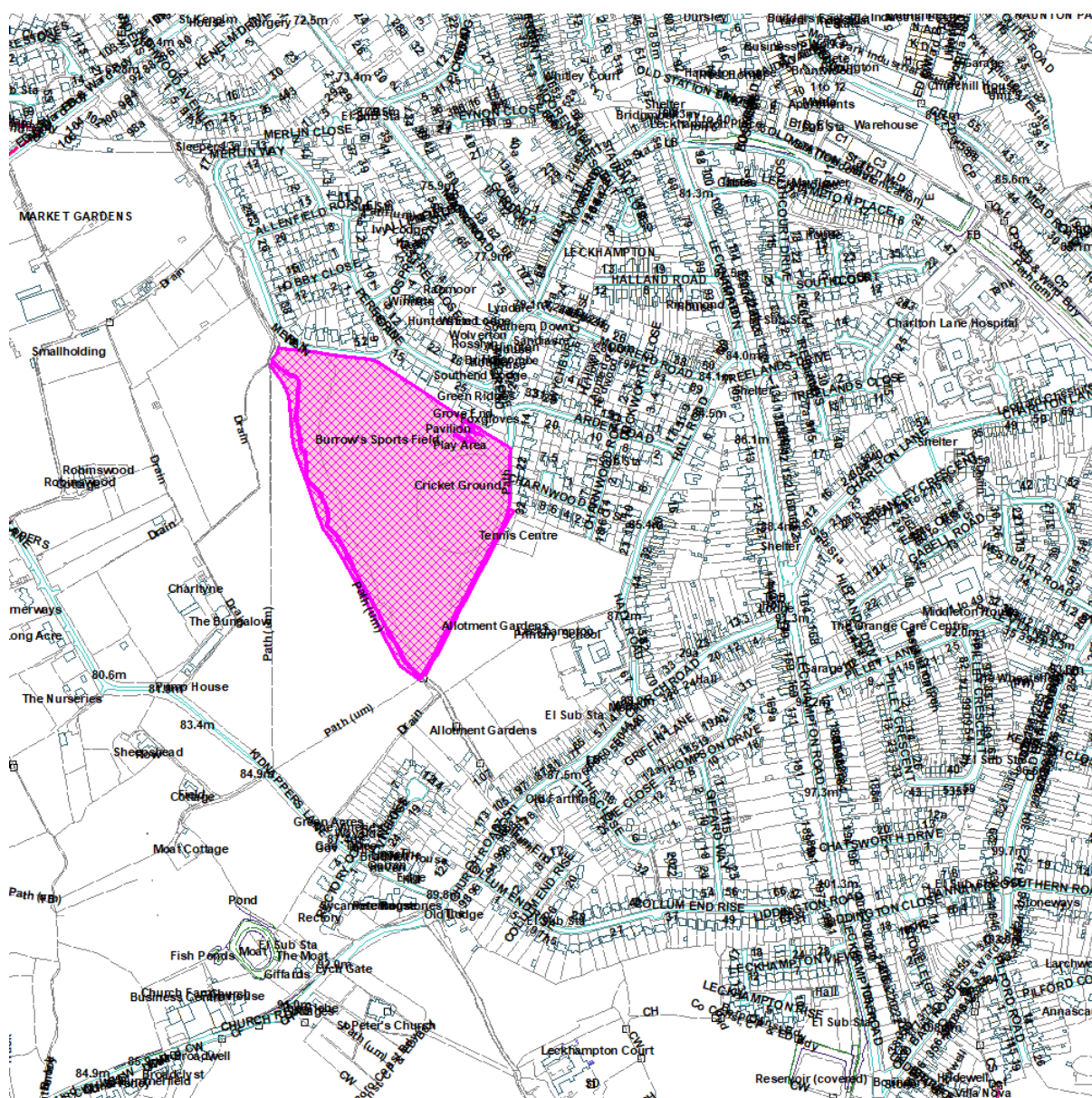


APPLICATION NO: 20/02028/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 19th November 2020		DATE OF EXPIRY: 18th February 2021
DATE VALIDATED: 19th November 2020		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Cheltenham Borough Council	
AGENT:		
LOCATION:	Burrows Field, Moored Grove, Cheltenham	
PROPOSAL:	Engineering works to improve and level playing surfaces	

RECOMMENDATION: Permit – final authority delegated to the Head of Planning



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an existing playing field located off Moorend Grove within the Leckhampton area of Cheltenham. The site extends to 6.3 Hectares with the area of land affected being approx. 4 Hectares.
- 1.2 At present the site has 4 adult size football pitches, 2 cricket squares, a BMX pump track and a playground.
- 1.3 Engineering works are proposed to improve the quality of the playing surfaces by undertaking levelling to ensure a consistent gradient to FA and ECB standards. The proposal also includes drainage works to ultimately improve pitch quality.
- 1.4 The submitted plans indicate that the site would be laid out to provide 6 'mini-soccer' pitches, an adult pitch and 2 youth pitches along with a cricket square.
- 1.5 The application is before the planning committee as the application is being made by Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Flood Zone 2
Flood Zone 3
Landfill Sites boundary
Public Green Space (GE36)
Smoke Control Order

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural 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
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management
INF3 Green Infrastructure

4. CONSULTATIONS

Parish Council

16th December 2020

The Parish Council has considered the proposals carefully and fully supports the application. This will be an excellent community resource.

Environmental Health

11th December 2020

With reference to the above planning application I have reviewed the documents provided and have no objection to this development in principal, however there is also potential for noise and nuisance from construction works to affect neighbouring properties.

In light of this I must therefore request the following be added to any permission for development:

Construction Management:

No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

If you would like to discuss further, or if you believe the recommendations are not suitable, please do not hesitate to contact me.

Tree Officer

10th December 2020

The CBC Tree section does not object to this application on the proviso that a suitable tree protection method can be installed during the course of any construction/earth moving. This protection should be for the large poplar in the middle of the field, The Queen mother poplar copse on the western boundary and approximately half of the eastern tree avenue - ie in proximity of the ground works.

On no account should soil/spoil be stored in the vicinity of the Root Protection Area.

The rooting area of the large poplar tree in the middle of this field should not be impacted by this proposal. The avenue of trees to the east of the site should not be impacted either. However it would be preferable if the mini football pitches were moved westward so as to ensure that the canopy of these trees will not be over the pitches. This will help reduce impact of tree 'litter'-twigs, fruit, leaves etc falling from above but also reduce the likelihood

of surface roots causing injury to players. Such movement westwards need only to be in the order of 3-4 metres to allow for future growth without nuisance being incurred.

Environment Agency

23rd November 2020

I refer to your letter consulting us on the above planning application, however based on the information submitted this appears to be a lower risk planning consultation which does not require direct consultation with us; it does not fall within our 'consultation filter'.

INFORMATIVES

For our flood risk comments please refer to our Area Flood Risk Standing Advice.

In addition to obtaining planning permission, should the proposals involve any works, in, under, or within 8 metres of the top of the bank of any designated main river the applicant may require a permit from us under the Environmental Permitting (England and Wales) Regulations 2016. For more information and advice or to confirm whether a permit is required, what type, and exemptions, the applicant should ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. For further advice please see: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Contaminated Land Officer

11th December 2020

With reference to the above planning application I have reviewed the documents provided and have no objection to this development in principal, however the application site is entered on the Council's contaminated land database and will therefore require a Contaminated Land investigation.

In light of this I must therefore request the following be added to any permission for development:

Contaminated Land:

Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

If you would like to discuss further, or if you believe the recommendations are not suitable, please do not hesitate to contact me.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	40
Total comments received	3
Number of objections	1
Number of supporting	1
General comment	1

5.1 The application was publicised by way of letters to 40 neighbouring properties. 3 direct responses have been received, generally in support although 1 representation has raised concerns. A summary of over 90 comments made directly to the greenspace team has also been provided.

5.2 The comments received can be broadly summarised as follows:

Object:

- Concerns about drainage and impact on rivers/flooding downstream. SUDS required
- Concerns about new cycleway [n.b. this does not form part of this application]
- Concerns about disruption from construction
- Proposal does not solve parking problems

Support

- Community support and effort in bringing scheme forward
- Benefits for local schools
- Opportunities for physical and recreational activity – benefits to physical and mental health

- Facility easily accessible by many
- Opportunities for local clubs to progress
- Range of improvements being proposed

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) the principle, (ii) visual impact, (iii) impact on neighbour amenity, (iv) Access and Highways issues, (v) flooding and drainage, (vi) ecology, (vii) trees.

6.3 Principle

6.4 Section 8 of the NPPF (promoting healthy and safe communities) asks that planning policies and decision should plan positively for the provision and use of (amongst other things) sports venues and open space to enhance the sustainability of communities and residential environments. It also requires that the delivery of local strategies to improve health, social and cultural well-being for all sections of the community be taken into account and supported.

6.5 Paragraph 96 of the Framework states that *“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.”*

6.6 These aims are echoed in policy INF3 (Green Infrastructure) of the JCS which seeks to protect and enhance green infrastructure including areas for recreation and play.

6.7 This application relates specifically to the engineering works in connection with the improvements proposed to the playing fields, however these are part of a wider package of works proposed at the site including improvements to the pavilion, provision of a circular footpath, provision of cycle stands

6.8 The improvements to the pitches will be in line with the FA and ECB requirements. The aims of the proposal tie in with national aims to increase physical activity along with a recognition of the benefits this can have for physical and mental health as well as providing a valuable community resource.

6.9 As such the principle of the proposal is supported.

6.10 Design and layout

6.11 Section 12 of the NPPF seeks to ensure that all development is of a high quality and sympathetic to local character including landscape setting.

6.12 These aims are echoed in policies D1 of the Cheltenham Plan and SD4 of the JCS.

6.13 The aim of the project is that the eventual appearance of the site will be much as it is today, albeit with a slight change in land levels to provide suitable playing surfaces.

6.14 Drawings have been provided which provide existing and proposed levels across the site. This demonstrates that on the whole the changes to land level are relatively subtle with the largest change being an increase of 0.6m at the western-most corner of the adult pitch. The land around the pitches would be regrading to blend to the boundaries.

6.15 A summary of the intended work is detailed below:

- Strip vegetation and thatch to a depth of 15mm;
- Strip topsoil to 200mm and take to temporary store;
- Grade subsoil to design levels as per drawings;
- Rip formation layer and trimming;
- Application of prilled gypsum at a rate of 15g m²;
- Rip formation layer to a depth of at least 300mm;
- Topsoil replacement;
- Laser grading to final design levels;
- Fertilisation. Stone burying/picking to a minimum level of 50mm;
- Installation of a piped and secondary drainage system and connection outfall. Drainage pipes will be 160mm diameter, perforated plastic pipe, compliant with BS4962. The pipe will be a minimum of 500mm deep;
- Backfill drainage with gravel over the pipe to a depth of 250mm below final ground level;
- Trenching and pipe laying. Trenches will be cut with space in the base such that pipes can be evenly laid. The piping will meet the specification requirements and will be plastic pipe, compliant with HPAS. The diameters will be between 80mm – 225mm;
- Supply and spread rootzone top-dressing material, seeding, establishment, reinstate easement areas and seed;
- Area A (attachment 7) will have mole drains fitted at 800mm centres, to a depth of 350mm;
- Construct a 5 pitch natural cricket square to a depth of 100mm using suitable cricket loam and establish;
- Maintenance to handover.

6.16 It is considered that the proposed regrading and levelling works will retain the general playing-field character of the site and would not have an adverse impact upon the character or appearance of the area.

6.17 Impact on neighbouring property

6.18 Policies SL1 of the Cheltenham Plan and Policy SD14 of the JCS seek to ensure that development does not have an unacceptable impact upon neighbour amenity.

6.19 The use of the playing fields as proposed does not require consent, it is purely the engineering works that trigger the need for consent.

6.20 It is acknowledged that the carrying out of the works has the potential to result in disturbance to neighbouring properties both through the engineering works and the

movements of contractors vehicles etc. The project specification documents included with the application suggest measures to ensure disruption is minimised, further the Environmental Health Officer has suggested that a Construction Management Plan is required by condition and this forms part of the recommendation below.

- 6.21** Subject to these controls the impact upon neighbouring property is considered to be acceptable.

6.22 Access and highway issues

- 6.23** Section 9 of the NPPF relates to sustainable transport and includes a requirement that in assessing development proposals appropriate opportunities to promote sustainable transport modes have been taken up, safe and suitable access can be achieved and any significant impacts on the transport network can be effectively mitigated to an acceptable degree. Policy INF1 of the JCS echoes these aims

- 6.24** The Local Highway Authority have been consulted on the proposals and their comments are awaited.

- 6.25** The alterations to the pitches would not have any direct highway impacts, although the impact of the construction phase on the highway network requires consideration. As mentioned above the wider package of works for the playing fields includes improvements to the walking and cycling facilities in the area thereby enhancing the attractiveness of these sustainable modes of transport.

6.26 Flooding and Drainage

- 6.27** Section 14 of the NPPF (Meeting the challenge of climate change, flooding and coastal change), states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

- 6.28** Policy INF2 of the JCS explains that minimising the risk of flooding and providing resilience to flooding, taking into account climate change will be achieved by amongst other things requiring new development to incorporate suitable Sustainable Drainage Systems (SuDS).

- 6.29** One of the key objectives of the proposal is to avoid instances of waterlogging to the pitches and as such a drainage design has been put forward which results in runoff from the pitches being conveyed to the watercourse (Hatherley Brook). The assessment provided with the application states that ponds will be provided to increase storage capacity during periods of high rainfall and asserts that the development will not significantly increase flood risk to the wider catchment area.

- 6.30** The Local Lead Flood Authority (LLFA) has yet to provide formal comments however they have indicated that they may have concerns due to the function the site currently plays as attenuation in flood events as part of the site is within Flood Zone 3. Further clarity is required as to how flood water is to be stored and displaced in the new scheme.

- 6.31** It is anticipated that there is likely to be an engineering solution to this issue which will need to be negotiated and agreed with the LLFA, however this matter is not resolved at this time.

6.32 Ecology

- 6.33** Section 15 of the NPPF (Conserving and enhancing the natural environment) and policy SD9 of the JCS seek to ensure development does not have an unacceptable impact upon protected species.

6.34 The application has been accompanied by an Ecological Appraisal report, with an extended phase 1 habitat survey being carried out across the site. The works are limited to the amenity grassland areas of the site which are species poor and unlikely to support protected or notable species. No further surveys are required.

6.35 The report includes a number of recommended enhancement measures including the retention of woodland and hedgerows, habitat management etc. which should be achievable on areas not impacted by the levelling works.

6.36 Trees

6.37 The scheme has been discussed with the tree officer who has arranged to coordinate with the Parks team on the final detailed design. A Tree Protection Plan is recommended to ensure that the trees are protected during the construction phase.

6.38 Other considerations

6.39 Contaminated Land

6.40 The site is listed within the Council's contaminated land database and as such a condition has been requested requiring an investigative survey and any mitigation works required to be carried out.

6.41 Public Sector Equalities Duty (PSED)

6.42 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.

6.43 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 The principle of the proposal is supported as detailed above. There remains an unresolved issue in relation to flooding, however it is anticipated that an engineering solution can be found which will resolve these concerns. As such the proposal is recommended for approval, subject to no objection from the LLFA. This is also subject to no objection being received from the Highway Authority. Should members be minded to support the application it is recommended that the final authority to grant be delegated to the Head of Planning in consultation with the Chair and Vice-Chair of the Planning Committee.

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 development shall be carried out in strict accordance with the recommendations and requirements of the ecological survey report dated November 2020 submitted with the planning application.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 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 No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable environmental impact on the area.

- 6 Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be

produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy 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.

- 2 In addition to obtaining planning permission, should the proposals involve any works, in, under, or within 8 metres of the top of the bank of any designated main river the

applicant may require a permit from us under the Environmental Permitting (England and Wales) Regulations 2016. For more information and advice or to confirm whether a permit is required, what type, and exemptions, the applicant should ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. For further advice please see: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.