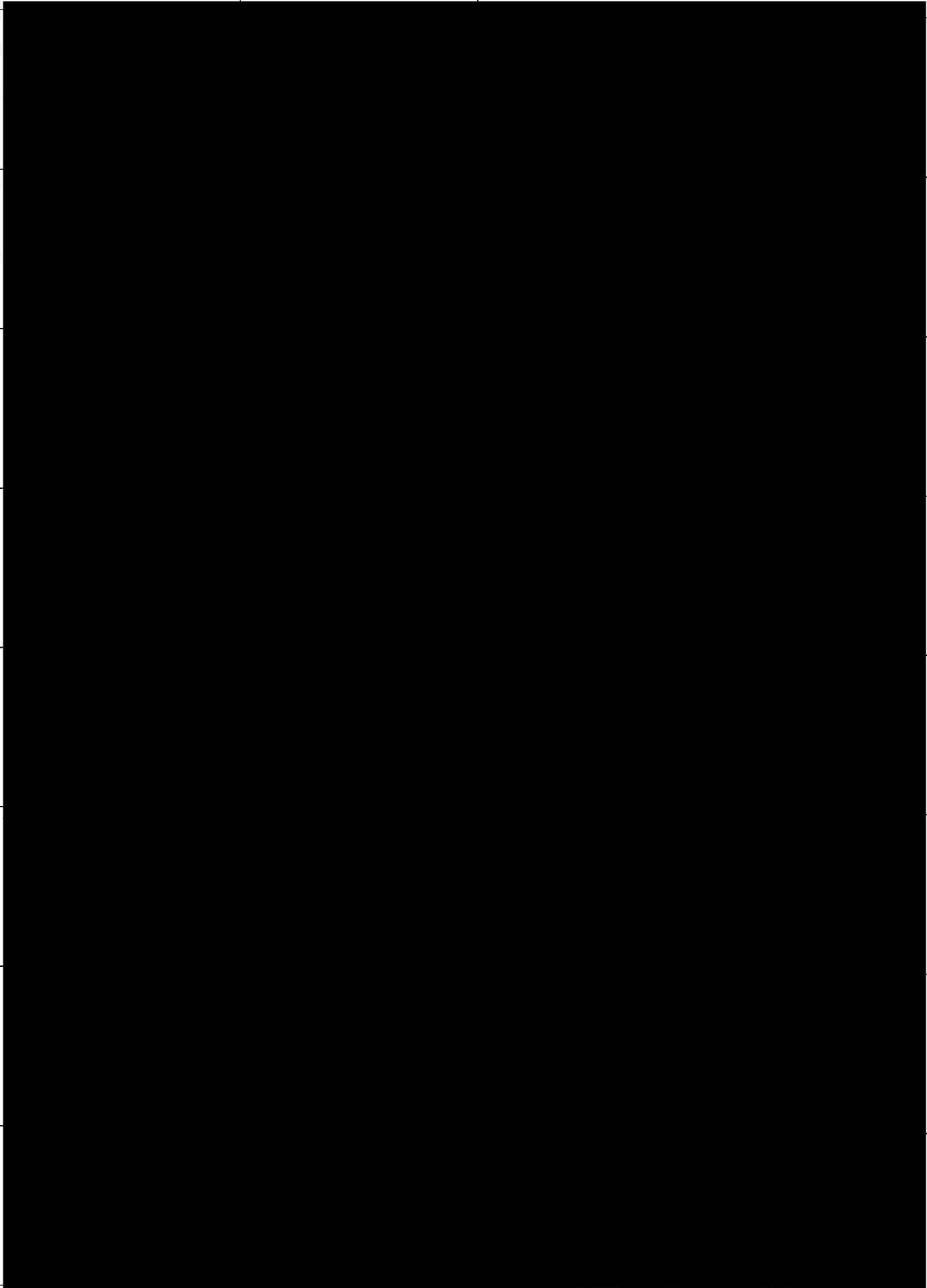
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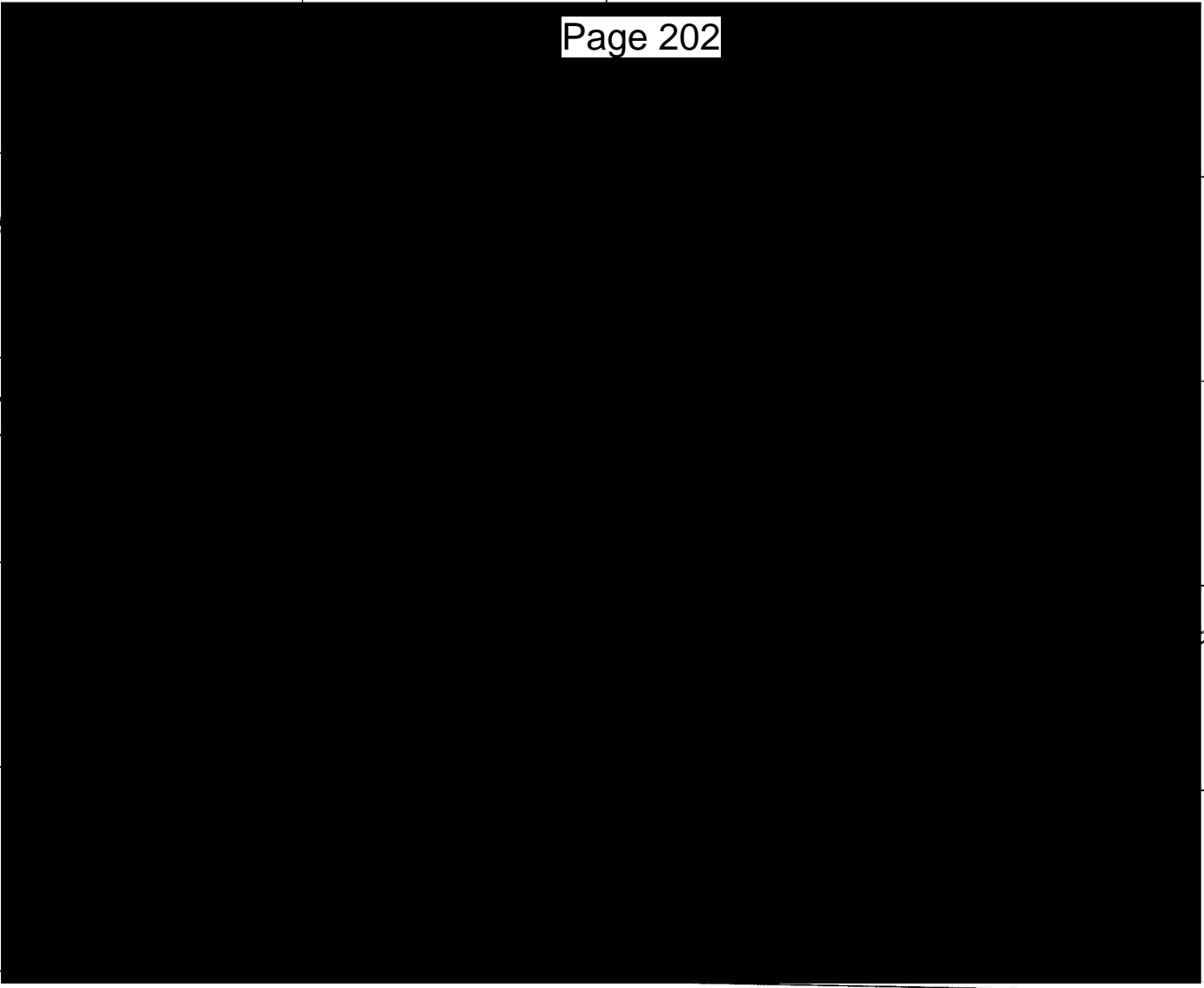




Page 201

Sign:







I sign this petition in support of the temporary planning application for the Heritage Page 204, Café and Garden Bar Orangery

First Name	Surname	Email and signature
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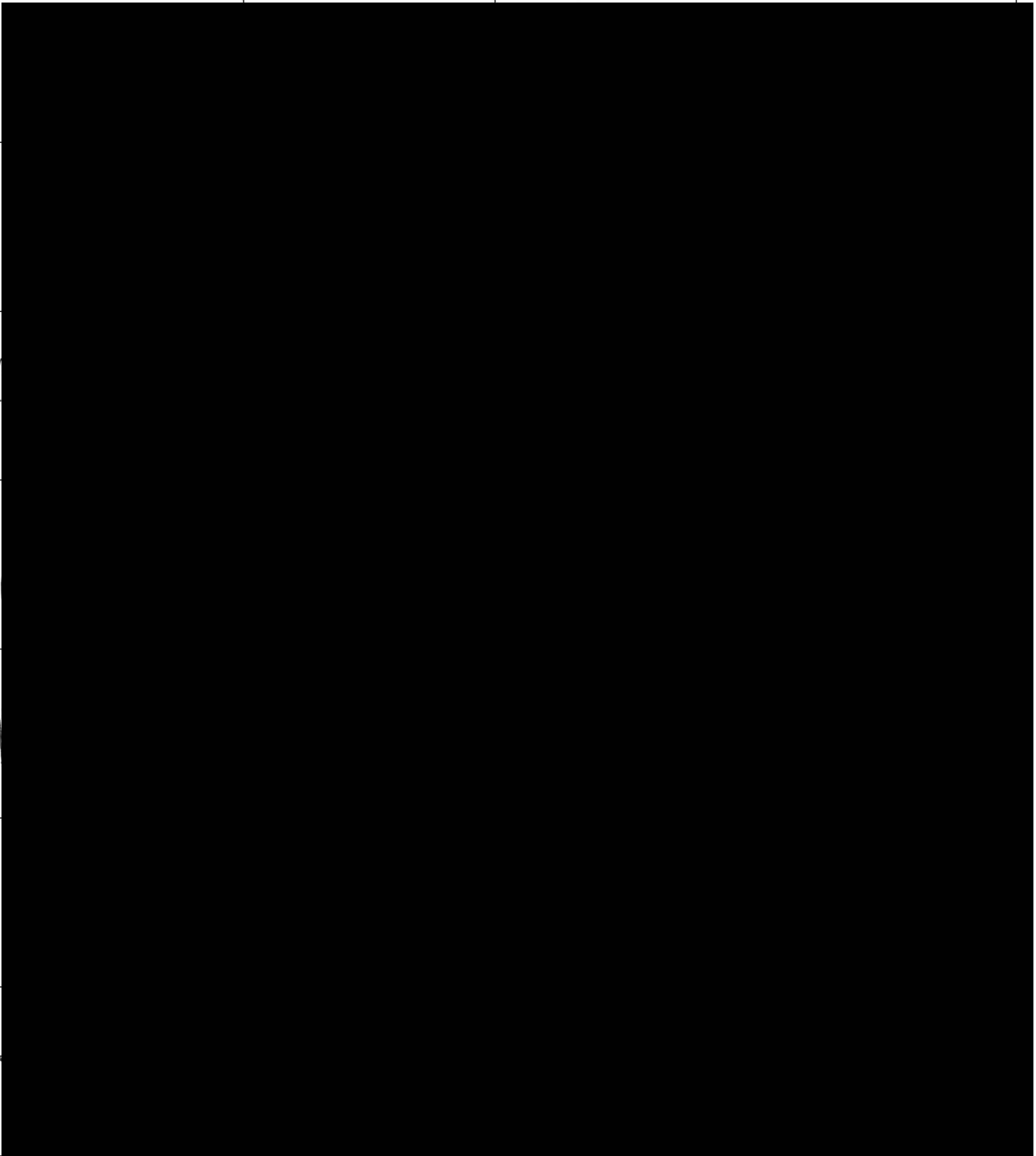


X



I sign this petition in support of the temporary planning application for the Heritage Café and Garden Bar Orangery

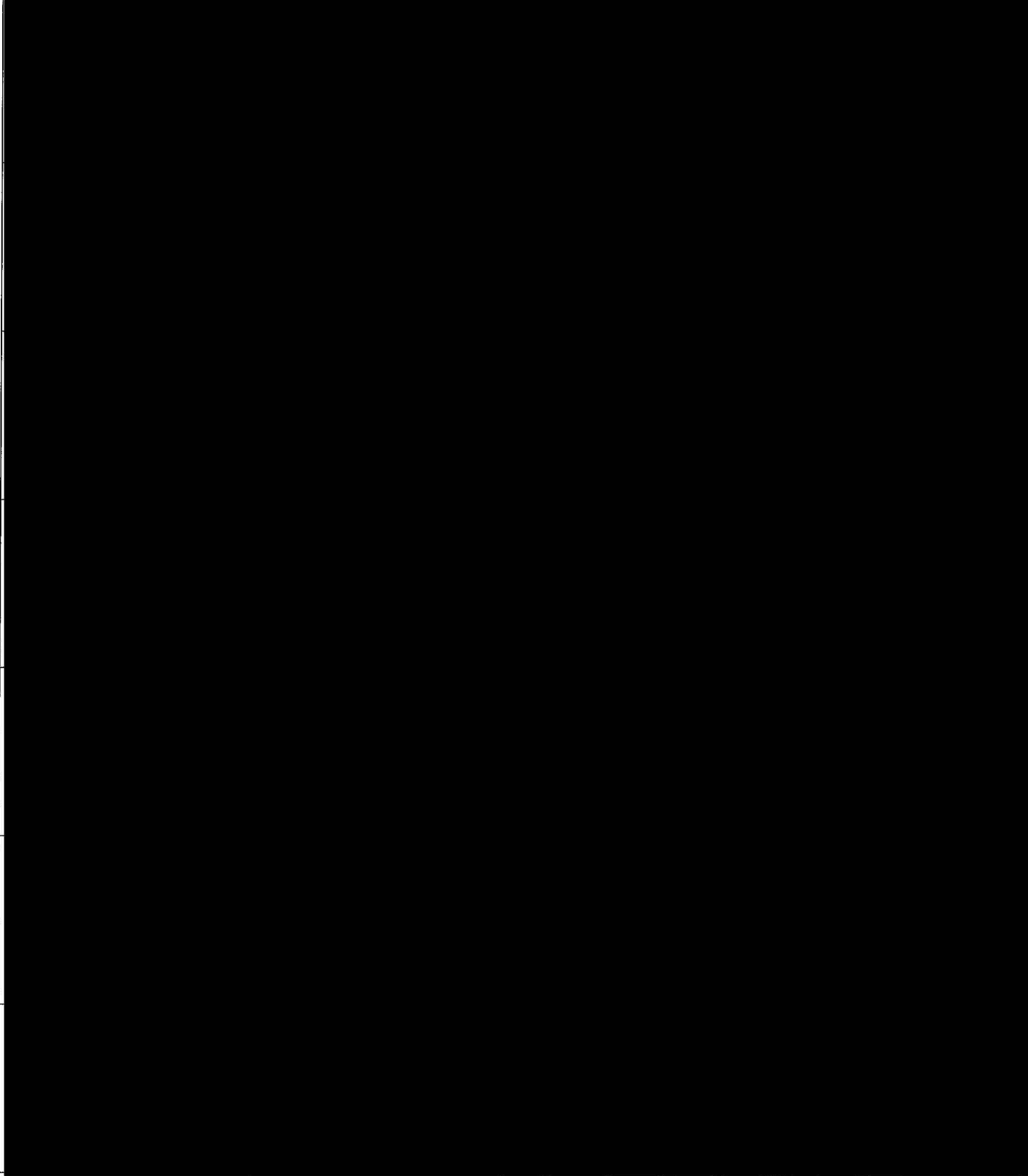
First Name	Surname	Email and signature
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Sign:

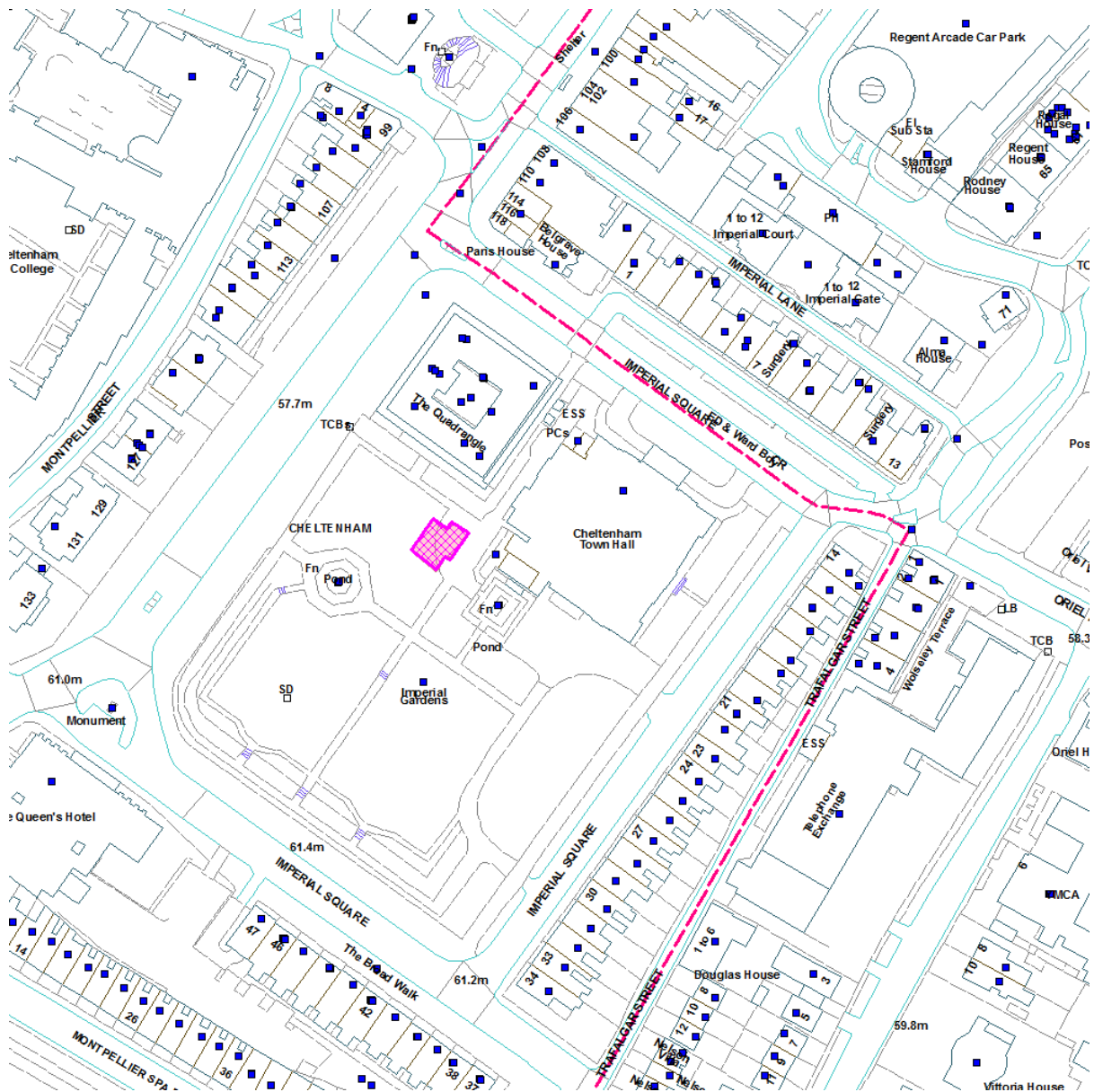


Sign:



<b>APPLICATION NO:</b> 22/01438/FUL		<b>OFFICER:</b> Miss Claire Donnelly	
<b>DATE REGISTERED:</b> 10th August 2022		<b>DATE OF EXPIRY:</b> 5th October 2022; extension of time agreed to 21st October 2022	
<b>DATE VALIDATED:</b> 10th August 2022		<b>DATE OF SITE VISIT:</b>	
<b>WARD:</b> Lansdown		<b>PARISH:</b> n/a	
<b>APPLICANT:</b>	The Cheltenham Trust		
<b>AGENT:</b>	Evans Jones Ltd		
<b>LOCATION:</b>	Cheltenham Town Hall Imperial Square Cheltenham		
<b>PROPOSAL:</b>	Temporary change of use of land for up to two years for the siting of an orangery structure to be used as a cafe		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to the Garden Bar which is located within the Imperial Gardens to the rear of the Town Hall. Imperial Garden is a designated public green space. The site is within the Montpellier Character Area of Cheltenham's Central Conservation Area.
- 1.2 The Cheltenham Trust benefitted from the Council's relaxation of enforcement for temporary structures which was put in place to help and support the successful running of businesses and organisations within the town to ensure they remained open and viable due to the COVID-19 restrictions/guidance and provide more physical space to accommodate social distancing and safer operations. In June 2020 a marquee was erected, however in August 2021 a more secure structure was required which led to the replacement of the marquee with the orangery structure that is currently in place. The Council decided to bring an end to the temporary relaxation of enforcement on 30<sup>th</sup> September 2022 given that COVID-19 restrictions have come to an end. Any businesses seeking to retain their structures past this date, were required to seek the necessary consents for their retention.
- 1.3 In this instance The Cheltenham Trust are seeking consent for the retention of the structure and use as a café/bar for a further period of up to two years.
- 1.4 The Cheltenham Trust have confirmed in a supporting statement that during the two year temporary consent, a more permanent solution would be explored; a timeline of this has been set out within the statement received 6<sup>th</sup> October 2022.
- 1.5 It is important to note that The Cheltenham Trust are also seeking temporary consent for the retention of a similar structure and change of use of the land for use as a café at The Pittville Pump Rooms; this is being considered under application ref. 22/01439/FUL.
- 1.6 The application is at planning committee as the applicant is The Cheltenham Trust and the structure is sited on Cheltenham Borough Council owned land.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

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

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 6 Building a strong, competitive economy  
Section 7 Ensuring the vitality of town centres  
Section 8 Promoting healthy and safe communities  
Section 12 Achieving well-designed places  
Section 16 Conserving and enhancing the historic environment

### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD8 Historic Environment

SD14 Health and Environmental Quality  
INF1 Transport Network

## **Cheltenham Plan Policies**

D1 Design  
SL1 Safe and Sustainable Living  
GI2 Protection and replacement of trees  
GI3 Trees and Development

## **Supplementary Planning Guidance/Documents**

The Cheltenham Climate Change SPD (adopted June 2022)  
Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

## **4. CONSULTATIONS**

### **Building Control**

*15th August 2022 –*

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

### **Heritage And Conservation**

*4th October 2022 –*

The proposed works are for the temporary change of use of land for up to two years for the continued siting of an orangery structure. The orangery structure is comprised of a glass room supported by a dark coloured metal frame, with a soft plastic roof and a timber base which extends from a raised deck, surrounded by a post and rope railing, used as a patio for outdoor seating. The orangery structure and decking is used as a temporary café/bar, called Garden Bar, and is associated with Cheltenham Town Hall. It is located in close proximity to the outdoor Garden Bar attached to Cheltenham Town Hall, whose informal outdoor seating area previously spilt out into Imperial Gardens.

Notably the orangery was originally constructed without planning permission, with the knowledge of the local planning authority, when planning enforcement was relaxed to address social distancing concerns during the Covid 19 pandemic. These restrictions have now ended. The applicant, the Cheltenham Trust, would have previously been made fully aware of the temporary nature of this relaxation and constructed the Garden Bar with this understanding.

It is important to consider the policy context in which the proposal needs to be determined. The cornerstone of heritage legislation is the Planning (Listed Building and Conservation Area) Act 1990. In determining this application it is important to note the statutory duty of local planning authorities under 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 and 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.

A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets need to be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

The context of the development site is highly sensitive in heritage terms. The Garden Bar is located where it is prominently visible in the central, northern area of Imperial Gardens, with the roads surrounding it, Imperial Square and Promenade, forming part of a planned Regency square. The surrounding Regency square has a high number of listed buildings around it, many of which are grade II\* listed, whose setting is considered to be affected by the development proposal.

The listed buildings within the context of the site and whose setting is affected by the development proposal include but are not limited to: Cheltenham Town Hall, a grade II listed Edwardian municipal building; 14-34 Imperial Square, a grade II\* listed terrace of Regency townhouses; 99-119 Promenade, a grade II listed terrace of regency townhouses; 121 and 123 Promenade, a grade II\* a pair of semi-detached regency villas; 125 and 127 Promenade, a grade II\* a pair of semi-detached regency villas; 129 (Gloucester Lodge) and 131 (Sherborne Lodge) Promenade, grade II\* a pair of semi-detached Regency villas; 133 (Clarence House) Promenade, grade II\* Regency villa; and The Queen's Hotel, Imperial Square, a grade II\* listed Regency Hotel.

The site is also located within the Central Conservation Area: Montpellier Character Area. The area is noted within the Central Conservation Area Montpellier Character Area Appraisal and Management Plan adopted 2007 (the Appraisal) for predominantly containing Regency buildings, with the presence of many complete and uniform formal terraces, large villas set within spacious grounds. It is also noted within the Appraisal for containing three important areas of public open space, which includes Imperial Gardens. These formal gardens are stated as greatly enhancing the character and appearance of the Montpellier, and the setting of surrounding buildings. The Appraisal also notes the Promenade, which contains the town centre's southern spine and one of the town's most visually striking streets.

Regarding the justification for the proposed works in heritage terms, it is considered the supporting information within the application does not fully recognise the significance of the site and its context. It is also considered unclear from the submitted application why the continued need for a temporary orangery structure is required given the lifting of Covid restrictions and why this use cannot be accommodated within the Town Hall or within the open air as it previously operated. Concern is therefore raised over the principle of retaining the structure, even on a temporary basis, in heritage terms as it has not been demonstrated why Cheltenham Town Hall cannot accommodate the bar without a temporary structure.

The proposal is therefore considered to fail to meet the requirement of paragraph 194 of the NPPF, which requires an applicant to describe the significance of any heritage assets affected by a development proposal, including any contribution made by their setting, with the level of detail proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance. It also fails to address paragraph 200 of the NPPF, which requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), to require clear and convincing justification.

In terms of the design of the orangery structure, it is not a tailored response to the site and its setting, the cumulative impact of its temporary appearance, scale and massing, design detailing and prominent location within Imperial Gardens and surrounding context considered to respond poorly to the sensitivity of its setting. The proposed orangery structure, due to its temporary appearance and prominent location, is considered to appear incongruous within its context and therefore detract from Imperial Gardens and the setting of the affected heritage assets, an unacceptable impact even on a temporary basis.

The impact of the proposed works on the setting of listed buildings and the conservation area is considered to neither sustain or enhance their special interest as required by Paragraph 197 of the NPPF and does not meet the requirement of paragraph 199 of the

NPPF, which requires great weight be given to the asset's conservation, which includes setting. The temporary retention of the existing bar is considered to cause harm to the setting of the affected listed buildings, which is considered less than substantial harm for the purposes of the NPPF, with poor understanding of the affected heritage assets and justification. The development proposal does not to 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.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the NPPF requires this harm be weighed against the public benefits of the proposal. It is important this exercise be undertaken as a separate exercise to the general planning balance as it is distinct from it. If consent is granted due to the public benefits associated with the development proposal being considered to outweigh the harm, it is advised it be made clear to the agent and applicant within an informative as part of the decision notice that further renewal of any temporary consent would not be granted, as this by proxy would unacceptably prolong this harmful impact on the affected heritage assets.

### **The Victorian Society**

*13th September 2022 -*

RE: 22/01438/FUL | Temporary change of use of land for up to two years for the siting of an orangery structure to be used as a cafe | Cheltenham Town Hall Imperial Square Cheltenham Gloucestershire GL50 1QA

The Victorian Society was informed of this application by a concerned member of the public. We object to the proposal.

Cheltenham Town Hall is a significant Grade II listed building by the important local architect F W Waller. Designed in 1901, it represents one of the most important buildings in the town that postdates its development in the Regency Period. Although the Town Hall's principal elevation is on the north-eastern side of Imperial Square, it still sits within Imperial Gardens and can be appreciated on all sides, this is an important part of its character.

This proposal is to retain a temporary 'orangery' structure for a period of 2 years which was erected under Permitted Development Rights during the Covid-19 pandemic, and which has remained in place despite contravening current Permitted Development Rights for temporary buildings on at least three accounts (height of the structure, period of use, and display of advertisements within/on the structure). While we appreciate the submission of an application to regularise this situation, we are concerned about the harm the retention of the structure will cause to the setting of the listed building.

The structure, by its temporary nature, is not of a design quality appropriate for its location next to prominent listed building and within a public space of high significance.

Furthermore, the siting of the structure relates poorly to the formal layout of Imperial Gardens. These combined mean that the temporary structure detracts from the listed building and its setting. Considering this harm, the temporary structure should not remain in place any longer than is strictly necessary.

The Victorian Society understands the economic benefit the temporary building has created and given that historically there was a large winter garden in Imperial Gardens we recognise that there is an opportunity for a permanent building in this area. However, any proposed building must be of the highest design quality and sensitive to the nearby heritage assets. If the applicant is considering this, we urge them to consult the Victorian Society at an early stage in the development of plans.

The NPPF is clear about the desirability of sustaining and enhancing the significance of heritage assets, and that 'Local planning authorities should look for opportunities for new

development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.' The retention of this building for a further 2 years would not better enhance the significance of the listed building. Therefore, we object to the proposal.

### **Cheltenham Civic Society**

*8th September 2022 –*

Cheltenham Civic Society believes that only a one year, and final, extension should be allowed. The orangery in Imperial Square was erected in August 2021 as a temporary structure without planning permission under arrangements put in place to support hospitality businesses during the COVID-19 pandemic. These arrangements were originally to run until 1 January 2022, but were reviewed and extended till the end of September 2022. A proposal (21/02620/FUL) was made last November to retain the current temporary orangery structure on a permanent basis, but this was withdrawn in December.

Class BB was effective from 2 January 2022 (over 8 months ago) under the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021. The pertinent parts of this Order as they apply to listed buildings enable permitted development of one moveable structure within the curtilage of a listed building, for a total of no more than 120 days per year, with a maximum height of 3 metres, and with a footprint of the lesser of 50% of the footprint of the building or 50 square metres, and is not to be used for advertising. We doubt that the current structure, and the way in which it is operated, are fully in compliance with these conditions.

COVID restrictions are no longer in place and the extension till September is about to expire, so the present application should be considered solely on its planning merits.

The orangery lies within the curtilage of the Grade II listed Town Hall and intrudes into one of the finest squares in Cheltenham, whose gardens are greatly valued by residents and visitors. The accompanying heritage statement argues that the "modest temporary structure is discreetly and unobtrusively positioned against the backdrop of the less sensitive southern and western elevations of the Town Hall". The planning statement says the Cheltenham Trust (CT) are actively working on securing a permanent building design that is appropriate to the historic setting, but that this will inevitably take time.

### Issues

The Civic Society recognises the popularity of the café and that there is a need for a permanent facility of this kind at the edge of Imperial Square. This is well borne out by the letters of support that the proposal has attracted. The Society also recognises the importance of the income generated by the café for the finances of the CT.

However, the current design is not satisfactory: it both looks and is lightweight and temporary. It is poorly insulated and would doubtless fail the test of carbon efficiency introduced by the Council's new Climate Change SPD. It does not enhance the setting of the Town Hall. Also, it is now spilling out with picnic tables encroaching into the green space around.

Moreover, this application cannot be assessed in isolation from other potentially intrusive uses of Imperial Square, notably the temporary use of a large part of it as a skating rink and the occasional erection of an outdoor cinema and a Ferris wheel. The cumulative effect is to alter the character of Imperial Square so that it becomes less of a place where one can find peace and quiet off the busy Promenade.

The Civic Society accepts that a café is needed in the square but the urgent need is to find a better and permanent solution than the one in place now. The society is therefore disappointed that the CT seeks a full two year extension to the temporary use in order to

come up with proposals for a permanent scheme. Such work should have put in hand months ago.

### Recommendation

We urge the council to:

- Agree to a one year extension only
- Call upon the CT to come up with a permanent scheme by the end six months which respects the historic character of the Town Hall and Imperial Square
- Make it categorically clear to CT that no further temporary permission will be granted.

### **Historic England**

*16th August 2022 –*

We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

### **Environmental Health**

*23rd August 2022 –*

In relation to application 22/01438/FUL Cheltenham Town Hall, please could I request a condition on the following lines, should permission be granted.

Condition:

The operational hours to be restricted to those detailed in the application: Monday to Friday 11:00-20:00. Saturday 11:00-22:00. Sundays and Bank Holidays 11:00-17:00.

Reason:

To prevent noise from legitimate use of the premises from causing loss of amenity to residential properties in the vicinity.

### **Tree Officer**

*19th August 2022 -*

Whilst there are existing flowering pear trees within the footprint of this application, they pre-existed the development and as such the Orangery has been built taking these trees into account.

It is not envisaged that the trees concerned will not grow to such an extent within the next 2 years that the build will need modifying or the trees need pruning.

As such the CBC Tree Section does not object to this application.

### **GCC Highways Planning Liaison Officer**

*3rd October 2022 –*

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore submits a response of no objection.

**Parks & Landscapes Division**

*31st August 2022 –*

Green Space Development do not object to this application recognising the value of the café to the Cheltenham Trust. We would like to be involved as plans develop for a more permanent solution, beyond the timescales of this application, recognising that Imperial Gardens is an important public open space.

**Property Services**

*2nd September 2022 –*

Further to your recent correspondence in respect of the above planning application, the various planning and associated arguments put forward for the proposals are acknowledged. We will, therefore, accede to the judgement of the Local Planning Authority to determine this application appropriately and as landowner, have no objection in principle in terms of the planning issues.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	n/a
Total comments received	11
Number of objections	1
Number of supporting	9
General comment	1

5.1 The application was publicised by way of a number of site notices erected around Imperial Gardens, and an advert in the Gloucestershire Echo; eleven responses have been received; as shown in the above table.

5.2 In addition to the comments received as set out above, there have been 11 petitions submitted in support the proposed structure.

5.3 A summary of the main comments raised are set out below:

Support

- Platform for encouraging and supporting local artists/businesses
- Creates a sense of community and a place to meet and socialise
- Provides employment
- Key role for the town's economy
- Area with open space
- Income for the Trust and re-investment into the town/heritage assets

Objections

- Nuisance and noise issues from live music events and suggest a number of conditions to ensure nuisance is kept to a minimum
- Uses up green space within the town
- Sets a precedent
- Area of café/bar is spreading beyond the structure

**6. OFFICER COMMENTS**

**6.1 Determining Issues**



6.2 The key considerations for this application are;

- The impact on designated heritage assets,
- The public benefits of the structure/use,
- The impact on neighbouring amenity,
- Any highway implications as a result of the proposed use and structure,
- Sustainable development, and
- Impact on trees.

### 6.3 **The site and its context**

6.4 As outlined in the introduction, the Cheltenham Trust has benefitted from the Councils relaxation of enforcement for temporary structures, however this relaxation has now come to an end. The structure was erected in August 2021 is now sought to be retained along with a temporary change of use of the land.

6.5 The site relates to the existing Garden Bar which is located to the rear of the Cheltenham Town Hall within the Imperial Gardens. The site is surrounded by a number of listed buildings to the East, South and West of the application site, as well as the grade II listed Town Hall for which the application relates to. The Garden Bar was in operation prior to the COVID-19 pandemic, however provided external seating only.

6.6 The proposed orangery structure has been erected on a grassed area to the front of the existing Garden Bar. The orangery has a footprint of 10 metres by 10 metres, and a pitched roof with a maximum height of approximately 4.3 metres. The structure has a grey steel frame, with glazed panels to form the side elevations and pvc panels to the roof. To the front (west) of the structure is an L-shaped raised decked area which wraps around to the side (south) of the structure providing additional external seating.

6.7 Surrounding the site is a mix of residential, commercial, restaurant/bar/cafe uses, and is located within the core commercial area of Cheltenham's town centre.

### 6.8 **Heritage impacts**

6.9 Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment.

6.10 Paragraph 199 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.”*

6.11 Paragraph 200 of the NPPF states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

6.12 The proposed structure is sited to the rear of the grade II listed Town Hall; the structure is not fixed to the listed building. The structure is sited within the Imperial Gardens which is surrounded by a number of grade II\* listed buildings to the East, South and West of the application site.

- 6.13 Concerns and objections have been received by the Council's conservation officer, the Civic Society and The Victorian Society; all comments received can be read above.
- 6.14 The conservation officer sets out that the supporting information does not fully recognise the significance of the site and its context, nor does it set out the need for the continued retention of the structure following the lifting of COVID-19 restrictions and why the café/bar cannot go back to its previous open air operation. The retention of the structure, even on a temporary basis, is not considered by the conservation officer to sustain or enhance the special interest of the designated heritage asset. It has therefore been identified that the structure is considered less than substantial harm when assessed against the NPPF.
- 6.15 Following the receipt of the conservation officers comments, the applicant has submitted a further justification statement (received 6<sup>th</sup> October 2022) which sets out a timeline for the future plans of the site. This statement also sets out that the structure would provide for the Garden Bar to be open year round which is vital for The Cheltenham Trust economically; this consideration is covered in detail below.
- 6.16 Whilst a level of harm has been identified by the conservation officer, officers are mindful that the principle elevation of the listed Town Hall fronts Oriel Road. The proposed structure is located to the rear of the Town Hall and therefore the principle elevation and key views of the listed Town Hall would not be obscured by the structure. The conservation officer comments also state that the setting of the conservation area and listed buildings surrounding Imperial Gardens would be impacted; however whilst these comments have been noted, the structure is seeking consent on a temporary basis and therefore any wider harm would be temporary.
- 6.17 Public benefits**
- 6.18 As discussed above, the development is considered to result in harm to the setting of the grade II listed Town Hall, and other the surrounding listed buildings. The conservation officer has identified the proposed structure would result in harm to the designated heritage assets and that level of harm to be less than substantial. As such, Paragraph 202 of the NPPF is relevant.
- 6.19 Paragraph 202 of the NPPF states:
- “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”*
- 6.20 When considering public benefits, the NPPF itself does not define what public benefits are for this purpose. Further guidance is given in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development described in paragraph 8 of the NPPF these objectives are as follows:
- a) Economic - to help build a strong, responsive and competitive economy;
  - b) Social - to support strong, vibrant and healthy communities; and
  - c) Environmental - to protect and enhance our natural, built and historic environment.
- 6.21 The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large but these benefits do not always have to be visible or accessible to the public or to all sections of the public to be genuine public benefits.

6.22 The applicant has submitted a planning statement and supporting information which sets out justification for the temporary retention of the orangery structure in regards to economic, social and environmental benefits.

### 6.23 Economic benefits

6.23.1 The supporting statement sets out that The Cheltenham Trust is a 'not for profit charity' that manages five iconic venues in Cheltenham owned by Cheltenham Borough Council, and is the guardian of much of the town's heritage and the lead provider of culture, heritage, sport, leisure and entertainment. The Cheltenham Trust therefore uses its funds to re-invest into these iconic venues to sustain these important, historic venues and actively contributing to the local and visitor economy.

6.23.2 Due to the threat of insolvency as a result of the pandemic and government restrictions, opportunities to use outdoor spaces for income generators were sought by The Cheltenham Trust leading to the erection of the marquee structure, then the orangery structure to provide a year round weather protected seating area to be associated with the existing Garden Bar.

6.23.3 The supporting information identifies that The Garden Bar café has been a huge and growing success since the structure was erected in June 2020 which has generated a significant increase in revenue for the Cheltenham Trust and therefore contributing sizeable revenue to put back into contributing to the local and visitor economy.

6.23.4 The supporting statement sets out:

*'Without the cafes the Trust would not be in a position to host, or deliver these events [free, accessible events throughout the year], or to provide investment to sustain and maintain the iconic listed buildings that now attract thousands of visitors helping to boost the local and visitor economy and place Cheltenham firmly back on the map following the pandemic'.*

6.23.5 Officers therefore acknowledge that The Cheltenham Trust has clearly set out the economic benefits of the proposed structure and the café/bar use has contributed to The Cheltenham Trust and how this revenue has allowed the organisation to remain viable as well as being able to continue its investment into the town and special historic venues.

### 6.24 Social benefits

6.24.1 The supporting information has set out how The Cheltenham Trust supports the local community by hosting free and accessible events, as well as creating popular visitor destinations. Within the comments received during the public consultation period, a number of residents have identified how the café provides a space for socialisation and meet ups, and creates a sense of community.

### 6.25 **Impact on heritage assets versus public benefit test**

6.26 As set out in the conservation officers comments, and discussed above, harm to the setting of designated heritage assets has been identified. With this in mind the identified harm shall be weighed against the public benefits of the scheme as per paragraph 202 of the NPPF.

6.27 The Cheltenham Trust have clearly identified public benefits of the scheme which include economic benefits; seeing revenue reinvested back into the Town as well as important heritage assets, and social benefits; providing a place for local residents and tourists to enjoy social gatherings. It has been demonstrated that the since the structure has been

erected The Cheltenham Trust income has increased which has enabled the continued running of The Cheltenham Trust and protection of key sites and events within the Town.

6.28 Whilst harm to the setting of designated heritage assets, adjacent to and surrounding the application site has been identified, it is considered here that due to the location of the structure to the rear of the listed Town Hall, the impact upon this heritage asset is lessened as key views of the building and wider designated heritage assets would not be obscured.

6.29 Officers are also mindful that the structure was only allowed to be erected on a temporary basis due to the relaxation in enforcement initiative imposed by the Council in direct response to the COVID-19 pandemic and the associated restrictions put in place by the Government. Officers have taken into consideration when determining the impacts as a result of this proposal, that The Cheltenham Trust are seeking a two year temporary permission whilst a more permanent solution to provide the existing facilities is explored and developed. The Cheltenham Trust submitted a justification statement for the temporary permission, albeit late in the decision making process, that sets out a clear timeline to explore a permanent solution.

6.30 On balance, taking all of the above into consideration; the public benefits are considered to tip the balance in favour of the application when considering harm to heritage assets in this instance. The location of the structure to the rear of the listed Town Hall, the two year period in which the structure would remain and the public benefits are considered to tip the balance in terms of acceptability, and therefore the structure is considered to be acceptable when assessing the heritage impacts against the public benefits.

### **6.31 Impact on neighbouring property**

6.32 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; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.

6.33 Due to the position of the structure within the site, its height and its relationship with neighbouring land users, the proposal is not considered to result in any unacceptable loss of light or overbearing impact on any neighbouring land user.

6.34 Concerns have been raised by local residents in regards to a nuisance from noise generated from the proposed use. Whilst the predominant use in the vicinity of the site is commercial, restaurant, bar, café uses, there are a number of residential uses that surrounds Imperial Gardens. The Environmental Health Officer has commented on the scheme and suggests a condition for operational hours; the hours are as per those set out within the application form which are Monday to Friday: 11:00 - 20:00, Saturday: 11:00 - 22:00, and Sundays and Bank Holidays: 11:00 - 17:00. These hours are considered to be acceptable given the location of the site within the town centre and core commercial area; as such the hours are considered to be appropriate and would reasonably protect the amenity of surrounding residential properties; the suggested condition has been added.

6.35 It is considered that the as a result of the proposed structure there would not be an unacceptable impact on neighbouring amenity; the proposal would therefore comply with the relevant planning policies.

### **6.36 Access and highway issues**

6.37 Adopted JCS policy INF1 sets out that planning permission will only be granted where the impact of the development is not considered to be severe.

6.38 Gloucestershire County Council Highways officer has been consulted on the application; full comments can be read above. The Highways officer has identified that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion, as such no objection has been raised. The proposal is therefore considered to comply with policy INF1 of the JCS.

### 6.39 Sustainable development

6.40 In June 2022, Cheltenham's Climate Change SDP was adopted which identifies and provides guidance for how development can contribute to the aims of sustainability to achieve net zero carbon by 2030.

6.41 Given the temporary nature of the proposal, officers acknowledge there is little opportunity to include specific low carbon technologies. The applicant has submitted a sustainability statement to address how the development would accord with the aforementioned SPD. The statement sets out the following measures, solar gain, ventilation, sustainable infrared heating panels, energy efficient lighting. Given the nature of the proposed development these measures are considered to be acceptable in this instance.

### 6.42 Other considerations

#### 6.43 Trees

6.44 There are existing trees located within the footprint of the proposed structure, specifically the decked area. The Tree officer has therefore comments on the scheme; full comments can be read above. The Tree officer has raised no objection to the scheme as it is considered that over the next two years the applicant is seeking to retain the structure, the trees are not considered to be impacted by the siting of the structure. The proposal would therefore comply with policy GI2 and GI3 of the Cheltenham Plan.

#### 6.45 Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three 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; and
- 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 is considered to be acceptable.

## 7. CONCLUSION AND RECOMMENDATION

7.1 Taking all of the matters raised and discussed in this report, on balance the proposal of retaining the structure and associated use for a further two years whilst The Cheltenham Trust develop a permanent solution, is considered to be acceptable and accord with the relevant planning policies and guidance.

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

## 8. CONDITIONS / INFORMATIVES

- 1 The use and structure hereby permitted shall be removed and the land restored to its former condition on or before 20th October 2024.

Reason: Permanent building(s) on this site may detract from the amenities of the locality, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4, SD8 and SD14 of the Joint Core Strategy (2017).

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 3 The operation hours shall be restricted to:

Monday to Friday: 11:00 - 20:00,  
Saturday: 11:00 - 22:00,  
Sundays and Bank Holidays: 11:00 - 17:00

Reason: To safeguard the amenities of the locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 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.

<b>APPLICATION NO:</b> 22/01438/FUL	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 10th August 2022	<b>DATE OF EXPIRY :</b> 5th October 2022
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	The Cheltenham Trust
<b>LOCATION:</b>	Cheltenham Town Hall Imperial Square Cheltenham
<b>PROPOSAL:</b>	Temporary change of use of land for up to two years for the siting of an orangery structure to be used as a cafe

## REPRESENTATIONS

Number of contributors	<b>11</b>
Number of objections	<b>1</b>
Number of representations	<b>1</b>
Number of supporting	<b>9</b>

36D The Broad Walk  
Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QG

### Comments: 1st September 2022

I have no objection to the café side of the business, it is very welcome. However, as a live music venue it is undesirable due to the historical and ongoing problems with noise nuisance from the live music events. Clearly, as not every event causes nuisance, this can only be down to poor event management. I would suggest that permission should only be granted under the following conditions.

- Hours of opening be restricted to those detailed in the application: Monday to Friday 11:00-20:00. Saturday 11:00-22:00. Sundays and Bank Holidays 11:00-17:00.
- The conditions imposed by the Town Hall's current licence operating schedule be strictly adhered to.

Specifically:

(e) All windows (and doors) in areas where any regulated entertainment occurs shall be kept shut during these activities.

(f) Where any regulated entertainment occurs at the premises, the Designated Premises Supervisor, or a person nominated by them, will ensure that noise from such activities is effectively inaudible inside the nearest noise sensitive premises.

3. To ensure (f) above the mobile number of the on duty manager should be provided to all Imperial Square residents so noise nuisance can be reported and corrected in real time.

4. All live music events should take place within the Orangery. There should be no outdoor events.

32 Imperial Square  
Cheltenham  
Gloucestershire  
GL50 1QZ

**Comments:** 1st September 2022

I object to the change of use proposal as the cafe uses up green space in the town. It was able to build there during Covid because of exceptional circumstances, and if given permission to keep the temporary building it will be used by other restaurant and bars as a reason to be able to keep theirs.

It seems to have spread out further over the grass with pub/picnic trestle tables that are very ugly. Perhaps next year it will spread further?

It is exceedingly noisy sometimes. I have a telephone number to ring when the noise is unbearable but it is never answered.

16 St Albans Close  
Glos  
GL51 3DF

**Comments:** 6th September 2022

I hope this email finds you well. I have recently been notified of the fact that the Cheltenham Trust is looking to apply for planning permission for both of their structures at the Pump Rooms and Imperial Gardens. These cafes have been excellent platforms for encouraging creativity and supporting local artists as well as a sense of community for the wider public.

From my perspective, the Garden Bar Orangery has provided me with continued employment as a musician which has been extremely difficult to come by in the last two years due to Covid. I am also well connected with other musicians who have commented on the support that the Cheltenham Trust has provided them with, as well as members of the public who enjoy the free entertainment from local talent. It would be extremely detrimental to the community if these places were shut down due to not only the loss of an excellent support and employment network for local artists but also of over 40 jobs.

Not-for-profit organizations such as this one can be hard to come by, especially ones that so clearly care for the well-being and continued growth of local culture. It is this which has led me to write this email. I sincerely hope that you come to the conclusion that granting their application for planning permission (reference 22/01438/FUL) would be greatly beneficial to Cheltenham and its residents.



Cheltenham BID  
First Floor, Isbourne House  
3 Wolseley Terrace, Oriel Road  
Cheltenham  
GL50 1TH

**Comments:** 2nd September 2022

To Whom It May Concern,

I write to show our support of the above planning application by Cheltenham Trust in relation to the temporary structure behind the Town Hall. The structure is within the Cheltenham BID zone so I feel we have a duty to comment on this planning application. The Garden Bar in Imperial Gardens has played a key role to the economy of the town centre in the last two years. The venue provided a place for people to meet and socialise, safely, whilst there were Covid-19 related restrictions in place. Since the lifting of these restrictions the venue has continued to go from strength to strength by hosting events and providing a platform for many local musicians and artists to perform. The venue is often busy and this shows that the community really value not just the food and drink offering but also the cultural events that are hosted.

The venue also provides vital employment for local people including chefs, café and bar staff. It is also important to note that the Garden Bar is a not-for-profit café and this allows any profit made to be reinvested to maintain an important heritage building in Cheltenham, the Town Hall.

161 St Georges Road  
Cheltenham  
Gloucestershire  
GL50 3EJ

**Comments:** 2nd September 2022

I write to support the planning application of the Cheltenham Trust Orangeries at Imperial Gardens and Pittville Pump Rooms.

These community cafes I believe are now an important part of Cheltenham life and about the only place where individuals; young people; families, visitors to the town and the older generation can mix anytime of the day in the centre of Cheltenham and Pittville.

They have proved to be hugely popular and provide a valuable offer to the whole community. I use them both regularly for coffee; drinks and food. We lack this diverse space in Cheltenham which is increasingly becoming polarised and the town centre longer term will suffer from the lack of areas for the general public to meet and enjoy some open space and access to the resources provided by the Trust. Cheltenham is becoming increasingly an expensive and overpriced destination and people will eventually vote with their feet. We need more diversity in Cheltenham.

The contribution the cafes make to the trust's income is significant as the orangeries are not for profit cafes. Supporting the community as vibrant social hubs and now significant visitor destinations, the orangeries offer free year round community events enabled by the café income. This re-investment is vital in supporting the important heritage buildings they adjoin, helping to secure the future sustainability of both the iconic Cheltenham Town Hall and Pittville Pump rooms.

I understand that If the temporary applications are refused both cafés would close, with the loss of c40 jobs including chefs, café and bar staff. In addition the many local musicians and artists that perform at the Garden Bar Orangery and Heritage Deco café would also suffer.

Please look further into the future and what Cheltenham needs to look like.

4 Mayflower House  
Leckhampton Place  
Cheltenham  
Gloucestershire  
GL53 0FB

### **Comments:** 2nd September 2022

We are writing to you to voice our wholehearted support towards the planning applications 22/01439/FUL for the Heritage Deco Café at Pittville Pump Room, and 22/01438/FUL for the Garden Bar Orangery at Cheltenham Town Hall.

We (Fire & Flow Limited) have been working with Cheltenham Trust for the last 10 months, providing coffee, tea and various coffee shop related products to both locations. As a business we have dedicated a significant amount of time and resources to set up, train and support these two locations, and it's a real financial worry to our business if they were not allowed to continue trading.

As a business, these two sites contribute a significant portion of our revenue, which supports 4 full-time employees salaries within Gloucestershire. If we were to lose this income, it would put significant strain on our entire business, and may potentially result in the loss of jobs and/or put the business at risk.

From a personal standpoint (\*\*\*\*\* writing - I am a Cheltenham resident and taxpayer), I feel that both locations add a significant amount of value to the local community. Pittville Park is an amazing location, and the Heritage Deco Cafe not only adds a great resource for visitors to this park to use, but it also draws in people from the wider community. I have friends who travel from as far as Swindon and Chippenham, coming to this park and cafe, and in doing so, supporting the local commerce/economy.

I live in Leckhampton, and would not normally travel across town to the Pump Rooms, but given the amazing offer that has popped up at the Heritage Deco Cafe, I have now have made, and continue to make, numerous trips across town to enjoy both the park, the Heritage Cafe and other surrounding local businesses.

We hand deliver orders to both these locations, and during these deliveries I have had many great conversations with the customers who use them. I recall one such conversation with an elderly gentleman at Heritage Cafe. He was speaking to me about how he comes every day for a coffee, and was glad to have such an amazing location on his doorstep, given his mobility issues. These are the kind of residents who will be impacted most, and this should be deeply considered, especially given the difficult times we are in and have been through recently.

The Imperial Garden Bar provides a peaceful 'getaway' in the heart of Cheltenham, perfect for those who want to sit down and relax outside of the hustle and bustle of the town centre. It's an amazing location for families with children, people with dogs, and the

elderly. I had never previously spent much time in this area of town, but approx. 1 year ago, having heard about local live music at this location, I visited to check it out. Having enjoyed that night, the Imperial Garden bar and the other surrounding food & drink businesses have become a regular checkpoint for my wife, my friends and I.

I really do feel it would be a huge loss to the local community to remove both cafes, and I strongly urge you to approve this planning permission, not only for the sake of the 40 staff who would lose their jobs, but also the loss of income for other local businesses (such as ourselves), and not to mention the loss of two great locations for the residents of this town.

The email is sent on behalf of all 4 of our employees (all copied), who all support the approval of this planning application:

Thank you for your consideration, and I'd be happy to speak to anyone further on the above points.

4 Mayflower House  
Leckhampton Place  
Cheltenham  
Gloucestershire  
GL53 0FB

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have made, and continue to make, numerous trips across town to enjoy both the park, the Heritage Cafe and other surrounding local businesses.

We hand deliver orders to both these locations, and during these deliveries I have had many great conversations with the customers who use them. I recall one such conversation with an elderly gentleman at Heritage Cafe. He was speaking to me about how he comes every day for a coffee, and was glad to have such an amazing location on his doorstep, given his mobility issues. These are the kind of residents who will be impacted most, and this should be deeply considered, especially given the difficult times we are in and have been through recently.

The Imperial Garden Bar provides a peaceful 'getaway' in the heart of Cheltenham, perfect for those who want to sit down and relax outside of the hustle and bustle of the town centre. It's an amazing location for families with children, people with dogs, and the elderly. I had never previously spent much time in this area of town, but approx. 1 year ago, having heard about local live music at this location, I visited to check it out. Having enjoyed that night, the Imperial Garden bar and the other surrounding food & drink businesses have become a regular checkpoint for my wife, my friends and I.

I really do feel it would be a huge loss to the local community to remove both cafes, and I strongly urge you to approve this planning permission, not only for the sake of the 40 staff who would lose their jobs, but also the loss of income for other local businesses (such as ourselves), and not to mention the loss of two great locations for the residents of this town.

The email is sent on behalf of all 4 of our employees (all copied), who all support the approval of this planning application:

Thank you for your consideration, and I'd be happy to speak to anyone further on the above points.

WI House  
2 Brunswick Square  
Gloucester  
GL1 1UL

### **Comments:** 5th September 2022

The trustees of Gloucestershire Federation of Womens Institutes would like to offer their support for the temporary planning permission for two years for the temporary structures at the Garden Bar, alongside Cheltenham Town Hall, and the Heritage Deco café, on the west side of Pittville Pump Room.

Gloucestershire Federation of WIs regularly holds events at both Cheltenham Town Hall and Pittville Pump Rooms to engage and entertain not just its members who number almost 4000 across the County, but also the general public. Attendees to these events benefit greatly from the facility offered by these two cafes which have provided places to socialise and offer a well-ventilated environment.

The only thing we would add is that we would welcome the introduction of free short stay parking (up to 90 minutes) in the car park adjacent to Pittville Pump Rooms, to encourage even greater use of the facility as a community hub.

67 Pecked Lane  
Bishops Cleeve  
Cheltenham  
GL52 8JS

**Comments:** 15th September 2022

I use the Heritage Deco Café almost on a daily basis, I have found that a large number of people often meet friends that if it wasn't for these two Cafés would not have even met. I certainly have many more friends including all of the friendly staff since the Deco Café opened. Its location next to the Historic Pittville Pump Rooms makes it one of the best places to visit in Gloucestershire.

I heard on the news very recently that 46% of people say they are lonely, I don't remember if this was general or related to older people. The Cafés go along way to helping people connect.

In these difficult times it is essential that we help people to keep talking to each other, these meeting places do what the 'NHS Lets Talk' fails to do. So continue to do positive things "AND GRANT PLANNING PERMISSION" for the two Cafés.

18 Fitzgerald Avenue  
Highworth  
Swindon  
Sn6 7jj

**Comments:** 5th September 2022

We are writing to you to voice our wholehearted support towards the planning applications 22/01439/FUL for the Heritage Deco Café at Pittville Pump Room, and 22/01438/FUL for the Garden Bar Orangery at Cheltenham Town Hall.

We (Fire & Flow Limited) have been working with Cheltenham Trust for the last 10 months, providing coffee, tea and various coffee shop related products to both locations. As a business we have dedicated a significant amount of time and resources to set up, train and support these two locations, and it's a real financial worry to our business if they were not allowed to continue trading.

As a business, these two sites contribute a significant portion of our revenue, which supports 4 full-time employees salaries within Gloucestershire. If we were to lose this income, it would put significant strain on our entire business, and may potentially result in the loss of jobs and/or put the business at risk.

From a personal standpoint (\*\*\*\*\* writing - I am a Cheltenham resident and taxpayer), I feel that both locations add a significant amount of value to the local community. Pittville Park is an amazing location, and the Heritage Deco Cafe not only adds a great resource for visitors to this park to use, but it also draws in people from the wider community. I have friends who travel from as far as Swindon and Chippenham, coming to this park and cafe, and in doing so, supporting the local commerce/economy.

I live in Leckhampton, and would not normally travel across town to the Pump Rooms, but given the amazing offer that has popped up at the Heritage Deco Cafe, I have now have made, and continue to make, numerous trips across town to enjoy both the park, the Heritage Cafe and other surrounding local businesses.

We hand deliver orders to both these locations, and during these deliveries I have had many great conversations with the customers who use them. I recall one such conversation with an elderly gentleman at Heritage Cafe. He was speaking to me about how he comes every day for a coffee, and was glad to have such an amazing location on his doorstep, given his mobility issues. These are the kind of residents who will be impacted most, and this should be deeply considered, especially given the difficult times we are in and have been through recently.

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The email is sent on behalf of all 4 of our employees (all copied), who all support the approval of this planning application:

Thank you for your consideration, and I'd be happy to speak to anyone further on the above points.

Flat 2  
121 Ashley Road  
Bristol  
BS6 5NU

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# Date Submitted First Name Last Name Email

266 09/20/2022

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273 09/20/2022

274 09/20/2022

276 09/20/2022

277 09/20/2022

278 09/20/2022

279 09/21/2022

280 09/21/2022

281 09/21/2022

Please leave a message of support

This has been a fantastic addition to the cheltenham social scene and must stay

A great and successful venue deserves to be allowed to thrive and continue to be enjoyed.

I support the continuation of these vital community assets.

The Heritage cafe is a wonderful social meeting place,my friends and I go everyday after dog walking.The staff are really friendly and helpful,nothing is too much trouble.The band concerts are great and bring a lot of people to the park.It's the sort of place you could go on your own and still chat to someone,everyone is so friendly.

These are proven important community assets.

I love the cafe in Pittville Park. I have lived in Pittville for more than 20 years, and I wish it had been there all that time. I do not think there is a problem with additional traffic along East Approach Drive, and I have not noticed either smells or noise near the cafe. So many events have been held in front of the Pump Room this summer, bringing a great deal of joy to Cheltenham residents, and introducing many visitors, no doubt, to the beautiful Pump Room.

I used to wonder why the park had no cafe. Now there are visitors all the time, enjoying the building and the spectacular view of the lake while they meet friends and enjoy a coffee.

If there are problems with the design, construction or siting of the cafe, then these are the problems which should be addressed. The cafe should remain for the people of Cheltenham to continue to enjoy.

These facilities need to be retained.

Very happy to make use of the facilities at Cheltenham especially during the Literature Festival

Having been a 'life saver' during the pandemic, the new orangery has become a great asset. Somewhere to bring visitors, to while away a free morning or afternoon and a pleasant stop off on my infrequent cycle rides.

**The Heritage Deco Café at Pittville Pump Room and Garden Bar Orangerie at Cheltenham Town Hall – show your support**

The Heritage Deco Café and Garden Bar Orangerie opened in summer 2020 to support the local community at a time when social interaction was severely limited by the COVID19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangery structures were installed during this period.

The Heritage Deco Café opened with two trestle tables under the portico, the café was an instant success with the community referring to it as its 'lifeline'. Since opening the café has been visited by more than one million customers and has become a significant social and cultural asset for the community.

The Garden Bar Orangerie used to be open every summer and would consist of tables and chairs being brought in and out each day. During the summer of 2020 we put a marquee in place to allow people to sit down and enjoy their food and drink when restrictions allowed to and no matter the weather. Due to its success we build an orangery to allow a new vibrant and fresh space to be available for customers with free live music available regularly for the community to enjoy.

The Cheltenham Trust, a not for profit, independent charity, will be seeking temporary planning permission to retain the orangeries for visitors to continue to enjoy.

We are inviting you to support the continuation of these vital community assets.

Thank you for your support as a valued customer.

The Cheltenham Trust

Name (Print)	Email address	Address and phone number	Signature
[Redacted]		2 Albee Road, Prestbury.	[Redacted]
[Redacted]		" "	[Redacted]
[Redacted]		St Giles Cottage Sandhurst GL2 9NW	[Redacted]
[Redacted]		7. Navigation lane Cheltenham GL53 7BN	[Redacted]
[Redacted]		"	[Redacted]
[Redacted]		St Giles Cottage GL2 9NW	[Redacted]
[Redacted]		53 albermale gate, GL50 4PH	[Redacted]
[Redacted]		14 Norton Lane.	[Redacted]
[Redacted]		5 PORTLAND SAVAGE GL52 2HT	[Redacted]
[Redacted]		9 Cadogan house GL52 2HA	[Redacted]
[Redacted]		078001585732	[Redacted]

#### The Heritage Deco Café at Pittville Pump Room and Garden Bar Orangery at Cheltenham Town Hall – show your support

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The Cheltenham Trust, a not for profit, independent charity, will be seeking temporary planning permission to retain the orangeries for visitors to continue to enjoy.

We are inviting you to support the continuation of these vital community assets by adding your details to our form below.

Thank you for your support as a valued customer.

*If you provide an email address, The Cheltenham Trust will add your details to its database and you will receive email updates, news and offers from The Cheltenham Trust.*

## PETITION

Name

First

Last

Email

Please leave a message of support

Visit our cafes and pick up one of our new loyalty cards across our cafes and bars and we'll say thank you for your support with a free cup of coffee or tea on us. Purchase six cups of tea or coffee and have a free one on us, and then pick up a new card to start collecting for your next free cup of tea or coffee.

**SUBMIT**

#	Date Submitted		
			Please leave a message of support
103	09/08/2022		These caf�s add something exciting and special to both venues, something that is attractive to all types of customers. I have definitely spent more time (and money) at the Pittville Pump Room cafe since the outdoor structure was put up and it would be a shame to see it go.
104	09/10/2022		
106	09/13/2022		Both sites are wonderful community spaces that are a great benefit to the town of Cheltenham
107	09/16/2022		
108	09/16/2022		Please keep this great asset open for us all to enjoy. These are a great addition to Cheltenham and the Town Hall... as a life time resident of Cheltenham it would be a shame to see these assets gone and they have been well used.  Thanks
109	09/16/2022		Mark
110	09/16/2022		Lovely place for a relaxing drink in a safe environment
111	09/16/2022		
112	09/16/2022		I have used this facility and found it to be charming and of great service to Cheltenham and as such should continue.
113	09/16/2022		Lovely to stop half way round a walk of Pottsville park
114	09/16/2022		Love the cafes, brings a wonderful vibrancy to Cheltenham.
115	09/16/2022		
116	09/16/2022		I used to work at both venues before retiring; wished we had both facilities then. Good luck with your efforts
117	09/16/2022		
118	09/16/2022		This is a wonderful asset to Cheltenham and a perfect place to meet up with friends and family! The orangey has been a fantastic addition to imperial gardens and has become somewhat of a hub. I have visited imperial gardens more with the orangey there than ever before and it would be a shame and a loss to Cheltenham for it to go
119	09/16/2022		I think they are an asset worth keeping
120	09/16/2022		
121	09/16/2022		
122	09/16/2022		
123	09/16/2022		

124	09/16/2022		An absolutely fabulous place to stop for a coffee and a chat and discuss all the great things about Cheltenham - it must be retained - it is an essential part of Cheltenham
125	09/16/2022		An excellent amenity for people to meet up in all weathers in an attractive setting. Long may it continue.
126	09/16/2022		
127	09/16/2022		The Heritage Cafe at Pitville is a HUGE asset for the Park. It's also a wonderful venue to meet friends for a catch up. Long may it remain!
128	09/16/2022		We need the cafe & garden bar to remain open as it a lovely place to relax & meet people. Which is very important for so many
129	09/16/2022		I very much support the continuation of the Heritage Deco Cafe and the Garden Bar Orangery which are an asset for residents and an attraction from r visitors.
130	09/16/2022		
131	09/16/2022		These much used and valued spaces need to be retained
132	09/16/2022		We need to keep this very pleasant place
133	09/16/2022		The cafe and orangery are assets and should remain.
134	09/16/2022		I think the orangery cafes beside the Pump Room and the Town Hall should remain. They are are valuable community resources, especially the one by the Pump Room where is very limited other provision. The buildings are light, attractive, and in no way detract from the neighbourhood or the structures they adjoin. Please keep them!
135	09/16/2022		A much needed and utilised facility. Please allow it to remain.
136	09/16/2022		The Pittville Heritage Cafe gives me somewhere with a 'delicious reward' to aim for when out exercising! (I have arthritis)
137	09/16/2022		
138	09/16/2022		
139	09/16/2022		keep them open
140	09/16/2022		
141	09/16/2022		An excellent addition to these venues, brings the community together.
142	09/16/2022		Great community asset!
143	09/16/2022		The cafe is a wonderful place to relax after a walk around the park. It was a godsend during the past two years of restrictions for my family, and we continue to use it as a meeting place.

144 09/16/2022

The Arts are very important to our culture.

145 09/16/2022

Great community facility and great food and drink. Not noisy and always very tidy. A very well used and respected cafe. Please award permission

146 09/16/2022

These are desirable public amenities and should be retained and encouraged

147 09/16/2022

These cafes are popular and well thought off by everyone I know that has visited them.

148 09/16/2022

I would wish these to be preserved as a leisure service and activity for the benefit of residents and visitors alike.

149 09/16/2022

There is great demand for both venues and they provide a great andnity

150 09/16/2022

The extended indoor areas compliment the surroundings and offer a competitively priced service which enables all incomes to enjoy. They also enable older generations to enjoy being out without getting too hot or cold

151 09/16/2022

152 09/16/2022

We so valued what you did during lockdown, the open-air music and jiving was our lifeline....and we continue to support your lovely jive events.

153 09/16/2022

154 09/16/2022

155 09/16/2022

156 09/16/2022

Given the times that we are in, anything that improves the mental welfare of people, by allowing them to relax in pleasant surroundings has to be beneficial to all and the community.

157 09/16/2022

For that reason I support the application and hope that it becomes a permanent fixture.

158 09/16/2022

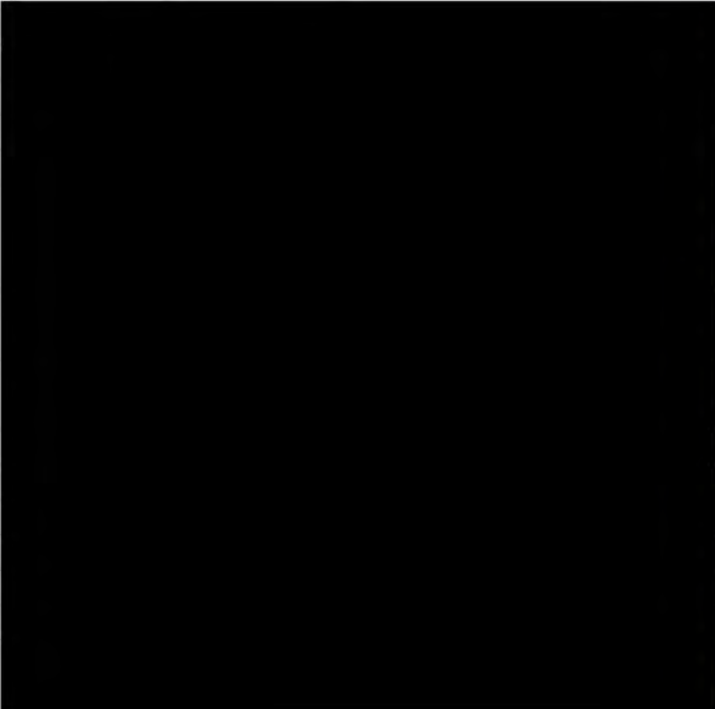
159 09/16/2022

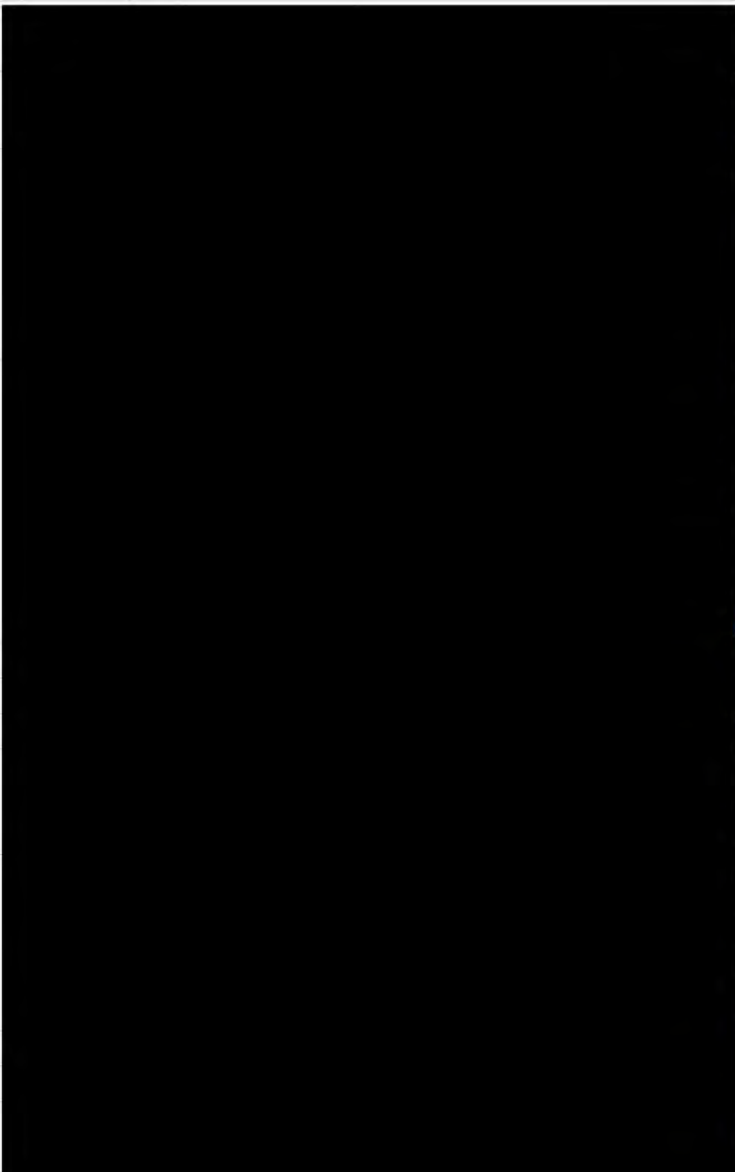

160 09/16/2022

161 09/16/2022

A wonderful addition to one of the lovely gardens of central Cheltenham.

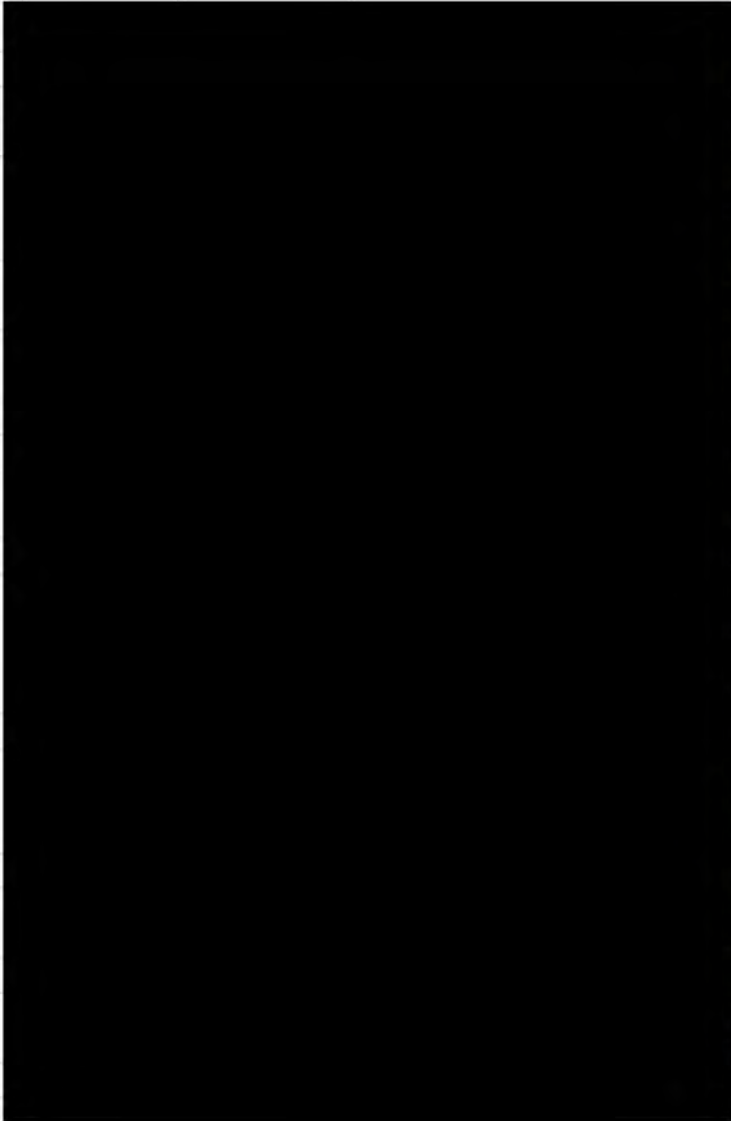


				Cheltenham has been reborn and given a new lease of life with the ever developing venues that this Trust has achieved. During the Panademic theses fledgling venues struggled on to give a sense of hope and community and social interaction that could not be found anywhere else in Cheltenham and under difficult circumstances achieved and formed a new following that is to be commended. They are the life blood of the local community and remain the go to place for so many events and occasions and bring to life those venues that had remained for so long neglected and under funded and brought Cheltenham into the realm as The festival Town it so clearly wishes to be regarded as . They have my thanks and my continued support in all they do and so deserve to be a permanent asset to this town .
162	09/16/2022			
163	09/16/2022			
164	09/16/2022			
165	09/16/2022			
166	09/16/2022			
167	09/16/2022			We moved to Cheltenham one year ago this week and thought the Orangery caf�� was absolutely wonderful. It is a lovely place to sit and watch the world go by and we would be si disappointed to see it close for any reason.
168	09/16/2022			These two cafes are a major benefit for the Town Hall and the Pump Room to get rid of them makes no sense.
169	09/16/2022			I was born in Cheltenham many years ago. I lived abroad for most of my working life but love Cheltenham so much. The orangery in particular must be saved and cherished!
170	09/16/2022			A real asset to the town. Keep I the good work
171	09/16/2022			Please keep the orangery facilities going. We love them!
172	09/16/2022			
173	09/16/2022		Both orangeries are great meeting places and serve a useful purpose in the town	
174	09/16/2022			
175	09/16/2022			
176	09/16/2022		Please leave these facilities, a lot has been invested in these structures and have proved to be most enjoyable.	

177	09/16/2022		A really good addition to both historic buildings and a cost-efficient means of generating income to look after them for the future.	
178	09/16/2022		The Heritage Deco cafe in Pittville park is an important part of the community. It is a centre for all the activities taking place in the Park and the Pump Room	
			The orangery is a great place to meet friends for a coffee. Long may it stay so we can enjoy coffee and cake in beautiful Pittville park.	
179	09/16/2022			
			My wife and I have enjoyed many lunches at the Pump Rooms cafe since the beginning of the year. Now that she is wheelchair bound we still enjoy visiting as the entrance ramps provide ease of access to both the interior and exterior areas. The only reservation is regarding the toilet facilities which are not wheelchair friendly, however, we would be very sad if the cafe was closed.	
180	09/16/2022			Regards, 
181	09/16/2022			Brilliant to have 2 such nice venues itâ€™d be great to retain them - thank you
182	09/16/2022			
183	09/16/2022			Please extend the planning permission for these lovely venues.
			We visit the Art Deco Cafe regularly and also take visitors there. Everyone really enjoys it and comments on how lovely it is and that it fits in so well with the vibrancy of Cheltenham as well as being a fantastic meeting place for the community	
184	09/16/2022			The orangeries have been wonderful places to take refreshments, especially after a walk around the beautiful Pitville Park. My group of friends and I, all over the age of 75yrs, have enjoyed meeting for coffee and cake and of course chat in these two lovely cafes overlooking the gardens. Please , please grant permission for these to become permanent buildings for community benefit.
185	09/16/2022			
186	09/16/2022			Lovely places to meet for a coffee and chat
187	09/16/2022			
188	09/16/2022			Keep up the good work supporting Cheltenham residents and visitors, well done for the initiative

189	09/16/2022		These places are a key feature of Cheltenham and part of its central event venues...don't destroy what makes Cheltenham special!
190	09/17/2022		Wonderful assets to the town. We use both of them regularly and are proud to take our visitors there.
191	09/17/2022		Great spaces, I use them both. An asset to the location
192	09/17/2022		These facilities have been a lifeline for many since the start of Covid and still remain so. The cafes are attractive to look at and should be kept.
193	09/17/2022		Each of these venues has improved facilities for the residents of Cheltenham during Covid "19 and subsequently for residents and visitors to the town.
194	09/17/2022		
195	09/17/2022		
196	09/17/2022		
197	09/17/2022		These cafes are in lovely settings and would be missed.
198	09/17/2022		
199	09/17/2022		
200	09/17/2022		This is a great meeting place that makes a difference to a lot of people's lives.
201	09/17/2022		
202	09/17/2022		
203	09/17/2022		It's a great asset for our town. It brings a community feel to Pittville Park. Many events have taken place since it was built and has enhanced the experience.
204	09/17/2022		Me and my family have sat and watched the world go by sipping a cuppa or two.
205	09/17/2022		It is a real asset and well used Please keep it
206	09/17/2022		The cafe is a real bonus for the park, we go there nearly every week. We support the continuation of this venue for the future.
207	09/17/2022		
208	09/17/2022		The orangeries are a very popular asset - please keep them (but remove the large, unsightly banners from them).
209	09/17/2022		Fantastic venue with wonderful staff. It attracts so many visitors with the beautiful views over Pittville Park, close access to the children's play area and vibrant menu.
210	09/17/2022		
211	09/17/2022		I have visited both these venues many times, they are exceptional as they are set in such beautiful settings and attract many tourists.

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229 09/17/2022  
230 09/17/2022



The extended restaurant facilities at the Pump Room and the Orangery at the Town Hall are a wonderful use of the available space and offer a relaxed up to date vibe. I have used both venues and support a campaign for them to be retained.

Lovely cafe, keep it open!

It has been a wonderful asset, having this Caf  , to be able to meet up with friends, or stop off for a drink, and lovely food, after a walk, it would be sorely missed. It was a wonderful idea, and enhances a visit to the pump rooms.

A very pleasant place to visit surrounded by beautiful views and parkland. The staff are very friendly and helpful. It would be a great shame if this facility was lost to Cheltenham.

I am yet to visit but hope I will be able to in my wheelchair!!

Looks a lovely venue to enjoy     

Please retain the orangeries which have proved to be a lifeline for many customers. I visit regularly and it is a lovely place to meet friends.

A great facility - only draw back is it is a shame the town hall and pump room toilets are not open to use for this but we appreciate the temporary ones anyway.

So lovely to keep in the winter too when we have limited access to the light and outdoors.

These garden bars/cafes are great additions to both locations and suitable for all ages to enjoy. They are visually attractive considering they are   temporary   structures and sympathetic to their surroundings. Let  s hope they are allowed to stay!

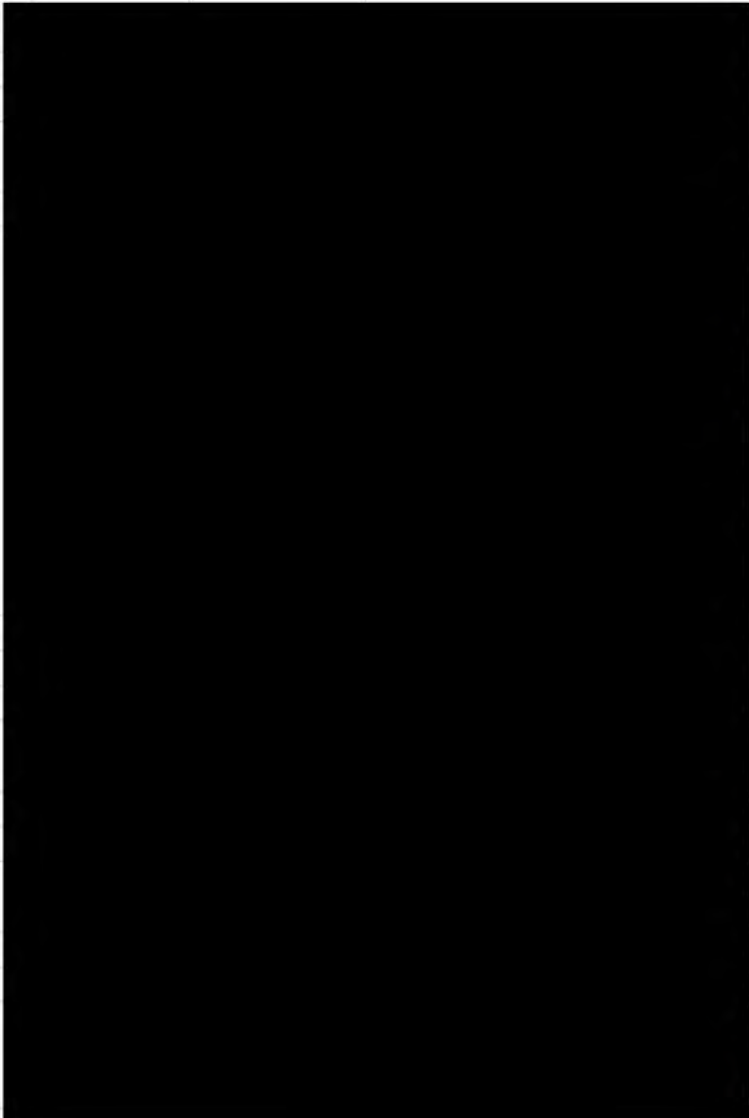
Very happy with all you are doing and planned. Thank you.

The Garden Bar is an excellent facility, that I have many times already since moving to Cheltenham.

Use both and feel they are an asset to residents and visitors.

These facilities are not only good for the public but also give a lot of revenue to the Cheltenham Trust which in turn reinvests it for the good of the community.

Great place for all the family, please keep it open.

231	09/17/2022		I would love these cafes to continue, they are perfect for meeting friends, both in wonderful locations too.	
232	09/17/2022			
233	09/17/2022		great asset to the venue. needs to be kept. looks amazing when lit at night too	
234	09/17/2022		The Cafes are a very welcome addition adding to the enjoyment of visiting the parks in Cheltenham.	
235	09/18/2022			
				It is more vital than ever to retain venues such as this for the benefit of the arts in general, to continue to promote live music and theatre in all its forms. And to provide friendly , welcoming places to enjoy events whilst socialising and supporting the cafe and venue and thereby providing local employment. In my opinion, in the times ahead these are the things that we need to retain in our lives when times are definitely going to be the hardest to bear for many, many people.
				As a regular visitor to Cheltenham, I support this petition and wish you the success you deserve.
236	09/18/2022			END
237	09/18/2022			
238	09/18/2022			please continue to provide a wonderful service.
239	09/18/2022			
240	09/18/2022			These cafes are great amenities for locals and visitors to use, even in the depths of winter (if wrapped up warm!)
241	09/18/2022			
242	09/18/2022			Excellent venues to enjoy the town, thank you. Please keep the orangeries open as they provide a vital income stream for the support of the Trust.
243	09/18/2022			
244	09/18/2022			
245	09/18/2022			
246	09/18/2022		We have used both cafes, the one at the Pump room and also the one at the town hall often , and we would love to be able to continue to use these facilities in the future . They both seem to be used by locals and tourists alike.	

247	09/18/2022		
248	09/18/2022		A wonderful place to meet. I take a friend there who has Alzheimer's she feels safe and happy there unlike other claustrophobic cafes it would be a great loss.
249	09/18/2022		We use one or other of the cafes at least once a week. They were wonderful sanctuaries for us during the pandemic and continue to offer a pleasurable environment in which to watch the world go by. We're very proud of The Cheltenham Trust. Long may you and your facilities continue to thrive! Thank you!
250	09/18/2022		It is so much better than it used to be.
251	09/18/2022		Excellent facilities where people can meet in very pleasant surroundings and enjoy a coffee or snack. We should encourage such use of our heritage facilities and promote Cheltenham as a pleasant place to come.
252	09/18/2022		Lovely addition to Cheltenham - something that the park had been missing. It would be such a backwards step to remove it.
253	09/18/2022		I think both bars run by the Cheltenham Trust, in Imperial Gardens and Pittville, add enormously to the lovely Cheltenham vibe. It makes no sense to me to close either of these venues. The bar in Imperial Gardens and the Cafe in Pittville stepped up during the Covid era to offer additional benefits, presumably investing heavily to ensure a welcoming but safe venue. They can surely run alongside existing/new hospitality businesses to provide both the people of Cheltenham and the many visitors who come to this vibrant festival town more choice.
254	09/18/2022		These venues are assets to our town.
255	09/18/2022		Yes I agree these cafe's should be kept open
256	09/18/2022		Myself and my family have really enjoyed the use of all of these venues. Meeting up with friends for coffee. On other days meeting up with family or grown up children with grandchildren. They have added so much to these areas. Just such beautiful areas to meet up and enjoying the surroundings. both have really brightened up the town, beautiful settings and have been used by everyone I know!
257	09/19/2022		These are very useful venues. I support their continuation.
258	09/19/2022		

259	09/19/2022		The area has been regenerated thanks to the cafe
260	09/19/2022		We often visit the Garden Bar and find it a very good addition to the town centre. We would be saddened to see it go as it has become such a vibrant part of the community.
261	09/19/2022		The heritage cafe & garden bar orangery is such an asset for locals & visitors to our Cheltenham parks.
			The two "temporary" cafes have proven their value to visitors and the local community and should be granted planning permission to remain in situ. The loss of the Orangery in Imperial Square would be a blow to the town as it's such a lovely sunny place to relax and enjoy the gardens in comfort and warmth, particularly in the early Spring and late Autumn. The Orangery helps to confine and reinforce the use of that side of Imperial Square as a refreshment area alongside Bosco and (in time) the new rooftop bar/restaurant.
262	09/19/2022		
263	09/19/2022		
264	09/20/2022		I am a regular user of both cafes. They offer a warm environment to sit during the winter months to enjoy both Pittville Park and Imperial Park.



## **Show your Support for The Cheltenham Trust and The Heritage Deco Café and Garden Bar Orangery**

**Please Sign this petition to show your support for temporary planning permission to keep these cafes open.**



The Heritage Deco Café and Garden Bar Orangery opened in summer 2020 to support the [Page 249]community at a time when social interaction was severely limited by the COVID19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangery structures were installed during this period.

The Heritage Deco Café opened with two trestle tables under the portico, the café was an instant success with the community referring to it as its 'lifeline'. Since opening the café has been visited by more than one million customers and has become a significant social and cultural asset for the community.

The Garden Bar Orangery used to be open every summer and would consist of tables and chairs being brought in and out each day. During the summer of 2020 we put a marquee in place to allow people to sit down and enjoy their food and drink when restrictions allowed to and no matter the weather. Due to its success we build an orangery to allow a new vibrant and fresh space to be available for customers with free live music available regularly for the community to enjoy.

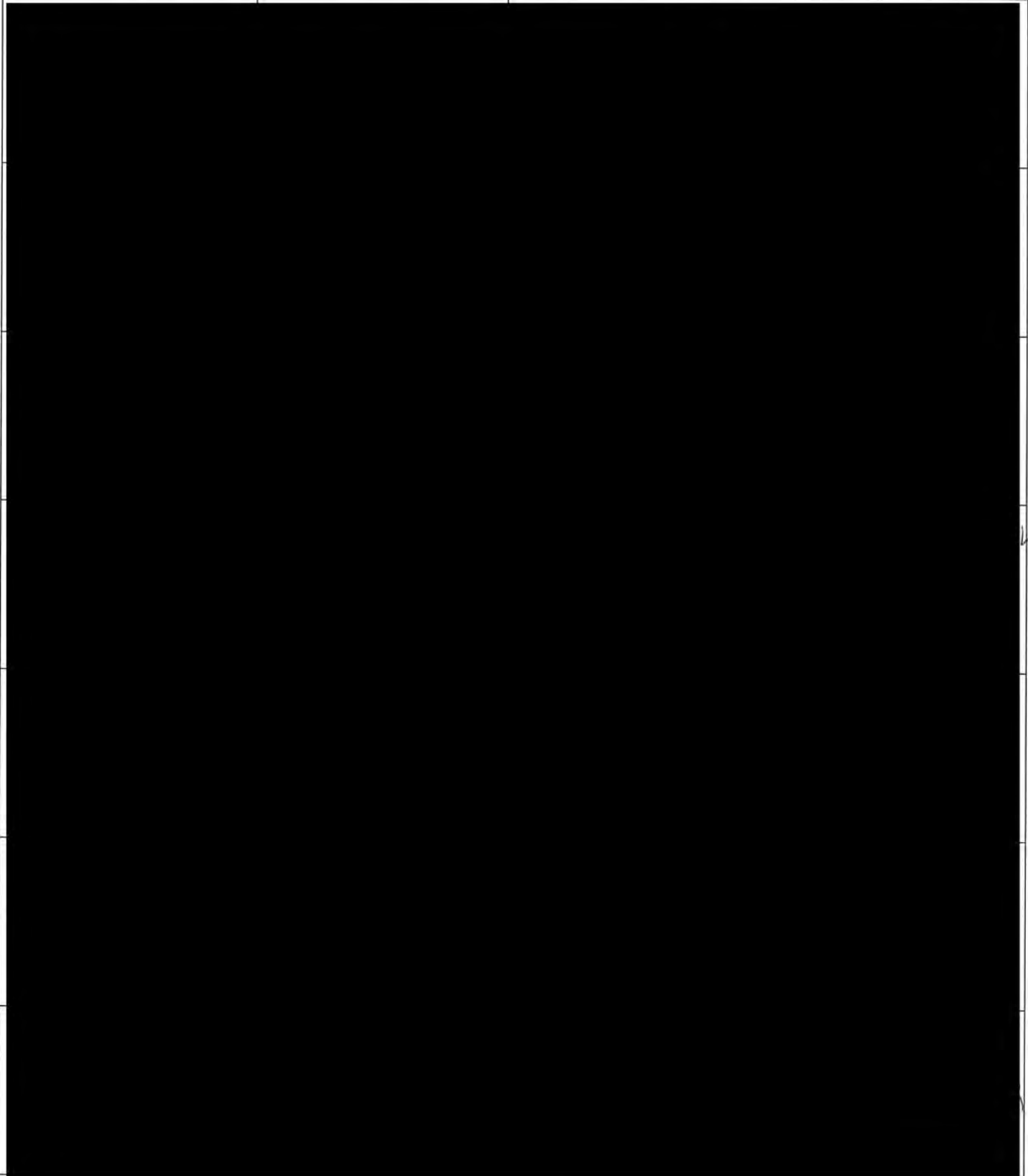
The Cheltenham Trust, a not for profit, independent charity, will be seeking temporary planning permission to retain the orangeries for visitors to continue to enjoy.

We are inviting you to support the continuation of these vital community assets by adding your details to our form below.

Thank you for your support as a valued customer.

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I sign this petition in support of the temporary planning application for the Heritage Café and Garden Bar Orangery

First Name	Surname	Email and signature
		

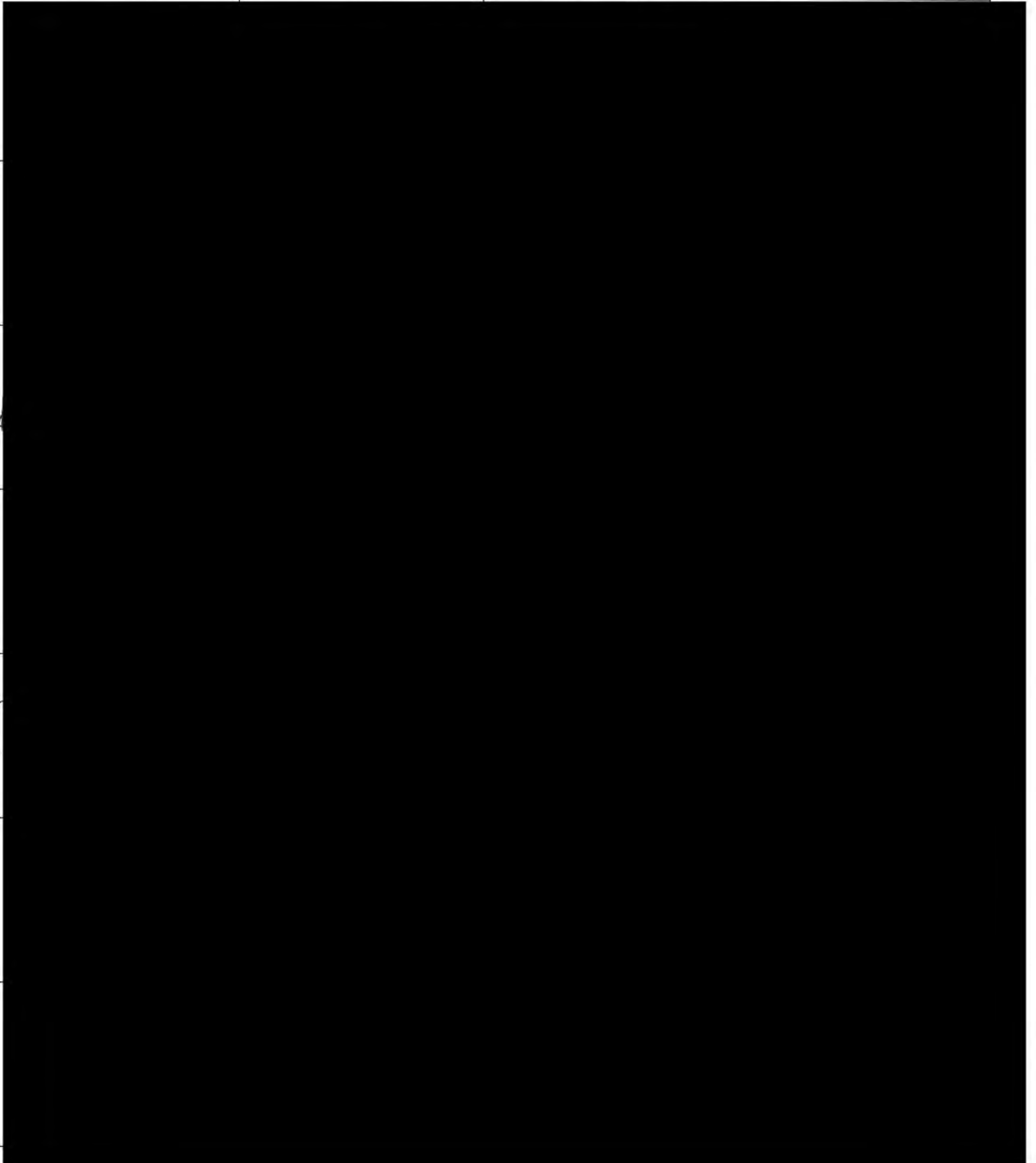
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I sign this petition in support of the temporary planning application for the Heritage <sup>Page 252</sup> Café and Garden Bar Orangery

First Name	Surname	Email and signature
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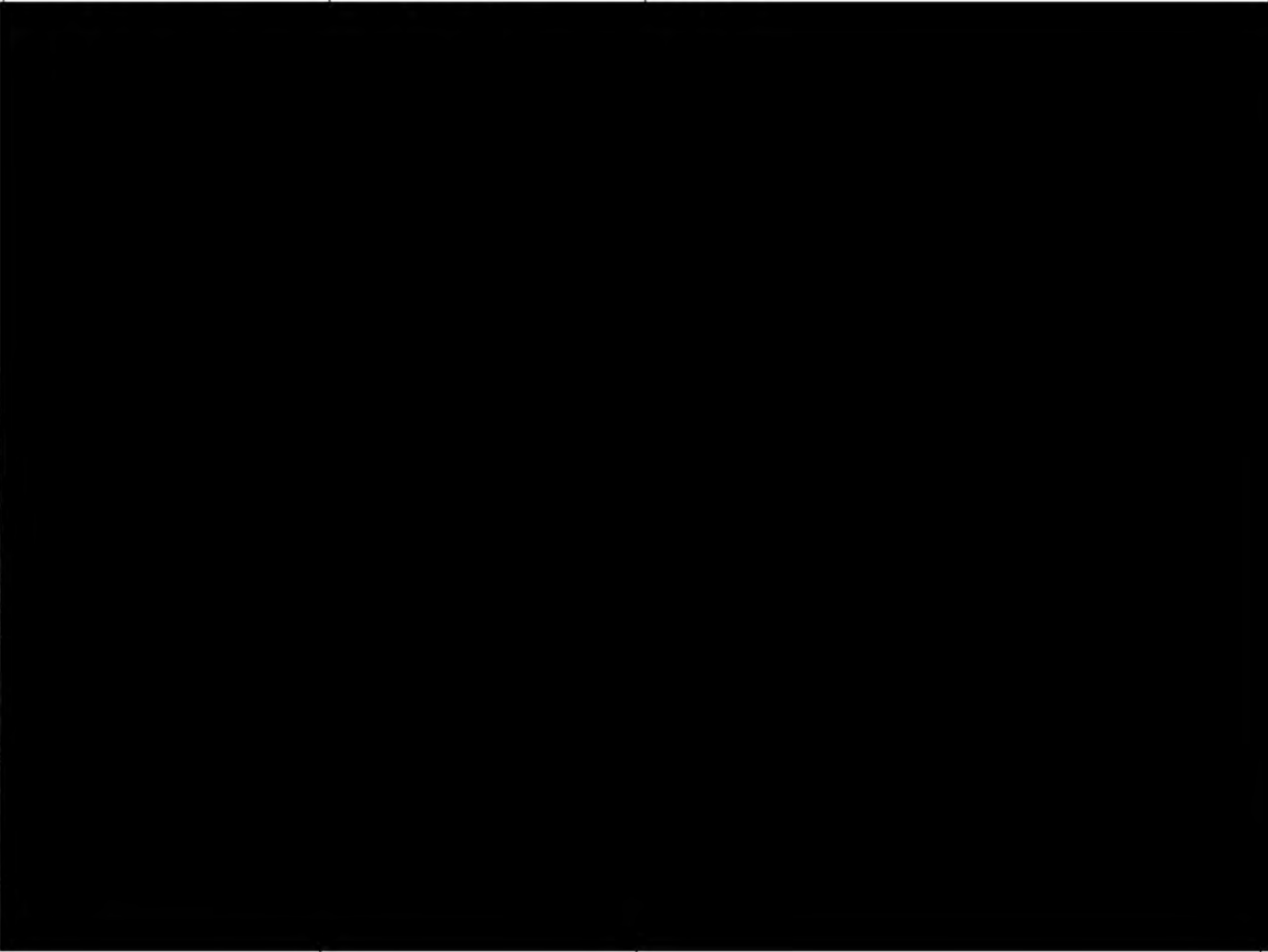
Sign:

Sign:

Sign:

Sign:

I sign this petition in support of the temporary planning application for the Heritage Deli Café and Garden Bar Orangery

First Name	Surname	Email
		

#### The Heritage Deco Café at Pittville Pump Room and Garden Bar Orangery at Cheltenham Town Hall – show your support

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# PETITION

Name

First

Last

Email

Please leave a message of support

Visit our cafes and pick up one of our new loyalty cards across our cafes and bars and we'll say thank you for your support with a free cup of coffee or tea on us. Purchase six cups of tea or coffee and have a free one on us, and then pick up a new card to start collecting for your next free cup of tea or coffee.

**SUBMIT**



First	Last	Email	Please leave a message of support
[REDACTED]			A great addition to Cheltenham...please keep it!
			These cafes are brilliant, much loved facilities in Cheltenham. A great addition to what Cheltenham has to offer to both its local residents and visitors. Please keep!
			Thank you for all the wonderful things you do across your venues. The town feel so different now!!
			These structures have undoubtedly added to the richness of what is available to both residents and visitors in Cheltenham and it would be a huge shame if we were to lose these.
			It is a key part of the community and a great asset to Cheltenham.

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38

## The Garden Bar Orangery at Cheltenham TPage 261show your support

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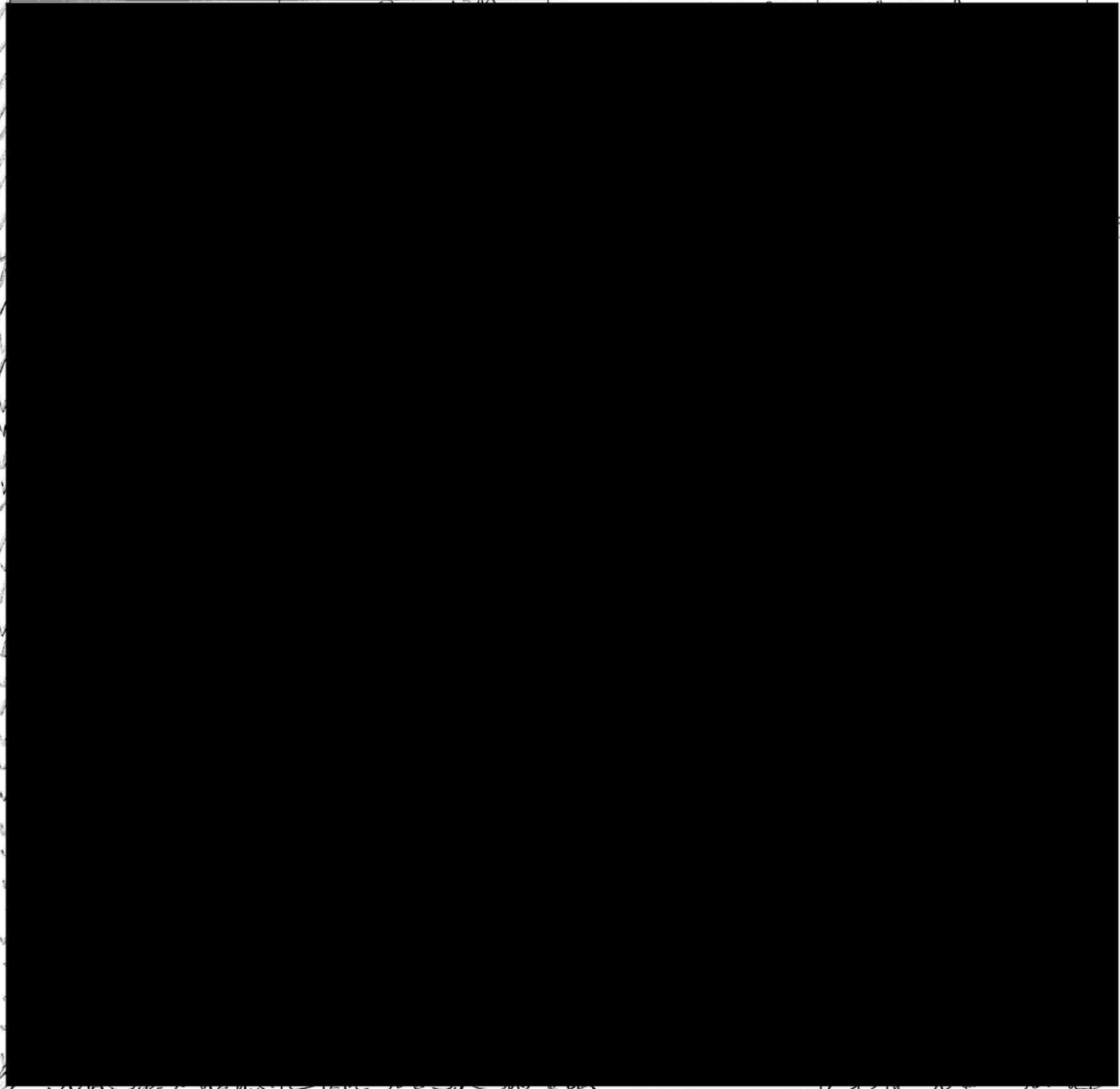
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300 ✓  
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**The Cheltenham Trust**

Name (Print)	Email address	Address and phone number	Signature
[Redacted content]			

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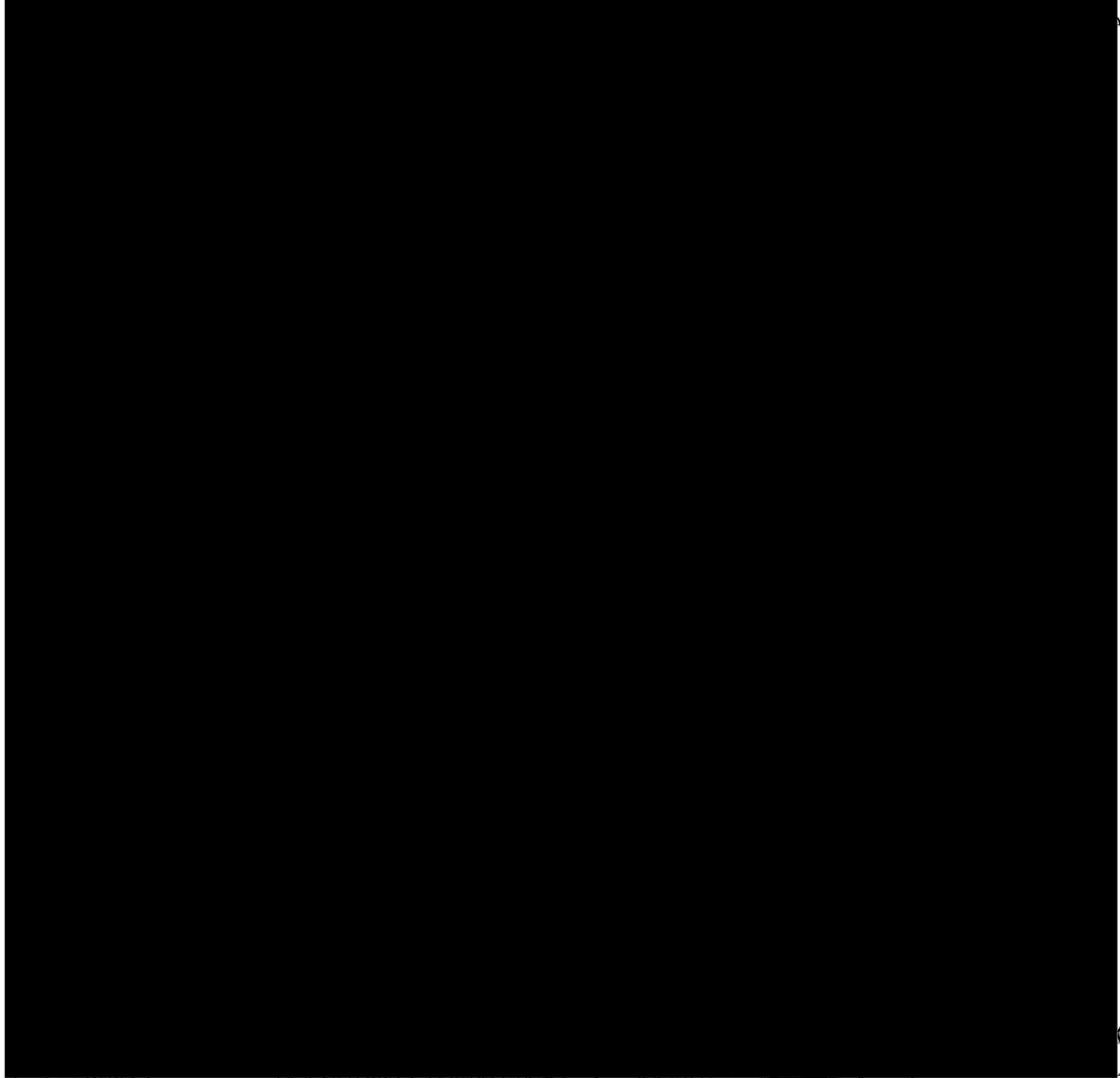
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32

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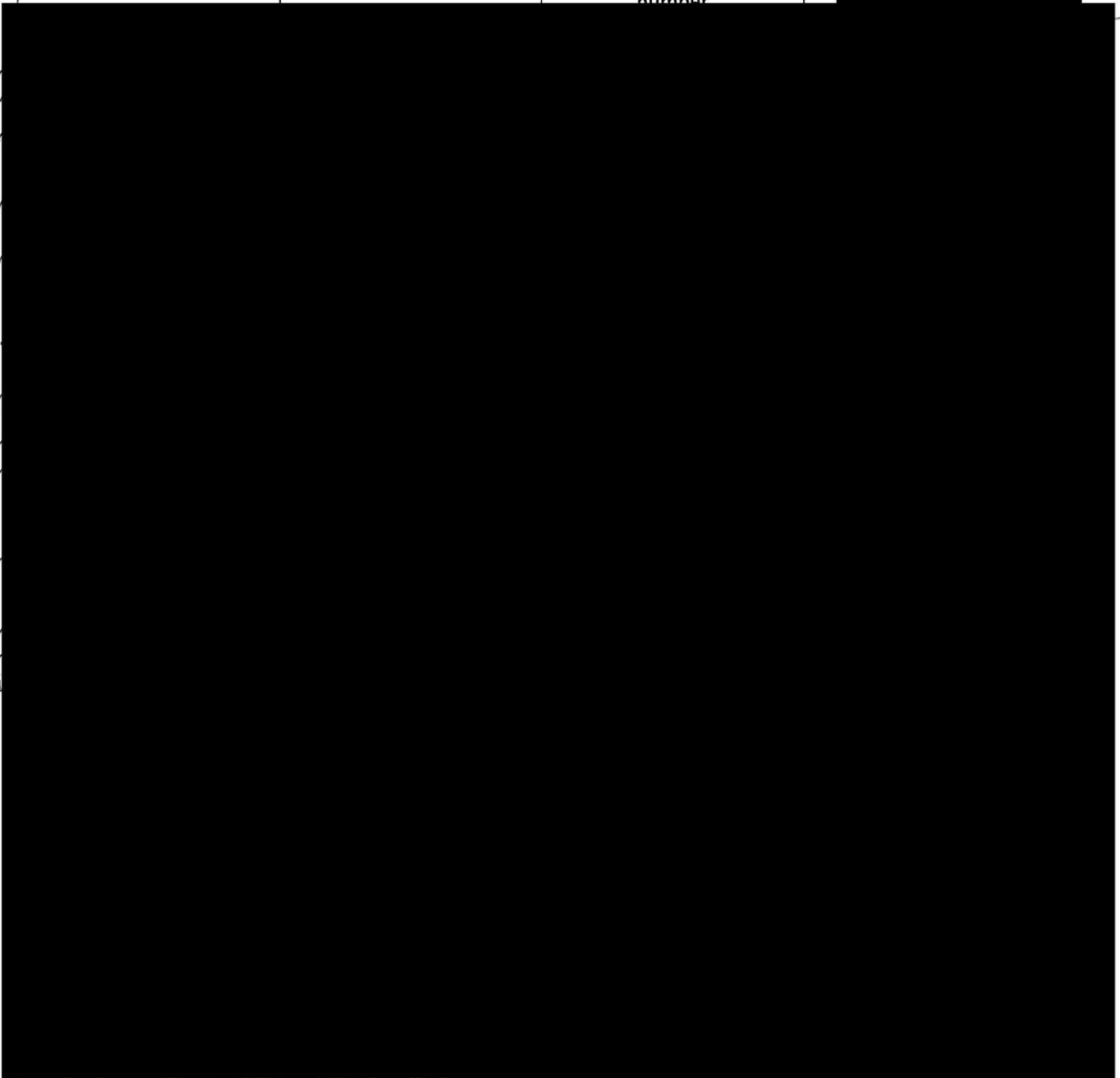
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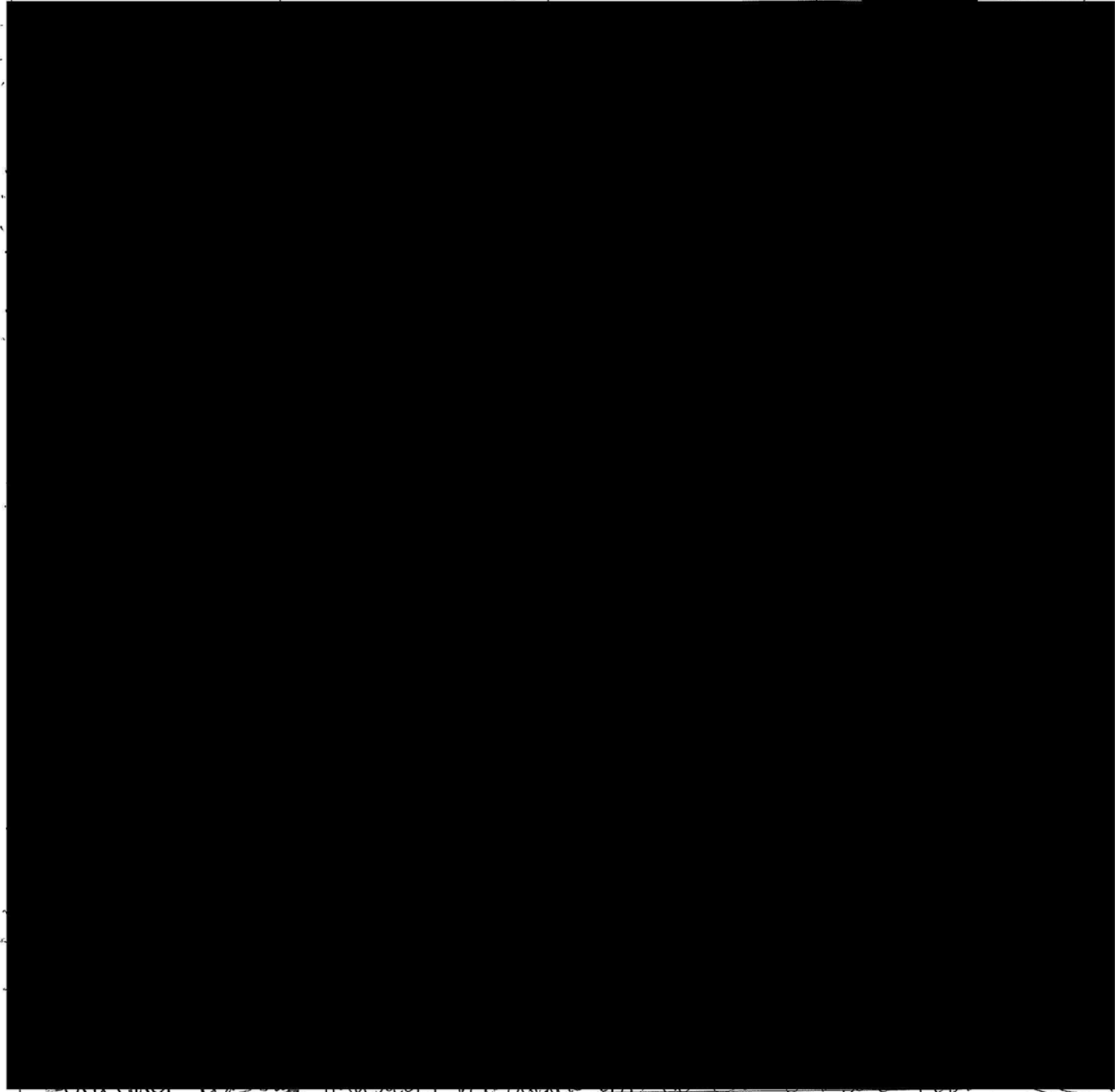
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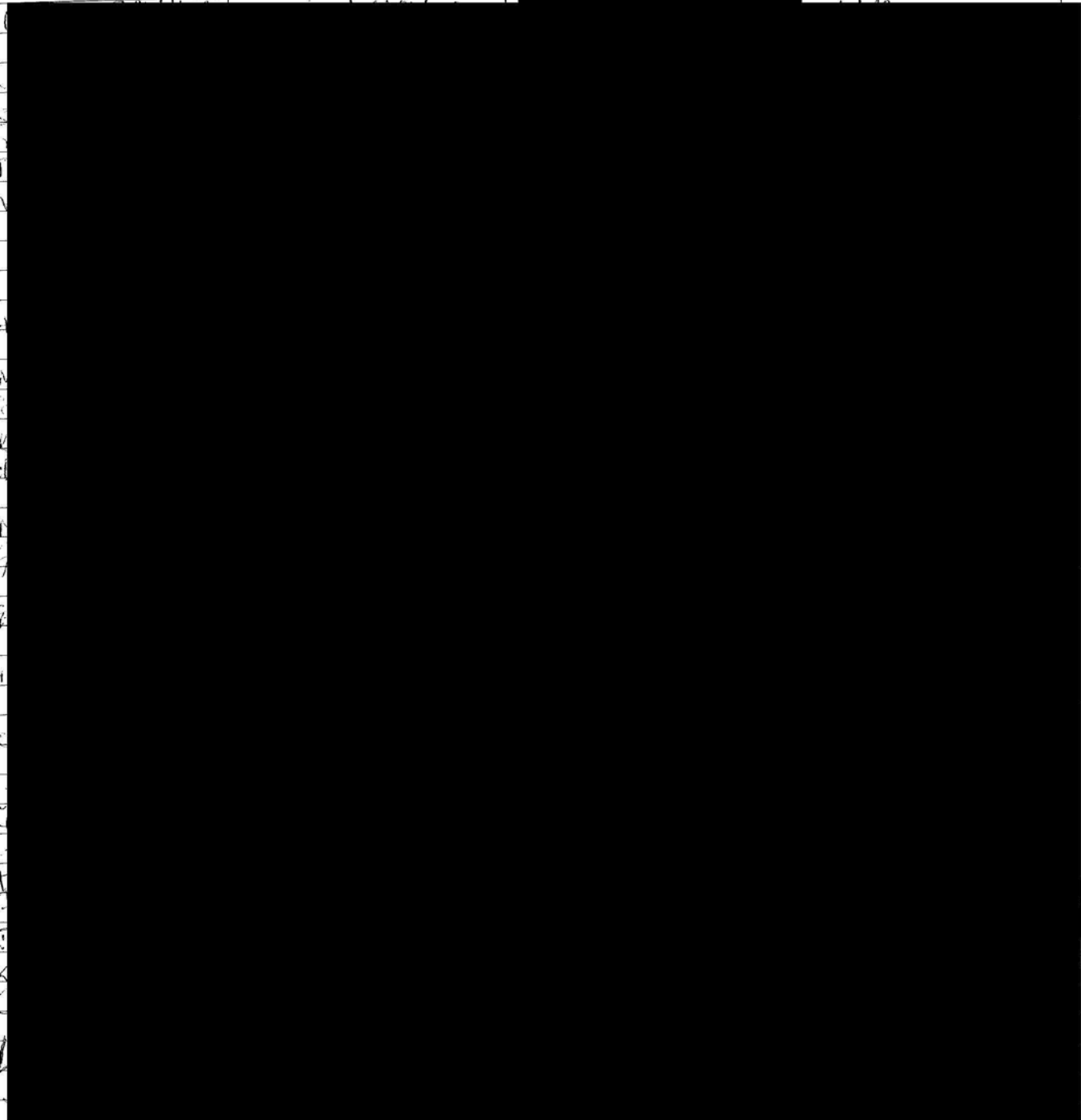
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Cheltenham Trust

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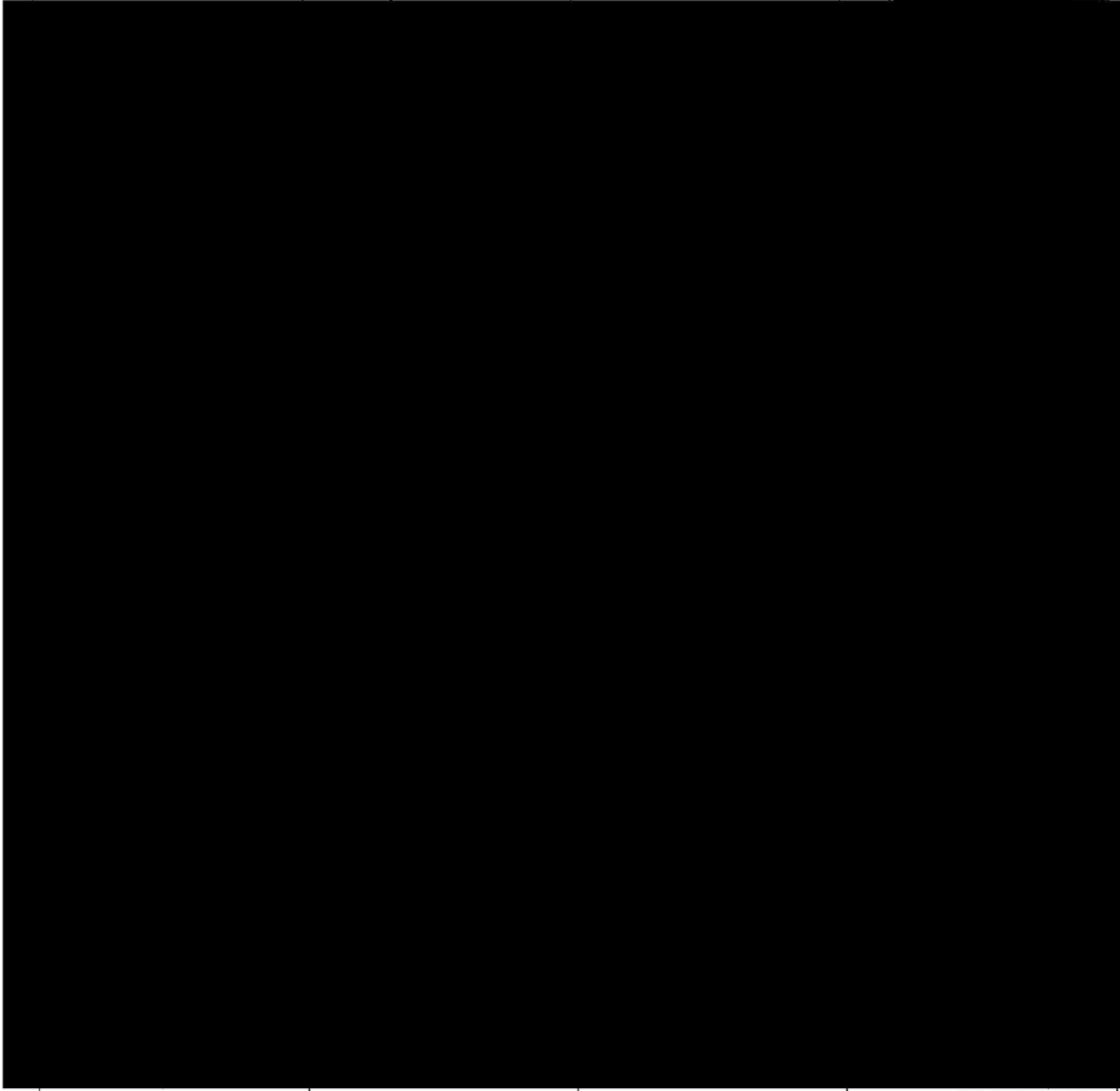
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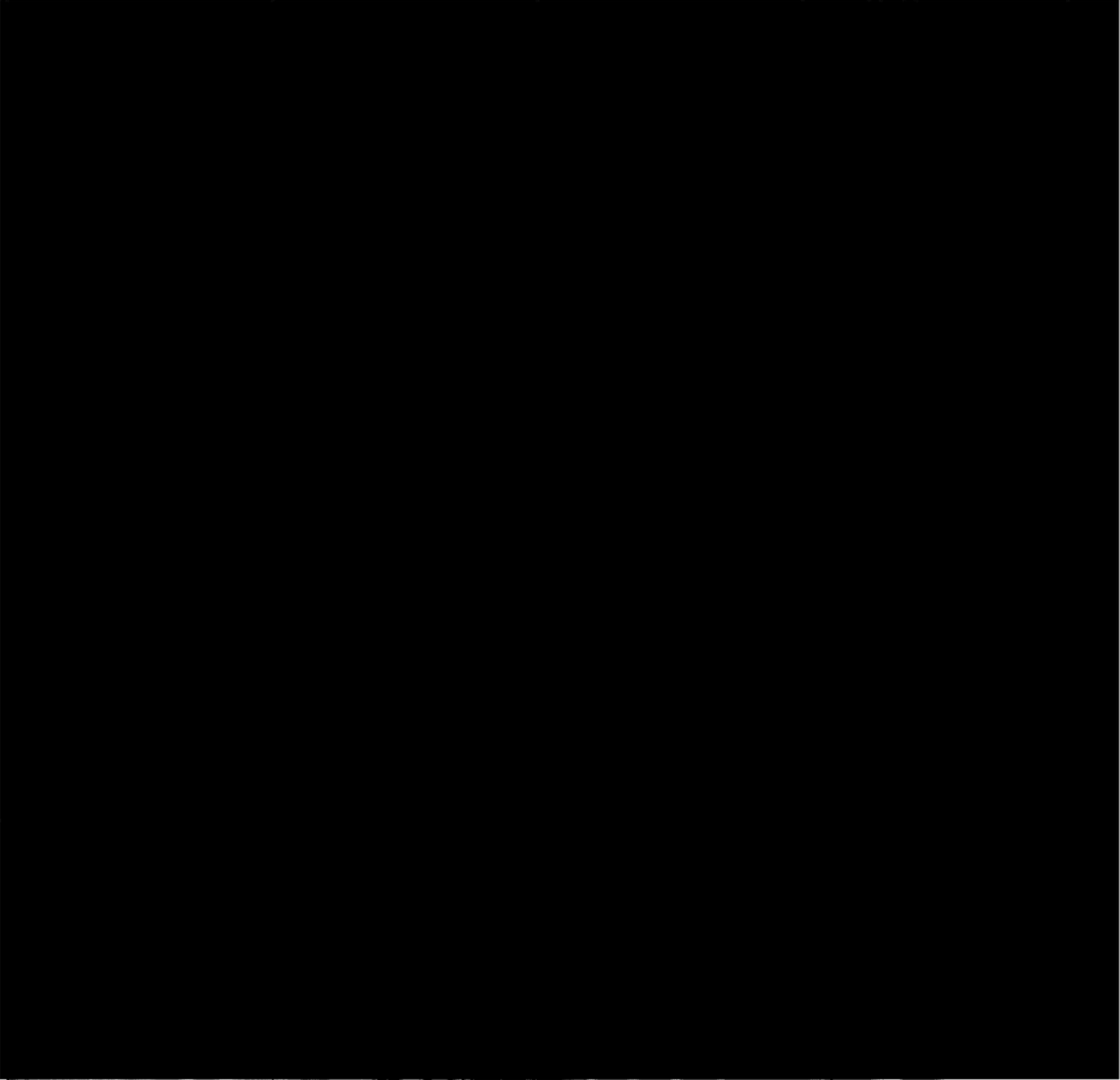
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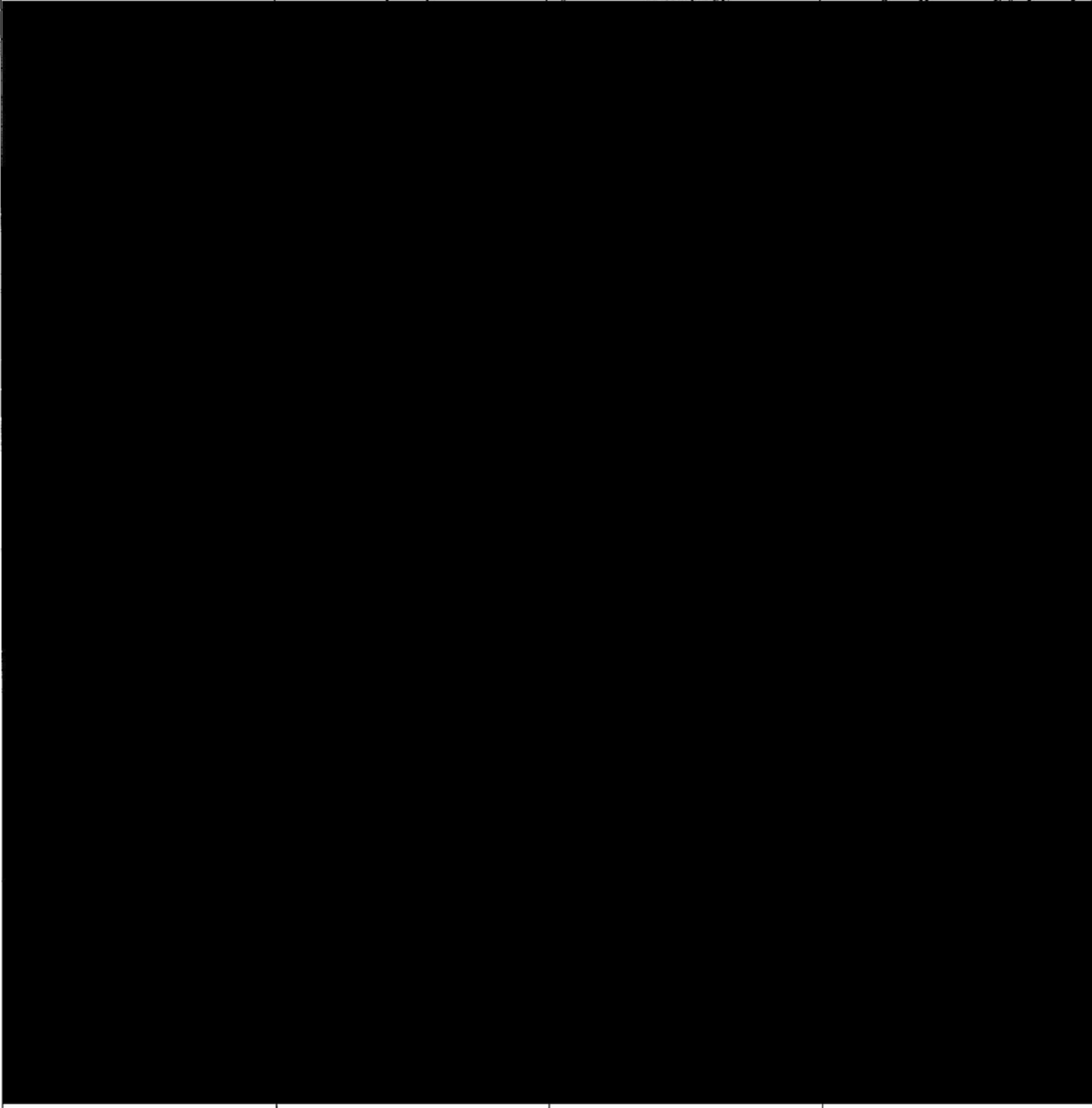
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# PETITION

Name

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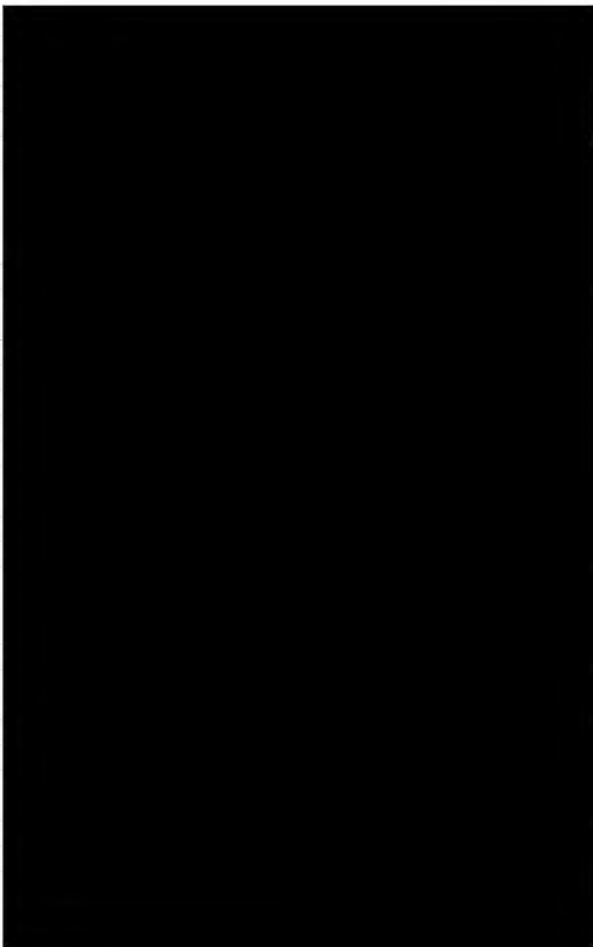
Please leave a message of support

Visit our cafes and pick up one of our new loyalty cards across our cafes and bars and we'll say thank you for your support with a free cup of coffee or tea on us. Purchase six cups of tea or coffee and have a free one on us, and then pick up a new card to start collecting for your next free cup of tea or coffee.

**SUBMIT**

#	Date Submitted	First Name	Last Name	Email	
5	08/20/2022				Please leave a message of support
6	08/30/2022				I use this cafe several times a week and consequently the park. I wouldn't go to pittville Park so much if it wasn't for the cafe. Its a great place to meet friends and family
7	08/30/2022				Excellent community venues,
8	08/30/2022				Thank you to all involved.
9	08/30/2022				Came here for my birthday, it's such a great place, especially in the colder months, really hope it stays. It's a welcome addition to a lovely town
10	08/30/2022				Please leave these- a great addition to the pump rooms, and a community hub.
11	08/30/2022				Fabulous community spaces please continue to support!
12	08/30/2022				Both indoor/outdoor areas are great additions to the existing Cheltenham Trust venues and I hope they stay as I've never seen them empty. It's nice to sit down and have a tea at the Pump rooms, and I've booked The Orangery for after work drinks before and it's a great place to meet friends.
13	08/30/2022				
14	08/30/2022				
15	08/30/2022				
16	08/30/2022				Think this is a great asset! looks lovely and makes so much more of the pumprooms
17	08/30/2022				
18	08/30/2022				
19	08/30/2022				
20	08/30/2022				
21	08/30/2022				
22	08/30/2022				
23	08/30/2022				
24	08/30/2022				The garden bar is great and an asset to the park
25	08/30/2022				Really enjoy using these facilities and hope they continue for many years. A real asset to Cheltenham.
26	08/30/2022				This is my favourite bar, please allow it to stay permanently, it will make a lot of people very happy.
27	08/30/2022				It's a wonderful addition and the music choices are always good and fun.
28	08/30/2022				All best wishes and heartfelt gratitude for all that you do. Tremendous asset. Thank you. M x
29	08/30/2022				
30	08/30/2022				Keep these cafes going please. They are such a brilliant addition for Cheltenham.
31	08/30/2022				Been a great asset to Cheltenham and the pump Rooms
32	08/30/2022				I have never known the Cheltenham Trust properties be so vibrant and popular and I have been in Cheltenham my whole life. My family, friends and everyone I know cannot believe the change in the look, condition and vibe of these buildings. Once they were tired, old and empty with a cold atmosphere and not offering anything to the local residents or visitors. Now they are amazing, full of joy, warmth, history, music and happy people. Well done the Cheltenham Trust.

33 08/30/2022  
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Excellent venue which must be allowed to continue.

Lover of live music, keep the orangery cafes open.

Please continue with these venues they have bee. A real asset to the community and great social space

Thank you for providing this space to socialize in comfort, whilst enjoying the beautiful park and gardens. The outdoor area is particularly vital for those who do not feel comfortable in indoor spaces - for whatever reason. Also, many thanks to the staff who serve at these venues.

Just wish you were open a little later! Again, a wonderful addition to the community.

These venues are perfect for people who feel more comfortable eating outside. Let us not forget them. They are not permanent and in no way do they detract from the building they are adjoining.

Both venues are great meeting places and deserve support

The cafe and the orangery are a wonderful additions to the parks and should stay permanently.

This is a vital part of our local community. With a lot of testing times occurring at the moment, we need spaces such as these to escape and get together.

Itâ€™s a beautiful place to sit, have a cuppa. Letâ€™s make it permanent. Good luck!

Well done on all you've achieved so far. Fabulous venue, with great events being in held in fab surroundings for all to enjoy. Dance days & nights are brilliant.

May you go from strength to strength. ðŸ—ðŸxx

These are important to the community providing a welcome and bright areas to meet, socialise and be in the centre of Cheltenham.

What wonderful indoor/outdoor venues bringing people together and life back to our parks.

These are essential parts of our community that allow the trust to provide its rich programme of cultural and sporting activities and events for Cheltenham.

I support this

Love this place. Also love all the entertainment that has been on recently for free at the Pump Rooms. We need more weekends like this



59	08/31/2022		Both these cafes really add to the areas where they are located.
60	08/31/2022		Great idea :)
61	08/31/2022		Though we have emigrated to Hampshire, I will support a good cause that keeps my home town alive. Many happy hours spent in Pittville and Montpelier Gardens. DJJ
62	08/31/2022		
63	08/31/2022		
64	08/31/2022		Great addition to Cheltenham gardens
65	08/31/2022		
66	08/31/2022		
67	08/31/2022		Fully support the continuation of the garden bar orangery. Makes the place look so much better and useable throughout the year.
68	08/31/2022		
69	08/31/2022		
70	08/31/2022		
71	08/31/2022		This is a lovely venue for the Cheltenham community. A place to relax with friends and family
72	08/31/2022		
73	08/31/2022		These cafes and that in the Wilson provide much needed funding for the trust - if you wish them to close, the council can take back the running of these venues.
74	08/31/2022		
75	08/31/2022		
76	09/01/2022		Amazing venue for visitors to enjoy
77	09/01/2022		
78	09/01/2022		
79	09/01/2022		
80	09/01/2022		
81	09/01/2022		
82	09/01/2022		
83	09/02/2022		
84	09/02/2022		
85	09/02/2022		Always busy and lots of choice. Nice places to stop on walk round Pitville Park and also during shopping in town at Imperial Gardens.
86	09/03/2022		What a great cafe which is needed to keep the building alive and open for generations to come. Don't know what Cheltenham would have done without you during lockdowns and hope that they will continue to support you
87	09/03/2022		
88	09/03/2022		

89	09/03/2022		I've used both the Deco bar and the Orangerie and though not cheap (I'm a pensioner) the ambience at both is wonderful. I can understand why the deco bar might be less popular than the Orangerie as it's a bit out of town and expensive. The Orangerie is a delight and I'm always pleased to find a seat! I've never booked a table at either.
90	09/03/2022		
91	09/03/2022		
92	09/03/2022		
93	09/05/2022		<p>Hi</p> <p>I was born in Cheltenham and moved back after 20 years. It's so important to provide friends and families with smart places to meet, socialise, eat and drink in our beautiful parks and gardens. If we don't provide suitable socialising, covered space, we will lose tourists. Or, more to the point, the parks and gardens will be busier if these facilities remain. I fully support planning permission for the temporary structures to remain. I also support planning permission for permanent structures when that time comes.</p> <p>I have enjoyed many evenings here and have always recommended it to others. It would be a great shame to see it gone and it's always so busy so clearly draws in plenty of custom and people into the area which needs to be encouraged so that we have such things to enjoy. It's far more enjoyable supporting these types of ventures versus large chains, and these have fantastic settings, promoting the enjoyment of the outdoors and enjoying local music.</p> <p>It's a must keep. There is no cafe in this area of cheltenham of note.</p> <p>The cafes at both Imperial Gardens and Pittville are both gorgeous and despite being temporary structures, they are concrete parts of the community.</p> <p>I had no idea these were only temporary and I would absolutely urge for the structures that are there currently to be made permanent. The clear perspex gives both venues a unique feel that really suits the aesthetic of both surrounding areas. I spent much of my maternity leave meeting friends at both venues and have loved using them both. I even intended to book the orangery at the gardens bar for my 30th birthday celebrations this year as I love it so much (I didn't actually realise I was actually booking the little secret walled garden behind when I booked it!).</p> <p>I absolutely support the continuation of these venues and I hope they are made permanent for many more years!</p> <p>I will, however, use this as an opportunity to add that the public toilets in both Pittville park and down the side of the Cheltenham Town Hall (which are the closest available toilets to each cafe) are in serious need of urgent renovation and are nowhere near the same high standard of the cafes they serve, or the surrounding areas. I would strongly suggest that these are reviewed at the same time as any updates to the cafes themselves.</p> <p>Wishing The Cheltenham Trust continued success. The Orangeries bring great opportunities to Cheltenham, weather proofing &amp; added venues for all the visitors. Please keep them.</p> <p>The Heritage Deco Cafe is a great addition to the Cheltenham community, it would be such a shame for it to go! It is so loved by the locals!</p> <p>This is a beautiful addition to the pump rooms in keeping with the wonderful Cheltenham era. It brings a community together and deserves to stay!</p> <p>a valuable addition to the community of cheltenham</p>
94	09/06/2022		
95	09/06/2022		
96	09/06/2022		
97	09/06/2022		
98	09/06/2022		
99	09/07/2022		
100	09/07/2022		

101	09/07/2022		Have visited both venues a number of times and both are excellent additions to the town, it would be such a shame if they had to close.
102	09/08/2022		
103	05/09/2022		The cafe makes the top end of pittville park an all weather attraction. It's well run by helpful staff. The pumprooms should be alive. Recognizing the heritage of the area but not becoming a museum exhibit Please keep the cafe
104	02/09/2022		Thoroughly enjoyed lunch at the cafe. Delightful staff and atmosphere. The cafe is an asset to the Pump Room and to Pitville Park, and must make both more of a draw for visitors.
105	31/08/2022		A great addition to Cheltenham...please keep it!
			These cafes are brilliant, much loved facilities in Cheltenham. A great addition to what Cheltenham has to offer to both its local residents and visitors. Please keep!

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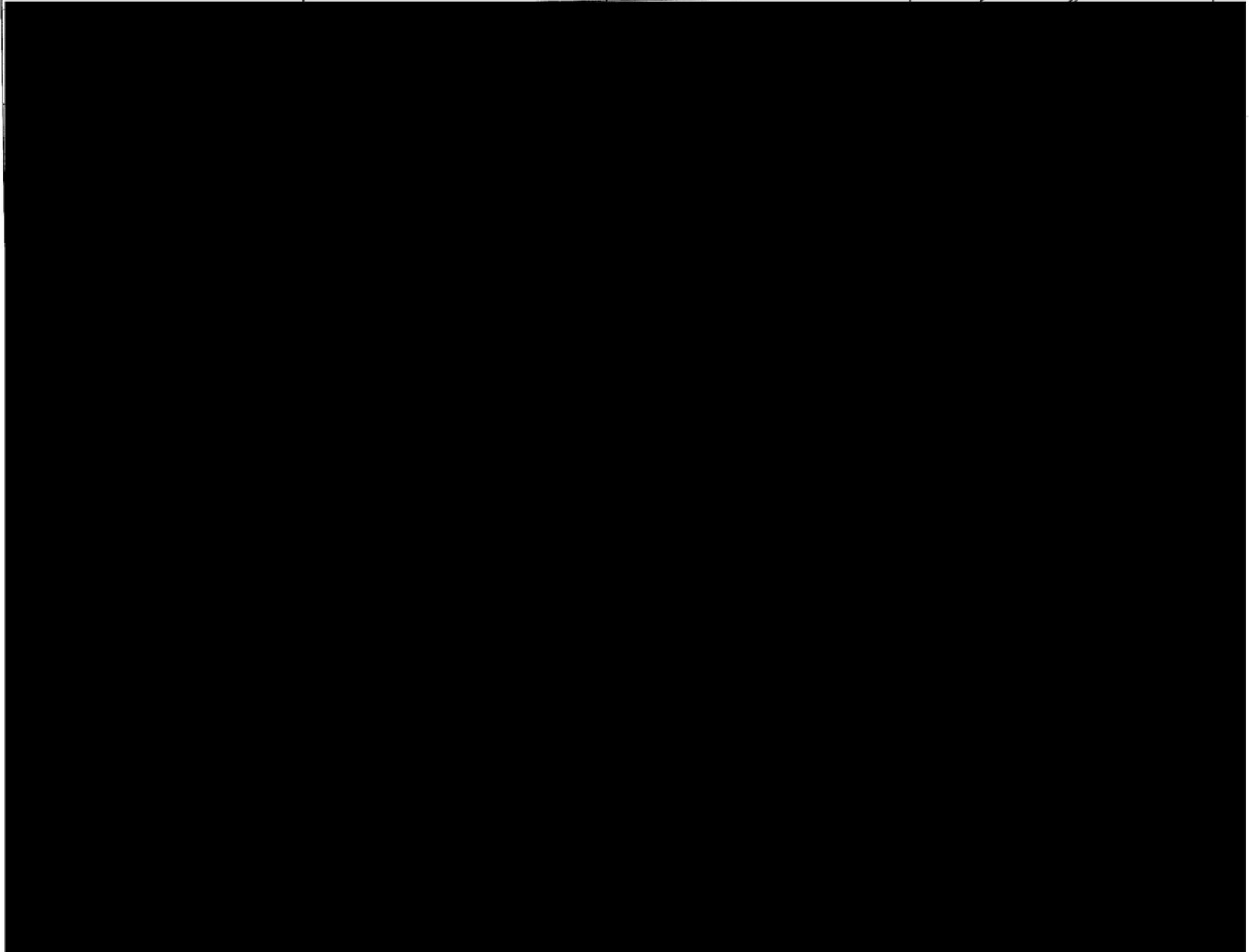
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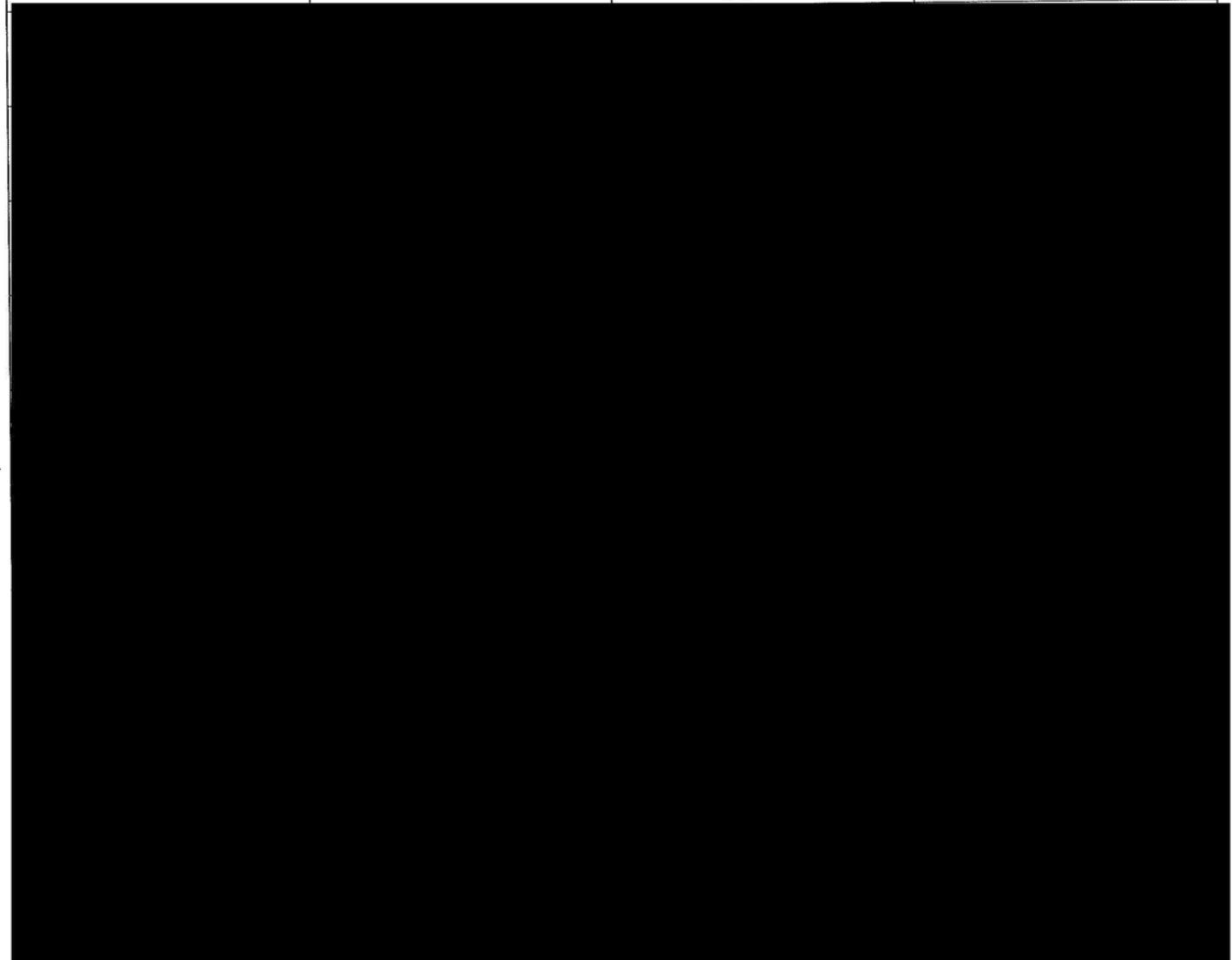
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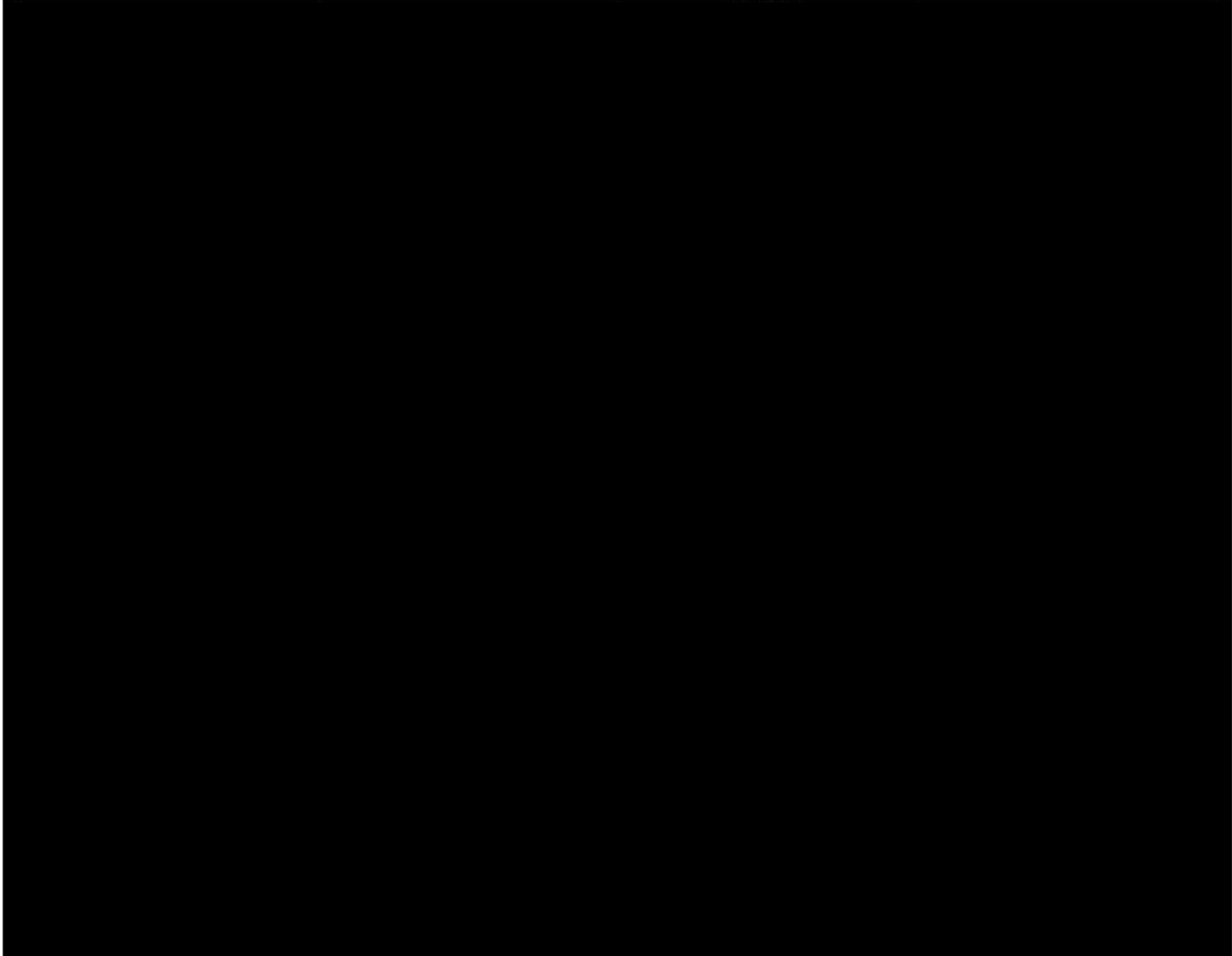
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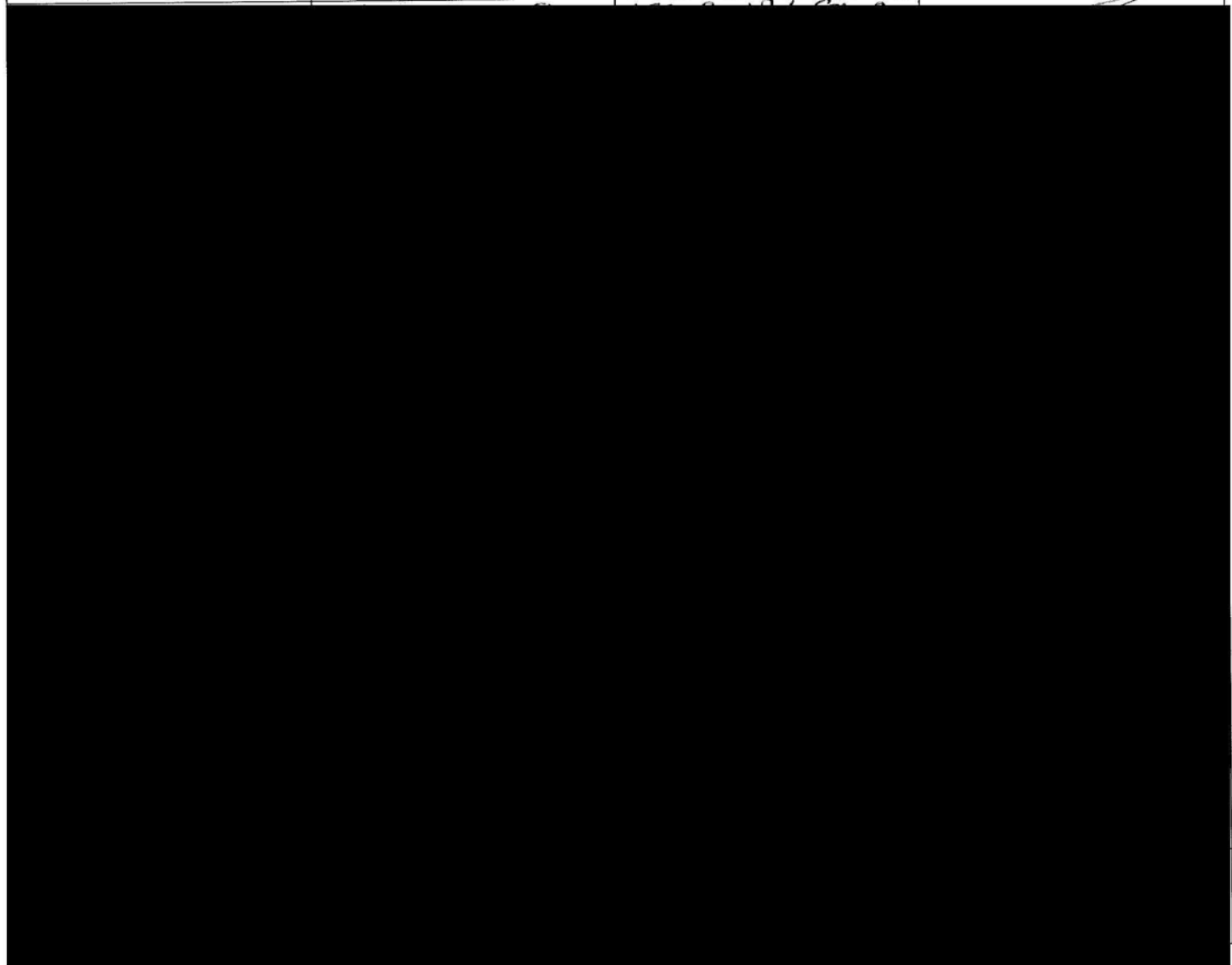
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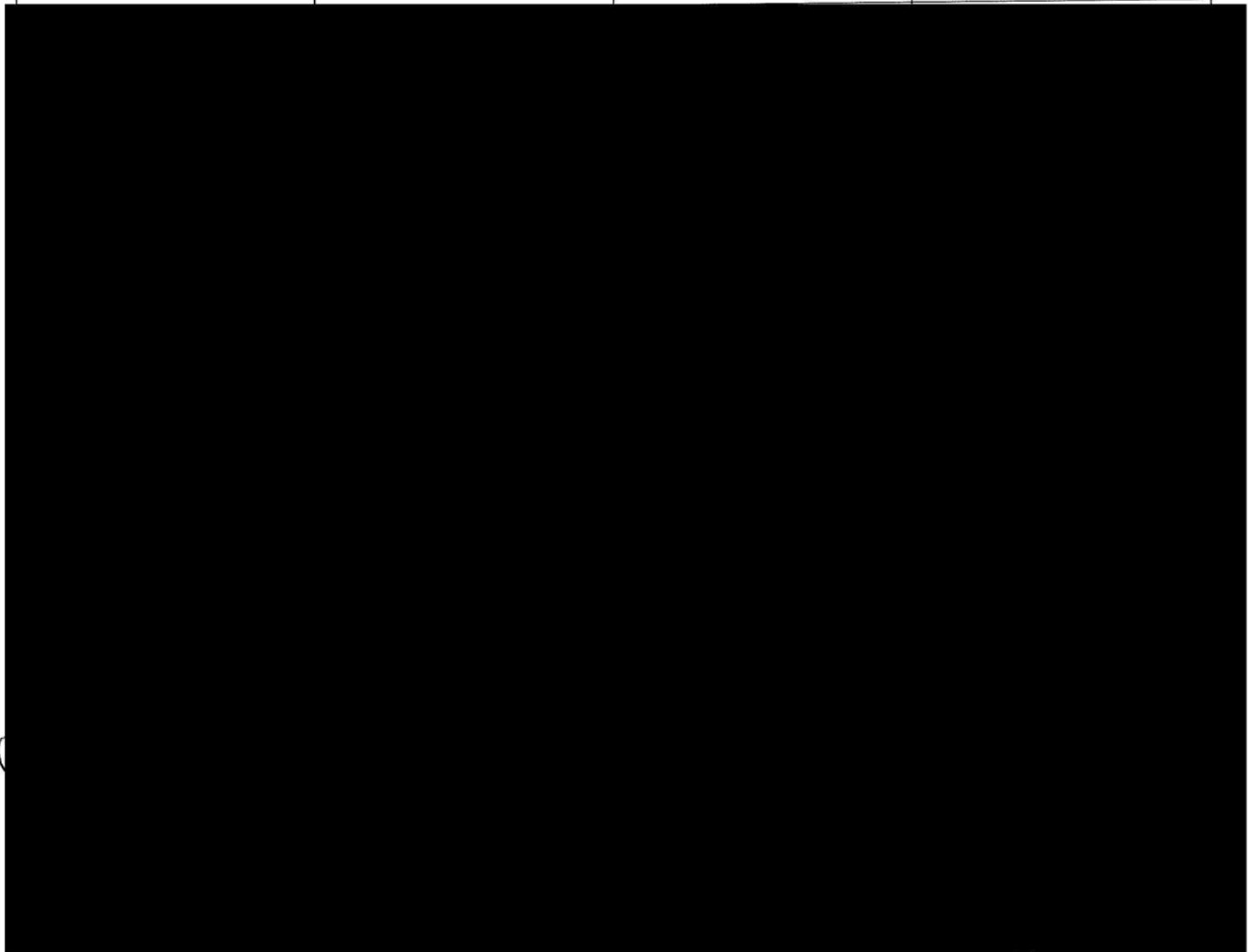
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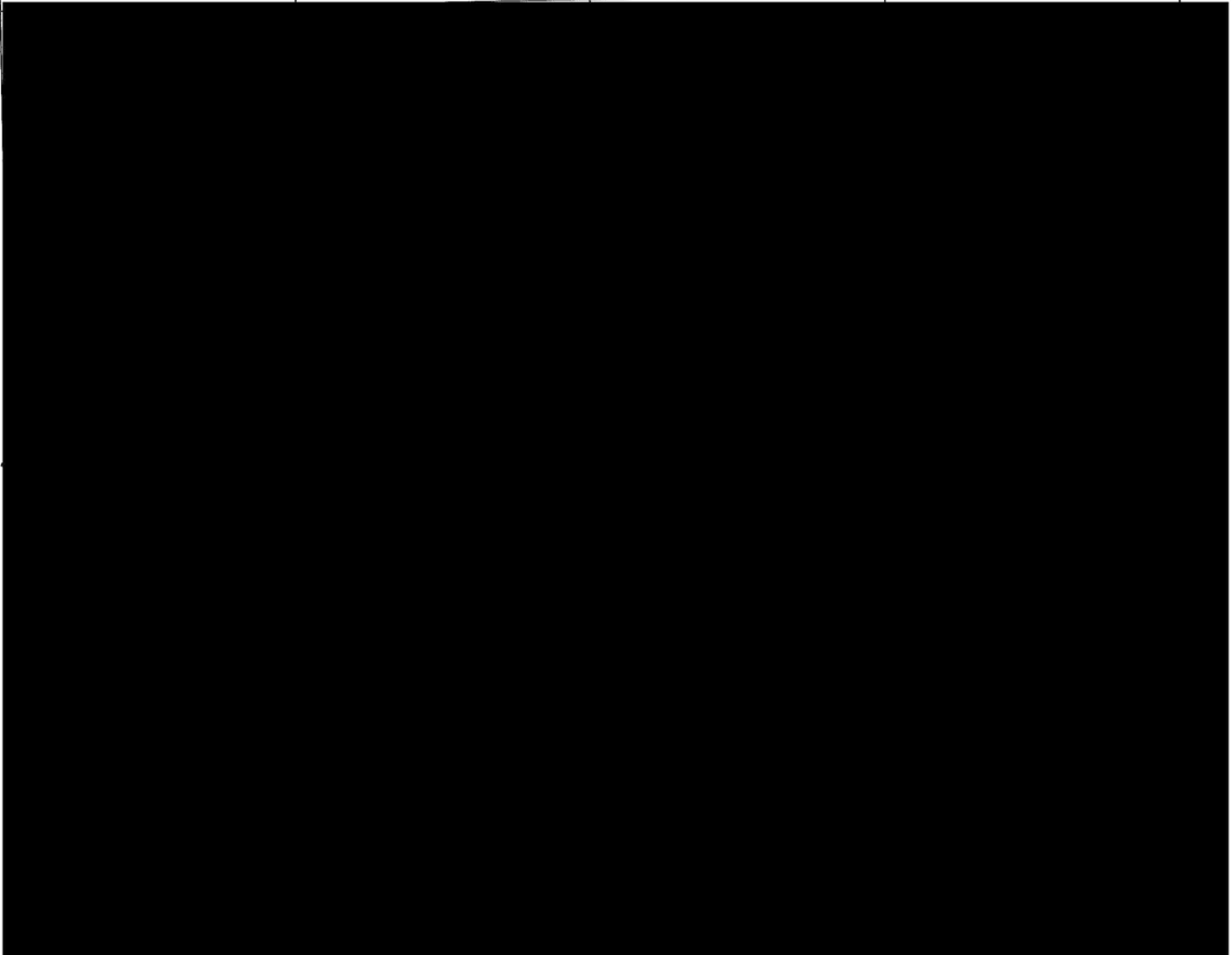
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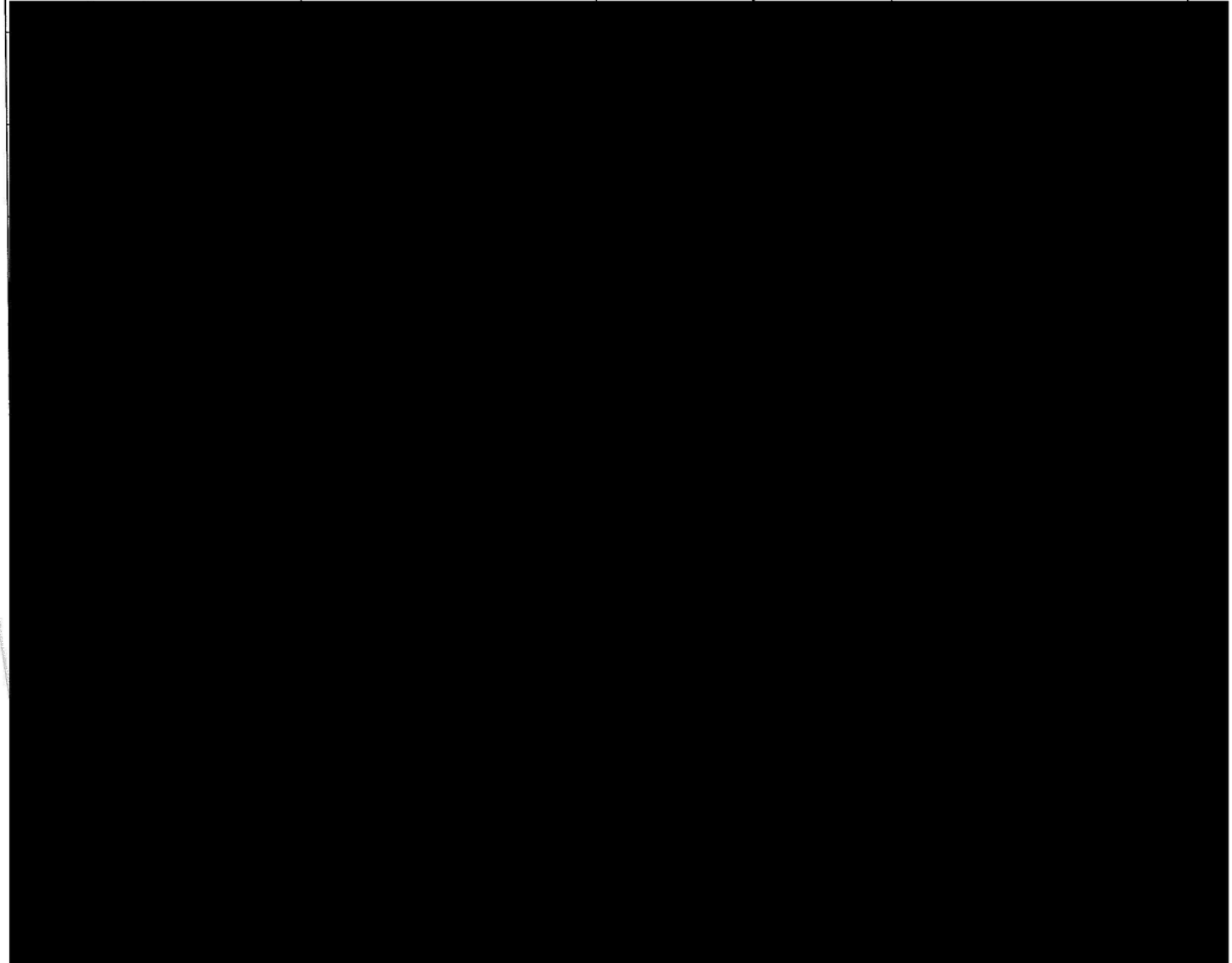
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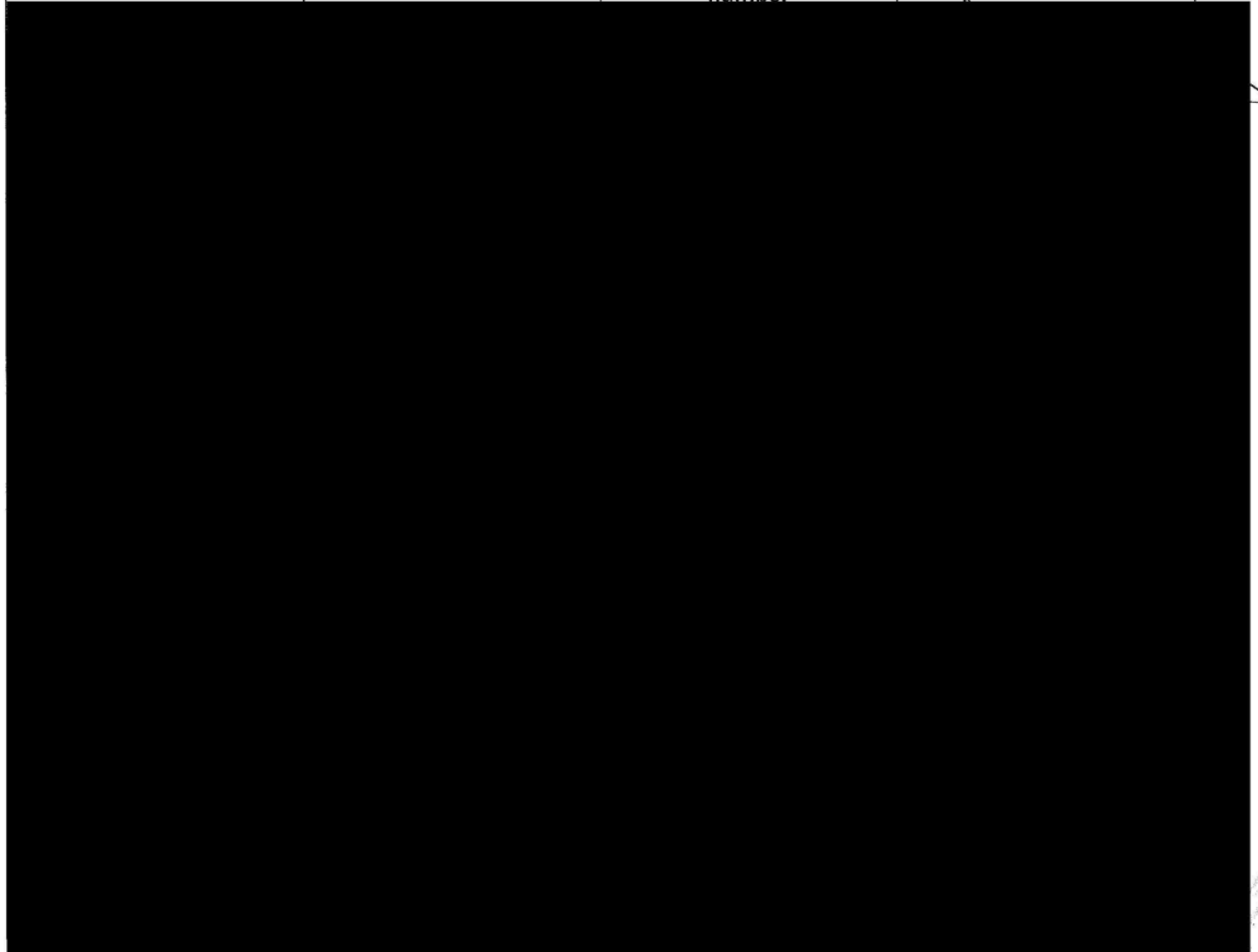
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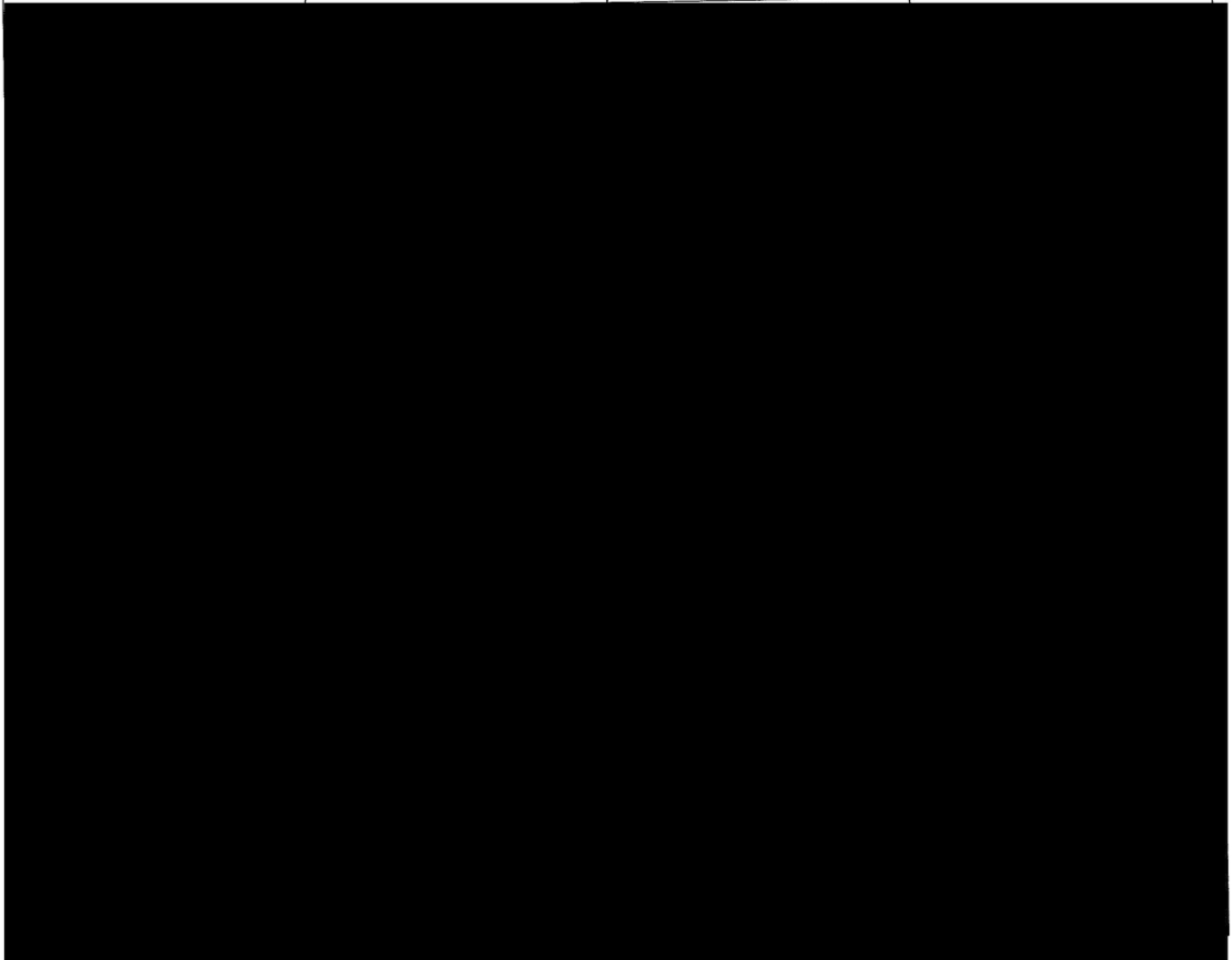
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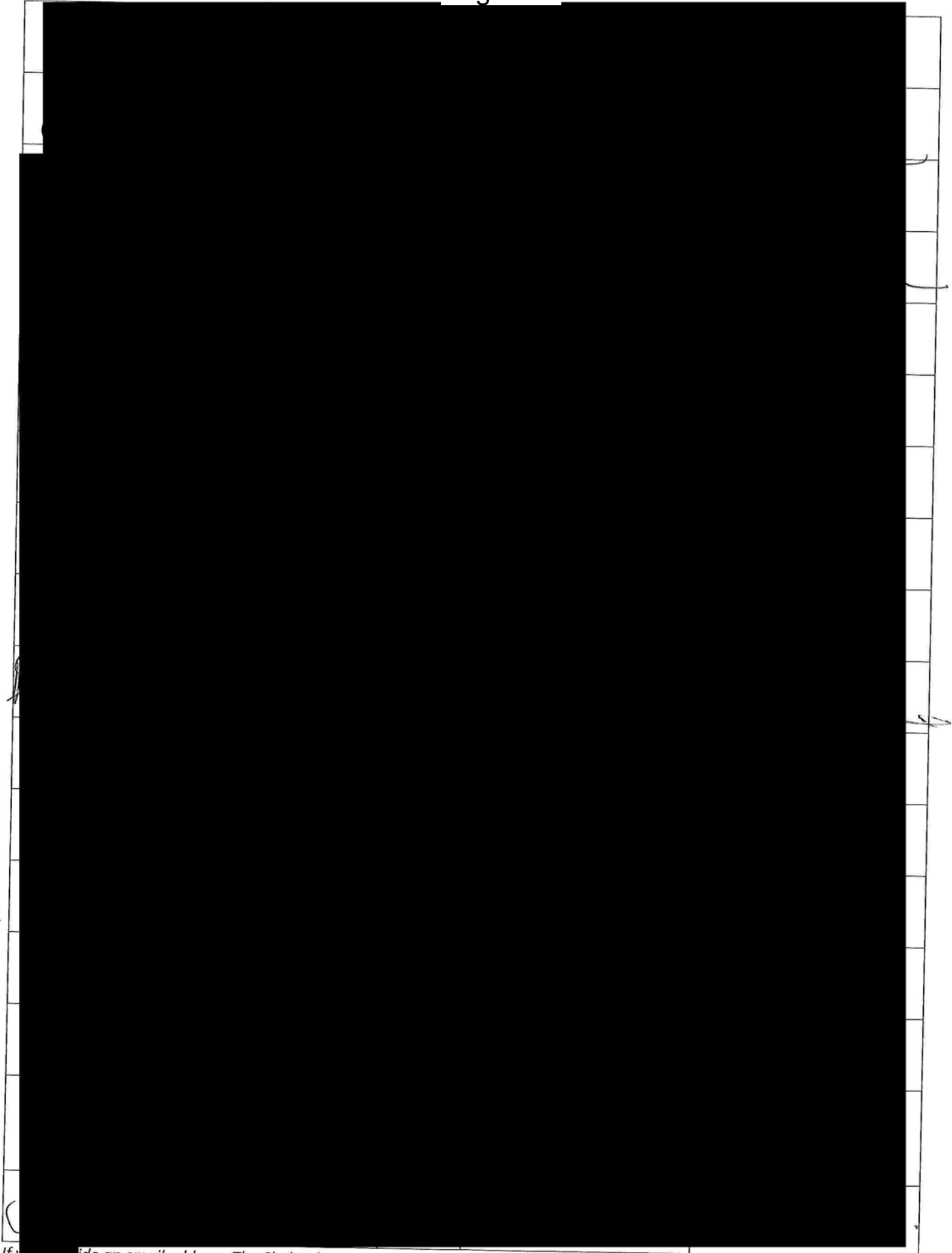
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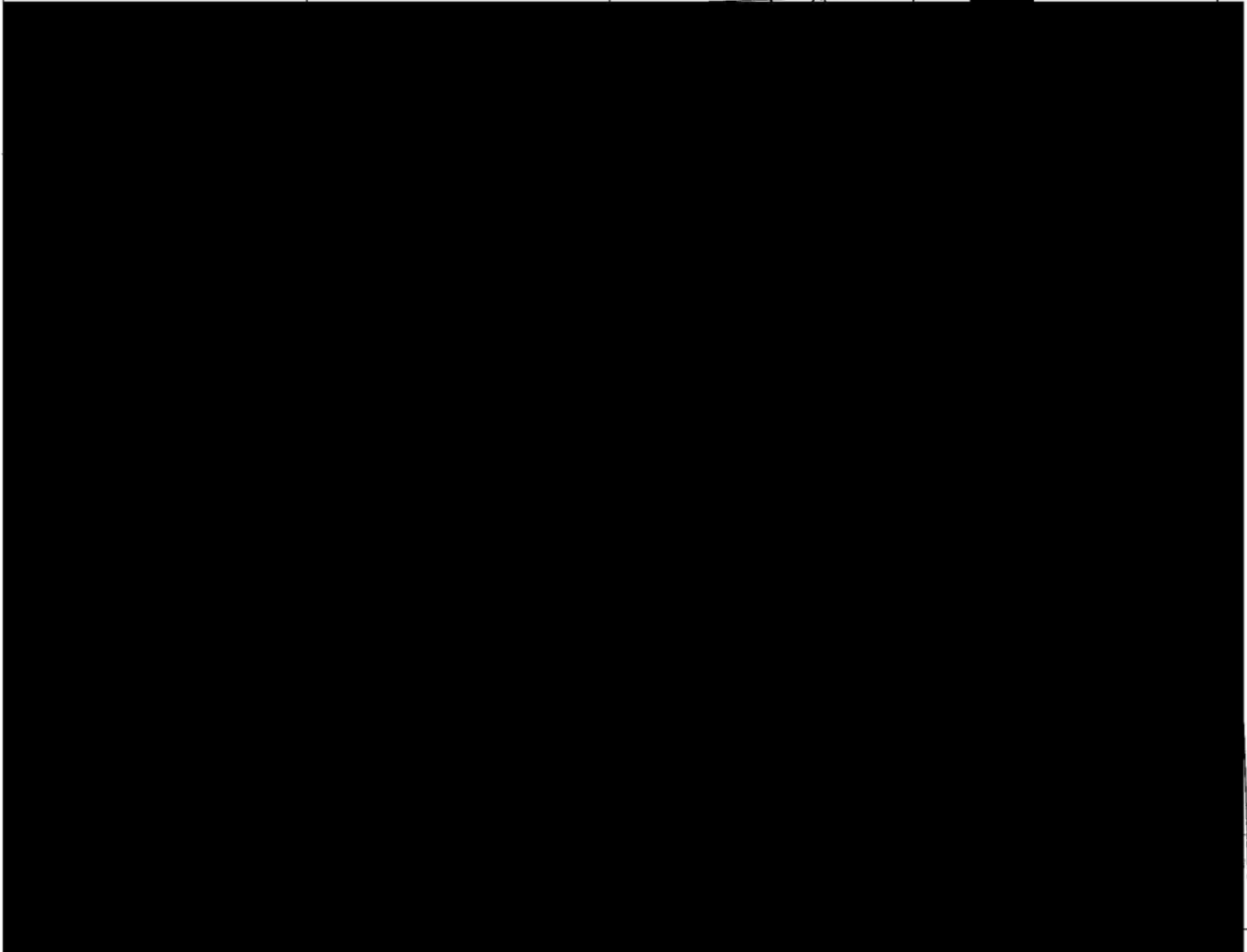
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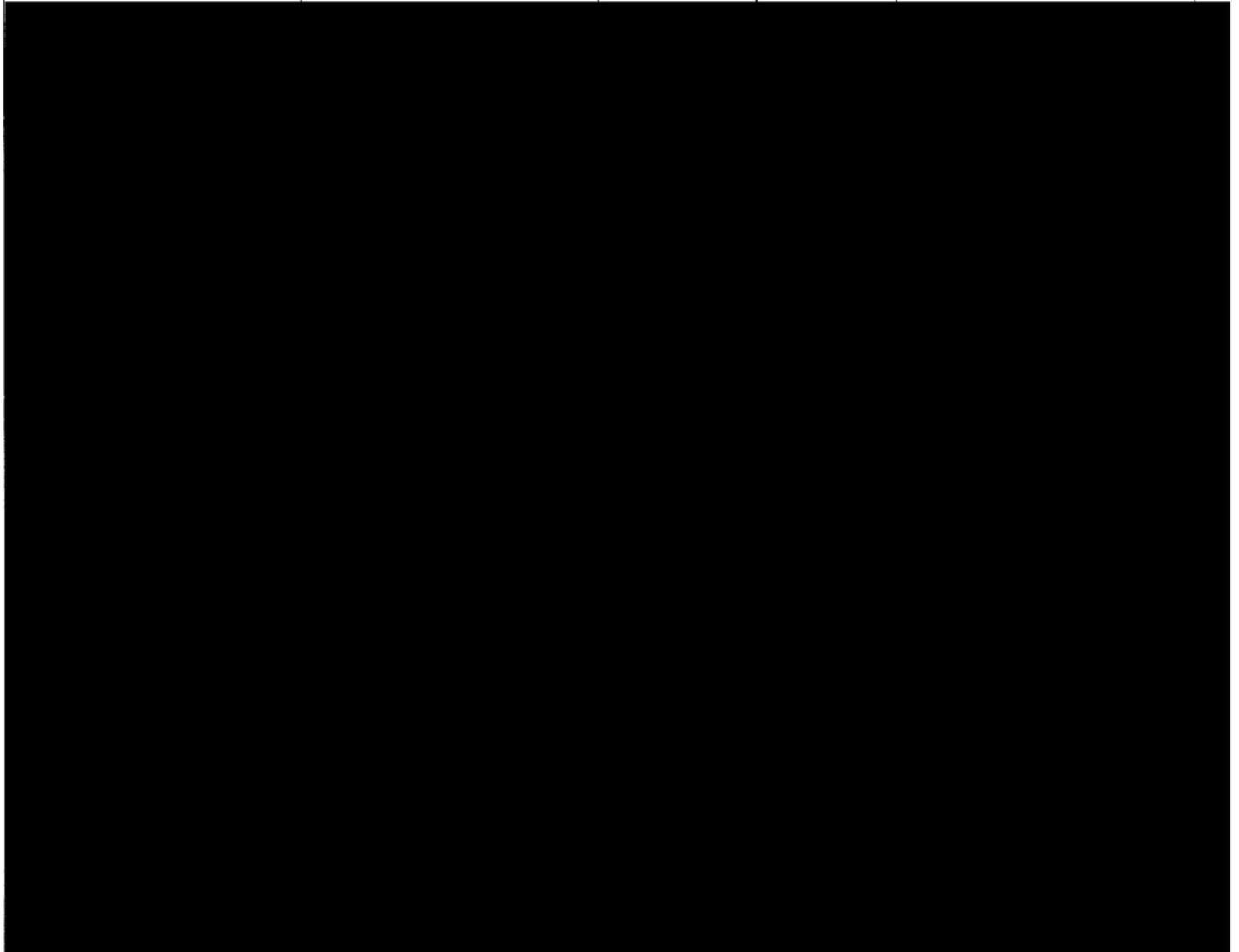
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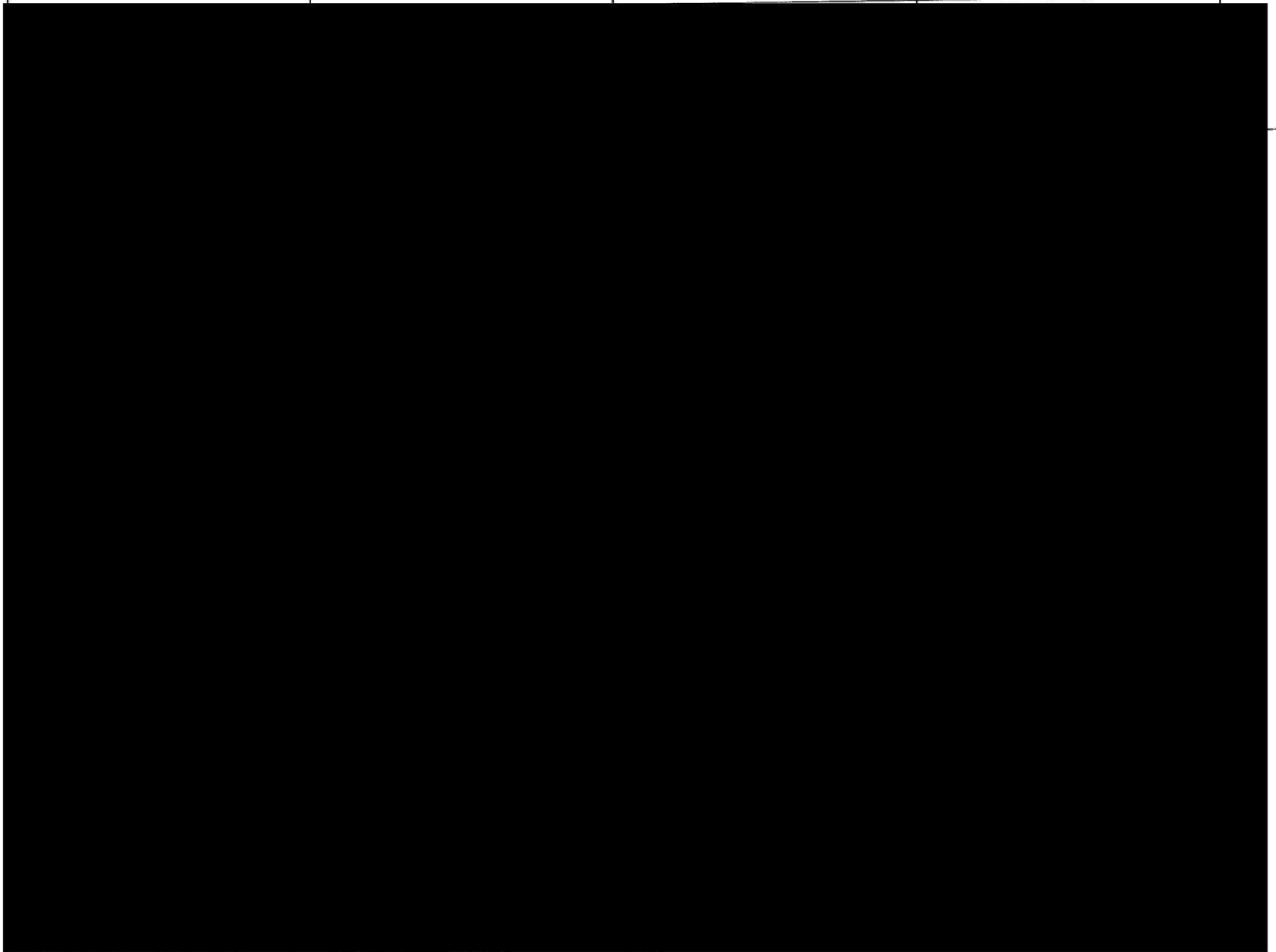
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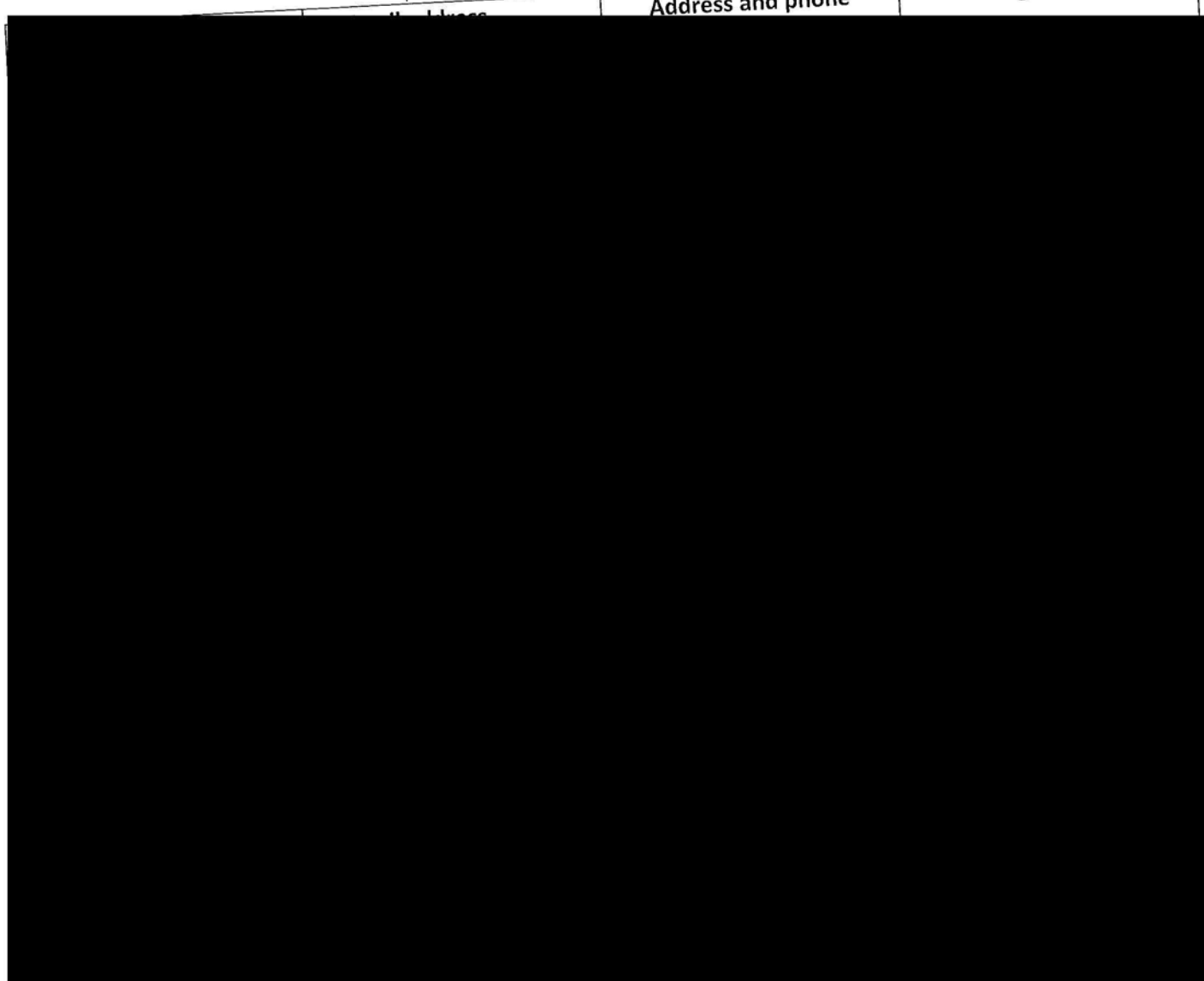
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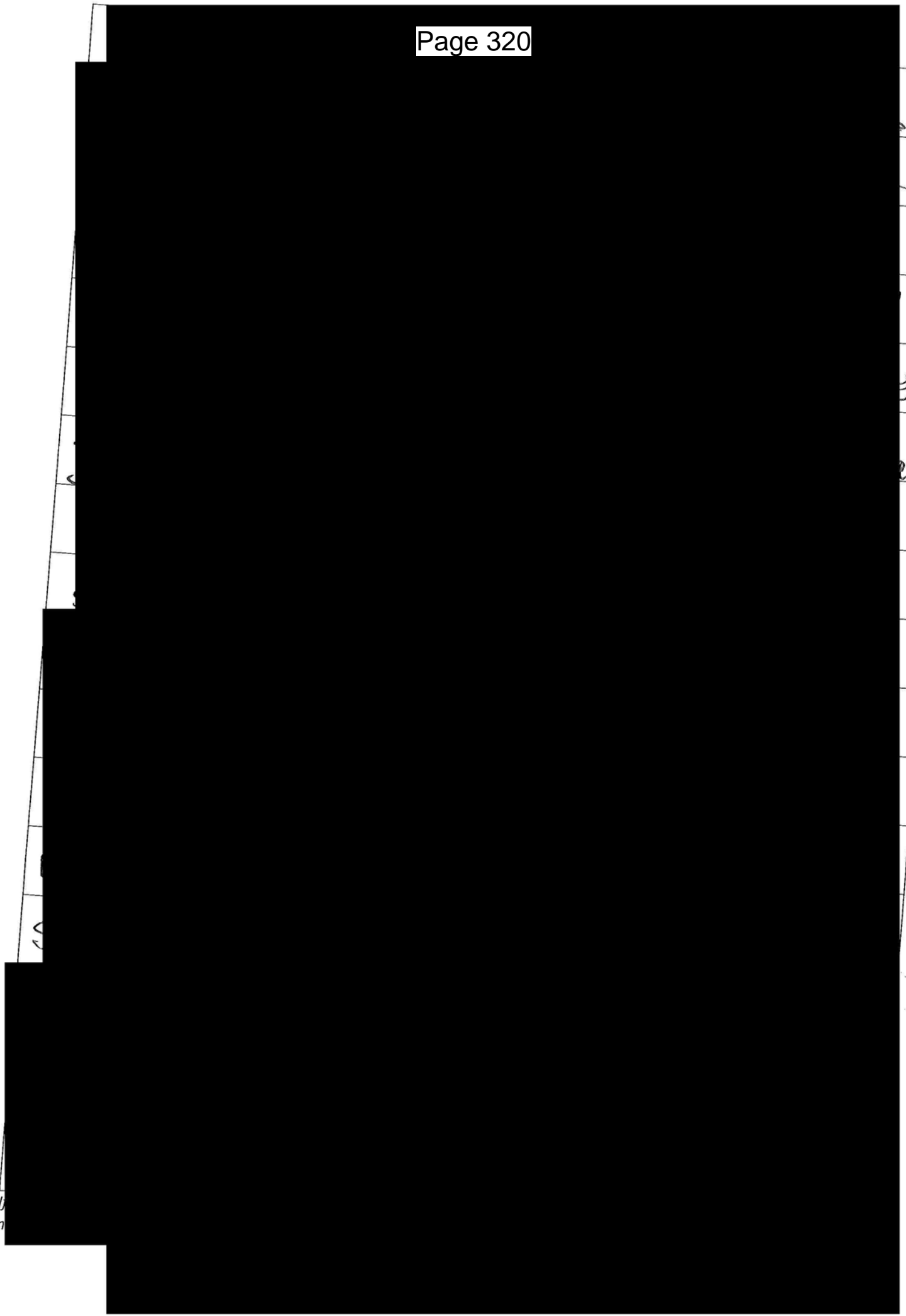
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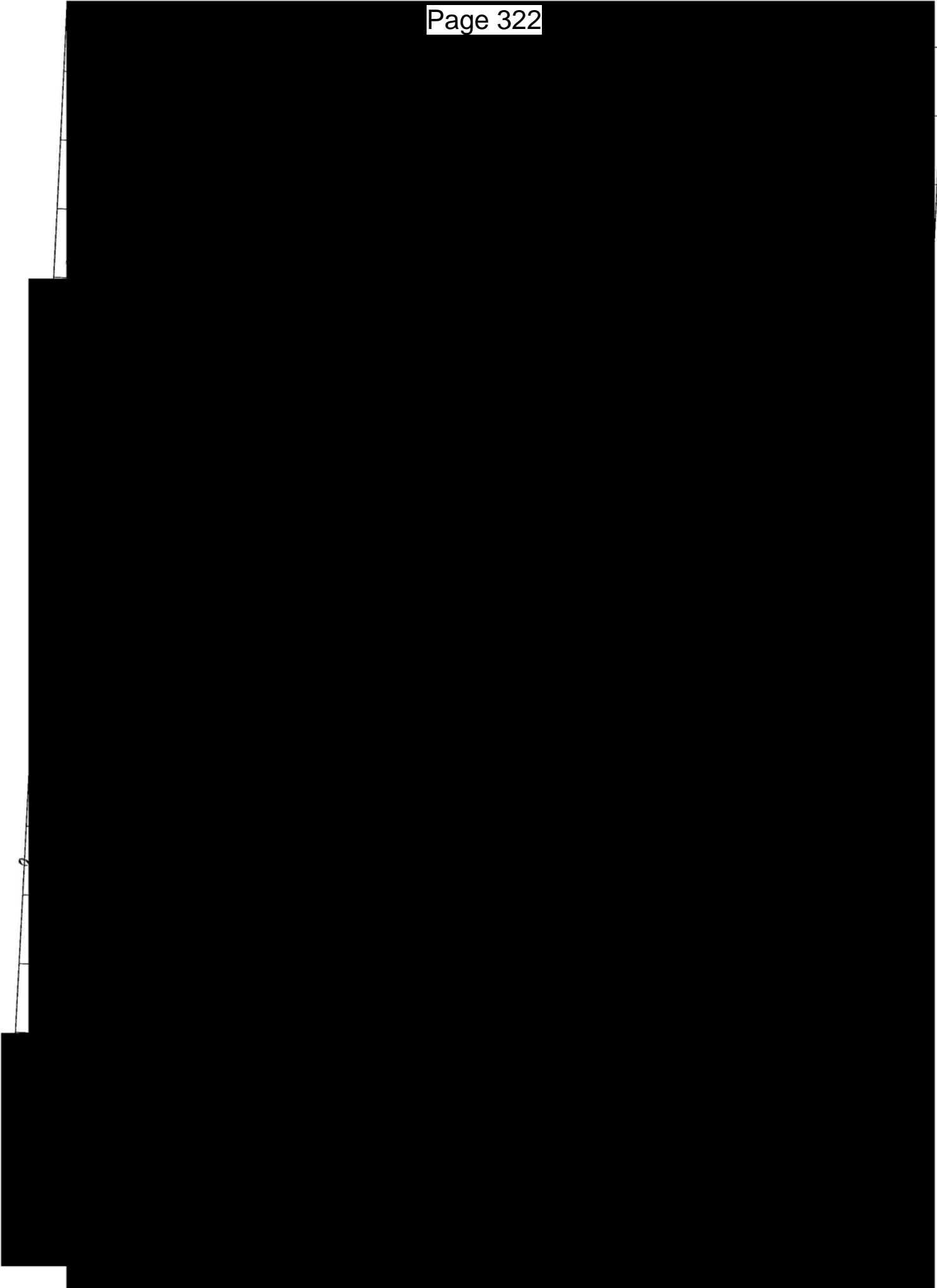
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The Heritage Deco Café and Garden Bar Orangery opened in summer 2020 to support the local community at a time when social interaction was severely limited by the COVID19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangery structures were installed during this period.

The Heritage Deco Café opened with two trestle tables under the portico, the café was an instant success with the community referring to it as its 'lifeline'. Since opening the café has been visited by more than one million customers and has become a significant social and cultural asset for the community.

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The Cheltenham Trust, a not for profit, independent charity, will be seeking temporary planning permission to retain the orangeries for visitors to continue to enjoy.

We are inviting you to support the continuation of these vital community assets.

Thank you for your support as a valued customer.



The Cheltenham Trust

Email address	Address and phone	Signature
[Redacted content]		

Name \_\_\_\_\_



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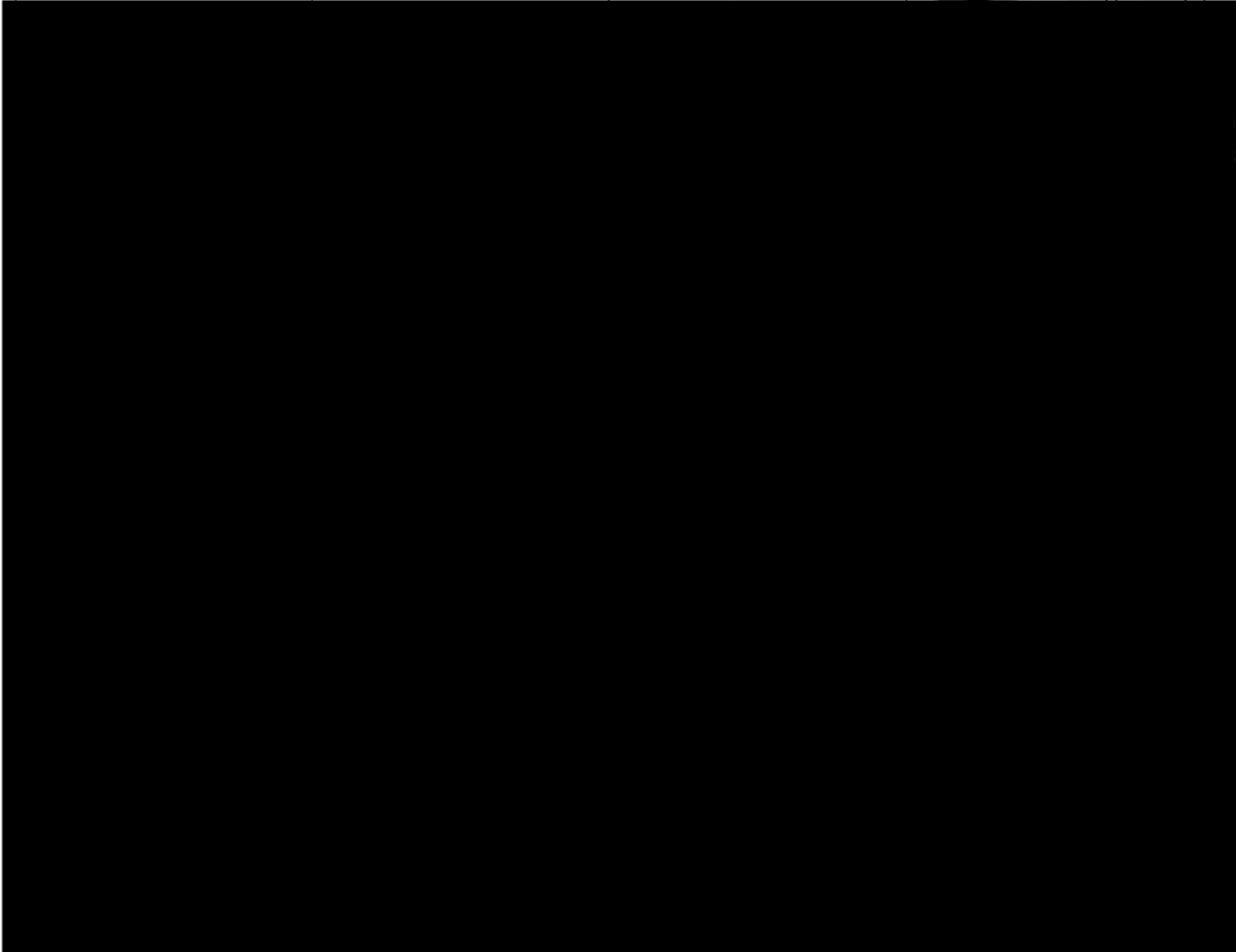
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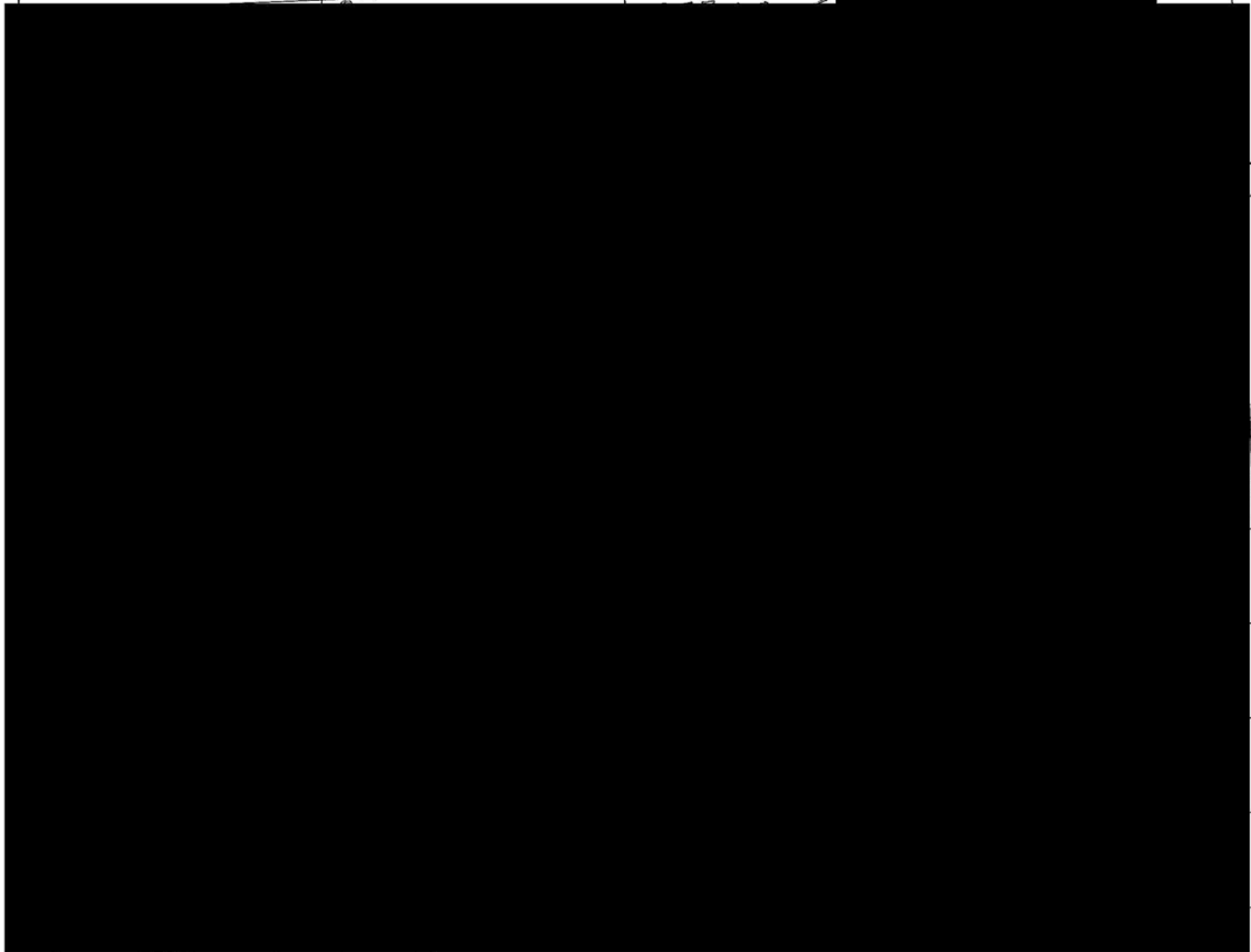
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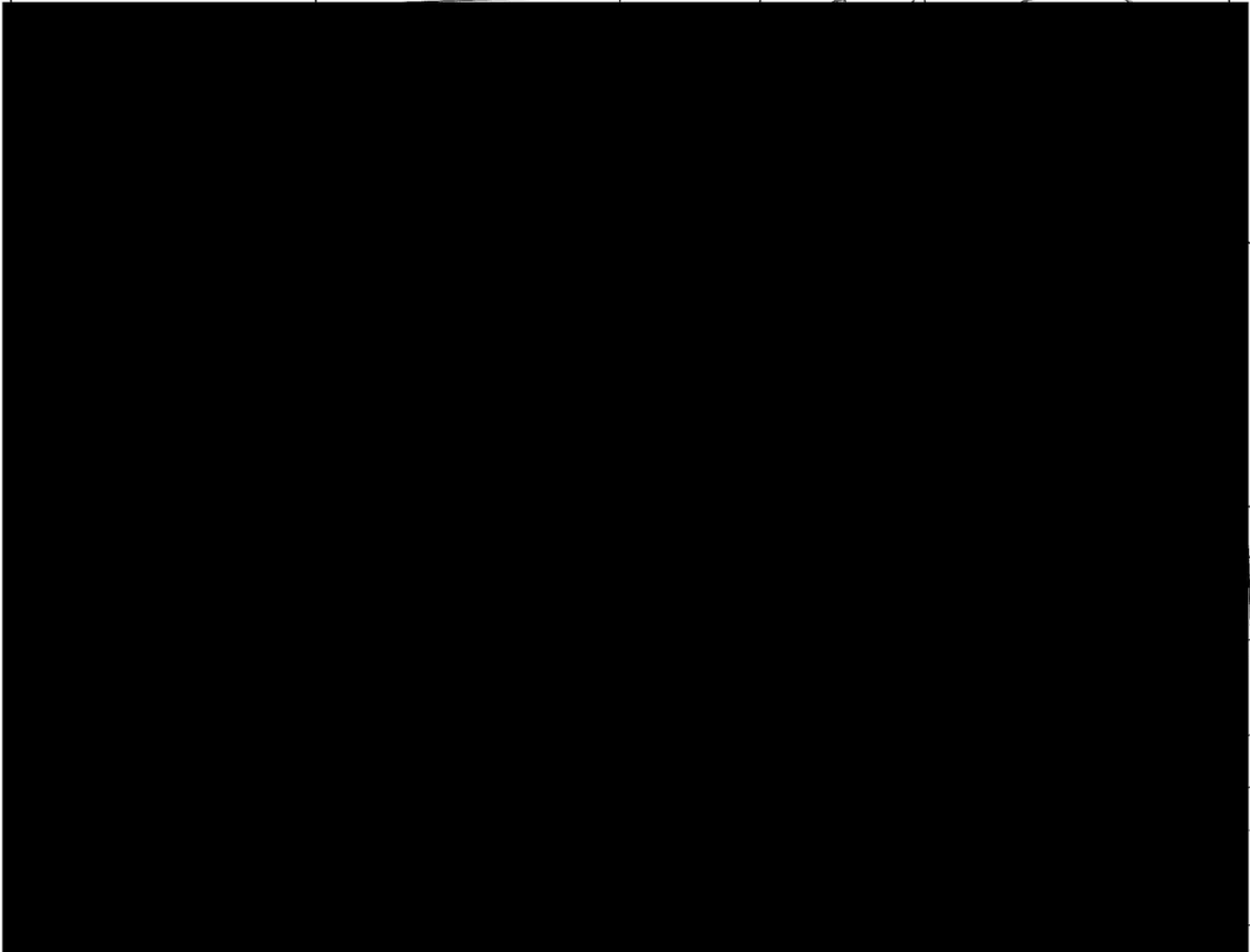
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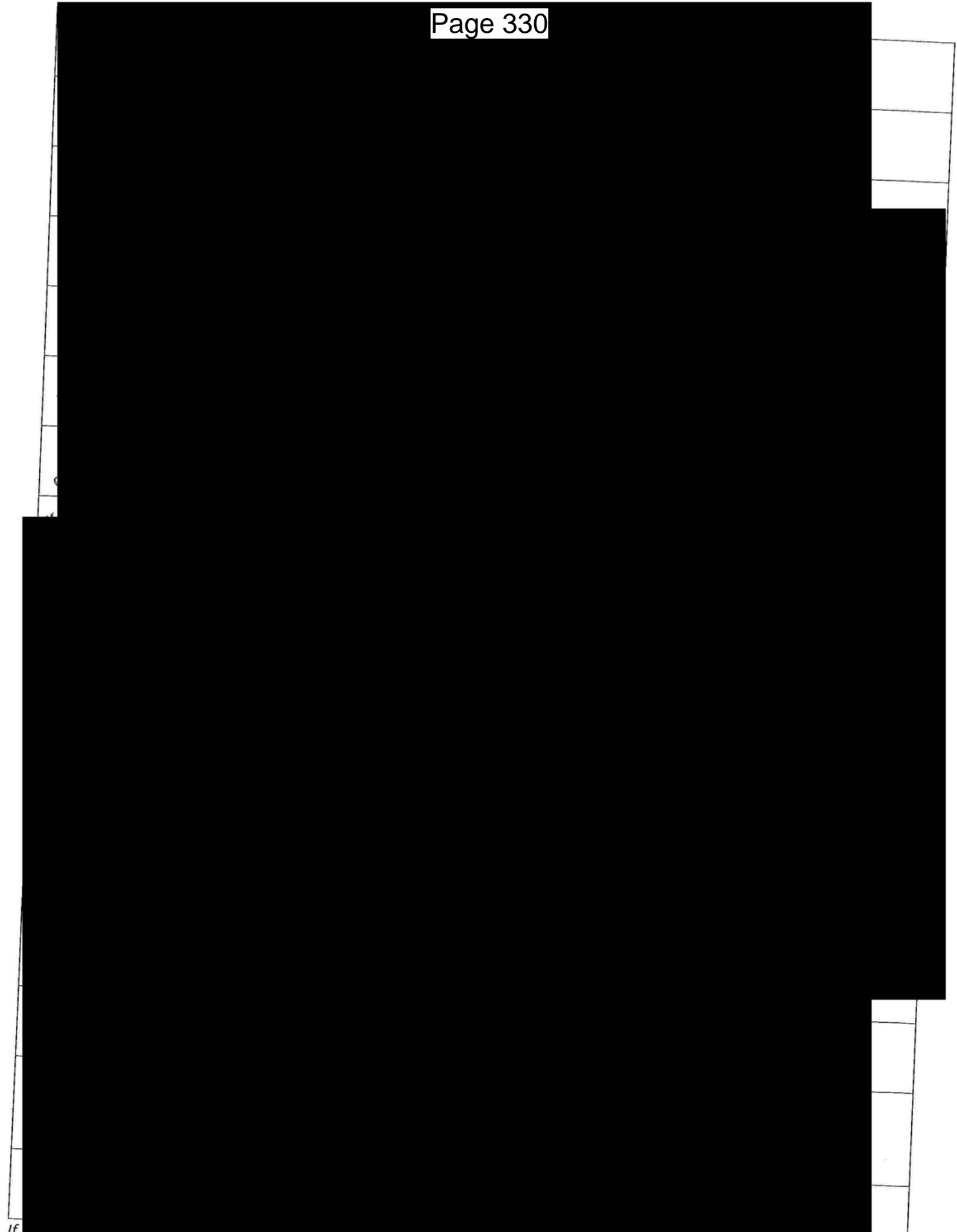
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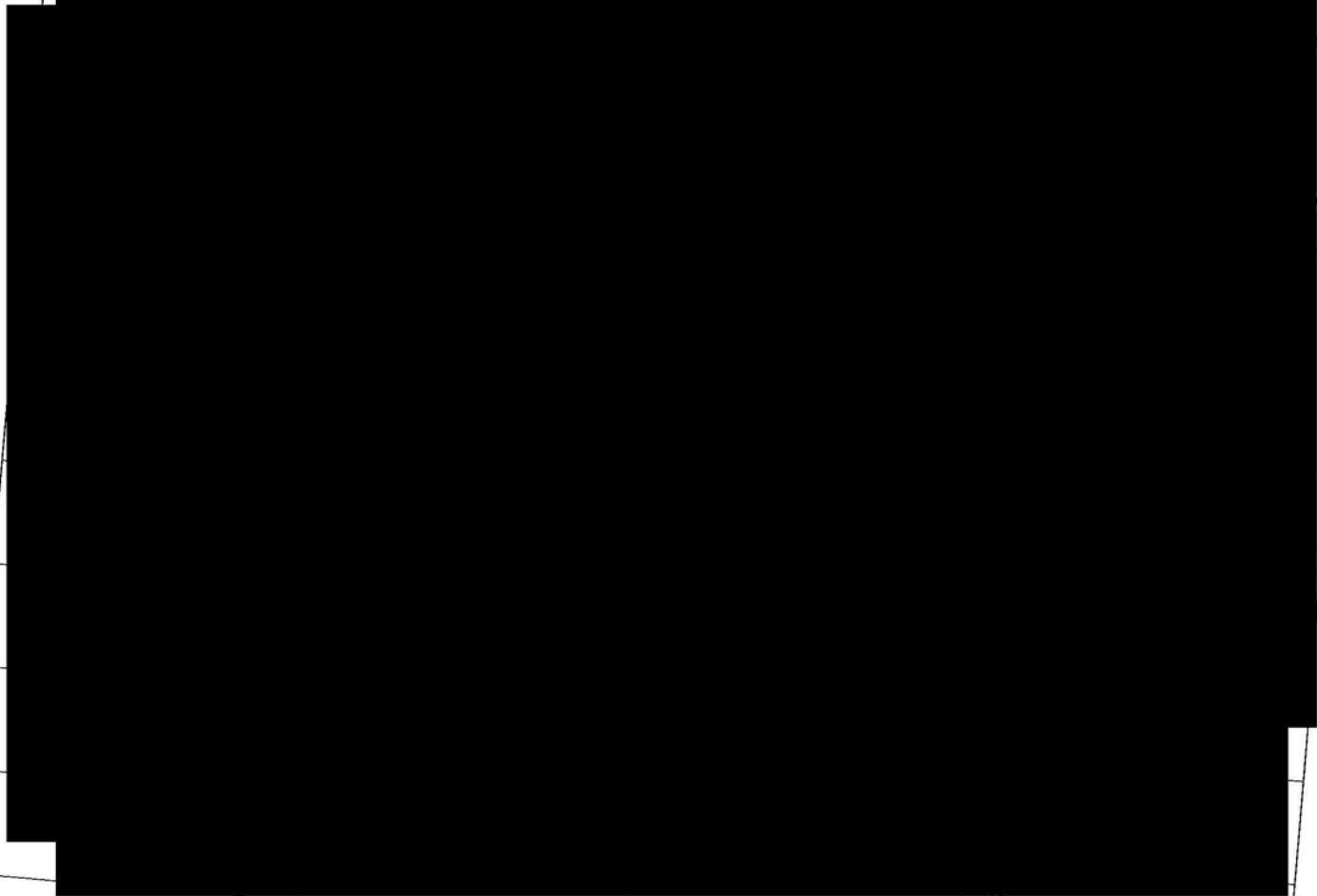
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[Redacted]			




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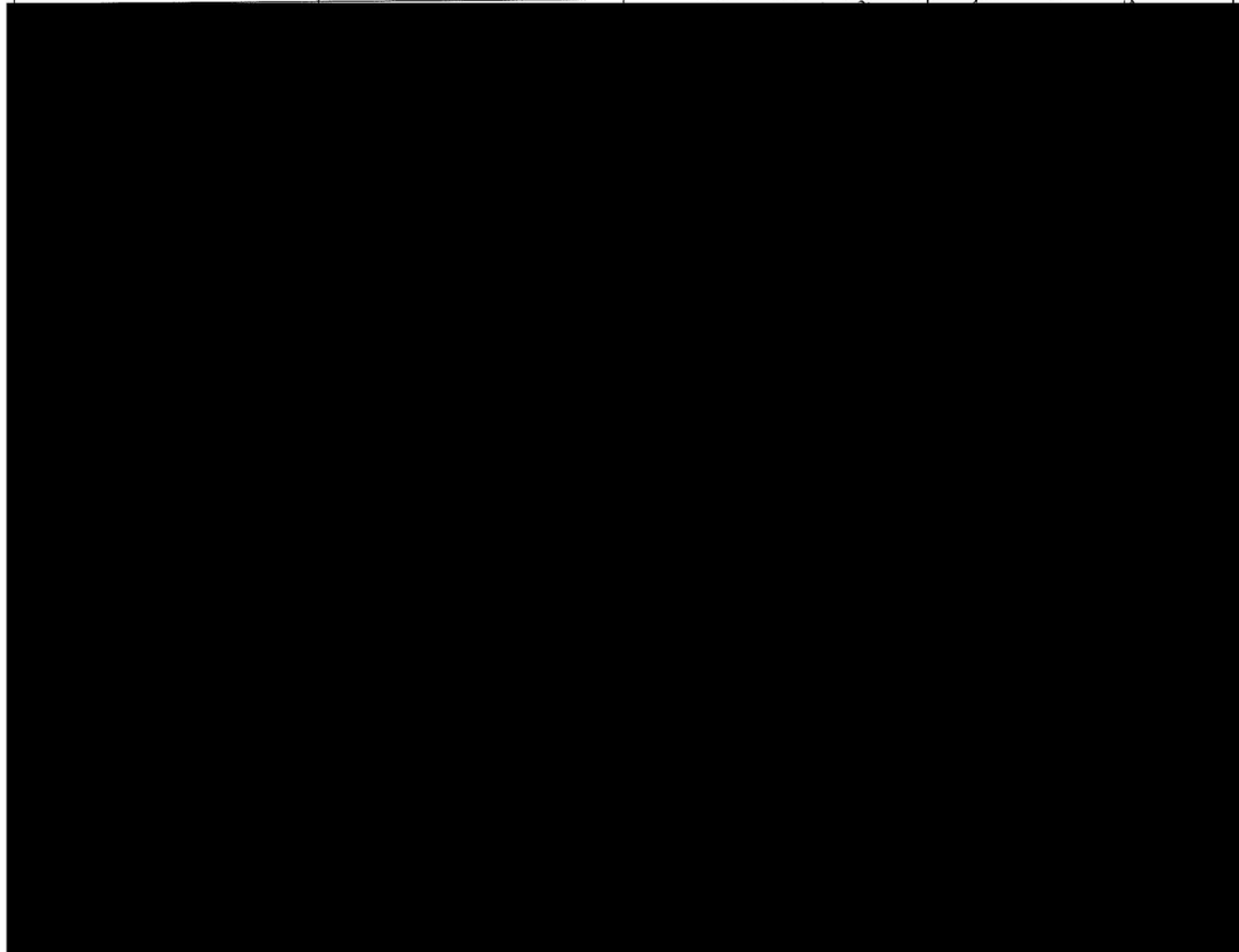
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# Show your Support for The Cheltenham Trust and The Heritage Deco Café and Garden Bar Orangery

**Please Sign this petition to show your support for temporary planning permission to keep these cafes open.**

The Heritage Deco Café and Garden Bar Orangery opened in summer 2020 to support the [Page 336]community at a time when social interaction was severely limited by the COVID19 pandemic. The government lifted planning regulations during the pandemic and the temporary orangery structures were installed during this period.

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We are inviting you to support the continuation of these vital community assets by adding your details to our form below.

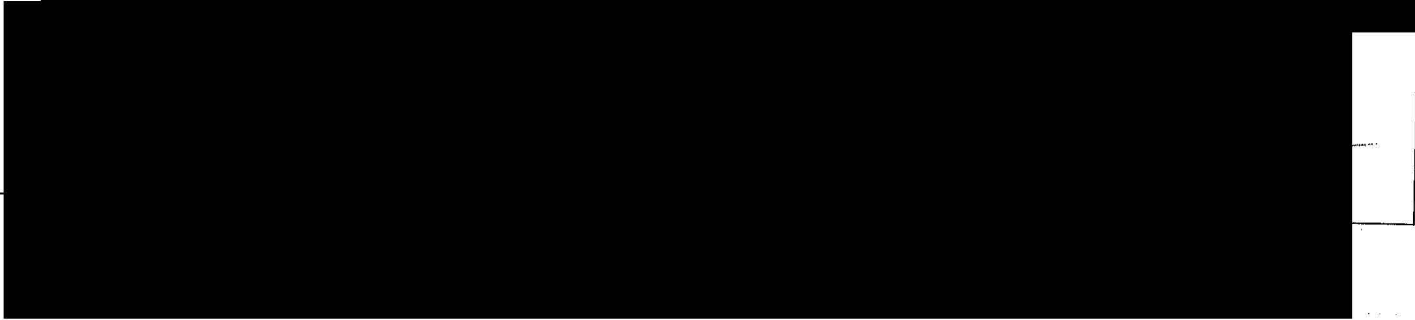
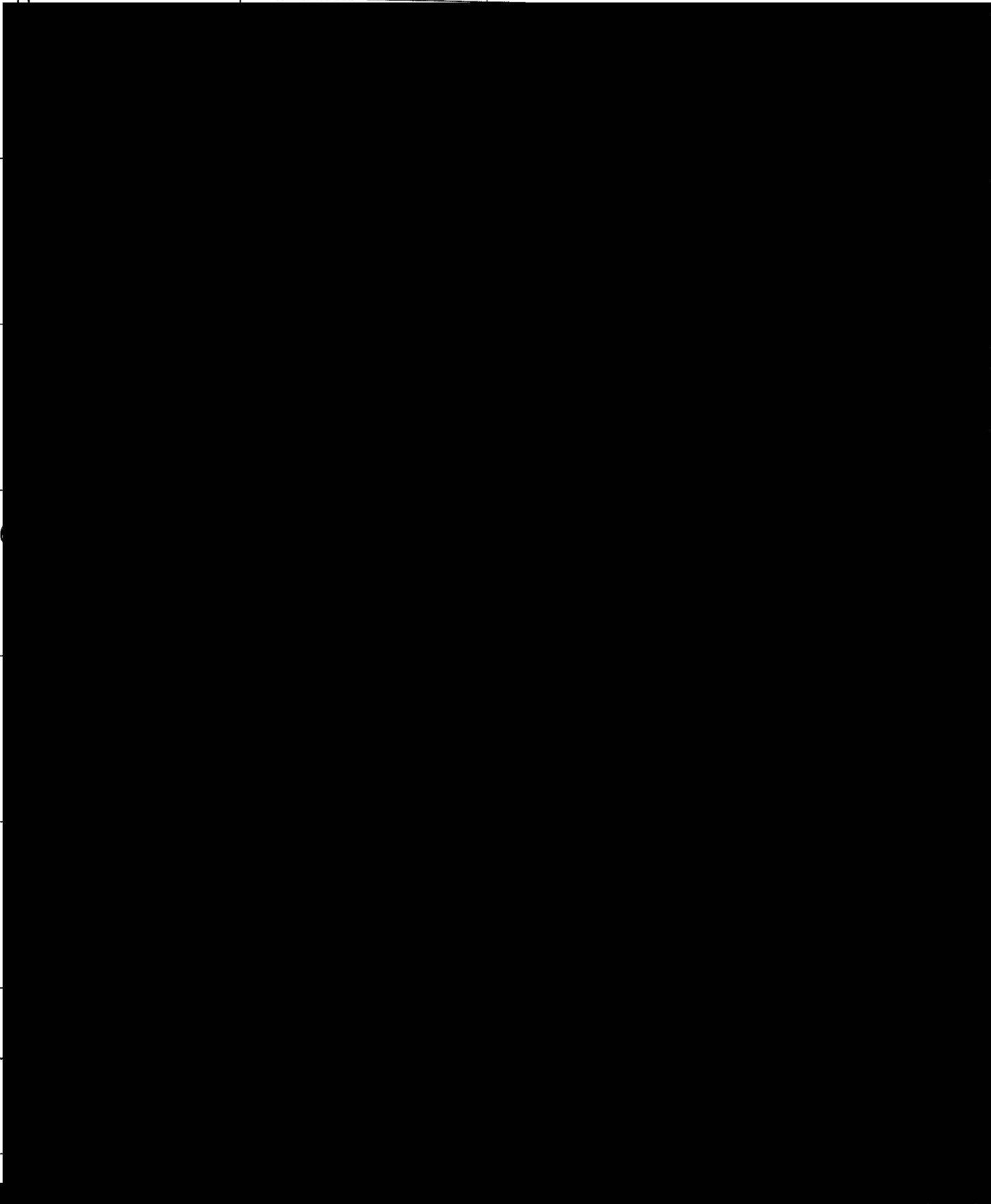
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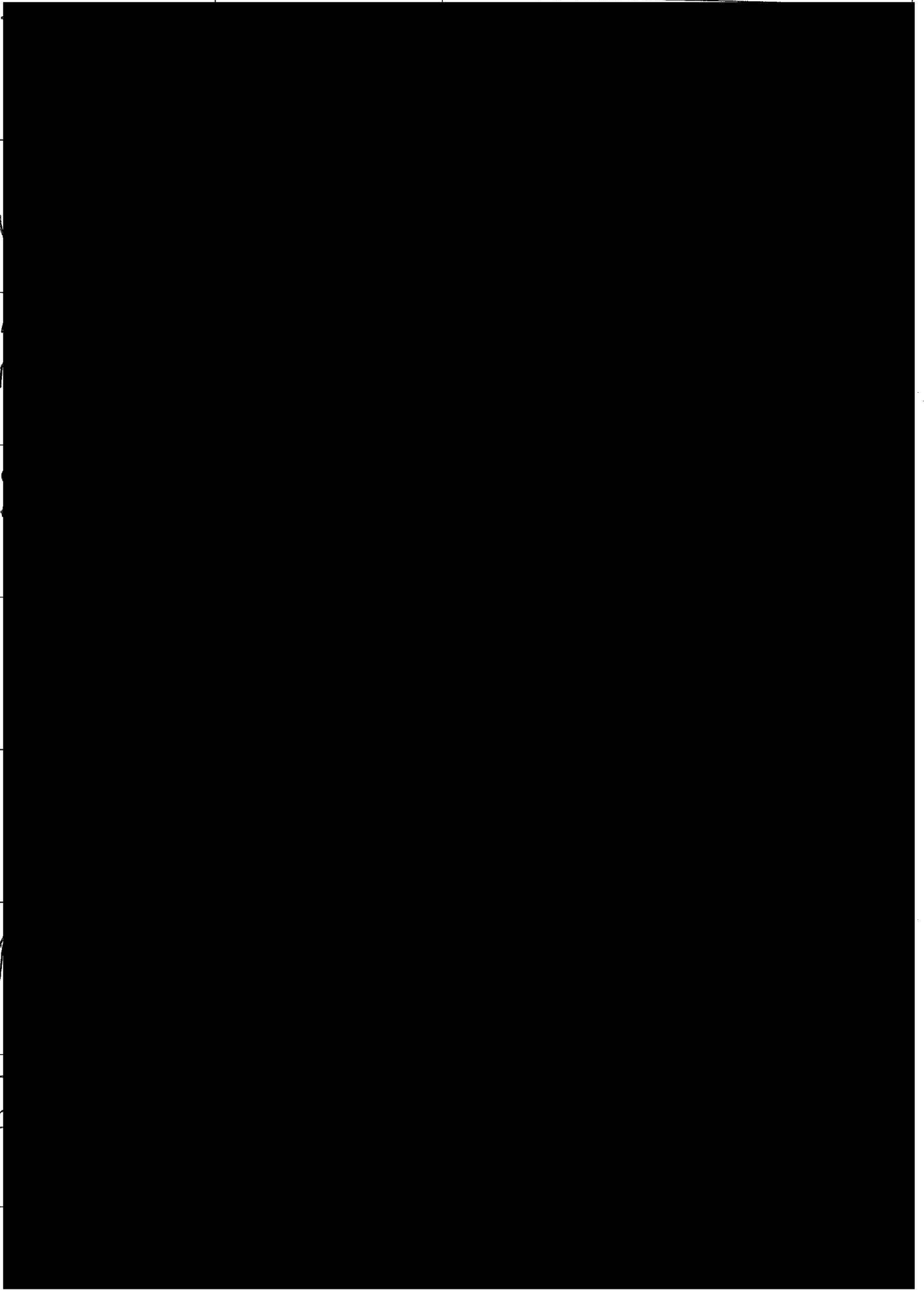


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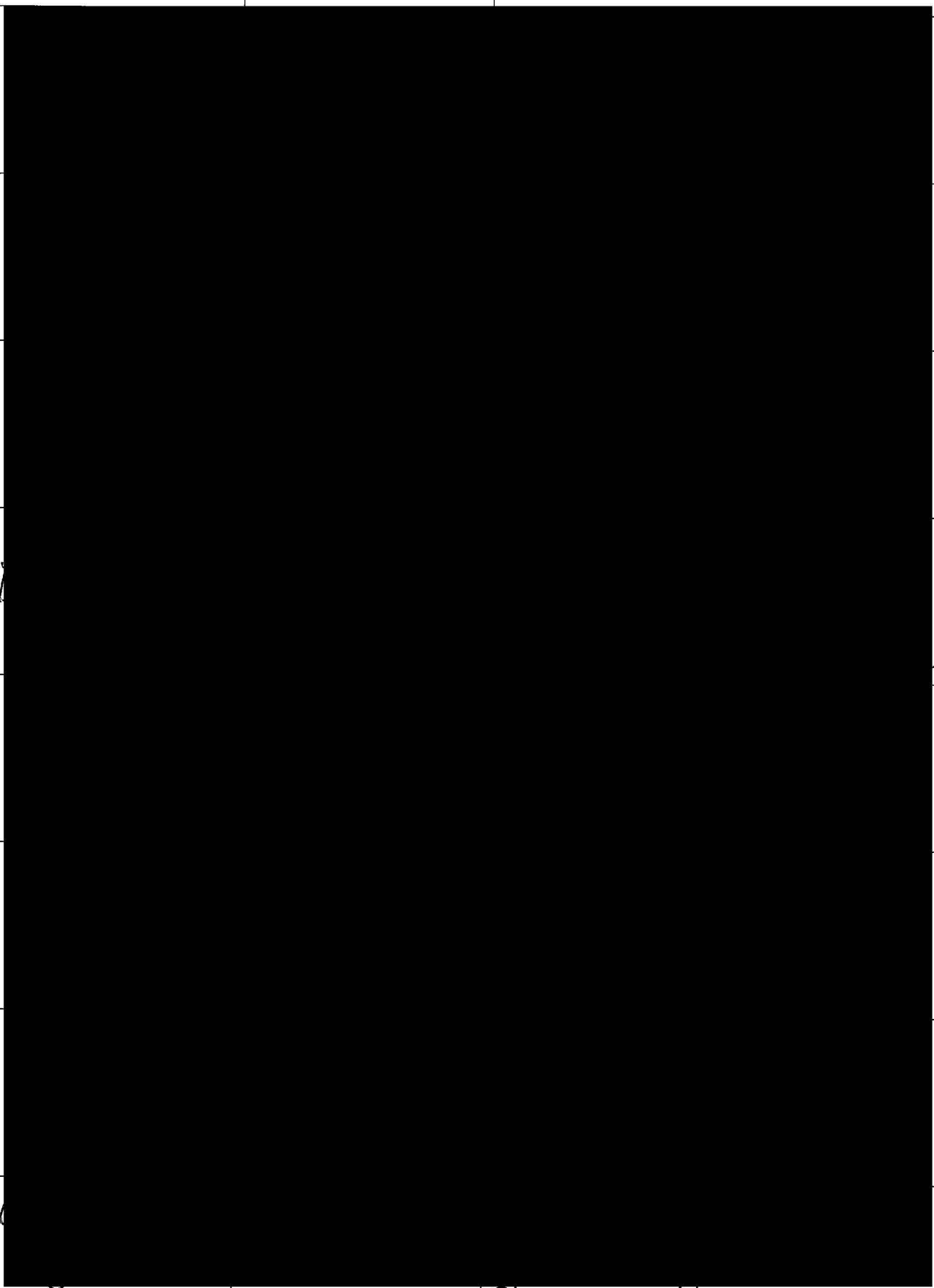
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Page 339

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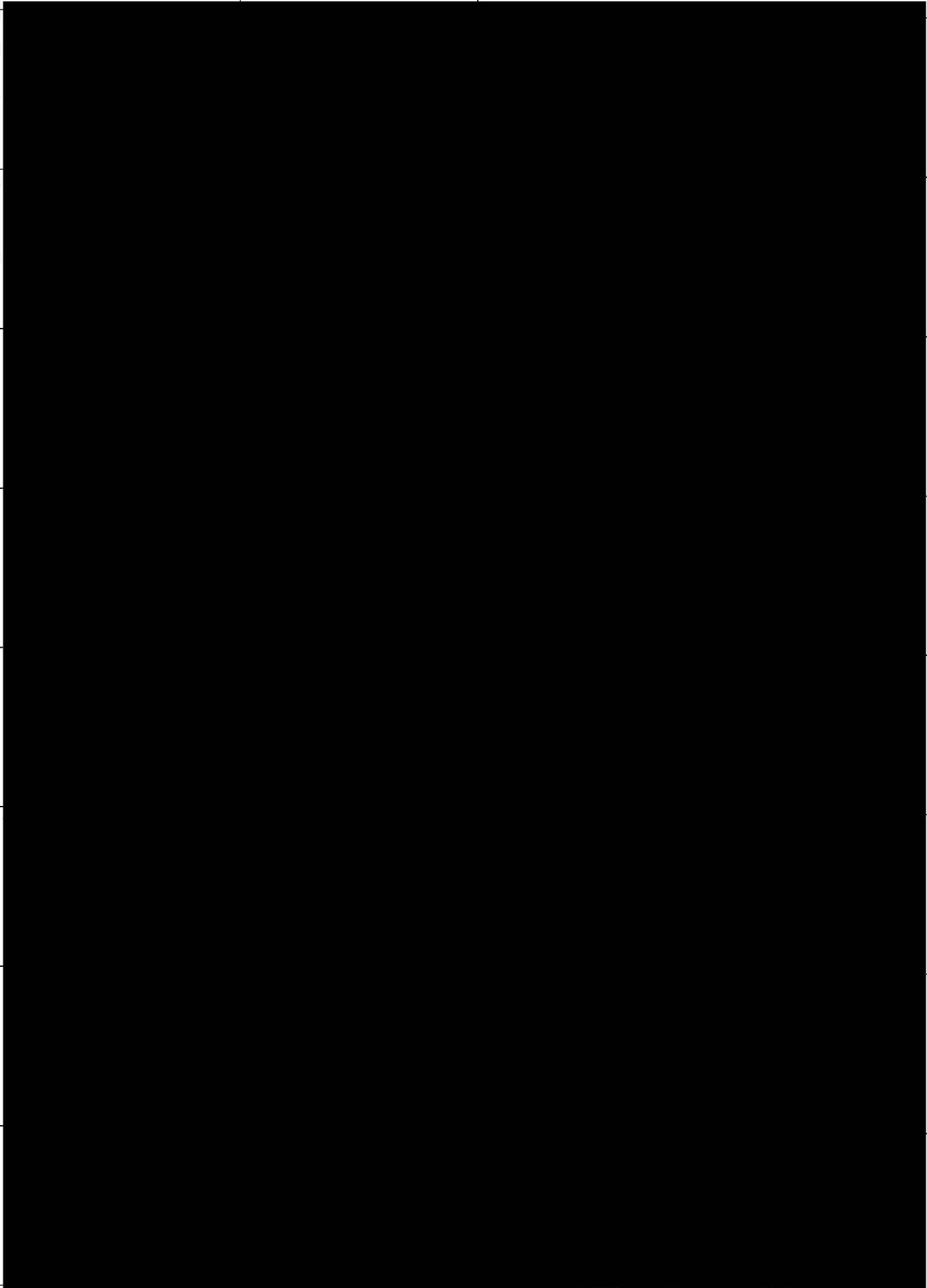
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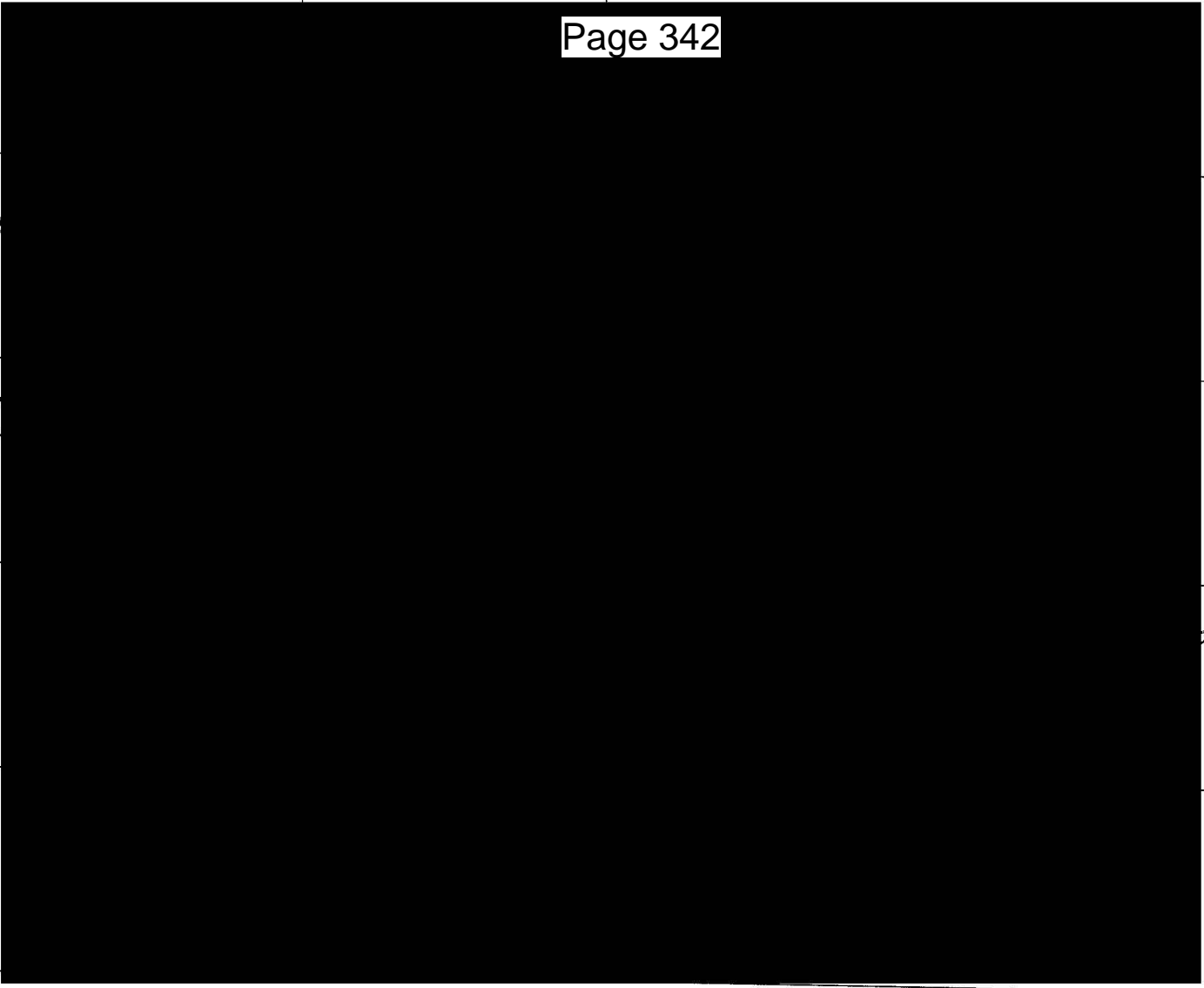
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Page 341

Sign:





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I sign this petition in support of the temporary planning application for the Heritage Page 344, Café and Garden Bar Orangery

First Name	Surname	Email and signature
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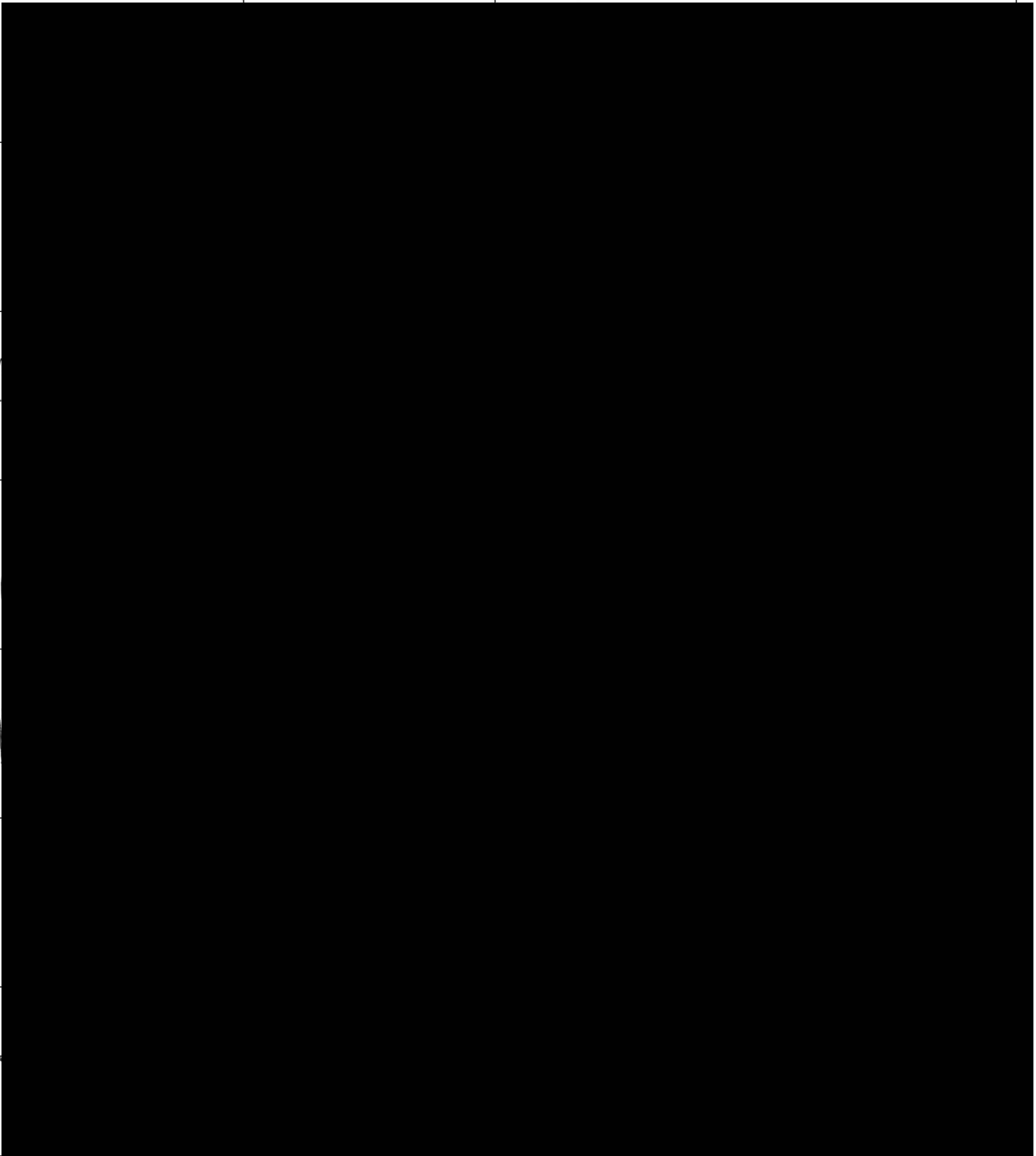
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I sign this petition in support of the temporary planning application for the Heritage Café and Garden Bar Orangery

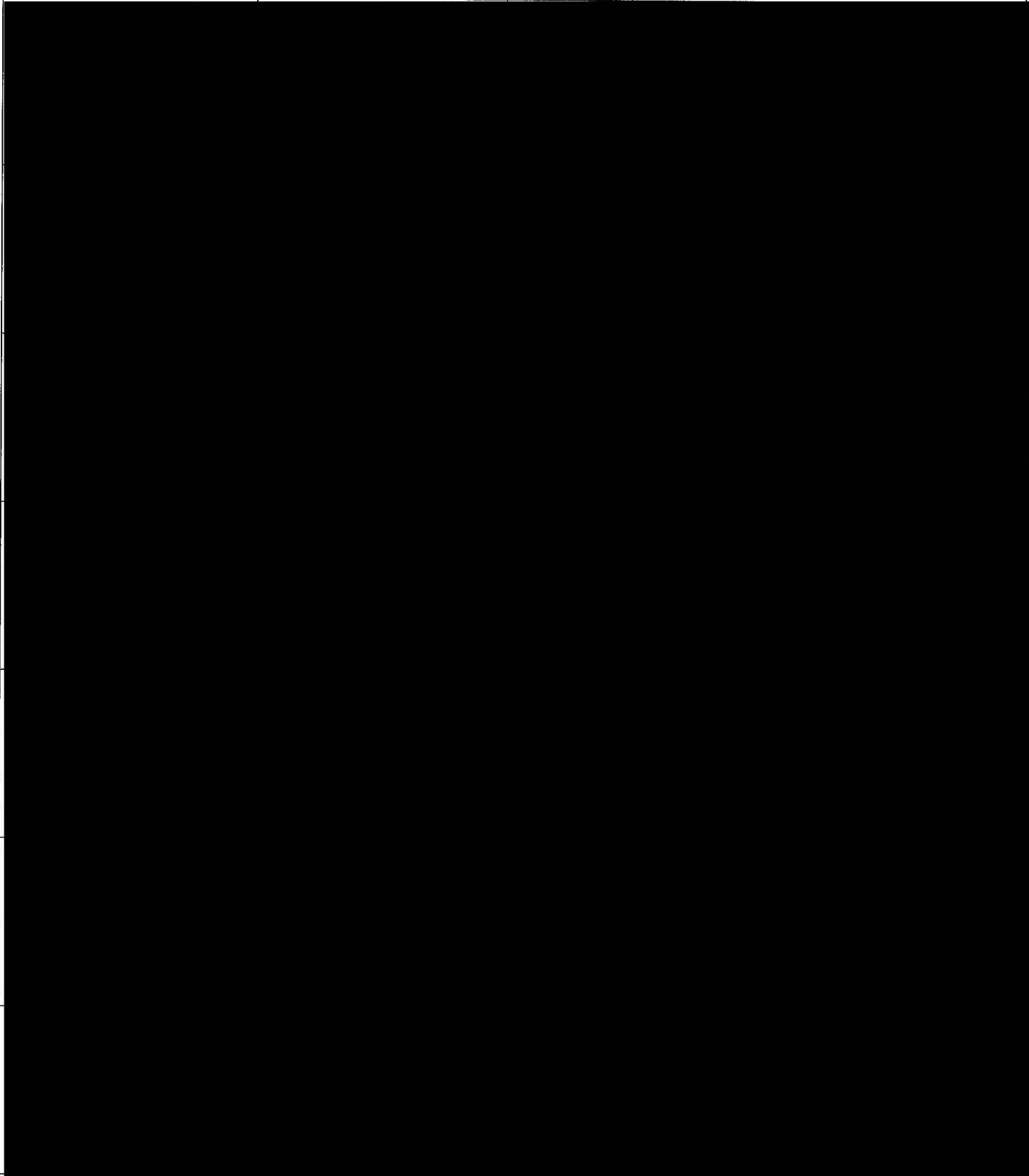
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Page 348

Sign:



Sign:

**Officer Report**

<b>CASE NO:</b> 22/00799/TREEPO	<b>OFFICER:</b> Sam Reader
<b>DATE TPO MADE:</b> 15 <sup>th</sup> August 2022	<b>DATE OF EXPIRY:</b> 15 <sup>th</sup> February 2023
<b>WARD:</b> Prestbury	<b>PARISH:</b> Prestbury
<b>LOCATION:</b>	Hill Court, Hillcourt Road
<b>PROPOSAL:</b>	TPO to protect: 2 holm oaks (T1 & T2) 1 coast redwood (T3) 1 sycamore (T4) 2 horse chestnuts (rear of property) (T5 & T6) 1 pear (rear of property) (T7)

**RECOMMENDATION:** CONFIRM TPO WITHOUT MODIFICATION



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Regency property with several mature and several young trees around the site.
- 1.2 Two old TPOs were listed on site causing some duplication and missing some significant trees. Both TPOs have been revoked, replaced with TPO799 to include the trees listed above. Although the trees to the rear of the property have limited public visual amenity, continued interest in the development of the site and lack of formal protection makes them vulnerable to removal or inappropriate pruning.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Relevant Planning History:**

**22/01316/PREAPP      2/7/22      CLOSED**

Erection of two single family dwellings to the rear with alterations to the landscaping

**19/00827/FUL      25/4/19      WITHDRAWN**

Demolition of modern lock-up garages within the curtilage of Hill Court, erection of 2 no. mews houses to rear of existing building and reconfiguration of existing external areas to form parking and amenity spaces.

## 3. POLICIES AND GUIDANCE

### **NPPF**

Sections 179, 180 Habitats and Diversity

### **Adopted Cheltenham Plan Policies**

GI2 Protection and Replacement of Trees

GI3 Trees and Development

### **Supplementary Planning Guidance/Documents**

The Cheltenham Climate Change SPD (June 2022)

## 4. CONSULTATIONS

Tree owner and interested parties (neighbours where trees overhang boundaries, Parish and Ward Councillors) are given 28 days to object to the TPO.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 1 site notice was displayed
- 5.2 1 objection was received (adjoining neighbour to the rear, 4 Lexington Square)
- 5.3 The objection received is summarised (all in their own words but their name has been redacted):

*"1. Lack of amenity value*

*a. T5 and T6 have no scarcity value or intrinsic beauty.*

*b. They provide no enjoyment to the public and have no material impact on the local environment: only their crowns can be seen from any publicly accessible land, and only at a significant distance;*

*the arboricultural fabric of the area is entirely unaffected by them. The Planning Committee is asked to attend the public area nearest T5 and T6 (rather than Hill Court, which is private land) and assess the lack of amenity value for itself. If one of the purposes of this TPO is to benefit the residents of Hill Court or its neighbours, that is an impermissible reason because it is not a public benefit.*

*c. The general cultural and historic value of Horse Chestnuts in Cheltenham is irrelevant in circumstances where T5 and T6 are otherwise of no public value, and in light of the fact that the vast majority of Horse Chestnuts in Cheltenham – including those in public places with high amenity value – do not have any TPO applied to them.*

### **2. Expediency**

*a. No risk has been identified of T5 or T6 being cut down or pruned in ways which would have a significant impact on the amenity of the area. The possibility of planning applications in future cannot be relevant, as all the other trees which are proposed to be included in this TPO will be protected, and (in practical terms) no possible development could take place involving only the area containing T5 and T6.*

*b. Objector's private law rights (including common law pruning rights) would be significantly limited by the TPO (because they would need to seek third party consent each time they needed to prune trees which abut their own land), whereas there is no – or minimal – relevance to the public, whether or not T5 and T6 are made subject to a TPO.*

*For those reasons (limitation of Objector's common law rights, in the absence of any risk of harm, and with no public benefit), the balance of expediency clearly falls in favour of not including the two Horse Chestnut trees, T5 and T6, in the TPO."*

At the request of the objector, their emails have been included as an addendum to the report.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

Both trees would be removed as part of any permission to the development of 22/01316/PREAPP. Any retention of the trees would render them out of proportion with the proposed modest rear gardens. Similarly, horse chestnuts drop much tree litter (conkers, flowers, leaves etc) and could become a perceived nuisance to garden owners. Without formal protection, the trees could be entirely removed without further recourse to the Council.

All trees listed on the TPO are worthy of protection as measured against the TEMPO guidance (TEMPO guidance is a non-statutory but nationally recognised and used scoring system for determining the suitability of a tree for TPO). Both trees scored the following:

1. A. Condition: Fair / Satisfactory: 3 points
- B. Retention span: 40-100 years: 4 points
- C. Public visibility: Large trees visible only with difficulty: 2 points
- D. Other factors: No additional features: 1 point
2. Expediency: Foreseeable threat to tree: 3 points

**Total: 13 points – TPO defensible.**

(a sample TEMPO has been included as an addendum).

The trees add to the arboreal fabric of the area and, despite not being prominent from the street, are large trees which provide screening into and out of the site along, wildlife and biodiversity benefits, carbon sequestering and other benefits to the local green infrastructure (e.g. temperature lowering).

The Objector's private law rights to prune the tree on their side of the boundary without the tree owner's permission would be unaffected by the TPO. Although they would have to apply to the Council first, the impact would be minimal. In most cases, tree surgeons apply on behalf of their clients. The turnaround on applications is usually within a few weeks and, given that most tree surgeons have a normal lead-in time of at least a month, there would unlikely be significant delay to any intended works.

The horse chestnuts are alleged to have caused damage to the neighbour's drive, car port and garage through root expansion and subsidence, also through dropping branches. The Trees Section would not object to the trees being reduced to the boundary edge to reduce the risk of future conflict caused by the trees, so long as the work was completed in line with BS3998 (2010) (the British Standards for Recommendations for Tree Work).

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The trees on site perform a valuable function for amenity, wildlife and screening, despite some of the trees being to the rear of the property. Therefore, the officer's recommendation is to confirm the TPO without modification. Any other outcome would leave the trees vulnerable to removal.



### 7.2 Addendum (Objector's emails added at their request – name and contact details redacted):

**From:**

**Sent:** 10 September 2022 19:32

**To:** Tree Section (CBC) <[Trees@cheltenham.gov.uk](mailto:Trees@cheltenham.gov.uk)>

**Cc:** Sam Reader <[Sam.Reader@cheltenham.gov.uk](mailto:Sam.Reader@cheltenham.gov.uk)>

**Subject:** FAO Christopher Chavasse - Objection - Tree preservation orders T5 and T6

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Some people who received this message don't often get email from [msirrell@btinternet.com](mailto:msirrell@btinternet.com). [Learn why this is important](#)

Dear Mr Chavasse,

I have received and carefully considered your email of 5 September 2022 at 14:18, and I confirm that I do maintain my objection to the making of TPOs in respect of the two horse chestnut trees T5 and T6 at Hill Court, Cheltenham (the "Two Trees").

For the avoidance of doubt, I confirm that I do not object (and have never objected) to the making of a TPO in respect of any other tree at Hill Court (such as the pear tree to which you have referred in the second bullet point in your email).

In making my objection, I repeat the points which I made in my email of 4 September 2022, and I add the following points.

I note that the statutory issues for consideration are the amenity value of the Two Trees to the public, and the expediency of making the order. The less their amenity value to the public, and the less expedient it is to make the TPO, the more likely it is that my objection will be upheld.

The amenity value of the Two Trees, in terms of their impact on the local environment and particularly their enjoyment by the public, is extremely limited. As you have noted, there is no public access: only their crowns can be seen, and only "from a distance", as you put it in the first bullet point of your email. There are other trees on Hill Court and surrounding land which make up the "arboricultural fabric", and once the Objection Panel members attend site, and focus on looking at the canopy from a public area (as opposed to viewing it from Hill Court or neighbouring properties), they will see almost no difference, or none at all, between the visible canopy with or without the Two Trees.

The Blue Book says that amenity value means a reasonable degree of public benefit (that is, "amenity value" does not mean benefit for the private occupiers of properties immediately around the Two Trees). Therefore the comments in the first bullet point in your email, about the residents of Hill Court and its neighbours enjoying the Two Trees, and the Two Trees hiding the car park behind Hill Court – whether factually correct or not – are irrelevant to the making of the TPO. These reasons do not amount to any sort of public benefit, and they are an impermissible reason for making the TPO.

The Blue Book also suggests that "amenity value" may be connected to the intrinsic beauty and/or scarcity of a tree. You have accepted that the Two Trees are not rare, in the second bullet point in your email, and you have not suggested anywhere in your email that they have any particular aesthetic value.

Your point about the general cultural and historic value of Horse Chestnuts in Regency tree planting (also in your second bullet point) is surprising: there are only 550 TPOs across the whole Borough of Cheltenham, of which it must be safe to assume that only some relate to Horse Chestnuts. I also assume that those are generally Horse Chestnuts in public areas, with very high amenity value for the public. The Objection Panel members should consider how many Horse

## Page 354

Chestnut trees on private land, planted amongst other trees and almost invisible to the public, are the subject of TPOs in the Borough of Cheltenham. I cannot know, but I would guess that there are no such TPOs, or very few indeed.

The same point can be made about your third bullet point: that the Two Trees are not in a Conservation Area. That point surely says nothing about amenity value at all: much of Cheltenham is not a Conservation Area and contains many, many trees which have not been made subject to a TPO.

The Blue Book does say that “expediency” may include considerations of whether there is a risk of a tree being “cut down or pruned in ways which would have a significant impact on the amenity of the area”.

Do you know of any such risk to the Two Trees? As a neighbouring landowner who receives a significant personal (not public) benefit from the screening which the Two Trees provide for my home, I am not aware of any such risk, and indeed I am as keen to protect the Two Trees as any other nearby landowner. There has been no felling and no harmful pruning, and no suggestion whatsoever that any such activity might take place. On the contrary, as I described in my first email, the only incentive is to keep the Two Trees healthy, tidy and well-pruned.

That is amply supported by the disease issues raised in your fourth bullet point: if indeed the Two Trees are in a normal condition and without significant disease, there is no risk of improper pruning.

The comments you make in the fifth, sixth and seventh bullet points in your email are, in fact, an excellent illustration of why it is so important to apply the statutory principles of “public amenity value” and “expediency” in a rigorous way. The Two Trees are on private land abutting my land; I have private, common law rights in respect of pruning on my own land; and I have a valid and proper interest in the general pruning of the Two Trees to minimise the encroachment of their roots and limbs, by liaising with my neighbours. If the Council makes a TPO in respect of the Two Trees, those important private law rights would be made subject to the need to obtain the consent of the State: a significant limitation of my private rights as a landowner, which Parliament has seen fit to impose only in very particular circumstances.

“Amenity value” and “expediency”, and the Blue Book guidance, will therefore need to be carefully considered by the Objection Panel members. They will undertake a balancing exercise between the importance of the Two Trees to the general public, as well as the risk of harm being done to them, against the private law rights of the landowners affected by the making of the TPO.

In the case of the Two Trees – that is, just the two Horse Chestnuts T5 and T6 at Hill Court – there is negligible public benefit and no risk of harm. It cannot therefore be expedient to make these TPOs.

Please forward my objection (both this email and my email of 4 September 2022) to the Objection Panel for their careful consideration.

Yours sincerely

---

**From:**

**Sent:** 04 September 2022 13:16

**To:** Tree Section (CBC) <[Trees@cheltenham.gov.uk](mailto:Trees@cheltenham.gov.uk)>

**Subject:** Fwd: Re: Tree preservation orders

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Trees Officer

Head of Planning (Trees Section)  
Cheltenham Borough Council  
Box 12 Municipal offices  
Promenade  
Cheltenham GL50 1 PP

Dear Sir

**Subject: Trees at Hillcourt - Tree Preservation Order**  
**Single tree T5 horse chestnut tree to the north of the property**  
**Single tree T6 horse chestnut tree to the north of the property**

My name is . I am the freehold owner and occupier of 4 Lexington Square, which lies immediately to the north of both of the above trees.

I object to tree preservation orders being made in respect of the above trees.

My objection is made on the following grounds:

- There is no public access to the land on which the trees are situated; therefore, there is no public amenity.
- Moreover, the trees cannot be seen by the public at all; therefore they give no public benefit in the present or future.
- They are not rare trees.
- They are not trees of any cultural or historic value.
- The trees are not in a conservation area.
- The trees do not appear to be healthy; they appear to suffer from leaf blight. In light of that concern, could you please confirm whether the trees have been inspected by a qualified person, to understand their overall condition?
- In recent years, large branches have cracked and fallen from both trees, which affects my safety as the occupier of the adjoining land; I am 78 years old, and so that does cause me concern. Work is likely to be needed in the near future to prevent further branches from damaging my carport and garage, and in the absence of any public amenity whatsoever, it would be disproportionate and onerous to impose the conditions of a TPO on any such works.
- As well as the issue with the branches, the roots of both trees have already caused my tarmac to ridge considerably, and large cracks to the render of my garage are also likely to have been caused by subsidence, due to the high water intake of the root systems of the two trees.
- Again, in the absence of any public amenity whatsoever, it would be disproportionate and onerous to impose a TPO, which would greatly complicate any lopping or pollarding work I may need to have done in order to preserve the integrity of my land and buildings.

I attach 7 photographs, showing the trees as seen from my land, including photographs of the ridged tarmac and cracked render.

If you require any additional information from me, in order to consider my objection fully and properly, please contact me at .

Thank you.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:
-------	-----------

<b>Tree details</b>		
TPO Ref (if applicable):	Tree/Group No:	Species:
Owner (if known):	Location:	

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
--------------------------

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
--------------------------

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
--------------------------

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
--------------------------

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
--------------------------

**Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

<b>Add Scores for Total:</b>
------------------------------

<b>Decision:</b>
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# TREE EVALUATION METHOD FOR Page 359 ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:
-------	-----------

<b>Tree details</b>	Tree/Group No:	Species:
TPO Ref (if applicable):	Location:	
Owner (if known):		

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

**Score & Notes**

*\* Relates to existing context and is intended to apply to severe irremediable defects only*

##### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

**Score & Notes**

*\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

##### c) Relative public visibility & suitability for TPO

*Consider realistic potential for future visibility with changed land use*

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

**Score & Notes**

##### d) Other factors

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

**Score & Notes**

#### Part 2: Expediency assessment

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. s.21.1 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes**

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

**Add Scores for Total:**

**Decision:**

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From: Tree Section (CBC) <[Trees@cheltenham.gov.uk](mailto:Trees@cheltenham.gov.uk)>

Sent: 05 September 2022 14:19

To: [REDACTED]

Cc: Sam Reader <[Sam.Reader@cheltenham.gov.uk](mailto:Sam.Reader@cheltenham.gov.uk)>

Subject: RE: Re: Tree preservation orders

Dear [REDACTED]

Many thanks for the email.

I will try to address your objections in the order you write them:

- Indeed there is no public access to the trees. However the crowns of the trees can be seen from a distance and as such there is some public amenity. Similarly, many flats within Hill Court House and also your neighbours back onto the trees – they will enjoy the visual amenity provided by these trees. They certainly add to the arboricultural “fabric” to the area. In summer months they provide a screen to the large tarmac car park to the rear of Hill Court.
- They are not rare trees but I would argue they do have cultural and historic value. The planting of chestnuts and holm oak are synonymous with Regency tree planting. The protected pear tree would likely have been planted as a part of a larger domestic garden planting scheme when Hill Court was still a single dwelling and would have provided fruit for perry or fruit for the house.
- The trees are not in a Conservation Area and as such were vulnerable to complete removal without recourse to this council. Now that they are protected, formal council permission is required prior to pruning or felling.
- The chestnut trees are suffering from a newly introduced pest-horse chestnut leaf minor. At this time of year, their crinkled brown leaves reduce the amenity. However, next spring they will put forth new leaves and flowers. Again, as the year progresses, the leaf minor will dehydrate the leaves. If all fallen leaves are removed from site, the following year the tree will not suffer nearly so much as a result of this moth activity (It overwinters in the leaf litter). Otherwise, the trees appear to be in a normal condition for trees of their maturity.
- If it is demonstrated that the trees are in an unacceptably unsafe condition, this council would not likely refuse their pruning or if necessary removal. You have a common law right to prune that portion of the trees which overhangs your property boundary (upon receipt of formal CBC permission). Permission is not required to remove dead wood from the canopy.
- It may be that an application to undertake modest pruning to make the trees smaller and therefore less likely to fall or shed limbs may be permitted.
- Not being an engineer, I cannot comment on the cause of the current structural condition of your garage and tarmac parking area. It may be worth your while to inform your household insurer and they would likely make a formal investigation by somebody appropriately qualified. If it is deemed that it is the cause of the trees and there is no other reasonable solution, the trees could be pruned or removed-whichever is most appropriate. Your insurer will know the correct procedure to follow and would likely contact the owner of Hill Court in the first instance.

AS such the placing of formal protection on the trees does not change much on a practical level. It merely requires formal permission to be achieved prior to pruning or removal. We try to be understanding and empathetic to applications to prune. There is no council charge to submit an application to prune or fell and a formal response is normally sent out from this council within 3-4 weeks upon receipt of the application.

With this in mind, please could you state whether you are now prepared to withdraw your formal objection.

If you decide to maintain your objection, we will bring the decision to confirm (or not) the TPO to Planning Committee for a decision.

Do not hesitate to contact me to discuss.

Kind regards  
Christopher Chavasse  
Senior Trees Officer  
Cheltenham Borough Council  
Place and Growth  
Municipal Offices  
Promenade  
Cheltenham  
Glos GL50 9SA

Tel 07769877059

From: [REDACTED]  
Sent: 04 September 2022 13:16  
To: Tree Section (CBC) <[Trees@cheltenham.gov.uk](mailto:Trees@cheltenham.gov.uk)>  
Subject: Fwd: Re: Tree preservation orders

You don't often get email from [REDACTED] [learn why this is important](#)

Trees Officer  
Head of Planning (Trees Section)  
Cheltenham Borough Council  
Box 12 Municipal offices  
Promenade  
Cheltenham GL50 1 PP

Dear Sir

**Subject: Trees at Hillcourt - Tree Preservation Order**  
**Single tree T5.1 horse chestnut tree to the north of the property**  
**Single tree T6.1 horse chestnut tree to the north of the property**

My name is [REDACTED] I am the freehold owner and occupier of 4 Lexington Square, which lies immediately to the north of both of the above trees.

I object to tree preservation orders being made in respect of the above trees.

My objection is made on the following grounds:

- There is no public access to the land on which the trees are situated; therefore, there is no public amenity.

- Moreover, the trees cannot be seen by the public at all; therefore they give no public benefit in the present or future.
- They are not rare trees.
- They are not trees of any cultural or historic value.
- The trees are not in a conservation area.
- The trees do not appear to be healthy; they appear to suffer from leaf blight. In light of that concern, could you please confirm whether the trees have been inspected by a qualified person, to understand their overall condition?
- In recent years, large branches have cracked and fallen from both trees, which affects my safety as the occupier of the adjoining land; I am 78 years old, and so that does cause me concern. Work is likely to be needed in the near future to prevent further branches from damaging my carport and garage, and in the absence of any public amenity whatsoever, it would be disproportionate and onerous to impose the conditions of a TPO on any such works.
- As well as the issue with the branches, the roots of both trees have already caused my tarmac to ridge considerably, and large cracks to the render of my garage are also likely to have been caused by subsidence, due to the high water intake of the root systems of the two trees.
- Again, in the absence of any public amenity whatsoever, it would be disproportionate and onerous to impose a TPO, which would greatly complicate any lopping or pollarding work I may need to have done in order to preserve the integrity of my land and buildings.

I attach 7 photographs, showing the trees as seen from my land, including photographs of the ridged tarmac and cracked render.

If you require any additional information from me, in order to consider my objection fully and properly, please contact me at [REDACTED]

Thank you.

[REDACTED]  
4 Lexington Square, Cheltenham GL52 3LT

On 19 Aug 2022, at 11:10, [REDACTED] wrote:

Trees officer  
Head of Planning (trees section)  
Cheltenham borough Council  
Box 12 Municipal offices  
Promenade  
Cheltenham GL50 1 PP

Dear Sir

Trees at Hillcourt tree preservation order 2022  
Single tree T5 1 horse chestnut tree to the north of the property  
Single tree T6. 1 horse chestnut tree to the north of the property

I object to tree preservation orders being put on the above trees.

There is no public access to the land on which the trees are situated therefore there is no public amenity. They cannot be seen by the public. They give no public benefit in the present or future.

They are not rare trees and are of no cultural or historic value.

They are not in a conservation area.

I believe they are not healthy trees as they appear to suffer from leaf blight.

Has an inspection by a qualified person been made to understand the overall condition of the trees and their safety as quite large branches have blown off.

I fear work may need to be undertaken in the near future to prevent branches damaging my carport and garage. The roots from the trees have caused my tarmac to ridge considerably and I believe cracks in the render of my garage are caused by subsidence due to the trees.

A TPO would greatly complicate any work I may need to have done to the overhanging branches of the trees causing me unnecessary stress

Sent from my iPad

Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Decided	Hearing Date	Costs awarded
21/02306/FUL	22/00001/PP1	o/s 156 - 160 High St	written	07.03.2022	14.03.2022	11.04.2022	25.04.2022	dismissed	22.06.2022	n/a		
21/02306/ADV	22/00002/ADV1	o/s 156 - 160 High St	written	07.03.2022	14.03.2022	11.04.2022	25.04.2022	dismissed	22.06.2022	n/a		
21/02304/FUL	22/00003/PP1	o/s 21 Promenade	written	08.03.2022	15.03.2022	12.04.2022	26.04.2022	dismissed	05.07.2022	n/a		
21/02304/ADV	22/00004/ADV1	o/s 21 Promenade	written	08.03.2022	15.03.2022	12.04.2022	26.04.2022	dismissed	05.07.2022	n/a		
21/01723/FUL	22/00005/PP1	18 Wentworth Road	written	24.03.2022	31.03.2022	28.04.2022	12.05.2022	dismissed	23.06.2022	n/a		
21/02505/FUL	22/00006/PP1	The Paddocks Swindon L	written	06.04.2022	13.04.2022	11.04.2022	25.05.2022	dismissed	05.07.2022	n/a		
21/01891/FUL	22/00007/PP1	9 The Bungalow All Saints	written	25.04.2022	02.05.2022	30.05.2022	13.06.2022	dismissed	22.09.2022	n/a		
21/00022/DCUAL	22/00008/ENFAPP	3 Suffolk Road	written	03.05.2022	17.05.2022	14.06.2022	05.07.2022					
22/00262/FUL	22/00009/PP1	27 Cleeve View Road	written	24.05.2022	31.05.2022	n/a	n/a	dismissed	09.08.2022	n/a		
22/00181/FUL	22/00010/PP1	21 Charlton Close	written	16.06.2022	23.06.2022	n/a	n/a	Allowed	27.09.2022	n/a		
22/00086/FUL	22/00011/PP1	103 Ryeworth Road	written	16.06.2022	12.06.2022	n/a	n/a	dismissed	04.08.2022	n/a		
21/02302/ADV	22/00012/ADV1	214-216 High Street	written	13.07.2022	20.07.2022	17.08.22	31.08.22					
21/02302/FUL	22/00013/PP1	214-216 High Street	written	13.07.2022	20.07.2022	17.08.2022	31.08.2022					
21/02308/FUL	22/00014/PP1	103 High Street	written	14.07.2022	21.07.2022	18.08.2022	01.09.2022					
21/02308/ADV	22/00015/PP1	103 High Street	written	14.07.2022	21.07.2022	18.08.2022	01.09.2022					
21/02466/FUL	22/00016/PP1	Fairmount, Fairmount Roar	written	02.08.2022	09.08.2022	30/08/2022	13.08.2022	dismissed	22.09.2022	n/a		
	22/00017/PP1	System Error										
22/00324/FUL	22/00018/PP1	OS Soho Coffee, Unit B, Tl	written	05.08.2022	12.08.2022	09.09.2022	23.09.2022					
22/00324/ADV	22/00019/ADV1	OS Soho Coffee, Unit B, Tl	written	05.08.2022	12.08.2022	09.09.2022	23.09.2022					
21/02732/CLEUD	22/00020/PP1	Woodlands Park, Swindon	Hearing	17.08.2022	31.08.2022	28.09.2022	19.10.2022					
22/00322/FUL	22/00021/PP1	os 159 High Street	written	05.08.2022	12.08.2022	09.09.2022	23.09.2022					
22/00322/ADV	22/00022/ADV1	os 159 High Street	written	05.08.2022	12.08.2022	09.09.2022	23.09.2022					
		os Sew M Design 253										
22/00330/FUL	22/00023/PP1	Gloucester Road.	written	16.08.2022	23.08.2022	20.09.2022	04.10.2022					
22/00330/ADV	22/00024/ADV1	os Sew M Design 253 Glou	written	16.08.2022	23.08.2022	20.09.2022	04.10.2022					
21/02333/PIP	22/00025/PP1	Cromwell Court , Greenwa	written	05.10.2022	12.10.2022	09.11.2022	23.11.2022					

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## Appeal Decision

Site visit made on 9 August 2022

**by Emma Worley BA (Hons) Dip EP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 September 2022**

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**Appeal Ref: APP/B1605/D/22/3299708**

**21 Charlton Close, Cheltenham GL53 8DH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Eric and Jane McClements against the decision of Cheltenham Borough Council.
  - The application Ref 22/00181/FUL, dated 27 January 2022, was refused by notice dated 28 April 2022.
  - The development proposed is single storey side extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for single storey side extension at 21 Charlton Close, Cheltenham GL53 8DH in accordance with the terms of the application, Ref 22/00181/FUL, dated 27 January 2022, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings; 21CC.P01 and 21CC.P03 Rev B.

### Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the host dwelling.

### Reasons

3. The appeal property is a detached 2 storey dwelling positioned at the end of a cul-de-sac. It has a projecting 2 storey element to the front and flat roof additions to either side. The area is residential in character, comprising dwellings of an eclectic mix of architectural styles and external materials, which creates a pleasant and diverse street scape. The proposed extension would replace the existing single storey projections to the side elevation of the property.
4. Although the new extension would extend beyond the front and rear wall of the property to which it would be attached, it would not project forward of the 2 storey front gable or the front porch and would thus not be a prominent or dominant addition to the dwelling. Moreover, at the rear, its single storey scale and design would ensure that it would be subordinate in scale to the host dwelling.

5. The new extension would be a markedly modern addition with its asymmetrical roof and contrasting materials. However, given the design of the host property with a mixture of roof designs and materials, it would not appear as an unduly incongruous or incompatible feature. Furthermore, as a consequence of its secluded location in the cul-de-sac, the extension would be seen primarily at an oblique angle from the public domain, with the side elevation of the extension being the most prevalent, thus reducing the visual prominence of the more contemporary aspect of the extension in the street scape.
6. Whilst the design would conflict with the Council's Residential Alterations and Extensions Supplementary Planning Document 2008 (SPD) in that the shape of the roof would not reflect that of the main dwelling, there would be no conflict with the SPD's aims of maintaining the character of the house.
7. I conclude that, despite a degree of conflict with advice in the SPD in respect of the design of the extension, for the reasons set out above the extension would not be out of scale with the existing dwelling, nor would it appear as an incongruous addition to the host dwelling by virtue of its design. As such, the extension would not harm the character and appearance of the host dwelling. Accordingly, I find no conflict with Policies D1 of the Cheltenham Plan 2020 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, which seek to ensure high quality design.

### **Conditions**

8. It is necessary to list the relevant plans in order to provide certainty. I note the Council's suggested condition that the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building. The submitted plans indicate that the extension would be constructed using facing brick with a slate roof, which I find acceptable for the reasons set out above. A condition requiring the materials to match the existing would therefore be neither reasonable or necessary.

### **Conclusion**

9. For the reasons set out above, the appeal is allowed.

*Emma Worley*

INSPECTOR





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## Appeal Decision

Inquiry opened on 7 September 2021

Accompanied site visit made on 4 March 2022

**by Matthew Nunn BA BPI LLB LLM BCL MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> October 2022**

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### **Appeal Ref: APP/B1605/W/21/3273053**

#### **Land at Oakley Farm, Cheltenham**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an outline application for planning permission.
- The appeal is made by Robert Hitchens Ltd against Cheltenham Borough Council.
- The application Ref 20/01069/OUT is dated 25 June 2020.
- The development proposed is described as 'development comprising up to 250 residential dwellings, associated infrastructure, ancillary facilities, open space and landscaping; demolition of existing buildings; creation of new vehicular access from Harp Hill'.

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#### **Decision**

1. The appeal is allowed and outline planning permission granted for a development comprising up to 250 residential dwellings, associated infrastructure, ancillary facilities, open space and landscaping; demolition of existing buildings; creation of new vehicular access from Harp Hill on Land at Oakley Farm, Cheltenham, in accordance with the terms of the application Ref 20/01069/OUT, dated 25 June 2020, subject to the conditions in the attached schedule.

#### **Preliminary Matters**

2. The Inquiry opened on 7 September 2020, and sat on the following days: 7-10, 14-16, 21-24 September 2021; 5, 25-26 November 2021; 13-14 December 2021; 10, 13-14 January 2022; and 21-23 February 2022. It was conducted 'virtually'. In addition to my accompanied site visit on 4 March 2022, I made a series of unaccompanied visits on other occasions, at different times of the day, before and after the Inquiry.
3. There were three parties with 'Rule 6' status at the Inquiry. First, Gloucestershire County Council ('the County Council') appeared in its capacity as Highway Authority and Education Authority. Second, the Cotswolds Conservation Board (CBC) appeared as an independent statutory body whose purposes include conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty (AONB), as well as increasing the understanding and enjoyment of the special qualities of the AONB. Third, the Friends of Oakley Farm Pasture Slopes ('the Friends') appeared as a group representing local people who oppose the development.

4. The application is made in outline with all matters reserved for subsequent determination. An Illustrative Masterplan (309.P.3.9 Rev E) was provided showing how the development might be accommodated on site. However, during the Inquiry, and in response to various matters arising, especially in relation to highway gradients, the appellant produced an 'Alternative Illustrative Masterplan' (18017.202 Rev B). The appellant requested this be used to indicate how development could be laid out. The other main parties at the Inquiry confirmed that they had no objection to the appellant's request, and have made detailed observations on the Alternative Illustrative Masterplan. I am satisfied that, having regard to the *Wheatcroft Principles*, no-one would be prejudiced by substituting the Alternative Illustrative Masterplan for the original, and I have proceeded accordingly.
5. An Environmental Impact Assessment (EIA) of the proposal has been undertaken as it was considered to be EIA development<sup>1</sup>. The resulting Environmental Statement (ES) has been found to meet the requirements of the EIA Regulations, following supplementary information provided as part of the appeal process<sup>2</sup>. This additional material related to an updated assessment of traffic impacts up to 2031 to coincide with the end of the plan period. The ES concluded overall that, on the basis the required mitigation strategy is complied with, all the potential impacts were insignificant, and there were no overriding environmental constraints precluding development on the appeal site<sup>3</sup>.
6. The Council failed to determine the application within the prescribed period. The Council's Committee considered the matter on 20 May 2021 and resolved that, had it determined the application, it would have refused permission for seven putative reasons as set out in the Planning Statement of Common Ground (PSCG)<sup>4</sup>. Putative reasons 5 and 7 related to delivery of affordable housing; play space provision, and site management / maintenance; highway improvement works and a Residential Travel Plan. These matters have now been addressed by a series of planning obligations, and so reasons 5 and 7 are no longer at issue.
7. There are a total of five planning obligations before the Inquiry, some in the form of agreements, others as unilateral undertakings. I deal with these in the body of my decision.

### **Main Issues**

8. The main issues are:
  - (i) whether the proposal would comply with the spatial strategy within the development plan;
  - (ii) the effect on the character and appearance of the area, including the landscape and Area of Outstanding Natural Beauty (AONB);
  - (iii) the effect on heritage assets;

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<sup>1</sup> Falling within the category of 'Urban Development Projects' under Schedule 2, Paragraph 10(b) of the EIA Regulations

<sup>2</sup> Requested under Regulation 25, Supplementary Environmental Information to the Environmental Statement, dated August 2021, CD A39

<sup>3</sup> Environmental Statement, Paragraph 14.11.2, CD A36-A

<sup>4</sup> Planning Statement of Common Ground, Paragraph 5.3, CD C9

- (iv) the effect on highway conditions and capacity;
- (v) whether the proposals adequately provide for education for future residents;
- (vi) the planning balance, including whether exceptional circumstances exist to justify development within the AONB.

## Reasons

### *Planning Policy Context*

9. The relevant legislation<sup>5</sup> requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the Gloucester, Cheltenham and Tewksbury Joint Core Strategy ('the JCS'), adopted in December 2017; and the Cheltenham Plan, adopted in July 2020. Policies relied on in the Council's putative reasons for refusal comprise the following JSC Policies: SP2 (Distribution of Development); SD10 (Residential Development); SD4 (Design Requirements); SD6 (Landscape); SD7 (the Cotswolds AONB); SD8 (Historic Environment); Policies INF1 (Transport Network); INF4 (Social & Community Infrastructure) INF6 (Infrastructure Delivery); INF7 (Developer Contributions).
10. In terms of the Cheltenham Plan, Policies cited in the putative reasons for refusal comprise: L1 (Landscape and Setting) D1 (Design), Policy CI1 (Securing Community Infrastructure). The Cotswolds AONB Management Plan (2018-23) is also relied upon in the putative reasons, including Policies CE1, CE3, CE6, CE10, CE12. However, although referenced in Policy SD7, this latter document does not form part of the statutory development plan.
11. The JCS Authorities have started the preparation of the JCS Review but this is still at a very early stage. Having regard to the advice in the Framework<sup>6</sup>, it is agreed that no weight can be placed on the policy contents of the JCS review at this time<sup>7</sup>.
12. Of critical importance is that the appeal site falls within the Cotswolds AONB. AONBs benefit from the highest status of protection in relation to conserving and enhancing landscape and scenic beauty<sup>8</sup>. Section 85 of the Countryside and Rights of Way Act 2000 places a duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of the area of the AONB. The National Planning Policy Framework ('the Framework') also requires that 'great weight' be given to those matters in decision making<sup>9</sup>. It also makes clear that permission should be refused for major development, other than in exceptional circumstances, and where it can be demonstrated the development is in the public interest. There is no dispute here that the appeal proposal is 'major development'<sup>10</sup>.
13. Similarly, it is agreed that designated heritage assets may also be affected by the proposal, given the site is within their setting. These include four Grade II

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<sup>5</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004

<sup>6</sup> Paragraph 48

<sup>7</sup> Planning Statement of Common Ground, Paragraph 7.15

<sup>8</sup> Paragraph 176

<sup>9</sup> Paragraph 176

<sup>10</sup> Planning Statement of Common Ground, Paragraph 8.10

listed structures, comprising No 1 Reservoir, No 2 Reservoir, the Pavilion, and gates, piers and boundary walls, all at Hewlett's reservoir complex. I return to these matters later in my decision.

14. The updated Statement of Common Ground on Housing Need<sup>11</sup> records that the Council accepts it can only demonstrate a 2.9 year land supply of deliverable sites, whereas the appellant says the figure should be 1.6 years. On either basis, the shortfall is very substantial. The Framework states that where there is an absence of a five year supply of housing, permission be granted unless 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<sup>12</sup>. However, this so called 'tilted balance' in favour of granting permission may be 'disengaged' where specific policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. The Framework identifies policies relating to AONBs and designated heritage assets as two such categories. Both are relevant in this appeal, and I return to this matter later.
15. The Framework is also clear that where a Council cannot demonstrate a five year supply of deliverable sites, policies which are the 'most important for determining the application' are rendered out of date.<sup>13</sup> The policies relied on in the Council's putative reasons for refusal must self-evidently fall within that category and so must be considered out of date. That said, the Framework does not change the statutory basis of the development plan for decision making, and the fact that policies are deemed 'out-of-date' does not mean they should carry no weight or be ignored. I consider this matter in due course.

### *Spatial Strategy*

16. Policy SP1 (Need for Development) establishes a housing requirement across the JCS area comprising three authorities of 35,175 dwellings, with at least 10,917 dwellings to be provided in Cheltenham between 2011 and 2031. It states that this is to be delivered by development in existing urban areas, existing commitments, urban extensions to Cheltenham and Gloucester, and strategic allocations. SP2 deals with the distribution of development and states that to meet the needs of Cheltenham, new homes will be provided within the Cheltenham Borough administrative boundary and cross boundary urban extensions at North West Cheltenham and West Cheltenham (both of which are partly in Tewkesbury). Table SP2a identifies the sources of supply, which for Cheltenham is 11,092 exceeding the 10,917 figure required by Policy SP1. In addition, further sites were identified in the Cheltenham Plan increasing the overall supply to 11,632. Policy SP2 also makes clear that the identification of any additional urban extensions to help meet the needs of a local planning authority must be undertaken through a review of the Plan<sup>14</sup>.
17. Policy SD10 provides further detail in terms of appropriate locations for residential development and sets out an approach to assisting in delivering the scale and distribution of development within SP1 and SP2. It states that housing will be permitted on sites allocated for development, including Strategic Allocations. On sites that are not allocated, a range of specific

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<sup>11</sup> ID 15, dated 20 September 2022

<sup>12</sup> Paragraph 11(d)(ii)

<sup>13</sup> Footnote 8 of the Framework

<sup>14</sup> SP2(8)

- circumstances are identified where development will be permitted, including on previously developed land in the Principal Urban Area (PUA) of Cheltenham.
18. The appellant argues that there is no conflict with SP2, on the basis that the site is located within the administrative boundary of Cheltenham and would comply with the overarching strategy of the JCS<sup>15</sup>, although the appellant accepts there would be a conflict with Policy SD10. However, it seems to me that when Policies SP1, SP2 and SD10 are read together, and having regard to the site's location outside the PUA and within the countryside and AONB, the appeal proposals would clearly conflict with these policies. That said, as the appellant notes, the site is close to the built-up area of Cheltenham, and the guiding principle of Policy SP2 is that need is met where it arises, so that Gloucester and Cheltenham, together with their immediate wider areas, remain the primary focus for growth<sup>16</sup>.
  19. The Council acknowledges that the housing shortfall is substantial and accepts the need for additional housing to address it<sup>17</sup>. A key reason for the shortfall is delays to the delivery of the Strategic Allocation Sites identified within Policy SP2, rather than a failure to allocate land for housing. The Council also accepts that there has been a substantial shortfall in affordable housing delivery and that there is an acute need to address this issue<sup>18</sup>.
  20. The Council agrees that, as things stand, it has 'insufficient scope' to meet additional housing needs<sup>19</sup>. Furthermore, the Council accepts it is likely to be necessary to build on land outside the principal urban area in order to restore five year supply. This is because the current urban footprint covers a significant part of the administrative area and virtually all the remaining undeveloped land is either in the AONB or Green Belt<sup>20</sup>. Indeed, the Council acknowledges that further development may be required on Green Belt, or possibly the AONB, but it argues because of the sensitive nature of both these designations, a 'plan-led' approach is the most sensible and sustainable method allowing for detailed consideration of the alternatives.
  21. Policy REV 1 of the JCS required that a partial review of the housing supply for Gloucester and Tewksbury be commenced immediately on adoption. The policy explains that the review will cover the allocation of sites to help meet a shortfall in housing supply against the JCS housing requirements for the respective authorities. Importantly, the JCS was found sound subject to this partial review. The Council has subsequently opted not to progress a partial review, but rather a full review of the JCS. The Council's written evidence was that the JCS Review should be adopted in 'winter 2023'<sup>21</sup>. However, the timetable has already slipped and latest estimates of the adoption of the adoption of the JCS review are 'winter 2024/Spring 2025'<sup>22</sup>.
  22. It seems to me that even this timetable may be optimistic. Any review of the JCS is likely to be controversial because of the potential need for releases of land from the Green Belt and AONB. There are significant hurdles to overcome before it is adopted. The current JCS took an extended period of time from

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<sup>15</sup> Mr Hutchison's Proof, Paragraph 7.26

<sup>16</sup> JCS, Paragraph 3.2.5 CD E1

<sup>17</sup> Council's Closing Submissions, Paragraph 17, ID 38

<sup>18</sup> Updated Housing Statement of Common Ground, Paragraphs 2.14 & 2.15

<sup>19</sup> Updated Housing Statement of Common Ground, Paragraph 2.29

<sup>20</sup> ID 38, Paragraph 21

<sup>21</sup> Mr Instone's Proof, Paragraph 3.27

<sup>22</sup> Tewkesbury Borough Local Development Scheme [ID 50]

'Preferred Options' stage to adoption<sup>23</sup>. A plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy. For now, the housing land supply situation remains most unsatisfactory, and housing supply from individual planning applications therefore become all the more valuable.

23. To sum up, I consider there would be a conflict with spatial policies within the development plan. However, given the absence of a five-year supply of housing, these policies must be considered out of date in terms of the Framework, and it is necessary to consider what weight should be attached to any conflict with them. It is clear that strict application of these policies is not leading to sufficient housing being provided in accordance with the Framework, which runs counter to the Government's objective of significantly boosting the supply of housing<sup>24</sup>. This diminishes the weight that can be attached to any conflict with Policies SP1, SP2 and SD10.

#### *Character and Appearance – Landscape and AONB*

24. The appeal site is located around 1.8 km to the east of Cheltenham town centre on the Cotswolds lower scarp at Oakley and falls within the Cotswolds AONB. It comprises a group of sloping pasture fields, defined by hedgerows and trees, which slope generally downwards, from south to north to the base of the valley. Within the lower northern part of the site are the now disused and derelict Oakley Farm buildings, of varying ages, construction and appearance. There is an access track which runs to the west at the northern end linking to Priors Road. A public right of way ('footpath 86') runs along the western side of the site, although there is no public access to the site itself – either to the fields or remaining farm buildings.
25. The site is bounded by residential development on three and a half sides. Immediately to the west is Wessex Drive, an established residential area, and rising to the south is Harp Hill with housing along one side of the road facing the site, originally constructed in a generally linear form, but now increasingly with some intermittent 'backland' development. Immediately to the north and east of the site are more recent residential areas, built between around 2014 and 2019, that occupy the former GCHQ Oakley site. These include the 'Battledown Park Residential Area', with Pillowell Close and Brockweir Road running adjacent to the northern boundary; to the north but wrapping around the east of site, the 'Oakley Grange' and 'Eden Villas' residential areas, including Bream Court, Fairford Road and Birdlip Road. Also, to the east lies the Hewlett's Reservoir complex, which includes various statutorily listed structures, including two of the reservoirs (covered), the Pavilion building and the brick wall along the eastern boundary.
26. The site falls within the National Character Area (NCA) 106: 'Severn and Avon Vales'<sup>25</sup>. Within Cotswolds AONB Landscape Character Assessment<sup>26</sup> it is identified as falling broadly within the Landscape Character Type 2 'Escarpment' and specifically within: '2D Coopers Hill to Winchcombe' area. The site was also assessed within the Landscape Character, Sensitivity and Capacity Assessment (LCSCA) (2015) as part of a review of the AONB when the

<sup>23</sup> The Consultation Draft in 2013, Pre-Submission Draft in 2014, with the adoption in December 2017

<sup>24</sup> Paragraph 60

<sup>25</sup> Paragraph 4.1. Landscape Statement of Common Ground, CD C11

<sup>26</sup> CD J5

Cheltenham Plan was being prepared<sup>27</sup>. The site was identified as falling with Local Character 7.1 Oakley Farm Pasture Slopes<sup>28</sup>. This appraised the site as a 'sloping landscape with open and expansive views' and comprising principally 'pastoral land use with small to medium fields'. The assessment concluded that the quality of the landscape elements were 'moderate', but given the site's inclusion within the AONB and its visibility, the overall landscape sensitivity was considered to be 'high' and resulting landscape constraint was 'major' and its capacity for development was 'low'. However, the assessment was undertaken before the completion of the residential redevelopment on the GCHQ site<sup>29</sup>, as the appraisal notes that GCHQ offices were at that time in the process of being demolished.

27. There was debate during the Inquiry as to the extent the site exhibits the special qualities of the AONB set out in the *Cotswolds AONB Management Plan*, the appellant arguing it possesses only two<sup>30</sup> and is not an exemplar of the landscape of the AONB<sup>31</sup>. The CBC strongly disputed this view, arguing it is an essential component of the Cotswold escarpment. In my judgement, the site undoubtedly has some notable characteristics. It lies on a distinctive part of the AONB, namely the escarpment, which is identified as one of the special qualities of the Cotswolds AONB, and, to limited extent, provides a setting for the town of Cheltenham. Some of the larger fields display well-formed remnants of medieval 'ridge and furrow' patterning, typical of the lower and middle escarpment slopes. There is a network of mature hedgerows and trees that contribute to its agricultural appearance, and which provide a strong landscape pattern in longer range views. It is an attractive area of sloping pastureland which remains intact and unspoilt, and its elements are in good condition.
28. The site is visible in a number of views in the locality: for example, at close range, there are local views of the site from properties and routes adjacent to the site, including from along Harp Hill on the southern boundary, although, at the time of my site visits, the hedgerow in its untrimmed state impeded views from the road. Historic maps indicate there were some seats along Harp Hill, and it was argued these were placed to take advantage of the view. However, these have long since disappeared. Furthermore, there is no formal footpath immediately adjacent to the site on this part of Harp Hill, which makes it very difficult for pedestrians to view the site safely. Even on the opposite side of the road adjacent the houses, the pathway is not continuous. From the public right of way along the western boundary (footpath 86) continuous boundary vegetation obscures views of the site for much of this route, although there are limited gaps that allow glimpses in. This footpath cannot really be said to offer open or panoramic views of the site. There are also views into the site from the northern and north-eastern boundaries from roads and residential properties within the former GCHQ site (Pillowell Close, Brockweir Road, Fairford Road, and Birdlip Road, amongst others).
29. The site is also visible in mid-range views from Priors Road, and from Sainsbury's car park and petrol station, rising up towards Harp Hill. From Priors Road, the principal impression is that of the Sainsbury's petrol station,

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<sup>27</sup> CD J3

<sup>28</sup> CD J10

<sup>29</sup> It was confirmed that the site assessment was undertaken during the demolition of the GCHQ complex

<sup>30</sup> Proof of Paul Harris, Paragraph 6.9 & Table 2

<sup>31</sup> Cotswold AONB Management Plan, Page 18, CD J1

together with car park and supermarket dominant in the foreground with the open appeal site visible behind as a backdrop. It is also viewed in the context of residential properties, including those in Harp Hill. It can also be seen from the Imjin Road playing fields (Priors Farm Recreation Ground) where it forms a backdrop to the recently developed former GCQH site. From here the site appears as an open, sloping area of ground with hedgerows and mature trees. Overall, it must be said that in these closer range and mid-range views, the site is perceived very much in the context of the urban development in the vicinity that surrounds it.

30. There are longer distant views, from the escarpment to the north-east, from the Cotwolds Way National Trail, including from Cleeve Common. These views are from an elevated position and provide panoramic and uninterrupted views to Cheltenham itself as well as the appeal site. From here, some of the best views of the site are available, where the site can be appreciated in its entirety, especially from Cleeve Common. The site is reasonably prominent, rising up from the base of the escarpment, and appearing as a recognisable block of open ground, comprising a series of open pasture fields. From this distance, the grass covered adjacent reservoirs appear to almost blend into the appeal site creating the impression of a larger entity of green open land, rather than two distinct areas. All that said, although from Cleeve Common, the site is clearly seen as an element of green pastoral land in the wider AONB landscape, it is a small part of a much wider panorama that includes extensive areas of built-up development. Similarly, from Northfields Farm fields to the east, the site is perceived in the context of the extensive urbanised development beyond.
31. The illustrative plan shows the upper part of the site would remain free of housing, whereas the mid and lower parts would be developed. The rationale is that the upper part of the site is more sensitive to development than the lower portion. I agree that to be the case. According to the illustrative plans, there would be a thick belt of tree planting (around 12 metres in depth) separating the upper and lower parts of the site, the purpose of which would be to screen the residential development. An access road would link the proposed development from Harp Hill. Although the details are for subsequent determination, the access road is very likely to require embankments and cuttings into the slopes in the upper part of the site to achieve appropriate gradients. Whilst vegetative screening and landscaping could mitigate the effect, such engineering would undoubtedly have an adverse visual impact on the upper slopes.
32. The Council has concluded that there would be a 'major / moderate, adverse and permanent effect' on the landscape character of the site. In terms of the overall landscape effect in the contextual area, the effect is considered to be moderate / minor, adverse and permanent<sup>32</sup>. In respect terms of visual effects, the Council find that short-range visual effects would be 'moderate, adverse and permanent'; mid-range visual effects would be 'moderate to moderate/minor, adverse and permanent'; long-range views would be 'moderate, adverse and permanent'<sup>33</sup>. The CBC conclude 'moderate / major adverse' landscape effects and multiple 'major adverse' and 'moderate adverse'

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<sup>32</sup> Mr Ryder's Proof, Page 31

<sup>33</sup> Mr Ryder's Proof, Page 41



visual effects<sup>34</sup>. On the other hand, the appellant finds that the development would have 'moderate adverse' landscape effect for the appeal site itself, with a minor adverse effect to the wider sloping landscape<sup>35</sup>.

33. In my judgement, it is obvious that the appeal proposals would fundamentally and permanently alter the character of the site itself, in that there would be a loss of rural character and a much more suburban character created. Although extensive structural tree planting and landscaping is proposed, a significant part of the existing field pattern would be lost, as well as the visible open ground especially appreciable in longer distant views from the Cotswold escarpment. The access road, whatever its final precise route, would adversely affect the character of the upper escarpment, creating an engineered landform somewhat at odds with the current gently sloping pastures, and a rather incongruous change to the immediate landscape.
34. On the other hand, and very importantly, the site is highly unusual within the AONB in that it is surrounded on three and a half sides by residential development. Even the fourth side is an 'engineered' landscape comprising covered reservoirs, enclosed by a brick wall. Indeed, on the fourth side, the site is topographically separated from the appeal site, elevated at a higher level as a consequence of the covered underground reservoirs. Furthermore, the presence of recent extensive residential development around the site has inevitably influenced its character within the AONB, notwithstanding that the site itself remains undeveloped, apart from some derelict farm buildings on the lower part of the site. In most of the closer and mid-range views, the site is very much perceived in the context of built development that surrounds it.
35. It is questionable, therefore, whether the site can really be said to form part of a gradual transition from the dense built-up urban area to a more sparse and tranquil rural landscape that is found on the wider escarpment. Indeed, the immediate upper slopes beyond the site are occupied by residential development along Harp Hill, and behind it there has been further residential development and consolidation, meaning that this road can no longer be regarded as a narrow projection of ribbon development into the countryside. The Cheltenham Plan notes that Cheltenham owes much to its setting at the foot of the Cotswold escarpment<sup>36</sup>. I accept that the appeal proposal would advance built form up this part of the slope, but in terms of the wider setting of Cheltenham, the effect would be insignificant.
36. Furthermore, the site's context has changed since the last review of the boundary of the AONB in 1990, as well as the LCSCA assessment in 2015. Photographs<sup>37</sup> of the former GCHQ complex show a range of building types, including some larger ones – notably, the so-called 'Green Monster', but also many lower rise and single storey buildings over much of the site. There were also open areas of green space, as well as large areas of car parking and hardstanding. The former GCHQ complex could be described as more 'campus style' in form, whereas the new residential housing creates a more continuous form of development over the entire site to the boundaries, of relatively high density, of between two and four storeys, with limited open green spaces. It is always difficult, of course, to assess visual impacts from photographs alone,

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<sup>34</sup> CBC Closing Submissions, Page 4

<sup>35</sup> Mr Harris's Proof, Paragraph 6.2

<sup>36</sup> Paragraph 7.1, Cheltenham Plan CD E2

<sup>37</sup> ID16 & also Friends' Proof, Pages 4-6

and in any event, the current 'baseline' for assessment is situation as it exists today. That said, I consider that the sense of consolidated and continuous urbanised residential development around the appeal site has increased in recent years, with a likely commensurately greater impact. These changes mean that any new residential development on the mid and lower slopes of the site would be more easily assimilated.

37. The illustrative plans show the upper area would comprise public open space with a series of footpaths linking footpath 86 at the western end with the housing development and running across the upper part of the site, roughly parallel to Harp Hill, with an access out at the top south-eastern corner of the site. These footpaths would allow public views from an area which is currently private. The proposed footpath route through public open space would also be safer than existing arrangements along Harp Hill. Concerns have been raised, including from the CBC and the Friends that new planting screening the proposed dwellings would block views from Harp Hill across to the higher scarp. It seems to me that this would rather depend on various factors: the species planted and how they are managed; if deciduous varieties were to be planted, visibility would vary according to the time of year. It would also depend on the viewing position within the site: clearly the closer to any tree belt, the more imposing and restrictive of longer range views it would be. However, there is no intrinsic reason why a tree belt should necessarily screen views of the scarp.
38. Concerns were raised, especially from the CBC, regarding the light spillage from any housing development, in that it would erode the ability to appreciate dark skies in the locality. I appreciate that dark skies are a factor that contribute to the natural beauty and special qualities of the AONB. One of my unaccompanied site visits took place during the hours of darkness, and my perception was that dark skies were not as strong in the vicinity of the site as in more remote locations within the AONB. This is largely the result of existing housing development in around the site. Harp Hill itself has streetlighting abutting the southern boundary of the site which diminishes the impression of darkness.
39. Drawing the above together, I consider the appeal proposal would have some adverse impacts on the AONB in terms of the special qualities that define its scenic beauty. It would not conserve or enhance the beauty of the AONB and would therefore conflict with Policies SD6 and SD7 of the JCS. Policy SD6 seeks to protect landscape character for its own intrinsic beauty, and for proposal to have regard to local distinctiveness and historic character of different landscapes. Policy SD7, specifically relating to the AONB, requires proposals to conserve, and where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. This policy also requires proposals to be consistent with policies set out in the Cotswolds AONB Management Plan. On the other hand, the adverse effects of the development would be seen within the context of the existing and recent residential development that now surrounds the site. In longer range views, it would be perceived in the context of a much wider panorama. These factors would diminish the overall impact of any development.

#### *Heritage Assets*

40. The appeal site lies within the setting of a number of designated heritage assets. These are found to the east within Hewlett's Reservoir complex which

includes four Grade II listed structures comprising<sup>38</sup>: No 1 Reservoir; No 2 Reservoir; the Pavilion; and the gates, gate piers and boundary walls of the complex<sup>39</sup>. The Hewletts Reservoir complex was first constructed by the Cheltenham Water Works Company in 1824. The site was chosen as it was on sufficiently high ground to allow the water to be provided to the town by gravity rather than through pumping. Water could be collected from springs on the surrounding hillsides.

41. No 1 Reservoir was constructed in 1824 of limestone with brick roofing and has a stone portal constructed in rubblestone with ashlar dressings, with wrought-iron railings. This is the only external manifestation of the structure. The listing description notes that the reservoir is the earliest surviving example of an underground reservoir. No 2 Reservoir was built in 1839, and again is one of the earliest surviving examples of an underground reservoir. It is constructed in red brick, with a brick-built access chamber. Both reservoirs were designed by James Walker, one the most distinguished civil engineers of the 19<sup>th</sup> century. Both remain largely unaltered since their completion.
42. The key significance of these reservoirs derives primarily from their physical, architectural and engineering form as early examples of underground reservoirs, as well as their historical, and technological interest. They also have significance in terms of their intactness, and their group value with other listed structures within the complex. The reason for the siting of the reservoirs at this location was not to achieve wide-ranging views in an elevated position above the town; rather, as noted above, it was practical and functional, to allow water to be collected from springs on higher ground and provided to the town by gravity. The appeal site, with its agricultural use, did not relate to any aspect of the historic functioning of the reservoirs, with water being collected from other areas. Therefore, in that regard, the setting of the reservoirs, whilst of some import, contributes much less to their significance. Furthermore, because both reservoir structures are essentially underground and covered with earth and turf, and not readily visible above ground, I consider that the contribution of the appeal site to the assets' intrinsic significance is low. This accords with the Council's assessment<sup>40</sup>.
43. The Pavilion is described within the listing description as a probable former valve house, constructed around the 1870s. However, there is no valve equipment present, and it seems it was later used as an office. It is described within the listing description as an ornamental pavilion which 'belies its functional purpose and instead gives the appearance of a country house building'. It is octagonal in plan, constructed of red brick with clinker impressed in cement to give the impression of vermiculated stonework quoins, a fishscale slate roof and with a weathervane, and a wrap-around iron verandah. There is a door on one face, with arched windows (uPVC replacements) on the other seven faces. Internally, there are timber floorboards, the walls are plastered and the ceiling timber clad roof. Again, the listing description notes that the pavilion forms part of a good group of buildings.

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<sup>38</sup> There are heritage assets at a greater distance, but the Heritage SoCG notes these will not be affected.

<sup>39</sup> Stone Lodge is also curtilage listed but has been altered and extended. Within the complex are also No 3 & 4 Reservoirs, neither listed in their own right – and the latter has been demolished

<sup>40</sup> See Mr Holborow's evidence, Page 28

44. During the Inquiry, there was much debate as to the original use of the Pavilion – with an argument that it was only ever used as a summer house, gazebo or shelter for visitors, with no valve equipment ever being present. The Friends argued that, when the complex was historically open to members of the public, the Pavilion would have functioned as a summer house for visitors allowing appreciation not only of the engineering of the complex but also the setting. From the evidence, I am not convinced any firm conclusions can be drawn on its original use, nor that anything much turns on this in any event.
45. From my site visit, it would seem that the building itself was not designed primarily as a building from which the surrounding landscape could be viewed. This is because, although there are seven individual windows, they are not especially large, and from inside they break up the panoramic views rather than enhancing them. Internally the building is plain and utilitarian, whereas externally it is ornate and decorated. As such I consider its significance does not primarily lie with the views out from it, but rather with the views to it. In other words, its main interest is its external visual appearance. Whatever its original use, its significance derives primarily from its external ornate architectural detailing and octagonal form.
46. The gates and piers were built in 1824, and the boundary walls in 1824 and 1850s. The gates and piers are described as elaborate, constructed in 'Tudor Revival' style, the piers of ashlar with pyramidal capping, with heavy cast-iron gates. The brick walls are well made and neatly bonded. Part of the wall fronting Harp Hill to the east and south east continues as a low wall with railings above. The description once again says the structures belie their functional purpose and helps give the complex the appearance of a country house garden. Once again, the listing description notes that these assets form part of a good group of structures within the complex.
47. There would be no harm to the physical form of any of these listed structures. However, their setting would undoubtedly change. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced, and notes its extent is not fixed, and may change as the asset and its surroundings evolve<sup>41</sup>. The Planning Practice Guidance also makes clear that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting<sup>42</sup>. In this case, the pastoral appearance of the appeal site makes some contribution to the setting of the listed structures within the Hewletts Reservoir complex. It forms part of the rural backdrop, particularly in terms of the Pavilion, which sits in an elevated position atop an engineered landform that contains the underground reservoirs. The reservoirs being essentially below ground means the contribution of the appeal site to their significance is considerably less, and any resulting harm low<sup>43</sup>.
48. Importantly, there is already existing housing development in close proximity to the reservoir complex, including the Pavilion, both directly to north within Birdlip Road and to the south-west in Harp Hill. The complex is therefore already perceived in that partly urbanised context, rather than an entirely rural setting. Whilst it has been argued that there is currently a degree of separation between the reservoir complex and the town of Cheltenham, the

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<sup>41</sup> Glossary to the Framework

<sup>42</sup> PPG Paragraph 013 Ref ID 18a-013-20190723

<sup>43</sup> This accords with the Council's assessment, Mr Holborow's Proof, Page 28

complex is not in an isolated position, given the close proximity of residential development. It has been argued that rural surroundings are important to the reservoir complex because the listing descriptions for the gates and piers and pavilion refer to architectural styling reminiscent of country house garden or estate. However, it is not unusual for buildings of that era, whatever their surroundings, to be designed in an ornate architectural style that belied their utilitarian function, often aping country houses, or using an elaborate gothic church-like appearance.

49. As already mentioned, the illustrative plans show the upper part of the site would remain free of housing development, with proposed new residential development on the mid and lower slopes, constructed on a similar alignment to the houses in Birdlip Road. Significant planting is also proposed to screen the housing, and this too would change the character of the locality. As discussed, an access road would traverse the upper slope and impinge on the rural character, creating a more urbanised appearance. That said, the area closest to the reservoir complex and pavilion would remain undeveloped. Shorter and medium range views out from the complex would change because of the presence of development, although longer range views to the wider landscape including Cheltenham itself would be largely preserved.
50. The proposal development would clearly alter the setting of the reservoir complex including the pavilion, and views to and from it. A significant proportion of the appeal site would be built on, and the upper part would take on different 'parkland' type character. On the other hand, new footpaths across the upper part of the site would open up public views of the pavilion which can be clearly seen from the appeal site. At present there is no public access. This increased public visibility would allow greater appreciation of the pavilion and can be seen as a benefit of the scheme. A financial contribution is also proposed to enable renovation of the listed boundary wall, including removal of the vegetation. I deal with this matter later in my decision.
51. The entrance gates and a significant length of the boundary wall running along the south-eastern and south-western boundary fronting the existing highway would not be affected by the development. In any event, the gates were designed to be primarily viewed and appreciated from Harp Hill rather than the appeal site. No housing is proposed adjacent to the wall abutting the appeal site on the western side of the complex, with the southern upper slopes of the appeal site kept free of housing. Therefore, any impacts from the development on the gates and boundary wall would be negligible.
52. Ridge and Furrow: Although the Council's fourth putative reason for refusal relating to heritage assets does not refer to the 'ridge and furrow' features within the fields, concerns were raised at the Inquiry about the development's effects on this non-designated heritage asset. It is clearly an asset of some significance, being characteristic of medieval farming practices, and is identified as one of the special qualities of the AONB in the Cotswolds AONB Management Plan<sup>44</sup>. On the other hand, it is fairly common in this part of the Cotswolds, and it was not deemed sufficiently important to have been included in the Council's putative reasons for refusal. Consequently, for these reasons, I assign a relatively low significance to this asset<sup>45</sup>. Nonetheless, its partial loss would be

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<sup>44</sup> Special Qualities of the Cotswolds AONB -Statement of Significance, AONB Management Plan, CD J1

<sup>45</sup> The Council accords it a 'low to medium' significance – Mr Holborow's Proof, Page 19

a disbenefit of the scheme, and this harm needs to be considered in the overall assessment of the appeal proposal.

53. Conclusion on heritage assets. The relevant legislation requires that when considering whether to grant permission that affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting<sup>46</sup>. In my judgement, the proposed residential development including the access road would have an urbanising effect on the setting of listed structures, including the Pavilion. To that extent it would not preserve their setting, contrary to the relevant legislation. That said, there is already residential development in the vicinity which affects the setting of these assets, and the proposed illustrative layout and landscaping would mitigate the effects of new development.
54. It is agreed between the appellant and Council that the development would result in 'less than substantial harm' at most in terms of the Framework<sup>47</sup>. Although there are no formal 'sub-categories' within the less than substantial category, it is not uncommon to place the harm as falling at a lower, mid-point, or upper point within that range. Whilst these 'sub-categories' are not defined in policy or law, the Planning Practice Guidance (PPG) stipulates that the extent of the harm within this category should be clearly articulated<sup>48</sup>, and it can be helpful to make a planning judgement as there may be a number of types of harm that fall within the 'less than substantial' category. Overall, in terms of the designated assets, the listed structures – the pavilion, the reservoirs, the gates, piers and boundary walls, I find the harm would be at the lower end of the 'less than substantial' spectrum.
55. It follows that there would be some conflict with Policy SD8 of the JCS. This requires, amongst other things, designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance. In accordance with the Framework<sup>49</sup>, the 'less than substantial harm' must be weighed against the public benefits of the proposal.

#### *Effect on Highway Conditions*

56. Paragraph 111 of the Framework states that development should only be prevented or refused on highway grounds if the residual cumulative impacts on the road network would be severe. Policy INF1 of the JCS states that planning permission will be granted only where the impact of the development is not considered to be severe. It notes that where severe impacts that are attributable to the development are considered likely, they must be mitigated to the satisfaction of the local planning authority. Although Policy INF1 is expressed slightly differently to the Framework, it is generally consistent with its provisions and can be given full weight.
57. The County Council has alleged a severe residual impact on the highway network based on an increase in queue lengths, and additional driver delays. However, no specific case on highway safety has been advanced, nor has it been suggested that the site is locationally inaccessible or unsustainable. In addition, whilst the application is in outline with all matters including access reserved for subsequent approval, the Council is satisfied that safe access

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<sup>46</sup> S66(1) Planning (Listed Building and Conservation Areas) Act 1990

<sup>47</sup> Heritage Statement of Common Ground, Paragraph 2.3, CD C12

<sup>48</sup> PPG – Historic Environment – Paragraph 018 Ref ID 18a-018-20190723

<sup>49</sup> Paragraph 201

arrangements from Harp Hill can be secured by a suitably worded planning condition<sup>50</sup>.

58. The Transport Assessment initially submitted assessed the impact on junctions in the vicinity of the appeal site, but only up to 2024<sup>51</sup>. This meant that the development's effect on highways, together with other plan allocations identified within the JCS in the plan period up to 2031, were not assessed. However, following requests from the County Council and a letter pursuant to the EIA Regulations from the Secretary of State<sup>52</sup>, an assessment of the cumulative traffic impact up to 2031 was subsequently provided. The updated Transport Assessment has employed the 'TEMPRO' model to predict what traffic growth might occur over the plan period, based on new housing allocations originally planned to come forward within the Plan period. This approach was agreed between the appellant and the County Council.
59. The outcome of the appraisal up to 2031 shows that 4 of the 7 junctions assessed would be adversely affected in both the AM and PM peaks, with Ratios of Flow to Capacity (RFC) exceeding the upper limit of satisfactory junction performance. The County Council especially draws attention to the increases in queue lengths and queue times at the following junctions: (i) B4632 Prestbury Road / B4075 Tatchley Lane / Deep Street / Blacksmiths Lane / Bouncers Lane – east mini roundabout Bouncers Lane – during AM peak, nearly 90 metre additional queue, and over 2 minutes additional delay (124 seconds) (Junction 5)<sup>53</sup>; (ii) A40 London Road / A40 Old Bath Road / B4075 Hales Road Traffic Signals – all arms during AM and PM peaks would be worsened – with additional queues of up to 87 metres and 75 Seconds (Junction 6); (iii) B4075 Priors Road / Harp Hill Mini Roundabout (east roundabout) – an additional 70 metre queue and 42 seconds additional delay on B4075 Priors Road in the AM peak, with a potential to impact on the Redmarley Road signal controlled junction, and the capacity of the surrounding junctions too (Junction 1).
60. The County Council alleges that the adverse effects on these junctions identified in the assessment up to 2031 would amount to a severe impact. This is on the basis that the additional delays and queues would have an adverse impact on junction performance, with increased driver frustration and potential 'rat-running'. It is also argued there would be implications for public transport in terms of delays for buses, as well as air quality impacts. However, there is no formal putative reason for refusal relating to air quality, and no substantive evidence has been adduced to support any unacceptable pollution effects. The Council's Committee Report recorded that the effects of additional road traffic on air quality were not considered to be significant<sup>54</sup>. Nor is there an objection from public transport bus providers to the proposal.
61. The appellant has subsequently cast serious doubts on the updated Transport Assessment's findings, especially in respect of the TEMPRO growth factor, arguing that it significantly overestimates traffic growth. A central aspect of the appellant's challenge is based on the delays associated with housing allocations that were expected to come forward in the plan period. Hence it is argued that the 'TEMPRO' growth factor should be adjusted and reduced by a

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<sup>50</sup> Highways Statement of Common Ground, Paragraph 3.7, CD C14

<sup>51</sup> This was the timeframe initially agreed with the Highway Authority, but was subsequently changed to 2031

<sup>52</sup> Letter dated 8 July 2021 from the Planning Inspectorate

<sup>53</sup> Junction numbers as shown on agreed plan submitted at the Inquiry, ID21

<sup>54</sup> Paragraph 6.174, CD A38

third<sup>55</sup> to reflect this shortfall. It is also argued that predicted traffic levels are inflated for other reasons. For example, the Local Plan Implementation Report 2019/20<sup>56</sup> suggests flat traffic growth in the first 2 years of the assessment period, which would affect the accuracy of the TEMPRO growth prediction. The Appellant also cites the Local Transport Plan<sup>57</sup> which appears to show that people are adjusting their journey times to avoid peak congestion.

62. In addition, the appellant highlights that TEMPRO is a 'static' rather than 'dynamic' model and does not adjust for driver behaviour<sup>58</sup>. For example, once the network experiences delays, drivers may choose another route, and traffic is redistributed geographically around the network. Drivers may also start their journeys at a different time to avoid delays, thereby temporally redistributing traffic. The TEMPRO model, it is said, does not capture these different forms of redistribution, so has the effect of potentially over-estimating traffic. The Appellant also suggested that the Covid Pandemic will alter the traffic environment on a permanent basis, resulting in less traffic, especially with greater working from home. It is argued that alternative transport means have not been sufficiently taken account of – for example the recent trialling of an 'e-scooter' scheme in Cheltenham<sup>59</sup>.
63. The appellant also mentions the Arup Study<sup>60</sup> which formed part of the Cheltenham Local Plan evidence base and assessed the effect of the proposed allocations within that plan. The conclusions of that Study were that many of the assessed junctions were already over-capacity, and would not be significantly affected by the development traffic from the proposed plan allocations. However, the County Council argue that this the Arup Study is high level and, by definition, only deals with allocated sites and cannot be used as a basis for contradicting the results of the updated Transport Assessment.
64. Looking at the highway evidence as a whole, it is unfortunate that the appellant's concerns in respect of the TEMPRO growth model, and the other disputed matters above, were not talked through with the County Council when agreeing the Transport Assessment methodology, and have only been raised later in the appeal process. As a result, there is there is a wealth of evidence, some of it apparently contradictory, and few agreed outcomes. This makes drawing firm conclusions regarding traffic impact more difficult. Ultimately, it seems to me that any forecasts over an extended period can only be 'best guess' predictions of what may happen. Where there are variables, it is unrealistic to expect consistently accurate forecasts. Traffic growth may be affected by a variety of factors, and there is an inherent unreliability in predicting traffic flows over a longer timeframe.
65. The evidence before the Inquiry suggests it is very unlikely that the Council's housing allocations will come forward in the way as originally planned. Indeed, no party considers that the JCS will deliver the full amount of housing proposed by 2031. The shortfall will be significant based on the agreed revised Housing Statement of Common Ground<sup>61</sup> produced during the Inquiry. And although the County Council argues that the TEMPRO program is a proprietary model

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<sup>55</sup> Proof of Mr Eves, Paragraph 6.11

<sup>56</sup> Local Transport Implementation Report, CD I6

<sup>57</sup> Gloucestershire's Local Transport Plan 2020-2041, Page 94, Paragraph 3.5.4, CD I5

<sup>58</sup> The appellant did, however, agree to its use for the Transport Assessment

<sup>59</sup> Proof of Mr Eves, Paragraph 6.13

<sup>60</sup> CD I7 & I8

<sup>61</sup> ID 15



that does not allow for adjustments or discounts<sup>62</sup>, the County Council's own highway witness accepted at the Inquiry that some form of TEMPRO reduction would be appropriate<sup>63</sup>. I see no reason to disagree with this approach.

66. As pointed out by the appellant, I am mindful that the Planning Practice Guidance states that committed developments should only be included in a transport assessment where there is a reasonable degree of certainty that the development would proceed within the next three years<sup>64</sup>. I note the County Council's point that although development may not come forward in the plan period, it will nevertheless eventually come forward at some point and it is better to make an allowance for it. On the other hand, it seems to me that an approach that attempts to factor in all future housing development that may or may not come forward over a longer-term timeframe would potentially prevent any future housing sites, not specifically identified in the development plan, from ever coming forward. Such an approach is unsatisfactory, especially given the urgent need for housing in the area, and it would stifle future provision contrary to government's aim to boost the supply of housing<sup>65</sup>.
67. In addition, the TEMPRO growth figures also assume that the growth from housing allocations will essentially have a uniform effect across the whole highway network. The County Council acknowledges that, in reality, the larger allocations to the north-west and west of Cheltenham are unlikely to have any significant impact on the local road network in the vicinity of the appeal site, including the Battledown area. This lends weight to the argument that 'severe impact' of the appeal proposal on the highway network has been over-estimated.
68. I acknowledge that individuals may adjust the timing of their trips to avoid congestion<sup>66</sup>, although this is not always possible. Although it is still early to predict what the longer-term effects of the pandemic will be on traffic flows, there seems to be some emerging evidence that individuals are working from home to a greater extent than previously, utilising video technology, and working more flexibly. Whilst this may not be possible in certain jobs, the pandemic and technology has undoubtedly resulted in changes to work practices and commuting patterns which are likely to have a lasting impact, potentially reducing commuter traffic. Little detailed evidence has been provided in respect of the e-scooter scheme to draw any firm conclusions. There is uncertainty about the extent to which existing traffic trends will carry on into the future, as well as uncertainty around the possible impact of transport technology on road traffic demand. It is unclear how far the existing understanding of traffic growth will continue to apply, and some uncertainty around future travel behaviour.
69. Certain works are proposed as part of the scheme: an internal footpath within the upper part of site adjacent to Harp Hill, which would be safer than existing arrangements, as there is currently no formal provision for pedestrians along the majority of the appeal site frontage along Harp Hill, much of it comprising a narrow grass verge. Other works include: improvements to pedestrian connectivity through a new footway to the west of the appeal site on the

<sup>62</sup> Closing Submissions of the County Council

<sup>63</sup> Mr Hawley Cross examination

<sup>64</sup> Paragraphs 14 & 15 of the Travel Plans, Transport Assessments and Statements Section (ID 42-014-20140306 & ID 42-015-20140306)

<sup>65</sup> Framework Paragraph 60

<sup>66</sup> Local Transport Plan, CD I5

northern side of Harp Hill connecting to Footpath 86<sup>67</sup>; improvements for pedestrian and cyclists along Priors Road, including widening of a shared footway and cycleway, and a 'toucan' crossing<sup>68</sup>. Highway works are also proposed comprising widening to the Harp Hill approach at the Priors Road / Harp Hill roundabout to increase its operational capacity; and £64,500 to implement a Travel Plan.

70. To sum up on this issue, there is no national or formal definition of 'severe' in the framework, or what constitutes a severe residual traffic impact. It is therefore a matter of judgement rather than an application of strict scientific criteria. It is accepted by the County Council that the test in the Framework for a 'severe' impact is a high bar<sup>69</sup>. Importantly, the JSC will not deliver housing in the numbers originally proposed up to 2031, which will affect traffic growth overall. There appears to be some evidence of flat traffic growth in the initial years of the assessment period from the base date of 2019 and of individuals adjusting travel times to avoid congestion. The County Council accepts that traffic growth may not be uniform across the network.
71. In my judgement, the Transport Assessment adopting a number of very robust assumptions, is likely to have over-estimated the likely traffic impacts in the period up to 2031. Whether the appellant's discount of a third is completely accurate or not, I nonetheless consider that a significant discount is justified. I have no doubt that some additional observable delays may materialise at various junctions up to 2031, but many are already over capacity, and the network is already congested at certain times. In this context, I am not persuaded they any additional delays arising as a result of the appeal development would realistically constitute a residual cumulative severe impact on the road network. Consequently, this is not a reason for the appeal to fail, and I find no conflict with Paragraph 111 of the Framework or Policy INF1.

### *Gradients*

72. The second highway issue raised by the County Council on which there was much discussion relates to gradients across the appeal site. Policy SD4(vii) of the JCS requires, amongst other things, that new development should be fully consistent with guidance set out in the Manual for Gloucestershire Streets (MfGS) and other relevant guidance in force at the time. The MfGS, published in July 2020<sup>70</sup>, states that generally the maximum gradients allowable in new developments should not exceed 1:20, but consideration can be given to 1:12. Where the latter is proposed, no stretch should exceed 30 metres.
73. The Council argues that any failure to comply with these standards would represent a clear breach of development plan policy. Conversely, the appellant says that the current draft of the MfGS postdates the adoption of the JCS (December 2017) and therefore cannot logically require compliance with it in any event. However, it seems to me that the clear intention of the JCS Policy is that the relevant applicable guidance is that in force when a planning application is determined, and not some earlier superseded iteration of it. The appellant's approach would run counter to a common sense application of the policy.

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<sup>67</sup> PFA drawing H628/04 Rev C

<sup>68</sup> PFA drawing H628/08 Rev A

<sup>69</sup> Proof of Mr Hawley, Paragraph 5.37 and in Cross Examination

<sup>70</sup> CD 14

74. To complicate matters, in addition to the local standards within the MfGS, there are a range of standards in national guidance documents. For example, Manual for Streets does not impose a requirement of 1:12 but says in respect of cyclists and pedestrians that gradients should ideally be no more than 5% (1:20), although it is acknowledged topography may make this difficult to achieve<sup>71</sup>. Manual for Streets 2 (MfS2), in respect of carriageway gradients, allows for a practical maximum of 8% (1:12) but allows for steeper gradients where there are 'particular local difficulties'<sup>72</sup>. In relation to pedestrian routes, MfS2 states the gradient should ideally be no more than 5% (1:20), although topography make this difficult to achieve; and that as a general rule 8% (1:12) should be considered a maximum, which is the limit for most wheelchair users, as advised in Inclusive Mobility<sup>73</sup>.
75. As the appellant notes, the MfGS has not been consulted upon publicly and has not been through the same statutory processes that govern development plans. The MfGS is ultimately technical guidance. This means it cannot have statutory force, but it should not be ignored. During the Inquiry, to address the Council's concerns, the appellant produced an Alternative Illustrative Masterplan which demonstrated that a road layout could technically be achieved to comply with the more stringent local MfGS requirements. A condition has also been suggested requiring full compliance with the MfGS standards, although the appellant does not consider it to be necessary.
76. In my judgement, there must be some degree of flexibility to take account of natural topography, but developments should be as permeable as possible and offer attractive pedestrian and cycle routes which are accessible for all users<sup>74</sup>. Given it has been demonstrated that it is possible to design a scheme that would adhere to the MfGS, I see no good reason why a suitably worded condition cannot be imposed in this instance. In these circumstances, no objections with respect to gradients can be sustained, nor can it be a reason for the appeal to fail.

### *Education Contributions*

77. There is a dispute between the appellant and the County Council regarding the level of financial contribution necessary to accommodate increased demand for school places arising from the scheme. Importantly, this dispute does not go to whether the appeal should be allowed or dismissed, but rather the amount payable. The relevant obligation allows for different conclusions. The difference is significant: the County Council seeks the sum of £2,602,127 (or £2,352,323 if the scheme is developed with 24 one-bedroom units) whereas the appellant says it should be £528,180. It is important to note that the appellant is not making any viability argument in this case, nor seeking to argue that the scheme could not proceed on the basis of the higher financial contribution.
78. Guidance is provided in 'Securing Developer Contributions for Education (2019)<sup>75</sup>. Paragraph 3 advises that it is important that the impacts of development are adequately mitigated, requiring an understanding of: (i) the education needs arising from development, based on an up-to-date pupil yield

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<sup>71</sup> CD 12, Paragraph 6.3.27

<sup>72</sup> CD 13, Paragraph 8.4.2

<sup>73</sup> Department of Transport, 2005

<sup>74</sup> Paragraph 112 of the Framework

<sup>75</sup> CD G2

factor - known also as a Pupil Product Ratio (PPR); (ii) the capacity of existing schools that would serve development, taking account of pupil migration across planning areas and local authority boundaries; (iii) available sources of funding to increase capacity where required; and (iv) the extent to which developer contributions are required and the degree of certainty these will be secured at the appropriate time.

79. Put simply, in this case, there are two key issues which divide the parties. The first is the number of pupils that will be generated by the proposal. The second is the capacity of local schools to provide places to accommodate those pupils. Both matters were considered in some detail at a recent appeal at Coombe Hill, Gloucestershire<sup>76</sup>, although the parties do not agree on how to interpret that Inspector's findings.
80. The evidence has comprised many statistics, complex data and somewhat labyrinthine arguments. In order to determine the correct amount payable it is necessary to: (i) determine the number of children from the existing local population already at school, and who will attend school within the next few years; (ii) assess the number of children who would be brought into the education system as a consequence of the appeal development; (iii) assess the capacity of existing schools to accommodate the current school population, as well as the new pupils who would be generated by the new development. It is necessary to carry out this exercise for primary school pupils, secondary school pupils and sixth form pupils.
81. The first stage of this process, namely forecasting the number of pupils in the existing school population at each local school produced little substantive dispute – the so-called 'base forecasts', notwithstanding the amount of evidence. Although the appellant questioned the accuracy of the Schools Capacity Survey ('SCAP') forecasting produced for long range strategic planning purposes for the Department of Education, the County Council confirmed that it does not use such forecasting for the purposes of assessing education contributions.<sup>77</sup>
82. The base forecasts can never be completely accurate given the various assumptions that have to be made about the movements in and out of a locality, the pace of individual developments, patterns of occupation and parental preferences for individual schools. However, the County Council's primary and secondary forecasts have been accurate both in absolute terms and by comparison with other authorities<sup>78</sup>.
83. **PPRs:** The PPRs are used to anticipate new demand which will be created by the children in new housing, and are an arithmetical basis for calculating how many children there will be for a given number of homes in a new development. Depending on which PPR is used will give rise to different numbers of students both for Primary and Secondary places. The Infrastructure Delivery Plan 2014 (IDP), originally produced to support the JCS, sets out PPRs for primary and secondary school places<sup>79</sup>. However, the information underpinning the PPRs within the 2014 IDP is now dated, originating from 2007.

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<sup>76</sup> APP/G1630/W/20/3257625, issued 1 June 2021, CD K2,

<sup>77</sup> According to the appellant, the County Council had originally argued in Coombe Hill for the use of SCAP

<sup>78</sup> See Local Authority Scorecard, published by the Department for Education; Mr Chandler Proof, Paragraphs 4.2-4.3

<sup>79</sup> CD E8 A

84. In 2018 the County Council commissioned a study by Cognisant, and thereafter, the PPR figures in the Cognisant study were used by the County Council to calculate education contributions. These were higher than the County Council's previous figures, as well as the national average. A number of developers were dissatisfied with Cognisant Study, believing the PPR figures to be too high, and approached the County Council requesting that further work be undertaken. Accordingly, Cognisant were commissioned to undertake further research and the methodology was agreed between the County Council and the developers.
85. The findings from this later research indicated PPRs in keeping with the 2018 study, and higher than the national average. However, the developers were unhappy with the results of the further research, notwithstanding that the methodology had been agreed. The appellant has subsequently commissioned NEMS Market Research to undertake further survey work, which was written up by the appellant's education witness<sup>80</sup> to form the NEMS Study. This produced an alternative set of PPRs which were significantly lower than in the Cognisant Study. The County Council has now embarked on a further study of PPRs, which is anticipated to take some time, and will be consulted upon in due course. In the meantime, it has produced an Interim Policy Statement (IPS)<sup>81</sup> to address the Inspector's comments in the Coombe Hill appeal and provide a basis for the assessment of education contributions prior to the ongoing work being completed. The County Council relies on the figures in the IPS in this appeal.
86. Much discussion took place at the Inquiry about the precise meaning of the reasoning in the Coombe Hill decision, and on what conclusions could be inferred from it. I have little knowledge of the exact scope of the evidence presented to that Inquiry by each party. The reasoning in that decision is not always easy to follow, and this has understandably led to ambiguity in interpretation. The Inspector found that the PPRs within the IDP (2014) dating from 2007 were no longer up to date and found it was 'no longer appropriate to use them'<sup>82</sup>. The subsequent Cognisant Study of 2018 was criticised as producing 'startlingly high' results<sup>83</sup> but was nonetheless the 'best and most recent evidence available'<sup>84</sup>. The Inspector went on to say that he was not convinced of the accuracy of the County Council's figures, finding the appellant's figures more convincing<sup>85</sup>. However, notwithstanding the Inspector's doubts, and to ensure robustness, he would use the County Council's figures.
87. In the current appeal, the appellant appears to be suggesting that the Inspector had endorsed the original IDP figures (2007) for calculating the PPRs, although the County Council says there is nothing within his decision to suggest that it the case. Rather, the County Council's view is that the Inspector endorsed the Cognisant figures of 2018. Much time could be spent attempting to decipher the precise meaning of the Coombe Hill decision, but I am not convinced this would be fruitful. I do, however, consider it inappropriate to

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<sup>80</sup> Mr Tiley

<sup>81</sup> Attached at Appendix 2 to Mr Chandler's Proof

<sup>82</sup> Paragraph 101

<sup>83</sup> Paragraph 102

<sup>84</sup> Paragraph 103

<sup>85</sup> Paragraph 109

rely on 2007 figures in 2022 as they are clearly well out of date and were found to be so by the previous Coombe Hill Inspector.

88. The question therefore is whether the IPS should be relied on, as advocated by the County Council. The appellant has argued that the IPS is selective in how it deals with the various conclusions of the Inspector in Coombe Hill. In terms of the appropriateness of the Cognisant Study, various weaknesses were identified by the Coombe Hill Inspector: a failure to account for home educated children and those independently educated; a failure to account for second or vacant homes; and failure to allow that some houses on the new development would be occupied by families already in the area, freeing up existing housing stock, and so they would not be adding to the demand for education places<sup>86</sup>. However, these issues have been considered within the IPS and various adjustments have been made. I accept the final issue relating to so-called 'backfilling' is very difficult to assess, but I am not necessarily convinced the appellant's calculations<sup>87</sup> made on this matter would produce a more accurate outcome.
89. I accept that the IPS has not been subject to formal public examination or consultation and is only an 'interim' rather than 'final' document. However, looking at PPRs within the IPS compared with other authorities, whilst Gloucestershire may be in the higher quarter of authorities, it is not substantively out of line. This is the case both for authorities that use a single PPR ratio, as well as those that use a PPR for each separate house type. The County Council's witness explained that increasing house prices have meant that there is a decreasing ability to buy 'extra space' in houses, with a consequence of higher numbers of children for a given house size. Furthermore, the increasing proportion of affordable units on housing developments can have the effect of generating greater numbers of children. These factors have the effect of raising PPRs.
90. I acknowledge that Policy INF6 of the JSC, concerned with infrastructure delivery, refers specifically to implementing the IDP where appropriate. The Appellant has drawn attention to the Planning Practice Guidance<sup>88</sup> which deprecates the use of setting out 'new formulaic approaches' in respect of planning obligations in supplementary planning documents 'as these would not be subject to examination'. Reference is also made by the appellant to the Framework which says plans should set out the contributions expected from development<sup>89</sup>. However, the approach within the JCS of setting out the need for education contributions in development plan policy and subsequently setting out the PPRs in a supporting document – in this case originally the IDP – was taken through the Examination process, and the JCS was found to be sound overall on that basis. Moreover, the IDP explicitly states that 'infrastructure delivery planning is a live process', that 'figures in this report will change over time'<sup>90</sup> and that it is an 'iterative process'<sup>91</sup>. Therefore, I am not convinced it is fair to characterise the situation as a 'new formulaic approach', since the relevant PPR has always been set out in a subsidiary document, and

<sup>86</sup> Paragraph 108

<sup>87</sup> Mr Tiley's Proof, Table 7.2 & Paragraph 7.11 of CD G14

<sup>88</sup> Paragraph 004 Ref ID 23b-004-20190901

<sup>89</sup> Paragraph 34

<sup>90</sup> CD E8, Page 1, fifth bullet

<sup>91</sup> Ibid, Page 4

the County Council has sought to work cooperatively and agree its updated approach with interested parties.

91. Whilst it may require further refinement and additional work, I believe the IPS to be sufficiently robust for the purposes of this appeal. I accept it is still a work in progress, and of 'interim' status, but it seems to me the best and most up to date information available at the present time.
92. Capacity: the other key issue to be considered is whether existing schools in the area are capable of accommodating the likely new demand from the proposal without expansion. I heard representations from local residents on the first day of the Inquiry regarding the pressure on local services, including that there are insufficient school places in the local area, meaning school children had to travel further afield. There was considerable debate between the appellant and County Council as to the meaning of the term 'capacity'. The County Council submits that, for the purposes of planning school places, capacity should be regarded as being reached at 95% of its Permitted Admission Numbers (PAN). On the other hand, the appellant argues that capacity potentially equates to up to 105% of its PAN.
93. There is no definition in planning policy as to the meaning of 'capacity'. I was referred to various documents that point to using 95% as a capacity figure. For example, the Audit Commission publication 'Trading Places – the Supply and allocation of School Places' (1996)<sup>92</sup> states that a sensible approach is to plan for a 95% occupancy rate, and accept some variation around this target – say plus or minus 10%<sup>93</sup>. The Department of Education document 'Capital Funding for New School Places' (2013)<sup>94</sup> refers to 5% surplus to allow operational flexibility and enabling some parental choice as 'a bare minimum'<sup>95</sup>. That document also mentions it is 'reasonable for authorities to aim for between 5 and 10% primary surplus'.
94. I agree with the County Council's view that operating at, near or over 100% is not desirable. I consider that such an approach would significantly reduce operational flexibility, including for in-year transfers, unexpected influxes of children and parental choice. Parental choice is highlighted in both 'Trading Places' and 'Capital Funding'. The Framework also states that 'it is important that a sufficient choice of school places is available to meet the needs of existing and new communities'<sup>96</sup>. It seems to me, as Education Authority in exercising its statutory duty, the County Council is best placed to decide such matters. The Coombe Hill Inspector, in reference to the 'Trading Places' document, appears to find favour of the interpretation that capacity could extend up to 105% of PAN, although he acknowledged that it made no difference to that particular case, when assessing school capacity<sup>97</sup>. In my judgement, and notwithstanding the previous Inspector's views, for the reasons above, I consider that 105% capacity does not represent good planning. The County Council's witness accepted that 95% was 'not a diktat' but was something to be aimed for by Education Authorities. I see no reason to depart from that approach.

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<sup>92</sup> December 1996 CD G27

<sup>93</sup> Ibid, Paragraph 9

<sup>94</sup> Mr Chandler Proof – Appendix 7

<sup>95</sup> Paragraph 1.16

<sup>96</sup> Paragraph 95

<sup>97</sup> Paragraph 115, CD K2

95. The relevant tables from the County Council's Education Proof clearly shows that when a capacity figure of 95% is taken, there is no capacity to accommodate pupils that would be generated by the development. In terms of primary provision, this is the case whether considered on the basis of Primary Place Planning Areas or on a school-by-school basis. The only school that has capacity is Oakwood Primary but this is because it has been recently expanded with contributions from a planning obligation from developers to accommodate future demand from other forthcoming developments. In respect of secondary school places, a similar pattern emerges, with no residual spaces to accommodate development without contributions being made. Again, this is the case whether an assessment is made based on the Cheltenham Secondary Place Planning Area, or on an individual school basis.
96. I heard much detailed technical and contradictory evidence on this topic. Ultimately, I am not necessarily convinced a s78 appeal to be the best forum to evolve the County Council's detailed and ongoing policy on developer contributions in respect of education. This is a complex, and apparently controversial process with limited common ground between the parties, requiring complicated calculations, taking account of demographic characteristics, and relevant guidance. Such matters are probably best resolved in a collaborative rather than adversarial setting through liaison and discussion with various interested stakeholders.
97. In the meantime, and having careful regard to all the evidence, I find that the full amount sought by the County Council should be payable in respect of primary, secondary and sixth form contributions.

### **Other Matters**

#### *Living Conditions*

98. Concerns have been raised by certain objectors regarding the effect of the development on residential properties in terms of living conditions, especially bordering the eastern boundary. The outlook would certainly change from those properties, but the Council has not raised any 'in principle' objections on this basis. I see no reason to take a different view. As the Council notes in its officer report<sup>98</sup>, the separation distances to the boundaries appear acceptable, and any detailed assessment regarding potential impacts on neighbouring properties in terms of privacy and outlook would need to be considered at reserved matters stage.

#### *Sufficiency of information*

99. The CBC has questioned whether an outline application is appropriate for major development in an AONB arguing that there is insufficient information, too much uncertainty, and lack of binding detail to properly assess the impacts on the AONB. The CBC also argue that there is no guarantee that appropriate mitigation would be put in place. However, the Council has not putatively refused the application on this basis, nor questioned that the application has been validly made.
100. There is nothing in planning law to preclude a grant of an outline permission in an AONB, and conditions can be imposed to circumscribe any permission in a more stringent way, or to mitigate effects, specifying for example, new

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<sup>98</sup> CD A38, Paragraph 6.146



structural tree planting and landscaping, retention of hedgerows and trees, and so on. Conditions can also be used to preclude housing development on the more sensitive upper slopes, as well as requiring development to be in general accordance with the Alternative Illustrative Masterplan. At reserved matters stage, the Council would be able to control the final detailed form of any development, in the light of the approved plans, including the various parameter plans and the Alternative Illustrative Masterplan. The Council has the option not to approve any subsequent reserved matters or to refuse to discharge conditions if it considers the details to be unacceptable.

#### *European Sites and Sites of Special Scientific Interest*

101. The site is within the Zone of Influence of a European Site – the Cotswolds Beechwoods Special Area of Conservation. The site is also designated at a national level as the Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and a National Nature Reserve (NNR). There are also other SSSIs in the vicinity of the site. The relevant Regulations<sup>99</sup> require that if the development is likely to have a significant effect on the internationally important features of a European Site, (either alone or in combination with other plans or projects), it is necessary to conduct an Appropriate Assessment, having regard to the site's Conservation Objectives, and having regard to advice from Natural England. Development can only proceed if it can be ascertained that the proposal would not adversely affect the integrity of the European Site. In this case, a shadow Appropriate Assessment was conducted by the appellant which concluded that the proposal would not have an adverse effect on the integrity of any of the sites in question.
102. Natural England<sup>100</sup> has advised that it concurs with the Assessment's conclusions, and it raises no objections to the scheme, provided that mitigation in the form of Homeowner Information Packs on recreation is provided. This can be secured by a condition. The packs would include information regarding opportunities for visits in the area and the sensitivities of designated sites. In the light of Natural England's advice, I adopt the shadow Appropriate Assessment. I am satisfied that the evidence before me demonstrates that sufficient mitigation would be provided such that the development would not adversely affect the integrity of the SAC, nor would its conservation objectives be undermined. I am also satisfied the proposal would not adversely affect the SSSIs.

#### *Planning Obligations*

103. There are five planning obligations before the Inquiry, by agreement and also by unilateral undertaking (UU) as follows: (i) a UU to the County Council relating to library and education contributions; (ii) a UU to the Council relating to a maintenance contribution for repointing and maintaining the historic wall around the reservoir complex; (iii) an agreement between the appellant and Council relating to the provision of affordable housing; (iv) an agreement between the appellant and Council relating to the provision of open space, including a play area and allotments; (v) an agreement relating to transport and infrastructure, including works to the footway along Priors Way, including provision of a cycle way, Travel Plan implementation and monitoring.

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<sup>99</sup> The Habitats Regulations 2017

<sup>100</sup> Letter dated 13 April 2021, CD B13

104. In terms of (i), as explained in my decision above, I agree that the full amount of education contributions sought by the County Council should be paid. In terms of (ii), a commuted sum is proposed of up to £25,000 to be paid to the Council if called upon for future costs of repointing and maintaining the reservoir wall on the eastern boundary, and removing brambles and creeper. This is to allow the heritage asset to be 'better revealed'. However, given that the wall is not in the Council's ownership and there is no detailed survey identifying the particular works required, I give this particular obligation limited weight in my assessment.
105. In terms of (iii), the obligation would ensure that 40% of the dwellings to be constructed would be affordable units, comprising affordable rented units, social rented units and shared ownership units. In terms of (iv), the obligation would ensure provision of public open space, including a children's play area (including equipment), allotments and an off-site contribution of £48,522 for the improvement of playing pitches the Beeches or Priors Farm Playing Fields. In terms of (v), the obligation would provide for contributions for an order for the conversion of a footway to a cycleway (£5,000), and a Travel Plan and monitoring contribution (£64,500). The obligation would also facilitate a scheme of works (as shown on drawing H628/08 Rev A) along Priors Road, including the relocation of bus stops, provision of bus shelters, improvements/widening of footways and crossing to provide a cycleway.
106. I have no reason to believe that the formulas and charges used by the Council and County Council to calculate the various contributions and provisions of the obligations are other than soundly based. Other than where stated, I am satisfied that the provisions of the obligations are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework<sup>101</sup> and Community Infrastructure Levy Regulations<sup>102</sup>. I have taken the planning obligations into account in my deliberations.

### **Planning Balance and Overall Conclusions**

107. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise<sup>103</sup>. Where Councils are unable to demonstrate a five year supply of housing, Paragraph 11 of the Framework states that the most important policies for determining the application are deemed out of date, and permission should be granted unless 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. Alternatively, specific policies in the Framework that protect areas or assets of particular importance may provide a clear reason for refusing the development, and the so-called 'tilted balance' in favour of granting permission does not apply. Those relating to development within the AONB and heritage assets fall within that category.
108. The Framework at Paragraph 176 requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs, which

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<sup>101</sup> Paragraph 57

<sup>102</sup> Regulation 122

<sup>103</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 & Section 70(2) of the Town and Country Planning Act 1990

have the highest status of protection in relation to these issues. This reflects the statutory duty under s85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs. The Framework states that the scale and extent of development in these areas should be limited, and planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

109. In consideration of such applications, the Framework at Paragraph 177 requires an assessment of: (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and (c) any detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
110. In terms of (a) the scheme would secure both market and affordable housing for which there is a clear and urgent need in Cheltenham. It would boost the supply of housing in accordance with the framework, thereby supporting a key national policy objective. It would address the immediate shortfall in the five-year housing supply which on the Council's case is 2.9 years or 1.6 years according to the appellant. On either basis, the deficit is very large. The scheme would deliver 250 units of which 100 would be affordable and would make an important contribution to this pressing and urgent housing need.
111. Although the Council has argued that the development has the potential to harm tourism and cause economic harm on the basis it would impact on the AONB and the setting of Cheltenham<sup>104</sup>, there is no substantive evidence to support this view. Rather, I consider it would boost the local economy, creating investment in the locality and increasing spending in local shops and services. It would create jobs and investment during the construction phase, albeit for a temporary period. A summary of the headline economic benefits was set out by the appellant which was not disputed by the Council<sup>105</sup>.
112. In terms of (b), in considering the cost of and scope for developing elsewhere, the District is severely constrained with the urban footprint covering a substantial part of its area, and with the AONB and Green Belt comprising the remainder and subject to protection<sup>106</sup>. The Council has opted to progress a full rather than partial review of the JCS. Latest estimates of the adoption of the JCS review are 'winter 2024/Spring 2025'<sup>107</sup>. However, that timetable is optimistic, especially as the emerging plan is likely to be controversial because of the potential need for releases of land from the Green Belt and AONB, and there are a significant number of hurdles to overcome before it is adopted. A plan-led approach to development is certainly desirable, but in this instance, there seems little prospect of a timely plan-led remedy to address the urgent housing shortfall.
113. I acknowledge various sites have been allocated within the development plan, so this is not a case where the Council has failed to allocate sites at all.

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<sup>104</sup> Council's Closing Submissions, Paragraph 73(a)

<sup>105</sup> Paragraph 8.23, Mr Hutchinson's Proof

<sup>106</sup> Acknowledged by the Council – Closing Submissions, Paragraph 21

<sup>107</sup> Tewkesbury Borough Local Development Scheme [ID 50]

Nonetheless, these are not delivering in a timely manner to address the urgent housing needs of the area. I do not consider it satisfactory to wait for the emerging plan process to conclude in order to deal with the current housing need. No evidence was presented to the Inquiry that there are other suitable or deliverable sites outside the AONB to address the identified housing need in a timely fashion. Thus, the evidence strongly suggests that at the present time, given the severe constraints of the District, the need could not be met in another way.

114. In terms of (c) regarding any detrimental effect of the environment, landscape, and recreational opportunities, the site is very unusual in the AONB in that it is bounded by residential development on three and a half sides, and on the remaining fourth side is an engineered landscape. Whilst there would undoubtedly be some harm arising from the development in that an area of pastureland within the AONB would be lost, the site is reasonably well contained by existing residential development. Given these factors, I consider the appeal site is an obvious and logical extension to Cheltenham.
115. In short and medium range views the site is perceived very much in context of the surrounding urban development. In longer range views from Cleeve Common and the Cotwolds Way National Trail, it forms part of the attractive sloping scarp. That said, it is seen as a small part of a much wider panorama that includes extensive built development. The upper part of the site, which is the most sensitive area, would remain free of housing, although it would be bisected by the access road. Comprehensive landscaping is proposed that would moderate many of the adverse effects. The scheme has additional environmental benefits in the form of green infrastructure and biodiversity enhancements. The scheme would also deliver recreational benefits through new footpath links and the creation of publicly accessible areas on land that is currently private.
116. There is no definition of what constitutes 'exceptional circumstances' and there is a danger of the term being judicially over-analysed. Ultimately, it must be a planning judgement. There is nothing in caselaw to suggest that a very serious shortfall of market and affordable housing, as well as the particular locational circumstances of a site, cannot amount to exceptional circumstances. Taking careful account of the various considerations in Paragraph 177 of the Framework, I consider there would be exceptional circumstances in this case to justify the development and that the proposal would be in the public interest. It would not offend restrictive policies of the Framework relating to the AONB. In reaching this conclusion, I have given great weight to the purpose of conserving and enhancing the natural beauty of the AONB as required by the Framework, as well as the Countryside and Rights of Way Act 2000.
117. Turning to heritage assets, I have found that the proposal would result in some harm to designated heritage assets. It would also result in the partial loss of 'ridge and furrow'. Paragraph 202 of the Framework requires any harm to the significance of heritage assets to be balanced against the public benefits of the scheme. In addition, Paragraph 199 requires that, when considering the impact of a proposal on the significance of designated assets, great weight should be given to their conservation. I have found harm overall should be placed at the lower end of the 'less than substantial' spectrum.

118. In this case, as noted above, the additional housing, both market and affordable, would be a very weighty benefit for the area. The site is locationally accessible and close to shops and services, including bus routes and Sainsbury's Supermarket. It is adjacent to the existing built-up area of Cheltenham. The new houses would be well related to existing development. The landscaping proposals in the upper part of the site would enable public views across the AONB and towards the heritage assets, from a location that is currently not publicly accessible. I find that the harm to heritage assets, even giving great weight to their conservation, would be outweighed by the scheme's considerable public benefits. Therefore, the adverse impacts do not provide a clear reason for refusing the development. As a consequence, I find that the so-called 'tilted balance' of Paragraph 11 is not displaced in this instance in relation to heritage assets.
119. I have considered the County Council's objections in relation to traffic generation, and have found that the likely traffic impacts would not meet the threshold of severe, and so an objection cannot be sustained on this basis. The concerns regarding gradients to ensure accessibility for all users can be dealt with by way of a condition. My conclusions on education contributions means that this matter would be adequately provided for.
120. In terms of the development plan, there would be conflict with certain policies, including Policies SP1, SP2 and SD10 of the JCS dealing with the spatial strategy for new development. There would also be conflict with Policy SD7 and SD8 of the JCS. Although not part of the statutory development plan, there would be conflicts with the Cotswolds AONB Management Plan. However, the Council cannot demonstrate a five year supply of housing, and so the most important development plan policies are deemed out of date. It is clear that strict application of these policies is not leading to sufficient housing being provided in accordance with the Framework. The lack of supply diminishes the weight that can be attached to any conflict with these policies.
121. The housing shortfall attracts substantial weight in favour of granting permission for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing the development establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that the appeal should succeed, subject to conditions. I deal conditions below.
122. In reaching my decision, I have taken into account the information in the ES, as well as other environmental information. I have carefully considered the serious concerns expressed by local residents and objectors, some of whom appeared at the Inquiry. Some have argued that allowing development on this site would set a precedent for further development within the AONB, and erode protection for such designated areas. To be clear, I have reached my decision based on the very specific circumstances of this case, including the site characteristics, which are unlikely to be replicated elsewhere.

### **Conditions**

123. I have reviewed the agreed list of suggested conditions set out in the light of the discussion at the Inquiry and advice in the Planning Practice Guidance. The Framework is clear that conditions should only imposed where they are

necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects<sup>108</sup>. Where necessary I have reworded the conditions for simplicity and have amalgamated some to avoid duplication. The numbers in brackets relate to the conditions in the schedule.

124. Commencement conditions are necessary to comply with the relevant legislation (1, 2, 3). A condition limiting the number of dwellings is necessary to ensure the terms of the permission are not exceeded (4). A condition requiring reserved matters to be in general compliance with the approved plans is necessary for certainty (5). A condition requiring a Phasing Plan is necessary to ensure the development is delivered in an appropriate manner (6). A condition requiring a Housing Mix Statement is necessary to ensure the development meets the housing needs of the area (7). A condition requiring approval of external materials, dwelling design, boundary details, cycle storage, refuse and recycling storage, and vehicle charging points is necessary to ensure a sustainable, high quality scheme and to ensure proper provision of these facilities (8). A condition is required to ensure a sustainable and energy efficient form of development (9).
125. Conditions relating to foul and surface water drainage are required to avoid flooding and ensure foul drainage infrastructure is provided (10, 11). A condition relating to existing and proposed ground levels is necessary to ensure a satisfactory relationship with the surrounding area (12). Conditions relating to highway works, their implementation and future management, including cycle ways and footways are necessary to provide safe access to and across the site (13, 14, 15, 16, 17). A condition requiring approval of a Construction Traffic Environmental Management Plan is necessary to minimise disturbance to local residents, to ensure efficient traffic flow and to mitigate air pollution during the construction phase (18). A condition requiring approval of a Site Waste Management Plan is necessary to ensure waste minimisation (19). A condition restricting on site activities to certain times of the day is necessary to protect living conditions of neighbouring occupiers (20). A condition relating to piling is necessary for similar reasons (21). A condition relating to potential site contamination is necessary to protect the health of future occupiers (22). A condition relating to a Construction Environment Management Plan and Landscape and Ecology Management Plan are necessary for biodiversity and habitat provision, including ongoing management (23).
126. Conditions relating to lighting, hard and soft landscaping, including tree planting, management and protection are necessary in the interests of biodiversity, wildlife protection and to ensure a high quality scheme (24, 25, 26, 27). A condition relating to the provision of public art is necessary to enhance the character of the scheme (28). A condition restricting permitted development is necessary to protect the character and appearance of the site, and the living conditions for future occupiers (29). A condition requiring the provision of a Homeowner's Information Pack is necessary to direct future residents to appropriate recreational facilities, and to reduce recreational pressure on the Cotswold Beechwoods Special Area of Conservation (30). A condition requiring a scheme of interpretation, including information boards, for the adjacent heritage assets is necessary to enhance the local community's understanding of them (31).

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<sup>108</sup> Paragraph 56

127. A number of these conditions relate to pre-commencement activities. In each case, the requirement of the condition is fundamental to make the scheme acceptable in planning terms. Subject to the imposition of these conditions, I conclude that the appeal should be allowed.

*Matthew Nunn*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

Paul Tucker	of Kings Counsel, Kings Chambers, instructed by Pegasus Group
Stephanie Hall	of Counsel, Kings Chambers
They called	
Paul Harris	Landscape
Gail Stoten	Heritage
Neil Tiley	Housing Land Supply & Education
James Stacey	Affordable Housing
Graham Eves	Highways
David Hutchison	Planning

### **FOR CHELTENHAM BOROUGH COUNCIL**

Jeremy Patterson	Principal Planning Lawyer
He called	
Stuart Ryder	Landscape
William Holborow	Heritage
John Rowley	Housing
Ewan Wright	Affordable Housing
Paul Instone	Planning

### **FOR GLOUCESTERSHIRE COUNTY COUNCIL**

Andrew Fraser-Urquhart	of Kings Counsel, Francis Taylor Building, instructed by the County Council
He Called	
Stephen Hawley	Highways
Stephen Chandler	Education
Liz Fitzgerald	Planning, Education and Library Provision



## **FOR THE COTWOLDS CONSERVATION BOARD**

John Mills

## **FOR THE FRIENDS OF OAKLEY FARM PASTURE SLOPES**

Ivan Fee

Peter Gregson

Noleen Gregson

## **OTHER PARTICIPANTS**

Gary Spencer – Planning Solicitor for Cheltenham Borough Council

Bridgette Boucher – Planning Lawyer for Gloucester County Council

Robyn Evans – Solicitor for Robert Hitchens

## **INTERESTED PERSONS**

Roger Willbourne (Statement read by Ivan Fee)

Duncan Forbes

Jo Matthews

Anthony Green

Gillian Jones

Councillor Matt Babbage

Yvonne O'Donnell

Sally Walker

Ian Harvey (gave evidence in respect of the Pavilion and reservoir complex)

## **INQUIRY DOCUMENTS**

1. Opening Submissions on behalf of the Appellant
2. Opening Submissions on behalf of Cheltenham Borough Council
3. Opening Submissions on behalf of Gloucestershire County Council
4. Opening Submissions on behalf of the Friends of Oakley Farm Pasture Slopes
5. Opening Submissions on behalf of the Cotswold Conservation Board
6. Statement of Mr Roger Willbourne – Trustees of Battledown Estate (read by Mr Ivan Fee)
7. Statement of Mr Duncan Forbes
8. Statement of Mr Anthony Green
9. Statement of Ms G Jones
10. Statement of Councillor Matt Babbage

11. Statement of Ms Sally Walker
12. Additional photographs of the site taken at the time of the Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB (2015)
13. Extract from the Concise Oxford English Dictionary (10<sup>th</sup> Edition)
14. Highway Note – Transport Considerations - produced by Gloucestershire County Council in relation to original Illustrative Masterplan (received 13 September 2021)
15. Updated Housing Statement of Common Ground following evidence presented at the Inquiry (dated 20 September 2021)
16. Plan showing residential areas built within former GCHQ site – Site & Contextual Features (received 20 September & updated 27 September 2021)
17. Highway Junction Plan (numbered) from Gloucester County Council
18. CIL Compliance Statement (Cheltenham Borough Council)
19. CIL Compliance Statement (Gloucestershire County Council)
20. Agreed note regarding calculation on Affordable Housing Shortfall, dated 24 September 2024
21. Updated Highway Junction Plan / Traffic Growth Calculations
22. Two Way Traffic Flows (Harp Hill) - handwritten note of Mr Eves
23. Comparison of Pupil Product Ratios (PPRs) in other Local Education Authorities
24. Appellant's Alternative Illustrative Masterplan (Ref: 18017.202 Rev B), associated documents & accompanying Landscape Note by Paul Harris (email dated 11 October 2021)
25. Email from Appellant (Mr David Hutchison) dated 10 December 2021 setting out reasons why the Alternative Illustrative Masterplan should be accepted (includes link to verified views)
26. Cheltenham Borough Council response to Alternative Illustrative Masterplan
27. Gloucestershire County Council response to Alternative Illustrative Masterplan (dated 5 January 2022)
28. Cotswold Conservation Board comments on Alternative Illustrative Masterplan (dated 5 January 2022)
29. Friends of Oakley Farm Pastures response on Alternative Illustrative Masterplan
30. Definitive AONB Boundary
31. Suggested Conditions (Rev 6/12/21)
32. Disputed conditions schedule
33. Draft obligation - affordable housing (by agreement)
34. Draft obligation – public open space (by agreement)
35. Draft obligation – maintenance contribution (UU)
36. Draft obligation – education and libraries (UU) (including 'Quick Reference Notes')
37. Draft obligation - transport and infrastructure (by agreement) (including 'Quick Reference Notes')
38. Closing submissions on behalf of Cheltenham Borough Council
39. Closing submissions on behalf of the Cotswold Conservation Board (including Errata Slip)
40. Closing submissions on behalf of the Friends of Oakley Farm Pasture Slopes
41. Closing submissions on behalf of Gloucester County Council
42. Closing submissions on behalf of the Appellant
43. Final version of conditions (with track changes)
44. Final version of conditions (without track changes) Rev 03/04/22
45. Certified Affordable Housing obligation dated 23 February 2022
46. Certified Public Open Space obligation dated 23 February 2022
47. Certified maintenance obligation dated 23 February 2022
48. Certified Education and libraries obligation dated 23 February 2022

49. Certified transport and Infrastructure obligations dated 23 February 2022
50. Tewksbury Borough Local Development Scheme (LDS) (2022-24)
51. Responses to updated LDS timetable from Cheltenham Borough Council, appellant and Friends of Oakley Farm Pasture Slopes.

### **Schedule of Conditions**

- 1) Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision.
- 3) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 4) The development hereby permitted shall provide no more than 250 dwellings.
- 5) The details to be submitted as part of the reserved matters for access, layout and landscaping shall be in general accordance with the design and layout principles of the Alternative Illustrative Masterplan Ref 18017.202 Rev B in respect of the following:
  - a. the proposed and retained structural landscaping (trees, shrubs and hedgerows) and public open space within the green infrastructure areas shown on drawing P18-0847-02 sheet 02 Rev D;
  - b. the design and alignment of the main vehicular access road and vehicular junction within Harp Hill within the Highway Corridor Flexibility Zone shown on drawing P18-0847-02 sheet 03 Rev F (excluding other internal estate roads).

For the avoidance of doubt, applications for approval of reserved matters shall be in substantial accordance with the submitted Land Use Parameter Plan (drawing P18-0847\_02 sheet 02 Rev D), Access and Movement Parameter Plan (drawing P18-0847\_02 sheet 3 Rev F), Building Heights Parameter Plan (drawing P18-847\_02 sheet 04 Rev C) and Green Infrastructure Parameter Plan (drawing P18-0847\_02 sheet 05 Rev D).

- 6) The first reserved matters applications required by Condition 1 shall be accompanied by a Phasing Plan, giving details of the phasing of the development. The development shall be carried out in accordance with the approved Phasing Plan unless any variations have first been approved in writing by the local planning authority.
- 7) Prior to the submission of the first reserved matters, a Housing Mix Statement for the open market housing shall be submitted to the local planning authority for approval. The Statement shall set out an appropriate mix of dwelling sizes, types and tenures to be provided on site that will contribute to a mixed and balanced housing market. The Statement will address the needs of the local area having regard to the Council's current local housing evidence base. The development shall be implemented in accordance with the approved Statement.

- 8) The reserved matters required to be submitted and approved under Condition 1 shall include:
- a. details of the design, form and architectural features of the dwellings, including materials to be used on the external walls and roofs;
  - b. details of the position, design, materials and type of boundary walls within the development;
  - c. details of cycle storage facilities for each dwelling;
  - d. details of refuse and recycling storage to allow for the separate storage of recyclable waste materials;
  - e. details of electrical vehicle charging points (including appearance, location and type) to accord with the relevant Council standards;

The development shall be carried out in complete accordance with approved details.

- 9) The details to be submitted for approval as part of the reserved matters application(s) for appearance, scale and layout pursuant to Condition 1 shall include an Energy and Sustainability Statement. The statement shall demonstrate an improvement on the energy efficiency of the scheme over and above the Building Regulations in place at the time of this decision and shall include, but not be limited to, the following information:
- a. details of the methods used to calculate predicted annual energy demand and associated carbon emissions;
  - b. measures to reduce impact on climate change (including consideration of heat proofing, construction techniques, building fabric, solar gain, natural lighting, shading, orientation, water retention, flood mitigation and landscaping).
- 10) No development shall take place until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design dated March 2020. An assessment shall be made regarding the potential for disposing of surface water by means of a sustainable drainage system (SuDS) in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version), and the results provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall provide:

- a. an assessment of the hydrological and hydro-geological context of the development;
- b. information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- c. a timetable for its implementation;
- d. a management and maintenance plan for the SuDS. The plan shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme, including its management and maintenance, shall be implemented strictly in accordance with approved details and thereafter retained as such for the lifetime of the development.

- 11) No development shall take place until full details for the treatment and disposal of foul water (including pollution control and monitoring measures) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 12) No development shall take place until plans showing the existing and proposed ground levels of the site and existing ground levels of adjacent land have been submitted to and approved in writing by the local planning authority. The submitted details shall include existing and proposed cross section drawings of the site indicating the extent of ground works required to achieve finished site levels. The reserved matters application(s) submitted pursuant to Condition 1 shall include details of the proposed slab levels of the proposed buildings and ridge heights of proposed and adjacent buildings. The development shall be implemented strictly in accordance with the agreed details.
- 13) Notwithstanding the illustrative proposed access arrangements on to Harp Hill, as shown on Access and Movement Parameter Plan ref: P18-0847\_02 Sheet No.3 rev F and the Alternative Illustrative Masterplan ref. 18017.202 Rev B, full details of the proposed access junction on to Harp Hill shall be submitted to and approved in writing by the local planning authority as part of the first reserved matters submission. The access shall be installed in accordance with the approved details and made available for use prior to the first occupation of any dwelling. The reserved matters submissions relating to access are required to be generally designed so that maximum and minimum gradients allowable will be 1/20 and 1/100 respectively, save that gradients up to 1/12 are permissible, provided that where they are proposed, they shall be limited to maximum lengths of 30 metres.
- 14) No dwelling hereby permitted shall be occupied until the Footpath and Cycleway link between Priors Road and the development area (as shown on Drawing No 333.E.33) has been fully implemented in accordance with a detailed design previously submitted to and agreed in writing by the local planning authority.
- 15) No more than 50 dwellings shall be occupied until the following highway works have been implemented in full:
  - a. Alterations to the junction of Priors Road / Hales Road / Harp Hill / Hewlett Road (shown on Drawing No H628/04 Rev C);
  - b. Harp Hill pavement extension and pedestrian linkages (shown on Drawing No H628/05 Rev A).
- 16) No dwelling shall be occupied until: (i) the carriageways providing access from the public highway to that dwelling have been completed to at least binder course level, and the footways to surface course level and in accordance with the approved plans; and (ii) the car/vehicle parking area, visitor parking and turning space associated with that dwelling (including

garages and car ports where proposed) have been completed in accordance with the approved plans.

- 17) Prior to first occupation of the development, details of the arrangements for future management and maintenance of the roads/streets within the development shall be submitted to and approved in writing by the local planning authority. The roads/streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 18) No development shall take place until a Construction Traffic Environmental Management Plan (CTEMP) has been submitted to and approved in writing by the local planning authority. The CTEMP shall include: details of parking or vehicles of site operatives and visitors (including measures to ensure satisfactory access and movement for existing occupiers during construction); details of any temporary access into the site; details of loading and unloading of plant and materials; arrangements for turning vehicles; details of storage of plant and materials; measures for traffic management (including routing) so as to minimise the impacts of construction traffic on the highway; details of types, size and numbers of construction related vehicles anticipated daily, including arrangements to receive abnormal loads or unusually large vehicles; means to prevent deposition of mud or other substances on the highway; details of wheel washing facilities; measures for the control of site lighting (required for safe working or for security); means to control dust and emissions to air; means to control noise and vibration; methods of communicating the CTEMP to staff, visitors and neighbouring residents and businesses. The approved CTEMP shall be adhered to throughout the demolition and construction period.
- 19) No development shall take place until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall include: information on the type and amount of waste likely to be generated prior to and during the construction phase; details of the practical arrangements for managing waste generated during construction in accordance with the principles of waste minimisation. The approved SWMP shall be adhered to throughout the demolition and construction period.
- 20) Demolition, construction works or other operations that generate noise beyond the site boundary shall be only carried out between the hours of 0800 hrs and 1800 hrs Mondays to Fridays, and between 0800 hrs and 1300 hrs on Saturdays and at no time on Sundays and Bank Holidays. Deliveries to, and removal of plant, equipment, machinery and waste from the site shall only take place within the permitted hours detailed above.
- 21) No piling activities shall be carried out until a full piling method statement has been submitted to and approved in writing by the local planning authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential properties; dates and times of piling; and details of monitoring

measures. All piling activities shall be carried out in accordance with the approved details.

- 22) In the event contamination is found at any time when carrying out the approved development that was not previously identified, it must be immediately reported in writing 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 the Environment Agency's relevant guidance and, where necessary, a remediation scheme 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.
- 23) The development hereby approved shall be carried out at all times (including during all ground and vegetation clearance works) and thereafter maintained in accordance with the recommendations and measures within the Construction Environmental Management Plan (CEMP) (Ecology Solutions March 2021 7807.CEMP.vf); and the Landscape and Ecology Management Plan (LEMP) (Ecology Solutions dated March 2021 7807.LEMP.vf). In addition to the approved LEMP, hedgehog tunnels shall be installed in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority. Any modifications to the approved details within the CEMP and LEMP (for example as a result of requirements of a protected species license) must be submitted to and agreed in writing by the local planning authority prior to the implementation of any modifications.
- 24) Full details of the external lighting scheme, following the principles and recommendations of the approved lighting strategy (Illume Design Lighting Strategy 03.03.2021 No. 4218 rev 0.2), shall be submitted to and approved in writing by the local planning authority. The details shall include but shall not be limited to the following:
- a. the position, height and type of all external lighting (including any security lighting);
  - b. the intensity of lighting and spread of light as a lux contour plan (including horizontal and vertical components);
  - c. lighting calculations and assessment;
  - d. measures to minimise light spill/pollution, having regard to the sensitive location of the site within an AONB;
  - e. measures to minimise the effects of lighting on protected wildlife species;
  - f. the periods of day and night (throughout the year) when such lighting will be used and controlled for construction and operational needs.

The approved scheme shall be maintained thereafter for the lifetime of the development and in accordance with the manufacturer's recommendations.

- 25) The submission of details required by Condition 1 shall include full details of a hard and soft landscaping and boundary treatment scheme for both



the residential and open space elements of the proposed development.

The scheme shall include the following:

- a. a written specification describing the species, sizes, spacing, densities and planting numbers;
- b. details of all retained trees, hedgerow and other ecological features;
- c. details of the phasing of implementation of all proposed hard and soft landscaping;
- d. details of proposed aquatic planting for the indicative SuDS feature shown in the north-west corner of the site;
- e. details of meadow grassland planting within the areas of public open space;
- f. details of hard and soft boundary treatment (including details of materials and elevation drawings where relevant);
- g. details of ridge and furrow retention, planting and maintenance;
- h. buffer/protection and deterrent planting measures (from deer and other predators) around retained mature, veteran and ancient trees;
- i. details of biodiversity net gain (BNG), in accordance with Natural England's Biodiversity Metric 2.0;
- j. a detailed Landscape and Tree Management and Maintenance Scheme (LTMMS) (for the short, medium and long term – 5, 10 and 30 years) for areas of proposed open space and children's play areas based on the principles set out in the approved LEMP.

All hard and soft landscaping and boundary treatments (as well as the LTMMS) shall be implemented and maintained in accordance with the approved details, and in accordance with a timetable agreed with the local planning authority. Any trees, hedgerows or other plants which, within a period of 5 years from the date that they were planted, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season (October to March) with others of the same size or species unless otherwise first agreed in writing by the local planning authority. Any pruning works shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

- 26) All works including roads, paths, parking areas, drainage runs and other areas of hard landscaping that fall within Root Protection Areas of retained trees shall be constructed using a no-dig method. All trenches and service runs shall fall outside the Root Protection Area(s) of any retained trees shown on the approved drawings, unless otherwise first agreed in writing by the local planning authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard). No fires shall be lit within 5m of the Root Protection Areas and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of any tree stem. Existing ground levels shall remain the same within the Root Protection Areas and no building materials or surplus soil shall be stored therein.
- 27) Prior to the commencement of development (including site and vegetation clearance works), the following shall be submitted and approved in writing by the local planning authority:

- a. a Tree, Shrub and Hedgerow Retention and Removal Plan, identifying all trees, shrubs and hedgerow to be removed and retained (including tree BS 5837:2012 categorisation);
- b. details of tree protective fencing to comply with BS 5837:2012;
- c. an Arboricultural Monitoring scheme for the construction phase which shall include details of (a) persons to conduct the monitoring; (b) the methodology and programme for reporting; and (c) a timetable for inspections;
- d. an Arboricultural Method Statement (AMS) to comply with BS 5837:2012 which shall include (a) any no-dig construction method details for parking areas, footpaths, roads, drainage runs and other forms of hard landscaping; (b) foundation details for properties near to retained trees on or adjacent to the site; (c) the storage of materials and siting of temporary structures for contractors; and (d) any access facilitation pruning in accordance with BS 3998 (2010).

No trees, shrubs or hedges within the site which are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed, without the prior written consent of the local planning authority. Any retained trees, shrubs or hedgerow indicated on the approved drawings which, within a period of 5 years following the completion of the construction phase die, become seriously damaged or diseased shall be replaced during the next available planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the local planning authority. Any pruning works shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

No tree and/or hedge clearance shall be carried out during bird nesting season (1st March to 31st August inclusive) unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has first been submitted to and approved in writing by the local planning authority.

The development shall be carried out at all times in accordance with the details approved and the tree protective fencing shall be installed and inspected prior to the commencement of development and shall thereafter remain in place until the completion of the relevant construction phase.

- 28) Details of a scheme for Public Art within the area(s) of public open space shall be submitted to and approved in writing by the local planning authority. The approved scheme be installed within six months following the completion of the development or in accordance with a timetable previously agreed in writing by the local planning authority.
- 29) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages and outbuildings (other than sheds and greenhouses, and those forming part of the development hereby permitted) shall be erected without the permission of the local planning authority.

- 30) Prior to first occupation of the development, details of a Homeowner's Information Pack providing information on recreation resources in the locality shall be submitted to and approved in writing by the local planning authority. The pack shall be in accordance with the advice from Natural England (letter dated 13 April 2021) and include reference to: Alternative local recreation opportunities (off site), and website information for the Cotswolds AONB. Each household shall be provided with an approved Homeowner Information Pack on occupation.
  
- 31) Details of a scheme of interpretation for the adjacent heritage assets at Hewlett's Reservoir (which shall include details of the location, content and design of interpretation boards to provide the public with a better understanding of the heritage assets adjoining the site) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the completion of the development.

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# Appeal Decision

Site visit made on 9 August 2022

**by Emma Worley BA (Hons) Dip EP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 September 2022**

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**Appeal Ref: APP/B1605/W/22/3294230**

**The Bungalow, 9 All Saints Villas Road, Cheltenham GL52 2HB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Wheeler against the decision of Cheltenham Borough Council.
  - The application Ref 21/01891/FUL, dated 18 August 2021, was refused by notice dated 14 October 2021.
  - The development proposed is the demolition of existing bungalow and replacement with a pair of semi-detached properties and associated works and infrastructure.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Amended plans have been submitted to address a technical issue with the survey of the neighbouring property which misinformed the design of the proposals. The amended plans include the reduction in height of the proposed dwellings. While I understand the reasons for the amendment, the appeal process should not be used to evolve a scheme. Given that the Council and interested parties have not had the opportunity to comment on the revised proposals, an injustice would occur should I determine the appeal on the basis of the amended plans. I must therefore consider the proposal as submitted.

## Main Issues

3. The main issues are a) whether the proposed development would preserve or enhance the character and appearance of the Conservation Area and b) the effect of the development on the living conditions of the occupiers of 7 All Saints Villas Road, having regard to outlook.

## Reasons

### *Conservation Area*

4. The appeal site contains a hipped roof detached bungalow and its garden. It is bound by residential development to both sides and the rear. The site lies within the Fairview and All Saints' Character Area of the Central Conservation Area (the CA), located to the north-east of Cheltenham town centre. The significance of this part of the CA is derived in part from the varied layout of the residential streets. This includes wider avenues in the eastern part of the CA such as All Saints Villas Road, which comprise properties of a range of styles and ages including traditional Georgian and Victorian buildings, as well as modern developments. The presence of the Grade 2 listed All Saints'

- Church, and a number of other listed buildings also contribute to the architectural interest and historic significance of the area.
5. The character and appearance of the CA in the vicinity of the appeal site is defined by well-spaced development in medium sized plots with off road parking to the front. The distant views of the Cotswold escarpment through the gaps between the buildings and presence of mature trees and hedges contributes to the pleasant verdant character of the CA.
  6. Whilst of differing designs, the adjoining properties in the row on this side of All Saints Villas Road are set back a similar distance from the road, which creates a strong and consistent front building line which contributes positively to the pleasant character of the street scape. The siting of the proposed dwellings would represent a continuation of this arrangement. Furthermore, the resulting plot widths would reflect others in the vicinity, and the rear gardens would be of a size commensurate with those nearby.
  7. The proposed semi-detached townhouses would be of a contemporary design, with a flat roof and rendered finish. Given the eclectic mix of property types in the vicinity, the modern design would not be intrinsically at odds with the prevailing character of the area in that regard.
  8. The dwellings in the area vary in scale and height, they are made up of traditional 2 and 3 storey dwellings, and also a small number of taller buildings up to 4 storeys high, including a modern flatted development. Those dwellings in closer proximity to the appeal site are predominantly 2 and 3 storeys. Immediately adjoining the site at 15 and 17 All Saints Villas Road are a pair of semi-detached villas, which are characteristic of the area. Whilst typically 3 storeys, with rooms within the roof space, they have a hipped roof and lower ground floor which reduce the overall scale and bulk of the properties.
  9. The proposed dwellings are 4 storeys, albeit with the fourth floor set in from the parapet which would reduce the mass of this element of the building to a degree. The design of the building would incorporate decorative banding at the eaves height of the neighbouring dwellings. However, the top of the parapet would be above the eaves resulting in an appearance of greater scale and bulk. The height and mass would be further emphasised by its largely flat frontage and window arrangement, primarily that the horizontal alignment of the ground and first floor openings, while informed by the neighbouring double height bays, would fail to reflect that of the neighbouring properties.
  10. In addition, the front elevation of the building would extend almost the full width of the plot and would be set in only a short distance from both side boundaries of the site. This would reduce the space between the existing and proposed buildings which would be at odds with the prevailing character of the area and would result in a cramped development.
  11. As a consequence, by virtue of the height, scale and massing, the proposed building would be an anomalous and incongruous feature that would be unduly visually dominating in the street scape. The proposal would therefore fail to preserve or enhance the character and appearance of the CA and would give rise to harm to the significance of the CA as a designated heritage asset.
  12. Whilst the appellant has indicated that the Yew tree to the front of the property would be retained, in order to help soften the appearance of the dwellings in

the street scene, this would not address the harm I have identified above with regards to the overall scale and massing of the building. Furthermore, it is not a certainty that the tree will remain in perpetuity.

13. Given the scale of the development and the fact that the site does not occupy an unduly prominent position in the CA, the effect with regards to harm to the CA would be localised. Accordingly, I conclude that the proposal would lead to less than substantial harm to the significance of the CA as a designated heritage asset.
14. There would be short term economic benefits during construction, albeit modest. The proposal would also provide for a net gain of one additional family home in a sustainable location close to the town centre, which benefits from a high degree of accessibility to a wide range of services and amenities. This would make only a small contribution towards boosting housing supply, although as there is no dispute that the Council cannot currently demonstrate a 5 year supply of deliverable housing land, this therefore carries moderate weight.
15. The appellant suggests that the existing bungalow is out of character with the site context and its replacement with the appeal proposals would be a benefit of the scheme. However, given the harm I have outlined and the fact that the existing bungalow is identified as being a neutral building in the CA, I do not find this to be the case. The Framework indicates that great weight should be given to the conservation of heritage assets. Therefore, the moderate public benefits of the proposal would not outweigh the less than substantial harm to the designated heritage asset, such that the heritage policies of the Framework provide a clear reason for refusing the development.
16. I conclude that the proposal would fail to preserve the character or appearance of the CA and would cause less than substantial harm to its significance as a designated asset. The development would therefore conflict with Policies D1 of the Cheltenham Plan adopted 2020 (CP) and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core strategy 2011- 2031 adopted 2017 (JCS) which seek high quality design which among other things respects the character of the locality. The proposal would also conflict with the aims of JCS Policy SD8 which strives to conserve and enhance heritage assets, including ensuring that development makes a positive contribution to local character and distinctiveness. The proposal would also fail to accord with advice contained in the Council's Development on Garden Land and Infill Sites Supplementary Planning Document adopted June 2009 (SPD) which requires infill development to be of the highest design quality, in keeping with the character of the local area.

### *Living Conditions*

17. The private garden area to 7 All Saints Villas Road lies to the side of the dwelling, there are a number of windows in the elevation of No 7 overlooking its garden space. Although the top floor would be set back from the main elevations, the proposal would still result in a building of considerable height and length running along a significant proportion of the side boundary to the garden space of No 7, in close proximity to the shared boundary. Given the height, scale and siting of the proposed building, it would appear as an unduly overbearing and imposing feature when viewed from the adjoining property at No 7, from both the windows in the property and the garden. Whilst the

existing boundary treatment between No 7 and the appeal site includes tree planting, which would provide a degree of screening, this would not overcome the harm I have identified. Furthermore, the longevity of the trees is not guaranteed and cannot be relied upon in perpetuity.

18. As such I find that the proposal would have an adverse effect on the living conditions of the occupiers of No 7 by virtue of harm to outlook. The proposal would therefore conflict with CP Policy SL1 and JCS Policy SD14 which seek, among other things, to ensure that new development would not harm living conditions, as well as the SPD which sets out that proposals that result in unacceptable harm to the amenity of neighbouring dwellings will not be permitted.

### **Planning Balance and Conclusion**

19. Given the land supply situation, paragraph 11 of the Framework indicates that permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development proposed. I have found that those policies seeking to protect heritage assets provide such a clear reason. Therefore, the proposal does not benefit from the presumption in favour of sustainable development, outlined at paragraph 11.
20. I note the appellant's concern regarding third-party representations, in particular the accuracy of the submitted photomontages. However, I have reached my decision using my own judgement based on the plans submitted as part of the application. Whether or not a number of trees have been felled on the site, this has not affected my decision.
21. For the reasons given, the appeal scheme would conflict with the development plan and there are no material considerations, including advice in the Framework, worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

*Emma Worley*

INSPECTOR





## Appeal Decision

Site visit made on 6 September 2022

**by A J Sutton BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 September 2022**

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**Appeal Ref: APP/B1605/D/22/3301607**

**Fairmount, Fairmount Road, Cheltenham, Gloucestershire GL51 7AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Joe Bate-Williams against the decision of Cheltenham Borough Council.
  - The application Ref 21/02466/FUL, dated 3 November 2021, was refused by notice dated 13 April 2022.
  - The development is described as 'Fencing around property and garden design.'
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. There was a high wooden fence at the front boundary of Fairmount when I visited the property, but the gates did not appear to be in place and the entrance was open.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

4. The appeal property is a large semi-detached dwelling in a street of similarly large dwellings. Properties in the street appear of different eras with variation in architectural style. However, coherency in the built form is derived from consistency in layout, with dwellings set back from the road and front boundaries abutting the highway. There is variation in these front boundaries. But I saw that the boundaries were predominantly a mix of relatively low walls/hard landscaping, mature vegetation and in some instances, railings, which in combination made for an attractive suburban street scene.
5. The high wooden fence at the appeal property extends along the full length of the front of its sizeable plot. Its expansive form is only broken by the entrance, and this would be filled by a large set of gates only a little shorter in height than the fence. Although there are gaps between the horizontal slates these are extremely narrow and the street facing side of the fence is not divided by posts or piers. Consequently, the uninterrupted, relatively solid expanse of wood lacks visual interest from this aspect. This combined with its substantial height, with minimal variation, results in an incongruous and dominating

- feature which fails to respect or complement the appearance of the wider street scene.
6. The singular appearance of the fence would be softened by plants and trees. However, I saw no space between the fence and pavement to accommodate such features, so these would be set within the property and consequently only visible above the high fence. An alternative colour choice may render its appearance less jarring. However, neither of these measures would minimise its height and expansive form when viewed from the street, and I am not satisfied that they would address the discordant effect of the boundary structure outlined above. The weathering process overtime would not reduce either its size or its stark appearance in a street scene characterised by a combination of soft and hard landscaping.
  7. Although not forming part of the original application I have considered the images of alternative gates. Whilst the designs may add to the variety of materials, they appear a similar height and solidity to the wooden gates which they would seek to replace. I am not persuaded that either option would therefore resolve the harm identified in respect to height variation, visual interest, and the resultant discordancy with surrounding front boundaries. These alternatives would not therefore lead me to a different outcome in this case.
  8. Panel fences at the junction of the road provide privacy for rear gardens at the side boundaries of dwellings addressing neighbouring roads. In this manner they are seen as being distinctly different from the front boundaries of properties in Fairmont Road and do not form an integral part of the Road's character for this reason.
  9. In Fairmont Road, I saw that fence panels either formed only a short section of a property's front boundary or, as in the case of Glenwood, bind a relatively narrow plot. Although that neighbouring fence is a similar height to this development, the gate in that instance is significantly lower than its fence and has a relatively open texture. Therefore, the examples are not directly comparable to this development. In any event these are exceptions in the road and have not altered my view on the development before me for this reason.
  10. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. In this regard it would conflict with Policies D1 and SL1 of the Cheltenham Plan and Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, which collectively seek high-quality development, and state that development will be permitted where, amongst other matters, it complements and respects neighbouring development and the character of the locality. It would also be inconsistent with the National Planning Policy Framework which seeks well-designed places.

### **Other Matters**

11. The appellant could lower the fence to the height allowed under permitted development rights and paint it a striking colour. Be this as it may, such a fence is unlikely to address the appellant's concerns regarding safety. Alternatively, a higher fence could be stepped in from the highway and this would be uncharacteristic of the area. Whilst these are theoretical possibilities, I see nothing before me to lead me to believe that the appellant would take

either course of action if I were to dismiss this appeal. I attach limited weight to these matters accordingly.

12. The costs incurred in carrying out the development prior to securing the permission and which may be at risk as a result of this decision is a matter outside this appeal. However, in reaching this decision, I have taken account of the appellant's concerns regarding their personal safety, criminal activity in the area, and the safety and security of their pet.
13. Reviewing the evidence, I am not convinced that permitted development rights and this harmful development are the only means open to the appellant to secure the property and provide confidence with regards personal safety and the security of the pet. Indeed, correspondence submitted show the willingness of the main parties to agree a potentially cost effective and less harmful solution which could address the appellant's needs. With this in mind, the health and safety of the appellant would not be unreasonably compromised, nor would they be unduly disadvantaged, if I were not to allow this harmful development. These matters have not been persuasive in this case for this reason.
14. It is an expectation with all development that it should not harm the living conditions of residents and highway safety, and these are therefore neutral factors. The appellant's design preference is noted as is the support from neighbours and the Cheltenham Mayor/Ward Councillor. However, neighbours change, and future residents may have a different opinion. In reaching my decision I must consider the wider interest and this matter alone does not provide justification to permit harmful development which would conflict with policies of the development plan.

### **Conclusion**

15. For the reasons stated above and having regard to the development plan taken as a whole and all relevant material considerations, the appeal is dismissed.

*A J Sutton*

INSPECTOR

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**Appeals Lodged SEPT/OCT**

<b>Address</b>	<b>Proposal</b>	<b>Delegated or Committee Decision</b>	<b>Appeal Type</b>	<b>Anticipated Appeal Determination Date</b>	<b>Reference</b>
Cromwell Court Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6PW	Erection of up to two dwellings	Delegated Decision	Written Representation	January 2023	Appeal ref: 22/00025/PP1 Planning ref: 21/02333/PIP

## Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Fairmount Fairmount Road Cheltenham Gloucestershire GL51 7AQ	Erection of fencing to front and side boundaries (retrospective)	Delegated Decision	Written Representation (Householder)	Appeal Dismissed	Appeal ref: 22/00016/PP1 Planning ref: 21/02466/FUL
The Bungalow 9 All Saints Villas Road Cheltenham Gloucestershire GL52 2HB	Proposed demolition of existing bungalow and replacement with a pair of semi-detached properties and associated works and infrastructure	Delegated Decision	Written representation	Appeal Dismissed	Appeal ref: 22/00007/PP1 Planning ref: 21/01891/FUL
21 Charlton Close Cheltenham Gloucestershire GL53 8DH	Single storey side extension	Delegated Decision	Written representation	Appeal Allowed	Appeal ref: 22/00010/PP1 Planning ref: 22/00181/FUL
Oakley Farm Priors Road Cheltenham Gloucestershire GL52 5AQ	Outline application for development comprising of up to 250 residential dwellings including provision of associated infrastructure.	Committee Decision	Appeal Inquiry	Appeal Allowed	Appeal ref: 21/00005/PP1 Planning Ref: 20/01069/OUT

Authorised By: Liam Jones 11.10.2022