

APPLICATION NO: 13/02174/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 8th January 2014	DATE OF EXPIRY: 5th March 2014
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	CTC (Gloucester) Ltd
AGENT:	Hunter Page Planning
LOCATION:	86 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Attached to this update report is the full consultation response from the County Council Highways Officer.
- 1.2. The comments supersede previous comments made on June 10th 2014 and respond to the revised layout and Delivery Management Plan submitted on 26 the June 2014. The comments should also be read in conjunction with the Highways Plan submitted on 2nd July 2014 which details parking manoeuvrability, HGV tracking, road markings, pedestrian crossing and junction width alterations at the Newcourt Road and Cirencester junction.
- 1.3. Given the concerns raised by some local residents in relation to HGV driver visibility, the Highways Officer has sought an independent review of the proposed layout and delivery arrangements from transport consultants (AECOM) and the Road Safety Auditors, who both agree with the conclusions of the Highways Officer.
- 1.4. Attention is drawn to a number of key considerations which have led to a positive recommendation in terms of highway safety; the previous uses of the site, the insignificant number of deliveries anticipated by rigid vehicles, the layout of the service delivery bay and customer car park, Delivery Management Plan and the various highway improvements and mitigation measures which would be secured by financial contribution.
- 1.5. In summary, the Highways Officer considers that, provided the site operates in accordance with the revised layout and Delivery Management Plan then the cumulative impact of the proposed development should not be severe and a safe and suitable access would be provided for all users of the site. Appropriate use of the proposed off road parking provision should be adequate to prevent a high occurrence of on-street parking but should indiscriminate parking be found to cause severe highway safety issues, then the mitigation measures put forward would allow the highway authority to address any future problems
- 1.6. In light of the revised comments from the Highways Officer, and following the conclusions set out in the original officer report, the recommendation is to permit subject to the applicant entering into a s106 Agreement to secure the proposed highway improvements.



Planning Application 13/02174/FUL

86 Cirencester Road

Highway Response July 2014

Proposal

Erection of a new convenience store (A1) with associated parking (following demolition of existing buildings on the site)

Introduction

This response supersedes the response dated June 2014, and is reflects an amended submission primarily in transport terms;

Delivery Management Plan Southern Approach – Left in/out arrangement 13-00234/DMP/01/Rev G
Swept Path Analysis of Access and egress junctions 13-00234/SPA/01/C

Planning History

It is the view of the highway authority, and interalia the local planning authority, that the sites planning history is a material consideration. The current authorised use of the site is second hand car sales/car workshop repairs and valeting, (which includes the use of the site as a car wash). The opening hours for the car wash are 09:00 - 18:00 Monday to Saturday and 10:00 - 14:00 on Sundays and Bank Holidays.

However, the possible re-use of the site as a petrol filling station should be afforded considerable weight. The canopy and tanks are still in-situ along with the associated ancillary buildings. Delivery vehicles for the PFS would likely have been able to park and deliver off road. The fuel tank manholes are clearly visible on the photo below, as is the exit. It would be safe to assume that a tanker would have delivered parallel to these tankers, delivered fuel, and the driven out onto Cirencester Road, replicating similar manoeuvres to those proposed.

It should be also noted that many petrol filling stations were located along A and B roads, and still exist on many of the rural routes, such as the Stow BP garage on the Fosseway, which has tanker deliveries in a similar parallel location.



Similarly, since the closure of the PFS there have been planning consents for car sales and a workshop all of which attracted vehicular movements and activity on the site, albeit more contained within the site. One could argue that all of above are 'fall back' considerations given the precedent and relatively short time span.

A fall back has been confirmed by the High Court (in a recent Zurich case in 2012), The High

“ in truth, an applicant does not have to go too far in order to raise the spectre of a fall back position. In his judgement, Mr Justice Hickinbottom commented that the prospect of a fall back does not have to be probable, or even have a high chance of occurring. Rather, it has to be only more than a merely theoretical prospect. In reaching this conclusion, he referred to an earlier case involving the Samuel Smith brewery², which noted that where the possibility of a fall back position happening is "very slight indeed", or merely "an outside chance", that would be sufficient to make the position a material consideration. How much weight this consideration should have would be a matter for the planning committee”

Assessment

Gloucestershire County Council as the local highway authority has assessed this application in light of the National Planning Policy, and the CBC Local Plan.

In determining the type of recommendation the highway authority primarily needs to assess if;

- the cumulative impact from the application is severe
- safe and suitable access for all can be achieved
- the opportunities for sustainable transport modes have been taken up
- the development will generate high turnover on-street parking.
- any adverse impacts do not significantly and demonstrably outweigh the benefits of allowing the proposal

Trip generation

A key factor in determining this application is the previous uses of the site, as described above, are material considerations, and the current use and previous uses are described above. The petrol station would have generated significant vehicle trips accessing the site from 2 access points, and had fuel servicing for the underground tanks. The ancillary shop would have generated some non-car trips also. The applicant has undertaken a vehicle trip analysis (**Table 6.3** of the Transport Statement), and determined that the proposed development will result in less vehicular traffic (-391 daily trips), when compared with the previous Petrol Filling Station. This is a key factor in determining the degree of impact in use, which will have a positive impact on highway safety and capacity.

Layout

The internal layout has undergone many versions, during long negotiations with the applicant. There is good reason to take time to review many options, mainly to achieve a good design, but also and probably not divisible, to ensure that the correct balance between, noise, safety, amenity, and visual impact.

This final layout now proposed is a single retail unit, with a customer access via the north east corner, with car parking, with wider short stay spaces, to the north and a service/refuse area to the side. Main servicing will be at the front of the store via a dedicated service delivery bay, controlled by bollards located on the end of the service delivery bay, and will be lowered to allow each delivery vehicle to exit the site.

An ATM is located to the front of the store near to the entrance, cycle stands are located near to shop entrance. An existing street light will need to be relocated.

Service Delivery Bay

It is considered that balancing all aspects of planning and design, the safest Service Delivery Bay layout is the one now proposed. All deliveries (with the exception of the earlier newspaper delivery) will take place between 07:00 and 19:00 Monday to Friday, 08:00 and 18:00 Saturday and 10:00 and 14:00 Sunday and Bank Holidays. Approximately 3-4 deliveries are anticipated each day of which 1/2 will be by rigid or articulated and the remainder by smaller vehicles. Therefore the incidents of conflict can be described as extremely low, and not severe.

All HGV deliveries will arrive from the south, turn left into the site via the southern access from Cirencester Road, and depart the site via the customer only access to the north. Loading and unloading will take place within the dedicated delivery bay located off-street along the site frontage.

Bollards located on the end of the HGV delivery bay will be lowered after the delivery is complete, to allow each delivery vehicle to exit the site safely. A trained member of staff will then raise the bollards after the delivery vehicle has departed the site to prevent customers entering the delivery bay. Appropriate signage and linage indicating the Service Delivery Bay will ensure that the public, do not park in this area. As the store will be contacted in advance, providing ample warning of their impending arrival, staff can ensure the Service Delivery Bay is ready and clear to receive goods.

The Service Delivery Bay will be have **DELIVERY ONLY** markings on the entrance and raised setts to deter any use by non service vehicles. I would further suggest high level **DELIVERY ONLY** signage at this location to compliment.

Concern has been raised that the exiting HGV vehicles drivers will be disadvantaged by the acute angle of the cab position. It should be recognised that food delivery drivers are professional drivers who carry out such manoeuvres on daily if not hourly basis. Furthermore as the Freight Transport Association states, the size and quality, of rear view mirrors for lorries, is controlled by legalisation, which lays down minimum angles of look, which coupled with good forward visibility, means that despite the driver of a rigid truck, having to turn their head through approximately 210 degrees of visibility, a safe a suitable access can be achieved.

The Transport Research Laboratory (TRL) evidence and research, that underpinned Manual for Streets, found that there was little correlation between the number of accidents and visibility, but forward visibility was important. What this means is the ability for drivers to see emerging traffic and be able to respond to it. This forward visibility in this location will be excellent, and all users will see service vehicles exiting the service delivery bay.

As this has raised concerns from some residents over highway safety, I undertook two peer reviews on this aspect of the application. I consulted GCC Road Safety Partnership who agreed with my assessment. I also consulted one of our independent transport consultants (AECOM), who agreed with my conclusion.

Furthermore independent Road Safety Auditors would consider that the swept path manoeuvres for larger vehicles, given their infrequent nature and low speeds, attract limited, if no safety concerns.

Delivery Management Plan

As part of the application a Delivery Management Plan (DMP) has been submitted. This DMP will detail exactly how servicing will operate safely and efficiently, to ensure that all deliveries will be undertaken within the confines of the Service Delivery Bay and immediate area, no kerb side deliveries will be undertaken, therefore ensuring a safe operation, and free traffic flow on Cirencester Road. The DMP should be conditioned, so that if it is not complied with, CBC can act on any breach.

Accessibility

The new retail unit will attract increased pedestrian footfall and NPPF policy requires that safe and suitable access is made for all users. Consideration has been given to new pedestrian facilities taking

into account the existing signal controlled crossing to the south of the site, the signal controlled junction at the Cirencester Road/Moorend Road/ junction, and the build out north of the site. GCC considers that pedestrian permeability can be improved by narrowing the junction width of Newcourt Road with Cirencester Road and another build out can be created on the southern radii of this junction

Car parking

17 spaces are shown of which 2 disabled have been provided at the entrance. The width of the spaces has been increased to 2.8 and this is suggested as good practice on “Design standards for multi-storey and underground car parks”, for short stay parking.

Again car parking has been the subject of much discussion, but GCC now feel that with the single retail unit and the parking accumulation work that has been carried out, the spaces will accommodate for the majority of the customers. The car park is designed to be for customers only, and staff would have to use on unrestricted on street parking, in surrounding roads, or the free public car park at Church Piece.

It is impossible to stop all indiscriminate parking, but the layout should be attractive for the users, and more attractive than parking outside the shop frontage. Notwithstanding this GCC is seeking a contribution to control any future abuse, which could be as simple as waiting restrictions along the site frontage or strategically placed street furniture to deter kerbside or part footway parking. CBC is not keen on an over proliferation of street furniture, so this will be only used as a reactive measure.

Mitigation

1. Delivery Management Plan – Conditioned
2. Pedestrian crossing facility likely to be a build out, This should have the added benefit of reducing speeds discriminate parking – Contribution £14,252.53 (Mitigation 2 & 3 combined)
3. Reduce the junction width of Newcourt Road with Cirencester Road, to improve the pedestrian safety. This should have the added benefit of reducing speeds, discriminate parking – Contribution (see above)
4. Future waiting restrictions and kerbside street furniture to deter discriminate adjacent parking – Contribution - £10,000 (£5,000 TRO + £5000 Street furniture)

Contribution Total - £24,252.53

Conclusion

The revised layout of the Service Delivery Bay, and delivery arrangements, should allow the proposed use of the site to operate safely, and this would be supplemented by the applicant adhering to the DMP.

The car parking level is adequate but some drivers may park on the adjacent carriageway. Therefore we need to be able to implement future measures, to reduce any impact. If the site operates in accordance with the revised layout, and DMP, then the cumulative impact from the application should not be severe, and a safe and suitable access for all users can be achieved. Furthermore if the customers of the store use the adequate parking provision, then the development should not generate high turnover on-street parking. If indiscriminate parking is found to be causing a severe highway problem in the future, then the proposed parking mitigation will allow the highway authority to cost effectively mitigate any issues.

My view is that refusal to this application cannot not be sustained, due to;

- the material considerations of the previous uses,
- the insignificant number of deliveries by rigid vehicle
- the layout of the Service Delivery Bay
- the parking layout
- the Delivery Management Plan
- the highway improvements and waiting restrictions contributions secured

Therefore having regard to the previous uses of the site, the highway authority considers that as the cumulative impact from the application will not be severe, and safe and suitable access can be provided, it raises no highway objection to the proposal subject to the recommended contributions and conditions

Conditions

1). No works shall commence on the development until full details of the layout and accesses, have been submitted to and approved in writing by the local planning authority. No beneficial occupation of development shall occur until the accesses have been completed, in accordance with the approved details.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

2). The parking layout shown on the approved plan for all vehicles shall be completed prior to any beneficial occupation of the development, and shall remain available for parking at all times

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a suitable level of off street parking.

3). No works shall commence on the development until a phasing programme of the development shall be submitted the local highway authority and the local planning authority, to ensure that the highway authority can implement highway works prior to the beneficial opening of the store.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

4). No phase(s) of the development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- the parking of vehicles of site operatives and visitors;
- specify the type and number of vehicles;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- access routes to the specify the intended hours of construction operations;

- measures to control the emission of dust and dirt during construction

Reason: To provide safe access to site during the construction period

5).The approved Delivery Management Plan shall be adhered to in all respects during the approved opening hours of the store, unless amendments to the plan have been first be agreed in writing by the local planning authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe and suitable means of access for all people.

Informative

1. The proposed development will require works to be carried out on the public highway to include the relocation of a street light and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.