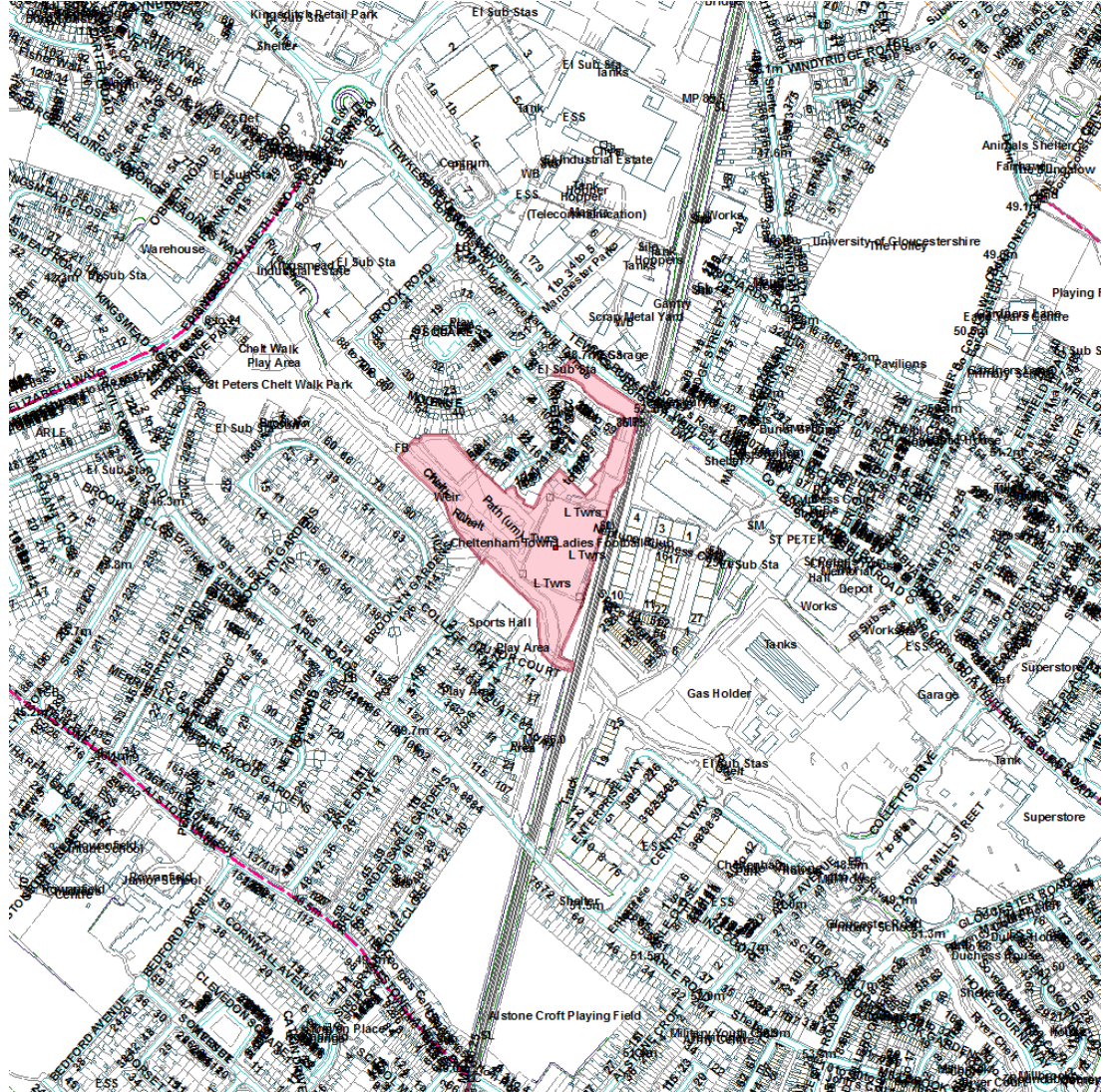


<b>APPLICATION NO:</b> 24/00407/CONDIT	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 9th March 2024	<b>DATE OF EXPIRY:</b> 8th June 2024
<b>DATE VALIDATED:</b> 9th March 2024	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Peters	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	St. Petersfield Partnership
<b>AGENT:</b>	Anderson Architecture
<b>LOCATION:</b>	St Peters Playing Field St Peters Close Cheltenham
<b>PROPOSAL:</b>	Variation of condition 2 (approved drawings) to make alterations to the design of the Community Sports Hub Building; and removal of condition 3 (material samples), condition 4 (green roof details), condition 5 (construction management plan) and condition 6 (SuDS) of planning permission ref. 22/01743/FUL

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to St Peters Playing Field; a designated public green space, which also includes a playing field used by Cheltenham Saracen's Football Club. The site, as existing, has three small buildings which provides facilities for the Football Club. The site is accessed by car through St Peters Close, which benefits from a large car park to serve the site, and by foot via St Peters Close and Princess Elizabeth Way. The site is within the St Peters Ward and is not in a Conservation Area.
- 1.2 This application seeks to vary and remove conditions of the previously approved application for 'Erection of a new single storey Community Sports Hub building, creation of a new private access road off St. Peters Close, the expansion of the existing carpark, and the enhancement of the riverside park including realignment of existing foot/cycleway (Chelt Walk) and compensatory tree planting.' under planning application ref. 22/01743/FUL.
- 1.3 During the course of the application, further details to address additional conditions have been submitted. As such, the application now seeks to remove/vary the following conditions of planning permission 22/01743/FUL;
- Variation of Condition 2 – approved drawings – alterations to the design of the Community Sports Hub Building
  - Remove Condition 3 – Material details,
  - Remove Condition 4 – Green roof details,
  - Remove Condition 5 – Construction Management Plan,
  - Remove Condition 6 – Sustainable Drainage, and
  - Remove Condition 9 – Contaminated Land – site survey.
- 1.4 The application is to be determined at planning committee as the Council are the applicants as well as the landowner.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Flood Zone 2  
Flood Zone 3  
Made-up ground  
Principal Urban Area  
Public Green Space (GE36)

### Relevant Planning History:

**82/00255/PF 12th August 1982 REF**

Conversion Of Waste Land To Football Pitch,Cycle Track And Chelt Walk

**82/00367/PF 8th October 1982 PER**

Change Of Use Of Waste Land To Football Pitch And Extension To Chelt Walk

**82/00413/PF 16th December 1982 PER**

Change Of Use Of Waste Land To Moto-Cross Track

**82/00414/PO 16th December 1982 PER**

Erection Of Youth Club

**83/00157/PO 28th April 1983 PER**

Erection Of Youth Club

**83/00165/PF 6th June 1983 REF**

Construction Of Football Pitch With 6m High Fence.Extension Of Chelt Walk And Construction Of Bmx Track With Fence

**83/00340/PF 5th October 1983 UNDET**

Entrance To Stormwater Overflow Replacement

**83/01126/PF 28th April 1983 PER**

Construction of BMX track surrounded by palisade type fence, extension of chelt walk and construction of football pitch with 6m high fence

**84/00053/PR 28th June 1984 PER**

Renewal Of Permission Of B.M.X. Track Surrounded By Palisade Fence, Extension Chelt Walk, Construction Of Soccer Pitch

**85/00485/PR 27th June 1985 PER**

Renewal Of Permission For Bmx Track Surrounded By Palisade Type Fence, Extension Of Chelt Walk And Construction Of Football Pitch With 6ft High Fence

**85/00573/PF 25th July 1985 PER**

St Peters Recreation Ground Cheltenham Gloucestershire - Proposed Changing Rooms For Cheltenham Saracens Sports Club

**86/00597/PF 24th July 1986 PER**

St Peters Sports Field Cheltenham Gloucestershire - Resiting Of Sales Office As Temporary Pavilion

**86/00622/PR 24th July 1986 PER**

Renewal Of Permission For Bmx Track Surrounded By Palisade Type Fence

**86/00999/PF 27th November 1986 REF**

Erection Of Changing Rooms (Alternative Location)

**86/01231/PF 18th December 1986 PER**

Proposed Covered Stand

**87/00805/PR 27th August 1987 PER**

Renewal Of Permission For Bmx Track Surrounded By Palisade Type Fence

**91/01207/PF 23rd January 1992 PER**

Extension To Existing Changing Accommodation To Provide Tea Room, Kitchen And Ladies Toilet

**94/00772/PF 15th September 1994 PER**

Extension To Existing Changing Accommodation To Provide Tea Room, Kitchen And Ladies Toilet

**01/01215/CONDIT 3rd April 2002 PER**

Increase size of floodlight pylons for football from 10m (as approved) to 15m

**05/01134/FUL 6th September 2005 PER**

Erection of spectator toilet accommodation

**11/01620/FUL 10th January 2012 PER**

Erection of a 50 seat spectator stand on football ground in addition to existing unit

**22/01743/FUL 20th January 2023 PER**

Erection of a new single storey Community Sports Hub building, creation of a new private access road off St. Peters Close, the expansion of the existing carpark, and the enhancement of the riverside park including realignment of existing foot/cycleway (Chelt Walk) and compensatory tree planting.

### **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 Joint Core Strategy Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD9 Biodiversity and Geodiversity  
SD14 Health and Environmental Quality  
INF1 Transport Network  
INF2 Flood Risk Management  
INF3 Green Infrastructure  
INF4 Social and Community Infrastructure  
INF5 Renewable Energy/Low Carbon Energy Development

#### **Cheltenham Plan Policies**

D1 Design  
SL1 Safe and Sustainable Living  
GI1 Local Green Space  
GI2 Protection and replacement of trees  
GI3 Trees and Development

#### **Supplementary Planning Guidance/Documents**

The Cheltenham Climate Change SPD (adopted June 2022)

### **4. CONSULTATIONS**

#### **Drainage And Flooding**

*19th March 2024 –*

With regards to flood risk and drainage the site is considered a major development as the site area exceeds 1ha. The Lead Local Flood Authority should therefore be consulted and advise on the proposed revision to condition 6.

#### **GCC Local Flood Authority (LLFA)**

*19th March 2024 -*

TOWN AND COUNTRY PLANNING ACT 1990 LEAD LOCAL FLOOD AUTHORITY  
RECOMMENDATION LOCATION: St Peters Playing Field St Peters Close Cheltenham  
Gloucestershire

PROPOSED: Variation of condition 2 (approved drawings), removal of condition 4 (green roof details) and variation of condition 6 (SuDS) of planning permission ref. 22/01743/FUL; to allow for changes to the design of the Community Sports Hub building

The application does not include adequate detail to discharge condition 6 of planning consent 22/01743/FUL. The Planning Statement submitted with the application includes a request to delete the words "works have been implemented in accordance with" from condition 6. The reason for this statement is to ensure that flood risk outside the development is not increased

during the development process as attenuation and flow control will be in place before subsequent disturbance of the drainage regime takes place.

Without seeing a drainage strategy it is difficult to determine what impact allowing the drainage strategy to be built concurrently with the rest of the development will have.

Discussions with the developer have suggested that it may be by attenuation through swales that are part of the landscape design, however there is no indication in the submitted landscape plan that such features have been included. I would be reluctant to see this element of the condition removed without seeing a detailed drainage strategy that we can agree.

*17th May 2024 –*

**TOWN AND COUNTRY PLANNING ACT 1990 LEAD LOCAL FLOOD AUTHORITY RECOMMENDATION**

**LOCATION:** St Peters Playing Field St Peters Close Cheltenham Gloucestershire

**PROPOSED:** Variation of condition 2 (approved drawings), removal of condition 4 (green roof details) and variation of condition 6 (SuDS) of planning permission ref. 22/01743/FUL; to allow for changes to the design of the Community Sports Hub building.

The Drainage and maintenance strategy document published on the planning portal on 15th May 2024 contains suitable detail to discharge condition 6 of planning permission 22/01743/FUL.

The LLFA has no further objection to this application.

**Contaminated Land Officer**

*2nd May 2024 –*

In relation to 24/00407/CONDIT, St Peters Playing Field, St Peters Close, please find the below response from Environmental Health.

**Condition 5: Construction Management Plan**

After reviewing the submitted Construction Management Plan, Environmental Health would recommend the discharge of Condition 5.

**Condition 9: Contaminated Land, Site Survey**

The submitted contaminated land report has been reviewed. This recommended:

- Additional ground gas monitoring to full characterise the ground gas regime.
- To undertake a stage 2: remediation options appraisal.
- To undertake stage 3: remediation and verification works, including development of a remediation strategy, verification of the identified remediation works.

Therefore, at this stage, Environmental Health would not recommend the discharge of Condition 9, as to recommend a full discharge the remediation and verification certificates are required. Once a remediation strategy has been proposed, this will need to be approved in writing by the Local Planning Authority prior to the remediation occurring to allow for EH to review this.

**GCC Highways Planning Liaison Officer**

*8th May 2024 –*

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 recommends that this application be deferred.

The justification for this decision is provided below.

Can you please ask the applicant to confirm that all contractor parking and deliveries will be contained within the site and there will be no overspill onto adjoining highways?

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

*17th May 2024 –*

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 justification for this decision is provided below.

In considering the Construction Management Plan it has been confirmed that all contractor parking and deliveries will be accommodated within the site and there are therefore no objections to the application on highways grounds.

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.

### **Gloucestershire Centre For Environmental Records**

*15th March 2024 –*

Report available to view in documents tab.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>0</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1 Letters have not been sent to adjoining land users in this instance; the application has been publicised by way of 4 no. sites notices placed on neighbouring residential streets, and an advert in the Gloucestershire Echo. Following the statutory consultation period; no responses have been received in response to the proposed development.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.2 As set out in the introduction, this application is seeking the vary and remove conditions from the previously approved application ref. 22/01743/FUL;
- Variation of Condition 2 – approved drawings – alterations to the design of the Community Sports Hub Building
  - Remove Condition 3 – material details,
  - Remove Condition 4 – green roof details,
  - Remove Condition 5 – construction management plan,
  - Remove Condition 6 – Sustainable Drainage, and
  - Remove Condition 9 – Contaminated Land – site survey.
- 6.3 With the previous permission in mind and given the principle of the works have been previously approved, the consideration for this application is the acceptability of the proposed changes to the building in terms of design, and the details submitted to address the previous conditions which are proposed to be removed.
- 6.4 **Condition 2 – approved drawings; change to the design of the Hub Building**
- 6.5 The application proposes a change to the design of the previously approved Community Sports Hub Building. The building is to remain in the same location, on the same footprint and single storey, as previously approved; the form and design of the building has been amended as part of this application. The internal facilities as previously approved are to remain unchanged. As such, the changes to the design include, the previously approved clerestory roof has been changed to a dual pitched roof; alterations have been made to simplify the fenestration; the proposed green roof has been omitted and changed to be a composite steel panelled roof, including solar PV panels; and the ridge height of the building has been reduced by 120mm.
- 6.6 The building in its revised form would have a dual pitched roof, a red brick finish with a grey, steel panelled roof, and grey windows and doors. The initially proposed green roof has been omitted. Whilst this element of the scheme was a favoured addition to address policy SD3 of the JCS and Cheltenham’s Climate Change SPD, the proposal now includes solar panels and therefore would still address the aforementioned policy and guidance document.
- 6.7 Whilst it is unfortunate that the design of the building has been simplified, the amended external form and finish of the building is considered to be appropriate for its use and location.
- 6.8 The changes proposed to the building, when assessed against policy SD4 of the JCS and D1 of the Cheltenham Plan which seek development to be of a high standard of design that responds positively to and respects the character of the site and its surroundings, is considered to be acceptable.
- 6.9 **Condition 3 – external facing and roofing material details**
- 6.10 Condition 3 of the previous permission required materials details to be submitted prior to their installation. As such, the applicants have submitted details of the proposed materials for the newly designed building. As previously mentioned, the building is to have red brick elevations with an anthracite grey steel panelled roof. Given the location of the building, and its functionality, the proposed materials are considered to be appropriate to achieve an acceptable design. The details submitted in the specification sheet are considered to be acceptable.
- 6.11 **Condition 4 – green roof details**

6.12 Condition 4 of the previous application required details of the green roof. Give the change to the design of the building, and the omission of the green roof, these details are no longer required.

#### 6.13 **Condition 5 – construction management plan**

6.14 A Construction Management Plan (CMP) was requested by the County Council Development Management Highways team as part of the previous application. A CMP has been submitted and agreed by the Development Management Highways Officer; full comments can be read above. Initially, further confirmation was required; the applicants have provided an updated CMP to address comments. The details within the revised CMP has been agreed by the Development Management Highways Officer. Condition 5 has therefore been suitably addressed.

#### 6.15 **Condition 6 – sustainable drainage**

6.16 Details of surface water drainage works were requested as part of condition 6 of the previous permission. Details to remove this condition have been submitted. Comments received from the County Council's Sustainable Drainage Engineer has provided comment on the submitted details. The initial submission was not considered to address the condition. As such, further details have been submitted which is considered to address the condition. As such, based on the revised Drainage and Maintenance Strategy, the Sustainable Drainage Engineer is happy with these details and has no objection to the works.

#### 6.17 **Condition 9 – contaminated land site survey**

6.18 Condition 9; submission of a Phase 2 Intrusive Site Investigation Survey, was initially sought to be removed. However, whilst details were submitted, the Council's Environmental Health Officer has not recommended approval of these details as the submission does not address the condition in full. As such, it has been agreed by the applicant that the original condition will remain on the permission.

#### 6.19 **Other considerations**

##### 6.20 Protected Species

Whilst records show important species or habitats have been sighted near to the application site in the past, it is not considered that the scale of the proposed development will have a harmful impact on these species.

##### 6.21 Public Sector Equalities Duty (PSED)

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 planning 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 As set out above, the proposed changes to the scheme are considered to be acceptable.
- 7.2 The proposed changes to the design of the building, whilst simplified, are acceptable in terms of design and comply with the relevant design policies and guidance. Furthermore, the proposed material pallet is appropriate for the building type and location.
- 7.3 With regards to the CMP and SuDS details, the submitted details are considered to be appropriate and address the requirements of the conditions of the previously approved scheme ref. 22/01743/FUL.
- 7.4 As such, taking the above, and consultee responses into consideration, the recommendation is to permit this application subject to the conditions set out below.

## 8. CONDITIONS

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of the original decision (20th January 2023) issued under planning permission ref. 22/01743/FUL.

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 the decision notice issued under planning permission ref. 22/01743/FUL, unless amended by the plans listed in Schedule 1 of this decision.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The external facing and roofing materials shall be applied in accordance with the External Materials Specification received 26th April 2024 building unless otherwise first agreed in writing by the Local Planning Authority.

For clarity the approved materials are:

Brick - Michelmersh Carlton Heather Sandfaced brickwork

Roof - Jorisode JI PIR Trapezoidal Insulated Roof Panel in colour anthracite grey HPS 200 - Ultra Coating

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 The proposed development shall be carried out in accordance with the submitted Construction Management Plan received 15th May 2024.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 5 The proposed development shall be carried out in accordance with the submitted Drainage and Maintenance Strategy received 15th May 2024.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for the lifetime of the development.

- 6 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; 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 unless otherwise agreed in writing by the Local Planning Authority.

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.

- 7 The tree(s) identified to be removed on the approved plans shall be replaced by one of the same species in the same vicinity unless otherwise agreed in writing by the Local Planning Authority. The replacement tree(s) shall be planted during the next available planting season (November - February). The size of the tree(s) shall be at least a Selected Standard as per BS3936-1:1992. The trees shall be maintained for at least 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

Reason: In the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 8 No building works hereby permitted shall be commenced until a Phase 2 Intrusive Site Investigation Survey has been submitted to and approved in writing by the Local Planning Authority. The Phase 2 Intrusive Site Investigation Survey shall check on the extent of any possible contamination and the extent of any remedial work which may need to be undertaken to ensure the safety of future receptors.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with adopted policy SD14 of the Joint Core Strategy (2017).

- 9 The Community Sports Hub hereby permitted must cease operation and close by 00:00 hours seven days a week.

Reason: To safeguard the amenities of the locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

- 10 No lighting shall be installed unless in accordance with the recommendations for lighting as set out within Section 4 (Discussion), paragraph 4.4.4 of the submitted Ecology Report received 26th September 2022 as part of planning application ref. 22/01743/FUL.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 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.

- 2 The applicant is advised that the design and layout of the changing pavilion should comply with the relevant industry Technical Design Guidance, including guidance published by Football Foundation's Designing your changing pavilion: <https://footballfoundation.org.uk/changing-pavilion-design-key-considerations>
- 3 The construction phase should be kept in line with the Boroughs recommended hours of work, as follows:  
07:30 - 18:00 Monday - Friday and  
08:00 - 13:00 Saturdays  
with no works to take place on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.
- 4 The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 5 It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:  
Constructors should give utmost consideration to their impact on neighbours and the public  
- Informing, respecting and showing courtesy to those affected by the work;  
- Minimising the impact of deliveries, parking and work on the public highway;  
- Contributing to and supporting the local community and economy; and  
- Working to create a positive and enduring impression, and promoting the Code.  
The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.