

## **REVISED COMMENTS**

### **Conservation & Heritage Consultation Response**

**Planning Officer:** Lucy White

**Application Nos:** 14/00297/FUL

**Site:** 25 Bennington Street

**Conservation Area:** Yes, Central Conservation Area and Old Town Character Appraisal area.

**Proposal:** Replacement of existing shopfront and door with sliding sash window and new timber entrance door.

**Further to:** pre-application site visit.

**Analysis of Site:** This building is prominent within the street scene with long distance views up and down the street.

#### **Historic Analysis of the site:**

1. This property is late 19<sup>th</sup> century and is shown on the 1884 map of the town. In my opinion this existing shopfront dates from the later part of the 19<sup>th</sup> century. The applicant has not submitted any evidence to confirm or deny the age of the shopfront.
2. This application property was last used as a printers shop with rooms above. Previous uses have included a tailor's shop, and electro-mechanical repair workshop.

#### **Comments:**

1. This application came before planning committee last month, but was not determined. Instead the application was deferred to allow the applicant, time to submit further information regarding the structural issues relating to the window. Some further information has been submitted and my comments in relation to that further information are at the end of this report.
2. However I have also copied my comments from last month's planning committee to ensure that all the relevant facts are considered, especially as there will be new members on the committee who were not at the planning committee in May.
3. **PREVIOUS RELEVANT COMMENTS TAKEN FROM LAST MONTH'S PLANNING COMMITTEE REPORT -**
  - a. This building has been recognised as a positive building on the townscape map in the central conservation area (Old Town) character appraisal and management plan, which was adopted by full Council in February 2007.
  - b. In addition this existing shopfront window was included in a shopfront survey produced by the Civic Society in 1989. In this survey it was considered to be a shopfront of historic interest (ie grade A). Although, this survey document from 1989 has never received any formal

adoption by the Council; none the less it is a useful starting point in accessing the historic value of the town's shopfronts. It was also used as evidence in the recent planning appeal (see below).

- c. This property received planning permission (11/00238/COU) on 19<sup>th</sup> April 2011 for the conversion and extension of this property into residential accommodation at ground and basement level. This application originally was for the total removal of the shopfront and its replacement with a smaller window and the total removal of the fascia. However planning and conservation officers expressed their concerns at the total loss of the shopfront window and fascia, and consequentially following negotiations during the application process, the application was revised to include the adaptation of the shopfront window and the retention of the fascia. On the basis that this window was retained and adapted, planning permission was granted for the change of use. A pre-commencement condition was attached to the permission, which required a method statement to be submitted to and agreed by the Council planning department, for the proposed alterations and repairs to the window prior to the commencement of work on site. However the applicant (Mr Burnett) failed to submit this method statement but still commenced the building work on the property, and to date this method statement has yet to be submitted in an acceptable form to the Council's planning department.
- d. Then the applicant (Mr Burnett) applied for planning permission (12/01359/FUL) to totally remove the shopfront window and totally remove the fascia, and replace them with a sliding sash window of 1m wide. This application was refused by the planning committee of Cheltenham Borough Council, and the applicant (Mr Burnett) appealed this refusal. However his appeal was dismissed by the Planning Inspector in 2013.
- e. However there are a number of pertinent points in the appeal inspector's decision notice dated 20<sup>th</sup> November 2013 which remain very relevant to the current application. These points made by the Inspector are as follows -quote-

***"I therefore consider that the existing shop front has historic merit in the context of the character and appearance of the Conservation Area".***

***"The presence of unsympathetic alterations in the street does not diminish the need to retain features, including a timber shop front at the appeal site, which continue to provide a clear historic link to the past mix of uses and maintain the local distinctiveness of this area. The total removal of the timber shop front and replacement with the proposed smaller window would therefore be harmful to the character and appearance of the Conservation Area".***

***"There appears to be agreement that there are structural problems with the beam above the existing window. However, the Council have stated that this could be resolved without having to remove the window and I have not received decisive evidence to suggest otherwise".***

***“There is also no decisive evidence submitted to suggest that the previous planning permission for residential use of this property could not be implemented”.***

- f. It is noted that there are inconsistencies between the two submitted proposed elevations drawings in the current application. However the proposed elevation drawing at scale 1:100 does relate accurately to the proposed plan and therefore it is this elevation drawing which I have considered as the accurate submitted information.
- g. Therefore the current application is absolutely identical to the previous refused application (12/01359/FUL) which was refused by the Planning Committee of Cheltenham Borough Council on 22<sup>nd</sup> November 2012, with this refusal decision being endorsed by the Planning Inspector decision on 20<sup>th</sup> November 2013.
- h. The applicant (Mr Burnett) had not previously submitted any written justification why this historic shopfront window has to be replaced or is beyond repair. Neither did he submit a method statement for the adaptation of the shopfront window prior to starting work on site, in order to discharge the planning condition which was attached to the original planning permission for the conversion work to this property. In addition the Planning Inspector also made the comment that he considered that there is also no decisive evidence submitted to suggest that the previous planning permission for residential use of this property could not be implemented.
- i. The application also proposes to replace the existing historic front door with a new timber door, but no information has been submitted to confirm what kind of new door is proposed. However it is accepted that this could be conditioned.

**4. COMMENTS ON THE ADDITIONAL INFORMATION SUBMITTED BY THE APPLICANT SINCE LAST MONTH’S PLANNING COMMITTEE**

The applicant has submitted an assortment of additional information some of which is irrelevant, and my comments on the relevant additional information, are as follows –

- i. A photograph of the rotten section of the window has been submitted. It is recognised that this window does need repair however the applicant has not submitted a report from a carpenter and joiner or window manufacturer to state that the window is beyond repair. Indeed there are resin based products on the market designed to repair rotten windows in situ but again no evidence has been submitted by the applicant to explain why such products cannot be used.
- ii. The applicant has now submitted a statement concerning a site visit attended by me, together with Andrew Silcock the applicant’s engineer, a Council planning officer and a Council building control surveyor. We all attended this site meeting, giving our time and advice in order to help the applicant to resolve the structural issues relating to the end bearing of the beam above the front window. At that meeting ideas were offered as suggestions and the possible idea suggested by me, was that a vertical metal post be introduced to support the beam above the

window. At that meeting the applicant's engineer agreed that this was a possible solution. No further evidence has been submitted by the applicant's engineer to explain why this idea is not feasible. However the applicant has stated that a vertical post will need works to the basement, but not provided any evidence of why or what works are required to the basement. The applicant has now provided costings for works to the basement, since he claims that works to the basement are necessary to resolve the beam above the window at ground floor level.

- iii. The applicant has also submitted a letter dated 21<sup>st</sup> March 2013 from Andrew Silcock of Butler Silcock, who is the applicant's structural engineer. This letter sets out an alternative way of resolving the structural issues by building a new masonry pier and thereby decreasing the width of the window opening. Such a method would result in the removal of the window.
- iv. The applicant has submitted additional information which is irrelevant includes a letter from the applicant's father, copies of sections of the building regulations and copies of the census from 1891.
- v. In my experience there will be ways that this structural repair can be resolved and also keep the window. However the applicant has provided costings for one method based on assumed works to the basement without any evidence explaining why work to the basement are necessary. The applicant has not provided any further convincing to explain why this window cannot be retained.
- vi. The other additional information submitted is irrelevant to the issues directly relating to this application.

### **Summary**

- i. This current application is completely identical to the previously application for planning permission (12/01359/FUL) which was refused by the planning committee, and completely identical to the previous planning appeal which was dismissed on 20<sup>th</sup> November 2013.
- ii. No decisive evidence has been submitted either with the original application or submitted as part of the additional information to suggest that the previously granted planning permission for change of use (including the retention of the shopfront and fascia), can not be implemented.
- iii. This shopfront window and the fascia have historic merit and the Planning Appeal Inspector has also reached that conclusion.
- iv. This application building has been identified as positive in the conservation area appraisal for the area (adopted Feb 2007).
- v. This shopfront window has been identified as being positive in the shopfront survey produced by Cheltenham Civic Society in 1989 and although this survey has no statutory weight none the less it is a confirmation of Cheltenham's shopfront heritage.
- vi. This application does not comply with Local Plan policy CP7, national legislation in the Planning (Listed Buildings and Conservation Areas) Act 1990

section 72(1), and national policies in the NPPF in particular sections 60, 131, 132, and 134.

**CONCLUSION:** Refuse

**Refusal reason:**

The proposed total removal of the timber shopfront and its replacement with the proposed smaller 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 Adopted Cheltenham Borough Local plan.

**Karen Radford**  
**Conservation & Heritage Manager**

**Date – 3<sup>rd</sup> June 2014**