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Planning Statement

12/13 Royal Crescent
Cheltenham
GLOS

Prepared on Behalf of: Phil Vickery (No3
Restaurant) / Douro Ltd

Ref: 15751

Date: 18 May 2021

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Executive Summary

Evans Jones Ltd have been instructed by Phil Vickery (No3 Restaurant) / Douro Ltd to submit an application seeking planning permission for internal alterations, and the erection of a single storey rear extension at No's 12 and 13 Royal Crescent.

Part of the application site is currently occupied at ground and basement levels as a restaurant run by Masterchef winner and former international rugby player Phil Vickery trading as 'No3 Cheltenham'. The restaurant opened in early 2020.

No 13 at Basement level is currently partly in Class E use as a podiatry clinic. The remainder (basement) is currently vacant. This proposal seeks consent to expand the restaurant use into the whole of both No's 12 and 13 at Basement level. The upper floors (above ground floor level) would be unaltered, however two of the existing rooms would be utilised for business meetings and private dining given the trend in companies having smaller offices and lack of meeting space which is a clear benefit in providing accessible space for the local community.

The proposed development comprises internal alterations; specifically sympathetic remodelling works internally at basement level together with the erection of a single storey contemporary extensions to the rear (No12). The extensions comprise an I-plan with high level glazing and attractive architectural features.

The buildings are collectively Grade II* Listed along with 16 further former terraced townhouses known as 'Royal Crescent'. The basements and ground floor levels are predominantly in use as offices and bistros whilst first floor and above are office and residential.

The site is located within Cheltenham Central Conservation Area, Cheltenham Core Commercial Area and Flood Zones 2 and 3.

This statement covers all planning matters, specifically impacts upon the Grade II* Listed Building, Conservation Area, Flooding, Design and Impacts to Neighbours. This statement finds that the internal alterations and rear extension

would result in no harm to the setting of the conservation area, and less than substantial harm to the significance of the listed building however clear and convincing justification identifies that the harm is outweighed by public benefits.

This statement has assessed all the other relevant planning considerations and found that the scheme is fully compliant with the development plan and other material policy considerations, including national policy and the pursuit of sustainable development.

1. INTRODUCTION

- 1.1 This Planning Statement is submitted in support of the full planning application seeking permission for the erection of a single storey extension to the rear of No 12 Royal Crescent and various internal alterations within the basement of both No's 12 and 13.
- 1.2 This Statement sets out the main planning considerations and justifications for the scheme. In support of the application, this Statement demonstrates that the proposed scheme is acceptable in principle and expands upon issues relating to impacts upon the Grade II* Listed Building, Conservation Area, Flooding, Design and Impacts to Neighbours.
- 1.3 The application submitted comprises the following plans and documents:
- Design and Access Statement prepared by Design Storey Architects
 - Heritage Statement prepared by Elaine Milton Heritage and Planning Ltd
 - Planning Statement prepared by Evans Jones Ltd
 - Personal statement prepared by Phil Vickery
 - Proposed elevations: 2111 P006 P2 (all drawings prepared by Design Storey Architects)
 - Existing elevations: 2111 P005 P2
 - Existing and proposed ground floor plans: 2111 P004 P3
 - Existing and proposed lower ground floor plans: 2111 P003 P4
 - Existing and proposed site plan: 2111 P002 P2
- 1.4 This statement should be read in conjunction with the plans and documents that make up the application as a whole.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located within Royal Crescent Cheltenham, which is a Grade II* terraced range of 18 former townhouses; now predominantly comprised of offices at ground floor and basement level with offices and housing above. The predominant use with the terrace as a whole is Use Class E.
- 2.2 The site comprises the ground floor and basement levels of two former townhouses. No 12 is in existing Class E use as a restaurant trading as: 'No.3 Cheltenham', occupying the basement and ground floor levels with offices at 1st and 2nd floor level. No 13 is currently in a Class E use as a podiatry clinic (part basement level) with offices at ground, 1st and 2nd floor level. This proposal seeks to expand the existing restaurant into No 13 to create one larger unit. The site can be seen in Figure 1.

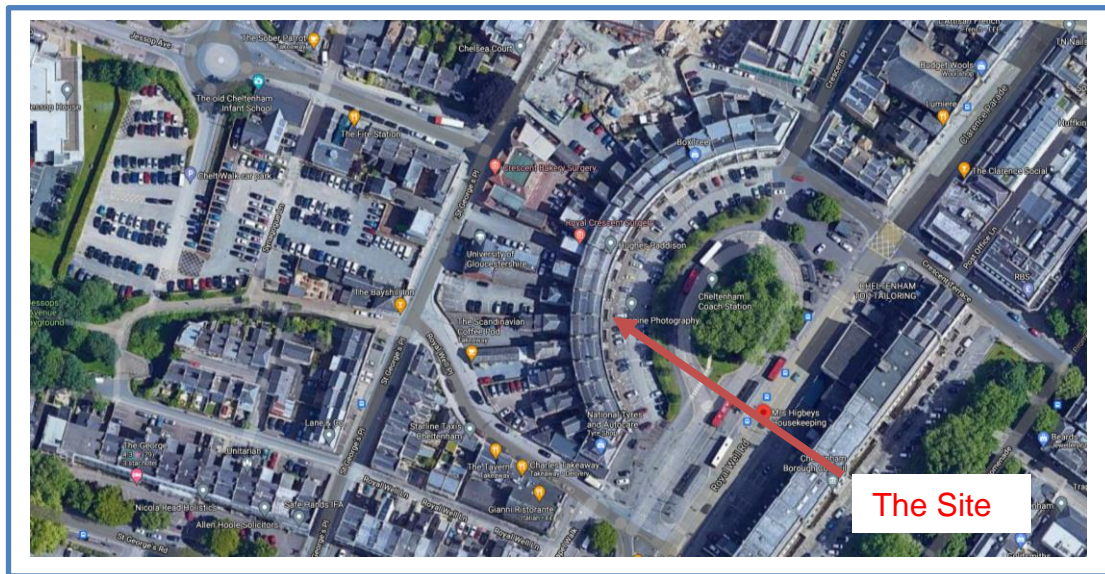


Figure 1 - Site Location (taken from Google Maps)

- 2.3 Public access is gained to the front (east) and there is a private car park and staff entrance to the rear (west) Access via Royal Mews, St Georges Place.
- 2.4 The character of the area is urban, located within Cheltenham Town Centre adjacent to The Royal Well Coach Station. The site's outlook is onto an area of parking and communal open green space dividing the Crescent from the bus terminus. Allocated private parking extends along the whole frontage of the Crescent.

- 2.5 As well as being Grade II* Listed, the site is located within Cheltenham Central Conservation Area, the Core Commercial Area and Flood Zones 2 and 3.
- 2.6 The restaurant owner, Phil Vickery, has provided a brief representation setting out his vision and approach (Appendix A). The No.3 Cheltenham vision has been longstanding and was brought into fruition at the beginning of the pandemic when the application site was identified as providing an ideal site/location for the business. Mr Vickery describes The Royal Crescent as a “special part of Cheltenham and Gloucestershire history”, and he intends to “approach the process with due respect for these beautiful buildings, and very much looks forward to nurturing No.3 Cheltenham proposition and the requisite team over the coming years”.
- 2.7 An evaluation of the area has been carried out it is evident that this part of town lacks lunchtime services for local office workers. It is therefore intended that, as well as the breakfast, lunch and dinner service, the restaurant will offer ancillary takeaway hot drink, salad and sandwich service available via an online booking and collection service for the convenience of the local workers.

3. DEVELOPMENT PROPOSAL

3.1 The application seeks listed building consent and planning permission for internal alterations to connect No's 12 and 13 Royal Crescent, alterations to the external stairs and the erection of a single storey extension located to the rear of No 12.

3.2 No internal alterations are proposed at ground floor level; both No's 12 and 13 ground floor space will be used as office, private dining and staff break out space and the main restaurant will be located at basement (lower ground floor) level.

3.3 The alterations at basement level include:

- Removal of wall within storeroom
- Removal of corridor walling between existing treatment rooms
- Change two external windows to doors
- Remove part of external wall to create door
- Erection of stud partition walling to create bathrooms and enclose staircase
- Erection of extension
- Both sets of fire escape stairs to be removed and new lightweight stairs to be installed to No 13
- Section of boundary wall to be removed to create doorway
- Erection of bin/plant enclosure to rear of No 13

3.4 The new extension would be used for additional dining space and a 'hot kitchen'; the proposed basement level layout is shown below in Figure 2.



4. PLANNING HISTORY

- 4.1 A review of the Council's online planning register shows the following applications which are of relevance to this application:

12 Royal Crescent

14/02219/LBC – Provision of replacement fascia sign to front elevation.
Granted.

09/00245/LBC – Internal alterations to basement. *Granted.*

09/00193/COU – Change of use of basement from use class A2 (financial and professional services) to Use Class A3 (coffee bar/bistro). *Permitted.*

13 Royal Crescent

19/01242/FUL – Change of use from office (use class B1a) to clinic (use class D1). *Permitted.*

5. PLANNING POLICY CONTEXT

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

- 5.2 The Development Plan policy context for the site and the surrounding area is provided by the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy 2011-2031 and the Cheltenham Plan July 2020. Whilst there are other documents within the Development Plan, none are relevant to this application.

The most important policies that are of relevance to this application are:

Cheltenham, Gloucester and Tewkesbury Joint Core Strategy 2011-2031

- 5.3 The Cheltenham, Gloucester and Tewkesbury Joint Core Strategy 2011-2031 (the Core Strategy) was adopted in December 2017 and carries full weight in decision-making as a development plan document adopted since the publication of the Framework. The following policies from the Core Strategy are

the most important in relation to the potential development: SD1, SD4, SD8, SD14, INF1 & INF2.

- 5.4 Policy SD1 states that: *employment related development will be supported where it allows the growth or expansion of existing business especially in the key growth sectors, subject to all other policies of the plan. It would also be supported where it would encourage and support the development of small and medium sized enterprises.*
- 5.5 Policy SD4 states that: *new development should 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 in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Design should establish a strong sense of place, and enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.*
- 5.6 Policy SD8 states that: *development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. 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. Consideration will also be given to the contribution made by heritage assets to supporting sustainable communities and the local economy. Development should aim to sustain and enhance the significance of heritage assets and put them to viable uses consistent with their conservation whilst improving accessibility where appropriate.*
- 5.7 Policy SD14 seeks *high-quality development which should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality.*
- 5.8 Policy INF1 says that: *all proposals should ensure that safe and efficient access to the highway network is provided for all transport modes and that permission will only be granted where the impact of the development is not considered to*

be severe.

- 5.9 Policy INF2 says: *development proposals must avoid areas at risk of flooding, in accordance with a risk based sequential approach. Proposals must not increase the level of risk to the safety of occupiers of a site, local community or wider environment.*

The Cheltenham Plan 2020

- 5.10 The Cheltenham Plan was adopted on 20th July 2020 and carries full weight in decision-making as a development plan document. The following policies are of relevance: D1.
- 5.11 Policy D1 states: *development will only be permitted if it adequately reflects principles of urban and architectural design and complements neighbouring development. Extensions and alterations should avoid causing harm to the architectural integrity of the building and unacceptable erosion of open space around the existing building.*

National Planning Policy Framework

- 5.12 The National Planning Policy Framework (The Framework) was revised on 19th February 2019. The Framework sets out the Government's economic, environmental and social planning policies for England and details how these are expected to be applied. It is, in itself, a material consideration in planning decisions.
- 5.13 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This means "*approving development proposals that accord with an up-to-date Development Plan without delay*" or "*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 as a whole.”

5.14 The Framework defines the three overarching objectives of sustainable development as:

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 at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

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;*

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.*

5.15 These objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework; they are not criteria against which every decision can or should be judged. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

5.16 Paragraph 212 of the Framework advises that the policies within the Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.

5.17 Paragraph 213 of the Framework advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to

publication. Due weight should be given to them, according to their degree of consistency with the Framework and that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

- 5.18 Section 12 of the Framework provides context to design within planning. Paragraph 124 states *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*
- 5.19 Paragraph 80 states: *“Planning Decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.*
- 5.20 Paragraph 102 states *“Opportunities to promote walking, cycling and public transport should be pursued”*.
- 5.21 Paragraph 192 states *“Local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness”*.
- 5.22 Paragraph 193 states *“When considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be”*.
- 5.23 Paragraph 196 states *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use”*.

Other Material Policy Consideration

- 5.24 Outside of the Development Plan and the Framework, there are other material policy considerations that need to be discussed in relation to this development. In this case, the other material policy considerations are Making Changes to Heritage Assets: Historic England Advice Note 2” (February 2016) and the Central Conservation Area Montpellier Character Area Appraisal and Management Plan (2007).

Making Changes to Heritage Assets: Historic England Advice Note 2” (February 2016)

- 5.25 Paragraph 2.45 says “the plan form of a building is frequently one of its important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance.....Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations”

Central Conservation Area Montpellier Character Area Appraisal and Management Plan (2007)

- 5.26 Paragraph 1.12 says that the *Royal Crescent may be regarded as the town’s first major piece of Regency architecture*. It sets out good practice techniques for design, materials and layout to promote acceptable development within the Conservation Area.

Appropriate Weight

- 5.27 Regarding the weight that is given, Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, determination of applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this instance, full weight is given to the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy 2011-2031 and Cheltenham Plan 2020 as they form the Development Plan.
- 5.28 As it forms the basis of Government policy for planning applications, a high

degree of weight should be given to the policies of the Framework. This should not be at the expense of the Development Plan since it is up to date.

- 5.29 Since they do not form part of the Development Plan, limited weight can be given to the aforementioned SPDs/SPGs. However, they are material considerations and should not be overlooked.

6. PLANNING CONSIDERATIONS

- 6.1 Having regard for the proposed development; the sites planning history; the relevant planning policy context; and all other material issues; the main planning considerations for the determination of this application relate to impacts upon the Grade II* Listed Building, Conservation Area, Flooding, Design and Impacts to Neighbours.

Principle of Development

- 6.2 The proposed development site is currently comprised of two separate units; which are proposed to be amalgamated to a single unit. No 12 is in an existing use as a restaurant 'No3 Cheltenham' and No 13 is in use as a podiatry clinic 'ProPodiatry'. There is some existing interlinking between the two; the storage area for No 12 exists within the rear annexe of No 13.
- 6.3 Whilst the clinic (No 13) previously comprised of a D1 use, the Use Class Order changed on 1st September 2020 and as such it now falls within use Class E. The restaurant use also falls within Class E and as such no application is required for a change of use.
- 6.4 In view of this, the proposed use of the buildings for Class E purposes is not in contention and the matter relates solely to the internal alterations and erection of an extension which is assessed below.
- 6.5 It is also worthy to note that No 12 was vacated by the previous occupants 'Star Bistro' in October 2018 and was vacant until July 2020 which totals 20 months of vacancy until it was taken on by No.3 Cheltenham. The vacant premises was actively marketed throughout this period. Whilst the previous owner had interested parties enquire about the space, none offered any amenity value for the business and would not have been viable in terms of the surrounding

business environment. None of the interested parties who came forward during the extensive marketing period progressed to offer stage.

Impact upon the Historic Environment

- 6.6 No's 12 and 13 Royal Crescent form two of 18 historic terraced townhouses which are Grade II* Listed as 'Royal Crescent'. The Crescent is of significant local importance and retains much of its original fabric and character particularly to the primary front elevation which has high 'set piece' value both as a listed building and setting within the conservation area.
- 6.7 It's significance lays with the façade and internal layout and the rear elevations are considered to be of lesser historic importance; which is confirmed by the Heritage Statement which identifies the rear as a service area.
- 6.8 The existing restaurant, by virtue of it's setting within an historic building, has an attractive charm and it's sense of place is at the heart of its popular reputation. The applicant is eager to maintain the attractive internal appearance by incorporating existing historic features into the proposed layout.
- 6.9 The objective for proposed development is to respond to changing times- specifically in relation to COVID-19; to create a viable restaurant space which accounts for ongoing social distancing and need for greater air flow without compromising occupancy numbers and potentially damaging the business.
- 6.10 It is a realistic expectation that social distancing is a spectre which we must all learn to live with. Current expert advice is that whilst the UK has responded well particularly in respect to its immunization programme, it is a realistic expectation that future covid variants will in all likelihood be something we must now adapt to and learn to live with on a day to day basis.
- 6.11 Commercial occupancy levels are thus declining, both within offices, entertainment facilities and restaurants. Whilst the full impact upon commercial buildings and town/city centres remains fluid, the direction of travel is clear, namely occupancy levels will change and in all likelihood rentals values will decline in many instances.
- 6.12 There is a clear hierarchy when considering the significance of The Royal

Crescent; the eastern (front) elevation is of high local importance and the Central Conservation Area Montpellier Character Area Appraisal and Management Plan (2007) describes it as *the town's first major piece of Regency architecture*.

- 6.13 The façade will not be affected by the proposal because the alterations relate to the internal layout; and the extension is proposed to be located to the rear. The western (rear) elevation comprises the lowest heritage asset value when considered within the context of the wider building; this is because the rear areas were historically used as a service area and as such of lesser visual importance. This can be clearly seen in the variation in building form and massing to the rear elevations as a whole, with most of the original rear yard areas having been compromised by more contemporary development (Royal Mews within the original rear yard area of No 12 being a typical example of a more modern intervention.
- 6.14 The rear elevations generally comprises a number of protruding features which comprise a variety of roof forms and facing materials, as such This proposal is consistent with the historic pattern of development to the rear of the crescent.
- 6.15 The first action to achieve the objective is to connect No's 12 and 13 together. The required works for doing so would consist of the creation of a single pedestrian opening to the party wall. Whilst this would result in the loss of a small amount historic fabric, the opening has been sympathetically located and does not detract from the existing layout.
- 6.16 The second action would involve the removal of two internal walls to create a more open dining area. It is important to note that sections of walling (supporting piers and downstands at ceiling level) would be retained in order that the previous narrative of room separation and plan form is still evident. The proposals also involve the removal of a modern internal wall currently separating two stores to create a more functional store to serve the use.
- 6.17 Stud partition walls would also be erected throughout basement level which would not undermine the significance of the internal layout; indeed the removal of non-historic walls would enhance the plan form. The proposed works are the minimum necessary to create a workable and viable internal layout.

- 6.18 The third action would connect No 12 with the proposed infill extension between the rear annexes, requiring the creation of a small opening, and changing a window to a doorway. It is notable that the heritage statement concludes that this window is non original. The window opening having at some point in the past been increased in width as such its narrative (albeit not strictly historic) would still be apparent; likewise, whilst the pedestrian door would result in the loss of historic fabric, it would not undermine the significance of the building.
- 6.19 The final action would involve creating a doorway through the existing red brick wall to the rear yards of Nos.12 & 13. The heritage statement concludes that, whilst the boundary wall between the rear is of importance in defining the plots, the section of wall abutting the closet wing of No.13 contains brickwork in poor condition and pointing is missing. Thus although it is recognised that the loss of historic fabric caused by the creation of a doorway would result in some harm, such harm should be balanced against the provision of necessary repairs to the boundary wall restoring and repointing the wall in so doing securing its future conservation. The harm caused by the small loss of historic fabric when balanced against the wider benefits of restoring the wall is outweighed by the benefits.
- 6.20 As is set out above, the internal alterations have been approached with a 'minimalist' objective in order to secure optimum internal space with minimal intrusive actions. It is accepted that some of the internal works result in less than substantial harm to the listed building as such clear and convincing justification is required to balance the public benefits of the proposal.
- 6.21 In the High Court decision *City & Country Bramshill Limited vs SOSfH*, the Justice concludes that '*Where proposed development would affect a listed building or its setting in different ways, some positive and some negative, the decision maker may legitimately conclude that although each of the effects has an impact, taken together there is no overall adverse effect on the listed building or its setting*'. This judgement provides clarification regarding the correct approach to the assessment of harm when considering development and heritage assets. The decision sets out that the effect of a development must be considered against the wider parts of a heritage asset; not just the localised area in which it will be located. The judgement confirms that heritage assets

have a hierarchy, and that the development will have a different impact to each part of any listed building.

- 6.22 The Grade II* listing of The Royal Crescent emanates from the group value as an intact regency curved terrace, the basement and rear closet wings to the rear are subsidiary elements of a lower order in the heritage asset hierarchy as is set out within the submitted Heritage Statement. It can be concluded that the proposed extension and alterations which are proposed at basement level and to the rear are in keeping with the hierarchy of the building and within the most appropriate place in a historic service area.
- 6.23 The proposed extension would infill a gap between the rear closet wings of No's 12 and 13. The single storey extension is very light touch simply embedding between the opposing walls of the closet wings and being glazed to its rear facing elevation. Its design is a mix of a traditional rendered box and a highly glazed contemporary structure which would be subservient to the rear annexe, providing a light touch cohesive feature. The closet wings to both 12 and 13 rise above the basement level thus allowing the casual observer to clearly "read" the historic built form and closet wings.
- 6.24 The second part of the extension is to form a small single storey extension to the rear of the closet wing serving No 12. This will be formed in solid rendered masonry with parapet wall and parapet coping. This extension is very typical of other single storey additions to the closet wings found elsewhere along the crescent this is clearly visible within the 3D visual plans by Design Storey.
- 6.25 In view of its location, layout and design the extension would harmoniously blend into its setting and would not result in any harm to the Grade II* listed building nor the setting of the wider conservation area. Therefore the below planning balance relates solely to internal alterations.

Public Benefit

- 6.26 Paragraph 196 of the Framework says Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.27 Paragraph 200 of the Framework states that proposals which preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.28 Paragraph 195 of the Framework says that any harm, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
- 6.29 Given that the above assessment identifies less than substantial harm to the significance of the listed building by virtue of the loss of historic fabric and reconfiguration of basement level layout, the public benefit test is required.
- 6.30 In this instance there are many clear public benefits to the scheme including (but not limited to):
- Securing the optimum viable use of both buildings
 - Support and growth of an existing local business
 - The creation of recreational public space and valued local amenity
 - The long-term conservation of the building and boundary wall through sympathetic internal restorations; and
 - The reduction of risks to the building via vacancy or redundancy
 - Supports the diversification and re-purposing of the town centre in delivering greater footfall contributing to both daytime and evening economies.
- 6.31 No 12 has been in use as a bistro for more than 10 years, (although the building was vacant for 20 months following cessation of the former use as Star Bistro (part of the National Star College). 'No 3 Cheltenham' took a new lease in early 2020. (a few weeks before the pandemic lockdown restrictions commenced. The restaurant, which is proving to be very popular, is continuously growing and thriving. During the COVID-19 pandemic, the restaurant adapted to outdoor dining by installing a hospitality tent to the rear which has been a popular destination for diners. The restaurant is owned by a high-profile celebrity chef (Phil Vickery) which itself attracts local Cheltonians and those from further afield; creating the opportunity for recreation which is a clear public benefit.

- 6.32 The current partial occupiers of No 13 (Basement level) are a podiatrists clinic 'Pro-podiatry'. No 13 requires significant expenditure to address defects in the building (specifically there is damp and mould) and as such the current tenants pay a reduced rate. Because of this, it has not previously been viable to carry out repair works due to lack of funding. However, with the use proposed as part of this application and the corresponding higher rent payments under a long-term lease arrangement, it will be viable with thanks to this source of income to carry out restorations and alleviate the damp issue. It is understood that the damp originates water ingress from the external concrete steps so their removal with a lightweight stairwell will greatly assist.
- 6.33 The use of the two combined sites as a restaurant provides an optimum viable use for both of the buildings, which reduces risk of vacancy/redundancy, supporting the long-term conservation of the heritage asset: sustaining and enhancing it in longevity. Mr Vickery has set out a business plan which involves approaching the process with due respect for the building. A breakfast, lunch and dinner service will be available as well as a takeaway hot drink, salad and sandwich service for the convenience of the local office workers. There is no such facility in the immediate area and as such it is clear that this will be of value to the residential and business community creating the optimum use which will ensure future popularity and business, and therefore the optimum viable use of the building.
- 6.34 The site is identified strategically in the Core Strategy as being within a Key Urban Area as well as a Core Employment Area within the Cheltenham Plan; in addition to this, the growth of existing businesses is encouraged within the Framework. The expansion of an established business into an adjacent unit secures the optimum viable use for *both* buildings.
- 6.35 If the business is unable to expand (via internal connections and external extension), it will likely be left with little option than to move and find a larger site to support the growth of the business potentially leaving both buildings vacant (which Mr Vickery simply does not wish to do). It is considered that the alterations to the listed building, when compared with the many public benefits and specifically securing the optimum viable use of the building are, on balance, acceptable.

- 6.36 In view of the above, the proposal would be in accordance with Policy SD8 of the Core Strategy and in alignment with The Framework in terms of its impact upon the historic environment.

Design and Visual Amenity

- 6.37 As set out above, the façade of The Royal Crescent remains intact whereas the rear service area has more of an ancillary character. The mixture of materials, alterations, additions, modern buildings and land use for car parking means that the rear is both of lower order in terms of heritage and visual amenity value.
- 6.38 The listing relates predominantly to the façade; with a single sentence reserved for the rear; which describes the rear protrusions as ‘*service ranges*’ – but also referred in the heritage statement as ‘closet wings’. The ranges are not described in detail within the listing however the heritage statement concludes that whilst they are no of particular architectural interest, they are of historic value for their former function as domestic service areas for the houses.
- 6.39 The rear of No 12 comprises a four storey service range which is likely to be original. No 13 comprises a range which is staggered in height ranging from four storey at the junction; down to a three storey within the middle section and a two storey to the rear which resembles a utilitarian rendered box. To the left and right, the service ranges comprise a diverse mixture of form and appearances – many of which have been fitted with lighting or extraction equipment which lends the area to lesser visual amenity value.
- 6.40 The insertion of a modern extension would be a positive enhancement to the building and surrounding area and the structure would form a harmonious feature which cohesively blend into it’s environment.
- 6.41 The Framework encourages developments which are sensitively located and preserve those elements of the setting that make a positive contribution to the asset (namely in this instance, the façade).
- 6.42 The extension would positively contribute to the sense of place; which has an ancillary, service style appearance through its design and also particularly because the transparent nature of the glazing element will enable views into the restaurant and open kitchen. It is therefore considered that the proposal is

representative of high quality of design in accordance with policy SD4 of the Core Strategy, D1 of the Cheltenham Plan and the Framework.

Impact upon Flooding

- 6.43 The site is located within Flood Zones 2 and 3 as defined by the Environment Agency. As set out above, there would be no material change of use and the development seeks the expansion of an existing established business through a single storey contemporary extension. In view of this, the sequential approach is not required.
- 6.44 The development would consist of a 'minor, non-domestic extension of less than 250m²'. The Environment Agency sets out standing advice for such extensions which states that the floor levels should be no lower than existing; or 300mm above the estimated flood level. It is the applicant's intention that the floor levels should be no lower than existing and appropriate flood proofing measures would be incorporated as standard. This is in accordance with the advice set out by the Environment Agency and as such no further actions are required in terms of Flooding.

Impact upon Neighbouring Amenity

- 6.45 There are a number of residential properties within Royal Crescent; all of which are located at first floor level or above; however the site has been operating as a bistro for in excess of 10 years with no complaint.
- 6.46 The proposal seeks the enlargement of the existing kitchen which would be served by a vent and flue system. Whilst it is not considered that the proposal would exacerbate existing odour impacts, the applicant is happy to accept an odour condition is the authority deems this to be appropriate.

7. SUMMARY AND CONCLUSIONS

- 7.1 The application seeks planning permission for internal alterations at basement level, and the erection of a single storey rear extension at No's 12 and 13 Royal Crescent.
- 7.2 The proposed extension is compatible with the prevailing land use in the vicinity of the application site. Whilst less than substantial harm has been found by virtue of the internal alterations, this statement finds that on the planning balance, the various public benefits outweigh the harms.
- 7.3 The public benefits include securing the optimum viable use of both buildings, the support and growth of an existing local business, the creation of recreational public space, the long-term conservation of the building through sympathetic internal restorations and the reduction of risks to the building via vacancy or redundancy.
- 7.4 The extension has been sympathetically designed and sited, and the proposal provides for economic; social and environmental gains and thus constitutes sustainable development.
- 7.5 This Statement has reviewed the relevant Development Plan Policy Framework as it applies in this case, together with the other material considerations. On the evidence presented it has been demonstrated that the proposal accords with all relevant Development Plan policies and national guidance, provides significant public benefit and there are no other material considerations present to override them.
- 7.6 It is therefore urged that the Local Planning Authority grant planning permission for this sustainable development.

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Project Management



Planning Consultants



Building Surveyors



Disabled Access
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Project Management



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Drafted: EP

Checked: DJ

Finalised: EP 18.05.2021