

<b>APPLICATION NO: 21/00583/FUL</b>		<b>OFFICER: Mr Daniel O Neill</b>
<b>DATE REGISTERED:</b> 19th March 2021		<b>DATE OF EXPIRY :</b> 14th May 2021
<b>WARD:</b> Pittville		<b>PARISH:</b>
<b>APPLICANT:</b>	Ms Elaine Cross	
<b>LOCATION:</b>	Clarence Court Hotel, Clarence Square, Cheltenham	
<b>PROPOSAL:</b>	Construction of a pergola (retrospective)	

## REPRESENTATIONS

Number of contributors	<b>45</b>
Number of objections	<b>20</b>
Number of representations	<b>1</b>
Number of supporting	<b>24</b>

36 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 11th April 2021

It would be reasonable for both the Planning Officers and the Planning Committee of Cheltenham Borough Council to assume information contained within a Planning Application is accurate, and presents a true reflection of the circumstances of the Application. This Application is cause for considerable concern, as it would appear to bypass normal due processes. It contains significant errors, omissions, and contradictions. It seems from the Application that no site visit has been made by either Building Control or Planning, as it appeared unnecessary to verify the statements made by the applicants. The principal objection therefore needs to address the content of the Application itself.

The Sections of the Planning Application which should be called into question are:

(a) Item (3) Page 2 (a) - Description of Proposal : "Construct Pergola to rear of car park in waste ground.....Use is for guests and local residents dining. Use was previously the same but in an untidy environment and used for fly tipping". Applicant states therefore there has been no change of use. This is patently inaccurate. There has never been any hospitality area situated in this position. The only outside area ever used by the present owners to serve meals or drinks was on the street/pavement (west) side of the hotel (see 3 tables and 18 chairs existing (e)). No seating or table plan has been submitted with the Application, and no indication of increased client numbers is forecast. On Friday 9th April the owners posted on social media that they are opening for "drinks" on Monday 12th April. At the same time they state that no food will be served until the hotel opens on 17th May. This does not constitute the dining use as specified. Item (a).

(b) Item (3) Page 2 (b) ,the proposed use of the Pergola is stated as "dining", and that "Use was previously the same....". This hardly tallies with the impression of a derelict site given in (a) above and in (f) below .

(c) Item (9) Page 4 - Lighting "Fixed, wired, subtle lighting on a timer".  
This consists of approx. 40 exposed light bulbs strung from the rafters of the structure.

(d) Item (10) Page 4 - Vehicle Parking. Total existing spaces 20, total proposed spaces 20. How is it possible to reduce the available parking area by 56 sq.m, (h), and not reduce the number of car parking spaces?

(e) Item (14) Page 5- Existing Use: "Derelict/waste land with fly tipping. Plus 3 tables and 18 chairs existing." This use "ended" on 24/2/21. The chairs and tables referred to were positioned in the front of the hotel on the street side of the building until moved on to parking spaces at the south side of the building whilst "essential workers" were accommodated at the hotel last summer. It seems this temporary arrangement now constitutes "existing use".

(f) Item (18) Page 7 - All types of Residential Development - Non-residential Floorspace. Does your proposal involve the loss, gain, or change of use of non-residential floorspace? - Box ticked is "NO". The continued references to derelict and waste land, and to fly tipping begs the question that the area referred to was ever used for hospitality.

(g) Item (20) Page 7 - Hours of Opening : 07.30 - 23.00 Monday - Friday / 08.00 - 23.00 Saturday / 08.00 - 22.30 Sunday

How can these licensing hours (outdoors) be considered acceptable within an area which is otherwise completely residential?

(h) Item (21) Page 7 - Site Area "7 sq.m.". This is shown clearly on the rough drawing of the proposed footprint of the application (as measured by the applicant) at 7 m x 8 m. = 56 sq. m.

The overall implication is that the owners are reclaiming derelict land. The statements made in the Application patently misrepresent the situation as the space is in fact a section of the hotel car park and has never been used for any form of hospitality. The claim that there is no change of use is specious. The property was purchased by the current owners in March/April 2020: if the location in question has been allowed to deteriorate to the condition described within a twelve month period, that neglect can hardly be used to support an argument for a Planning Application.

Item (5) Pre Application Advice : through email conversations with Sara Clevely it has been indicated that "in principle the building 'seems' to be OK but the final decision is the planning officer". One assumes this advice is based in good faith that the Planning Application submitted is factual and the statements made are substantially correct: this is not the case.

We all appreciate the difficult times hospitality businesses have experienced over the last year, and Cheltenham Borough Council have in their Licensing Recovery Plan relaxed certain policy measures and restrictions. However, within that plan, it is clearly stated that wider considerations which might affect residential areas are taken into account. Licence holders are expected to produce evidence of what practical measures they are taking to prevent disturbance to local residents, and what actions they will introduce to prevent or reduce noise. There is no evidence in this Retrospective Planning Application that any of these points have been addressed.

Local residents have been supportive of the Clarence Court Hotel's new owners. The café tables and chairs on the street side of the hotel last year were a very well received innovation. However, in view of the lack of detail within this Retrospective Planning Application, there is major concern that permissions granted will allow whatsoever interpretation the owners of the Clarence Court Hotel (present and future) may chose. That which is presented as temporary will inevitably become permanent. This ill-conceived and open ended proposal as it stands can only result in the detrimental changes to the area.

9 Cranley  
Wellington Square  
Cheltenham  
Gloucestershire  
GL50 4JX

**Comments:** 12th April 2021

I became aware of this application recently when I walked past the hotel on my way into town. I then read the many ridiculous and frankly selfish objections posted on this site. I am not going to dignify the obviously 'organised' objections with a rant of my own as I am sure the planning officers will be able to see them for what they are! I strongly support this and any business who has for the last 12 months plus fought to survive during the pandemic and now may finally be in a position where they may have some light at the end of the tunnel. They should be encouraged and supported by all local residents to help them survive, what is the alternative, a boarded up closed building as we have seen happen far to many times even before the COVID crisis. I think this initiative is most in keeping with the hotel and the area and greatly enhances what was a scruffy and unused piece of land. Come on Cheltenham SUPPORT your local businesses and let's get the town thriving again!!!

1 Regency Court  
59 Brookbank Close  
Cheltenham  
Gloucestershire  
GL50 3NS

**Comments:** 13th April 2021

First let me start by saying the responses and objections to the pergola are utterly mind boggling. Clarence Court Hotel, like so many other hospitality businesses have been hard hit by covid. The pergola is not huge nor an eye sore, it fits in perfectly with the surrounding structures and is barely visible to any neighbours. The hotel brings in civilised customers and mostly locals, so the complaints of noise pollutions is absurd.

As for the worries about parking, Clarence hotel has its own private parking and does not allow guests to park on the street.

I have personally had the pleasure of meeting the owner and the rest of the team, they are wonderful people, and the owner is trying to do the very best for her business, so to receive so many negatives from local neighbours is awful and must be extremely hurtful. One would think that locals would love a nice civilised beautiful area to enjoy summer evenings, but apparently they would rather complain and try to ruin a new and up and coming business, not very neighbourly.

Morcote Villa  
26 Wellington Road  
Cheltenham  
Gloucestershire

**Comments:** 15th April 2021

Apologies, I may be too late but I wish to lodge my SUPPORT to the pergola construction at Clarence Court Hotel.

28 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 9th April 2021

There have been several attempts over the years to extend this hotel along the rear boundary. This one is unique inasmuch as the extension has already been constructed, under cover of the

pandemic, and now retrospective permission is sought to keep as permanent a structure which is essentially a tent but which would inevitably soon become more solid and permanent..

Apart from the stark variation in appearance of the pergola from the surroundings, there is a total certainty that the peace and pleasant outlook of several neighbours will be affected strongly by any social use of the structure.

Also, the noise of functions in the pergola, which could, I am informed house to to 100 people for some function types, would impact not only residents of the square, but that of streets in all directions around, all currently noted for their peaceful and historic nature.

So I feel it better for this retrospective permission not to be granted, not least since there is plenty of social space in the hotel, and apart from providing cover for the shrinking number of smokers, there should be no need for further al fresco cover for eating or drinking purposes once the current social space restrictions are eased..

Flat 4  
Rembridge Court  
453 High Street Cheltenham  
Gloucestershire  
GL50 3HY

**Comments:** 13th April 2021

Nice and relaxing area to sit in, not loud and very comfortable and spacious and will benefit the area in a number of ways.

42 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 12th April 2021

As close neighbours (50 paces) of the property, I write to object most strongly to the construction (Planning and Building Control) and imminent commercial use (Licensing) of a substantial, pergola-type building in what was the garden and part of the car park at the Clarence Court Hotel.

Clarence Square, part of the original Pittville Estate, is well known as the most complete Regency square in Cheltenham, the south west and maybe the country, and highly respected for its heritage value at national level. The square is in a Conservation Area and comprises detached family villas and 50 town houses in four terraces. The only non-residential, commercially-operated property is the Clarence Court Hotel.

The hotel has operated as a privately-run residential hotel and has recently been acquired by a small hotels group. There is local support for this business but now great concern that the new owners do not appreciate the planning, tree and other constraints imposed on their activities and development in a Conservation Area surrounded by domestic properties.

1. The retrospective planning application is for an oversized, permanent pergola-like building on hard standing butted up against two boundary walls with adjacent properties. Change of use to the existing garden / car park into an outdoor food and beverage area, as an addition to the hotel's existing internal restaurant facilities, will be required.

2. The pergola is in full view from the road and at circa 50 square meters this substantial new outdoor restaurant area will not be easily serviced as it is away from the main building, which

suggests, despite a lack of detail in the application, that integrated barbecue and/or other cooking equipment will be employed.

3. The scale of the development suggests occupancy of around 50 seated covers (one sq metre / person) or over 100 people for standing drinking events, which again the applicant fails to detail. There is no mention of how toilet facilities will be managed let alone improved to accommodate these extra guests.

4. The lack of detail in the application would undermine Building Regulations being met.

5. This will also undoubtedly lead to increases in terms of regular occupancy, higher levels of noise nuisance, light pollution due to the need for extra lighting, impact on residential parking and compromise security issues, none of which is mitigated in the application.

6. A number of residents, through the local Neighbourhood Watch scheme, are actively involved with the local police and have been successful in minimising anti-social behaviour and drug/alcohol misuse in the area over the past ten years and this change of use would go against these successful protocols.

7. This application should not be viewed as a post-Covid recovery plan as the structure is permanent, which further raises concerns over licensing in the long term. Although the application may be able to align hours of opening with those of the hotel, presumably 11pm closure, it is not unreasonable to conclude that permissions will further be granted for late licenses for special events especially those on a regular basis such as Cheltenham racecourse events. This will totally change the dynamic of the area and compromise the heritage of a residential environment.

8. This application has failed in so many aspects as outlined above and permission should not be granted as it will have a detrimental irreversible impact on the quiet residential nature of the area and will lead to further strains on policing measures, both by residents, CBC wardens and the police.

I strongly object to this construction and its application.

30 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 10th April 2021

I am writing to express my concerns re the above planning application and express my objection to the plan.

Whilst an outside dining area may be of benefit to the Hotel, this is not the case for the residents. Clarence Square is a purely residential area and an outside dining/drinking area would impact negatively on this.

The position of the pergola is unacceptable for the Hotel's immediate neighbours. Privacy trees and bushes have been removed and the likely increase in noise, passive smoke and other anti social behaviours will undoubtedly increase. This impacts on their ability to use their gardens.

The application and usage of the pergola is also vague. The suggestion is purely for dining and drinking. However, in the future could we see a development of drinking into an 'in out' bar. open mic venue or bottomless brunches being offered by the hotel? This again is not appropriate in a residential family area.

The noise imposition on the square is likely to increase. The operating hours are from 8.00am until 11.00pm - 10.30pm on Sunday. If patrons are leaving the venue at 11.00pm then this will increase noise levels in a normally quiet residential area. I am also confused as to why a hotel requires an outside venue from 8.00am?

The location of the pergola to the hotel is a significant distance. It is not clear how the Hotel will monitor the usage of the venue or the behaviours of patrons. There is no line of view from the bar restaurant area to the pergola. Clarence Square is not a main thoroughfare so any anti social behaviours would be 'hidden' from view to all except the residents.

The residents have worked hard to maintain behaviours in the park area and previously experienced significant anti social behaviours. I would not wish this to change and I feel the provision of an outside drinking and dining area may do this.

29 Tom Price Close  
Cheltenham  
Gloucestershire  
GL52 2LE

**Comments:** 13th April 2021

It looks lovely. Gives more space for the guests, give them more "freedom" and a chance to enjoy the summer time in these really hard times. The owners knows how to keep everything under control and how not to disturb the neighbours with this "new feature". There is no music or anything outside so it's just like a normal house with a garden where the whole family can have a nice time, chatting and laughing but with respect for others.

5 St Georges Close  
Cheltenham  
Gloucestershire  
GL51 8PP

**Comments:** 13th April 2021

What a tasteful and beautiful way of bringing the area into a thing of beauty. This place is one of the hidden gems of Cheltenham

Flat 2  
Avondale House  
Wellington Square  
Cheltenham  
Gloucestershire  
GL50 4JS

**Comments:** 14th April 2021

I would like to support the Planning application for an outside pergola at Clarence Court Hotel in Clarence Square.

It is a small and discreet area for outside eating and socialising which does not impact on the every day life of the Square. In fact it is an asset to have such a pleasant place nearby to meet friends. The owners have assured us that there will be no music or adverse lighting which could cause distraction at the pergola and there appears to be ample parking at the site for visitors.

This is a family-run hotel and surely in these difficult times we could possibly wish to support local enterprise in our area and enable businesses to run successfully.

Having looked closely at the pergola , I see that it is also a very small area but just sufficient for a few tables and it will adequately maintain social distancing during COVID restrictions, if needed .

Camden Villa  
Clarence Road  
Cheltenham  
Gloucestershire  
GL52 2AU

**Comments:** 8th April 2021

I object to the proposal because Clarence Square is an entirely residential area. I do not feel that it is suitable to have extensive outdoor seating which will result in additional usage and probably extended operating hours.

This will create a potential nuisance to local residents, with additional noise (during usage of the outdoor venue and patrons returning to their vehicles) and also light pollution at night.

Presumably , the car park area that is being lost will result in patrons parking on the square creating additional parking in zone 10 - an area that is already heavily parked making it even more difficult for residents to find a space.

I am also concerned about the scale of building in relation to the site and the removal of another green area.

Flat 5  
10 Pittville Crescent  
Cheltenham  
Gloucestershire  
GL52 2QZ

**Comments:** 13th April 2021

As a regular frequenter of Clarence Court Hotel, I support the application for the modest outdoor structure which is tasteful and inconspicuous at the rear of the property.

The objections seem to exaggerate the impact of a small outdoor space (which has always been available as a garden!) for a local business trying to manage in an extremely difficult covid environment. The revamp of the space will provide much needed additional space to allow diners and residents to be safe in respecting covid restrictions.

This is merely a modest evolution for a hotel that was here before the current resident of the square and will hope to be here for decades to come for locals and visitors to enjoy Regency Cheltenham.

39 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 11th April 2021

Letter attached.

49 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JR

**Comments:** 13th April 2021

I object to this retrospective application on the basis that this large outdoor bar area will have a negative impact on the purely residential surrounding area in terms of noise and traffic disturbance.

The surrounding houses which are most closely affected should have been consulted and allowed to comment BEFORE the structure was erected.

Flat 7  
St Martins Terrace  
Clarence Square Cheltenham  
Gloucestershire  
GL50 4JR

**Comments:** 12th April 2021

We wholeheartedly support this welcome addition to a delightful local hotel. My daughter and her family routinely stay and having a peaceful outside space will only enhance their experience. We often have a coffee when passing and being able to sit outside in the sunshine will be wonderful. This progressive addition will allow exactly the sort of open air socialising society is increasingly demanding.

We fully support this endeavour and look forward to making use of the new facility.

2 Nailsworth Terrace  
Cheltenham  
Gloucestershire  
GL50 4BE

**Comments:** 13th April 2021

The new outdoor seating area in the car park looks is an appealing addition to the hotel and the local area. It will be useful to attract more customers to support the small family run boutique hotel

11, Clarence Square  
Cheltenham  
GI50 4JN

**Comments:** 14th April 2021

I am concerned that this work was carried out without planning permission.

I have no idea how it will impact on the neighbourhood in regards to noise, light pollution etc

Also is the structure in keeping with a grade 2 listed Property?



17 Balladine Crescent  
Stoke Orchard  
Cheltenham/Gloucestershire  
GL52 7SN

**Comments:** 13th April 2021

I absolutely support this, as someone who was a regular for many years and now again have the pleasure of visiting many times (pre - lockdown) the change is welcomed !

5 Wharfdale Square  
Cheltenham  
Gloucestershire  
GL51 8DL

**Comments:** 14th April 2021

As a frequent visitor to the area I fully support the application.

At first I was confused why is a pergola being declared as on a grade two listed building when the red brick building next to it doesn't look very Georgian? Is it one rule for one and one rule for another?

I had a brief discussion with one of the residents of the square while stopping off for a pint in the lovely pergola on my walk back from work today about those claiming that there will be 100 people with live music and the streets will be flooded with cars and the light pollution will mean that nobody with a 1 mile radius will never need to put their lights on.

All it would take would be a 5 minute discussion with the owners to understand that these claims are completely untrue the setting for this has always been to provide a nice setting for hotel guests and local people of the two squares to enjoy. To see the development of the hotel be halted in it's efforts to bring it in line with the high quality surroundings would be a true shame.

A few of the further issues would be solved by licensing surely and are not applicable to the core principles involved in the decision making process although I know I have raised a couple.

The Linen House  
Wellington Lane  
Cheltenham  
Gloucestershire  
GL50 4JF

**Comments:** 8th April 2021

In terms of the retrospective planning application for Clarence Court Hotel, I have various comments which determine my reason for objection.

1. The Positioning of the Pergola. The hotel has conveniently placed the structure as far away from the hotel as possible to minimise the impact on the hotel. They have placed it against the hard boundary with 46 Clarence Square / 9 Wellington Lane and immediately opposite my home, The Linen House. The distance between my doorstep and the structure is 5.6 metres. Any potential disruption created by the proposed operation will impact my property and the neighbouring properties more than the hotel itself.

2. Misleading Planning Application. After witnessing the construction and seeing the installation of tables and chairs, it is clear that this is not a pergola to enhance the garden, it is an unsightly creation of an outdoor Food and Beverage area placed in a car park to increase trade for the hotel.

3. Noise Pollution. Wellington Lane and Clarence Square is a quiet residential area where no pubs/outdoor eateries exist. With late-night trading till 23:00hrs, the operation of the new Food and Beverage area will create a large amount of noise which will cause neighbours great distress. It is also unclear from the application whether the hotel is planning to use music on-site, which is concerning as this would generate more unwanted noise.

4. Light Pollution. The area will need to be illuminated in order for the Hotel's service to operate safely. Considering the close proximity to neighbouring properties, we will be subjected to excessive light pollution.

5. Security/Privacy. The siting for the construction is far from the staffed premises of the hotel with no view from the hotel to the pergola. How can the hotel operate a safe, secure operation without a line of sight or direct access which is obstructed by parked vehicles? The height of the pergola has also created a new access point for potential criminals to climb over the boundary walls into neighbouring gardens. Public access from the road at the hotel's entrance is not blocked off in any way, therefore how will the hotel monitor who is entering their property? The Linen House overlooks the site of the structure and the hotel's car park. With the increased footfall which the new operation will bring, our home will be exposed to more people spending extended amounts of time looking into our property. As the site photos show, our home has large windows with a Juliet balcony which leaves us exposed.

6. Style. The structure is not in keeping with the architecture of this period hotel nor the neighbouring properties on Clarence Square. The timber structure is rough looking and does not blend in with the surrounding area.

I feel the hotel owners have not considered the implications neighbouring properties will face and are thinking only about their own financial gain.

I hope my comments are taken seriously when considering the assessment of this planning application.

The Coach House  
9 Wellington Lane  
Cheltenham  
Gloucestershire  
GL50 4JF

**Comments:** 10th April 2021

With reference to your letter dated 23 March 2021 inviting comments in respect of the above retrospective application.

The application as it stands is so incomplete and inaccurate that, in my view, it should have been returned to the applicant for further clarification. With no accurate 'as existing' information; seating plans; usage plans; public security statement; location/ environmental impact assessment or structural plans in the application, I fail to see how proper consideration can take place.

A rare, mature tree had already been felled without permission, giving rise to concerns as to adherence to local regulations.

For the avoidance of doubt, the application is not for a domestic scale pergola in a private, enclosed garden. It is for a large, commercial, industrial designed erection in an otherwise totally residential location.

I strongly object to this application on a number of grounds, including but not exclusively:

Incomplete, inaccurate and misleading submission  
Change of Use  
Siting, scale and size of the Proposed Pergola  
Increased Occupancy  
Noise and Light pollution  
Sanitation  
Proposed Trading Hours  
Impact on Parking  
Security and Control implications

#### INCOMPLETE, INACCURATE, MISLEADING SUBMISSION

Absence of any supporting 'as is' documentation.

False statement about previous usage. The area was garden and car parking. Tables and chairs were moved from the front of the building to the side during lockdown to accommodate 'essential workers' staying at the hotel. Later, new tables and chairs were installed at the front of the property. The old tables remained at the side of the building, often piled up, presumably awaiting removal.

The area was garden and car parking. It was not well maintained but certainly not derelict. No evidence of fly tipping had been witnessed but had this occurred, it was under the watch of the applicant and would demonstrate a lack of supervision of the location.

The stated number of 'as existing' car parking spaces is false. The building further reduces this.

#### CHANGE OF USE

As far as it is possible to ascertain, no application has been submitted for 'change of use'. The site was garden and car parking. The construction now constitutes a large, commercial entertainment space. There can be no argument that it is a 'change of use'.

#### SITING, SCALE AND SIZE OF THE BUILDING

##### Siting

The site is as far remote from the hotel as possible, as hard against neighbouring boundary walls as can be, including the side wall to this property. Nuisance from noise, light and fumes will have more impact on my and neighbouring properties than on the hotel itself.

##### Scale

The sketchy drawings in the application do not reflect the scale of the building within the site. Scale and size are inappropriate for the location and for erection in a residential area.

##### Style

The flat roofed, industrial appearance of the building does not reflect the important, heritage area within which it is located. The 'flat' appearance gives rise to concerns about future roofing and/or other enclosure taking place.

#### INCREASED OCCUPANCY

No seating plan is provided. Numbers for a construction of this size are 50+ seated or 100+ standing. All this in an area that previously had only traffic from guest returning to or leaving vehicles.

No limitations are given for proposed occupancy. At times within the year, racing festivals for example, even greater numbers might be experienced, overspilling into the car park and public spaces. How would this be supervised and managed? Again, no information/consideration given.

## NOISE, LIGHT and FUMES POLLUTION

Resulting noise could be unbearable for neighbouring properties. Residents have a right to 'peaceful enjoyment of their property' - Human Rights Act, Protocol 1 Article 1. The intended usage of the building, within the residential location, completely countermands that law.

Commercial lighting, shining directly into properties and the environment gives rise to concern under the same Act.

Residents in Britain have a right to breathe fresh air. As has been seen from recent cases arising from damage through traffic fumes, serious consequences can arise. Impact from fumes and pollution from smoking, barbecues and patio heaters emanating from commercial trading, immediately adjacent to residential properties and gardens, cannot be dismissed and must be taken into consideration.

## SANITATION

No reference is made in the application to increased sanitary facilities: W.C.s and hand washing. Information on how this is intended to be managed is essential for this application. In the lockdown period last summer, when the garden area was being used by key workers, guests were observed urinating in the garden area. One wonders what current lavatory facilities are available let alone how vastly increased numbers will be accommodated.

## PROPOSED TRADING HOURS

Trading on a daily basis from 7.30am until 11/11.30 pm with resulting noise, light, pollution and disruption, places an unsupportable strain on residents and their children trying to sleep or go about their daily life. This might be acceptable in a town centre or retail area but not in an otherwise entirely residential area.

## SECURITY AND CONTROL

The proposed food and beverage area is completely remote from existing staffed areas of the hotel. There is no sight line from which staff can readily view the area or the access to it. The area is further obscured by parked vehicles. Access to the proposed area is unobstructed by gates or control, open to anyone to enter without checking. No plan of how this might be managed is given in the application and, I suggest, has not been given any consideration.

The siting and construction of the 'pergola' compromises security to neighbouring properties. It is erected hard against the wall to 9 Wellington Lane and No 46 Clarence Square. A large planter affords easy access to the 'climbing frame' of the struts. From there, easy access to all other garden in the terrace.

It is clear no thought has been given to neighbours security.

The Square suffers nuisance from drugs and alcohol abuse and abusers. The potential to increase that problem by this ill conceived, commercial development and the impact on our already overstretched police force is very concerning.

The hotel make great play in their publicity materials of the 'quiet, leafy setting'; 'heritage' and 'Listed status' of the building. They have, however, had no compunction about felling trees, destroying green areas, and ignoring the planning regulations designed to protect the heritage and environment.

On arrival, the current owners said they wanted to improve the hotel, making it an up market, boutique, hotel. On that basis, they have enjoyed the support and encouragement of local residents. Recent actions - felling trees without permission, erecting an outdoor, entertainment space without permissions, and showing no regard to impact on neighbours and residents in the surrounding area - shows contempt and disregard to residents, regulations and Cheltenham's valued heritage.

I urge the committee to decline the application.

Basement Flat  
46 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JR

**Comments:** 13th April 2021

I write to express my objection to the retrospective planning application referenced above.

Firstly I must convey my surprise and concern that as of 12th April 2021 the 'Pergola' appears to be in use for paying customers when the planning permission has not been granted and the owners of the hotel are fully aware of the concerns of their immediate neighbours. I trust that this will not sway the council's decision and that they will take the proper and appropriate action and not be pressured by the business already operating from this structure.

Not only does this structure completely disregard the keeping of the local area & its Grade 2 heritage, it also impacts me as a resident and I am extremely disappointed that a knowledgeable, experienced hospitality business owner would proceed with these changes with no regard for their neighbours and locals. With business being so quiet during lockdown (unfortunate but a reality), I am curious as to why the application was not submitted in advance of beginning the works. Undoubtedly the hotel will be reluctant to undo the works having invested in the structure, however this is simply unfortunate and due process must be followed when all factors are fully considered.

I think it is reasonable to assume that the owners are fully aware of the likely restrictions when further developing the property and its grounds, this is something that will have been made very clear to them during the purchase of the hotel and as they so clearly reference the buildings Grade 2 status on their website, it is simply extraordinary to claim they didn't believe permission would be required. I am also aware that this retrospective planning application was not made until local residents stressed to the hotel owners that they should check if permission was required, this brings into question the owner's future intentions and consideration for the local area and their neighbours, will future changes be implemented with the hope the council does not notice/will concede under pressure for additional retrospective changes?

As a resident of the square and immediate neighbour to the hotel, I feel it is important to clarify some of the points claimed in the application, additionally I have concerns for my security and quality of life in my property should the changes be permitted under the current arrangements, I have detailed these below:

Planning application

As neither photos or plans of the existing area have been submitted, this brings into question how the council can review & consider this application and the impact to the local area, you are as such 'working blind' which surely should never be the case when reviewing applications for protected buildings/areas. Sufficient design plans for the future Pergola have also not been provided, severely limiting local resident's ability to consider the impact to them & their properties.

As the resident of Basement flat 46 Clarence Square since January 2020, I would like to highlight the following points:

- o The area for the Pergola was not a 'derelict area or waste ground', this has always been used as a garden area during my time of residence. I have witnessed the owners and hotel guests enjoying this area many times for the purposes of relaxing and smoking.

o The area was not used for dining purposes, are the owners claiming that food was served in this 'waste area'? I think this is unlikely and clearly there is a disjoint between the submitted 'as is' and 'reason for application' information from the owners, when read in parallel they do not tally and this should be put back to the applicants for further explanation & evidence.

o I am aware that during Covid lockdown, there were a few small tables placed in the garden area which were used by key workers staying at the hotel, this was temporary and should not be considered as evidence that the area was previously used for dining purposes.

o I have not witnessed any fly tipping on the property, the hotel grounds have always appeared in good order during my time here.

o The 'Pergola' in construction is quite frankly huge, calling it a Pergola seems almost misleading for a garden area of that size. A smaller more tasteful Pergola would have enhanced the area, that is not in question, however the structure that is in place means the character of the remaining garden is lost and is now actually just trees and bushes. The structure itself is also unattractive and industrial looking.

#### Parking

As a parking permit holder, I pay to park my vehicle in Zone 10 which surrounds the hotel, this is already at capacity in the evenings and I have concerns regarding the number of customers that the new dining area will generate. The number of parking spaces belonging to the hotel will not be sufficient to support the increase of customers the Pergola will bring, therefore customers will of course park on the road, reducing the number of spaces available to permit holders.

#### Noise nuisance

As a resident who lives next door to a hotel, potential noise nuisance is a big concern for me as I'm sure you can understand. The Pergola will surely result in an increase to customer numbers which directly relates to the noise levels coming from the hotel, to date this has been limited by the existing outside area which consists of 4 café tables.

The noise that will come from the Pergola itself will be considerable, additionally I would like to know if there are plans for music of any kind to be played outside.

The noise created by customers leaving the premises until late at night will directly impact me, the current tables are at the front of the property whereas the new Pergola means guests will be stationed at the back of the grounds and therefore the noise to my bedroom will be considerable.

Whilst not strictly relevant to the application, it was non the less disappointing that I did not receive any communication from the hotel owners informing me (as their immediate neighbour) that they would be having building works carried out. As the owners will of course be aware, the majority of people are currently working from home due to the pandemic and the unexpected loud noise from the building works has inconvenienced my work several times. I would have been grateful for the curtesy of prior warning of the building works being carried out.

#### Security & management

The new structure provides easy access to anyone that now wishes to scale the wall of 46 Clarence Square. Previously the wall was of a height that would deter intruders, the new structure gives them a leg up with a convenient planting box and wooden post to climb up. This is hugely concerning to me, once over the wall, an intruder has direct access to the back of 46 Clarence Square.

I would like to know what security measures the hotel will be putting in place to monitor their customers whilst they are situated in the Pergola, for example ensuring noise pollution and anti-social behaviour is minimised. There is no direct line of sight for hotel staff working within the hotel to the outside Pergola, I would like reassurance on how this will be managed to a safe level.

As a previously frequent customer of the hotel, I wish it every success as a business, however this business must operate within the governance that exists to protect buildings and areas of heritage. I trust as the person appointed to ensure this governance is kept you will listen to each of the concerns of the local residents and will work with the hotel to reach a satisfactory outcome for all.

I look forward to receiving your acknowledgement of this letter and my concerns.

46 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JR

**Comments:** 10th April 2021

Construction of a Pergola at Clarence Court Hotel, Clarence Square. Cheltenham

I write in response to your letter dated 23 March 2021, inviting comment in respect of the above retrospective application,

On its website Clarence Court Hotel promotes its location, setting and heritage as can be seen in the following extracts:

"Clarence Court Hotel is situated in a premier Regency square, in a quiet, leafy sanctuary .....The Hotel has been created within an elegant Regency building.....Many of the original features have been maintained .....The hotel is a grade 2 listed building".

The proposal set out in this retrospective application ignores, compromises or destroys many of these attributes. Through failure to submit a timely application and subsequently proceeding with the works in advance of determination the hotel has sought to by-pass the Planning processes which protect the very heritage the hotel extols.

In terms of the application submitted, I have a number of comments arising both from perusal of the documents posted on line and resulting from observation of the works carried out. It should be noted works continue to progress despite the outcome of the retrospective application not having been determined.

Had this application been for a domestic scale pergola, to enhance a private enclosed garden, there would be little cause for concern. Likewise, had it been for a temporary structure facilitating an outdoor food and beverage operation during post-Covid recovery, concerns would be tempered by the short term nature of any permission granted.

Neither of these situations apply. The retrospective application submitted is for a massive permanent pergola structure, out of scale with the garden area of the hotel. Also, by implication, the Change of Use of a significant area of existing garden / carpark to become a commercial outdoor Food and Beverage consumption space in a location remote from and not visible from the existing hotel operations. As the existing hotel facilities already provide a bar and substantial restaurant (with outside seating on the hotel frontage) the proposed pergola area creates a significant increase in "sales area" and thereby increased customer numbers. As such it raise a number of serious concerns for both immediate neighbours such as myself and for the wider Clarence Square / Wellington Lane community.

My concerns and objections are set out below under the the following heads:

Incomplete submission in respect of the "As Existing" condition  
Misleading reason for the Application  
Siting of the Proposed Pergola

Scale of the Proposed Pergola  
Style of the Proposed Pergola  
Increased Occupancy  
Impact on Parking  
Noise Nuisance  
Light Pollution  
Security and Control

Incomplete Submission in respect of the "As Existing" Condition

In order that Planning Officers or Committee members are fully informed when considering any application it is essential that the materials submitted accurately reflect both the "as existing" situation and new proposals. Unfortunately, in this instance, neither aspect is fulfilled - no as-existing plans or photos have been submitted nor are there any meaningful plans of the proposal only photographs of a partially built pergola.

However, as a long term neighbour to the Clarence Court Hotel I am in a position to advise the following in respect of the "as existing" condition.

the area for the proposed pergola was not a derelict area or waste ground as suggested but a garden space with trees, shrubbery and a small area of gravel paving as shown in the attached 2007 and 2019 photographs.

the area was not historically used for dining etc until Covid Lock Down Restrictions limited the use of internal bar / restaurant facilities. Three or four small tables and chairs were then provided in the garden area for the benefit of key workers staying at the hotel - a temporary arrangement.

I have neither seen nor heard any evidence of fly tipping in the garden area but if so then it has occurred on watch of current owners - possibly whilst the premises were closed due to "Lock Down" Likewise any "untidy environment" has only resulted from lack of attention by the owners - albeit understandable during the Covid shut down.

designated parking spaces for the hotel never totalled 20 as stated. In the "as existing" condition 17 marked spaces were provided. Construction of the pergola reduces this to 16 usable spaces.

Reason for Application

It is clear that the primary reason for this application is not the desire for a pergola to enhance the garden area but quite obviously the creation of a substantial, outdoor Food and Beverage area (dining / drinking / smoking) to enhance trade at the hotel. The pergola is simply a means of defining this proposed area, essentially obliterating much of the garden area (see attached March 2021 photograph).

Siting

Siting of the proposed "Food and Beverage / Pergola" area is as remote from the hotel as is possible on the site - minimising impact on the hotel - but hard against the boundary with 46 Clarence Sq / 9 Wellington Lane and immediately opposite 12A and The Linen House in (the narrow) Wellington Lane. Any nuisance arising from the proposed operation will have greater impact on these properties than on the hotel. This can be clearly seen from the attached photograph of the partially completed Pergola.

Scale

The limited drawn information / scale of the site plan submitted give no real concept of the size of the proposed "Food and Beverage / Pergola" area. The attached photograph clearly shows the



massive scale of the proposal which extends to 56m<sup>2</sup> - by observation, more than 50% of the existing garden area.

### Style

Style of the pergola as constructed is "industrial" in appearance with no reference to style or period of the hotel, adjacent Clarence Square buildings or to classic pergola designs. The form of construction is more in keeping with that of a flat roof structure raising the question is some form of roof covering planned downstream.

### Potential Occupancy

The application states the use to be for "dining" but no table / seating plan is provided to define intended occupancy levels. However Building Regulations suggest that where no fixed seating is provided in a dining area, the occupancy should be determined as 1 person / 1 m<sup>2</sup>. From the dimensions stated in the application (7m x 8m) the pergola covers an area of 56m<sup>2</sup> and is therefore capable of accommodating up to 56 persons in a dining environment. However it is far more likely that this "food and beverage" area will become more attractive to drinking / smoking customers in which case the suggested occupancy levels (from Building Regs) are likely to be 1 person / 0.5m<sup>2</sup> ie. up to 112 persons.

These potential numbers would most likely require additional toilet facilities etc but no reference is made within the application.

### Parking

As mentioned above the proposed development decreases the parking available on site which, together with the potential for a substantial increase in clientele, will have a significant, negative impact on parking within Clarence Square to the detriment of residents.

### Noise Nuisance

The creation of an outdoor Food and Beverage operation in this location trading until 22:30 / 23:00hrs will generate an unbearable level of noise nuisance in the quiet residential area of Clarence Square where none exists currently except for the three - four cafe tables sited adjacent to the footpath at the front of the hotel.

Also, as modern bars and restaurants seem unable to operate without some level of piped music, I am concerned that, whilst the application is silent on this aspect, it may well be added later.

In addition to this "on site" noise there will be the noise nuisance generated by the greatly increased number of customers leaving the premises late at night.

### Light Pollution / Nuisance

There will be a need for considerable additional lighting to facilitate a food and beverage operation in this location bringing greatly increased light pollution / nuisance from the pergola area however lighting arrangements are not defined. The recently upgraded floodlighting covering the hotel car park / pergola area is unshielded and so illuminates not only the hotel area but overflows onto adjacent properties on a 24/7 basis.

### Security, Control, Management

The application states the proposed area to be for dining but the trading times specified align with those of the bar and will inevitably lead to outdoor consumption of drinks late into the night. The submission is silent on the matter of Security, Control and Management of the proposed area. This will be extremely difficult for the following reasons:

The new pergola will be clearly visible from the public footpath but with no gates, barrier or other means of limiting access from the footpath. With no visibility of the access route from the hotel - the area will be open for anyone to "wander in" unchecked.

The proposed Food and Beverage / Pergola area is remote (30m+) from staffed facilities in the hotel. There is no line of site from the existing bar, restaurant, reception or management offices to either the proposed pergola area or of the access route (through the car park) leading to it and clientele will be partially obscured by vehicles using the car park.

Additionally, the positioning of the pergola, hard against the boundary wall and projecting from front of the flank wall to 9 Wellington Lane, seriously compromises the security of 46 Clarence Square. Previously, security was afforded by the high boundary wall - minimum 2.4m high on the hotel side. As constructed, the pergola together with the large planter box positioned beneath, provides a convenient "climbing frame" immediately adjacent to the neighbouring boundary - see attached 2021 photograph

I consider these issues clearly indicate that little or no thought has been given to security or control aspects of the operation. "Secure by design" concept is ignored.

With so many important issues not addressed by this application and with works continuing / likely to be complete before the application process is concluded, I believe it places the Council in an invidious position but should not be allowed to shy away from due consideration of all aspects.

Unfortunately, there is a history of inappropriate, unauthorised works being implemented at the hotel (under previous ownerships):

removal of front garden area to provide additional parking - subsequently unusable without obstructing the public pavement and resulting in unattributable damage to the Civic Award winning railings fronting 46 Clarence Square

unauthorised installation of inappropriate signage (as acknowledged by a visiting Planning Officer) but for which a retrospective application was not enforced.

All subsequently approved /accepted retrospectively on the basis "too late to do anything about it now"

I readily acknowledge the considerable investment made by the current owners since acquiring the hotel early last year and accept that a successful hotel in Clarence Square is more desirable than a failing one. Indeed a better located, in scale pergola and seating within a garden setting would probably have received little comment. However, Clarence Square is a quiet residential area and any desire to substantially expand trade, particularly outdoors, must be tempered by consideration of the detrimental impact on all other residents.

I am sure that the owners response to many of the issues raised above would be that they intend to provide a "well managed - up market" operation and that these concerns will never materialise. Unfortunately any permissions granted will be permanent and outlive any change of ownership / style of operation that may occur in the future . It is therefore essential that the full impact of the issues arising from this application be considered and determined now, even if this means remedial action being required.

I look forward to your acknowledgement of this letter and to the concerns raised being fully considered in assessment of the application.

**Comments:** 11th April 2021

Photographs showing the following are available to view in Documents tab.

Hotel Garden 2007:

no waste or derelict areas, no dining

Hotel Garden 2019:

lawn replaced by gravel, well tended, no waste or derelict areas, no dining

Hotel Garden 5 March 2021:

Over 50% of garden lost, parking space lost, pergola extending beyond rear of 9 Wellington Lane plus planter box beneath creates security threat to 46

21 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 13th April 2021

As a resident of Clarence Square for three decades I am amazed to discover the recent retrospective planning application and the apparent disingenuous intentions behind it. We are well aware that we are dealing here with something "after the fact" and the recent inclusion on the council's website of photos relating to this planning issue reveal a different story to the actual contents of the application itself.

The application refers to an area of "derelict waste land with fly tipping" but earlier photo evidence reveals a small garden, admittedly somewhat neglected with a bench and table, at the far end of a long car park.

"Use was previously the same.....area will be picturesque, tidy and much improved", but what we now see is a permanent pergola covering 8 metres x 7 metres with the removal of all greenery and the intention of providing outside dining and drinking.

This has "fixed wired subtle lighting on a timer" and I observe outside space heaters.

There has seemingly been no consultation with residents, save a single notice on a lamppost outside the hotel. And this is in a conservation area of Grade 2 listed buildings, all residential except for this hotel. In other words, we are dealing with the only non-residential, commercially operated property in the square.

If this does not attract the careful scrutiny from our planning authorities that is so clearly deserves, then I do not know what does.

This has the potential to impact not only the residents of Clarence Square but all those bordering Wellington Lane and the rear of properties on the Evesham Road. What is proposed is clearly not temporary, (even though it might attract support as part of a temporary post Covid recovery plan).

No, in essence we are dealing with an outside dining area/bar that is not easily serviceable from the hotel because it is away from the main building, that has the potential for increased noise and light pollution hitherto unknown to local residents. It is fully visible to, and open from, the road and therefore provides an open invitation to attract footfall without restriction.

The debate about area size relative to occupancy has been covered extensively, quoting up to 50 occupants. This must constitute a change of use. Also if any go ahead is given, suitable operating hours for a residential area could be impossible to monitor and control effectively.

Another impact area concerns parking. The application states that the hotel's 20 on-site places are unaffected but this is questionable given the enlarged space of the pergola and its forward intrusion into the hotel's car park. This would increase demand for parking on the square where places are already at a premium, particularly in the evening and overnight.

Please reconsider this application most carefully as the consequences are far reaching, particularly for those in the closest vicinity. Those objectors have my strongest support.

27 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 13th April 2021

I would like to raise concerns over the above retrospective Planning Application for the construction of a large pergola in the garden/car park of the Clarence Court Hotel. As the Application stands it lacks detail, accuracy and clarification on the purpose and long term usage of the structure.

Most residents in Clarence Square have been supportive of the Hotel and its new owners and their vision to turn the Clarence Court into a boutique hotel befitting its location in a residential area of conservation with listed houses. However, any commercial outside development/build of this size and nature in a majorly residential space ought to address the concerns of its neighbours and the potential impact, with particular regard to noise, light pollution and vehicle numbers and parking. The objections raised by many referencing these concerns are wholly valid given the sparsity and inaccuracy of the information on the Application. Ultimately the work has been undertaken without planning permission and sadly without consultation with its residential neighbours who will be directly affected.

33 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 12th April 2021

You will already be aware of the poor standard of core the details in the hotels shameful attempt to bypass the planning laws wrong facts no notice to the Square The effect on the listed area will be massive we and most of past coucillers have have push to ensure the only untouch square remains a place that visitors come to admire and photo and a place to sit This is not for the benefit of the listed square or the people staying at the hotel they have space and from my talks with them over 20years they go into town THIS IS ABOUT PEOPLE THAT HAVE NO INTEREST IN CHELTENHAM Cheltenham has dire problems with less shopping taking place and it is unlikely that will change even though we have brought in an expert to help ,people will come because of its past What would if you past this is a major change in this listed area I grew up in hotels and spent part of my working owning them we found you cannot police them to say you can is untrue even if you had security when that is need it is to late Save what will be need to save Cheltenham from slipping down the tourist list once lost you not get it back I wait your honest treatment of our and your town

5 St Martins Terrace  
Clarence Square  
Cheltenham  
GL50 4JR

**Comments:** 12th April 2021

It has been brought to my notice that The Clarence Hotel is seeking retrospective planning permission for a pergola which has been erected at the back of the garden. I fully SUPPORT the application. The pergola is well to the back of the land, is well constructed, and with planting will

look very pretty. I look forward to eating there. I hope you will take my views into account when making your decision.

Yours sincerely

8 Morningside Close  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BY

**Comments:** 13th April 2021

In line with the letter written 5 March 2021 by the Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government, there is a clear mover to reduce and remove red tape to allow the safe reopening of hospitality businesses.

This includes the facility of providing outside seating and tables WITHOUT THE NEED FOR PLANNING PERMISSION.

The pergola is not huge nor an eye sore, it is an improvement to the previous concrete slab that was there, and fits in perfectly with the surrounding structures and is barely visible to any neighbours. The hotel brings in a select clientele and mostly locals, so the complaints of noise pollutions are excessive. The pergola space will hold a similar number of persons to that that can be accommodated within any garden or yard of the local residences. The footfall past the hotel is relatively low and therefore large unruly crowds would not be anticipated.

As regards parking concerns, Clarence hotel has its own private parking and does not allow guests to park on the street. Free parking is available 2 minutes walk away and therefore local residences would not be impacted.

The hotel owners, management and team are trying to do the very best for the personally-owned business, and rely on the support of their neighbours and local community. The pergola provides a pleasant civilised area to enjoy summer evenings.

We should all support individual businesses to survive in the current economic climate and this addition will only enhance the existing area, and provides only a limited number of covers for hotel residents (post-May) and for diners.

We fully support the pergola and this local business.

15 Wellington Lane  
Cheltenham  
Gloucestershire  
GL50 4JF

**Comments:** 15th April 2021

My property is near to Clarence Court Hotel's garden. I don't object to making use of outside space in this way, whether by a private or business neighbour.

25 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 11th April 2021

I am a resident of 25 Clarence Square opposite the Clarence Court Hotel.

Today I have received a letter through my door from a neighbour objecting to a new wooden structure the hotel have put up in order to be able to open and offer outdoor service from the 12th April.

I wanted to email clarifying that both myself and my partner are in full support of the hotel and will be looking forward to visiting this week.

This has been a difficult year for all industries but most noticeably hospitality. How anyone can object to this business trying to make money whilst adhering to government guidelines is beyond me.

Having lived on the square for over 5 years, there has never been any nuisance caused by the hotel or their guests and instead has provided a lovely place for us to visit for drinks in the evenings as well as bringing tourism to the area. I don't see how a wooden structure offering shelter from the rain will suddenly create all of the problems this neighbour is alluding to.

Once again, we are in full support of this local business and hope they will be open to as planned without any objections.

21 Wellington Lane  
Cheltenham  
Gloucestershire  
GL50 4JF

**Comments:** 11th April 2021

I'm a resident of 21 Wellington lane.

I have NO OBJECTION to this retrospective application. This business must be supported in these times. I've viewed the construction and in my view it's minimal and unobtrusive.

Clarence Villa  
Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 11th April 2021

We are writing to object to the above retrospective planning application (21/00583/FUL) made for the construction of a large pergola outside the Clarence Court Hotel, Clarence Square.

We strongly agree with all of the objections made by a fellow resident which you have already received (no. 39 Clarence Square).

This structure, which is to provide outdoor drinking and eating space for the hotel, is misplaced in a residential area. The noise from extra people, increased traffic and potential anti-social behaviour is a major concern.

Clarence Square is an important, historic, residential square. A large outdoor bar/restaurant of this nature would disrupt the architectural integrity of the square.

It is concerning that the owners have constructed this with only a retrospective planning application and no liaison with residents for whom this will have a major, negative impact.

I urge the planning authorities to reject this application.

22 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 11th April 2021

We strongly object to the erection and subsequent usage of a pergola currently under construction at the Clarence Court Hotel, Clarence Square, Cheltenham.

Clarence Square is well regarded as the most complete Regency Square in Cheltenham and highly respected for its heritage value on a national level. The Square comprises of a few detached owner/occupier detached family villas at its corners and has 50 town houses, of which 14 are rented or owner/occupier flats with a further 36 owner/occupier family homes. This reflects the very strong residential nature of the area in this jewel of heritage in a highly prized conservation area.

Clarence Court Hotel has nestled in this community as a residential hotel. There is undoubtedly local support for this local business, the only commercial business in the immediate area, and we and others actively endeavour to support the very nature of what would be an inclusive business model.

However, the retrospective application currently submitted to CBC Planning Department is at odds with a substantially quiet residential area:

The current pergola works are being carried out without any granted planning permissions and as far as we can ascertain there has been little or no contact made with owners of adjacent properties nor residents in the wider community in general about this 'proposal'. It is being progressed/completed despite any outcome of this retrospective application, or even that of a full application, being determined.

There are a number of anomalies in the application, for example, a large rare specimen fir tree was felled before planning permission was sought and the pergola was subsequently constructed before permission was granted to fell the other two young sycamores. All of this took place despite an objection by The Linen House being lodged (27 February) and was ignored in the formal handwritten application form. A lilac tree has also been felled at the front of the hotel. We find it unbelievable that a commercial enterprise such as The Clarence Court Hotel, would not know this is a conservation area let alone fail to understand planning protocols, and disregarded all planning procedures within appropriate time scales, but they have done so. We also find it concerning that a Planning Department would allow work to be progressed when the application is not approved, even retrospectively, which would not be afforded to an individual in a private property.

The application is for an oversized permanent pergola with subsequent Change of Use to the existing garden/carpark, as this is an outdoor Food and Beverage area in addition to the hotel's existing internal restaurant facilities and is in full view from the road. At approximately 50 square meters this substantial new outdoor restaurant area is not easily serviced as it is away from the main building, which suggests, despite a lack of detail in the application explaining intentions, that an integrated barbecue and/or other cooking equipment could/would be employed by necessity. Furthermore the scale of the pergola suggests occupancy of around 50 seated restaurant covers (1 sq.mtr./per person) or over 100 people for standing/drinking events, which again the applicant fails to detail. Obviously this will be restricted to lesser numbers during temporary Covid-19 restrictions. There is no mention of how toilet facilities will be managed let alone improved to accommodate these extra guests. The lack of detail in the application in general undermines Building Control Regulations being met.

This new outdoor area will also undoubtedly lead to increases in terms of: regular increased occupancy, higher levels of various types of noise nuisance (noise echoes loudly around the Square particularly after dark), light pollution due to the safety aspect for extra lighting being needed, impact on residential parking and also compromise security issues for adjacent properties and Clarence Square in general. None of which are defined in the application as to their solution nor resolution. A number of residents in Clarence Square are actively involved with the local Police and have been successful in minimising anti-social behaviour and reducing drug/alcohol misuse in the area over the past ten years and this change of use would in fact go against these successful protocols.

This application should not be viewed as a post-Covid recovery plan as the structure is permanent, despite its Greek Taverna temporary appearance, which further raises concerns over licensing in the long term. Although the application may be to align hours of opening with those of the hotel, presumably 11pm closure, it is not unreasonable to conclude that permissions will be granted for late licenses for special events especially those on a regular basis such as Cheltenham Race events. This totally changes the dynamic of the area and compromises the heritage of maintaining a safe and quiet residential environment.

This application has failed in so many aspects as outlined above and permission should not be granted as it will have a detrimental and irreversible impact on the quiet residential nature of the area and will lead to further strains on policing measures, both by local residents and the Police Authorities.

We strongly object to this construction and its application by Clarence Court Hotel and we look forward to your acknowledgement of this letter.

Camden House  
Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JW

**Comments:** 11th April 2021

Construction of Terrace/Pergola at Clarence Court Hotel, Clarence Square

As a resident of Clarence Square I am astonished not to have received notification of intent regarding the Terrace/Pergola development at Clarence Court Hotel.

Clarence Square domiciles are Grade 2 listed

- 1: A commercial development like this totally infringes on the privacy of private gardens and bedrooms in neighbouring properties.
- 2: Residents will now have to tolerate unwelcome noises, light pollution and smell from food, heaters etc
- 3: Privacy - totally gone.  
Clarence Court Hotel unceremoniously felled mature trees which prior to this provided welcome screening for surrounding properties.  
The Linen House and 46,47,48 Clarence Square will now have to look at a noisy public terrace instead of green trees.

DOES NOBODY CARE???

WHAT IS THE POINT OF AN AREA BEING GRADE 2 LISTED IF THIS PROJECT GETS THE GO-AHEAD?



40 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 15th April 2021

I would like to withdraw my objection, as outlined in my letter sent on the 11th April 2021, regarding the retrospective planning application for the construction of a pergola at Clarence Court Hotel, Clarence square, Cheltenham.

It appears there has been some misunderstanding and I have now received a letter from the owners of the hotel explaining their proposed plans for the pergola which seem perfectly reasonable and in keeping with the nature of the square.

I would therefore like to withdraw my previous objection.

**Comments:** 11th April 2021

I am writing to strongly object to the retrospective planning application made by Clarence Court Hotel, Clarence Square, Cheltenham for the erection of a pergola in order to create an outdoor food and beverage area.

I understand work on the pergola is already underway and has been taken without reference to building controls and appears to have bypassed the due process required.

Clarence Square is a well-regarded, Regency Square situated in the centre of Cheltenham. It is a quiet, residential area populated almost entirely by families and a handful of owner/occupied rental flats.

Clarence Court Hotel, is a small residential hotel, with some outdoor seating, nestled within the square and has been largely welcomed and supported by the Clarence Square community.

However, the retrospective planning application for the pergola is causing considerable concern because I understand it is intended to accommodate up to 100 guests for eating and drinking, both standing and sitting, outside.

If it goes ahead, as planned, the numbers it will attract will undoubtedly lead to disturbance in the square in terms of noise nuisance, light pollution. In addition, it will have an impact on residential parking as well as compromising security issues.

It will totally change the dynamic of the square and is simply not in keeping with the quiet residential nature of the area which is of great historical value.

I strongly object to the construction of the pergola and its application by Clarence Court Hotel and I look forward to your acknowledgement of this letter.

9 St Martins Terrace  
Clarence Square  
Cheltenham  
GL50 4JR

**Comments:** 13th April 2021

Re the above application. I completely support this planning application. The structure is tasteful and unobtrusive. To have such an outside eating and drinking area can only be an advantage to the local area.

Flat 4  
Avondale House  
Wellington Square  
Cheltenham  
Gloucestershire  
GL50 4JS

**Comments:** 13th April 2021

I am responding to your letter dated 23 March 2021 inviting comments in respect of the above planning application. This is also in response to emails and fliers circulated to residents of Flats 2 and 4 Avondale House, Wellington Square.

As a very near neighbour of Clarence Court Hotel, we have visited the Pergola and find it to be a very pleasant seating area, discretely sited at the rear of the hotel and attractively furnished. We support the establishment of this outside dining area for residents of both squares and welcome the additional facility it will provide for us to meet in a Covid-friendly and socially distanced way.

Cornerways  
Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 13th April 2021

The Clarence Court Hotel has existed since well before my 20 year residency in the Square. As far as I am aware, relations between hotel and residents have been good. This is perhaps surprising, given the potential for disturbance.

The proposal risks destroying that relationship at a stroke. Reasons for this have been made clear in other Comments. I shall not repeat these objections but do agree with them.

I feel some sympathy for the proposer, given the appallingly bad luck at the timing of the change in ownership. But I feel none for the proposal, the consequences of which will remain with residents long after the pandemic is over.

8 Greenfields  
New Barn Lane  
Cheltenham  
Gloucestershire  
GL52 3LG

**Comments:** 13th April 2021

I think this is absurd that a business that is trying to get going after a turbulent year is being put through its paces like this. I know the hotel and grounds well and I know for a fact those trees were self seeded and I've seen the pergola in question it's well built, tasteful and is on the wall line interfering with no one. Maybe people should look at what business it will bring to the local economy rather than worrying about something that doesn't even impact them! Maybe go and have a drink and meet the owners then you'll change your mind.

Morcote Villa  
26 Wellington Road  
Cheltenham  
Gloucestershire

**Comments:** 13th April 2021  
I TOTALLY SUPPORT THIS APPLICATION .

Those people complaining could better spend their time putting their own properties in order .

8 Wellington Square  
Cheltenham  
Gloucestershire  
GL50 4JU

**Comments:** 13th April 2021

This is the finest construction project in Regency Cheltenham since the construction of the bollards in St Martin's Terrace ( itself comparable with Hadrian's Wall) erected as it was to protect the civilised and enlightened residents of superior Wellington Square from invasion from the Clarence Square Nimbies armed with very bad cases of organised ludicrous objection righteousness.

As the Chairman of the Cotswold Calypso Steel Band the Pergola will make an excellent venue for our Tuesday Night practice sessions and forthcoming concerts complete with lazer light show and guest star Meat Loaf.

Can I recommend you try reaching out to the owners of the hotel?  
You may be pleasantly surprised.

You may find them accommodating to replanting trees, you may find they are happy to provide residents of the Square with discounts on the excellent Sunday Roasts they serve up? But no doubt you would prefer an orchestrated complaint fest to the police et al at the first available opportunity. Get a grip CLARENCE SQUARE and support this business.

50 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JR

**Comments:** 9th April 2021

The work proposed was commenced without planning permission and attractive trees was felled. We appreciate that times are difficult for the hotel trade, but we raise the following objections:

- 1) Removal of trees;
- 2) Scale of provision of outdoor drinking and dining, leading to noise and light pollution in a residential area;
- 3) Parking in Clarence Square is already at a premium without exacerbating the problem with a large outdoor dining and drinking facility attracting visitors into the Square;
- 4) Extension of nightlife economy into a residential area.

Flat 11  
St Martins Terrace  
Clarence Square Cheltenham  
Gloucestershire  
GL50 4JR

**Comments:** 13th April 2021

I write to support the retrospective planning permission sought by the Clarence Court Hotel in the construction of their Pergola.

I find this to be an excellent addition to Clarence Square and one I hope to enjoy and make use of in the coming months.

In the current climate we should be supporting enterprise and development of local business, especially the hospitality sector who have suffered so much over the last twelve months.

31 sarahs walk, parklands  
scotter road  
scunthorpe  
DN171RA

**Comments:** 13th April 2021

I am a key worker in this area at the moment and except this pergola as a necessary addition to this hotel , the lockdown means that we can't go anywhere to get a meal or drink after work and I think it will be good for the area . The owners seem like responsible people.