

# Planning and Heritage Statement

Proposed change of use of the  
basement, ground and first floors from  
retail to a single dwellinghouse

3 North Street, Winchcombe,  
Gloucestershire, GL54 5LJ

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## Introduction and Site Context

1. This supporting statement accompanies an application for change of use of the basement, ground and first floors of 3, North Street from retail to a single dwellinghouse. The application relates to a Grade II listed building adjoining Winchcombe Cross House, which is also Grade II listed. The latter is located at the corner of High Street and North Street within Winchcombe town centre and its historic core. The site therefore forms part of the designated conservation area.
2. The application has been submitted alongside the necessary application for listed building consent, concerning internal subdivision works that are required to facilitate residential use.
3. The application has been submitted on the basis of seeking planning permission and listed building consent. The submitted plans reflect the internal alterations required to facilitate the change of use. No significant external changes are necessary, albeit a soil vent pipe is shown to the rear elevation.
4. Winchcombe is a small town located in the south-west of Gloucestershire. It lies on the north bank of the River Isbourne, towards the head of a valley which cuts deeply into the Cotswold escarpment. The site therefore lies within the Cotswolds AONB, albeit the urban context of the site and the change of use nature of the application preclude any material effect on this designation.
5. Winchcombe Conservation Area was designated by Gloucestershire County Council on 19 March 1971 and covers most of the historic core of the town, together with a substantial area of land on the southern and eastern sides of the town. The Conservation Area Appraisal (February 2012) notes, as being of special interest, the *“continuous frontages of historic buildings with good examples of typical Cotswold vernacular architecture lining its main streets, without significant interruption from unsympathetic development”*. The application site forms part of the continuous historic frontages.
6. As regards planning history, the following application for the wider site area is noted. However, it would appear that this permission was never implemented.

15/01087/FUL - Change of use of flat one and flat two from residential to office space - 1 Winchcombe Cross House, High Street, Winchcombe - Approved on 3 December 2015

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## Policy Context

7. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are taken in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Joint Core Strategy (December 2017) and the Tewkesbury Borough Plan (June 2022) and the Winchcombe & Sudeley NDP (January 2017).
8. The Joint Core Strategy (JCS) is a partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, which sets out a strategic planning framework for the three areas. The Tewkesbury Borough Plan identifies specific locations for additional smaller-scale growth and sets out further development management policies. The parishes of Winchcombe and Sudeley were designated as a neighbourhood area, and following an independent examination and local referendum, the Borough Council resolved to bring the NDP into force on 24 January 2017.
9. The National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) are material considerations that carry substantial weight in decision-making.

## National Planning Policy Framework

10. National policy is set out in the National Planning Policy Framework, supported by the Planning Practice Guidance. The Framework has been revised on several occasions, with the most recent version being published in December 2023. The Framework, at paragraph 2, repeats that applications for planning permission are required to be determined in accordance with the development plan unless material considerations, including the Framework, indicate otherwise.
11. The Framework sets out that plans and decisions should apply a presumption in favour of sustainable development which is explained at paragraph 11. For decision-taking this means:-  
  
*c) approving development proposals that accord with an up-to-date development plan without delay;*  
*or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*  
  
*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

12. The Framework, at paragraph 8, states that *“achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)”*. These are described as follows:-

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

13. Paragraph 12 explains that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Nonetheless, in line with the statutory planning balance described above, it reinforces that local planning authorities may take decisions that depart from an up-to-date development plan where material considerations in a particular case indicate that the plan should not be followed.

14. Paragraph 60 also reinforces that the Government’s objective is to significantly boost housing supply. Local authorities must facilitate this through identifying a sufficient amount and variety of land to come forward where it is needed and by ensuring that the needs of groups with specific housing requirements are addressed. Paragraph 63 adds that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

## Joint Core Strategy (JCS)

15. The JCS (adopted December 2017) covers the period from 2011-2031 and forms part of the statutory development plan for each council; providing the strategic planning framework for each local plan. It contains a number of strategic allocations to help meet housing and employment needs as well as strategic development management policies to guide future development in the JCS area. The following policies are relevant to this proposal and have been considered.

SP1 – The need for new development

SP2 – Distribution of new development

INF1 – Transport network

INF2 – Flood risk management

SD2 – Retail and city/town centres

SD3 – Sustainable design and construction

SD4 – Design requirements

SD8 – Historic environment

SD9 – Biodiversity and geodiversity

SD10 – Residential development

SD11 – Housing mix and standards

SD14 – Health and environmental quality

16. Policy SD10 states that within the JCS area, new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. However, on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously developed land in defined locations, except where otherwise restricted by policies within local plans. The list of locations includes Rural Service Centres (Bishops Cleeve and Winchcombe).

17. Paragraph 33 of the Framework sets out a requirement for reviews to be completed within 5 years of adoption. It is now well in excess of 5 years since the adoption of the JCS; and following agreement, Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council are now producing a Strategic and Local Plan. This will provide an overarching planning strategy and cross-boundary strategic policies covering the whole area, and local policies for each local authority. The consultation on Issues and Options will commence in January 2024 and run for eight weeks. Until such

time as the plan is adopted, the degree of consistency of JCS policies and those found in the Framework is a material consideration for planning applications.

## Tewkesbury Borough Plan

18. The Tewkesbury Borough Plan (the TBP) was adopted by the Borough Council in June 2022. It covers the period from 2011 – 2031. Whilst the JCS identifies larger sites for housing and employment, and deals with strategic issues, the TBP identifies the additional specific locations for smaller-scale growth and sets out detailed policies for development (and how key assets, such as valuable countryside, built heritage and open spaces, will be protected). The following policies are relevant to this proposal.

RES2 – Settlement boundaries

RES5 – New housing development

RET1 – Maintaining vitality and viability of town, boroughs and local centres

RET3 – Retail centres

HER1 – Conservation areas

HER2 – Listed buildings

DES1 – Housing space standards

DES4 – Shopfronts

EV2 – Flood risk and water management

COM2 – Broadband provision

TRAC1 – Pedestrian accessibility

TRAC2 – Cycle network and infrastructure

TRAC9 – Parking provision

19. Policy RET3 applies to the designated retail centres, including Winchcombe. It states that, where permission is required, the change of use from retail related uses will only be supported where the alternative proposal is a main town centre use, which supports the vitality and viability of the retail area, and no less than 50% of the remaining units within the designated area would be within retail related uses at ground floor level. Proposals that do not meet the requirements of this policy will only be accepted in exceptional circumstances where it can be demonstrated that an existing unit is unviable and unsuitable for retail related uses. Conversely, on upper floors within the retail centres, proposals for residential use and main town centre uses will be supported.

20. Policy RES5 sets out a range of principles intended to guide, or shape, new housing development.
21. There is guidance on sustainable water management within the Flood and Water Management SPD, which was adopted by Tewkesbury Borough Council in March 2018.

## Winchcombe & Sudeley Neighbourhood Development Plan

22. The Winchcombe & Sudeley NDP (adopted January 2017) forms part of the statutory development plan for Tewkesbury Borough. It covers the period from 2011 – 2031. Like many neighbourhood plans, this NDP focuses on where new houses, businesses and shops should be located and how they should be designed. The following policies are considered to be relevant.

Policy 1.1 – Protecting the distinctive character of the area

Policy 2.3 – Retail development

Policy 2.4 – Protection of business premises

Policy 5.1 – Design of new development

Policy 5.3 – Winchcombe Conservation Area

Policy 5.6 – Gardens

23. Policy 2.4, concerning protection of Winchcombe's business premises, says that development that would result in the loss of any retail or business premises in the designated Town Centre area (as shown on the Proposals Map at Appendix 1 of the NDP) must demonstrate that the existing use is no longer commercially viable, further to an active marketing period of at least 12 months.
24. The reasoned justification to Policy 2.4 states that *"the high price of residential property may lead to pressure to convert retail and other commercial premises to residential use"*. It goes on to say that *"the Town Council is keen to protect retail businesses from such pressure, in order to guard against trends that could undermine the town's economic vitality and sustainability"*.



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## Principle of the Development

25. No conflict is identified with the development strategy set out within the development plan when read as a whole, in terms of the location of new housing and the defined settlement boundary for Winchcombe. That said, the protection afforded to town centre retail units must be considered.
26. The site subject to this change of use proposal has most recently been used as a Sue Ryder charity shop. It forms part of Winchcombe town centre and lies within the development boundary defined in the TBP. As a charity shop, involving retail of goods to visiting members of the public, it lies within the new, more flexible Class E (commercial, business and service). This Use Class brings together the former classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes), as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure).
27. It must firstly be recognised that the proposed change of use of the ground floor to a non-retail use, one that does not fall within the NPPF definition of main town centre uses, leads to tension with Policy RET3 of the TBP and Policy 2.4 of the NDP and their more restrictive approach. That said, there would be considerably more than 50% of the remaining units within Winchcombe's town centre with retail related uses at ground floor level. Moreover, the premises in question has a narrow frontage and, as its shopfront glazing would be retained, there would be negligible visual impact on vibrancy.
28. The flexibility introduced by the Use Classes Amendment Order brought into force on 1 September 2020 means that local policies seeking to strictly control retail uses within town centres are no longer consistent with the more flexible approach reflected under Class E. Planning permission is no longer required to move between the uses listed from E a) to E g); notably including offices, research & development and light industrial workshop uses that would likely add little to the vitality of, and footfall within, the town centre. It follows that the introduction of a residential use would not cause any greater degree of harm compared to the 'fallback' position.
29. The change of use sought must also be considered as part of the overall premises, insofar as the wider, much larger ground floor space within Winchcombe Cross House and 10 High Street would remain in retail use. The application is in response to market demand and the cessation of use by Sue Ryder, who permanently closed their premises in this location. Furthermore, it is reiterated that local planning policy (RET3 of the TBP) sets out support for proposals for residential use at upper floors

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within the retail centres. In terms of guidance in the Framework, paragraph 90 f) says that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

30. It is also necessary to touch upon the social and environmental benefits of the development, insofar as the proposal would make effective use of a currently vacant building, thus reducing the need for using scarce natural resources; and deliver much needed smaller (one-bed) market housing in a sustainable urban location, thus contributing towards meeting housing needs within the Borough. In relation to the latter point, the following observations are made.
31. The Tewkesbury Borough Five Year Housing Land Supply Statement (dated October 2023) states that, as of 31 March 2023 and when set against local housing need plus a 5% buffer, Tewkesbury Borough Council can only demonstrate 3.24 years' supply of housing land. That said, it is recognised that local authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if their adopted plan is less than five years old; and the adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.
32. On the basis that, at the date of the Examiner's final report (12 April 2022), the TBP complied with those circumstances, it follows that the tilted balance under paragraph 11 d) of the Framework is not triggered. That said, the substantial undersupply of housing land remains a material consideration in decision making and weighs fully in favour of sustainably located housing development proposals, particularly those making effective re-use of existing buildings.
33. Drawing all this together, the proposed change of use affords the opportunity to achieve a more effective use of a building lying in a sustainable, urban location. Future occupiers would be well-served by local amenities and not reliant on the private car as a mode of transport. The opportunity to boost the Council's shortfall in housing land supply, should be attributed appropriate weight in any decision. Whilst some tension arises with adopted local policy, in the sense of the protection of retail uses within town centre frontages, this has been justified in the foregoing appraisal.

## Design and Built Heritage

34. Good design is a key theme outlined in the revised Framework, as a fundamental component of sustainable development. Paragraph 131 highlights the importance that well-designed buildings can have in improving the lives of people and communities. Turning to local policy, Policy SD4 of the JCS sets out the principles of good design and appropriate local requirements. It requires development to respond positively to and respect the character of the site and its surroundings, enhancing local distinctiveness and addressing the urban structure and grain of the locality.
35. Policy SD8 of the JCS, concerning built heritage, also states that development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. Moreover, designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.
36. The relevant listing descriptions, dating to October 1984, for the buildings affected by the proposal are as follows. Both are Grade II listed and therefore constitute designated heritage assets.

### KENULF GALLERY, 1 NORTH STREET / 10 HIGH STREET

List Entry Number: 1091469

*House and shop. Late C19. Limestone ashlar, Welsh slate roof, hipped, central brick stack. A corner building at junction of North Street and High Street, with fine curved wall to junction over doorway set on diagonal. Three storeys, 2-windowed + 1-windowed in curved corner, sashes without bars at first and second floors, but blank panel with painted sign at first floor on corner, plate glass display windows, glazed door under decorative pediment. Return to High Street, 2-windowed, over 4-pane plate glass display window. No 3, North Street (qv) and No 10 High Street (qv) are also part of the same ownership at time of survey. Listed primarily for its important design function on this vital corner.*

<https://historicengland.org.uk/listing/the-list/list-entry/1091469?section=official-list-entry>

### KENULF GALLERY, 3 NORTH STREET

List Entry Number: 1340255

*House and shop. C17 or earlier. Rendered on timber framing, with scalloped parget decoration to windows and quoins at right end, Welsh slate roof. Two storeys and basement, 1-windowed, 3-light casement over two C19 bows with glazing bars, over stone stall riser, central flush panelled door. This was probably originally a jettied structure, and contains some stone walling and heavy timber framing within. At the time of survey, it formed part of the Kenulf Gallery, No 1 North Street (qv).*

<https://historicengland.org.uk/listing/the-list/list-entry/1340255?section=official-list-entry>

37. It must firstly be stressed that there are no material alterations to the external appearance of the buildings, with a discreetly sited soil vent pipe at the rear amounting to a modest and necessary change. Details of the materiality and finish of the pipe can be secured by condition.
38. As regards internal changes, the proposed floor plans indicate that the blocking up of existing internal openings between 3 North Street and Winchcombe Cross House would be necessary. This includes a single opening at basement, ground and first floor levels. However, these openings are very likely to have been formed by alterations undertaken during the 20<sup>th</sup> century to facilitate use as part of the art gallery. This proposal affords the opportunity to reinstate the historic independence of 3 North Street from Winchcombe Cross House (1 North Street), with ensuing heritage benefits. The proposed fitting of a new kitchen at ground floor and a new shower room at first floor are not significant interventions, and details of the routing of any new pipework can be addressed through condition.
39. Turning to the standard of amenity for future occupiers, the proposal is for a one-bed unit suitable for a couple wishing to live without reliance on private car in a central, urban area. In relation to habitable accommodation, the proposal exceeds the 58sqm minimum floor area set out under the Nationally Described Space Standard for a 1-bed, 2-person unit of two-storey design. Standing at around 75sqm, the proposed dwelling would provide future occupiers a good standard of living without adversely affecting affordability. The proposal is thereby compliant with Policy DES1 of the TBC, and also accords with the aspirations of Policy SD11 of the JCS, which seeks to ensure the delivery of accommodation for people with different needs and at different stages in their lives.
40. The proposed change of use, whilst understandably making limited provision for outdoor space, would afford future occupiers with access to a range of green spaces within and around the town, thereby fulfilling paragraph 135 f) of the Framework. In relation to conserving the residential amenities of

occupiers of adjacent properties, the absence of extensions or new windows means that any potential for overlooking or effect on immediate outlook has been avoided. Residential use can therefore be accommodated without adversely affecting the amenities of neighbouring occupiers.

41. In relation to sustainability, and mitigating the effects of Climate Change, the fitting out of the dwelling would be subject to a specification for energy efficiency that fulfils the latest Building Regulations. The proposed heating and hot water arrangements would also ensure the most efficient system, and other measures such as potable water efficiency and superfast broadband connectivity, are to be integrated. Overall, this accords with the requirements of Policy SD3 of the JCS.
42. In summary, the proposed change of use is appropriate to its densely occupied, urban setting; representing the sustainable re-use of a Grade II listed building with minimal intervention, and ensuring a good standard of amenity for neighbours and future occupiers. The internal layout also affords the opportunity to reinstate the historic independence of 3 North Street. In so doing, the proposals would conserve the significance of the building and that of the adjacent listed building at Winchcombe Cross House. There would be no adverse impact on the character and appearance of the Winchcombe Conservation Area. Conditional control is appropriate in relation to the matters detailed above, in line with relevant local policy and paragraphs 131 and 135 of the Framework.

## Other Matters

43. An ecological appraisal report was not considered necessary having regard to the fact that the proposed works are internal and would not affect the roofspace or roof. Nonetheless, in line with paragraph 180 of the Framework, planning decisions should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Therefore, subject to appropriate enhancement, which may be controlled by a suitably worded condition, there would be no detrimental impact on any protected species, habitat or the natural environment as a result of the proposed development, in accordance with Policy SD9 of the JCS.
44. Policy INF1 of the JCS states that developers should provide safe and accessible connections to the transport network to enable travel choice for residents and commuters. Occupiers of the proposed dwelling would benefit from existing pedestrian connectivity to the wide range of amenities and public transport services found in Winchcombe. It is not necessary, and indeed it would run contrary to

sustainability principles, for car parking provision to be required in these circumstances. That said, any visitors would benefit from access to nearby public car parks; and the applicant is agreeable to a condition requiring the provision of secure cycle parking, in line with Policy TRAC2 of the TBP. The proposal meets the requirements of Policy INF1 of the JCS and there would be no detrimental impact on highway safety as a result of the development, in line with Section 9 of the Framework.

45. With regard to water management, the site lies within Flood Zone 1, as defined by the Environment Agency, and is not subject to any identified risk of surface water flooding. The proposal is drainage neutral and would not increase run-off. Foul water flows would be discharged to the public sewer, in line with the PPG drainage hierarchy and Part H of the Building Regulations. Accordingly, no conflict is identified with the principles set out under Policy INF2 of the JCS and Policy ENV2 of the TBP.

## **Conclusion and 'Planning Balance'**

46. This application proposes the change of use of the basement, ground and first floors of 3, North Street from retail to a single dwellinghouse. The application relates to a Grade II listed building adjoining Winchcombe Cross House (also Grade II listed) and within the Winchcombe Conservation Area.
47. The site lies within the settlement boundary defined under Policy RES2 of the TBP and forms part of Winchcombe town centre, which is defined in the JCS settlement hierarchy as a Rural Service Centre. It is therefore situated in a sustainable location in relation to the facilities within the town, meaning future occupiers would enjoy convenient access via sustainable modes of transport. In light of the shortfall in the Council's housing land supply, the social and environmental benefits of making a more effective use of a vacant building and delivering new housing should be given significant weight.
48. The proposal is aligned to the Government's ambition to boost housing supply, and thus fulfils the social dimension of sustainable development. Whilst some tension arises with adopted local policy, in the sense of the protection of retail uses within town centre frontages, this has been justified in the foregoing appraisal. Most notably, the flexibility introduced into the Use Classes Order means that local policies seeking to strictly control retail uses within town centres are no longer consistent with the more flexible approach reflected under Class E. Permission is no longer required to move from retail to uses including offices, research & development and light industrial workshop uses that would

likely add little to the vitality of, and footfall within, the town centre. It follows that the introduction of a residential use would not cause any greater degree of harm compared to the 'fallback' position.

49. The proposal for change of use is responsive to its sensitive built context and would conserve the significance of the Grade II listed buildings affected, as well as character and appearance of the Winchcombe Conservation Area. Moreover, there would be no detrimental environmental impact on protected species, with biodiversity net gain being secured by condition, in line with national policy. The proposal also provides for opportunities to secure measures designed to enhance the dwelling's environmental credentials, such as reducing potable water waste and energy efficiency. Finally, there would be short-term economic gains associated with the conversion work.
50. In summary, whilst observing some tension with retail/town centre policies of the development plan, this issue is outweighed by any other material considerations; and when considered holistically, the proposed change of use accords with the development plan read as a whole. There are no substantive reasons why listed building consent should not be granted for the proposed internal works.