

<b>APPLICATION NO: 22/01473/FUL &amp; 22/01473/LBC</b>		<b>OFFICER: Miss Claire Donnelly</b>
<b>DATE REGISTERED: 1st September 2022</b>		<b>DATE OF EXPIRY: 27th October 2022;</b> extension of time agreed until 18th November 2022
<b>DATE VALIDATED: 1st September 2022</b>		<b>DATE OF SITE VISIT:</b>
<b>WARD: All Saints</b>		<b>PARISH: n/a</b>
<b>APPLICANT:</b>	Mr Anderson	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	The Swan 35 - 37 High Street Cheltenham	
<b>PROPOSAL:</b>	Retention of a temporary structure within the enclosed rear courtyard for up to two years	

**RECOMMENDATION: Refuse**



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to The Swan, 35 – 37 High Street, currently in use as a pub at ground floor. The whole building is Grade II listed. The pub benefits from internal and external seating areas, and has a function room to the rear of the pub. The site is located within the Old Town Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant benefitted from the Council's relaxation of enforcement for temporary structures which was put in place to help and support the successful running of businesses and organisations within the town to ensure they remained open and viable due to the COVID-19 restrictions/guidance and provide more physical space to accommodate social distancing and safer operations. In April 2021 the applicant sought confirmation that the temporary canopy structures that had been erected could be considered as part of the relaxation. The Council decided to bring an end to the temporary relaxation of enforcement on 30<sup>th</sup> September 2022 given that COVID-19 restrictions have come to an end. Any businesses seeking to retain their structures past this date, were required to seek the necessary consents for their retention.
- 1.3 In this instance, the applicant is seeking consent for the retention of the canopy structures for a further period of up to two years.
- 1.4 The applicant has confirmed that during the two year temporary consent, a more permanent solution would be explored setting out a timeline to achieve this over the next two years.
- 1.5 During the course of the application, officers have engaged with the applicant and subsequently carried out an on-site visit to discuss permanent solutions that they may wish to explore. It is considered by officers that permanent canopies could be achieved in this location, however support would be dependent on scale, design, material and location. The applicant has been advised by officers of the extent of canopy that could be supported.
- 1.6 The application is at planning committee at the request of Councillor Tailford if officers were minded to refuse as the structures would help a local business during a time where help is needed.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Core Commercial Area  
Listed Buildings Grade 2  
Principal Urban Area  
Central Shopping Area  
Smoke Control Order

### **Relevant Planning History:**

**82/00489/PF 24th February 1983 PER**

Old Swan Hotel High Street Cheltenham - Internal Alterations At Ground Floor Level And Erection Of External Glazed Canopy

**83/00659/PF 24th February 1983 PER**

Internal alterations at ground floor level and erection of external glazed canopy

**83/00660/PF 30th June 1983 REF**

Display of new signs at front and rear

**84/00325/PF 26th July 1984 PER**

Old Swan Cheltenham - Erection Of Conservatory In Yard Of Existing Public House

**84/00330/LA 26th July 1984 PER**

Old Swan Cheltenham - Erection Of Conservatory In Yard Of Existing Public House

**84/00729/AN 22nd November 1984 PER**

Old Swan Cheltenham Gloucestershire - Display Of Gold Leaf Signwriting On Windows And Individual Applied Lettering On String Course (Retrospective Application)

**84/00794/PF 13th December 1984 PER**

Erection Of Glazed Canopy In Yard

**84/00795/LA 13th December 1984 PER**

Erection Of Glazed Canopy In Yard

**89/01172/AI 8th November 1989 REF**

Display Of Illuminated Advertisements (As Amended)

**89/01555/AI 18th January 1990 REF**

Display Of Illuminated Advertisements (Retrospective)

**94/01006/LA 15th December 1994 PER**

Erect External Signs

**95/00287/PF 25th May 1995 PER**

Internal Alterations, Including Forming New Entrance And Closing Existing

**95/00291/LA 25th May 1995 PER**

Internal Alterations, Including Forming New Entrance And Closing Existing

**95/00524/AI 27th July 1995 PER**

Display Of Illuminated Painted Fascia Signs And Double-Sided Illuminated Projecting Sign

**95/00525/LA 27th July 1995 PER**

Illuminated Double Sided Projecting Sign, Facility Boards, Sign Written Fascia And Wall Signs

**98/00675/AI 10th September 1998 PER**

OHagans Public House - Fascia Sign, Amenity Signs, Pictorial Swing Signs And Associated Lighting.

**02/00977/LBC 6th September 2002 GRANT**

Internal alteration to Bar and Restaurant Areas

**03/00150/FUL 9th May 2003 WDN**

Demolition of outbuildings to rear of building, including conservatory, toilet and coach house, and erection of single/two storey extensions to provide function room, managers accommodation, extended kitchen, link corridor and fire escape.

**03/00151/LBC 9th May 2003 WDN**

Demolition of outbuildings to rear of building, including conservatory, toilet and coach house, and erection of single/two storey extensions to provide function room, managers accommodation, extended kitchen, link corridor and fire escape.

**04/01607/FUL 1st November 2004 PER**

New raised patio and walls to the rear courtyard

**07/01570/LBC 3rd June 2008 GRANT**

Alterations to cellar access with the introduction of 456mm high vertical doors above existing ground flaps to provide more headroom for deliveries

**09/01884/FUL 6th May 2010 WDN**

Construction of a conservatory, replacing existing temporary marquee to the rear building and passageway

**09/01885/LBC 6th May 2010 WDN**

Construction of a conservatory, replacing existing temporary marquee to the rear building and passageway

**11/01411/FUL 21st November 2011 WDN**

Erection of a hardwood painted orangery extension to restaurant

**11/01412/LBC 21st November 2011 WDN**

Erection of a hardwood painted orangery extension to restaurant

**13/01933/CACN 9th December 2013 NOOBJ**

Ash tree within rear pub garden - fell

**16/01469/LBC 10th October 2016 GRANT**

Formation of servicing hatch to ancillary building (retrospective)

### **3. POLICIES AND GUIDANCE**

**National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

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**

SD3 Sustainable Design and Construction

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**

The Cheltenham Climate Change SPD (adopted June 2022)

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

### **4. CONSULTATIONS**

**Building Control**

*5th September 2022 –*

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

## **Heritage And Conservation**

*18th October 2022 –*

The proposed works are for the retention of a temporary structure within the enclosed rear courtyard for up to two years. The proposed temporary structures are comprised of timber structures with hard, clear plastic roofs.

Notably the temporary structures were constructed without planning permission, with the knowledge of the local planning authority, when planning enforcement was relaxed to address social distancing concerns during the Covid 19 pandemic. These restrictions have now ended. The applicant would have previously been made fully aware of the temporary nature of this relaxation and constructed the temporary structures with this understanding.

The site is sensitive in heritage terms. The temporary structures affect the rear of a historic coaching inn dated circa 1810-20, which is a grade II listed building. Specifically the temporary structures cover an area of the inn that would have historically been the access for carriages. The site is also located within the Central Conservation Area, although due to the enclosed nature of the rear elevation of the listed building this is not considered to be affected.

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 Building and Conservation Area) Act 1990. In determining this application it is important to note the statutory duty of local planning authorities under 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 and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 need to 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.

Regarding the justification for the proposed works in heritage terms, it is considered the supporting information within the application lacks recognition of the heritage significance of the site and its setting and the impact the proposed continues use of the temporary structures will have. It is also considered unclear from the submitted application why the continued need for a temporary structures is required given the lifting of Covid restrictions, the previously existing cover outdoor seating provision and why this use cannot be accommodated within the open air as it previously existed. The reasoning given within the covering letter is not considered sufficient a reason to override the harm that would be caused to the listed building and its setting. Concern is therefore raised over the principle of retaining the structure, even on a temporary basis, in heritage terms.

The proposal is considered to fail to meet the requirement of paragraph 194 of the NPPF, which requires an applicant to describe the significance of any heritage assets affected by a development proposal, including any contribution made by their setting, with the level of detail proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance. It also fails to address paragraph 200 of the NPPF, which requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), to require clear and convincing justification.

Objection is raised to the retention of the temporary structures on heritage grounds. The development proposal is not a tailored response to the site and its setting, with the cumulative impact of their impermanent appearance, design detailing, materials, scale and massing and their prominent location to within the context of the rear of the listed building is considered to respond poorly to the sensitivity of its setting. The proposed structures are therefore considered to appear incongruous and therefore detract from and harm the listed building and its setting, an unacceptable impact even on a temporary basis.

The impact of the proposed works on the setting of listed buildings is considered to neither sustain or enhance their special interest as required by Paragraph 197 of the NPPF and does not meet the requirement of paragraph 199 of the NPPF, which requires great weight be given to the asset's conservation, which includes setting. The temporary retention of the structures is considered to cause harm to the setting of the affected listed buildings, which is considered less than substantial harm for the purposes of the NPPF. The development proposal does not 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.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the NPPF requires this harm be weighed against the public benefits of the proposal. It is important this exercise be undertaken as a separate exercise to the general planning balance as it is distinct from it. If consent is granted due to the public benefits associated with the development proposal being considered to outweigh the harm, it is advised it be made clear to the agent and applicant within an informative as part of the decision notice that further renewal of any temporary consent would not be granted, as this by proxy would unacceptably prolong this harmful impact on the affected heritage assets.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	26
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Letters have been sent to twenty-six neighbouring properties, a site notice has been displayed and an advert has been placed in the Gloucestershire Echo; no responses have been received.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The key considerations for this application are;

- The impact on designated heritage assets,
- The public benefits of the structure/use,
- The impact on neighbouring amenity, and
- Sustainable development.

### 6.3 The site and its context

- 6.4 As outlined in the introduction, the applicant has benefitted from the Councils relaxation of enforcement for temporary structures, however this relaxation has now come to an end and therefore the retention of the structures require permission to be sought.

- 6.5 The site relates to The Swan pub, located at the eastern end of Cheltenham's High Street. The whole building is Grade II listed; a historic coaching inn dated circa 1810-1820; the historic carriage access associated with the coaching inn is still apparent.
- 6.6 The site benefits from permanent structures to the rear of the site and has done for many years, including free standing shelter structures, which provides covered seating areas. The erection of the temporary canopy structures during the COVID-19 pandemic increased the covered outdoor area to provide additional seating to be used in all weather conditions.
- 6.7 The temporary structures comprise three areas of cover to the rear of the pub. The covered areas measure 17.2 metres, 9.5 metres and 10.2 metres in lengths with varying widths. The structures comprise of timber posts with corrugated plastic roofs, and therefore have temporary appearance in terms of their nature.
- 6.8 The site is located within the Core Commercial Area, and therefore is surrounded by commercial premises, however there are residential uses in the vicinity at upper floor level. Above The Swan is in use as residential flats.
- 6.9 **Heritage impacts**
- 6.10 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.
- 6.11 Paragraph 199 of the NPPF states:
- “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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 6.12 Paragraph 200 of the NPPF states:
- “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*
- 6.13 The proposed structures are to the rear of, and attached to the Grade II listed building. The site has a historical access used by carriages which can still be seen; the proposed structures would cover this access and obscure the obvious access. Officers acknowledge that the structures are located to the rear of the listed building; the applicant has set out in the supporting statement that the structures are only seen by customers within the site. However, limited views of the structures and the rear elevation of the listed building can be seen from the rear of the site; from St James Street Car Park, and the historic carriage access and beer garden can be seen from the front elevation, from the High Street, when the gates are open (during open hours), and closed (due to their design).
- 6.14 Concerns and objections have been received by the Councils Conservation Officer; full comments can be read above.
- 6.15 The Conservation Officer highlighted that the submitted information does not fully recognise the significance of the site and its setting and the impact the continued use of the temporary structures would have on the heritage asset, and therefore failed to comply with paragraph 194 of the NPPF which requires applicants to describe the significance of any heritage assets affected by the development. The Conservation Officer also noted that clear and convincing justification had not been provided which also failed to comply

with paragraph 200 of the NPPF. It should however be noted that a short justification statement was subsequently received on 11<sup>th</sup> November 2022, this statement was submitted following the request of officers; the statement predominantly addresses the public benefits of the scheme, as well as briefly addressing the impact on the grade II listed building. It is considered by officers that this statement does not address the concerns raised by the conservation officer.

6.16 The Conservation Officer considers that the provision of temporary structures is not a tailored response to the site and its setting, with the cumulative impact of their temporary appearance, design detailing, materials, scale and massing and their prominent location within the context of the rear of the listed building is considered to respond poorly to the sensitivity of its setting. The development is considered to appear as an incongruous addition and detract from and harm the listed building and its setting, even on a temporary basis. It is therefore concluded that the proposal is contrary to Paragraph 197 of the NPPF and does not meet the requirement of paragraph 199 of the NPPF, which requires 'great weight' be given to the asset's conservation, which includes setting. It has been identified that the development would lead to less than substantial harm to the significance of the designated heritage asset.

#### 6.17 **Public benefits**

6.18 As discussed above, the development is considered to result in harm to the setting of the grade II listed building. The Conservation Officer has identified the proposed structure would result in harm to the designated heritage assets and that level of harm to be less than substantial. As such, Paragraph 202 of the NPPF is relevant.

6.19 Paragraph 202 of the NPPF states:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."*

6.20 When considering public benefits, the NPPF itself does not define what public benefits are for this purpose. Further guidance is given in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development described in paragraph 8 of the NPPF and these objectives are as follows:

- a) Economic - to help build a strong, responsive and competitive economy;
- b) Social - to support strong, vibrant and healthy communities; and
- c) Environmental - to protect and enhance our natural, built and historic environment.

6.21 The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large but these benefits do not always have to be visible or accessible to the public or to all sections of the public to be genuine public benefits.

6.22 The applicant has submitted a statement to set out the public benefits of the proposal.

#### 6.23 Economic and social benefits

6.23.1 The supporting statement sets out that The Swan employs 14 people and supports at least 7 local businesses by buying from local and independent suppliers; and at least 19 businesses from the wider Cotswold and surrounding counties. Further to the running of the pub, The Swan uses at least 26 local contractors from building maintenance, to communication businesses.



- 6.23.2 It has been confirmed in the supporting statement that over 95% of the businesses purchasing is directed back into the local community and businesses, and if the business was to not thrive as is, the wider supply chain would also be impacted.
- 6.23.3 The supporting information sets out the current financial situation of the pub as a result of the COVID-19 pandemic, setting out that the business has a rent debt and trades at approximately 15% less than pre-pandemic. The additional year round outdoor structures contributes 78 additional covers for the business for which could reduce trade by 20%.
- 6.23.4 The statement also identifies that whilst government restrictions have ended, *“the business continues to have a number of customers who are safer sat in an outdoor area and a number who feel safer.”* The applicant therefore states that the *“business cannot cater for these Cheltenham residents without these temporary shelters”*, and *“the business continues to lose booking because of illness and testing in a way that was not seen before the pandemic”*. With the temporary structures outdoor seating can be offered all year round in all weather conditions.
- 6.23.5 The statement summarises that without the retention of the temporary structures there is a real risk that the business would close due to the reduction in number of covers the pub can offer, the increase in running costs and continued maintenance of the building.
- 6.23.6 Officers acknowledge the information set out within the public benefit statement in regards to the economic impacts on both the business itself, employment and wider supply chain associated with the running of the business. It is clear that the temporary structures allow for additional covers which helps the business and provides support to other local businesses.

#### **6.24 Impact on heritage assets versus public benefit test**

- 6.25 As set out in the Conservation Officers comments, and discussed above, harm to the setting of designated heritage assets has been identified. With this in mind the identified harm shall be weighed against the public benefits of the scheme as per paragraph 202 of the NPPF.
- 6.26 Officers acknowledge that the structures are located to the rear of the site and that the views of the structures are limited. However, the external seating area can be viewed from the public realm from both the front and rear of the site. The structures would cover a historic carriage access and impact upon the setting of the designated heritage asset.
- 6.27 It is considered that whilst benefits of the retention of the canopies have been identified, the public benefits associated with the canopies are limited. Furthermore, officers are mindful that the structures were only allowed to be erected on a temporary basis in direct response to the restrictions and guidelines imposed by the government in response to the COVID-19 pandemic. With the government no longer imposing social distancing measures, the requirement for the structures for these reasons are no longer required.
- 6.28 Whilst wider benefits to local people; employees of The Swan, and businesses in the supply chain have been identified, the increase in additional external covers are to allow the business to trade more successfully are the driving need for this business; this does not amount to a public benefit. It is considered that the retention of the canopies for a further two years is not considered to be essential to maintain the viability/vitality of the town centre economy.
- 6.29 Whilst officers acknowledge fully that there are some social and economic benefits associated with the retention of the canopies, the majority of the benefits do not serve the wider town centre economy. Whilst it is acknowledged the structures are located to the

rear of the heritage asset, in this instance the public benefits identified by the applicant are not considered to outweigh the identified harm to the significance of the designated heritage asset.

### **6.30 Impact on neighbouring property**

6.31 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; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.

6.32 The site is located in a predominantly commercial area, however there are residential premises on upper floor levels in the vicinity of the site. There have been no public comments received, furthermore there has been no comment from the Environmental Health Officer.

6.33 An outdoor drinking/dining space existed prior to the erection of the canopies, however officers acknowledge that this space has been increased and would serve outdoor seating all year round. However, it is considered that as a result of the proposed structures there would not be an unacceptable impact on neighbouring residents above and beyond the existing impact.

6.34 It is considered that the as a result of the proposed structure there would not be an unacceptable impact on neighbouring amenity; the proposal would therefore comply with the relevant planning policies.

### **6.35 Sustainability**

6.36 In June 2022, Cheltenham's Climate Change SPD was adopted which identifies and provides guidance for how development can contribute to the aims of sustainability to achieve net zero carbon by 2030. Policy SD3 of the JCS also requires development to demonstrate how they will contribute to the aims of sustainability and be expected to be adaptable to climate change in respect of design, layout, siting, orientation and function.

6.37 Given the temporary nature of the proposal, officers acknowledge there is little opportunity to include specific low carbon technologies. The applicant has submitted a sustainability statement to address the aforementioned SPD. Due to the temporary nature of the structure and that it is already in place, the proposal would not include any low carbon technologies or features. In this instance, given the nature of the application, this is acceptable.

### **6.38 Other considerations**

#### **6.39 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, PLANNING BALANCE AND RECOMMENDATION**

- 7.1 As set out above, harm to the significance of the designated heritage asset has been identified. The identified harm has been weighed against the public benefits of the proposals as required by paragraph 202 of the NPPF. Officers acknowledge that there are some public benefits, however, these benefits are not considered to outweigh the identified harm to the heritage asset.
- 7.2 The information and reasons set out within the applicant's covering letter have been considered very carefully but are not considered to outweigh the identified harm to designated heritage assets, with much of the justification for the canopy retention not amounting to public benefit.
- 7.3 Whilst officers acknowledge that the structures have and will continue to help the business, the structures are temporary in their nature and the applicant was aware of the temporary status of the Council's relaxation of enforcement in relation to temporary structures during the pandemic and had time to put a more permanent solution together. Officers have had informal discussions with the applicant advising that a permanent solution could be achieved subject to scale of cover and design details.
- 7.4 In summary the proposed retention of the temporary canopy structures for a further two years is considered to be unacceptable in that it is contrary to relevant local and national planning policies and guidance.
- 7.5 The recommendation is to therefore refuse the application for the following reason.

## **8. REFUSAL REASON**

- 1 The proposed temporary retention of the existing temporary canopy structures on the designated heritage assets by virtue of the scale, form, design and siting is considered to neither sustain or enhance the buildings' special interest and would harm the setting of the grade II listed building. The identified harm to the heritage assets is considered to be less than substantial harm for the purposes of paragraph 202 of the NPPF. The public benefits of the proposals are not considered to outweigh the identified harm to the heritage assets. The development proposals therefore do not comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Section 16 of the National Planning Policy Framework and Policies SD4 and SD8 of the Joint Core Strategy (2017) and Policy D1 of the Cheltenham Plan (2020).

## **INFORMATIVE**

- 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 authority cannot provide a solution that will overcome the identified harm to the significance of the designated heritage asset.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.