

APPLICATION NO: 22/01200/FUL	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 2nd July 2022	DATE OF EXPIRY :
WARD: Lansdown	PARISH:
APPLICANT:	Marketing Cheltenham
LOCATION:	Imperial Garden Promenade Cheltenham
PROPOSAL:	Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January) inclusive of rig and de-rig, this is in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

REPRESENTATIONS

Number of contributors	13
Number of objections	12
Number of representations	0
Number of supporting	0

1 Claremont Lodge
Montpellier Spa Road
Cheltenham
Gloucestershire
GL50 1UG

Comments: 18th July 2022

I have a general objection to Imperial Gardens being used (and therefore unavailable for access and general use) for 75 days per year. This is undoubtedly Cheltenham's finest public amenity on the town's iconic square and it is scandalous that it is not usable as such for more than 20% of the year.

My specific objection relates to the siting and operation of the of the ice rink which

- (i) is 'powered' by an air-polluting diesel generator
- (ii) represents an inappropriate use of a much-loved public space that was never created to provide access to large service vehicles
- (iii) causes unsightly damage necessitating costly piecemeal repairs to the grass lawns
- (iv) creates noise nuisance, visual pollution and soil contamination in a residential area
- (vi) represents a failure by Cheltenham Borough Council to protect and cherish an iconic conservation area.

32 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 25th July 2022

I object to this Planning Application.

1. General. Consent is already in place for events in Imperial Gardens for 70 days per year (as granted by 12/01843/FUL). The current application is for a further 75 days - making 145 days in total (ie. 40% of the year).

When the original consent for 70 days was granted in 2013, the Decision Notice stated that 'the Local Planning Authority recognised that the use of Imperial Gardens for festivals and special events hereby approved can, if not properly managed, impact on ..the neighbouring amenity and listed buildings...'. The current application for the ice rink usage of 75 days doubles the 'impact' on the 'neighbouring amenity' and the 'listed buildings'. This conspicuously fails to 'manage effectively' the impact acknowledged in the 2013 Decision Notice.

2. Environmental Impact: Imperial Gardens is a beautiful area; an asset worth protecting for residents and visitors. If the Application is granted, there will not only be adverse impact during the build, operation and dismantle periods but also there will be an undesirable impact on the grass and flower borders considerable beyond this period. There is a statutory duty to protect this amenity. This duty is of particularly importance in this case due to the surrounding listed buildings and the conservation setting.

The Application should be refused.

45 The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 25th July 2022

I strongly object to the ice ring coming back to Imperial Square which is completely inappropriate for what should be beautiful gardens for all visitors to see and enjoy.

The area is not suitable for access and ambulances had to attend a number of times and park on the grass.

Why not make one of the council car parks available for the ice ring or have it out of town in a rented area.

40B The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 15th July 2022

Planning Application 22/01200/FUL

Erection of temporary structures in connection with festivals and special events including an ice rink in Imperial Gardens for a maximum of 75 days for 3 periods being 2022/2023, 2023/2024 and 2024/2025 (November and January) inclusive of rig and de-rig.

I wish to register my Objection to the above Planning Application as follows:

Loss of Amenity -

1. This proposal doubles the number of days approved and agreed by Cheltenham Borough Council for events in Imperial Gardens and would result in the loss of amenity to Cheltenham Citizens and Visitors to the town for almost half of the year.

This is a fundamental change to an existing Planning Consent and should not be allowed.

Cheltenham is well known as a 'floral' town and Imperial Gardens provide a green and floral space in the centre of town which contributes to a sense of well-being and peace which is becoming more and more important to people's mental health in these times. Cheltenham Borough Council prides itself on its green outlook. This proposed invasion and disturbance is a contradiction of this.

2. There is also prolonged loss of amenity during the time it takes for the gardens to recover.

3. The use of generators last time resulted in very unpleasant and unhealthy fumes and vibrations emanating from them and it seems from the papers submitted with this application that Cheltenham Borough Council is investigating the provision of an additional permanent power supply by means of a fixed power infrastructure.

The comment on this planning application from Environmental Health mentions "there are plans for a new substation or equivalent to be installed to increase the power supply to Imperial Gardens".

The public should be informed as to exactly what is being considered and that information should be part of this planning application.

Our Country has an energy crisis so how can Cheltenham Borough Council contemplate providing and using extra energy when we understand that Cheltenham Borough Council has a Green Policy?

If this application is refused, then no extra energy will be needed and the Council can be proud of its green credentials.

Noise -

4. This proposal will create noise and disturbance by people arriving and leaving the structure as well as the amplified noises coming from inside which, from experience, are always at a volume much louder than is necessary for the ticket holders.

5. The Application shows a larger footprint than the last application. This is presumably for the proposed catering. This is difficult to understand as the reasons put forward for this application seem to be that having the Ice Rink will help local businesses. So, why would the organisers want to provide catering which would take trade away from the local businesses?

A catering facility will also contribute to extra noise.

Visual Impact -

6. The structures needed for this proposal are not in any way attractive and detract from the beautiful Imperial Gardens which provide visual pleasure to all as well as a reason to visit Cheltenham when the Public Gardens are allowed to be a green and floral space.

Therefore, for all the above reasons, I request that this application be refused for this year and all ensuing years.

37D The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 12th July 2022

My wife and I STRONGLY object to this ice rink structure because of it's unsightliness and the noise and the ruination of lovely relaxing gardens.

Also, the expense caused from the council budget at this particular time when the cost of living is soaring.

No doubt the council will be looking to increase the council tax to pay for this hideous structure.

Please NOTE our very strong objection.

36C The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 21st July 2022

a. TOTAL FAILURE to protect a conservation area. Its interesting to see that the picture to promote Cheltenham Borough Council shows Imperial Square in all its glory and is a prime reason for visitors to come to Cheltenham . Following the erection of the Ice Rink and the tent that contained it the Gardens HAVE NEVER RECOVERED . It was in excess of six months before any Flowers were replaced and during that time the area opposite the Queens Hotel looked a complete mess.

I was also horrified to establish that although Cheltenham promotes itself as ' a green borough' the contractors were permitted to burn in the generators -- all through the period of use-- the worse polluting Diesel Fuel that is still produced . Any attempt in the future to use alternative ---far more expensive fuels --- may not have the 'carbon footprint' that has in the past been promoted by producers (HVO).

It is also noted that there is serious Soil Contamination ---STILL -- following Diesel Leakage during the last ICE RINK ERECTION . , which will take a lot of work and cost to rectify.

b. NOISE NUISANCE . to local residents who are paying some of the highest Council Tax in THE COUNTRY .

C. THE TENT -- is totally unsightly in an area which promotes itself as a Wonderful garden for relaxation and an area of outstanding natural beauty .

d. POOR ACCESS for service vehicles during erection and dismantling . This is proving very disruptive for all local residents .

36D The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 10th July 2022

Ice Rink 2022 - Objections to Planning Approval

I have three main objections to this planning application

- 1) Air pollution
- 2) Inappropriate use of Imperial Gardens
 - a) A failure to protect a Conservation Area
 - b) Noise nuisance, visual pollution and soil contamination
- 3) Poor access for service vehicles creating issues for residents

1. Air Pollution

It is my understanding that Hybrid Generators of the size required to power the Ice Rink are not available, therefore it is likely Diesel or HVO will be used.

The Ice Rink in 2021 consumed 34,540 litres of diesel. If we calculate the CO2 emissions for standard diesel this would be 92 tonnes over 42 days. (It was actually 100 tonnes as Red Diesel was used)

If HVO is used there will be a reduction of approximately 5%, this would work out at 87.4 tonnes of CO2, a reduction of only 4.6 tonnes. The NOx, CO and Particulate emissions would decline proportionally more but are still significant.

The amount of Biological Sequestration is not verifiable, therefore it is difficult to ascertain the net Green House Gas emissions and therefore Climate Change contribution.

However, although the effect on the Local Air Quality is less with HVO it is still significant. To put it another way - using HVO to fuel the Ice Rink generators in 2022 would be equivalent to running standard diesel generators for:

39 days for CO2 - 3 days less

38 days for NOx - 4 days less

30 days for Particulates - 12 days less

30 days for CO - 12 days less

The 3 main conditions associated with air pollution are respiratory conditions (such as asthma), cardiovascular disease and lung cancer, and there is emerging evidence for associations with dementia, low birth weight and Type 2 diabetes.

This application is equivalent to applying to install Standard Diesel Generators for over 30 days. Creating these levels of additional pollution, over and above the existing air quality issues in Cheltenham, is unacceptable.

2) Inappropriate use of Imperial Gardens

a) Imperial Gardens is part of the Montpellier conservation area, an area of special architectural and historic interest, the character or appearance of which is considered to be worth preserving or enhancing. It is given special protection under the Planning (Listed Buildings and Conservation Areas) Act 1990. When the summer planting happened post Science Festival 50% of the flower beds in Imperial Gardens will have been empty for 8 months. In addition to this there are areas of the relayed turf that had failed to take due to soil contamination from the Christmas Ice Rink. It is my understanding that in a conservation area, local authorities must take in to account the need to preserve or enhance the area's special character when deciding whether to grant planning permission. Applications are considered against conservation policies and can be refused on conservation grounds alone.

I believe Cheltenham Borough Council will have failed to take into account the need to preserve or enhance the area's special character and will be in breach of its responsibilities if it grants planning permission for this event in Imperial Gardens.

The following statements are taken from the Central Conservation Area Montpellier character area appraisal and management plan, freely available on the Cheltenham Borough Council website:

"These formal gardens are important not only for the setting they establish for surrounding houses, but for the quiet space they provide in the centre of the town, enhancing both the character and appearance of Montpellier."

"The green spaces in this area are not only important as part of its character but fulfil an important civic function, being located in the town centre. They need to be maintained and enhanced where necessary."

"Green spaces make significant contributions to conservation areas and the designation also places management restrictions upon those spaces."

This also taken from the Cheltenham Borough Council website An Outline Green Space Strategy for Cheltenham 2009-2024 Policy review CHELTENHAM BOROUGH COUNCIL Parks, People and Wildlife - An Outline Green Space Strategy for Cheltenham 2009-2024 Policy review:

"... parks and greenspaces are seen as an important asset for local people and can make a positive contribution to quality of life."

b) In 2021 the guarantees given about noise levels were not met. The levels of noise from the generators took some time to be addressed and the ambient music level was at the whim of the operative at the time.

If the noise levels agreed with the residents cannot be assured, given the length of time the event runs for, then the event should not be permitted.

As stated previously there were areas of the relayed turf that had failed to take due to soil contamination. This can only have been caused by diesel oil or chemicals used for the portable toilets or the chiller pumps.

Equipment of this nature should not be installed within an ornamental garden in a Conservation Area.

The visual impact of the site detracted from areas character and the service area, which included the building site style portable toilets, was particularly ugly. The impact of the site rendered the whole area unappealing and rendered the rest of the gardens unusable as they were unpleasant to walk and sit in. This type of installation is not acceptable in an area of special architectural and historic interest, the character or appearance of which is considered to be worth preserving or enhancing.

3) Poor access for service vehicles creating issues for residents

The numerous HGV and service vehicles required to deliver/service/remove the large amount of equipment required for this event and the limited access to the site make this a dangerous and highly disruptive situation for residents and local traffic.

The roads around, and access into Imperial Gardens, are not suitable for Articulated Lorries.

Kensington House
33 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 24th July 2022

I object to this application.

Imperial Square and Gardens already has 70 days of events and the proposed ice rink, including put up and take down adds another 75 days, doubling the disruption and loss of amenity.

The proposal (10.7.10) states that this application "does have an adverse impact upon the settings of neighbouring listed buildings whilst the event occurs". Indeed, the square is now much more residential than commercial and this application impacts on residents health, wellbeing and environment, as well as the public's use of the square and gardens.

The ice rink will again dramatically increase air pollution and noise pollution within the confined area of the square.

The noise pollution from the previous ice rink was sufficiently dramatic that it was reported in the national newspapers as many residents were unable to sleep as a result of the generators. This constant loud hum (which environmental health had to address) as well as the noise from constructing and deconstructing the site, the music and the crowds was extremely difficult for residents and discouraged the public from enjoying the gardens general amenity.

I note that this proposal also suggests food and beverage providers would also be added (although their location was not highlighted on the site map) which would include more generators and general noise, litter and disruption. There are many cafes, restaurants and bars in the area and supporting them seems a more appropriate boost to Cheltenham economy than temporary food trucks.

The most difficult aspect of the proposal is the air pollution. My understanding is that there were approximately 100 tonnes of carbon emitted by the generators last time. The pollution was evident for all to see on the blackened chimneys, generators and insulation used. This proposal also confirms that generators will be used. The impact on the environment for residents and the town as a whole is unacceptable for a council which has declared its Green intentions. In addition, the fabric of the listed building is damaged (for example, the cream paintwork of the buildings) as a result of this pollution as well as the health of the many residents.

Damage is still evident in the gardens as a direct consequence of the previous ice rink - the grass is contaminated and although it has been treated is still yellow and clearly has not been resolved. The gardens are the "jewel in the crown" of Cheltenham and yet the garden is damaged and was without plants for at least 6 months after the rink was dismantled. The amenity of the square was compromised and the reputation of the town as, for example, there was a lack of planting even during Gold Cup Week.

There are plenty of spaces within the town that would better accommodate this proposal, where there would be less disruption and loss of amenity, the pollution would be less concentrated and trapped within the buildings and the heritage of the square would be preserved.

32 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 15th July 2022

Poor access for service vehicles. Articulated lorries reversing outside our windows, we lose the amenity of parking and the noise and damage to curbs is really bad. Ruination and loss of amenity on Imperial Gardens for a long period of time. Pollution and noise and light pollution.

31 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 4th August 2022

I am writing to raise some concerns regarding the planning permission proposal for an ice rink this year.

Whilst the idea of an ice rink in the heart of Cheltenham over the Christmas period sounds attractive, I found the reality wasn't. The main concerns being:

- the diesel generators that run 24 hrs producing elevated noise and air pollution
- light pollution mainly from the security night lights
- large areas of contamination of the grass after the removal of the toilets and ice rink

Imperial square gardens cannot be planted when they are covered by tents and have spent most of this year without plants due to the festivals. A sad sight for the jewel in the crown of Cheltenham, Imperial square.

25 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 14th July 2022

We are writing to oppose the planning application for the ice rink in imperial gardens for 2022/23 2022/25 2025/25

This was the most horrendous experience last year and had a massive impact on our mental health. The noise was horrendous like a jet that never could land, which when we are not allowed double glazing as you can imagine had a massive impact on our sleep. It also looked awful and with all those lights on at night another reason not to sleep as it shines right in our house. The traffic was also horrendous. We cannot understand why you would put this in imperial square when there are so many residents and it's such a small space....there are so many other places it could go like the race course for example and parking would be so much easier. Also it ruined the grass (again) and nothing was able to be planted for months which was such a shame. Imperial square is such a pretty place for people to sit not for a massive ice rink eye sore. The other huge problem was the pollution. It was awful awful awful. Right by our houses for two months. Totally unacceptable. Please take this into account and locate it elsewhere.

18 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 11th July 2022

On behalf of my wife and myself, I should like register our strong objection to the above planning application for the years 2022/2023/2024.

This proposal is for an additional 75 days occupation of the gardens on top of the 75 days already approved some years ago for festivals and special events. In practice, this means that Imperial Gardens will be occupied for 150 days each year - virtually half a year(!), especially when additional days and weeks to restore the lawns and borders are taken into account !

The gardens were originally planned with lawns, quality flower borders and trees in the centre of town for the quiet and peaceful enjoyment of the people of Cheltenham and visitors to the town. The proposals in this application completely destroy this valued amenity and will turn what is a tranquil asset into a completely different environment of a perpetual fair ground, for extremely long periods.

We also note that the area of the gardens it is proposed to occupy for the ice rink event is a larger area than for last year. We understand that this is to provide additional food and drink facilities. This will bring totally unacceptable added noise, smells and an unsightly jumble of vehicles, tents and other structures nearer to the residential properties in

Imperial Square and further encroach upon the small remaining area of open space in the gardens for quiet use by the public.

The gardens already have the Garden Bar and other cafes and restaurant businesses are located nearby. Surely this is the main reason Cheltenham Borough Council and its partners perpetually want to locate public events in Imperial Gardens, to support these local businesses. Otherwise, these events would be more suited and less damaging to the environment if located in other parks in the town. In future, any additional food and drink facilities that are considered essential, should be located on the wide pavements on the a Promenade, thereby protecting the gardens as far as possible.

Finally, very powerful night time flood lighting was a serious problem for residents during the occupation, rig and de-rig last year, and massive pollution caused by the exhaust fumes from the diesel generators made a complete nonsense of the Council's environmental policy for the town.

For the above reasons we object to the proposal.

Kensington House
33 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 24th July 2022

I strongly object to this planning application for the following reasons:

1) PROTECTION OF A CONSERVATION AREA. The Council positions Imperial Gardens as the jewel in the crown of this wonderful and beautiful regency town. A place where residents and visitors alike can enjoy peaceful and quiet reflection in stunning architectural surroundings. Yet this application proposes to, once again, erect a large, unattractive and noisy structure that is completely inconsistent with the elegant surroundings for a period of 75 days. This is not acceptable or aligned to the Council's responsibilities. There are other locations within the town that are far better suited to locate this structure.

2) NOISE, LIGHT AND TRAFFIC POLLUTION. Imperial Square is a residential area. Last year the local residents' peaceful enjoyment of their homes was disrupted by the noise of the generators (late into the night-time, impacting sleep), the lights from the site shining into our homes, the fumes/smells created by the burning of diesel fuel to power the generators (which is inconsistent with the Council's claimed Green credentials) and the traffic congestion caused by set-up and strip-down of the rink.

3) ENVIRONMENTAL CONSIDERATIONS. After the presence of the ice-rink last year, the grass and flowers in the area that the ice rink was located took, literally, months to recover from the footprint of the ice rink itself and the leakage of diesel into the soil.