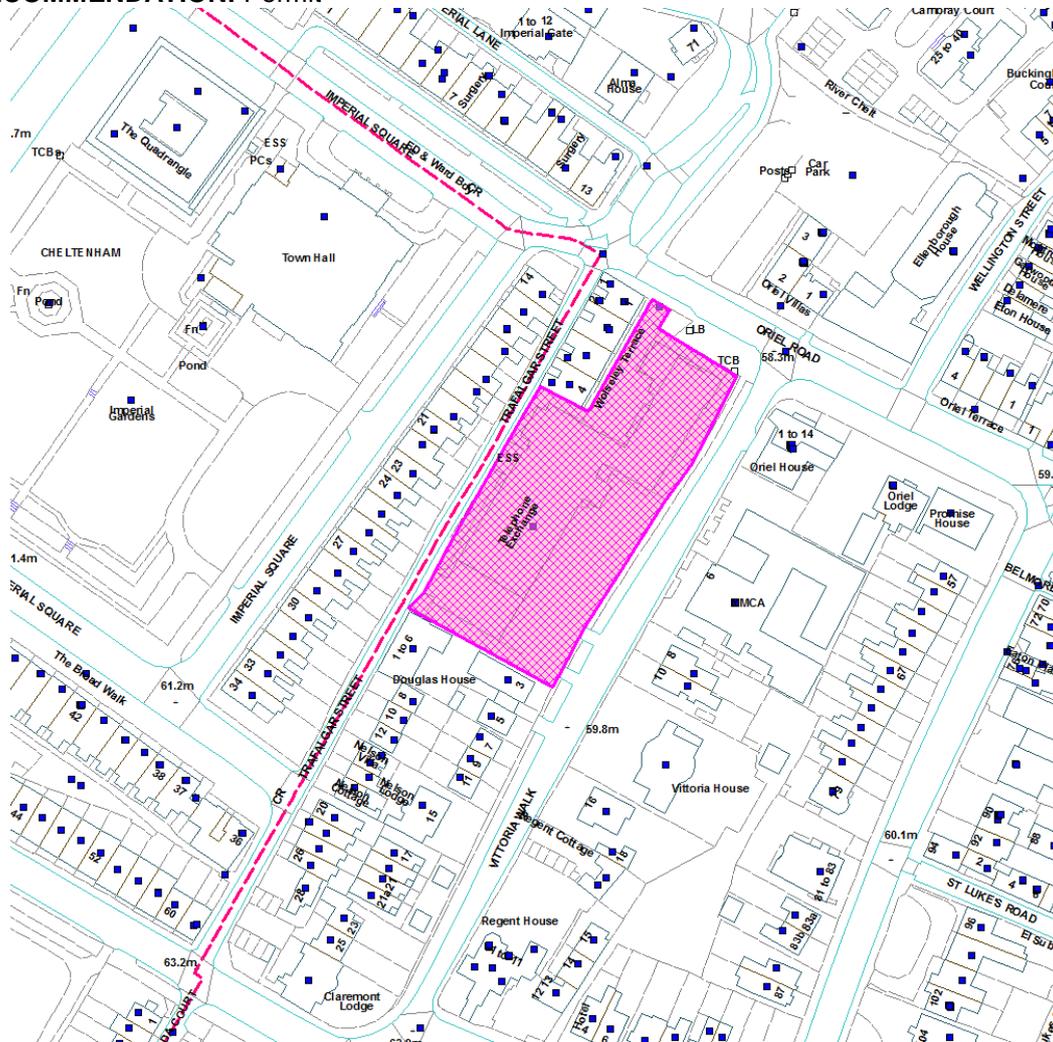


<b>APPLICATION NO:</b> 20/01680/FUL		<b>OFFICER:</b> Mr Daniel O Neill
<b>DATE REGISTERED:</b> 29th September 2020		<b>DATE OF EXPIRY:</b> 24th November 2020
<b>DATE VALIDATED:</b> 29th September 2020		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> College		<b>PARISH:</b>
<b>APPLICANT:</b>	The Applicant	
<b>AGENT:</b>	CBRE	
<b>LOCATION:</b>	British Telecom, Oriel Road, Cheltenham	
<b>PROPOSAL:</b>	New sliding vehicle access gate to Oriel Road, replacement of existing gate to Vittoria Walk and new metal railings on top of existing low level brick wall to achieve an overall height of 1.6m, as well as 1.2m railings opposite Wolsey Terrace.	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site, known as British Telecom building, is a large office commercial building at the corner of Oriel Road and Vittoria Walk. The main access to the site is from Oriel Road with additional access from Vittoria Walk. The site is located within the Montpellier Character Area of the Central Conservation Area.
- 1.2 The applicant is seeking planning permission for a new sliding vehicle access gate to Oriel Road, replacement of existing gate to Vittoria Walk and new metal railings on top of existing low level brick wall to achieve an overall height of 1.6m, as well as 1.2m railings opposite Wolseley Terrace.
- 1.3 The application is at the request of planning committee due to the impact on the conservation area, listed building and design approach.
- 1.4 The application was deferred by members at the January planning committee (21 January 2021) for further revisions and further justification. Revised plans have been submitted and officers have taken these into consideration.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area  
Core Commercial Area  
Flood Zone 2  
Principal Urban Area  
Smoke Control Order

### Relevant Planning History:

**00/01146/GDO28 WDN**

Installation of mast, antenna, equipment cabin and development ancillary thereto (Formally British Telecom)

**00/01322/FUL 29th January 2001 PER**

Installation of telecommunications base station at roof level (Formally British Telecom)

**00/01339/FUL 29th December 2000 PER**

To form a new enclosure within the existing building and addition of a 5.0 metre mast for CCTV camera (Revised Plans) (Formally British Telecom)

**01/00676/FUL 27th June 2001 PER**

Alteration of existing elevation to provide new doors and ventilation louvre

**01/01154/FUL 17th December 2001 PER**

Construction of telecommunications base station at roof level. Installation of 3 no. antennae and 3 no. dishes and equipment cabin (Revised)

**02/00941/FUL 29th July 2002 PER**

Removal of 2 no. window panes and their replacement with 2 no. aluminium louvres coloured bronze to match existing louvres

**02/01455/FUL 18th December 2002 REF**

Installation of a 5m stub tower and equipment cabin behind a steel and GRP screen with 6no. antennae, 2no. dishes, associated cabling and other ancillary works

**85/00776/PF 18th September 1985 WDN**

Cheltenham Telephone Exchange Cheltenham Gloucestershire - Erection Of Roof-Mounted 1.8m Diameter Dish Aerial To Create A Radio Link With Gloucester Between August 1985 and March 1987

**86/00882/PF 25th September 1986 PER**

Cheltenham Telephone Exchange Cheltenham Gloucestershire - Alterations To Elevation To Provide Emergency Exit And Laying Out Of Car Parking Area

**86/01402/PF 22nd January 1987 PER**

Cheltenham Telephone Exchange Cheltenham Gloucestershire - Alteration To Car Park Entrance To Improve Visibility And Safety Of Pedestrians Using Footpath

**88/01032/PF 25th August 1988 PER**

Cheltenham Telephone Exchange Cheltenham Gloucestershire - Provision Of New Fire Escape Door In Existing Stair Tower In Accordance With The Additional Plans Received On 5th August 1988

**88/01649/PF 15th December 1988 PER**

Installation Of Temporary Containerised Telephone Exchange For A Period Of 12 Months

**04/00390/FUL 20th April 2004 PER**

Installation of 3 pole mounted antennas on two poles, 1 face mounted antenna and 1 pole mounted dish antenna, 6 pack equipment cabinets, cabling and other ancillary works. Re-positioning of existing telecommunications pole and antenna

**05/01329/FUL 14th October 2005 PER**

Replace three windows with air inlet louvres to Vittoria Walk elevation

**12/00880/FUL 6th August 2012 PER**

Proposed installation of a ventilation louvre on the ground floor, to replace existing glazing

**13/00637/FUL 23rd August 2013 PER**

Installation of 6no. air conditioning units on roof

**77/00664/PF 11th August 1977 PER**

New boundary walls and barrier

**77/00665/PF 7th September 1977 PER**

Alteration to gates and fence

**84/01365/LA 26th January 1984 GRANT**

Demolition of unused telephone exchange

**13/01492/DISCON 26th September 2013 DISCHA**

Discharge of conditions on planning permission ref: 13/00637/FUL - Condition 2) Colour finishes of the equipment

### **3. POLICIES AND GUIDANCE**

#### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making  
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

**Supplementary Planning Guidance/Documents**

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

## **4. CONSULTATIONS**

**Building Control**

*1st October 2020*

No comments to be made.

**Heritage And Conservation**

*19th January 2021*

Significance

The proposal site is situated in the Central Conservation Area (Montpellier 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).

Immediately to the north-west of the site is Wolseley Terrace (incorporating Wolseley House), a terrace of four houses that was constructed c.1834; it appears on H.S Merrett's 1834 plan of Cheltenham. Listed on 31 July 1970 (Grade II); list entry number: 1387385. Other listed buildings are located in the vicinity, including but not limited to Oriel Villas to the north-east and the YMCA building to the south-east.

Legislation and policy

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.

The application does not "describe the significance of any heritage assets affected, including any contribution made by their setting", contrary to paragraph 189 of the NPPF.

The Central Conservation Area, Montpellier Character and Area Appraisal and Management Plan, was adopted by Cheltenham Borough Council as a Supplementary Planning Document (SPD) on 23 February 2007 and is a material planning consideration in the determination of planning applications.

The SPD provides a townscape analysis map (p.54) which identifies a "key view/vista" from south-east to north-west along Oriel Road.

The proposal site contains a building that is stylistically of the latter half of the twentieth century (c.1960s) and reads as having a commercial use rather than residential. The immediate vicinity is dominated by the highway known as Oriel Road (A46) and contains buildings of various periods.

The proposed works to the boundary of the proposal site will be in keeping with the twentieth century building and metal railings are to be found in the vicinity; therefore the scheme will not appear incongruous in the street scene.

Given the form of the proposed installations, general views along Oriel Road and Vittoria Walk will not be hindered.

The NPPF defines the setting of a heritage asset as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral" (Annex 2: Glossary).

The front (principal) elevation of Wolseley Terrace faces south-east and the proposal site. Map regression shows that the terrace historically faced part of the garden of a detached property known in 1855 as Wolseley Villa. Immediately to the east of the terrace was the carriage drive to the villa (located to the south of the terrace), on the line of the current vehicular access into the proposal site from Oriel Road. The line will be maintained; however, the historic drive and its context have been lost as a result of the c.1960s development.

Views of the front elevation of Wolseley Terrace from the south-east are limited and the proposed installation to the front of the site (north-east) will have negligible impact on them.

With regard to views of the front elevation of Wolseley Terrace from the immediate vicinity of the access point with Oriel Road, the proposed features will partially obscure aspects of the elevation to a degree; however, the design (railings) of the boundary treatments will allow a good degree of visibility. In addition, the majority of the front elevation of the building, particularly the polite upper floors will remain unobscured and assuming that the pavement area to the front of the terrace is publically accessible, views of the features at basement level will be achievable unhindered. The architectural value of the building will remain evident and its contribution to its significance will not be harmed.

Given the above the scheme will not detract from how the listed building is experienced and therefore its significance will be maintained. The proposal also does not present any negative impact on the respective settings of other listed buildings in the immediate vicinity.

#### Conclusion

The proposal will not detract from the character or appearance of the conservation area or the setting of listed buildings and as such the significance of the designated heritage assets will not be harmed; therefore the scheme is acceptable.

#### **GCC Highways Planning Liaison Officer**

*11th November 2020*

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

The Highway Authority therefore submits a response of no objection.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>74</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** Letters of notification were sent to 74 neighbouring properties. The application as received comments of objection and this has been summarised but not limited to the following points;

- Impact on the conservation area
- Impact on the significance of the listed building
- Poor design
- Constricted pedestrian access

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The main considerations when determining this application are design, impact on the wider conservation area and street scene, impact on neighbouring properties and highways safety.

### **6.3 The site and its context**

- 6.4** The property known as British Telecom is located at the corner of Oriel Road and Vittoria Walk. To the side facing west is a row of Grade II listed terraced properties known as Wolseley Terrace, where the application site and these properties are separated by a footpath.
- 6.5** The application site front boundary presently consists of a low level brick wall and automated barrier facing Oriel Road. This low level brick wall also acts as part of the side boundary facing Vittoria Walk and is attached to a 1.7m high brick wall with automate sliding gate for additional vehicular access. Both boundary treatments are visible from the public realm.
- 6.6 Design, layout and impact on historic environment**
- 6.7** The application proposes to add new railings above the existing low level brick wall, the installation of a new sliding gate for vehicle access to Oriel Road and the erection of metal railings to the western boundary adjacent to the public footpath and Wolseley Terrace. Additionally, the application also proposes to replace the existing sliding gate to Vittoria Walk.
- 6.8** Officers held concerns on the initial designs proposed for low level brick wall with fencing atop and the new sliding gate facing Oriel Road. It was considered that this design was visually utilitarian in appearance and unsympathetic to the character of the wider locality. Revised plans were later submitted to address officers concerns and these were presented at January committee before deferment.
- 6.9** Following deferment at the January planning committee, further revisions have been submitted in line with comments made by members. The height of the railings atop the brick wall have been revised to 1.6m and the sliding gate facing Oriel Road has now been designed to mirror the gates at a neighbouring property opposite the application site. These revised railings have continued the key element of spacing between bars, usually 140mm apart, and decorative finials atop individual railing bars, influenced from the appearance of historic railings.
- 6.10** The proposed metal railings to the western boundary, opposite Wolseley Terrace, will remain 1.2m high. They represent traditional historic railings and will incorporate a gate access for occupiers at Wolseley Terrace. These railings were initially higher but were reduced following officers concerns to allow for a less dominant appearance when utilising the footpath between the application site and Wolseley Terrace.
- 6.11** Officers consider that on balance the proposed works are acceptable and will not cause detriment the character and appearance of the wider conservation area. The proposed boundary line facing Oriel Road is approximately 10m from the edge of the carriageway and this will minimise the impact when viewed in context with the wider street scene. This is important given that an important view or vista as identified within *The Montpellier Character Area* is the view along Oriel Road facing west towards the Promenade. Part of the view includes the surrounding historic buildings including those facing Oriel Road, at the cross roads with the Promenade and the Town Hall. Officers consider that the proposed works will not distort, distract or deter this vista given its considerable setback from Oriel Road.
- 6.12** The submission of further revised plans following the deferment at January planning committee have unchanged the officers consideration with regards to the impact on the neighbouring Grade II listed Wolseley Terrace. The comments made by the conservation officer can still be taken into consideration and the initial concerns regarding the proposal from the surrounding neighbour have continued to be acknowledged.
- 6.13** A concern was raised regarding how the proposed works would obscure views of the adjacent Grade II listed Wolseley Terrace, potentially causing harm to the architectural

significance of the designated heritage asset. Wolseley Terrace features a ground floor above the existing street level with front facing balcony's surrounded by decorative ironwork. The proposed works would not be higher than the base of these balconies, while glimpses of the basement will still be visible when viewed from street level. It is common feature for railings to appear outside Regency buildings and this is evidence within the surrounding area.

**6.14** A further concern was raised regarding the impact to the setting of this Grade II listed building. The setting of this building has already been compromised by the establishment of the British Telecom building constructed within the latter half of the 20th Century. It is opinion of officers that the proposed development will not cause any further harm to this setting but admittedly will not enhance it either. On balance, it was considered that at best the proposal would preserve the setting of the listed building and its surrounding area. Together with how views of Wolseley Terrace are still permissible and what could be achieved under permitted development, it is consider that no unacceptable impact or harm to the significance of this listed building will be caused and it would not warrant a refusal of permission in this instance.

#### **6.15 Impact on neighbouring property**

**6.16** There are no significant amenity concerns as a result of the proposed development and the proposed boundary line has already been identified with the existing boundary treatment. Officers consider that the proposed works will not harm the amenity of the surrounding properties in respect to privacy, light and outlook.

**6.17** A comment was received regarding the need vehicular access to facilitate maintenance of Wolseley Terrace. This would be a civil matter between the occupiers of Wolseley Terrace and the application site has the area for vehicle access is land occupied by the applicants. This would not fall under the responsibility of a planning application.

**6.18** A concern was also raised on how the proximity of the metal railings adjacent to the public footpath and opposite Wolseley Terrace could create a constricted pedestrian environment. Whilst not predominately a material planning consideration, gated access is proposed for occupiers to this terrace and it is important to remember that any form of boundary enclosure can be erected up to 1m without the benefit of planning permission.

#### **6.19 Access and highway issues**

**6.20** The Highways Authority have been consulted as part of this application and the raise no objection to the proposed works. As such, it is considered that no harm to the wider transport network will be caused.

#### **6.21 Other considerations**

**6.22** A comment from a surrounding neighbour highlighted that listed building consent was required given that the proposed works are attached to no. 4 Wolseley Terrace. Officer understanding is that the railings will not be attached to this property however a condition has been added for further design details in relation to method of construction. The applicant has been informed that if the intention is to propose attaching the railings then an application for listed building consent may be required.

**6.23** It is acknowledged that no Heritage Statement has been submitted alongside elevational and plan drawings. This application is considered as a minor development and the site is not a listed building or building designated as locally listed. It would be unreasonable to request this information given what can be built without the benefit of planning permission.

#### **6.24 Public Sector Equalities Duty**

**6.25** 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.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** Officer recommendation is to permit this application subject to the conditions set out below;

## **8. 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 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) Stone (capping and plinth): (physical sample(s), name/type and source to be submitted to the LPA).

b) Railings and gates (including finials): (physical sample/swatch of paint colour to include manufactures name and specific product details, and method of construction)

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 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.

## **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.