

Item No 11:-

19/00017/FUL

**20 Black Jack Street
Cirencester
Gloucestershire
GL7 2AA**

Item No 11:-

Alterations to street elevation including replacing existing street-facing ground floor windows and doors at 20 Black Jack Street Cirencester Gloucestershire GL7 2AA

Full Application 19/00017/FUL	
Applicant:	Arkells Brewery Ltd.
Agent:	Clark & Maslin
Case Officer:	Lisa-Marie Evans
Ward Member(s):	Councillor Mark Harris
Committee Date:	10th April 2019
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Character and Appearance of Designated Heritage Assets - Listed Building and Conservation Area
- (b) Residential Amenity
- (c) Highway Safety & Parking Provisions

Reasons for Referral:

Cllr. Mark Harris has referred this application to Committee as he does not believe that any harm will be caused to the Conservation Area as a result of the proposed development and therefore no benefit will be required to outweigh it. However, the benefit of improving the street scene in line with the top end of Black Jack Street will help achieve local council goals of ensuring Cirencester has a vibrant town centre.

1. Site Description:

The application site comprises a three storey building located on Black Jack Street, Cirencester, which operates as the Golden Cross public house. The site is located within the Cirencester Town Centre Conservation Area and is within 50 metres of a listed building; with numbers 14, 16, 18 and 24 all being grade II listed. The building is constructed of a mixture of traditional Cotswold stone and red brick, with timber framed windows, and is considered to be a Non-Designated Heritage Asset.

The application site also lies within the development boundary of Cirencester and the Cirencester Central Area, as well as within a Secondary Frontages area, having regard to Local Plan Policy S3.

2. Relevant Planning History:

01/01872/FUL - Alterations and extension - PERMIT - 15/02/2002

02/01843/FUL - Conversion of existing building forming accommodation - PERMIT - 30/09/2002

3. Planning Policies:

NPPF National Planning Policy Framework
EN2 Design of Built & Natural Environment
EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas
 INF4 Highway Safety
 INF5 Parking Provision
 DS2 Dev within Development Boundaries
 S3 S3 - Cirencester Central Area
 EC7 Retail

4. Observations of Consultees:

Conservation Officer - Objection. Recommendation to refuse.

GCC Archaeologist - No ground works proposed therefore no objection.

5. View of Town/Parish Council:

Cirencester Town Council - Having considered the Conservation Officer's report of 22nd March 2019, which post-dates the Town Council's consideration of the application dated 28th January 2019 (at which point the Town Council had no objection to the proposal), the Town Council's Chairman of Planning, Cllr. Stuart Tarr, states that he is inclined to the view that the applicant should heed the advice which has been given and that failure to do so should result in refusal.

6. Other Representations:

No comments received at the time of writing the report.

7. Applicant's Supporting Information:

None.

8. Officer's Assessment:

The scheme proposes alterations to the shop front of the building. It is proposed that the stall riser and ground floor window of the Golden Cross are replaced with bi-fold doors and a new fascia panel. It was previously proposed that a new awning also be attached to the historic fascia of this building. However, following discussions with officers, revised drawings have been submitted withdrawing the proposed awning from the scheme.

(a) Affect on Character and Appearance of Designated Heritage Assets - Conservation Area and the Setting of a Listed Building

The Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the updated NPPF reflects this and requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets. In particular, paragraph 193 states that when considering the impact of a proposal on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation. It also states that the significance of a designated heritage asset can be harmed through alteration or development within its setting. Paragraph 196 states that where proposals will cause harm to the significance of such an asset that is less than substantial harm, that harm should be weighed against the public benefits of those works.

Local Plan Policies EN10 and EN11 reiterate this and state that development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings) will be permitted. They also state that proposals must preserve, and where appropriate, enhance the character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features.

The new Local Plan 2011-2031 which was adopted in July 2018, and most notably Policy EN2 within it, requires development to be sustainable and designed in a manner that respects the character and distinctive appearance of the Cotswold District in accordance with the Cotswold Design Code (Appendix D). Section 12 of the updated NPPF also requires good design.

It is deemed that the removal of the existing stall risers would not only result in the loss of an historic detail that contributes to the significance of this Non-Designated Heritage Asset, but its replacement with bi-fold doors would alter the appearance of this traditional shop front. The replacement of the stall riser with bi-fold doors would also obscure the historic division between the building and the street on which it is sited. In a street that is dominated by historic listed buildings and traditional shop fronts, this change would not only appear incongruous and out of place, it would also fail to preserve or enhance the character of the Conservation Area.

The Cotswold Design Code, (Appendix D, D.67 6.a.) relating to Policy EN2 of the Local Plan, states that 'Historic shop fronts should be preserved, including any features of significance'; it also states that 'where alteration of historic or traditional shop fronts is proposed, this should be sympathetic to the building and the wider area'. The proposal in this application would not only result in the loss of a significant feature, but the nature of the new shop front, and in particular the transience of the division between the building and the street, would be out of character with the traditional shop fronts that line Black Jack Street.

Whilst Officers have no issue with the principle of replacing the window (which is itself a modern insertion), there are concerns in relation to the loss of the stall riser which has simple but distinct decorative features and which is an historic part of this traditional shop front. It's deemed that the removal of this stall riser would result in the loss of historic detail which contributes to the significance of this Non-Designated Heritage Asset. The replacement bi-fold doors would alter the appearance of this traditional shop front and would be considered to not respect the character and distinctive appearance of the Conservation Area.

Although Officers consider that the proposals in this application will cause harm, it is considered that this harm would fall into the category of 'less than substantial harm' in terms of the relevant section of the NPPF. As such Paragraph 196, which states that less than substantial harm should be weighed against the public benefits of the proposal, is pertinent. Although considered 'less than substantial' under the terms of the NPPF, these proposals would still cause harm to the designated heritage asset with no evidence of public benefit. The harm must therefore be afforded great weight.

Paragraph 9.7.5 of the pre-amble for Policy EC7 of the Local Plan states, "The concentration of a variety of shopping and other services within a Centre is a major component of maintaining its vitality and viability. Growth and enhancement in these locations is considered to be the most effective strategy for improving the overall economic performance and competitiveness of the District."

Despite discussions with the applicant, no case for the possible economic benefits relating to this development has been submitted or put forward for Officers' consideration. However, Officers recognise the potential economic benefit which may result from the scheme having regard to Policy S3 which identifies Black Jack Street as an important frontage (Secondary Frontage) in relation to the vitality and viability of the town centre. Nevertheless, Policy S3 requires that the historic environment should form an integral part of new proposals. It is therefore considered that the potential economic benefit would not outweigh the detrimental harm this scheme would cause to both the Conservation Area, as a Designated Heritage Asset and the building itself, as a Non-Designated Heritage Asset.

Furthermore, although it's proposed to remove the existing historic stall riser, the shop front would fail to offer a disabled access as a step from the street into the building would remain.

(b) Residential Amenity

Policy EN2 of the new Local Plan refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity and site in line with the NPPF.

One of the core planning principles of the NPPF (paragraph 127) states that, "Planning policies and decisions should ensure that developments:... create places that are safe, inclusive and accessible... with a high standard of amenity for existing and future users...".

Owing to the scale, siting and position to relative neighbouring properties, the proposed development is not considered to impinge any further on the residential amenities of the neighbouring properties having regard to disturbance, loss of light or overlooking. The proposed development is therefore considered to accord with the objectives of the Cotswold District Local Plan Policy EN2 and The Design Code (Appendix D) and the residential amenity considerations contained in Section 12 of the NPPF.

(c) Highway Safety & Parking Provisions

The Cotswold District Local Plan Policies INF4 and INF5 are concerned with highway safety and parking provisions respectively. Policy INF4 states that development will be permitted where it "creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians..." and "provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds". INF5 states that "development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary...".

Section 9 of the NPPF promotes sustainable transport. Paragraph 108 advises that when assessing sites or specific applications for development, it should be ensured that ..."safe and suitable access to the site can be achieved for all users". Paragraph 105 states that local planning authorities should take into account the following when setting parking standards; the accessibility of the development, type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

It's deemed that the proposed development will not have an effect on highway safety as the scheme will not materially affect current access to the site or existing parking arrangements.

9. Conclusion:

The proposal within this application would be harmful to the character and appearance of the Conservation Area, which is a Designated Heritage Asset, as well as the setting of the surrounding listed buildings and would diminish the significance of the Non-Designated Heritage Asset and harm its appearance. Therefore the proposal is considered not to comply with national guidance and the relevant policies of the Development Plan. As such, planning permission should be refused.

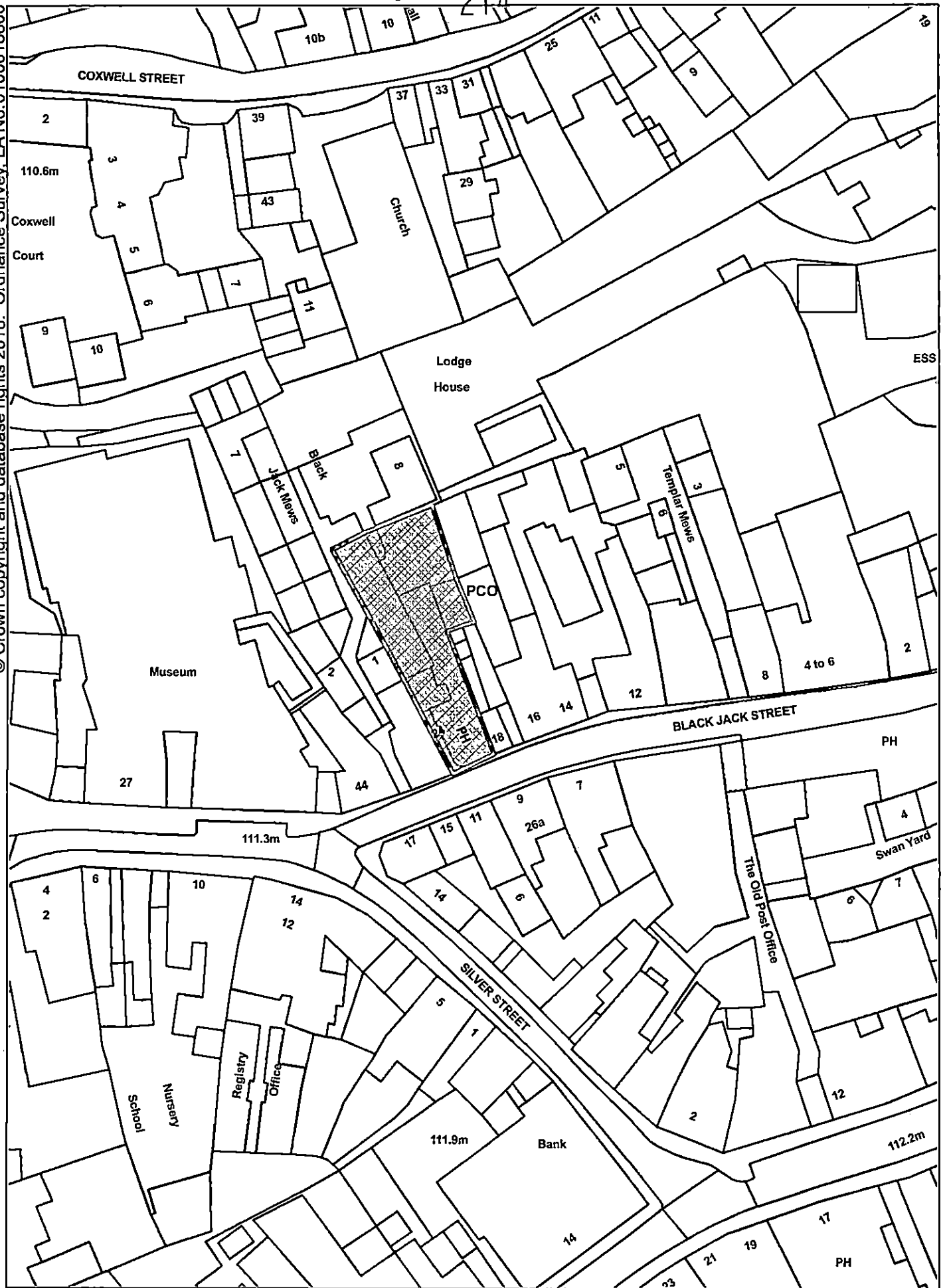
10. Reasons for Refusal:

The Golden Cross, 20 Black Jack Street, lies within the setting of Jessie Smith and Co (14, 16 and 18 Black Jack Street), No 24 Black Jack Street and a number of other buildings on Black Jack Street which are Grade II listed. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving these buildings or their setting or any features of special architectural or historic interest which they possess. The current proposal, by virtue of the removal of an historic stall riser and the installation of fully opening bi-fold doors which would remove the division between the building and the street, would harm aspects of the listed buildings' setting that contribute positively to their significance, thereby neither preserving their

special architectural or historic interest, nor sustaining their significance as a designated heritage assets. The harm would be less-than-substantial, but not be outweighed by any resultant public benefits. As such the proposal conflicts with paragraph 196 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 66(1) of the 1990 Act. The proposal is also contrary to Policies EN2, EN10, EN11 and EN12 of the Cotswold District Local Plan.

The Golden Cross, 20 Black Jack Street lies within the Cirencester Town Centre Conservation Area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The current proposals, by virtue of the removal of an historic stall riser and the installation of fully opening bi-fold doors which would remove the division between the building and the street (which is an historic characteristic of the street scene), would neither preserve nor enhance the character and appearance of the Cirencester Town Centre Conservation Area. The harm would be less-than-substantial, but not be outweighed by any resultant public benefits. As such the proposals conflict with paragraph 196 of the National Planning Policy Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 72(1) of the 1990 Act. The proposals are also contrary to Policies EN2, EN10, EN11 and EN12 of the Cotswold District Local Plan.

The Golden Cross, 20 Black Jack Street has also been identified as a Non-Designated Heritage Asset. The National Planning Policy Framework requires Local Planning Authorities to take into account the effect of an application on the significance of a non-designated heritage asset and to come to a balanced judgement regarding the scale of any harm or loss and the significance of the heritage asset. The current proposals, by virtue of the removal of an historic stall riser, and the installation of fully opening bi-fold doors which would remove the division between the building and the street, would cause a level of harm disproportionate to the significance of the building as a NDHA. As such the proposals conflict with paragraph 197 of the Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework. The proposals are also contrary to Policies EN2, EN10, EN11 and EN12 of the Cotswold District Local Plan.



20 BLACK JACK STREET CIRENCESTER GLOS

Scale: 1:750

Organisation: Cotswold District Council

Department:

Date: 28/03/2019

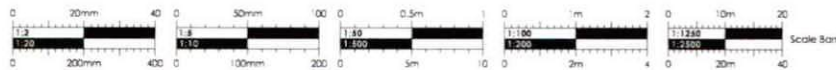
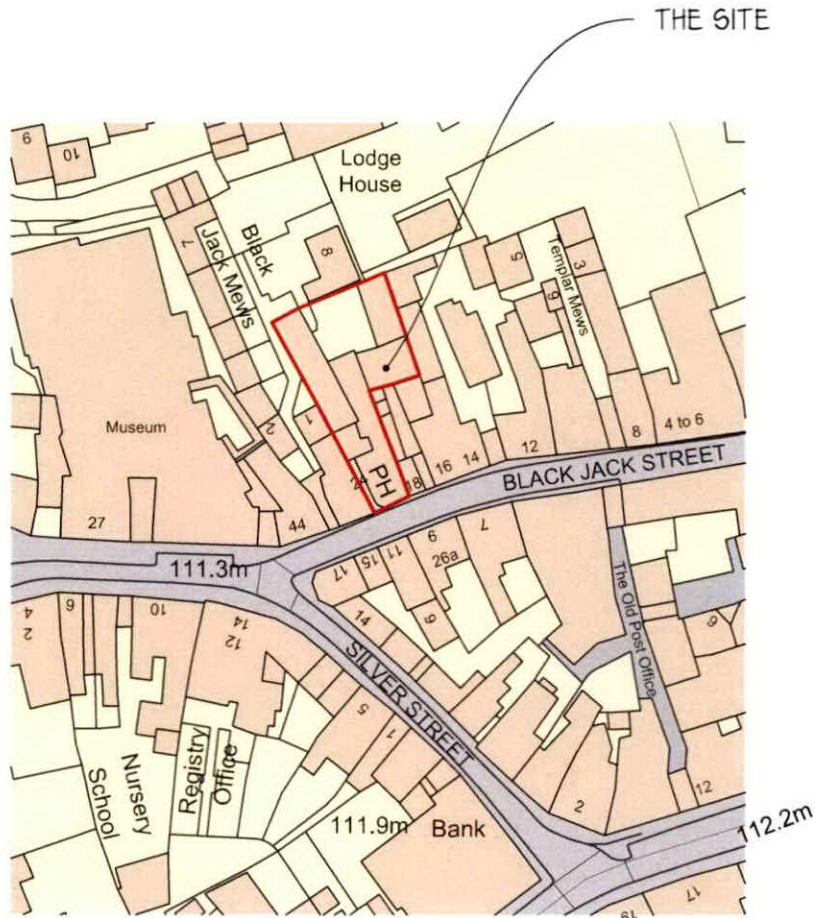


COTSWOLD
DISTRICT COUNCIL



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REV	DETAIL OF REVISION	BY	DATE
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 Planning Architecture Conservation

Client ARKELLS BREWERY LTD.	Document Type -
Project ALTERATIONS TO FRONT ELEVATION, THE GOLDEN CROSS INN, BLACK JACK STREET, CIRENCESTER, GLOS. GL7 2AA	Scale 1:1250
Description SITE LOCATION PLAN	PG Size A4
	Date JAN '19
	Drawn -
	Drawing No 4743/02
	Revision -

SURVEY DRAWING

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Client: **ARKELLS BREWERY LTD.**

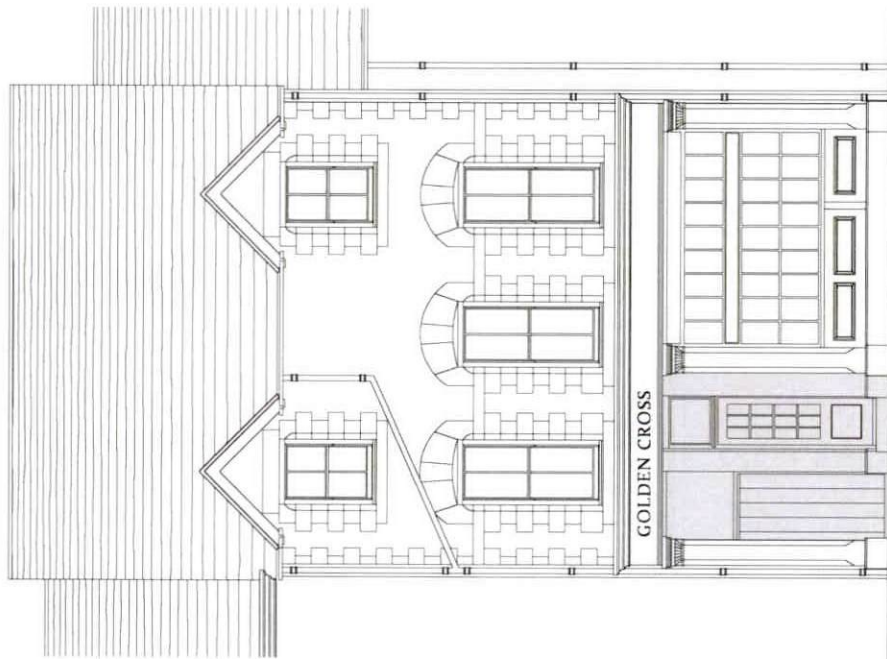
Project: **ALTERATIONS TO FRONT ELEVATION, THE GOLDEN CROSS INN, BLACK JACK STREET, CIRENCESTER, GLOS. GL2 2AA**

Task: **EXISTING FLOOR PLAN & FRONT ELEVATION**

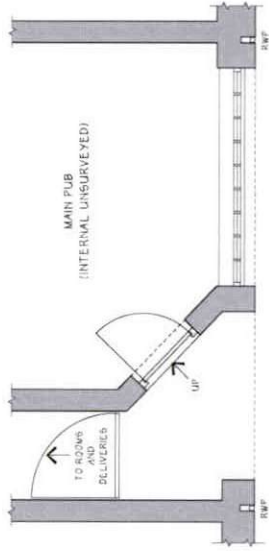
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 Issue: BJ
 Date: OCT '18

Drawing No: **4743/01**
 Revision: -

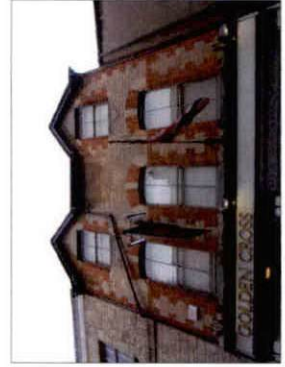
ALTERATIONS TO FRONT ELEVATION, THE GOLDEN CROSS INN



FRONT ELEVATION (1:50)



MAIN ENTRANCE PLAN (1:50)



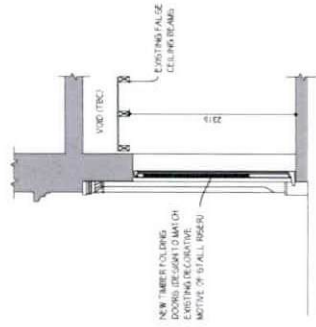
PLANNING DRAWING

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Client	ARKELLS BREWERY LTD.
Project	ALTERATIONS TO FRONT ELEVATION, THE GOLDEN CROSS INN, BLACK JACK STREET, CIRENCESTER, GLOS. GL7 2AA
Drawn	Proposed Floor Plan & Front Elevation
Scale	1:50
Per. No.	A2
Drawn	BJ
Date	OCT '18
Drawing No.	4743/50
Revision	C

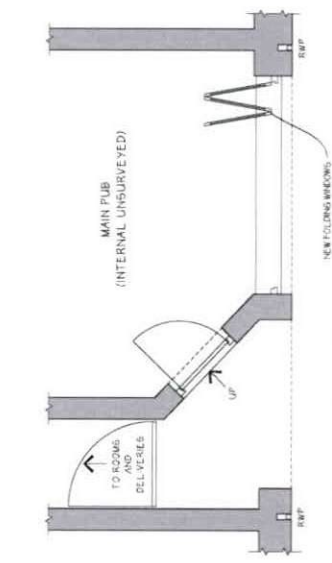
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REV	DETAIL OF REVISION	BY	DATE
A	AMENDED TO CLIENTS REQUESTS	BJ	10/10/18
B	UPDATED TO CHIBEN'S SCHEME	BJ	03/07/19
C	AMENDING ARCHITECTURAL RECORD IN BLACK NORTH ALBERTA	BJ	17/02/19

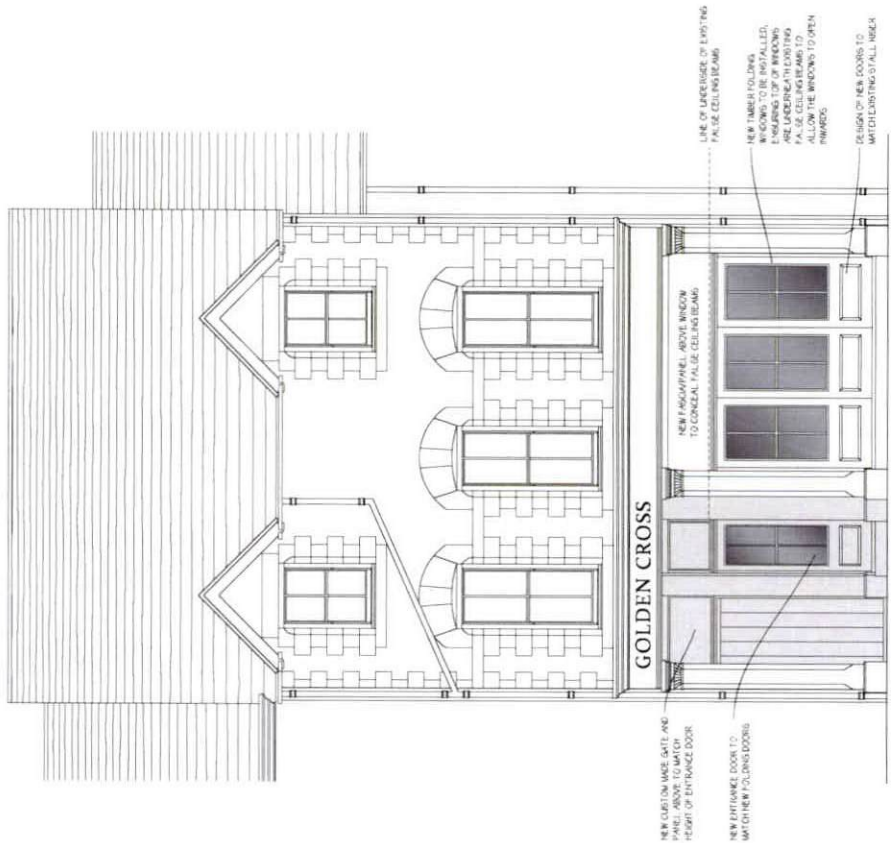


SIDE ELEVATION / SECTION (1:50)

ALTERATIONS TO FRONT ELEVATION, THE GOLDEN CROSS INN



MAIN ENTRANCE PLAN (1:50)



PROPOSED FRONT ELEVATION (1:50)