

Committee Report

APPLICATION NO: 22/02128/CONDIT	OFFICER: Mrs Lucy White
DATE REGISTERED: 20th December 2022	DATE OF EXPIRY: 14th February 2023
DATE VALIDATED: 20th December 2022	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:	Variation of conditions 2 (approved drawings) and 3 (Tree Protection Plan) of planning permission 21/02675/FUL - enlargement of compound and installation of above ground water storage tank(s) adjacent to storage unit

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located in the north east corner of Burrows Playing Fields which are accessed via Merlin Way and Moorend Grove and designated as Public Green Space (GE36) within the Cheltenham Plan (2020). A pavilion building and children's nursery lie to the east and the rear gardens of properties in Peregrine Road and Moorend Grove to the north and east of the site.
- 1.2 The applicant seeks a variation of condition 2 (approved drawings) and 3 (Tree Protection Plan) of planning permission 21/02675/FUL; proposed enlargement of the store compound and installation of above ground water storage tank(s) adjacent to the storage unit. The consideration of the application will therefore focus on the merits of the proposed amendments to the previously approved scheme.
- 1.3 Planning permission was granted in September of last year for the erection of a storage building to house mowers and other equipment associated with the maintenance of the playing fields. These works include a metal framed building with composite cladding panels with a pitched roof, surrounded by 2.3m high security fencing.
- 1.4 A part change of use of the adjacent pavilion building to provide a café was also permitted in July 2022 (22/00994/COU). An approved scheme in 2020 for the levelling of the playing fields to improve drainage has also been carried out.
- 1.5 The application is before Committee because Cheltenham Borough Council is the land owner of the playing fields and the previous scheme for the store and compound was determined by the Planning Committee. Note that, the application is made by Leckhampton Rovers Football Club (LRFC) who have recently taken a long lease on the pavilion and a licence on the playing area of the field.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

20/02028/FUL 17th February 2021 PER
Engineering works to improve and level playing surfaces

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

21/02675/FUL 18th February 2022 PER
Proposed storage unit

22/01102/DISCON 28th June 2022 DISCHA
Discharge of condition 3 (tree protection plan) of planning permission 21/02675/FUL

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making
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
INF5 Renewable Energy/Low Carbon Energy Development

Supplementary Planning Guidance/Documents

Cheltenham Climate Change (2020)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

23rd December 2022 - Biodiversity report available to view in documents tab.

Tree Officer

23rd December 2022 - The tree protection plan, although atypical (it doesn't show an aerial view of the site and doesn't describe how the fencing will be supported), is sufficient in detail for this scheme to discharge the relevant condition.

Publica Drainage And Flooding

4th January 2023 - There are no flooding or drainage objections to the proposed variation provided that the condition in 21/02675/FUL is met (roof is drained to proposed tanks with an appropriately designed soakaway to drain flows when tanks are full)

Sport England

22nd December 2022 - Thank you for consulting Sport England in respect of the details relating to the variation of conditions 2 (approved drawings) and 3 (Tree Protection Plan) of planning permission 21/02675/FUL - enlargement of compound and installation of above ground water storage tank(s) adjacent to storage unit.

I have reviewed the submitted documents have no objections to the variation for condition 2 (approved drawings).

I cannot comment on condition 3 (Tree Protection Plan) as it is outside Sport England's area of expertise.

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

Building Control

22nd December 2022 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

12th January 2023 - The Parish Council has no objection to this application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	12
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Letters of notification were sent to 12 neighbouring properties. One objection was received and the concerns raised relate to an increase in the footprint of the Leckhampton Rovers facilities and their encroachment onto the playing fields.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 Guidance set out within the National Planning Practice guidance (nPPG) acknowledges that issues may arise after planning permission has been granted, which require modification of the approved proposals and that where less substantial changes are proposed, an application seeking a minor material amendment can be made under section 73 of the Town and Country Planning Act 1990, where there is a relevant condition that can be varied (Paragraph: 013 Reference ID: 17a-013-20140306).

- 6.3 If granted, the subject planning application results in the issuing of a new planning permission which sits alongside the original permission which remains intact and un-amended (Paragraph: 015 Reference ID: 17a-015-20140306).

- 6.4 As such, the only consideration in the determination of this application is the acceptability of the proposed increase in the size of compound and the positioning of storage irrigation tanks within that compound; and any required re-wording of conditions or new conditions. The potential harm to adjacent trees and the amenities of neighbouring land users will also need to be considered.

- 6.5 The principle of the store and compound in this location is established through the previous grant of planning permission and such matters should not be re-examined in the determination of this application.

- 6.6 This report should be read in conjunction with the officer report for 21/02675/FUL.

6.7 Design and layout

- 6.8 Policy SD4 of the JCS and Policy D1 of the Cheltenham Plan sets out design requirements of new development which reflect the general principles set out in Chapter 12 of the NPPF.

- 6.9 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.

- 6.10 The compound would be increased in size/width by approximately 3 metres to the south east (pavilion side) to allow the installation of free standing (and moveable) water irrigation tank(s) alongside the storage building. Two tanks may be required to reach the capacity needed to irrigate the fields effectively. The proposed tanks would be contained securely within the fenced compound, sitting on a concrete base and not extending above the 2.3m

height of the compound security fencing. The tanks would feed a small underground pipe which would run under the fields with several connection points at ground level. A small moveable sprayer would be connected to these connection points. Although primarily mains water fed, the tanks would also receive rainwater run-off via the roof of the adjacent storage building, with suitable overflow arrangements.

6.11 The LRFC requires a basic form of irrigation system for the playing pitches in the event of long dry periods during the summer months. As such the tanks would only be used when needed.

6.12 The proposed modest increase in size of compound and the siting of above ground and moveable water storage tanks in this location are considered acceptable; the fencing filtering views of the tanks from the playing fields and neighbouring properties. No other alterations to the previously approved scheme are proposed.

6.13 Impact on neighbouring property

6.14 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.

6.15 One local resident has expressed concerns over the football club's further encroachment into the playing fields and these concerns have been considered very carefully alongside any potential harm to the amenities of neighbouring land users in terms of loss of outlook and noise and disturbance.

6.16 The resultant larger compound would be no nearer to the rear boundaries of properties in Peregrine Road; albeit slightly closer to the boundary with Grove End, Moorend Grove. The store and tanks would not extend above the height of the compound fencing and the existing hedging along the site boundary and adjacent trees would be unaffected by the proposals.

6.17 The proposals would not result in any further encroachment onto the playing fields other than the initial installation of the underground feeder pipe.

6.18 Given the separation distances between neighbouring properties, the impact on amenities of neighbouring land users is considered acceptable.

6.19 Sustainability

6.20 Climate Emergency

6.21 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.

6.22 The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising buildings over the next decade. For new buildings there is an opportunity to improve their environmental performance through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, insulation etc.

6.23 The original planning permission was granted prior to the adoption of the SPD. Whilst the current proposal does not include any specific low carbon technologies, it would allow for the efficient irrigation of the playing fields during the summer months, includes rainwater harvesting from the roof of the storage building and generally would allow the site to be maintained to an acceptable standard without the need for contractors vehicles visiting the site.

6.24 Given the nature of the proposals, this is considered an acceptable approach.

6.25 Other considerations

6.26 Trees

6.27 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.

6.28 The revised proposals do not involve the removal or pruning of any trees or hedges. The Council's tree officer has assessed the proposals and the revised Tree Protection Plan and has no objection subject to the implementation of the proposed tree protection measures.

6.29 Drainage

6.30 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.

6.31 The Council's drainage engineer was consulted on the proposal. There are no flooding or drainage objections to the proposed variation provided that the objectives of condition 3 of 21/02675/FUL is met i.e. the roof is drained to the proposed irrigation tanks with an appropriately designed soakaway to drain flows when the tanks are full. An amended condition is included below.

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

6.33 Public Sector Equalities Duty (PSED)

6.34 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons outlined above the proposal is considered to be acceptable and is therefore recommended for approval; all previous conditions carried over from the previous scheme and re-worded where necessary.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of the decision notice (dated 12th September 2022) issued under planning permission 21/02675/FUL.

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 development hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan (TPP), Drawing No 2128.01 received 30th November 2022. 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).

- 4 The drainage scheme for the roof of the storage building shall be designed to allow rainwater to drain into the water storage tanks or into a water butt in the event that the water storage tanks are not installed at the same time as the storage building. The scheme shall include an appropriately designed soakaway to drain flows when tanks are full, in the form of a tap and piped link to a new soakaway at least 5m away from the base of the storage tanks and with dimensions of 1 cubic metre. The roof drainage and soakaway scheme shall be fully installed prior to first use of the relevant part of the proposed development and retained as such thereafter.

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.

