

APPLICATION NO: 14/00297/FUL and 14/00298/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 7th March 2014		DATE OF EXPIRY: 2nd May 2014
WARD: St Pauls		PARISH:
APPLICANT:	Mr Martin Burnett	
AGENT:	No agent used	
LOCATION:	25 Bennington Street, Cheltenham	
PROPOSAL:	Replacement of existing shopfront and door with timber sliding sash window and timber entrance door	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Members will recall that the above application (and a second application relating to the first floor windows of the property) was deferred at the April 2014 Planning Committee. Following the debate at the April meeting, Members requested that the applicant provide more substantive evidence in relation to the structural condition of the shopfront and explore further the methods of how and if this shopfront and its supporting beam could be repaired and retained and an indication of the financial costs associated with this work.
- 1.2. The Officer reports presented to the April Committee (and the recent appeal decision relating to this site) are reproduced at the end of this report for ease of reference.
- 1.3. The second application (14/00297/FUL) relates to the retention of the first floor UPVC windows. This application was also deferred because if permission is subsequently granted for the removal of the existing shopfront and its replacement with a timber sliding sash window at ground floor, the materials will differ from that proposed at first floor.
- 1.4. The applicant has now submitted further information in relation to the structural condition and repair of the shopfront window. This has been considered by the Conservation Officer, the Council's Building Control Department and Planning Officers. The documentation is available to view on the Council's website.
- 1.5. The package of information submitted (some of which is not relevant) includes:-
 - recent photographs of the damaged frame and supporting beam
 - a brief written account of previous site visits and discussions that took place between the applicant, Karen Radford, the Council's Building Control Officers
 - a Method Statement for the repair and retention of the shopfront window
 - a written commentary by the applicant giving his assessment of previous comments made by the Council, the works to be carried out and the implications in relation to fire and building regulations. There is also reference to 'the Civic Society's 2007 Report'. Officers assume that the applicant is referring here to the Old Town Character Appraisal and Management Plan for the Central Conservation Area and not the Civic Society's Survey on Historic Shopfronts which was carried out in 1989.
 - information on regulations for rented properties in relation to toughened glass

- a Schedule of Works and cost estimate for the repair of the shopfront window supplied by PKF Consulting Ltd
- a previous report on the repair of the shopfront window prepared last year by Construction Consultants Butler Silcock on 21st March 2013
- copies of an email exchange between Martin Chandler and Mr Burnett in April 2014
- extracts from the 1891 Census which indicate that No 25 Bennington Street was then in use as a dwelling
- an extract of the 2013 Building Regulation 'Approved Document L1A' obtained online which relates to energy efficiency requirements in the Building Regulations 2010.
- extracts taken from the Planning Portal in relation to doors and windows
- a letter from Mr Burnett's father which outlines the planning history associated with the repair of the window

1.6. The Conservation Officer has provided comments on the information submitted by the applicant and these are appended to this report.

1.7. In summary, she concludes that although the applicant has provided costings for works to the basement, the applicant has not provided any evidence to suggest why the works to the basement are necessary and whether the installation of a vertical support and subsequent works to the basement are the only solution to the repair and retention of the shopfront window. The Council has not received from the applicant written evidence from a Structural Engineer or other relevant professional that the two options presented to the Council of a vertical metal post and resultant basement works and the insertion of a vertical masonry pier to support the bressemer beam offer the only solutions to repair. In the absence of this confirmation the Conservation Officer recommends refusal of the current application.

1.8. The Council's Building Control Officer has assessed the structural report prepared by Butler Silcock in 2013 and is able to confirm that the report indicates a possible acceptable option as a method of repair. However, in the absence of a Structural Engineer's report in relation to the proposed basement works and vertical metal post option, he is not able to confirm the feasibility or necessity of these works. Further, the basement area has not been inspected by the Council's Building Control Officers.

1.9. The solution explored by Butler Silcock (report dated 21st March 2013) to insert a 400mm masonry pier to the side of the window to reduce the stresses and current deflection of the bressemer support above the shop window would necessitate reducing the width of the current shop window by a further 200mm. Officers accept that this would inevitably result in the loss of the shopfront and fascia. If this was deemed to be the only repair solution then Officers would have no option other than to accept the loss of the historic shopfront. This suggestion is therefore not worth further consideration in terms of retaining the shopfront.

1.10. The other suggestion of inserting a vertical metal post to support the beam above the window will require works to the basement. The applicant states that the metal post would need to extend into the basement to prevent deflection on the basement window which would be in close proximity to the new metal post. These basement works would also involve the temporary disconnection of electrical power supplies to the property, road closure and the diversion of cables to the footway outside the property to allow for the

excavation of the footway for the building works to take place. The total cost of the repair works is quoted in the region of £45,000.

- 1.11. Although a Schedule of Works and costings for the individual elements of the work have been prepared by PKF Consulting Ltd, there is no accompanying report or method statement, no further information about the potential for damage to the basement window and subsequently no written confirmation that this is the only way of repairing the window in situ and that the extent of the proposed basement works are necessary.
- 1.12. Officers do however accept that £45,000 is a significant sum of money and it would be unreasonable to expect the applicant to carry out the works needed to retain the shopfront on this basis.
- 1.13. Although the Council has been presented with two alternatives for the repair of the shopfront, there is still doubt with regards the possibility of alternative repair works. Whilst Officers recognise the efforts of the applicant in providing additional information, there is still no written confirmation that these two options represent the only alternatives to repair and importantly a comprehensive structural report on both the current condition of the shopfront and all suitable methods of repair has not been submitted.
- 1.14. With the above in mind and after careful consideration of all the facts and supplementary documentation provided by the applicant, Officers are minded to recommend refusal of the shopfront application for the following reasons.

No 25 Bennington Street lies wholly within the Central Conservation Area and has been identified as a positive building in The Old Town Character Area Appraisal and Management Plan No. 1 (2007). The building's historic shopfront, which dates from the later part of the 19th century, has also been identified as positive in a shopfront survey produced by Cheltenham Civic Society. This shopfront is a fine example of a late 19th century historic shopfront which contributes to the character and appearance of this part of the conservation area and which should not be removed without justification.

The applicant has not provided proper justification for its removal. This historic shopfront window and fascia are considered an important heritage asset and as such, the proposed total removal of the timber shopfront and its replacement with a smaller UPVC sliding sash window and the total removal of the timber fascia would both be harmful to the character and the appearance of the conservation area. Accordingly, the proposals are contrary to section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and PPS5 (Planning for the Historic Environment) and policy CP7 of the Cheltenham Borough Local plan.

- 1.15. Officers are also minded to recommend refusal of the second application for the retention of the first floor UPVC windows (ref 14/00298/FUL) for the following reason.

No 25 Bennington Street lies wholly within the Central Conservation Area and has been identified as a positive building in The Old Town Character Area Appraisal and Management Plan No. 1 (2007). The retention of these unauthorised UPVC windows, by virtue of the uPVC material, would harm the character and appearance of the conservation area. Accordingly, the proposals are contrary to section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and PPS5 (Planning for the Historic Environment) and policies CP1, CP3, and CP7 of the Adopted Cheltenham Borough Local plan.