

<b>APPLICATION NO:</b> 19/00204/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 18th February 2019		<b>DATE OF EXPIRY:</b> 20th May 2019 (extended until 28th June 2019 in agreement with the applicant)
<b>DATE VALIDATED:</b> 18th February 2019		<b>DATE OF SITE VISIT:</b> 11th March 2019
<b>WARD:</b> Lansdown		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	WorkShop Cheltenham	
<b>AGENT:</b>	EdgeDesignWorkshop Ltd	
<b>LOCATION:</b>	Car Park Chester Walk Cheltenham	
<b>PROPOSAL:</b>	Proposed Mixed Use Innovation Hub for the town centre	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a Gloucestershire County Council (GCC) owned parcel of land, some 0.15 hectares, and is currently in use as a 62 space private car park operated by Euro Car Parks and occupied solely by GGC staff. Vehicular access to the site is provided via Chester Walk, with pedestrian access more widely available via a number of footpaths. The site is relatively tucked away, located to the rear (north) of Cheltenham's Children's Library, with flatted residential properties to west, and a car park to the north with commercial properties on the High Street beyond.
- 1.2 To the east, the site adjoins the churchyard of Cheltenham Minster (St. Mary's), a grade I listed building of mid-C12 origins, with later alterations and additions; it is Cheltenham's only surviving medieval building. Other prominent listed buildings within the immediate vicinity include the grade II listed Library, Art Gallery and Museum, and Norfolk House; additionally there are some grade II listed lamp posts and tombs within the churchyard, whilst the standing cross is a scheduled monument. The site falls wholly within the Old Town Character Area of the Central Conservation Area.
- 1.3 The proposal is for the construction of a 1,858sqm mixed-use 'Innovation Hub' comprising flexible workspaces including a 'Growth Hub' centre, a performance arena, and community and education space. A I
- 1.4 The workspace will span the ground and first floors of the development, with flexible co-working spaces, an ancillary cafeteria, back office and lockers, a reception area and central atrium provided at ground floor. At first floor, a mix of dedicated desks, private offices, meeting rooms and additional co-working areas. The focal point will be a uniquely-designed Growth Hub business support centre delivered in partnership with Gloucestershire Local Enterprise Partnership (GFirst LEP) and Creative England. The Design and Access Statement (DAS) submitted with the application sets out that the Growth Hub will help *"businesses realise their potential and grow"* and that its key aim is *"to grow the Gloucestershire economy above the national rate of growth"*.
- 1.5 The purpose-built ground floor performance arena with ancillary bar will provide a state-of-the-art facility for the town centre that will be run in partnership with Cheltenham Festivals and Music Works. It is also anticipated that the space *"will provide a platform for conferences, exhibitions and other events throughout the year that will drive foot traffic to and spend in the town centre"* (DAS).
- 1.6 The community and education space will be located on the ground floor, facing the Minster and the DAS sets out that these spaces *"are proposed to be available for the entire local community and will be supported by Cheltenham Festivals, Music Works, Marketing Cheltenham and Cheltenham BID amongst others. The performance and education spaces will also support the Talent Development and the newly formed Educational Partnership initiatives led by Cheltenham Festivals"*.
- 1.7 A small second floor extension will include a 'laboratory' for prototyping and 3D printing, and further meeting spaces.
- 1.8 Bin storage facilities, 28no. secure and covered cycle parking spaces, and 4no. car parking spaces, two of which will be disabled bays, will also be provided within the site.
- 1.9 The development will be created using recycled shipping containers, and modular components such as a staircase and lift core, steel structural wall and roof frames, and bespoke modular roof lights. The proposed shipping containers would be single trip containers which are typically manufactured in the Far East and used to carry goods on one trip to the UK.



## 4. CONSULTATION RESPONSES

### **Building Control**

*5th February 2019*

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

### **Cheltenham Civic Society**

*27th February 2019*

This is the type of innovative development we welcome in the town centre, and we hope this will be the catalyst for further improvements to the Minster curtilage. We particularly favour the entrance to the church yard.

The forum particularly welcome the proposed use of solar power and battery storage, and hope this will be an exemplar for future planning applications

We would like to see more information on the service access including bin storage and access, considering the likely potential use.

### **Historic England**

*1st March 2019*

Thank you for your letter of 5 February 2019 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

We note that our pre-application comments have been submitted and are available on the application's online webpage. Those comments set out our general view of the proposal, and we repeat certain pertinent passages below for ease. We do, however, raise one serious concern over the eastern elevation.

St Mary's - more commonly referred to as Cheltenham Minster - is Grade I listed and is the town's only surviving medieval building. It likely dates from the mid-12th century, and as the list description asserts, the architectural design-interest arrives largely from the high quality Decorated tracery which, in some cases, fills an exceptionally high proportion of the windows. The spire is a notable Gothic feature which contrasts strikingly with the predominance of the surrounding Regency architecture. The churchyard - defined tightly by the encircling (predominantly) four-storey terraced blocks - is a somewhat unexpected space of tranquillity within the busy town centre, and associated (individually designated) assets create a distinctly characterful enclave. It is important to note that, whilst not necessarily under Historic England's jurisdiction, the churchyard contains several 'dragon and onion' lamp posts, tombstones and headstones, the churchyard wall piers and railings to the east, and a churchyard cross, all listed at Grade II (the latter being simultaneously scheduled). There are further Grade II buildings surrounding the site, in particular, the library, museum and art gallery, and Norfolk House. The local authority will assess any impact to the setting of these Grade II assets.

The Cheltenham Borough Council Conservation Area Appraisal and Management Plan 2007, identifies 'St Mary's churchyard as an important space within the town centre...with a sense of enclosure and is a potentially tranquil space.' It also acknowledges that 'a combination of al-fresco drinking in the churchyard; evidence of graffiti and unattractive rear facades of buildings backing onto the churchyard contribute to providing the church with a poor setting.' Indeed, Action OT13 of the Management Plan 'aims to enhance the area through proposals including maintaining existing through routes and desire lines and enhancing points of entry; encouraging interaction with the surrounding properties; encouraging increased public use; improving and enhancing the setting of the Church and strengthening the current identities of the Church and Churchyard.'

Broadly speaking, Historic England supports this proposal. Whilst the identified tranquillity of the site is an attribute that we would like to see maintained to a degree, we believe that the churchyard is a wholly under-appreciated, under-utilised space with huge potential to be a real historic asset to the town. Currently the site is not a space in which public wish to dwell, enjoy, and appreciate, and the Minster (and its setting) suffers as a result. We consider that the resulting environment is caused by the encircling buildings having turned their back on the churchyard. The solution appears to be to reverse this situation by encouraging interaction between the surrounding buildings and spaces, increasing activity and a sense of surveillance.

The principle of introducing the proposed use to the adjoining car-park is therefore welcomed. The scale, when considering the height of the buildings forming a back-drop to the site, is not considered inappropriate.

At pre-application stage we raised some concern over the eastern elevation of the site which addresses the Minster. Whilst we did not object to the use of the shipping containers, we were not convinced that the relationship of this elevation was as positive as it had the potential to be. We recognised the intention to create an avenue through the site which connects to the western door of the church, however, we questioned whether in reality this would deliver a strong enough physical link between the two, or whether it may appear more as an unwelcoming tunnel. We encouraged some exploration of this eastern connection and whether a greater expression of space and openness could be achieved to assure interaction between the two sites. We do not consider this to have been achieved; in fact, despite our initial advice that this vital link between the two sites should be emphasised and enlarged, the current proposal has, if anything, made this element narrower and less inviting.

There remains one narrow gap forming the access corridor from the Minster side, which is over-sailed by two first-floor containers. This, we fear, will result in a weak and unwelcoming connection which does not take full advantage of the potential relationship between the two sites; this elevation strikes us as a barrier as opposed to positive permeability. We accept that the use of the containers prohibits more flexible adaptability, but question whether a more generous gap (perhaps twice the width with the first-floor 'bridge' set well back and without the continuous length of containers (this break in containers at first-floor level was proposed at pre-app)), would help to achieve this.

We remind the authority that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (NPPF, para. 193). Further, an authority should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (para. 200).

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 200 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

## **Heritage and Conservation**

*13th March 2019*

I am generally supportive of principle of the proposal. However, there are a number of initial points that need to be raised at this stage prior to further conservation comments being made.

The contextual analysis of the site and its context and how this contextual analysis has been used to inform the proposal is not considered to have been convincingly demonstrated within the submitted information. If this analysis has been undertaken, which the supporting information indicates has, it would be useful to submit this to give a greater understanding of the approach taken, helping to justify the proposed works.

Historic England have made some pertinent comments concerning the proposal that are agreed with. Their specific point concerning the entrance facing onto the Minster (shown in proposed elevation BB (facing the Minster)) needs to be carefully addressed. As proposed there is too hard a frontage facing the minster, not enough is made of this as an entrance and of potential vistas from the site to the minster. As proposed, there is considered to be a detrimental impact on the special interest of the Minster. Further consideration needs to be given to how a 'lighter', more open entrance can be created here.

It is also not clear from the submitted details how users of the site are to arrive at this entrance. The access via a ramp between the side of the Children's Library and the Minister is shown. However, the proposal takes no account of the desire lines from the High Street that would be created as a result of locating an entrance here. Concern is raised access to this entrance is unresolved, it is not considered successful in term of its legibility. The entrance relies on access over the grassed area of the churchyard but does not provide landscaping, through the introduction of a path or paths, to facilitate it. The proposal would encourage 'shortcuts' over this area, likely resulting in it becoming worn and untidy with no way of mitigating this impact. The result of this would be harmful to the churchyard and therefore the setting of the affected heritage assets. It is noted the Minster is outside the proposal site but better connectivity through a more careful consideration of legibility and permeability created by landscaping interventions is required. The site needs to allow for a clearer connectivity with the Minster, its churchyard and its wider context. It would be useful to understand whether representative from the Minster, Diocese of Gloucester or other relevant body have been contacted to discuss this issue.

The proposed location of the bin store at the main entrance of the site off Chester Walk is considered to result in an unattractive feature that detracts from the character and appearance of the public realm, harming the special interest of the affected heritage assets. It is noted there is a bin store in this location as existing but this is not considered justification to continue using the area for this use. There is an opportunity within the current proposal to address this issue to enhance the site and this part of the Central Conservation Area. Ideally the bin store should be located away from the front entrance and screened from the public realm. It is not considered this issue can be dealt with by condition given its significance.

Secure cycle parking is proposed to the northern corner of the site, which is welcome. However, it is desirable that an element of cycle parking be provided nearer the entrance of the site for the convenience of visitors and to encourage them to visit by bike. There appears to be space for this to the immediate north of the proposed parking area.

Reference is made within the Design and Access Statement to the layout of the proposal being informed by a site analysis and meetings including with Cheltenham Borough Council's Conservation Department. For clarity it should be noted that the Conservation Officers at CBC did not attend any pre-application meetings nor did they comment on a pre-application proposal. It would be appreciated if this misleading statement could be removed from the Design and Access Statement.

As proposed there are concerns over the proposal which need to be addressed before it can be considered for approval. Please note further comments on the proposal will be forthcoming after and additional information or negotiation takes place.

### **Environmental Health**

*18th February 2019*

I would recommend approval subject to the following conditions being attached to any approved permission:

#### Condition 1

No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- ' Parking of vehicles of site operatives and visitors
- ' Method of prevention of mud being carried onto highway
- ' Waste and material storage
- ' Control measures for dust and other air-borne pollutants
- ' Control measures for noise in regards to both demolition and construction
- ' Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

#### Condition 2

The proposed development has the potential to cause noise disturbance to existing residential or other noise sensitive properties, in particular residential properties directly west of the site on St George's Place. This noise is likely to arise from use of the 'event space' within the development.

It is required that a full Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan must include a full noise assessment and sound insulation measures for the proposed development and an assessment of the effect of the event space on the residential properties directly west of the site on St George's Place. This must be carried out by a suitably qualified and experienced acoustic consultant.

NB: The current plans show a lightweight roof construction carrying a significant load from photovoltaic panels, which may be an impractical combination.

The following information **MUST** be included in all acoustic reports:

- A statement of the reason for and scope of the report.
- Details of the proposed development to which the report relates.
- A location and development plan.
- A description of the area and environment surrounding the development site
- The methodology used to carry out the noise survey including the location of any noise monitoring locations, the equipment used and details of its last accredited calibration, and the weather conditions at the time the survey was carried out
- Full table of results.
- Assessment of the results in accordance to the relevant standards and policies.
- Recommendations for noise control measures if needed.
- Full calculations of the noise reductions expected to support any suggested noise control measures.

Reason: To prevent a loss of amenity affecting surrounding occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build.

#### Condition 3

No building or use hereby permitted shall be occupied or use commenced until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.

Reason: To prevent a loss of amenity affecting surrounding occupiers.

#### Condition 4

The technical details of the flues, ducting, extract system, filters etc. and their continuing operation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent a loss of amenity affecting surrounding occupiers.

#### Condition 5

Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to:

- human health

- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)

- adjoining land

- ecological systems

- groundwaters and surface water

- archaeological sites and ancient monuments

c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

### **County Archaeology**

*4th February 2019*

Thank you for consulting me concerning the above planning application. I wish to make the following observations concerning the archaeological implications of this scheme.

I advise that the application site is archaeologically sensitive, since it is located in close proximity to Cheltenham's medieval parish church, and it is therefore in an area where medieval settlement associated with the church is likely to have been present. In addition, archaeological investigation of the nearby library building in Chester Walk revealed archaeological remains dating to the later prehistoric period. Ground works required for development in this locality may therefore have an adverse impact on archaeological remains.

I note that this planning application is supported by a report on an archaeological field evaluation which was undertaken within the application site in 2005. This indicates that any significant archaeology is likely to be preserved at depths of c. 0.95m - 1.12m below ground level.

Since this development will be undertaken using re-used shipping containers it is unlikely that the development will intrude to the depths at which archaeological remains are potentially present.

Therefore I recommend that no archaeological investigation or recording should be required in connection with this planning application, and I have no further observations regarding this scheme.

### **GCC Highways Development Management**

*10th June 2019*

#### Recommendation

No objection (Subject to conditions)

GCC Highways will be in attendance at committee in relation to this application.

#### Planning History & analysis

The recent Planning History of the site, in reverse chronological order, is as follows:

16th January 2009. Ref. No: 09/00044/FUL. New build mixed use complex comprising 12 office units - total 1103m<sup>2</sup>, 10 residential apartments, 1 cafe and 40 parking spaces. Received: Fri 16 Jan 2009 | Validated: Fri 30 Jan 2009 | Status: Refused

25th January 2008. Ref. No: 08/00158/DEEM4. Erection of 13 apartments, 1 mews cottage, internet cafe and associated works. Received: Fri 25 Jan 2008 | Validated: Thu 28 Feb 2008 | Status: Refused

10th August 2007. Ref. No: 07/01126/FUL. New build mixed use complex comprising 14 apartments, 8 office units and 1 cafe and underground parking (Revised plans). Received: Fri 10 Aug 2007 | Validated: Thu 15 May 2008 | Status: Refused

26th July 2005. Ref. No: 05/01170/DEEM4. Erection of 24 residential flats, apartments and mews cottages and internet cafe. Received: Tue 26 Jul 2005 | Validated: Thu 04 Aug 2005 | Status: Refused

14 Jun 1996. Ref. No: 96/00550/PF. Erection Of 3 Storey Office Building Land At Chester Walk Cheltenham Gloucestershire. Received: Fri 14 Jun 1996 | Validated: Fri 14 Jun 1996 | Status: Permit

18th September 1986. Ref. No: 86/01018/LD. Old Bakery Site Cheltenham Gloucestershire - Demolition Of Existing Buildings and Erection Of Library Phase 1. Received: Thu 18 Sep 1986 | Validated: Thu 18 Sep 1986 | Status: Permit

A review of the planning history has established that the loss of parking on this site has been previously established.

#### Proposed Development

1703sqm mixed use 'innovation centre' comprising 1003sqm workspace (B1), 293sqm performance arena, 157sqm community and education spaces, 147sqm back-of-house and a 103 sqm roof garden based on the submitted details in the Design and Access Statement.

#### Site appraisal

The site is sustainably located in the town centre of Cheltenham accessible by frequent nearby bus services which also connect the site to Cheltenham station with regular rail services, with good pedestrian access and within a wide catchment for cycle trips reducing reliance on private vehicle use to and from the site.

Travel distance to bus stops approx. 100m / 2 minutes walking time  
Cheltenham Spa Railway – 11 - 13 minute journey time (walk& bus) - 21 minute walk time

The site is considered to be a sustainable location.

The site is considered to be sustainable and as such development in this area can respond and offer alternative transport solutions that are not reliant on the private car. The proposed development will not offer parking to the majority of users and as such alternative travel / parking arrangements will need to be made in areas that are underutilised including the local multi storey parking facilities.

Four parking spaces will be provided with 2 disabled bays and two electric pool car parking bays. GCC would note that it would encourage the applicant to offer charging to disabled users also. As such only essential / sustainable parking will be provided and is a considerable reduction from the existing use which does not make full use of the sustainability of the site.

Whilst arriving by private car by other users will be discouraged there are opportunities for parking that can be taken up in private parking areas. As such due to the controlled parking within Cheltenham there is not a concern about impact on the highway from any potential parking. The applicant has identified these in the parking strategy submitted.

It is understood that the existing parking has been considered and that suitable alternative arrangements are in place and that the Head of Planning at CBC can provide clarity on this matter at the committee.

Overall the reduction in 58 parking spaces is welcomed in highways terms given the sustainability of the location.

The cycle parking provision is considered suitable along with disabled and electric vehicle parking for the site.

GCC recommend the following conditions be applied:

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plans and those facilities shall be maintained for the duration of the development.

Reason:- To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

NOTE: The development will require construction and delivery access by large vehicles which will be expected to require streetworks approval which should be sought by contacting the County Council at 0800 514 514 or emailing [streetworks@gloucestershire.gov.uk](mailto:streetworks@gloucestershire.gov.uk)

NOTE: The upgrade works to the access on Chester Walk and new access to ##### require alteration to the existing highway network and must be undertaken by the Highway Authority or its appointed agents. An Agreement under Section 278 of the Highways Act 1980 will be required. The Local Highway Area office will need to be contacted prior to commencement of work on the access.

The applicant is also advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads.

#### Statement of due regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no equality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

## **5. PUBLICITY AND REPRESENTATIONS**

5.1 Letters of notification were sent to 72 neighbouring properties. In addition, site notices were posted in proximity to the site, and an advert published in the Gloucestershire Echo. 16 representations have been received in response to the publicity; 8 in support of the proposal, 7 in objection, and 1 general comment. The comments have been circulated in full to Members in full but, in brief, some of the concerns raised by the objectors relate to:

- the location of the development – the site does not have any street frontage and would be better sited elsewhere;
- the impact on the Minster – the design is out of keeping and will be an eyesore;
- the loss of existing parking spaces and inadequate parking for the proposed development;
- the impact on the Children's library and its users.

## **6. OFFICER COMMENTS**

### 6.1 Determining Issues

6.1.1 The key planning issues when determining this application are the principle of development; massing and design; impact on the historic environment; amenity; and parking and highway safety. Members will need to balance all of the planning issues and relevant planning policies when making their decision.

## 6.2 Policy background / principle

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 47 of the National Planning Policy Framework (NPPF) which also highlights that decisions on applications should be made as quickly as possible.

6.2.2 Paragraph 11 of the NPPF sets out a “*presumption in favour of sustainable development*” which in decision making means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

6.2.3 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (LP) wherein those policies are consistent with the NPPF; and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

6.2.4 Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and the emerging Cheltenham Plan (eCP) which was submitted to the Secretary of State for examination in October 2018.

6.2.5 Adopted JCS policy SD1 advises that the development of new employment land, “*where it would encourage and support the development of small and medium sized enterprises*”, will be supported within the Principal Urban Area of Cheltenham, subject to all other policies of the plan. Paragraph 4.1.14 of the JCS states that the aim of the policy is “*to support employment development and economic prosperity by taking an economic-led, urban-focused development approach, with the primary aim of attracting investment and development to the main urban areas*”. Paragraph 4.2.19 goes on to state that “*Providing start-up space...is also vital to stimulate innovation and entrepreneurship... developments are especially encouraged which provide a range of types and sizes of units including start-up and flexible workspaces*”.

6.2.6 Additionally, paragraph 80 of the NPPF (2019) states that planning decisions should place significant weight “*on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*”.

6.2.7 The principle of developing this site for employment purposes must therefore be acceptable subject to the additional policy considerations below.

## 6.3 Massing and design

6.3.1 JCS policies SD3 and SD4 set out the design requirements for new development proposals. These policies seek to ensure that development proposals are designed and constructed so as to maximise the principles of sustainability, and to ensure that all new

development responds positively to, and respects the character of, the site and its surroundings. The policies are consistent with the general design advice set out within Section 12 of the NPPF.

6.3.2 The proposed development is largely two storeys in height, but does step up in height in the northern corner of the site with a modest second floor addition; the massing of the development within its context is considered to be acceptable given the nature of the surrounding built form.

6.3.3 By its very nature, the proposed development will have an industrial aesthetic but it is considered that it will represent an interesting and contemporary piece of architecture in this sensitive location. A contemporary approach to the detailing of the shipping containers is proposed, with a subtle uniform colour finish to the units fronting the Minster; and more vibrant graphics proposed to the units surrounding the event space. Elsewhere, the entrance lobby and lift core will be clad in glass planks consistent with the industrial aesthetic of the scheme, with powder coated aluminium windows and doors.

6.3.4 The proposed development will be a low energy project with minimal impact on the environment, and the Design and Access Statement (DAS) sets out the sustainability credentials of the development. Photovoltaic panels will be located on the roof structure which will capture energy to be stored in next generation battery technology.

#### 6.4 Historic environment

6.4.1 JCS policy SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 192 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

6.4.2 Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA), in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting; in this case, it is the setting of adjacent listed buildings that must be considered. Section 72(1) of the same Act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area wherein development is proposed.

6.4.3 As previously noted, there are a number of listed buildings in proximity to the application site, most notably the grade I listed Minster, and the proposed development will undoubtedly impact on the setting of these buildings.

6.4.4 Historic England (HE) when commenting on the original proposals welcomed the principle of the proposed use in this location; did not object to the use of shipping containers; and did not consider the scale of the development to be inappropriate given the heights of surrounding buildings. However, whilst “*Broadly speaking, Historic England supports this proposal*” they did raise a serious concern over the eastern elevation. The concern related to the narrow gap forming the access corridor from the

Minster side, which was over-sailed by two first-floor containers, and would “*result in a weak and unwelcoming connection which does not take full advantage of the potential relationship between the two sites; this elevation strikes us as a barrier as opposed to positive permeability*”. HE therefore questioned “*whether a more generous gap (perhaps twice the width with the first-floor 'bridge' set well back and without the continuous length of containers...would help to achieve this*”.

6.4.5 Revisions have therefore been negotiated, in conjunction with the Council’s Conservation Officer, to improve this elevation and provide better connectivity to the Minster grounds. Namely, the width of the entrance at ground floor has been increased from 2.5m to 3m, and the width of the gap at first floor has been increased from 5.5m to 6m; additionally, the first floor in this location has been set back approximately 9m and is now fully glazed. Officers consider that the revisions sufficiently overcome the concern raised by HE.

6.4.6 Overall it is considered that the proposed development has the potential to make a positive contribution to the setting of the Minster, and the wider conservation area in which it is located.

6.4.7 From an archaeological perspective, paragraph 189 of the NPPF advises that where a development site has the potential to include heritage assets with archaeological interest, developers should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

6.4.8 In this respect, the County Archaeologist has noted that the application is supported by a report on an archaeological field evaluation which was undertaken within the application site in 2005; this report indicated that any significant archaeology is likely to be preserved at depths of c. 0.95m - 1.12m below ground level.

6.4.9 As such, whilst acknowledging that this site is archaeologically sensitive, and that ground works required for development in this locality could have an adverse impact on archaeological remains, the County Archaeologist considers that, since this development will be undertaken using re-used shipping containers, it is unlikely that the development will intrude to the depths at which archaeological remains are potentially present. Therefore no further archaeological investigation or recording is required in connection with this planning application.

## 6.5 Amenity

6.5.1 Saved LP policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality. In addition, one of the core planning principles set out within paragraph 17 of the NPPF is to “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”.

6.5.2 The proposed development has been reviewed by the Council’s Environmental Health Team (EH) who recommend approval subject to a number of conditions.

6.5.3 With respect to noise, EH highlight that the ‘event space’ within the development has the potential to cause noise disturbance to existing residential, or other noise sensitive, properties, in particular residential properties directly west of the site on St George’s Place. As such, a full Operational Management Plan will need to be secured by condition; the plan shall include a full noise assessment and sound insulation measures for the proposed development, and an assessment of the effect of the event space on the residential properties directly west of the site on St George’s Place. Additionally, technical details of the flues, ducting, extract system, filters etc. and their continuing operation will be secured by condition.

6.5.4 Future lighting proposals also have the potential to negatively impact on the amenity of neighbouring residential properties and a further condition is therefore suggested by EH that requires the submission of a detailed lighting scheme.

6.5.5 Whilst it is acknowledged that outlook from neighbouring residential properties will undoubtedly be altered by the development, officers are satisfied that the proposed massing of the development will not result in any overbearing effect, nor significant loss of privacy or outlook.

## 6.6 Parking and highway safety

6.6.1 Adopted JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 9 of the NPPF.

6.6.2 The development proposals have been reviewed by the GCC Highways Development Management Team (HDM) who raise no Highway objection subject to conditions.

6.6.3 The site is sustainably located within the town centre with excellent links to public transport services. There are frequent nearby bus services, which serve Cheltenham Spa station with regular rail services, with good pedestrian access, and links to the cycle network. The nearest bus stops are 100m away.

6.6.4 Given the highly sustainable nature of the site, HDM consider that development in this area can offer alternative transport solutions that are not reliant on the private motor vehicle. As such, whilst the proposed development will not offer car parking to the majority of users, there are a number of nearby town centre car parks which are underutilised; the applicant has identified these in the submitted parking strategy. Additionally, due to the controlled parking within Cheltenham, HDM do not raise concerns in terms of highway safety.

6.6.5 Of the four car parking spaces that will be provided on site, two are disabled bays and two are electric pool car parking bays. HDM suggest the applicant also offer charging facilities to disabled users, and this could reasonably be secured by condition.

6.6.6 Suitable alternative parking arrangements for the current users of the site have been negotiated.

6.6.7 The level of cycle parking provision proposed is considered appropriate for the development.

6.6.8 Given the constrained nature of, and limited access to, the site it is considered necessary to impose a condition requiring the submission of a detailed Construction Method Statement prior to the commencement of development, to ensure that the construction phase does not cause harm to neighbouring residential users or highway users.

## 6.7 Other considerations

### Trees

6.7.2 There are a row of Lime trees within the churchyard adjacent to the eastern site boundary which will be in close proximity to the development. The Tree Officer has visited the site and given the difference in land levels either side of the boundary, and the limited groundworks that will be required to carry out the development, the Tree Officer raises no objection. Any future pruning of these trees as a result of the development would be resisted.

### Contaminated land

6.7.3 Environmental Health has suggested that a condition be imposed in relation to contaminated land; however, officers consider the suggested condition to be particularly onerous given the nature of the development which will require little foundations. An alternative condition is therefore suggested whereby should any contamination be found during construction works it must be reported immediately to the Local Planning Authority.

### Footpath

6.7.4 Although the application proposes the removal of existing boundary fencing which sits atop the low level boundary wall between the site and churchyard, it does not currently provide for a new footpath link to the development through the churchyard as the land falls outside of the application site. Should permission be granted for the development, it is anticipated that an application for a footpath will follow. Works to the churchyard boundary and the footpath would require diocesan approval; however, the principle of such works is supported by the Rector of Cheltenham.

### Advertisement strategy

6.7.5 Due to the sensitive location of the site, and the nature of the proposal, a condition is suggested that requires the submission of an Advertisement Strategy to be agreed and adhered to.

## 6.8 Conclusion and recommendation

6.8.1 The principle of developing this site for employment purposes is considered to be acceptable. The proposed development will represent an interesting and contemporary piece of architecture, and following revisions to the eastern elevation, to address a concern raised by Historic England, has the potential to make a positive contribution to the setting of the adjacent grade I listed Minster, and the wider conservation area in which it is located. There are no amenity or highway concerns arising from the proposals that cannot be adequately dealt with by condition.

6.8.2 The proposal is therefore considered to be in accordance with all relevant local and national planning policy and the recommendation therefore is to grant planning permission subject to conditions:

## **7. CONDITIONS / INFORMATIVES**

Suggested conditions / informatives to follow in an update

