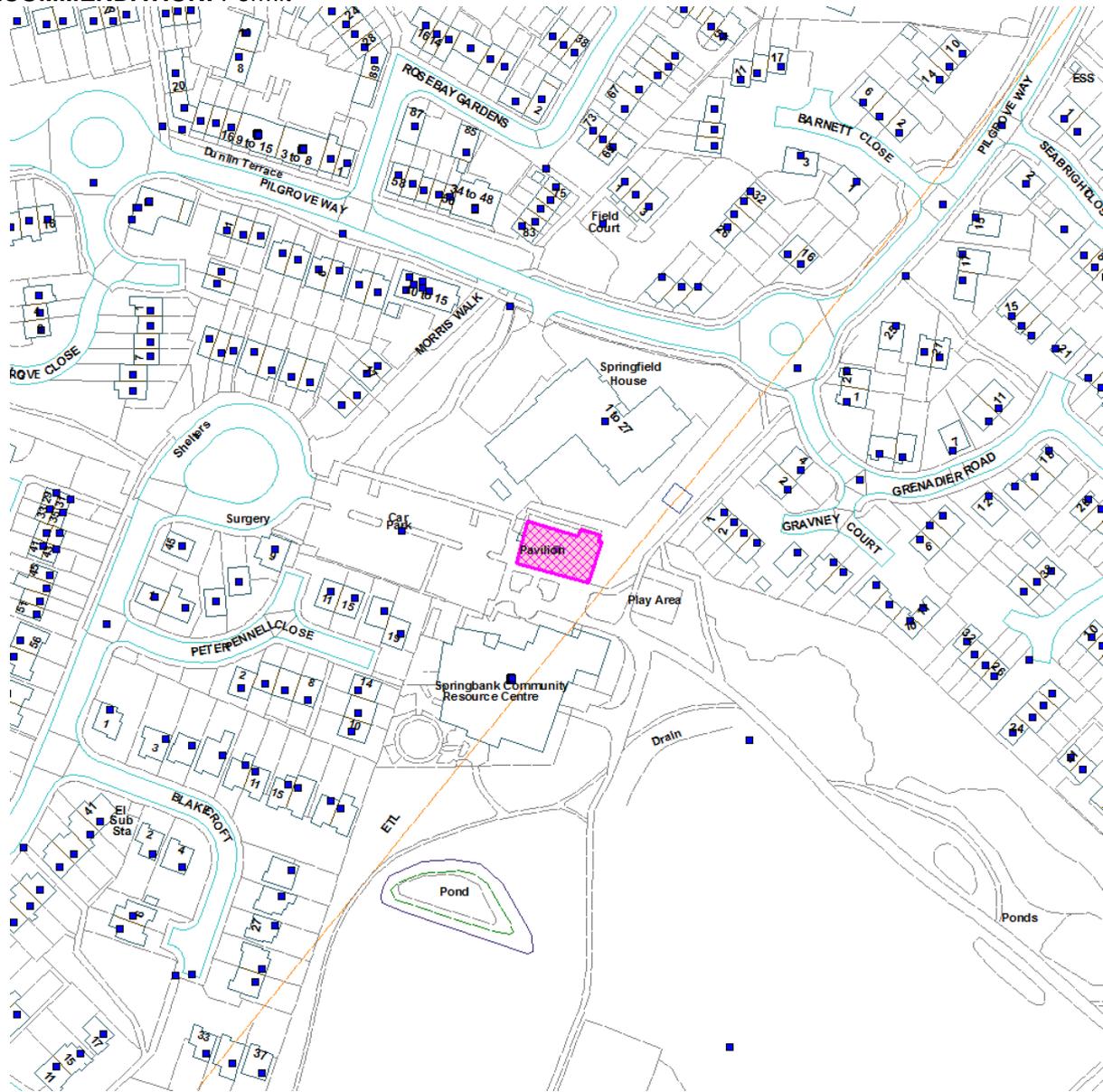


APPLICATION NO: 22/00879/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 14th May 2022	DATE OF EXPIRY: 9th July 2022
DATE VALIDATED: 14th May 2022	DATE OF SITE VISIT:
WARD: Springbank	PARISH:
APPLICANT:	Springbank Community Group C.I.C
AGENT:	Springbank Community Group C.I.C
LOCATION:	Cafe Ron Smith Pavillion Springbank Way
PROPOSAL:	Change of use from class E (cafe) and pavilion to mixed Class E and F2 uses (cafe and community uses)

RECOMMENDATION: Permit



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an existing building located adjacent to the Springbank Community Resource Centre and Springfields Park recreation Ground, accessed via Springbank Way.
- 1.2 The application site is within the Principal Urban Area of Cheltenham and the adjacent park is designated as public green space.
- 1.3 Planning permission was granted by planning committee in 2016 for the change of use of the function room part of the sports pavilion to a café. This was granted subject to conditions including a restriction on the opening hours to 08:00 – 17:00 Monday to Saturday and 08:00 – 12:00 on Sundays. A 'non-material amendment' application was subsequently submitted and approved for the use of the building as a function room (its original use) outside of the opening hours of the café.
- 1.4 Planning permission is now sought, by the Springbank community group, for the change of use of the whole building to a mixed use comprising community café, community food pantry and for the running of community projects such as the Cheltenham Household Essentials Project and youth work provision. These elements fall within classes E (commercial, business and service) and F2 (local community uses) of the use classes order.
- 1.5 The application is to be determined by planning committee as it is owned by Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Principal Urban Area
Public Green Space (GE36)
Residents Associations

Relevant Planning History:

86/00747/PF 28th August 1986 PER

Welch Road Playing Fields Cheltenham Gloucestershire - Erection Of Community Room And Sports Changing Rooms With Vehicular Access And Car Park

86/01280/PF 18th December 1986 PER

Arle Farm Welch Road Playing Fields Cheltenham Gloucestershire - Proposed Community Room And Sports Changing Rooms Vehicular Access And Car Park
As Amended By Revised Plan Received On 16 Dec 86

15/02143/COU 22nd February 2016 PER

Conversion of part of sports pavilion (function room) to A3 (cafe)

16/00548/AMEND 13th April 2016 PER

Non material amendment to Planning Permission 15/02143/COU - use of the building as a function room (as per its original use) outside the opening hours of the proposed cafe

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 9 Promoting sustainable transport

Adopted Cheltenham Plan Policies

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD14 Health and Environmental Quality

INF1 Transport Network

INF4 Social and Community Infrastructure

Supplementary Planning Documents

Cheltenham Climate Change SPD 2022

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

24th June 2022

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore submits a response of no objection.

Building Control

26th May 2022

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

5. PUBLICITY AND REPRESENTATIONS

The application was publicised by way of 51 letters to neighbouring properties and a site notice. No representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be the principle of the use and any impact upon neighbour amenity. There are no external changes to the building.

6.3 The site and its context

6.4 The site is located adjacent to the park and playing fields and also adjacent to the Springbank Community Resource Centre which hosts community hall, doctors surgery, pharmacy, dentist, and nursery. The buildings are served by a large car park adjacent.

6.5 Directly to the north is Springfield House, a care home, and to the east are the residential properties of Gravney Court.

6.6 The principle of the use

- 6.7** Policy INF4 of the JCS relates to Social and Community Infrastructure. It seeks to avoid the loss of community facilities and enhance the provision of facilities. The NPPF at para 93 states that planning decision should plan positively for community facilities.
- 6.8** The same policies also seek to retain local sports facilities. The information submitted with the application explains that presently the pavilion is not used for changing or showering. The nearest changing room to the door to the playing fields is in use for storage by local youth football teams and this will be retained.
- 6.9** The remainder of the changing rooms will be used as storage associated with the community projects including the community food pantry, household essentials project and youth work.
- 6.10** The proposal keeps the building in use for community purposes and supports a number of projects which provide important services to the local community. The café element already has approval and will be retained and run alongside the community uses.
- 6.11** Officers consider that the use of the building in the manner described is wholly appropriate for the building. The uses proposed are compatible with the existing café use of the building, provide vital community support and represent the good use of an existing building. As such the principle is considered to be acceptable and is in accordance with the policy objectives outlined above.
- 6.12 Impact on neighbouring property**
- 6.13** Section 8 of the NPPF (Promoting Healthy and safe communities), policy SL1 of the Cheltenham Plan and policy SD14 of the JCS all refer to the impact of development on neighbouring properties and communities.
- 6.14** The proposal results in the provision of important local community facilities and projects which are of benefit to the area, however it must also be considered whether the use has an acceptable impact upon nearby properties.
- 6.15** As mentioned above the approved opening hours of the café are 08:00 – 17:00 Monday – Sunday and 08:00 – 12:00 on Sundays.
- 6.16** The current proposal for mixed class E and F2 uses for the whole building proposes the following opening hours:
- Café – 08:00 – 16:00 Monday – Sunday
 - Community uses 08:00 – 22:00 Monday – Friday, 08:00 – 16:00 Saturday-Sunday and Bank Holidays
- 6.17** The nearest residential properties are those within Gravney Court and those in Peter Pennell Close, although none directly adjoin the building. There is also a care home to the north. These properties were all consulted on the proposal and raised no objection, however in any event the Environmental Health Officer has been consulted on the application and confirms that there is no objection to the proposed use and opening hours. The Environmental Health Officer has requested that they be secured by condition so that any future changes to the opening hours can be assessed.
- 6.18** As such subject to these controls the impact upon neighbouring property is considered to be acceptable and therefore the proposal accords with the above mentioned policies of the development plan.
- 6.19 Access and highway issues**

- 6.20** Policy INF1 of the JCS seeks to ensure that development is provided with safe and efficient access and does not have a severe impact on the highway network.
- 6.21** The application site benefits from an established car park and access arrangements. It is close to the network of footpaths and within walkable distance from the surrounding residential area.
- 6.22** The Highway Authority have confirmed that they have no objection to the proposals.

6.23 Sustainability

- 6.24** The proposal does not include any external changes to the building and the plans indicate that there are no significant internal alterations proposed.
- 6.25** The Cheltenham Climate Change SPD highlights that there is scope within non-domestic refurbishments to include features which would work towards the decarbonisation of the building. This can include insulation, replacement heating systems, replacement windows and the fitting of photovoltaic panels.
- 6.26** The proposal does not include any specific low carbon technologies, however the Springbank Community Group have advised that they do have aspirations to improve the efficiency of the building as funding becomes available. This may include replacement lighting, insulation and replacement windows to reduce heat loss. Given the nature of the proposal it is not considered appropriate to require these formally at this stage, although the community group have been provided with the SPD to assist in informing any future interventions.

6.27 Other considerations

6.28 Public Sector Equalities Duty (PSED)

- 6.29** 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.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposed use will support a number of community projects and will be an important facility for the local community. Its use is compatible with the building and the area and does not give rise to any concerns regarding highway impact or neighbour amenity. As such the proposal is considered to be acceptable and is recommended for approval subject to the following conditions.

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 uses hereby permitted shall not be open to customers and clients outside the following hours:

Café: 08:00 to 16:00 Monday to Sunday.

Community uses: 08:00 to 22:00 Monday to Friday and 08:00 – 16:00 on Saturday, Sunday and Bank Holidays.

Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

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.