

**PLANNING APPEAL, UNDER SECTION 78 of the  
TOWN AND COUNTRY PLANNING ACT 1990**



**CHELTENHAM**  
BOROUGH COUNCIL

**Appeal Site: Cheltenham General Hospital, Sandford Road,  
Cheltenham.**

**Appeal by: Vinci Park and Gloucestershire Hospital NHS Trust**

**Against: Refusal to Grant Permission.**

**Appeal Proposal: Construction of a 407 Space Multi-Storey Car  
Park and Associated Engineering and Landscaping  
Works with Access from Keynsham Road.**

**LPA Ref: 08/01253/FUL**

**PINS Ref: APP/B1605/A/09/2115655/NWF**

**SUPPLEMENTARY**

**PROOF OF EVIDENCE**

**of**

**Karen Radford**  
**BA (Hons), Dip. Arch., Dip. Arch. Cons., IHBC**

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## **1.0**

### **PERSONAL INTRODUCTION**

**1.1** My name is Mrs Karen May Radford. I have a BA (Hons.) in Architecture and a Diploma in Architecture. I am an Architect and I was elected to the Architects Registration Board and the Royal Institute of British Architects in 1980 (although I am no longer a current member of RIBA). I gained a post graduate Diploma in Architectural Building Conservation in 1995. I was elected to the Institute of Historic Building Conservation in 1998, and was elected to the Ecclesiastical Architects and Surveyors Association in 2001. I have worked as an architect both designing new buildings and altering and repairing historic buildings for the period 1980 – 1997. Since February 2005 I have held the post of Heritage and Conservation Manager at Cheltenham Borough Council. Prior to this appointment, I worked as a Conservation Officer with two other Local Planning Authorities.

**1.2** This supplementary statement supports the Local Planning Authority's decision to refuse planning permission for the construction of a 407 space multi-storey car park and associated engineering and landscaping works with access from Keynsham Road. I will consider the proposed external timber cladding and how this cladding will have a harmful impact on the character and appearance of the Conservation Area and on the Lido. These

factors are the reasons for refusal, which are all included within refusal reason one in the refusal decision notice dated 30<sup>th</sup> April 2009. In particular I will be considering how these refusal reasons, have been underpinned by the recently published Government Document, entitled Planning Policy Statement 5.

**1.3** The evidence which I have prepared and provided for this appeal (reference No. APP/B16505/A/09/2115655/NWF) in this Supplementary Proof of Evidence is true and has been prepared by me in accordance with my professional institute's requirements. I confirm that the opinions expressed are true and professional opinions.

**1.4** I do not intend to repeat the section 2 (Appeal site and its surroundings) or section 3 (Description of proposal) from my previous Proof of Evidence, because neither of these two sections have changed. However, in this Supplementary Proof of Evidence, I intend to review section 5 (The Statutory Framework and The Relevant Planning Policies), section 6 (The Council's Case) and section 7 (The Borough Council's Case in Relation to Policies) from my previous Proof of Evidence. This review and consequential amendments are due the recent change in government policy with the publication of Planning Policy Statement 5.

## **2.0 PLANNING POLICY STATEMENT 5 (PPS5) 'Planning For the Historic Environment',**

**2.1** PPS5 which sets out the Government's national policy on the conservation of the historic environment was published by the Government on 23rd March 2010. It replaced the previous Government guidance which was Planning Policy Guidance 15 (PPG15) and Planning Policy Guidance 16 (PPG16). Contained within PPS5 there are a number of policies which in my opinion, are relevant to this appeal site and the proposed multi-storey car park. These relevant policies are HE.6.1, HE.6.2, HE.7.1, HE.7.2, HE.7.5, HE.8.1, HE.9.1 and finally HE.9.2.

**2.2** Also relevant to this appeal site is PPS5 Annex 2 (Terminology) which states – *“DESIGNATED HERITAGE ASSET – A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or **Conservation Area** designated as such under the relevant legislation.”* (please note that the highlight on conservation area is my emphasis).

**2.3** Again, also relevant to this appeal site is PPS5 Annex 2 (Terminology) which states – *“HERITAGE ASSET – A building, monument, site, place, area or landscape, positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in this PPS) and assets identified by the local planning authority during the process of decision –making or plan-making*

**2.4** PPS5 Policy HE6.1 states –*“Local planning authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. As a minimum the relevant historic environment record should have been consulted and the heritage assets themselves should have been assessed using appropriate expertise where necessary given the application’s impact. Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.”*

**2.5** PPS5 Policy HE6.2 states – *“This information together with an assessment of the impact of the proposal should be set out in the application (within the design and access statement when this is required) as part of the explanation of the design concept. It should detail the sources that have been considered and the expertise that has been consulted.”*

**2.6** PPS5 Policy HE7.1 states – *“In decision-making (this may relate to planning permission or...) local planning authorities should seek to*

**2.7** PPS5 Policy HE7.2 states – *“In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposals.”*

**2.8** PPS5 Policy HE7.5 states – *“Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.”*

**2.9** PPS5 Policy HE.8.1 states – *The effect of an application on the*

**2.10** PPS5 Policy HE.9.1 states – *“There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments,<sup>14</sup> protected wreck sites, battlefields, grade*

**2.11** PPS5 Policy HE9.2 states- *“Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that :*

*(i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or*

*(ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*(b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and*

*(c ) conservation through grant-funding or some form of charitable or public ownership is not possible; and*

*(d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use”.*

### **3.0 THE BOROUGH COUNCIL’S CASE**

**3.1 THE REFUSAL REASON NUMBER ONE STATES –** *“The proposed external timber cladding would have a harmful impact on the character and appearance of the Conservation Area and the Lido.*

*Given the size of the proposed building with the extensive use of timber and the uneven and unpredictable way in which timber weathers it would give rise to a poor appearance that would have a harmful impact on the character and appearance of the*

*Conservation Area and the Lido. The proposal is therefore in conflict with Policies BE11 and CP7 of the Cheltenham Borough Local Plan Adopted July 2006, Policy NHE6 of the Gloucestershire Structure Plan and PPG15 "Planning and the Historic Environment".*

### **3.2 THE IMPACT OF THE PROPOSED BUILDING ON ITS SURROUNDING**

**3.2.1 THE APPEAL SITE** – as stated in my previous proof of evidence the appeal site is within Cheltenham's Central Conservation Area and adjacent to Sandford Park which is included in Cheltenham Borough Council's Index of Buildings of Local Importance, and adjacent to the Sandford Lido (outdoor swimming pool) which is also included in Cheltenham Borough Council's Index of Buildings of Local Importance.

**3.2.2 THE APPEAL SITE AND ITS IMPACT** – in my opinion, it is an undeniable fact that the proposed building will have an impact on the following –

- the surrounding area including the Central Conservation Area which encompasses the whole of the appeal site,
- the setting of the adjacent Lido site which is extremely close to the east boundary of the appeal site

- the setting of Sandford Park which is located to the north of the appeal site.

**3.3 THE CONTEXT OF THE APPEAL SITE AND PPS5** – in terms of Annex 2, Cheltenham Central Conservation Area is defined as a Designated Heritage Asset and both Sandford Park and Sandford Lido are individually and separately included in the Index of Buildings of Local Importance and are therefore both locally listed. In terms of Annex 2 of PPS5, Sandford Park and Sandford Lido are , therefore, considered to be Heritage Assets, which are individually non-designated, although because they are both located within the conservation area they lie within a designated asset.

**3.3.1 ADDITIONAL POLICY PRINCIPLES GUIDING THE CONSIDERATION OF APPLICATIONS FOR CONSENT RELATING TO HERITAGE ASSETS THAT ARE NOT COVERED BY PPS 5 (POLICY HE9)** - as I have already stated Sandford Park and Sandford Lido are heritage assets because they are included in the Council's Index of Local interest (this Index was published on 28<sup>th</sup> June 2007) in their own right, as well as being located in the conservation area. Therefore the Lido and Sandford Park can be considered as individual historic sites, which are non-designated heritage assets in terms of the criteria in Annex 2 of PPS5.

Policy HE8.1 of PPS5 which is concerned with non-designated heritage assets, clearly confirms that the effect that the appeal building will have on the setting of the Lido and Sandford Park, is a material consideration in the determination of the appeal proposal..

**3.3.2 THE IMPACT OF THE PROPOSED BUILDING ON THE CONSERVATION AREA (ie designated heritage asset) AND SANDFORD PARK AND SANDFORD LIDO (ie heritage assets) IN RELATION TO PPS5 (POLICY HE7.1)–**

**A- FAILURE BY THE APPELLANTS TO CONSIDER SITE CONTEXT** - in my previous Proof of Evidence (section 6.2.9, pages 23, 24, 25, 26)) I commented that in my opinion the appellants had failed to show the adjacent Lido buildings on a number of their drawings, and had failed to consider the context of the appeal site on number of their drawings. In addition, the appellants had also failed to prepare a site context analysis of the surrounding area and failed to mention the Lido buildings or cite it in any of the text in their Design and Access Statement. In terms of my previous Proof of Evidence, I had argued that these failings and omissions by the appellants as outlined above, were merely a failing to follow the good practice guidance raised in the relevant sections of the Conservation Principles which is an

English Heritage publication. However, as a result of the appellants' failures and omissions, as outlined above, and the recent publication of PPS5 the appeal information and consequently proposed appeal building, fails to accord with the recently published Government policy contained within HE6.1 and HE6.2 of PPS5.

**B – CONSERVATION CHARACTER APPRAISALS, THE SETTING OF SANDFORD PARK AND THE SETTING OF THE SANDFORD LIDO** – Policy HE7.1 of PPS5, states that local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset).

This recommended identification and assessment work has been carried out by Cheltenham Borough Council's Heritage and Conservation Officers in July 2008; when the Character Appraisals of the two relevant areas (i.e. St Luke's Character Appraisal and the College Character Appraisal) were undertaken. In addition the particular significance of the Sandford Lido and Sandford Park sites were identified and assessed when the Index of Buildings of Local Interest was completed in June 2007. In addition,

the Lido Conservation Plan which was initially published in May 2008 as part of the Heritage Lottery Bid for the Lido site, has provided a very important insight into the historic, social, architectural and contemporary value of this Lido site.

All of these documents are in the public domain. They have all been referred to by the Council when assessing the proposed car park building and how it will impact on the surrounding designated heritage asset (ie conservation area) and the setting of the adjacent heritage assets of the Lido and Sandford Park. However there is no evidence from the appellant's site analysis or from their proposed design that they considered these documents when designing the proposed building and how this new building will impact on its site context.

It is important to note that PPS5 Policy HE7.1, makes specific mention of the setting of a heritage asset being affected by a development. As identified above in section 3.3 of this Proof, the Sandford Lido and Sandford Park are both heritage assets as defined in Annex 2 of PPS5. Therefore the impact of the proposed car park on the setting of both the Sandford Lido and Sandford Park, is a material consideration in this appeal.

In my opinion, when considering PPS5 Policy HE7.1, the existing documents (ie Conservation Appraisals, the relevant entries in the Index of Buildings of Local Interest and the Lido Conservation Plan) and the submitted application/appeal information I remain convinced that the proposed car park because of its proposed timber cladding and the extent of this timber cladding will have a detrimental impact on the appearance and character of the conservation area, and a visual harmful effect on the setting of the Lido and the setting of Sandford Park.

I have already argued in my previous Proof of Evidence that the proposed appeal building will have a harmful impact on the conservation area and the settings of both the Sandford Lido and Sandford Park. Government policy in the form of PPS5 policy HE7.1 now confirms that the setting of these heritage assets (ie Sandford Lido and Sandford Park) have to be considered.

**3.3.3 THE IMPACT OF THE PROPOSED BUILDING ON THE PARTICULAR NATURE OF SIGNIFICANCE OF THE HERITAGE ASSETS IN RELATION TO PPS5 (POLICY HE7.2)**

**A) NATURE OF SIGNIFICANCE OF THE CONSERVATION AREA** – in my previous Proof of

Evidence (sections 6.2.4, 6.2.5, 6.2.6, 6.2.7, pages 19, 20 and 21) I have thoroughly analysed the impact of the proposed building on the conservation area. In particular I have highlighted the loss of spaciousness and the reduction of long distance views, in the surrounding conservation area as a result of the proposed building. These views and spacious quality of the area were also already identified in the two relevant character appraisals documents. PPS5 Policy HE7.2 states that the understanding of the nature of the significance should be used by the local planning authority to avoid or minimise the conflict between the heritage asset's conservation and any aspect of the proposals. Whilst any large building will inevitably block these views, the visual impact of this proposed large building with its timber cladding will accentuate the visual prominence of the building in the conservation area.

Of course Sandford Park and the Lido are also located within the conservation area, but I will consider the impact of the proposed building on them as additional heritage assets which demand separate consideration under PPS5.

## **B) NATURE OF SIGNIFICANCE OF SANDFORD PARK**

**AND LIDO CAFÉ** - in my previous Proof of Evidence (sections 6.2.8, and 6.2.9, pages 21, 22 and 23) I have thoroughly analysed the impact of the proposed building on Sandford Park and Sandford Park cafe. In particular I have considered the visual impact of the proposed building on the setting of the Sandford Park and Park cafe.

PPS5 Policy HE7.2 states that the understanding of the nature of the significance should be used by the local planning authority to avoid or minimise the conflict between the heritage asset's conservation and any aspect of the proposals. Currently there are open views to the south from Sandford Park. This view is not only about openness or spaciousness of the area, but also about the green boundary of the tree lined area on the west of the Lido site, with the small Lido/Sandford Park café being framed by trees. The appeal building will be providing a view of a large car park building instead of a partial view of trees and vegetation. In my opinion, the proposed timber cladding to the façade of this large building will provide a poor visual solution to the problem of the appeal building visually dominating an area where the trees currently dominate. Hence, my objection to the timber cladding and the extent of that cladding.

### **C) NATURE OF SIGNIFICANCE OF SANDFORD LIDO -**

in my previous Proof of Evidence (sections 6.2.9, pages 23, 24, 25, 26, 27, 27, 29, 30, and 31,) I have given much consideration to the significance of the Lido and how the proposed car park building will impact on its setting. The Conservation Plan prepared by the Lido has been crucial in understanding the nature of the significance of the Lido site. In particular on page 6 of the Conservation Plan, it is stated that quote – *“the Sandford Parks Lido is one of the best preserved lidos in Britain. Taken as a whole it is an outstanding example of 20<sup>th</sup> century outdoor architecture, its design being based on an integrated approach to its three key elements – water, landscaping and architecture. Its balance of careful symmetry and landscaping still provide a setting for competitive sport, relaxation and leisure. To its distinctive design, and importance within this national context, must be added the special sense of place afforded to visitors by its light, sounds and colour.”* In my opinion, this quotation explains clearly what is so special about the Lido site, on a national and local level and as an example of a particular period in social history, as well as architectural and landscape architectural history. The setting of the Lido

site is very sensitive, particularly the west boundary, (ie the direction of the afternoon sun).

PPS5 Policy HE7.2 states that the understanding of the nature of the significance should be used by the local planning authority to avoid or minimise the conflict between the heritage asset's conservation and any aspect of the proposals. Currently the west boundary of the Lido site is screened by trees which give some privacy and also dappled shade. The proposed car park building with the extensive expanse of timber cladding will be very visually dominant, and in turn destroy the setting and many of the special qualities of the Lido site.

**3.3.4 THE IMPACT OF THE PROPOSED BUILDING ON THE CHARACTER AND LOCAL DISTINCTIVENESS OF THE HISTORIC ENVIRONMENT, INCLUDING SCALE, HEIGHT, MASSING, ALIGNMENT, MATERIALS AND USE, IN RELATION TO PPS5 (POLICY HE7.5)** - as stated in my previous Proof of Evidence (section 6.2.11, pages 32, 33 and 34) the appellants have failed to show any evidence of having undertaken an analysis of the wider context of the appeal site, and also appear to have failed to consider the Lido's Conservation Plan or the Council's Character Appraisal. In my opinion, the appellants having failed to understand the

surrounding area then incorrectly argue that timber louvres are an appropriate material and wall surface treatment of the proposed building. They have stated that the proposed timber cladding will relate to the trees in the surrounding area. I do not accept the appellant's argument that a large expanse of timber louvres on a large building, can relate to, or be a visual substitute for, trees and spaciousness. Again, the appellants have ignored the setting of the Lido.

Therefore, in my opinion the appellants have failed to design a building which makes a positive contribution to the character or local distinctiveness of the historic area. Whilst Policy HE7.5 states that local planning authorities should take into account the desirability of new developments which make a positive contribution to the historic environment, this proposed building as a result of the timber louvres and the extent of the timber louvres, has failed to be make that desirable positive contribution and therefore also fails PPS5 Policy HE7.5.

**3.3.5 PPS 5 POLICY HE9 - ADDITIONAL POLICY PRINCIPLES GUIDING THE CONSIDERATION OF APPLICATIONS FOR CONSENT RELATING TO DESIGNATED HERITAGE ASSETS** – this policy is applicable when considering the appeal building in relation to the conservation area. This policy states that –*“there should be a*

*presumption in favour of the conservation of heritage assets*”, and goes on to state that – *“significance of the asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”*. Whilst the erection of the proposed car park building will not involve the physical loss of historic fabric, it will involve the loss of views, spaciousness and openness of this part of the conservation area. Instead of openness and views, it is proposed that the area will be visually dominated by a building covered in a large expanse of timber louvres.

PPS5 Policy HE9.1 also states - *“Loss affecting any designated heritage asset should require clear and convincing justification”*. In my opinion, the appellants have failed to provide that justification for the visual harm that the proposed building with its timber louvres will cause to the conservation area, which is a designated heritage asset.

**3.3.6 PPS5 Policy HE 9.2** – this policy states that where an application leads to substantial harm the local planning authority should refuse consent unless it can be demonstrated that the substantial harm is necessary in order to deliver substantial public benefits that outweigh the harm.

In my opinion, the proposed building which is 86.4m long and has a varied height of 11.8m to 14.5m, with a substantial

proportion of its elevation covered in timber louvres; will cause substantial visual harm to the conservation area (ie designated heritage asset).

Whilst it may be possible for the appellants to successfully argue that there is a substantial public benefit gained by the hospital having a large multi storey car park, it does not necessarily follow that the large car park building has to be covered in timber louvers, in order to provide that substantial public benefit of car parking. Other more suitable elevational treatments for this large building, which will enable the proposed building to fit in with its site context may ameliorate the visual harm of the proposed timber louvers.

However in my opinion the appellants have not demonstrated that there is a substantial public benefit which would outweigh the visual harm caused by providing large multi- storey car park clad in timber louvres. Therefore the Council were correct in issuing the refusal reason for this building and following the publication of PPS5 the Council's reasons for refusal remain correct.

#### **4.00 SUMMARY –**

**4.1 PPS5 PUBLISHED** – on 23<sup>rd</sup> March 2010, and replaced PPG15.

**4.2 RELEVANT POLICIES IN PPS5** – which should be considered in relation to this car park appeal, are HE.6.1, HE.6.2, HE.7.1, HE.7.2, HE7.5, HE.8.1, HE.9.1 and HE9.2.

**4.3 ANNEX 2 OF PPS5** – defines the conservation area as a designated heritage asset, and the Lido and Sandford Park as heritage assets.

**4.4 STATEMENT OF SIGNIFICANCE OF HERITAGE ASSETS TO BE PROVIDED BY APPLICANTS/APPELLANTS-** Policies HE6.1 and HE6.2 state that the applicants/ appellants should provide a statement of significance for the heritage assets and the setting of that asset, which will be affected by new development. The appellants for the hospital car park building have not provided a state of significance for the impact of the proposed building on the conservation area or on the setting of the Lido or Sandford Park. In addition it appears that they have not given due consideration to heritage statements already in existence (ie Conservation character appraisals and the Lido Conservation Plan).

**4.5 LOCAL AUTHORITIES ASSESSMENT OF THE PARTICULAR SIGNIFICANCE OF HERITAGE ASSETS (PPS5 Policies HE7.1, HE7.2, and HE7.5)** - the Council have taken account of the heritage statements already in existence (ie

Conservation character appraisals and the Lido Conservation Plan) when determining this proposed building at planning application stage. Based on those considerations, in my opinion the Council's refusal reason is sound.

**4.6 SETTING OF HERITAGE ASSETS- Policy HE8.1-** the setting of a heritage asset and the impact of any new development on that setting is considered in PPS5 to be a material planning consideration. The setting of the Lido and Sandford Park as heritage assets (non designated heritage assets) is confirmed as a material consideration in PPS5 Policy HE8.1.

**4.7 PRESUMPTION IN FAVOUR OF THE CONSERVATION OF THE DESIGNATED HERITAGE ASSET (ie conservation area) – PPS5 Policy HE9.1-** the spacious character with long distance views terminating with trees, will be eroded by the proposed timber louvre clad car park, and therefore the conservation of the designated asset will not be achieved.

**4.8 SUBSTANTIAL PUBLIC BENEFITS VERSUS SUBSTANTIAL HARM TO THE HERITAGE ASSETS – Policy HE9.2-** the appellants have not successfully demonstrated any of the following-

- that there is any public benefit of the car park being clad in timber louvres,
- or that the only manner in which the car park can be provided is by cladding it in timber louvres,

- or that any public benefit being derived from a car park provision in association with the hospital is dependant, upon providing a building with visually harmful timber louvre cladding system.

## **5.0 CONCLUSION**

In my opinion the proposed car park building, given the external timber cladding louvers, the size of the building, and the extent of the timber cladding will result in a building which will harm the character and appearance of the conservation area and the adjacent Sandford Lido. Accordingly the appeal proposals are contrary to the Local Plan Policies CP7, BE11 and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national policy set out in PPG15. **I respectfully request that this appeal is dismissed.**