

Cheltenham Borough Council Planning Committee

Meeting date: 15 June 2023

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

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

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Agenda

1 Apologies

There were apologies received from Cllr McCloskey and Cllr Clark attended as a substitute.

2 Declarations of Interest

3 Declarations of independent site visits

4 Minutes of the last meeting (Pages 5 - 20)

Minutes of the meeting held on the 18th May 2023.

5 Planning Applications

5a 23/00414/FUL 61 Moorend Park Road, Cheltenham GL53 0LG (Pages 21 - 28)

[Planning application documents](#)

5b 23/00430/FUL 82 East End Road, Cheltenham, GL53 8QL (Pages 29 - 54)

[Planning application documents](#)

5c 23/00372/FUL Pittville Pump Room, East Approach Drive, Cheltenham, GL52 3JE (Pages 55 - 104)

[Planning application documents](#)

5d 23/00382/LBC Sandford Park Lido, Keynsham Road, Cheltenham, GL53 7PU (Pages 105 - 112)

[Planning application documents](#)

6 Appeal Update (Pages 113 - 134)

For your attention.

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

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Cheltenham Borough Council

Planning Committee

Minutes

Meeting date: 18 May 2023

Meeting time: 6.00 pm - 7.15 pm

In attendance:

Councillors:

Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Emma Nelson, Tony Oliver, John Payne, Diggory Seacome, Simon Wheeler and Barbara Clark (Reserve)

Also in attendance:

Victoria Harris (Planning Officer), Michael Ronan, Tracey Birkinshaw (Director of Community & Economic Development), Lucy White (Principal Planning Officer) and Nicole Gillett (Principal Planning Officer)

1 Apologies

Apologies were received from Councillor McCloskey. Councillor Clark was present as a substitute.

2 Declarations of Interest

Councillor Payne declared an interest in Agenda item 5a, as Prestbury Parish Council representative on the Liaison Committee at Pittville Student Village.

Councillor Oliver declared an interest in Agenda item 5a, as he has relatives on the management team at Pittville. He said he would leave the Chamber for this item.

Councillor Baker declared an interest in Agenda item 5c - as a trustee, he would speak on the item then leave the Chamber, with Councillor Barnes taking over as Chair for the rest of the meeting.

3 Declarations of independent site visits

Councillors Bamford, Fisher, Oliver and Andrews all independently visited the Lido (Agenda item 5c), and Councillor Nelson visited all three sites. Other Members visited all three sites as part of Planning View.

4 Minutes of the last meeting

The minutes of the meeting held on 20th April 2023 were approved unanimously and signed as a true record.

5 Planning Applications

6 21/01696/FUL Pittville Student Village, Albert Road, Cheltenham GL52 3JG

Councillor Oliver left the meeting for this item, having declared an interest.

The case officer introduced the report as published, saying the previously-approved proposal had been brought back to Committee as it had not yet been implemented due to a significant delay in the completion of the Deed of Variation. The only matter for consideration was the revised commencement date and any changes in site or neighbourhood characteristics since the original permission was granted in November 2021. The recommendation was to grant.

There were no Member questions and no Member debate.

Vote on officer recommendation to permit

Unanimous

PERMIT

7 23/00345/FUL Glencairn, Greenway Lane, Charlton Kings, Cheltenham GL52 6LB

The case officer introduced the application as set out in the papers, for a revised scheme, following the grant of three planning permissions in 2022. The proposal is very similar to the most recently permitted scheme, with the front now rendered, porch reduced in size, and detached home office removed. In addition, clear-glazed bedroom and landing windows are proposed, with the works partly carried out. The recommendation is to grant permission, with conditions.

Public speaking

Neighbour, in objection

Speaking on behalf of three neighbours, all of whom share a boundary with application site, the neighbour thanked Members for the opportunity to share their concerns, at the end of a long and drawn-out process, and said he appreciated their site visits. To summarise, he said that as a previous single-storey dwelling, it was

always going to be a challenge to maintain privacy for all concerned when adding a storey, but the applicant had previously managed to achieve this, with the previously approved scheme. This new request to change the glass in the rear dual aspect dormer window from obscure to clear glass will impact the privacy of all three neighbours, with direct views into bedrooms, lounges and bathrooms, as well as gardens. Neighbours had hoped the issue was resolved six months ago, when the applicant agreed that the glazing should be obscure to maintain privacy. He appealed to Members to imagine how they would feel in this situation, and asked them to vote to protect the neighbours' private spaces.

Applicant, in support

The applicant said he had worked with planning officers, architects and building control from start to finish when modernising this dilapidated 1960s bungalow, and that the clear glass in the new rear dormers not only complies with and exceeds all planning guidelines, but is in keeping with other properties in the neighbourhood. The angle of his house gave no clear site-line to neighbours' properties. Under permitted development, the dormer extension could be fitted with a wall of glass, which would have a far greater impact on neighbours; the request for two modest, clear windows was therefore reasonable. None of the many windows, French doors and skylights on properties visible from Glencairn are currently obscure-glazed, and all three of the objectors have windows and doors with views into neighbouring gardens. His request is in character with the area and complies with planning guidelines.

Member questions

In response to Member questions, the case officer confirmed that:

- the application is part-retrospective; the majority of the work is complete;
- the bedroom window is currently obscure-glazed, the landing window is already clear-glazed, so the proposal only concerns a change to the bedroom glazing;
- an extension very similar in size, with clear-glazed windows all along the dormer, could be carried out under permitted development;
- the only reason why this proposal isn't classed as permitted development is because the proposed materials do not match the existing roof; there are no limits to the size of windows.

Debate

In debate, Members made the following points:

- the applicant should have complied with the permitted scheme, as previously agreed with neighbours. The revised proposals change the palette and materials, and to say this work could be carried out under permitted development is a red herring;
- converting a single-storey house to a multi-storey one is always going to result in some overlooking, but clear views into neighbouring lounges and bedrooms is not acceptable and represents loss of amenity. If obscure-glazed windows solve the problem, this is the right way to go;
- on Planning View, it was clear that the clear-glazed windows allowed views straight into neighbouring houses; obscure glass would be a compromise and should be retained;

- although overlooking may be an issue here and Members feel sympathy for the neighbours, all policies point towards permitting the proposal;
- regardless of what has previously been permitted, the applicant is entitled to come back with a different scheme, proposing a re-alignment of the lay-out and change of materials;
- although there is no question that some overlooking will result from the proposed changes, there are many hundreds of houses in Cheltenham which overlook each other. This is inevitable with new houses in backland development, and it is unreasonable to expect bedroom windows to be obscure-glazed;
- the difference is that those houses were built like that, but in this case, a situation which has existed for a number of years is being drastically altered. Obscure glazing would make the neighbours happy, and the applicant should be prepared to stick with his original proposal.

The Chair reminded Members that the proposal complies with local and national planning guidelines, and the distances between the windows are significant; clear reasons will be needed to refuse the application to avoid the risk of costs at appeal. He drew their attention to a recent appeal which was lost, with costs awarded against the council, where the Inspector considered their objections on the basis of overlooking were unreasonable. The case officer reminded Members that in all three previous applications, only the landing window was conditioned to be obscure-glazed; the bedroom window was not.

Vote on officer recommendation to permit

7 in support

4 in objection

PERMIT

8 23/00479/FUL & 23/00479/LBC Sandford Lido, Keynsham Road, Cheltenham, GL53 7PU

Councillor Barnes took the Chair.

The case officer introduced the report as set out in the papers, pointing out to Members that although the Conservation Officer had some concerns and considered the solar panels would be an intrusive feature, this is regarded as 'less than substantial' harm which, under NPPF guidelines, must be weighed against any public benefit of the proposal. Officers consider the extensive benefits outweigh any harm, and planning and listed building consent is therefore recommended, with standard conditions.

Public speaking

Applicant, in support

As CEO of the Lido, the speaker said that she and 12 voluntary trustees took over responsibility for the Lido 27 years ago, and have to date invested £3m, diligently balancing heritage with the need for modern technologies. Many swimming pools are facing closure, largely due to unmanageable energy costs, and in 2022 the trustees

undertook a full-site sustainability audit, the findings of which must now be applied to avoid the Lido becoming financially unsustainable. Some energy-saving findings have been introduced, and the next priority is to install solar panels to capture renewable energy, prior to an increase from 14p to 49p when the electricity contract is renewed later in the year. The original engineering has been protected and refurbished, and is regarded as nationally important, and the panels will help to power the pumps and motors.

The trustees are determined that the Lido will remain viable, by managing operational costs and maximising income; decarbonising the facility and reducing the energy bought it will help it remain affordable, honouring the Mayor of Cheltenham's pledge when opening the Lido in 1935. The Lido community is passionate about its survival and it is at the heart of many lives: it provides a heated season for 28 weeks a year, welcomes 200k visitors and 20 sporting and social events a year, and supports seven sports clubs and eight other charities, as well as offering cold water swimming during winter. Like everyone, it has a role to play in reducing the carbon footprint of the town, and granting permission today will allow it to proceed on its sustainability journey.

Councillor Baker, in support

As a trustee of the Lido, Councillor Baker said he had absolute respect for the comments of the Conservation Officer, who does an excellent job protecting Cheltenham's wonderful heritage, and the views of the Civic Society, whose views are always informed and helpful. However, he felt that we are entering new era of 'pragmatic planning', where we have no choice but to listen to and understand the consequences of the climate emergency and do our best to address those consequences. The appalling increase in energy bills is impacting all sectors of economy, particularly owners of domestic and commercial heritage properties, and to ensure their ongoing viability, we must work with them to help them reduce their carbon footprint and consumption of fossil fuels.

Great weight must be placed on the appearance and historic importance of buildings, and the Lido is a much-loved, iconic facility, far more than just a swimming pool. The trustees absolutely recognise the onerous responsibility of preserving and enhancing its heritage and ensuring that it stays open, but the reality is that increased energy bills will severely impact the viability of business, and there is no question of CBC coming to the rescue. Urgent action is required, and although the trustees would have preferred to present a more comprehensive set of proposals all at same time, if this first phase is permitted and can be implemented today, energy bills can begin to be addressed, and the carbon footprint begin to be reduced.

In an ideal world, Councillor Baker said he wouldn't support the application, but in the real world, he has to be carefully pragmatic. There is no local opposition to the proposal, but significant public support. As a trustee, and passionate about supporting Cheltenham's heritage and viability, he is fully supportive of the

application and also excited by the trustees' vision and plans to ensure survival of this wonderful facility and significantly reduce its huge carbon footprint.

After speaking, Councillor Baker left the Chamber for the remainder of the meeting.

Member questions

In response to a Member's question, the case officer said that she didn't know what percentage of the whole energy bill would be reduced with the introduction of solar panels. She understood they would contribute to energy savings, but specific data and breakdown of costs was not required as part of the planning application.

Debate

In debate, Members made the following points:

- this proposal was, at least, a start, although the biggest energy bill at the Lido was likely to be for gas to heat the large volumes of water;
- more could be done, such as air source or ground source heat pumps in the council-owned park next door. If the boiler is a heritage asset, it belongs in a museum;
- CBC needs to step up, not just supporting this and other wonderful heritage assets in the town morally and with kind words, but also financially;
- thanks to the CEO of the Lido for her relevant and succinct comments; it will be good to see what else is planned to ensure the Lido remains sustainable, but with such strong leadership, great things will happen;
- many Members are realising that, while not ignoring the importance of heritage assets, listed buildings and conservation areas, a re-think is needed and more weight given to renewable energy;
- the proposal fits with the council's policy on climate change.

Vote on officer recommendation to permit/grant

Unanimous

PERMIT/GRANT

9 Appeal Update

The Head of Planning ran through three appeal decisions circulated to Members, saying that these should be used as learning experiences:

- one decision was based on a difference of opinion between the case officer and the inspector, and highlighted the need for pragmatic planning going forward, as mentioned by a Member earlier in the meeting;
- the second highlighted a key message around consistency in decision-making, where Members introduced a new refusal reason the second time an application came to Committee, and discussion around issues not related to planning forming a large part of their debate. The recent Planning Peer Review picked highlighted the need for Committee to keep a focus on the rules and regulations;

- the third decision surprised officers in the amount of weight the inspector placed on the impact of a single dwelling on the Cotswold Beeches Special Area of Conservation. They are looking at a joint approach between the development management and planning policy teams, and will bring this back to Committee to help guide them in terms of future applications. Members are welcome to email any further questions.

The Vice-Chair repeated the need for Members to take note of appeal decisions, and hoped that a training programme would soon be in place to help them in the future.

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

There were none.

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REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

OVERVIEW

The purpose of this report is to provide Members of the Planning Committee with an overview of all planning appeals that have been received by the Council since the previous meeting of the Planning Committee. It further provides information on appeals that are being processed with the Planning Inspectorate and decisions that have been received.

RECOMMENDATION

To note the contents of the report.

Appeals Received

April/May 2023

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written Reps	n/a	22/00112/OUT
Telecommunications Mast And Cabinet CLM26321 Glenfall Way	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets	Delegated Decision	Written Representations	n/a	22/02190/PRIOR

53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written Representations	n/a	22/02201/FUL
4 Dymock Walk	Application for prior approval for the construction of one additional storey atop the existing dwelling (increase in height of 2.13 metres)		Written Representation (Householder)	n/a	22/02075/PRIOR
201 Gloucester Road	Installation of raised, split level patio area with boundary treatments (Retrospective).	Delegate Decision	Written representation	n/a	22/01964/FUL

Appeals being processed

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
30 St Georges Place	Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof	Delegated Decision	Written Representation	Not Decided	Planning ref: 22/00839/FUL Appeal Ref: 23/00002/PP1
Land at Shurdington Rd	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other	Committee Decision	Written Representation (New procedure Change now a hearing date is 4th July 2023)	Not Decided	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1

101 Ryeworth Road	Erection of two storey and single storey rear extensions and single storey front extension.	Non-Determination	Written Representation	Not Decided	Planning ref: 22/01162/FUL Appeal Ref: 23/00006/PP2
129 – 133 Promenade	Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade, Cheltenham for a	Committee Decision	Written representation	Not Decided	Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1
St Edmunds, Sandy Lane Road	Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy	Delegated Decision	Written representation	Not Decided	Planning ref: 22/02064/FUL Appeal Ref: 23/00008/PP1
8 Imperial Square	Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant).	Delegated Decision	Written representation	Not Decided	Planning ref: 22/00334/COU Appeal ref: 23/00009/PP3

<p>Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire</p>	<p>Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works</p>	<p>Delegated Decision</p>	<p>Appeal Hearing (Date of hearing 18th July 2023 (rescheduled for 12th July 2023)</p>	<p>Not Decided</p>	<p>Planning Ref: 21/02750/FUL Appeal Ref:</p>
<p>10 Suffolk Road</p>	<p>First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL)</p>	<p>Delegated Decision</p>	<p>Written Representations Householder Appeal</p>	<p>Not Decided</p>	<p>Planning ref: 22/01340/FUL Appeal ref: 23/00011/PP1</p>

28 Westdown Gardens	Erection of detached garage (revised scheme to ref: 21/01789/FUL)	Delegated Decision	Written Representations Householder Appeal	Not Decided	Planning ref: 22/01679/FUL Appeal ref: 23/00012/PP1
o/s 195 High Street Cheltenham	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)	Delegated Decision	Written Representations	Not Decided	Planning Ref: 22/00328/ADV and FUL Appeal Ref: 23/00013/PP1 23/00014/ADV1
o/s 23 and 23 A Pittville Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,	Delegated Decision	Written representations	Not Decided	Planning ref: 22/00326/ADV and FUL Appeal Ref: 23/00015/PP1 23/00016/ADV1

Appeals Decided

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Adey Innovation Ltd Gloucester Road	Demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping.	Delegated Decision	Appeal Hearing (25.01.23)	Appeal Allowed	Planning ref: 21/02700/FUL Appeal Ref: 22/00027/PP1
The Hayloft The Reddings	Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works	Committee Decision	Written Representation	Appeal Allowed	Planning ref: 22/00749/FUL Appeal Ref: 22/00028/PP1
159 High Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street	Delegated Decision	Written Representation	Appeal A and Appeal B Dismissed	Planning ref: 22/00322/ADV and FUL Appeal ref:22/00021/PP1 and 22/00022/ADV1

3 Apple Close, Prestbury	Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 22/01145/FUL Appeal Ref: 23/00003/PP1
37 Market Street	Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL	Committee Decision	Written representations	Appeal Allowed Appeal Costs (Allowed)	Planning Ref: 22/00708/FUL Appeal Ref: 23/00004/PP1
Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements,	Committee Decision	Appeal Hearing (date 22/03/23)	Appeal Hearing Dismissed	Planning ref: 21/02755/FUL Appeal ref: 23/00001/PP1

APPLICATION NO: 23/00414/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 14th March 2023	DATE OF EXPIRY: 9th May 2023
DATE VALIDATED: 14th March 2023	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr & Mrs Atkinson
AGENT:	Mark Le Grand & Co
LOCATION:	61 Moorend Park Road Cheltenham Gloucestershire
PROPOSAL:	Two storey extension to rear of dwelling (revised scheme to 22/01988/FUL)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a semi-detached property located within a residential area on Moorend Park Road.
- 1.2 The applicant is seeking planning permission for a part two storey and part single storey rear extension.
- 1.3 This application is a revised scheme to a recently approved application, ref: 22/01988/FUL.
- 1.4 The application has been called to planning committee by Councillor Horwood who raises concerns regarding a loss of light and loss of privacy due to the proximity of the two storey extension to the boundary. The Parish Council also object to the application which triggers a committee decision.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

05/00340/FUL 18th April 2005 PER

Part two storey part single storey side and rear extensions (following removal of conservatory and utility room)

15/01355/FUL 10th September 2015 PER

Proposed single storey rear extension and first floor side extension

22/01988/FUL 23rd January 2023 PER

Two storey extension to rear of dwelling

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Climate Change (2022)

4. CONSULTATIONS

Building Control - 24th March 2023

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

Parish Council - 28th March 2023

The Parish Council Objects to this application on the grounds that the first floor extension will be overbearing on the neighbouring properties and cause significant loss of natural light of the kitchen and established garden patio of the next-door neighbour at No 59.

The Council also notes that the current proposal has similar elements to the original proposal that was withdrawn apparently at the Planning Officer's request as detailed in the Planning Officers report for the previously consented scheme 22/01988/FUL sections 6.4, 6.5 and 6.8.

The Council requests that if the Planning Officer is minded to approve the application then the Council requests it be 'called in' for decision but the Planning Committee.

Gloucestershire Centre For Environmental Records - 17th March 2023

Report available to view in documents tab

5. PUBLICITY AND REPRESENTATIONS

5.1 4 Letters were sent to neighbouring land users, one letter of objection from the neighbouring land user at 59 Moorend Park Road has been received in response to this neighbour notification process. The concerns from this neighbour have been summarised but are not limited to the following:

- Loss of light
- Overbearing impact
- Over shadowing

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.3 **Design**

6.4 Policy SD4 of the JCS notes how development should “respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality”. Furthermore, development “should be of a scale, type, density and materials appropriate to the site and its surroundings”. This is supported through adopted Cheltenham Plan Policy D1 which requires development to ‘complement and respect neighbouring development and the character of the locality.’

6.5 As noted in the introduction, this application is a revised application to a recently approved scheme for a part two storey and part single storey extension to the rear of the property (planning ref: 22/01988/FUL). The proposed extension within this new application has the same form and design as the approved extension. The only change within this new application is an increase in the depth of the first floor element by 1 metre. The first floor would then match the depth of the ground floor extension.

- 6.6 Whilst the increase in depth of the first floor will result in a larger addition to the property, the extension will still sit comfortably within the plot and due to its modest width and reduced eaves and ridge height, the extension will still read clearly as a subservient addition to the existing building. The proposed materials are to match the existing building which is acceptable. As such, officers consider the scale, form and design of the proposed extension to be acceptable.
- 6.7 The proposal is therefore considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).
- 6.8 **Impact on neighbouring property**
- 6.9 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. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.10 Concerns have been raised by the attached neighbouring land user at 59 Moorend Park Road with regards to a loss of light, overbearing impact and overshadowing. As the site benefits from a recently permitted scheme, the consideration of this application relates to the impact resulting from the proposed increase in depth at first floor.
- 6.11 In terms of light, the ground floor rear elevation openings of number 59 Moorend Park Road, which include patio doors and a window both serve the same room, which is a kitchen. The appropriate light tests have been carried out and the proposal does not fail the light test to any habitable room within the attached neighbouring property or any other neighbouring property.
- 6.12 With regards to overbearing impact and overshadowing, officers acknowledge that the proposal will result in some overshadowing of the garden area directly to the rear of 59 Moorend Park Road for a portion of the day. However, this property benefits from a good sized, South Westerly facing rear garden, a large amount of which will not be impacted by the proposed development. With this in mind officers do not consider the development to result in any unacceptable overshadowing of this neighbour's garden.
- 6.13 In terms of overbearing impact, the first floor element is 4 metres deep, which is not uncommon for an extension to the rear of a residential property. This two storey element is set away from the shared boundary with number 59 Moorend Park Road by approximately 2 metres. Whilst officers acknowledge that the extension will be visible from this neighbouring site, given the distance away from the boundary and the lower eaves and ridge height of the extension, officers do not consider that the proposal will result in any unacceptable overbearing impact on this neighbour.
- 6.14 Furthermore, due to the existing ground floor extension to the rear of number 63 Moorend Park Road, the extension will not result in any unacceptable loss of light or overbearing impact to this other neighbouring land user. No concerns or objections have been received from this neighbouring land user.
- 6.15 The proposed first floor rear elevation window will overlook the applicant's private rear garden, achieving a distance of approximately 13.5 metres to the rear boundary which exceeds the minimum distance of 10.5 metres considered acceptable. As such the proposal is not considered to result in any unacceptable loss of privacy.

- 6.16 For the reasons discussed, the proposal is considered to be compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

Other considerations

6.17 *Climate change*

The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

The application is supported by a sustainability statement which discusses various key points highlighted in the Climate Change SPD. Specifically it discusses water efficiency, surface water drainage, conservation of fuel and power, waste disposal, and materials. Whilst no specific low carbon technologies are proposed, given the application is for extensions to an existing dwelling, where the works will need to be completed in accordance with current building regulations, officers consider the submitted information and measures to be acceptable for this scale of works.

6.18 *Environmental Impact*

Records show that important species have been sighted near the application site in the past and in particular bats recorded in 2018, the sighting was recorded as 166 metres from the site. In addition newts have been recorded in 1999, 128m from the site. Given the distance from the site and the scale of the proposed development, it is not considered that this development would have any impact on these species.

6.14 *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.

- 3 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

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

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

APPLICATION NO: 23/00414/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 14th March 2023	DATE OF EXPIRY : 9th May 2023
WARD: Leckhampton	PARISH: LECKH
APPLICANT:	Mr & Mrs Atkinson
LOCATION:	61 Moorend Park Road Cheltenham Gloucestershire
PROPOSAL:	Two storey extension to rear of dwelling (revised scheme to 22/01988/FUL)

REPRESENTATIONS

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

59 Moorend Park Road
Cheltenham
Gloucestershire
GL53 0LG

Comments: 19th March 2023

We object to the proposed two storey rear extension at 61 Moorend Park Road, Cheltenham.

A two storey extension will dominate and overshadow our patio area, causing significant loss of light to the rear of our house including the downstairs kitchen which is our main dining area, two rear upstairs bedrooms, and the back garden.

The proposed development will block the morning light, casting us in shadow for the majority of the morning. It would be like living in a tunnel.

We had no objections to the previous owners' planning application for a single storey rear extension but a double storey extension will have a serious detrimental effect on our quality of living.

We spend a lot of time in the kitchen and patio area and hope our views will be considered and taken into account.

Note: This proposal is the same as 22/01988/FUL (before it was amended to reduce the size of the extension). We objected before, and the proposal has been resubmitted, so we are objecting once again.

In the 22/01988/FUL the parish council also objected. Below are their comments.

Parish Council

Comment Date: Tue 29 Nov 2022

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The Parish Council objects to this planning application on the grounds that the first floor extension will be overbearing on the neighbouring properties. The Parish Council also notes the extension will cause significant shading of the kitchen and established garden patio of the next-door neighbour at No 59.

Here is the link to their objection and the previously planning proposal

<https://publicaccess.cheltenham.gov.uk/online-applications/applicationDetails.do?activeTab=consulteeComments&keyVal=RL0PCLELMHC00>

APPLICATION NO: 23/00430/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 15th March 2023	DATE OF EXPIRY : 10th May 2023
WARD: Charlton Kings	PARISH: CHARLK
APPLICANT:	Mr And Mrs Lucking
LOCATION:	82 East End Road Charlton Kings Cheltenham
PROPOSAL:	Part single and part two storey rear extension (revised submission to 22/01656/FUL)

REPRESENTATIONS

Number of contributors	6
Number of objections	4
Number of representations	0
Number of supporting	2

43 Catherine Street
Swansea
SA1 4JS

Comments: 3rd April 2023

I believe the comments for support, that have been made so far, are full of incorrect false claims that come from biased sources and therefore should not be taken into consideration. My reasons are as follows:

- "enable the family to stay in their family home"

The home was originally a 2-bed when built, it then had a reasonable extension to add a 3rd and 4th bedroom. One upstairs and one downstairs. That means this house can comfortably accommodate a family of 5, of which it previously has. If another bedroom was essential then the cheapest and easiest option would be to covert the already existing attic.

- "The proposed extension is in keeping with size and style with all the recent extensions in the immediate area"

There has been no recent extension work to the rear of properties in the "immediate area" of number 82 that has any resemblance to the size and style of the proposed extension.

- "The proposal will only be going to the same building line as the extension that number 84 carried out on their property."

You can clearly see based on the plans provided that this is not true.

- "There will be no real loss of light to the kitchen at number 84."

Again completely untrue, quite obviously adding a second-floor brick wall adjacent to a window is going to have a "real" loss of light. Hence why the planning was originally objected to.

- "They have a large south-facing patio window at the end of their existing extension"

Nope, that's a door that is completely opaque. Therefore no light comes through it.

-"The side kitchen window of number 84 will not really suffer from any loss of sunlight because the window already loses sunlight due to the existing adjacent trees."
The window currently faces a single-story brick extension. With no trees in sight directly forward from the window.

-"I cannot understand how anyone will be negatively visually impacted from the development or or how any of the surrounding houses will have a negative impact on their privacy from the development."
It's a double-story brick wall directly in front of a window, that's not too hard to understand how someone can be "negatively visually impacted"

-"The proposed building work will enhance the property and those directly adjoining and that adjacent to."
I'm not sure how a house can be enhanced by having no work done to itself. In fact, I believe it's more obvious that number 84 will be unenhanced due to the fact that the only difference the development will have on them is a loss of light through their ONLY kitchen window.

-"It brings about equity in the planning process as it is visually evident to anyone looking at the back of this group of houses on East End Road that others have been allowed to benefit in the same manner "
Finally again also untrue. You can look at satellite imagery and clearly see that no property in close vicinity has had such vast extension work done at the back of the houses.

This application was declined previously due to the light loss that number 84 would suffer, rather than providing the light assessments that have been requested the applicant has altered the plans and still has not provided any light assessments.

Comments: 5th April 2023

The UK law commission states:

"Local planning authorities consider the effect of new buildings upon existing structures; the planning system gives protection but not rights. Thus when planning permission is applied for, a local planning authority will want to see evidence of the effect it will have upon the neighbouring properties, including, in many cases, the light and other amenities that those properties currently have. Where a residential property is involved the local planning authority may use Site layout planning for daylight and sunlight: a guide to good practice,¹ ("BRE daylight and sunlight")² in order to assess whether the property will have, or may lose, adequate natural light."

The evidence has been provided to the local planning authorities and is available in the documents tab under the description "84 east end road - neighbour photos". These photos show that there is an opaque door and not a second window in the kitchen of 84, as claimed by the applicants and the planning officer (Ben Warren).
Planning officer Ben Warren has confirmed, "I accept that the proposed development will impact on light to the kitchen window, but, I also have to give due consideration to the

fact that there is a light source, in the form of French doors in the rear elevation that will not be impacted." However light does not go through opaque doors, so this is not a source of light and I'm not sure how they can try to claim it as a source of light.

Therefore until a BRE daylight and sunlight test has been completed the proposed planning application is unlawful. And should it go through, shows a complete failure in the local planning authorities' consideration for the right to light at number 84.

35 little grebe road
Bishops cleeve
Cheltenham
GL52 8HR

Comments: 9th April 2023

I wish to object to what amounts to be a very inconsiderate application, the nature and scale of which will have a major impact on the quality of life of the neighbours at 84 who have resided in their property for over 50 years. The applicant's home is already a large 3-bedroom extended house of perfect size for the average family and larger than many new 3 beds these days, further extension would be excessive and unnecessary and not in keeping with the local area. It is not acceptable that you should be allowed to build so close to a neighbours window resulting in them losing a lot of light into their home, once lost it cannot be regained. I have noted there is nothing in the revised plan to address the issues and show compassion to the neighbours concerns. No other property in the area has been allowed to extend so far into the garden and it would be a real detriment to the area if this overdevelopment was allowed.

1 Balcarras Retreat
Charlton Kings
Cheltenham
Gloucestershire
GL53 8QU

Comments: 1st April 2023

I am fully in support of this development for the reasons I outlined in my original comments from the first application. I am now adding to those.
I cannot see any increase in noise or disturbance resulting from the development.
I can not see any increase in traffic resulting from the development.
I cannot understand how anyone will be negatively visually impacted from the development or or how any of the surrounding houses will have a negative impact on their privacy from the development. I live in the house directly behind this proposed development and see that the proposed building work will enhance the property and those directly adjoining and that adjacent to.
It brings about equity in the planning process as it is visually evident to anyone looking at the back of this group pf houses on East End Road that others have been allowed to benefit in the same manner as this proposal therefore I do not understand how it could be refused in the first instance?

84 East End Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8QL

Comments: 4th April 2023

Photographic proof has now been added in the documents tab to show the kitchen door is not a source of light. Also view from kitchen window shows what we will be losing should the application be approved. The applicants were made fully aware that the kitchen door is not a source of light prior to putting in their application.

Comments: 31st March 2023

Unfortunately the newly submitted revised application does nothing to address the reasons for refusal from the previous application (22/01656/FUL) and all our objections from then still apply. Moving the side wall by only 22.5cms and lowering the roof by 52cms will have no effect. No evidence of any improvement has been supplied by the applicant and we will still lose 6hrs of sunlight a day from our kitchen/diner. The application is not accurate, it states a single room with 2 windows, the applicants know it is not a single room but a kitchen/diner and gets light from the side window only. The below refusal reasons given by the planning officer from the previous application still apply -

By virtue of the scale, form and position of the proposed extension, the development would result in an unacceptable loss of light and unacceptable loss of outlook to the ground floor side elevation window within number 84 East End Road. As such, the proposed development would result in an unacceptable loss of amenity to this adjacent land user and is therefore contrary to policy SL1 of the Cheltenham Plan (2020) and policies SD4 and SD14 of the Joint Core Strategy (2017).

Photographs Attached.

Comments: 11th April 2023

Dear Ben,

First and foremost, can I request that the application be rejected on the grounds that the Block Plan is purposely misleading and inaccurate. It shows the rear kitchen door being nearly twice the width it actually is, in reality at 119cms it is not even as wide as the side window at 124cms. This has resulted in supporters being misled and quoting it as a large south facing patio window. I will be consulting with my solicitor as obviously the document has been signed as true and accurate when it is not.

Secondly can you please respond to the following points: -

1. Why has an independent light survey not been requested, the Parish Council have requested one, I have constantly asked for one, the councillors refused the previous application due to loss of light. You acknowledge yourself that there will be loss of light to the kitchen window. With no supporting evidence you state that as the kitchen has 2 windows (it doesn't) the light levels are acceptable; well I am sorry the kitchen could have 5 windows but this would not necessarily mean that the light levels would be acceptable. Serious balanced consideration has not been given to a very important element of the

application and I need to know why. We believe it is obvious it would fail a light test, and this is why it has not been conducted. At the Parish Council meeting the applicants said they were told by yourself that they do not need to do a light test as the Kitchen has 2 windows. When I questioned this with you your response was -

"Following the refusal of the first application the applicant did call me to discuss a new application. I advised that any new scheme would need to have the previous refusal reason in mind and would need to address it in a way they see fit. I advised this would either be in the form of changes to the proposal, ie a reduction in depth, height, width of the extension, or by providing further supporting information, such as a light assessment."

Surely the fundamental requirement should have been for a light assessment and changes to the proposal, it should not have been an either / or option as this has not resolved anything.

2. Application ref 21/00798/FUL from 8th April 2021 had a similar scenario as to ours but the neighbour was not as greatly impacted as we would be, you were the planning officer and incidentally the applicants had used the same architect (Steve Mitchell Building Design). I quote below from your officers report how this was resolved and would like to remind you that you have recently told me We are reviewing this application in the same way that we review all applications. Hopefully you can understand from the below why we are concerned that we are not receiving a fair and balanced review.

"6.11 Concerns have been raised by the adjacent land user at number 66 East End Road regarding a loss of light, overbearing impact and overshadowing as a result of the proposed rear extension. Officers have negotiated revised plans as the original proposal failed the light test to this neighbour's ground floor rear elevation opening. The revised plans have reduced the depth of the extension at first floor and have significantly reduced the eaves height on this side of the plot. The proposal now passes the light test and therefore does not result in any unacceptable loss of light to any habitable room within this neighbouring property."

3. You keep stating that the rear kitchen doors are not affected by the development yet they will be overshadowed by the proposed extension which protrudes 1.7m beyond our building line. Can you provide evidence to support your claim please.

4. You acknowledge that the development does not meet the 25-degree ruling and in fact at 48 degrees it does not even meet the 45-degree ruling. You have given no weight or balance as to why this can be ignored, it has great relevance as it will impact our amenity and enjoyment of our home, loss of amenity is another fact stated by the councillors for refusing the previous application.

5. You continually refer to the kitchen double doors as a window, even though you have photographic evidence that from before the application date they do not transmit light and cannot be seen out of and as such cannot be defined as a window. Please can you advise why you are referring to them as windows still.

There are many flaws in this application and how it is being handled and unfortunately, they are not being addressed by the planning department. I should not have to rely on the planning committee if it gets to that stage, to provide a balanced, fair policy abiding decision. I would appreciate a swift response to each of the issues raised please and

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acknowledgment that the misleading inaccurate and possibly fraudulent application will be rejected. As the applicants know we would have no objection to a further bedroom being added which matches our wing extension and that would be in keeping with existing local development. All we ask is that the application is accurate and fair and that your consideration is balanced fairly with proper assessments and due weight put to how greatly this is going to impact our lives, we will basically be forced out of our home of 50 years.

Kind Regards,

2 The Orchards
Glenfall Way
Charlton Kings Cheltenham
Gloucestershire
GL52 6BJ

Comments: 2nd April 2023

This is such a considerate and well thought out application that would enable the family to stay in their family home and continue to actively contribute and support the local community.

The proposed extension is in keeping with size and style with all the recent extensions in the immediate area that have been approved.

The proposal will only be going to the same building line as the extension that number 84 carried out on their property. The proposed extension will be the same linear distance as the existing extension at number 84.

There will be no real loss of light to the kitchen at number 84. They have a large south facing patio window at the end of their existing extension.

The side kitchen window of number 84 will not really suffer from any loss of sun light because the window already loses sunlight due to the existing adjacent trees. Therefore the proposed extension at number 82 will not impact this at all.

Having looked at previous applications on the street and within the very near vicinity they have all be approved, even when larger, less considerate and not so in keeping with the local amenity.

I see no truly justifiable reason why this application should be refused.

7 Cherry Blossom Close
Bishops Cleeve
Cheltenham
GL52 8XS

Comments: 9th April 2023

Looking at this application I would like to object and my reasons are as follows:

This property has had extensions carried out to the sides and to the rear already including a large conservatory, this is a large amount of area in comparison to the original build.

The property at 84 has a side window and this application if approved would have large impact on the amount of the natural light source entering that room so with that in mind I am hoping that all 'right for light' procedures and surveys have been carried out to support this application.

All extensions and existing build for this property is more than sufficient to accommodate a comfortable family home and my opinion is that for the considerable impact it would cause being so close to the boundary of number 84 does not warrant the approval of this application.





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APPLICATION NO: 23/00430/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 15th March 2023	DATE OF EXPIRY: 10th May 2023
DATE VALIDATED: 15th March 2023	DATE OF SITE VISIT:
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT:	Mr And Mrs Lucking
AGENT:	Steve Mitchell Building Design
LOCATION:	82 East End Road Charlton Kings Cheltenham
PROPOSAL:	Part single and part two storey rear extension (revised submission to 22/01656/FUL)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a two storey semi-detached dwelling located within a residential area on East End Road in Charlton Kings.
- 1.2 The applicant is seeking planning permission for a part single storey and part two storey rear extension to replace an existing single storey rear extension and conservatory. This application is a revised submission to a scheme previously refused at planning committee under planning reference 22/01656/FUL.
- 1.3 This new application is at planning committee at the request of Councillor McCloskey who also called the original application to planning committee and would like members to again have the opportunity to consider the impact of the proposal on neighbouring amenity, specifically the impact on 84 East End Road.
- 1.4 This report should be read in conjunction with the officer report for the previous application (ref: 22/01656/FUL). This is attached as Appendix 1.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area
Smoke Control Order

Relevant Planning History:

85/01155/PF 12th December 1985 PER
Erection Of Two Storey Extension To Side

88/01540/PF 15th December 1988 PER
New Bedroom And Shower Room

90/00465/PF 24th May 1990 PER
Erection Of Single-Glazed Conservatory

22/01656/FUL 18th November 2022 REF
Part single and part two storey rear extension

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Climate Change (2022)

4. CONSULTATIONS

Building Control - 24th March 2023

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

Parish Council - 6th April 2023

With the original application, the Committee noted concerns as to loss of light to the neighbouring property's windows and asked that this be assessed.

The scheme was subsequently revised to step back the first floor extension and resultingly the Case Officer's recommendation was to permit.

The application was refused and the proposal has been further reduced in size. Accordingly, the Committee would ask that the level of light to the neighbouring windows again be formally assessed.

Other than the query as to possible excessive loss of light, the Committee has no objection.

Gloucestershire Centre For Environmental Records - 24th March 2023

Report available to view in documents tab.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 4 letters were sent to neighbouring land users, a total of 6 letters of representation have been received, 4 in objection to the application and 2 in support.
- 5.2 The concerns raised in the letters of objection have been summarised but are not limited to the following points:
 - Unacceptable scale / over development
 - Loss of light
 - Visual impact

The 2 letters of support suggest the extension is of an acceptable scale and will not result in any unacceptable impact on neighbouring amenity.

6. OFFICER COMMENTS

6.1 **Site location and context**

- 6.2 The application site relates to a two storey semi-detached dwelling, located within a wholly residential area. Many of the properties in the immediate locality have been extended and altered, additions include both single and two storey side and rear extensions.
- 6.3 The application site has previously been extended with a two storey side extension, single storey rear extension and rear conservatory. The adjoining property at number 80 East End Road has an existing single storey rear extension and the neighbouring property at number 84 East End Road has been extended with a two storey rear wing.

6.4 Determining Issues

6.5 As with the previous application, the main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.6 This application is for a similar scheme of works to the previous application (ref: 22/01656/FUL) which includes the proposal of a part two storey and part single storey rear extension. The previous application was refused at planning committee, the refusal reason being:

'By virtue of the scale, form and position of the proposed extension, the development would result in an unacceptable loss of light and unacceptable loss of outlook to the ground floor side elevation window within number 84 East End Road. As such, the proposed development would result in an unacceptable loss of amenity to this adjacent land user and is therefore contrary to policy SL1 of the Cheltenham Plan (2020) and policies SD4 and SD14 of the Joint Core Strategy (2017).'

6.7 This new application proposes some changes from the scheme previously considered, these include:

- A reduction in the width of the extension resulting in the extension being set in from the existing side elevation by 225mm
- A reduction in the eaves height of the two storey extension by approximately 400mm
- A reduction in the ridge height of the proposed two storey extension by approximately 600mm

6.8 In addition to the changes to extension itself, the application has been supported by an independent sunlight/daylight assessment/statement.

6.9 The merits of this revised scheme are discussed in detail below.

6.10 Design

6.11 Policy SD4 of the JCS sets out that development should “respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality”. Furthermore, development “should be of a scale, type, density and materials appropriate to the site and its surroundings”. This is supported through adopted Cheltenham Plan Policy D1 which requires development to ‘complement and respect neighbouring development and the character of the locality.’

6.12 Cheltenham’s Supplementary Planning Document – Residential Alterations and Extensions sets out that rear extensions should be subservient in height and width, as well as identifying other necessary design aspects.

6.13 The form of the proposed part two storey and part single storey rear extension is broadly the same as that proposed within the previous application, the proposal is a typical form of development for an extension to a residential property and is considered to be acceptable. The proposed materials are to match that of the existing building which is wholly appropriate and acceptable.

6.14 Officers consider the extension to be of an acceptable scale, form and design and will not result in any unacceptable harm to the design or character of the existing building or its surroundings. The proposal is therefore considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policy

SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).

6.15 Impact on neighbouring property

- 6.16 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state that development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.17 As noted above, the previous application was refused at planning committee, the reason relating to an unacceptable loss of light and loss of outlook to the ground floor side elevation window of number 84 East End Road which serves a kitchen. Concerns from this neighbouring land user have again been raised with regards to a loss of light and a loss of outlook.
- 6.18 When considering the impact of the proposed development on the neighbour at 84 East End Road, the main issue was the impact on the kitchen. The kitchen is served by a side facing window and a set of French doors in the rear/south elevation. In the comments received from 84 East End Road in response to this current application, it is suggested that the French doors in rear/south elevation are opaque and therefore do not provide light to the kitchen. It should be noted that these doors were clearly glazed at the time of considering the original application. The neighbour has provided photos of the French doors as they are now and it would appear that some form of covering/opaque film has been applied to the glazing in these doors. It would appear that this is a temporary measure and has not been a permanent replacement of the glass. Whilst officers accept that light entering the space from the French doors is currently compromised, given the temporary nature of the window treatment, officers would continue to consider this opening as though it is a permanent light source to this space.
- 6.19 As noted in the previous officer report, with regards to the kitchen window, the proposed two storey extension would fail the basic 25 degree light test to this window, officers therefore acknowledge that light to this window will be impacted by the development. However, as noted above, this kitchen space is also served by an additional light source in the form of a French doors in the rear elevation of the two storey wing. This opening will not be affected by the proposed two storey extension as it will be of a similar depth to the neighbours existing rear wing.

Where a proposal will have an impact on light to an opening, due consideration is given to whether the room is also served by any additional light source, and whether any such additional light source would be affected by the proposed development. In this instance, the French doors in the rear elevation of the neighbours kitchen are the largest opening that serves the kitchen, this opening also provides a view and outlook of this neighbours private south facing garden. Given the size and position of these doors, officers consider this to be the main source of light and outlook for the kitchen. Whilst officers acknowledge that light to the side facing window will be affected by the development, as the larger opening to the rear will not be affected, it is not considered that any loss of light will be to an unacceptable level. The assessment officers have made on this application and the previous application is the same as that in the independent daylight and sunlight assessment which accompanies this current application.

- 6.20 The previous refusal reason also referenced an unacceptable loss of outlook from the neighbour's side facing kitchen window. Officers acknowledge that outlook will be impacted as a result of the proposed development, however, as mentioned above, the

rear elevation French doors provide an uninterrupted view of the applicants private south facing garden. Officers therefore do not consider that any loss of outlook will be unacceptable.

- 6.21 In terms of impact on the attached neighbour at number 80 East End Road, this property has a single storey rear extension, and whilst the proposed single storey extension will extend beyond this, it will not fail the light test to any window within this neighbours extension.
- 6.22 It is also noted that the changes to the plans which include a reduction in the width of the two storey extension and a reduction in its eaves and ridge height will result in a lesser impact than that of the previous application in terms of outlook and light.
- 6.23 In terms of privacy, as before, one new upper floor side facing window is proposed to serve a bathroom, this is high level and is annotated on the plans to be obscurely glazed and will therefore not result in any loss of privacy. Officers have suggested a condition which requires this window to remain as obscure glazing and high level. The new first floor window in the rear elevation will overlook the applicant's private rear garden and is therefore acceptable in terms of privacy.
- 6.24 Whilst noting the concerns of the neighbouring land user, officers do not consider that the revised proposal will result in any unacceptable loss of light, loss of outlook or loss of privacy and is therefore considered to be compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.25 **Other considerations**

Climate change

The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

The application is supported by a sustainability statement which discusses various key points highlighted in the Climate Change SPD. Specifically, it discusses water efficiency, surface water drainage, materials, insulation and waste. The statement also identifies that when the heating system within the property is next upgraded the applicant intends to consider further low carbon technologies including the installation of solar panels and an air source heat pump. Officers consider the submitted information and measures to be acceptable for this scale of works.

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 officers accept that the proposal will have an impact on the amenity of the neighbouring land user at 84 East End Road, for the reasons discussed in the report, the impact is not considered to be of an unacceptable level. As such, officer recommendation is to approve 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.

- 3 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

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

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the new first floor south east elevation window shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

Reason: To safeguard the amenities of adjacent properties, 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.

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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.

APPLICATION NO: 22/01656/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 14th September 2022		DATE OF EXPIRY: 9th November 2022
DATE VALIDATED: 14th September 2022		DATE OF SITE VISIT:
WARD: Charlton Kings		PARISH: Charlton Kings
APPLICANT:	Mr And Mrs Lucking	
AGENT:	Steve Mitchell Building Design	
LOCATION:	82 East End Road Charlton Kings Cheltenham	
PROPOSAL:	Part single and part two storey rear extension	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a two storey semi-detached dwelling located within a residential area on East End Road in Charlton Kings.
- 1.2 The applicant is seeking planning permission for a part single storey and part two storey rear extension to replace an existing single storey rear extension and conservatory.
- 1.3 The application is at planning committee at the request of Councillor McCloskey due to concerns regarding the scale of the extension and the proximity to the neighbouring property at 84 East End Road.
- 1.4 During the course of the application revised plans have been submitted for consideration.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

85/01155/PF 12th December 1985 PER
Erection Of Two Storey Extension To Side
88/01540/PF 15th December 1988 PER
New Bedroom And Shower Room
90/00465/PF 24th May 1990 PER
Erection Of Single-Glazed Conservatory

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Climate Change (2022)

4. CONSULTATIONS

Building Control - 15th September 2022

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

Parish Council - 5th October 2022

Comment:

The Committee is concerned about the level of loss of light to the side windows of No.84 and would ask that this be formally assessed. If the level of loss of light would be excessive then this concern would become an objection to the application.

We also note with concern that through the consultation period the Objection from No.84 has not been posted on the CBC website (although as at 5/10 it is available).

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Upon receipt of the application 3 letters were sent to neighbouring land users, one letter of objection and one letter of support were received in response to this neighbour notification process.
- 5.2 The concerns raised by the adjacent land user at number 84 East End Road have been summarised but are not limited to the following:
 - Loss of light
 - Loss of privacy
 - Design
- 5.3 Upon receipt of the revised plans, the neighbour at number 84 East End Road was re-consulted and a further objection from this neighbour has been received. The further comments suggest that the revised plans have not addressed the original concerns regarding a loss of light.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the design and the impact of the proposal on neighbouring amenity.

6.3 The neighbouring property and garden at 84 East End Road has been visited in order to fully assess the impact on this neighbouring property.

6.4 Site location and context

6.5 The application site relates to a two storey semi-detached dwelling, located within a wholly residential area. Many of the properties in the immediate locality have been extended and altered, additions include both single and two storey side and rear extensions.

6.6 The application site has previously been extended with a two storey side extension, single storey rear extension and rear conservatory. The adjoining property at number 80 East End Road has an existing single storey rear extension and the neighbouring property at number 84 East End Road has been extended with a two storey rear wing.

6.7 Design

6.8 Policy SD4 of the JCS sets out that development should “respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness,

and addressing the urban structure and grain of the locality". Furthermore, development "should be of a scale, type, density and materials appropriate to the site and its surroundings". This is supported through adopted Cheltenham Plan Policy D1 which requires development to 'complement and respect neighbouring development and the character of the locality.'

- 6.9 Cheltenham's Supplementary Planning Document – Residential Alterations and Extensions sets out that rear extensions should be subservient in height and width, as well as identifying other necessary design aspects.
- 6.10 The form of the proposed part two storey and part single storey rear extension is a typical form of development for an extension to a residential property. In this instance the proposal will replace an existing single storey rear extension and conservatory.
- 6.11 Whilst officers considered the principle of the proposed extensions to be acceptable, officers raised concerns regarding the depth of the two storey rear extension. At 6 metres deep the proposal was considered to be overly deep and resulted in a large and dominant addition to the property and did not read as a subservient addition to the existing building. Concern was also raised regarding the impact on neighbouring amenity which is discussed in later sections of this report.
- 6.12 In response to officer's comments, revised plans have been submitted for consideration, the revised plans show a reduction in the depth of the first floor by 1.5 metres resulting in an overall depth at first floor to 4.5 metres, with the ground floor element remaining the same. Whilst officers duly note that this proposal is a further addition to a property that has already been extended, the extensions are considered to sit comfortably within the plot and will appear as subservient additions to the existing building.
- 6.13 The form and design of the proposed additions are in keeping with the design and character of the existing building. The proposed materials are to match that of the existing building which is wholly appropriate and acceptable.
- 6.14 Overall, in its revised form, officers consider the extension to be of an acceptable scale, form and design and will not result in any unacceptable harm to the design or character of the existing building or its surroundings. The proposal is therefore considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).
- 6.15 **Impact on neighbouring property**
- 6.16 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state that development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.17 Concerns from the neighbouring land user at 84 East End Road have been raised regarding the impact of the proposed two storey rear extension on light to a number of side facing windows, and also raised concerns regarding a loss of privacy from the new upper floor windows within the proposed extension. These concerns are also reflected in the parish council's comment.
- 6.18 In terms of light, three windows located in the side of the neighbour's property would be impacted by the development, this includes a ground floor kitchen window, ground floor cupboard window and upstairs landing window. The cupboard and landing are not classed as habitable spaces and therefore do not warrant protection in terms of light.

With regards to the kitchen window, the proposed two storey extension would fail the basic 25 degree light test to this window, officers therefore acknowledge that light to this window will be impacted by the development. However, the kitchen space that this window serves is a functional kitchen space and does not include any form of seating area for dining etc, with this being the case, it is considered to be afforded less protection than if it was a fully habitable space such as a kitchen diner, dining room, living room or bedroom. Furthermore, this kitchen space is also served by an additional light source in the form of a clear glazed door in the rear elevation of the two storey wing, this opening will not be affected by the proposed development.

Given the use of the room and the fact that the space benefits from two light sources, one of which will not be impacted by the proposed development, officers do not consider that any loss of light would be to an unacceptable level. The revised plans which include a reduction in depth of the first floor extension will also reduce any impact on neighbouring amenity and will allow for more light to reach this kitchen window.

- 6.19 In terms of impact on the attached neighbour at number 80 East End Road, this property has a single storey rear extension, and whilst the proposed single storey extension will extend beyond this, it will not fail the light test to any window within this neighbour's extension.
- 6.20 In terms of privacy, one new upper floor side facing window is proposed, however this is to serve a bathroom, is high level and is annotated on the plans to be obscurely glazed and therefore will not result in any loss of privacy. Officers have suggested a condition which requires this window to remain as obscure glazing and high level. The new first floor window in the rear elevation will overlook the applicant's private rear garden and is therefore acceptable in terms of privacy.
- 6.21 Whilst noting the concerns of the neighbouring land user, officers do not consider that the revised proposal will result in any unacceptable loss of light and therefore is considered to be acceptable and compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.22 **Other considerations**

Climate change

The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For residential alterations and extensions there is an opportunity to improve the environmental performance of a home through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

The application is supported by a sustainability statement which discusses various key points highlighted in the Climate Change SPD. Specifically, it discusses water efficiency, surface water drainage, materials, insulation and waste. The statement also identifies that when the heating system within the property is next upgraded the applicant intends to consider further low carbon technologies including the installation of solar panels and an air source heat pump. Officers consider the submitted information and measures to be acceptable for this scale of works.

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 secured revised plans and for the reasons discussed 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.

- 3 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

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

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the new first floor south east elevation window shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

Reason: To safeguard the amenities of adjacent properties, 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.

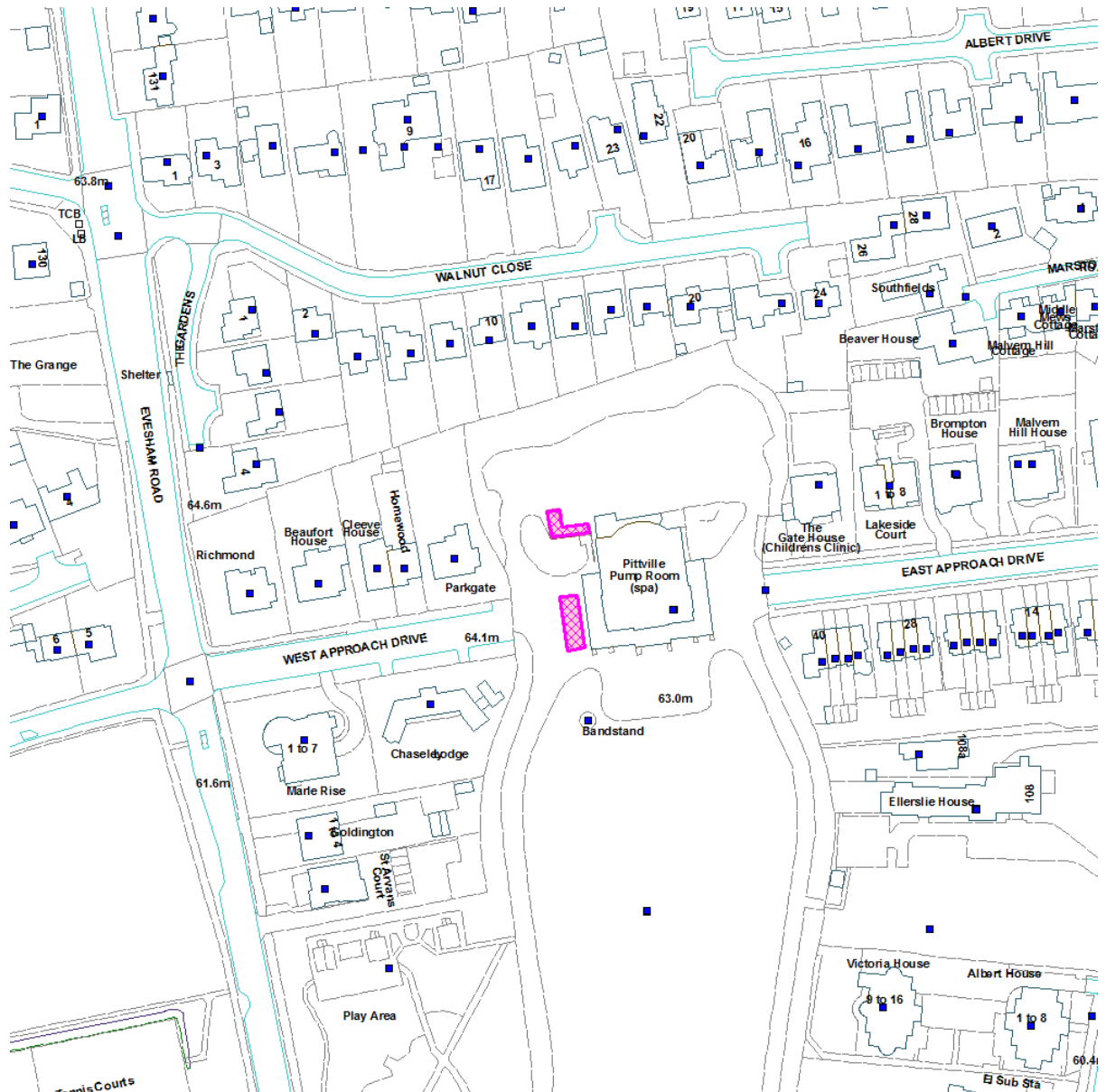
In this instance, the authority sought revisions to the size of the rear extension to achieve a suitable level of subservience and to reduce impact on neighbouring amenity;

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

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APPLICATION NO: 23/00372/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 7th March 2023	DATE OF EXPIRY: 2nd May 2023
DATE VALIDATED: 7th March 2023	DATE OF SITE VISIT:
WARD: Pittville	PARISH:
APPLICANT:	The Cheltenham Trust
AGENT:	Evans Jones Ltd
LOCATION:	Pittville Pump Room East Approach Drive Cheltenham
PROPOSAL:	Temporary change of use of land for up to 20 months for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility (Revised submission to 22/01439/FUL)

RECOMMENDATION: Permit



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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 In August 2022, the Cheltenham Trust submitted an application for the retention of the structures and use as a café for a period of up to 2 years following the end of the Governments temporary relaxation period on 30th September 2022. Some members will remember that this application was considered at planning committee in October 2023 and was refused, the reason being:

'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.'

- 1.4 The Cheltenham Trust has now submitted this further application for the retention of the structures and use as a café, but for a period of up to 20 months from the date of submission. The application responds to the previous reason for refusal by proposing a change to the proposal and the inclusion of more detailed information with regards to the background of the use, the level of public benefits and a detailed action plan for the 20month period. All of which are discussed in more detail in the report below.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Listed Buildings Grade 1
Principal Urban Area

Relevant Planning History:

22/01439/FUL 21st October 2022 REF

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

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

Building Control - 14th March 2023

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

Heritage And Conservation - 27th April 2023

The proposed works are for the temporary change of use of land for up to 20 months for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility. The proposed works are very similar to the proposed works in planning application 22/01439/FUL, for a 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, which was refused at Planning Committee. It was considered the structure resulted in less than substantial harm to the setting of the building and that harm was not outweighed by the public benefits. The conservation advice offered in the previous conservation comments for refused planning application 22/01439/FUL on the acceptability of the proposal in heritage terms is reproduced below for ease of reference.

The current application differs in regard to the previously refused application with an amendment to the café proposed and further information being submitted. Briefly this includes: an amended clear roof, replacing the solid roof, to the existing cafe, a further explanation of the policy context, clarification on the Trust's short-term and long-term plans, an options appraisal and a separate explanation why the building cannot accommodate a café, an updated Heritage Assessment, a commitment to preparation of a Conservation Management Plan and further clarification over the public benefits. It is acknowledged the current submission has gone some way to addressing the previous concern over a lack of sufficient information and justification, which is helpful for clarification purposes.

It is considered the amended clear roof would not make a meaningful difference to the impact the proposal would have on the significance of the affected heritage assets for the same reasons given in the conservation comments on refused planning application

22/01439/FUL. The cafe is therefore still not considered sustain and enhance the significance of heritage assets as required by paragraph 197 of the NPPF and does not give great weight to the asset's conservation as required by paragraph 199. There would be unacceptable harm, which would be defined as 'less than substantial' as defined by paragraph 202 of the NPPF. This requires the 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.

Regarding the proposed alternative options explored in the supporting documents, it is recognised the temporary cafe cannot be accommodated within the existing building due its awkward internal layout and a conflict with existing uses. However, it is considered either of the two alternative temporary options, and possible consideration of use of the upper floor, would be preferable in heritage terms to the existing option proposed within this application, although it is noted alternative options may raise other planning issues.

Reproduced conservation comments for refused planning application 22/01439/FUL

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.

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.

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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 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.

Environmental Health - 20th March 2023

Environmental Health 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.

Tree Officer - 8th March 2023

The CBC Tree Section does not object to Option 1 - Leave structure in it's current position. However, it is noted that the current positioning does little for the amenity of the fine strawberry tree growing adjacent.... Being a "temporary permission", the CBC Tree Section does not object to this application in the short term

There are concerns regarding Option 2 turn through 90 degrees and move further north west. Whilst this would not involve digging into the root zone of the adjacent large lime tree, it would move the proposal closer and within falling distance of tree debris onto the roof top. This could prove alarming for staff + diners alike and could lead to pressure to have this mature tree cut back to reduce the likelihood of accidents. The nature of this large lime is to shed honeydew underneath (whilst in leaf). Any glass roof to this proposal will likely become sticky and dirty very quickly in summer months. It would need to be cleaned regularly (-every week?)

There is no objection to Option 3 -move structure to far north west of car park.

Cheltenham Civic Society - 31st March 2023

23/00372/FUL | Temporary change of use of land for up to 20 months for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility (Revised submission to 22/01439/FUL) | Pittville Pump Room East Approach.

OBJECT. Our objection to this application is not about a café in itself, but about the impact of a temporary structure on the setting of a Grade I listed building that sits within Pittville Park, a Grade 2 listed park on the English Heritage Register of Historic Parks and Gardens.

Paragraph 6.2 of the Planning Statement makes clear that, although 3 options are considered, the actual application is for Option 1, which would retain the existing structure but replace its roof with a clear one. The Civic Society OBJECTS strongly to this application, as does Historic England.

Despite the Heritage Statement and the Planning Statement, the Civic Society considers the retention of the structure will cause substantial harm to the setting of the Grade I listed Pump Room and Registered Park. 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; and that the more important the asset the greater the weight should be. That greater weight clearly should apply here but is absent from this application.

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Pittville Park forms approximately half the total extent of the Pittville Character Area of the Central Conservation Area. The park and the Pump Room are essential components 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 address the setting of Pittville Pump Room and the impact of the structure on it, as set out in National Planning Policy Guidance (NPPG) Paragraph 013. Importantly, that paragraph states, 'Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.' The Civic Society believes the Park is seriously affected by the structure, and not just the views from East Approach Drive and northwards from Pittville Lake towards the Pump Room. For example, the accumulation and poor storage of detritus for the café, as shown in the attached photographs. The application fails to address these issues. Likewise, the application fails to demonstrate how the setting is enhanced by this temporary structure.

Following the long delay after the first application had been refused, we hoped for a stronger application this time. It is regrettable therefore that we have no choice but to object again.

The Civic Society welcomes Cheltenham Borough Council's overdue commitment to prepare a Conservation Management Plan for Pittville Pump Room. We also appreciate Cheltenham Trust's engagement with stakeholders, including the Civic Society. We acknowledge the importance of income generation from a café on the site and its popularity among users, but we are not convinced by the arguments offered against relocating the café inside the Pump Room. While we would want to examine the details of any such proposal, we would in principle support the choice such a location.

Gloucestershire Centre For Environmental Records - 13th March 2023

Report available to view in documents tab.

Ward Councillors - 27th March 2023

As Borough and County Councillor this this area. I continue to have major concerns about this proposal.

There is still no clear justification for why this external structure needs to remain, it was clearly a understandable structure during COVID, but that time is over and there is no reason why the Pump Room which is used for weddings and other events, can not cater for this operation internally, or that an alternative part of the park could be used instead.

The proposers still have not come anywhere near to assuaging residents concerns about what is Cheltenham's most historically important site. The amount of press coverage and comments that these applications garner shows the level of concern shown by residents.

Historic England - 16th March 2023

See Appendix 1

GCC Highways Planning Liaison Officer - 31st March 2023

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.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 A total of 76 letters were sent out, this included immediate residents and those that had commented on the previous application. 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:
- 34 individual letters of objection
 - 10 individual letters of support
 - 3 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
 - Provision of employment opportunities

6. OFFICER COMMENTS

- 6.1 **The site and its context**
- 6.2 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.
- 6.3 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.

6.4 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.

6.5 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.

6.6 **Determining Issues**

6.7 The key considerations of this application are impact on heritage assets, design, public benefits, impact on neighbouring amenity and highways related matters.

6.8 As noted in the introduction this application has been submitted following a decision to refuse permission for the retention of the structures and use as a café for a 24 month period in October 2022. This new submission seeks consent for a period of up to 20 months from the date of submission (this being the 6th March 2023). The application also proposes a physical change to the Orangery building which is to replace the existing roof covering with a clear glazing option. The application is also supported with a more detailed planning statement which discusses the following:

- The Cheltenham Trust's short term and long term plans
- An options appraisal
- An understanding and reasoning as to why a cafe use cannot be accommodated within the existing building
- Clarification/detail of the public benefits associated with the café use
- Updated heritage statement
- Programme delivery
- Discussion of a Conservation Management Plan

6.9 The planning statement discusses the short term options appraisal, the 3 options include:

Option 1 – retention of orangery in its current location but replacement of the roof with a clear option

Option 2 – turning of the structure through 90 degrees, remove decking and move north

Option 3 – move the structure to the northern west corner of the car park

6.10 Members should be aware that whilst 3 options are discussed as an appraisal, the application is seeking consent for the retention of the structure for 20 months, alongside option 1 which would see the existing roof covering replaced.

6.11 Impact on heritage assets

- 6.12 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 Cheltenham's Civic Society.
- 6.13 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.
- 6.14 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.'*
- 6.15 Concerns and objections to the application have been raised by Cheltenham's Conservation Officer, Historic England, the Civic Society and a local ward councillor.
- 6.16 Comments from Cheltenham's Conservation Officer acknowledges that this new application is a more comprehensive submission which has gone some way to addressing the previous concerns over a lack of sufficient information and justification. However, the conservation officer is not convinced that the change in roof covering would make any meaningful difference to the impact the structure has on the significance of the Pittville Pump Rooms. The reasons being the same as those raised in their comments on the previous application.

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.

- 6.17 Historic England, have similar views with regards to the impact of the Orangery on the heritage assets, they are also of the view that the proposed replacement roof covering would not be of any significant benefit. They maintain that the Orangery structure would be harmful to the significance of the Grade I listed Pump Rooms'. Historic England's full comments can be read in Appendix 1.
- 6.18 A difference between the views of the conservation officer and Historic England is with regards to paragraph 200 of the NPPF which requires any harm to require clear and convincing justification. Historic England suggest this has still not been addressed, whereas the council's conservation officer suggests this new submission has gone some way to providing sufficient justification.

6.19 **Public benefits**

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. 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.

6.21 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 supporting planning statement identifies that The Cheltenham Trust is a non-profit organisation that manages five iconic venues in Cheltenham which are owned by Cheltenham Borough Council, one of these being the Pittville Pump Rooms. It is identified that Cheltenham Trust is the lead provider of culture, heritage, sport leisure and entertainment and as such is responsible for sustaining these venues as well as contributing to the towns local and visitor economy.

6.23 The supporting planning statement identifies that the café has been a huge success since its implementation and is now an integral part of the Trusts income, allowing the Trust to maintain and sustain the Pittville Pump Room as well as delivering their annual programme of free and inclusive events across Cheltenham. The Trust suggests that the income generated from the café use is an integral part of their income, so much so that they are actively trying to secure a more permanent solution for a café use which will enable them to carry on with the work they are doing with the Pittville Pump Rooms, the other venues in their portfolio and the programme of events for locals and visitors.

6.24 The café use has a lot of support from locals and visitors who support the facilities that are provided by the café use, letters of support suggest it provides a much needed and valued space for socialising. In addition to the social elements, the café use also provides job opportunities for staff that now work there.

6.25 Whilst all of the above public benefits are duly noted, 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.

6.26 **Impact on heritage assets versus public benefits test**

6.27 The council's conservation officer and Historic England both make reference to the proposed change in roof covering having a limited meaningful difference. Whilst officers agree that the change is relatively minor, officers are of the view that the change in the roof covering will reduce the visual impact of the Orangery albeit nominally, but the very nature of a clear roof covering will enable more parts of the Pittville Pump room building to be seen through the Orangery structure.

6.28 Clear public benefits have been identified, the level of detail and information regarding the benefits that are associated with the café use is much greater in this submission than that which was previously provided. This greater level of information has enabled officers to better understand the extent of benefits that the income from the café use is currently

providing. In addition to the clear economic benefits which results in significant re-investment in the town, there are obvious social benefits associated with the café in providing a place for Cheltenham residents and visitors to enjoy social gatherings within the setting of one of Cheltenham's most well-known listed buildings and registered park and gardens.

- 6.29 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 and a ward councillor. In particular, the council's conservation officer and Historic England identify the level of harm as being 'less than substantial', which officers agree with. As harm has been identified, 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.'
- 6.30 Whilst officers acknowledge that the structures associated with the café use results in harm, the public benefits that have been more clearly identified in this submission are considered to be of great value to Cheltenham residents and visitors. Having fully understood the extent of the public benefits and when considering the harm as a result of these structures is temporary, for a reasonably short period of 20 months, officers are of the view that in this instance, the public benefits do outweigh the less than substantial harm to the designated heritage assets.
- 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 not to harm the amenity of adjoining neighbours.
- 6.34 The position of the structures within the site, the use and the hours of operation have not changed from that detailed in the previous application. As discussed in the previous officer report there are no concerns with regards to a loss of light or loss of outlook. The change in roof material would have no greater impact on neighbouring amenity, in fact, it would result in a small reduction in visual impact.
- 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 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.

6.37 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.

6.38 As before, officers do raise concerns with regards to the disturbance associated with deliveries, waste collection and servicing of the facilities and as such consider that a condition is necessary to restrict the hours for these particular activities. 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.

6.39 **Access and highway issues**

6.40 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.

6.41 Comments within a number of representations raise concerns regarding increased traffic and parking congestion which have been duly noted.

6.42 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.

6.43 **Sustainability**

6.44 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.

6.45 In this instance the development is for a temporary structure and is proposed for a temporary period of up to 20 months, this therefore means there is little opportunity to include specific low carbon technologies. However, sustainability has been discussed in the supporting statement, 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. 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.

6.46 **Other considerations**

6.47 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.

6.48 *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 Officers acknowledge that a period of approximately 8 months has passed since the application was last considered at planning committee and there are sensitivities around the period of time for the retention of the structures. This has been noted by the applicant and is why the application now seeks a lesser period than before, and is now for only 20 months. It is important to note that this period of time started from the date of submission for this application, therefore, should permission be granted, a condition is recommended which would require the removal of the structures from the site on or before 6th November 2024. It is also important to note that the Cheltenham Trust have confirmed that they are currently on course and meeting the key dates set out in the programme delivery timeline for developing a permanent solution.
- 7.2 Having considered all of the above, whilst officers acknowledge that concerns remain regarding the impact of the structures on the designated heritage assets, for the reasons discussed in the report above, given the temporary period of time for the retention of these buildings and the public benefits that currently arise from its continued use, officers consider that, on balance, the public benefits do outweigh the less than substantial harm and therefore the officer recommendation is to support the application subject to conditions.

8. CONDITIONS / INFORMATIVES

- 1 The building(s)/structures hereby permitted and listed below shall be removed and the land restored to its former condition on or before 6th November 2024.
- a) Orangery structure
 - b) Ancillary toilets and storage facility

Reason: The permanent siting of these temporary buildings/structures on this site will have a detrimental impact on the designated heritage assets, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017) and in the interests of the special architectural and historic qualities of the listed building, having regard to adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 2 The proposed works to replace the existing roof covering with a clear roof option, as discussed in the planning statement (ref 00372.03), shall be carried out within 3 weeks of this decision.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to adopted policy D1 of the Cheltenham Plan (2020), adopted policy SD4 of the Joint Core Strategy (2017) and adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

- 3 No customer shall be permitted to be on the premises outside of the following hours, without express planning permission:

Monday to Friday : 09:30 to 17:00
Saturday: 09:30 to 19:00
Sunday / Bank holiday 09:30 to 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).

- 4 Deliveries, collection of waste and servicing of the temporary toilets shall only take place during the following hours:

Monday to Friday : 07:30 to 18:00
Saturday: 08:00 to 13:00
Never on Sundays / Bank holiday

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.



Mr Ben Warren
Cheltenham Council

Direct Dial: 0117 975 0742

Our ref: P01557232
16 March 2023

Dear Mr Warren

**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. 23/00372/FUL**

Thank you for your letter of 7 March 2023 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

Of the three options proposed, we would be supportive of option 2 on the basis of a temporary permission that is workable in terms of a realistic timescale to deliver a permanent replacement building. While option 1 includes a replacement roof covering, we are not supportive of this, particularly as this is still considered to result in harm which has not been justified under the requirement of the NPPF.

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'.



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Summary of proposals.

Following the refusal for the temporary change of use of land and the retention of the existing café for a period of two years, the revised application is for the same proposals for a period of 20 months.

Impact of the Proposed Development

We have already objected to the permanent retention of the café building in December 2021 on the basis of its position and design, and also the temporary retention of the structure. Since the latest refusal, we have met with representatives of the Cheltenham Trust to discuss a way forward. We were also shown around the Grade I Pump Rooms to better understand the layout of the building and how it currently functions.

The main discussion points centred around the present and future of the principal building and the positive economic outcomes of the café, which was erected during the pandemic. We advised that the following matters should be considered and actioned as a more positive and constructive way forward for the building and the Trust who manage it:

- We advised that an options appraisal for a temporary location of a café should be developed, to include utilising the Pump Rooms (which we advised would be the option most consistent with the conservation of the building, and also potentially the option of least or no harm).
- We suggested that, as the Trust identified a range of issues that they were currently addressing with the Grade I building, a conservation management plan (CMP) is produced, which should identify the priorities and future maintenance of the building.
- For the longer-term solution of a café provision for the Pump Rooms and wider Pittville Park, we offered our pre-application engagement, once draft options had been developed. We identified that the rear car park had once been landscaped, with a central glasshouse/orangery and glasshouses attached to the rear, south-facing wall. We suggested that landscape restoration here, if a solution could be sought for the car parking provision, could deliver heritage benefits and deliver a suitable landscape setting for a new café building.

In the light of our discussions with the Cheltenham Trust and the information submitted with the current application, we offer the following observations and advice:



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1. We are pleased that the Trust recognises the benefits of a CMP and are committed to producing one. We acknowledge that this will take some time to produce, but have offered our advice once a preliminary draft has been put together.
2. From a tour of the Pump Rooms, we are firstly encouraged that the principal ground floor areas are in almost constant daily use in association with bookings and events. It would be difficult to accommodate the café offer within this space without providing significant partitioning, which would be harmful. We also recognise that while some of the upper floor rooms could be used for a café, which also have lift access, ground floor access to the building would need to be through the rear entrance when events were being held within the Main Hall and Apse. However, this option needs to be tabled together with the other options being considered (even if this is suitably discounted).
3. We are pleased that the Trust are dedicated to finding a long-term solution for a café provision and we have offered our engagement, as part of a pre-application process. We would just reiterate that the existing prefabricated structure would not be supported on any part of the site and that a bespoke building that responds positively to its context would be strongly encouraged. We are also encouraged that the Trust's programme for planning and implementing a replacement building within the projected 20-month timeframe is included in the submitted planning statement.
4. The Trust have identified three options: option 1 to retain the existing structure in its current location, but with a replacement clear roof; option 2 to rotate the structure through 90 degrees and move further to the north-west and option 3 to move the structure to the north-west corner of the car park. The preferred option of the Trust is option 1.
5. Option 1 would result in the most harm to the setting of the Grade I building, although we concede that a clear roof would lessen this harm, but only marginally. We understand that this would be the most economical option for the Trust. With other options, which would minimise harm, we are not persuaded that the justification for option 1 is clear or convincing, as required by para 200 of the NPPF.
6. Option 2 would still result in harm, but less so than the present position, as the approach from the west would be less visually impacted by the structure. The disadvantages of this option, as identified in the submitted planning statement,





include a reduction in the number of covers (which could be augmented with external seating in the spring/summer months), cost of moving and services, and other more planning-related issues. While this option would reduce the harm from that of the existing position, it is not the option of least harm. However, it could be considered acceptable if the temporary period of consent were to be increased, so that a) more money could be generated to off-set the moving costs and b) a more realistic time frame is provided to deliver a long term alternative solution, particularly if initially the preferred solution does not come within budget. If this way forward is agreed with your council, an extended temporary permission should be adhered to and we would not be supportive of an additional period of consent, something that commonly happens with temporary permissions. We would want to see a solution that is feasible and workable for the Trust, and if you consider that 20 months is an ambitious timeframe, we would rather support a longer, but workable temporary consent, if the café provision is to transition smoothly from the temporary to permanent building.

7. Option 3 would result in the least harm of the 3, in heritage terms, although the applicant states that a location away from the principal building would ideally require a separate, temporary kitchen, in addition to the car park (in its current form) being a less desirable location for the café. We tend to agree with these purported disadvantages and while this could be an acceptable temporary solution, we are persuaded that this site has been suitably dismissed.

In summary, we remain very concerned over the preferred option to leave the café building in its current location, even with the reduced impact of a clear roof. We believe that option 2 would reduce (not remove) the harm of the structure, and if seriously pursued by the Trust, could justify a longer consent for the reasons outlined above. We are keen to maintain our dialogue and engagement with the Cheltenham Trust in helping them fully realise the potential for this extremely significant building within the city, and would be happy to discuss this option further.

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



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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 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 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.



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Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form with option 1 as the preferred position, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Yours sincerely

Stephen Guy

Inspector of Historic Buildings and Areas

E-mail: stephen.guy@historicengland.org.uk

cc: Chris Morris, Conservation Officer



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APPLICATION NO: 23/00372/FUL	OFFICER: Mr Ben Warren
DATE REGISTERED: 7th March 2023	DATE OF EXPIRY : 2nd May 2023
WARD: Pittville	PARISH:
APPLICANT:	The Cheltenham Trust
LOCATION:	Pittville Pump Room East Approach Drive Cheltenham
PROPOSAL:	Temporary change of use of land for up to 20 months for the siting of an orangery structure to be used as a cafe and the siting of ancillary toilets and storage facility (Revised submission to 22/01439/FUL)

REPRESENTATIONS

Number of contributors	44
Number of objections	34
Number of representations	0
Number of supporting	10

28 Kenelm Rise
Winchcombe
gl54 5ju

Comments: 10th March 2023

I sent a hard copy letter to CBC before Christmas, signed by myself and many other people, in support of the Orangery remaining. I would like this to be implemented please whenever this application is considered.

Thank you

18 Shrewley Common
Shrewley
Warwickshire
Cv35 7ap

Comments: 27th March 2023

I recently visited Cheltenham and went for a walk in the park. I was shocked to see this cafe in such a historic location. Very near to traditional town houses and the Pumprooms the addition Noise and was noticeable.

1 Limber Hill
Cheltenham
Gloucestershire
GL50 4RJ

Comments: 8th March 2023

Many many people walk round the park and then have coffee etc here. It is vital to their mental health following Covid and the cost of living crises to keep this facility. It is always busy which proves my point

6 Noverton Lane
Prestbury
Cheltenham
Gloucestershire
GL52 5BB

Comments: 3rd April 2023

It is not just a café it is a social meeting place every day. There would be so many people lost without it. It would be a great loss to the community if it was closed, as people have been able to make great friends. I have been able to make great friendships that I wouldn't have made without it. Our dogs have also been able to meet one and other. It is a social club. When I was having my hair in Prestbury, even she said she knows the café and said it was lovely. The staff are lovely and nothing is ever too much to ask. We'd be lost without it.

10 Acacia Close
Prestbury
Cheltenham
Gloucestershire
GL52 3EQ

Comments: 3rd April 2023

The only place in town where people can regularly meet groups of people. Prevents people being lonely and suffering from depression as you get the chance to get out and meet people. The best coffee this side of Cheltenham.

402 Swindon Road
Cheltenham
Gloucestershire
GL51 9JZ

Comments: 3rd April 2023

The café is a great benefit to the community and is used by several groups including walking, cycling, dogs, tai chi. A wonderful meeting place for friends, family and visitors from far away. It would be a great loss to this side of Cheltenham if we lost it.

34 Wigeon Lane
GL20 7RS

Comments: 3rd April 2023

We started meeting during Covid when the café was outside and having the orangery is a massive bonus as we can meet in any weather. It is a winter and summer café as we can sit outside or inside and have fantastic views. There will be a lot of people lost without it.

45 Stanwick Gardens
Cheltenham
Gloucestershire
GL51 9LF

Comments: 3rd April 2023

This is important for everyone's mental health. My husband and I come every day and have made lots of great friends, both staff and customers. I bring grandchildren and great grandchildren with me. It is more than just a café, it is more of a social gathering. Have met friends that I haven't had before. It certainly will be a great loss to the town. I see people of all ages in here.

Clifton
Pittville Circus Road
Cheltenham
Gloucestershire
GL52 2QH

Comments: 28th March 2023

I would like to object to this planning application alongside my husband who has also made a previous comment from Clifton House.

After looking further into The Cheltenham Trust's plans, it has become clear that Laurie Bell, Chief Executive Officer, and her team are manipulating data to try and favour their planning application. This data includes claims that the Heritage Deco café was visited by more than 1 million customers in less than one year. Assuming they are open for 8 hours per day this would mean that on average there would be over 350 customers per hour for everyday of the year!

Their planning consultants, Evans Jones, on top of this stated that traffic/footfall hasn't increased since the café was erected, however, are not willing to share this data source.

As a local business owner, it is grossly unfair to allow such businesses/charities to operate from these condemned sites increasing their premises size without paying rates etc. Allowing this will only set a precedent for other businesses to erect these 'temporary greenhouses/tents'. I note from a recent article in Gloucestershire live that 131 on The Promenade are now pushing forward with their tents again defacing listed buildings.

I hope CBC see through Laurie Bells' game to manipulate the planning regulations, unfortunately she knows the game well having previously held the position of Deputy CEO and Director of planning at North Wiltshire DC.

Local residences will as a group fight this planning application together by whatever means it takes to expose Cheltenham Trust (operating under Cheltenham Leisure and Culture ltd) shameful behaviour.

35 George St
Markinch
Glenrothes
Ky7 6at

Comments: 23rd March 2023

I wish to object. The only change seems to be a change to the roof in colour all the rest seems to be same so we can expect another application with a new colour in six months or so. This brings the planning system into dispute. Why can't pump room interior be used as a cafe, there is plenty of room and much in tune with the area. Please remove this carbuncle from a beautiful building.

12 Walnut Close
Cheltenham
Gloucestershire
GL52 3AG

Comments: 3rd April 2023

It is a central location where we can all meet. We have been coming here since lockdown. I go as a group of seven every week. In the summer we are able to sit outside and in the winter we can sit inside. It takes away it away from the pump room. It has the loos which are easy. It brings people to the park. People can have a walk and then come up and enjoy their coffee. In the winter when the weather is bad you can have the customer. Every time we go in you can see that it is full. You get the opportunity to meet other people. It is a nice atmosphere. A big thumbs up.

Marston Cottage
Marston Road
Cheltenham
Gloucestershire
GL52 3JQ

Comments: 28th March 2023

It beggars belief that this application has come round again, and the arguments which were rehearsed previously have not been addressed in any way by the new proposals. It appears that the Cheltenham Trust is determined to continue stringing this out for as long as possible, to generate revenue, which as others have commented, does not go to the upkeep of the Pump Room, which is the responsibility of Cheltenham Borough Council, and so us as local taxpayers, to whom the building ultimately belongs. The Pump Room itself would make a magnificent tea-room, and when the main room is unavailable due to preparations for an event, there are upstairs rooms which could equally serve as spaces where refreshments could be served. The Pump Room website and a notice-board could advise on days and times when refreshments are not available due to a day-time event. The whole thing could be a much nicer class of offering, and enable the many visitors to the town who have seen the many pictures of the Pump Room which are so ubiquitous in publicity for Cheltenham, to see it in its glory, rather than having to peer through the windows as they mostly have to do during the majority of the time the Pump Room is otherwise closed to the public. The construction on the side of the Pump Room is totally out of keeping with and detracts from the magnificent Grade 1 building. Replacing the roof with a clear one does nothing to diminish the appearance of the existing structure, and indeed in hot summer days such as we experienced this year, or in heavy rainfall would only make the experience of sitting there even less enjoyable. The other options clearly have disadvantages too. And what's the plan for what happens after 20 months? Yet another attempt to get round all the objections which we'll have to repeat again? Please let common sense prevail, find a better option for serving refreshments in this wonderful piece of Cheltenham's history and legacy and get this structure taken down as the Council has already demanded.

Parkgate House
West Approach Drive
Cheltenham
Gloucestershire
GL52 3AD

Comments: 20th March 2023

This is Cheltenham Trust's 3rd attempt to retain this Covid Period Glasshouse which they run as a café/bar.

It was erected in secret without the Trust informing any of the Pump Room's neighbours of the plan showing complete disregard and contempt for their environment.

The first plan (23/00372/FUL) was withdrawn and the second (22/01439) was refused last October by CBC Planning Dept after 38 local and national objections yet 6 months later the Orangery is still being allowed to trade and come up with yet another planning application.

To quote Historic England who is the guardian of these buildings of national importance for application 22/01439

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.

Their comments in the documents section for this application are no less critical.

In the 6 months that Cheltenham Trust have been given to come up with yet another plan they have now provided 3 options all of which are harmful to the architecture of the building and environment as described by Historic England.

The first retains the building in its same positions but changes the white plastic roof for a clear plastic/glass one and alters the flooring.

This would have a minimal effect on modifying the visual damage and degradation that the Café produces to the West Colonnade.

The clear plastic roof would have a prismatic effect still obscuring the West Colonnade and would likely produce even more of a Greenhouse effect than the present structure. (see TripAdvisor reviews)

The Glasshouse is an environmental disaster with a construction like a drum generated a huge quantity of noise and light pollution.

There are no curtains or blinds on the windows and the lights are switched on at 5.45am so light pollution for neighbours in winter is immense.

That Cheltenham Trust are even contemplating option two shows complete disregard for their neighbours.

This option places the gable of the building 1 meter from my house and garden. The noise and light pollution which I have already complained about while the building is 10m away would be amplified many times making the noise intolerable.

The 4m high building 1m SW of my residence would overshadow this house and garden and severely damage the SW aspect of a grade 2 listed villa.

This position still obscures a considerable amount of the West Colonnade and appears from the very poorly detailed plan to obstruct both the West pedestrian and vehicle gates.

Option 2 is a glass building very close to a 100ft high lime tree.

I certainly would not wish any of my family in this building in windy weather as the tree often drops branches. A lethal combination ?

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This position also prevent vans, lorries, emergency and UBICO vehicles from going around the Pump Room to supply the play park and Green Space Café there.

Option 3 would have less visual impact on the Pump Room being on the North side but along with the shipping container like toilet block would occupy a large segment of the car park.

The car park is owned by Cheltenham Borough Council not Cheltenham Trust and most visitors are going to the Park not the Pump Room; this option would block a very large part of the car park.

It would also likely be dangerous mixing pedestrians visiting the Café/pub with vehicles trying to find a parking space.

Option 3 would move the noise, already documented from the front to the back of my residence.

I hope that Cheltenham Planning Dept have made my neighbours in Walnut Close aware of this option which would produce a huge volume of noise and light pollution close to the back of their houses.

In summary altering the colour of the roof or rotating the building 90 degrees does little to mitigate the severe visual damage that this Covid period structure does to the environment of the Pump Room and an avenue of Grade 2 listed villas Option 3 removes a large segment of the car park, is probably dangerous for pedestrians and will be very noisy for the adjacent buildings.

All options should be refused and the Orangery removed immediately.

If Cheltenham Trust wish to run the parks 4th café then they have a vast amount of space inside the building as Historic England commented.

I pass the Pump Room every day and 90% of the time it is empty.

36 East Approach Drive
Cheltenham
Gloucestershire
GL52 3JE

Comments: 11th March 2023

I thought it had been decided this structure must go.

It is unnecessary as there are two other cafes in the park.

It is unsightly and not in keeping with the Pump Rooms.

It creates extra traffic with fumes, noise and footfall which is a nuisance for all the residents of East Approach Drive which is a residential area.

West Approach Drive gates should be reopened and traffic allowed in to park from that aspect rather than it all being from East Approach Drive.

Users of the cafe park in East Approach Drive where residents park this should not be allowed. This structure should be removed forthwith

1 Church Lane
High Street
Prestbury Cheltenham
Gloucestershire
GL52 3AP

Comments: 13th March 2023

How many times do people have to make decision about a building near a listed Building. this is the third time i have. written my objection to this Carbuncle of a building .I just wonder if the Neighbours around the pump rooms and in a listed building in a Conservation Area could put a structure in their gardens and get the grace and favor that this structure has had i doubt it very much

98 Evesham Road
Cheltenham
Gloucestershire
GL52 2AL

Comments: 19th March 2023

I object to this application.

This current application is an attempt by the (council governed !) Cheltenham Trust to bypass the recent application that was refused for all the right reasons i.e the mis-use of a Grade 1 Heritage asset.

In addition to all the previous reasons the cafe structure was refused can I add the following.

The new application attempts to make a business case for the cafe, however :

** The Cheltenham Trust (who take all the profits from the cafe) do not pay a penny towards the maintenance of the Pump Room . All the upkeep and maintenance is paid by "us" the taxpayers. The cafe therefore makes no contribution.

** The report says about £450,000 of income is generated by the cafe, but this is turnover and not profit . This figure is therefore completely irrelevant.

** Does the cafe actually make a profit ? Especially if it had to pay proper rent and rates for the site like any other business would have to! Where is the business /heritage case to maybe spend towards £1million pounds to plan and develop a highly controversial and permanent structure besides the Pump Room in the near future . It is economic and political madness.

The new application fails to explain why the cafe cannot be moved inside the building .

*All the events that take place in the evening can continue with very simple management

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*It seems that most of the time the main ballroom is just used as a rough storage area for the cafe.

* Many events could take place in the upstairs rooms instead of these rooms being used as council offices!

* Most of the Pump Room is empty for most of the time including the magnificent balcony.

** The Cheltenham Trust have recently been boasting on social media about the loud and packed bar in the Pump Room during the recent Gold Cup week . However the "packed bar" was not in the Pump Room at all but in the temporary cafe structure . I bet the local residents suffered terribly.

The continuing use of the Pump Room itself as a private hire venue is a gross mis-use of this historic heritage asset. I spoke with a Director of Bath Pump Room who quoted, "The Bath Pump Room would NEVER be closed to visitors during normal hours , it's way too important to the town".

The Pump Room in Buxton recently achieved over £40 million in funding ! Over half of this was from the private sector .

If the only vision for the Pump Room is to stick a cafe on the side of it then help us all !

The spa water has not been available, or has tasted like tap water, for over 5yrs now . Other towns have lost their Spa Town status and Cheltenham is also at risk.

Pittville Pump Room should be a Heritage Destination (as championed by the local group Pitville Pump Room Revival) . This is the proper heritage and economic vision that the council should be championing and would compliment the new Cyber Business park very nicely indeed!

Park Lodge
4 Douro Road
Cheltenham
Gloucestershire
GL50 2PQ

Comments: 27th March 2023

I object this cafe on the grounds that it is inappropriate for such a beautiful location and is out of context to its local environment and is yet another example of the creeping commercialisation of public spaces (pavements, gardens, 131, etc) that has occurred since COVID lock downs and are now a regular feature of the Cheltenham environment.

11 Newcourt Park
Cheltenham
Gloucestershire
GL53 9AY

Comments: 25th March 2023

I wish to object to this proposal. The structures proposed are inappropriate to be so close to probably the most important building in Cheltenham and seriously detract from views of the Pump Room. It would be much better to have a cafe inside the Pump Room, as in Bath.

Flat 3
Burston House
Pittville Circus Cheltenham
Gloucestershire
GL52 2PU

Comments: 28th March 2023

Just because many people walk round the park and then have coffee etc at the temporary cafe does not make it right. Using mental health as an argument for retaining it is irrelevant. Covid19 lockdowns are over (and if there were to be another, the cafe could not be used anyway!). The first cafe was actually outdoors and people enjoyed their coffee and cake sitting in the Pump Room colonnade. This did not compromise the Grade 1 listed building. The current structure was only erected after the lockdowns were almost over and, having discovered how lucrative coffee is, it is obvious the management is milking this cash cow for all it is worth. It is extraordinary that this third attempt to retain the temporary structure for another 20 months has been accepted by the council. Their own planning committee rejected the second application. This was on architectural and heritage grounds and this is how this new application should be judged.

Cleeve House
West Approach Drive
Cheltenham
Gloucestershire
GL52 3AD

Comments: 19th March 2023

We object on the following grounds:

Highways and traffic:

No attempt has been made to safeguard school children and young families when deliveries are made using West Approach Drive. Delivery vehicles backing up from the Evesham Road should always have a banksman because solely relying on rear-view cameras or mirrors is unsafe especially when children are around.

Historic building:

The Trust has proposed that it replaces the current white roof with clear plastic (their option 1). This will make little difference to the visible impact of the Orangery on the west façade of the Grade 1 Listed Pump Room. Option 2 also has a visible impact on the west façade due to the gable end (See Historic England submission).

General:

The Trust was given temporary permission for a temporary building during the Covid pandemic. They then applied for a further temporary permission to keep the structure for a further period which was turned down by the Council. They now appear to be filibustering to keep the Orangery for a further twenty months. In the past when ratepayers have attempted to cause visual impact on Grade 2 listed buildings the Council's Conservation team have been robust in preventing them doing so (see case of Richmond West Approach Drive Ref. No: 16/01269/FUL) . The Pump Room is a Grade 1 Listed Building and the Planning and Conservation Teams should enforce the decisions of the Council and have the structure dismantled.

Parkgate House
West Approach Drive
Cheltenham
Gloucestershire
GL52 3AD

Comments: 27th March 2023

This is the 3rd application Cheltenham Trust have been allowed to present for essentially the same building.

Is Cheltenham Trust relying on objection fatigue to bulldoze through planning.

1st application 21/02618/FUL withdrawn.

Cheltenham Trust covertly erected this building in October 21 at the end of the pandemic when it was not needed.

The Trust then applied a few weeks after its construction for this "temporary" building to be made permanent revealing true intentions.

Cheltenham Trust clearly wish to make money from visitors in the café/bar while restricting the interior of the Pump Room for occasional weddings and private events.

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Residents of Pittville who pass the Pump Room daily can testify to it being almost always empty with locked doors.

Confirmed by visitors reviews on TripAdvisor who complain they cannot gain entry to the building.

Second application 22/01439/FUL was refused in October 2022 but refusal never enforced and the café/bar allowed to continue trading over the last 6 months.

This third application has virtually the same building in 3 different locations.

Although the proposal says temporary I suggest that the Trust will try to keep this building in place as long as they can play the planning process.

Historic England in this application also makes the same point.

Option 1 which is the Trust's favoured and perhaps the only viable changes the white plastic roof for a clear plastic or ? glass one and alters the floor covering.

This would have a minimal effect on reducing the visual degradation of the West Colonnade.

All 39 objections from the last applications are therefore still applicable.

Historic England and Cheltenham Civic Societies damming criticism are in no way diminished by a clear polythene or glass roof.

The building is an environmental disaster and this change would make the building even more like a greenhouse requiring banks of air conditioners in summer and heaters in winter.

Option 2 rotates the building 90 degrees.

It appears to be about 1m from my house and therefore degrades the SW aspect of a grade 2 listed building and the Eastern aspect of all 4 Grade 2 classic Regency villas in West Approach Drive.

This was not even mentioned in the Heritage Statement.

The 4m high and 8m wide gable would also still cause severe visual detriment to the West aspect of the Pump Room.

I regularly record 70db of sound in my house from the present location so the noise pollution at this location for Parkgate and Chaseley Lodge is likely to be extreme.

SW of Parkgate a 4 m structure will cast shadow on my house and garden and the clear roof will cause severe light pollution in Winter 7 days per week starting at 6am for my rooms directly above the structure.

This option appears to obstruct both the park pedestrian and vehicle gates and prevents delivery vans, UBICO and emergency vehicles from going around the Pump Room and accessing the café at the playpark.

This structure built mainly of glass with a ? glass or plastic roof is beneath an enormous lime tree which regularly drops branches.

I think this poses a severe risk of injury or fatality to the customers or staff inside the Orangery in windy weather.

All the proposals are acquisitions of land not owned by Cheltenham Trust being permitted by Cheltenham Borough Council in a Grade 2 listed park.

The third option causes least visual damage being on the North side of the Pump Room which is its least attractive but along with the shipping container like toilet does block a large segment of the car park.

Mixing parking cars with pedestrians visiting the café also seems to be dangerous.

This option also places the building beneath 50 foot trees.

In summary all options should be refused and this temporary Covid structure which has already been in situ for 18 months instructed to stop trading and be removed immediately.

My grade 2 house adjacent to this structure was refused planning to change a Velux window on the roof into a dormer and I was informed that I could not change heritage glass in the windows.

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Cheltenham Trust are however permitted 3 attempts to get permission for a 1700sq ft Greenhouse to run as a pub between a Grade 2 villa and the Grade 1 listed Pump Room in Pittville's Central Conservation Area.

One rule it seems for Cheltenham Trust who are contracted by CBC to manage the Pump Room another for the rest of Cheltenham's resident and businesses.

Comments: 11th April 2023

I would be grateful if you could inform me when the planning committee meeting to decide on this Orangery is to take place.

As the buildings nearest neighbour I would like to speak at the meeting.

I object to the structure as you know from our correspondence to the previous application for this Orangery.

It surprises me we are here again !!

I would also be grateful to know if you are recommending refusal, as you did last time, or to support the application.

36 Windsor Street
Cheltenham
Gloucestershire
GL52 2DE

Comments: 22nd March 2023

Historic England have voiced my concerns.

Option 2 is the least objectionable.

A new roof is not the answer as the structure would still be there!

The current structure is not easily accessible for older/disabled/parents with buggies.

The CT claim the view of the park from the structure would be reduced if it were moved back. There is often very little view due to the CTs advertising banners obscuring the view.

Why cant the structure be moved right to the back of the car park?

The gates from West approach are currently locked so there is no issue with reducing access for vehicles which use the East Approach side.

The CT should be more responsible in its care of Cheltenham's heritage. It should be improving not detracting from the Pump Room. It seems the CT is driven by purely commercial concerns.

3 Castlefields Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YW

Comments: 19th March 2023

How is this still allowed? Something is not right

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

Comments: 25th March 2023

I object to this planning application.

I have no doubt that the cafe is a pleasant place to sit, drink coffee, and admire the Park, but it is not a 'lifeline for the community' as the Trust claims now that Covid days are over. In fact, local residents are impacted negatively by its existence.

There isn't a justification for having this cafe adjacent to the Pump Room. It ruins the integrity of this Grade 1 building in its setting, which is why the previous application was rejected.

Options 1 and 2 do little to mitigate the damaging effects, and I do not see how Option 3 is viable

This application is mostly about income generation for the Trust, and any strategy about caring for and promoting the Pump Room comes a very poor second.

5 Pilford Close
Cheltenham
Gloucestershire
GL53 9HA

Comments: 14th March 2023

Having objected to the previous application I see that nothing has really changed I would like to point out that the Pump rooms have a bar.

I wish to strongly object to the new proposal and ask that my comments are posted in the public comments related to the above application

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"

You should consider listening to the nearby residents who I know are opposed to this application, whilst visiting friends in West Approach Drive I have experienced beer

related problems such as rowdy, noisy behaviour and inconsiderate parking issues i.e. parked across my friends drive

20 Cakebridge Road
Cheltenham
Gloucestershire
GL52 3HJ

Comments: 10th March 2023

This temporary structure was allowed under Covid restrictions. These are now over and coffee outlets are plentiful and proliferating in Cheltenham.

I fail to see how this structure can be allowed in a Grade 2 listed park, next to a Grade 1 listed building, neighbouring an avenue of Grade 2 listed residences.

The restrictions on others are, rightly, severe. Why is this so different?

19 Redlands Drive
Southampton
SO19 7DA

Comments: 20th March 2023

I strongly object to the planning application (Revised Submission to 22/01439/FUL) to make alterations either to the roof or the precise location of the orangery for a 20 month period within the land adjacent to the national treasure that is the Pittville Pump Room in Cheltenham.

I have several reasons for my objection to this proposal.

1. This revision I find as a delaying tactic by The Cheltenham Trust following their failure to succeed in the previous planning application (22/10439/FUL). This previous application was rejected on the grounds that the orangery/café structure did material harm to the heritage of the Grade 1 listed site and this was not outweighed by the benefits that might accrue. The Trust, following this decision, should have complied by the law and removed the structure forthwith. What was the point of a planning application decision if that decision was ignored?

2. Since 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 associated toilets 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. This fundamental objection has been at the heart of all previous submissions of this proposal, see below. The option 1 of changing the roof to clear would make the eyesore even worse with every detail of the café clear for everyone to see.

3. None of the options proposed give due consideration to the residents and local community near to the Pump Room. 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 continue to 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.

4. This application continues a long series of repeated 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.

5. 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.

6. 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: 21st March 2023

The previous similar planning application had 38 letters of object compared to 11 supporting for Cheltenham Trusts proposal. Not taking into account Heritage and Conservations strong object among other consultee objections.

Cheltenham Trust has a general disregard for planning rules and their conduct is shameful. The central government rule for a pandemic temporary, moveable structure has been total abused and still remains operational even after refusal and the pandemic legislation has expired.

During this period of trading the structure has attracted crime to the area and has recently been broken into and vandalised.

Why has Cheltenham Borough council allowed trading to continue from a condemned site? Is there a conflict of interest between Cheltenham Borough council and Cheltenham Trust the operators of the Café within the structure.

All three proposals are harmful to the Grade 1 listed building and should be strongly refused.

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Option 1 - Putting a clear plastic roof does very little to the second planning application, it will only cause more light pollution. I have taken photograph evidence of this and forwarded it to the planning office.

Option 2 - Rotating the structure 90 degrees only puts the structure circa 1 meter closure to grade 2 listed residential homes that have already endured noise pollution from the 'temporary' café for several years already. There is also a safety issue of branches from nearby trees in this option that have been highlighted in the tree report.

Option 3 - The car park does not belong to Cheltenham Trust so how can this be an option? Currently the car park is normally full. This option will only reduce the capacity.

All the new proposal's yet again fails to meet the requirement of paragraph 194 of the NPPF and is detrimental to the grade 1 listed Pumproom one of Cheltenham most icon buildings.

As previously stated by many parties, If Cheltenham Trust wish to run a 3rd Café from Pittville Park why don't they utilise the room within the Pumproom. I walk passed this building everyday and the only time its busy is when there are special events in it like a wedding.

As a local SME owner I find it discussing that Cheltenham Trust appear to be given 'special' privileges to continue to run their café. Much smaller applications for erecting hospitality spaces have been refused and dismantled examples include 21/00583/FUL (a pergola near a grade 2 listed hotel) .

In summary I strongly object to planning application 23/00372/FUL. Cheltenham Trust should not be allowed to continue these delaying actions to keep the previously refused café. Cheltenham Borough council should start listening to the local residence and take action on removing this monstrosity without delay.

CLIFTON
PITTVILLE CIRCUS ROAD
CHELTENHAM
GL52 2QH

Comments: 22nd March 2023

I strongly object to the latest planning application 23/00372/FUL. Again the 3 options submitted are detrimental to not only the Grade 1 listed Pittville Pumprooms but also the nearby residential Grade 2 homes along West approach drive. The application neither conserves nor enhances the Grade 1 listed building.

The planning committee should take into account section 16 of the NPPF, regarding conserving and enhancing historical buildings.

By virtue of all 3 design options the scale, layout and form the proposal would lead to substantial harm to the significance of the listed building by detracting from its architectural and evidential value. The harm would not be outweighed by the public benefits.

The issue of noise must be taken into account. I regularly walk passed the structure and there is significant noise pollution- the structure acts as a drum amplifying the sound and has no soundproofing.

Option 2 rotating the structure 90 degrees puts the building closer to residential homes (grade 2 listed) I have a video of the amount of sound radiating from the structure, which I will forward, to the planning office.

As a local resident I am concerned with the way Cheltenham Borough Council have acted with this application. I would encourage an independent review into the case as the council have a vested financial interest with the application appointing Cheltenham Trust to manage the site. It amazes me that the structure still remained operational for nearly 6 months even after planning was originally refused however this is a licensing and trading standards matter.

The planning officer needs to highlight Cheltenham Plan Policy SL1 that 'states that development will only be permitted where it does not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality, with the same position also set out within the NPPF. This application clearly does. You only have to look at the substantial objections from the local residence.

The proposals also fails in Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, section SD8 - HISTORIC ENVIRONMENT and SD14 Health and Environmental quality.

In summary I object to all three options and I am shocked that EvanJones planning consultants have put their name on this application as it clearly lacks thought and viability. If Cheltenham Trust want to run a cafe it should be relocated to within the unutilized pumprooms and the structure removed without delay!

Fernmoor
Tommy Taylors Lane
Cheltenham
Gloucestershire
GL50 4NP

Comments: 29th March 2023

I object to this planning application.

The previous application for a temporary building to house a cafe adjacent to the west side of Pittville Pump Room for a period of two years was refused by Cheltenham BC in October 2022. The question is what is different about this application.

The Pump Room is Grade 1 listed and has for many decades been the image of the town of Cheltenham, even more so than the Cheltenham Festival. The Pump Room as noted in the applicants Heritage Statement has three important elevations. Para 35 states "These return elevations terminate linear views along East and West Approach Drives as part of a deliberate urban plan..." This is also evident from the plan relating to the particulars of sale of land in 1845 showing requirements for the spa approach drives, aligned on side elevations of the Pump Room, and adjacent plots of land. Para 36 states " symmetry plays a key part in the significance of the building in respect of the elevations,

composition, its plan form and circulation. The temporary building is detrimental to the Pump Room and the longer it stays there the more harm which is not justified under the requirements of the NPPF and Heritage England 'Temporary Structures in Historic Places' which points out that the length of time which a structure is erected is an important factor in assessing its impact.

It is clear from the Planning Statement that the Cheltenham Trust prefers Option 1 which is to leave the temporary building where it is but to substitute the white roof with a clear roof. In the opinion of Heritage England this does not reduce the harm as they are opposing Option 1 with which I agree.

I also oppose Option 2 on the grounds that it would still reduce views of the west elevation, reduce room for pedestrians entering and leaving the park by the pedestrian gate and make it difficult for emergency and maintenance vehicles arriving from the west along West Approach Drive. In the Planning Statement there are a list of other reasons given not to proceed with this option.

In the Planning Statement there is a programme for the delivery of the permanent solution for a cafe. The temporary building was erected in October 2021 and if the Cheltenham Trust are serious in finding a permanent solution then the process should have been started over a year ago. The process is programmed to start in Q2/Q3 (after this application has been determined) with procurement planned for Q2/Q3 2024 although there is no period programmed for construction.

In the Planning Statement, Para 5.20, it is stated that the Cheltenham Trust has an agreement to run and manage the Pump Room and gives a list of items for which it is responsible. However in Para 5.19 it is stated "...the continued running and maintenance of Pittville Pump Room is now heavily dependent on the income from the cafe". Referring to the Pittville Park Management Plan 2016 - 2026 (Jan. 2023 pg 48) the inspection and maintenance of the buildings in the park, which includes the Pump Room, is the responsibility of Cheltenham BC Property Department. This includes the structure, mechanical and electrical services and external elements. The future maintenance is not therefore dependent on the cafe. By the time this application is determined it will be spring/summer and the Cheltenham Trust can run the cafe under the colonnade of the Pump Room as they did before the temporary structure.

I supported the idea of a cafe at the Pump Room before it was opened but this temporary building is not the right solution and the longer it stays the more harm it causes to the Grade 1 listed Pump Room. There is no further merit in this application than the one previously submitted and rejected. It would therefore be perverse if the planning committee did not reject this application.

Comments by *****

Fernmoor, Tommy Taylors Lane, Cheltenham, GL50 4 NP

Date 28 March 2023.

90 Linden Avenue
Prestbury
Cheltenham
Gloucestershire
GL52 3DS

Comments: 13th March 2023

Dear Sir,

I would like to strongly object to the proposal for the orangery structure to remain as a cafe and ancillary toilets at Pittville Pump Room. It's an eyesore against the Pump Room, as well as encouraging rubbish and vandalism. Pittville Park is already served very well by another two cafes and this is completely unnecessary. I did not object to there being tables and chairs outside the Pump Room before the construction of the orangery, but this building should not be allowed to remain.

Parkgate House
West Approach Drive
Cheltenham
Gloucestershire
GL52 3AD

Comments: 27th March 2023 It is quite audacious of the cafe owners to re-apply for planning permission, with what is no more than a tweak to the original, dismissed planning application and expect to have it approved. The denial of the original planning application should have been adequate to all concerned parties.

The original objections still stand. The existence of the cafe, at that site, is an eyesore and does nothing to add value or support to the Pump Room. The structure was only supposed to be temporary and this new application, should it be approved, would be a slap in the face to all those that objected in the first place and continue to object. The cafe owners have yet to convincingly justify why the cafe should continue to stand. It is a farce to continue with this process, wasting Council time, money and resources that could be better utilised elsewhere.

157 Gloucester Road
Cheltenham
Gloucestershire
GL51 8NQ

Comments: 27th March 2023

My main objections to the planning application 22/01439/FUL are as follows:

The visual impact of such a tented orangery structure so near the Grade I listed Pump Room is unacceptable. In whatever shape or form, it obscures the building and detracts from the context of the Pump Room at the top of the park. (It also puts the Green Flag status of the park at severe risk.)

There is no need to add a tented structure to this site when we already have a usable catering amenity in the form of the Pump Room - it is what it was built for in the 1820s.

I question the environmental sustainability of such a structure, which would require heating for most of the year.

By allowing the Cheltenham Trust to put their extraneous cabins, etc. in the car park at the back (council-owned land), the CBC would appear to be condoning the destruction of a visual amenity (it is still a Grade I listed building from whatever angle you look at it), and the subsequent reduction in parking spaces would be limiting for visitors.

I am concerned that the neighbours should have to continue suffering the noise and light pollution from this unnecessary, additional amenity.

19 Linden Avenue
Prestbury
Cheltenham
Gloucestershire
GL52 3DW

Comments: 28th March 2023

I wish to OBJECT to this planning application for the following reasons.

I cannot understand why this structure originally constructed to facilitate Covid rules can now be modified to a permanent structure. There is adequate room within the pump room to accommodate a 'cafe' facility and utilising that space would reduce the energy requirements for heating, lighting and other power requirements.

Having witnessed and experienced personally the facilities for disabled and older people are far from adequate.

There are two other cafes in Pittville park that can be used by the public and offer pleasant surroundings.

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

Comments: 26th March 2023

Did Cheltenham Trust not understand the severe criticism by Historic England and Cheltenham Civic Society related to the previous application 23/00372/FUL, indicating that this building is damaging and not applicable in the curtilage of the Pump Room. In what way does changing the colour of the roof from white to clear plastic prevent the degradation of the West Colonnade.

This is a minor alteration to a structure that obscures and defaces the western aspect of the building and blights the avenue of four Grade II listed villas in West Approach Drive.

Most visitors to the Pump Room arrive by car and their first view approaching Cheltenham's iconic building from the west is a glasshouse, which is already becoming dilapidated with a set of bins and catering trolleys beside it. It continually has illegal advertising signs on the south and west decking about which CBC are aware of, but take no action. Is the heading temporary equally believable and likely to be enforced in the same way?

Option two rotates the café/pub 90 degrees and removes the decking. In addition to still obscuring a large part of the West Colonnade with the ugly cable of the greenhouse, this places the prefab a few metres away from a Grade II listed house and Chaseley Lodge. Obviously not an important consideration for Cheltenham Trust, as it was not even mentioned in the Heritage Statement. This position blights the SW aspect of the Grade II villa that is Parkgate, and the view of the other three Grade II villas along this road, which is at the heart of the Pittville's Central Conservation area. As the tree officer states this option places the glass building under an enormous lime tree, clearly a well thought out plan.

The third option moves the building to the car park so it is visually less damaging, but will obstruct a large part of car park and create a lot of noise close the houses in Walnut Close. Why is the previous application, which was refused six months ago, not being enforced and why is Cheltenham Trust who are under contract to CBC being allowed to present yet another plan; their favourite option one being a simple change of roof colour.

This feels like an abuse of the planning system.

As many observers including Historic England have commented before, if Cheltenham Trust wish to have a café/pub, then they can move it into the vast space inside the Pump Room which is almost always empty and inaccessible to visitors as comments in TripAdvisor show.

82 Evesham Road
Cheltenham
Gloucestershire
GL52 2AH

Comments: 24th March 2023

I object.

This application does not enhance the area. All three proposals would lead to harm to the listed building - the Pump Room.

The Cheltenham Trust present themselves as a charity acting in the public interest yet act as an unscrupulous profit-seeking organisation, e.g. the advertising banners which obscure views of the listed building.

The café was allowed on a temporary basis during the pandemic restrictions. Now we are living in a different time. Any café should be within the building - which appears to have very little use most of the time.

The Cheltenham Trust appear to be just playing for time following rejection of the previous application.

As for the Trust's financial submission - I find it misleading and disingenuous - the Trust does not pay any maintenance costs for the Pump Room so there is no contribution to the building from the café.

This proposal should be rejected and the Cafe should be relocated inside the building.

8 Lourdes Manor Close
Sellindge
Kent
TN25 6BU.

Comments: 27th March 2023

Comment for this planning application (objection):

Cheltenham Trust are quite happy to have a café inside the Pump Room in race week; they were plugging it heavily on Instagram, but for the rest of the year they wish to restrict access by the general public to the building while making money from visitors by selling them food and drink in this prefab glasshouse.

Few if any of the objections in the last 2 planning applications were only critical of the roof colour so why can The Trust apply for yet another application with a minor alteration to the roof.

Are we going to go through the whole Dulux colour chart of roof colours if this 3rd application is turned down.

Rather than appealing the last application that was refused in October and would surely be refused again they have tweaked the roof colour and applied for a new planning application.

Options 2 and 3 place a prefab glass building underneath very tall trees.
Safety of the public and staff clearly not a consideration.

Visual damage to an Avenue of Grade 2 houses in option 2 in addition to continuing visual damage to the West Colonnade not considered relevant ?

This feels like playing the planning system which is being permitted by CBC who contract Cheltenham Trust to manage the Pump Room.

The Deco Heritage café (? Regency Connection) was advertising its services in February for the King's Coronation in May.

On Instagram Cheltenham Trust are now advertising the cafe for Retro Americana in June despite the last planning application being refused in October 22.

Is Cheltenham Trust privy to information from CBC not revealed to the rest of us ?

8 Church Road
St Marks
Cheltenham
Gloucestershire
GL51 7AH

Comments: 28th March 2023

I strongly support the planning application. Pittville Pump Room was originally built as a commercial venture (not as a museum piece) and to survive it must remain commercial. The Heritage Cafe is key to its continuing commercial viability. If the Pump Room cannot be commercially viable, it will become a burden on Council Tax payers, at a time when government funding for local authorities continues to erode. The financial viability of the Pump Room was problematic for decades. The logic of the Borough Council transferring responsibility for running the Pump Room to the Cheltenham Trust was that the Trust would run it as a business. If the Borough refuses this application, it will have to decide how it will make up the shortfall in the Trust's income to compensate, and how to compensate any workers at the Cafe made redundant.

It's all very well for people to complain about the aesthetics, but they don't pay the bills for the upkeep of the building.

Cheltenham should be a living town, not a museum.

Municipal Offices
Cheltenham Borough Council
Promenade Cheltenham
Gloucestershire
GL50 9SA

Comments: 14th March 2023

As a visitor from Los Angeles, California, I was disgusted by this carbuncle beside the elegant Regency building. Such an eyesore.

As I am familiar with Hollywood's site selection processes, I can say without fear of contradiction that no self respecting film studio would ever contemplate using the Pump Room for it's productions.

Quietways, The Highlands
Painswick, Gloucestershire
GL6 6SL

Comments: 21st March 2023

The pump rooms are architecturally and historically part of Cheltenham and whereas it was probably financially a good idea during covid times to erect a portable outside space, we are now past those times.

If the Pump Rooms need further accommodation it should be something that does not destroy the integrity and originality of the existing building, which the current temporary structure does. It is an eyesore and should be permanently removed.

Allotts Cottage
Holland Fen
LN4 4QQ

Comments: 26th March 2023

Why this construct is still being considered is beyond belief. Is this not the third / fourth planning application that's been made and why has the "greenhouse", if you can even call it that, not been taken down already? The council are not doing enough, they're clearly in favour of the applicant and I suspect they're trying to profit from it. Completely absurd and zero consideration is being given to the local residents who have to live with the disruption it is causing to their daily lives. It has already taken a significant toll on my parents who live within a few feet and I shall be taking more serious steps should this circus continue.

42 Clarence Square
Cheltenham
Glos
GL50 4JP

Comments: 29th March 2023

Comments: Objection to Planning Application 23/00372/FUL

submitted by on, Chair, Pittville Pump Room Revival

Pittville Pump Room Revival (PPRR) is a Cheltenham Borough Council (CBC) registered 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.

It was PPRR that first drew attention to the formal consultee role of Historic England in planning applications made about change of use of land or property within the curtilage of the Grade 1 listed building which is Pittville Pump Room. This discovery appeared to be unbeknown to the Trust and affected its failure to secure planning permission for the café, portable loos and storage container once Historic England had been correctly consulted (Ref. No: 21/02618/FUL Withdrawn; Ref. No: 21/02560/FUL Withdrawn; Ref. No: 22/01439/FUL Refused).

Historically, none of the other buildings adjacent to the Pump Room was ever placed in front of the three important elevations - east, west and south - recognised in the heritage statement submitted with this planning application, except for the 1900 bandstand, which was quickly removed, and temporary Nissen huts erected on the lawn during WW2. Furthermore, having been a member of the National Trust (NT) for around 40 years, one of our committee members has never seen a temporary cafe in front of an important elevation of a Grade 1 listed building. The NT relies on sales from its cafes and shops as does The Cheltenham Trust but ensures it positions cafes at the rear of buildings, in a separate location or in a courtyard.

As a result of the withdrawals and refusal to grant permission now that the temporary structure pandemic planning relaxation has been extended, then ended in September 2022, the Trust is set to lose the café facility. Rather than moving the café offering into the Pump Room, as in many other spa towns, at either ground or first floor levels, the charity has been allowed to submit yet another application. Why has a permanent solution not been progressed from Q2 2022. A year has been wasted.

This application, as submitted, does not propose a considered or costed plan for progress but instead three options. Two can, at best, be described as gesturing - change roof colour and material of existing temporary structure, and the angle that the structure interferes with views of, and from, the Pump Room. The third option may be economically unviable, requiring significant investment to build a permanent structure at the back of the Pump Room in a restricted space car park.

None of the options does anything to restore our confidence in managing and developing the only remaining Pump Room in Cheltenham. With less than two years of its original contract with the Borough Council to run, the Trust still does not understand why it should cease to run an off-the-shelf prefabricated structure, to damage the views to and from Cheltenham's most historic Grade 1 listed building.

We see the current planning application as an attempt to by-pass Historic England listing marks designed, implemented and enforced by local authorities to celebrate a building's special architectural and historic interest so that it can be protected for future generations.

In the last two months, CBC has agreed that the Cheltenham Civic Society, another voluntary body in the town, should be responsible for designing a Cheltenham Heritage Strategy. With input from voluntary groups, the council itself, Historic England and other bodies, stakeholders hope to remove the opportunity for inappropriate development such as that facing Pittville Pump Room.

We have never opposed a cafe at the Pump Room. In fact, it was PPRR which suggested and encouraged The Trust to open a cafe inside the Pump Room for the community and visitors. What we object to is an inappropriate temporary structure blocking the view of an important elevation of one of the most significant Grade 1 listed buildings in Cheltenham... and the upper floor of the Pump Room totally devoted to offices and meeting rooms for Trust employees.

PPRR wants to see a permanent solution to housing a cafe in the Pump Room, as an extension, or in an appropriate position close by. PPRR has offered, along with other local heritage groups, such as the Civic Society, to help the Trust with a solution. It is disappointing that progress has not been made in finding a permanent solution since spring 2022.

PPRR fully understands that The Cheltenham Trust must raise money to support the running of facilities in the town. However, the Trust leases the Pump Room from the Council which maintains the building structure and other essential elements. The Planning Statement tries to give the impression that the Trust pays for the full maintenance of the Pump Room. It does not, CBC does. We believe there is a degree of

smoke and mirrors to be found in this planning application which will further hinder good decision making by the planning team.

Chair, Pittville Pump Room Revival
c/o 42 Clarence Square, Cheltenham GL50 4JP

89 Welland Lodge Road
Cheltenham
Gloucestershire
GL52 3HH

Comments: 26th March 2023

I strongly oppose opponents to this planning application (I support the Trust's planning submission).

The park exists to be enjoyed by Cheltenham's residents and visitors - and the cafe's situation clearly enhances this.

Claims about noise pollution emanating from the site are irrelevant. If the cafe was open for dinner in the evenings, I would sympathise, but since the cafe is only open between 9:30am and 4:30pm, noise pollution is not a reasonable factor in determining this application.

Cheltenham Trust has gone to great lengths to install a structure that is sympathetic to its surroundings. It is evidently not the carbunculus building that several commentators have claimed, and, given that it is to the side of the pump rooms, it has minimal impact to the listed building. The application to install a transparent roof further mitigates the visual impact of the structure.

The Trust has also provided an adequate explanation for why the cafe cannot move into the Pump Rooms. The regular functions in the hall would make the cafe impossible to run.

Denial of this planning application, forcing the cafe to close, would deprive residents and visitors of a valuable community asset for no purpose other than to satisfy a tiny number of NIMBYs.

Quietways
The Highlands
Painswick
GL6 6SL

Comments: 20th March 2023
The Pump Rooms are an important landmark in Cheltenham and this proposal will ruin the perception of the building and the site overall.

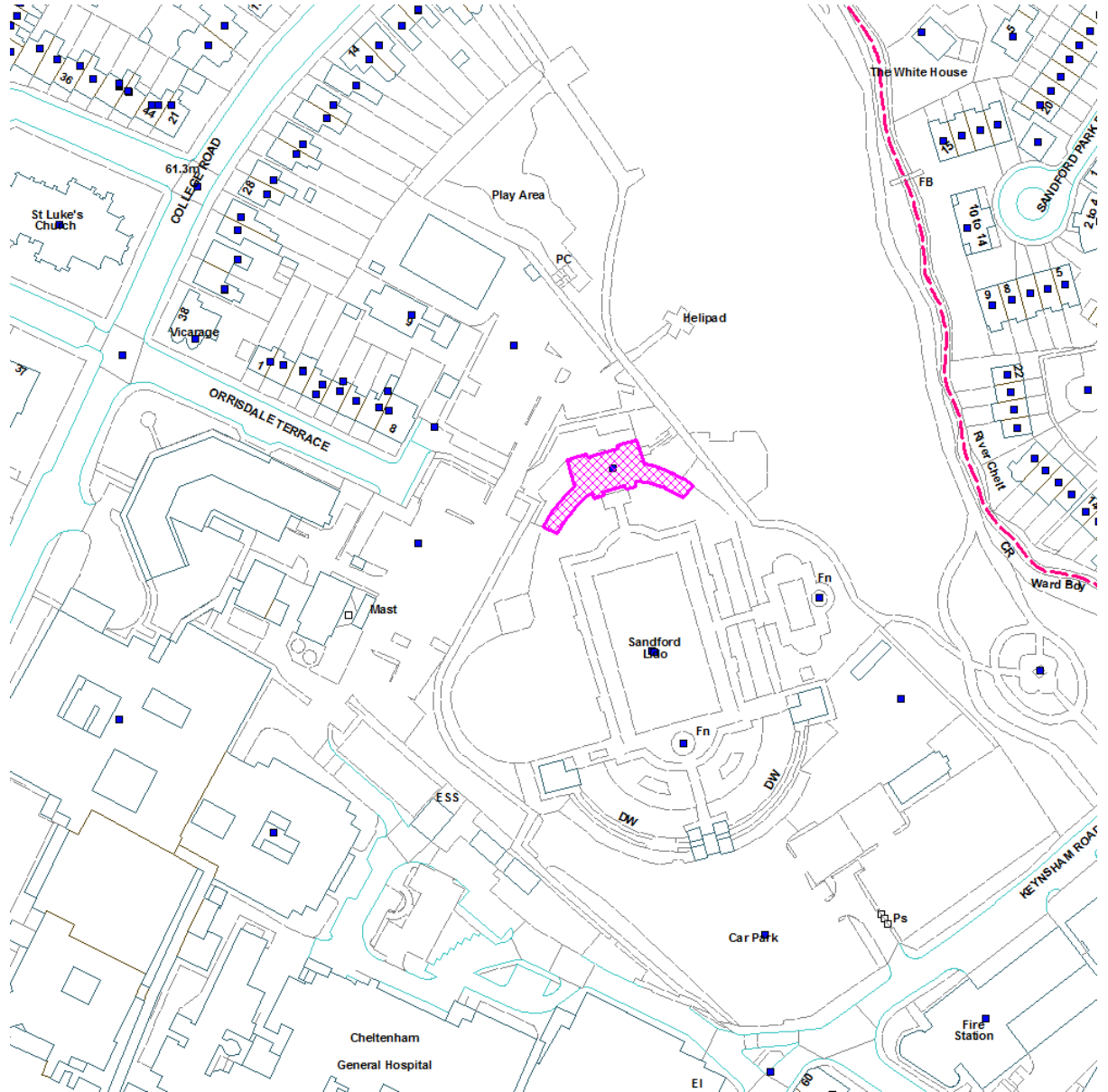
A horrible idea, do not allow this application to proceed.

Planning Committee Officer Report

This listed building consent application is required to be considered at Planning Committee because as a Council owned building it falls outside the agreed criteria for officer delegation.

APPLICATION NO: 23/00382/LBC		OFFICER: Mr Chris Morris	
DATE REGISTERED: 8th March 2023		DATE OF EXPIRY: 3rd May 2023	
DATE VALIDATED: 8th March 2023		DATE OF SITE VISIT:	
WARD: College		PARISH:	
APPLICANT:	Mr J Berry		
AGENT:	SF Planning Limited		
LOCATION:	Sandford Lido Keynsham Road Cheltenham		
PROPOSAL:	The reinstatement of a short section of an existing wall in the cafe building in line with the original design		

RECOMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site contains Sandford Lido, Keynsham Road a grade II listed. Sandford Lido is comprised of a number of buildings including cafe building, which is subject to the proposed works.
- 1.2 The list description describes it as a lido constructed in 1934-1938 to the designs of G Gould Marsland for Cheltenham Borough Council in consultation with Edward White.
- 1.3 It is complete with all key ancillary buildings including an entrance block, detached changing wings and shower blocks, sun decks, cafe with terraces and plant house. The children's pool and changing rooms have been altered and refurbished in the late-C20 and C21, and the pool refurbished and strengthened in 2006.
- 1.4 The proposed works are for the reinstatement of a short section of an existing wall in the cafe building in line with the original design.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Flood Zone 2
Listed Buildings Grade 2
Local Listing
Principal Urban Area
Smoke Control Order

Relevant Planning History:

18/00926/PREAPP 3rd July 2018 CLO

Alterations and extension to existing changing facilities

19/01983/PREAPP 23rd October 2019 CLO

Various works - change doors to offices, re tile childrens pool and changes to boilers

01/00489/ADV 29th May 2001 GRANT

Repositioning of existing sign

85/01028/PF 24th October 1985 PER

Sandford Lido Overflow Car Park Cheltenham Gloucestershire - Alterations To Form Picnic Area/Play Area

And Use Of Part Area For Roller Skating

87/01250/AN 17th December 1987 REF

Cheltenham Swimming Pool Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

87/01490/PF 25th February 1988 REF

Sandford Park/College Road Cheltenham Gloucestershire - Relocation Of Existing 2.4m High Security Fence And Re-Alignment Of Existing Footpath

89/01328/PF 23rd November 1989 WDN

Re-Location Of 2.4m High Security Fence And Re-Alignment Of Footpath

96/00749/CD 17th October 1996 WDN

Removal Of Iron Railings On Section Of North East Boundary

98/01109/PF 10th December 1998 PER

Erection Of A Health And Fitness Studio With Associated Car Parking.

99/00187/AN 22nd April 1999 PER

Display Of 3 No. Non-Illuminated Advertisement Signs

09/00116/CONF 31st March 2009 CONFIR

Confirmation of Tree Preservation Order 662: 1 x Cedar and 1 x Lime

09/00408/CACN 20th April 2009 NOOBJ

All priority 1 and 2 works as per Tree Report dated February 2009 - please view application online for full details

10/01984/CACN 11th January 2011 NOOBJ

1) Silver Birch T8 - remove. 2) Sycamore T11 - fell. 3) Willow T36 - pollard

11/01860/CACN 23rd December 2011 NOOBJ

Various tree works as per work specification and plan received and dated 20th December 2011

13/00339/CACN 3rd April 2013 NOOBJ

Various tree works-according to plan and schedule submitted

13/00340/TPO 7th March 2013 NOTREQ

Lime Tree T31 - removal of major deadwood

13/01359/CACN 5th August 2013 NOOBJ

Five Day Notice for felling: 3 Yew trees within carpark of adjacent gym - fell

15/00706/CACN 23rd April 2015 NOOBJ

Permission works on trees 15,16,29,50,51,52

18/00607/CACN 27th March 2018 NOOBJ

Tree surgery and felling within Sandford Parks Lido as per TreeKing Consulting report of March 2018

18/02054/FUL 28th November 2018 PER

Installation of a mobile sauna (retrospective)

19/00865/CACN 7th May 2019 NOOBJ

Various tree works- as per survey submitted with application

19/00911/TPO 7th May 2019 PER

T28-cedar-formative pruning as specified in tba report attached

19/02122/LBC 9th December 2019 GRANT

Replace PVC liner to small children's swimming pool with tiles.

19/02430/LBC 21st February 2020 GRANT

Minor internal alterations to the cafe foyer and servery entrance within the existing building.

19/02438/FUL 27th February 2020 PER

Siting of a Portakabin to be used as an office, including welfare facilities.

19/02438/LBC 27th February 2020 GRANT

Siting of a Portakabin to be used as an office, including welfare facilities.

20/02252/CACN 18th December 2020 NOOBJ

Works outlined in Tree Survey attached-all priority 2+3 works recommended

21/02667/CACN 7th December 2021 NOTREQ

Various Tree Works Detailed In Arboricultural Report

22/02047/CACN 2nd December 2022 NOOBJ

"T5" - Lime - remove deadwood >3cm from above path "T9" - Copper Beech - remove branch with brace (+brace)

23/00479/FUL 19th May 2023 PER

Installation of Solar PV Panels

23/00479/LBC 19th May 2023 GRANT

Installation of Solar PV Panels

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

Adopted Cheltenham Plan Policies

Adopted Joint Core Strategy Policies

SD8 Historic Environment

Supplementary Planning Guidance/Documents

Other

4. CONSULTATIONS

Building Control

25th April 2023 - The application may require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 An advertisement was placed in the Gloucestershire Echo and a site notice was erected near the site.
- 5.2 No comments were received as a result of consultation.

6. OFFICER COMMENTS

- 6.1 Given the sensitivity of the site as a grade II listed building, regard needs to be given to the legal and policy context as it applies to heritage assets.
- 6.2 The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990 of which para 72(1) states, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and para 16(2), 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.
- 6.3 A core principle of the National Planning Policy Framework 2021 (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 shall be considered.
- 6.4 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.
- 6.5 The proposed works block up an existing modern opening to reinstate a short section of the existing internal wall between the service room and the Park Café in the cafe building. It results in the restoration of the historic floorplan.
- 6.6 The proposed works are therefore considered to sustain and enhance the listed building and give great weight to the asset's conservation. The proposed works comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16

7. CONCLUSION AND RECOMMENDATION

7.1 It is recommended the proposal be granted consent with the following conditions:

8. CONDITIONS / INFORMATIVES

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

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3 All disturbed surfaces shall be made good using materials to match the existing materials, composition, form, finish and colour of the existing building.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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

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REPORT OF THE HEAD OF PLANNING ON PLANNING APPEALS

OVERVIEW

The purpose of this report is to provide Members of the Planning Committee with an overview of all planning appeals that have been received by the Council since the previous meeting of the Planning Committee. It further provides information on appeals that are being processed with the Planning Inspectorate and decisions that have been received.

RECOMMENDATION

To note the contents of the report.

Appeals Received

May/June 2023

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Land Adjacent To Oakhurst Rise Cheltenham Gloucestershire	Outline application for residential development of 25 dwellings - access, layout and scale not reserved for subsequent approval	Committee Decision	Written Reps	n/a	22/00112/OUT
4 Dymock Walk	Application for prior approval for the construction of one additional storey atop the existing dwelling (increase in height of 2.13 metres)	Delegated Decision	Written Representation (Householder)	n/a	22/02075/PRIOR

201 Gloucester Road	Installation of raised, split level patio area with boundary treatments (Retrospective).	Delegated Decision	Written representation	n/a	22/01964/FUL
4 Red Rower Close	Two storey and single storey extension to the front and loft extension and dormer	Delegated Decision	Written representation (Householder)	n/a	23/00361/FUL
Telecommunications Mast And Cabinet CLM24981 Princess Elizabeth Way	Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets	Delegated Decision	Written representation	n/a	22/01937/PRIOR
6 Marsh Lane	Change of use from a single dwelling (Class C3) to a four bed House in Multiple Occupation (HMO) (Class C4)	Delegated Decision	Written representation	n/a	22/01864/COU

Appeals being processed

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Land at Shurdington Rd	Full planning application for residential development comprising 350 dwellings, open space, cycleways, footpaths, landscaping, access roads and other	Committee Decision	Written Representation (New procedure Change now a hearing date is 4th July 2023)	Not Decided	Planning ref: 20/01788/FUL Appeal ref: 23/00005/PP1

101 Ryeworth Road	Erection of two storey and single storey rear extensions and single storey front extension.	Non-Determination	Written Representation	Not Decided	Planning ref: 22/01162/FUL Appeal Ref: 23/00006/PP2
129 – 133 Promenade	Retention of existing temporary marquees at 125, 127, 129, 131 further two year period and 133 Promenade, Cheltenham for a	Committee Decision	Written representation	Not Decided	Planning ref: 22/01373/FUL Appeal Ref: 23/00007/PP1
St Edmunds, Sandy Lane Road	Conversion and extension of an existing coach house/garage to a single dwelling with new access off Sandy	Delegated Decision	Written representation	Not Decided	Planning ref: 22/02064/FUL Appeal Ref: 23/00008/PP1
8 Imperial Square	Proposed change of use from C3 (dwelling house) to mixed use of C1 (hotel) and E (bar and restaurant).	Delegated Decision	Written representation	Not Decided	Planning ref: 22/00334/COU Appeal ref: 23/00009/PP3

<p>Land Adjoining Leckhampton Farm Court Farm Lane Leckhampton Cheltenham Gloucestershire</p>	<p>Residential development of 30 no. dwellings (Class C3); vehicular, pedestrian and cycle access from Church Road; pedestrian and cycle access from Farm Lane; highways improvement works; public open space, landscaping, orchard planting and children's play space; surface water attenuation and other associated works</p>	<p>Delegated Decision</p>	<p>Appeal Hearing (Date of hearing 18th July 2023 (rescheduled for 12th July 2023))</p>	<p>Not Decided</p>	<p>Planning Ref: 21/02750/FUL Appeal Ref:</p>
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28 Westdown Gardens	Erection of detached garage (revised scheme to ref: 21/01789/FUL)	Delegated Decision	Written Representations Householder Appeal	Not Decided	Planning ref: 22/01679/FUL Appeal ref: 23/00012/PP1
o/s 195 High Street Cheltenham	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s)	Delegated Decision	Written Representations	Not Decided	Planning Ref: 22/00328/ADV and FUL Appeal Ref: 23/00013/PP1 23/00014/ADV1
o/s 23 and 23 A Pittville Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens,	Delegated Decision	Written representations	Not Decided	Planning ref: 22/00326/ADV and FUL Appeal Ref: 23/00015/PP1 23/00016/ADV1
53 Alstone Lane	Erection of a single storey dwelling on land to rear of the existing property	Delegated Decision	Written representations	Not Decided	Planning ref: 22/02201/FUL Appeal ref: 23/00017/PP1

Telecommunications Mast And Cabinet CLM26321 Glenfall Way	Proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets	Delegated Decision	Written Representations	Not Decided	Planning ref: 22/02190/PRIOR Appeal Ref: 23/00018/PP1

Appeals Decided

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Adey Innovation Ltd Gloucester Road	Demolition of the existing office building and erection of a 66 bedroom care home for older people (Use Class C2) including associated access, parking and landscaping.	Delegated Decision	Appeal Hearing (25.01.23)	Appeal Allowed	Planning ref: 21/02700/FUL Appeal Ref: 22/00027/PP1
The Hayloft The Reddings	Conversion of the existing dwellinghouse into 9 self-contained apartments, and associated works	Committee Decision	Written Representation	Appeal Allowed	Planning ref: 22/00749/FUL Appeal Ref: 22/00028/PP1

159 High Street	Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street	Delegated Decision	Written Representation	Appeal A and Appeal B Dismissed	Planning ref: 22/00322/ADV and FUL Appeal ref:22/00021/PP1 and 22/00022/ADV1
3 Apple Close, Prestbury	Replacement of existing conservatory with single storey rear extension. Increase in ridge height to facilitate loft conversion with rear dormer.	Delegated Decision	Written Representation	Appeal Allowed	Planning ref: 22/01145/FUL Appeal Ref: 23/00003/PP1
37 Market Street	Proposed side and rear extensions (revised scheme following refusal of application ref. 21/02361/FUL	Committee Decision	Written representations	Appeal Allowed Appeal Costs (Allowed)	Planning Ref: 22/00708/FUL Appeal Ref: 23/00004/PP1

Brecon House Charlton Hill Cheltenham Gloucestershire GL53 9NE	Construction of a paragraph 80 dwelling, estate management building, and associated landscaping, ecology enhancements,	Committee Decision	Appeal Hearing (date 22/03/23)	Appeal Hearing Dismissed	Planning ref: 21/02755/FUL Appeal ref: 23/00001/PP1
30 St Georges Place	Conversion to form 7no. dwellings, together with extensions and construction of new mansard roof	Delegated Decision	Written representations	Appeal Allowed	Planning ref: 22/00839/FUL appeal ref: 23/00002/PP1
10 Suffolk Road	First floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom (revised scheme 22/00966/FUL)	Delegated Decision	Written Representations Householder Appeal	Appeal Dismissed	Planning ref: 22/01340/FUL Appeal ref: 23/00011/PP1

Authorised By: Mike Holmes 6th June 2023

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Appeal Decision

Site visit made on 15 May 2023

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/B1605/D/22/3311529

10 Suffolk Road, Cheltenham, Gloucestershire GL50 2AQ

- 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 Mohammed Uddin against the decision of Cheltenham Borough Council.
 - The application Ref 22/01340/FUL, dated 23 July 2022, was refused by notice dated 4 November 2022.
 - The development proposed is described as a 'first floor extension at rear of 10 Suffolk Road on top of existing kitchen roof, comprising of 1 new bedroom and ensuite bathroom'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted with the appeal. These plans¹ show a reduction in the size of the first-floor extension. An amended access to the new first floor bedroom is also provided, along with a ground floor toilet cubicle extending to the rear. In addition, the air conditioning units on the ground floor roof are repositioned.
3. I have considered the revised plans under the principles established by the Courts in Wheatcroft². Given the number of changes to the scheme, to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore considered the appeal on the basis of the originally submitted plans consulted upon by the Council.
4. The first refusal reason makes reference to the Lower High Street character area of the Central Conservation Area. The Council have confirmed that this is an error, and that the appeal property is located within the Suffolks Character area.

Main Issues

5. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the existing building, terrace and the Central Conservation Area (CA); and

¹ Plan number : 10SR-v2.0 Appeal dated 20 Nov 2022

² Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

- the effect of the proposed development on the living conditions of neighbouring occupiers with specific regard to light and noise.

Reasons

Character and Appearance

6. The appeal site, a two storey mid terrace building made up of commercial on the ground floor with residential above, is located within the Suffolk character area of the Central CA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. The Suffolks Character Area Appraisal and Management Plan (2208) (CCAMP) sets out that the Central CA includes the whole of Cheltenham's town centre, most of the Victorian, Edwardian and some of the later 20th century suburbs of the most complete Regency town in England. The Suffolks Character area incorporates a distinctive mix of quiet residential streets and bustling retail areas. The built form of the streets and the individual buildings on these roads, together with their uses, largely contributes to the overall character and appearance of the Suffolks and provides its distinctive identity.
8. The CAAAMP identifies the appeal site and the terrace to which it relates as key unlisted buildings and the as such the appeal site and the terrace are locally listed. This is due to their high quality original architecture. No 10 has been previously extended to the rear³ and the rear of the terrace has in general been subject to a number of alterations and extensions.
9. The proposed extension would extend the first floor match the depth of the ground floor projection. This would result in a substantial projection and depth at two storey level that would dominate and overwhelm the original property. In addition, the steps to the rear which would provide the access to the additional bedroom, are of a substantial solid design that would detract from the original rear elevation. I acknowledge that these would replace existing steps, but the spiral open design of the existing steps has a limited visual impact.
10. The rear of the terrace is visible from a rear access way, in addition to surrounding buildings. Whilst the original historic architectural form of the terrace has been somewhat compromised by existing alterations, I consider that it is important to the area's character to avoid further alterations that would be disproportionate in scale to, and out of keeping in design with, the original terrace.
11. For the above reasons, I therefore find that the proposed development would detract from the character and appearance of the existing building and terrace and would neither preserve nor enhance the character or appearance of the Central CA. The proposal therefore conflicts with those aims of Policy D1 of the Cheltenham Plan 2020 (CP) which, along with Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 2017, seek to avoid causing harm to the architectural integrity of the building or group of buildings, and require development to preserves or enhances the character and appearance of the CA. There is also conflict with the advice set

³ Application reference 09/01396/FUL

out in the Supplementary Planning Document 'residential alterations and extensions' 2008 which sets out that an extension should not dominate or detract from the original building but play a 'supporting role'. These policies and this guidance are in broad conformity with the high quality design objectives of the National Planning Policy Framework (the Framework).

Living Conditions

12. Whilst the proposed extension would be attached to and project beyond the rear elevation of No 8 at first floor level to match the existing ground floor projection, this projection would be limited in scale. As such, any impact upon outlook from the rear facing windows of No 8 or from its balcony or garden space would also be limited. Moreover, given the orientation of the extension to No 8, it is unlikely that the proposal would result in a loss of light or sunlight to the rear facing windows, balcony or the garden to this property to a degree that would make the room these windows serve and outdoor space less pleasant to use.
13. The plans show that the existing air conditioning (AC) units would be relocated from near the centre of the roof to adjacent to the boundary with No 12, next to the existing extractor vent pipe. I observed that there are two existing AC units attached to the rear elevation of No 12. In this context, were I minded allowing the appeal, a condition to secure suitable details of sound insulation would ensure that the AC units do not result in unacceptable noise impact upon No 12.
14. I therefore conclude that the proposed development would not harm the living conditions of neighbouring occupiers, with regard to light and noise. Accordingly, I find no conflict with the protection of amenity goals of CP Policy SL1, CS Policy SD14 and the Framework.

Conclusion

15. The proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above and having had regard to all other matters raised, the appeal is therefore dismissed.

B Phillips

INSPECTOR

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Appeal Decision

Site visit made on 20 March 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/B1605/W/22/3311119

30 St. Georges Place, Gloucestershire, Cheltenham, GL50 3JZ

- 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 Property V Development Ltd (Dr G Swinburne) against the decision of Cheltenham Borough Council.
 - The application Ref 22/00839/FUL, dated 4 May 2022, was refused by notice dated 18 October 2022.
 - The development proposed is described as 'conversion to form 7 dwellings together with extensions and construction of new mansard roof (partial alternative scheme to granted prior approval).'
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Decision

1. The appeal is allowed and planning permission is granted for the conversion to form 7 dwellings together with extensions and construction of new mansard roof at 30 St. Georges Place, Gloucestershire, Cheltenham, GL50 3JZ in accordance with the terms of the application, Ref 22/00839/FUL, dated 4 May 2022, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are a) whether the proposed development constitutes good design; and b) the effect of the proposal on the Council's energy and carbon reduction targets.

Reasons

Design

3. The appeal building is an end of terrace building located on the corner of St George's Place and Chester Walk. The site is bound by adjoining buildings to the north, highways to the south and west and a private car park to the east. The proposed development would extend the existing building and introduce windows to its rear elevation.
4. The Council's main concern relates to the introduction of four windows overlooking an area of land outside the appellants ownership. In the Council's reasons for refusal they do not raise harm in relation to the impact of the proposal on character and appearance of the host building or area or on the living conditions of future residents.
5. The windows that overlook the private car park would serve a storage area/bedroom on the ground floor, bedroom and lounge at first and second floor, and a kitchen and lounge on the third floor. Habitable windows overlooking an area of land not in the occupier's ownership is a common

occurrence, particularly in town and city centres where space is limited. Examples of windows overlooking roads, car parks and other private areas are evident in the vicinity of the appeal site.

6. No harm has been identified on the character and appearance of the area or on the living condition of future occupants as a result of these windows.
7. As such, based on the submitted evidence and the lack of identified harm I conclude that the proposed development would comply with Policies SD3 and SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (2017) (JCS), Policy D1 of the Cheltenham Plan (2020) (CP) and the guidance contained within the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (2009) (SPD). Together these seek, amongst other things, to ensure that developments adequately reflect principles of urban and architecture design. The proposal also complies with paragraph 130 of the National Planning Policy Framework (the Framework) that seeks developments that are visually attractive as a result of good architecture.

Energy and carbon reduction targets

8. JCS Policy SD3 requires that all development contribute towards the aims of sustainability and increasing energy efficiency and be adaptable to climate change.
9. Whilst no such measures have been included on the submitted plans, such information could be secured via a condition. I note that the Council in their submission consider that a pre-commencement condition requiring the submission of energy efficiency improvements through incorporating low carbon technologies would be acceptable.
10. As such, subject to a condition securing energy efficiency improvements, the proposed development would comply with JCS Policy SD3 and the guidance contained within the Cheltenham Climate Change Supplementary Planning Document (2022) (SPD2) which seek, amongst other things, to ensure that developments contribute towards aims of sustainability. The proposed development would also comply with paragraph 152 of the Framework which seeks to ensure that developments support the transition to a low carbon future.

Other Matters

11. As the proposal lies near to the Saul Conservation Area (CA), I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In determining the application, the Council's Conservation Team advised that due to the degree of separation there would be no harm to the CA. Neither party have raised this as a concern during the appeal. Based on the evidence before me, including the scale of the development and the distance maintained between it and the CA, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the Conservation Area.
12. The appeal site is close to a number of Grade II listed buildings and located within the Old Town Character Area of the Central Conservation Area (CA).
13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant

planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) due to the location of the site within the CA.

14. The proposed extension would increase the height of the existing building; however, it would incorporate a traditional design, including a mansard style roof which is readily apparent within the area on other buildings. Additionally, taller corner buildings are a not an unusual feature and the proposal would retain historic features of the building. The submitted drawings detail a development that would not be at odds with its surroundings. Based on the evidence before me, I am satisfied that the proposal would have a neutral effect on, and therefore preserve, the setting of the listed buildings and the CA.

Conditions

15. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I consider that a condition regarding energy efficiency measures is necessary in order to ensure that the development adheres to the Council's sustainability targets. Conditions regarding materials and window details are necessary in order to safeguard the character and appearance of the area and the CA. Conditions requiring the provision of bin and cycle store are necessary to promote alternative travel and ensure appropriate refuse storage. I have altered the wording of some conditions in order to ensure they comply with the PPG.

Conclusion

16. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

Tamsin Law

INSPECTOR

Schedule of 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 plans: Location Plan, Proposed Elevations HAG-DWG-005 dated 31st August 2022, Proposed Plans HAG-DWG-005 dated 11st August 2022, Proposed Street View Elevation HAG-DWG-007 dated 31st August 2022
3. Prior to the commencement of development hereby permitted, a scheme of energy efficiency improvements through the incorporation of low carbon technologies shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and those improvements retained thereafter.
4. No external facing or roofing materials shall be applied unless in accordance with:
 - a) a written specification of the materials; and/or
 - b) physical sample(s) of the materials.

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

5. The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:
 - a) All new windows and external doors; and
 - b) String course.
6. Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.
7. Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

Application No.	Appeal Ref	Site Address	Appeal Type	Start Date	Questionnaire	Statement	Final Comments	Decision	Date of Decision	Costs Deci	Hearing Date	Costs awarded
21/02755/FUL	23/00001/PP1	Land at Brecon House	Hearing	10.01.2023	17.01.2023	14.02.2023	14.02.2023	Dismissed	27.04.2023	n/a	22.03.2023	
22/00839/FUL	23/00002/PP1	30 St Georges Place	written	16.01.2023	23.01.2023	20.02.2023	20.02.2023	Allowed	18.05.2023			
22/01145/FUL	23/00003/PP1	3 Apple Close	written	24.01.2023	31.01.2023	28.02.2023	28.02.2023	Allowed	19.04.2023			
22/00708/FUL	23/00004/PP1	37 Market Street	written	24.01.2023	31.01.2023	28.02.2023	28.02.2023	Allowed	19.04.2023	Allowed		
20/01788/FUL	23/00005/PP1	Land at Shurdington Road	Hearing	17.04.2023	24.04.2023	22.05.2023	22.05.2023				04.07.2023	
22/01162/FUL	23/00006/PP2	101 Ryeworth Road	written	08.03.2023	15.03.2023	12.04.2023	12.04.2023					
22/01373/FUL	23/00007/PP1	129-133 The Promenade	Written	08.03.2023	15.03.2023	12.04.2023	12.04.2023					
22/02064/FUL	23/00008/PP1	St Edmunds, Sandy Lane F	written	28.03.2023	04.04.2023	02.05.2023	16.05.2023					
22/00334/COU	23/00009/PP3	8 Imperial Square	written	29.03.2023	05.04.2023	03.05.2023	17.05.2023					
21/02750/FUL	23/00010/PP1	Land Adjoining Leckhampt	Hearing	30.03.2023	06.04.2023	04.05.2023	18.05.2023				12.07.2023	
22/01430/FUL	23/00011/PP1	10 Suffolk Road	HAS	31.03.2023	07.04.2023	n/a		Dismissed	19.05.2023			
22/01679/FUL	23/00012/PP1	28 West Down Gardens	HAS	03.04.2023	10.04.2023	N/a						
22/00328/FUL	23/00013/PP1	os 195 High Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023					
22/00328/ADV	23/00014/ADV1	os 195 High Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023					
22/00326/FUL	23/00015/PP1	23 Pittville Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023					
22/00326/ADV	23/00016/ADV1	23 Pittville Street	Written	18.04.2023	25.04.2023	23.05.2023	06.06.2023					
22/02201/FUL	23/00017/PP1	Phylnor, 53 Alstone Lane	Written	17.05.2023	24.05.2023	21.06.2023	05.07.2023					
22/02190/PRIOR	23/00018/PP1	5G Mast, Glenfall Way	written	18.05.2023	25.05.2023	22.06.2023	06.07.2023					

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