

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	21.04.2020
Site Location:	35 Church Road Bishops Cleeve Cheltenham Gloucestershire GL52 4LP
Application No:	20/00016/FUL
Ward:	Cleeve West
Parish:	Bishops Cleeve
Proposal:	Erection of first floor extension to 35 Church Road to provide 3 residential apartments.
Report by:	Dawn Lloyd
Appendices:	Site location plan Revised Proposed Ground and First Floor Plans Proposed Elevations Parking proximity plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. This application relates to 35 Church Road, Bishops Cleeve a building that was a former bank. Planning consent 19/00688/FUL enables the change of use from A2 to A1 under Class E part 3 and A2 under Class G.
- 1.2. The site is situated on a corner plot of Church Road and Church Approach in the service centre of the village. The building is a single storey former bank and of individual design. It is constructed of coursed random rubble natural Cotswold stone with ashlar quoins and a hipped blue slate roof behind a stone parapet. The building sits in a prominent corner position within the village core with a dominant and impressive corner door.
- 1.3. The proposal is provide a first floor extension to the building to provide one bedroomed residential apartments. The number of apartments have been reduced from four to three.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
02/01381/ADV	Display of signs as submitted schedule.	CONSEN	14.01.2003
96/01068/FUL	Installation of a service till.	PER	11.12.1996
04/00870/FUL	Regrade pavers and install external lighting	PER	10.08.2004
05/00699/FUL	Regrade existing pavers to achieve level access in accordance with the DDA Act. Install 2 no. external lights to illuminate ATM and nightsafe.	PER	26.07.2005
80/00035/FUL	Alterations and extension to existing bank to provide storage/boiler room.	PER	04.11.1980
72/00037/FUL	Extensions at rear of existing bank to provide staff room, sales room and toilet facilities.	PER	17.05.1972
69/00012/FUL	Alterations and extension to existing bank to provide strong room, machine room, staff room and additional toilet facilities.	PER	26.03.1969
60/00021/FUL	Erection of a bank.	APPROV	20.09.1960
19/00327/FUL	Installation of new shopfront windows and doors to side of building. Installation of new shopfront windows to front of building. Installation of new doors to rear of building.	REF	24.06.2019
19/00688/FUL	Proposed alteration of existing windows to create four display windows of the same height, lowering the bottom of 3 windows to main front section of building by 300mm and raising of cill to one window by 275mm to remove ATM slot. New windows and doors to side and rear.	PER	17.09.2019

3.0 RELEVANT POLICY

3.1. The following planning guidance and policies are relevant to the consideration of this application:

National guidance

3.2. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

- 3.3. Policies: SD4, SD8,SD10, SD11, SD14,INF1

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

- 3.4. Policies: HEN2

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

- 3.5. Policies: RES13

Neighbourhood Plan- No relevant Neighbourhood Plan

- 3.6. Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

- 3.7. The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1. Bishops Cleeve Parish Council – Objection to original proposal in terms of design particularly the flat roof not in keeping with the neighbourhood and sited immediately adjacent to the conservation area, the opinion of the Conservation Officer to be sought. The apartments appear to fall below required space standards. The Parish also have concerns regarding overlooking, lack of parking and no outdoor amenity space. If the authority are minded to permit a materials condition is required. The Parish maintains their objection to the revised plans in terms of design particularly the flat and parking.
- 4.2. Highway Authority – Commented on the original proposal that more information was required from the applicant on parking provision and servicing for refuse collection. No comments have been received from the Highway Authority on the amended plans to date.
- 4.3. Historic England – views of the conservation and archaeological advisors as relevant should be sought.
- 4.4. Conservation Officer- No objection to the amended design. Conditions required for samples of external finishes (render) and roof materials (blue slate) to be agreed prior to installation. Details of new windows and doors (including scaled cross sections) to be agreed prior to installation. New windows and doors to be recessed by a minimum of 75mm.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1. The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme.
- 5.2. Two letters of objection received- A general objection and notice of wanting to speak at the planning committee. Objection in terms of overlooking, privacy and access to 2 Church Approach.

6.0 POLICY CONTEXT

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

- 6.2. The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3. The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4. The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

JCS Policy SD10 - Residential Development sets out that on sites not allocated for housing, such development will be permitted on previously developed land in the existing built up area of Tewkesbury town, rural service centres and service villages except where otherwise restricted by policy. Furthermore, Criterion 5 of Policy SD10 does allow for the sensitive, adaptive re-use of vacant or redundant buildings, subject to the requirements of other policies, including SD1, INF4 and SD8.

The application site is located within Bishops Cleeve - a rural service centre and comprises of a former bank. The proposal does not involve the loss of a community facility.

Retail Area

- 7.1. The site lies within the retail area of Bishops Cleeve. Saved Local plan policy RET3 considers proposals for retail (A1), financial and professional services (A2) and food and drink establishments (A3) at ground levels and residential use at upper floor level will be permitted. Proposals for new development to be consistent with the scale and function of the centre.
- 7.2. The current proposal only involves accommodation at first floor level, the ground floor being retained. Therefore the principal a mixed use development on this site is supported.

Design and Layout

- 7.3. After discussion with officers the design of the building was amended. The number of apartments have been reduced and their size increased in accordance with national space standards. The revised plans are consistent with the recommendations of our Conservation Officer with a slate pitched roof to the front and off white rendered first floor elevations set back on the prominent front corner. The rear and sides have a flat grey GRP roof and have grey cedar cladding. The first floor extension respects the character, scale and proportions of the existing building. The design complements the design and materials of the existing building.
- 7.4. There is a mixture of buildings of different age, type and design within the vicinity of the site, including single storey, two and three storey buildings. The proposal responds positively to and respects the character of its surroundings. The proposal accords with policy SD4 in terms of design and context.

Housing mix

- 7.5. Strategic Housing Market Assessment (SHMA) identifies an unmet need for 1 and 2 bedroom accommodation, which is best met in highly accessible locations that are dependent on more sustainable modes of travel. The proposal is for three, one bedroomed apartments that meet the required space standards and provide low cost accommodation with good access to local services. The proposal therefore complies with JCS Policy DS11 in this regard.

Residential Amenity

- 7.6. Policy SD14 requires development to enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space. Development should have no detrimental impact on the amenity of existing or new residents or occupants.
- 7.7. Neighbour objections have been received regarding overlooking of properties on Church Approach. The proposal has small windows to habitable rooms on the side elevation facing Church Approach, the front apartment has a balcony and the eastern elevation faces onto the service area for the adjacent shops. Due to the separation distance and orientation of the building there would be no direct overlooking of windows on Church Approach. There would be overlooking of the front amenity and parking areas of these dwellings. However there is already overlooking of this space from the first floor front window of adjacent properties. Furthermore, this is not their main private amenity space. Therefore, the proposal is not considered of substantial harm in terms of overlooking, privacy or overbearing in nature, and complies with SD14 in this regard.

Access and highway safety

- 7.8. The apartments would have no on-site parking provision, however the building is a sustainable location in the main service centre of Bishops Cleeve and is located on a main bus route. A parking proximity plan was provided which demonstrates parking availability within walking distance of the application site. Given access to services is within walking distance and the close proximity of public transport routes the proposal has minimal a reliance on use of the private car and therefore on-site parking provision is not warranted in this instance. Cycle storage has been provided with one space per apartment. Church Approach has an existing access to the service area for the former bank building and neighbouring shops therefore the site has existing provision for refuse vehicles. Therefore, it is considered the development could be accommodated at the site without compromising highway safety.

Heritage assets

- 7.9. Policy SD8 states that developments are required to preserve or enhance the character or appearance of the conservation area in terms of scale, form, materials and quality. Saved policy HEN2 of the Tewkesbury Local Plan states that in proposals for development within or in close proximity to a conservation area particular attention should be paid to the developments impact on the conservation area and its setting including any existing trees.
- 7.10. The Conservation Officer considers that due to the location, design, details and materials the existing building provides a positive and prominent visual presence within the streetscene and within the setting of the listed buildings both within and outside the conservation area and important views into the conservation area from Church Road. Royal Oak Public House Grade II listed building is opposite and St Michael and All Angels Church to the north is Grade I listed. As such, despite being a 20th Century building it is considered to have a degree of local heritage significance and holds communal value within the streetscene.

- 7.11. Historic England had no comment with regard to the impact of the proposal on the setting of St Michael of All Angels Church and have deferred comment to the Conservation Officer. The design as amended is in accordance with the recommendations of the Conservation Officer. A condition requiring proposed materials and design details is recommended.
- 7.12. Paragraph 197 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.13. In addition the degree of harm, in considering an application which affects the setting of a heritage asset Sections 66 and 72 of the Listed Building and Conservation Act apply. The Authority shall have regard to the desirability of preserving feature of special architectural or historic interest and pay special attention to the desirability to preserving or enhancing the character or appearance of that area.
- 7.14. The erection of the first floor extension would generate a degree of less than substantial harm to heritage assets and their setting. It is concluded on this matter that the public benefit of the increased provision of commercial premises, the provision of low cost residential accommodation and the securing the future of the vacant building, outweigh the harm to heritage assets.

Community Infrastructure Levy/Section 106 obligations

- 7.15. The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
 - a) necessary to make the development acceptable in planning terms
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 7.16. As a result of these Regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development.' As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests and restrictions, it is 'unlawful' for those obligations to be taken into account when determining an application.
- 7.17. In October 2018 the Council adopted CIL and implemented the levy on the 1st January 2019. For CIL purposes the application site falls within a 'Generic Site' and is subject to the levy for residential development currently at £104 per square metre on all the market elements of the proposed development.

8.0 CONCLUSION AND RECOMMENDATION

Taking into account all of the above, the proposal is considered to be acceptable and in accordance with the relevant policies of the adopted development plan. It is therefore recommended that planning permission be PERMITTED subject to conditions.

CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
 - Site Location Plan Drawing Number LP10 received 3rd January
 - Site Plan Drawing Number SP 200 received 3rd January 2020
 - Proposed Elevations Drawing Number EL401 REV C received 16 March 2020
 - Proposed Ground and First Floor Plan Drawing Number FP303 Rev A 16 March 2020

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Prior to installation full details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include:-
 - type, colour, texture, size and design of roofing materials;
 - sample and a precise specification of the proposed external render
 - details of the balustrade,
 - details of new windows and doors (including scaled cross sections at a minimum scale of 1:2)
 - New windows and doors to be recessed by a minimum of 75mm.

The development shall be carried out using the materials as approved.

Reason: To protect, conserve and enhance the significance of heritage assets and to ensure that the new materials are in keeping with the existing building and its surroundings.

4. The proposed bin and secure cycle storage shall be provided in accordance with the approved plans before the development hereby permitted is brought into use and thereafter maintained as such for the lifetime of the development.

Reason: To prevent adverse visual impact on the Conservation Area and streetscene.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.