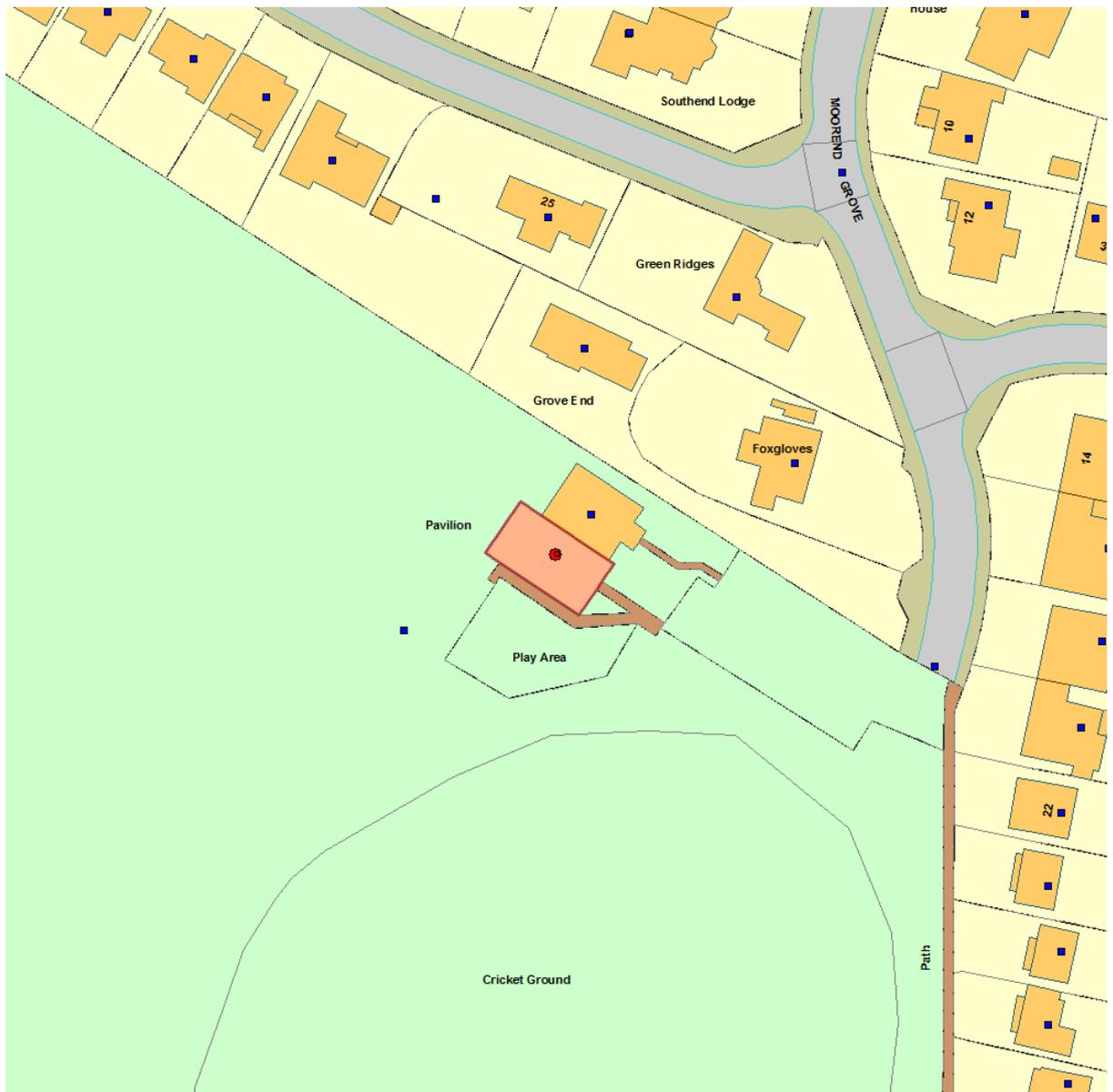


APPLICATION NO: 22/00994/COU & ADV	OFFICER: Mrs Lucy White
DATE REGISTERED: 11th June 2022	DATE OF EXPIRY: 6th August 2022
DATE VALIDATED: 11th June 2022	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Leckhampton Rover FC
AGENT:	
LOCATION:	Pavilion Burrows Sports Field Merlin Way
PROPOSAL:	Change of use of part of the pavilion to a mixed use of cafe (Class E) and sports pavilion (Class F2 (c)) Erection of 3no. fascia signs and a pole mounted free standing sign

RECOMMENDATION: Permit/Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site forms part of an existing pavilion building located within the north east corner of Burrows Playing Fields. The playing fields are accessed via Merlin Way and Moorend Grove and designated as Public Green Space (GE36) within the Cheltenham Plan (2020).
- 1.2 The pavilion building is brick faced with rendered upper walls under a corrugated metal hipped roof and currently accommodates changing rooms, toilet/shower facilities and a multi-purpose room with kitchen. In addition to the modern pavilion building, the playing fields offer a range of recreation facilities including a children's play area, seasonal sports pitches, cricket ground, BMX track and visitor car park. A children's day nursery is attached to the pavilion on the north side with residential properties of Peregrine Road, Moorend Grove and Arden Road located adjacent the north and east boundaries of the playing fields.
- 1.3 Planning permission was granted in 2015 for the construction of a BMX pump track and in 2020 for the installation of perimeter pathways and engineering works to level the playing fields; the latter due to be completed by end of summer 2022. In 2021/2 general refurbishment works were carried out to the pavilion including the installation of an air source heat pump on the western elevation and an internal re-fit. The full relevant planning history is set out in section 2 below.
- 1.4 The current applications propose the change of use of part of the pavilion to a (community) café (Class E) and the erection of 3no. fascia signs and a pole mounted, free standing sign within the car park. The existing changing rooms and toilet/shower facilities would remain and the existing multi-purpose area and kitchen adapted to accommodate the new café. Other than proposed signage, no external alterations to the building are proposed and access to the café would be via an existing fully accessible entrance on the south elevation.
- 1.5 The Council has recently granted the applicant (Leckhampton Rover FC) a long term lease of the pavilion and a licence for use of the playing fields. In addition, the Council has been working jointly with the applicant over the last couple of years, implementing various improvements to the playing fields and pavilion and this work would continue in respect of the current proposals.
- 1.6 The applicant has provided a detailed supporting statement setting out the rationale for the proposed café and how it, and the other facilities at Burrows would operate and serve the local community.
- 1.7 These applications are before the Planning Committee because Cheltenham Borough Council are the landowners of Burrows Playing Fields, including the pavilion building.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
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 alongside the children's 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

21/00935/FUL 17th June 2021 PER

Fitting of an air source heat pump on wall of Pavilion

21/02675/FUL 18th February 2022 PER

Proposed storage unit

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

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

GI1 Local Green Space

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Climate Change SPD (2022)

4. CONSULTATIONS

Environmental Health

22nd June 2022 - In relation to my formal comments, please could I put forward the following:

In relation to applications 22/00994/COU & 22/00994/ADV for the Pavilion, Burrows Sports Field, Merlin Way, Cheltenham, Gloucestershire, please could I add the following condition from Environmental Protection:

Condition:

The operational hours for the café to be Monday - Saturday 08.00 - 18.00 and Sunday and Bank Holidays to be 09.00 - 18.00.

Building Control

14th June 2022 - The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

GCC Highways Planning Liaison Officer – 22/00994/COU

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.

GCC Highways Planning Liaison Officer – 22/00994/ADV

24th June 2022 –

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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.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	11
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1** Letters of notification were sent to 11 neighbouring properties. One representation was received following the publicity and concerns raised, in summary, relate to noise and disturbance caused by the café and potential outdoor seating.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues for consideration are the principle of a part change of use of the building to provide a café and the impact of the proposed use on the amenities of neighbouring residential properties and locality in general. Highway safety, parking and any impact on the use/function of the existing playing fields will also need to be considered.

6.3 The proposals also relate to the display of advertisements; the Council will therefore need to consider whether the proposed advertisements would have any impact upon surrounding amenity and public safety in accordance with the Advertisement Regulations and Policies D1, D2 and SL1 of the Cheltenham Plan and Policies SD4 and SD14 of the JCS.

6.4 Principle/Impact on neighbouring property

6.5 The principle of the proposed part change of use of the pavilion to a mixed use of cafe (Class E(b)) and sports pavilion (Class F2 (c)) is considered acceptable, particularly in view of the recent changes to the Use Classes Order and the government's approach to increasing the flexibility of commercial uses. The proposed café would provide ancillary facilities for users of Burrows Fields and the wider community and there are similar, successful café facilities at other parks within the Borough.

6.6 The proposed community café area would also be available for the use of the football club in the evenings and at other times, in similarity with current licensing arrangements.

6.7 Currently, Burrows Fields is served by a 'Coffee Pod' but there is no other café facility within the locality. The applicant informs the Council that, the Coffee Pod is on a short term licence and clearly, it would not be expected that the proposed cafe and Coffee Pod would coexist. The applicant has been in discussions with the Coffee Pod about working together in the future and their preferred method of operation would be to sublet/licence the café space. With the income generated from the café, the applicant/Leckhampton Rover FC would, in the long term, be able to reinvest into both the football club and Burrows Fields sports and recreation facilities.

6.8 Other than new signage, no external alterations to the building are necessary to facilitate the change of use. However, the proposed café would require appropriate refuse and recycling storage facilities and a condition requiring the provision of details of such has been included in the list of suggested conditions below.

6.9 The supporting statement indicates that outdoor seating for the café is an option for the future. This does not form part of this planning application but should outdoor seating be provided, this would be subject to the appropriate licence being sought from the Council and approval from Fields In Trust. An informative has been added to this effect.

6.10 Given the location and dual purpose of the building, it is also considered necessary to restrict the use of the relevant area of the pavilion to a café and sports pavilion only. This would prevent the cafe part of the pavilion being used for any alternative permitted use including those uses that fall within Class E.

6.11 In light of the above, the proposed (part) change of use to a café is considered acceptable in this location and the building suitable to accommodate the use alongside its existing function. The proposals therefore adhere to the objectives of policy D1 of the Cheltenham Plan and policy SD4 of the JCS.

6.12 Impact on neighbouring property

- 6.13** Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. 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 users or the locality. In assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, loss of light and outlook and noise and disturbance. The policy is consistent with adopted JCS policy SD14.
- 6.14** One neighbouring resident has raised concerns about the potential for noise and disturbance from the proposed café use.
- 6.15** The Council's Environmental Health team has reviewed the proposals and raises no concerns subject to the inclusion of a condition restricting café customer opening hours. As referred to above, an informative has also been added advising the applicant of the need to obtain a licence from the Council for any future external seating. As currently proposed, all seating would be provided inside the building and there is adequate space internally to accommodate this. Furthermore, no additional openings are proposed and the serving hatch and customer entrance to the café would be on the south elevation facing the children's play area.
- 6.16** In light of all the above considerations, officers consider the proposals to be acceptable and compliant with the objectives of Cheltenham Plan policy SL1 and JCS policy SD14.

6.17 Access and highway issues

- 6.18** Given the nature of the proposed change of use and the potential increase in footfall and vehicle trips to Burrows Fields, the Highway Authority (HA) were consulted on the proposals. The HA concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. As such, there are no justifiable grounds on which an objection could be maintained.
- 6.19** Furthermore, there are no associated proposed changes to existing parking arrangements at Burrows Fields, other than the planned addition of cycle stands.

6.20 Sustainability

- 6.21** The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising homes over the next decade. For development proposals, including a change of use, there are opportunities to improve the environmental performance of buildings through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, works to chimneys, insulation, replacement heating systems (heat pump) and thoughtful kitchen design.
- 6.22** In this instance the submitted supporting statement includes various sustainability benefits arising from the proposed development and other planned and proposed initiatives at Burrows Playing Fields. These include an air source heat pump, the sourcing of goods and services locally, plus the sourcing of organic produce where possible. Other features include future plans to add water butts and enhanced landscaping around the pavilion. The supporting statement also states that the football club has a green policy and is encouraging its members to cycle and walk to all events at Burrows Fields. Plans for a Climate Change Trail are also being developed.
- 6.23** Given the scale of development proposed within this application, the above proposed features are considered to be acceptable, with the anticipation that the other mentioned initiatives will come forward.

6.24 Advertisements

6.25 Policy D2 of the Cheltenham Plan supports advertisements provided they are appropriate in type, size, colour, illumination and siting, are of a high standard of design, respect the character of the building and surrounding area and maintain public safety.

6.26 Similarly, paragraph 136 of the NPPF highlights that “*The quality and character of places can suffer when advertisements are poorly sited and designed*” and decisions should take account of cumulative impacts, in the interests of amenity and public safety.

6.27 The proposed fascia signs would be non-illuminated and fixed to the rendered sections of the building’s three elevations and the café hatch. The 1.6 metre high pole mounted sign would be located adjacent to the car park. The scale/height, content, colour, position, size of lettering and finish/materials are all considered acceptable. In this respect, the proposed signage should sit comfortably within the context of this site and should not harm the character and appearance of Burrows Fields or the wider area.

6.28 The Highway Authority similarly raise no highway or public safety concerns.

6.29 In light of the above, the proposed signage adheres to the objectives of Policies D1 and D2 of the Cheltenham Plan and Policy SD4 of the JCS.

6.30 Other considerations

6.31 Public Sector Equalities Duty (PSED)

6.32 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.

6.33 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the proposed development is considered to be in accordance with relevant local and national planning policy. The recommendation is to grant planning permission and advertisement consent subject to the following conditions.

8. CONDITIONS / INFORMATIVES

Planning

- 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 No customers associated with the proposed café use shall be served or remain on the premises outside the following hours Monday - Saturday 08.00 - 18.00 and Sundays and Bank Holidays 09.00 - 18.00.

Reason: To safeguard the amenities of the area, having regard to Policy SL1 of the Cheltenham Plan (adopted 2020) and policy SD14 of the JCS (adopted 2017).

- 4 Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the relevant area of the building shall not be used other than for a cafe (Class E(b)) and sports pavilion (Class F2(c) and shall not be used for any other purpose falling within Use Class E without express planning permission.

Reason: Any alternative use requires further consideration by the Local Planning Authority, having regard to the provisions of the Cheltenham Plan (2020) and the Joint Core Strategy (2017).

- 5 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided for the proposed cafe use and shall be retained as such thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

Advertisement

- 1 The advertisement consent hereby granted shall expire after a period of five years from the date of this decision.

Reason: To accord with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 The advertisement consent 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
 - 1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - 2) No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

- (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with the provisions of Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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 The applicant is advised that a licence from the Council would be required for any future outside seating/catering on adjoining land.