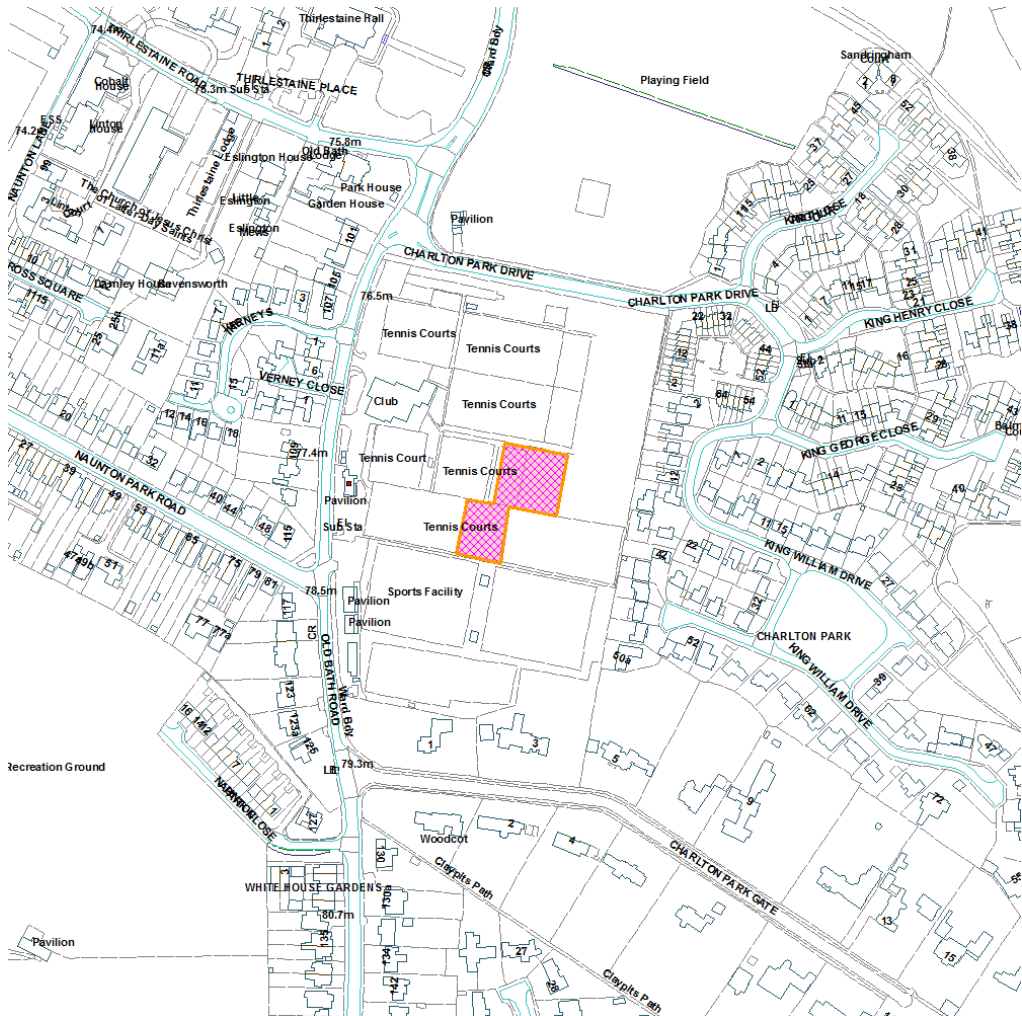


APPLICATION NO: 24/01435/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 31st August 2024		DATE OF EXPIRY: 26th October 2024 (extension of time agreed until 23rd December 2024)
DATE VALIDATED: 31st August 2024		DATE OF SITE VISIT:
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	East Gloucestershire Club	
AGENT:	Zesta Planning Ltd	
LOCATION:	East Gloucestershire Club Old Bath Road Cheltenham	
PROPOSAL:	New fabric canopy over existing 3no. padel courts, construction of 4no. new outdoor padel courts inclusive of floodlighting in place of 1no. grass tennis court, and associated circulation space.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is prominently located on the eastern side of Old Bath Road at the edge of the Central conservation area within the College character area; and within Charlton Kings parish. The site is not the subject of any other designation.
- 1.2 Charlton Park Drive runs adjacent to the northern boundary whilst, to the east, the site is bound by residential properties in King William Drive. Residential properties are also located on Old Bath Road opposite the site to the west. Cheltenham Croquet Club is located immediately south of the site, with residential properties in Charlton Park Gate beyond.
- 1.3 As a whole, the site is some 3.5 hectares in size and has been occupied by the East Glos Club since the early 1880's; it was originally founded as a Cricket Club but now provides facilities for tennis, squash, padel and racketball.
- 1.4 The application proposes the installation of a new fabric canopy over existing 3no. padel courts, the construction of 4no. new outdoor padel courts inclusive of floodlighting in place of 1no. grass tennis court, and associated circulation space. The application has been submitted following a pre-application enquiry in respect of the new canopy element.
- 1.5 Revised plans have been accepted during the course of the application and these are discussed in the report below.
- 1.6 In addition to drawings, the application is supported by the following detailed reports and statements; all of which have been available to view on the Council's website:
 - Planning Statement
 - Environmental Noise Report
 - Statement of Community Involvement
 - Floodlighting Strategy
- 1.7 The application is before the planning committee at the request of Cllr Baker *"in view of the level of local interest and the possible impact on immediate neighbours"*.
- 1.8 The need for a committee decision has also been triggered by an objection from the Parish Council, whose full comments can be found in the consultations appendix at the end of this report. In brief, the Parish Council objection relates to the noise impacts of the new courts, and the overbearing impact of the proposed canopy on the Croquet Club.
- 1.9 Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area
Smoke Control Order

Planning History:

79/01037/PF

PERMIT

16th July 1979

Erection of extension to club to provide two additional squash courts

79/01038/PF

PERMIT

11th December 1979

Erection of 6 poles for 12 lighthoods on two tennis courts to provide floodlighting equipment

82/00927/PF	PERMIT	29th April 1982
Erection of 3 all weather tennis courts to replace 2 existing shale courts and adjacent grass area. Remaining part of shale courts to be replaced by tarmac as additional car parking		
89/00268/PF	PERMIT	30th March 1989
Erection Of Twelve Poles For Floodlighting Heads On Three Tennis Courts		
89/00281/PF	PERMIT	30th March 1989
Siting Of Portakabin (21ft X 9ft) For Use As Office		
91/00798/PF	PERMIT	26th September 1991
Replace Existing Floodlighting System, Using Existing 11 Columns And 4 New Columns (System To Be Set At A Height Of 22ft)		
93/00576/PF	PERMIT	29th July 1993
Replace Existing Grass Tennis Courts With An Artificial Grass Surface And Floodlighting Of The Area (In Accordance With Revised Plans Received 22 July 1993)		
99/50595/FUL	PERMIT	2nd August 2000
Extension and alterations to clubhouse to provide new entrance, reception, office lounge and viewing facilities		
00/01585/FUL	PERMIT	27th December 2000
New access road and one-way system		
01/01364/FUL	PERMIT	16th November 2001
Erection of extension to groundsmans shed and height extension to storage bunds (retrospective)		
01/01524/FUL	PERMIT	26th April 2002
Construct 2 No: Astroturf tennis courts with floodlighting		
02/00748/FUL	PERMIT	24th June 2002
Installation of kidzone tennis court		
02/01665/ADV	GRANT	13th December 2002
Display of two externally illuminated club sign boards (shrouded floodlighting)		
02/01927/FUL	REFUSE	14th February 2003
Formation of tarmac parking areas		
03/01232/FUL	PERMIT	5th September 2003
Resite portacabin to be used as store (retrospective)		
05/00726/FUL	REFUSE	29th June 2005
Formation of tarmac parking area (15 additional spaces)		
06/01780/FUL	PERMIT	20th February 2007
Installation of flood lighting on 4 x existing clay tennis courts (10no. 8m high poles with 16no. floodlights)		
11/00460/FUL	PERMIT	24th May 2011
Upgrading of existing floodlights on outdoor tennis courts (8 - 11 inclusive)		
12/00242/FUL	PERMIT	10th April 2012
Upgrading of existing floodlights on outdoor tennis courts (5 - 7 inclusive)		

20/01464/FUL

PERMIT

9th October 2020

Provision of 3no. new Padel Courts and 2no. new Tennis Courts; installation of new and/or improved surrounds to courts; modernisation and improvements to flood lighting utilising modern LED technology to reduce light spill and glare on surrounding area; works to improve drainage and irrigation services; and works to improve footpath access to Courts

23/01710/FUL

PERMIT

10th November 2023

Conversion of floodlights on courts 5-7, 8-11, and 28-31 from metal halide lights to LED lighting using existing floodlighting columns, and installation of portacabin

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed and beautiful places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

L1 Landscape and Setting

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

College Character Area Appraisal and Management Plan (2008)

Cheltenham Climate Change SPD (2022)

4. CONSULTATION RESPONSES

See appendix at end of report

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the application, letters of notification were sent to 49 neighbouring properties, a site notice was posted, and an advert published in the Gloucestershire Echo.
- 5.2 Additional consultation was carried out on receipt of revised plans.
- 5.3 At the time of writing this report, 209 representations have been received in response to the publicity; 95 in objection and 113 in support. All of the comments have been circulated in full to Members.
- 5.4 The main objections are summarised below:
 - Canopy structure is out-of-character with surrounding area and inappropriate within the conservation area

- The cover will adversely affect views to and from the Cotswold escarpment AONB
- Padel is a noisy sport – impact on mental health
- There will likely be a significant increase in traffic
- The canopy will have a significant negative effect on views from the neighbouring croquet club

5.5 The comments in support of the application are summarised below:

- Cheltenham needs more padel courts
- Covered courts will allow for play in all weathers
- Padel is a sociable sport that is easy to learn and play – significant health benefits
- The club has carried out public consultation
- The scheme has been revised

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to design and impact on the historic environment; the amenity impacts of the proposals on neighbouring land users; any highway impacts; and Biodiversity Net Gain (BNG).

6.2 Policy Background

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 require applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2.2 In Cheltenham, the development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the National Planning Policy Framework (NPPF), and Planning Practice Guidance (PPG).

6.2.3 In determining applications, NPPF paragraph 11 sets out a “*presumption in favour of sustainable development*” which means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.3 Design and historic environment

6.3.1 CP policy D1 requires development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. The policy is generally consistent with JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.3.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay “*special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area*” in the determination of planning applications. This requirement is reiterated in JCS policy SD8.

6.3.3 As previously noted, pre-application advice was sought by the applicant in 2022 in respect of the proposed fabric canopy over the existing 3no. padel courts. The canopy would enable the use of the padel courts all year round in all weather conditions and at pre-application stage, officers supported the principle of a canopy, noting that “*Whilst the proposed canopy will be visible from Old Bath Road, it will be read in the context of the existing sports facility. Moreover, from a heritage perspective, the Conservation Officer raises no objection.*” The canopy now proposed is similar to that proposed at pre-application stage, and officers continue to be satisfied that it is acceptable in this context.

6.3.4 That said, as submitted, the canopy had an overall height of 10.8m, well in excess of that proposed at pre-application (8.2m) and this additional height was raised as a concern by officers, and a reduction in the overall height has been negotiated during the course of the application. In response, the canopy has been reconfigured to have an overall height of approximately 8.5m; the eaves height remains at 6.3 metres.

6.3.5 The canopy would cover an area measuring some 24m wide by 36m deep, and would incorporate integrated acoustic panels. The side and end panels would be green in colour, in response to advice given at pre-application stage, whilst the canopy itself would be white in colour. The canopy will be steel framed and open at ground level, with the existing glazed barriers and fencing surrounding the courts proposed to be retained.

6.3.6 Although officers would have preferred the canopy to be green in its entirety, the club have advised that the top of the cover has been left white to allow for maximum sunlight penetration during daylight hours in order to maximise the use of natural lighting and avoid the requirement for artificial lighting where possible. The following additional justification has been provided:

There are clear and significant environmental benefits to this. Research by the International Energy Agency has found that optimising natural light can cut energy consumption by up to 40%. Less reliance on artificial lighting means a reduction in energy consumption and, consequently, greenhouse gas emissions, directly contributing to combating climate change. Not only would the white cover reduce energy consumption in terms of artificial lighting, but also natural light can increase solar thermal gain, therefore reducing reliance on heating systems. Again, contributing to tackling climate change.

6.3.7 It is acknowledged that the structure is quite large, and would no doubt be visible from outside of the club grounds, particularly from the neighbouring Croquet Club; however, this in itself is not reason to withhold planning permission. Furthermore, although the canopy is understandably utilitarian in its design, it is considered appropriate within this sports complex setting.

6.3.8 The additional 4no. padel courts proposed would be more centrally located within the site, to the north of the existing padel courts, and would replace an existing grass tennis court. These new padel courts would be lit by 4no. new floodlights. The proposals also include the provision of circulation space around the new courts, with a new 1.8m high acoustic fence along the eastern boundary of the court enclosure to further reduce noise impacts on neighbours, in response to the public consultation carried out by the applicant.

6.3.9 The scale and layout of the proposed additional courts and their enclosures are again considered to be appropriate to their context within this existing sports complex.

Floodlighting columns are already visible from the public realm and neighbouring residences, and, as such, the additional lighting columns are considered to be acceptable in this location. The height of the lighting columns is similar to that of standard street lights. All other associated works within the site are also considered to be acceptable.

6.3.10 From a heritage perspective, the application has been reviewed by the Conservation Officer who raises no objection, finding the impact of the proposal on the significance of the conservation area (and nearby listed buildings) to be less than substantial; albeit, officers acknowledge that when considering the impact of a development on the significance of a designated heritage asset, paragraph 205 of the NPPF requires great weight to be given to the asset's conservation irrespective of the level of harm to its significance.

6.3.11 Where less than substantial harm has been identified, NPPF paragraph 208 requires the harm to be weighed against the public benefits of the proposal. PPG (Paragraph: 020 Reference ID: 18a-020-20190723) setting out that public benefits can be *"anything that delivers economic, social or environmental objectives"* but should *"be of a nature or scale to be of benefit to the public at large and not just be a private benefit"*.

6.3.12 In this case, the significant health and social benefits of the proposals are clear. The Lawn Tennis Association's (LTA) website identifies padel as being one of the fastest growing sports *"that's fun, easy to learn and extremely sociable"*, and a sport that can be played by groups of mixed ages and abilities. The NPPF also sets out at paragraphs 96 and 102 that planning decisions should aim to promote social interaction, and enable and support healthy lifestyles; and that *"access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities"*.

6.3.13 The Planning Statement which accompanies the application states that the existing *"padel courts are open to the whole community and because of this inclusivity, and the lack of padel facilities in the wider area, the courts are very popular and largely fully booked"*; the proposed canopy cover will therefore enable the existing padel courts to be available all year round, whilst the additional courts will help to accommodate the growing popularity for the sport.

6.3.14 As such, on balance, officers are satisfied that, as a whole, the proposals are acceptable in terms of scale, massing, design, and heritage impact. It is noted that the Architects Panel also consider that the proposed structures are likely to have *"little impact on the immediate area given their scale and lighting"*.

6.4 Amenity

6.4.1 CP policy SL1 states that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality, and JCS policy SD14 reiterates this advice. In assessing the impacts of a development CP paragraph 14.4 advises that:

the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise...glare from artificial lighting, hours of operation, and traffic / travel patterns.

6.4.2 NPPF paragraph 135f) also highlights that decisions on planning applications should ensure that developments *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.

6.4.3 With regard to noise, the application was accompanied by an Environmental Noise Report which has been assessed by the Council's Environmental Health (EH) team. The report concluded that:

The predicted noise levels from the padel courts would currently meet the upper level that noise levels can be before an impact is perceived as per Sport England Guidance when compared to the typical measured background.

The predicted noise impact on the croquet club are not predicted to increase from what are being experienced currently.

6.4.4 Having reviewed the noise report, EH initially raised some queries which were duly responded to by the applicant/acoustic consultant. Subsequently, an Environmental Noise Assessment was submitted on behalf of 'Residents of King William Drive & Charlton Park Drive' which suggested that the noise information submitted by the applicant contained a number of errors/omissions; the applicant's noise consultant was therefore invited to respond to the comments, and an addendum to the original report was issued. The addendum from the applicant's noise consultant confirmed that although there had been some errors in labelling (which have now been corrected), the assessment conclusion remained the same.

6.4.5 Following a detailed review of all of the submitted noise information, both that submitted by the applicant and neighbouring residents, EH raise no objection nor recommend conditions; their full comments can be found in the consultations appendix below. It is also noteworthy that EH had not received any noise complaints in respect of the existing padel courts prior to the submission of this application, despite the courts having been constructed between September 2020 and March 2021.

6.4.6 The Floodlighting Strategy that accompanies the application has also been reviewed by EH and, with reference to the floodlight spillage analysis, the existing use of floodlighting and the distance to residential properties, they again raise no concerns.

6.4.7 With the specialist advice from the Environmental Health team in mind, although officers duly acknowledge the noise concerns raised by neighbouring land users, the proposals are considered to be acceptable in terms of noise and lighting.

6.4.8 In addition to the above, the visual impacts of the proposals on the adjacent croquet club are considered satisfactory. Whilst officers acknowledge that the proposed canopy will undoubtedly be highly visible when viewed from the croquet club, being located adjacent to their boundary, any such impact would not be so significant as to warrant a refusal of planning permission on these grounds. Furthermore, given the distance from any neighbouring residential properties, no significant visual impact would occur.

6.4.9 Moreover, given that the proposed canopy would be located to the north of the croquet club, no significant overshadowing should occur.

6.4.10 As a whole, officers therefore consider the proposals to be acceptable from an amenity perspective

6.5 Highway impacts

6.5.1 JCS policy INF1 requires all development proposals to provide safe and efficient access to the highway network for all transport modes; and provide connections where appropriate, to existing walking, cycling and passenger transport networks to ensure that credible travel choices are provided by sustainable modes. The policy states that planning permission will only be granted where the impacts of the development are not considered to be severe. The policy generally reflects the advice set out within the NPPF at Section 9.

6.5.2 From a highways perspective, the application has been revised by the County Highways Development Management team (HDM) who raise no objection; their full response is set out in the appendix below. Whilst HDM note that the application is not supported by a Transport Statement, the Planning Statement does set out that some improvements to the parking facilities at the club are proposed, and HDM therefore request that a minimum of 6no. electric vehicle charging points be installed within the existing car park area to directly mitigate the potential increase in private car trips attached to these proposals; the details of which can be adequately secured by condition.

6.5.3 With the benefit of the specialist advice from HDM, officers are satisfied that the proposals are acceptable in highway terms.

6.6 Biodiversity Net Gain

6.6.1 A minimum 10% biodiversity net gain (BNG) is now required in all new developments, although there are some exemptions; in this case, the application does not meet any of the exemptions.

6.6.2 The application has been reviewed by the Council's Ecologist who advises that the risk to any protected species as a result of these proposals is very low, and therefore an Ecological Appraisal is not necessary.

6.6.3 The development's BNG calculation identifies a net loss (-76.92%) in area habitats and a net gain in hedgerow habitats, resulting in a net loss overall. The applicant is therefore proposing to purchase offsite units and has obtained quotes from Environment Bank to provide this.

6.6.4 The Ecologist has confirmed that the proposed development does not fall under 'significant' BNG due to its scale, and proposed offsetting, and therefore a S106 and a 30-year Habitat Management and Monitoring Plan (HMMP) for on-site habitats is not required. That said, the mandatory pre-commencement Biodiversity Gain Plan condition still applies. The BNG plan will require the applicant to set out how 10% BNG is being achieved with off-site biodiversity unit purchase, and provide proof of unit purchase and unit registration on the Natural England register, before development can commence.

6.7 Other considerations

Landscape impacts

6.7.1 The Architects Panel, whilst accepting the principle of forming covered padel courts and noting that the structures are likely to have little impact on the immediate area, suggest that the canopy would be clearly visible from the Cotswold escarpment and vantage points further away from the site when looking out over Cheltenham, and that they cannot support the application in the absence of a Landscape and Visual Impact Assessment (LVIA); however, officers are wholly satisfied that an LVIA is not necessary in this case. The Civic Society also suggest the canopy would have a significant detrimental effect on the views towards the Cotswolds from the adjacent croquet club.

6.7.2 The site is located within the built-up urban area of the town and is surrounded by development. The site is also located a good distance from the Cotswolds National Landscape (AONB) boundary and therefore the development is not likely to affect its setting, or views in or out of the AONB. As such, given that the proposed canopy would be relatively limited in its footprint (the size of a single tennis court), it would be disproportionate to require the applicant to carry out an LVIA. Indeed, even if any landscape harm could be identified, officers are content that the contribution the proposal would make towards health and well-being would clearly outweigh any such harm.

Public Sector Equality Duty (PSED)

6.7.3 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.

6.7.4 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 require applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.2 In determining applications, NPPF paragraph 11 sets out a “*presumption in favour of sustainable development*” which means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.3 In the case, the ‘most important’ policies for determining the application are up-to-date in so far as they relate to this application and, for reasons set out within the main body of this report, officers are satisfied that the proposals are in accordance with the development plan; there are no clear reasons for refusing the application. In such circumstances, in accordance with NPPF paragraph 11c), the development should be approved without delay.

7.4 Matters relating to design and impact on the historic environment; the amenity impacts of the proposals on neighbouring land users; highway impacts; and Biodiversity Net Gain (BNG) have been appropriately considered, and all responses received from specialist consultees have been taken into account in the officer recommendation to grant planning permission (subject to conditions).

7.5 Whilst the level of objection to the proposals has been duly noted, officers are satisfied that, on balance, the application is one that should be supported.

8. CONDITIONS

- 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 Prior to first beneficial use of the 4no. new outdoor padel courts hereby approved, a minimum of 6no. electric vehicle charging points shall be installed on site in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The charging points shall be retained in accordance with the approved scheme thereafter.

Reason: In the interests of promoting sustainable travel, having regard to policies SD4 and INF1 of the Joint Core Strategy (2017), and paragraphs 114 and 116 of the National Planning Policy Framework (2023).

CONSULTATION RESPONSES

Architects Panel

2nd October 2024

Design Concept:

The principle of forming covered padel courts is accepted.

Design Detail:

The panel were concerned about the lack of details submitted with this application.

The site is in a prominent part of the town and is clearly visible from the Cotswold escarpment when looking out over Cheltenham but there was no wider Landscape and Visual Impact Assessment submitted with the application.

Whilst the proposed structures may have little impact on the immediate area given their scale and lighting, they will have an impact that is highly visible from vantage points further away from the site.

Recommendation: The panel felt there was not sufficient information provided with the application to enable them to fully assess the impact the scheme may have on the wider setting. As such at this time they cannot support the application.

CBC Ecologist

18th September 2024

The risk of any protected species being affected by this development is very low therefore an ecological appraisal is not necessary, but a Biodiversity Net Gain (BNG) assessment report and completed metric is required for this application.

The application does not meet any of the published exempted developments for BNG.

The BNG assessment report and completed metric should be completed by a suitably qualified ecologist who has completed a UKhab assessment of the site. The report should include the following:

- o confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- o the pre-development biodiversity value of the site
- o the completed statutory metric calculation tool (submitted separately) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application, with a completed start page (assessor and completion date details),
- o a statement whether activities have been carried out prior to the date of application, that result in loss of onsite biodiversity value ('degradation'), and where they have:
 - o a statement to the effect that these activities have been carried out;
 - o the date immediately before these activities were carried out;
 - o the pre-development biodiversity value of the onsite habitat on this date;
 - o the completed metric calculation tool showing the calculations, and
 - o any available supporting evidence of this;
- o a description of any irreplaceable habitat that exists on the date of application,
- o plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application, including any irreplaceable habitat (if applicable).

A 30-year Habitat Monitoring and Management Plan (HMMP) for all habitats created or enhanced on site must also be submitted. This can be conditioned.

Reasons: (a) 10% biodiversity net gain, managed for 30-years is required under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990, inserted into the 1990 Act by Schedule 14 of the Environment Act 2021. (b) Ecological enhancement is required to meet the conditions of the revised National Planning Policy Framework (NPPF, 2023). The NPPF states in paragraph 180 (d) that "Planning policies and decisions should

APPENDIX

contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..." and in paragraph 185 (b) "To protect and enhance biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity". Development proposals subject of the provisions of the Environment Act 2021 will be required to achieve a minimum of 10% biodiversity net gain".

19th November 2024 – revised comments

The development's Biodiversity Net Gain (BNG) calculation (ATW Ecology, October 2024) is net loss (-76.92%) in area habitats and net gain in hedgerow habitats (net loss overall). The BNG report (ATW Ecology, October 2024) outlines two options for how the applicant could achieve a net gain either on-site or off-site.

The applicant has confirmed they will be purchasing offsite units and have obtained quotes from Environment Bank to provide this.

The proposed development does not fall under "significant" BNG due to the scale (see table 1 below) and proposed offsetting, therefore a S106 and a 30-year Habitat Management and Monitoring Plan (HMMP) for on-site habitats will not be required. The mandatory pre-commencement Biodiversity Gain Plan condition still applies. This will be added to the decision notice if this application is approved.

Table 1. "Significant" criteria 1-5 as per DEFRA guidance for 24/01435/FUL BNG proposals
"Significant" criteria 1-5 as per DEFRA guidance found: Make on-site biodiversity gains as a developer - GOV.UK

This development: 24/01435/FUL

1. Habitats of medium or higher distinctiveness

No

2. Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development

No

3. Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development

No

4. Areas of habitat creation or enhancement which are significant in area relative to the size of the development

No

5. Enhancements to habitat condition, for example from poor or moderate to good

No

The BNG plan will require the applicant to set out how 10% BNG is being achieved with off-site biodiversity unit purchase and provide proof of unit purchase and unit registration on the Natural England register. This will be checked by Cheltenham Borough Council upon receiving the Biodiversity Gain Plan before it can be approved, and development can commence.

Gloucestershire Centre for Environmental Records

6th September 2024

Report in documents tab.

Cheltenham Civic Society

17th September 2024

OBJECT

The visual impact is considerable. It is a far more substantial structure than the word 'canopy' implies. The so-called 'canopy' is actually a very large semi-permanent structure in what is otherwise an open, grassy area. It will have a significant detrimental effect on the adjacent croquet club, especially on the views towards the Cotswolds.

There are also noise concerns. Padel is a noisier game than lawn tennis. This combined with the potential extension of the playing hours with the floodlighting is likely to have a negative

impact on the neighbours. In The Netherlands, it appears that padel courts are not permitted in residential areas due to the noise issues. Closer to home, padel courts have been served noise abatement notices by other local authorities.

We have concerns about the potential impact of light pollution from the floodlighting. The reports submitted on the lighting are not intelligible to a lay person, and there is no executive summary on pertinent issues such as overspill and times of use.

This is the wrong location for a development of this kind. In our view the Council should not allow this development in view of its visual, noise and lighting impacts.

Environmental Health

24th October 2024

Thank you for providing the additional submissions which have now been reviewed by the department.

In summary, the initial noise report (from Noise Harvest) in principle is correct and it evidences through modelling that the addition of the 4 padel courts does not breach relevant guidance. The typos/ errors highlighted by the JSP report have been noted, and therefore we would suggest that Noise Harvest submit a revised report to correct these errors for clarity.

The noise report from JSP has also been reviewed and considered. The background level monitoring occurred when no padel was in play, after 10pm. This is not able to be considered as the correct background level due to the existing padel courts being part of the existing sound environment and therefore part of the existing background level. In order to establish a background level a measurement should be made for an extended period, and certainly longer than the 10 minutes in the JSP survey. Additionally, this report does not provide evidence that the application would be in breach of Sport England Guidance as it does not model for the additional courts.

Therefore, this department have no objections nor further comments for this application.

28th November 2024 – additional comments

In relation to 24/01435/FUL, East Gloucestershire Club, please note the below from Environmental Health.

Given the submitted floodlight spillage analysis, as well as the existing use of floodlighting and the distance to residential properties, Environmental Health have no concerns in relation to the floodlighting for this application.

Building Control

17th September 2024

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

Parish Council

15th September 2024

Objection:

The Committee objects to this application on two grounds: the impact of noise from the new courts on surrounding residents and the overbearing nature of the proposed canopy on the Croquet Club.

The Noise Impact Assessment relies on guidance for Artificial Grass Pitches (AGP), in the absence of guidance for padel courts. It dismisses impact noise from sports played on an AGP by assuming they can be mitigated:

APPENDIX

'The most significant noise levels were found to be generally derived from the voices of players, with the exception of hockey where impact noises of balls hitting perimeter strike boards and goal back boards were more noticeable. Such impact noises can be mitigated by incorporating shock absorbing noise reduction measures. Assuming such mitigation measures, the most significant noise source from typical AGP sports sessions is therefore voice and as such, a typical noise level can be determined.'

However, there is no such mitigation for impact noises from Padel play proposed and as such, the assumption being made that the principal disturbance for surrounding residents is from the voices of players is completely erroneous.

Given the level of disturbance to the surrounding residents from the existing padel courts, the Committee would request that this application is taken to the CBC Planning Committee, and that members of the Committee and Environmental Health visit surrounding residents' properties early in the morning or late in the evening, when background noise levels are low, to assess the current level of disturbance. Clearly, noise levels can only increase with the construction of four additional courts.

The Committee questions the effectiveness of the proposed 1.8m high acoustic barrier to the east of the new courts, given that its projection north and south of the new courts is minimal.

If Planning Permission is to be given, the Committee request that the hours of play for padel should be restricted to say 8-8 weekdays and 9-6 at weekends & bank holidays, to reduce the noise impact on surrounding residents.

The size of the proposed canopy, on the boundary with the Croquet Club, would clearly be overbearing and dominate the club, changing the character of the site.

3rd December 2024 – revised comments

Little has changed in this application to address the Committee's previous objections and to that end we repeat them below.

Further to the Committee's previous assessment of the application, the Croquet Club have posted their objection to the application and the Committee agrees with and supports their objection.

The Committee objects to this application on two grounds: the impact of noise from the new courts on surrounding residents and the overbearing nature of the proposed canopy on the Croquet Club.

The Noise Impact Assessment relies on guidance for Artificial Grass Pitches (AGP), in the absence of guidance for padel courts. It dismisses impact noise from sports played on an AGP by assuming they can be mitigated:

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The size of the proposed canopy, on the boundary with the Croquet Club, would clearly be overbearing and dominate the club, changing the character of the site.

GCC Highways Development Management

3rd September 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 subject to conditions.

The justification for this decision is provided below.

The proposed illumination of the courts will be contained by the acoustic side structures proposed and roof canopy and the courts are located centrally within the site away from the nearest carriageway.

It is acknowledged that the enclosure of courts do not restrict the movement of vehicles on the public highway, however the Planning Statement states the improvement of facilities at the leisure facility are being proposed to increase the number of visits and the extend dwell time by members. Regrettably there is no specific Transport Statement which analyses or proposes to offset the potential increase in trips by private car resulting from these improvements.

Gloucestershire County Council has declared a climate change emergency recognising the urgency and scale of change that is needed in the way we live and in the context of the Highway Authority, the way we travel. In 2018 transport accounted for 32% of all emissions (per capita) in Gloucestershire, therefore transport interventions can make a significant difference in achieving net zero Gloucestershire by 2045. Overarching policy in the adopted Local Transport Plan defines the vision of what is needed, and this applies to developments of all scale and type. Furthermore, the National Planning Policy Framework confirms that the planning system should support the transition to a low carbon future, and as such development proposals must take a proactive approach in their design to demonstrate how proposals reduce the need to travel, reduce the reliance on private vehicle trips and car dominance, and lastly promote sustainable travel choices.

To directly mitigate the potential increase in private car trips attached to these site improvements it is considered appropriate to require the installation of electric vehicle charging points within the existing car park area. In line with JCS Policy SD4 Design Requirements, sub Item 7 - Movement and connectivity, and the Manual for Gloucestershire Streets - ULEV charging spaces requires for 5% of the total parking spaces provided and a further 5% of the total parking spaces at an agreed trigger but no later than 3 years from the first opening. It is requested that only the initial quantity is provided at this time because this is development of an established use rather than a completely new site. The site potentially provides for approximately 105 vehicles, including 4 blue badge marked bays therefore, a 5% provision would equate to (5.25) a minimum of 6 spaces (3 twin units).

It appears feasible that these can be located to the side of the building, adjacent to the disabled bays to minimise trip hazards due to the cabling, or at location that permits the necessary supply / connections to be made. It is considered that these details should be supplied before determination, however it is appreciated that the applicant may require time to develop the proposal. The sustainable travel mitigation requirement should therefore be conditioned by the LPA with defined time constraints for completion of the works.

Heritage and Conservation

3rd December 2024

In respect of the above application, when considering the impact of the proposed new development on the significance of the Conservation Area and nearby listed buildings, it is considered that the proposal would have less than substantial harm to their significance.