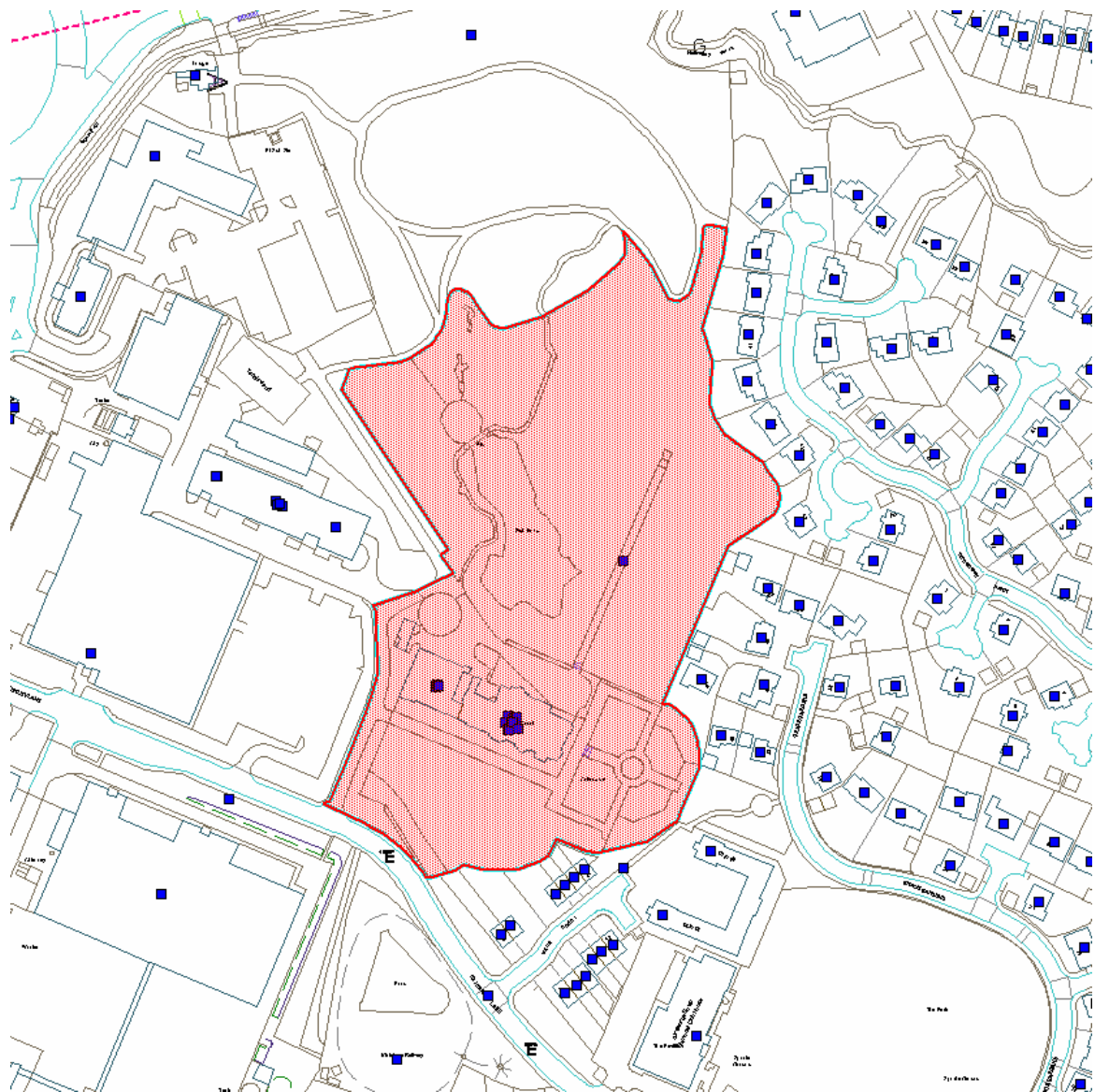


<b>APPLICATION NO:</b> 13/00383/FUL	<b>OFFICER:</b> Mr Martin Chandler
<b>DATE REGISTERED:</b> 8th March 2013	<b>DATE OF EXPIRY:</b> 3rd May 2013
<b>WARD:</b> Benhall/The Reddings	<b>PARISH:</b> None
<b>APPLICANT:</b>	Manor By The Lake Ltd
<b>AGENT:</b>	David Scott
<b>LOCATION:</b>	The Manor By The Lake,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

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Members will recall that this application was deferred from the May Committee meeting. The applicant has now resolved the matters in relation to land ownership to enable the application to proceed.
- 1.2 The application proposes the erection of a gazebo and pavilion structure within the grounds of Manor by the Lake to be used for wedding ceremonies. Members will be aware that another application on this month's agenda seeks to formalise the use of the building as a wedding venue.
- 1.3 The two structures sit in quite separate locations on the site and members will visit the site on planning view.
- 1.4 The application is before committee at the request of Cllrs Fletcher and Britter to allow the committee to consider the impact of noise on neighbouring amenity.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Listed Buildings Grade 2

### **Relevant Planning History:**

**13/00691/COU PDE**

Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house

**13/00691/LBC PCO**

Internal and external alterations to facilitate change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis)

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design  
GE 3 Development within extensive grounds  
GE 5 Protection and replacement of trees  
GE 6 Trees and development

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Environmental Health**

*24th April 2013* - I have reviewed the application and offer the following comments:

The application states that the structures will be used for "wedding ceremonies and as outside gathering points". In my discussion with the applicant's agent he agreed this would

include use as a smoking shelter for guests. The application also states that there will be no "amplified sound" from either installation, and I would recommend that this is made enforceable by including a condition on the following lines:

Condition 1:

No amplified sound of any type, including amplified voices and amplified live or recorded music shall be played either in the Pavilion or Gazebo, or externally during use of either the Pavilion or Gazebo.

Reason: To protect the residents of neighbouring property from loss of amenity due to noise from amplified sound either in or accompanied with the use of these structures.

I am concerned that unrestricted use of the structures by guests, in particular the gazebo will lead to loss of amenity for the residents of neighbouring properties, particularly in their own garden areas. I therefore recommend a condition on the following lines:

Condition 2:

The pavilion and gazebo shall only be used for the conducting of wedding services, and only between 9AM and 6:00PM, daily.

Reason: To protect residents of neighbouring property from loss of amenity due to noise from unrestricted use of these structures.

If you have queries, let me know.

### **Revised comments - 10th May 2013**

In the light of my visit to the site last week I would like to revise my comments on use of the pavilion and gazebo structures:

I am happy that the use of low-key background music and a small PA system to ensure that all guests can hear the ceremony is appropriate for this use of the site, but that there should be some restrictions to ensure that use is not excessive. I would therefore recommend that a condition on the following lines is applied to any permission granted for this application:

Condition:

Use of the gazebo and pavilion shall be limited to conducting weddings, civil ceremonies, blessings and similar events. Use of these structures shall be limited to the hours of 8AM - 9PM, and for a maximum duration of 1 hour each day.

Reason: To protect the amenity of residents of nearby property.

If you have any further queries, please let me know.

### **Tree Officer**

*27th March 2013 - 13/00383/FUL Manor by the Lake, Hatherley lane*

The Tree Section does not object to this application in principal however there only seems to be one drawing- the gazebo or Pavilion-there are 2 pictures but there is only one structure shown!

However in that the area is surrounded by TPO'd trees, please could a Tree Protection Plan be submitted and agreed prior to the determination of the application. This TPP should show the exact location of any proposed protection as well as the type of protection intended. It should also include any details of any ground protection.

### **Cheltenham Civic Society**

*4th April 2013 - No comment*

## **Heritage And Conservation**

*13th March 2013 - Comments:*

1. The principle of the erection of these two structures is acceptable, subject to their detailed design and proposed materials.
2. Their proposed locations within the gardens are acceptable, subject to the tree officer's report.
3. The Design and Access Statement appears to contain an error. The title under the photograph of the proposed location of the gazebo is labelled "site of proposed bandstand". I suggest that this is corrected to avoid any future misunderstandings.
4. Again the Design and Access Statement states that the base of the bandstand will be natural stone but the drawings as proposed indicate a concrete base. Which is correct and what is being proposed?
5. However I have concerns about the design of the proposed bandstand and whilst I recognise it is a "kit/pre-fabricated" building and that in itself is not an issue, my comments about the detailed design are as follows-
  - a. The proposal to have a reproduction style bandstand is acceptable provided that the shape form and overall design is acceptable.
  - b. However in my opinion the proportions of this bandstand are poor. The roof shape lacks height and consequently the structure has a strong horizontal emphasis, appears squat and inelegant. Each side section is as wide as it is high, again making the whole structure appear inelegant.
  - c. Frequently historic bandstands are raised on a podium and therefore have a more vertical proportion. Whilst the proposal to not have a podium is acceptable, it does accentuate the squatness of the proposed design.
  - d. In addition the side panels relate poorly to the base of the columns and the lack of roof over hang is visually mean.
  - e. The materials are also a potential problem. Notwithstanding the above comments about the shape and form of the roof, a GRP roof is not acceptable. I also remain to be convinced that the cast aluminium structure is acceptable. I would need a small sample of the proposed casting to help convince me that the end result would not appear as a "Disney like" facsimile of a Victorian band stand.
6. I also have concerns about the proposed gazebo and my detailed comments are as follows –
  - a. GRP roof is not acceptable.
  - b. What type of stone is proposed for the base?
  - c. What type of metal is the frame made out of and how is the frame to be made (ie cast metal or wrought)?
  - d. The detailed proposals for the framework need to be provided now in order to understand the design.
7. Whilst the principle of the proposals is acceptable the detailed design of both structures is not acceptable.

**RECOMMENDATION: PLEASE ASK THE APPLICANT TO PROVIDE REVISED DESIGN AND ADDITIONAL INFORMATION OR REFUSE**

Heritage and Conservation revised comments (received 17 June 2013)

1. The principle of the erection of these two structures is acceptable, subject to their detailed design and proposed materials.
2. The proposed design of the pavilion in the grounds has improved sufficiently for me to be able to support this application subject to conditions.
3. I remain concerned about the gazebo especially because it will be in closer proximity to the listed building. In particular the aluminium roof will look “Disney” like and I suggest that this roof is conditioned to be in zinc.
4. The stone base to both structures can also be conditioned.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>24</b>
Total comments received	<b>26</b>
Number of objections	<b>26</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** In response to the publication, 26 letters of objection have been received. The majority of these objections relate to the potential noise generated by the two structures in terms of music, outside guests, fireworks and just a general increase in outdoor activity. Residents have also raised concerns relating to traffic implications.
- 5.2** These matters are material planning considerations and will be considered in the main body of the report.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

**6.1.1** 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.

### 6.2 Design and layout

**6.2.1** 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.

**6.2.2** 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.

**6.2.3** Members will note that the conservation officer initially provided quite detailed comments on these two structures, setting out a number of issues that needed to be addressed before she could support the scheme. The applicant subsequently amended the proposals in light of these comments and members will note that the conservation officer is now satisfied with the scheme subject to conditions relating to the roofing material and the stone base. These conditions are suggested accordingly.

### **6.3 Impact on neighbouring property**

- 6.3.1** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.3.2** 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.
- 6.3.3** 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.
- 6.3.4** 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; the applicant has raised no objection to this restriction.
- 6.3.5** 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.
- 6.3.6** Officers are satisfied that subject to the restriction suggested by the Environmental Health team, the proposal is fully compliant with the aspirations of local plan policy CP4.

### **6.4 Trees**

- 6.4.1** 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 having reviewed it, the tree officers concerns have not been entirely resolved. It is anticipated that the matter can be overcome and members will be updated in advance of the committee meeting.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The application is now supported by the Environmental Health Team and the Conservation Officers, subject to conditions. In light of this, officers are satisfied that the scheme is compliant with the provisions of policies CP4 and CP7.
- 7.2** It is anticipated that the concerns from the tree officer will be overcome in advance of the committee meeting and members will be updated accordingly.
- 7.3** Subject to the tree protection matters being resolved, it is recommended that planning permission be granted for the two structures.