



**Index of Buildings of Local Interest  
Supplementary Planning Document**

**Adopted 28 June 2007**

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## Index of Buildings of Local Interest SPD

### Preface

This supplementary planning document (SPD) provides advice and guidance to owners and occupiers of buildings included on the Borough's *Index of Buildings of Local Interest*. It explains why the *Index* is needed, national and local policy background, the criteria for selection of buildings of local importance and the effects of inclusion on the *Index*. There is also a brief explanation of the use of an Article 4 Direction to control demolition of certain buildings on the *Index*. This document needs to be read in conjunction with the *Index* – which can be viewed at [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk).

This SPD was adopted on 28<sup>th</sup> June 2007. It will be used as a material consideration in the determination of planning and related applications. It has also been drafted in order to give best practice advice on issues which are beyond planning control in order to encourage high quality design and conservation solutions.

If you have any queries regarding this document or the consultation, please contact:

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## **1 Introduction**

- 1.1 Central Government guidance indicates that it is open to planning authorities to prepare lists of locally important buildings and structures, and to formulate policies for their protection, whilst making it clear that they do not enjoy the full protection of statutory listing.
- 1.2 The Council has prepared an Index of Buildings of Local Interest and will seek their retention and enhancement. The Index does not alter any planning legislation affecting the buildings on it and permitted development rights remain unchanged. However, where there is a threat to a building, the Council will consider seeking Article 4 Directions or spot listing to protect it.

## **2 The Need for an Index**

- 2.1 Cheltenham is the most complete Regency town in England and one of the few English towns in which traditional and contemporary architecture complement each other.
- 2.2 Unsurprisingly, therefore, there are many buildings of architectural and historic merit. 2,540 of these buildings have been statutorily listed by the Department for Culture, Media and Sport advised by English Heritage. Listing gives a building statutory protection against unauthorised demolition, alteration and extension.
- 2.3 There are, however, many buildings that do not meet the strict criteria for statutory listing but still make a special local contribution to the history, appearance, character and cultural value of Cheltenham. The Index contains about 450 buildings and structures that are valued by the community for these reasons.
- 2.4 In recent years a number of locally valued buildings have been demolished so that their sites can be more intensively developed. Others have had important features lost or removed through ill-considered alterations. By compiling the *Index*, the Council aims to protect buildings of local importance from insensitive alteration and demolition through the use of powers available under the Planning Acts. Where there are no additional planning controls, this document is intended as a good practice guide to owners. The aim is to preserve and enhance the character of Indexed buildings.

### 3 Policy Background

- 3.1 **Nationally**, the Government endorses the production of local indices in Planning Policy Guidance Note 15 “Planning and the Historic Environment” (PPG15), which says in paragraph 6.16

*“Many buildings that are valued for their contribution to the local scene, or for local historical associations, will not merit [statutory] listing. Such buildings will often be protected by conservation area designation. It is also open to planning authorities to draw up lists of locally important buildings, and to formulate local plan policies for their protection, through normal development control procedures.”*

- 3.2 **Locally**, the Cheltenham Borough Local Plan establishes a policy basis for preparing the Index and protecting the buildings on it in Policy BE30A, which states that

*“The demolition of, or loss of features of special interest or character on, a building on the Index of Buildings of Local Importance will be resisted.”*

- 3.3 With many of the Indexed buildings being in conservation areas, there are other policies of the Local Plan available to supplement this protection. Perhaps the most important is Policy BE13 which states that that the demolition or substantial demolition of buildings or other significant structures in conservation areas will not be permitted, unless, inter alia, they make no positive contribution to the special character or appearance of the area. Any building on the *Index*, which is within a conservation area, will be seen as one which contributes positively to the conservation area.
- 3.4 A full list of directly relevant policies is at Appendix 1. They can be viewed in full at [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk). This list is unlikely to be exclusive, as there may be other policies affecting particular types of development; in this respect, the Plan needs to be read as a whole to gain a full understanding of the local policy environment.

## **4 Building Selection**

- 4.1 The criteria for inclusion on the *Index* are based on the principles of selection used in assessing buildings for the Statutory List (PPG15 paragraph 6.10-6.12), the English Heritage checklist to assess the merits of unlisted buildings in conservation areas (*Conservation Area Appraisals*, English Heritage 1997) and the experience of other local authorities.
- 4.2 As with the Statutory List, the *Index* includes not only what we all recognise as buildings but also historic structures such as bridges, walls or railings; historic street furniture including post boxes, bollards, street lighting; and other features that contribute to local townscape or landscape. References to “building” below should be taken to include all indexed structures.
- 4.3 The focus of the *Index* is on local rather than national importance. Some selection of the better examples of these buildings or structures has been necessary and only those which survive in a clearly recognisable form, with their historic features and layouts still present, have been chosen.
- 4.4 The criteria for selection onto the Index includes architectural merit, historical interest and close historical association. The criteria in full are at Appendix 2.
- 4.5 The *Index* was prepared initially by The Conservation Studio (a private consultants), which was commissioned by the Council to undertake a full assessment of the buildings in the town based on the criteria. Buildings on the Index were subject to statutory consultation coincidentally with this SPD.
- 4.6 All future nominations for inclusions on the Local Index or requests for deletions from the Local Index which are submitted to the Local Planning Authority will be reviewed by a selected panel on an annual basis. The first review is scheduled for September 2008. The Index of Buildings of Local Interest review panel will consist of Conservation & Heritage Manager, Conservation & Heritage Assistant, Development Control Manager, Parks Development Manager, Cheltenham Civic Society representative, Cheltenham Art Gallery & Museum representative, Cabinet Member Environment and Chairman of Planning Committee.
- 4.7 Additions or deletions can be proposed by anyone and submissions should be made to the Council's Conservation Team with a clear statement of why the building should be considered, and should be accompanied with additional information such as photographs or historical information to support the statement. Additions to or deletions from the Index will be subject to a four week consultation process. This will include notification by letter to the owner or occupier of the nominated building, notifications by letter to relevant heritage groups (which may include English Heritage, Cheltenham Civic Society, local history societies etc), publication on the Council's website, notification via a notice in the Gloucestershire Echo and notification to all Borough Libraries and Resource Centres.



## **5 The Impact of the Index**

- 5.1 As mentioned earlier, placing a building on the Index will not change any of the planning controls affecting its alteration or demolition. Many buildings have permitted development (PD) rights which allow some minor building operations. In some cases demolition can be carried out without recourse to planning or other permissions. However, the rules are complex and if there is any doubt, advice should be sought from the Council's planning staff. In conservation areas, the Government has removed many of these PD rights and more often some form of consent is required.
- 5.2 In brief, the controls are as follows:
- Inside a conservation area, Conservation Area Consent is required for the demolition of a building and certain alterations – including extensions and new building. In some conservation areas, there may be additional controls over the treatment of buildings – particularly where they front onto roads or public spaces.
  - Outside conservation areas there is control over many extensions and new building works. However the demolition of buildings requires no planning permission (although the Council must be given notice if a residential property is involved). Minor alterations to housing do not normally require any permission; however, stricter controls apply to buildings in other uses (including flats).
- 5.3 Where the Council does have control and determines planning applications for works to or affecting an Indexed building, it will take into account its special local architectural or historic interest.
- 5.4 Any proposals should respect the Indexed building's character or interest and should preserve or enhance it. This does not mean that it should be preserved exactly as it is – but that any alterations should be carried out in a sympathetic manner, using high quality design. Where there is control over demolition, it will normally be refused unless there is a strong justification.
- 5.5 It is hoped that the unique qualities of the building, recognised through its inclusion on the Index, will encourage owners to take pride in its care. This will be particularly important where the proposals are outside the control of the Council. In such cases it is intended that this document will act as a basis for good practice.
- 5.6 Where there is no control over development, the Council can often seek an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order to remove PD rights – including in many cases the right to demolish – and a planning application will be required. Where the Council considers a building on the Index to be at risk of demolition or unacceptable alteration in circumstances where it has no planning control, it will consider using its Article 4 or spot listing powers to protect it – see section 7, below.

## 6 Assessment of Proposals

### 6.1 To summarise:

- Local Plan Policy BE30A seeks to prevent the loss of Indexed buildings to demolition and to protect those aspects of them which are considered to be special.
- There are no additional planning powers relating to Indexed buildings.
- However, where the Council has proposals to determine through the planning process it will seek take the special local interest into account in determining applications. In doing so it will address proposals in the manner set out below.
- Where the Council has no control over proposals, it is hoped that property owners will follow the same basic principles.

### 6.2 Issues for consideration in dealing with proposals for Indexed buildings:

- a. **Special features**, whether internal or external, should be conserved or restored. In this regard it is important that designers have a good understanding of what gives the building its special interest. Wherever possible, historic fabric should be retained or repaired to maintain authenticity. Repair of the fabric will normally use traditional materials and methods of working.
- b. **Extensions and new buildings** will preserve the scale, character and setting of the building. They will normally be subservient to the main building in height and massing. Extensions can achieve this either by adopting an historic or contemporary style.

If an historic approach is adopted – attention to historic detailing, materials and practice will be important.

If a contemporary style is adopted material quality, design detailing and contextual analysis will be important.

Reference should also be made to the Council's supplementary planning guidance on Residential Extensions and Alterations ([www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)).

- c. The **setting** of an indexed building will normally be an important element in its character.

Proposals for alterations or for new buildings in grounds should give careful consideration to the quality and nature of the setting of buildings. In their positioning, layout and design, they should preserve the best settings and enhance those which are poor quality.

Likewise, the treatments of landscape, boundaries, surfacing etc. will also be important to the setting of the building. In a number of instances locally, the loss of trees and boundary enclosures has had an adverse impact on both the setting of historic buildings and the character of historic streets - it is important that proposals give them particular consideration.

Important elements in the setting of buildings are likely to be

- The arrangement of building elements to complement historic form and contemporary function;

- views into, from and through sites;
  - the traditional level of enclosure in the street;
  - the use of landscape features to frame, screen or enhance buildings;
  - the type and quality of surface cover treatments, their fitness for purpose and their ability to complement historic settings and buildings.
- d. **Demolition** of Indexed buildings will only exceptionally be permitted. Redevelopment proposals should use the principles of good architecture and urban design to retain and integrated Indexed buildings rather than demolish them. These principles are set out in the Local Plan (tables 4 and 5) and reproduced at Appendix 1.

Where the Council considers a redevelopment proposal to be important to the regeneration or good planning of an area and an Indexed building is demonstrated to compromise that proposal, demolition may exceptionally be permitted. In such circumstances, the applicant will be required to demonstrate through the scheme's Design and Access Statement what steps have been taken to attempt to protect the building and why they compromise the overall proposal. Applicants should refer to the Council's note on Design and Access Statements ([www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)).

All proposals for demolition will be supported by a statement setting out an independent structural survey of the building; an analysis of the repair costs and market value of the building; and evidence that the building has been marketed at a realistic price which reflects the condition of the building. Where the Council accepts that retention of a building of local importance is not justified, it will require that provision is made by the developer to accurately record the building for archive purposes prior to demolition or alteration.

- e. In undertaking any work on Indexed buildings, owners should consider the implications for **sustainable building practices**. This could take a number of forms, including sustainable sourcing of materials and use of energy efficient designs. Additional information is available in the Council's supplementary planning guidance on Sustainable Buildings ([www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)).
- f. Where proposals are likely to impact on items of **archaeological value** the Council will require an archaeological assessment of their impact. This should be accompanied by details of mitigation required to record those elements of the historic fabric which will be adversely affected.
- 6.3 In addition to these notes, PPG15 Annex C contains guidance notes of alterations to listed buildings. While the buildings on the Council's Index are not statutorily listed, the Annex does contain useful information on how to treat historic buildings of importance and maybe a useful reference for owner and designers.

## 7 Additional Powers

- 7.1 Although there are no additional planning powers associated with designation under the Index, the Council does have recourse to two areas of legislation which can bring buildings into the control of the planning regime.
- 7.2 **Article 4** of the Town and Country Planning (General Permitted Development) Order gives local authorities the power to remove PD rights, or to ask the Secretary of State to authorise their removal. This can include a range of PD rights from minor alterations to the demolition of some buildings. Whilst the normal process can take some time, there is a provision, in matters of urgency, which allows Councils to implement an Article 4 with immediate effect. This is subject to its review after a period of 6 months by the Secretary of State, in which time it is either confirmed or revoked. If the Council is concerned that there are PD proposals which would harm an Indexed building, it will consider using its powers under Article 4 to protect the building.
- 7.3 The Council will be liable for compensation payments to aggrieved applicants where the existence of an Article 4 leads to a refusal of planning permission for a proposal which might otherwise have been permitted development. If the case in point is, for example, permission to demolish a building and that demolition would give a cleared site which would otherwise have been a potential development site in policy terms, the compensation could be significant. It would be calculated as the difference between the value of the land with planning permission to demolish the building and the value of the land where that consent to demolish has been refused or subject to conditions other than those imposed by the planning regulations
- 7.4 The Council can also seek the **spot listing** of buildings if it considers them to be worthy of listing and under threat. Again this is a temporary measure which puts in place the same controls as would exist on a statutorily listed building for a 6 month period, during which time there will be a review of the circumstances prior to the listing being confirmed or otherwise. This is a procedure which is considered less useful in protecting Indexed buildings than Article 4 powers, because of the special qualities required for listing, but it is one which the Council will consider using when an Indexed building is threatened.

## APPENDIX 1

### Cheltenham Borough Local Plan Second Review 1991 – 2011 – Relevant Policies

#### **POLICY CP 7 DESIGN**

Development will only be permitted where it:

- (a) is of a high standard of architectural design; and
- (b) adequately reflects principles of urban design; and
- (c) complements and respects neighbouring development and the character of the locality and/or landscape (notes 2 and 3).

Extension or alterations of existing buildings will be required to avoid:

- (d) causing harm to the architectural integrity of the building or group of buildings; and
- (e) the unacceptable erosion of open space around the existing building.

Note 1 Principles of urban design relevant to this policy are set out in table 4. Key design considerations for individual buildings are set out in table 5.

Note 2 Development should reflect the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Supplementary Planning Guidance on Conservation Areas.

Note 3 See also policies RT 83 (retail development in the Core Commercial Area) and HS 73 (C) (housing density).

Note 4 The fact that a particular form or location of development is the most cost effective option is not justification for an exception to policy CP 7.

## TABLE 4 PRINCIPLES OF URBAN DESIGN

### **character**

- create or reinforce a sense of place with its own distinctive identity
- reflect existing topography, landscape and ecology
- utilise a hierarchy of building form and design to reflect the use and importance of buildings
- create focal points and places
- create areas of hard and soft landscaping

### **continuity and enclosure**

- use buildings and trees to define space
- distinguish clearly between public and private spaces, providing continuous building frontages between them where possible

### **quality of the public realm**

- create attractive spaces which provide a variety of interest and experience
- produce comfortable local microclimates
- provide overlooking of streets and spaces, especially main elevations
- design lighting and landscaping to reduce opportunities for crime
- enrich space with well-designed details (e.g. paving, public art, lighting, signs, seats, railings, and other street furniture)
- avoid visual clutter and confusion, especially from signs and advertisements
- design areas for ease of maintenance, particularly in regard to litter collection, mechanical sweeping and the maintenance of planted areas

### **ease of movement**

- promote accessibility to and within an area, particularly on foot, bicycle, and for people with limited mobility

increase permeability by avoiding culs-de-sac and connecting adjacent streets

### **legibility**

- develop a clear, easily understood image of an area
- retain and create views of existing and new landmarks, skylines and other focal points
- provide recognisable and memorable features, especially at key locations

### **durability**

- create spaces that can adapt easily to changes in need and use
- provide environments which are suitable for their use
- use quality materials

### **diversity**

- where appropriate within buildings, street or areas, consider a mix of building forms, uses and tenures

## TABLE 5 PRINCIPLES OF ARCHITECTURAL DESIGN

The architectural design of new buildings should demonstrate a creative response to a specific site and locality. Particular attention should be paid to:

### **function**

- fitness for purpose

### **character**

- historical context
- distinctive features of the locality (such as spatial quality, rhythms, density, scale, style and materials)

### **layout**

- the urban grain (the pattern and density of routes, street blocks, plots, spaces and buildings of a locality) and topography of an area
- the efficient use of land

### **scale**

- the size of the building, its elements and its details in relation to its surroundings and the human form
- massing (the arrangement, volume and shape of a building)
- height (its effect on shading, views, skylines and street proportion)

### **appearance**

- materials (high quality and suited to their location and purpose)
- detailing

### **landscape**

- the integration of buildings and landscape.

## **POLICY BE 13 DEMOLITION IN CONSERVATION AREAS**

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.

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 25 (demolition of listed buildings) and CP 3 (sustainable environment)



**POLICY BE 16 BOUNDARY ENCLOSURES IN CONSERVATION AREAS**

**In conservation areas:**

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

## **POLICY BE 30A BUILDINGS OF LOCAL IMPORTANCE**

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

Note 1 The Borough Council will publish an Index of Buildings of Local Importance as supplementary planning guidance. 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 (see note 1).

Note 3 In cases where the demolition on the Index is sought, applications 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.

## **APPENDIX 2**

### **CHELTENHAM LOCAL INDEX – REVISED CRITERIA:**

Locally listed buildings or structures are those which make a special contribution to the history, appearance, character, and cultural value of Cheltenham. They include buildings which have qualities of age, style and detailing; historic structures such as walls or railings; historic street furniture including post boxes, bollards, street lighting; and other features which have historical or cultural significance, perhaps by association with a famous person or event. These should all survive in a clearly recognisable form, with their historic features and layouts still present. Some selection of the better examples of these buildings or structures will be necessary. It is likely that most of the entries will date from the mid-19<sup>th</sup> to the mid-20<sup>th</sup> century.

The Local Index for Cheltenham includes the following categories:

#### **1. BUILDINGS.**

These include:

- Buildings designed by a particular architect or designer of regional or local note
- Good examples of well designed domestic buildings which retain their original details and materials
- Good examples of educational, religious or community buildings which retain their original details and materials
- Landmark buildings or structures of notable design
- Buildings or structures of which contribute to our understanding of the development of the area

#### **2 STRUCTURES.**

These include:

- Notable walls or railings
- Street lighting
- Bollards
- Street surfaces
- Post boxes

#### **3 HISTORIC ASSOCIATION.**

These must be well documented and include:

- Any building or structure which has a close association with famous people or events
- Any building or structure which has a close association with an important local feature including statutorily protected sites or buildings