



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to the southwestern section of Imperial Gardens, which is a Grade II listed Park and Garden located within Cheltenham's Central Conservation Area and within the Montpellier Character Area. The site is also a registered public green space. A number of listed buildings are located within close proximity of the site, this includes Grade II and Grade II\* listed buildings. The surrounding uses include a range of commercial uses and residential properties.
- 1.2 Planning permission was granted in 2022 under planning ref: 22/01200/FUL for the erection of temporary structures in connection with festivals and special events, and included the use of an ice rink in Imperial Gardens. The permitted ice rink was granted for a maximum period of 75 days (November to January), for 3 separate periods, 2022/2023, 2023/2024 and 2024/2025.
- 1.3 Members may recall a more recent application, planning reference 24/00605/CONDIT, which was approved in July last year. This application permitted the use of a generator, running exclusively on certified sustainably sourced Hydrotreated Vegetable Oil (HVO), as part of a hybrid power set-up alongside the existing electrical infrastructure and a high-capacity mobile battery unit for the 2024/2025 period.
- 1.4 With the original temporary permission (22/01200/FUL) now lapsed, the applicant, Cheltenham Borough Council (CBC), is now seeking planning permission for a further 3 year period for the temporary structures to include the ice rink to cover the 2025/2026, 2026/2027 and the 2027/2028 periods. The proposed power supply in this new application is the same as that approved under application reference 24/00605/CONDIT, and used for 2024/2025 ice rink.
- 1.5 The application is at planning committee as CBC are the applicant.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area  
Central Conservation Area  
Core Commercial Area  
Principal Urban Area  
Public Green Space (GE36)  
Smoke Control Order

### **Relevant Planning History:**

**19/01370/FUL 26th November 2019 PER**

Erection of temporary structures including ice rink in Imperial Gardens in connection with festivals and special events for a maximum of 75 days, inclusive of rig and de-rig for 2 periods being 2020/21 (November 2020 - January 2021) and 2021/22 (November 2021- January 2022). In addition to the current planning permission for festivals and special events on Montpellier Gardens and Imperial Gardens

**20/00369/FUL 1st June 2020 PER**

Erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens

**21/01856/FUL 20th October 2021 PER**

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 2025/2026, 2026/2027, 2027/2028 (November-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 (12/01843/FUL).

**21/02476/DISCON 11th November 2021 DISCHA**

Discharge of condition 3 (noise impact assessment) of planning permission 21/01856/FUL

**22/01117/FUL 19th August 2022 PER**

Erection of temporary structures on pedestrian pavement along Promenade and Imperial Gardens, and long gardens in relation to Christmas markets for a maximum of 41 days for two periods 2022 (November - December 2022) and 2023 (November - December 2023) including set-up and take-down

**22/01200/FUL 28th September 2022 PER**

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

**23/01324/CONDIT 25th September 2023 PER**

Variation of condition 5 of planning permission 22/01200/FUL, to allow the use of biofuel generators and batteries for the periods 2023/2024 and 2024/2025

**23/01815/DISCON 13th November 2023 DISCHA**

Discharge of condition 5 (power source) of granted permission 23/01324/CONDIT and condition 3 (external generators) of granted permission 22/01200/FUL

**23/01890/DISCON 7th November 2023 DISCHA**

Discharge of condition 4 (Tree Protection Plan) of granted permission 22/01200/FUL

**24/00605/CONDIT 31st May 2024 PER**

Variation of condition 5. (generators) of granted permission 22/01200/FUL. To enable the use of a generator, running exclusively on certified sustainably sourced HVO, in 2024-25, as part of a hybrid power set-up alongside the existing electrical infrastructure and a high-capacity mobile battery unit.

**24/01622/DISCON 25th October 2024 DISCHA**

Discharge of condition 3 (power unit/equipment details) of granted permission 24/00605/CONDIT.

### **3. POLICIES AND GUIDANCE**

**National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 Conserving and enhancing the historic environment

**Adopted Cheltenham Plan Policies**

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living

GI1 Local Green Space

GI2 Protection and replacement of trees

GI3 Trees and Development

**Adopted Joint Core Strategy Policies**

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD14 Health and Environmental Quality

INF1 Transport Network

INF5 Renewable Energy/Low Carbon Energy Development

**Supplementary Planning Guidance/Documents**

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

Climate Change (2023)

## **4. CONSULTATIONS**

See appendix at end of report

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Direct letters have been sent to 126 neighbouring land users, in addition two site notices have been displayed and an advert has been published in the Gloucestershire Echo.
- 5.2 In response to the neighbour notification process, two letters of objection have been received, the concerns have been summarised but are not limited to the following:
  - Use of HVO fuel not a sustainable fuel and not an appropriate alternative to a mains electrical supply
  - Climate Change and environmental impact
  - Unreliable Economic Impact Claims
  - Noise pollution

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.2 The main considerations in relation to this application are the design and impact on heritage assets, impact on neighbouring amenity, sustainability and climate change, public benefits, impact on trees, ecology and highways.

### **6.3 Design and impact on heritage assets**

- 6.4 The application site has a particularly sensitive location and the proposed development would have an impact on the setting of the Grade II listed park itself, as well as an impact on a number of other designated heritage assets, including the setting of various nearby Grade II and Grade II star listed buildings and the wider conservation area. The Council's conservation team, Historic England, The Gardens Trust, The Joint Committee of National Amenities Society and Cheltenham's Civic Society have been consulted on this application. The only responses come from the Council's Senior Conservation Officer and Historic England; these can be read in full in the appendix at the end of this report.
- 6.5 In terms of heritage related policy context, policy SD8 of the JCS states how 'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance'. Section 16 of the NPPF also echoes the importance of conserving and enhancing heritage assets. Furthermore, NPPF paragraph 212 requires

*'great weight should be given to the assets conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*

- 6.6 As the application is for a temporary permission and for temporary structures, exact details of the proposed structure/s have not been provided, however, the applicant confirms that the same supplier will be used and therefore the set up will be similar to the previous years in terms of the scale, form and design. Details and photos of the 2024/2025 set up have been provided and are being considered by officers as the basis for matters relating to design, appearance and impact on heritage assets. Additional information has been provided in response to initial comments from the Council's Conservation Officer; namely, it confirms that the gables of the structure are translucent white PVC, the roof is transparent PVC and the side panels are made from glass. Additional information also confirms that there will be no external lighting, but a freestanding illuminated sign displaying the word 'SKATE' is again proposed to be located outside the facility, facing the highway, but turned off overnight.
- 6.7 In general design terms, the scale, form and appearance of the temporary structures is typical for its function/purpose. It also reflects that of the structures erected for the previous periods and the general design and appearance for other temporary structures erected in the gardens for other festival events. As temporary structures for a reasonably short period of only 75 days in every year, officers raise no concerns with the general design and appearance.
- 6.8 With regards to impact on heritage assets, Historic England offer no bespoke comment on the application, refer the Local Planning Authority to their standing advice and suggest engagement with the LPA's Conservation Officer. Having reviewed the additional information provided, the Council's Senior Conservation Officer acknowledges that the erection of the temporary structures in Imperial Gardens will have an impact on the character and appearance of the conservation area and on the setting of nearby listed buildings. However, they do also acknowledge the temporary period for the proposal and highlight that temporary events and markets are often located in sensitive town centre locations in order to be accessible. The Conservation Officer concludes that there is harm as a result of these proposals, but this would be at the lower end of 'less than substantial' and goes on to recommend approval of the application.
- 6.9 With harm identified, as required by paragraph 215 of the NPPF, this must be weighed against the public benefits of the application.
- 6.10 **Public benefits**
- 6.11 When considering public benefits, the NPPF itself does not define what public benefits are for this purpose. Further guidance is given in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development described in paragraph 8 of the NPPF. Those objectives are defined in paragraph 8 of the NPPF as follows:-
- (a) Economic - to help build a strong, responsive and competitive economy
  - (b) Social - to support, vibrant and healthy communities
  - (c) Environmental - to contribute to protecting and enhancing the natural, built and historic environment.
- 6.12 The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large but these benefits do not always have to be visible or accessible to the public or to all sections of the public to be genuine public benefits.

6.13 In the supporting information, the applicant identifies a number of benefits associated with the provision of an ice rink to Cheltenham's existing festival and special events offerings, these are largely categorised as:

- Economic benefits
- Community and social value

6.14 In terms of economy, it is acknowledged in the submitted economic impact assessment, that the provision of the ice rink in 2024 cost a total of £371,000, with an income of £307,000, resulting in an overall direct cost to the Council of £64,000 (reduced to £24,000 due to one off funding). Whilst the ice rink facility itself was at a cost to the council, the applicant highlights that this does not take account of the wider economic benefits for businesses operating in the town, as well as the income generated from the council owned car parks. It is suggested that the income generated from the council owned car parks, during the period the ice rink was operational, was approximately £28,000. In addition, the independent economic impact assessment estimates that a total of £1.6 million was spent in Cheltenham over the festive period, with £530,000 of which, being an additional spend only occurred as a result of the ice rink taking place. It is also estimated that 37% of all visitors to the ice rink went on to undertake other activities in Cheltenham, 76% of all visits spent money eating or drinking in Cheltenham and 63% went shopping in local retailers.

6.15 With regards to community and social value, in 2024 the ice rink saw approximately 30,000 users and was fully accessible to all, with full access for wheelchair users and specific Relaxed Glide (SEND friendly) sessions provided. The No Child Left Behind Project also provided free tickets for over 500 local people.

6.16 The ice rink also provided for local job generation, with 22 local people recruited and trained as ice rink stewards and rink staff. Local businesses were also invited to develop offers and joint promotions for ice rink visitors to encourage combined visits.

6.17 It is clear from the submission that there are financial, economic and social benefits generated from the provision of an ice rink facility in the town. Whilst all of these public benefits are duly noted, the requirement of paragraph 215 requires these benefits to be weighed against any harm to the designated heritage assets. This is discussed in the next section of this report.

#### **6.18 Impact on heritage assets versus public benefits test**

6.19 Clear public benefits have been identified, however concerns regarding the impact of the development on the various designated heritage assets have been raised. As already discussed, whilst being supportive of the application, the Council's Conservation Officer has identified 'less than substantial harm', further suggesting the level of harm being at the lower end of the scale; officers agree with this assessment.

6.20 As harm has been identified, paragraph 215 of the NPPF is relevant to the considerations of this application. Para 215 states 'Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.'

6.21 Whilst officers acknowledge that the structures associated with the ice rink result in harm to designated heritage assets, clear public benefits have been identified. Officers are mindful that any harm is temporary, for a reasonably short period of 75 days in each period, with no permanent harm to the Gardens itself or to the setting of other heritage assets. As such, officers are of the view that in this instance, the public benefits do outweigh the less than substantial harm to the designated heritage assets. The application is therefore considered to be acceptable in terms of heritage impacts.

## **6.22 Impact on neighbouring amenity**

- 6.23 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.24 Due to the position of the temporary structures within the site and the relationship with neighbouring land users, no concerns are raised by officers with regards to any unacceptable loss of light, loss of privacy, overbearing impact or loss of outlook.
- 6.25 The main consideration with regards to impact on neighbouring amenity is in relation to noise and disturbance, specifically with regards to the power supply, which in this instance includes a generator, in combination with battery storage.
- 6.26 The Council's Environmental Health Team have been consulted on the application; their full comments can be read in the appendix at the end of this report. No objection is raised to the principle of the proposed power supply, but further details/information, specifically with regards to noise output, is necessary and therefore a condition is suggested. This approach is consistent with the most recent approval for use of a generator with HVO fuel and battery storage. As the applicant has identified that the equipment is sourced through a procurement process, and therefore there could be some variables in the specific plant equipment for each set up, it is recommended that the details are submitted and approved prior to each set up.
- 6.27 The condition would require the submission of the equipment details, noise information and identification of any noise mitigation measures that may be necessary. With this condition in place, the proposed development is not considered to result in any unacceptable impact on neighbouring amenity.

## **6.28 Highway considerations**

- 6.29 Gloucestershire Highways as the local highways authority were consulted on this application. No objection has been raised, the proposal is not considered to result in any highway safety implications and therefore is considered to be compliant with JCS policy INF1.

## **6.30 Power supply, Climate Change and Sustainability**

- 6.31 As members will be aware Cheltenham adopted the Climate Change SPD in June 2022. The SPD sets out a strategy for decarbonising buildings and other development in order to help Cheltenham meet its target of becoming carbon neutral by 2030.
- 6.32 JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability. Development proposals are required to demonstrate how they contribute to the aims of sustainability and shall be adaptable to climate change in respect of the design, siting, orientation and function of buildings and outside space.
- 6.33 In this instance the development is for temporary structures and is proposed for a temporary period of up to 75 days each year, this therefore means there is little opportunity to include specific low carbon technologies that would usually be sought for permanent buildings/development.
- 6.34 With regards to the power supply, the supporting information explains that the long-term solution for the ice rink power supply is still a wholly electric provision via a National Grid connection, and whilst progress has been made in this regard, in an update from CBC's Director of Finance and Assets, it is noted that this is a complex matter. Following the

further investigation works, they go on to identify that options and quotations for such supply have been provided, further adding:

*'The cost of delivering a dedicated supply for Imperial Square has been estimated to be around £650,000. In addition, there would be ongoing annual supply, maintenance and management costs, which combined with the annual cost of capital, would equate to a total annual cost to the council of around £50,000 per year (excluding the cost of electricity used). We have grave reservations as to whether this represents Best Value for the council.'*

*Subsequently, it has come to light that there may be some surplus capacity in an existing substation adjacent to Imperial Square, something National Grid had previously denied. We are, therefore, looking at a new alternative, utilizing this surplus capacity with existing supplies to the Garden and Town Hall, to see whether this could provide a more affordable route to delivery and deliver value for money.'*

*This work remains ongoing and over the next couple of months, we hope to be in a position where every alternative has been identified, costed and considered in order to allow a decision to be made. As such, an alternative power supply is required in order to continue to provide the Ice Rink facility.'*

- 6.35 With the above in mind, with the desire to continue providing the ice rink, the proposed power supply is again a generator fuelled only by HVO, with battery storage, this would be the same provision as that approved in the most recent application in 2024.
- 6.36 Comments in the letters of representation and comments from the Councils Environmental Health Team raise concerns with regards to the use of a generator and the use of HVO as the fuel source. The concerns relate to air quality impact and impact on the environment in terms of climate change and sustainability.
- 6.37 In comments from CBC's Climate Change Officer they say *'Based on data from the 2023 and 2024 events, the battery unit, in conjunction with a trickle feed from the mains supply, is expected to power operations for approximately 21–23 hours per day. The HVO fuelled generator will be required for an estimated 1–3 hours daily. The 2023 ice rink used 12.7% only of the fuel used by the previous rink in 2021. As a combined consequence of the reduced fuel use and lower emissions associated with HVO, the ice rink generated 1.778 tonnes of CO<sub>2</sub>e compared to approximately 139.07 tonnes generated in 2021: a reduction of 98.7%. The 2024 event achieved similar efficiencies, though direct comparisons are limited due to a shorter operating period.'*
- 6.38 The Climate Change Officer goes on to conclude that *'Until there is reliable electricity infrastructure established the use of an efficient, modern (Stage V) generator, combined with the use of battery and Hydrogenated Vegetable Oil (HVO) provides an effective transitional solution.'*
- 6.39 It is clearly acknowledged that the use of a generator is not the ideal situation, and that a mains power supply is the ultimate preferred power supply. It is also clear that investigations into a fully electric power supply are still on going. Without a fully electric mains power supply, the applicant considers the proposed generator use with HVO fuel and a battery unit is an appropriate and effective interim solution, which is supported by the Councils Climate Change Officer.
- 6.40 **Biodiversity Net Gain and Environmental Impact**
- 6.41 The Council's Ecologist has reviewed the application and confirms that the applicant has adequately demonstrated that the Biodiversity Net Gain policy exemption can be applied to this development. The application is therefore acceptable in this regard.

6.42 The Council's Tree Officer raises no objection to the application. The application is supported by a tree protection plan, which reflects the measures imposed on the previous permissions, this is acceptable, and a similar compliance condition is recommended.

6.43 Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed temporary structures will have any impact on these species.

6.44 To ensure there is no lasting harmful impact on the gardens in terms of the condition of the land, a condition is recommended which requires the grass to be returned to its former condition (prior to set up), with 2 weeks of de-rig.

#### 6.45 *Public Sector Equality Duty (PSED)*

As set out in the Equality 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.

As already discussed above, the proposed ice rink facility is made available to all users, is wheelchair accessible and specific session are provided for certain user groups. As such, this proposal is considered to be acceptable in terms of PSED.

## **7. CONCLUSION AND RECOMMENDATION**

7.1 With respect to impact on heritage assets, for the reasons discussed, officers consider the less than substantial harm to the heritage assets is outweighed by the public benefits, particularly given the temporary period of use which is sought. As such, the application is considered acceptable in terms of impact on heritage assets.

7.2 In terms of impact on neighbouring amenity, and more specifically with regards to noise and disturbance, the proposal is for the same power supply used for the 2023 – 2024 and 2024 – 2025 periods. No objection has been raised by the Council's Environmental Health Officer. Officers are satisfied that the equipment is unlikely to result in any unacceptable impact on neighbouring amenity, however additional information and a noise survey is necessary in order to determine if any mitigation measures, such as an acoustic barrier, is necessary. As such, a suitable condition has been suggested.

7.3 In terms of sustainability and climate change, CBC's Climate Change Officer considers the proposed power supply to be a suitable interim solution whilst alternative solutions are further pursued. The supporting information demonstrates that 2023 – 2024 and 2024 - 2025 operations resulted in a significant reduction in fuel consumption and emissions from that of 2021 – 2022 period.

- 7.4 It is also clear that the ice rink provides an important attraction to Cheltenham, available for use by a wide range of people, and contributes to the towns economy, whether this be a facility that directly attracts new visitors/users, or one that supports other facilities and attractions that the town has to offer.
- 7.5 Having considered all of the above, the proposal is considered to be acceptable and the recommendation is to permit the application, subject to the conditions set out below;

## 8. CONDITIONS / INFORMATIVES

- 1 The use of temporary structures including the ice rink in Imperial Gardens in connection with festivals and special events shall be for a maximum of 75 days, inclusive of rig and de-rig for 3 periods being 2025/2026, 2026/2027 and 2027/2028 (November and January).

Reason: The use Imperial Gardens for festivals and special events may detract from the amenity of the locality and impact on neighbouring amenity. The Local Planning Authority wishes to monitor and review these impacts before considering any further applications for a longer period of time.

- 2 The works shall be carried out in accordance with the tree protection plan details received on 4th April 2025. All tree protection measures shall remain in place during the set up (rig) and removal (de-rig) 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).

- 3 Prior to the installation or use of any power unit/equipment for each period (2025/2026, 2026/2027 and 2027/2028), full details of the equipment and operations, including noise levels subject to BS4142:2014, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall provide details of the expected noise levels from the proposed plant/equipment installation at the nearest noise sensitive premises and will be undertaken based on the worst case scenario. Should the assessment detail that the proposed plant will exceed the levels as set in BS4142, details of the proposed noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, prior to the operation of any equipment.

The proposed equipment shall be installed, operated, and maintained in accordance with the details so approved.

Reason: To safeguard the amenities of adjacent properties, having regard to Cheltenham plan policy SL1 and Joint Core Strategy policy SD14.

- 4 The ice rink hereby approved shall only use generators operated by sustainably sourced Hydrogenated Vegetable Oil (HVO) and shall be installed and operated in accordance with the plant specification details, that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to control the nature of generators to be used and in the interests of sustainable development and the reduction of carbon emissions having regard to Section 14 of the NPPF, adopted policy INF5 of the Joint Core Strategy (2017) and the aims of the Cheltenham Climate Change SPD (Adopted June 2022).

- 5 Within 2 weeks following the removal of all infrastructure associated with the ice rink for each period, the grass area shall be made good and returned to its former condition; this being the condition of the land before the set-up of any works in connection with the temporary structures hereby approved.

Reason: To ensure there is no lasting harmful impact on the gardens or to the design and character of the conservation area, having due regard to Cheltenham Plan Policies (2020) D1 and Adopted Joint Core Strategy Policies SD4 and SD8.

## **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.

## Consultations Appendix

### Environmental Health – 9<sup>th</sup> May 2025

#### Noise:

In line with the previous consent (24/00605/CONDIT), the department would recommend for the below condition to be attached and for this condition to be required to be discharged each year being applied for (25/26, 26/27, 27/28) due to the uncertainty from the procurement process and also due to noise concerns.

Prior to the installation of the generators and chillers, full details of the equipment, including a noise management plan and an acoustic assessment (in line with BS4142) detailing the appropriate acoustic controls shall be submitted to and approved in writing by the Local Planning Authority each year of the consent (2025/2026, 2026/2027, 2027/2028).

#### Air Quality:

This department notes that the original applications for the use of a generator on this site to power the ice rink were made as a short-term measure whilst plans were made and instigated to gain a permanent power supply to power the rink. This supply has not been put in place and the organisers are now applying for a further 3 years of generator use. We appreciate that with the fuel type and battery set up, this is not as impactful on the climate as a diesel powered generator, for example, but we were hopeful that the permanent supply would be installed meaning there would be no further generators.

### Heritage And Conservation - 8<sup>th</sup> May 2025 –

Imperials Gardens are a Grade II listed Park and Garden. In my view the statutory consultees may need to be consulted, including the Historic Gardens Society albeit the planning permission is for a limited period but this needs to be ascertained.

#### Relevant Legislation, Policies and Guidance

Of particular importance is the Planning (Listed Buildings and Conservation Areas) Act 1990 para 16 (2), which requires local authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting. Para 72(1) requires local planning authorities to pay special attention to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.

The Joint Core Strategy 2017 (JCS) policy SD8 also requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance.

A core principle of the National Planning Policy Framework 2024 (NPPF) is for heritage assets to be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 202 - 221 sets out how potential impacts on heritage assets shall be considered. This assessment takes account of the relevant considerations of these paragraphs, including para 203 of the NPPF which requires the significance of heritage assets to be sustained and enhanced and para 212 of the NPPF requiring great weight to be given to the asset's conservation. Also relevant in this instance is para 213 of the NPPF, which requires clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset and para 215 of the NPPF, which address harm, specifically where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use.

#### Comments on proposed alterations

The erection of the temporary structure will change the character and appearance of Imperial Gardens also the immediate surroundings part of the Central Conservation area. It will

generate more traffic which will impact the character of the area, but this is already a busy and vibrant area during daylight hours.

I note the nature and reasons of the objections submitted but I am also aware the temporary use is to contribute to the celebration of a special festive time of the year for many during which ice rinks, temporary market stools and other seasonal 'street' paraphernalia which are often located in environmentally sensitive residential areas across most inner towns and cities during November and December.

The proposal will represent a lower end of 'less than substantial harm'. However, there will be significant public benefits from local residents frequenting the attraction and for visitors to the who may travel specifically for the ice rink and the collateral economic benefit it will bring to the town centre.

For the above reasons and relevant heritage related policies highlighted, I recommend approval is granted to this application.

#### Conditions

Seek clarification if Environmental Health wish to impose a noise restriction limit regarding the music levels within the structure?

#### **Climate Change Officer – 12<sup>th</sup> May 2025**

Electrification is the optimal climate solution (with electrical energy purchased from a renewable source) for running the ice rink and Cheltenham Borough Council is continuing to explore this option. Approaches considered to date are either not technically viable or increased costs and delays associated with grid connections are impacting. The latter is increasingly an issue as UK's electricity infrastructure decarbonises.

Based on data from the 2023 and 2024 events, the battery unit, in conjunction with a trickle feed from the mains supply, is expected to power operations for approximately 21–23 hours per day. The HVO fuelled generator will be required for an estimated 1–3 hours daily. The 2023 ice rink used 12.7% only of the fuel used by the previous rink in 2021. As a combined consequence of the reduced fuel use and lower emissions associated with HVO, the ice rink generated 1.778 tonnes of CO<sub>2</sub>e compared to approximately 139.07 tonnes generated in 2021: a reduction of 98.7%. The 2024 event achieved similar efficiencies, though direct comparisons are limited due to a shorter operating period.

Additionally, the project team will continue to ensure the energy source and efficiency for the ice rink over the 3-year period is working towards the corporate key priority of achieving net zero emissions, annually exploring options which can improve emissions level.

Until there is reliable electricity infrastructure established the use of an efficient, modern (Stage V) generator, combined with the use of battery and Hydrogenated Vegetable Oil (HVO) provides an effective transitional solution.

#### **Tree Officer - 28<sup>th</sup> April 2025**

The Trees Section has no objections to this proposal.

#### **GCC Highways Planning Liaison Officer - 29<sup>th</sup> April 2025**

Response in documents tab.

**Historic England - 14th April 2025**

Thank you for your letter of 9 April 2025 regarding the above application for planning permission. We refer you to the following published advice which you may find helpful in determining the application.

<https://historicengland.org.uk/images-books/publications/guidance-on-temporary-structures-for-events/>

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request.

**CBC Ecologist - 15th April 2025**

The applicant has adequately demonstrated that the Biodiversity Net Gain Policy exemption can be applied to this development. There are no further biodiversity/ecology issues with this development from my perspective.

**Gloucestershire Centre For Environmental Records - 14th April 2025**

Report in documents tab.

**Building Control - 15th April 2025**

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