

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

Update to Officer Report

1. OFFICER COMMENTS

1.1. Determining Issues

1.1.1. 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.

1.2. The site and its context

1.2.1. 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.

1.2.2. The trees on the site are covered by a blanket tree preservation order and the site is accessed from Hatherley Lane.

1.3. The acceptability of the proposed use

1.3.1. 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.

1.3.2. 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).

1.3.3. Impact on neighbouring amenity will be considered in the following section of this report but subject to this being adequately controlled, the use would appear to be appropriate in this location.

1.4. Impact on neighbouring property

1.4.1. 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.

1.4.2. 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.

1.4.3. 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.

1.5. Listed building considerations

1.5.1. At the time of writing this report, the consultation response from the conservation officer had not yet been received. The conservation team were fully involved at pre-application stage but comments on this application are necessary before the committee can make a decision. Upon receipt of the comments, members will be updated.

1.6. Trees

1.6.1. 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.

1.6.2. 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.

1.7. Access and highway issues

1.7.1. 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. Officers have requested additional information to clarify car parking arrangements but the site does benefit from 30 spaces. Subject to this clarification being acceptable, no objection will be raised relating to highway considerations.

2. CONCLUSION AND RECOMMENDATION

2.1. 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 – these will be issued by way of an update to this report.

2.2. 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.

Email from SFPlanning

17th June 2013

-----Original Message-----

From: Mark Godson [mailto:mark@sfplanning.co.uk]

Sent: 17 June 2013 15:20

To: Chandler, Martin

Cc:

Subject: Manor by the Lake - 13/00691/COU and 13/00383/FUL

Dear Martin

Further to our telephone conversation, I am writing to confirm that:

1. We are retained by the owners of the adjacent site as planning consultants. Our client is the Rathbone Trust.
2. The Rathbone Trust has informed us that they have not received a neighbour notification letter from the Council regarding the current applications at 'Manor by the Lake'. Please could you check this and advise us accordingly? (if it exists it should have gone to the Cheltenham Film and Photo Studios, and regardless of the above, please could you include us as their agent for any future consultations regarding Arle Court?).
3. Land within our client's ownership (Rathbone Trust) is included within the application site, and notice has not been served on our client. I have attached a copy of the three land registry title plans relating to the original land holding (the third relating to 'The Lodge' on the A40 is only included for completeness). Our client owns the land edged in green – titles GR297145 and GR357298 (as specified on the first two plans attached). You will note that land to the north of the application site (title GR297145) is owned by our client, and not the applicant. The application site is therefore smaller than is currently being suggested.
4. The access road to the public highway is not included within the application site. The access road is within the ownership of our client, and therefore notice should have been served.
5. There are no details online with regard to the proposed plans and elevations for 'The Gatehouse'; it is therefore impossible to comment on this element of the scheme.
6. Parking and highway safety appears to be a matter of concern locally, and it would appear that no consultation has been issued to the Highway Authority on application ref. 13/00691/COU. Perhaps you could explain why?
7. The application submission suggests that there are 30 car parking spaces on site; it is not clear where these are located. Please could this be clarified, and an opportunity provided to comment on this arrangement.
8. Given the apparent lack of notification, our client was only made aware of the application when we noticed it on the schedule last week. Our client hasn't therefore had sufficient time to assess whether or not there are grounds for an objection, and indeed because of the lack of information it is more than a little difficult to assess the submission anyway. However, for now and in the absence of further information from the applicant, our client has concerns regarding parking and the safety aspects regarding the

use. For example, functions of size suggested will need permanent parking for larger delivery vehicles associated with discos, sound systems, bands, catering, florists etc. This is in addition to around 100 guests. Our client owns the access road and Cheltenham Film and Photo studios. The studios are home to a large number of businesses which are important to the town, without further information on parking arrangements it is difficult to understand how the proposal might impact on the day-to-day running of the Film and Photo studios (and the safety of the internal access roads).

Notwithstanding all of the above our client has arranged to meet the new owners of Arle Court on 25 June 2013 with a view to addressing any concerns our client might have. They would rather not enter this meeting with the prospect of having to challenge any positive decision on Thursday. I therefore respectfully request that you make the application invalid (the application submission should be clearer with regard to parking arrangements, the plans for 'The Gatehouse' should be made available, the application site should exclude our client's land to the north, the application site should include access to the public highway within the red line, and notice should be served on our client), and hence defer it from committee this week.

I look forward to hearing from you with regard to the status of the application in due course. I would be very grateful if you could let me know your decision as soon as possible. I simply request early feedback because, if the decision is made to proceed with a determination on Thursday, I will need to instruct Charles Russell to prepare a formal notice of our client's intention to challenge any positive decision through a Judicial Review (I have copied this email to Ian Brothwood at Charles Russell), I will need to prepare a more formal objection, and I would like the opportunity to register to speak in objection at committee (assuming that I haven't been beaten to this).

I look forward to hearing from you.

Best regards
Mark

Mark Godson MRTPI

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Email from SFPlanning

15th July 2013

-----Original Message-----

From: Mark Godson [mailto:mark@sfplanning.co.uk]

Sent: Mon 15/07/13 14:44

To: Chandler, Martin

Cc:

Subject: Manor by the Lake - 13/00691/COU and 13/00383/FUL

Dear Martin

I am writing following the publication of the report for this week's planning committee.

I note that my previous comments have not been recorded as a third party comment on behalf of our client (the owners of the Cheltenham Film and Photography Studios). Although the issues previously raised primarily relate to technicalities I see no reason why they shouldn't be treated as a comment and reported in the normal way.

With regard to the access for 30 cars as referenced at section 6.7 of your report, whilst I fully appreciate that the Council will not want to get embroiled in a rights of way issue I can confirm on behalf of my clients that they will not grant access to the parking via the estate roads to the north and it should be made clear that this entry point to the Manor land (i.e. car park) was previously created without lawful authority.

My clients do not wish to have any vehicle movements associated with the proposed use taking place in this part of their land holding. Clearance works have taken place and the extant planning permission for extensions to the Film Studios involves re-routing of the estate roads. They therefore do not wish to have any vehicle movements associated with Manor by the Lake taking place in this part of their land. Members should therefore be aware that if the 30 space car park is considered to be important to the acceptability of the use then I am afraid that the Council cannot currently assume that these spaces will be accessible.

I should advise you that all the estate roads are under my client's ownership and the land purchased by the new owners at the Manor means they do not need any access to my client's land other than from the main road to their property.

In addition to the above, I am pleased to report that discussions are taking place between my clients and the applicant but they are not completed. My clients are more than happy to allow Manor by the Lake access from the estate road in a position closer to the Gatehouse, but this has still to be agreed and legally documented.

The applicant can also arrange access to the parking from within his land ownership through the provision of a driveway from the parking close to the listed building. However, we are not aware of any details in this respect having been submitted by the applicant.

I also note that County Highways do not appear to have been consulted? I mentioned this in my previous correspondence, and unless I am mistaken it doesn't appear to have been dealt with? (there is no record on Public Access of a consultation being issued). I am not therefore sure how it can be reported (apparently without usual expert input?) that the proposal will not compromise highway safety through the indiscriminate parking of cars. I appreciate that there is a fall-back use for the building but shouldn't this be compared to the proposed use in highway safety terms?

Please therefore record this email and my previous correspondence as third party comments. My clients do not wish to object, simply point out that if the parking is seen as important then it should not currently be considered available. If an agreement on the access that involves my clients is found then I will let you know as soon as I know. I also respectfully request that the comments of County Highways are sought (for the robustness of the decision making process if nothing else!).

Can you please confirm that this email and my previous correspondence are now included as third party comments. If this is not the case I formally request the reasons for not including my comments.

I hope this email is clear and we hope the matter can be resolved prior to the Council taking its decision. Should you wish to discuss the content of this email any further then please do not hesitate to call me.

Best regards,
Mark

Mark Godson MRTPI

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