

APPLICATION NO: 20/00369/FUL		OFFICER: Mrs Victoria Harris	
DATE REGISTERED: 28th February 2020		DATE OF EXPIRY : 29th May 2020	
WARD: Lansdown		PARISH:	
APPLICANT:	Cheltenham Bid		
LOCATION:	Imperial Garden, Promenade, Cheltenham		
PROPOSAL:	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		

REPRESENTATIONS

Number of contributors	4
Number of objections	4
Number of representations	0
Number of supporting	0

46B The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 6th March 2020

As I am very much in favour of the proposed activity, I did not object when first advised of the location and purpose of this application. I now understand the venue is to be moved to the other side of Imperial Gardens right outside my door. The size of the activity (structure) and noise of youngsters enjoying themselves would normally not have me comment if it was only for a week but 2/3 solid months of this outside my sitting room window is just too much. I am a mere 20/50 yards from the Queens Hotel. My comment is based on reading a report in the media and I have not seen the plans. Surely in the middle of a large park would be a more appropriate site for this?

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

Comments: 18th March 2020

Letter attached.

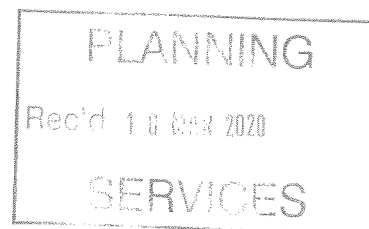
27 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 31st March 2020
Letter attached.

Friends of Imperial Square and Gardens

Comments: 23rd March 2020
Letter attached.

40B THE BROADWALK
IMPERIAL SQUARE
CHELTENHAM GL50 1QG



18 March 2020

Mrs Victoria Harris
Planning Officer
Cheltenham Borough Council
Municipal Office, The Promenade
Cheltenham GL50 1PP

Dear Mrs Harris

Planning Application 20/00369/FUL

20/00369/FUL | 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 | Imperial Garden Promenade Cheltenham Gloucestershire.

I refer to the letter from David Oakhill – Head of Planning dated 4th March 2020 and I wish to make the following Representations which I ask to be discussed at Planning Committee, with particular attention to those items in 'bold type' please:

Noise and Disturbance:

Noise Volume should be kept to a minimum. There is no need for the volume to be so high that it disturbs nearby residents. A happy atmosphere can easily be created with a lower volume.

Loss of Amenity:

The Application states – *"For clarity the new proposal covers both SW and NW quadrants but the BID is happy to accept a formal condition that at any point only one quadrant will ever be occupied, thus leaving the flexibility to identify the most suitable location once any lessons from year one are considered."*

I understood that the Quadrant opposite the Queens Hotel was only to be used for one year i.e. 2020/21 and that thereafter the Ice Rink would be sited on the Quadrangle Quadrant. I wish to request that this should be a **Condition of any Planning Approval i.e. that the Quadrangle Quadrant is the ONLY Quadrant to be used after 2020/21.**

Also, the Christmas Market Stalls, if given permission, should be sited alongside the Quadrangle Quadrant only after 2021.

The use of the Queens' Quadrant will constitute a Loss of Amenity and should ONLY be used for 2020/21, i.e. while work is taking place on the Quadrangle Building.

Noise or Disturbance, Visual Impact, Loss of Amenity and Environmental Impact:

I am very concerned about the use of generators which is surely against the Borough Council's Green Agenda and generators should not be permitted at all.

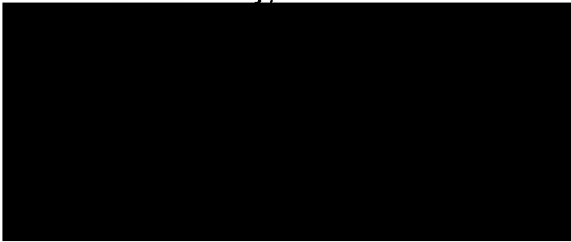
Visual Impact, Loss of Amenity and Environmental Impact:

It is very concerning that this application asks for the Christmas Market to be sited at the Imperial Gardens area of the Promenade. Surely this is very unfair to the main shopping area of the town which is suffering so badly in recent times. We are told that the Christmas Market will increase footfall. If this is true then the footfall should be increased in the main shopping area of the Promenade to encourage shoppers to use not only the stalls but the nearby shops as well. Cheltenham Businesses should benefit from the footfall.

Food Stalls emit smells which nearby residents and users of Imperial Gardens should not have to endure.

The Imperial Gardens provide a beautiful green space amenity where people can enjoy a moment of calm in an environmentally-friendly area. Cheltenham is very fortunate to have such lovely gardens in which people can do this and this facility should not be jeopardised.

Yours sincerely,



27th March 2020

Our Ref: DJD.LPC.4693

Mrs Victoria Harris
Planning Officer
Cheltenham Borough Council
Municipal Offices
The Promenade
Cheltenham
GL50 1PP

Dear Mrs Harris

20/00369/FUL 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 Imperial Garden Promenade Cheltenham Gloucestershire

I am instructed on behalf of the owners of number 27 Imperial Square, Cheltenham in response to the above planning application. We have previously submitted objections to this proposal under application reference 19/01370/FUL, and we continue to strongly object to the above proposals. This latest application now seeks to re-site the ice rink further to the south west away from the Quadrangle and the Town Hall, and closer to the Grade II* listed properties along Imperial Square, including my client's property. The application also now includes intentions for Christmas market stalls to be sited along both sides of the Promenade, immediately adjacent to the Imperial Gardens for a maximum of 41 days.

Within the Gardens it is proposed to erect temporary structures, including the ice rink, in connection with festivals and special events. As previously highlighted in our objection to the last application, the site lies very close to several listed buildings and lies within the Conservation Area. Furthermore, there continues to be a lack of detailed information submitted with this application. No elevations of the structures are provided and there are no technical details or specifications of the associated plant or machinery. No details are provided regarding the size, appearance and layout of the ice rink and the structures associated with this.

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Public Trust

In recent years the residents of Imperial Square have been subjected to a significant amount of festivals and events taking place at the Gardens. This originally began with the festivals, and the understanding was that these would run for a maximum of 70 days. Whilst these do present an upheaval to residents, they at least bring with them a cultural and educational benefit. However, since the grant of the temporary planning permission for the festivals under reference 12/01843/FUL, other events have been introduced including the Big Wheel, and now the grant of the ice rink permission for another 75 days of activity on the garden under reference 19/01370/FUL. This second application now includes a proposal for a Christmas Market for 41 days.

This all represents use of the Gardens for festivals and other events for up to half of the year. It is now increasingly unreasonable to expect local residents to accept any further activity and disturbance. This is even more relevant in this situation where the Council are the landowners and therefore cannot take enforcement action against themselves. It is therefore legitimate for residents to be increasingly concerned about the protection of their amenities including parking, traffic congestion, noise, odour, littering, anti-social behaviour, and the general over-intensification of use.

Christmas Markets

The addition of the Christmas markets along the promenade adds a further dimension to the previous proposals. This will add further public gatherings and intensity of use during the months of November and December each year. The combination of these markets, together with the ice rink (plus rigging and derigging periods) combined with the Big Wheel during January/February will create an unacceptable level of usage of this part of the town centre. This is a Conservation Area which is intended as an area of architectural and historic interest, with the gardens intended to be an area of peace and tranquility. In addition, there is likely to be increase pressure on parking and congestion to the detriment of my clients amenity and enjoyment of their property,

Despite all of these concerns, there continues to be a severe lack of information provided with this application to demonstrate why there would not be an adverse impact on listed building, the Conservation Area and the surrounding highway network.

Overview and Scrutiny (O&S) Committee Meeting February 24th 2020

Given the concerns raised above, the Council has now set up a Scrutiny Task Group Review into the following: -

- the Council's approach to managing events in our parks and gardens within the context of the commercialisation agenda;
- the approval process for events across the borough, and

- how events are managed once approval is given.

I have attached a copy of this report as **Appendix 1** of this letter. The findings and recommendations of this report have subsequently been presented to the Cabint at the Meeting on 3rd March 2020 and have been endorsed.

With regard to the findings of the Scrutiny Task Group, one of its main conclusions was that the proposed Events Strategy must consider options for spreading the impact of events across wider venues, to recognise the potential of commercial opportunities together with reducing the impact on current “honeypot” sites such as Montpellier and Imperial Gardens

There is therefore a clear recognition that the Imperial Gardens are becoming over-used. And until the Council have fully prepared an Events Strategy it is not possible for the Local Planning Authority to make a fully informed assessment of this application. Consequently the applicant should be withdrawn or it should be refused for failure to take account of the findings of the Scrutiny Task Group.

Planning Committee Meeting – November 21st 2019

The previous application (reference 19/01370/FUL) was considered at the Planning Committee Meeting on 21 November 2019. At that meeting my client spoke in objection to the application, and the issue of residents trust in the democratic process was raised by Councillor Chris Mason in his address. I attach a copy of the Printed Minutes of the meeting at **Appendix 2** of this letter.

Councillor Mason, amongst other Members, also referred to the O&S Events Strategy for Parks and Gardens and it was mentioned whether the decision on the application should be deferred. This suggestion was not followed up at that time, however, following the publication of the O&S committee report (as above) this application should be withdrawn or refused. Clearly, the decision on the previous application was very marginal with 6 members voting to defer the application, and 3 Members voting against the application with 4 abstentions. This demonstrates that several of the Committee were unconvinced by the application. The same issues will arise with this application and we urge Members to vote against the proposals on this occasion.

One of the Members main concerns was the use of generators for the ice rink, which would create a noise and pollution disturbance to local residents (including my client’s property). And if diesel powered would in turn be contrary to the Council’s environmental protection policies. The revised siting of the ice rink, which is now proposed further to the south west beyond the pond, will significantly increase the risk to residents on this site of the gardens, where the majority of residential properties are located. This new location is now situated from away from any mains electrical power supply, therefore it assumed that diesel powered generators will be employed.

I contend that Members’ concerns with the previous application were only overcome by the fact that the ice rink would be situated in the far north-western

corner of the gardens, well away from Imperial Square. The fact that it is now to be relocated closer to residential properties is significant. No further information has been submitted with this application to address these concerns, and consequently the application should be refused due a lack of information.

Land Use Agreement (LUA)

During the previous Committee Meeting it was clear that Members were concerned with the lack of information provided with the application, and the level of noise that would be emitted from generators. The Officer's response to these concerns was that the detail would be provided in the Land use Agreement (LUA) and that this would regulate the whole operation to ensure it would not result in the loss of amenity to neighbouring residents.

However, as part of application 19/01370/FUL only a summary of the LUA has been provided, with no technical details of plant and machinery to be used. The Summary LUA states that it will contain "terms and conditions" but the detail and content of these has not been made publicly available. This is concerning given the issues of public trust that have been raised above regarding the over intensive use of the Gardens for festivals and other public gatherings.

Furthermore, no revised or updated LUA or summary LUA has been provided for this application. This is very concerning given that the ice rink will now be moved closer to residential properties. There are clearly environmental and amenity concerns that have not been addressed, and given that the Council is the landowner, there needs to be full transparency and accountability regarding the LUA, which at the present time is not forthcoming.

Conclusions and Summary of Issues Previously Raised

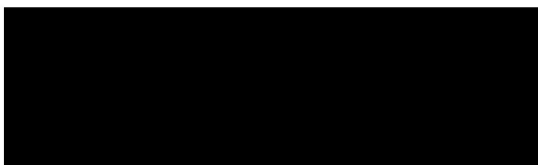
This application is the second of its kind in recent months which is, once again, strongly opposed by my clients. Public trust is now eroding fast due to the growing number of days each year that the Imperial Gardens are in use. The O&S Committee are currently evaluating the Council's approach to its use of its Parks and Gardens, and it has been recognised that the Imperial Gardens are increasingly been seen as a "honey pot" for economic revenue generating purposes, which was never their originally intended purpose. This must be controlled, and we advise Members of the Planning Committee to refuse this application.

The re-siting of the ice rink further to the south west of the Gardens will now have a greater impact on my clients amenity, with the increased prospect of generator usage. This was already a concern of Members at the Planning Committee Meeting on 21st November 2019 and Officers specifically stated that this would not be an issue. These assurances are now null and void due to the re-siting.

The addition of this application would result in another 75 days usage which taken together with all the other events would result in the Gardens being used for six months of the year. That is clearly unacceptable and unmanageable.

At the same time, this application contains a lack of information and no revised LUA summary. Furthermore, the full LUA remains unavailable for public comment. This leaves my clients concerns over noise, parking, littering, anti-social behaviour unanswered and unaddressed.

Yours Sincerely



**Daniel Drayton BSc Hons MA MRTPI
Associate
LPC Ltd**



FOR THE ATTENTION OF PLANNING OFFICER
MRS VICTORIA HARRIS

From: [REDACTED]
Subject: Fwd: Ice rink
Date: 19 Mar 2020 at 16:29:03
To: [REDACTED]



Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 19 March 2020 at 14:33:29 GMT
To: [REDACTED]
Cc: [REDACTED]
Subject: Ice rink

20/00369/FUL - 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 rig and de-rig for a period of two periods (November-December 2020) and 2021 (November-December 2021) in addition to the current planning permission for Festivals and Special Events on Montpelier Gardens and Imperial Gardens - Imperial Garden Promenade, Cheltenham, Gloucestershire.

Our Representations, as Chairman and Vice Chairman of Friends of Imperial Square and Gardens, are:

Loss of Amenity:

The Application states: "For clarity the new proposal covers both SW and NE quadrants but the BID is happy to accept a formal condition that at any point only one quadrant will ever be occupied, thus leaving the flexibility to indentify the most suitable location once any lessons for year one are considered"

We attended a meeting with Kevan Blackadder and Jess Goodwin, both

from BID, at their request along with Cllr Chris Mason and we were told categorically that the usage of the quadrant opposite The Queens would be for ONE year only and that the ice rink would revert to the quadrant adjacent to The Quadrangle in future.

We accept that in these difficult economic times that the initial 2020/21 switch, if granted, is acceptable for one year - even though it will cover a cluster of flower beds - but believe that BID must keep to its promise and use The Quadrangle quadrant in future and we request that this is made a condition of any planning approval.

Safety:

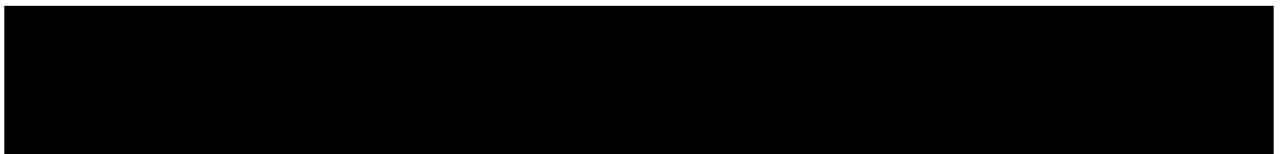
The proposed Christmas Market being sited either side of The Promenade - opposite and adjacent the ice rink - could lead potentially to an accident issue on this very busy thoroughfare into town. Children, no doubt, will be wanting to rush across to the ice rink while parents are still perusing the Market items.

Surely, the Christmas Market, if permitted, should be more centrally sited as in the past to assist the main shopping area of the town.

Noise and Disturbance:

There is a serious worry about generators being used - counter to the Borough Council's Green Agenda - and should not be permitted in an area flanked by residential homes and most seriously young children being in close proximity at any given time.

In recent times there has been a tendency to have excessively high volume entertainment noise. This must be avoided and kept to a much more reasonable level.



sent from my iPad