

APPLICATION NO: 21/02675/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 2nd December 2021	DATE OF EXPIRY: 27th January 2022
DATE VALIDATED: 2nd December 2021	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Cheltenham Borough Council
AGENT:	Leckhampton Rovers Football Club
LOCATION:	Burrows Field Moorend Grove Cheltenham
PROPOSAL:	Proposed storage unit

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a playing field accessed from Moorend Grove. The field and pavilion are undergoing a programme of improvements.
- 1.2 Planning permission is sought for the positioning of a storage building to house mowers and other equipment associated with the maintenance of the playing fields. This comprises a metal framed building with composite cladding panels with a pitched roof which is a maximum of 3.7m high. This would be surrounded by 2.3m high security fencing.
- 1.3 The application is before committee as the applicant is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Parish Boundary
Public Green Space (GE36)
Smoke Control Order

Relevant Planning History:

90/00933/PF 27th September 1990 PER

Erection Of New Sports Pavilion And Associated External Works

91/00022/PF 21st February 1991 PER

Erection Of Temporary Buildings To Provide Changing And Shower Facilities For A 26 Week Period

15/02065/FUL 19th February 2016 PER

Construction of BMX pump track

17/01737/AMEND 13th September 2017 PAMEND

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

20/00332/FUL 5th 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 17th February 2021 PER

Engineering works to improve and level playing surfaces

21/00935/FUL 17th June 2021 PER

Fitting of an air source heat pump on wall of Pavilion

20/02182/AMEND 17th December 2021 PAMEND

Non- material amendment to planning permission 20/00332/FUL, seeking to construct a path off the consented perimeter path to run along side the childrens nursery

21/01081/DISCON 1st July 2021 DISCHA

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 4 Decision-making

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
GI2 Protection and replacement of trees
GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality
INF3 Green Infrastructure
INF4 Social and Community Infrastructure

Gloucestershire Centre For Environmental Records

15th December 2021

Biodiversity report available to view in documents tab.

Tree Officer

9th December 2021

It seems very likely that the storage unit would be outside of the sphere of influence of the two trees to either side. However, to make certain that these trees are not damaged during construction, a tree protection plan should be submitted.

Publica Drainage And Flooding

3rd December 2021

I do not have an objection to this proposal but I would recommend that the roof is drained into a large covered water butt with a tap and a piped link to a new soakaway at least 5mtrs away from the base (with dimensions of 1mtr cubed).

Sport England

7th December 2021

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- o all or any part of a playing field, or
- o land which has been used as a playing field and remains undeveloped, or
- o land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal

The proposal is for the siting of storage building of the edge of the playing field. The building is to be used the storage of equipment to maintain the playing pitches.

Assessment

The building is located between some trees and outside the playing pitch run-off area behind a footpath. The new building will not impact on the existing playing pitch layout.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

Building Control

3rd December 2021

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

Parish Council

22nd December 2021

Leckhampton with Warden Hill Parish Council (LwWHPC) accepts the need for a storage facility for ground maintenance and sports equipment to service the needs of the recently upgraded sports pitches at Burrows Field, a project undertaken in conjunction with Cheltenham Borough Council (CBC) and Leckhampton Rovers Football Club (LRFC). This venture was supported financially by the Parish Council (PC) to the tune of £20,000.

It is noted with regret that the Parish Council was not informed at the time of the upgrade of the pavilion and sports pitch (and earlier funding request) that this additional proposal was being planned. However the PC has now been assured that no additional works beyond this are currently proposed.

The Parish Council notes the proposed location of the storage facility and its considerable size. This is of concern because of potential adverse impact on neighbouring properties.

However the PC understands that the choices are limited for locating the shed and that the proposed site may be the least bad option of those available because of flood risk and the desire to avoid tree removal.

Regarding size, the PC is told the proposed 3.74m height of the building is to accommodate a tractor with a cab in order to facilitate all-weather use. The surrounding compound will be used to securely store moveable goal posts and other equipment at risk of vandalism or theft. The PC understands that the equipment stored will be solely for use on Burrows Field.

Adjacent to the storage unit there is pre-existing hedging which will to some extent reduce the impact on neighbours. At around 4.8m the apex of the existing nearby sports pavilion is

thought to be higher than the proposed structure. The intended site currently contains a dilapidated seating bench. The existing crushed stone footpath will require re-routing in line with the join of the two parts of the existing pavilion building. Any fuel storage, presumably diesel unless the tractors are to be battery electric, will need to comply with current safety regulations.

The PC understands that if only a smaller storage shed were permitted it would then not be possible to utilise the most efficient size of equipment to maintain the pitches. This is a significant issue as it would markedly increase ongoing annual maintenance costs as more man hours would otherwise be required to complete essential tasks using smaller mowers etc. This would make maintaining the newly upgraded pitches, a valuable community asset, more difficult and expensive.

In summary, Leckhampton with Warden Hill Parish Council accepts the proposal but would ideally have preferred the storage unit to be smaller and preferably sited away from existing dwellings. However the PC understands the reasons for the proposed location and accepts the need for the storage unit.

Nevertheless given the impact on neighbours, LwWHPC respectfully requests that if minded to approve, before sign-off officers explore again with LRFC and other parties to ascertain if other alternatives of siting and/or building size might yet be found to allow a less impactful solution.

If Cheltenham Borough Council is minded to approve the application LwWHPC also respectfully requests the approval be conditioned that:

1. suitable shrub and vegetation screening be deployed to mitigate the visual impact of the building and wire enclosure
2. that the replacement footpath in front of the storage facility (over which the tractor will drive) is constructed to allow use by mechanised equipment without degradation which would otherwise disadvantage Burrows footpath users.
3. any fuel stored in the facility must be fully compliant with relevant statutory regulations to ensure safety
4. the equipment and materials stored in the unit is mandated for use exclusively at Burrows Field.

4. PUBLICITY AND REPRESENTATIONS

Number of letters sent	14
Total comments received	10
Number of objections	10
Number of supporting	0
General comment	0

4.1 The application was publicised by way of letters to 14 neighbouring properties. 10 representations were received which, to briefly summarise, raise the following issues:

- Size of building
- Industrial design is inappropriate
- Impact on enjoyment of the area
- Should have been included in original application

- New trees should be planted in this area
- Concerns about pollution from waste water and fuel
- Impact on Ecology
- Impact on neighbour amenity
- Safety concerns around fuel being stored onsite

5. OFFICER COMMENTS

5.1 Determining Issues

5.2 The key issues in determining this application are considered to be (i) siting and design, (ii) neighbour amenity, (iii) trees and landscaping, (iv) drainage and flooding, (v) ecology.

5.3 Site and context

5.4 The proposed storage building and compound is located adjacent to the north eastern boundary of the site, to the rear of the existing pavilion. To the south is the remainder of the playing fields and to the northeast are residential properties.

5.5 The application is made by Leckhampton Rovers Football Club (LRFC). The submitted information explains that LRFC will shortly be taking on a 21 year lease on the pavilion and a licence on the playing area of the field. It explains that the storage unit is required to allow the club to purchase equipment including a tractor and mowers to enable them to maintain the pitches to a high standard. The intention is that the club and a 'Friends of Burrow's Park' group will carry out some of the maintenance work currently undertaken by UBICO.

5.6 The authority supports the aims of the club with regards to sports and recreation opportunities. Members will recall that a scheme for the improvement of the surfaces was approved in February 2021. The need for a storage building appears to be justified and in keeping with the uses and activity taking place in the area. As such the principle of the building is considered to be acceptable.

5.7 Design and layout

5.8 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.

5.9 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.

5.10 The building is relatively utilitarian in appearance. It is a metal framed building with green cladding, with a green metal fence surrounding. However it is not unattractive in appearance and reflects its functional purpose. Whilst the green colour will not disguise the building it is the appropriate colour for the location.

5.11 The siting of the building is considered to be appropriate. It is near enough to pavilion for security and to access electricity and water connections, whilst not being so close to interfere with fire exits etc. In this area it 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 building is considered to be acceptable.

5.12 Impact on neighbouring property

5.13 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.

5.14 The proposed building is to the rear of properties on Peregrine Road however it is approximately 18m away from the nearest building, is single storey and is set off the boundary with a mature hedge adjacent.

5.15 The roof of the building would likely be visible from the nearest properties however it is not considered that it would have a significant impact upon neighbour amenity with respect of light or privacy.

5.16 The building would only be used during daylight hours in connection with the maintenance of the playing field and as such it is not considered that it would result in an unacceptable level of disturbance, over and above that which would be experienced by any other maintenance arrangements.

5.17 Concerns have been expressed over the safety of storing fuel on the site. The scheme has been designed with a specific caged area for this purpose. There will be regulations around fuel storage which will need to be adhered to, however these are dealt with by separate legislation and are not a material planning consideration.

5.18 Whilst the concerns the neighbours are understood it is considered, for the reasons outlined above, that the impact on neighbouring properties is acceptable.

5.19 Trees and Landscaping

5.20 Section 15 of the NPPF and policies GI2 and GI3 of the Cheltenham Plan seek to resist any unnecessary felling of trees and the retention, replacement or protection of trees as necessary.

5.21 The proposal does not involve the removal of any trees or hedges. The Council's tree officer has assessed the proposals and has no objection subject to the imposition of a tree protection condition.

5.22 With this condition in place it is not considered that the proposal would have any adverse impact upon trees and landscaping.

5.23 Drainage and Flooding

5.24 Section 14 (meeting the challenge of climate change, flooding and coastal change) of the NPPF and policy INF2 (flood risk management) of the JCS require new development to demonstrate that it will not increase the risk of flooding and include measures such as sustainable urban drainage systems (SUDS) where appropriate.

5.25 The drainage engineer was consulted on the proposal and raises no objection subject to the provision of a water butt and soakaway. As such a condition to this effect is recommended.

5.26 With this condition in place it is considered that there would be no adverse impact in terms of drainage and flooding.

5.27 Ecology

5.28 Section 15 of the NPPF (conserving and enhancing the natural environment) and policy SD9 (biodiversity and geodiversity) of the JCS require that any harm to biodiversity should be avoided where possible and any risk of harm should be mitigated.

5.29 The proposal is not of a scale which would warrant an ecological appraisal. A report from the Gloucestershire Centre of Environmental Records has been received which explains that there have been several bird and bat sightings within a 250m radius, however the nearest reported sighting was in 2014 and almost 100m from the site.

5.30 It is not considered that the proposal would result in unacceptable harm to any protected species.

5.31 Other considerations

5.32 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 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.

5.33 Climate Emergency

5.34 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.

5.35 The proposal does not include any specific green technologies and is not required to do so by any policy. However it will allow the site to be maintained to an acceptable standard without the need for contractors vehicles visiting the site.

6. CONCLUSION AND RECOMMENDATION

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

7. 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 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.

- 4 Prior to the first use of the development a water butt shall be provided into which the roof is drained. This shall have a tap and a piped link to a new soakaway at least 5m away from the base with dimensions of 1 cubic metre.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 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.