

APPLICATION NO: 13/00383/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 8th March 2013	DATE OF EXPIRY: 3rd May 2013
WARD: Benhall/The Reddings	PARISH: None
APPLICANT:	Manor By The Lake Ltd
AGENT:	David Scott
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane
PROPOSAL:	Erection of pavilion and gazebo within grounds.

Update to Officer Report

1. OFFICER COMMENTS

1.1. Determining Issues

1.1.1. The key considerations relating to this application are the design of the proposed structures, how they impact on the integrity of the listed building and their potential impact on neighbouring amenity.

1.2. Design and layout

1.2.1. The application proposes a gazebo adjacent to the eastern boundary of the site and a pavilion structure adjacent to the fish pond. The gazebo is proposed to sit on a 3m x 3m natural stone base. The structure measures 2.6 metres to eaves height and 4.2 metres to the top of the swept roof.

1.2.2. The pavilion is a larger 'bandstand' type structure. It has a hexagonal base which is 6.2 metres in width at its widest point. The eaves height is again 2.6 metres, rising to 5.4 metres at its highest point.

1.2.3. Members will note that the conservation officer has provided quite detailed comments on these two structures, setting out a number of issues that need to be addressed before she could support the scheme. The applicant has amended the proposals in light of these comments but at the time of writing this report, a response had not been received from the conservation officer. Members will be updated on this matter.

1.2.4. It should be noted that the applicant wants to work positively with the conservation team to develop structures of merit so officers anticipate that a high quality proposal will be delivered.

1.3. Impact on neighbouring property

1.3.1. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.

1.3.2. The proposed structures have generated a significant level of objection from neighbouring properties in relation to the potential for increased noise as a result of their use. It is intended that the structures would be used for wedding ceremonies and other similar events and therefore the impact on neighbouring amenity is a significant material consideration.

1.3.3. The Environmental Health team have thoroughly assessed the application and members will note from the initial officer response that they have provided two sets of comments, the second set coming after a visit to the site.

- 1.3.4. It was initially suggested that the use of the structures be limited to 1800hrs and that no amplified sound be permitted. Having discussed the proposals with the applicant, Environmental Health have revised these comments and have suggested that the structures only be used for *weddings, civil ceremonies, blessings and similar events* between the hours of 8am and 9pm, and only for a maximum duration of one hour each day. At the time of writing this report, the applicant has raised no objection to these restrictions.
- 1.3.5. Importantly, the suggested condition prevents the use of the structures as smoking shelters; use for this purpose late into the evening could well result in a loss of amenity to adjoining properties and is not something that would be supported. Officers are however seeking some clarity over the time restrictions and the suggested duration – upon receipt of additional thoughts on this matter, members will be updated.
- 1.3.6. Notwithstanding the outcome of this process, it should be stressed that if the Environmental Health team are satisfied with the proposals then it would be very difficult to sustain a refusal of planning permission at appeal based on impact on neighbouring amenity. Officers are satisfied that the use of the structures can be controlled in such way that would enable the scheme to be fully compliant with the aspirations of policy CP4.

1.4. Trees

- 1.4.1. Members will note that the tree officer has advised that tree protection information should be submitted in relation to the pavilion structure given its proximity to the protected trees. The applicant has provided additional information in relation to this and the tree officers are currently reviewing it. Members will be updated when comments are received.

2. CONCLUSION AND RECOMMENDATION

- 2.1. To summarise the above, officers are awaiting additional comments from the conservation officer, tree team and environmental health. It is not anticipated that these comments will give rise to any significant concerns and officers fully expect to recommend approval for the proposal; the structures will not unacceptably compromise neighbouring amenity (subject to appropriate restrictions) and subject to their detailed design, will not impact on the setting of the listed building.
- 2.2. A further updated report will be provided to members in advance of the committee meeting giving a full recommendation with suggested conditions.