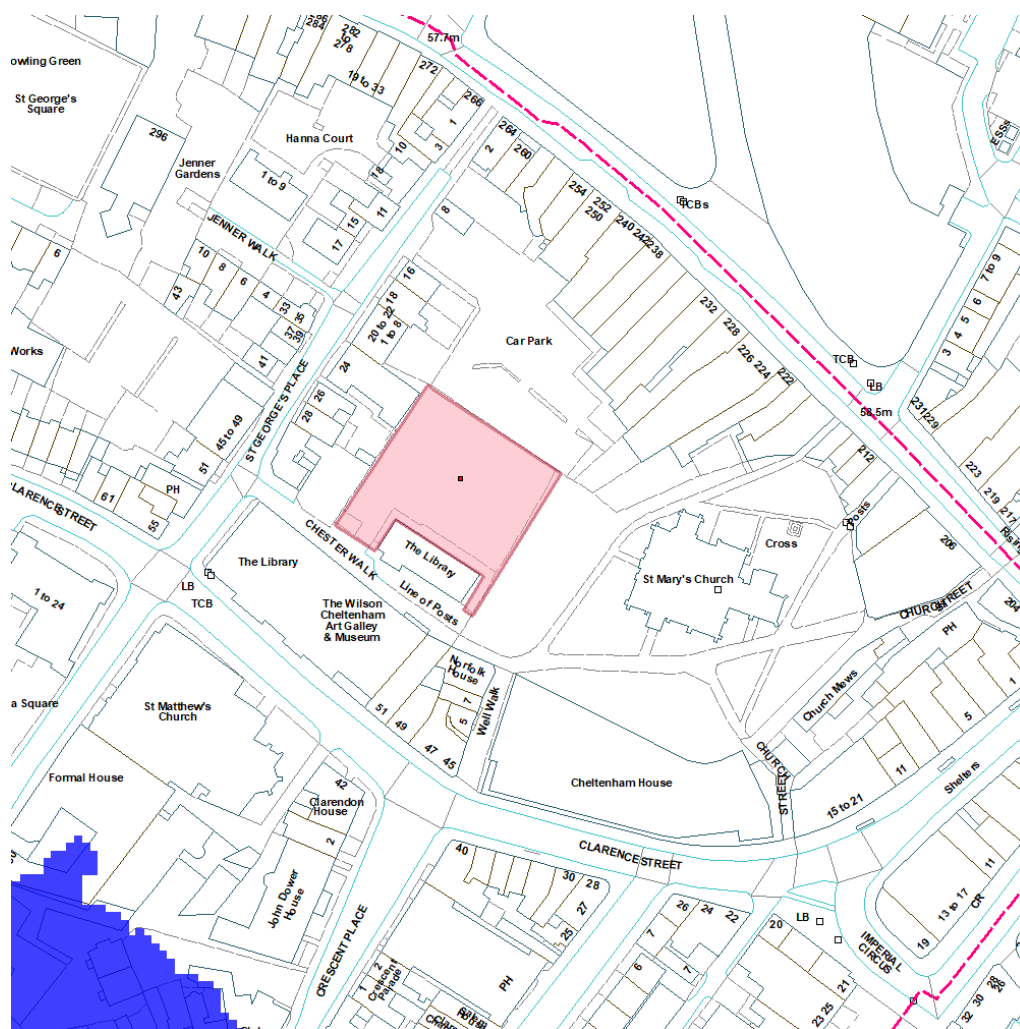


<b>APPLICATION NO:</b> 20/00552/FUL	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 27th March 2020	<b>DATE OF EXPIRY:</b> 26th June 2020 (extension of time agreed until 21st August 2020)
<b>DATE VALIDATED:</b> 27th March 2020	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT: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

**RECOMMENDATION:** Permit



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

## 1. DESCRIPTION OF SITE AND PROPOSAL

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

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

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

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

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

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

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

### Relevant Planning History:

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

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

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

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

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

### 3. POLICIES AND GUIDANCE

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

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

#### **Adopted Cheltenham Plan (CP) Policies**

D1 Design

HE2 National and Local Archaeological Remains of Importance

SL1 Safe and Sustainable Living

GI3 Trees and Development

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

SD1 Employment - Except Retail Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

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

Old Town Character Area Appraisal and Management Plan (2007)

### 4. CONSULTATION RESPONSES

#### **Historic England**

*7th April 2020*

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

#### **Historic England Advice**

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

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

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

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

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

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

### Recommendation

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

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

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

### **Historic England – revised comments**

*28th July 2020*

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

#### Historic England Advice

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

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

#### Recommendation

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

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

## **Heritage and Conservation**

*15th June 2020*

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

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

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

Relevant also is the National Planning Policy Framework 2019 (NPPF) which states heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 193-196 set out the framework for decision making with applications relating to heritage assets. This assessment takes account of the relevant considerations in these paragraphs.

Local planning authorities are required by Paragraph 192 of the NPPF to identify and assess the particular significance of any heritage asset... taking into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 193 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

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

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

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

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

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

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

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

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

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

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

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

As a result of the above concerns the proposed works are therefore considered to neither sustain or enhance the designated heritage assets and do not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

### **Heritage and Conservation – revised comments**

*31st July 2020*

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

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

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

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

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

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

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

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

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

As a result of the above concerns the proposed works are still considered to neither sustain or enhance, and would therefore harm, the designated heritage assets and their settings. It is considered the proposal does not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

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

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

## **Architects Panel**

*15th May 2020*

### Design Concept

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

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

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

#### Design Detail

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

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

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

#### Recommendation

Not supported.

### **Cheltenham Civic Society**

7th May 2020

NEUTRAL

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

### **Cheltenham Civic Society – revised comments**

29th July 2020

NEUTRAL

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

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

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

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

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

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

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

## **GCC Highways Development Management**

*15th April 2020*

No objection (subject to conditions)

### Planning History & analysis

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

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

16th January 2009. Ref. No: 09/00044/FUL. New build mixed use complex comprising 12 office units total 1103m<sup>2</sup>, 10 residential apartments, 1 cafe and 40 parking spaces. Received Fri 16 Jan 2009 - Validated Fri 30 Jan 2009 - Status Refused.

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

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

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

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

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

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

### Proposed Development

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

### Site appraisal

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

The site is considered to be a sustainable location

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

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

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

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

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

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

GCC recommend the following conditions be applied:

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

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

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

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

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

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

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

**Tree Officer**

*14th April 2020*

The CBC Tree Section does not object to this application.

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

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

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

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

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

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

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

## **Environmental Health**

*9th April 2020*

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

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

### **Condition 1**

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

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

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

### **Condition 2**

Noise:

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

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

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

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

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

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

### Condition 3

#### Artificial Lighting (external):

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

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

### Condition 4

#### Flues, Ducts and Extract Systems:

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

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

### Condition 5

#### Contaminated Land:

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

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

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

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

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

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

### **County Archaeology**

*7th April 2020*

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

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

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

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

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

### **Cheltenham Trust**

*11th May 2020*

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

Observations and comments that we wish to convey:

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

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

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

## **Building Control**

*31st March 2020*

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

## **5. PUBLICITY AND REPRESENTATIONS**

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

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

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

### 6.2 Policy background / principle

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

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

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

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

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

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

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

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

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

### 6.3 Massing and design

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

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

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

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

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

### 6.4 Historic environment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 6.5 Amenity

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

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

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

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

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

## 6.6 Parking and highway safety

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

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

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

## 6.7 Other considerations

### Contaminated land

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

### Trees

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

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

### Advertisement strategy

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

### Public Sector Equalities Duty

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

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

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

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

## 6.8 Conclusion and recommendation

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

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

## **7. CONDITIONS**

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

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

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

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

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

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

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

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

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

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

- 6 Prior to their installation, samples and/or details (including finishes) of the following elements of the scheme shall first be submitted to and approved in writing by the Local Planning Authority:
- a) trapezoidal cladding;
  - b) fascia panels;
  - c) all external doors;
  - d) polycarbonate panels;
  - e) mesh screens;
  - f) external staircase; and
  - g) Solar pv panels (including location and number).

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

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

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

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

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

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

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

- 10 Prior to first beneficial use of the development, vehicular parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure the adequate provision of car parking within the site in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

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

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

- 12 Prior to first beneficial use of the development, secure and covered cycle storage facilities shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To give priority to cycle movements by ensuring the adequate provision and availability of cycle parking, to promote cycle use and to ensure that appropriate opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 and 110 of the National Planning Policy Framework.

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

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

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

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

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

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

## **INFORMATIVES**

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

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

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

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