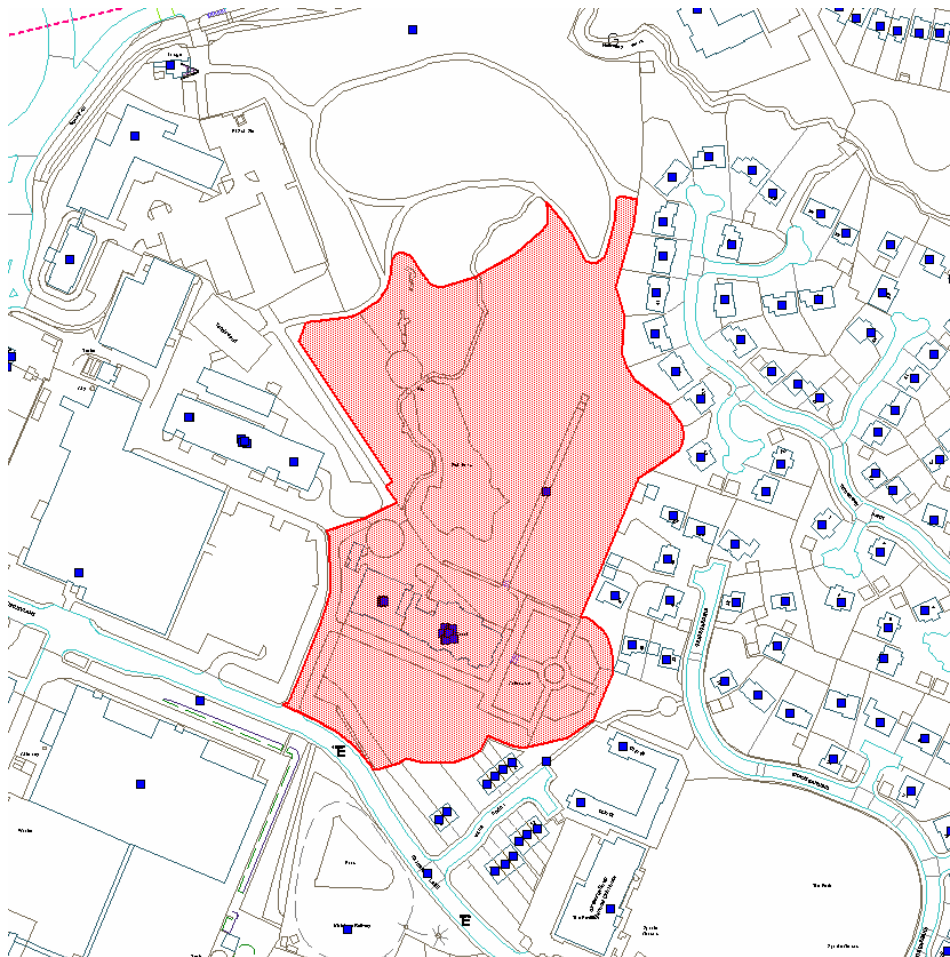


<b>APPLICATION NO: 13/00691/COU and LBC</b>		<b>OFFICER: Mr Martin Chandler</b>
<b>DATE REGISTERED: 2nd May 2013</b>		<b>DATE OF EXPIRY: 27th June 2013</b>
<b>WARD: Benhall/The Reddings</b>		<b>PARISH: None</b>
<b>APPLICANT:</b>	Manor By The Lake	
<b>AGENT:</b>	Mr David Scott	
<b>LOCATION:</b>	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane	
<b>PROPOSAL:</b>	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	

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Members will recall that these applications were 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 applications seek to convert the application site from the current lawful use of film studios and associated conference centre (use class B1) to a wedding and function venue with overnight accommodation (use class Sui Generis). This includes the creation of some studio accommodation within the existing gate house.
- 1.3 Members will no doubt be aware that part of the established use of this site has been to host weddings and other functions; these applications seek to formalise this arrangement.
- 1.4 The applications are before planning committee at the request of Cllrs Fletcher and Britter. There is also a separate application at the same meeting for the erection of a pavilion and gazebo within the grounds of the site.
- 1.5 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Listed Buildings Grade 2

### **Relevant Planning History:**

**13/00348/PREAPP PCO**

Change of use to wedding venue, including internal alterations and extension, listed building consent also required

**13/00383/FUL PDE**

Erection of pavilion and gazebo within grounds.

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

BE 9 Alteration of listed buildings

GE 6 Trees and development

TP 1 Development and highway safety

TP 6 Parking provision in development

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Tree Officer – 3 June 2013**

No tree related information has been submitted as a part of this application.

It is not apparent how/where prospective guests are to park vehicles within the grounds of Manor by the Lake. Whilst there is some limited parking in front of the Manor itself, it is

anticipated that there will be many more cars than is accounted for here. During an on-site meeting with a representative from Manor by the Lake (Brian Selby) on 8th May, I pointed out that all trees within the grounds are protected by a Tree preservation Order and that I considered such a driveway through the woodland to the car park within the ownership of MBL unlikely due to damage to protected trees. A No-dig Construction method was suggested by Mr Welby, however I recommended that it may be worth formally engaging an arboricultural consultant to investigate and if possible, to submit detailed plans for such a road through the woodland demonstrating insignificant/acceptable tree damage/loss. Mitigating anticipated tree/shrub losses with generous detailed landscaping proposals to accompany a proposed management plan for the woodland would be welcome as a part of any such proposals

Without such submitted details, the Tree Section objects to these applications. Parking for such a conference centre/wedding and function venue is critical and currently, only very limited parking is available. Such problems need to be resolved as during the application, not subsequent to it.

### **Conservation and Heritage Manager – 17 June 2013**

#### Analysis of Site

This is a prominent site within the area, albeit much of the site and the listed buildings/structures are hidden from public view when looking at the site from Hatherley Lane and also from Gloucester Road.

#### Historic analysis of the site

This group of listed buildings and listed boundary walls and gates, together with the formally landscaped gardens and further wooded part of the site all combine to form the remains of what was originally a much larger 19<sup>th</sup> century country house estate. However despite much of the outer areas of the original site having been developed during the mid and late 20<sup>th</sup> century with housing and industrial uses, the current site and listed building has still remained its character as a very fine 19<sup>th</sup> century country house with an important setting of formal gardens and wider informally landscaped grounds.

#### Comments

This site has had the benefit of very full pre-application discussions and many of the issues of concern were identified as part of that pre-application process. It is therefore disappointing to see that a number of fundamental issues have yet to be resolved or sufficient information been submitted to although a proper assessment to be made of these issues.

So my detailed comments are as follows and many of these comments were also made at pre-application stage:

#### CHANGE OF USE

1. This site has been used as a wedding venue for a number of years, although it appears that previous owners had never formally applied for planning permission for a change of use to a wedding venue.
2. The principle of the change of use to a wedding venue is welcomed. The proposed new use for which planning permission is now being formally sought, will enable –
  - a. The buildings and all the grounds to be used in their entirety without the need for substantial subdivisions either within the buildings or the grounds
  - b. The historic buildings to have a future, with a use which generates an income and contributes to their physical upkeep.
3. However whilst this principle may be acceptable, this is subject to detailed issues, some of which are yet to be confirmed by the applicants, and although some of

these detailed issues can be conditioned, many do need consideration now. These detailed issues are as follows –

- a. Kitchen flue for commercial kitchen- size (height and diameter), location and appearance (i.e. cladding, colour, material). Flues are often a real problem and it is strongly advised that the commercial kitchen and type of food to be cooked and the need for a flue is considered as soon as possible. A commercial flue can not be conditioned as part of a listed building consent and this information must be provided as part of the detailed scheme. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- b. Car parking – quantity of car parking, location of parking, impact of parking on existing trees, impact on setting of listed buildings and listed gates/walls and impact on landscaped grounds. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- c. Deliveries – anticipated type, quantity and location of deliveries. **This information has yet to be provided, although it could be conditioned.**
- d. Signs, external lighting/floodlighting – signs attached to the buildings, gates and walls, and free standing signs in the grounds and any lighting associated with signs and external lighting and floodlighting of the buildings or grounds. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- e. Disabled access - ramps and platform lifts. **This information has yet to be provided, although it could be conditioned.**
- f. Bins - refuse collection points and re-cycling provision, and any proposed refuse strategy. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- g. Air conditioning units - size (height and diameter), location and appearance (i.e. cladding, colour, material) and any necessary noise attenuation need to be considered. **This information has yet to be provided, although it could be conditioned.**
- h. Marquees- any desire to have marquees erected in the grounds for in excess of 28 days per year would require planning permission and would be of serious concern. **This information has yet to be provided, and I suggest that this added as an informative.**
- i. Any events associated with weddings (i.e. Stag or Hen parties or Wedding Fair) may also generate additional concerns not included in the above. Should these events be included within the change of use?
- j. The existing fencing (both metal security fencing and the timber panel fencing) which demarks the site and which has been erected without the benefit of planning permission. **This information has yet to be provided, and I suggest that this added as an informative and this opportunity is taken to condition the change of this existing fence as part of this application.**
- k. Gate house -The application form states that the gate house is to be converted to studio accommodation however the only drawing of this building is the existing plan and elevations. How will this building be

changed? **This information has yet to be provided and needs to be provided now and should not be left to a condition.**

- i. External elevations yet to be provided– there are a number of new external doors and door openings being proposed but not all of the elevations as proposed have been submitted. In particular the missing elevations are-
  - i. North-west elevation new external door by new staircase in former stable building.
  - ii. North-east elevation new external door to former office.

**This information has yet to be provided and needs to be provided now and should not be left to a condition.**

- m. External elevations yet to be provided and drawing inconsistencies – the plans as proposed have been annotated with notes to say – “*remove timber cladding and finish wall with lime coloured render*”. Whilst the removal of the timber cladding is welcomed, the proposed elevations of this change have not been submitted.

- n. Existing training suite –

- i. Currently the first floor accommodation in the former stables is used as a training suite. On the plans as proposed this area has not been shown to be used. Confirmation of how this area will be used is required now.
- ii. Currently this first floor training suite accommodation is accessed via a 19<sup>th</sup> century timber staircase, which currently rises from the ground floor area adjacent to the conference suite. At the pre-application discussions it was suggested that this staircase could be removed (this is not acceptable from a listed building consideration) and the upper floor level be accessed from the new external door. However if the stair is retained in its current form will the fire escape be adequate from the first floor? However if the stair is changed to be accessed via a new external door, what changes will be required in the first floor rooms to allow access to this new staircase?

**This information has yet to be provided and needs to be provided now and should not be left to a condition.**

### **LISTED BUILDING ALTERATIONS**

1. The applicants have submitted an historic appraisal prepared and it is adequate.

2. The submitted drawings do not have all the rooms either numbered or named or intended uses shown (see comments above in relation to training suite), and if the applicants are submitting revised drawings it is suggested that all rooms are numbered.

#### **3. GROUND FLOOR**

- a. The small scale plan as proposed has not shown the proposed boiler room. Is the position of the boiler being changed? The flue from a boiler can be visually intrusive and this needs confirming. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- b. Bar area- the proposal to create a double door opening between the bar and the adjacent anti-room, is acceptable subject to the detailed design of the opening architrave etc and the proposed height of the opening. **This needs an internal elevation drawing as proposed.**

- c. Kitchen – the opening between the existing kitchen and the adjacent room is acceptable subject to the detailed design of the opening architrave etc and the proposed height of the opening.
- d. New extension to provide stage- in principle this seems acceptable subject to detailed design and proposed materials of extension. However this enclosed yard area is currently used for refuse and bin storage and so the proposed location of the refuse bins do need to be confirmed. In addition because of the small remaining area left over after this stage extension is built, if the bins are to be retained here in this area, then there may be a problem with the fire escape being in such close proximity to the bins.
- e. Large Dance Hall and associated rooms –
  - i. The proposed changes to the existing room are acceptable in principle but how will this room be ventilated? I have noted that Environment Health have requested that the new French doors be kept shut during live music, which is of course when people are dancing and getting hot. Will this room be air conditioned? If so where will the air con units be located? If not how will the room be ventilated in such a way to avoid sound leakage from the dance hall? **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
  - ii. The proposal to form new door openings (to garden area) to the existing window openings is acceptable, subject to the detailed design of the new doors and how alterations to stone reveals will be adapted. No information has been submitted on how the stone reveals will be adapted, but this can be conditioned.
  - iii. Entrance to hall – the proposed alteration to the existing entrance lobby is acceptable subject to the detailed design. The detailed design as a glass screen is acceptable although it should be more recessed to allow the stone arch to be visually dominant.
  - iv. Smaller associated rooms – the proposed changes to the ancillary rooms to create a bar, bar storage, cloak room and toilets are all acceptable subject to the detailed design especially of how the new cloaks wall meets the stone mullioned window. This can be conditioned.
  - v. Staircase- the proposed change to the staircase is of concern and without any additional information or justification being submitted, its removal or proposed change to it would be resisted. In addition see comments above 3n. **The information for the justification for the proposed removal of the staircase has yet to be provided and needs to be provided now and should not be left to a condition. However the small scale plan as submitted and the large scale plan as submitted of this area, are inconsistent in whether a new external door is being proposed. Which is correct?**

#### 4. FIRST FLOOR

- a. The small scale plan as proposed has shown the stairs to the caretaker's attic rooms to be removed. This loss is not acceptable.
- b. Again an historic appraisal should be able to confirm which of the small first floor rooms were originally designed to be dressing rooms to larger principal bedrooms, or whether the smaller rooms may have been servants' accommodation. Unfortunately the historic appraisal provided has failed to give this information.
- c. Whilst the introduction of new suite bathrooms may or may not be acceptable, the proposed drainage from these bathrooms and any new soil and vent pipes must be submitted as part of the application for listed building consent. The drainage runs and S&VP positions can not be conditioned.

- d. The following small rooms may have been dressing rooms and their subdivision and conversion into bathrooms are acceptable in principle subject to detailed design issues (such as how the corridor doors are fixed shut, and doors to principal rooms being designed to be jib doors)-
    - i. Room between bedroom 1 and 4,
    - ii. Room between bedroom 2 and 3 (however one of these new bathrooms seems to not have an access door).
    - iii. I have concerns about the principle of the subdivision of a number of the smaller rooms to create an en-suite bathroom, and in addition how in these subdivision wall are frequently located against a chimney breast. In particular I have concerns about the subdivisions to bedroom 5 and bedroom 6 and bedroom 10.
5. EXTERNAL ALTERATIONS (to be read in conjunction with comments about the change of use) -
- a. The proposed stage extension is acceptable (see comment above) subject to the proposed external walling materials. However the suggestion is that the extension will mean that the fire escape access will go across the new flat roof and terminate with a new fire escape staircase. **Therefore this fire escape staircase will become more visually prominent and this is of serious concern. I strongly suggest that an alternative fire escape stair is provided which is internal to the building.**
  - b. The principle of removing the timber cladding to bedroom 8, and re-cladding this external wall is acceptable, subject to the detailed design and suitable materials being proposed. However render is not acceptable and the external wall should be stone to match the remaining walls.

**RECOMMENDATION:** Clearly there are a significant number of issues which have previously been raised but as yet remain unresolved. Please ask the applicants to submit additional or revised drawings to address the concerns above or refuse.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>36</b>
Total comments received	<b>2</b>
Number of objections	<b>1</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

- 5.1 Two letters of representation have been received in response to this application. Both comments make reference to the noise generated by the use of site for weddings and other functions. This is a material consideration and will be taken fully into account in the officer comments.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.1.1 The key considerations in relation to these applications are the acceptability of the proposed use, including its potential impact on neighbouring amenity, the impact the proposals will have on the listed building and how the proposal may affect the protected trees on the site.

## 6.2 The site and its context

- 6.2.1 The application site is a grade II listed building set in spacious grounds. The site was previously used as film studios but this has also evolved into a venue for weddings and conferences. This use has never been formalised and with the building now in new ownership, this application seeks to establish the use.
- 6.2.2 The trees on the site are covered by a blanket tree preservation order and the site is accessed from Hatherley Lane.

## 6.3 The acceptability of the proposed use

- 6.3.1 As advised above, the recent history of the site has seen it used as a wedding and conference venue as an ancillary part of the wider film studio use.
- 6.3.2 It is apparent that this use does generate noise but members should note that the application has only given rise to three letters of representation (one of which relates to parking provision).
- 6.3.3 Impact on neighbouring amenity will be considered in the following section of this report but subject to this being adequately controlled, the use would be appear to be appropriate in this location.

## 6.4 Impact on neighbouring property

- 6.4.1 Local plan policy CP4 considers impact on neighbouring amenity and advises that permission will only be granted where development does not have an unacceptable impact on neighbouring amenity. In light of the comments received by neighbours the applicant has provided the following comments in response;

*We do not agree that the proposed change of use will result in any increase in noise or anti-social behaviour.*

*A designated smoking area has been created which is significantly further away from the main entrance to the Manor and adjacent to the planned ballroom. Smoking is no longer permitted outside the front door, a rule which is enforced by staff during (and at the end of) weddings and other events as well as at other times.*

*Similarly, there is a tarmac area in front of the proposed ballroom which will be the main entrance/exit for guests attending functions and which provides adequate room for taxis to collect guests at the end of an evening. The vast majority of evening functions will take place in the ballroom, with guests using the facilities in that area of the building which is located further away from neighbouring properties than the existing function rooms and bar/evening suite. Consequently we anticipate a reduction for neighbours in the level of audible noise created by evening functions, not an increase.*

*Accordingly the main front door entrance to the Manor will be closed in future during the evening and be unavailable for normal use by guests. Use of the car park in front of this entrance for parking, or for use by taxis, will not be permitted and will be prevented by a suitable barrier between the stone piers at the entrance to this area. As already stated, smoking will not be permitted underneath the arches at the front of the building.*

*Whilst we cannot comment on the experience of neighbours whilst under the previous ownership of the Manor, we will ensure that our staff possess a suitable level of experience and training to enforce these arrangements with regard to smoking, parking, taxi pick-ups and, where necessary, the behaviour and noise level of guests generally. We have a clear organisational structure with accountabilities*



*and operating procedures to support this (based upon our successful experience of running a similar event venue for several years).*

*We are anxious to avoid any repetition of problems local residents may have experienced in the past and maintain good relations with all our neighbours by avoiding unwarranted noise or disturbance. We are confident that our proposals and supporting arrangements will achieve this.*

**6.4.2** The Council's Environmental Health team have considered the proposals and subject to the two suggested conditions (relating to noise spillage and kitchen extraction equipment) no objection has been raised.

**6.4.3** Officers do not consider that the change of use to a wedding and function venue will unacceptably harm amenity. The use has already been taking place as an ancillary aspect to the film studios; this application allows matters to be formalised and gives the LPA a greater level of control over how the site is managed. Subject to the conditions suggested by Environmental Health, it is considered that the proposal is fully compliant with the provisions of local plan policy CP4.

## **6.5** Listed building considerations

**6.5.1** Members will note from the consultation response from the conservation team that there are number of unresolved matters. Since this response, the applicant has held a very constructive meeting with the conservation officer and it is quite apparent that the concerns can be satisfactorily resolved.

**6.5.2** Unfortunately due to Council ICT problems and other matters outside of the applicant's control, revised drawings from the applicant have not yet arrived with the case officer. These are expected imminently and officers expect them to resolve all of the concerns identified within the initial consultation response.

**6.5.3** Members will be updated upon receipt of these drawings.

## **6.6** Trees

**6.6.1** Members will be aware from the initial officer report that the tree officer has raised concern in relation to car parking, with the suggestion that a driveway through the woodland was being considered. Members should note that this does not form part of this application; this proposal purely relates to the use of the building and some internal alterations. A driveway of this nature would require planning permission in its own right and if an application is made, the impact on the trees would be a material consideration at this point.

**6.6.2** The general comment about car parking, whilst not a tree specific issue, is something that the applicant is giving consideration to, and it is anticipated that a parking strategy with a greater level of detail will be received in advance of the committee meeting. Members will be updated regarding this matter by way of update.

## **6.7** Access and highway issues

**6.7.1** It is not anticipated that the use will result in significantly greater levels of traffic than is currently generated by the site. Members are aware that the premises are currently used for similar purposes (albeit without the formal issuing of planning permission) and whilst this has generated concerns from a noise perspective, the access road has performed in a perfectly acceptable manner.

**6.7.2** Officers have requested additional information to clarify car parking arrangements and these form part of the details that are yet to be received. The site does benefit from parking spaces adjacent to the listed building and also from a further 30 spaces located beyond the lake. It would appear that there is a dispute over access to these spaces but they do exist (and are within the applicant's ownership) and are therefore

a material consideration. The access dispute is unfortunate but the fact that the resource is there gives officers some comfort that the proposed change of use will not compromise highway safety by virtue of indiscriminate car parking in the locality. Members will also be aware that the use has been functioning (albeit in ancillary nature to the film studios) for a long period of time without compromising highway safety.

**6.7.3** Members will be updated on this matter upon receipt of additional drawings.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** To conclude, it is considered that the proposed use is acceptable subject to the final comments being received from the Council's conservation and heritage manager. As advised earlier in the report, a constructive meeting was held with the applicant and it was quite apparent that the outstanding issues will be resolved; the submission of the drawings has been delayed unfortunately but this should not affect the determination of the applications. Members will be updated with the final thoughts of the conservation team.
- 7.2** The use will not compromise neighbouring amenity to an unacceptable degree (subject to the restrictive conditions suggested by Environmental Health) and the trees will not be affected. Furthermore, subject to clarification over parking arrangements, the proposal is acceptable in highway terms.