

Planning Committee

Date	21 November 2023
Case Officer	James Stanley
Application No.	23/00731/FUL
Site Location	Cross House, Church Street, Tewkesbury
Proposal	Change of use of the first and second floor of Cross House from Class E to Class C3.
Ward	Tewkesbury Town South
Parish	Tewkesbury
Appendices	Site Location Plan Block Plan Ground Floor Plan First Floor Plan Second Floor Plan
Reason for Referral to Committee	The applicant is related to an employee of Tewkesbury Borough Council
Recommendation	Permit

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZ0BTLQJDW00>

- 1.1 This application seeks to change the use of the first and second floors from Use Class E to Use Class C3.

2. Site Description

- 2.1 This application relates to Cross House, Church Street, a four-storey, timber framed, Grade II* Listed Building. The building is situated within the Town Centre of Tewkesbury and is surrounded by buildings which vary in size, design, and uses. The building is situated within the Tewkesbury Conservation Area, within 50 metres of numerous Listed Buildings, and is subject to the Tewkesbury Article 4 Direction.
- 2.2 Although there is no Planning History to certify this, historically the building was constructed and used as a dwelling prior to the first and second floors being converted to a dental practice prior to 1992.

3. Relevant Planning History

Application Number	Proposal	Decision	Decision Date
02/00683/LBC	Erection of steel wires and netting for pigeon control - Grade II star listed building Ref: 859-1/6/155	CONSEN	06.09.2002
14/00563/LBC	Erection of a commemorative plaque to the external wall of building.	CONSEN	11.08.2014
18/00956/LBC	Re-glazing of existing ground floor level windows on side elevation, and interior alterations to include the removal of partition walls and the provision of stud partition walls - Grade II star listed building Ref: 859-1/6/155	CONSEN	18.12.2018
19/00487/LBC	Erection of a hanging sign on side elevation.	CONSEN	10.10.2019

4. Consultation Responses

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 4.1 Tewkesbury Town Council – No objection.
- 4.2 Conservation Officer – No objection.
- 4.3 Historic England – No comments.
- 4.4 County Highways – No objection.

- 4.5 Tewkesbury Civic Society – No objection.
- 4.6 Environmental Health – No objection subject to conditions.
- 4.7 Building Control - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. Third Party Comments/Observations

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days.
- 5.2 No letters of representation have been received.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

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

6.2 National guidance

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

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

- Policy SD8 (Historic Environment)
- Policy SD11 (Housing Mix and Standards)
- Policy SD14 (Health and Environmental Quality)
- Policy INF1 (Transport Network)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

- Policy RET1 (Maintaining the vitality and viability of the town, borough and local centres)
- Policy RET2 (Tewkesbury Town Centre and Primary Frontages)
- Policy DES1 (Housing Space Standards)
- Policy HER1 (Conservation Areas)
- Policy HER2 (Listed Buildings)

6.5 Neighbourhood Plan

None

7. Policy Context

- 7.1** 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. Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that applications are to have regard to the desirability of preserving listed buildings and their features of special architectural or historic interest and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of Development

- 8.1** Policy RET1 of the TBLP states that proposals for main town centre uses within the Tewkesbury Town Centre must ensure that they: are appropriate in location and scale; support the viability and vitality of their respective retail area; contribute to a safe, attractive and accessible environment; support any centre regeneration projects; and do not conflict with the requirements for the Primary Shopping Area at Policy RET2.
- 8.2** Policy RET2 of the TBLP states that proposals involving the change of use on upper floor levels within the Primary Shopping Area, proposals for residential use and main town centre uses will be supported.
- 8.3** The proposed change of use of the first and second floors will enable the full use of the building, supporting a mix of uses that will enhance the viability of the building and the Town Centre.
- 8.4** Therefore, in principle, the proposed change of use to residential would be acceptable subject to other policies being met.

Effect on the Heritage Assets (Conservation Area and Listed Building)

- 8.5** Cross House is located within Tewkesbury conservation area and is Grade II* Listed (both of which are designated heritage assets). In determining planning applications, Section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Council to have regard to the desirability of preserving listed buildings and their features of special architectural or historic interest and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal must also be assessed against section 16 of the NPPF, JCS Policy SD8 and saved policies HER1 and HER2 of the Local Plan.
- 8.6** There are no proposed changes to the building either externally or internally. Bringing this historic building back into full use would help maintain and preserve this heritage asset.
- 8.7** Therefore, it is deemed that there would be no undue harm to the significance of the heritage assets present and complies with the requirements of JCS Policy SD8 and Policies HER1 and HER2 of the TBLP.

Residential Amenity

- 8.8** Policy SD14 of the JCS and Policy RET1 of the TBLP states that there should be no unacceptable harm to local amenity nor should it result in no unacceptable levels of air, noise, water, light or soil pollution.
- 8.9** Policy SD11 of the JCS and Policy DES1 of the TBLP ensures that new housing would meet the nationally described space standards.
- 8.10** Due to the siting of the proposal and the mixed use of the building, Environmental Health were consulted for their opinion to ensure there would be no harm to the living conditions. As the first floor of the proposal would be sited above a Jewellers and a Public House, to mitigate any noise pollution from below, a condition would be added to ensure that sound insulation works can be undertaken. These sound insulation works would likely require Listed Building Consent before they could be implemented.
- 8.11** This conversion back to residential use would meet the nationally described space standards whilst the use of these upper floors would enhance the viability of both the building and the Town Centre as a whole.
- 8.12** Therefore, it is deemed that there would be no undue harm to the residential amenity and the proposal would meet the requirements of Policies SD11 and SD14 of the JCS and Policies RET1 and DES1 of the TBLP.

Effect on the Highway

- 8.13** Policy INF1 of the JCS states that new development should not have an adverse impact upon the transport network.
- 8.14** Policy RET1 of the TBLP requires that the development should be easily accessible by public transport, walking and cycling.

- 8.15** Gloucestershire County Council Highways have been consulted as part of the application for their expert opinion. No objection has been raised following a full assessment as the proposal is located in a sustainable location and the proposed change of use is expected to result in a decrease in trips to and from the site.
- 8.16** There is storage space within the entrance hallway where bicycles could be stored, and the site is located on a regular bus route.
- 8.17** The waste storage and collection would be expected to be carried out on-street similar to existing dwellings and businesses within the immediate vicinity of the site.
- 8.18** Therefore, it is deemed that the proposed change of use would not have a severe impact upon the highway network and complies with the requirements of Policy INF1 of the JCS and Policy RET1 of the TBLP.

9. Conclusion

- 9.1** It is considered that the change of use is acceptable in principle in this town centre location, would not be unduly harmful to the appearance of the existing building nor the surrounding area and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. The proposal would also not cause any harm to the heritage assets present.

10. Recommendation

- 10.1** The proposal accords with relevant policies as outlined above, it is therefore recommended the application be **permitted**.

11. Conditions

- 1** The works hereby permitted shall be begun before the expiration of three 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 documents:

- Site Location Plan and Proposed Layout Plan received by the Local Planning Authority on 07.08.2023.
- Drawing Number TQRQM23234182507520 (Block Plan) received by the Local Planning Authority on 23.08.2023.

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 first occupation, a scheme of sound insulation works to the floor structure between the commercial element and residential First Floor shall be implemented in accordance with details that shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the amenities of occupiers of the residential development are protected.

12. 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 the 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.