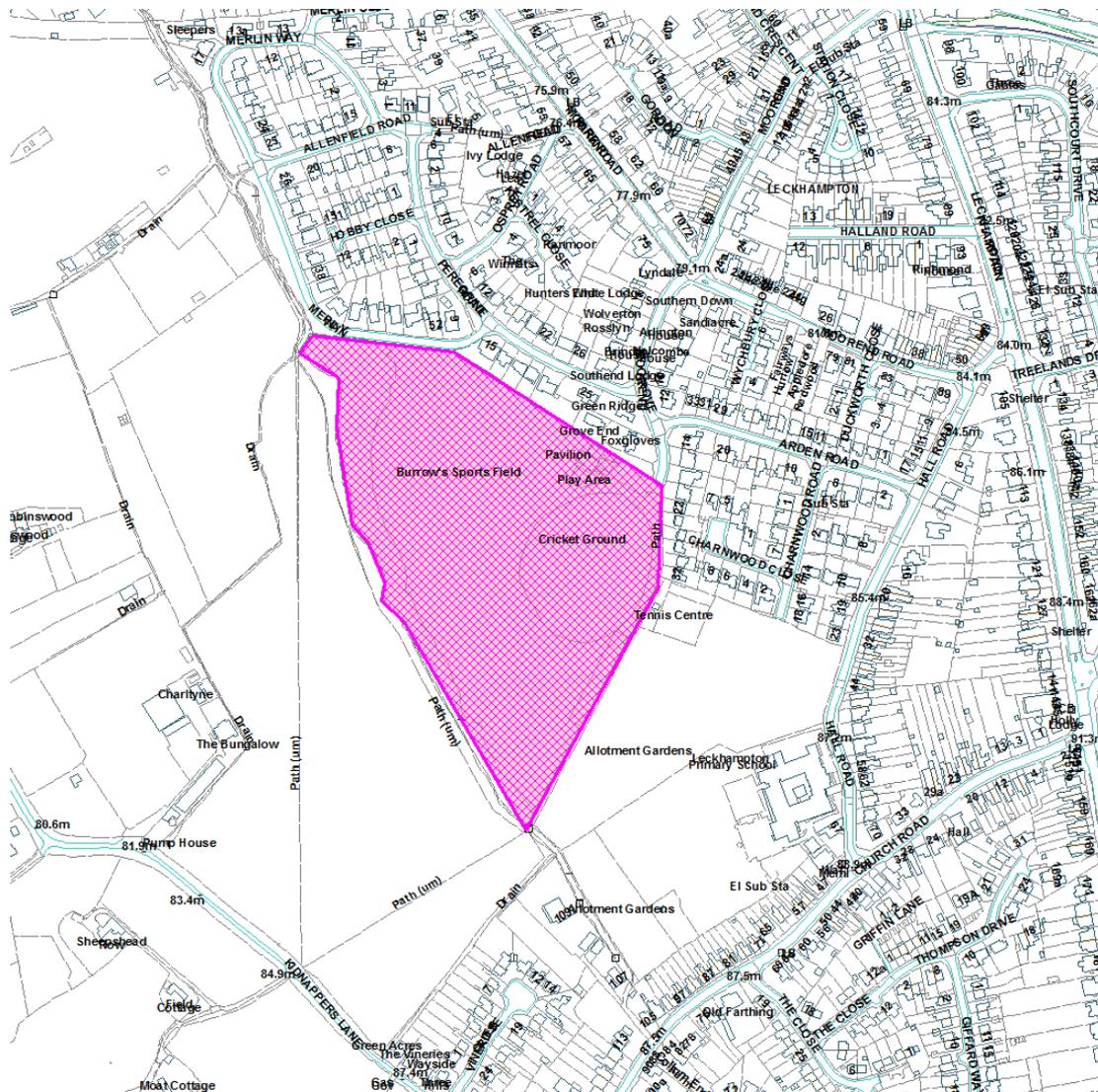


<b>APPLICATION NO:</b> 21/00935/FUL	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 24th April 2021	<b>DATE OF EXPIRY:</b> 19th June 2021
<b>DATE VALIDATED:</b> 24th April 2021	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Council
<b>LOCATION:</b>	Pavilion, Burrows Sports Field, Merlin Way
<b>PROPOSAL:</b>	Fitting of an air source heat pump on wall of Pavilion

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an existing pavilion building which sits within the Burrows Playing Field, which is located off Moorend Grove within the Leckhampton area of Cheltenham. The overall site extends to 6.3 Hectares.
- 1.2 The Pavilion is proposed to be refurbished and as part of this it is proposed to install an air source heat pump. The external plant comprises a box unit which extracts heat from the air. The overall dimensions of this are 0.95m wide, 0.74m high and 0.39m deep. The unit would be located on the western elevation of the pavilion building.
- 1.3 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  
Landfill Sites region  
Parish Boundary  
Principal Urban Area  
Public Green Space (GE36)  
Smoke Control Order

### Relevant Planning History:

**15/02065/FUL 19<sup>th</sup> Feb 2016 PER**

Construction of BMX pump track

**17/01489/DISCON 2<sup>nd</sup> Aug 2017 DISCHARGED**

Discharge of Condition 5 of planning permission 15/02065/FUL (Construction method statement). Construction of BMX pump track

**17/01737/AMEND 13<sup>th</sup> Sep 2017 ALLOWED**

Non material amendment to planning permission 15/02065/FUL construction of BMX pump track - Amendment to path location.

**20/00332/FUL 5<sup>th</sup> May 2020 PER**

Creation of two sustainable perimeter pathways in Burrows field to allow users (on foot and cycle) to traverse field

**20/02028/FUL 17<sup>th</sup> Feb 2021 PER**

Engineering works to improve and level playing surfaces

**20/02182/AMEND 17<sup>th</sup> Dec 2020 ALLOWED**

Non- material amendment to planning permission 20/00332/FUL, seeking to construct a path off the consented perimeter path to run alongside the children's nursery

**21/01081/DISCON Pending Consideration**

Discharge of conditions 4 (Tree Protection), 5 (Construction Management Plan), 6 (contaminated land) and 7 (SUDS) of planning permission 20/02028/FUL

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 2 Achieving sustainable development

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

**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  
INF5 Renewable Energy/Low Carbon Energy Development

## 4. CONSULTATIONS

### **Building Control**

*19th May 2021*

No comments to be made.

### **Parish Council**

*17th May 2021*

The Parish Council has no objection to this application. It would also advise that it has donated an S137 grant to LRFC Burrows/CBC joint project so that the Pavilion refurbishment can be as carbon neutral as possible.

### **Environmental Health**

*20<sup>th</sup> May 2021*

I have received some additional info relating to this application from an acoustic consultant. This confirms that any noise from the heat pump is likely to be inaudible in the nearest residential property, and as such I have no objections to this application.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>22</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1 The application was publicised by way of letters to 22 neighbouring properties and a site notice. No representations have been made.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The key issues in determining this application are considered to be (i) principle, (ii) design and appearance, (iii) neighbour amenity.

### **6.3 Principle**

**6.4** Section 8 of the NPPF (promoting healthy and safe communities) asks that planning policies and decisions 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** The air source heat pumps proposed here are associated with a wider scheme of improvements to the pavilion and playing fields including provision of paths and improvements to playing surfaces.

**6.6** The overall aims of this project align with the ambitions of the Council and the relevant planning policies. The air source heat pumps will allow the pavilion to operate in a more sustainable manner with less reliance on traditional technologies. As such the principle of the proposal is supported.

### **6.7 Design and layout**

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

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

**6.10** The proposed external plant associated with the project comprises a unit fitted to the rear of the building. It is modest in scale and whilst it is utilitarian in appearance, it would not detract from the overall appearance of the building, due to its size and the position on the western elevation.

**6.11** As such the design and appearance is considered to be acceptable.

### **6.12 Impact on neighbouring property**

**6.13** 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.

**6.14** An Acoustic Consultant has provided information in relation to the noise generation associated with the equipment. This has been provided to the Council's Environmental Health Officer who has confirmed that there would be no noise audible at the nearest residential property and as such he has no objection to the proposal.

**6.15** As such Officers are satisfied that the proposal would not result in any adverse impact upon neighbouring properties.

### **6.16 Other considerations**

#### **6.17 Public Sector Equalities Duty (PSED)**

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.

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.

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

#### **6.18 Climate Emergency**

In February 2019 Cheltenham Borough Council declared a Climate Emergency and stated an ambition to become carbon neutral. Renewable technologies such as that proposed as part of this application are welcome as part of this agenda.

### **7. CONCLUSION AND RECOMMENDATION**

- 7.1 The proposed air source heat pump is considered to have an acceptable impact upon the building and neighbouring properties. It is part of a package of measures to upgrade the facilities at the pavilion in a sustainable manner and is supported by officers. As such the recommendation is to approve the application.

### **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.