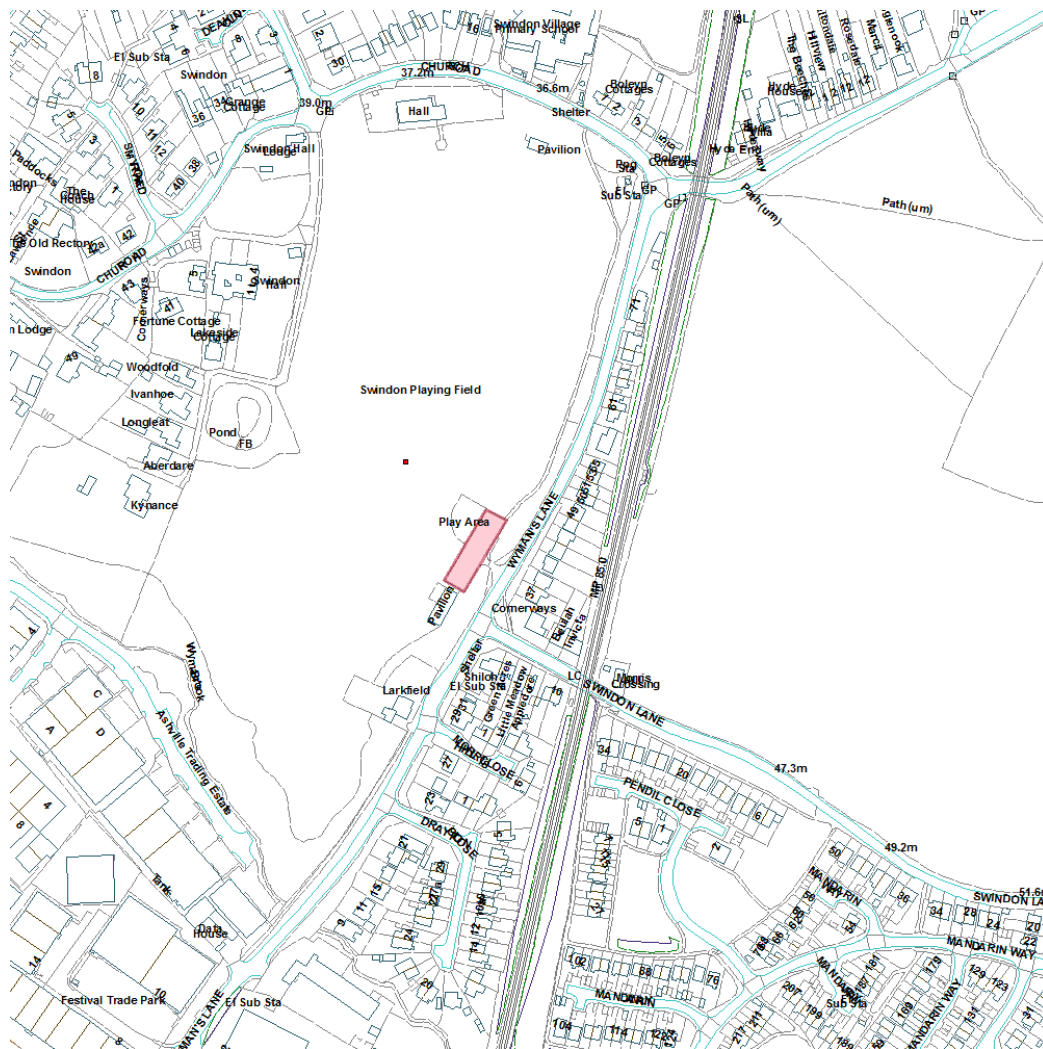


<b>APPLICATION NO:</b> 25/01160/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 5th August 2025		<b>DATE OF EXPIRY:</b> 30th September 2025 (extension of time agreed until 17th October 2025)
<b>DATE VALIDATED:</b> 5th August 2025		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Shire Box	
<b>AGENT:</b>		
<b>LOCATION:</b>	Swindon Playing Field Wymans Lane Cheltenham	
<b>PROPOSAL:</b>	Installation of a purpose-built catering trailer, two A-Frame signs and a queue management barrier in the car park for street food vending during the operating hours of 07:00 -18.00. Trailer to be removed from the site outside of these hours.	

## RECOMMENDATION: Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Swindon Playing Field is located to the west of Wymans Lane, within Swindon parish and Swindon Village conservation area, and comprises a large parcel of Public Green Space.
- 1.2 Vehicular access and car parking is provided from Wymans Lane.
- 1.3 The applicant is seeking planning permission for the installation of a purpose-built catering trailer, two A-Frame signs and a queue management barrier within the car park for street food vending during the hours of 07:00 -18.00 (these would be the maximum hours). The trailer would be removed from the site daily outside of these hours. For the avoidance of doubt, it should be noted that although the covering letter that accompanies the application makes reference to a vintage horse box, the horse box does not form part of this application.
- 1.4 The application is before the planning committee at the request of Councillor Clucas for the following reasons:
  - *The application states one trailer, but two are mentioned in the letter;*
  - *The opening hours will cross playtimes;*
  - *Parking spaces will be lost;*
  - *If parking space is to be lost, parking will take place on the road, which will cause problems for residents and for other road users;*
  - *It is too close to the play area for safety;*
  - *There is no mention of what food nor how the food will be cooked / power usage or equipment. If a generator is used, that will create noise for local residents living nearby.*
- 1.5 The application has also been objected to by the parish council for the following reasons:
  - (1) It is untrue that the car park is quiet. It is often busy. Parking places can be at a premium and manoeuvring can be difficult.*
  - (2) The facility is likely to lead to an increase in rubbish in the area.*
  - (3) There is likely to be an increase in pest issues.*
  - (4) The application is not specific regarding the types of goods to be sold. There is local concern that some activities (e.g. frying) could lead to odours.*
  - (5) The drain in the corner of the park proposed as the site for the trailer is prone to flooding.*
  - (6) It is likely that a generator would be used with attendant problems with noise and fumes.*
- 1.6 The applicant has provided the following additional information which sets out the background to the application:

*In late 2023/early 2024, Cheltenham Borough Council (CBC) identified Swindon Village Park as one of several viable sites that businesses could apply to trade from (as well as Hatherley Park, Hartley Lane and Sandford Park). The purpose of marketing those opportunities was to assess the "viability of our popular parks and gardens to both enhance the current offerings in these locations and also to provide services to communities to allow them to greater enjoy the towns recreational spaces. The Covid Pandemic saw a huge increase in the use of public open spaces and outdoor facilities, a trend which has continued since".*
- 1.7 The applicant has also provided additional information in relation to the types of food and drinks that are proposed to be sold, and this is discussed in the report below.
- 1.8 Members will have the opportunity to visit the site on planning view.

## 2. CONSTRAINTS AND PLANNING HISTORY

### Constraints:

Conservation Area  
Principal Urban Area  
Public Green Space (GE36)

### Planning History:

<b>T697/I</b>	<b>PERMIT</b>	<b>15th July 1980</b>
Erection of a sports pavilion and enlarged car parking facilities		
<b>T697/K</b>	<b>PERMIT</b>	<b>20th April 1982</b>
Erection of a cricket pavilion		
<b>T697/M</b>	<b>PERMIT</b>	<b>5th October 1982</b>
Use of existing sports pavilion as a playgroup for a maximum of 10 children on Monday 10.00am - 12 noon, Tuesday 1.00pm - 3.00pm, Thursday 10.00am - 12 noon and Friday 10.30am - 2.30pm		
<b>T697/O</b>	<b>PERMIT</b>	<b>22nd January 1985</b>
Erection of a cricket pavilion (revised siting)		
<b>T697/P</b>	<b>PERMIT</b>	<b>13th July 1987</b>
Erection of 40 linear metres of 2.44m high chain-link fencing		
<b>88T/697/01/02</b>	<b>PERMIT</b>	<b>30th January 1989</b>
Erection of 40m of 2.44m high chain-link fencing		
<b>89T/697/01/02</b>	<b>PERMIT</b>	<b>17th January 1990</b>
Change of use of part of playing field to a car parking area including means of access		
<b>90T/0697/01/02</b>	<b>PERMIT</b>	<b>6th June 1990</b>
Erection of 25m of chain-link fencing 4m high		
<b>01/00555/FUL</b>	<b>PERMIT</b>	<b>25th June 2001</b>
Build out pavilion facade to take away existing veranda using existing wooden materials		

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework 2024 (NPPF)

Section 2 Achieving sustainable development  
Section 3 Plan-making  
Section 4 Decision-making  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 12 Achieving well-designed places  
Section 16 Conserving and enhancing the historic environment

### Saved Cheltenham Borough Local Plan 2006 (CBLP) Policies

GE 1 Public Green Space

### Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design  
SL1 Safe and Sustainable Living

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

INF1 Transport Network

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

Swindon Village Conservation Area Character Appraisal and Management Plan (2007)

## **4. CONSULTATION RESPONSES**

See appendix at end of report

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent to seven properties opposite the site, a site notice was posted, and an advert published in the Gloucestershire Echo.
- 5.2 30 representations have been received in response to the publicity, 4 in support (including a representation from the applicant) and 26 in objection.
- 5.3 The comments have been circulated in full to Members but the main points are summarised below:

Support:

- Many examples of similar facilities within other parks operating successfully
- Welcome the opportunity to have a hot drink and pastry whilst visiting the park
- Other parks don't have toilet facilities either

Objection:

- Already enough fast food outlets in the area
- Application refers to two units but description and submitted information only relates to one
- Lack of menu detail
- Loss of parking spaces / pedestrian safety / increase in traffic
- Visual impact
- Noise and odour
- Proximity to school and nursery
- Proximity to play area
- No toilet facilities
- Increase in litter
- Would entrance barriers be removed

## **6. OFFICER COMMENTS**

### **6.1 Determining issues**

6.1.1 The key considerations in determining this application relate to the design and siting of the trailer and its impact on the conservation area; any impacts on neighbouring amenity or the wider area; and access and highway safety.

## 6.2 Design and siting / impact on conservation area

### *Design and siting*

6.2.1 CP policy D1 and JCS policy SD4 require all new development to respond positively to, and respect the character of, the site and its surroundings. The policies reflect the design advice set out at Section 12 of the NPPF.

6.2.2 In this case, the proposed structure is a traditional catering trailer with serving hatch; and externally, has a blue colour finish. The main body of the trailer is 3.68 metres long by 2.02 metres wide and has an overall height from ground level of 2.47 metres. The proposed structure is clearly utilitarian in its appearance.

6.2.3 The proposed trailer would be located in the north-western corner of the car park adjacent to the playground (which is fenced off); utilising two unmarked car parking spaces. The trailer would be brought on to the site in the morning and taken away in the evenings; the trailer is not proposed to be left on site overnight.

6.2.4 As such, from a design perspective, the proposed trailer in terms of its scale, and utilitarian appearance and finish, is considered wholly appropriate for its intended use.

6.2.5 The proposed A boards will be located adjacent to the trailer, with the barrier creating a controlled space for customers to stand in and prevent spillover into vehicle zones. The A boards and barrier are fairly typical of what one might expect to see in association with a catering trailer such as this.

### *Impact on conservation area*

6.2.6 Notwithstanding the above, it is also necessary to assess the heritage impacts of the proposal on the conservation area in which the site is located. JCS policy SD8 requiring development to have regard to valued and distinctive elements of the historic environment and ensure that designated heritage assets and their settings are conserved or enhanced as appropriate to their significance. The policy reflects the requirements sets out at section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2.7 In this regard, given the scale and nature of the proposed structure, its temporary nature, and its positioning within the park, officers are satisfied that the general character and appearance of the wider conservation area would at least be preserved, even if not enhanced.

6.2.8 Even if one were to identify harm to the conservation area, resulting from the siting of the trailer, it could only amount to less than substantial harm, at the lowest end of the scale; and when weighed against the public benefits of the proposal, in accordance with NPPF paragraph 215, the harm would be clearly outweighed by the economic and social benefits of the proposal. NPPF paragraph 85 recognising the need to ensure decisions on planning applications help create conditions in which businesses can invest, expand and adapt; and NPPF paragraphs 96 and 98 highlighting the need to promote social interaction, and provide social and recreational facilities.

6.2.9 Overall, the proposals are therefore acceptable in terms of design and heritage impact.

## 6.3 Amenity

6.3.1 CP policy SL1 and JCS policy SD14 advise that development will not be supported where it would cause unacceptable harm to the amenity of adjoining land users and the living conditions in the locality. CP paragraph 14.4 advises that, in assessing the impacts of a development, regard will be had to a number of matters including, but not limited to,

potential disturbance from noise, smells, fumes, hours of operation, and traffic and travel patterns.

6.3.2 As previously noted, the application has been objected to on amenity grounds by a number of local residents, and the applicant has responded to the concerns in an attempt to alleviate any fears. In terms of food offering and smells, the applicant is primarily intending to serve hot drinks, pastries and snacks, they do not intend to serve burgers, fries etc. Healthy snacks including fruit, yogurt, granola pots are proposed; with hot food limited to toasted sandwiches, paninis, etc. For the avoidance of doubt, with particular reference to NPPF paragraph 97, this is not a hot food takeaway or fast food outlet.

6.3.3 From a noise perspective, an LPG generator is proposed, which the applicant has advised would operate at approximately 59dB(A) at 7m, reducing to around 43dB(A) by 45m, and be absorbed by ambient background noise. The LPG generator would also result in lower emissions.

6.3.4 Following receipt of the additional information from the applicant, Environmental Health raise no objection to the proposal.

6.3.5 The applicant is intending to provide waste bins for both recyclables and general waste and will remove litter from the site each day. They would also look to possibly incentivise customers who collect litter from the park with a complimentary product (e.g. a free cup of coffee); and support the work of a local volunteer litter picking group.

6.3.6 With regard to the lack of toilets on site for customers, facilities such as this, providing hot drinks and snacks within local parks are not uncommon nowadays, and few if any provide toilet facilities; however, officers are not aware of any problems having occurred as a result of this. The applicant's primary target in terms of customers are those who already visit and use the park, and the nearby school and nursery. For staff working within the trailer only, the applicant has advised that the Council will provide access to toilet facilities, i.e. a key to the toilet in the nursery building.

#### 6.4 Access and highway safety

6.4.1 JCS policy INF1 advises that planning permission will be granted only where the highway impacts of the development are not severe. The policy reflects advice set out within Section 9 of the NPPF.

6.4.2 From a highways perspective, the highway impacts associated with the proposed development have been assessed by the Highways Development Management Team (HDM) at the County Council who raise no objection to the proposals subject to conditions, concluding *"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."*

6.4.3 As such, whilst the highway concerns raised by local residents have been duly noted, officers are satisfied that the scheme is acceptable on highway grounds.

6.4.4 As previously noted, the applicant's primary target customers are those who already visit the park and nearby nursery/school; no signage for the trailer will be placed on the roadside.

6.4.5 It is anticipated that the applicant will have a key to the barrier to the car park and it will be opened and closed as they drive in and out of the site. It will not be left open or removed.

## 6.5 Other considerations

### *CBC Property comments*

6.5.1 The Council's Property team have commented on the application and set out how the proposals align with CBC's strategic priorities and values, highlighting that they will enhance the utility and sustainability of the asset, and deliver measurable community and financial benefits. The introduction of a commercial element within an underutilised area of the park *"will generate additional income, supporting the long-term sustainability of Swindon Village Playing Field and enabling reinvestment into its maintenance and improvement."*

6.5.2 The Council's Green Space Development team, although not formally commenting, have also advised that they are satisfied with the proposal subject to the access through the gap in the barrier to the playground path being kept clear.

### *Climate change*

6.5.3 Whilst there is an expectation that all development proposals seek to address climate change and biodiversity, in this case, given the mobile nature of the trailer and constraints of the site, it is clear that there are very limited, if any, opportunities on this occasion.

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

6.5.4 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.

6.5.5 In this case, having considering the merits of the planning application, this authority is satisfied that the proposed development meets the requirements of the PSED.

6.5.6 Due regard has been had to the nine protected characteristics recognised within the PSED, and officers are satisfied that no-one has been discriminated against in the determination of this application. All representations received in response to the publicity exercise have been duly noted and taken into account.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 With all of the above in mind, the officer recommendation is to grant planning permission subject to the following conditions:

## **8. SUGGESTED 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, and the additional information submitted by the applicant in support of the application.

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

- 3 No customers shall be served outside of the following hours:

Monday to Friday – 7.30am to 5.30pm

Saturday – 8:30am to 5pm

Sunday – 9am to 4pm

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).



**Parish Council**

*25th August 2025*

The Parish Council objects to the application for the following reasons.

- (1) It is untrue that the car park is quiet. It is often busy. Parking places can be at a premium and manoeuvring can be difficult.
- (2) The facility is likely to lead to an increase in rubbish in the area.
- (3) There is likely to be an increase in pest issues.
- (4) The application is not specific regarding the types of goods to be sold. There is local concern that some activities (e.g. frying) could lead to odours.
- (5) The drain in the corner of the park proposed as the site for the trailer is prone to flooding.
- (6) It is likely that a generator would be used with attendant problems with noise and fumes.

The Parish Council would be happy to engage with the applicant to discuss the application and alternative potential sites.

**Ward Councillor – Cllr Flo Clucas**

*19th August 2025*

Can this application go to Committee please?

My reasons are:

The application states one trailer, but two are mentioned in the letter;

The opening hours will cross playtimes;

Parking spaces will be lost;

If parking space is to be lost, parking will take place on the road, which will cause problems for residents and for other road users;

It is too close to the play area for safety;

There is no mention of what food nor how the food will be cooked / power usage or equipment.

If a generator is used, that will create noise for local residents living nearby.

**Environmental Health**

*21st August 2025*

In relation to 25/01160/FUL, Swindon Playing Field, Wymans Lane, please could I raise the below from Environmental Health.

Environmental protection would recommend that the hours applied for are conditioned-07:00-18:00.

I know the hours would help to control this, but could I ask whether you would be amenable to condition that there is to be no hot food sold from the site, to prevent this from being a kebab style vendor.

*27th August 2025*

Thank you for providing this further detail.

This has helped to provide further context to the application. Given this, would you be seeking to condition their operational applied to be conditioned-07:00-18:00 please.

**GCC Highways Development Management**

*10th September 2025*

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.

The Highway Authority has undertaken an 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.

### **CBC Property Services**

*1st October 2025*

This proposal represents a strategic enhancement to Swindon Village Playing Field's amenity value, contributing to a more inclusive, vibrant, and welcoming public space. The presence of a mobile coffee vendor will encourage longer dwell times, improve visitor experience, and foster community engagement—supporting Cheltenham Borough Council's commitment to building a better future for everyone in Cheltenham, as outlined in its Corporate Plan 2025–2028.

The proposal directly supports the following Corporate Plan priorities:

#### **Key Priority 1: Securing Our Future**

- Utilising underused public space for a flexible, low-impact commercial use contributes to local economic growth and productivity.
- Enhances Cheltenham's appeal as a place to live, work, and visit, supporting local enterprise and hospitality.

#### **Key Priority 2: Quality Homes, Safe and Strong Communities**

- Improves the quality and safety of public spaces, encouraging positive community use and social cohesion.
- Supports placemaking efforts that make people feel safer and more connected to their local environment.

#### **Key Priority 3: Reducing Carbon, Achieving Council Net Zero, Creating Biodiversity**

- The mobile nature of the horse box vendor allows for minimal infrastructure and environmental disruption.

#### **Key Priority 4: Reducing Inequalities, Supporting Better Outcomes**

- Enhances access to amenities for all residents, supporting inclusive use of public space.
- Provides opportunities for social interaction and wellbeing through leisure and cultural engagement.

#### **Key Priority 5: Taking Care of Your Money**

- Generates additional income from council-owned assets, supporting financial sustainability.
- Demonstrates a commercially minded approach to asset management, delivering value for money to taxpayers.

This proposal also reflects the Council's guiding principles, including:

- Being commercially minded to maintain financial stability.
- Ensuring the climate emergency agenda is integral to decision-making.
- Being risk aware, enabling innovation in public space management.

In summary, the mobile coffee vendor proposal is well-aligned with Cheltenham Borough Council's strategic priorities and values. It enhances the utility and sustainability of the asset, and delivers measurable community and financial benefits. By introducing a commercial element to an underutilised area, the café will generate additional income, supporting the long-term sustainability of Swindon Village Playing Field and enabling reinvestment into its maintenance and improvement.