

APPLICATION NO: 23/01634/FUL & LBC	OFFICER: Mr Ben Warren
DATE REGISTERED: 23rd September 2023	DATE OF EXPIRY: EoT: 23rd December 2023
DATE VALIDATED: 23rd September 2023	DATE OF SITE VISIT:
WARD: All Saints	PARISH:
APPLICANT:	Cheltenham Borough Homes
AGENT:	PPC Surveyors Ltd
LOCATION:	16 Priory Street Cheltenham Gloucestershire
PROPOSAL:	Deconstruct Walls, Retain and Clean Up Existing Bricks and Coping Stones and Re-build

RECOMMENDATION: Permit & Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to an end of terrace property located within a residential area on Priory Road. The application site is Grade II listed, located within Cheltenham's Central Conservation area and within the Sydenham Character Area.
- 1.2 The applicant, Cheltenham Borough Homes is seeking permission for the rebuilding of the existing boundary walls that surround the rear garden area following the deconstruction of the existing walls and the cleaning up of existing bricks and coping stones. The boundary walls will be rebuilt in the same location and to the same height as the existing walls.
- 1.3 The application is at planning committee as Cheltenham Borough Homes are the applicant and Cheltenham Borough Council are the landowner.
- 1.4 An extension of time has been agreed to allow for the submission of additional information and for determination of the application at planning committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Grade II listed
Airport Safeguarding over 45m
Conservation Area
Central Conservation Area
Principal Urban Area

Relevant Planning History:

08/01312/LBC 23rd January 2009 GRANT

Removal of existing fireplace in rear ground floor room, replacement of existing window to rear ground floor elevation with a timber sash window, and insertion of a gas boiler flue to rear elevation

21/00167/LBC 7th May 2021 NOT

Partially take down wall, rebuild wall upright using existing bricks

21/00174/LBC 7th May 2021 NOT

Partially take down wall and rebuild upright using existing bricks (partial demolition)

21/01091/FUL 9th November 2022 WDN

Partially take down wall and rebuild upright using existing bricks (partial demolition)

21/01091/LBC 9th November 2022 WDN

Partially take down wall and rebuild upright using existing bricks (partial demolition)

C21/00046/DS 21st December 2021 CLOSED

Leaning garden wall

3. POLICIES AND GUIDANCE

National Planning Policy Framework

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

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Central conservation area: Sydenham Area and Management Plan (July 2008)
Climate Change (2022)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records - 29th September 2023

Report available to view in documents tab.

Building Control - 27th September 2023

No comment

Heritage And Conservation - 30th November 2023

Comments were initially supplied on 12 October 2023. The following is in light of revised and additional material (16 and 17 November 2023).

It is noted that the description of the scheme has been altered to: Deconstruct Walls, Retain and Clean Up Existing Bricks and Coping Stones and Re-build.

The Design, Access and Heritage Statement (the D&A) refers to the re-use of existing bricks or reclaimed bricks to match the existing (para. 3.1.1, p.2) and the potential use of reclaimed coping stones to match the existing (para. 3.1.3, p.4). Drawings 202/04A and 202/05A both refer to reused and reclaimed brickwork.

With reference to drawing 202/05A and the agent letter, it appears that it has been submitted for illustrative purposes only (see the initial comments in relation to drawing 202/05).

The scheme will not harm the significance of the designated heritage assets and therefore it is acceptable in terms of conservation.

Suggested conditions (outline text only) may include:

Any new bricks to match existing unless otherwise agreed in writing with the Local Planning Authority

Any new coping to match existing unless otherwise agreed in writing with the Local Planning Authority.

Bonding pattern to match existing unless otherwise agreed in writing with the Local Planning Authority.

A suitable lime mortar to be used unless otherwise agreed otherwise in writing with the Local Planning Authority [the Senior (case) Planning Officer may wish to check this is acceptable in principle with the agent in the first instance, in case of any specific local reasons why this can't be used].

Heritage And Conservation - 12th October 2023

Relevant legislation and policies

Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).

The National Planning Policy Framework (DLUHC: 2023) (the framework).

Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (the JCS).

Consideration

In considering proposals for listed building consent, the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) requires via S.16 (2) 'special regard to the desirability of preserving the building' or any features of special architectural or historic interest which it possesses.'

In the appraisal of planning applications, the 1990 Act requires via S.66 (1) 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

S. 72 (1) of the 1990 Act requires that in the exercise of planning functions 'with respect to any buildings or other land in a conservation area' special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.'

These duties are reflected in section 16 (conserving and enhancing the historic environment) of the framework.

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

The description of the scheme reads - Deconstruct and replace 3 walls in the garden of No.16 Priory Street to match existing. Re-point all remaining brickwork using the same pointing style as existing. Remove and re-fix coping stones, replacing any which are damaged to match existing.

The proposed work has not been subject to formal pre-application advice from the Local Planning Authority (the LPA).

Application(s) 21/01091/FUL&LBC (Partially take down wall and rebuild upright using existing bricks (partial demolition) were withdrawn on 9 November 2022. The conservation section provided comments on the proposed scheme on 12 May and 1 December 2021.

16 Priory Street (No. 16) is included on the National Heritage List for England (the NHLE) at Grade II. First listed on 5 May 1972. List entry number: 1387611 (numbers 10 to 16 and attached area railings to number 10, and with forecourt railings to number 12).

The significance of No. 16 lies principally, though not entirely, in its architectural value as an example of polite domestic architecture from the second half of the nineteenth century (No. 16 is not shown on a 1855-1857 map of the town, but is depicted on a map of c.1879-1888)

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

With reference to drawing 202/01 (site location and site plan), for clarity, Nos. 16 and 14 are included on the NHLE. No. 18, Priory Cottage, Priory Street and Nos. 15 and 16 Hewlett Place are not included on the NHLE.

Drawing 202/01 (site location and site plan) shows walls 1 and 3 being attached to No. 16, and wall 2 being attached to walls 1 and 3. Given, this the walls are considered to form part of the listed building.

A map of c.1879-1888 shows what is taken to be a boundary wall encompassing the rear of No. 16.

The Design and Access, with Heritage Statement (the D&A) states 'It is most likely that the boundary walls surrounding the garden of No 16 Priory Street were constructed at around the same time as the property, hence are a minimum of 173 years old' (para. 2.3, p. 2).

From the information submitted, the subject walls are of red brick with clay tile coping. Drawing 202/02 (existing elevation of walls) included the text, 'Imperial sized hand made clay bricks bedded on lime mortar in a Flemish bond with stone coping over'.

The formal description of the proposal starts 'Deconstruct and replace 3 walls to match the existing'; however, the application form includes the text 'Carefully deconstruct the areas of the 3no. walls'. With reference to the relevant drawings as submitted, it appears that only sections are proposed to be re-built.

The framework states 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction)', should require clear and convincing justification (para. 200).

The submission lacks clear and convincing justification, such as a comprehensive professional condition report. Information on condition appears to be limited to 'walls which are dilapidated and unstable' (the D&A, para. 3.1.1, p. 2) and some digital photographs which lack details of specific locations (the D&A, pp. 3 and 4). Any report should include comment on why the existing brick cannot be re-used in any re-build.

With reference to drawing 202/05 (proposed No.15 and 16 Hewlett Place rear wall and section), it is not clear from the information submitted if this work requires listed building consent (LBC).

Further to the above, and with reference to drawing 202/01 (site location and site plan), it appears that the proposed work to the rear wall of Nos. 15 and 16 Hewlett Place are not within the red line. This is of course something for the planning (case) officer to consider.

Unfortunately, it is not possible to undertake a full consideration of the scheme in terms of conservation. The conservation section should be formally re-consulted on the receipt of any additional and/or revised material.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 5 letters were sent to neighbouring land users, a site notice displayed, and an advert published in the Gloucestershire Echo. One letter of representation has been received from the neighbouring land user at 14 Priory Street. This neighbour raises an objection to the reconstruction of the wall that runs along the shared boundary with the application site (Wall 3, as per the site plan drawing 202/01). The concerns relate to structural integrity, visual impact and privacy.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations in relation to this application are the design, impact on the designated heritage assets, the impact of the proposal on neighbouring amenity and the impact on protected trees.

6.3 Design and impact on heritage assets

- 6.4 Policy SD8 of the JCS relates to the historic environment and states how 'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance'. Section 16 of the NPPF also echoes the importance of conserving and enhancing heritage assets.
- 6.5 The application seeks consent for the rebuilding of 3 garden boundary walls to the rear of 16 Priory Road. The application site is Grade II listed, as such, the council's conservation officer has been consulted on this application, their detailed comments can be read in section 4 above.
- 6.6 Initial comments from the conservation officer advised that further detail and information, including clear and convincing justification for the works, was necessary before they were able to conclude on acceptability. Additional information and revised plans were later received.
- 6.7 The conservation officer has reviewed the additional information and concludes that the works will not harm the significance of the designated heritage assets and the works are therefore acceptable in terms of heritage and conservation. A number of conditions have been suggested which relate to new bricks, new coping stones, bonding pattern and the type of mortar mix. All of these are considered to be necessary and have therefore been attached.
- 6.8 The works are considered to be acceptable in terms of design and the impact on the designated heritage assets, as such, the proposal is considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1 and adopted JCS policies SD4 and SD8.

6.9 Impact on neighbouring property

- 6.10 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.11 Concerns have been raised by the neighbouring land user at 14 Priory Road with regards to the impact of removing and rebuilding the wall that runs between the gardens of the application site and 14 Priory Road (wall 3, as annotated on drawing number 202/01). Specifically, the concerns relate to effects of the works on the structural integrity of their own property, visual impact and a loss of privacy.
- 6.12 The neighbouring land user raises concerns regarding a loss of privacy as the rebuilt wall will not include a lattice fence on top, which is currently in place. Whilst officers acknowledge that the lack of a lattice fence will somewhat reduce screening between the sites, the proposal itself, which is to replace the boundary wall to the same height as that which currently exists (approximately 1.9 metres) does not facilitate a loss of privacy and is considered to be of a sufficient height to maintain privacy between the neighbouring gardens. Officers do not consider the reconstruction of this wall or any of the other walls will result in any privacy issues.
- 6.13 No concerns are raised with regards to a loss of light, loss of outlook or any overbearing impact as a result of the reconstruction of these walls to the same height as existing.

- 6.14 The concerns from the neighbouring land user with regards to the impact of rebuilding 'wall 3' on the structural integrity of their property is not a material planning consideration and is a matter to be discussed and resolved between the landowners.
- 6.15 Overall, the proposal is considered to be acceptable in terms of impact on neighbouring amenity and is therefore considered to be compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

Other considerations

6.16 Impact on existing Trees

6.17 The neighbouring land user at 14 Priory Road has a plum tree located at the end of their garden and other existing planting is located close to the boundary wall (wall 3). Concerns have been raised by the neighbouring land user with regards to impact of the works on this tree and existing planting. Whilst the existing planting (shrubs etc) are not protected, the existing Plum tree is protected because of its location within the conservation area. As such, the works have been discussed with the council's tree officer.

6.18 The tree officer raises no objection to the works but considers it necessary that a tree method statement is submitted prior to the works taking place, a condition has therefore been attached. The agent has confirmed their agreement to the pre-commencement condition.

6.19 Climate change

6.20 JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability. Development proposals are required to demonstrate how they contribute to the aims of sustainability and shall be adaptable to climate change in respect of the design, siting, orientation and function of buildings and outside space. The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising buildings over the next decade.

In this instance the application relates to the replacement of existing boundary walls, with no scope to include specific low carbon technologies or measures to combat climate change. Given the nature of the works and the listed status of the walls, this is acceptable.

6.21 Environmental Impact

Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development, which involves the rebuilding of walls in the same location, will have any impact on these species.

6.22 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 No objection or concerns are raised from a heritage perspective, the application is considered to be acceptable in terms of impact on neighbouring amenity and impact on protected trees. As such, officer recommendation is to grant planning permission and listed building consent subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES / REFUSAL REASONS

23/01634/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.

- 3 Prior to commencement of development a tree method statement to BS 5837:2012 standard, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

23/01634/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 Any new bricks shall match existing, unless others first agreed in writing by the Local Planning Authority.

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 Any new coping stones shall match existing unless otherwise agreed in writing with the Local Planning Authority.

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 The bonding pattern shall match existing unless otherwise agreed in writing with the Local Planning Authority.

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.

- 6 The mortar mix shall be a lime mortar, unless otherwise agreed in writing with the Local Planning Authority.

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.