

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	20 October 2020
Site Location:	2 Hailes Street, Winchcombe, Cheltenham, Gloucestershire, GL54 5HU
Application No:	20/00313/FUL
Ward:	Winchcombe
Parish:	Winchcombe
Proposal:	Change of use of existing retail unit (use class A1) at ground floor level to residential (use class C3) to form an extension of existing residential unit at upper floor levels
Report by:	Emma Dee
Appendices:	Existing Floor Plans and Location Plan Proposed Floor Plans and Block Plan
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 No. 2 Hailes Street is a three storey mid-terraced stone cottage, located on the north-western side of the public highway. The building is located within the area defined as a Retail/Town Centre within the Local Plan and the Winchcombe and Sudeley Neighbourhood Plan. The application property most recently comprised a retail unit at ground floor level and a 2-bed residential unit within the upper floors which is currently accessed via a separate entrance door and staircase towards the rear of the building. At the rear of the application site is a private enclosed garden area which is directly accessed from Bull Lane.
- 1.2 The application property was originally a town house, but planning permission was granted in 1990 to change the use of no. 2 Hailes Street from residential to retail (reference 90T/8623/01/02). The submitted application advises that, since then, together with the ground floor of the adjoining property at no. 4 Hailes Street, 'Just-In' (a clothing retailer) had traded, but this went out of business in 2018, and the ground floor has since remained vacant. The application further advises that extensive renovation of the building has recently been completed, including its separation from no. 4 Hailes Street. Planning permission was granted on 7th January 2020 for the change of use of the ground floor shop (use class A1) at this adjoining property to residential (use class C3), to form a three-storey dwelling.
- 1.3 The application property appears to date from the 19th Century, with a coaching arch previously giving access to the rear yard (now internalised). The building is unlisted but, due to its age, form, materials and appearance, is considered to be a non-designated heritage asset of local importance. The property is also within the Winchcombe Conservation Area as well as the Article 4 Direction boundary which restricts specified permitted development rights in order to protect the appearance of the conservation area.
- 1.4 The application site is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB).

- 1.5 The application seeks planning permission for the change of use of the existing retail unit (use class A1) at ground floor level of no. 2 Hailes Street to residential (use class C3) to form an extension of the existing residential unit at upper floor levels, thereby providing a three storey dwelling. This would be a reversal of the change of use permitted in 1990. It would remain a 2-bed dwelling, and the application confirms that the total floor area would be 118 square metres. No changes are proposed to the exterior of the building.
- 1.6 This application is presented to the planning committee as Winchcombe Town Council has raised an objection to the proposal.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
88T/8458/01/02	Change of use of ground floor from residential to retail. [4 Hailes Street, Winchcombe]	PER	
90T/8623/01/02	Alterations to existing property and change of use from residential to retail. [2 Hailes Street, Winchcombe]	PER	14.03.1990
90T/8623/02/13	Alterations & extension, including demolition of two external walls. Installation of two dormer windows. [2 Hailes Street, Winchcombe]	CONSEN	14.03.1990
90T/8623/03/02	Change of use of 1st and 2nd floor from residential to offices. [2 Hailes Street, Winchcombe]	PER	08.05.1990
92/8623/302/FUL	Alterations to shop front to increase internal retail area. [2 Hailes Street, Winchcombe]	PER	25.08.1992
19/00801/FUL	Change of use of ground floor shop (use class A1) to residential (use class C3) and external alterations to form a 3 storey dwelling. [4 Hailes Street, Winchcombe]	PER	07.01.2020
19/00979/FUL	Change of use of existing retail unit (use class A1) at ground floor level to residential (use class C3) to form an extension of existing residential unit at upper floor levels [2 Hailes Street, Winchcombe]	WDN	15.01.2020

3.0 RELEVANT POLICY

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

3.2 National guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

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

SD2 – Retail and City/Town Centres
SD4 – Design Requirements
SD6 – Landscape
SD7 – The Cotswolds Area of Outstanding Natural Beauty
SD8 – Historic Environment
SD10 – Residential Development
SD11 – Housing Mix and Standards
SD14 – Health & Environmental Quality
INF1 – Transport Network

3.4 Tewkesbury Borough Local Plan to 2011 (TBLP) – March 2006

HEN2 – Conservation Area: Setting and Impact
RET3 – Retail Areas

3.5 Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (PSTBP) – October 2019

RES2 – Settlement Boundaries
RES5 – New Housing Development
RET3 – Retail Centres
DES1 – Housing Space Standards
HER1 – Conservation Areas
HER2 – Listed Buildings
TRAC9 – Parking Provision

3.6 Winchcombe and Sudeley Neighbourhood Development Plan 2011- 2031

1.1 – Protecting the Distinctive Character of the Area
2.4 – Protection of Business Premises
5.1 – Design of New Development
5.3 – Winchcombe Conservation Area

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

3.8 The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

Winchcombe Town Council – objects on the following grounds “Under the Winchcombe and Sudeley Neighbourhood Plan policy 2.4 there is no evidence to demonstrate that the existing use is no longer commercially viable. The requirement is an active marketing period of at least 12 months, which when seeking to offer an opportunity for a new business to set up should include marketing for rent. There is no evidence provided describing the actions taken to find a tenant for what could be an attractive starter location for a business such as the new pop-up gallery that has established in the same street only recently. The likely short-term impact of Covid-19 is to threaten further the economic viability of retail business in small towns such as Winchcombe. So, while there may be little market demand during the current year, it is important that the town has modest premises such as 2 Hailes Street to offer potential new start-up businesses. Every retail unit that is lost to residential use reduces the choice of premises open to entrepreneurs and thus undermines the whole concept of Winchcombe as a "market town" - as described in the Joint Core Strategy and Borough Plan.”

Further to the receipt of additional marketing information, Winchcombe Town Council was re-consulted, and subsequently confirmed that it maintained its formal objection for the following reasons: “Winchcombe Council’s Neighbourhood Plan, supported by the Borough Council and passed by a local referendum designated this area as important for providing the range of retail uses needed to support both the local population and visitors. The visitor economy is particularly important for the town. For this reason, the Town Council welcomed the approach by the Borough’s Planning Officer - in her email to the applicant’s architect - to require evidence including methods, marketed prices and timescales for the marketing to be submitted. The evidence, however, shows that the approach to marketing has been to offer the property as a whole - a two-bedroom apartment together with a commercial unit below - and this would narrow the market considerably for someone looking to establish a retail business. An entrepreneur looking to create new retail business in this location would not generally also be looking for a new home at the same time. The property plans show that the retail unit and residential unit are essentially separate, with the retail unit having separate kitchen and WC facilities. The Town Council’s view is that permission for conversion of the retail unit to residential use should not be granted until a proper marketing effort has been made to find a retail tenant or purchaser.”

Gloucestershire County Council Highways – No objection

Conservation Officer – No objection on heritage grounds

Environmental Health Officer – no objection to the conversion but comments that, as the proposal is for the conversion of retail to residential, internal noise levels must meet the standards of BS 8223:2014 Guidance on sound insulation and noise reduction for buildings. The Environmental Health Officer acknowledges that the façade of the building is directly onto Hailes Street, and whether these standards would be met in sensitive rooms such as bedrooms will depend on how busy this street is.

Building Control – The application will require Building Regulations approval.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the posting of a press notice for a period of 21 days and is currently being publicised through the posting of a site notice for a period of 21 days. To date, no letters of representation have been received.

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 (PSTBP) 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

- 7.1 The main issues to be considered in this application are the principle of the development, the impact upon heritage assets, landscape and the Cotswolds AONB, highway safety, and residential amenity.

Principle of development

- 7.2 As detailed above, the application site is located within the Retail Frontage Area of Winchcombe as designated by the current and emerging Local Plan Proposals Maps, and also within Winchcombe Town Centre and the 'Built up Area' as designated by the Winchcombe and Sudeley NP. The building was previously utilised as part of 'Just-In' clothing shop and was connected to No. 4 Hailes Street. This business ceased trading in 2018 and No. 4 Hailes Street has been sold independently from No. 2. Hailes Street. Planning permission was granted on 7th January 2020 for the change of use of the ground floor shop (use class A1) at no. 4 Hailes Street to residential (use class C3), to form a three-storey dwelling. As a result of this sub-division of the former retail unit at nos. 2 and 4 Hailes Street, the commercial floor space of no. 2 was reduced down to approximately 46 square metres and it has remained vacant since the most recent retailer went out of business in 2018. Aesthetically the building has a bay window frontage (rather than a commercial shop window) and its front elevation has a residential appearance. As detailed above, the application property was originally a town house, but planning permission was granted in 1990 to change the use of no. 2 Hailes Street from residential to retail. The current application seeks planning permission for the whole property to return to its former residential use. The applicant's agent acknowledges that the visitor population is vital to the town's economy, but makes the case that, whilst High Street is predominantly retail, Hailes Street is predominantly dwellings.
- 7.3 JCS Policy SD2 specifies that the retail policies within the Borough of Tewkesbury are set out in the saved policies of the existing Local Plans. It also states that new residential, retail, leisure, culture, tourism, office development and community facilities that contribute to the vitality and viability of designated centres will be promoted and supported, and requires town centre development to be of a scale that is appropriate to its role and function, and to not compromise the health of other centres or sustainable development principles. In terms of the proposed loss of the existing retail unit, the relevant policies of the Local Plan are saved Policy RET3 of the TBLP, Policy 2.4 of the Winchcombe and Sudeley NP and emerging Policy RET3 of the PSTBP.

- 7.4 Saved Policy RET3 of the TBLP specifies that, within the defined retail area of Winchcombe, in which this property is located, proposals for retail use (class A1), financial and professional services (class A2) and food and drink (class A3) at ground floor level will be permitted, and retail (class A1), financial and professional services (class A2) food and drink (class A3), residential or office use at upper floor level will be permitted. The Reasoned Justification for saved Policy RET3 of the TBLP specifies that the change of use from retailing use (A1, A2 of A3) at ground floor level will be resisted in order not to devalue the retail attractiveness of the shopping area as a whole.
- 7.5 The emerging Borough Plan, through Policy RET3 of the PSTBP, seeks to take a more flexible approach to designated retail areas (including Winchcombe) while still maintaining the vitality of the retail area. The policy states that within the designated areas proposals for retail uses A1-A5 at ground level will be supported. It goes on to state the change of use from retail will only be supported where the alternative proposal is a main town centre use and results in no less than 50% of the remaining units within the designated area being within a retail use at ground floor level. Residential is not considered a main town centre use as defined by the NPPF. Residential uses on upper floors, however, will be supported.
- 7.6 The proposed change of use from retail to residential at the ground floor of no. 2 Hailes Street would be contrary to the relevant retail policies of both the adopted and emerging Borough Plan.
- 7.7 However, whilst the proposal would be contrary to these policies, it is noted that the proposed change of use to residential would be consistent with JCS Policy SD10, which encourages the sensitive, adaptive re-use of vacant buildings for residential use. The application site is located within the 'Built up area' as defined on the Winchcombe and Sudeley NP and the Winchcombe settlement boundary as defined on the emerging PSTBP Proposals Map. In this respect, Policy 3.1 of the Winchcombe and Sudeley NP specifies that residential development on infill and redevelopment sites will be supported, provided that they are within the built up areas (as shown on the Proposals Map), well designed and meet all relevant requirements set out in this plan. Emerging Policy RES2 of the PSTBP specifies that within the defined settlement boundaries of Rural Service Centres such as this (which are shown on the policies map), the principle of residential development is acceptable subject to the application of all other policies in the Local Plan and that, in all cases, development must comply with the relevant criteria set out at Policy RES5. The principle of the proposed residential use is considered to be acceptable, subject to compliance with all other policies in the Local Plan.
- 7.8 However, as set out above, it is determined that the proposed change of use from retail use to a residential use at ground floor level would be contrary to saved Policy RET3 of the TBLP and emerging Policy RET3 of the PSTBP. The emerging Borough Plan, however, is not currently adopted. The Winchcombe and Sudeley NP is the most recently adopted policy and therefore takes precedence over relevant policies of the adopted TBLP and Policy RET3 of the PSTBP.
- 7.9 Policy 2.4 of the NP states that development that would result in the loss of any retail or business premises in the designated Town Centre area, in which the application site is located, must demonstrate that the existing use is no longer commercially viable, further to an active marketing period of at least 12 months. The NP policy does not define or restrict what the alternative (non-retail) use(s) should be. Nor does it define what is meant by the term "active". Therefore, under the NP policy, if the applicant can demonstrate that the property is not commercially viable for retail use then the proposed change of use to residential at ground floor level may be acceptable.

- 7.10 Application reference 19/00979/FUL, as referred to above, was withdrawn as insufficient marketing information had been submitted with the application to satisfy Policy 2.4 of the Winchcombe and Sudeley NP. Additional marketing of no. 2 Hailes Street has now been undertaken, hence the submission of the current application.
- 7.11 The submitted Design and Access Statement specifies that the clothing retailer which most recently traded from the retail unit at 2 Hailes Street went out of business in March 2018 and since then has remained empty. The current application includes a letter from the applicant dated 20th August 2019 to Tewkesbury Borough Council's Revenue Services which confirms that the applicant bought the whole property at no. 2 Hailes Street on 28th February 2018, including the ground floor for retail use. This letter advises that the applicant was unable to use the property as they first intended as it became apparent after a few months that it was not suitable to accommodate a hair salon as access could not be gained to the outside studio room/office (proposed to be used for hair colouring/washing) without clients getting wet, as a result of this being land-locked by no. 4 Hailes Street's W.C. The letter confirms that it was therefore decided to sell or rent the property, which was initially actively marketed by the applicant in the spring of 2018 via a window advert. It advises that 3 genuine enquiries were made; one to buy, and the other two to rent. The letter advises that a charity did not like the absence of parking outside, the poor footfall nor it being located "at the wrong end of town". The second enquiry (to buy) opted for Cheltenham for footfall, and the third enquiry (to rent) was for a smaller hair salon but the letter advises that the applicant was not sure of the finance and business available.
- 7.12 It therefore appears that there was more limited, local marketing activity from April 2018 to March 2019, with advertising undertaken through a window advert and verbally. Estate agents were then subsequently appointed to market the property from March 2019.
- 7.13 The application includes a copy of the marketing contract for no. 2 Hailes Street between Adams Estate Agent and the applicant (dated 19th January 2019), which confirms that the property was marketed at an initial Guide Price of £375,000. A letter-headed letter from Adams Estate Agent (dated 31st March 2020) confirms that no. 2 Hailes Street had been actively marketed by them since 30th March 2019 continuously until the present time and that, despite advertising in all the usual ways, they had been unable to secure a suitable purchaser.
- 7.14 A letter from the applicant dated 20th August 2019 confirms that the whole property was initially put on the market for sale in February 2019 and that in May 2019 it was made available for rent in the whole or separately, and that no serious enquiries had been received for either from Adams Estate Agents. The letter further confirms that, since 28th February 2018, the premises have remained unfurnished. A further letter from the applicant's grandfather, dated 12th November 2019, confirms that the property had been with Adams estate agent in 2019, having reduced the selling price by £25,000, and that it was offered for part or whole renting. A separate letter dated 8th February 2020 (letter-headed by Adams Estate Agent) confirms that the property has been marketed to Adams's database of potential buyers, in its window, with a For Sale sign, on its own website and on the major property portals such as Rightmove. This letter confirms that, since that time, 9 viewings had been carried out with different prospective purchasers. An offer had been received but the person in question was unable to verify their funding. Another offer from a different applicant was below an acceptable level for the Vendor.

- 7.15 Another letter from the applicant dated 1st May 2020 confirms that the property was still with Adams Estate Agent at this point to rent or sell. It further advises that nos. 2 and 4 Hailes Street were vacated by the former owners on the same date (28th February 2018) and acknowledges that planning permission has recently been granted for the change of use of a ground floor shop (use class A1) at the adjacent property, no. 4 Hailes Street, to residential (use class C3) to form a 3 storey dwelling (reference 19/00801/FUL). An additional letter from the applicant dated 2nd May 2020 confirms that the only interest shown in the property as a whole was as a residential property. It further makes the case that nos. 2 and 4 Hailes Street were once the same house and have both been marketed in the same manner by Adams and that, from the outside, they remain as one in appearance.
- 7.16 A letter from Adam's Estate Agents dated 22nd May 2020 confirms that it has actively marketed no. 2 Hailes Street since 30th March 2019 continuously until the present time, and that its Rightmove advert has been continuously active since 2nd April 2019 as has its adamsestateagents.com advert, its local window advertising, For Sale board and active posting and emailing of details to its registered database of prospective purchasers. The advertising includes a full set of internal and external photographs, a floor plan and full description. The applicant's agent confirmed via email dated 3rd September 2020 that the applicant has taken the property off the market whilst the planning process takes its course as it had been on the market for sale or rent for nearly 2 years without any takers.
- 7.17 The applicant's agent sets out that the submitted evidence shows the continual marketing of the property over a period of 18 months and advises that business rates continue to be paid on the empty property since February 2018 with no concessions.
- 7.18 As detailed above, Winchcombe Town Council has objected to the proposed change of use on the grounds that the submitted marketing information shows that the approach has been to offer the property as a whole, which would narrow the market considerably for someone looking to establish a retail business. In response to these comments, the applicant's agent advises that there is no evidence of any marketing of the ground floor retail area in isolation from the rest of the building because it is impractical for this to have been considered. The property has no separate entrance from the front to the flat above, and the only entrance to the upper floor flat is through the rear courtyard which belongs to the shop. As such the applicant's agent advises that any freehold purchase of the ground floor would take ownership of the 'ground' (i.e. the courtyard) which would leave the access to the flat land-locked.
- 7.19 Further, as advised above, the applicant has confirmed that, whilst the whole property was initially put on the market for sale, in May 2019 it was made available for rent in the whole or separately, and no serious enquiries had been received for either from Adams Estate Agents.
- 7.20 In terms of Winchcombe Town Council's comments that the plans show that the retail unit and residential unit are essentially separate, with the retail unit having separate kitchen and W.C. facilities, the applicant's agent advises that these 'facilities' were only recently installed at great cost to the applicant (within the last 18 months) in order to enhance the desirability of the unit, but that this failed, as demonstrated by the submitted marketing information.
- 7.21 Given the submitted information it is considered that the marketing activity has been sufficiently active for over a 12 month period in line with Policy 2.4 of the NDP. With this in mind and in view of JCS Policy SD10 which supports the conversion of vacant properties to residential use, the lack of uptake as a result of the latest marketing efforts, the change of use is considered to be acceptable in principle.

Heritage assets

- 7.22 As detailed above, No. 2 Hailes Street is an unlisted building but, due to its age, form, materials and appearance, is considered to be a non-designated heritage asset of local importance. The property is also within the Winchcombe Conservation Area. As such when determining planning applications this authority has a duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The proposal will also be assessed against section 16 of the NPPF, Policy SD8 of the JCS, saved policy HEN2 of the TBLP, emerging policies HER1 and HER2 of the PSTBP and policy 5.3 of the Winchcombe and Sudeley NDP.
- 7.23 The Conservation Officer has reviewed the application and advises that, as the external appearance of the building would remain unchanged, there would consequently be no impact upon the appearance of the conservation area.
- 7.24 The Conservation Officer acknowledges that the property is in an area of Hailes Street which still has a number of active shops and the property is set firmly amongst them. The Conservation Officer considers that the incremental attrition of the number of shop units in this street would have an impact upon the nature and character of the area, albeit in this case the impact would likely be slight and incremental. Factors to consider are as follows:
- The nature of the high street is changing and continued commercial viability is a real factor.
 - Removal of shops may contribute to a general reduction in footfall for other businesses having a strategic impact upon the vibrancy of the town centre.
 - The building has no shopfront and was never designed as a shop having only recently been used as such for a short period.
- 7.25 In weighing up this case the Conservation Officer recognises that the change of use would potentially have some incremental and cumulative negative impact upon the character of the conservation area. However, the Conservation Officer finds that the weight to be given to this consideration is very limited in this case. Historically the building was not a shop and did not therefore contribute to the historic retail evolution and legacy of the town centre. The Conservation Officer comments that the prospect of the decline of retail units in the town centre is disappointing but finds no firm heritage grounds to sustain an objection to the change of use in this case.

Design and Landscape impact

- 7.26 JCS Policy SD4 provides that new development should respond positively to, and respect the character of, the site and its surroundings. Policy 1.1 of the Winchcombe and Sudeley NDP specifies that development should respect local character and where relevant, must protect and enhance the Cotswolds AONB. Policy 5.1 of the NDP similarly requires new development to reflect the character of its surroundings.
- 7.27 Section 15 of the NPPF relates to "Conserving and Enhancing the Natural Environment" and, at paragraph 170, specifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. JCS Policy SD6 specifies that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing.

- 7.28 In terms of the location of the application site within the Cotswolds AONB, paragraph 172 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in relation to these issues. Policy SD7 of the JCS sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.
- 7.29 The application site is located within the Retail Area of Winchcombe, within close proximity of surrounding built development. By virtue of this and taking into consideration that the external appearance of the building would remain unchanged, it is considered that the proposal would respect the character of the site and its surroundings, and would conserve the landscape and scenic beauty of the AONB.

Residential amenity

- 7.30 JCS policies SD4 and SD14 require 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. Policy 5.1 of the Winchcombe and Sudeley NDP specifies that the design of new development will be expected to demonstrate that the amenities of neighbouring residential occupiers are not unduly affected through overlooking, loss of light, over-dominance or disturbance. In addition, emerging policy RES5 of the PSTBP specifies that proposals for new housing development should, inter alia, provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings.
- 7.31 The application proposes no external alterations to the existing building, and it is considered that the proposed change of use of the ground floor from retail to residential would not unreasonably affect the amenity of adjoining occupiers.
- 7.32 In terms of assessing the impact on the amenity of any future occupiers of the proposed residential unit, the Environmental Health Officer has commented that internal noise levels must meet the standards of BS 8223:2014 Guidance on sound insulation and noise reduction for buildings. Whilst it is acknowledged that the façade of the building is directly onto Hailes Street, the sensitive rooms such as bedrooms would remain at first floor level, as existing. It is also acknowledged that other properties on Hailes Street in close proximity of the application site (including the adjoining property at no. 4 Hailes Street) have a permitted ground floor level residential use. The Environmental Health Officer was consulted on the application for the proposed change of use of the existing retail unit at ground floor level of no. 2 Hailes Street to residential (reference 19/00979/FUL), which was withdrawn, and the application for the proposed change of use of the ground floor shop at no. 4 Hailes Street to residential (reference 19/00801/FUL), which was permitted, and raised no objection to either in terms of any nuisance issues. It is therefore considered that there would be an acceptable impact on future occupiers of the proposed dwelling in this regard.
- 7.33 JCS Policy SD11 specifies that new housing should meet and, where possible, exceed appropriate minimum space standards. Emerging Policy DES1 of the PSTBP specifies that all new residential development will be expected to meet the Government's nationally described space standards as a minimum, and that new residential development will be expected to make adequate provision for private outdoor amenity space appropriate to the size and potential occupancy of the dwelling(s) proposed.

- 7.34 The application confirms that the total floor area of the proposed three storey 2-bed dwelling would be 118 square metres. The government's nationally described space standards (March 2015) does not specify a minimum Gross Internal Floor Area for three storey 2-bed dwelling, but the floor area of the proposed residential unit would exceed the specified minimum Gross Internal Floor Areas for a 2 storey 2-bed dwelling (79 square metres plus 2 square metres of built-in storage) and a 3-bed three storey dwelling (108 square metres plus 2.5 square metres of built-in storage). Further, it would continue to make use of the existing enclosed rear garden area. As such, it is considered that the proposed residential unit would provide an acceptable living environment for future occupiers.

Access and highway safety

- 7.35 Section 9 of the NPPF relates to "Promoting sustainable transport" and, at paragraph 108, specifies that, in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 specifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this regard, Policy INF1 (Transport Network) of the JCS is also relevant, which states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters.
- 7.36 The application confirms that there is no car parking within the curtilage of the property, but that a public car park is within close walking distance in Bull Lane. It further sets out that there would be no increase in the demand for additional car parking as a result of the proposed change of use as this would remain a 2-bed dwelling.
- 7.37 Gloucestershire County Council Highway Development Management has considered the application based on the submitted documentation and raises no objection to the proposed change of use.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 It is considered that the proposal would accord with relevant policies as outlined above. Overall, it is therefore recommended that planning permission is **GRANTED subject to conditions set out below.**

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 details within the application form and approved drawing no. 19-61-02A (Planning Proposals) received by the Local Planning Authority on 2nd April 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.

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.