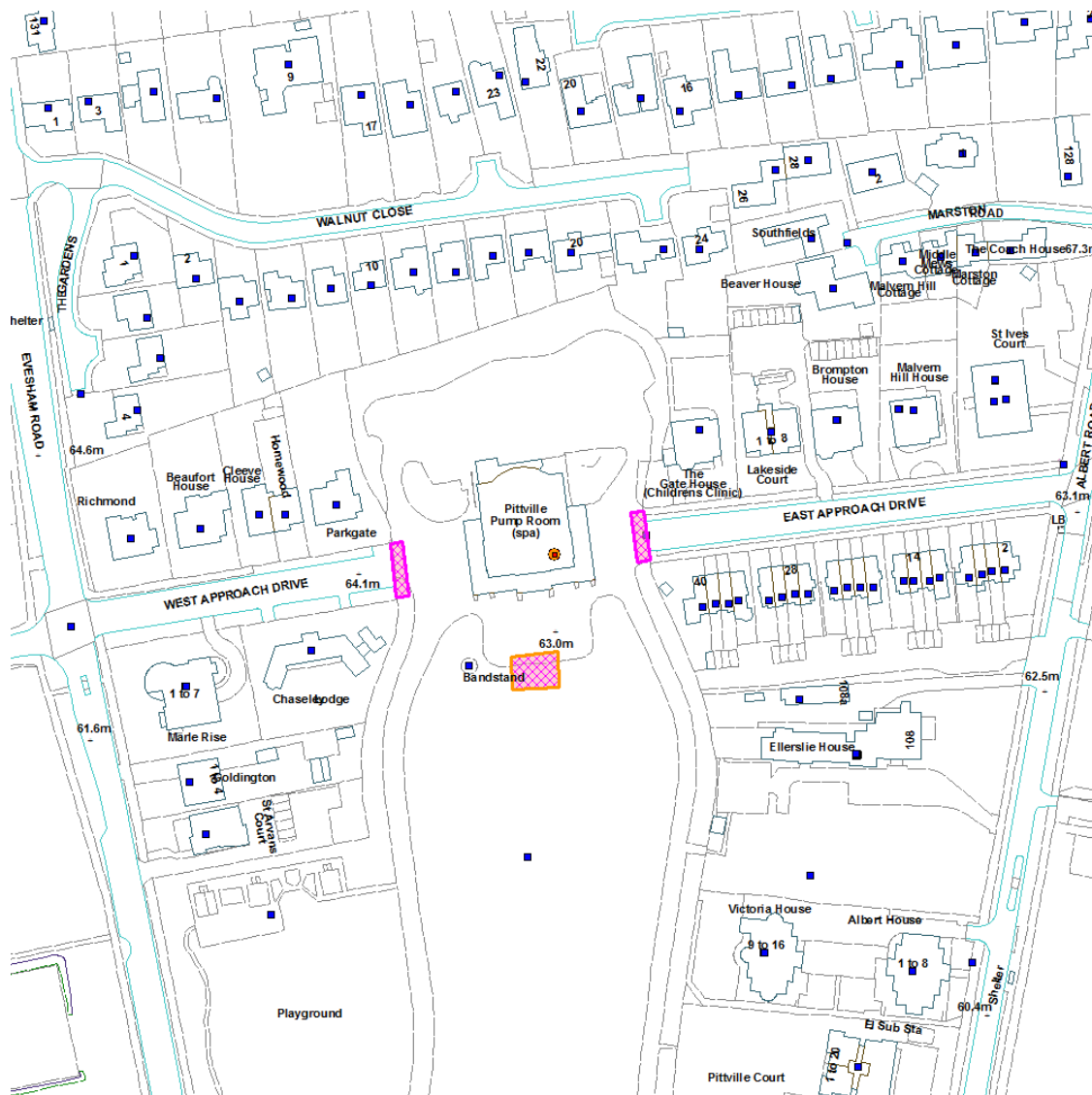


APPLICATION NO: 21/01687/FUL & 21/01687/LBC	OFFICER: Miss Claire Donnelly
DATE REGISTERED: 11th August 2021	DATE OF EXPIRY: 6th October 2021
DATE VALIDATED: 11th August 2021	DATE OF SITE VISIT:
WARD: Pittville	PARISH: n/a
APPLICANT:	Cheltenham Borough Council
AGENT:	Illman Young Ltd
LOCATION:	Pittville Pump Room, East Approach Drive, Cheltenham
PROPOSAL:	FUL & LBC: Installation of new gates and railings at East and West Approach Drives and associated alterations, and restoration of c19th steps to the front of the Pump Rooms

RECOMMENDATION: Permit & Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to the Pittville Pump Rooms; more specifically, the proposal relates to the gates and railings on East Approach Drive and West Approach Drive and the c19th steps to the front of the building. The Pittville Pump room is a Grade I listed building, and the Pittville Park is a Registered Park and Garden (Grade II); the site is located within the Pittville Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission and listed building consent for the installation of new gates and railings on East Approach Drive and West Approach Drive, as well as the restoration of c19th steps to the front of the Pump Rooms.
- 1.3 The application is at planning committee as the applicant is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Principal Urban Area

Relevant Planning History:

05/00938/FUL **21st July 2005** **WDN**
New gates and railings at East Approach and West Approach entrances to Pittville Pump Rooms and Park

05/00939/LBC **18th July 2005** **WDN**
New gates and railings at East Approach and West Approach entrances to Pittville Pump Rooms and Park .

05/01664/FUL **27th June 2006** **WDN**
New gates and railings at East Approach and West Approach entrances to Pittville Pump Room and Park

05/01665/LBC **27th June 2006** **WDN**
New gates and railings at East Approach and West Approach entrances to Pittville Pump Rooms and Park.

07/00361/FUL **25th May 2007** **PER**
New gates and railings at East Approach entrance and West Approach entrance to Pittville Pump Rooms and park

07/00362/LBC **25th May 2007** **GRANT**
New gates and railings at East Approach entrance and West approach entrance to Pittville Pump Rooms and park

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD8 Historic Environment

SD14 Health and Environmental Quality

Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

Central conservation area: Pittville Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Historic England

31st August 2021

Thank you for your letter of 11 August 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Cheltenham Civic Society

1st September 2021

NEUTRAL

The Civic Society Planning Forum supports the proposals in principle, but feels that this is not the right scheme, and questions whether this the best use of public money.

Ideally there should be an overall plan for the whole of the area around the Pump Room. It is important to get it right rather than going in piecemeal with alterations which could prevent anything better in future.

There is an opportunity to do more with the steps, e.g. create a small amphitheatre by widening the steps with an arc. The steps are more likely to be used as seating than for access, and this should be considered in the design. There should be an area of paving at the base of the steps to prevent this area becoming muddy. And ideally the sea of tarmac in front of the Pump Room should be addressed. A more ambitious plan could attract funding from local societies and interested stakeholders.

It would be nice to have seen historic references for the proposed gates.

As Pittville is Cheltenham's biggest and most popular parks, there is likely to be significant public interest in these plans, and the council should have made more effort to consult on this beyond putting it on the Planning Portal.

Heritage And Conservation

24th August 2021

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

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

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

Paragraph 189 of the National Planning Policy Framework (MHCLG: 2021) (NPPF) states that 'Heritage assets' are an irreplaceable resource, and should be conserved in a manner appropriate to their significance'.

Paragraph 197 of the NPPF states that 'In determining applications, local planning authorities should take account of' the desirability of sustaining and enhancing the significance of heritage assets'.

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.'

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 consideration of the scheme is undertaken as a desk based assessment.

It is noted that applications (07/00361/FUL and 07/00362/LBC) for - new gates and railings at East Approach entrance and West Approach entrance to Pittville Pump Rooms and park ' were granted permission/consent.

Pittville Pump Room was constructed 1825-1830, with restorations and alterations of 1949-1960 and c.1980. Listed on 12 March 1955 (Grade I). List entry number: 1387559.

Pittville Park is a Registered Park and Garden (Grade II). Laid out 1825-1842. Registered on 28 February 1986.

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

A number of listed building are located on the northern side of West Approach Drive.

The existing subject gates and railings seem to date from the latter half of the twentieth century and have a utilitarian appearance; their significance is nil-negligible. There may be some low level evidential value in demonstrating the development of the park and the setting of the Pump Room in the post WWII period.

H.S Merrett's 1834 plan of Cheltenham does not depict any gates or railings on the site of the existing; however, it is not evident that these types of features are illustrated anywhere on the plan. A plan of 1855 shows nothing to the east of the Pump Room and some features likely to be relatively small piers for gates to the west. The 1st edition Ordnance Survey (OS)

map depicts no gates or railings and they are also absent from the 2nd and 3rd editions respectively.

The design of the proposed gates and railings has drawn from other similar features in the area; see the Heritage Statement (paras. 3.1 and 3.2. pp. 7-8). Historically the subject areas were devoid of railings and gates and therefore this aspect of the proposal could be seen as a speculative approach resulting in pastiche, a dishonest addition. However, the form is suitable for the approaches to a polite building such as the Pump Room and will not detract from how it is experienced; views to and from the Pump Room will not be greatly hindered and the structures are fitting for the environs of such a grand building. These elements will not detract from the character and appearance of the conservation area.

The proposed railings and gates will not be detrimental to the significance of the designated heritage assets and are therefore acceptable.

An historic image of 1890 shows steps to the south of the Pump Room in situ (Figures document, fig. 6). They are also depicted on H.S Merrett's 1834 plan of Cheltenham, a plan of 1855 and the 1st edition OS map. The re-instatement of the steps will not detract from the significance of the registered park, the setting of the Pump Room or the character and appearance of the conservation area and is therefore acceptable.

[Note (re: ownership) that the scheme at the East Approach includes the inclusion of an existing pier (north). The existence of previous gates has been discussed above and the south elevation of the pier does not show signs of any previously attached metalwork (Google maps/street view ' image capture: July 2018). Drawing 21717-IYL-V1-XX-DR-L-1052 (existing elevation gates and railings) shows the ownership boundary line dividing the pier. A Plan of c.1879-1888 shows a pier in situ along with other piers on the boundary of the building to the north (Edgbaston House) (now known as the Gate House)].

In conclusion, the scheme will not detract from the significance designated heritage assets and is therefore acceptable.

Suggested conditions may include (attached to any planning permission (?):

Design details

[Section 1.2 (p.4) of the Heritage Statement states that 'It is critical that accurate, large scale drawings be provided of the final agreed form for this project, closely following agreed precedents, and refined and necessary' ' it is at the discretion of the Planning Officer/decision maker(s) if the drawings (some which include images) as submitted are sufficient. If it is deemed that more detailed information is required in regard to the gates and railings the following conditions is suggested:

Gates, railings and pier(s) (including finials): to include but not limited to: elevation drawings at a scale of 1:10 and sectional drawings at a scale of 1:2].

Stone: to include but not limited to: specific details of type(s) and source(s) (samples may be required).

Paint colour(s): to include but not limited to: specific product details (sample(s) may be required).

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	11
Total comments received	1
Number of objections	0
Number of supporting	1
General comment	0

- 5.1 Letters have been sent to eleven neighbouring properties, two site notices have been displayed, and an advert has been placed in the Gloucestershire Echo; one response has been received.
- 5.2 The one neighbouring resident who has submitted a comment in response to the proposal has raised matters in regards to ownership of a pedestrian gate on West Approach Drive and a lack of correspondence in regards to the proposal from the applicant.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The application proposes the installation of replacement railings and gates, and restoration of steps within the grounds of a Listed Building and Registered Park; the key considerations are therefore the design, the impact on the designated heritage assets and any impact on neighbouring amenity.

6.3 Design and impact on heritage assets

- 6.4 Policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.
- 6.5 Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. Section 16 of the NPPF seeks development to consider the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation.
- 6.6 The Conservation Officer has provided comments on the scheme in regards to the design and impact on the heritage assets; full comments can be read above. It is considered that the proposed replacement railings in the proposed location are acceptable and would not result in a detrimental impact on the significance of the Listed Building. The re-installment of the steps to the front of the Pump Rooms will not detract from the significance or setting of the Listed building or the registered park. It is therefore considered that as a result of the installation of the proposed railings and the restoration to the steps would not impact upon the Listed Building, the registered park or the wider Conservation Area.
- 6.7 The comments provided by the Conservation Officer suggest further design details relating to the gates, railings and piers be sought via condition. The principle of the works and the proposed design has been agreed to be acceptable, however it is considered appropriate that further specific details are submitted to ensure the finalised design approach is acceptable.
- 6.8 As such, the proposed railings and gates and restoration of the c19th steps are considered to be appropriate in terms of design and impact on heritage assets; the proposal therefore complies with policy SD4 and SD8 of the JCS and policy D1 of the Cheltenham Plan.
- ### 6.9 Impact on neighbouring property

- 6.10 Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users.
- 6.11 As a result of the statutory consultation period, one response has been received; these comments have been addressed under paragraph 6.14 below.
- 6.12 It is considered that, due to the nature of the proposed works, there would be no harm to the amenity of adjoining land users in regards to a loss of light, loss of privacy or overbearing impact. As such the proposal is considered to comply with policy SD14 of the JCS and policy SL1 of the Cheltenham Plan.

6.13 **Other considerations**

6.14 Neighbour comment

The public representation that has been received related to land ownership and a lack of consultation from the applicant. Given the nature of the comments stray outside the material planning considerations; the applicant has been made aware of the comments made and therefore can be addressed outside of the planning process.

6.15 Civic Society Comments

The comments received from the Civic Society have been duly noted, however officers must determine the application as submitted.

6.16 Public Sector Equalities Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 Taking all of the above in mind, the proposed works are considered to be appropriate in terms of overall design, impact on the designated heritage assets and wider area, and impact on neighbouring amenity.
- 7.2 As such, the recommendation is to permit planning permission and grant listed building consent subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

21/01687/FUL

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

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

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

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

21/01687/LBC

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

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

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

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

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

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

- 4 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:

- i) Gates, railings and pier(s) (including finials): to include but not limited to: elevation drawings at a scale of 1:10 and sectional drawings at a scale of 1:2.
- ii) Stone: to include but not limited to: specific details of type(s) and source(s) (samples may be required).
- iii) Paint colour(s): to include but not limited to: specific product details (sample(s) may be required).

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

21/01687/FUL

- 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.