



Notice of a meeting of Planning Committee

**Thursday, 22 September 2022
6.00 pm
Council Chamber - Municipal Offices**

Membership

| | |
|---------------------|---|
| Councillors: | Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Emma Nelson, Tony Oliver, John Payne, Diggory Seacome and Simon Wheeler |
|---------------------|---|

The Council has a substitution process and any substitutions will be announced at the meeting.

Important Notice

Filming, recording and broadcasting of council meetings

This meeting will be recorded by the council for live broadcast online at <http://www.cheltenham.gov.uk> and www.youtube.com/user/cheltenhamborough.

The Chair will confirm this at the start of the meeting.

If you make a representation to the meeting, you will be deemed to have consented to be filmed and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. MINUTES OF THE LAST MEETING** (Pages 3 - 14)
To approve the minutes of the meeting held on 18th August 2022.
- 5. PLANNING APPLICATIONS**
- 5a 22/01078/FUL Prince of Wales Stadium, Tommy Taylors Lane, Cheltenham, GL50 4RN** (Pages 15 - 20)

[Planning Application Documents](#)

- | | | |
|-----------|---|-----------------|
| 5b | 22/01200/FUL Imperial Gardens, Promenade, Cheltenham <u>Planning Application Documents</u> | (Pages 21 - 48) |
| 5c | 22/01257/FUL 90 All Saints Road, Cheltenham, GL52 2HQ <u>Planning Application Documents</u> | (Pages 49 - 58) |
| 6. | APPEAL UPDATE To be noted for information. | (Pages 59 - 62) |
| 7. | ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION | |

Contact Officer: Claire Morris, 01242 264130
Email: democraticservices@cheltenham.gov.uk

Planning Committee

Thursday, 18th August, 2022

6.00 - 9.00 pm

Attendees

Councillors:

Councillor Paul Baker (Chair), Councillor Garth Barnes (Vice-Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Barbara Clark (Reserve), Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Emma Nelson, Councillor Tony Oliver, Councillor John Payne and Councillor Simon Wheeler

Officers in Attendance:

Daniel O'Neill (Planning Officer), Michelle Payne (Senior Planning Officer), Lucy White (Senior Planning Officer) and Liam Jones (Head of Planning), Nikita Hooper (Conservation Officer)

1. Apologies

Apologies were received from Cllr Seacome.

2. Declarations of Interest

Cllr Barnes declared an interest in item 5f and stated that he would leave the meeting for that item.

3. Declarations of independent site visits

Cllr. Fisher had visited Walnut Close and the Hayloft, while Cllr. McCloskey had visited Hales Road and Walnut Close.

4. Minutes of the last meeting

The minutes of the meeting held on 14th July were approved and signed as a correct record.

5. Planning Applications

6. 22/00458/FUL 30 Hales Road, Cheltenham, Glos GL52 6SE

The Planning Officer (Daniel O'Neill) presented the report, which concerned the construction of a dwelling in the land to the rear of 30 Hales Road, and was at the committee due to an objection by the Civic Society on the grounds of design and overdevelopment.

Public speakers

There were three speakers on this item. One in objection, one the agent on behalf of the applicant and a Ward Councillor.

The objector made the following points:

- He believes that it is a serious omission that the considerations are outside the scope of the PIP.
- The application does not preserve or enhance the property.
- The application fails to pay due regard to the area
- The objector believes that it is not a sustainable scheme.
- The proposal has a generally overbearing nature
- There is a significant threat to privacy to the surrounding properties. On the north-western side, the revisions do little to mitigate amenity/ privacy loss to Keynsham St neighbours.

- Overshadowing 34 Hales Road's Arbutus Unedo tree appears to be reduced but we believe that the new build is too close to avoid damaging the root system.
- Overshadow is still unacceptable over the rest of the gardens. We do know that for at least half the year the sun's arc is too low to clear a 5.4m roofline.
- The lane is narrow with no passing places
- There was also concern with regard to the emissions from the proposed wood burning stove pipe.

The agent for the applicant made the following points:

- The property will be a fully sustainable property.
- There will be trees and shrubs planted.
- The hope is that this will be a wildlife haven and wild flowers will be planted surrounding the property.
- With regard to the parking at the property there will be lane access and only the front of the property will be used for parking.
- The property is a retirement property for the owner to enjoy.

Councillor Clark spoke in objection and made the following points:

- With this property there will be less soak away for rain water.
- There are five Keynsham Street properties that back onto this property with small gardens and four of the properties will no longer have trees.
- Instead of trees there will be a three quarters rising sight line of the new building.
- The garden at 34 Hales Road will be effected as it will be overlooked by the new property.
- The parking area plus the other concreted areas combined with the removal of trees are going to have an adverse effect on the soak away of the rain water.
- It is difficult to see how multiple cars can be parked without being outside of the boundary.
- There is no turning point within the road.
- Although the application fits within the JCS allowance it is over development of the site.

Member questions

The responses to Member questions were as follows :

- With regard to the log burner in the plans the planning officer responded that it was an electric flame-effect burner which would act as a decorative feature rather than anything to heat the home. The home would be heated by electric power only.
- With regard to the un adopted lane the planning officer responded that it was a private lane of access and so not within their remit. Other properties nearby used the lane, and any issues would be a civil matter between residents. The question of

ambulance and fire engine access and possible mitigation measures would be assessed by Highways officers.

- It was confirmed that the property is being considered as a private dwelling and a retirement property. People were permitted to have a small business at home without requiring a change of use, although this would be needed if it were deemed to exceed this.
- The planning officer confirmed that the driveway would be fully permeable.

Member debate

There was none.

Vote on officer recommendation to permit

FOR: 9

AGAINST: 0

ABSTAIN: 1

PERMITTED

7. 22/012774/LBC Cheltenham Town Hall, Imperial Square, Cheltenham, GL50 1QA

The planning officer presented the report as published.

There were no speakers on the item.

There were no Member questions and no Member debate.

The matter went to the vote with the recommendation to permit.

For: 10

Against: 0

Abstentions: 0

PERMIT

8. 22/01117/FUL Imperial Gardens, Promenade, Cheltenham 5c. 22/01117/FUL Imperial Gardens, Promenade, Cheltenham

The Planning Officer (Victoria Harris) presented the report, which concerned the erection of temporary structures on pedestrian pavement along the Promenade, Imperial Gardens and the Long Gardens in relation to Christmas markets for a maximum of 41 days for two periods in 2022 and 2023. It was before the committee because the council owned the Long Gardens and Imperial Gardens.

Public speakers

There were none.

Member questions

One Member asked whether the stalls would be in the gardens or on the pavement. The Planning Officer confirmed that they would largely be on the pavement.

One Member asked whether there had been a typo on the final slide suggesting that the site would continue until 2033. The Planning Officer confirmed that this should have read 2023.

One Member asked where the stalls would get their power. The Planning Officer responded that the council would provide an electrical power supply, but some stalls might need to use generators – most likely for hot food, and likely near the Neptune Fountain.

One Member asked whether diesel generators would be used. The Planning Officer responded that they were unsure at the moment as they did not yet know who the operators would be and the specific fuel they would need. They would ideally like to use hybrid generators, as expressed in the sustainability statement, but could not yet confirm what fuel would be used.

Member debate

One Member noted that it would be a vibrant time of year on the Promenade, and so loud generators were undesirable.

One Member suggested adding a condition to ensure that the fuel used was the most environmentally friendly possible biodiesel.

One Member added that the lack of adequate mains power supply was a long-running issue, and it was hard to justify in the context of the council's climate goals.

One Member noted that there was a clear conflict between the council's goals to promote business and bring trade to the town, and its declaration of a climate emergency. They had just become one of the first authorities in the country to produce a Climate Change SPD, and were now suggesting that they could not control the kind of generators used in major events. The event would be good for the town but if they were going to allow diesel generators, it needed to be the last time.

One Member suggested that it should not be allowed with diesel generators, so the options were to either defer it or apply a condition. One Member suggested deferring it until they had greater clarity about who the operator will be and what fuel they will require. One Member suggested applying a condition of using biodiesel, though they acknowledged this was not a perfect solution. It was important to send a message that although they supported the event, diesel generators were unacceptable.

The Chair asked for guidance from officers on possible conditions. The Head of Planning clarified that they could apply a condition requiring hybrid or biofuel generators, as long as Members considered the possible reduced commercial viability as a result.

One Member cautioned against deferring the application due to its time sensitive nature.

One Member noted that one of Cheltenham's key selling points was its reputation as a festival town, but it had also declared a climate emergency and clearly needed proper green electrification of the town centre to prevent issues like this reoccurring.

Vote on officer recommendation to permit, subject to a condition requiring the use of hybrid or biodiesel rather than diesel generators.

FOR: 10

AGAINST: 0

ABSTAIN: 0

PERMITTED

9. 2/00764/FUL 1 Coltham Fields, Cheltenham, GL52 6SP

The Planning Officer introduced the report as published.

There were two public speakers – the agent on behalf of the applicant and Cllr Matt Babbage in objection.

The agent made the following points:

- The proposal makes good use of the land
- It is a high quality contemporary design
- The access is safe as per Gloucestershire Highways
- The roof shows compatibility to the Climate Change SPD
- There have been a few objections to the proposal, however this has been dealt with in the officers report.
- There have also been letters in support received.

Cllr Babbage made the following points:

- That the lane is a narrow lane with no footpath or passing places.
- There is a car parking space in the plan however it is narrow and parking in it may be difficult with the possibility of encroaching on neighbours properties.
- There will be disruption during the building and there is a concern that larger construction vehicles will cause a problem for other residents.
- The site is a small site for the proposed property.
- The site as it is at the moment is described as an eye sore, there is a risk that landowners will let their land fall into ruin just so they can obtain planning permission.

The matter went to Member questions and the responses were as follows:

- One Member was concerned about the construction phase, in particular construction traffic, given the width of the lane. Officer responded that Condition 3 requires the submission and approval of a Construction Management Plan prior to commencement of development. Gloucestershire Highways will be consulted on this. If feasible, the possibility of accessing the site through the industrial estate could be discussed with the applicant.
- Neighbouring properties were consulted on the application. There was no site notice posted because the site is outside a conservation area.

The matter then went to Member debate where the following points were raised:

- A local resident seemed upset as he seemed to think that the property was going to be a HMO which is not the case.
- The proposed building is a nice design for a cramped area.
- The site is a challenging site and the applicant has put forward quite an attractive building.
- Hopes that the relationship with neighbours can be repaired.
- Cheltenham is desperate for new homes and this is an attractive scheme that will enhance the street scene.

The matter went to the vote with the recommendation to permit:

For: Unanimous

PERMIT

10. 22/00749/FUL Hayloft, The Reddings, Cheltenham, GL51 6RL 5e. 22/00749/FUL Hayloft, The Reddings, Cheltenham, GL51 6RL

The Planning Officer (Emma Pickernell) presented the report, which related to the conversion of the existing dwelling house into nine self-contained apartments, and associated works. It was before the committee at the request of Cllr. Collins because of the long history connected to the site, the various applications which had been submitted in the past and the high level of local interest.

Public speakers

The objector made the following points:

- There has been misleading and intimidating behaviour from the applicant.
- The developers plan appears to be incorrect with respect to the car parking – it is not suitable for 10 cars.
- There is not sufficient space allowed for bicycles for the properties in the proposed cycle shed.
- The property is not in keeping with the area at all.

The agent on behalf of the applicant made the following points:

- The applicants previous business partner is no longer involved in the project.
- As the proposed building is not being extended there is no impact on the green belt.
- They are aware of the concerns surrounding parking and traffic however there has been no objections from Gloucestershire Highways.
- There will be as many sustainable qualities as possible incorporated into the property.

Councillor Collins then spoke on objection and made the following points:

- There is disappointment that yet another application has been submitted..
- He believes that this is the application that the developer always intended.
- The application is for a 9 unit monstrosity not a single dwelling
- There are several policy reasons that the committee can use to refuse the application.
- This application does not respect the fact that the property is in a green belt area.
- The developer has never shown any respect to the community.
- The application for a single property was granted on appeal and that is sufficient as the property that has been built is three times the size of the original cottage.

Member questions

One Member asked whether the building works were completed, and whether the four bedrooms had been occupied since then. The Planning Officer responded that the building works had largely been completed, and one family was living in part of the house referred to as Flat 1, so the other bedrooms were not occupied.

One Member asked whether the field owned by the developer adjacent to the site was part of this application. The Planning Officer confirmed that it was not.

One Member asked for clarification of what exactly the applicant had been granted in the past. The Planning Officer responded that the various consents granted in the past had now expired, so the only material consideration was the most recently granted one.

One Member asked why no enforcement action had been taken when the existing house was demolished far in excess of what was granted to the applicant. The Planning Officer responded that a number of consents had been granted for various extensions. Queries were made in order to tidy up this situation, but enforcement action was not pursued.

One Member asked whether the ten parking spaces had an electric charging point each, or four as suggested in the report. The Planning Officer responded there were four, though they had requested one per dwelling.

One Member asked whether the Planning Inspectorate's ruling in favour of a single occupancy dwelling set a precedent against the applicant coming back to request a change of use. The Planning Officer confirmed that there was nothing stopping them coming back to request an alternative scheme.

One Member asked about a possible supply of gas to the building. The Planning Officer responded that there were no proposals for this.

One Member asked whether a light test had been carried out in a number of the flats. The Planning Officer responded that this was not a routine part of the process, but every room had a window and met the basic livability standards.

One Member asked whether the electric supply would be sufficient if ten vehicles were to turn up and each use an electric car charging point. The Planning Officer responded that this was a technical process which would be handled by building regulations rather than Planning.

Member debate

One Member suggested that the applicant's previous successful appeal to the Planning Inspectorate had been granted on the basis that it was a single dwelling rather than multiple use, making it irrelevant to the application at hand.

One Member suggested that the applicant had repeatedly failed to comply with what the committee had permitted in the past, and was concerned the same would happen again. They suggested that the applicant be required to sign a S106 agreement ensuring full occupancy at the end of the development.

One Member noted that they had been told that much of the development could have been built under permitted development, but this did not apply after the original properties were torn down. In their view, there was a strong argument to refuse due to it being on the green belt, in addition to the ugliness of the property. The Planning Inspectorate gave permission for a single dwelling, but now the application was for nine.

One Member suggested that while they felt it was a grotesque building that the committee was right to reject previously, there were no clear planning grounds to reject it now.

Vote on officer recommendation to permit

FOR: 2

AGAINST: 7

ABSTAIN: 1

NOT PERMITTED

Members discussed possible reasons for refusal and the possibility of deferral.

One Member asked whether it was within the gift of the committee to require a S106 agreement that could not be appealed. The Head of Planning explained that a S106 agreement could be used in certain scenarios, but would have to meet the necessary legal tests. There would need to be a clear reason to use one rather than attaching conditions as was standard. There was additional land outside the site plan, but if this were to be developed then a separate application would be required.

The Member suggested that the applicant's track record of failing to do what the committee had agreed was a clear reason. In their view, the nine flats agreed in principle could very easily become nine houses. A S106 agreement would cost relatively little and provide genuine assurance that this would not be the case.

The Head of Planning cautioned that there would not be any outer planning harm if, for example, only five of nine flats were completed. The Member suggested that if granted, nine flats could become nine houses, as happened at Cromwell Court. The Head of Planning emphasised that the application needed to be considered on its own merits rather than as a hypothetical. If there was another application in the future extending the site, then wider considerations regarding visual impact and the green belt would come into play. He noted that while there were clear concerns from Members about the application, they needed to agree on a reason for refusal.

One Member suggested that the green belt factor was key. The Planning Officer clarified that the NPPF included changes of use under 'developments considered to be appropriate in the green belt'. There was no fundamental incompatibility between the application and the green belt – this tended to only apply when a development increased the size of a site.

One Member suggested that the comments from the neighbours indicated that JCS SD14 and Cheltenham Plan SL1, regarding unacceptable harm to the amenity of neighbours, would be appropriate reasons for refusal. The cumulative effect of effectively building a block of flats where there had previously been a single occupant would have a clear adverse impact on neighbouring amenity.

One Member noted that while the site was not changing from a Planning point of view, they would also effectively be building a car park. With this in mind, JCS SD5 (impact on green belt), as suggested in Cllr. Britter's letter, was an appropriate reason for refusal. Another Member agreed that the impact on the green belt would be significant.

The Head of Planning advised that any refusal would likely have to be based on the impact on neighbour amenity rather than the openness impact on the green belt. The Chair agreed that Cheltenham Plan SL1 and JCS SD14 were the most suitable reasons for refusal, due to the harm to the amenity of adjoining land users caused by going from one dwelling to nine.

Vote on refusal on grounds of Cheltenham Plan SL1 and Joint Core Strategy SD14**FOR: 7****AGAINST: 0****ABSTAIN: 3**

REFUSED**11. 22/01077/FUL Springfield, 9 Walnut Close, Cheltenham, GL52 3AF**

The planning officer introduced the application as published.

There were 2 public speakers on the issue. The applicant and an objector.

The objector made the following points:

- Three properties in the space is excessive as they will be crammed into the available space.
- Two properties would fit perfectly in the space the third plot will be 6.5 meters wide whilst the other plots are an average of 14.5 meters.
- As there are no proposed garages at the new properties cars will park in front of the properties and the feeling of the space will be spoilt. He believed that it will contravene paragraph 5.1 of the Cheltenham plan.
- Three storey houses are not in keeping with the rest of the properties in the road.
- Two detached properties are far more appropriate for the space.

The applicant made the following points:

- He stated that he along with his brother have built 37 homes across 17 sites in Cheltenham in recent years.
- The architects panel has no objection to the proposal.
- The Civic Society confirmed that the plot could easily support 3 houses.
- He confirmed that no trees protected or otherwise would be effected by the plan.
- The Gloucestershire Highways assessment raised no objections to the scheme.
- It will be one of the first new build developments to embrace the new requirements set out in the Climate Change SPD.

The responses to Member questions were as follows:

- There are no garages as part of the application and it is assumed that the electric charging points for vehicles will either be free standing or attached to the property.
- The history of the numbering in the road is not known.
- The energy advisor for the agent advised that two solar panels are sufficient for the properties.
- The details for the air source heat pump have been requested.

The matter then went to Member debate where the following points were made:

- This is an elegant road and it is a shame that the property is not listed and will be demolished.
- Three properties are too many for the site and that the lack of garages is a failing.
- There was speculation that two solar panels are enough.
- Commend the developer for previous developments in the town however there was feeling that three properties are excessive for the size of the site.
- As there are no garages there was concern that the front gardens will become car parks and this is not in keeping with Walnut Close.
- After planning view it was more obvious that three properties could fit on the site quite easily. Happy to vote with the officers recommendation.
- There needs to be a sensible approach to maximising use of redeveloping sites as there is no wish for there to be high rise apartments on sites such as this.
- There is room for three decent sized properties and as the plot is set back will be minimal effect on the street.

The matter then went to the vote on the officers recommendation to permit:

FOR: 6

AGAINST: 4

PERMIT

12. 22/01101/FUL Sangria, Ashley Road, Cheltenham, GL52 6QE

The Planning Officer (Michelle Payne) presented the report, which related to a proposed replacement dwelling and revised scheme following a previous grant of planning permission. It was before the committee at the request of Cllr. Babbage due to the level of local concern, and had also been objected to by the parish council.

Public speakers

There were three speakers on this item, an objector, the agent on behalf of the applicant and the Ward Councillor for the area.

The objector made the following points:

- There is no question that the property needs updating and although permission was granted for a large dwelling in October which was two stories there is now permission being requested for a three storey property which is 24% bigger.
- The trees to the south of the property are to be removed and the construction of the mezzanine level will allow the properties to be overlooked.
- The extra square footage increases the roof area that will cause flooding lower down the hill.
- Flooding is a huge problem in the area with the flooding of the lower gardens being a regular occurrence.
- 36 neighbours were contacted on consultation and 38 neighbours objected.

The applicant then made the following points:

- He believes that the neighbour canvased the area to gain support for the objection
- Neighbours had asked for the height of the roof to stay the same and that he didn't build too close to the neighbours garden – both requests that he complied with.
- He doesn't think that it is unreasonable to have a four bedroom property on a plot of half an acre.
- As the site slopes the property will be lower than the others in the area
- The proposed property will be eco-friendly with solar panels and will be a low carbon home.
- There has been a problem with flooding and understands that this is a concern – however after a survey it was discovered that there was a collapsed drain on the property which will be repaired.

Councillor Babbage then spoke as Ward Councillor in objection. He made the following points:

- Although this is a large plot it is a very large building that is being proposed.

- There is significant concern as there could be up to three storeys of solid wall facing the neighbour.
- An improved design could mitigate problems..

Member questions

One Member noted that the objector referred to a 24% increase in the area of the site, which did not appear in the report. What were the Planning Officer's figures on this? The Planning Officer did not have a specific figure, though the new mezzanine would increase the floor space.

One Member asked whether it was correct that the parish council had objected to the previous scheme. The Planning Officer clarified that the parish council had objected to a previously withdrawn scheme rather than the updated version that followed.

One Member asked for a summary of what exactly had changed, as it was difficult to visualise the intermediate stage between one house and two. The Planning Officer explained that most of the accommodation would be on the lower ground floor. There would be a 1.4m increase in the depth of the wing running from east to west, and 1m from north to south. On the upper ground floor, there would be a 1m increase in the north-south wing. Overall, these were relatively modest additions, with the mezzanine level being created within the volume of the original approved house.

One Member asked how much concrete would be added. The Planning Officer responded that there would be a limited additional amount, but there was an extant permission for a very similar dwelling to this.

Member debate

One Member praised the applicant for a sensible approach, in particular to the question of energy.

Another Member noted that the applicant seemed to have gone the extra mile in terms of working with neighbours to address their worries. The building was in a dip and even with the new build seemed to be smaller than neighbouring properties. It looked different to other houses in the area, but it did not need to look identical. It would be reasonably well sheltered and low down, and was an exciting new build all round.

One Member agreed with their colleagues that it was an innovative and appropriate design. The plot was to its advantage as it was virtually invisible from the road. The architect and owner had addressed the solar panel issue.

Vote on officer recommendation to permit

FOR: 9

AGAINST: 0

ABSTAIN: 1

PERMITTED

13. Appeal Update

These had been circulated beforehand and were taken as read. The Chair congratulated the Planning department for winning all the appeals in the update.

14. Any other items the Chairman determines urgent and requires a decision

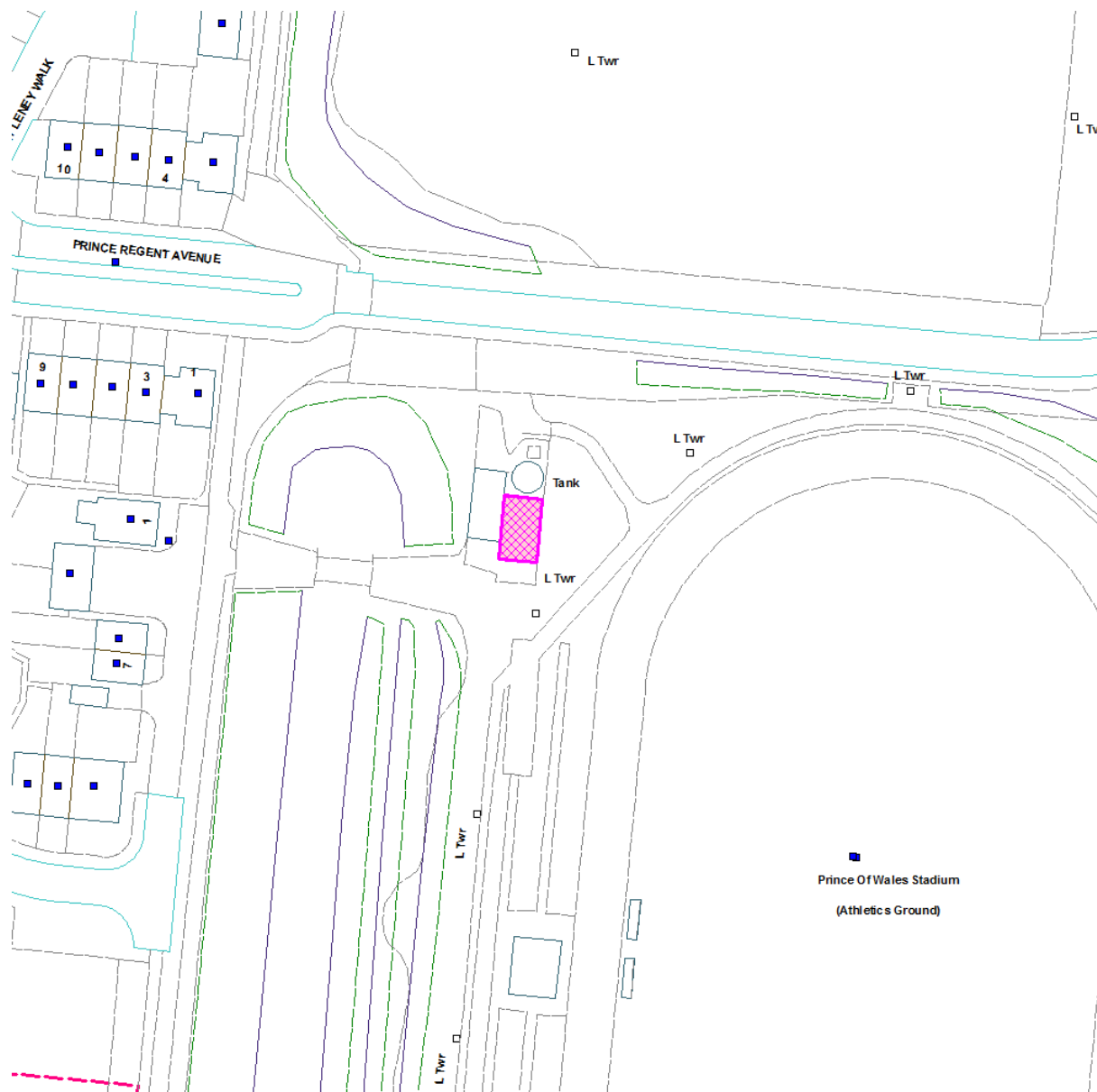
There were none.

Chair

Officer Report

| | |
|--|--|
| APPLICATION NO: 22/01078/FUL | OFFICER: Mrs Victoria Harris |
| DATE REGISTERED: 16th June 2022 | DATE OF EXPIRY: 11th August 2022 |
| DATE VALIDATED: 16th June 2022 | DATE OF SITE VISIT: |
| WARD: Pittville | PARISH: |
| APPLICANT: | Cheltenham and County Harriers |
| AGENT: | Agent |
| LOCATION: | Prince Of Wales Stadium Tommy Taylors Lane Cheltenham |
| PROPOSAL: | Two portable steel containers on existing hardstanding |

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a Sports Stadium. The facilities comprise of a 6 lane 400m running track; a central sports area also utilised as a rugby pitch; and a main stand with changing rooms, hospitality area, toilets and seating for approximately 480 people.
- 1.2 Planning permission is sought for the positioning of two standard shipping containers on an existing area of outstanding/concrete base.
- 1.3 The shipping containers will be painted dark green and will have a maximum height of 2.59m. This would be surrounded by, in part, an existing corrugated iron shed and 2m high fencing.
- 1.4 The application is before the Planning Committee because the Council own the Sports Stadium.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Principal Urban Area

Relevant Planning History:

02/00233/ADV 17th January 2003 GRANT

Non illuminated rugby club match board (2.4m x 2.0m) fixed to scaffolding (top of board 4.8m from ground level)

87/00855/PF 27th August 1987 PER

Prince Of Wales Stadium Cheltenham Gloucestershire - Extension Of Security Fence, Additional Spectator And Training Areas (Scheme 1)

87/00856/PF 27th August 1987 REF

Prince Of Wales Stadium Cheltenham Gloucestershire - Extension Of Security Fence, Additional Spectator And Training Areas (Scheme 2)

87/01245/AN 17th December 1987 REF

Prince Of Wales Stadium Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

89/00230/AN 27th April 1989 PER

Display Of Advertisement As Amended By Revised Plans

89/00419/PF 27th April 1989 REF

Erection Of Store Shed

89/00420/PF 27th April 1989 REF

Erection Of Store Shed

99/50443/GDO42 16th December 1999 WDN

Erection of a 15m integrated column incorporating 3 no. antennae and 2 no. dishes together with associated equipment cabin

78/01252/PF 12th June 1978 PER

Construction running track, terracings fencing and outline for stadium, club house and car park

82/01119/PF 29th July 1982 PER

Floodlighting

82/01120/PF 29th July 1982 PER

Floodlighting practice pitch

83/01204/PF 22nd September 1983 PER

All weather training area with car park

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 10 Supporting high quality communications
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

The Cheltenham Climate Change SPD (June 2022)

4. CONSULTATIONS

None

5. PUBLICITY AND REPRESENTATIONS

5.1 2 site notices were displayed and no letters of representation have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be siting and design, and neighbour amenity.

6.3 The site and its context

6.4 The proposed storage units are located to the north of the site, are to the side of the running track and next to an existing corrugated iron shed.

6.5 Cheltenham & County Harriers (C&CH) make the application, and the units will house items including (for example): hurdles; throwing implements including discus, hammer, javelins; on field marker boards; associated equipment including for example brushes, rakes etc. The submitted information explains that within track and field athletics, certain disciplines require the use of equipment. This equipment can be bulky, heavy, awkward to transport and expensive. Currently, such equipment is stored either in upstairs rooms in the main stadium building (necessitating lengthy transport down ramps and across the site) or in a shared tunnel beneath the main stand.

6.6 Officers support the aims of the club with regard to sports and recreation opportunities. The need for storage units appears to be justified and in keeping with the uses and activity

taking place in the stadium, as such the principle of the storage units are considered acceptable.

6.7 Design and layout

6.8 Policy SD4 of the JCS and Policy D1 of the Cheltenham Plan set out design requirements of new development which reflect the general principles set out in Chapter 12 of the NPPF.

6.9 These documents require that schemes respond positively to their context, character and sense of place; that proposals are designed to contribute to safe communities, facilitate connections to sustainable transport modes and are inclusive and adaptable.

6.10 The shipping containers will be visible from the highway to the north of the site and are considered to have a negative impact on the character of the area. Officers have suggested that a more suitable and permanent solution would be more appropriate however no scheme has been submitted. A temporary permission of 2yrs has been suggested which will allow time for a long-term plan for a more permanent building, however the agent has confirmed that this would not be a cost-effective option for the club.

6.11 To mitigate the impact the shipping containers have on the character of the area, a 2m high timber fence is proposed close to the containers. The fence will not obscure the containers in their entirety given the height and difference in land levels between the sports stadium and highway; however, they will help in part to obscure the proposal. In addition the containers will be painted a dark green, located over 20m from the highway and would appear in the context of other buildings as opposed to being in an isolated location where it would appear more prominent. As such, the siting of the containers are considered to be acceptable.

6.12 Impact on neighbouring property

6.13 Policies SD14 of the JCS and SL1 of the Cheltenham Plan require that development does not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality.

6.14 The shipping containers will have little impact on the neighbouring amenity, they are approximately 42m from the nearest residential building with mature vegetation between, are set off the boundary and are single-storey. As such, the proposal is considered to comply with the relevant policies in terms of protecting neighbouring amenity.

6.15 Sustainability

6.16 The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For development proposals, including new non-domestic buildings, there are opportunities to improve the environmental performance of buildings through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.

6.17 In this instance, the submitted sustainability supporting statement states that the containers are being donated by a local Cheltenham firm and therefore not new but recycled. In addition the applicant intends to use rechargeable LED lights.

6.18 Public Sector Equalities Duty (PSED)

6.19 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.20 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.21 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons outlined above the proposal is considered to be acceptable and is therefore recommended for approval.

8. CONDITIONS / INFORMATIVES

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3 The proposed fence indicated on the approved layout plan shall be carried out in accordance with the approved details prior to the storage containers first being sited on the land and shall be painted in green and remain sited in accordance with the approved details for the lifetime of the development.

Reason: In the interests of the character and appearance of the area and residential amenity, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

INFORMATIVES

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

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

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

Officer Report

| | | |
|---------------------------------------|--|-------------------------------------|
| APPLICATION NO: 22/01200/FUL | | OFFICER: Mrs Victoria Harris |
| DATE REGISTERED: 2nd July 2022 | | DATE OF EXPIRY: |
| DATE VALIDATED: 2nd July 2022 | | DATE OF SITE VISIT: |
| WARD: Lansdown | | PARISH: |
| APPLICANT: | Marketing Cheltenham | |
| AGENT: | Marketing Cheltenham | |
| LOCATION: | Imperial Garden Promenade Cheltenham | |
| PROPOSAL: | Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January) inclusive of rig and de-rig, this is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens | |

RECOMMENDATION: Permit

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application, made by Cheltenham Borough Council, seeks planning permission for the use of Imperial Gardens for the erection of temporary structures including an ice rink in connection with festivals and special events for a maximum of 75 days, for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January) inclusive of rig and de-rig. This will be in addition to the current planning permission 12/01843/FUL of 70 days for festivals and special events within Montpellier Gardens and Imperial Gardens.
- 1.2 The ice rink proposal is very similar to 20/00369/FUL and 21/01856/FUL permitted by Committee. This new planning application seeks to add an additional 3 periods and increase the application site area previously approved and will provide additional space for structures for commercial activity which will include the box office and other Christmas attractions.
- 1.3 As identified within the submitted Planning, Heritage and Design and Access statement, the temporary structures would comprise mainly of an outdoor covered ice rink and other such structures normally associated with events. Outside the structure of the ice rink small-scale commercial activity is proposed. The design of the ice rink and temporary structures are unknown at this stage but a proposed zoned layout plan has been submitted.
- 1.4 The Ice Rink will be located in the South West quadrant of the gardens and additional commercial activity located in the North West of the gardens. Once the proposal has been built the remaining Imperial Gardens will be unused by the event and will remain open to the public.
- 1.5 The number of days being applied for includes the time taken for the construction and dismantling of the temporary structures as well as the time the structures are in place for the events themselves. The number of days does not include the time taken for re-instatement works.
- 1.6 The application is before the Planning Committee because the Council is the applicant and own Imperial Gardens.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Core Commercial Area
Principal Urban Area
Public Green Space (GE36)
Smoke Control Order

Relevant Planning History:

87/01253/AN 17th December 1987 REF

External Bar Wall Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

87/01254/AN 17th December 1987 REF

Imperial Gardens Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

07/00740/FUL 20th July 2007 PER

Erection of Holst memorial statue within gardens

07/00741/CAC 29th May 2007 NOTREQ

Remove outer bed

11/01290/FUL 21st November 2011 PER

Formation of new gateway to Skillicorne Gardens and alterations to plinth in SE corner of Imperial Square garden to accommodate new pedestrian access

11/01292/LBC 21st November 2011 GRANT

Works to provide new entrance to Skillicorne Gardens and alterations to stone plinths forming boundary to Imperial Square gardens.

11/01807/FUL 27th January 2012 PER

Erection of temporary structures in Montpellier Gardens and Imperial Gardens in connection with festivals and special events for a maximum of 75 days in each garden

12/00099/FUL 23rd March 2012 PER

Reinstatement of railings to the perimeter of Imperial Gardens, including refurbishment of original railings adjacent to the town hall and repair and re-use of existing original plinth stones where possible

12/00099/LBC 23rd March 2012 GRANT

Reinstatement of railings to the perimeter of imperial gardens, including refurbishment of the remaining original railings adjacent to the front of the town hall and the repair and retention of existing original plinth stones wherever possible

12/01843/FUL 18th January 2013 PER

Erection of temporary structures in Montpellier Gardens and Imperial Gardens in connection with festivals and special events for a maximum of 75 days in each garden in 2013 and a maximum of 70 days in each garden in each calendar year thereafter

13/00195/AMEND 26th February 2013 NOT

Non-material admendment to planning ref: 12/00099/FUL and associated Listed Building Consent ref: 12/00099/LBC to reinstate railings to the perimeter of Imperial Gardens, including refurbishment of original railings adjacent to the town hall and repair and re-use of existing original plinth stones where possible

13/00301/AMEND 24th May 2013 PAMEND

Non material amendment to planning permission 12/00099/FUL to reduce the height of the new railings from 1.8m to 1.5m, including corresponding adjustments to the sizings of the railing components

13/00302/LBC 24th May 2013 GRANT

Reinstatement of railings to the perimeter of Imperial Gardens, including refurbishment of the remaining original railings adjacent to the front of the Town Hall and the repair and retention of existing original plinth stones wherever possible (Revised scheme for 12/00099/LBC - to reduce height of railings)

15/01515/DISCON 9th April 2018 DISCHA

Discharge of conditions 4 - railing section, 8 - scheme for the treatment of the north east corner of the gardens on planning permission 13/00302/LBC

18/00473/AMEND 12th March 2018 PAMEND

Non-material amendment to planning permission ref. 12/00099/FUL to reduce width of G4 South-East Gateway from 5 metres to 2.5 metres, centred on adjacent Gardens pathway

19/01370/FUL 26th November 2019 PER

Erection of temporary structures including ice rink in Imperial Gardens in connection with festivals and special events for a maximum of 75 days, inclusive of rig and de-rig for 2 periods being 2020/21 (November 2020 - January 2021) and 2021/22 (November 2021 - January 2022). In addition to the current planning permission for festivals and special events on Montpellier Gardens and Imperial Gardens

20/00369/FUL 1st June 2020 PER

Erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

21/01856/FUL 20th October 2021 PER

Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2021 - January 2022) inclusive of rig and de rig.

This is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

21/02476/DISCON 11th November 2021 DISCHA

Discharge of condition 3 (noise impact assessment) of planning permission 21/01856/FUL

22/01117/FUL PDE

Erection of temporary structures on pedestrian pavement along Promenade and Imperial Gardens, and long gardens in relation to Christmas markets for a maximum of 41 days for two periods 2022 (November - December 2022) and 2023 (November - December 2023) including set-up and take-down

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

4. CONSULTATIONS

Heritage And Conservation

21st July 2022 - Re: 22/01200/FUL - Imperial Garden, Promenade, Cheltenham

The site is located in Imperial Garden, a planned historic garden designed for the Regency development surrounding Imperial Square and the Promenade, which runs along its northeast side. The proposed works are for the erection of temporary structures in connection with an ice rink in Imperial Garden for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January) inclusive of rig and de-rig, in addition to the current planning permissions for festivals and special events on Imperial Garden.

It should be noted existing consent for festivals and events has been granted on Imperial Garden for 70 days a year (as granted by 12/01843/FUL). The proposed ice rink in Imperial

Garden would extend this duration by an additional 75 days a year. The resultant existing and proposed festival and event uses would therefore occupy Imperial Garden for a total of 145 days or 39.7% of the year. The current application follows consent for a temporary ice rink in Imperial Gardens between November and January in 2020 and 2021 granted under applications 19/01370/FUL, 20/00369/FUL and 21/01856/FUL.

Notably the context of the site has a high concentration of listed buildings and it lies within the Central Conservation Area: Montpellier Character Area. The listed buildings surrounding or in close proximity to Imperial Garden include but are not limited to: The Queen's Hotel, a grade II* early Victorian railway hotel in the southwest corner of Imperial Square facing down the Promenade, described by Pevsner (1976) as 'one of the finest early Victorian English Hotels'; a group of detached and semi-detached grade II* listed Regency villas on the northwest side of the Promenade facing Imperial Garden; a grade II listed formal Regency terrace on the northwest side of the Promenade opposite The Quadrangle; Queens Circus a grade II listed regency terrace visible within the southwestern corner of Imperial Square, the grade II* listed Regency terraces facing onto Imperial Garden to the northeast and southeast; and the early 20th century, grade II listed, Town Hall located in Imperial Garden. The area is highly sensitive in heritage terms.

It is important to consider the heritage policy context in which the proposed works need to be determined. The cornerstone of heritage legislation is the Planning (Listed Building and Conservation Area) Act 1990 (The Act), of which Section 16(2) requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting and Section 72(1), which requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the area.

A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets shall be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

Notably Historic England published 'Temporary Structures in Historic Places' in 2010. This sets out a number of factors that can be used to consider such a proposal. These factors are location, physical impact, visual impact, setting, design, duration and season. The guidance document usefully states, "Very short term, genuinely temporary and wholly reversible changes are unlikely to have an unacceptable impact on setting. Longer term or recurrent changes, even if notionally temporary, may have a more serious impact."

Within the application no details of the appearance of the ice rink and its associated structures have been submitted. It is considered this information would be useful to allow a better understanding of the visual impact of the proposed development on the heritage assets. It has only therefore be possible to consider the general principle of the use. Given the sensitivity of the site and its context it is advised further information regarding the appearance of all proposed temporary structures be submitted to allow full understanding of the proposed works and their impact.

Imperial Garden is an integral part of the character of the setting of the listed buildings surrounding Imperial Square and Promenade and there is a strong historic interrelationship between them. It is also an important open space within the Conservation Area. Imperial Garden is seen in views in and around Imperial Square and affords fine views from the listed buildings, notably enhancing the high status principle rooms on ground and first floor rooms, which often form a piano nobile, designed to take advantage of this outlook.

A concern is raised over the resultant cumulative impact of the duration of temporary structures associated with festival and event uses for an period totalling 145 days or 39.7% of the year, their visual encroachment in a prominent location and the resultant loss of the contribution the public open space makes to the setting of the affected listed buildings and the conservation area. It is therefore considered the proposal would cause harm to the affected heritage assets. It is noted the proposal is for a period of 3 years. It is considered even in the short term harm will be caused. There is also the prospect of a further extension of this or a similar proposal on expiry of the 3 year period, an ice rink use already having been granted separate temporary consents for 2020 and 2021, making the ice rink only nominally temporary.

The proposal is not considered to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting as required by Section 16(2) of The Act and does not pay special attention to the desirability of preserving or enhancing the character or appearance of the area as required by Section 72(1) of the Act. The proposed works do not sustain and enhance the significance of heritage assets as required by paragraph 197 of the NPPF, nor do the proposed works give great weight to the asset's conservation as required by paragraph 199 of the NPPF. Paragraph 200 of the NPPF requires clear and convincing justification for harm or loss. Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage assets paragraph 202 of the NPPF requires this harm be weighed against the public benefits of the proposal. It should be noted this is a separate exercise to the general planning balance, the two should not be conflated.

Paragraph 10.7.10 of the submitted Design and Access Statement accepts the use of the gardens for events has an adverse impact upon the settings of neighbouring listed buildings whilst the events occur. It also acknowledges this could be considered to be contrary to relevant planning policy and legislation. It also recognises the need to balance harm against the public benefits, stating, "(the harm) should be weighed against the wider benefits that arise from the development, predominately this relates to the economic impact and contributing to defining the Cheltenham Christmas offer regional and helping to define Cheltenham as a destination of choice for visitors. However, not all users of the ice rink were visitors to the town and many were local residents, the ice rink offering an alternative physical activity and wider well being." Careful consideration will need to be given to whether this is sufficient to outweigh the harm that would be caused to the heritage assets.

Tree Officer

7th July 2022 - The location of trees should be marked on the layout plan. Currently the trackway to the northwest appears to be proposed to sit where a mature Robinia is.

A contractor should be hired well in advance of the site build to tie branches back if this is required for access.

Ground protection matting should be used around trees where increased footfall is likely - this should be marked up on the layout plan.

Reason: to protect the amenity value of trees in the Borough as per Policies GI2 and GI3 of the Cheltenham Plan.

Environmental Health

6th July 2022 - I have taken a look at the documents submitted as part of this planning application and I am pleased to see the inclusion of the recommendations I made in June. I would therefore recommend approval to this application subject to the bullet points in 2.8 of the Design and Access Statement being made conditions on any approved permission. For clarity the bullet points in 2.8 are below.

- o Full details of generators to be submitted to CBC Planning and EH prior to installation.
- o Utilising generator specifications a noise management plan/ acoustic assessment shall be carried out to provide details of appropriate acoustic controls. This is to be submitted to EH for approval.
- o All mitigation measures to be installed prior to first use of the generators.
- o Arrange site visit with EH following site set up to check on noise levels, lighting etc.

These bullet points will only be required for as long as generators are used on site as I appreciate there are plans for a new substation or equivalent to be installed to increase the power supply to Imperial Gardens.

Historic England

20th July 2022 - Thank you for your letter of 5 July 2022 regarding the above application for planning permission. We refer you to the following published advice which you may find helpful in determining the application.

<https://historicengland.org.uk/images-books/publications/guidance-on-temporary-structures-for-events>

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request.

Cheltenham Civic Society

27th July 2022 - 2.2 22/01200/FUL | Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January) inclusive of rig and de-rig, this is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens | Imperial Garden Promenade Cheltenham Gloucestershire
NEUTRAL

The Civic Society Planning Forum recognises the attraction of the ice rink, but it continues to cause problems for nearby residents, largely due to the noise from the generator.

We have concerns about the long-term impact on the quality of the environment including potential stresses to neighbouring trees and soil compaction. If the ice rink is to be a long-term feature of the town, the council should look at alternative locations, rather than putting so much wear on this park. To do so could bring economic benefit to other areas of the town centre.

How does this meet with Cheltenham Borough Council's Carbon Zero goals?

Building Control

7th July 2022 - The application may require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|------------|
| Number of letters sent | 122 |
| Total comments received | 13 |
| Number of objections | 13 |
| Number of supporting | 0 |

| | |
|-----------------|---|
| General comment | 0 |
|-----------------|---|

5.1 Letters of notification were sent out to 122 neighbouring properties, site notices were displayed and an advert was published in the Gloucestershire Echo. 13 representations have been received in response to the publicity. The comments are available to view on Public Access, but in brief, the comments relate to;

- Disturbance from noise, lighting and smells;
- Harm to grass, soil contamination and lack of flowers;
- Increase in air pollution;
- Loss of public space;
- Lack of detailed information;
- Impact on conservation area and listed buildings.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues to consider in the determination of this proposal are the impact on neighbouring amenity, the impact on the conservation area, sustainability and the benefits that the festivals and other events are said to bring to the town.

6.3 Impact on neighbouring property

6.4 Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users. This is further emphasised in policy SD14 of the JCS and Cheltenham Plan SL1, which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.

6.5 The objections from residents raised concerns with the noise and light generated by the proposed use, and the use of generators.

6.6 Every event organiser including the proposed ice rink needs to sign up to a Land Use Agreement (LUA) which controls noise from construction and dismantling works, noise during the events themselves and fumes from generators.

6.7 The Planning, Heritage, Design and Access Statement confirms that Cheltenham Borough Council as landowner of the Gardens enters into Land Use Agreements with the event organisers. The agreements seek to ensure that the event organiser is responsible, amongst many other things, for the protection of the park during the event, and meeting the costs associated with re-instating damage to council property caused by the event including damage to the grass.

6.8 The agreements will detail the specific dates that event organisers can construct, operate and dismantle, the times on these dates within which they can construct, operate and dismantle, and the times on these days within which they can construct and fit out temporary structures.

6.9 If planning permission were to be granted for the additional use of the Gardens for the Ice Rink, the Borough Council will continue to apply control over these events through these Land Use Agreements, informed by its experience of the use of the gardens.

- 6.10** In addition, all licensable activities associated with special events such as outdoor regulated entertainment and the sale of alcohol can only be carried out under conditions of the premises licences; a licence exists for Imperial Gardens. It contains conditions governing how the event is organised in relation to nuisance and noise, and the event organiser is required to satisfy the Council's Public Protection Division that satisfactory measures are in place to manage and monitor these issues. It is anticipated that a new licence will be required for the ice rink as the Council cannot take enforcement action against itself in the event of a breach of licencing conditions.
- 6.11** The LUA listed a number of conditions, which represent a comprehensive set of restrictions that will help to ensure the event proceeds with limited impact on neighbouring amenity.
- 6.12** The Environmental Health Officer (EHO) and neighbouring properties have raised concerns relating to the use of the proposed generators. Following negotiation with the applicant and EHO, the applicant has confirmed the below;
- 6.13** *With regard to noise generated during the events, the organisers will carry out the following, having learnt significant lessons in 2021:*
- *Full details of generators to be submitted to CBC Planning and EH prior to installation.*
 - *Utilising generator specifications a noise management plan/ acoustic assessment shall be carried out to provide details of appropriate acoustic controls. This is to be submitted to EH for approval.*
 - *All mitigation measures to be installed prior to first use of the generators.*
 - *Arrange site visit with EH following site set up to check on noise levels, lighting etc.*
- 6.14** The EHO has confirmed the above is acceptable and the concerns with the generators could be addressed through a planning condition, and therefore condition 3 is proposed.
- 6.15** Officers consider that the noise and disruption could be adequately controlled through appropriate restrictions in any land use agreements and the proposed noise mitigation condition, and therefore planning permission could not be reasonably withheld due to impact on neighbouring amenity.
- 6.16 Conservation area**
- 6.17** Section 12 of the NPPF emphasises the importance of achieving well-designed places that are visually attractive and sympathetic to local character and setting. In addition, policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that positively responds to and respects the site and its surroundings.
- 6.18** With particular regard to development within the historic environment, Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be paid to the desirability of preserving the setting of listed buildings, and preserving or enhancing the character or appearance of a conservation area.
- 6.19** Paragraphs 197 and 202 of the NPPF also advise that decisions on planning applications should take account of "the desirability of new development making a positive contribution to local character and distinctiveness", and "Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal".

- 6.20** Given the nature of the proposal and the lack of information in terms of design and scale of the ice rink and structures, it is not surprising, that various objections and concerns have been raised during the course of the application. A scheme of this nature is always likely to evoke a wide range of views and opinions, particularly on harm to the conservation area but it is important to be mindful of what is being proposed as part of this application. The proposal seeks a temporary planning permission for the erection of temporary structures in only part of the garden. It is recognised the importance of the public green space and whilst the proposed structures associated with special events do have an impact on the gardens, it is not true to say they will result in the permanent loss or erosion of the green space. The application is for a temporary use which goes beyond that which is Permitted Development. There is an argument to be made that the proposal brings with it visual, environmental and recreational value but in a way that differs from the tranquil environment that the gardens benefit from at other points throughout the year.
- 6.21** In acknowledging the concerns raised, the harm to the designated heritage assets is considered to be 'less than substantial' and therefore, as previously noted, this harm must be weighed against the public benefits of the scheme. Planning Practice Guidance sets out that public benefits can be "anything that delivers economic, social or environmental objectives" and should "be of a nature or scale to be of benefit to the public at large".
- 6.22** There are a number of economic and social benefits that would flow from this development which are clearly set out within the Design and Access Statement and supporting information. The Ice Rink is an important proposal that will be a central feature to the town's Christmas offering, has the potential to be a major driver of footfall, an opportunity to significantly enhance and elevate the town's seasonal offer and will play a vital role in supporting the town's economic recovery. It will also provide an opportunity to engage young people and families from across the borough and wider county.
- 6.23** The benefits to the town's economy, the creation of employment opportunities, and the social benefits all combine to result in significant public benefits which officers consider outweigh the identified 'less than substantial' harm to the setting of nearby listed buildings, and the character and appearance of the conservation area.
- 6.24 Access and highway issues**
- 6.25** Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission should be granted where the highway impacts of the development would not be severe.
- 6.26** The proposals have been fully reviewed by the Local Highway Authority who raise no highway objection, therefore it is considered acceptable on highway safety grounds.
- 6.27 Sustainability**
- 6.28** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For development proposals, including new non-domestic buildings, there are opportunities to improve the environmental performance of buildings through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.
- 6.29** In this instance the submitted sustainability supporting statement states that measures are being taken to mitigate impact on the carbon emissions which include the use of bio diesel or hybrid generators and not use 100% diesel generators. Also, the design and access statement confirms that a "further project is being investigated by the Council to install a permanent power supply into the gardens reducing the need for temporary power

solutions and it is anticipated that this will be available from 2023.” In the interests of sustainable development and the reduction of carbon emissions, condition 5 is proposed which will ensure 100% diesel generators are not used.

6.30 In addition the council will encourage the use of hired kit, reusable items over disposable products, LED lighting will be used and preference will be given to toilet companies with environmental policies, and strong sustainability credentials.

6.31 Given the scale of development proposed within this application, the above proposed features are considered to be acceptable.

6.32 Benefits

6.33 The Planning, Heritage, Design and Access Statement details the economic benefits of the proposed development and supporting statements from local businesses have been submitted. The statement states;

The use of the gardens has a significant positive economic impact on the local economy. Comments from previous planning applications for special events in Imperial Gardens have suggested that festivals and events are part of Cheltenham’s unique appeal in increasing and enhancing its regional, national and international profile and adding to the vibrancy, excitement and attractiveness of the town centre to visitors.

The running of an ice rink in 2022 returned a small financial profit in its own right as well as bringing considerable income and footfall into the town centre, in a year still feeling the effects of the covid-19 pandemic.

Cheltenham already has other long standing Christmas activities that support the economy in the town including The Christmas Light Switch On and Christmas Market. There has been a significant increase in activity linked to the switch on in recent years which has resulted in increases in footfall into and around the town centre.

A visitor survey (“the survey”) was conducted in after the Christmas activities in 2022 to assess the impact of Christmas events in Cheltenham. The results of this show significant numbers came into the town to visit the ice rink but went on to spend an amount of time and also money within the town’s businesses. The results of this survey can be seen in Appendix B.

In year one the ice rink attracted 43,600 visitors, in a year that saw the emergence of the omicron variant during the live run. As a result we should expect similar visitor numbers if not increased visitors over the coming years with the corresponding positive impact for wider businesses of the town.

The continued seasonal presence of an ice rink would increase Cheltenham’s festive offering and the ability to actively promote this well in advance of the season. It is evident that additional attractions to the town increase new and repeat visitors for the period they are in situ. However, it is also felt that having attracted new visitors to Cheltenham, attractions help increase repeat visitors in the following months as well.

Cheltenham BID also compared festive shopping footfall from 2019 and 2021, and saw significant increases, in line with the plans of the Christmas offering to contribute towards the town centres regeneration. (Appendix C).

6.34 Land use agreements

The Council owns the garden to which this application part relates and therefore has complete control over how the gardens are used and by whom. This can be managed through a Land Use Agreement (LUAs) with the user of the garden.

6.35 The content of the LUA shapes how the gardens are used in a way that a planning permission could never do. For example, it can require bonds in case of damage and can include specific penalties if the agreement is breached in any way. The LUA can also specify in detailed terms the requirements of the Council's Environmental Protection team. Most importantly however, the LUA enables the Council to be proactive in what it deems to be an acceptable use of the gardens.

6.36 A number of issues need to be carefully managed if the gardens are to be used successfully. These include matters relating to neighbouring amenity, the setting of listed buildings, the impact on the wider conservation area, the impact on important trees and highway safety; all of these and more can be referenced within LUAs and officers consider that this is a robust mechanism to manage successfully the use of the gardens.

6.37 Other considerations

6.38 The Trees Officer has requested additional information regarding the protection of trees. The layout is unknown at this stage and therefore the applicant has agreed to the proposed prior to commencement condition requesting a tree protection plan.

6.39 Concerns have been raised by neighbouring properties that the flower beds within the gardens were not planted for the first 6 months of 2022 and the ice rink damaged the lawns and soil. The applicant has confirmed that they will *"engage earlier with the green spaces team to share schedules and in order to, where possible, enable planting of winter beds if not around the ice rink, then immediately after."* Also no *"chemicals are used within the ice to ensure it remains frozen. These are contained to enclosed pipes running underneath the ice that are removed as part of dismantling. During dismantling the ice will be melted and drained into an agreed location between the operator and Cheltenham Borough Council as the landowner. The operator will be required to have spill kits for any chemicals onsite and should provide full COSHH details and procedures for any spills."*

6.40 Public Sector Equalities Duty (PSED)

6.41 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.42 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.43 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

7.1 In conclusion, it is apparent that the use of Imperial Gardens for an additional 75 days for a temporary period in addition to the existing 70-day planning permission for festivals and special events has generated some objections.

7.2 Officers are certainly sympathetic to the views of local residents in terms of the impact to amenity in terms of potential noise and disruption and the increase in use of the garden and Promenade for special events. Notwithstanding this concern, on balance, it is considered given the temporary nature of the proposal that will only use part of Imperial Gardens and considering what the special event will bring to the town the proposal is supported.

7.3 The recommendation is to permit the application.

8. CONDITIONS / INFORMATIVES

- 1 The use of temporary structures including the ice rink in Imperial Gardens in connection with festivals and special events shall be for a maximum of 75 days, inclusive of rig and de-rig for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January).

Reason: The use Imperial Gardens for festivals and special events may detract from the amenity of the locality and impact on neighbouring amenity. The Local Planning Authority wishes to monitor and review these impacts before considering any further applications for a longer period of time.

- 2 The permission hereby granted shall be implemented in accordance with the Land Use Agreement Summary.

Reason: To ensure the successful implementation of this planning permission and therefore ongoing compliance with Cheltenham plan policy SL1 relating to neighbouring amenity.

- 3 Prior to the installation of the external generators, full details of the generators including a noise management plan and an acoustic assessment detailing the appropriate acoustic controls shall be submitted to and approved in writing by the Local Planning Authority. The external generators and lighting shall be installed, inspected and approved in writing by the Local Planning Authority. The approved noise mitigation measures shall be implemented prior to first beneficial use of the generators, and shall be retained as such thereafter.

Reason: To safeguard the amenities of adjacent properties, having regard to Cheltenham plan policy SL1 and Joint Core Strategy policy SD14.

- 4 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 5 The development hereby approved shall not use 100% diesel generators and only hybrid or biofuel generators are permitted.

Reason: In the interests of sustainable development and the reduction of carbon emissions, having regard to Section 14 of the NPPF, adopted policy INF5 of the Joint Core Strategy (2017) and the aims of The Cheltenham Climate Change SPD (adopted June 2022).

INFORMATIVES

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

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

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

This page is intentionally left blank

| | | |
|---------------------------------------|--|-------------------------------------|
| APPLICATION NO: 22/01200/FUL | | OFFICER: Mrs Victoria Harris |
| DATE REGISTERED: 2nd July 2022 | | DATE OF EXPIRY : |
| WARD: Lansdown | | PARISH: |
| APPLICANT: | Marketing Cheltenham | |
| LOCATION: | Imperial Garden Promenade Cheltenham | |
| PROPOSAL: | Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January) inclusive of rig and de-rig, this is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens | |

REPRESENTATIONS

| | |
|---------------------------|-----------|
| Number of contributors | 13 |
| Number of objections | 12 |
| Number of representations | 0 |
| Number of supporting | 0 |

1 Claremont Lodge
Montpellier Spa Road
Cheltenham
Gloucestershire
GL50 1UG

Comments: 18th July 2022

I have a general objection to Imperial Gardens being used (and therefore unavailable for access and general use) for 75 days per year. This is undoubtedly Cheltenham's finest public amenity on the town's iconic square and it is scandalous that it is not usable as such for more than 20% of the year.

My specific objection relates to the siting and operation of the of the ice rink which

- (i) is 'powered' by an air-polluting diesel generator
- (ii) represents an inappropriate use of a much-loved public space that was never created to provide access to large service vehicles
- (iii) causes unsightly damage necessitating costly piecemeal repairs to the grass lawns
- (iv) creates noise nuisance, visual pollution and soil contamination in a residential area
- (vi) represents a failure by Cheltenham Borough Council to protect and cherish an iconic conservation area.

32 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 25th July 2022

I object to this Planning Application.

1. General. Consent is already in place for events in Imperial Gardens for 70 days per year (as granted by 12/01843/FUL). The current application is for a further 75 days - making 145 days in total (ie. 40% of the year).

When the original consent for 70 days was granted in 2013, the Decision Notice stated that 'the Local Planning Authority recognised that the use of Imperial Gardens for festivals and special events hereby approved can, if not properly managed, impact on ..the neighbouring amenity and listed buildings...'. The current application for the ice rink usage of 75 days doubles the 'impact' on the 'neighbouring amenity' and the 'listed buildings'. This conspicuously fails to 'manage effectively' the impact acknowledged in the 2013 Decision Notice.

2. Environmental Impact: Imperial Gardens is a beautiful area; an asset worth protecting for residents and visitors. If the Application is granted, there will not only be adverse impact during the build, operation and dismantle periods but also there will be an undesirable impact on the grass and flower borders considerable beyond this period. There is a statutory duty to protect this amenity. This duty is of particularly importance in this case due to the surrounding listed buildings and the conservation setting.

The Application should be refused.

45 The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 25th July 2022

I strongly object to the ice ring coming back to Imperial Square which is completely inappropriate for what should be beautiful gardens for all visitors to see and enjoy.

The area is not suitable for access and ambulances had to attend a number of times and park on the grass.

Why not make one of the council car parks available for the ice ring or have it out of town in a rented area.

40B The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 15th July 2022

Planning Application 22/01200/FUL

Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January) inclusive of rig and de-rig.

I wish to register my Objection to the above Planning Application as follows:

Loss of Amenity -

1. This proposal doubles the number of days approved and agreed by Cheltenham Borough Council for events in Imperial Gardens and would result in the loss of amenity to Cheltenham Citizens and Visitors to the town for almost half of the year.

This is a fundamental change to an existing Planning Consent and should not be allowed.

Cheltenham is well known as a 'floral' town and Imperial Gardens provide a green and floral space in the centre of town which contributes to a sense of well-being and peace which is becoming more and more important to people's mental health in these times. Cheltenham Borough Council prides itself on its green outlook. This proposed invasion and disturbance is a contradiction of this.

2. There is also prolonged loss of amenity during the time it takes for the gardens to recover.

3. The use of generators last time resulted in very unpleasant and unhealthy fumes and vibrations emanating from them and it seems from the papers submitted with this application that Cheltenham Borough Council is investigating the provision of an additional permanent power supply by means of a fixed power infrastructure.

The comment on this planning application from Environmental Health mentions "there are plans for a new substation or equivalent to be installed to increase the power supply to Imperial Gardens".

The public should be informed as to exactly what is being considered and that information should be part of this planning application.

Our Country has an energy crisis so how can Cheltenham Borough Council contemplate providing and using extra energy when we understand that Cheltenham Borough Council has a Green Policy?

If this application is refused, then no extra energy will be needed and the Council can be proud of its green credentials.

Noise -

4. This proposal will create noise and disturbance by people arriving and leaving the structure as well as the amplified noises coming from inside which, from experience, are always at a volume much louder than is necessary for the ticket holders.

5. The Application shows a larger footprint than the last application. This is presumably for the proposed catering. This is difficult to understand as the reasons put forward for this application seem to be that having the Ice Rink will help local businesses. So, why would the organisers want to provide catering which would take trade away from the local businesses?

A catering facility will also contribute to extra noise.

Visual Impact -

6. The structures needed for this proposal are not in any way attractive and detract from the beautiful Imperial Gardens which provide visual pleasure to all as well as a reason to visit Cheltenham when the Public Gardens are allowed to be a green and floral space.

Therefore, for all the above reasons, I request that this application be refused for this year and all ensuing years.

37D The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 12th July 2022

My wife and I STRONGLY object to this ice rink structure because of it's unsightliness and the noise and the ruination of lovely relaxing gardens.

Also, the expense caused from the council budget at this particular time when the cost of living is soaring.

No doubt the council will be looking to increase the council tax to pay for this hideous structure.

Please NOTE our very strong objection.

36C The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 21st July 2022

a. TOTAL FAILURE to protect a conservation area. Its interesting to see that the picture to promote Cheltenham Borough Council shows Imperial Square in all its glory and is a prime reason for visitors to come to Cheltenham . Following the erection of the Ice Rink and the tent that contained it the Gardens HAVE NEVER RECOVERED . It was in excess of six months before any Flowers were replaced and during that time the area opposite the Queens Hotel looked a complete mess.

I was also horrified to establish that although Cheltenham promotes itself as ' a green borough' the contractors were permitted to burn in the generators -- all through the period of use-- the worse polluting Diesel Fuel that is still produced . Any attempt in the future to use alternative ---far more expensive fuels --- may not have the 'carbon footprint' that has in the past been promoted by producers (HVO).

It is also noted that there is serious Soil Contamination ---STILL -- following Diesel Leakage during the last ICE RINK ERECTION . , which will take a lot of work and cost to rectify.

b. NOISE NUISANCE . to local residents who are paying some of the highest Council Tax in THE COUNTRY .

C. THE TENT -- is totally unsightly in an area which promotes itself as a Wonderful garden for relaxation and an area of outstanding natural beauty .

d. POOR ACCESS for service vehicles during erection and dismantling . This is proving very disruptive for all local residents .

36D The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 10th July 2022

Ice Rink 2022 - Objections to Planning Approval

I have three main objections to this planning application

- 1) Air pollution
- 2) Inappropriate use of Imperial Gardens
 - a) A failure to protect a Conservation Area
 - b) Noise nuisance, visual pollution and soil contamination
- 3) Poor access for service vehicles creating issues for residents

1. Air Pollution

It is my understanding that Hybrid Generators of the size required to power the Ice Rink are not available, therefore it is likely Diesel or HVO will be used.

The Ice Rink in 2021 consumed 34,540 litres of diesel. If we calculate the CO2 emissions for standard diesel this would be 92 tonnes over 42 days. (It was actually 100 tonnes as Red Diesel was used)

If HVO is used there will be a reduction of approximately 5%, this would work out at 87.4 tonnes of CO2, a reduction of only 4.6 tonnes. The NOx, CO and Particulate emissions would decline proportionally more but are still significant.

The amount of Biological Sequestration is not verifiable, therefore it is difficult to ascertain the net Green House Gas emissions and therefore Climate Change contribution.

However, although the effect on the Local Air Quality is less with HVO it is still significant. To put it another way - using HVO to fuel the Ice Rink generators in 2022 would be equivalent to running standard diesel generators for:

39 days for CO2 - 3 days less

38 days for NOx - 4 days less

30 days for Particulates - 12 days less

30 days for CO - 12 days less

The 3 main conditions associated with air pollution are respiratory conditions (such as asthma), cardiovascular disease and lung cancer, and there is emerging evidence for associations with dementia, low birth weight and Type 2 diabetes.

This application is equivalent to applying to install Standard Diesel Generators for over 30 days. Creating these levels of additional pollution, over and above the existing air quality issues in Cheltenham, is unacceptable.

2) Inappropriate use of Imperial Gardens

a) Imperial Gardens is part of the Montpellier conservation area, an area of special architectural and historic interest, the character or appearance of which is considered to be worth preserving or enhancing. It is given special protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. When the summer planting happened post Science Festival 50% of the flower beds in Imperial Gardens will have been empty for 8 months. In addition to this there are areas of the relayed turf that had failed to take due to soil contamination from the Christmas Ice Rink. It is my understanding that in a conservation area, local authorities must take in to account the need to preserve or enhance the area's special character when deciding whether to grant planning permission. Applications are considered against conservation policies and can be refused on conservation grounds alone.

I believe Cheltenham Borough Council will have failed to take into account the need to preserve or enhance the area's special character and will be in breach of its responsibilities if it grants planning permission for this event in Imperial Gardens.

The following statements are taken from the Central Conservation Area Montpellier character area appraisal and management plan, freely available on the Cheltenham Borough Council website:

"These formal gardens are important not only for the setting they establish for surrounding houses, but for the quiet space they provide in the centre of the town, enhancing both the character and appearance of Montpellier."

"The green spaces in this area are not only important as part of its character but fulfil an important civic function, being located in the town centre. They need to be maintained and enhanced where necessary."

"Green spaces make significant contributions to conservation areas and the designation also places management restrictions upon those spaces."

This also taken from the Cheltenham Borough Council website An Outline Green Space Strategy for Cheltenham 2009-2024 Policy review CHELTENHAM BOROUGH COUNCIL Parks, People and Wildlife - An Outline Green Space Strategy for Cheltenham 2009-2024 Policy review:

".... parks and greenspaces are seen as an important asset for local people and can make a positive contribution to quality of life."

b) In 2021 the guarantees given about noise levels were not met. The levels of noise from the generators took some time to be addressed and the ambient music level was at the whim of the operative at the time.

If the noise levels agreed with the residents cannot be assured, given the length of time the event runs for, then the event should not be permitted.

As stated previously there were areas of the relayed turf that had failed to take due to soil contamination. This can only have been caused by diesel oil or chemicals used for the portable toilets or the chiller pumps.

Equipment of this nature should not be installed within an ornamental garden in a Conservation Area.

The visual impact of the site detracted from areas character and the service area, which included the building site style portable toilets, was particularly ugly. The impact of the site rendered the whole area unappealing and rendered the rest of the gardens unusable as they were unpleasant to walk and sit in. This type of installation is not acceptable in an area of special architectural and historic interest, the character or appearance of which is considered to be worth preserving or enhancing.

3) Poor access for service vehicles creating issues for residents

The numerous HGV and service vehicles required to deliver/service/remove the large amount of equipment required for this event and the limited access to the site make this a dangerous and highly disruptive situation for residents and local traffic.

The roads around, and access into Imperial Gardens, are not suitable for Articulated Lorries.

Kensington House
33 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 24th July 2022

I object to this application.

Imperial Square and Gardens already has 70 days of events and the proposed ice rink, including put up and take down adds another 75 days, doubling the disruption and loss of amenity.

The proposal (10.7.10) states that this application "does have an adverse impact upon the settings of neighbouring listed buildings whilst the event occurs". Indeed, the square is now much more residential than commercial and this application impacts on residents health, wellbeing and environment, as well as the public's use of the square and gardens.

The ice rink will again dramatically increase air pollution and noise pollution within the confined area of the square.

The noise pollution from the previous ice rink was sufficiently dramatic that it was reported in the national newspapers as many residents were unable to sleep as a result of the generators. This constant loud hum (which environmental health had to address) as well as the noise from constructing and deconstructing the site, the music and the crowds was extremely difficult for residents and discouraged the public from enjoying the gardens general amenity.

I note that this proposal also suggests food and beverage providers would also be added (although their location was not highlighted on the site map) which would include more generators and general noise, litter and disruption. There are many cafes, restaurants and bars in the area and supporting them seems a more appropriate boost to Cheltenham economy than temporary food trucks.

The most difficult aspect of the proposal is the air pollution. My understanding is that there were approximately 100 tonnes of carbon emitted by the generators last time. The pollution was evident for all to see on the blackened chimneys, generators and insulation used. This proposal also confirms that generators will be used. The impact on the environment for residents and the town as a whole is unacceptable for a council which has declared its Green intentions. In addition, the fabric of the listed building is damaged (for example, the cream paintwork of the buildings) as a result of this pollution as well as the health of the many residents.

Damage is still evident in the gardens as a direct consequence of the previous ice rink - the grass is contaminated and although it has been treated is still yellow and clearly has not been resolved. The gardens are the "jewel in the crown" of Cheltenham and yet the garden is damaged and was without plants for at least 6 months after the rink was dismantled. The amenity of the square was compromised and the reputation of the town as, for example, there was a lack of planting even during Gold Cup Week.

Page 45

There are plenty of spaces within the town that would better accommodate this proposal, where there would be less disruption and loss of amenity, the pollution would be less concentrated and trapped within the buildings and the heritage of the square would be preserved.

32 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 15th July 2022

Poor access for service vehicles. Articulated lorries reversing outside our windows, we lose the amenity of parking and the noise and damage to curbs is really bad. Ruination and loss of amenity on Imperial Gardens for a long period of time. Pollution and noise and light pollution.

31 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 4th August 2022

I am writing to raise some concerns regarding the planning permission proposal for an ice rink this year.

Whilst the idea of an ice rink in the heart of Cheltenham over the Christmas period sounds attractive, I found the reality wasn't. The main concerns being:

- the diesel generators that run 24 hrs producing elevated noise and air pollution
- light pollution mainly from the security night lights
- large areas of contamination of the grass after the removal of the toilets and ice rink

Imperial square gardens cannot be planted when they are covered by tents and have spent most of this year without plants due to the festivals. A sad sight for the jewel in the crown of Cheltenham, Imperial square.

25 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 14th July 2022

We are writing to oppose the planning application for the ice rink in imperial gardens for 2022/23 2022/25 2025/25

This was the most horrendous experience last year and had a massive impact on our mental health. The noise was horrendous like a jet that never could land, which when we are not allowed double glazing as you can imagine had a massive impact on our sleep. It also looked awful and with all those lights on at night another reason not to sleep as it shines right in our house. The traffic was also horrendous. We cannot understand why you would put this in imperial square when there are so many residents and it's such a small space....there are so many other places it could go like the race course for example and parking would be so much easier. Also it ruined the grass (again) and nothing was able to be planted for months which was such a shame. Imperial square is such a pretty place for people to sit not for a massive ice rink eye sore. The other huge problem was the pollution. It was awful awful awful. Right by our houses for two months. Totally unacceptable. Please take this into account and locate it elsewhere.

18 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 11th July 2022

On behalf of my wife and myself, I should like register our strong objection to the above planning application for the years 2022/2023/2024.

This proposal is for an additional 75 days occupation of the gardens on top of the 75 days already approved some years ago for festivals and special events. In practice, this means that Imperial Gardens will be occupied for 150 days each year - virtually half a year(!), especially when additional days and weeks to restore the lawns and borders are taken into account !

The gardens were originally planned with lawns, quality flower borders and trees in the centre of town for the quiet and peaceful enjoyment of the people of Cheltenham and visitors to the town. The proposals in this application completely destroy this valued amenity and will turn what is a tranquil asset into a completely different environment of a perpetual fair ground, for extremely long periods.

We also note that the area of the gardens it is proposed to occupy for the ice rink event is a larger area than for last year. We understand that this is to provide additional food and drink facilities. This will bring totally unacceptable added noise, smells and an unsightly jumble of vehicles, tents and other structures nearer to the residential properties in

Imperial Square and further encroach upon the small remaining area of open space in the gardens for quiet use by the public.

The gardens already have the Garden Bar and other cafes and restaurant businesses are located nearby. Surely this is the main reason Cheltenham Borough Council and it's partners perpetually want to locate public events in Imperial Gardens, to support these local businesses. Otherwise, these events would be more suited and less damaging to the environment if located in other parks in the town. In future, any additional food and drink facilities that are considered essential, should be located on the wide pavements on the a Promenade, thereby protecting the gardens as far as possible.

Finally, very powerful night time flood lighting was a serious problem for residents during the occupation, rig and de-rig last year, and massive pollution caused by the exhaust fumes from the diesel generators made a complete nonsense of the Council's environmental policy for the town.

For the above reasons we object to the proposal.

Kensington House
33 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 24th July 2022

I strongly object to this planning application for the following reasons:

1) PROTECTION OF A CONSERVATION AREA. The Council positions Imperial Gardens as the jewel in the crown of this wonderful and beautiful regency town. A place where residents and visitors alike can enjoy peaceful and quiet reflection in stunning architectural surroundings. Yet this application proposes to, once again, erect a large, unattractive and noisy structure that is completely inconsistent with the elegant surroundings for a period of 75 days. This is not acceptable or aligned to the Council's responsibilities. There are other locations within the town that are far better suited to locate this structure.

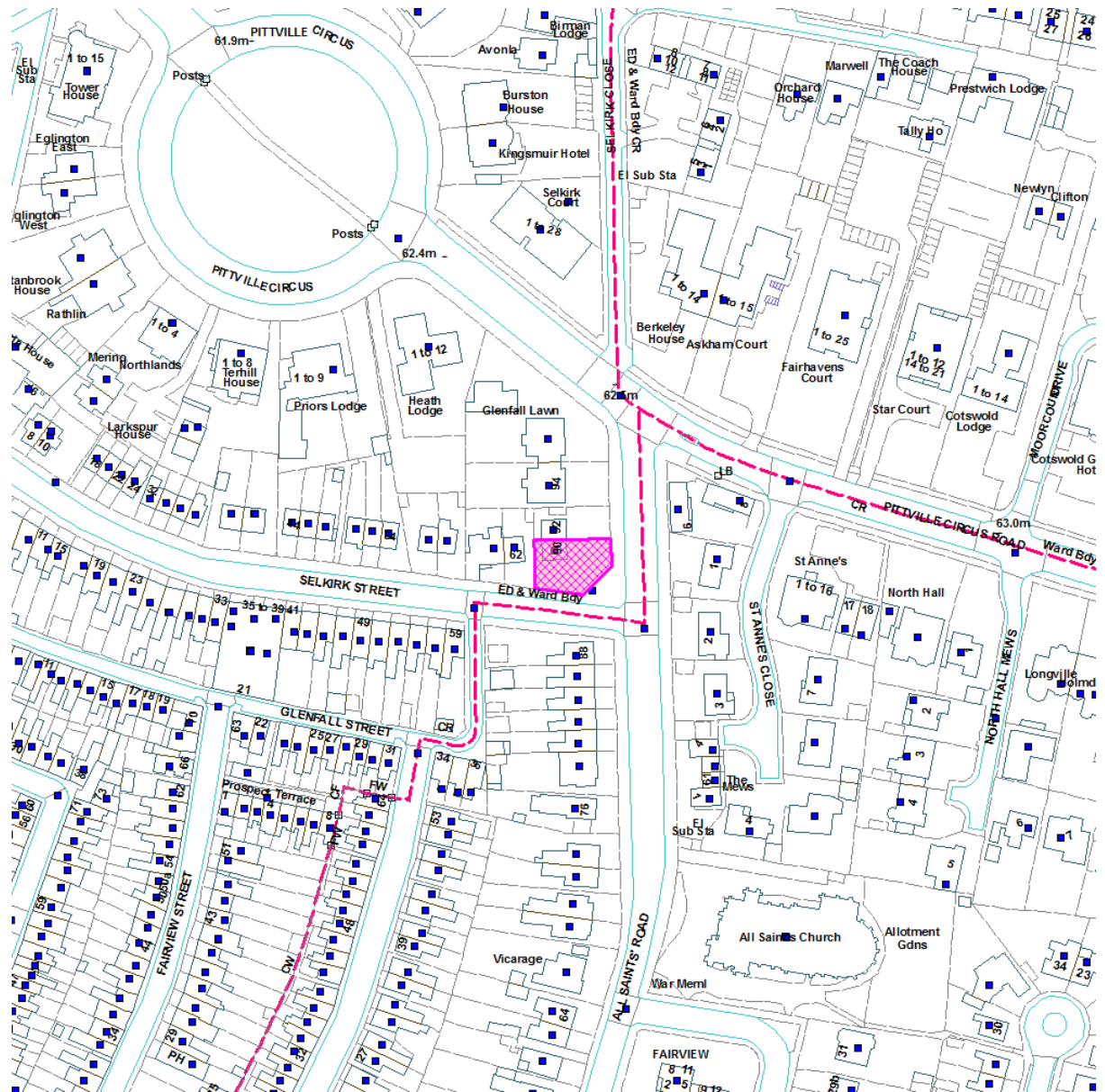
2) NOISE, LIGHT AND TRAFFIC POLLUTION. Imperial Square is a residential area. Last year the local residents' peaceful enjoyment of their homes was disrupted by the noise of the generators (late into the night-time, impacting sleep), the lights from the site shining into our homes, the fumes/smells created by the burning of diesel fuel to power the generators (which is inconsistent with the Council's claimed Green credentials) and the traffic congestion caused by set-up and strip-down of the rink.

3) ENVIRONMENTAL CONSIDERATIONS. After the presence of the ice-rink last year, the grass and flowers in the area that the ice rink was located took, literally, months to recover from the footprint of the ice rink itself and the leakage of diesel into the soil.

This page is intentionally left blank

| | |
|--|---|
| APPLICATION NO: 22/01257/FUL | OFFICER: Mrs Lucy White |
| DATE REGISTERED: 12th July 2022 | DATE OF EXPIRY: 6th September 2022/Agreed Ext of Time 24th September 2022 |
| DATE VALIDATED: 12th July 2022 | DATE OF SITE VISIT: |
| WARD: Pittville | PARISH: |
| APPLICANT: | Mr And Mrs L And L Savage |
| AGENT: | VJM Design House Ltd |
| LOCATION: | 90 All Saints Road Cheltenham Gloucestershire |
| PROPOSAL: | Insertion of first floor gable window to side elevation (plus installation of 3no. roof lights to front and rear roof slopes) |

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 90 All Saints Road is a two storey, semi-detached dwelling with painted rendered facing walls under a tiled pitched roof. The building occupies a corner/end plot at the junction with Selkirk Street, and fronts both All Saints Road and Selkirk Street. Although not statutorily listed, the property was probably constructed in the mid-19th Century and lies wholly within the Central Conservation Area (Fairview and All Saints Character Appraisal Area).
- 1.2 Surrounding development is characterised predominantly by a mix of smaller, artisan terraced properties and larger Regency style semi-detached and detached properties. The Grade I listed All Saints Church is located nearby on the east side of All Saints Road.
- 1.3 The property has been extended recently in the form of a two storey side extension (ref 16/02265/FUL). Planning permission was also granted in 2021 for the addition of a dormer window in the rear roof slope of the original part of the dwelling, to facilitate a loft conversion. These works have not yet been carried out.
- 1.4 The applicant proposes the insertion of first floor gable window to the side elevation, plus the installation of 3no. roof lights to the front and rear roof slopes. Note that, the proposals relate to the two storey extended part of the dwelling and its roof space.
- 1.5 This application is before the Planning Committee because the applicant is an elected Borough Councillor (Cllr Louis Savage).

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Smoke Control Order

Relevant Planning History:

16/01215/FUL 25th August 2016 REF
Two storey side extension
16/02265/FUL 14th February 2017 REF
Two storey side extension (revised scheme following 16/01215/FUL)
21/02729/FUL 21st January 2022 PER
Rear Dormer to facilitate loft conversion

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality
INF5 Renewable Energy/Low Carbon Energy Development

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Central conservation area: Fairview and All Saints Character Area and Management Plan (July 2008)

Cheltenham Climate Change (2022)

4. CONSULTATIONS

Building Control

18th July 2022 - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|----------|
| Number of letters sent | 5 |
| Total comments received | 1 |
| Number of objections | 1 |
| Number of supporting | 0 |
| General comment | 0 |

5.1 The application was publicised by way of letters to 5 neighbouring properties, a site notice and an advert in the Gloucestershire Echo. One representation was received following the publicity and the comments/concerns raised, in summary, are as follows:

- Overlooking and loss of privacy caused by proposed first floor gable window
- Existing boundary hedges are not permanent features
- Impact on property values

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues are the design and location of the proposed openings and their impact upon the architectural integrity of the existing building and the character and appearance of the street scene and wider conservation area. The potential harm to the amenities of the occupiers of neighbouring properties will also need to be considered carefully.

6.3 Design and layout

6.4 Section 12 of the NPPF sets out that good design is a key aspect to achieving sustainable development and creating better places to live. Policy SD4 of the Joint Core Strategy (JCS) requires development to respond positively to and respect the character of the site and its surroundings. This is reiterated in Policy D1 of the Cheltenham Plan which requires development to achieve a high standard of architectural design that complements neighbouring development.

- 6.5** Similarly, the guidance set out in the Supplementary Planning Document: Residential Alterations and Extensions (Adopted 2008) provides guidance on the placement and design of roof lights which should be as unobtrusive as possible and are often a better alternative to dormer windows.
- 6.6** The Council is also required, pursuant to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to preserve or enhance the character and appearance of conservation areas. Policy SD8 of the JCS and section 16 of the NPPF also provide guidance with regard to development within the historic environment. Local Authorities are required to identify and assess the particular significance of any heritage assets, taking into account the desirability of sustaining and enhancing the significance of those heritage assets and ensuring that development makes a positive contribution to local character and distinctiveness.
- 6.7** 90 All Saints Road occupies an end plot and although set back from the road, the property fronts both Selkirk Street and All Saints Road; visible from the public realm and fairly prominent within the street scene, despite the high conifer hedge forming the front and side boundaries. As such, the proposed openings would be seen from both Selkirk Street and All Saints Road, as well as from some neighbouring properties.
- 6.8** Note that, the submitted drawings show the proposed roof lights in combination with the approved dormer window and 2no. roof lights within the original roof slope; albeit the dormer and roof lights have not yet been installed.
- 6.9** The proposed additional window to the side elevation would serve a first floor bedroom and would be of similar size and design to that of the existing front facing window serving this room.
- 6.10** The 3no. roof lights shown in the submitted drawings would be installed to the roof slopes of the extended part of the dwelling, two at the rear and one at the front. These roof lights would facilitate an extended loft conversion to provide additional living accommodation.
- 6.11** Permitted development rights relating to the insertion of additional windows or other openings in the walls of the extended part of the dwelling were removed upon the grant of planning permission for the two storey extension (ref Condition 2 of 16/02265/FUL). This condition refers only to the walls of the extension and not the roof slopes and as such the insertion of the roof lights to the front and rear roof slopes of the existing dwelling could be carried out as permitted development.
- 6.12** Notwithstanding the above, the proposed openings (roof lights and side elevation window) are considered acceptable and will not be visually harmful to the character and appearance of the conservation area or detract from the architectural integrity of the building. The potential impacts of the proposed side elevation window on neighbour amenity are discussed below.
- 6.13** In light of the above, the proposals adhere to the objectives of Section 16 of the NPPF, Policy D1 of the Cheltenham Plan, Policies SD4 and SD8 of the JCS and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.14 Impact on neighbouring property**
- 6.15** Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality. These requirements are reiterated in adopted JCS policy SD14. In addition, NPPF paragraph 130 highlights the need to secure a high standard of amenity for existing and future users.

- 6.16** As discussed above, the restriction on further openings within the extended part of the dwelling relates only to openings within the walls. The proposed roof lights could therefore be inserted by way of permitted development rights. Regardless, given their height and position within the roof slope, they are unlikely to result in any direct overlooking into the side (secondary) windows or front curtilage of No 62 Selkirk Street.
- 6.17** One neighbouring resident has raised concerns about the potential for overlooking from the proposed first floor side elevation window into windows and the rear of their property. These concerns have been considered very carefully.
- 6.18** No 88 All Saints Road has blank side openings at ground and first floor but side facing windows in the rear wing and a ground floor rear facing bay window. The separation distance between the proposed side elevation window and the principal side elevation of No 88 All Saints Road would be 21.5 metres, 25 metres to the rear wing and 18.5 metres to the boundary of No 88. These measurements adhere to Policy SL1 recommended distances between dwellings which face each other where both have windows with clear glazing. Furthermore, a road/public realm separates the two properties and there are similar separation distances between facing properties in Selkirk Street.
- 6.19** The existing high conifer hedge along the side boundary of the application site and the high hedge along a large section of the side boundary of No 88 would also limit views out of the proposed window. As such, officers consider it unreasonable to request that the proposed side elevation window is obscurely glazed and/or non-opening, reduced in size or omitted.
- 6.20** In light of all the above considerations, officers consider the proposals to be acceptable and compliant with the objectives of Cheltenham Plan policy SL1 and JCS policy SD14.

6.21 Sustainability

- 6.22** Cheltenham Borough Council, in common with a number of Local Planning Authorities, has declared a climate emergency, with an aim to be a carbon zero authority by 2030.
- 6.23** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For all development proposals there is an opportunity to improve the environmental performance of a building through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, insulation and replacement heating systems (heat pump) etc.
- 6.24** In this instance there are no specific low carbon technologies proposed and given the nature of the proposals a Sustainability Statement has not been requested nor provided voluntarily by the applicant. That said, the works will be required to comply with current Building Regulations (including appropriate glazing properties, thermal insulation, ventilation, conservation of fuel/power and minimum energy efficiency etc.). There would be limited scope to include green technologies or building practices over and above that required by building regulations. As such, the lack of any further technologies within the scheme is considered acceptable in this instance.

6.25 Other considerations

6.26 Public Sector Equalities Duty (PSED)

- 6.27** As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:
- Removing or minimising disadvantages suffered by people due to their protected characteristics;

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.28 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.29 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the proposals are considered policy compliant and the recommendation is to grant planning permission subject to the following conditions.

8. CONDITIONS / INFORMATIVES

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

INFORMATIVES

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

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

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

- 2 In the interests of preserving the character and appearance of the conservation area, the proposed roof lights should be conservation style roof lights and retained as such thereafter.

This page is intentionally left blank

| | | |
|--|---|--|
| APPLICATION NO: 22/01257/FUL | | OFFICER: Mrs Lucy White |
| DATE REGISTERED: 12th July 2022 | | DATE OF EXPIRY : 6th September 2022 |
| WARD: Pittville | | PARISH: |
| APPLICANT: | Mr And Mrs L And L Savage | |
| LOCATION: | 90 All Saints Road Cheltenham Gloucestershire | |
| PROPOSAL: | Installation of 3no. skylights to front and rear roof slopes and first floor gable window to side elevation | |

REPRESENTATIONS

| | |
|---------------------------|----------|
| Number of contributors | 1 |
| Number of objections | 1 |
| Number of representations | 0 |
| Number of supporting | 0 |

88 All Saints Road
Cheltenham
Gloucestershire
GL52 2HA

Comments: 15th July 2022

We strongly to object to the installation of a window to the first floor gable end of 90 All Saints Road.

This would seriously impinge on our privacy as owner/occupiers of No 88 All Saints Road.

It would allow direct sight into our Kitchen, Dining Room and Garden.

The previous Planning Application Ref. No: 16/02265/FUL Dec 2016 specifically stated that no additional windows should be inserted apart from those shown for the Extension and I see no reason why this should now be considered acceptable.

The existing hedges to the boundary of both properties should not be considered as permanent features and by virtue of the extension built in 2017, the gable end of No 90 now stands much nearer to our property.

Even with the current hedges the proposed gable end window would look directly into our large double height sash Kitchen window which incidentally has been in situ and original to our house built in 1851 and is Grade 2 listed.

Our property has always enjoyed perfect privacy and this intervention will undoubtedly affect the future market value.

This page is intentionally left blank

Appeals Lodged AUG/SEPT 2022

| Address | Proposal | Delegated or Committee Decision | Appeal Type | Anticipated Appeal Determination Date | Reference |
|---|---|---------------------------------|------------------------|---------------------------------------|---|
| Woodlands Park Swindon Lane Cheltenham Gloucestershire GL50 4PB | Use of land as a residential caravan site for 13 caravans | Delegated Decision | Appeal Hearing | Nov 2022 | Appeal ref 22/00020/PP1 Planning ref: 21/02732/CLEUD |
| 159 High Street Cheltenham Gloucestershire GL50 1DF | Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) on Pavement Of Winchcombe Street Side Of Hays Travel 159 High Street | Delegated Decision | Written representation | Nov 22 | Appeal Ref: 22/00021/PP1 planning ref: 22/00322/FUL Appeal ref: 22/00022/ADV1 Planning ref: 22/00322/ADV |
| Sew M-Design Sewing Studio 253 Gloucester Road Cheltenham Gloucestershire GL51 8NW | Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s) | Delegated Decision | Written representation | Nov 22 | Appeal ref: 22/00023/PP1 planning ref: 22/00330/FUL Appeal ref: 22/00024/ADV1 planning ref: 22/00330/ADV |

Appeals Determined

Nothing to report.

Authorised By: Liam Jones 13.09.2022

| Application No. | Appeal Ref | Site Address | Appeal Type | Start Date | Questionnaire | Statement | Final Comments | Decision | Date of Decision | Costs Decided | Hearing Date | Costs awarded |
|-----------------|-----------------|----------------------------|-------------|------------|---------------|------------|----------------|-----------|------------------|---------------|--------------|---------------|
| 21/02306/FUL | 22/00001/PP1 | o/s 156 - 160 High St | written | 07.03.2022 | 14.03.2022 | 11.04.2022 | 25.04.2022 | dismissed | 22.06.2022 | n/a | | |
| 21/02306/ADV | 22/00002/ADV1 | o/s 156 - 160 High St | written | 07.03.2022 | 14.03.2022 | 11.04.2022 | 25.04.2022 | dismissed | 22.06.2022 | n/a | | |
| 21/02304/FUL | 22/00003/PP1 | o/s 21 Promenade | written | 08.03.2022 | 15.03.2022 | 12.04.2022 | 26.04.2022 | dismissed | 05.07.2022 | n/a | | |
| 21/02304/ADV | 22/00004/ADV1 | o/s 21 Promenade | written | 08.03.2022 | 15.03.2022 | 12.04.2022 | 26.04.2022 | dismissed | 05.07.2022 | n/a | | |
| 21/01723/FUL | 22/00005/PP1 | 18 Wentworth Road | written | 24.03.2022 | 31.03.2022 | 28.04.2022 | 12.05.2022 | dismissed | 23.06.2022 | n/a | | |
| 21/02505/FUL | 22/00006/PP1 | The Paddocks Swindon L | written | 06.04.2022 | 13.04.2022 | 11.04.2022 | 25.05.2022 | dismissed | 05.07.2022 | n/a | | |
| 21/01891/FUL | 22/00007/PP1 | 9 The Bungalow All Saints | written | 25.04.2022 | 02.05.2022 | 30.05.2022 | 13.06.2022 | | | | | |
| 21/00022/DCUAL | 22/00008/ENFAPP | 3 Suffolk Road | written | 03.05.2022 | 17.05.2022 | 14.06.2022 | 05.07.2022 | | | | | |
| 22/00262/FUL | 22/00009/PP1 | 27 Cleeve View Road | written | 24.05.2022 | 31.05.2022 | n/a | n/a | dismissed | 09.08.2022 | n/a | | |
| 22/00181/FUL | 22/00010/PP1 | 21 Charlton Close | written | 16.06.2022 | 23.06.2022 | n/a | n/a | | | | | |
| 22/00086/FUL | 22/00011/PP1 | 103 Ryeworth Road | written | 16.06.2022 | 12.06.2022 | n/a | n/a | dismissed | 04.08.2022 | n/a | | |
| 21/02302/ADV | 22/00012/ADV1 | 214-216 High Street | written | 13.07.2022 | 20.07.2022 | 17.08.22 | 31.08.22 | | | | | |
| 21/02302/FUL | 22/00013/PP1 | 214-216 High Street | written | 13.07.2022 | 20.07.2022 | 17.08.2022 | 31.08.2022 | | | | | |
| 21/02308/FUL | 22/00014/PP1 | 103 High Street | written | 14.07.2022 | 21.07.2022 | 18.08.2022 | 01.09.2022 | | | | | |
| 21/02308/ADV | 22/00015/PP1 | 103 High Street | written | 14.07.2022 | 21.07.2022 | 18.08.2022 | 01.09.2022 | | | | | |
| 21/02466/FUL | 22/00016/PP1 | Fairmount, Fairmount Road | written | 02.08.2022 | 09.08.2022 | 30/08/2022 | 13.08.2022 | | | | | |
| | 22/00017/PP1 | System Error | | | | | | | | | | |
| 22/00324/FUL | 22/00018/PP1 | OS Soho Coffee, Unit B, Tl | written | 05.08.2022 | 12.08.2022 | 09.09.2022 | 23.09.2022 | | | | | |
| 22/00324/ADV | 22/00019/ADV1 | OS Soho Coffee, Unit B, Tl | written | 05.08.2022 | 12.08.2022 | 09.09.2022 | 23.09.2022 | | | | | |
| 21/02732/CLEUD | 22/00020/PP1 | Woodlands Park, Swindon | Hearing | 17.08.2022 | 31.08.2022 | 28.09.2022 | 19.10.2022 | | | | | |
| 22/00322/FUL | 22/00021/PP1 | os 159 High Street | written | 05.08.2022 | 12.08.2022 | 09.09.2022 | 23.09.2022 | | | | | |
| 22/00322/ADV | 22/00022/ADV1 | os 159 High Street | written | 05.08.2022 | 12.08.2022 | 09.09.2022 | 23.09.2022 | | | | | |
| | | os Sew M Design 253 | | | | | | | | | | |
| 22/00330/FUL | 22/00023/PP1 | Gloucester Road. | written | 16.08.2022 | 23.08.2022 | | | | | | | |
| 22/00330/ADV | 22/00024/ADV1 | os Sew M Design 253 Glou | written | 16.08.2022 | 23.08.2022 | | | | | | | |

This page is intentionally left blank