

<b>APPLICATION NO:</b> 20/00119/COU & LBC		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 23rd January 2020		<b>DATE OF EXPIRY:</b> 19th March 2020 (extended until 5th June 2020 by agreement with the applicant)
<b>DATE VALIDATED:</b> 23rd January 2020		<b>DATE OF SITE VISIT:</b> 5th February 2020
<b>WARD:</b> Pittville		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Chapel Spa Ltd	
<b>AGENT:</b>	BHB Clive Petch Ltd	
<b>LOCATION:</b>	Chapel Spa, North Place, Cheltenham	
<b>PROPOSAL:</b>	Change of use of existing spa (Use Class D1) to hotel (Use Class C1) with associated internal and external alterations	

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is prominently located on North Place, close to the Fairview Road / St. Margaret's Road junction, and within the Old Town character area of the Central conservation area.
- 1.2 The site is occupied by a grade II listed building built as a Chapel (Portland Chapel) in 1816, with the portico added in 1865; it was the first nonconformist Gothic Revival building erected in Cheltenham. The building is two storeys over basement; and Ashlar over brick beneath a hipped slate roof. It was listed in 1972.



Image: Google Street View

- 1.3 The building was until very recently operating as a spa, Chapel Spa, within a D1 use.
- 1.4 The applicant is seeking planning permission and listed building consent for a change of use of the building to a 12 bedroom hotel (Use Class C1) together with associated internal and external alterations to the building.
- 1.5 The proposed works include the horizontal subdivision of the building to facilitate the creation of additional accommodation at first floor, and replacement windows.
- 1.6 The application has been submitted following pre-application discussions with the Conservation Officer at which time the applicant was advised that the proposals *"would be unacceptable as it would make a crucial component of the significance of the building, the double height space, illegible. As this aspect is so fundamental any change/division along the lines proposed is very likely to be unacceptable."*
- 1.7 Revised plans have been submitted during the course of the application to address concerns raised by the Highways Development Management Team.
- 1.8 Additional supporting information has also been submitted.

## 2. CONSTRAINTS AND PLANNING HISTORY

### Constraints:

Conservation Area  
Core Commercial Area  
Listed Building Grade 2  
Principal Urban Area  
Residents Association  
Smoke Control Order

### Planning History:

<b>CB13901/00</b> Provision of additional toilet facilities in basement	<b>PERMIT</b>	<b>2nd May 1978</b>
<b>CB13901/01</b> Use of part premises for Play Group	<b>PERMIT</b>	<b>7th August 1979</b>
<b>CBL0689/00</b> Alterations to form internal staircase from Church to lower ground floor and substitution of door with side-light for existing window on side elevation of basement	<b>PERMIT</b>	<b>21st February 1985</b>
<b>CBL0689/01</b> Alterations	<b>WITHDRAWN</b>	<b>22nd February 1990</b>
<b>CB13901/02</b> Change of use to Fitness Centre incorporating indoor climbing wall (in accordance with revised plans received 04 Aug 94 and 25 Aug 94)	<b>PERMIT</b>	<b>25th August 1994</b>
<b>CBL0689/02</b> Basement: Replacement of WC facilities and installation of changing facilities & construction of partition walls. Ground level: Construction of climbing wall. Gallery level: Balustrade replacement	<b>PERMIT</b>	<b>25th August 1994</b>
<b>01/00476/LBC</b> Internal alterations including construction of new mezzanine floor, new changing rooms in basement, spa area in basement and treatment rooms on ground floor	<b>GRANT</b>	<b>30th July 2001</b>
<b>02/01973/LBC</b> Installation of glass door and screen on inside of existing entrance doors	<b>GRANT</b>	<b>14th February 2003</b>
<b>07/01030/LBC</b> Internal alterations and general refurbishment	<b>REFUSE</b>	<b>9th October 2007</b>
<b>07/01677/COU</b> Change of use from garage/storage to mews type dwelling to front Trinity Lane	<b>WITHDRAWN</b>	<b>7th February 2008</b>
<b>07/01686/LBC</b> Installation of external and internal air circulation units at basement level	<b>WITHDRAWN</b>	<b>25th January 2008</b>
<b>14/01925/LBC</b> Masonry repairs to Portico and northern boundary wall	<b>GRANT</b>	<b>26th November 2014</b>
<b>14/02108/LBC</b> Various internal alterations to reception area to include blocking up of an existing doorway, creation a new double door opening with glazed fanlight over, and alterations to change existing flush door from an opening door to a sliding door	<b>GRANT</b>	<b>19th January 2015</b>

<b>15/01208/FUL</b>	<b>PERMIT</b>	<b>19th February 2016</b>
Dropped kerb and hardstanding to facilitate parking area		
<b>16/02067/LBC</b>	<b>GRANT</b>	<b>10th April 2017</b>
Signage to portico of the building, two free standing signs to the front and addition of up lighting		
<b>16/02067/ADV</b>	<b>GRANT</b>	<b>10th April 2017</b>
Signage to portico of the building, two free standing signs to the front and addition of up lighting		
<b>18/00332/FUL</b>	<b>PERMIT</b>	<b>4th April 2018</b>
Retention of dropped kerb (temporary permission granted 15/01208/FUL)		
<b>18/02288/LBC</b>	<b>GRANT</b>	<b>14th December 2018</b>
Proposed insertion of a glazed screen at the east end of the first floor gallery		

### 3. POLICIES AND GUIDANCE

#### **National Planning Policy Framework (NPPF)**

Section 2 Achieving sustainable development  
 Section 4 Decision-making  
 Section 6 Building a strong, competitive economy  
 Section 7 Ensuring the vitality of town centres  
 Section 8 Promoting healthy and safe communities  
 Section 9 Promoting sustainable transport  
 Section 12 Achieving well-designed places  
 Section 16 Conserving and enhancing the historic environment

#### **Saved Local Plan (LP) Policies**

CP 3 Sustainable environment  
 CP 4 Safe and sustainable living  
 CP 7 Design

#### **Adopted Joint Core Strategy (JCS) Policies**

SD1 Employment - Except Retail Development  
 SD2 Retail and City / Town Centres  
 SD3 Sustainable Design and Construction  
 SD4 Design Requirements  
 SD8 Historic Environment  
 SD14 Health and Environmental Quality  
 INF1 Transport Network

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

Old Town Character Area Appraisal and Management Plan (2007)

### 4. CONSULTATION RESPONSES

#### **Ward Member Comments**

*27th February 2020*  
 Councillor Dennis Parsons  
 I would like this to go to committee please.

I understand from the applicant that the change of use is not a problem per se but the refuse is based on listed building consent arguments. I dispute much of the argument as does the applicant. I find it difficult to see how an application to restore the original 1816 look to the windows, for example, fails because LBC deems the 1990 look of greater heritage value. The viability argument is also very odd.

### **Other Member Comments**

*21st February 2020*

Councillor Karl Hobley

So that I don't miss the deadline is it possible to ask that this be called to committee only if the eventual recommendation is to permit? Due to concern about the long term impact on the internal fabric of an important historic local building.

Should the final recommendation be to reject, in line with the Conservation Officer's suggestion, I would see no need for it to come to committee.

### **Cheltenham Civic Society**

*2nd March 2020*

#### **SUPPORT**

Based on the heritage statement the Civic Society Planning Forum supports the proposed fenestration design. We do not accept the proposed removal of 2 ground floor windows (drawn as "blind" on the proposed elevations). With careful detailing & appropriate materials, these could be retained. We have some concerns about waste storage and disabled access: are there any plans for a call button or intercom at the bottom of the steps for disabled visitors? Otherwise this is a good proposal for a difficult site. We hope this development will kick-start the long-stalled development of the North Place car park. The Planning Forum commends the heritage statement.

### **Heritage and Conservation**

*20th February 2020*

#### Significance

The building (the Chapel) was constructed in 1816, with the portico added in 1865 and the ground and first floor windows altered in 1895. Listed on 5 May 1972; list entry number: 1387374 (Grade II).

The Chapel was built as a private non-conformist chapel at the expense Robert Capper, J.P (1768-1851) in 1816 and gifted to the Countess of Huntingdon's Connexion in 1819. (Selina, Countess of Huntingdon (1707-1791) played a prominent part in the religious revival of the 18th century and the Methodist movement in England and Wales, and founded a society of evangelical churches in 1783, known as the Countess of Huntingdon's Connexion).

D. Verey and A. Brooks in *The Buildings of England, Gloucestershire 2: The Vale and the Forest of Dean* (Yale University Press: 2002), state that in Cheltenham from c.1830, 'The parish church had been supplemented by proprietary chapels' (p. 228). The increase in the number of chapels reflects the rapid growth in population during the nineteenth century; between 1801 and 1871 the recorded population of the town grew from 3,076 to 53,159.

Given the date of the Chapel (1816) it suggests that it was an early nineteenth century forerunner of this type of development within the town, contributing to the historic value and therefore the significance of the building.

The proposal site is located in the Central Conservation Area (Old Town Character Area); a designated heritage asset (the Conservation Area was designated by Gloucestershire County Council on 28 May 1973 and its boundary extended by Cheltenham Borough Council on 14 August 1987).

Listed buildings are located to the immediate west, east and south of the proposal site, including St. Margaret's Terrace built 1820-1825 (Grade II\*) to the west and 32 Portland Street (Grade II), constructed c.1816 presumably as a house for the chaplain/preacher of the Chapel, which it abuts to the rear (east).

The Chapel is faced in ashlar, has two storeys over a basement and is rectangular in plan. Designed with proportions and features of Classical architecture, with gothic (pointed-arched) window openings to the upper storey which reflect the taste of the early nineteenth century and echo the ecclesiastical architecture of earlier periods.

The Chapel provides historic and evidential value through being purpose built and designed to function as a place of worship for non-conformists, and architectural/aesthetic value through the polite form of the building. These values all contribute to the significance of the listed building.

#### Legislation and policy (as applicable to the respective forms of application)

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant listed building consent to 'have special regard to the desirability of preserving the building' or any features of special architectural or historic interest which it possesses.'

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission with respect to any building or land in a conservation area, to pay special attention 'to the desirability of preserving or enhancing the character or appearance of that area.'

Paragraph 184 of the National Planning Policy Framework 2019 (NPPF) states that 'Heritage assets' are an irreplaceable resource, and should be conserved in a manner appropriate to their significance'.

Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that 'Designated' heritage assets and their settings will be conserved and enhanced as appropriate to their significance.'

#### Consideration

##### Interior

The Historic England publication Methodist and Nonconformist Chapels in Cornwall: Guidance and Assessment Framework (2019) states that 'The interior is often most sensitive to change' [and that] Subdivision of the principal worship space can be difficult to accommodate due to the open quality of the internal space, a characteristic of the auditory plan form within this type of building' (p.24). Whilst it is acknowledged that the document relates to Cornwall, it is relevant as it draws on examples from beyond that county and deals with a building type that has many fundamental shared aspects of design regardless of their location.



Within the building a number of historic features can be found including windows, cast iron columns, the metal brackets supporting the gallery and historic fabric in parts of the gallery floor/structure. Whilst the extent of the gallery has been altered it clearly shows evidence of its original form, and though partitions have been installed, the horizontal and vertical open space, a defining aspect of non-conformist chapels, is evident. The proposed scheme will result in the legibility of these aspects being significantly compromised.

The Chapel's open space is a fundamental aspect of the interior of the building and a key component of its significance. It, along with the associated gallery, provides evidence of design responding to the needs of worshippers by allowing the whole congregation to be seated within sight and sound of the pulpit or preacher. The purpose built places of worship of the non-conformists were often lacking in internal architectural features or decoration and therefore the space is apparent as a core component of the design of the building. Though altered, the open space and gallery are clearly legible and reflect the historic arrangement. This auditory plan form contributes to the architectural, aesthetic, historic and evidential value of the significance of the building.

The Heritage Impact Assessment as submitted states that 'the proposed changes to the interior would not result in any additional 'harm' to an already heavily compromised and much altered space' to such an extent that its significance has been extremely eroded' (p.38). However, its significance should be considered in the context of what is evident currently, and any remnants have more importance given their scarcity in the immediate environment.

It is evident that the proposed infilling of the open space, through the horizontal division at gallery level and the intrusion of vertical partitions, will result in the total loss of the legibility of this essential defining aspect of the Chapel, to the clear detriment of its significance.

#### Exterior

(Note, with reference to drawings 21976/02/P1 (elevations as existing) and 21976/08/P1 (elevations as proposed) respectively, each depict 2no. south west elevations. This appears to be an error in the labelling and should be appropriately corrected).

The text of the list entry for the building refers to the exterior of the building as having '2 tiers of windows, the lower tier have wooden mullion and transom windows with fixed lights, the upper in pointed-arched recesses with Y-tracery.' It appears that this, the current design, is the result of later though historic work replacing earlier windows.

Evidence suggesting the design of the original windows can be found in a number of sources including the following:

J.K Griffith in the 1818 publication *A General Cheltenham Guide* states of the Chapel that 'It is a handsome stone erection, with gothic sashes.' (online edition, p. 142).

George Rowe in the publication *Illustrated Cheltenham Guide* of 1845, provides an 'illustration' depicting the Chapel as having multi-pane windows to the ground floor and multi-pane windows with Gothic/pointed arched glazing bars to the first floor (p. 61).

D. Verey and A. Brooks in *The Buildings of England, Gloucestershire 2: The Vale and the Forest of Dean* (Yale University Press: 2002), refer to 'recessed pointed windows in two storeys, their delicate Gothick glazing replaced with Y-tracery in 1895 by Thomas Malvern [1863-1930]' (p. 240).

The application proposes to replace the existing Y-tracery; however, whilst an earlier design of the windows is referred to in various sources and is 'illustrated' in one known instance, the specific details of an original design are unknown and the application does not provide any significant evidence, beyond a rough 'illustration' of 1845. The weight to be

given to the accuracy of the illustration is questionable as it does not truly depict aspects that appear to be original that are existing, such as the height of the entablature.

Though the current windows are seemingly not contemporary with the date of construction of the Chapel, they do date from the late nineteenth century (1895) and are by a known architect. They represent an historic evolution in the development of the building, which includes the addition of the porch in 1865, and are in a form, with tracery, appropriate to a place of worship. As such they provide architectural, aesthetic, historic and evidential value to the significance of the building.

Specific detailed plans of the proposed windows are seemingly absent from the application; however, double glazing is proposed. This is of course not an historic approach, has a poor reflective quality (double image) and usually requires bulky framing and glazing which leads to an overall poor design. In some instances applied glazing bars are proposed which are equally incongruous.

Double glazing is likely to lead to poor detailing and even if single glazing were to be proposed, the loss of the existing windows would detract from the significance of the listed building through the removal of nineteenth century fabric that is evidence of its historic evolution. Any perceived visual enhancement would clearly not outweigh the detriment to the significance of the building through the loss of the existing historic windows.

#### Conservation Area

Given that the proposed alteration of the windows will detract from the architectural/aesthetic value of the building it will be detrimental to the character and appearance of the conservation area, and the setting of neighbouring listed buildings and therefore their significance.

#### The National Planning Policy Framework (2019) (NPPF) balancing exercise

The NPPF at paragraph 193 requires Local Planning Authorities when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight to the conservation of the asset; and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm equates to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal.

Planning Practice Guidance (Historic environment) published by Central Government (23 July 2019) states, 'Public benefits should' be of a nature or scale to be of benefit to the public at large and should not just be a private benefit.'

Due to unacceptable aspects of the scheme, it is considered that the proposal will be detrimental to the importance of the designated heritage assets; the degree of harm is considered to be less than substantial. When balancing the harm against the public benefits of the proposal the NPPF requires great weight to be given to the conservation of the heritage assets (paragraph 193). The decision maker is required to carry out the balancing exercise as per the provision of the NPPF.

#### Viability

Paragraph 196 of the NPPF states in full that, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use.'



Planning Practice Guidance (the PPG), Historic environment, published by the Ministry of Housing, Communities & Local Government (23 July 2019) provides comment on viability and states in part that,

'If there is only one viable use [of the heritage asset], that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset. The optimum viable use may not necessarily be the most economically viable one.'

The Business Viability Report (confidential) submitted in support of the application appears to have only considered 3 no. options for the use of the building as at page 11. The very limited number of options clearly demonstrates that a sequential approach that considers a wide range of various uses and the amount of necessary alteration and adaptation that may be required for each, and the associated impact on the significance of the building has not been undertaken. The approach taken is reflected in the scheme as presented which is unacceptable as it detracts from the significance of designated heritage assets.

### Conclusion

Whilst it is acknowledged that the interior of the Chapel has been altered, this does not provide justification for further harmful interventions. If anything, what remains of the horizontal and vertical open space is crucial to the understanding of how the building was designed to function, is to be afforded greater value.

The windows proposed for removal are part of the historic evolution of the Chapel and provide evidence of the approach to design in a non-conformist chapel in the late nineteenth century. Their proposed replacement would not provide a perceived visual enhancement, but would entail the loss of historic windows. The existing windows have significance and need to be retained.

The scheme will detract considerably from the architectural, aesthetic, historic and evidential value of the Chapel to the detriment of its significance, and is contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the JCS. Therefore the proposal is unacceptable.

### **Revised comments**

*20th March 2020*

#### Significance

Refer to the initial comments of 20 February 2020.

#### Legislation and policy

Refer to the initial comments.

#### Consideration

The following is in light of a revised scheme/additional information of 2 - 5 March 2020.

The document 'Notes on Conservation Officer's Comments' dated 27 February 2020 is noted.

The comments as per the document 'Notes on Conservation Officer Comment dated 21st Feb 2020', of 2 March 2020 are acknowledged. The comments will further inform the Senior Planning Officer/decision maker(s) in their consideration on viability.

With reference to drawing 21976/08/P2 (elevations as proposed), whilst the principle of replacing the existing historic windows remains unacceptable, it should be noted that the application is ambiguous as to the age of the current windows. The drawing as above refers

to them as 'modern' whereas the notes from the Heritage Consultant, as referred to above, states that they are from the 'later-19th century' (p.2). This position is also given in the Heritage Impact Statement (January 2020) (HIA) (para. 7, p. 34). For reference comment on the significance and age of the windows is provided in the initial comments of 20 February 2020.

Drawing 21976/08/P2 (elevations as proposed) depicts 'top-hung opening lights'; however, the HIA states that the existing windows will be replaced with 'sashes' known to have been fitted to the window openings originally' (para.7, p. 34). This is ambiguous, though the drawings are usually subject to any approval rather than a heritage statement. Notwithstanding this, the application appears to be silent on the justification for proposing top-hung opening lights contrary to the sashes referred to in the HIA including at para. 3.2, p.14-15.

Note that drawing 21976/03/P3 (sections as existing and proposed) refers to 'sliding sash windows'.

Further to initial comments, for clarity both the loss of historic windows and openings is unacceptable as it will detract from the significance of the listed building.

The National Planning Policy Framework (2019) (NPPF) balancing exercise  
Refer to the initial comments.

#### Conclusion

The revised scheme does not address the initial concerns and therefore remains unacceptable.

#### **Final comments**

*22nd April 2020*

#### Consideration

[The following consideration is carried out under the working practices and conditions adopted due to the Covid-19 situation].

Previous comments have been supplied on 20 February and 20 March 2020 respectively.

The following comments are in light of the submissions as below:

“Additional Historical Information” (5 April 2020) (document 1)

“Additional Comment on Alternative Residential Conversion” (20 April 2020) (document 2).

For clarity consideration of the document, “Additional Comment on Optimum Viable Use” (5 April 2020) from the Heritage Consultant has not been undertaken as the issue of viability is ultimately for the Senior Planning Officer/decision maker(s).

With regard to document 1 the additional information is acknowledged; however, the scheme will detract from the value of the interior open space and the existing windows (acknowledged in previous comments from the Conservation Officer as dating from 1895), and therefore the significance listed building will be harmed.

Document 2 relates to another option for the use of the building so seems to have been submitted in relation to the issue of viability and a “sequential approach” as per the initial comments of 20 February 2020. As per the above the issue of viability is for the Senior Planning Officer/decision maker(s).

### Conclusion

In line with the initial comments of 20 February 2020, the scheme will detract considerably from the architectural, aesthetic, historic and evidential value of the Chapel to the detriment of its significance, and is contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the JCS. Therefore the proposal is unacceptable.

### **Building Control**

*29th January 2020*

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

### **Environmental Health**

*30th January 2020*

This is a slightly unusual application, in that the proposed hotel doesn't appear to have any kitchen facilities, which are generally key to providing hospitality in such premises.

Can I therefore request that the Planning Officer involved clarifies if the proposal will involve catering facilities in order to provide a comprehensive response.

### **GCC Highways Development Management (HDM)**

*25th February 2020*

Recommendation: Refusal.

HDM has responded based on the review of materials submitted with the application.

The application is for the retention of the spa, with minor modifications along with an new hotel element comprising of 12 rooms. The design and access statement does not give any details of proposed trip generation associated with the changes for hotel visitors, spa visitors nor delivery and servicing. It does state the site does not have any off street parking but would rely on a local private car park and public transport. It is felt that the change to a hotel is a significant difference from existing.

There will be an uplift in trips associated with a hotel in the form of residents, deliveries and servicing. To be able to effectively assess the impact on local roads, details of trip generations currently and proposed will need to be shown.

With no off-street parking facilities and the increased operations there will be an impact on North Place. The spa entrance is on North Place, with double yellow lines along the frontage and a traffic light controlled junction within 10 metres. This is a major junction with the A4019 and A46.

Hotel residents, whether arriving by private vehicles or taxi will require a drop off point as they will have luggage. Deliveries will increase with the hotel function, with no off street space or loading bay close by, they will stop and perform their loading and unloading kerbside. This is unacceptably close to the traffic light and junction and will significantly affect the flow of traffic, causing congestion.

With no understanding of the trip generation and no adequate space for the loading and unloading of goods and people, it is felt that the site will cause congestion at the junction and encourage unsafe traffic movements.

Therefore, the highway authority objects to this application.

**Revised comments**

*25th February 2020*

Recommendation: No objection.

HDM responded on 28th January 2020 recommending refusal due to the impacts the change of use would have on the highways. Further information was submitted 5th March 2020. A review of this additional information has been made and we have the following response.

The drawing number 21976/09 P1 was submitted on 5th March, this shows the hotel has secured land to the north of the building as off-street dedicated parking for 8 vehicles; along with an off street loading bay, utilising an existing dropped kerb. The number of spaces, location and layout of the parking and loading is considered acceptable.

It is felt that the new arrangements significantly enhance the application and with all traffic associated with the planned use change occurring off-street reducing all highway impacts to an acceptable level.

Therefore, there is no highway objection to this application, provided the standard condition is attached to a decision securing the drawings and plans specifically drawing number 21076/09 P1 - Car Park Layout Plan.

No other conditions are deemed necessary relating to Highways.

**Gloucestershire Centre for Environmental Records**

*5th February 2020*

Biodiversity report available to view.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to 12 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Additional consultation was carried out on receipt of the revised plans.
- 5.2 A small number of late representations have been received in support of the application; the comments have been circulated separately.

## **6. OFFICER COMMENTS**

### **6.1 Determining issues**

6.1.1 The main considerations when determining this application relate to the principle of a change of use; heritage impact; and parking and highway safety.

### **6.2 The site and its context**

- 6.2.1** The application site is prominently located on North Place, close to the Fairview Road / St. Margaret's Road junction, and within the Old Town character area of the Central conservation area.
- 6.2.2** Directly opposite the site sits St. Margaret's Terrace, a substantial four storey terrace of six grade II\* listed buildings, c1820-25. Additionally, the neighbouring building, no. 11 North Place, and the building to the rear fronting Portland Street are grade II listed. Portland Street car park is located to the north of the site.
- 6.2.3** Diagonally opposite the site on the corner of North Place and St. Margaret's Terrace is the recently constructed Lewis Carroll Lodge, a block of 65no. sheltered apartments for the elderly; planning permission having been granted on appeal.

### 6.3 Policy background / principle of development

- 6.3.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 47 of the National Planning Policy Framework (NPPF) which also highlights that decisions on applications should be made as quickly as possible.
- 6.3.2** Paragraph 11 of the NPPF sets out a "*presumption in favour of sustainable development*" which in decision making means:
- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - i. *the application of policies in [the] Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
    - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole.*
- 6.3.3** The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (LP) wherein those policies are consistent with the NPPF; and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).
- 6.3.4** Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and the emerging Cheltenham Plan (eCP) which is now at an advanced stage of preparation.
- 6.3.5** The existing spa use is not protected by national or local policy. The existing use falls outside those B-Class employment uses safeguarded by LP policy EM2; and there is no policy which would necessarily preclude a change of use to a hotel in this location.
- 6.3.6** As such, the general principle of a change of use of the building must be acceptable subject to the material considerations discussed below.

### 6.4 Heritage impact

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

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

**6.4.2** Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA), in considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

**6.4.3** Notwithstanding the proposed alterations to the fenestration, the proposed development would require substantial changes to the interior of the listed building; the horizontal subdivision of the building would have a significant detrimental effect on the spatial quality of the building, and is an intervention that would be unlikely to ever be reversed.

**6.4.4** The Conservation Officer has commented on the proposals from a heritage perspective in some detail at Section 4 above, and it is not considered necessary to repeat the comments here. The Conservation Officer considers the level of harm to the designated heritage asset, the grade II listed building, to be 'less than substantial'.

**6.4.5** It is important, however, to remember that the interior of the building is listed and afforded the same level of protection as the exterior. Additionally, whilst it is acknowledged that the interior of the building has been altered over the years, Historic England's Good Practice Advice in Planning: 2 (Managing Significance in Decision-Taking in the Historic Environment) at paragraph 28 states:

*The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development...consideration still needs to be given to whether additional change will further detract from...the significance of the asset...Negative change could include severing the last link to part of the history of an asset...*

**6.4.6** When considering the impact of a development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires great weight to be given to the asset's conservation irrespective of the level of harm to its significance.

**6.4.7** Where less than substantial harm has been identified, NPPF paragraph 196 requires the harm to "*be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"

**6.4.8** PPG (Paragraph: 020 Reference ID: 18a-020-20190723) sets out that public benefits can be "*anything that delivers economic, social or environmental objectives*" and "*should flow from the proposed development*" and "*be of a nature or scale to be of benefit to the public at large and not just be a private benefit*"; an example of a heritage benefit might be securing the optimum viable use of an asset in support of its long term conservation.

- 6.4.9** PPG (Paragraph: 015 Reference ID: 18a-015-20190723) acknowledges that putting heritage assets to a viable use is likely to lead to investment in their maintenance and long-term conservation but goes on to state:

*If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one.*

- 6.4.10** As submitted, the application was accompanied by a Business Viability Report prepared by Bailey Creative Ltd who specialise in Turnkey Spa, Leisure and Wellness Solutions. The report appears to confirm that the proposed use would be viable, and suggests that the ongoing spa use is unviable; although, until very recently and at the time of submission, the building was still operating as a day spa (the closure being as a result of the Covid-19 outbreak). The Viability Report did not consider any alternative uses, other than the proposed hotel use, in any detail. Moreover, no attempt has been made to market the building to see if any alternative viable use for the building, which does not require such harmful alterations, can be found. The only other potential use which appears to have been genuinely considered is a residential scheme comprising apartments which would pose the same heritage concerns.
- 6.4.11** On being advised that the officer recommendation would be to refuse the application on the basis that insufficient evidence had been provided to determine that the proposed hotel use is the optimum viable use, the applicant submitted additional supporting information for review, including a 'Consideration of potential alternate uses viability' prepared by John Ryde Commercial.
- 6.4.12** The John Ryde report covers a range of alternative uses, each of which is ruled out for various reasons or deemed unviable. However, whilst the report indicates that it may be difficult to attract interest for alternative uses, officers consider that this could only be thoroughly explored through the meaningful marketing of the building over a suitable period of time.
- 6.4.13** An additional document, a further comment from the applicant's Heritage Consultant, again only considers an alternative residential conversion, which as previously noted, would pose the same heritage concerns through the requirement to subdivide the building internally; albeit it does make suggestions why, of the two options considered, the hotel use might be preferable for the building.
- 6.4.14** As such, despite the additional information submitted, officers remain unconvinced that the potential alternative uses of the building have been fully explored and therefore it cannot be concluded that the proposed hotel use is the optimum viable use for the building, or that the public benefits of the proposal would outweigh the less than substantial harm to the listed building. The benefits would be largely private, and the works are not in any way beneficial to the building.

## **6.5** Parking and highway safety

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



- 6.5.2** In response to the application as originally submitted, the County Highways Development Management Team (HDM) recommended that the application be refused on highway grounds. The recommendation was made in the absence of information relating to trip generation; and the lack of parking and inadequate space for loading and unloading of goods and people.
- 6.5.3** In response to the above, amended/additional plans were submitted to show that 8no. car parking spaces and a drop-off bay were able to be provided on land adjacent to the building.
- 6.5.4** Having reviewed the revised/additional information, HDM have now lifted their objection subject to a condition requiring the parking and loading bay to be provided in accordance with the submitted plan.
- 6.5.5** The proposed change of use is therefore acceptable on highways grounds.

**6.6** Other matters

- 6.6.1** A query was raised by Environmental Health in relation to kitchen facilities, or the lack thereof, given the proposed use; however, it is understood that each room would be provided with basic cooking facilities. No catering would be offered on site.
- 6.6.2** There are no significant amenity concerns arising from the proposed use.
- 6.6.3** Whilst records show that important bird species have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

**6.7** Conclusion and recommendation

- 6.7.1** Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.7.2** Whilst officers consider the general principle of a change of use of the building to be acceptable, the proposed use would result in less than substantial harm to this designated heritage asset; and in accordance with NPPF paragraph 196, this harm must be weighed against the public benefits of the proposal.
- 6.7.3** With this balancing exercise in mind, officers do not consider that sufficient evidence has been provided by the applicant to demonstrate that the proposed use is the optimum viable use for the building and therefore it cannot be concluded that the public benefits of the proposal would outweigh the less than substantial harm to the listed building.
- 6.7.4** With all of the above, officers strongly recommend that both planning permission and listed building consent be refused for the following reason:

## **7. REFUSAL REASON**

- 1 Chapel Spa is a grade II listed building of architectural and historic importance, and the Local Planning Authority is therefore required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As proposed, the development would detract considerably from the architectural, aesthetic, historic and evidential value of the former Chapel to the detriment of its significance, and result in less than substantial harm to the designated heritage asset.

Insufficient evidence has been provided to determine that the proposed hotel use is the optimum viable use, and therefore it cannot be concluded that the public benefits of the proposal would outweigh the less than substantial harm to the listed building.

Accordingly, the proposals are contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out within the NPPF and the Historic Environment Good Practice Advice in Planning, and policy SD8 of the Joint Core Strategy (2017).