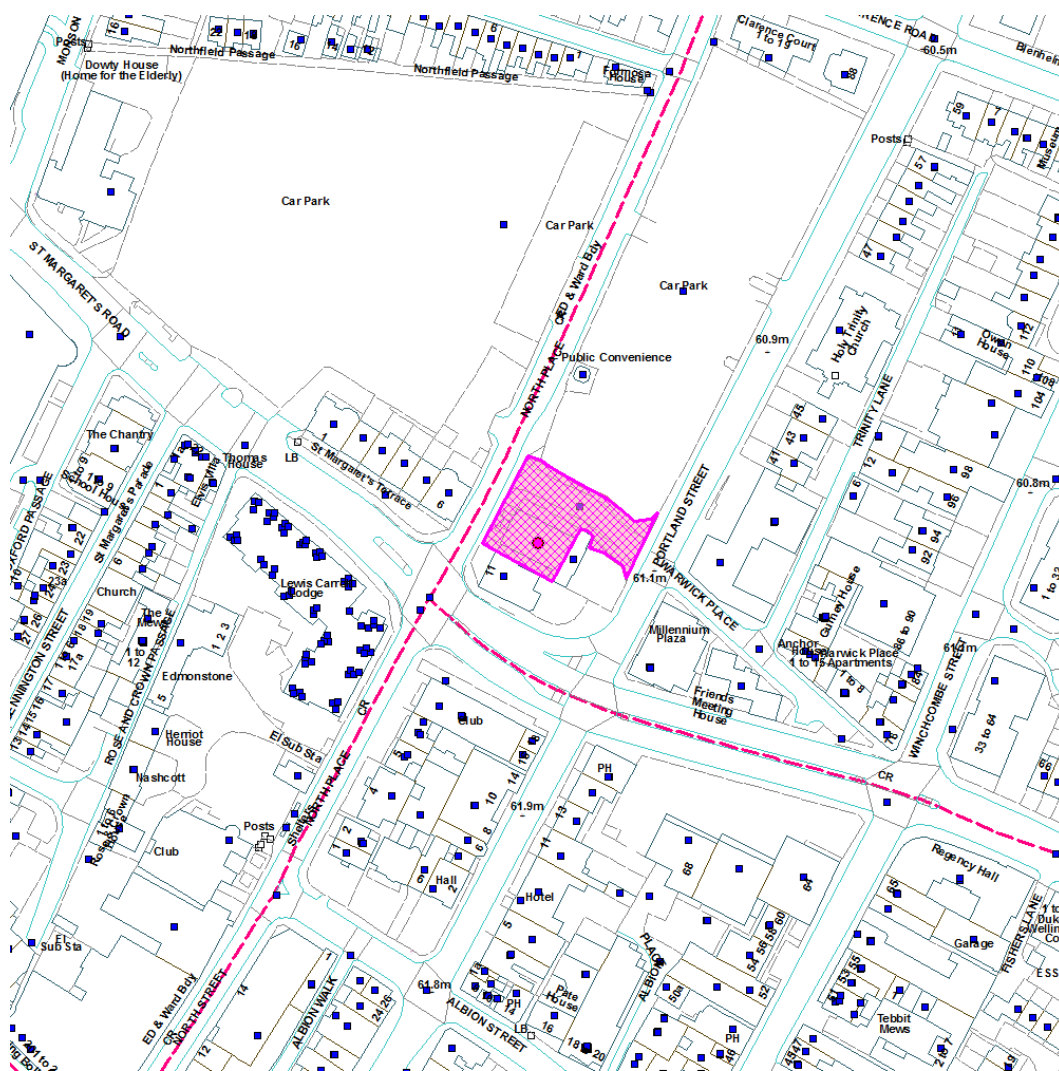


<b>APPLICATION NO: 20/01997/FUL &amp; LBC</b>		<b>OFFICER: Michelle Payne</b>
<b>DATE REGISTERED: 14th November 2020</b>		<b>DATE OF EXPIRY: 9th January 2021</b> (extension of time agreed until 22nd January 2021)
<b>DATE VALIDATED: 14th November 2020</b>		<b>DATE OF SITE VISIT:</b>
<b>WARD: Pittville</b>		<b>PARISH:</b>
<b>APPLICANT:</b>	Chapel Spa Ltd	
<b>AGENT:</b>	BHB Clive Petch Ltd	
<b>LOCATION:</b>	Chapel Spa, North Place, Cheltenham	
<b>PROPOSAL:</b>	Change of use of existing spa (Use Class D1) to 8no. apartments (Use class C3) with associated internal and external alterations	

**RECOMMENDATION: Permit & Grant**



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## 1. DESCRIPTION OF SITE AND PROPOSAL

### *The site*

- 1.1 The application site is prominently located on North Place, close to the Fairview Road / St. Margaret's Road junction, and within the Old Town character area of the Central conservation area.
- 1.2 The site is occupied by a grade II listed building built as a Chapel (Portland Chapel) in 1816, with the portico added in 1865; it was the first nonconformist Gothic Revival building erected in Cheltenham. The building is two storeys over basement; and Ashlar over brick beneath a hipped slate roof. It was listed in 1972.
- 1.3 The building is currently in use as a day spa, Chapel Spa. Members will note that the description of development refers to the existing use as Class D1; however, following recent changes to the Use Classes Order, the existing use now falls within Class E.
- 1.4 Directly opposite the site sits St. Margaret's Terrace, a substantial four storey terrace of six grade II\* listed buildings, c1820-25. Additionally, the neighbouring building, no. 11 North Place, and the building to the rear fronting Portland Street are grade II listed. Portland Street car park is located to the north of the site.
- 1.5 Diagonally opposite the site on the corner of North Place and St. Margaret's Terrace is the recently constructed Lewis Carroll Lodge, a block of 65no. sheltered apartments for the elderly; planning permission having been granted on appeal.

### *The proposal*

- 1.6 The applicant is seeking planning permission and listed building consent for a change of use of the entire building to create 8no. apartments (Use class C3) together with associated internal and external alterations. The proposed scheme would provide for a mix of 5no. two bed apartments, 2no. one bed apartments, and 1no. studio.
- 1.7 The apartments at ground and first floor level would be accessed via the existing entrance on North Place; whilst, at basement level, existing flat roofed extensions on both sides of the building would be demolished to enable the provision of separate entrances to the individual apartments; and to provide some outdoor amenity space. Adequate bin and cycle storage facilities would also be provided in these areas.
- 1.8 Members will recall that planning permission and listed building consent was previously granted in May last year for a change of use of the building to a 12 bedroom hotel with the spa facilities retained at basement level, application ref. 20/00119/FUL & LBC.
- 1.9 This revised application is before the planning committee at the request of Cllr McCloskey to ensure that the proposals are given same level of scrutiny.

## 2. CONSTRAINTS AND PLANNING HISTORY

### **Constraints:**

Conservation Area  
Core Commercial Area  
Listed Building  
Principal Urban Area  
Residents Associations  
Smoke Control Order

**Planning History:**

<b>CB13901/00</b> Provision of additional toilet facilities in basement	<b>PERMIT</b>	<b>2nd May 1978</b>
<b>CB13901/01</b> Use of part premises for Play Group	<b>PERMIT</b>	<b>7th August 1979</b>
<b>CBL0689/00</b> Alterations to form internal staircase from Church to lower ground floor and substitution of door with side-light for existing window on side elevation of basement	<b>PERMIT</b>	<b>21st February 1985</b>
<b>CBL0689/01</b> Alterations	<b>WITHDRAWN</b>	<b>22nd February 1990</b>
<b>CB13901/02</b> Change of use to Fitness Centre incorporating indoor climbing wall (in accordance with revised plans received 04 Aug 94 and 25 Aug 94)	<b>PERMIT</b>	<b>25th August 1994</b>
<b>CBL0689/02</b> Basement: Replacement of WC facilities and installation of changing facilities & construction of partition walls. Ground level: Construction of climbing wall. Gallery level: Balustrade replacement	<b>PERMIT</b>	<b>25th August 1994</b>
<b>01/00476/LBC</b> Internal alterations including construction of new mezzanine floor, new changing rooms in basement, spa area in basement and treatment rooms on ground floor	<b>GRANT</b>	<b>30th July 2001</b>
<b>02/01973/LBC</b> Installation of glass door and screen on inside of existing entrance doors	<b>GRANT</b>	<b>14th February 2003</b>
<b>07/01030/LBC</b> Internal alterations and general refurbishment	<b>REFUSE</b>	<b>9th October 2007</b>
<b>07/01677/COU</b> Change of use from garage/storage to mews type dwelling to front Trinity Lane	<b>WITHDRAWN</b>	<b>7th February 2008</b>
<b>07/01686/LBC</b> Installation of external and internal air circulation units at basement level	<b>WITHDRAWN</b>	<b>25th January 2008</b>
<b>14/01925/LBC</b> Masonry repairs to Portico and northern boundary wall	<b>GRANT</b>	<b>26th November 2014</b>
<b>14/02108/LBC</b> Various internal alterations to reception area to include blocking up of an existing doorway, creation a new double door opening with glazed fanlight over, and alterations to change existing flush door from an opening door to a sliding door	<b>GRANT</b>	<b>19th January 2015</b>
<b>15/01208/FUL</b> Dropped kerb and hardstanding to facilitate parking area	<b>PERMIT</b>	<b>19th February 2016</b>
<b>16/02067/LBC</b> Signage to portico of the building, two free standing signs to the front and addition of up lighting	<b>GRANT</b>	<b>10th April 2017</b>
<b>16/02067/ADV</b>	<b>GRANT</b>	<b>10th April 2017</b>

**18/00332/FUL** **PERMIT** **4th April 2018**  
Retention of dropped kerb (temporary permission granted 15/01208/FUL)

<b>20/00119/COU</b>	<b>PERMIT</b>	<b>29th May 2020</b>
Change of use of existing spa (Class D1) to hotel (Class C1) with associated internal and external alterations		

<b>20/00119/LBC</b>	<b>GRANT</b>	<b>29th May 2020</b>
Change of use of existing spa (Class D1) to hotel (Class C1) with associated internal and external alterations		

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Consideration

The consideration of the scheme is undertaken as a desk based assessment (note that the officer did visit the building in relation to application(s) 20/00119/COU and 20/00119/LBC).

The NPPF defines significance as 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic' (Ministry of Housing, Communities & Local Government, 2019, Annex 2: Glossary, p. 71).

The Good Practice Advice Note (GPA) Managing Significance in Decision-Taking in the Historic Environment states that,

'Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself' consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset' (Historic England, 2015, para 28, p. 8).

The document, Conservation Principles, policies and guidance for the sustainable management of the historic environment (English Heritage: 2008) (though it remains the current advice and guidance of Historic England the new name for the organisation), provides a number of 'heritage values'.

Evidential value: the potential of a place to yield evidence about past human activity.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present ' it tends to be illustrative or associative.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory (para. 5, p.7).

These heritage values can contribute to the significance of a heritage asset.

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

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

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

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

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

Note that the submission is ambiguous as to the date of the windows, with drawing 21976/23 (elevations as proposed) stating that the 'Existing modern windows' be removed' and the Heritage Impact Assessment providing a likely date of replacement of the original sashes at the end of the nineteenth century (section 6, p. 33).

The application proposes to replace existing windows; however, whilst an earlier design of the windows is referred to in various sources and is 'illustrated' in one known instance, the specific details of an original design are unknown and the application does not provide any significant evidence, beyond a rough 'illustration' of 1845. The weight to be given to the accuracy of the illustration is questionable as it does not truly depict aspects that appear to be original that remain, such as the height of the entablature.

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

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

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

Note that there is ambiguity in the proposed operating method of the windows. Drawing 21976/22 (sections as existing and proposed) refers to 'sliding sash windows', by contrast drawing 21976/23 (elevations as proposed) states that the new windows will include 'top-hung opening lights'.

The application proposes the loss of a blind window to the south-west elevation (upper ground floor level) to be replaced by a glazed window [the blind window was depicted as being retained in application 20/00119/LBC]. It is not apparent that the submission comments on this significance of the blind window. Appropriate information on this feature is required to inform a consideration of its proposed loss.

The scheme proposes the removal of relatively modern extensions/additions and the installation/alteration, perhaps re-instatement of fenestration at basement level. The list entry refers to basement windows being 10/10 sashes; however, their extent and location is not made clear. Sources provided in Heritage Impact Statement suggest that the basement was used as a school room therefore the existence of fenestration historically at basement level is likely (Heritage Impact Assessment: pp. 13, 15 & 16). In principle this aspect of the scheme is broadly acceptable; however, there are concerns with the use of double glazing, as discussed above. Note that any historic windows or doors that remain at basement level should be retained and suitably repaired; the Historic Impact Assessment seems to suggest that historic windows may remain (pp.25 and 30).

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

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

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

The Heritage Impact Assessment as submitted states that 'the proposed changes to the interior would not result in any additional 'harm' to an already heavily compromised and much altered space' to such an extent that its significance has been extremely eroded' (p.39). However, its significance should be considered in the context of what is evident currently, and any remnants have more importance given their scarcity in the immediate environment.

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

The proposed comprehensive sub-division of the basement (lower-ground floor) will eradicate the remains of the historic open plan form to the detriment of the significance of the building.

Given that the proposed alteration of the windows will detract from the architectural/aesthetic value of the building it will be detrimental to the character and appearance of the conservation area.

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

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



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

Due to unacceptable aspects of the scheme, it is considered that the proposal will be detrimental to the importance of the designated heritage asset; the degree of harm is considered to be less than substantial. When balancing the harm against the public benefits of the proposal the NPPF requires great weight to be given to the conservation of the heritage assets (paragraph 193).

The Senior Planning Officer/decision maker(s) will need to carry out the balancing exercise as per the provisions of the NPPF.

### Conclusion

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

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

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

Notwithstanding the above, it is acknowledged that the Senior Planning Officer/decision maker(s) will need to give due consideration and weight to those elements of the scheme, proposed once more in the subject application(s), which were granted consent via applications 20/00119/COU and 20/00119/LBC.

### **Building Control**

*1st December 2020*

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

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to 20 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. At the time of writing this report, two representations have been received in support of the application. The comments have been circulated to Members separately.

## 6. OFFICER COMMENTS

### 6.1 Determining issues

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

### 6.2 Policy background / principle of development

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.

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

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

6.2.3 The development plan comprises saved retail policies of the Cheltenham Borough Local Plan Second Review 2006 (LP); adopted policies of the 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 The existing spa use is not protected by national or local policy; the existing use falls outside those B-Class employment (or similar) uses safeguarded by CP policy EM2.

6.2.6 Additionally, there is no fundamental policy objection to the provision of a residential use on this site. The site is sustainably located within Cheltenham's Principal Urban Area wherein adopted JCS policy SD10 supports new housing development and conversions to dwellings on previously-developed land.

6.2.7 Moreover, notwithstanding the above, the Council is currently unable to demonstrate a five year supply of deliverable housing sites (the five year supply calculation from January 2020 was 3.7 years). As such, the housing supply policies in the development plan are out-of-date and the ‘tilted balance’ in favour of granting planning permission is triggered.

6.2.8 The site is not the subject of any other designation that would preclude residential development in principle.

6.2.9 As such, the general principle of a change of use of the building for residential purposes must be acceptable subject to the material considerations discussed below.

### 6.3 Heritage impact

6.3.1 JCS policy SD8 requires designated 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.*

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

6.3.3 As previously noted, this application proposes extensive alterations to the listed building in order to facilitate the proposed development and, as can reasonably be expected, the Conservation Officer is again recommending refusal as they are rightly focussing solely on the impacts of the development on the designated heritage asset.

6.3.4 The Conservation Officer identifies the level of harm to the grade II listed building as being 'less than substantial'; however, that said, when considering the impact of a development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires great weight to be given to the asset's conservation irrespective of the level of harm to its significance.

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

6.3.6 PPG (Paragraph: 020 Reference ID: 18a-020-20190723) sets out that public benefits can be *"anything that delivers economic, social or environmental objectives"* and *"be of a nature or scale to be of benefit to the public at large and not just be a private benefit"*.

6.3.7 PPG (Paragraph: 015 Reference ID: 18a-015-20190723) provides additional guidance in relation to the optimum viable use for a heritage asset; advising that only in a small number of cases will a heritage asset *"be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance."* It goes on to state:

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

*Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset...*

6.3.8 The previous application was supported by a Business Viability Report which stated that *“the only economically viable use for the building was as a Boutique Spa Hotel”*, recognising the existing Spa facilities at basement level as an important asset. An additional supporting document prepared by John Ryde Commercial, which explored the viability of alternative potential uses, concurred that *“When the market recovers...demand for hotel accommodation with associated Spa facilities will...provide the best outcome for future use of this building.”*

6.3.9 Whilst a residential use was not completely ruled out previously, the costs of stripping out the spa installations at basement level were considered to be a major deterrent; and conversion to fewer than 10no. apartments was not considered viable.

6.3.10 Now seven months on, this application is accompanied by an updated report from John Ryde Commercial. The updated report sets out that, as result of the on-going Coronavirus pandemic, a boutique hotel use is no longer viable in the short to medium term but that *“the residential market continues to be active and conversion to apartments, whilst marginal in terms of viability is considered to be commercially proceedable [and] will also be more favourably received in the funding/debt market for development finance”*.

6.3.11 Officers are therefore satisfied that, whilst in the long term a hotel use might well be economically viable, in the short term, the conversion of the building for residential purposes now appears to be the optimum viable use; and, given the current shortage of housing within the borough, the public benefits of a residential scheme are apparent.

6.3.12 In addition, officers consider the previous grant of consent which remains extant to be a material consideration in the determination of this current application with particular regard to the harmful alteration of the building. Much of the ‘less than substantial’ harm resulting from the extensive alterations to the listed building, having previously been deemed to be outweighed by the public benefits in securing a viable use for the building.

6.3.13 As per the previous application, the applicant is again proposing to retain the cast iron columns which support the rebuilt galleries; the applicant’s Heritage Consultant highlighting these as the *“only significant internal features”*.

#### 6.4 Access and parking

6.4.1 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.

6.4.2 The proposed development will be served by 8no. car parking spaces accessed from Portland Street via an existing vehicular access. A similar parking arrangement was previously proposed for the recently approved hotel use and was supported by the County Council as the Local Highway Authority; and therefore, whilst the County has not provided any response to this current application, officers are satisfied that the proposal will not result in any harmful impact on the local highway network.

#### 6.5 Other considerations

##### *Amenity*

6.5.1 There are no amenity concerns arising from the proposed use; and it is not considered that the conversion of the building for residential purposes will impact on adjacent land users. No objection has been raised by local residents.

### *Public Sector Equalities Duty (PSED)*

6.5.6 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.

6.5.7 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.

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

## 6.6 Conclusion and recommendation

6.6.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.6.2 Officers consider the general principle of a change of use of the building to be acceptable; however, the proposed use would result in less than substantial harm to this designated heritage asset and, in accordance with NPPF paragraph 196, this harm must be weighed against the public benefits of the proposal.

6.6.3 With this balancing exercise in mind, officers are satisfied that the proposed use is now the optimum viable use for the building and it can be concluded that the public benefits of the proposal would outweigh the less than substantial harm to the listed building. The change of use for residential purposes will make a small but valuable contribution to the housing stock within the borough.

6.6.4 With all of the above, officers recommend that both planning permission and listed building consent be granted subject to the following conditions:

## **7. SUGGESTED CONDITIONS/INFORMATIVES**

### 20/01997/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.

- 3 Prior to first occupation of the development, parking and turning facilities shall be provided in accordance with approved Drawing No. 21976/25. 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).

- 4 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with approved Drawing No. 21976/25. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

- 5 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with approved Drawing No. 21976/24A. The refuse and recycling storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

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

## 20/01997/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.

- 3 Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) New windows (to include but not limited to: elevational drawings at a scale of 1:10 or a similar standard scale, sectional drawings (horizontal and vertical) at a scale of 1:2 or a similar standard scale, an indication of material(s) and details of external finishes/paint(s));
- b) New external doors including over-lights (to include but not limited to: elevational drawings at a scale of 1:10 or a similar standard scale, sectional drawings (horizontal and vertical) at a scale of 1:2 or a similar standard scale, and indication of material(s) and details of external finishes/paint(s);
- c) Railings (to include but not limited to: elevational drawings at a scale of 1:10 or a similar standard scale, sectional drawings (horizontal and vertical) at a scale of 1:2

- or a similar standard scale, and indication of material(s) and details of external finishes/paint(s); and
- d) All new extract vents and flues.

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 saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

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

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.