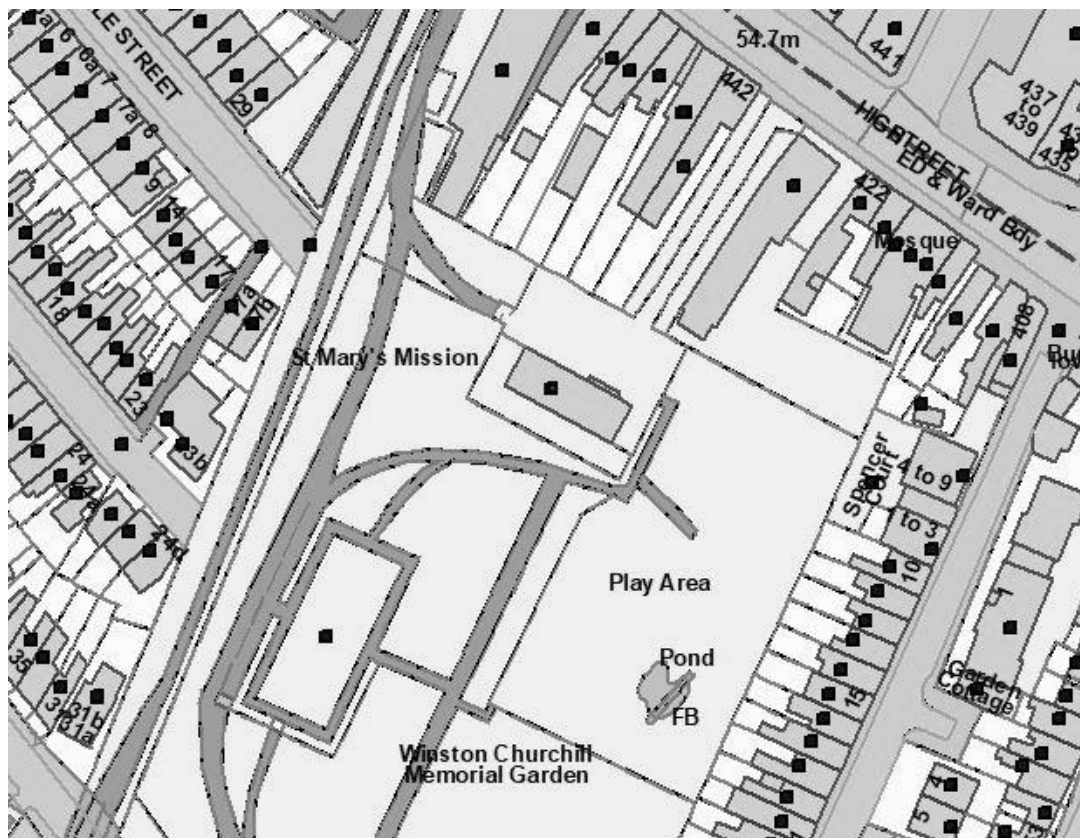


APPLICATION NO: 20/01010/FUL & LBC		OFFICER: Mr Ben Warren
DATE REGISTERED: 6th August 2020		DATE OF EXPIRY: 1st October 2020
DATE VALIDATED: 6th August 2020		DATE OF SITE VISIT:
WARD: St Peters		PARISH:
APPLICANT:	Cheltenham Borough Council	
AGENT:		
LOCATION:	St Marys Mission, High Street, Cheltenham	
PROPOSAL:	Change the current colour of the 2 main entrance gates (Lower High Street and Market Street and attached entrance railings from black to RAL 6000, and also of the entrance archway to the adjacent Honeybourne Line. To remove the railings around St Mary's Mission Hall.	

RECOMMENDATION: Permit & Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to the 'St Mary's Mission' building located within the Winston Churchill Memorial Gardens, accessed from the High Street. The building is Grade II listed and located within Cheltenham's Central Conservation Area.
- 1.2 The applicant 'CBC' is seeking planning permission and listed building consent to change the paint colour of the two main entrance gates located on the Lower High Street and Market Street and the entrance archway to the adjacent Honeybourne Line from black to green (RAL 6000). The application also seeks consent for the removal of the railings around the ST Mary's Mission Hall.
- 1.3 The application is at planning committee as the applicant and land owner is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Grade II Listed
Conservation Area
Core Commercial Area
Honeybourne Line
Principal Urban Area
Lower High Street Shopping Area
Smoke Control Order

Relevant Planning History:

18/01770/FUL 19th October 2018 PER

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

18/01770/LBC 19th October 2018 GRANT

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

20/01010/LBC PDE

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

07/00846/LBC 26th September 2007 GRANT

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

18/01770/FUL 19th October 2018 PER

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

18/01770/LBC 19th October 2018 GRANT

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

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

4. CONSULTATIONS

Ward Councillors

18th August 2020

I would like to support this planning application. This is being done by the Borough Council with the support of the volunteer friends group who put an enormous amount of effort into keeping WCMG as one of the most attractive parks in our town. The change from black to RAL 6000 green railings, especially at the lower High Street entrance, will make it more evident that this is a park.

I am aware that St Mary's Mission is a listed building, and while I am not an expert on the preservation of heritage assets, I don't believe that changing the colour of the railings will have any detrimental effect of the setting of this building.

Heritage And Conservation

29th September 2020

The proposal is to paint the boundary railings green and to remove modern railings located immediately adjacent to St. Marys Mission. A RAL colour of the green is stated within the application but a sample colour has not been supplied.

St. Marys Mission and its railings facing the High Street are grade II listed and the site is located within the Central Conservation Area.

The colour change is from black to green. It should be noted given the date of the railings located along the High Street they were likely historically painted green, as this was a common colour during this period. No evidence on site has been submitted to support this assumption. The proposed colour change is therefore conjectural but based on historic record. In this instance this is considered sufficient to justify the proposed works.

It is also important to consider the context of the site. Given the distinct and landmark type use of the site as a public garden and the isolated location of the railings away from where they would be read in conjunction with the wider streetscape, the colour change is not objected to. It is important to note, acceptance of the proposed colour change should not set a precedent for colour changes to historic railings along the boundaries of other

historic buildings. Each proposal will need to be considered on its own merits with consideration given to the impact on the character and appearance of groups of buildings and the wider setting. Typically historic railings are now painted black and, even though this is unlikely the historic colour, will likely need to remain so in the interest of cohesion.

Removal of the existing modern railings adjacent to St. Marys Mission does not raise concerns. The existing railings are not of interest and are detrimental to its setting given they visually and physically separate St. Marys Mission from its setting.

The proposed works are considered to enhance the designated heritage assets and therefore 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.

If the application is approved it is advised the following conditions be attached to any approval:

Notwithstanding the submitted information, no paint shall be applied unless to a colour sample which shall have been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017, Section 16 of the National Planning Policy Framework (2019) and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

5. PUBLICITY AND REPRESENTATIONS

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

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

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations of this application are design, impact on the setting of the listed building and conservation area, any loss of historic fabric and any impact on neighbouring amenity.

6.3 Design and impact on the listed building/conservation area

- 6.4 Policy SD8 of the JCS states that 'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.'

- 6.5 The Council's Conservation Officer has reviewed the application and their detailed comments can be read above, no objection has been raised to the proposed works to paint the entrance gates or to the removal of the existing modern railings surrounding the hall building. The works are considered to appropriately preserve and enhance the designated heritage assets and therefore accord with policy SD8 of the JCS.
- 6.6 The proposed painting of the railings in green is acceptable, whilst the Conservation Officer has commented on the lack of a colour sample, officers are happy that the specified colour (RAL 6000) is acceptable and therefore there is no need for a condition.
- 6.7 The proposed works will not result in any unacceptable harm to the design, character or setting of the listed building or the surrounding conservation area and is therefore compliant with adopted Cheltenham Plan policy D1 and adopted JCS policies SD4 and SD8.

6.8 Neighbouring amenity

- 6.9 Policy SL1 of the Cheltenham plan and policy SD14 of the JCS seek to protect the amenity of neighbouring land users.
- 6.10 The proposed works will not result in any impact on neighbouring amenity and no letters of representation have been received in response to the neighbour consultation process.
- 6.11 The proposal is therefore compliant with adopted Cheltenham Plan policy SL1 and adopted JCS policy SD14.

6.12 Other considerations

Public Sector Equalities Duty (PSED)

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

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

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

In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Officer recommendation is to grant planning permission and listed building consent, subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES

20/01010/FUL:

- 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.

20/01010/LBC:

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

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

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

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

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.