

# 5: BUILT ENVIRONMENT

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## INTRODUCTION

- 5.1 Cheltenham's major asset is its Regency heritage. The fine buildings and broad, tree-lined streets create graceful surroundings of appeal to residents, employers, shoppers and tourists alike. This fine architectural legacy is protected in part by the Cheltenham (Central) Conservation Area, covering over 600 hectares. The town is very attractive to investors and developers and the pressure for change, be it large scale new build or small incremental alteration, needs to be carefully controlled to protect buildings, trees, and the essential character of each street or space.

## THE STRUCTURE PLAN

- 5.2 The Structure Plan Second Review recognises that it is vital that development and change in Gloucestershire protect and enhance the historic environment. Policy NHE.6 seeks to protect the county's distinct historic environment, including its scheduled ancient monuments, listed buildings, conservation areas, historic parks and their settings.

## APPROACH

- 5.3 This plan aims to conserve and enhance Cheltenham's environment. It seeks to meet this objective by minimising the impact of development on sensitive locations or buildings, and by encouraging initiatives to enhance the environment, whether by requiring a higher standard of design in new development, environmental improvement measures, or the restoration of the town's historic buildings.
- 5.4 The Courts have accepted that s.54A of the Town and Country Planning Act 1990, which indicates that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise, does not apply to decisions on applications for listed building consent or conservation area consent. However, PPG15: Planning and the Historic Environment, confirms that development plans should include aspects of conservation policy that are relevant, directly or indirectly, to development control decisions, including policies for works of demolition or alteration which, while not in themselves constituting development, could affect the Council's decision on a related planning application.

## CONSERVATION AREAS

- 5.5 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the Council to designate as conservation areas any '*areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*'. Section 72 of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas in the exercise of their planning functions.

### Existing conservation areas

- 5.6 There are seven conservation areas in Cheltenham:
- Cheltenham (Central) Conservation Area (SPD);
  - Prestbury Conservation Area (SPG);
  - Swindon Village Conservation Area (SPD);
  - St. Mary's Conservation Area (Charlton Kings) (SPG);
  - Cudnall Street Conservation Area (Charlton Kings) (SPG);
  - Bafford Conservation Area (Charlton Kings) (SPG);
  - The Poets (St. Mark's) (SPG).

These are shown on the Proposals Map and described in table 8 and supplementary planning guidance - *Conservation Area Character Statements*.

- 5.7 The Act also places upon the Council a duty to review its area from time to time to consider whether any parts or further parts of the area should be designated as conservation areas. The Council is currently undertaking such a review.

**TABLE 8**  
**CONSERVATION AREAS IN CHELTENHAM**

**CHELTENHAM (CENTRAL)**

Designated by Gloucestershire County Council in 1973, and extended by the Borough Council in 1987, Cheltenham (Central) Conservation Area covers 599 hectares, and is one of the largest in the country. For further details see supplementary planning document *Central Cheltenham Conservation Area Appraisal*

**PRESTBURY**

Designated by Gloucestershire County Council in 1971, and redesignated with revised boundaries by Cheltenham Borough Council in July 2001, Prestbury Conservation Area covers about 26 hectares. For further details, see supplementary planning guidance *Conservation Area Character Statement*.

**SWINDON VILLAGE**

Designated by Tewkesbury Borough Council in 1986, Swindon Village Conservation Area covers about 16 hectares. For further details see supplementary planning document *Swindon Village Conservation Area Appraisal*

**CUDNALL STREET**

Designated by Cheltenham Borough Council in 1989 and redesignated with revised boundaries in November 2001, Cudnall Street Conservation Area covers about 4¾ hectares. For further details, see supplementary planning guidance *Conservation Area Character Statement*.

**POETS**

Designated by Cheltenham Borough Council in May 2001, The Poets Conservation Area covers about 26 hectares. For further details, see supplementary planning guidance *Conservation Area Character Statement*.

**BAFFORD (CHARLTON KINGS)**

Designated by Cheltenham Borough Council in 1989 and re-designated with revised boundaries in October 2001, Bafford Conservation Area covers about 3¾ hectares. For further details, see supplementary planning guidance *Conservation Area Character Statement*.

**ST. MARY'S (CHARLTON KINGS)**

Designated by Cheltenham Borough Council in 1989 and re-designated with revised boundaries in September 2002, St. Mary's Conservation Area covers about 12 hectares. For further details, see supplementary planning guidance *Conservation Area Character Statement*.

- 5.8 The current and future reviews will take account of all elements of an area, which contribute to its character. These will include its topography, townscape, street pattern, buildings, materials, open spaces, trees, archaeology, and historical significance.

**The effect of conservation area designation**

- 5.9 Designation creates a wide range of special opportunities and obligations. For example, consent is needed to demolish most buildings in a conservation area or to fell or heavily prune most trees. On the other hand, designation represents a commitment by the Council to the preservation or enhancement of the area. Section 71 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires local authorities to formulate and publish proposals for the preservation and enhancement of conservation areas as appropriate. The preservation or enhancement of the character or appearance of the area must also be a prime consideration for applicants seeking planning permission for development, and special controls may be appropriate.
- 5.10 Owing to the extensive cover of the conservation areas, different localities have varying requirements. In some cases there is a need to maintain an area, which is already attractive; in others it is to upgrade a run-down part of the area, possibly with some redevelopment. The commitment to the conservation areas is not, however, in any way reduced by these variations in character and need.

- 5.11 This commitment to retain the best of the character of conservation areas covers the full range of activities affecting each area, from strategic considerations, such as traffic routing, to detailed design matters, such as paving and railings.
- 5.12 The Plan sets out various policies intended to help preserve and enhance the character and appearance of conservation areas. The conservation areas do, however, differ in character from each other, as do different zones within the Cheltenham (Central) Conservation Area.

#### **Development in conservation areas**

- 5.13 Since the statutory purpose of designation is to preserve or enhance the character or appearance of an area, development is most likely to be acceptable if it harmonises with an area's special architectural and visual qualities. It has been established by case law that the character or appearance of a conservation area can be said to be "preserved" when it is not harmed, though the test of "harm" must be higher in a conservation area than elsewhere. It is therefore important that policies concerned with development are applied vigorously in conservation areas, and that the highest standards of design are achieved. Supplementary planning guidance on Submission of Planning Applications has been published which sets out in greater detail the procedures for submitting planning applications on listed buildings.
- 5.14 New buildings will normally need to respect the special character and quality of the area. Unsuitable alterations or extensions to buildings in conservation areas can be particularly harmful, for example alterations to the form or line of a roof and the excavation of basement areas, which are both liable to detract from the proportions of a building and its relation to adjoining properties; by the insertion of stylistically unsuitable features, such as windows, doors and porches, or by the removal of historic, interesting or attractive features, such as decorative mouldings, shop fronts, cornices, walls, railings, or chimneys. Planning permission may not be needed for these works provided that the building is a single dwelling and is not listed, even if it is a period building and in a conservation area. The external application of cable and conduit to buildings (such as for telephones or cable television) can significantly detract from their appearance and will be carefully controlled through agreement with the licensee responsible. Changes of use can also erode the character, as well as the visual appearance, of conservation areas.
- 5.15 The Council wishes to resist unsuitable alterations and will take full advantage of existing controls for non-residential buildings and may seek to bring those elements within control for all single dwellings in conservation areas. The most appropriate way of extending control of all these alterations is by bringing them under planning control by making directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995. In some cases an alteration, such as the insertion of a cash dispenser in a bank, may be essential to its continued use. In such a case the siting and treatment of the alteration must ensure that it preserves or enhances the character or appearance of the building.

#### **Open space in conservation areas**

- 5.16 Within Cheltenham's conservation areas, especially the Central Conservation Area, open spaces form a crucial element of their character and appearance. Formal parks, gardens and playing fields make a major contribution in this respect. Many are owned by the Council and are accessible to the public. These are identified on the Proposals Map and are protected from development by policy GE 1 (public green space).
- 5.17 However, the open and green character often depends as much upon smaller, less formal open spaces, often in private ownership and not accessible to the public. Private gardens, including those associated with commercial buildings, are important in this respect. Even where the garden itself is not well kept or is hidden behind high walls or hedges, the sense of openness and spaciousness, which it provides, can make an important contribution to the character of a conservation area.
- 5.18 The value and functions of open and green space are set out in paragraphs 6.7 – 6.22. Of particular importance in conservation areas are the views and vistas they permit, both within conservation areas and to open countryside beyond, the provision of a setting for buildings, the rhythm of the street scene in which they are set, and the general feeling of spaciousness.
- 5.19 Some development has occurred in conservation areas which have eroded this character, and the continued, cumulative effects of even small reductions in open space can have a significant effect on

the character and appearance of conservation areas. For these reasons, development which will have an adverse impact upon the green and open character of the conservation areas will be resisted.

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## **POLICY BE 1**

### **OPEN SPACE IN CONSERVATION AREAS**

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Objectives O11 and O12

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**Development in a conservation area will only be permitted where it does not detract, individually or cumulatively, from the green or open character, including private gardens, of the area.**

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Note

See also policies CP 3 (sustainable environment) and GE 2 (private green space).

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### **Residential character in conservation areas**

- 5.20 Conservation legislation stresses the importance of both the *character* and *appearance* of conservation areas, both of which terms relate closely to the physical form of buildings, open spaces and other features. However, character does not depend simply upon physical appearance of buildings and land, but upon the uses to which buildings are put, the ebb and flow of pedestrians and traffic, and street furniture.
- 5.21 One of the important elements in all the conservation areas is their residential character. For the most part they originally consisted of individual houses. Fortunately, with the exception of the commercial core of the central area, local shops and small pockets of commercial activity, such as is found in back lanes, this residential character still predominates. It has produced areas of great beauty and an environmental character, which it is important to retain. A viable use for the buildings is essential, but if residential uses at original densities (i.e. as individual houses) can be retained this will help to preserve the more subtle aspects of the character of the areas, connected, for example, with intensity of use. It will, for example, reduce the pressure for car parking in gardens and may well help to produce a stable community concerned to help take responsibility for individual buildings, gardens and the neighbourhood.
- 5.22 It is important that, where this character remains, it is strongly protected, particularly in the Central Conservation Area, which is of national importance and which suffers from two particular and often insidious pressures.
- The first is the pressure to subdivide single dwellings of all sizes into smaller dwellings. Such subdivision can intensify activity in an area and erode quiet residential character through the cumulative effects of many small changes, including additional pressure for parking space, both on and off the highway. To protect residential character in the predominantly residential parts of the conservation areas, the Council will not permit the subdivision of existing dwellings, subject to exceptions set out in policies BE 2 (residential character in conservation areas) and BE 9 (alteration of listed buildings).
  - The second pressure, which the Council will seek to resist, is that of the intrusion of commercial development into residential areas. Some cases already exist, outside the commercial core, of individual sites or groups of buildings (e.g. the back lanes of terraces) in commercial use. Policy BE 2 seeks to prevent the extension of further commercial activity into residential parts of the conservation areas, by preventing the loss of residential accommodation, except for uses ancillary and beneficial to residential character.
- 5.23 Policy BE 2 will apply throughout the conservation areas, with the exception of the Core Commercial Area of the town centre and other defined shopping and employment areas.

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**POLICY BE 2**  
**RESIDENTIAL CHARACTER IN CONSERVATION AREAS**

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**Objective O11**

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**Within residential parts of conservation areas (note 1) the following development will not be permitted unless the exceptions in policy BE 9 apply:**

- (a) the subdivision or further subdivision of single dwellings into self-contained flats or houses in multiple occupation, except where, owing to the size, location or condition of the building, it would not be practicable to dispose of it for use as a single dwelling to a purchaser able properly to repair and maintain it (note 2); or**
  - (b) the change of use to or redevelopment of dwellings for commercial use (note 3), except in accordance with policy HS 7.**
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**Note 1**

The residential parts of conservation areas are those outside the Core Commercial Area, district and neighbourhood shopping centres, all of which are shown on the Proposals Map, and existing employment land.

**Note 2**

For permission to be granted, proposals must also accord with policies HS 3 (subdivision of existing dwellings) or HS 8 (houses in multiple occupation), and should involve the minimum number of commercially viable units.

**Note 3**

Commercial use is defined as Use Classes A1 to A5 B1 to B8, and D2.

**Note 4**

BE 9 (alteration of listed buildings) and HS7 (loss of residential accommodation).

**Note 5**

See also policy CP 3 (sustainable environment).

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**Demolition in conservation areas**

- 5.24 Conservation area designation introduces control over the demolition of most unlisted buildings (in this context demolition involves the total or substantial destruction of a building). In exercising this control, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In determining applications for consent to demolish, the Council must take account of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.
- 5.25 G15 indicates that *"the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area"*, and that *"proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings"*. In making such an assessment, the Council may consider the merits of any proposed development as well as those of the existing building. However, the fact that a new building would not in itself harm the conservation area (see paragraph 5.14) would not normally constitute justification for demolition of an existing building unless the building made no contribution to the special character of the area.
- 5.26 Within Cheltenham's (Central) conservation area, both grand and modest 19th century buildings and structures, as well as good examples of 20th century buildings, contribute to the special character of each area. Such buildings will rarely receive consent for demolition, since it is their cumulative presence, which establishes the essential character and appearance of the conservation area. Demolition of buildings forming part of a terrace or group will be particularly resisted. Where the existing building can still be put to beneficial use, the possibility of realising a higher redevelopment value of the site or of developing a more convenient or profitable new building will not be adequate justification for demolition.
- 5.27 Stables, outhouses and other minor buildings contribute to the character and appearance of the town and the conservation areas, and are significant witnesses to their history. They are often difficult to

preserve in a meaningful form and to integrate into modern developments or requirements. They should, however, be preserved in as complete a form as possible where this can be achieved.

- 5.28 Notwithstanding the presumption in favour of retaining buildings, which contribute to a conservation area's character, there may occasionally be situations where the demolition of such a building is unavoidable or even desirable. This may occur where poor structural condition makes retention physically or financially impracticable; it may also occur where there is an essential need for a development which cannot realistically be provided on another site, or where old buildings of no architectural or historic merit prejudice the development of a site which plainly detracts from the character and appearance of a conservation area and where development would preserve or enhance the character of the area.

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**POLICY BE 3**  
**DEMOLITION IN CONSERVATION AREAS**

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Objective O11

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**The demolition or substantial demolition of buildings or other significant structures in conservation areas will not be permitted, unless:**

- (a) they make no positive contribution to the special character or appearance of the area; or**
  - (b) the retention of the building is structurally and financially impracticable (taking into account all sources of finance, including associated development); or**
  - (c) there is an essential need in the town for development which cannot be accommodated satisfactorily by a different form of development or in a different location; or**
  - (d) the demolition serves to preserve or enhance the character or appearance of the conservation area, taking into account both the history and appearance of the building to be demolished and the contribution of any new buildings.**
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Note 1

Anyone wishing to demolish a building or structure on the basis of the above exceptions will be required to provide convincing and fully documented evidence of the validity of the exception, including where appropriate, a full financial analysis demonstrating that the cost of necessary repairs and renovation, including reasonable expenses and profits, but excluding the purchase price, exceeds the value of the property on completion of the works.

Note 2

Significant structures include all permanent buildings or built structures, such as stables, outhouses or walls, and boundaries or enclosures constructed of a permanent material, such as brick, metal or stone, the removal of which would require Conservation Area Consent.

Note 3

Essential need refers to development that would produce substantial benefits for the community, such as a road or hospital extension for which there was no realistic alternative site, and which would decisively outweigh the loss resulting from demolition (see PPG15, paragraph 3.17).

Note 4

See also policies BE 8 (demolition of listed buildings) and CP 3 (sustainable environment).

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- 5.29 In cases where redevelopment is considered appropriate and planning permission has been given, there can be a long delay before development is carried out. Occasionally the project may be completely abandoned. If the existing building were demolished as soon as the re-development was approved, the result could be an ugly gap in the street scene lasting for years, as well as the premature loss of potentially useful accommodation. Consequently the Council, in accordance with paragraph 8.29 of PPG15, will resist premature demolition in conservation areas. It will also seek the useful occupation and/or maintenance of such buildings until they are needed for re-development. The Council may also, for historical reasons, require detailed records of the building.
- 5.30 The Council may agree to earlier demolition where this is required to facilitate prior archaeological investigation, where the retention of the building would detract from rather than enhance the street scene, or where it constitutes a danger. In such cases, screening of the site will normally be required,

which should be sound, safe, visually attractive and properly maintained until redevelopment takes place.

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**POLICY BE 4**  
***TIMING OF DEMOLITION IN CONSERVATION AREAS***

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Objective O11

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**Permission for the demolition of buildings in conservation areas will be subject to the condition that demolition will not take place until detailed development proposals have been approved and contracts signed for the new development, unless:**

- (a) prior demolition is required to allow a period for archaeological investigation; or**
  - (b) the retention of the building would detract from the character or appearance of the area; or**
  - (c) the building constitutes a danger to the public.**
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**Boundary enclosures**

- 5.31 Boundary walls and railings are important to the character of the conservation areas. Original walls and railings should be retained or, where new enclosures are proposed, erected in suitable and authentic materials, height and form with appropriate piers, kerbs, finials, copings, etc, subject to retaining reasonable access to the land or buildings so enclosed.

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**POLICY BE 5**  
***BOUNDARY ENCLOSURES IN CONSERVATION AREAS***

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Objective O11

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**In conservation areas:**

- (a) boundary enclosures should be preserved in their original form; and**
  - (b) new enclosures should be in a historically appropriate form.**
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Note

See policy CP 3 (sustainable environment).

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**Back lanes in Cheltenham (Central) Conservation Area**

- 5.32 The back lanes of Regency Cheltenham represent some of the environmentally poorest parts of the Cheltenham (Central) Conservation Area. They were not considered of any architectural significance when first built and they can never lose their essential character as backs. Most of the lanes do, however, have a certain unpretentious yet positive quality which the Council wishes to conserve, especially the sense of enclosure with high walls and the simple attractiveness of some of the mews properties with a high proportion of exposed brickwork. The Council wishes to halt the further deterioration of back lanes and to see their environmental improvement wherever there are opportunities.
- 5.33 New development in these areas can lead to parking and access problems, and it may be difficult to accommodate an acceptable form of development in such restricted areas without having an adverse impact on the light, privacy and amenity space of adjoining properties. It is often difficult to overcome these requirements owing to the problems of restricted road widths, high densities and the proximity of the rear of large buildings.

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**POLICY BE 6**  
***BACK LANES IN CONSERVATION AREAS***

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Objectives O2 and O11

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**Development will be permitted on back lanes in conservation areas where:**

- (a) the design is appropriate to its location (note 1); and**
- (b) adequate amenity space remains with the existing property; and**
- (c) the impact of parked cars would not harm highway safety or access to properties.**

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**Note 1**

Design should respect the back lane character of the site in terms of height, scale and materials, and should create or maintain a sense of enclosure.

**Note 2**

See also policies CP 3 (sustainable environment), CP 4 (safe and sustainable living), and CP 5 (sustainable transport).

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- 5.34 Open parking would in most cases be contrary to the sense of enclosure along back lanes, and would need to be behind gates of a suitable character - normally vertically boarded. In applying policy BE 3 (demolition in conservation areas) to development in such areas, particular note will be paid to any car parking or servicing problems arising from the existing use or conversion of the main terrace properties.
- 5.35 A considerable improvement can be made to the rear elevations of the main terraces by cleaning, redecoration and repair. The hotchpotch of different additions and alterations made over the years cannot simply be eliminated, but the Council will resist the extension of this random diversity of elements. Greater uniformity is, in particular, achievable in the windows, which should generally be traditional timber sashes. Further extensions of these rear wings will be resisted except where essential to ensure appropriate internal arrangements of the main buildings.

**Roofing materials in conservation areas**

- 5.36 In Cheltenham blue-grey Welsh slates are normally the most appropriate roofing material, especially in particularly prominent locations. For this reason the Council will encourage the continued use of Welsh slates unless an alternative material is fully justified by the design solution employed.

**Traffic, parking and highways in conservation areas**

- 5.37 Policies regarding traffic, parking and highways also need to be applied with special care and stringency in conservation areas. It is important to retain traditional street furniture and pavement surfaces, especially in association with listed buildings. There is also a particular need to ensure that parked cars do not detract from or partly obliterate the view of the historic buildings which are the core of the conservation areas, especially when this involves the loss of grassed or planted areas from in front of the buildings. This is likely to be a restrictive factor on changing or intensifying uses, although the provision within the curtilage of a dwelling house of a hard surface, and of access to a highway which is not a trunk or classified road, is permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Where parking is unavoidable or is already established on areas originally intended as front gardens, the retention or introduction of planting to a minimum width of 0.75 metres or, where historically appropriate, a wall will be required or encouraged according to available powers, and subject to highway safety considerations.

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**POLICY BE 7*****PARKING ON FORECOURTS OR FRONT GARDENS IN CONSERVATION AREAS***

Objective O11

**Development which introduces or extends the parking of vehicles on forecourts or front gardens of buildings in conservation areas will not be permitted.**

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**LISTED BUILDINGS**

- 5.38 Buildings of special architectural or historic interest are listed by the Department for Culture Media and Sport, under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The listing of a building includes any object or structure fixed to it or within its curtilage.
- 5.39 Once a building is listed, it is an offence to carry out any works for its demolition (i.e. the pulling down of a building so that it is destroyed completely or to a very significant extent) or for its alteration or extension in any manner, which would affect its special character without consent. In considering whether to grant consent for any works, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Controls apply to the interior as well as the exterior of all grades of listed building, to all



extensions, and to all structures erected before 1st July, 1948 within the curtilage of a listed building.

### **Demolition of listed buildings**

- 5.40 There are now over 2602 listed buildings in Cheltenham; 90% of these are within conservation areas and make a significant contribution to their character and appearance. For this reason, for their wider social and historical value, and for their intrinsic attraction and national importance, the Council considers the preservation of listed buildings to be a matter of major importance. PPG15 contains a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made for demolition or alteration. The preservation of facades alone, or the gutting and reconstruction of interiors, is not normally acceptable.
- 5.41 Where consent for demolition is granted, the Council will require detailed records including measured drawings and photographic negatives.

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## **POLICY BE 8**

### ***DEMOLITION OF LISTED BUILDINGS***

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#### **Objective O11**

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**The demolition of a listed building will not be permitted unless:**

- (a) the retention of the building is structurally and financially impracticable, taking into account all sources of finance, including associated development and grants for historic buildings; and**
  - (b) every reasonable effort has been made to dispose of the building to someone prepared to retain and restore it; or**
  - (c) there is an essential need in the town for development which cannot be accommodated satisfactorily by a different form of development or in a different location.**
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#### **Note 1**

Financial expediency will not be accepted as a factor. The Council will require applications for demolition to be supported by convincing and fully documented evidence of the validity of the exception, including a full financial analysis demonstrating that the cost of necessary repairs and renovation, including reasonable expenses and profits, but excluding the purchase price, exceeds the value of the property on completion of the works.

#### **Note 2**

Essential need refers to development which would produce substantial benefits for the community, such as a road or hospital extension for which there was no realistic alternative site, and which would decisively outweigh the loss resulting from demolition.

#### **Note 3**

See also policy CP 3 (sustainable environment).

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### **Alteration of listed buildings**

- 5.42 The alteration of listed buildings in a manner which would affect their character cannot be undertaken without listed building consent. In considering whether to grant consent, the Council must have special regard to the desirability of preserving the building or its setting or any features of special interest.
- 5.43 It is generally desirable to preserve listed buildings in their original form for historical and architectural reasons, but there may be occasions when some alteration is necessary. For instance, it may be necessary for limited alterations to be undertaken to adapt a building to modern standards. The situation may also be reached where there is no longer a demand for a building in its present form and its effective life may be extended by conversion to other uses. This may involve alterations, especially to interiors, which require listed building consent, and which will need to be localised and kept to a minimum. A particular difficulty occurs in situations where there is currently no viable use for a building in its present form (for example a large chapel) but where a change to a practicable use (for example flats) would involve undesirably radical alteration. When determining applications for such a change, the Council will take particular care to balance the loss involved in major alterations against the risk of decay and dilapidation.

- 5.44 Excepting such limited circumstances, the sub-division of listed buildings which would adversely affect their character will not normally be accepted. In considering applications for listed building consent, the Council will be concerned to distinguish between works which are essential to keep the building well maintained, and works which increase the profitability of the development but are not essential. Applicants will be required to provide full financial justification for subdivision or major alterations which are damaging and not essential for the preservation of the building. Consent will not normally be given for alterations to meet the particular needs of an individual owner.
- 5.45 Externally, Listed Building Consent will not normally be given for, amongst other things, the painting of stonework, the replacement of doors or windows in a different design from the original, the removal of mouldings, balconies and prominent chimneys, the alteration of a roof line, front or rear, the re-roofing in different materials the excavation of basement light wells (revealing more of the basement than was originally intended), the removal of original boundary walls or railings or affixing of such accretions as advertisements, vents, lights and meter boxes. The installation of cable and conduit (e.g. for telephones or cable television) can detract badly from the appearance of listed buildings, and will be carefully controlled through agreement with the licensee responsible. Where consent for alteration is given, some requirement for recording may be made.
- 5.46 There may be some detailed conservation issues which have no bearing on matters of development control – for example, issues concerning the treatment of some internal features of listed buildings where such treatment would not affect consideration of planning applications but might require listed building consent. Other examples may relate to certain types of alteration, repairs, maintenance or decoration. Annex C of PPG 15: Planning and the Historic Environment provides detailed guidance on such matters. Where consideration of such works to a listed building are principally concerned with how the works might affect the character of the listed building, reference will be made to the general criteria and follow advice as set out in section 3.5 and Annex C of Planning Policy Guidance 15 (Planning and The Historic Environment).
- 5.47 Where alterations have been carried out to a listed building which affect its character, but Listed Building Consent has not been obtained, or not complied with, the owner may be asked to apply for consent retrospectively. The Council may subsequently or alternatively prosecute and/or take enforcement action as appropriate.

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## **POLICY BE 9**

### ***ALTERATION OF LISTED BUILDINGS***

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#### **Objective O11**

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**The external alteration of a listed building which would adversely affect its character will not be permitted, except where works are:**

- (a) necessary for the adaptation of the building to modern requirements, including the needs of disabled people, and are the minimum necessary for that purpose; or**
  - (b) essential for the prevention of dilapidation.**
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#### **Note 1**

The Council will require proposals under this policy to be supported by convincing and fully documented evidence as to the validity of the exception, demonstrating that the proposed alterations are the minimum required to ensure that the value of the property on completion of the works is greater than the cost of necessary repairs and renovation, including reasonable expenses and profits but excluding the purchase price

#### **Note 2**

See also policies BE 2 (residential development in conservation areas), HS 1 (housing development), and HS 3 (subdivision of existing dwellings), CP 3 (sustainable development), CP 7 (design) and table 4 (principles of architectural design)

#### **Note 3**

Materials used in the alteration, including extension, of a listed building should be of similar character and quality to those of the original building, with appropriate detailing and techniques.

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### **Boundary enclosures**

- 5.48 Boundary enclosures have a major effect on the setting of a listed building, and, where being reinstated or added, should be as historically correct in form and materials as possible.

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#### **POLICY BE 10**

##### ***BOUNDARY ENCLOSURES TO LISTED BUILDINGS***

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###### **Objective O11**

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**New boundary enclosures to a listed building should be of the same or similar design and material as the historically original enclosure.**

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### **Maintenance of listed buildings**

- 5.49 In 1990 and 1991, an initial condition survey on all listed buildings was carried out. The intention is to follow this with a more detailed investigation of buildings considered to be at risk. Where persuasion and the offer of grants do not induce the owners of such listed buildings to take adequate care of their property, legislation is available under Section 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure that the buildings are not allowed to fall derelict. The Borough Council will make full use of available legislation to prevent listed buildings falling into disrepair, where resources permit. Action might involve the service of a Repairs Notice, the carrying out of the works by the Council in default, or compulsory purchase of the property. Where appropriate, the Council may also consider purchasing buildings by agreement in order to carry out their renovation.

### **The setting of listed buildings**

- 5.50 The setting of any building can be a major influence on its character. It is important to preserve, or where appropriate to enhance, the setting of listed buildings, not only as viewed from the highway, but as seen from all angles by those who use or visit the building. The Council is obliged to advertise development affecting the setting of a listed building (see policy CP 3 sustainable environment).

### **BUILDINGS OF LOCAL IMPORTANCE**

- 5.51 In addition to listed buildings, there are other buildings and structures in the Borough which, although unlisted, are of particular local importance for their distinctiveness or contribution to the visual or historic character of the area. Frequently such buildings are within conservation areas, which provides protection from precipitate demolition. However, the demolition of non-residential buildings outside conservation areas is not subject to planning control.
- 5.52 PPG15 indicates that it is open to planning authorities to prepare lists of locally important buildings, and to formulate policies for their protection, whilst making it clear that such buildings do not enjoy the full protection of statutory listing.
- 5.53 An Index of Buildings of Local Importance will be published as a supplementary planning document. It will seek to strengthen its powers by applying for an Article 4 Direction, which would withdraw permitted development rights for demolition of buildings included in the index. Where continuation of the original use is no longer feasible, the Council will support a change of use or, where appropriate, the inclusion of the building in a wider scheme of development.

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#### **POLICY BE 11**

##### ***BUILDINGS OF LOCAL IMPORTANCE***

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###### **Objective O11**

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**The demolition of, or harmful alteration of a building on the Index of Buildings of Local Importance will be resisted.**

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###### **Note 1**

The Borough Council will publish an *Index of Buildings of Local Importance* as a supplementary planning document. Where appropriate powers available under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 will be used to protect buildings within designated conservation areas; elsewhere Article 4 Directions will be used.

## Note 2

Planning permission is not required for the demolition of non-residential buildings outside conservation areas.

## Note 3

In cases where the demolition on the Index is sought, applicants will be required to submit a robust statement in justification. This statement should include an independent structural survey of the building, an analysis of the repair costs and market value of the building, evidence that the building has been marketed at a realistic price which reflects the condition of the building. Where the retention of a building of local importance is not justified, and this has been accepted by the local planning authority, the Borough Council will require that provision is made by the developer to accurately record the building for archive purposes prior to demolition or alteration.

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## CARE AND AID FOR OLD BUILDINGS

- 5.54 Cheltenham is widely known for its elegant 19th century buildings. They are important not just as individual buildings but because, they illustrate the structure of a Regency town from its grand public buildings, large villas and grand terraces to its artisan dwellings and service buildings. To retain this special Regency character, careful repair and restoration is needed using traditional materials and skilled craftsmen who are familiar with the techniques needed to work successfully on historic buildings.
- 5.55 The Borough Council will encourage the preservation and enhancement of buildings which contribute positively to the character of the town, notably 19th century buildings, 20th century buildings of particular architectural or historic interest, and those included in the Index of Buildings of Local Importance. The Council can help in a number of ways: advice and encouragement are always available; relaxations can be made regarding change of use; and, in extremis, a Building Preservation Notice can be served. It is not considered appropriate, however, to use current planning control over demolition to impose the retention of a building solely for conservation reasons. Furthermore there may be circumstances where the retention of a building cannot be justified owing to its dilapidation, especially if it does not have particular architectural, group or historical merit.

### New uses for old buildings

- 5.56 Buildings at greatest risk are those that stand empty; in the case of some large, old buildings finding an occupant willing to pay for proper repairs can be difficult. In some cases a change of use may be desirable to ensure the retention and restoration of an old building where the development will not result in problems associated with inappropriate or over intensive use. Where permission has been granted as an exception to policy, specifically to make the renovation of a building financially viable, the applicant may be asked to enter into a legal agreement to undertake the necessary renovation works.

### Information on restoration

- 5.57 The deterioration and abuse of old buildings is not usually wanton, but often results from a shortage of funds, lack of information on maintenance requirements, and ignorance of the best way of repairing or up-grading old buildings. The need is not only to repair the buildings, making them habitable and watertight by modern standards, but also to restore all original features and details, reinstating ironwork, windows, stucco mouldings and so on and taking proper care of driveways, etc. The settings of buildings influence their value and the attitude of their occupants, as well as enhancing their intrinsic attraction to passers by.

## ADVERTISEMENTS AND SIGNS

- 5.58 Appropriate advertisements and signs can give vitality and interest to a street, particularly in commercial areas. Inappropriate advertisements and signs can, however, detract from important architectural or townscape character, and a proliferation can cause clutter, confusion and loss of visual amenity. For this reason, the Council gives careful consideration to the design and location of new proposals; and, in some cases, to existing advertisements and signs which disfigure a building or street and may require action to secure their removal.
- 5.59 The display of advertisements is generally subject to the provisions of the Town and Country Planning (Control of Advertisements) Regulations, as amended 1999. These Regulations do not apply to certain classes of advertisements, including traffic signs, which give directions to motorists or pedestrians. The Regulations grant deemed consent for other classes of advertisement, which are therefore not subject

to control by the Council. Deemed consent can be restricted by the Direction of the Secretary of State, or withdrawn by Local Planning Authorities by service of a Discontinuance Notice. All other advertisements are subject to control and require express consent. These controls apply Borough-wide, and must be exercised only in the interests of amenity and public safety. These considerations are amplified in PPG19: 'Outdoor Advertisement Control'.

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## **POLICY BE 12**

### **ADVERTISEMENTS AND SIGNS**

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Objectives O3 and O11

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**The display of an advertisement, sign or noticeboard will be permitted only where its location or size would not harm:**

- (a) the appearance of the building or the visual amenity or distinctive character of the immediate neighbourhood where it is to be displayed; and**
- (b) public safety.**

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#### **Note**

See also policies CP 3 (sustainable environment), BE 13 (advertisement and signs in conservation areas), BE 14 (advertisement hoardings in conservation areas), and BE 15 (projecting signs in conservation areas).

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#### **Shops**

- 5.60 The Council has published supplementary planning guidance on shopfronts, which includes advice on advertisements and signs.

#### **Areas of special control**

- 5.61 Local authorities have powers to define areas of special control for rural areas or urban areas, which are considered to merit protection on amenity grounds. Proposals are subject to confirmation by the Secretary of State. Within such areas, express consent is required for a greater range of advertisements (Regulation 19). Under the Regulations, local authorities have a duty to consider from time to time whether any part or additional part of their area should be designated as an area of special control, and, when an area has been designated, to consider at least once in every 5 years whether it should be revoked or modified.
- 5.62 Areas of special control were first designated in the former Cheltenham Municipal Borough in 1950, and were extended to cover the AONB in 1967. As a result of boundary changes since these dates, the Council reviewed these designations and made proposals in the draft and deposit plans to amend the areas defined, to cover the Green Belt, the AONB and the conservation areas (these areas are shown on the Proposals Map). These proposals will be reviewed again before an Order to this effect is submitted to the Secretary of State.

#### **Enforcement**

- 5.63 Where existing advertisements or signs disfigure a building or street, the Council will consider and, where appropriate, take action by means of Discontinuance Notice or other enforcement procedures to secure their removal.
- 5.64 The Council is also concerned about fly posting and will establish procedures to minimise its impact on the appearance of the town, including by prosecution, where possible. The Council will also seek to ensure that redundant advertisements, signs and supporting structures are removed.

#### **Advertisements and signs in conservation areas**

- 5.65 Inappropriate and over-extensive signs and advertisements can be particularly damaging to a conservation area; consequently, the Council intends to exercise special care over the control of advertisements in these areas. To this end it will consider the designation of all conservation areas as Areas of Special Control of Advertisements (see paragraphs 5.62 – 5.63). Within these areas, a particularly high standard of design, materials and finish will be required, and all advertisements will need to suit the particular character of a building and its surroundings, even though this may involve

adapting or abandoning a corporate image. In assessing planning applications for advertisements on buildings within conservation areas, the Council will have regard to relevant supplementary planning guidance (*Shopfront Design* and *Signs and Advertisements on Listed Buildings in Commercial Use*).

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**POLICY BE 13****ADVERTISEMENTS AND SIGNS IN CONSERVATION AREAS**

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Objective O11

**Advertisements and signs in conservation areas should be appropriate in type, size, colour, illumination and location to the character of the building or site where displayed and to the surrounding area, and also to be of an appropriately high standard of design, materials and finish.**

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- 5.66 As part of its proposal to improve the amenity of conservation areas by preventing unnecessary and obtrusive advertisements, the Council proposes that advertisement hoardings should no longer be sited in them. An exception to this is the placing of advertisements within bus shelters in agreed locations as part of a comprehensive scheme of provision.

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**POLICY BE 14****ADVERTISEMENT HOARDINGS IN CONSERVATION AREAS**

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Objective O11

**In conservation areas:**

- (a) the erection of advertisement hoardings; or**
  - (b) the display of advertisements on bus shelters except those in agreed locations which form part of a comprehensive scheme of provision will not be permitted.**
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- 5.67 Certain streets in commercial use in the Central Conservation Area are particularly vulnerable to advertising. In these areas, projecting signs will be resisted, although an exception may be made for traditional hanging signs to public houses.

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**POLICY BE 15****PROJECTING SIGNS IN CONSERVATION AREAS**

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Objective O11

**Projecting signs in Promenade, Montpellier Walk, Montpellier Street, Montpellier Avenue and Queen's Circus will be resisted.**

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- 5.68 Petrol filling stations and car sales areas can be large, obtrusive and difficult to integrate into the historic fabric of a conservation area. Such establishments have legal obligations regarding the display of information, but also have *deemed consent* for considerable areas of advertisement. Nonetheless, the Council wishes to control and, where possible, improve the appearance of these premises, particularly within conservation areas. The buildings and canopies should relate to the scale of adjacent properties and not be over obtrusive, particularly in the introduction of over-sized horizontal features. Tower signs should not rise above traditional fascia level. Garage shops will need to take account of supplementary planning guidance the *Shopfront Design Guide*, where relevant.

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**POLICY BE 16****PETROL FILLING STATIONS AND CAR SALES IN CONSERVATION AREAS**

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Objective O11

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**Signs and displays at petrol filling stations and car sales establishments in conservation areas should be limited to a level commensurate with the need to preserve or enhance the character of the area, bearing in mind the legal and practical requirements of the operators.**

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**Advertisements and signs on commercial listed buildings**

- 5.69 Inappropriate signs and advertisements arising from commercial use can severely damage the appearance and character of listed buildings. Many listed buildings are in conservation areas, which are subject to special control. The Council will consider applications for new signs and advertisements in the context of the following policy.

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**POLICY BE 17****ADVERTISEMENTS AND SIGNS ON LISTED BUILDINGS**

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Objective O11

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**New advertisements and signs on or in the curtilage of a listed building in commercial use will be permitted where they would not detract from the integrity of the building's design, historical character, structure, or setting.**

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Note

In determining applications for planning permission or listed building consent, the Council will take account of its published supplementary planning guidance *Signs and Advertisements on Commercial Listed Buildings*.

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**Street furniture**

- 5.70 A very important element in the appearance of the town together with the buildings, gardens and trees, is the highway; its surfacing, cleanliness and street furniture such as street lights, bus shelters, refuse bins, and road signs. It is important that signs should be kept to the necessary minimum and be of an appropriate design, that a high standard of other street furniture should also be provided, and that the necessary resources be made available to achieve these improvements.
- 5.71 Street furniture of character or historic interest, notably street signs and cast iron lamp standards, will be retained wherever possible and carefully salvaged when they cannot remain in their original positions. New street furniture, when required, will be of an appropriately high standard of design.
- 5.72 To assist in the selection and use of street furniture, and of highway material, the Council has published *Highway Materials and Street Furniture: A policy for ensuring consistency of materials, design and siting in the highway*.

**Surface materials**

- 5.73 In more sensitive parts of the town, the retention of slab paving, stone kerbs, Forest of Dean cross-overs, or other traditional surfaces, such as grass verges, provides a more sympathetic setting for Cheltenham's buildings than the introduction of cheaper, less attractive materials, although the retention of such surfaces may incur higher maintenance costs. The success of pedestrian priority areas in particular will depend on the attractive use of high quality materials.
- 5.74 The New Roads and Street Works Act 1991 brought about substantial changes in responsibility for the reinstatement of footways. Section 70 of the Act states: *'It is the duty of the undertaker by whom street works are executed to reinstate the street.'* In practice, reinstatement works are usually undertaken by contractors on behalf of the undertaker. A revised Code of Practice relating to the Act, "Specification for the Reinstatement of Openings in Highways", was issued by the Department of Transport in 2002. This set out alternative methods of reinstatement, but leaves the choice of method to the undertaker.
- 5.75 In the conservation areas, the Council will encourage the immediate and complete reinstatement of footways, so that modular materials, such as paving slabs, bricks or blocks, are not lost.

### **Landscaping of new roads**

- 5.76 New roads, while serving important transport functions, can be intrusive elements in the urban scene. Within existing areas, they can expose rear yards and gable walls, and can appear as significant physical and visual barriers to pedestrian movement. It is important, therefore, that an urban design approach is taken to their design and landscaping to mitigate such problems, covering not only the highway but also adjacent land, where appropriate.

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## **POLICY BE 18**

### ***DESIGN AND LANDSCAPING OF NEW ROADS***

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#### **Objective O11**

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**New roads should be designed and landscaped to a high standard including, where necessary, proposals for the treatment of land adjoining the highway, including boundary enclosures.**

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## **ARCHAEOLOGY**

### **Archaeology in Cheltenham**

- 5.77 Although best known for its development as a Regency spa, Cheltenham is of medieval or earlier origin, identified through archaeological excavations.
- 5.78 Cheltenham is likely to have been settled in the prehistoric and Roman periods. Excavations in the town centre and Arle Court area have identified evidence of Iron Age settlement, while Roman settlement and field systems have been identified in Pittville and the area of St James'. Information from the Roman period suggests a low level of activity; the town was not served by the Roman road system. Medieval settlement centred on the church of St. Mary (founded in 1011 AD) and the town's urban status was recognised in 1226 AD when permission for a weekly market was given. The pattern of the medieval tenement boundaries leading off at right angles to the High Street can still be seen, fossilised in the existing property boundaries.
- 5.79 The Secretary of State, under S.1 of Ancient Monuments and Archaeological Areas Act 1979, compiles a schedule of ancient monuments which it is an offence to damage. There are 6 such monuments within the Borough, which are indicated on the Proposals Map:
- \* Prestbury Moated Site
  - \* Leckhampton Moated Site
  - \* Northfield Round Barrow
  - \* Hewletts Camp, Battledown
  - \* Churchyard Cross, St. Mary's Churchyard, town centre
  - \* Churchyard Cross, St. Mary's Churchyard, Charlton Kings.

### **Archaeology and development**

- 5.80 Policy NHE.6 of the Structure Plan requires scheduled ancient monuments to be preserved and sites of archaeological importance to be protected from the adverse effects of development. This Council co-operates in these matters with the County Archaeological Officer who monitors and advises on the archaeological implications of development proposals.
- 5.81 Archaeological excavation is the principal means by which further evidence of the early history of the town can be uncovered. Many areas of the town have already been disturbed by the construction of cellars or by large scale modern development. It is important that the remaining sites with archaeological potential are appropriately recorded or protected as necessary; archaeological remains are a vulnerable, finite and non-renewable resource.
- 5.82 The setting of known sites may also need protection. In considering planning applications affecting sites of known or potential archaeological interest, the Council will consult and be guided by the County Site and Monuments Record (SMR) regarding individual locations. Developers are advised to consult the County SMR in advance of submission of a planning application, to obtain a preliminary indication of the archaeological implications of proposed development.



- 5.83 In order to assess the archaeological implications of a proposed development, the Council may request a developer to commission an archaeological assessment (see supplementary planning guidance on *Submission of Planning Applications*) and, where appropriate, limited excavation, before determining a planning application.
- 5.84 PPG16 gives guidance to local planning authorities on dealing with archaeological remains and potential under the development plan system. It indicates that where nationally important archaeological remains, whether scheduled or not, and their settings are affected by proposed development there should be a presumption in favour of their physical preservation. The preservation in situ of other remains by the careful design, layout and siting of new development, where this is otherwise acceptable, is also the preferred solution. Where this is not feasible, and as a second best option, the excavation and recording of remains should be undertaken prior to construction.
- 5.85 Where the preservation of a site of archaeological interest is not feasible, the Borough Council will initiate discussions at an early stage to ensure that provision is made by the developers (including funding where necessary) for archaeological investigations and recording, either prior to or during development, as appropriate to archaeological requirements. This provision will be secured, where appropriate, by means of planning conditions or obligations under section 106 of the Town and Country Planning Act 1990. The Council will also require the findings of archaeological investigations to be made available for publication.

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**POLICY BE 19*****NATIONALLY IMPORTANT ARCHAEOLOGICAL REMAINS***

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Objective O11

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**There will be a presumption in favour of the physical preservation in situ of nationally important archaeological remains and their settings.**

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**POLICY BE 20*****ARCHAEOLOGICAL REMAINS OF LOCAL IMPORTANCE***

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Objective O11

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**Development affecting sites of local archaeological importance will be permitted where the remains are preserved (note):**

**(a) in situ; or**

**(b) only if this is not feasible, by record.**

**Where remains are to be preserved in situ, measures adequate to ensure their protection during construction works will be required.**

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Note

The preservation in situ or the excavation and recording of remains prior to and during development should be supervised or undertaken by a competent archaeological organisation.

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