

APPLICATION NO: 21/02596/FUL & 21/02596/LBC		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 23rd November 2021		DATE OF EXPIRY: 18th January 2022; extension of time agreed until 26th March 2022.
DATE VALIDATED: 23rd November 2021		DATE OF SITE VISIT:
WARD: Lansdown		PARISH: n/a
APPLICANT:	The Cheltenham Trust	
AGENT:	Rackham Planning	
LOCATION:	The Wilson Cheltenham Art Gallery And Museum Clarence Street Cheltenham	
PROPOSAL:	FUL: Change of use of part of the ground floor for use as an extension to the existing café and associated alterations LBC: Change of use of part of the ground floor as an extension to the existing café and minor internal alterations to the ground, first and third floors	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to The Wilson Art Gallery and Museum and the neighbouring 51 Clarence Street. 51 Clarence Street is a Grade II listed building which is integrated into The Wilson Gallery and Museum. The site is within the Old Town Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission and listed building consent for a part change of use of the ground floor and internal alterations at ground, first and third floors.
- 1.3 The applicant is at planning committee as the applicant is The Cheltenham Trust.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Listed Buildings Grade 2
Principal Urban Area
Cheltenham Racecourse Policy Area
Residents Associations
Residents Associations
Smoke Control Order

Relevant Planning History:

83/00788/LA 24th March 1983 GRANT

Internal alterations to provide disabled persons ramp/lift and alteration to entrance

85/01056/LS 21st November 1985 PER

Art Gallery Cheltenham Gloucestershire - Erection Of Display Cases

85/01079/PF 21st November 1985 PER

Cheltenham Art Gallery and Museum Cheltenham Gloucestershire - Erection Of Three Enclosed Notice Boards On The Facade Of The Art Gallery

86/01207/PF 18th December 1986 PER

Museum And Art Gallery Cheltenham Gloucestershire - Extension To The Museum And Art Gallery - Phase 1

86/01208/PF 18th December 1986 PER

Museum And Art Gallery Cheltenham Gloucestershire - Extension To The Museum And Art Gallery - Phase 2

86/01214/LA 18th December 1986 PER

The Art Gallery And Museum Clarence Street Cheltenham Gloucestershire - Demolition Of Part Of The Building And Extension To Building, Erection Of 4-Storey Extension To The Museum Providing New Entry, Galleries And Offices (Phase 1)

86/01215/LA 18th December 1986 PER

The Art Gallery And Museum Clarence Street Cheltenham Gloucestershire - Demolition Of Part Of Building And Extension To Building And Erection Of A 4-Storey Building To The Museum To Provide New Entry Galleries And Offices (Phase 2)

89/00909/AI 24th August 1989 PER

Erection Of Illuminated Neon Signs

89/00957/AN 24th August 1989 PER

Display Of Non Illuminated Advertisements

89/00960/LA 24th August 1989 PER

Erection Of Signs To Front And Rear Of New Extension

90/00047/LA 22nd February 1990 PER

Alterations To Form New Shop And Installation Of An Additional Handrail To The Main Staircase

90/00400/LA 24th May 1990 PER

Demolition Of Wall To Provide A Service Counter To Coffee Shop

96/00125/AN 21st March 1996 PER

Display Of Two Fabric Banners Suspended Between Two Metal Brackets At Top And Bottom On The Clarence Street Façade (Revised Scheme)

96/00126/LA 21st March 1996 PER

Erection Of Banners On The Clarence Street Façade (Revised Scheme)

97/00448/AN 31st July 1997 PER

Application To Display Banners For 365 Days Per Year

01/00863/LBC 12th September 2001 GRANT

Second floor toilet refurbishment

02/00742/LBC 11th September 2002 GRANT

Internal alterations consisting of various upgraded fire precaution works to the basement, common staircase, lending library and offices and installation of mobile racking to basement

02/00919/FUL 18th December 2002 REF

New extension on basement, ground, first and second floors and remodelling of existing (1989) building on ground, first, second and third floors and alterations to listed (1889) building and plant at roof level

02/00920/LBC 18th December 2002 REF

Demolition of 51 Clarence Street and alterations to existing (1887) library/museum including: alterations to roof top plant areas, refurbishment and remodelling of second floor galleries, removal of stair and new internal opening

02/00921/CAC 18th December 2002 REF

Demolition of all unlisted structures, walls and substructures within the site bounded by 53 and 55 Clarence Street and 3-5 Chester Walk

07/01386/LBC 17th December 2007 GRANT

Installation of bird guarding systems to elevations (external)

08/00551/LBC 25th July 2008 GRANT

Internal alterations to kitchen and servery on first floor

09/00215/FUL 8th April 2009 WDN

Erection of new 4 storey public Art Gallery building with associated archiving and artefact storage linking to existing 1989 Museum and Gallery building, together with works to number 51 Clarence Street including the formation of a new shop front and replacement of the existing ground to first staircase, following demolition of properties at numbers 53 and 55 Clarence Street and two derelict cottages on Chester Walk.

09/00216/LBC 8th April 2009 WDN

Erection of new 4 storey public Art Gallery building with associated archiving and artefact storage linking to existing 1989 Museum and Gallery building, together with works to number 51 Clarence Street including the formation of a new shop front and replacement of the existing ground to first staircase, and demolition of properties at numbers 53 and 55 Clarence Street and two derelict cottages on Chester Walk.

09/00217/CAC 8th April 2009 WDN

Demolition of properties at numbers 53 and 55 Clarence Street and two derelict cottages on Chester Walk. Demolition of garden wall structure bounding Chester Walk and extensions to the rear of number 51 Clarence Street in connection with proposed erection of new 4 storey public Art Gallery building with associated archiving and artefact storage linking to existing 1989 Museum and Gallery building

09/00785/FUL 23rd July 2009 PER

Erection of new 4 storey public Art Gallery building with associated archiving and artefact storage linking to existing 1989 Museum and Gallery building, together with works to number 51 Clarence Street including the formation of a new shop front and replacement of the existing ground to first staircase, following demolition of properties at numbers 53 and 55 Clarence Street and two derelict cottages on Chester Walk.

09/00785/FUL 2_ACTV

Erection of new 4 storey public Art Gallery building with associated archiving and artefact storage linking to existing 1989 Museum and Gallery building, together with works to number 51 Clarence Street including the formation of a new shop front and replacement of the existing ground to first staircase, following demolition of properties at numbers 53 and 55 Clarence Street and two derelict cottages on Chester Walk.

09/00786/LBC 25th August 2009 GRANT

Erection of new 4 storey public Art Gallery building with associated archiving and artefact storage linking to existing 1989 Museum and Gallery building, together with works to number 51 Clarence Street including the formation of a new shop front and replacement of the existing ground to first staircase, and demolition of properties at numbers 53 and 55 Clarence Street and two derelict cottages on Chester Walk.

09/00787/CAC 25th August 2009 GRANT

Demolition of properties at numbers 53 and 55 Clarence Street and two derelict cottages on Chester Walk. Demolition of garden wall structure bounding Chester Walk and extensions to the rear of number 51 Clarence Street in connection with proposed erection of new 4 storey public Art Gallery building with associated archiving and artefact storage linking to existing 1989 Museum and Gallery building

18/00039/ADV 20th April 2018 GRANT

Installation of two banner signs and one hanging sign

21/01596/LBC 5th October 2021 GRANT

Replace the worn ad parapet gutters, replace zinc sections of zinc courtyard roof

C11/00018/DEMO 26th July 2011 CLOSED

Demolition of Art Gallery and Museum

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
INF4 Social and Community Infrastructure

Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Building Control

29th November 2021 –

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

Heritage And Conservation

7th January 2022 –

Re: Heritage comments 21/02596/LBC - The Wilson Cheltenham Art Gallery And Museum, Clarence Street, Cheltenham

It is important to consider the policy context in which the proposal needs to be determined. The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990, Section 16(2), which requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting.

A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets shall be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

Notably part of the site includes 51 Clarence Street, Cheltenham, a grade II listed building partially integrated into The Wilson Cheltenham Art Gallery And Museum. The proposed works are for a change of use of part of the ground floor as an extension to the existing café and minor internal alterations to the ground, first and third floors to The Wilson Cheltenham Art Gallery And Museum. The proposed works mainly affect the modern extension to The Wilson Cheltenham Art Gallery And Museum and do not have an impact on the listed building in a way that would affect its significance. No objection is therefore raised to the proposed works.

It is noted within the covering letter from Rackham Planning dated 16th November 2021 image 9 shows a projecting timber structure attached to the wall and ceiling from which lighting is hung, in the front ground floor room of 51 Clarence Street. This is the only reference to this structure within the submitted application. While no objection is raised to these works it is advisable a condition be attached to any approval requiring further details of this structure, along with a condition relating to new internal lighting also shown in image 9.

The proposal is considered to sustain the designated heritage assets and comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	29
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Letters were sent to 29 neighbouring properties, a site notice has been displayed and an advert placed in the Gloucestershire echo; one response has been received objecting to the application.
- 5.2 The main concerns raised by the objecting resident include, but are not limited to the following:
- Museum has been closed for a year,
 - Extension of the café not supported due to a number of other cafes in the area,
 - Focus should be on tourist information and the town's heritage.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The application proposes a change of use and internal alterations; the key considerations for this application are the principle of the change of use and the impact on the designated heritage assets and design.

6.3 Principle of change of use

- 6.4 The application proposes to extend the existing café associated with the museum at ground floor the application is therefore seeking a part change of use to the ground floor of the existing museum to café. Policy INF4 of the JCS sets out the importance of community, cultural and sports facilities and sets out a specific policy for their retention. However, policy INF4 of the JCS refers to proposals to “*develop land or buildings currently or previously in use as a community facility*”. As such, given the main museum and gallery use is to remain with only part of the ground floor to change to a café; the principle of the change of use is considered to be acceptable and would not result in the loss of a community facility.

6.5 Impact on designated heritage assets and design

- 6.6 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.
- 6.7 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.

- 6.8 The Conservation Officer has commented on the scheme, specifically the internal alterations; full comments can be read above. Given that the proposed works mainly affect the modern extension to The Wilson Art Gallery And Museum and do not have an impact on the listed building in a way that would affect its significance, as such the Conservation Officer has raised no objection to this element of the scheme.
- 6.9 Works are also proposed to the listed 51 Clarence Street the majority of which are supported. However, a new timber ceiling/wall light structure/fitting is proposed for which no details have been submitted. Whilst these works are considered to be acceptable in principle, a condition has been added to secure more details to assess the impact on the heritage asset.
- 6.10 The applicant submitted revised plans to make minor changes to the scheme at the applicants request; these changes are minor and are all internal within the modern extension. The Conservation Officer has had sight of the changes and are considered to be minor and do not require any further Conservation input. As such, the additional changes are not considered to result in harm to the designated heritage asset.
- 6.11 As such, it is considered by officers that the works would sustain the designated heritage assets, furthermore the design of proposed works is acceptable and therefore the works comply with the relevant planning policies and guidance.

6.12 **Other considerations**

6.13 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 For the reasons set out above in this report, the principle of the change of use and associated internal alterations are considered to be acceptable in terms of proposing an acceptable change of use, sustaining the designated heritage asset and achieving an acceptable standard of design complying with the relevant policies and guidance.
- 7.2 The recommendation is to therefore permit planning permission and grant listed building consent subject to the following conditions.

8. SUGGESTED CONDITIONS / INFORMATIVES

21/02596/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.

21/02596/LBC

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

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

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

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

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

- a) The timber ceiling/wall structure at ground floor of 51 Clarence Street.

The details of the above shall include elevation and section drawings, materials and finishes. 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.

- 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:

- a) lighting at ground floor of 51 Clarence Street.

The details of the above shall include elevation and section drawings, materials and finishes. 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.

- 5 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.

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.