

<b>APPLICATION NO: 25/01141/CONDIT</b>		<b>OFFICER: Mr Ben Warren</b>
<b>DATE REGISTERED:</b> 28th July 2025		<b>DATE OF EXPIRY :</b> 22nd September 2025
<b>WARD:</b> Lansdown		<b>PARISH:</b>
<b>APPLICANT:</b>	Luxury Leisure	
<b>LOCATION:</b>	218 High Street Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Variation of Condition 4 (opening hours) of planning permission 23/00452/COU seeking to extend the opening hours to 24 hour use each day of the week.	

## REPRESENTATIONS

Number of contributors	<b>23</b>
Number of objections	<b>23</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

34 Coburn Gardens  
Cheltenham  
Gloucestershire  
GL51 0GE

**Comments:** 5th August 2025

I am one of the churchwardens of the Minster with St Matthew. I therefore represent a neighbour and the town centre amenity of the church community in Cheltenham's most ancient and historic building. I am grateful for the Borough Council's huge investment in the Minster churchyard and 'Minster Quarter' area with the excellent adjacent Minster Exchange building. The desire to make this historic town centre area attractive to visitors as well as safe at all times to Minster personnel seems to me not to be in keeping with the granting of a 24 hour adult gaming licence to 218 High Street, another property adjacent to the Minster churchyard. I would like to register my objection that this licence would fundamentally change the atmosphere of the churchyard particularly in the hours of darkness (a problem acknowledged and addressed in the churchyard redevelopment) and will be raising this at the next Standing and Finance Committee meeting so that the Parochial Church Council can also register its formal objection to this proposal. I have no doubt that it will do so. Yours faithfully. \*\*\*\*\*

11A Merestones Drive  
Cheltenham  
Gloucestershire  
GL50 2SU

**Comments:** 20th August 2025

Letter attached.

Beech Hurst  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RT

**Comments:** 19th August 2025

I object on many levels, a lot of which have been addressed by previous comments and these include:

Location - after all the money that has been invested in that area this seems at complete odds with that and its right by the Minster a place that Cheltenham is proud of.

Safety - Cheltenham Council together with the police are trying to make the streets safer in the early hours.

Cheltenham Pastoral Carer's on the street see so much anger and despair often from drink fueled gambling losses.

Cheltenham's Reputation - this does not fit with Cheltenham at all.

Addiction - This is the biggest part of my objection.

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

Yours faithfully

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Flat 1  
208 High Street  
Cheltenham  
Gloucestershire  
GL50 3HF

**Comments:** 8th August 2025

I strongly oppose Admiral's application for a 24-hour license in Cheltenham. This proposal does not reflect the values of our town and poses a real risk to vulnerable individuals when support services are unavailable. A 24-hour gambling venue will contribute to addiction, antisocial behaviour, and public safety issues. Cheltenham is a community, not a casino strip - and we must protect its residents, not exploit them.

30 Granley Road  
Cheltenham  
Gloucestershire  
GL51 6LH

**Comments:** 14th August 2025

I strongly object to this application for so many reasons:

1. Cheltenham Borough Council has made significant investment (£millions) into the Minster Project, rejuvenating the area and at the same time tackling much of the

antisocial behaviour. This application is immediately adjacent and adding anti-social hours is likely to have an impact on behaviour. What a waste of taxpayer money that would be.

2. There is extensive research [such as Standard Life Foundation for example] that highlights that these establishments disproportionately impact poorer people and communities. On the same street we have CCP operating and supporting individuals in need, as well as Open Door and several other Cheltenham charities. Cheltenham Borough Council also runs No Child Left Behind which highlights the poverty problem in Cheltenham.

The business can already do good business during its current opening hours. Why would they be extended and able to impact the most vulnerable?

3. Gambling addiction is a problem, and gambling shops help fuel this. There is a "self-exclusion scheme" in place, but assessments of it highlight that it is largely ineffective between sites. We don't need Cheltenham to be part of this problem, and having 24/7 sites just makes the problem worse.

4. There are already crimes directly linked to this premises. See the objection from the Brewery as an example of a direct consequence. Adding anti-social hours when the town centre is quieter, is unnecessary. Not to mention additional inebriation and poor behaviour and other issues.

5. We are a purple flag town for nighttime safety. Why would we jeopardise that with 24/7 establishments that have long been linked to poor behaviour, particularly sited where there has also been a history of poor behaviour? This application feels against the ethos and hard work of the Council teams.

In conclusion, this business has more than enough hours to operate successfully in Cheltenham. The brand has a global turnover over £142million which is obscene, and they don't need more hours here, in order to succeed. This is greed, and their arguments of other late-night establishments are either incorrect [see other objections] or not relevant because they offer a different service such as food which doesn't directly contribute to poor behaviour, inebriation, or addiction. I hope that the Council sees sense!

18 Northcroft  
The Park  
Cheltenham  
Gloucestershire  
GL50 2NL

**Comments:** 13th August 2025

Dear Sir/Madam,

I am writing to formally object to the above application for 24-hour opening at Admiral Slots, 218 High Street. My objection is based on the following legal and planning grounds:

## Conflict with Previous Appeal Conditions

Planning permission for this site (APP/B1605/W/23/3325026) was granted on appeal with specific conditions, including:

Prior approval of an acoustic assessment with mitigation measures.

Restricted opening hours: 09:00-00:00 weekdays and Saturdays, 10:00-22:00 Sundays.

The current proposal for 24-hour opening directly contravenes these conditions, representing a material change to the approved development, which cannot proceed without new planning permission.

## Residential Amenity and Planning Policy

The appeal decision limited opening hours specifically to protect residential living conditions (Cheltenham Plan 2020, Policy SL1; JCS 2017, Policy SD14). Extending to 24 hours removes these protections and is therefore contrary to these planning policies.

## Material Change Not Considered in Appeal

The appeal was assessed on the basis of restricted hours. 24-hour operation was not considered, and the Inspector's conclusions on noise and disturbance cannot be assumed to apply to this proposal. Environmental Health's noise assessment does not override the legally binding conditions set by the appeal.

## Enforceability and Precedent

Granting 24-hour operation would undermine the legally enforceable appeal decision and set a precedent for disregarding planning conditions, potentially weakening planning control across Cheltenham town centre.

For these reasons, I respectfully urge the Council to refuse this application in the interest of upholding the previous appeal conditions, protecting residential amenity, and maintaining proper planning control.

Yours faithfully,

\*\*\*\*\*

18 Northcroft  
The Park  
Cheltenham  
GL50 2NL

135 Village Road  
Cheltenham  
Gloucestershire  
GL51 0AE

**Comments:** 15th August 2025

My comments are,

That late and overnight gambling will promote criminal activity, and local Police will not have the resources necessary to monitor and police the activities 24 hours a day.

Yours sincerely \*\*\*\*\*

28 Windermere Road  
Hatherley  
Cheltenham  
Gloucestershire  
GL51 3PL

**Comments:** 7th August 2025

A 24 hour casino license will fundamentally change the dynamic of Cheltenham town centre and is a completely unnecessary addition to the town, save to make the company asking for it more money. With increased anti-social behaviour already, particularly in this area of town which experienced an horrific murder in 2018 which occurred around 10pm, residents living nearby shouldn't have to deal with further fear and risk due to a 24 hour casino. The majority of other locations with longer opening hours cited in the application are not a fair comparison by any stretch of the imagination. I'm also concerned that there's no mention of how they will be ensuring people with gambling issues can self-exclude effectively. The timing of this application is also odd, given the location hasn't even been open for a year yet. Why do they believe Cheltenham needs a 24 hour casino? What demand is there? Police forces are already overstretched and this will put a further strain on resources.

37 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 13th August 2025

Extending the hours of this establishment risks inviting further unpleasant consequences at a time when it is noticeable in the immediate vicinity there is a surfeit of litter, graffiti and antisocial behaviour that affects both the nearby area as well as further afield.

Member Of Parliament For  
Cheltenham  
House Of Commons  
London  
SW1A 0AA

**Comments:** 21st August 2025

Letter attached.

90 Keynsham Road  
Cheltenham  
Gloucestershire  
GL53 7PX

**Comments:** 15th August 2025

Shocked that anyone could consider 24 hour gambling. So many lives have already been ruined because of similar places. The BBC has shown how poorly monitored they are with insufficiently trained security people. The debt and misery families suffer because of one member's addiction cannot be stressed enough. Unlike alcohol and drug addiction a gambling addiction can be hidden for a long time. It doesn't need to be a sophisticated form of casino for the players to become heavily in debt.

37 Clarence Square  
Cheltenham  
Gloucestershire  
GL50 4JP

**Comments:** 13th August 2025

We already see many challenges on the High Street of Cheltenham with antisocial behaviour spilling out onto the streets, making it feel, at times, quite an unsafe place to be.

I can't see any benefits to extending the opening hours of a gambling establishment to 24 hours, it helps neither the gamblers themselves nor the general public.

I really hope a bit of common sense is applied in this instance to ensure we don't see a further degradation of the safety and community feel of our special town.

127 Hucclecote Road  
GLOUCESTER  
GL3 3TS

**Comments:** 12th August 2025

We definitely do not need a gambling facility in this part of Cheltenham. As a previous Chair of Cheltenham Open Door which operates for disadvantaged and people struggling with addictions and poor mental health a unit like this is another temptation in a poorer part of town. The only people who will gain will be the operators. No concern is shown for the people in Cheltenham already struggling to cope with life. This will be a very bad decision.

Management Suite  
Cupola Tower The Brewery  
Quarter  
Henrietta Street Cheltenham  
Gloucestershire  
GL50 4FA

**Comments:** 12th August 2025

Objection to Application 25/01141/CONDIT - Admiral Slots, Cheltenham High Street

We are writing to strongly oppose the application by Admiral Slots (Luxury Leisure) to extend its operating hours to 24 hours a day, seven days per week.

1. Evidence of criminal activity linked to the premises

We have already provided police with evidence of an incident at approximately 1:30am in which an individual used multiple stolen bank cards to withdraw cash from one of our cash machines, before immediately entering Admiral Slots to spend the money. This is not an isolated concern - later night hours tend to correlate with higher levels of criminal activity, particularly in vulnerable town-centre areas. Allowing the premises to operate 24 hours will create additional opportunities for crime and anti-social behaviour.

2. Impact on public safety and wellbeing

The types of individuals most likely to use such premises during very late hours are often intoxicated individuals leaving bars/clubs, or people with gambling addictions. Extending hours would directly encourage harmful behaviours - both excessive gambling and reckless spending under the influence of alcohol - and could have serious negative social consequences.

3. Misleading claims regarding other late-night premises:

The applicant lists a number of other town-centre businesses that open late or 24 hours to suggest a precedent. This is misleading for several reasons:

Many of the listed businesses, such as Burger King, McDonald's, and Domino's, provide food, not gambling, and therefore do not carry the same risks relating to addiction, financial harm, and crime.

"Everlast Gyms" at The Brewery Quarter is incorrectly described as open 24 hours. In reality, it operates 6:30am-10pm Mon-Fri, and 8am-6pm Sat-Sun.

The fact that there are other gambling venues open 24 hours (e.g., "Be Lucky") does not mean that it is in the public interest to add more late-night gambling capacity in this high-crime period.

#### 4. Town-centre safety strategy

Cheltenham Borough Council and Gloucestershire Police have worked to reduce late-night crime in the town centre. This proposal runs directly counter to those efforts by increasing the hours of operation of a business type linked to addictive behaviour, money laundering, and street disorder.

#### 5. Limited community benefit

The applicant states that their customers during night hours are often shift workers, taxi drivers, or hospitality staff. However, this is anecdotal and not evidenced beyond a small internal survey. Encouraging these workers to spend time gambling after midnight risks financial and mental harm, with no demonstrable wider community benefit.

#### Conclusion

In light of the above, granting this application will:

Increase the likelihood of crime, including theft and fraud.

Encourage harmful gambling behaviour, especially amongst vulnerable individuals.

Undermine local public safety objectives.

Set a damaging precedent for more 24-hour gambling venues in the town centre.

We urge the Council to reject this application in the interest of public safety, wellbeing, and the night-time economy's responsible management.

3 - 4 Bath Street  
Cheltenham  
Gloucestershire  
GL50 1YE

#### **Comments:** 13th August 2025

For this venue to be open 24hrs will add nothing to the late night environment in Cheltenham town Centre, which is unpleasant enough already. We should not be promoting 24 hour gambling. I see that the premises have provided a "robust" noise survey, as presumably have all other premises. As a town centre resident I can vouch that despite this, the centre is extremely noisy during the night without 24 hour opening. I strongly object to this proposal.



1 Marston Road  
Cheltenham  
Glos  
GL52 3JQ

**Comments:** 22nd August 2025

Dear Sir/Madam

- >
- > I wish to register my concern regarding the above planning application.
- >
- > With the growing awareness of addictions, mental health, financial pressures and family breakdowns not to mention the reputation of Cheltenham I am perplexed by the local council's decision to put this application forward for consideration.
- >
- > I am aware that gambling is available on line and that not everyone is at risk but why would ANYONE encourage it when so many DO end up suffering in the most dreadful way? So many across all sections of society are vulnerable.
- >
- > Councillors have a huge responsibility to make prudent decisions on behalf of the local community. After all we pay your salaries and expect people of a high calibre to function at the highest level for the good of everyone in Cheltenham. I do appreciate a lot of these decisions can be around financial aspirations but I feel that something more important is at stake here - people's wellbeing.
- >

72 Keynsham Road  
Cheltenham  
Gloucestershire  
GL53 7PX

**Comments:** 14th August 2025

I am writing to formally object to Admiral Slots application for a 24 hour gambling license. As a long-standing resident of Cheltenham, I have deep concerns about the significant and wide-ranging negative impact that such a facility would have on our town's wellbeing, safety, and character.

First and foremost, the operation of a gambling centre accessible at all hours raises profound concerns regarding the public health of our community. Numerous academic studies and reports from public health bodies have consistently linked problem gambling to an array of negative outcomes, including mental health disorders, depression, anxiety, substance abuse, and family breakdown. The availability of gambling opportunities around the clock, without any restriction, exacerbates the risks for those already vulnerable and makes it easier for susceptible individuals to engage in harmful gambling behaviour.

The World Health Organisation have highlighted gambling addiction as a growing public health crisis, one that disproportionately affects disadvantaged groups and leads to

broader social costs. The unrestricted hours proposed would, in effect, remove natural barriers that encourage responsible gambling, such as closing times or mandated breaks, thereby increasing the risk of harm to individuals and families.

Despite legal age restrictions, it will be possible for minors can gain access to gambling venues, and that exposure to such environments normalises gambling behaviour. The visibility and accessibility of a gambling centre operating at all hours could act as a constant invitation to young people, increasing the likelihood of underage gambling and fostering unhealthy attitudes towards risk and money management from an early age. Our community is home to a significant elderly population, many of whom may be susceptible to isolation, loneliness, and fixed incomes. The presence of a facility that is open at all hours could present a risk to these individuals, who may seek comfort or distraction in gambling, only to find themselves in financial distress or dependent on gambling as a source of social engagement.

Costs to the community, such as increased demand for social services, healthcare, policing, and the impact on local businesses, must be a primary concern in relation to this application.

24 Fairfield Avenue  
Cheltenham  
Gloucestershire  
GL53 7PN

**Comments:** 15th August 2025

I object very strongly to this proposal for Admiral Slots to extend their opening hours to 24 hours a day. There are so many reasons that this is a very bad idea for Cheltenham.

1. Location:

This site is right next to an alleyway that leads to the Minster and its churchyard/gardens, newly refurbished with much trouble and expense. As one of the Minster Wardens, among others, has said below, it would be an absurd step to approve 24 hour gambling literally around the corner from this newly refurbished asset to the town, when it's known that crime and anti-social behaviour have already resulted from the slots being open for the hours they are.

As other stakeholders in the immediate area have said, it is likely to lead to more crime, trouble, anti-social, and addictive behaviour right in the heart of the town centre, not just in the churchyard but also around the hotel and the shops.

Cheltenham doesn't need a 24-hour gambling facility anywhere, but surely it's an especially bad idea to have it there.

2. Addictive behaviour: this will just promote addictive gambling and the crime associated with it, such as the example cited by other commenters where cash was stolen and immediately used at Admiral Slots. In the middle of the night it will be even easier to commit crime and nuisance behaviour.

3. Cheltenham welfare in general: what kind of town do we want Cheltenham to be? Is this kind of business something we really want to promote, with all the misery associated with gambling? Surely the hours Admiral Slots is already open are absolutely sufficient, and there is no good reason to extend those hours.

4. Many objections have been expressed by others, below, in the most forceful and cogent terms, and I add another voice to theirs. I do hope the council will take all these reasonable and well-founded objections and explanations on board, and refuse the application.

206 High Street  
Cheltenham  
Gloucestershire  
GL50 3HF

**Comments:** 15th September 2025

Paparritos Ltd  
214/216

We strongly object to any operating extension ,  
It would be unfair to the Residence NEXT DOOR above.  
\*\*\*\*\*

34 Pilley Lane  
Cheltenham  
Gloucestershire  
GL53 9ER

**Comments:** 13th August 2025

As a resident of Cheltenham I'm lost as to how this got permission to operate in the first place - the idea of it being open 24 hours would be laughable if it weren't so awful. Gambling addictions have doubled in the last year (source - NHS) and the kind of people who want to gamble at say 0400 are not likely those who have a responsible attitude to their gambling. Public Health England estimates that there are 400 gambling-related suicides each year in England alone, and gamblers often have substance abuse issues as well. These people being encouraged to lose money they can ill afford will only result in even more antisocial behaviour as well as the horrific impact on themselves. Please see some sense and nip this in the bud.

Valentinos Pizzeria  
258 High Street  
Cheltenham  
Gloucestershire  
GL50 3HF

**Comments:** 11th August 2025

I want to object to the application.

This business has not even been open 12 months, it received 83 objections at the initial planning application which shows the strength of objection to it from local residents, now it wants to extend its opening hours which is a kick in the face to the local council.

There have been complaints of noise on the high street from guests at the Premier Inn, where I have stayed on two occasions, so there are already instances of noise occurring.

Also, in the application they state there are two other casino sites open 24/7, a quick look shows no other business have applied for 24/7 opening, so if they are open 24/7 its through a quirk in the planning law, NOT by being granted permission to do so.

269 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9EF

**Comments:** 12th August 2025

I do not understand the need for this. I think it will damage the environment we want to create in Cheltenham. And will have a negative impact on gambling addicts who are surely the only group who need 24/7 access to a gambling business.

28 Windermere Road  
Hatherley  
Cheltenham  
Gloucestershire  
GL51 3PL

**Comments:** 12th August 2025

As a local resident I strongly object to this proposal.



**Max Wilkinson MP**  
Member of Parliament for Cheltenham  
House of Commons, London SW1A 0AA

Chris Gomm  
Head of Planning  
Cheltenham Borough Council  
Municipal Offices

By Email

12 August 2025

Dear Chris

**REF: 25/01141/CONDIT**

I am concerned to read about the renewed proposal for a 24-hour gaming centre at 218 High Street.

While I acknowledge that gambling is a legal activity and gaming centres like the one proposed are permitted in national legislation supported by the Labour Government, I do not believe this proposal will contribute positively to our High Street. It will certainly not promote the sort of atmosphere of High Street prosperity that Cheltenham Borough Council is committed to promote via its adopted policies and corporate plan. This proposal is likely to have the opposite impact on other future potential investment. Of further concern is the fact that the site adjoins an area in which this council has made a substantial investment – The Minster and adjoining High Street premises. This proposal detracts from the work undertaken by the public and private sectors, including the council, to lift this part of the town centre over the past decade. We risk undermining Cheltenham's reputation as a vibrant cultural destination that people actually want to visit and spend time in. It is unlikely to substantially increase employment opportunities.

Furthermore, in my previous role as cabinet member for economic development and wellbeing at Cheltenham Borough Council, I was regularly briefed that there is demand for 'high quality retail' in our town centre. This proposal certainly does not constitute what we are seeking. In cases where there is no demand for high quality retail, in line with the changing nature of town centres, my strongly held view is that the local authority should be promoting changes of use towards residential, to meet our substantial housing need on brownfield sites – particularly for younger people who favour town centre living.

Finally, as a liberal I am of course happy for people to spend their money how they choose in the vast majority of circumstances. However, I am concerned that this sort of gaming centre tends to take advantage of people who suffer from gambling addiction.  
I urge the committee to reject this application.

Yours sincerely

Max Wilkinson MP

[max.wilkinson.mp@parliament.uk](mailto:max.wilkinson.mp@parliament.uk)

CF/JHO/P23- 0 136

19 August 2025

Mr Ben Warren  
Cheltenham Borough Council,  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

Dear Ben,

Town and Country Planning Act 1990 (as amended)  
Objection to Application ref. 25/01141/CONDIT  
218 High Street, Cheltenham, GL50 3HF

I am writing on behalf of 11A Merestones Drive, Cheltenham, GL50 2SU to object application ref. 25/01141/CONDIT for the following development proposals:

*“Variation of Condition 4 (opening hours) of planning permission 23/00452/COU seeking to extend the opening hours to 24 hour use each day of the week.”*

The objection relates to the following key issues:

1. Impact upon residential amenity
2. Prevention of crime and disorder

This matter is discussed below.

#### Site Context

The application site comprises an adult gaming centre (AGC) (Sui Generis) located on the ground and first floors of 218 High Street. A public footpath runs along the site's eastern boundary and leads to the Minister to the site rear.

The closest residential properties to the application site are located on the upper floors of 214 & 222 High Street.

The application site is situated within the Core Commercial Area and the Central Shopping Area (CSA) within Cheltenham Town Centre, according to Cheltenham Local Plan Proposals Map (2020).

21 Ganton Street, London, W1F 9BN  
T 020 3897 1110 E [London@pegasusgroup.co.uk](mailto:London@pegasusgroup.co.uk)  
Offices throughout the UK.

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### Planning Policy Context

The Development Plan that is relevant to the application comprises the Joint Core Strategy (JCS) (adopted 2017) as well as the Cheltenham Local Plan (adopted 2020).

JCS Policy SD4(iii.) states development should avoid or mitigation against unacceptable disturbance via noise and pollution. Furthermore, Policy SD14(2)(i.) states development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupiers.

Cheltenham Local Plan Policy SL1(a) states development must not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality. Where criterion b) states development must not, by its nature, give rise to crime or the fear of crime nor endanger public safety.

### Planning Assessment

The proposals are assessed in turn against the two key issues identified above.

#### Impact Upon Residential Amenity

Planning permission for application ref. 23/00452/COU for the change of use of premises to an AGC was originally refused in May 2023 for 3 reasons following the receipt of over 80 objections from local residents and businesses. Planning permission was subsequently granted on appeal (ref. APP/B1605/W/23/3325026 – see Appendix A) in February 2024. Condition 4 (subject to this application) restricted the opening hours to the following:

09:00 – 00:00 on weekdays and Saturdays  
10:00 – 22:00 on Sundays

It is understood that the appellant sought 24hour daily use of the AGC as part of the appeal, and this was justified by a Noise Impact Assessment. However, the appellant subsequently suggested revised opening hours, which include closing the establishment at 02:00 Monday to Wednesday, 04:00 Thursday to Saturday and 22:00 on Sundays. However, it should be noted that the Inspector at Para 16 of the appeal decision identifies that residents within town centres should “*reasonably anticipate a level of activity and noise at night normally associated with town centre uses. [But] by the same token, nearby residents in this case could also reasonably expect control to be imposed on a use such as this so that their amenities are not unacceptably harmed at unsocial hours.*” (emphasis added) As such, the Inspector considered the Appellant’s revised opening hours, but instead decided to impose the more restrictive hours within Condition 4. The appeal proposals as well as the Inspector’s comments and reasoning for imposing Condition 4 are a material consideration which carry significant weight in the determination of this application.

This application now seeks to remove these reasonable controls, despite unsuccessfully being able to do so under the appeal and despite the comments noted above raised by the Inspector.

It is understood that this application is accompanied by a Noise Impact Assessment (prepared by Hepworth Acoustics) that concludes “*..that no discernible loss of amenity at local residences is anticipated as a result of the proposed extension of operational hours*” without any form of acoustic mitigation. However, the methodology of this report is unsound since noise measurements were only carried out between 23:00s and 02:00hrs over two weekdays (being 19<sup>th</sup> & 20<sup>th</sup> May 2025). Therefore, the noise assessment does not take into account noise from the peak/busiest (weekend) periods, nor noise over a complete nighttime cycle.

The applicant's Noise Impact Assessment goes on to state that there will be no significant noise from customers outside the venue. However, the report includes a multitude of assumptions in reaching this conclusion. Indeed, paras 4.17 to 4.19 state that they have used other Admiral premises to identify that customers “*mostly*” arrive and leave the site alone and in pairs over 15 minute intervals during peak periods. However, each application must be assessed on its own merits and with this in mind, the applicant has presented no evidence to the actual frequency of customers departing the AGC at the application site. Conversely, various comments associated with this application identify there have been multiple noise complaints associated with customers leaving the site.

In addition, it is noted that a Noise Assessment (prepared by Big Sky Acoustics) submitted by a third party objector and in relation to the appeal (see Appendix B) identified that noise sources associated with the AGC use also include gaming machines designed to attract and engage customers. Gaming machines when not in use automatically go into ‘attract mode’ which includes for flashing lights and noise. They also make loud noises during use and on payouts. If these were to be left on throughout the night and in the early hours of the morning, there is an increased chance of unnecessary disturbance towards the neighbouring residential units. Again, the applicant's Noise Impact Assessment fails to take this into consideration.

Finally, it is noted that the applicant has referred to other businesses with extended opening hours along High Street, including the unrestricted AGC at No.260- 264, as precedent to justify its proposal. However, each application must be assessed on its own merits and this only demonstrates that the town centre location can support extended opening hours within reason, as identified by the Inspector as part of the appeal.

In conclusion, it has been shown that the applicant's Noise Impact Assessment fails to demonstrate that the proposed extension of the opening hours will preserve the amenities of the local residents to an acceptable degree. Nevertheless, even if the Noise Impact Assessment is sound, the proposal for 24hour daily use of the AGC has been previously considered at appeal and was deemed unacceptable, despite the appeal being supported by a similar Noise Impact Assessment. As noted above, this material consideration carries significant weight and demonstrates that ultimately, the proposal would result in unacceptable harm to residential amenity and is therefore contrary to Policies SD4 and SD14 of the JCS and Policy SL1 of the Cheltenham Local Plan.

It is also worth noting that the acoustic assessment for the operations of the AGC at the application was approved as part of the discharge of Condition 3 (ref. 24/00 760/DISCON) was based upon





the existing hours stipulated under Condition 4. Therefore, the proposals under this application are contrary to the details approved for Condition 3, and approving it would result in an unworkable planning permission.

#### Prevention of Crime and Disorder

It is noted that various comments have been submitted relating to the use of the AGC resulting in a rise in crime and antisocial behaviour. This includes evidence from The Brewery linked to criminal activity. This demonstrates that the existing AGC operations are at the very least leading to an increase in the fear of crime which is unacceptable as directed by Cheltenham Local Plan Policy SL1(b). As such, it can be said that the proposal will worsen this issue and fail to prevent crime.

I trust this objection will be given due consideration in the determination of this application. It would be greatly appreciated if you could notify me or my colleague Christian Fisk ([christian.fisk@pegasusgroup.co.uk](mailto:christian.fisk@pegasusgroup.co.uk)) of any changes to the proposal and your recommendation.

Yours sincerely,



**Director**

[henry.courtier@pegasusgroup.co.uk](mailto:henry.courtier@pegasusgroup.co.uk)



APPENDIX A: APPEAL DECISION REF. APP/B1605/W/23/3325026

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# Appeal Decision

Site visit made on 18 January 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13.02.2024

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Appeal Ref: APP/B1605/W/23/3325026

218 High Street, Cheltenham, GL50 3HF

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr Ian Miller for Luxury Leisure against the decision of Cheltenham Borough Council.

The application Ref 23/00452/COU, dated 14 March 2023, was refused by notice dated 3 May 2023.

The development proposed is change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works.

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## Decision

1. The appeal is allowed and planning permission is granted for change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works at 218 High Street, Cheltenham, GL50 3HF in accordance with the terms of the application Ref 23/00452/COU, dated 14 March 2023, subject to the conditions set out in the attached Schedule.

## Preliminary matters

2. The appeal property is in Cheltenham Town Centre (CTC) and within the Town's designated Central Conservation Area (CA).
3. The appellant submitted amended plans with his appeal documentation, and the Council has had the opportunity to comment on them. I have considered the appellant's proposed amendments under the principles established by the Courts in *Wheatcroft*<sup>1</sup>. The plans show modest changes from the originally submitted plans, and I am satisfied that no-one's interests would be prejudiced if I were to consider them as part of the appeal.

## Main issues

4. The main issues are: (a) the effect of the proposal on the retail character and vitality of the CTC; (b) whether the proposal would preserve or enhance the character or appearance of the CA, and (c) the effect on neighbouring residential living conditions with specific reference to noise and disturbance.

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<sup>1</sup> *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37].

## Reasons

### The Town Centre

5. The appeal property is a vacant shop. The Council does not object to the principle of Adult Gaming Centres (ACG) being established within its town centres. Indeed, the officer report says that 'ACGs are accepted as a main town centre use' and I have not been made aware of any policies, local or national, which distinguishes them specifically as inappropriate or unacceptable uses within the CTC.
6. The Council's concern is directed to a loss of a retail unit and what it regards as a proliferation of similar uses related to gaming and/or gambling in the CTC. It says that there are 9 such establishments in the CTC, of which 3 are sited in the High Street close to the appeal property. The Council considers this to be an overconcentration of such uses, and an additional unit would diminish the essential retail character and vitality of this part of the CTC.
7. The Council has not disputed the appellant's submitted data showing that the vacancy rate of ground floor units in the CTC is markedly less than for the UK as a whole, or that the CTC is comprised of almost 500 commercial units, and that ACGs and similar uses amount to a relatively small proportion<sup>2</sup> of the total. I saw that the existing level of sui generis uses blended reasonably well with the other uses in this part of the High Street, including many non-retail class E uses and those contained within the Brewery Quarter, and that they contributed to forming a healthy mix of uses within what appeared to me, judging from the footfall and the low number of vacant premises, to be a relatively vibrant centre.
8. The Council says that, although vacant for a lengthy period, the unit was not marketed for a sufficient period of time to appropriately test its attractiveness for a retail use. The evidence from an independent agent shows that it was marketed for about 4/5 months without any realistic retail interest, which in my mind is not an unreasonable length of time for retailers to show at least some interest, if it existed. Irrespective of the Council's view on this aspect, I have not been pointed to any policy requirement for the need for marketing. Moreover, vacant units contribute negatively to the perception of a centre's vitality, as in this case.
9. I conclude that the use is not an inappropriate one within the CTC and it would not materially impinge upon the centre's retail character, its attractiveness or vitality. Accordingly, I find no conflict with the provisions and objectives of policies RT1 & RT2 (a) of the Cheltenham Plan (CP) or policy SD2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) directed to ensuring the continued vitality and character of the CTC.

### Heritage considerations

10. The appellant's proposals do not materially alter the appearance of the existing shopfront, which is that of a fairly modern retail unit, albeit not reflective of the pleasant design and appearance of the upper parts of the building. The Council says that the existing shopfront does not benefit from a formal planning permission and that, accordingly, it 'has never approved the current

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<sup>2</sup> At 1.9%

appearance'. It strikes me however that the shopfront has been in situ for some time, and there is no evidence before me to suggest that the Council has found it objectionable in the past or attempted to secure its removal using its enforcement powers. The shop front has therefore become an established, and unremarkable feature of the High Street being little different in terms of its appearance to many others in this part of the CTC, including more recent additions.

11. As suggested in the officer report and in the response to consultation from 'Heritage and Conservation', an enhancement may well be the ideal solution. Nevertheless, I am mindful that the statutory test quoted in the officer report<sup>3</sup> places preservation on an equal footing with enhancement. I do not therefore consider the appellant's approach to be unacceptable in heritage terms, and the elevational design amendments made to the original submission appear to me to successfully address at least some of the Council's earlier detailed concerns.
12. Having regard to the comments in the officer report as to proposed advertisements, I should clarify that these are not a matter for me but of a separate requirement for consent under the appropriate Regulations.
13. Taking account of the existing shopfront and others in the vicinity of the appeal property, I conclude that the proposed development would, at worse, have a neutral impact on its surroundings. The character and appearance of the CA would thus be preserved. Accordingly, I find no material conflict with those provisions of JCS policy SD8 and CP policy HE3 directed to protecting the Borough's heritage assets from inappropriate development.

#### Living conditions

14. The appellant does not dispute the presence of residential accommodation in relatively close proximity to the appeal property. The Council's concern is based on the venture's possible effects on those nearby residents' living conditions with particular reference to noise and disturbance. I note however that the Council's Environmental Protection Team (EPT) based its objection on the appellant's initially proposed 24 hr operation. The EPT also commented that it would be willing to review alternative opening hours if put forward by the appellant.
15. In response the appellant has suggested the imposition of conditions. The first, in effect, amounts to a requirement for a noise assessment prior to the operation commencing, whilst the second suggests revised opening hours, which include proposed closing times of 2.00am on 3 days of the week, 4.00am on 3 other weekdays and 10.00 pm on Sundays.
16. To my mind, the main possible sources of disturbance are those emanating from within the premises as a consequence of the operation of the machines and background music. The other concerns the arrival and departure of customers late at night. I acknowledge, however, that this is a use normally acceptable in town centres along with other uses such as bars and nightclubs which may be open late into the night. Residents in town centres could therefore reasonably anticipate a level of activity and noise at night normally associated with town centre uses. By the same token, nearby residents in this

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<sup>3</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

case could also reasonably expect controls to be imposed on a use such as this so that their amenities are not unacceptably harmed at unsocial hours.

17. The appellant has referred to two other appeals within town centres at Ipswich and Golders Green respectively in support of his case<sup>4</sup>. I take a similar view to the Inspectors in those cases that, with appropriate controls and mitigation, the use could be carried out without materially harming the living conditions of nearby residents. Accordingly, on this basis, I conclude that the proposed use would not conflict with the objectives of JCS policy SD14 or CP policy SL1 directed to protecting residential amenity from unacceptable harm.

#### Conditions

18. The Council's has not provided suggested conditions but has submitted possible subject headings.
19. A condition is imposed to ensure that the development shall be carried out in accordance with the approved plans in the interests of visual amenity and certainty. A condition on materials is unnecessary since the detail is shown on the approved plans.
20. The noise assessment condition suggested by the appellant is imposed, albeit in a modified form, to protect neighbouring residents' amenities.
21. For the same reason, an opening hours condition is imposed. Those suggested by the applicant are unacceptable since they are unlikely to be effective in protecting residents' amenities in the early hours of the morning. Rather I shall impose a condition reflecting those imposed in the Ipswich and Golders Green appeal decisions referred to by the appellant. Such opening hours are likely to be more effective in achieving the required protection.

#### Other matters

22. I have taken account of all other matters raised in the representations, including the representations made by the Member of Parliament, local councillors, residents, amenity bodies and those representing other interests. I have already addressed the main planning issues raised in the representations.
23. Concerns have been raised about the potential for anti-social behaviour attributed to the proposed use, but there is no firm evidence before me that this would prove to be the case in practice based on the operation of other such venues. I note the concerns relating to the social and other problems sometimes linked with gambling and gaming, and those made on moral grounds and that that this type of use is considered unacceptable in the CTC for these reasons.
24. Whilst some of these concerns are understandable and have legitimacy, planning is concerned with land use matters. As such, the concerns raised are not material to my considerations since national and local planning policies do not prevent adult gaming centres from operating. Also, such matters are regulated by other legislation including the licensing regime.

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<sup>4</sup> APP/R3515/W/23/3319465 & APP/N5090/W/21/3270129

25. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

#### Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: 3499(B)01; 3499(B)02; 3499(B)03; 3499(B)04; 3499(C)01 Rev A & 3499(C)02 Rev A.
3. Prior to the commencement of the use hereby permitted, an acoustic assessment of the anticipated operation of the use together with details of proposed mitigation shall be submitted to the local planning authority for its agreement and approval. The agreed scheme of mitigation shall be fully installed and operational prior to the commencement of the use and thereafter shall be permanently retained.
4. The premises shall not be open to customers other than between the following hours: 0900 – 0000 on weekdays and Saturdays and 1000-2200 on Sundays.



## APPENDIX B: NOISE ASSESSMENT (PREPARED BY BIG SKY ACOUSTICS)





218 High Street, Cheltenham, Gloucestershire GL50 3HF  
Noise Assessment

PINS Reference:	APP/B1605/W/23/3325026
LPA Reference:	23/00452/COU

Prepared by: Richard Vivian, Big Sky Acoustics Ltd  
On behalf of: Fountain Properties Limited  
Document Ref: 23101164  
Date: 3<sup>rd</sup> November 2023

## Big Sky Acoustics document control sheet

Project title:	218 High Street, Cheltenham, Gloucestershire GL50 3HF Noise Assessment
Technical report number:	23101164
Site visit and noise survey:	23 <sup>rd</sup> - 24 <sup>th</sup> October 2023
Submitted to:	Christian Fisk Principal Planner Pegasus Planning Group Limited 21 Ganton Street London W1F 9BN acting on behalf of Fountain Properties Limited
Submitted by:	Richard Vivian Big Sky Acoustics Ltd 60 Frenze Road Diss IP22 4PB 020 7617 7069 info@bigskyacoustics.co.uk
Prepared by:	Richard Vivian BEng(Hons) MIET MIOA MIOL Principal Acoustic Consultant

## Document status and approval schedule

Revision	Description	Date	Approved
0	Approved for issue	07/11/23	RV

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# Contents

1.0 Qualifications and experience ..... 4

2.0 Introduction ..... 4

3.0 Appeal site and surrounding area ..... 4

4.0 Criteria ..... 10

5.0 The existing noise climate ..... 14

6.0 Conclusions ..... 18

Appendix A - Terminology ..... 20

Appendix B - Site location ..... 21

Appendix C - Instrumentation ..... 22

Appendix D - Meteorology ..... 22

## 1.0 Qualifications and experience

- 1.1 My name is Richard Vivian. I am the founder and director of Big Sky Acoustics Ltd. Big Sky Acoustics is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies, residents' groups and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a Bachelor of Engineering Degree with Honours from Kingston University, I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics and the Institute of Licensing.
- 1.3 I have over thirty years of experience in the acoustics industry and have been involved in acoustic measurement and assessment throughout my career. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK. I have given expert evidence in the courts, in licensing hearings, in planning hearings and inquiries on many occasions.

## 2.0 Introduction

- 2.1 Big Sky Acoustics Ltd was instructed by Christian Fisk of Pegasus Planning Group Limited, acting on behalf of Fountain Properties Limited, to carry out an assessment of the noise climate around the appeal site at 218 High Street, Cheltenham, Gloucestershire GL50 3HF.
- 2.2 This report was prepared following discussions with the client team, examination of the public planning file, a visit to the appeal site, inspection of the area around the appeal site, and overnight attended noise monitoring at the appeal site.
- 2.3 A glossary of acoustical terms used in this report is provided in Appendix A.
- 2.4 All sound pressure levels in this report are given in dB re: 20µPa.

## 3.0 Appeal site and surrounding area

- 3.1 The appeal site comprises the ground and first floors of a retail unit at 218 High Street in Cheltenham and was previously used as a retail shoe shop. It is situated within the Central Shopping Area in Cheltenham Town Centre and is within the Central Conservation Area. Application Reference 23/00452/COU was made for the change of use of the ground floor from a retail unit (Class E) to an Adult Gaming Centre (Sui Generis) and first floor to associated storage and staff area with external alterations and associated works. The application was refused.
- 3.2 Immediately to the south of the appeal site is an alleyway leading into the churchyard of Cheltenham Minster. The nearest residential properties are flats above shops on High Street either side of the site, and opposite on the corner of Bennington Street. There appear to be a number of residential windows that overlook the churchyard to the rear of the application site.



Figure 1: The appeal site is on the right. Note the alleyway to the churchyard of Cheltenham Minster.

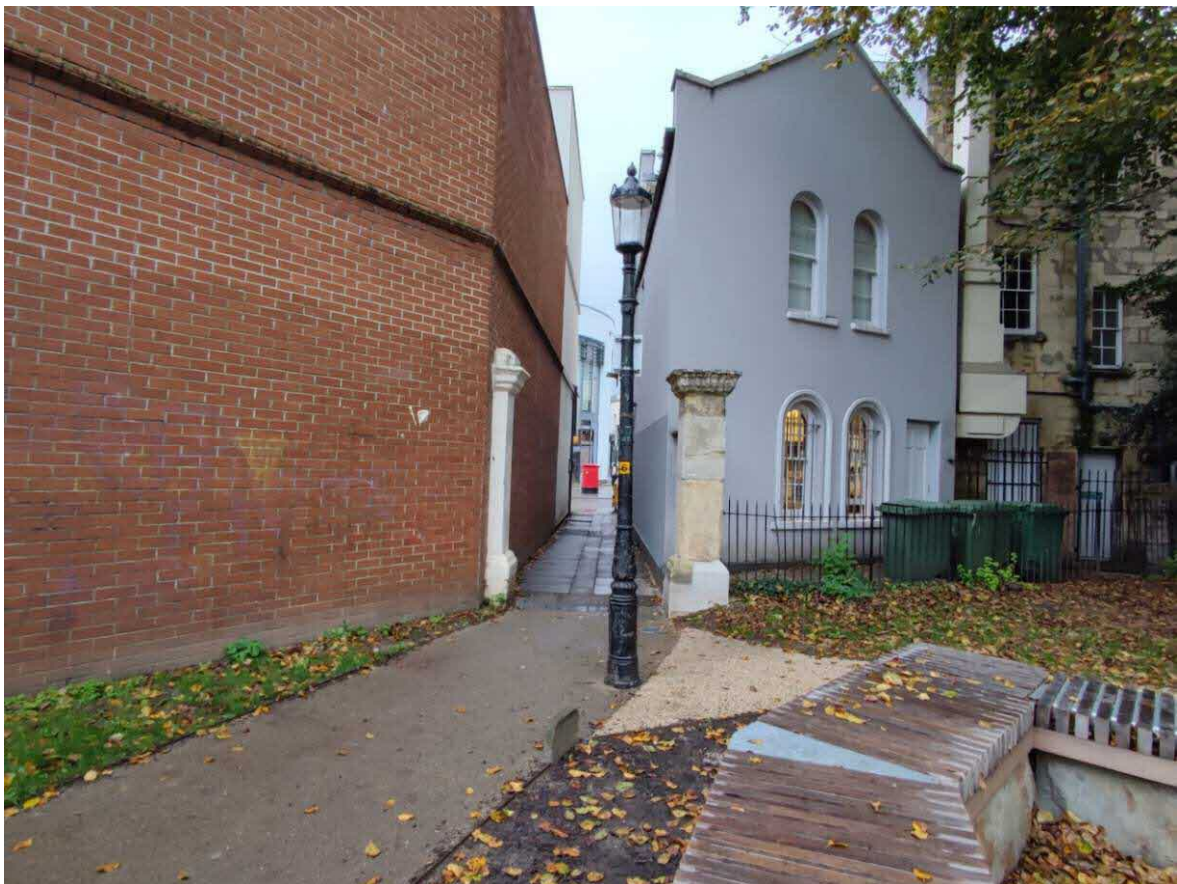


Figure 2: View from the churchyard looking back to High Street. The appeal site is on the left.





Figure 3: Cheltenham Minster which is approximately 40 metres south-west of the appeal site.

- 3.3 Cheltenham Minster is Cheltenham's only surviving medieval building, dating back to the mid-11th century. It is a hugely important heritage site. The surviving medieval masonry and windows are a particular highlight. The churchyard is highly significant, containing Grade II listed walls, gate piers and railings, lamp posts and memorials. The medieval church cross is a scheduled monument of national importance. The church and churchyard have been subject to damage and anti-social behaviour. This has caused lasting damage to the church and heritage assets within the churchyard. As a result, the local community and partners have worked to create Gloucestershire's first Heritage Watch scheme for the area, under the name of Operation Minster. Heritage Watch aims to highlight the historical context of the area, raise awareness locally and encourage the reporting of heritage crimes.
- 3.4 During my site survey I familiarised myself with the immediate area around the application site and also the wider town centre area. The noise climate in the late afternoon and early evening was characterised by pedestrian footfall, buses and local road traffic, and delivery bikes collecting from the various restaurants and fast-food outlets. The area is not served by public transport beyond 23:30 hrs.
- 3.5 It is important when assessing the impact of noise from a change of use to understand the concept of *additional noise* associated with the new use. The incremental change to noise levels caused in an area where there is already established noise and activity could be small, whereas additional noise in an area that is quiet, and has no notable activity at night, could be significant.





Figure 4: Windows of upper floors overlooking the churchyard are in residential use.



Figure 5: Opposite the appeal site the upper floors are in residential use.



Figure 6: Windows above shops immediately to the south of the site indicate residential use.



Figure 7: Residential use above 220 and 222 High Street are structurally connected to the appeal site presenting a higher risk of structureborne sound transmission from the proposed change of use.



- 3.6 Planning application 23/00452/COU was not accompanied by any form of noise impact assessment and failed to demonstrate that no harm would be caused by the proposed use.
- 3.7 Within the Appellants Statement of Case<sup>1</sup> it is written, at paragraph 6.20, that *“Admiral-operated AGCs do not generate levels of noise that have the potential to adversely impact on residential amenity over and above general retail use”*. No qualifying technical data is provided to support this comment. Paragraph 6.20 also comments *“Gaming machines are also designed to produce minimal acoustic output and thus avoid any issues that could cause noise and disturbance for surrounding occupiers”*. This is at odds with my experience of noise from gaming machines that are specifically designed to attract customers: they are programmed to go into an *attract-mode* when not being played and this usually includes both flashing lights and sound effects to draw the prospective player to the machine. They also make noise on payouts. These noise sources have not been assessed in the application and the suggestion that they would not impact with noise above a normal retail use is not qualified by any technical noise measurement data.
- 3.8 The Statement of Case also notes that *“Sound insulation is used within all premises to shield surrounding occupiers from any noise associated with the operation of an AGC and any music played within the premises is always at a background level”*. There is no technical analysis to support this statement either; no measurement of the source level (gambling machines and amplified music), no details of how amplified music noise would be controlled, and there is no assessment of patron noise associated with patrons leaving the site, either to smoke outside, or from patron dispersal from the site. There is no information given about plant, such as air extraction and air conditioning, and no plant noise assessment. There is no detail of the sound insulation works referenced in the Statement of Case, and the original Planning Statement<sup>2</sup> also lacks any detail. With the closest residential use being structurally connected on the party wall with 220 High Street the specific details of proposed sound insulation works, as well as controls on the noise sources themselves, is an essential requirement when assessing the potential for the harmful impact of noise on existing residents.
- 3.9 In my experience it is highly unusual for any late night use to be applied for without a thorough assessment of the noise impact from the proposed use accompanying the application.
- 3.10 The comments from the Environmental Protection Team are clear in the consultation of 25<sup>th</sup> April 2023 submitted in response to the original application, that there are residential uses in close proximity and that the type of use, and hours of use, risk a noise impact to these residents. They also comment on the lack of detail regarding plant/equipment.

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<sup>1</sup> Statement of Case ref BHPD00503 prepared by Fraser Tinsley of BH Planning And Design Limited, dated June 2023

<sup>2</sup> Planning & Heritage Statement ref BHPD00503 prepared by Fraser Tinsley of BH Planning And Design Limited, dated March 2023

## 4.0 Criteria

### NPPF

- 4.1 The revised National Planning Policy Framework (NPPF) was updated on 5 September 2023 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, updated in February 2019 and revised in July 2021.
- 4.2 References to noise can be found in Section 15 titled "Conserving and enhancing the natural environment". The NPPF states at Paragraph 174 sub-paragraph (e) *"Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans"*.
- 4.3 The NPPF states at Paragraph 185 that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason"*.
- 4.4 The comments about *adverse impacts on health and quality of life* are referenced<sup>3</sup> to the Noise Policy Statement for England (NPSE) published by the Department for Environment, Food & Rural Affairs in 2010. The NPSE is intended to apply to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.
- 4.5 The NPSE sets out the Government's long-term vision to *'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'* which is supported by the following aims:
- *Avoid significant adverse impacts on health and quality of life;*
  - *Mitigate and minimise adverse impacts on health and quality of life.*
- 4.6 The NPSE defines the concept of a 'significant observed adverse effect level' (SOAEL) as *'the level above which significant adverse effects on health and quality*

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<sup>3</sup> NPPF at footnote 65

*of life occur'. The following guidance is provided within the NPSE: 'It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.'*

- 4.7 The Planning Practice Guidance (PPG) on Noise published by Ministry of Housing, Communities & Local Government in March 2014 (last revised on 22 July 2019) is written to support the NPPF with more specific planning guidance on how planning can manage potential noise impacts in new development.
- 4.8 The PPG reflects the NPSE and states at Paragraph 001 that noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced).
- 4.9 The PPG clarifies at Paragraph 002 that it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.
- 4.10 The PPG expands upon the concept of SOAEL (together with Lowest Observed Adverse Effect Level, LOAEL and No Observed Effect Level, NOEL) as introduced in the NPSE and provides a table of noise exposure hierarchy for use in noise impact assessments in the planning system.
- 4.11 Figure 8 is reproduced from PPG Paragraph 005 and summarises the noise exposure hierarchy, based on the likely average response.
- 4.12 The PPG at Paragraph 005 considers that a noise impact with an effects level which is lower than SOAEL is acceptable but that consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).
- 4.13 When the significant observed adverse effect level boundary is crossed noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.

Perception	Examples of Outcomes	Increasing Effect Level	Action
No Observed Effect Level (NOEL)			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level (NOAEL)			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level (LOAEL)			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level (SOAEL)			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

Figure 8: PPG Noise Exposure Hierarchy Table (revision date: 22.07.2019)

4.14 At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and/or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that,

regardless of the benefits of the activity causing the noise, this situation should be avoided.

### Joint Core Strategy

- 4.15 The Joint Core Strategy (JCS) is a partnership between Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council, which sets out a strategic planning framework for the three areas. The JCS 2011-2031 was adopted in December 2017.
- 4.16 Policy SD14 aims to ensure that development does not have any unacceptable impacts on human health or environmental quality, and that where possible it secures benefits. It states that *“High-quality development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality”* and continues that a new development must *“i. Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants; ii. Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively; iii. Result in no exposure to unacceptable risk from existing or potential sources of pollution; vii. Have regard to any areas of tranquillity that are identified in adopted or emerging District plans and neighbourhood plans”*.
- 4.17 The JCS is clear that Developers will need to demonstrate how their proposals meet the criteria of Policy SD14 through submission of relevant plans and technical reports having regard to national PPG. Specific assessments, such as an assessment of the impact of development on air, noise or light, may be required.

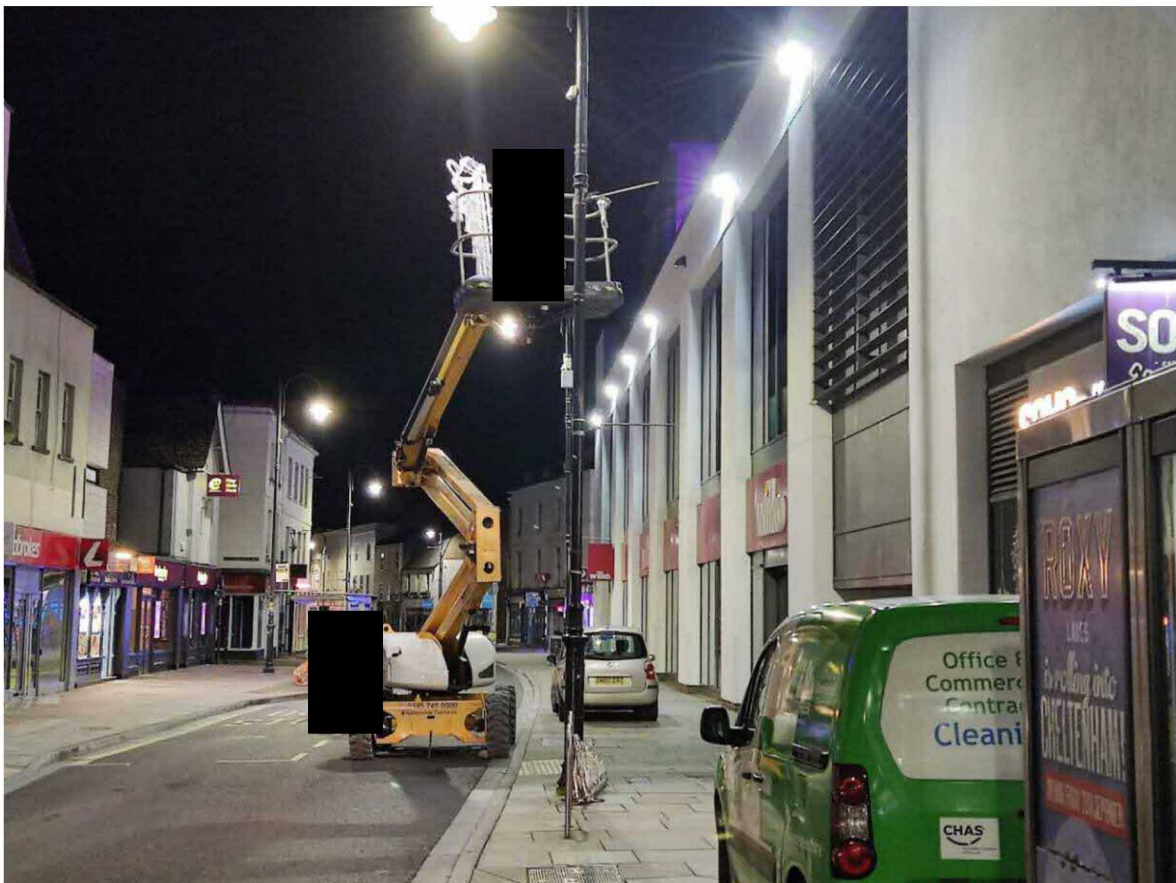
### Cheltenham Plan

- 4.18 The Cheltenham Plan was adopted on 20 July 2020 and runs to 2031. It supports the Joint Core Strategy.
- 4.19 Policy SL1 addresses safe and sustainable living and states that *“Development will only be permitted where it would: a) not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality (Notes 1 & 2); and b) not, by nature of its size, location, layout or design, give rise to crime or the fear of crime nor endanger public safety; and c) make adequate provision for security and the prevention of crime and disorder including, where appropriate, the incorporation of counter-terrorism measures; and d) accord with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the principles of good design embodied within; and e) where appropriate, take account of local models for building socially sustainable communities.”*
- 4.20 The Cheltenham Plan notes at paragraph 14.4 that *“In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance*

*from noise, smells, dust, fumes, vibration, glare from artificial lighting, hours of operation, and traffic/travel patterns.”*

## 5.0 The existing noise climate

- 5.1 An attended noise survey was carried out during the evening and night of 23<sup>rd</sup> October continuing into the morning of 24<sup>th</sup> October 2023.
- 5.2 Attended surveys can offer significant advantage over unattended surveys as observations can be made and an informed commentary on noise measurement data can also be provided. For example, during the survey the Christmas lights were installed in the High Street resulting in short duration noise incidents as the installation team passed by the site. Because this activity was observed noise measurement data was not reported during this activity.



**Figure 9: Christmas lights being installed impacting on noise climate at application site between 22:50-23:30**

- 5.3 To establish the noise levels at the application site noise measurements were taken both at the front (High Street) and rear (churchyard) of 218 High Street through the night.
- 5.4 Noise measurements were made in continuous samples of 1-second intervals. Measurements included the  $L_{Aeq}$ ,  $L_{A90}$  and  $L_{Amax}$  indices which are used to indicate the average noise level sampled over a period, the background noise level, and the

maximum noise level respectively. Simultaneous octave and third-octave frequency spectra were also obtained during the survey. Measurements were taken at 1.5 m above grade level. Measurement duration was 5-minutes per sample. Throughout the course of the survey an outdoor microphone wind-shield was used.

- 5.5 A large amount of noise data were gathered during the survey which is simplified and summarised in this report in the tables and graphs below.
- 5.6 The instrumentation used to carry out the noise measurements is detailed in Appendix C. The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards.
- 5.7 The weather conditions during the survey are reported in Appendix D.

	Time	L <sub>Aeq</sub>	L <sub>AFMax</sub>	L <sub>A90</sub>	Observations
<u>Front</u>	19:26	64	77	55	General activity with some buses and pedestrians. Footfall equiv 1400ph
	21:38	59	73	49	Still local activity in restaurants and delivery bikes. FF=720ph
	23:31	55	73	45	Betting shops and McDs now shut. No buses. FF=220ph
	2:09	40	48	38	No activity other than a fox
	4:15	39	47	38	None
	8:28	64	81	51	Morning commuters. FF=1280
<u>Rear</u>	19:32	50	65	44	None
	21:44	51	76	47	None
	23:37	47	61	44	Distant low level plant noise noticeable
	2:15	42	55	40	Distant low level plant noise noticeable
	4:20	43	47	42	Distant low level plant noise noticeable
	8:34	46	54	45	Distant low level plant noise noticeable

Figure 10: Measurement data summary. Sound pressure levels in dB re: 20µPa.

- 5.8 Noise levels fall to low levels for a town centre location due to the absence of traffic, including any public transport. On High Street itself the lowest recorded background noise level is 38dB L<sub>A90</sub>. Although it was expected to be even quieter in the churchyard the baseline noise level at that location was artificially held high by commercial extraction plant operating at the rear of one of the properties on High Street and this plant was not switched off overnight during the survey.

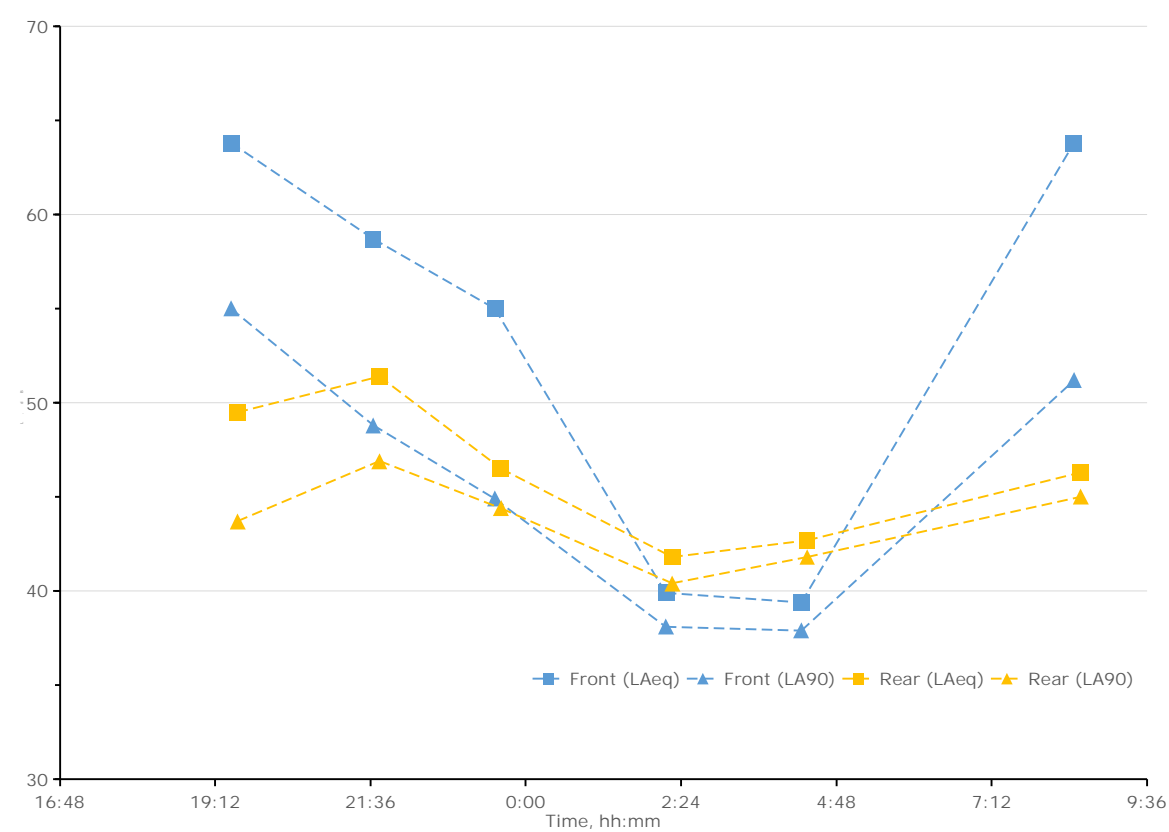


Figure 11: Measurement data points presented graphically. Note how levels drop after midnight then increase as activity builds at the start of the working day.

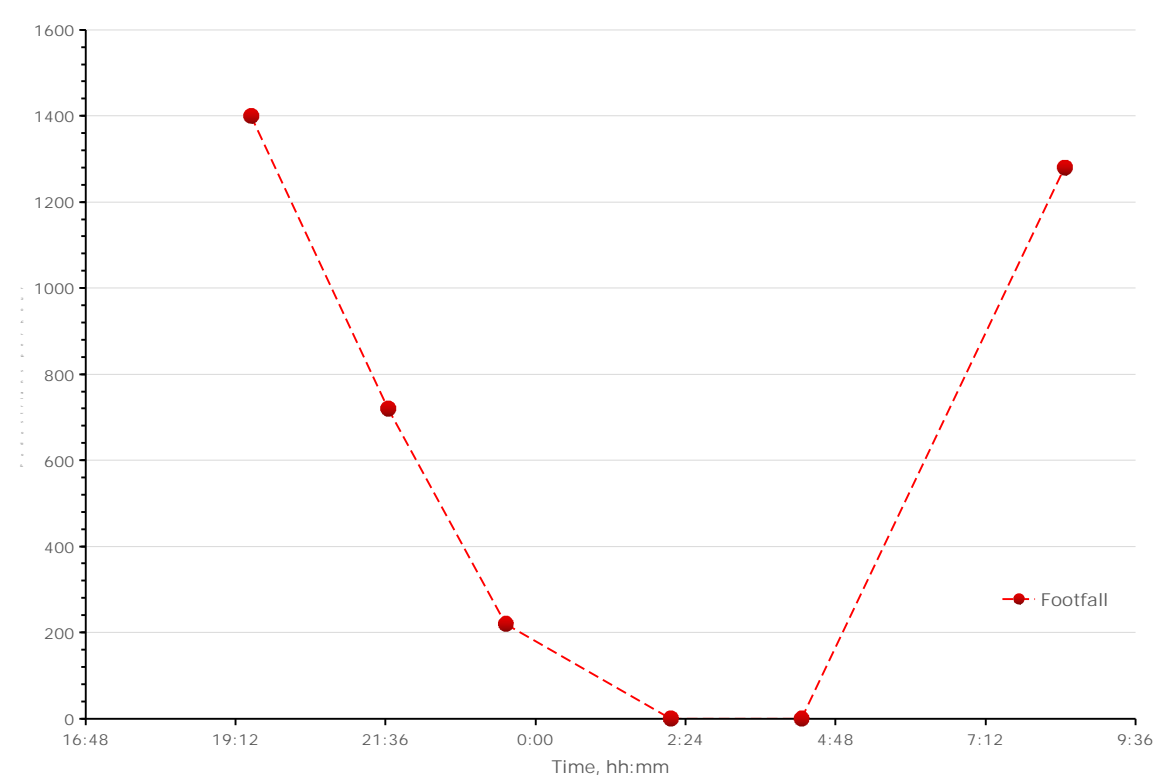


Figure 12: Pedestrian footfall. Note there was no footfall during the survey samples around 02:00 and 04:00hrs, whereas daytime samples indicate footfall exceeds 1200 people per hour going past the application site.





Figure 13: Panoramic view from opposite the appeal site taken at 02:23hrs.

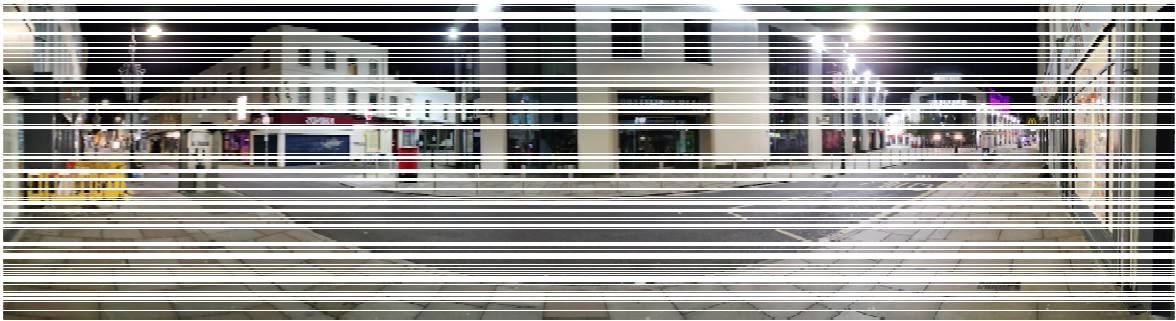


Figure 14: Panoramic view taken from the entrance door of the appeal site at 02:23hrs.

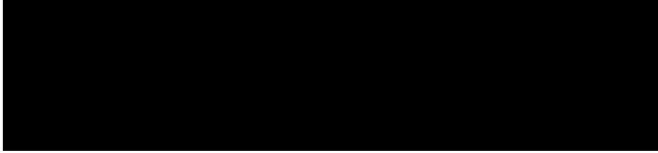


Figure 15: During the measurement taken shortly after 02:00hrs there was no pedestrian activity and the only movement on the street was a fox.

## 6.0 Conclusions

- 6.1 Big Sky Acoustics Ltd was instructed by Christian Fisk of Pegasus Planning Group Limited, acting on behalf of Fountain Properties Limited, to carry out an assessment of the noise climate around the appeal site at 218 High Street, Cheltenham, Gloucestershire GL50 3HF.
- 6.2 Planning application 23/00452/COU was not accompanied by any form of noise impact assessment and failed to demonstrate that no harm would be caused by noise from the proposed use.
- 6.3 Cheltenham High Street is a busy retail centre during the day, with pedestrian footfalls observed during the survey in excess of 1200 pedestrians per hour passing the appeal site in the morning and in the early evening.
- 6.4 There is activity associated with the various hospitality uses in the area, including restaurants in the new Brewery Quarter development. Activity starts to reduce later in the evening and by 22:00hrs noise levels are falling significantly. It is noted that both the betting shops on the High Street close at 22:00hrs, and by 23:00hrs the McDonalds and Burger King have closed, as have restaurants and bars in this area.
- 6.5 Pedestrian footfall drops significantly at night and during the early hours of the morning there were long periods when there was no activity at all on the High Street.
- 6.6 Within the Appellant's Statement of Case it is written that *"Admiral-operated AGCs do not generate levels of noise that have the potential to adversely impact on residential amenity over and above general retail use"* but this is not qualified by any technical analysis of those noise levels. There will be internal noise in an AGC from the activity associated with this specific use as there would be from a retail shop; there will be background music as you may find in a fashion retail store, there may be plant associated with air-conditioning, and of course there will be customer noise as patrons enter, maybe dwell outside, and also leave the premises and the area. But there will also be additional noise from gaming machines which are designed to attract customers: they are programmed to go into "attract mode" when not being played and this usually includes both flashing lights and noise. They also make noise on payouts. These noise sources have not been assessed in the application and the suggestion that they would not impact above a retail use is not qualified by any technical data. In addition, customers of an AGC need to leave the premises to smoke, and then they may return inside. This creates a higher risk of noise in the street, or in the alleyway and churchyard immediately adjacent to the appeal site, as customers dwell outside smoking.
- 6.7 What is clear is that the use as an AGC does create noise and, in the evening and night, after the surrounding retail uses will be closed, it has been demonstrated from the noise survey data presented in this report that ambient noise levels around the appeal site fall to a low level for a town centre (38dB L<sub>A90</sub>). Therefore any activity from the proposed use is likely to increase the average noise levels.

- 6.8 It is my professional opinion that the impact of noise from the proposed use has not been assessed and that the proposed use presents a high risk of noise which could impact on residential amenity in the area around the appeal site. The appeal should therefore be dismissed.



Richard Vivian BEng(Hons) MIET MIOA MIOL  
Principal Acoustic Consultant, Big Sky Acoustics Ltd

## Appendix A - Terminology

### Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

### Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

### A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

### C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

### Noise Indices

When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

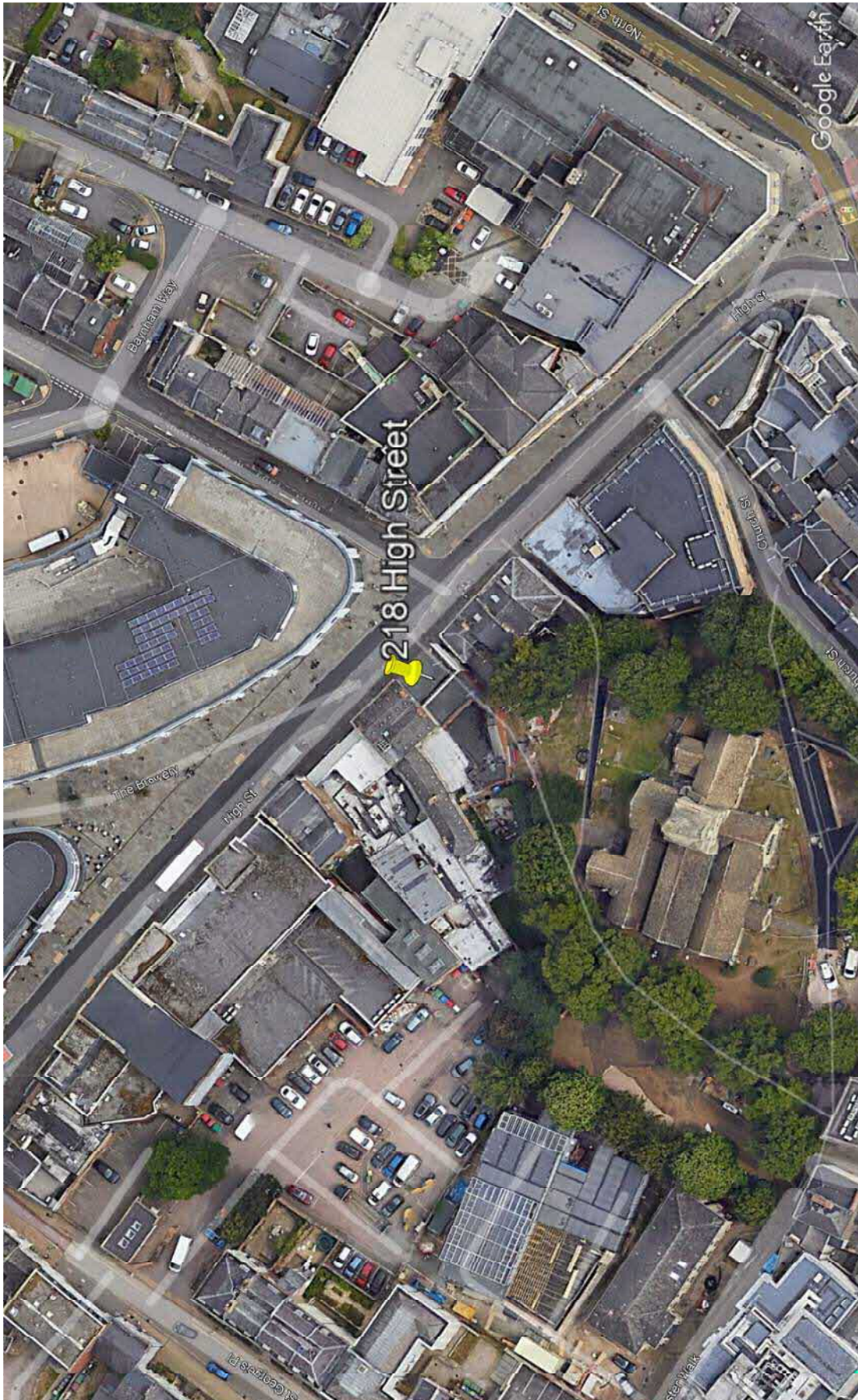
- L<sub>eq</sub>** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L<sub>eq</sub> is dominated by the higher noise levels measured.
- L<sub>Aeq</sub>** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L<sub>Ceq</sub>** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L<sub>Amax</sub>** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L<sub>A90</sub>** is the A-weighted sound pressure level exceeded for 90% of the time period. The L<sub>A90</sub> is used as a measure of background noise.

Example noise levels:

Source/Activity	Indicative noise level dBA
Threshold of pain	140
Police siren at 1m	130
Chainsaw at 1m	110
Live music	96-108
Symphony orchestra, 3m	102
Nightclub	94-104
Lawnmower	90
Heavy traffic	82
Vacuum cleaner	75
Ordinary conversation	60
Car at 40 mph at 100m	55
Rural ambient	35
Quiet bedroom	30
Watch ticking	20



## Appendix B - Site location



## Appendix C - Instrumentation

All attended measurements were carried out using a Cirrus type CR:171B integrating-averaging sound level meter with real-time 1:1 & 1:3 Octave band filters and audio recording conforming to the following standards: IEC 61672-1:2002 Class 1, IEC 60651:2001 Type 1 I, IEC 60804:2000 Type 1, IEC 61252:1993 Personal Sound Exposure Meters, ANSI S1.4-1983 (R2006), ANSI S1.43-1997 (R2007), ANSI S1.25:1991. 1:1 & 1:3 Octave Band Filters to IEC 61260 & ANSI S1.11-2004.

### Description

Cirrus sound level meter	type CR:171B
Cirrus pre-polarized free-field microphone	type MK:224
Cirrus microphone pre-amplifier	type MV:200E
Cirrus class 1 acoustic calibrator	type CR:515

The calibration of the measuring equipment was checked prior to and immediately following the tests and no signal variation occurred. Calibration of equipment is traceable to national standards.

## Appendix D - Meteorology

	Temperature	Wind speed	Precipitation
At start	14°C	0ms <sup>-1</sup>	none
During assessment	10°C	0-3ms <sup>-1</sup>	Light rain @ 4:15
At finish	12°C	0-1ms <sup>-1</sup>	none
<i>Additional comments: Mild for time of year.</i>			