

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 138 High Street is a two storey retail unit which is currently occupied by 'River Island'. The site is located within the Core Commercial Area, Central Shopping Area and Business Improvement District.
- 1.2 The site is also within the Old Town character area of the Central Conservation Area and adjacent to Lloyds Bank, a Grade II listed building.
- 1.3 The application is seeking planning permission for the installation of a new shopfront and alterations to the façade, and advertisement consent for new signage; the works are proposed in connection with a change of use from A1 retail to an A2 bank. The application has been submitted on behalf of Metro Bank PLC & Trustees of the Regent Arcade Trust.
- 1.4 Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for A1 retail units to be changed to A2 financial and professional units without requiring planning permission; the principle of the change of use must therefore be acceptable.
- 1.5 The application has been submitted following pre-application discussions.
- 1.6 The application is at committee for reasons of transparency as the Council has a property interest in the building.

2. CONSTRAINTS AND RELEVANT PLANNING DECISIONS

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Central Shopping Area
Smoke Control Order

Relevant Planning Decisions:

18/00681/FUL

Allowed on appeal

1st February 2019

Demolition and reconstruction of the Regent Arcade High Street entrance

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Saved Local Plan (LP) Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

BE 13 Advertisements and signs in conservation areas

Adopted Joint Core Strategy (JCS) Policies

SD1 Employment - Except Retail Development

SD2 Retail and City / Town Centres

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Shopfront design guide (2007)

Old Town Character Area Appraisal and Management Plan (2007)

4. CONSULTEE RESPONSES

Building Control

5th August 2019

No comment.

Heritage and Conservation

19th August 2019

Significance

The building is located in a prominent position in the Central Conservation Area (Old Town Character Area), a designated heritage asset. Cheltenham's Central Conservation Area was designated on 28 May 1973 and its boundary was extended on 14 August 1987.

The building is adjacent to 130 High Street (Lloyds) bank which is listed at Grade II (list entry number: 1104358). The building was purpose built as a bank in 1900 by Waller and Son.

To the north of the building are 159 and 161 High Street listed at Grade II (list entry number: 1104360).

Legislation and policy

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission, to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission with respect to any building or land in a conservation area, to pay special attention 'to the desirability of preserving or enhancing the character or appearance of that area.'

Paragraph 184 of the National Planning Policy Framework 2019 (NPPF) states that 'Heritage assets' are an irreplaceable resource, and should be conserved in a manner appropriate to their significance'.

Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that 'Designated' heritage assets and their settings will be conserved and enhanced as appropriate to their significance.'

Comment

The existing building has an asymmetrical façade and the proposed scheme presents an awkward addition that will exacerbate the existing contrived design. The resultant incongruous form would detract from the setting of the listed buildings by the introduction of a visually distracting, intrusive and overbearing façade that would disrupt how the buildings were experienced and would be detrimental to the character and appearance of the conservation area. Therefore the proposal would detract from the significance of the designated heritage assets, the degree of harm would be less than substantial as per the provisions of NPPF and the balancing exercise it prescribes.

Notwithstanding the above, an acceptable proposal may be presented through revisions to the existing scheme; which may consider, but not be limited to, the following.

With regard to the proposed two storey element, this could be increased in width to the left, when in elevation, towards the listed building (bank). This would go some way in providing a somewhat more unified/consistent form to this section of the façade and appropriate consideration would need to be given to the junctions between this element and the wider existing buildings. The removal of the two pilasters above the cornice of the far left hand bay would assist with giving a more cohesive form and some suitable design response/alteration should be considered given the contrasting forms of the pilaster to the second storey, immediately to the right of the mansard, and the clad vertical of the proposed frontage.

The proposed scheme presents too much signage all of which is internally illuminated and which will detract from the character and appearance of the conservation area and the setting of the listed buildings; due to it being visual overbearing and dominant. As such this aspect of the scheme is unacceptable.

The document Shopfront Design Guide: A guide for owners, designers and shopfitters, was adopted as a Supplementary Planning Document (SPD) on 23 February 2007 and is a material planning consideration. Paragraph 2.5 of the SPD states that the Local Authority is obliged to preserve and enhance the conservation area, 'which may require traders preferred shopfront treatments, including the extent of glazing' to be modified accordingly.' The paragraph also states that the Local Authority 'accepts no obligation to perpetuate any corporate image' and that where a design would detract from the building and/or its location, it would be expected that the scheme be altered.

If a revised design is pursued which will enlarge the two storey element then the signage as per the left hand bay will be dispensed with. It is also questionable as to whether the signage to the bay to the right of the two storey section is required as the signage to the upper section (1st floor level) will be clearly visible from Winchcombe Street to the north-east of the proposal site.

Conclusion

The proposal will detract from the significance of the designated heritage assets due to its visually incongruous form and is contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the JCS, and is therefore unacceptable.

Notwithstanding the above, a thoughtful revision that better incorporates the frontage within the asymmetrical façade and its classical/polite architectural elements, together with a reduction in the amount of signage, is likely to present an acceptable scheme that would overcome the above.

No highways objection.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to five neighbouring premises. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

19/01506/FUL

- 6.1 The main consideration when determining the application for planning permission relates to design and its impact on the historic environment.
- 6.2 Adopted JCS policy SD4 sets out the local design requirements for development proposals and highlights the need for new development to “respond positively to, and respect the character of, the site and its surroundings”; the policy reflects the aims and objectives of saved local plan policy CP7.
- 6.3 Additionally, with particular regard to development within the historic environment, Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, and the setting of listed buildings. This requirement is reflected in JCS policy SD8.
- 6.4 The existing façade is entirely modern and forms part of the wider replacement of the Regent Arcade shopping centre frontage carried out in 2013. In a recent appeal decision (APP/B1605/W/18/3209957) relating to the replacement of the Regent Arcade entrance, the Inspector recognised that *“As a pastiche façade it makes a minor contribution to the significance of the conservation area.”*
- 6.5 Early on in the application process, the applicant/agent was advised that the Conservation Officer had concerns in relation to the proposals; the Conservation Officer having concluded that the *“proposal will detract from the significance of the designated heritage assets due to its visually incongruous form”* resulting in less than substantial harm. The comments can be read in full at Section 4 above.
- 6.6 Notwithstanding these concerns, the Conservation Officer suggested that *“a thoughtful revision that better incorporates the frontage within the asymmetrical façade and its classical/polite architectural elements, together with a reduction in the amount of signage”* might overcome their concerns; and a number of suggested amendments were forwarded to the applicant.
- 6.7 However, the applicant has chosen to pursue the submitted scheme as the changes sought by officers would cause significant issues; their agent stating that *“the current design has evolved out of the initial pre-app discussions, which originally proposed a full double height approach across the frontage, more similar to the amended scheme now sought. This was resisted at the time...but we have...tried to achieve an appropriate compromise position to achieve an element of double height on the shopfront”*.

- 6.8 The agent has also highlighted that the submitted scheme has been *“the subject of extensive consultation and agreement with a number of third parties”* and that a substantial redesign would be likely to cause significant delays. The application must therefore be determined on the merits of the submitted scheme.
- 6.9 The application proposes the creation of a double height entrance framed by Limestone cladding with the remainder of the building’s façade remaining unchanged. The new shopfront and altered façade will undoubtedly appear as a contemporary addition within the street scene and, in this regard, the appeal decision on the new Regent Arcade entrance is pertinent, whereby the Inspector stated that whilst the new entrance *“would appear as an obviously contemporary element, and its proportions would not reflect the classical theme of the rest of the façade, or mimic the proportions of the nearby shopfronts”* it *“would fit in satisfactorily with the wider mix of building designs in this part of the conservation [area], and would provide the high standard of design that is sought by both local and national policies.”* The Inspector goes on to find that *“the proposal would at least preserve the character and appearance of the Cheltenham Conservation Area”*.
- 6.10 With the above in mind, officers are of the opinion that although the proposals might not necessarily be considered an enhancement, they will, at the very least, preserve the character and appearance of the wider conservation area. It is important to acknowledge that the entire frontage was rebuilt only a few years ago and no historic fabric remains. The building, as it currently stands, simply does not fit with Metro Bank’s core design principles.
- 6.11 Nevertheless, in accordance with paragraph 196 of the NPPF, the less than substantial harm to the significance of the designated heritage assets, as identified by the Conservation Officer, must be weighed against the public benefits of the proposal; whilst also acknowledging the statutory duty to consider the desirability of preserving the settings of the heritage assets, as set out at paragraph 6.3.
- 6.12 The NPPF (Paragraph: 020 Reference ID: 18a-020-20190723) sets out that public benefits can *“be anything that delivers economic, social or environmental objectives... should flow from the proposed development...and be of benefit to the public at large”*.
- 6.13 Officers consider that in this instance the socio-economic benefits of the scheme will almost certainly outweigh the ‘less than substantial’ harm. The proposal represents a significant long term investment in the High Street and will make a positive contribution to the ongoing vitality and viability of the town centre. The challenges facing High Streets throughout the UK are well documented and new appropriate investment in the town centre should, in officer’s opinion, be welcomed. Paragraph 4.4.2 of the JCS identifies that the nature of the town centre is changing due to the increase in internet shopping, and highlights the importance of allowing the flexibility to diversify, and promoting competitiveness in order to provide individuality, choice and diversity.
- 6.14 In this respect, the Planning, Design and Access Statement which accompanies the application sets out that Metro Bank’s *“ambition is to revolutionise the UK banking market – creating real competition and choice for personal and business banking customers”*. The bank offers extended opening hours, 7 days a week, including evenings, Sundays and Bank Holidays, and is *“genuinely accessible to all, regardless of personal circumstances and commitments”*.
- 6.15 With all of the above in mind, on balance, the proposals are considered to be acceptable in terms of design and impact on the historic environment.

19/01506/ADV

- 6.16 In considering the application for advertisement consent, the only matters that can be taken into account are visual amenity and public safety.

- 6.17 Overall, the proposed signage is considered to be acceptable. Although the Conservation Officer considers that too much signage is proposed, the signage is commensurate with the width of the proposed unit; there are a number of buildings within the vicinity whereby the fascia signage extends the full width of the building and is repetitive in its content. Additionally, the glass mounted signage at first floor is reflective of the signage recently implemented on the nearby 'Next' retail store, and that proposed to the new Regent Arcade entrance.
- 6.18 Moreover, with regard to public safety, the signage will not result in any harm to the safety of highway users. The method and level of illumination proposed for the signs is considered to be acceptable in this town centre location. The site is located on the main High Street within the Core Commercial Area and Central Shopping Area, and no Highway objection has been raised.

Recommendation

- 6.19 With all of the above in mind, the recommendation is to grant both planning permission and advertisement consent subject to the following conditions:

7. CONDITIONS

19/01506/FUL

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions of 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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

19/01506/ADV

- 1 The advertisement consent hereby granted shall expire after a period of five years from the date of this decision.

Reason: To accord with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 The advertisement consent hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

ii) No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with the provisions of Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

INFORMATIVE

19/01506/FUL

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.