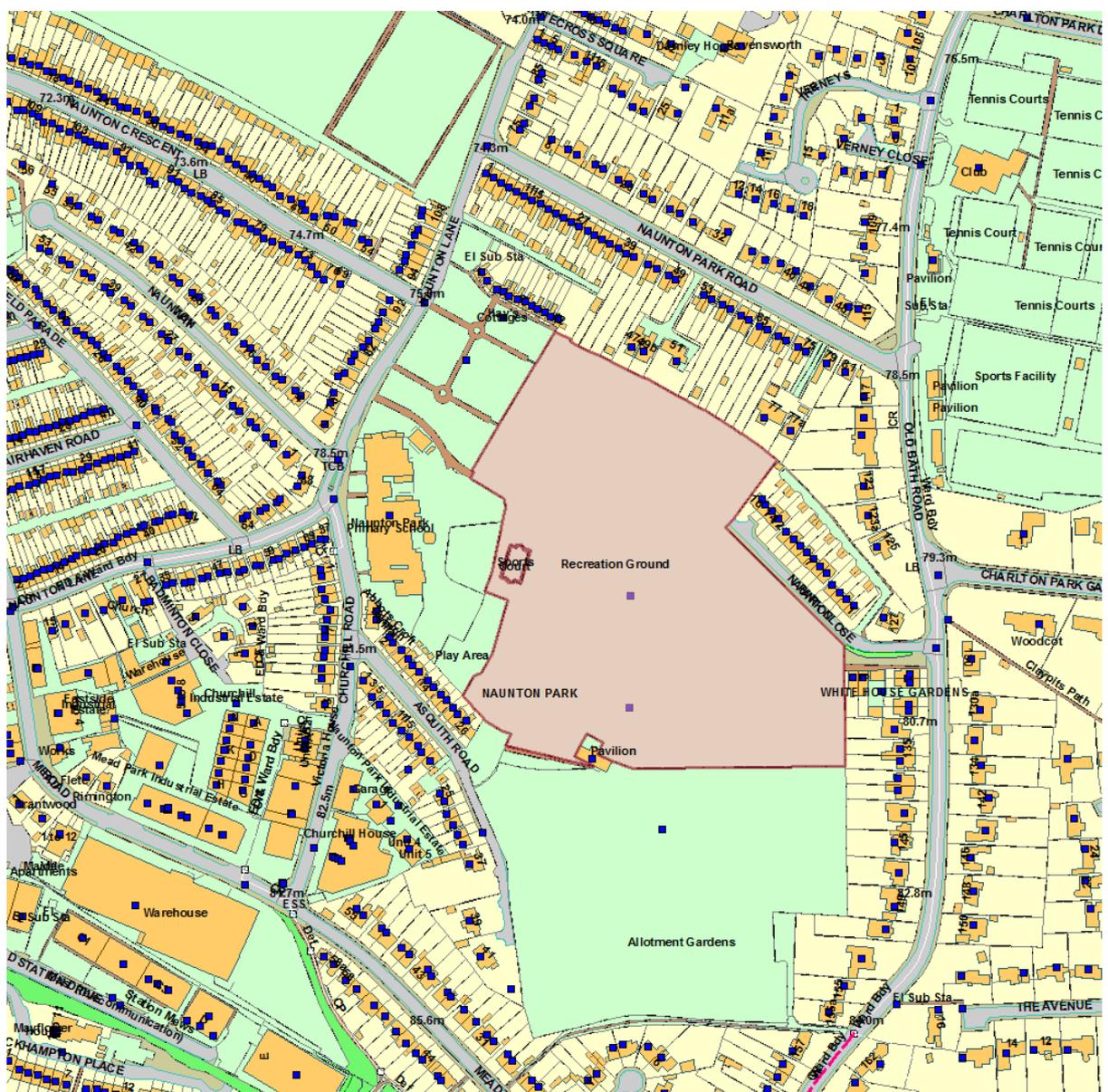


APPLICATION NO: 22/00225/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 15th February 2022		DATE OF EXPIRY: 12th April 2022
DATE VALIDATED: 15th February 2022		DATE OF SITE VISIT:
WARD: College		PARISH:
APPLICANT:	Cheltenham Borough Council	
AGENT:	Illman Young	
LOCATION:	Naunton Park Asquith Road Cheltenham	
PROPOSAL:	Installation of a new circular path around the perimeter of the park	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a section of the perimeter of Naunton Park which is a public recreation ground in Leckhampton, accessed via Asquith Road and Naunton Lane. Naunton Park offers various recreational opportunities; an informal ornamental garden, a large playing field/sports pitch area, an enclosed children's play facility and kick about area. A small car park and pavilion building are located adjacent to the southern site boundary. There are also a number of existing trees along all site boundaries and within the park. Surrounding development is predominantly residential with Naunton Park Primary School to the east and allotments to the south.
- 1.2 The applicant proposes the installation of a new circular path around the perimeter of the park.
- 1.3 This application is before the Planning Committee because the applicant is Cheltenham Borough Council (CBC) and the land is owned and managed by CBC.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Public Green Space (GE36)
Smoke Control Order

Relevant Planning History:

None relevant to this application

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
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

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

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD14 Health and Environmental Quality
INF2 Flood Risk Management
INF3 Green Infrastructure
INF4 Social and Community Infrastructure

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

24th February 2022 - Bio Diversity report available in Documents tab.

Building Control

14th February 2022 - No comment

Sport England

16th February-

Thank you for consulting Sport England on the above planning application. The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such Sport England is a statutory consultee. Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Para. 99) and against its own playing fields policy. Unfortunately there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. Please therefore could the following information be provided as soon as possible:

1. Accurate drawings showing summer and winter playing pitch layouts which including the relevant run-off areas – dimensions to be shown on the drawings of: the pitches, (including the cricket) run-off areas and footpath. Looking at Good Earth images there are a few pinch points where it appears difficult to have a 3m run-off area and the footpath which would accommodate wheelchairs and buggies passing. e.g.

I have only identified these are only 2 pinch points there appears to be others.

NB there is also a cricket square on site so it will not be possible to easily shunt the football pitches away from the pitch points.

Sport England's Playing Fields Policy and Guidance document, which includes the type of information required in order for us to evaluate a planning application against our policy, can be viewed via the below link: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy (see Annex B)

Sport England's interim position on this proposal is to submit a holding objection. However we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response, in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

I would be happy to discuss the requested information further with the applicant and/or the local planning authority if necessary.

2nd March 2022 - Thank you for re-consulting Sport England on the above application with additional information which we requested in our holding objection dated 16th February 2022.

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. 99), 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 to create a perimeter path around the park which can be used for walk and running. It can be imagined that it could be used for a 'park-run' event.

Assessment

The revised drawings show that the path is out side the run-off areas of all the pitches in the park. And to my mind the proposal will create an opportunity for informal exercise as well as teaching young children to ride a bike in safety.

Therefore is my view that the proposal meets our planning policy exception E2 which states:

'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.'

Conclusion

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.

If you would like any further information or advice please contact the undersigned at the address below.

Tree Officer

7th March 2022 - The CBC Tree Section does not object to this application on the basis that the following documents can be submitted and agreed as per conditions attached to any planning permission:

- 1) As per BS5837 (2012) a method statement to include details of how the self-binding gravel footpath is to be created. No excavation deeper than 100 mm should be dug. The gravel footpath is therefore likely to become slightly raised. The sides of the footpath should therefore be graded back so as to facilitate grass mowers, prevent trips etc. Similarly, such a path creation method will prevent damage to roots where the footpath is to be located adjacent to mature trees within the park and adjacent to the rear of 51 Naunton Park Rd. The base layer of the self-binding gravel path should incorporate a layer of geotextile so as to help prevent weed growth as well as reduce leachate into the soil around tree roots. All vehicles must work from the "inside" of the path so as to help reduce

compaction of soil around trees. Should the ground be wet, a tracked vehicle should be used.

2) The swale in the north-west corner must be created to be outside the drip line of existing tree canopies. Any excess excavated soil must be removed from site.

3) Where the path is to be created adjacent to the large poplar adjacent to the car park, should roots with a diameter greater than 25mm be encountered, these must be left intact.

4) Detailed tree planting (and any other planting) should be submitted. This should include tree species, location, size, tree pit details etc.

Points 1-3 above should ensure adequate tree protection in line with CBC Local Plan Policy GI2 +GI3

30th March 2022 –

I am content with their proposed method statement.

Publica Drainage and Flooding

8th March 2022 -

Lime-rich loamy and clayey soils with impeded drainage

<https://www.landis.org.uk/soilscapes/>

Flooding History / EA Flood Zone

1. Flood Zone - The site lies within Floodzone 1
2. Surface Water susceptibility – None.
3. Susceptibility to groundwater flooding from 50% to <75%
4. Flooding History – None.
5. Proximity to ordinary watercourse or main river – There is no mapped watercourse within 20m of the site boundary.

Surface Water Drainage Proposal

SUDS

Other Relevant Information (such as contours and levels of neighbouring plots)

Site Area: 0.31 ha.

Gradient: The site falls gently to the east.

The path is proposed to be self-binding gravel, which is impermeable. A small swale is indicated in the northern corner of the site, with a connection to an existing outfall at an unspecified rate into an unspecified system. No proposal for draining the path has been submitted at this stage.

Comments

In accordance with SUDS hierarchy, it should first be investigated if infiltration is suitable for the site. Permeable construction should be considered for the path if so.

Further information on the existing /proposed outlet, ownership and route of the receiving network is required in relation to the swale.

Soakaways should be designed to accommodate a 1 in 30 year + 40% climate change event with a minimum 1m clearance from the base to the water table at all times.

All surface water should be contained on site for all storm events up to and including 1 in 100 year + 40% cc without property flooding.

An exceedance flow plan is required to indicate the route taken by any storm water in excess of 1 in 100 + 40%, based on finished ground levels and directed away from neighbouring properties.

RECOMMENDATION

Additional Information Required (Please re-consult when received)

- Objection
- No Objection
- No Objection subject to conditions
- No Objection subject to revisions

SUMMARY REASON FOR RECOMMENDATION (including details of required conditions/revisions where applicable)

No objection subject to all comments above being taken on board, the previous issues being addressed and the surface water condition being adhered to in full.

CONDITION

If planning permission is granted, please request the following condition -
That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the Management Plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).
If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

- The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Non-statutory technical standards for sustainable drainage systems (March 2015)

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	67
Total comments received	3
Number of objections	2
Number of supporting	1
General comment	0

- 5.1** Letters of notification were sent to 67 neighbouring properties. Given the nature of the proposals and that fact that many users of Naunton Park do not necessarily live within close proximity, a site notice was also displayed.
- 5.2** A total of 3 representations were received; one in support and 2 objecting to the proposals. The comments and concerns raised in summary, are as follows:
- Proposals provide good disabled access
 - Swales will improve run-off and prevent flooding of neighbouring properties
 - Raised landforms will impact on neighbour amenity – overlooking, privacy, noise and disturbance and anti-social behaviour

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The key issues in the determination of this application are the design and layout of the footpath and associated landscaping and their impacts upon neighbour amenity, flood risk and drainage and existing/retained trees. Any impact on the future use/encroachment of existing playing pitches will also need to be considered.

6.3 Design and layout

- 6.4** The proposals include a continuation of the existing tarmac and self-binding gravel path which currently extends only from the allotments to the children's play area and car park along the west side of the park. The proposed circular path around the perimeter of the park (excluding the ornamental garden) consists of a limestone self-binding gravel surface to match the existing path and would provide a level and good all weather access. A proposed new spur would also link the circular path with the second entrance to the ornamental garden in the north-west corner of the park. The proposed landscaping scheme includes retained and new tree planting, wildflower planting, informal low, grass embankments and shallow swale/depression features, new park benches and relocated existing benches. All excavated materials would be re-used within the park.

- 6.5** Officers consider the proposals acceptable; the design, alignment and layout of the circular path forming an obvious continuation of an existing footpath and allowing fuller use and accessibility to all areas of the park, in addition to the recreational advantages of a circular walk/run around the park's perimeter. The proposed new landscaping features are also considered to offer an enhancement to the appearance and use of the park.

- 6.6** Given the potential for existing trees to be affected, the Council's Trees Officer was consulted and his comments are set out in full in section 4 above. In the absence of a Method Statement, initial concerns and queries were raised regarding excavation depth, soil compaction, edging and foundation materials. These matters have been adequately addressed by the applicant following the submission of additional information and clarification on excavation depth, edging and proximity to existing tree root protection areas. As such the Trees Officer considers the proposals acceptable subject to appropriate tree protection during construction and subsequent approval of new tree planting/landscaping; both of which can be adequately secured by way of suitably worded conditions, as set out below.

6.7 Naunton Park is used as a playing field and as such, Sport England (SE) is a statutory consultee. SE raised initial concerns regarding possible pinch points along the path (prohibiting 3 metre run-off areas) and requested additional information on summer and winter pitch layouts. Additional drawings were submitted showing the layout of summer and winter pitches in conjunction with the proposed circular path and appropriate run-off areas.

6.8 SE subsequently consider the proposals to be acceptable and no objection is raised. The proposed circular path would create an opportunity for informal exercise as well as teaching young children to ride a bike in safety. As such, the proposals meet Sport England's planning policy exception E2 which states:

'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.'

6.9 Impact on neighbouring property

6.10 Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality. These requirements are reiterated in adopted JCS policy SD14. In addition, NPPF paragraph 130 highlights the need to secure a high standard of amenity for existing and future users.

6.11 Two neighbouring residents have raised concerns about the potential for overlooking into neighbouring rear gardens and windows when stood on the proposed grass embankment in the south west corner of the park. These concerns are understood and have been considered very carefully. The dwellings considered to be most affected by this element of the proposals are located on the west side of Old Bath Road.

6.12 The distance measured from the top of the proposed embankment/mound to the nearest property boundary is approximately 29 metres; the furthest property boundary would be some 45 metres from the top of the embankment. The submitted section drawing (Drawing No. 22120-IYL-8050-XX-DR-L-2500) seems to indicate the mid height measurement of the embankment, which is approximately 600 metres above surrounding ground level. Given some uncertainty about its full height once constructed, the embankment details should be agreed as part of the future landscaping scheme and the embankment height limited to approximately 600 metres, as shown on the current section drawing. With this in mind, the height of the embankment and the separation distance to neighbouring properties are considered acceptable and there will be minimal impact on the amenities of occupiers of neighbouring properties. A condition relating to landscaping and other ground features is suggested below.

6.13 In conclusion, the proposals should not result in significant harm to the amenities of neighbouring properties in terms of overlooking, loss of privacy and noise and disturbance. The proposals are therefore compliant with policy SL1 of the Cheltenham Plan and policy SD14 of the JCS.

6.14 Other considerations

6.15 Drainage

6.16 The application site is located in Flood Zone 1 and therefore at low risk of flooding. There is no flooding history associated with the site and no watercourse within 20 metres of the site boundaries.

6.17 The Council's Drainage officer notes that the proposed path is to be self-binding gravel which is impermeable. A small swale is also proposed in the north east corner of the park with a connection to an existing outfall; ground levels within the park sloping gently downwards towards the north and east.

6.18 The applicant has not submitted full drainage details and there is a lack information about the capacity and ownership of the existing outlet. A condition is therefore suggested requiring the submission and written approval of a full drainage strategy in accordance with the SuDS hierarchy.

6.19 The Drainage Officer's comments are set out in full in section 4 above.

6.20 Ecology

6.21 Whilst GCER records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

6.22 Public Sector Equalities Duty (PSED)

6.23 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 or in other activities where participation is disproportionately low.

6.24 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 With all of the above in mind, the proposed works are considered to be in accordance with relevant local and national planning policies. The proposals would enhance the recreational facilities offered at Naunton Park, coupled with improvements to the landscaping of the site. Similarly, the proposals would not impede the full use of all existing play areas and playing pitches.

7.2 There are no significant neighbour amenity concerns or issues regarding tree protection and drainage.

7.3 The recommendation is therefore to grant planning permission subject to the following conditions. At the time of writing, agreement to the pre-commencement conditions is being sought from the applicant.

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 Notwithstanding the submitted details, prior to the implementation of any landscaping and tree planting, full details of the hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all trees, hedgerows and other planting which are to be retained, and provide details of finished ground levels; proposed undulating landforms and swales; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 4 The proposed works near and within the Root Protection Areas of existing trees on site shall be carried out in accordance with the Construction Method Statement received 8th March 2022.

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).

- 5 Prior to the commencement of development (including demolition and site clearance), tree protective fencing to BS 5837:2012 shall be installed, inspected and approved in writing by the Local Planning Authority. The approved protective fencing shall thereafter 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.

- 6 Prior to the commencement of development, a full surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests

should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme and shall be maintained in accordance with the Management Plan thereafter.

Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

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.