

APPLICATION NO: 18/00332/FUL		OFFICER: Mr Martin Chandler
DATE REGISTERED: 19th February 2018		DATE OF EXPIRY:
WARD: Pittville		PARISH:
APPLICANT:	Chapel Spa Ltd	
AGENT:	n/a	
LOCATION:	Chapel Spa, North Place, Cheltenham	
PROPOSAL:	Retention of dropped kerb (temporary permission granted 15/01208/FUL)	

Update to Officer Report

ADDITIONAL REPRESENTATIONS

Since publication of the Agenda on Wednesday, two further letters of support have been received. These are attached.

1. OFFICER COMMENTS

1.1 Determining Issues

1.1.1 The key considerations with this application are the impact the proposal will have on the setting of the listed building, the impact on the character and appearance of the conservation area, and potential impacts on the future delivery of the redevelopment of the adjacent Portland Street car park.

1.2 History

1.2.1 Members may recall from the previous committee that the application was brought about because Chapel Spa can no longer access land which is in their ownership and that they have historically used to park cars on. This land, located on Warwick Place, has been stopped up by the County Council (it is no longer public highway) and has since been closed off at either end to prevent access.

1.2.2 The dropped kerb is designed to enable the spa to access this land and continue parking.

1.2.3 Part of the previous application also enabled a parking space to the front of the Chapel itself. It was this element that was deemed to be harmful the setting of the listed building and conservation area and was primarily the reason for the temporary consent. It is of note that this part of the proposal has been removed from this proposal

1.3 Impact on the listed building and conservation area

1.3.1 In its current form, it is difficult to argue that the proposal has a harmful impact on the setting of the Chapel or the conservation area. The spaces to the front of the building that members will see on site are no longer proposed in this application; the proposal is simply for the retention of the dropped kerb to access the land in Warwick Place.

1.3.2 Using Warwick Place for the parking of cars is essentially how the land has been used for many years now and historically of course, the land in question was public highway, designed for cars.

1.3.3 Officers are satisfied that the removal of the spaces to the front of the building ensures that there is no harm to the setting of the listed building or the character and appearance of the conservation area.

1.3.4 If members are minded to grant planning permission, a suitably worded condition would be necessary to ensure that no parking took place in that location.

1.4 Impact on redevelopment proposals

1.4.1 In light of the changes to the application discussed above, this matter is probably the key material consideration in the assessment of this application. In response to the application, the Council's property team have provided the following observations:

1.4.2 *Warwick Place you will know was former highway which the County un-adopted and effectively abandoned years ago. We acquired the majority of Warwick Place from the County initially to facilitate the provision of a bus node as part of the North Place / Portland St development.*

1.4.3 *The theory being that it would enable easy access to North Place for those travelling along Fairview Road from east to west. The bus node was dropped and so the options now are to bring Warwick Place to adoptable standard and would provide a useful area for landscaping thus enhancing the development of Portland St as and when it moves forward.*

1.4.4 *Due to the current position on both North Place and Portland St development sites we have granted a licence for Mr Louka's staff to cross our land fronting North Place so as to get access to the strip of land in Warwick Place still owned by Mr Louka.*

1.4.5 *To approve the application would in my view jeopardise the future land swap when the development of North Place and Portland St commences. Car parking on the strip of land in Warwick Place when the scheme in Portland St has been built out would be a lot more visually detrimental than a single parking space to the front of Chapel Spa.*

1.4.6 *I am conscious that the space may be contrary to the policy about the setting of a listed building, but believe the alternative of half a dozen in Warwick Place to be infinitely worse. In addition as stated above the small area at the front of the building for which the drop curb is required has been used to my knowledge for 8.5 years.*

1.4.7 Officers have some sympathy with the property team because bringing forward development of Portland Street and North Place car parks has proved challenging over the years.

1.4.8 Members will also be aware that the authority has recently been successful in securing government funding to help with the delivery of the Portland Street redevelopment. This will likely see a revised planning application being submitted with fresh proposals for the site.

1.4.9 Warwick Place forms part of the consented scheme. Whilst originally proposed as a bus node (which is no longer likely), the land still plays an important role in enabling a successful redevelopment to come forward. It is not necessarily critical to the redevelopment aspirations, but if can be included then it could well make for a better scheme.

1.4.10 That said, the land is still owned by Chapel Spa and they are unable to access it because of fencing installed by this authority; the desire for the dropped kerb and the benefits to the business are entirely understood. It is also understood that a permanent consent gives the business greater confidence moving forward that either they are able to retain an element of parking, or they have a stronger negotiating position as and when further land deals are discussed.

- 1.4.11** On reflection, and very much on balance, in light of the recent government funding, officers conclude that the best course of action is to grant a further temporary consent for the dropped kerb, for a further 2 year period. It is anticipated that in this time frame, a lot of progress could be made with the Warwick Place land which in turn could provide more certainty for all parties. This balanced conclusion is primarily driven by the desire to treat the broader area in a comprehensive manner in an attempt to allow the best redevelopment to come forward, in whatever form that might be.
- 1.4.12** Notwithstanding the above, it should be noted that the current owner of the Portland Street site has made no representations in relation to this proposal and the implications that it may have on their redevelopment aspirations. It is difficult to know what to make of this silence; they may be unconcerned by the application or perhaps unwilling to offer comment. That said, the authority has a duty to consider the bigger picture and given the significance of this broader site in the conservation area, on balance, a permanent approval may have a negative impact on redevelopment proposals, although it certainly would not sterilise them.

2. CONCLUSION AND RECOMMENDATION

- 2.1** The proposal, in its current form, will not harm the setting of the listed building or harm the character or appearance of the conservation area; the applicant simply wants to use land that is in their ownership and that was previously functional public highway to park cars.
- 2.2** The implications for Portland Street car park are unproven and the owner of that site has made no comment on this planning application. The case put forward by the applicant is completely understood as are the thoughts provided by the Council's property team.
- 2.3** Weighing all of these considerations, officers have concluded that the most pragmatic way forward is to approve the dropped kerb for a further two year period. Whilst this would not give the applicant the certainty that they desire, and officers have sympathy on this point given their restricted access to land that is in their ownership, the consequences of a permanent approval are unknown and in light of recent government funding, comprehensive redevelopment should be given every opportunity to come forward.
- 2.4** It is recommended that temporary approval be granted for a further two years.

3. CONDITIONS / INFORMATIVES

To follow.