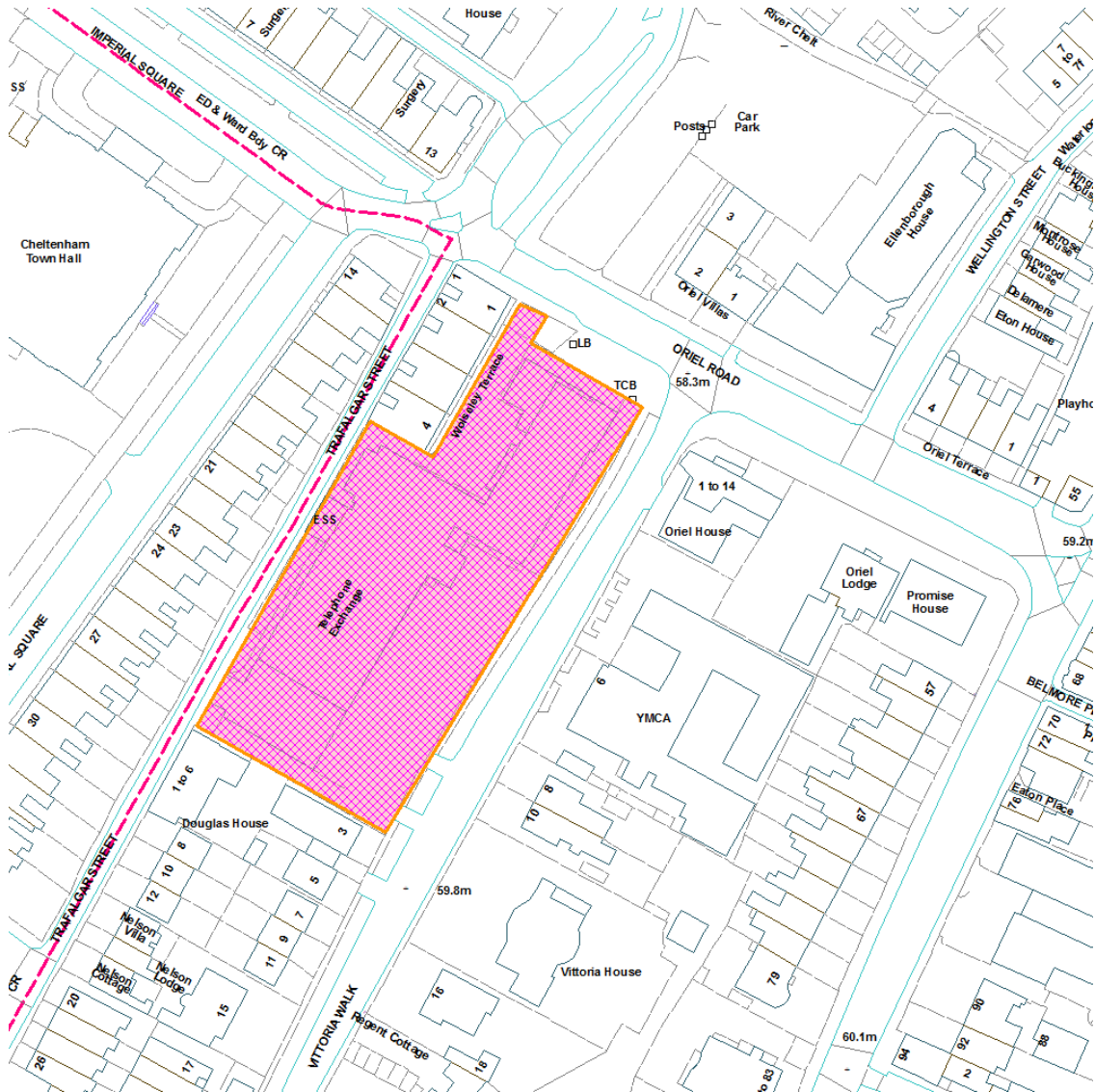


<b>APPLICATION NO:</b> 21/01776/FUL		<b>OFFICER:</b> Mr Daniel O Neill
<b>DATE REGISTERED:</b> 5th August 2021		<b>DATE OF EXPIRY:</b> 30th September 2021 (EOT: 18.10.2021)
<b>DATE VALIDATED:</b> 5th August 2021		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> College		<b>PARISH:</b>
<b>APPLICANT:</b>	British Telecom PLC	
<b>AGENT:</b>	CBRE	
<b>LOCATION:</b>	British Telecom, Oriol Road, Cheltenham	
<b>PROPOSAL:</b>	The perimeter boundary of the site is to be enhanced by placing a metal railings topping on the existing brick wall on both Oriol Road and Vittoria Road (revised scheme ref. 20/01680/FUL)	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site, known as British Telecom building, is a large office commercial building at the corner of Oriel Road and Vittoria Walk. The main access to the site is from Oriel Road with additional access from Vittoria Walk. The site is located within the Montpelier Character Area of the Central Conservation Area.
- 1.2 The applicant is seeking planning permission for the perimeter boundary of the site is to be enhanced by placing a metal railings topping on the existing brick wall on both Oriel Road and Vittoria Road (revised scheme ref. 20/01680/FUL)
- 1.3 The application is at the request of planning committee by Cllr McCloskey due to the impact on the historic environment. This a new and revised application to a scheme withdrawn (ref. 20/01680/FUL)

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

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

### Relevant Planning History:

**00/01146/GDO28 WDN**

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

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

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

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

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

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

Alteration of existing elevation to provide new doors and ventilation louvre

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

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

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

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

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

Replace three windows with air inlet louvres to Vittoria Walk elevation

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

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

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

Installation of 6no. air conditioning units on roof

**77/00664/PF 11th August 1977 PER**  
New boundary walls and barrier

**77/00665/PF 7th September 1977 PER**  
Alteration to gates and fence

**84/01365/LA 26th January 1984 GRANT**  
Demolition of unused telephone exchange

**13/01492/DISCON 26th September 2013 DISCHA**  
Discharge of conditions on planning permission ref: 13/00637/FUL - Condition 2) Colour finishes of the equipment

**20/01680/FUL 16th July 2021 WDN**  
New sliding vehicle access gate to Oriel Road, replacement of existing gate to Vittoria Walk and new metal railings on top of existing low level brick wall to achieve an overall height of 1.6m, as well as 1.2m railings opposite Wolseley Terrace

**21/01783/CLPUD PCO**  
Erection of a 1m high decorative metal fence and pedestrian gate painted black

### **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 11 Making effective use of land

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

#### **Adopted Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

#### **Adopted Joint Core Strategy Policies**

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

#### **Supplementary Planning Guidance/Documents**

Residential Alterations and Extensions (2008)

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

### **4. CONSULTATIONS**

#### **Heritage And Conservation**

*20th August 2021*

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

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

A number of listed buildings are located in the immediate vicinity of the site, including immediately to the north-west Wolseley Terrace (incorporating Wolseley House), Oriel Villas to the north-east and the YMCA building to the south-east.

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

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

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

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

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

As the proposed boundary works are in keeping with the building on the site and given the form of the work it will not impact on how listed buildings in the immediate vicinity are experienced and therefore their significance will be maintained.

In conclusion, the scheme will not detract from the character and appearance of the conservation area or the setting of listed buildings in the immediate vicinity and therefore the significance of the respective designated heritage assets will be maintained.

Note that the comments as above do not include a full consideration of the proposed fencing within the site. Drawing 01776.03 (Local Planning Authority (LPA) reference number) includes the text 'Fence to run from wall to building preventing access to front door from car park area'. This structure is also referred to at notes 1 and 5 (revised application notes). The specific design of the fence appears to be absent from drawings 01776.03, 01776.04 and 01776.05 (LPA reference numbers). The siting and extent is depicted in the document revised application notes. If the design of the fence is metal railings on a brick wall as per that proposed to the boundary of the site then this is likely to be acceptable.

## 5. PUBLICITY AND REPRESENTATIONS

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

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

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

### 6.3 The site and its context

**6.4** The property known as British Telecom is located at the corner of Oriel Road and Vittoria Walk. To the side facing west is a row of Grade II listed terraced properties known as Wolseley Terrace, where the application site and these properties are separated by a footpath.

**6.5** The application site front boundary presently consists of a low level brick wall and automated barrier facing Oriel Road. This low level brick wall also acts as part of the side boundary facing Vittoria Walk and is attached to a 1.7m high brick wall with automate sliding gate for additional vehicular access. Both boundary treatments are visible from the public realm.

### 6.6 Design, layout and impact on historic environment

**6.7** In context of this application, the historic environment relates to how the application site is located within a conservation area. The Councils conservation officer has been consulted as part of this application to assess the impact of the works on the conservation area and the significance of the adjacent listed buildings.

**6.8** The application proposes to add new railings above the existing low level brick wall with two pedestrian gates facing Oriel Road and Vittoria Walk. One pedestrian gate will be proposed with access onto Oriel Road and the second pedestrian gate will be attached to the existing high level brick wall for access on Vittoria Walk.

**6.9** The height of the railings atop of the existing brick wall and the two pedestrian gates will be approximately 1.6m in height. These railings will denote connotations of historic railings found within the town centre. A key element to the appearance of historic railings from the Regency period is the spacing between bars, usually 140mm apart, and decorative finials atop the individual railing bars. The proposed works will incorporate these elements and a condition has been attached requiring further details to ensure a satisfactory design.

**6.10** Officers consider that on balance the proposed development is appropriate and will not cause detriment to the wider historic environment. The conservation officer has raised no objections to the work. It is considered that the proposed design will be in-keeping with other boundary railings sited in the vicinity and these railings will not hinder any views or vistas. The Montpellier character appraisal identifies an important view or vista along Oriol Road facing west towards the Promenade but given the 10m setback from the edge carriageway this element will not detract from this view. For this reason, officers are satisfied that the proposal will not appear as an incongruous feature along the street scene or cause harm to the wider conservation area.

**6.11** With regard to the impact on the setting and subsequent significance of Wolseley Terrace, a Grade II listed building, the conservation officer raises no concern with the proposed works. The setting of this building has somewhat been compromised by the establishment of the telephone exchange within the latter half of the 20<sup>th</sup> century. Given how the proposed boundary works are in keeping with the site, the surrounding vicinity and the form of these railings; it is considered that this will not impact on how the listed buildings in the immediate vicinity are experienced and therefore their significance will be maintained.

#### **6.12 Impact on neighbouring property**

**6.13** There are no significant amenity concerns as a result of the proposed development and the works are to an existing established boundary line. Officers consider that the proposed works will not harm the amenity of the surrounding properties in respect to outlook, privacy and light.

**6.14** Any issues regarding access to and from the site following these works are not a material planning consideration. This is a civil matter between occupiers of the site and the surrounding neighbours.

#### **6.15 Other considerations**

##### **6.16 Certificate of Lawfulness for Proposed Development**

**6.17** An application for a certificate of lawfulness for proposed development of 1m high railings and gate to the site adjacent to Wolseley Terrace has been submitted. This is to confirm whether these works fall within permitted development and do not require formal planning permission. This is separate application and cannot be considered or assessed as part of this application.

##### **6.18 Flood Risk**

**6.19** Part of the application site lies within Flood Zone 2, including the subject area of the proposed development and existing boundary line. These works are considered minor development and would comply with the standard advice for development within a flood zone. As such, it would not be reasonable to request any further flood risk assessment given the how the works meet the standing advice and will not increase any square footage or land levels.

##### **6.20 Public Sector Equalities**

**6.21** As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

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

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

In the context of the above PSED duties this proposal complies with the three main aims set out.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** In light of the above, the proposed development will not detract from the character and appearance of the conservation area or the setting of listed buildings in the immediate vicinity. On balance, it is considered that the works on balance will maintain the significance of the historic environment and designated heritage assets, and for this reason it would be unreasonable to refuse the application.

**7.2** Officer recommendation therefore is to permit this application subject to the conditions set out below:

## **8. CONDITIONS**

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

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

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

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

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

- a) Wall capping (if any): (physical sample(s) and specific product details).
- b) Railings and gates (including finials): (physical sample/swatch of paint colour to include manufactures name and specific product details, and method of construction)

The works shall not be carried out unless in accordance with the details so approved.

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

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.