

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located along the Promenade in front of Cavendish House within the Central Conservation Area and Core Commercial Area.
- 1.2 The application is seeking an amendment to condition 1 imposed on planning permission 06/00524/COU which relates to the number of days the annual Christmas market structures can be in place and reads:

The timber structures stationed in connection with the annual Christmas market shall be stationed on site for a maximum of 21 days. The 21 day period shall comprise of a consecutive number of days and shall fall within the months of November and December each year. In addition the 21 day period shall be inclusive of erection and dismantling time.

Reason: In accordance with the application and because the proposed use on a permanent basis would not be acceptable in this location.

- 1.3 The extension of the number of days of operation from 21 to 41 days inclusive of setting up and dismantling is now proposed.
- 1.4 During last month's committee (May 2020) members approved the extension of the Christmas market along the Long Gardens, The Promenade (west pavement) and The Promenade (east pavement) for a maximum of 41 days. The proposed variation of condition 1 will extend the number of days available for Christmas markets in front of Cavendish House to match the recently approved planning application 20/00369/FUL.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Smoke Control Order

Relevant Planning History:

06/00524/COU 31st May 2006 PER

Use of land for the stationing of timber structures in connection with the Christmas Market for a maximum of 21 days in November/December each year (including setting up and dismantling time)

3. POLICIES AND GUIDANCE

National Planning Policy Framework

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

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 1 Public green space

GE 5 Protection and replacement of trees

GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD2 Retail and City / Town Centres

SD4 Design Requirements

SD8 Historic Environment

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

26th May 2020

There is no objection to the proposal; however, Highway Development Management would support a condition, should this be possible in planning law, that requires this permission be restricted to 5 years with monitoring undertaken on the impacts on highways and parking across the city. So that impacts can then be assessed to understand the impact should this become a permanent permission.

Heritage And Conservation

8th June 2020

The site is located within the town centre and as such is comprised primarily of commercial uses with a high footfall. The site is sensitive in heritage terms, being located within the conservation area and adjacent to a high concentration listed buildings and historic public open spaces.

It is considered due to the temporary, seasonal nature of the use and the relatively short operating period, an extension of time for this use would not have an adverse impact on the special interest of the affected assets. It could be argued the extended period of seasonal atmosphere and the resultant increase in activity would enrich the character of the area.

The proposed works are therefore considered to sustain the designated heritage assets and comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	23
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 23 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. No letters of representation have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The principle of a Christmas market in this location has been permitted and the only consideration is if the extension of days of the market will result in the permanent use.

6.3 Use

- 6.4 The proposed variation of the condition proposes an additional 20 days of the Christmas market on top of the approved 21 days, and will therefore not result in the permanent loss or erosion of the public space. It will still retain its temporary nature and match the recently approved application 20/00369/FUL.

- 6.5 The Council's senior Conservation Officer has considered very carefully the impact on the surrounding listed buildings, and Central Conservation Area and has no objection to the application. In addition it is confirmed that the extended period of seasonal atmosphere and the resultant increase in activity would enrich the character of the area.

6.6 Impact on neighbouring property

- 6.7 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 Local Plan policy CP4 which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.

- 6.8 Any noise and disturbance resulting from the proposed extension of days should be no worse than the noise generated by the existing Christmas market.

- 6.9 The planning statement confirms that the hours of operation and power required will remain the same. The hours of operation will be from 10:00 – 22:00, Monday to Sunday including bank holidays and mains power is available on the Promenade and will be utilised as much as possible, however additional generators may be required.

- 6.10 Officers consider given the location of the market within the town centre, the extension of days will not result in an unacceptable impact on neighbouring amenity.

- 6.11 In addition, there have been no objections or concerns raised by neighbouring residents.

6.12 Access and highway issues

- 6.13 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.

- 6.14 The local highway authority, in this case Gloucestershire County Council (GCC), has been consulted for this application. GCC has not objected to the proposal, and would be supportive of a temporary five year permission with monitoring undertaken on the impacts on highways and parking across Cheltenham.

- 6.15** Paragraph 55 of the NPPF states; *Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*
- 6.16** It would not be enforceable or reasonable to condition the monitoring of the highway and parking for the 20 additional days.
- 6.17** The application site is located within the heart of the town centre and in very close proximity of a large multi-storey car park and other surface public car parks. Given the proposal is for 20 additional days of an approved Christmas market, in officer opinion there should be no significant impact on the local highway network. As such, monitoring of the highway and parking is not required.

6.18 Economic and social benefits

- 6.19** The Planning Statement details the economic and social benefits of the proposed development. It states; *Cheltenham already has existing Christmas activities that support the economy in the town including the Christmas Light Switch On. There was a significant increase in activity for the switch on in 2018 which saw an increase in footfall by 10.5% compared to the same event the previous year. During the course of November the town's footfall increased by 2%, which was above both regional (-3.8%) and national (-5%) trends.*

A visitor survey ("the survey") was conducted in December 2018 to assess the impact of Christmas markets on Cheltenham. Over half of the respondents were visiting the town to visit the Christmas markets, with 70% coming from outside of Gloucestershire.

The survey identified that the majority of visitors to Cheltenham spend between £50 and £200 per visit directly into the local economy. Families are most likely to spend £76 to £100 per visit and would form a core audience.

The Christmas market and festive atmosphere is currently the biggest draw to Cheltenham during the festive period.

Pending planning permission the Christmas offering for 2020 will include a larger Christmas market and an outdoor ice rink with the Garden Bar supporting through food and beverage operation. All of these individual attractions will be themed and dressed to provide a clear offer and create a desirable destination and experience for Cheltenham visitors.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The temporary nature of the Christmas market will be maintained and the extended period will enhance the character of the area and benefit the town as a whole.
- 7.2** For all the reasons set out above, the recommendation is therefore to permit the amendment to condition 1, subject to the below revised condition.

8. CONDITIONS / INFORMATIVES

- 1 The timber structures stationed in connection with the annual Christmas market shall be stationed on site for a maximum of 41 days. The 41 day period shall comprise of a consecutive number of days and shall fall within the months of November and

December each year. In addition the 41 day period shall be inclusive of erection and dismantling time.

Reason: In accordance with the application and because the proposed use on a permanent basis would not be acceptable in this location.

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.