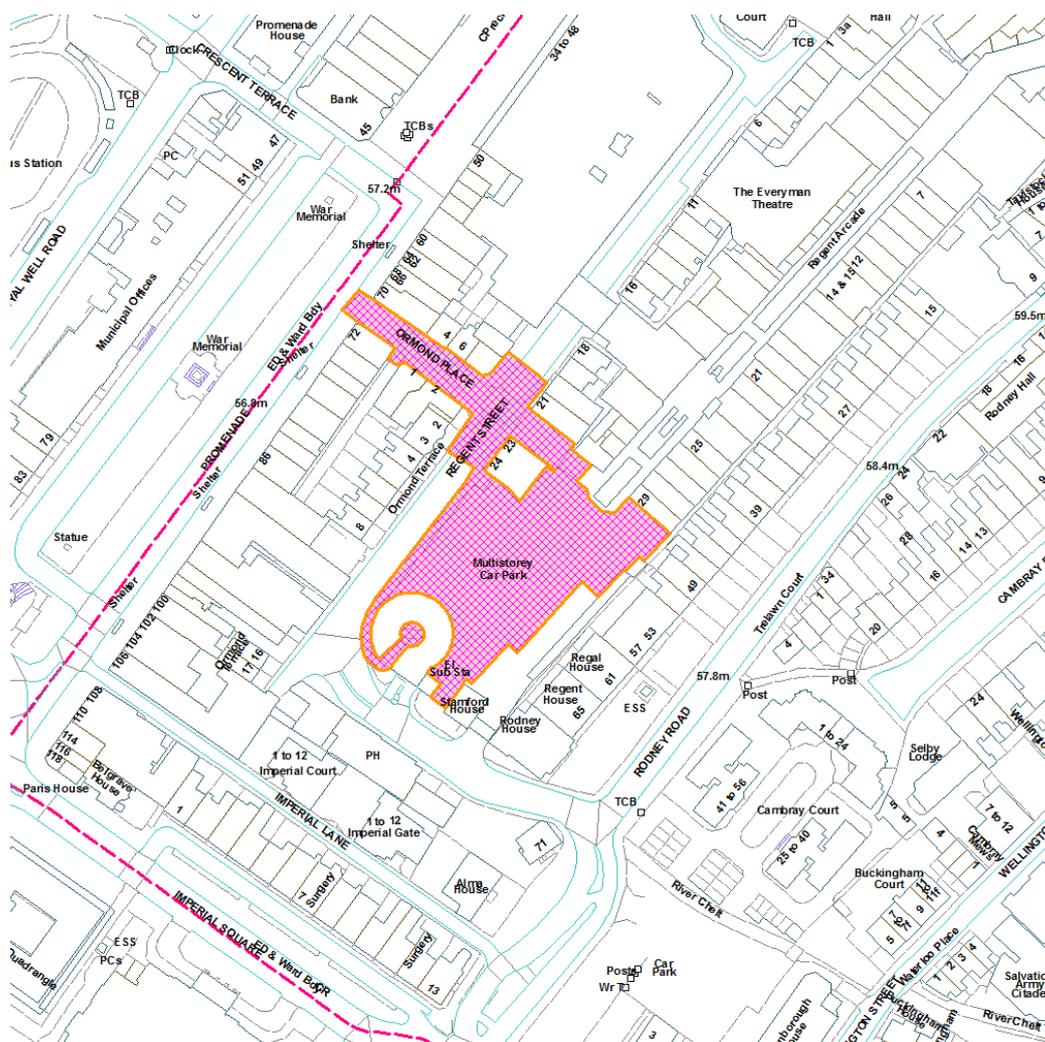


<b>APPLICATION NO:</b> 18/01630/FUL	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 11th August 2018	<b>DATE OF EXPIRY:</b> 6th October 2018
<b>WARD:</b> College	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	The Regent Arcade Trust
<b>AGENT:</b>	Bell Associates Architects Ltd
<b>LOCATION:</b>	Unit 30, Regent Arcade, Regent Street
<b>PROPOSAL:</b>	Alterations to, and conversion of, Unit 30 to create 3no. ground floor restaurants (Class A3), 1no. ground floor retail unit (Class A1), and 1no. basement leisure operation unit (Class D2). Demolition of existing rooftop conservatory and erection of 1no. two storey rooftop restaurant (Class A3) with a new street level entrance from Regent Street. Installation of rooftop plant. New repurposed entrance to the car park with vertical access and new passenger lift. Alterations to the Ormond Place entrance together with works to the public realm along part of Regent Street and Ormond Place to include resurfacing works and raising the carriageway to provide a shared surface for vehicles and pedestrians and installation of associated street furniture.

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to the vacant former BHS store within the Regent Arcade Shopping Centre. Unit 30 provides basement and ground level retail accommodation at the southwestern end of the arcade just inside the Ormond Place entrance and extends across to Regent Street.
- 1.2 The application is seeking planning permission for alterations to, and the conversion of, Unit 30 to create 3no. ground floor restaurants (Class A3), 1no. ground floor retail unit (Class A1), and 1no. leisure operation unit (Class D2) at basement level. As originally submitted, the application proposed 4no. restaurant units but one of these is now proposed to be retained as the retail unit.
- 1.3 The application also proposes the demolition of the existing rooftop conservatory and the creation of a new two storey rooftop restaurant (Class A3) with a street level entrance from Regent Street; the installation of rooftop plant; a new repurposed entrance to the Regent Arcade car park with vertical access and new passenger lift.
- 1.4 Additionally, the proposals include alterations to the Ormond Place Shopping Centre entrance together with works to the public realm along part of Regent Street and Ormond Place to include resurfacing works and the raising the carriageway to provide a shared surface for vehicles and pedestrians and the installation of associated street furniture.
- 1.5 Outline planning consent was recently granted in February 2017 for the conversion of the basement and ground floor of Unit 30 to create 3no. ground floor restaurants (Class A3), 1no. ground floor leisure operation unit (Class D2), 1no. ground floor retail unit (Class A1), and 1no. basement leisure operation unit (Class D2), together with associated pavement works. The application was made in outline with all matters reserved for future consideration except for layout, and simply sought to establish the principle of the change of use.
- 1.6 Planning permission for the upgrading/refurbishment of the existing Regent Street shopping centre entrance together with associated works to the public realm has also been previously granted in 2012 and 2016; however, these permissions have not since been implemented. See relevant planning history below.
- 1.7 The application is before planning committee at the request of Cllr Sudbury *“due to the significant change of use proposed, loss of town centre retail space and for the committee to consider all relevant issues regarding the application in terms of impact of the development on the character and appearance of the area...as this is a significant application a committee decision will be more transparent and enable a public debate on conditions relating to the construction, hours of operation or any other relevant issue that might be of interest to neighbouring residential and business properties”*.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Core Commercial Area  
Flood Zone 2  
Flood Zone 3  
Central Shopping Area  
Smoke Control Order

**Relevant Planning History:****12/00660/FUL****28th June 2012****PERMIT**

Upgrading/refurbishment of existing shopping centre entrance on Regent Street, including installation of limestone cladding and glazing panel. Resurfacing works to Ormond Place and part of Regent Street, including raising the carriageway to provide shared surface and installation of associated street furniture (including bollards)

**16/00944/FUL****28th July 2016****PERMIT**

Refurbishment of the existing shopping centre entrance on Regent Street, and the resurfacing, street lighting, street furniture works to the adjacent paved area up to the Regent Street kerb line. Internal alterations to the entrance to create a coffered feature ceiling, Installation of non-illuminated Regent Arcade logo signage letters (Revision to application number 12/00660/FUL)

**16/02201/OUT****7th February 2017****PERMIT**

Outline application for the conversion of basement and ground floor of Unit 30 to create 3no. ground floor restaurants (Class A3), 1no. ground floor leisure operation unit (Class D2), 1no. retail unit (Class A1), 1no. basement leisure operation unit (Class D2); demolition of existing rooftop conservatory and creation of 1no. rooftop restaurant (Class A3); and associated pavement works

### **3. POLICIES AND GUIDANCE**

Saved Local Plan Policies

CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 5 Sustainable transport  
CP 6 Mixed use development  
CP 7 Design

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  
INF2 Flood Risk Management  
INF3 Green Infrastructure  
INF4 Social and Community Infrastructure

Supplementary Planning Guidance/Documents

Shopfront design guide (2007)  
Old Town Character Area and Management Plan (2007)  
Montpellier Character Area and Management Plan (2007)

National Guidance

National Planning Policy Framework (NPPF)

## 4. CONSULTATION RESPONSES

### **Environmental Health**

*15th August 2018*

I have no objection to the proposed development in principal, however I offer the following comments:

The kitchens to all the catering premises will need extraction equipment suitable for the type and volumes of food being produced. I would therefore request a condition is attached requiring details of each unit's extractor system to be submitted for approval before first use of the premises. This is required in order to ensure there is no loss of amenity for other nearby premises due to noise or odours from kitchen extractor plant. Note that this requires the applicant to submit a report predicting the noise levels as they will affect the nearest noise sensitive property. Merely providing the measured levels from a specific system will not be sufficient.

Given the scale of work to this site I must also recommend a condition requiring the developer to produce a scheme for the control of noise, dust and other nuisances from the site during the demolition and construction phases. This is required in order to prevent loss of amenity for users of nearby property. Note that the council's recommended hours of work on such sites are: Monday ' Friday 7:30 ' 18:00, Saturday 8:00 ' 13:00.

### **Tree Officer**

*30th August 2018*

The Tree Section welcomes this application provided that:

1) The large London Plane tree as marked on the Public Realm Plan (drawing no 247-037-102) is retained and that no works within the tree's Root Protection Area are to be undertaken

2) Given the likely nature of the soil conditions, it is strongly recommended that sufficient new imported soil is incorporated into sufficiently large planting pits. It is also recommended that all new trees are fitted with grilles and guards so as to protect them as they establish and grow into maturity. All such details should be incorporated into a planting plan which shows all tree pit details as well as tree species, size, root type, aftercare and maintenance proposals. No trees should be planted in the planters suggested for Ormond Place.

All such details should be submitted and agreed prior to any work commencing on site.

### **Ward Councillor**

*10th September 2018*

I am writing as one of the ward councillors for College (unfortunately this website does not offer that option so I have chosen other) which this application falls in I would like to request that this application comes to planning committee for decision rather than being a delegated decision by planning officers. This is due to the significant change of use proposed, loss of town centre retail space and for the committee to consider all relevant issues regarding the application in terms of impact of the development on the character and appearance of the area. I believe as this is a significant application a committee decision will be more transparent and enable a public debate on conditions relating to the construction, hours of operation or any other relevant issue that might be of interest to neighbouring residential and business properties.

## **Cheltenham Civic Society**

10th September 2018

The Planning Forum welcomes the proposed improvements to the lower end of Regent Street.

The Planning Forum is concerned that the proposed street furniture layout in Ormond Place which leaves no space for the florist's stall. The Planning Forum's opinion is that the florist's stall adds variety to the Promenade, and its presence should be encouraged.

Any change to the road surface should be fit for purpose for the weight and volume of traffic which uses Regent Street.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to 54 neighbouring premises. In addition, two site notices were posted and an advert published in the Gloucestershire Echo. Two representations have been received in response to the publicity.
- 5.2 The first comment relates to disruption to businesses in Ormond Place, and the second, whilst welcoming the elevational changes and commenting on the new paving, objects as the Promenade Flower seller is not shown on the plans.

## **6. OFFICER COMMENTS**

### 6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of subdividing the existing retail unit; design and impact on the historic environment; impact on adjacent land users, and highway safety matters.

### 6.2 Principle

6.2.1 In considering the principle of a change of use, it is acknowledged that the site is located outside of the defined Primary Shopping Frontages and therefore local plan policy RT3, which seeks to control the level of non-A1 uses at ground floor level within Primary Shopping Frontages, is not applicable.

6.2.2 However, the preamble to RT3 is relevant in that it states: *"In defining the 'Primary Shopping Frontages', the Council has had regard to opportunities for the location of non-shopping uses in the town centre, and concluded that adequate scope exists in the non-primary frontages and in those non-A1 premises within primary frontage at present"*. It goes on to specifically refer to Regent Street as one location having been excluded from primary frontage designation despite being *"within the physical heart of the 'Central Shopping Area' as the Council does not consider it appropriate that non-shopping uses should be relegated to the periphery of the centre"*. Setting aside the fact that the building is not currently afforded a shop frontage onto Regent Street, a change of use from A1 to a mixed A1/A3/D2 use in this location must therefore be considered acceptable in principle. The proposed uses are wholly compatible with the wider retail function of the town centre. A smaller retail unit of some 725m<sup>2</sup> will be retained within the shopping centre.

6.2.3 In addition, it is important to recognise that the principle of the change of use, together with the provision of a roof top restaurant, has been firmly established by the recent grant of outline planning permission.

6.2.4 Moreover, the principle of installing a new entrance to the shopping centre together with associated works to the public realm has been established through the grant of previous planning permissions; albeit the current application proposes a wider scope of works to the public realm than the extant scheme.

### 6.3 Design and impact on the historic environment

6.3.1 Paragraph 56 of the NPPF states that “*Good design is a key aspect of sustainable development*” and “*is indivisible from good planning*”. Paragraphs 59 and 60 go on to state that design policies should not attempt to impose architectural styles or particular tastes.

6.3.2 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.

6.3.3 With particular regard to development within the historic environment, Section 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.

#### New Ormond Place Shopping centre entrance

6.3.4 The existing entrance to the shopping centre is tired and dated in its appearance and as previously noted, the principle of its replacement has been established. The extant planning permission proposed a limestone clad ‘frame’ to the entrance with a large, metal framed, glazed panel set within it over the entrance doors. The entrance was designed so as to ‘announce’ the entrance of the shopping centre whilst not overpowering the small surrounding retail frontages, whilst the glazed panels were designed to give the entrance a feeling of openness, light and scale suitable to the use.

6.3.5 The entrance now proposed is similar in its design approach. As before, a natural stone clad projecting ‘frame’ is proposed with a large, bronze anodised aluminium framed, glazed panel set within it, over new bronze anodised entrance doors; the entrance doors will be relocated to enclose the existing recessed ground floor and provide a flush façade. Internally, a two storey void will be created to create a double height glazed entrance area. LED inserts are proposed with the aluminium frame.

#### New shopfronts to Regent Street elevation

6.3.6 The recent change of use application was accompanied by floor plans to illustrate how the existing retail floor space would be subdivided, together with indicative external elevations to illustrate the design intent. The proposed external works were welcomed in principle, and were recognised as having the potential to significantly enhance this part of the conservation area.

6.3.7 The existing retail unit has no active frontage onto Regent Street, and the Regent Street façade is an unattractive and overbearing, monotonous feature within the street scene; officers consider that the proposal to open up the façade and introduce an attractive, active street frontage would add visual interest and help to increase the vibrancy and vitality of the locality. This view is shared by the Civic Society who also welcome the proposals.

6.3.8 The existing rendered façade and pilaster detail would be retained with glazed shopfronts and entrances installed within the recessed bays. The materials used in the proposed shopfronts would reflect those proposed to the new shopping centre entrance and comprise natural stone veneer, and bronze anodised aluminium frames and entrance doors. Additional architectural features include projecting bronze anodised aluminium

brise soleils, and perforated champagne coloured aluminium panels in between the proposed signage zones above the entrances. Bi-fold doors to the restaurant seating areas would be fully openable to create terraced areas.

#### New rooftop restaurant

6.3.9 The principle of erecting a rooftop restaurant has also been previously established, and the indicative external elevations agreed. The restaurant would be located over two levels which are stepped back from the main elevation of the building below to ensure that the visual impact and massing of the restaurant would be reduced from street level. Again, bronze anodised aluminium frames and pilasters are proposed with full height glazing to the Regent Street elevation, and bronze anodised projecting canopies. A roof terrace would be created at the lower level with glazed balustrade.

6.3.10 Access to the rooftop restaurant would be provided from Regent Street via a new glazed entrance feature, with bronze anodised aluminium framing and sliding entrance doors. An existing access staircase will be retained which will also provide access to the car park, and a new lift installed.

#### New car park entrance

6.3.11 An existing staircase is located within the car park rotunda which is currently used for access and egress out of hours. It is proposed to upgrade this existing stair and provide a new passenger lift to provide access to the car park and rooftop restaurant. Externally, a new fully glazed entrance lobby would be provided.

6.3.12 Overall, it is considered that the contemporary design approach and the palette of external materials proposed would sit comfortably in its surroundings and would significantly enhance this part of the conservation area whilst helping to increase the vibrancy and vitality of the locality. A materials board will be available to view at the committee meeting.

### 6.4 Impact on the amenity of adjacent land users

6.4.1 Saved local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality; in assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, and potential disturbance from noise, smells and hours of operation. The policy is consistent with adopted JCS policy SD14.

6.4.2 There are a number of residential units in close proximity to the site. The Environmental Health team has reviewed the proposals and raise no objection subject to a condition being imposed which requires details of each unit's kitchen air extraction system to be submitted and agreed prior to first use of the premises; this is ensure that the kitchen extraction equipment is suitable for the type and volumes of food being produced and to ensure there would be no loss of amenity to nearby premises.

6.4.3 Additionally, in line with the outline planning permission, a condition is recommended which restricts the opening hours to 08:00 to 23:00. Should an end user wish to vary these hours, this can be reviewed at a later date in conjunction with a more detailed application.

6.4.4 Given the glazed nature of the rooftop restaurant it is also considered necessary to impose a condition which would require the submission of a detailed lighting scheme for this unit; as without proper mitigation the lighting design could have an unacceptable impact upon the locality.

### 6.5 Other matters

6.5.1 The site is located within Flood Zones 2 and 3. The Environment Agency (EA) previously did not object to the material change of use proposed but referred the Council to their Flood Risk Standing Advice. In terms of flood risk, both the existing and proposed uses are classed as 'less vulnerable' and therefore development is appropriate, as per the EA's 'Flood risk vulnerability and flood zone 'compatibility'' (Table 3).

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 The site is located outside of the defined Primary Shopping Frontages and therefore local plan policy RT3, which seeks to control the level of non-A1 uses at ground floor level within Primary Shopping Frontages, is not applicable. Notwithstanding this, the preamble to the policy is relevant as it specifically refers to Regent Street as one location having been excluded from primary frontage designation despite being "within the physical heart of the 'Central Shopping Area' as the Council does not consider it appropriate that non-shopping uses should be relegated to the periphery of the centre". As such, a change of use from A1 to a mixed A1/A3/D2 use in this location must be considered acceptable in principle. The proposed uses are wholly compatible with the wider retail function of the town centre. A retail unit of some 725m<sup>2</sup> will be retained within the shopping centre. It is also important to recognise that the principle of the change of use, together with the provision of a roof top restaurant, has been firmly established by the recent grant of outline planning permission.
- 7.2 Officers consider the contemporary design approach and the palette of external materials proposed in the structural changes to the building would significantly enhance this part of the conservation area whilst helping to increase the vibrancy and vitality of the locality; and would sit comfortably in their context.
- 7.3 The external changes to the buildings and the mix of uses proposed are therefore considered to be acceptable and supported by officers; however, responses from the Townscape Team and the Local Highways Authority are still awaited in respect of the works to the public realm; it is anticipated that these will be available to circulate in an update, together with the officer recommendation.