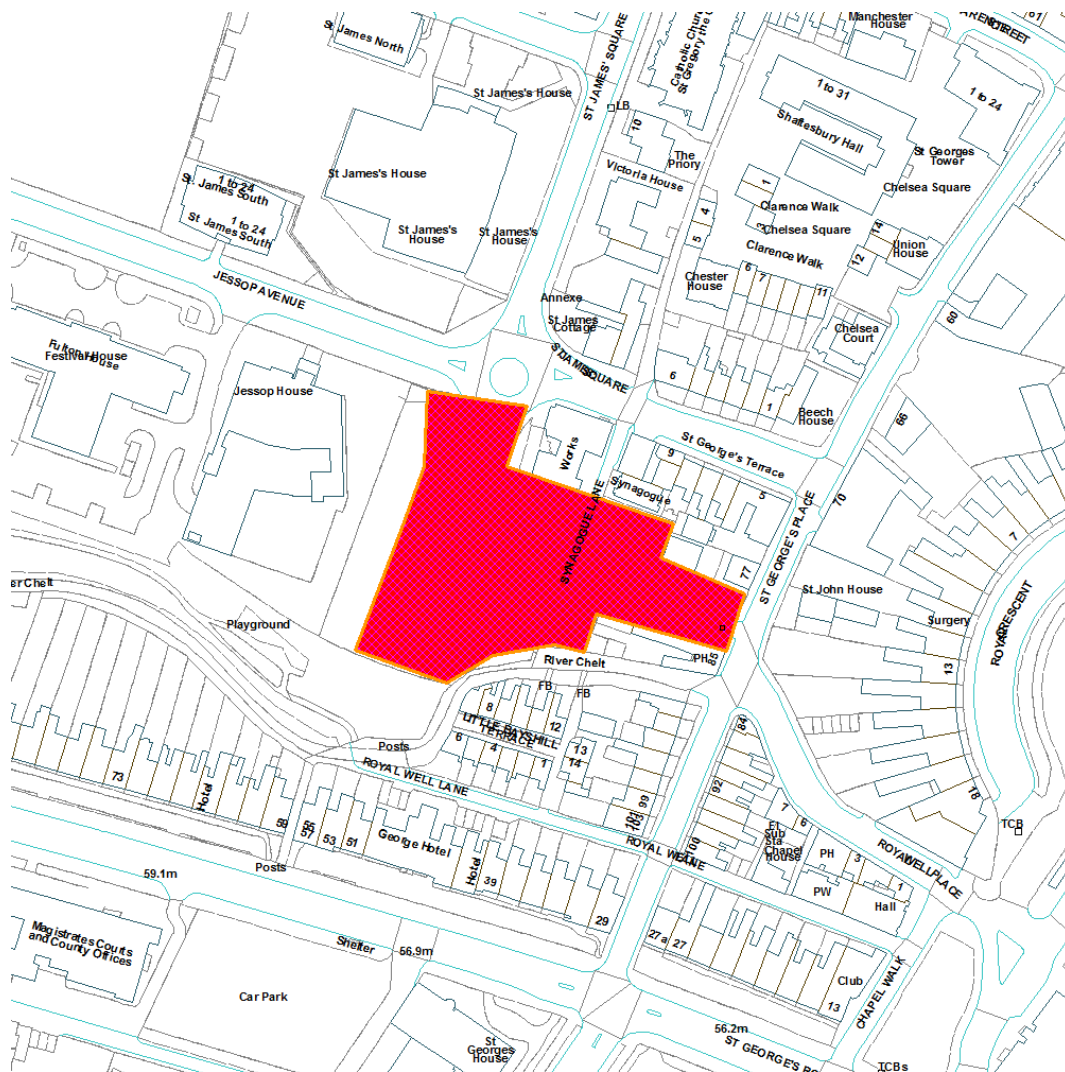


APPLICATION NO: 15/00954/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 29th July 2015	DATE OF EXPIRY: 23rd September 2015
WARD: Lansdown	PARISH: n/a
APPLICANT:	Cheltenham Borough Council
AGENT:	Sweett Group
LOCATION:	79 St Georges Place, Cheltenham
PROPOSAL:	Provision of a temporary public, pay and display car park (forming an extension to an existing car park) for a period of 5 years following demolition of existing buildings on the site and with associated lighting, part re-surfacing and remedial repairs to existing boundary walls.

RECOMMENDATION: Recommendation at Committee



This site map is for reference purposes only. OS Crown Copyright. All rights reserved Cheltenham Borough Council 100024384 2007

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the provision of a temporary pay and display (public) car park for a period of 5 years. The proposed car park would form an extension to an existing car park and would require the demolition of two existing derelict buildings on the site. The application also proposes associated lighting, part re-surfacing works and remedial repairs to existing boundary walls.
- 1.2 The application site is irregular shape with a site area of approximately 0.4 hectares and is located within the Old Town Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The site is also located within the Core Commercial Area and Flood Zones 1 & 2, and extends from St Georges Place to the east through to Chelt Walk car park to the west.
- 1.3 The majority of the site is already used for car parking but the eastern part of the site is occupied by vacant and dilapidated buildings which formed part of the Cheltenham Shopfitting site.
- 1.4 The site is bounded by a number of key-unlisted and Grade II listed buildings, and the Grade II* listed Synagogue building to the north; a public house and public footpath adjacent to the River Chelt to the south; and the Chelt Walk car park to the west.
- 1.5 The application is before planning committee as the applicant is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

250 Metre Land Fill Boundary
Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Smoke Control Order

Relevant Planning History:

None of any particular relevance to this application

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
PR 2 Land allocated for mixed use development
BE 3 Demolition in conservation areas
BE 4 Timing of demolition in conservation areas
BE 5 Boundary enclosures in conservation areas
BE 10 Boundary enclosures to listed buildings
BE 20 Archaeological remains of local importance
EM 2 Safeguarding of employment land
TP 1 Development and highway safety
TP 4 Long-stay car parking

Supplementary Planning Guidance/Documents

Central Conservation Area: Old Town Character Area Appraisal and Management Plan (2007)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Environmental Health

8th September 2015

In relation to application 15/00954/FUL for 79 St Georges Place, Cheltenham, Gloucestershire, GL50 3PP, please can I add the following conditions and advisory comments:

Condition:

For the external lighting in the car park to be operational only between 08:00 – 20:00 each day. Additionally for the applicant to forward on to the Local Authority information on the levels of lighting the columns will produce.

Reason: To assess the levels proposed for the area and to then assess if this may negatively impact on nearby residents using their homes.

Informative:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. The developer should have a documented plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be available for inspection by the Local Planning Authority if requested.

Informative:

For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and for the contractors to be mindful of noise when deliveries arrive at the site.

Informative:

A survey has already been completed and has indicated the presence of asbestos containing materials in the buildings due to be demolished. The demolition phase will need to be undertaken in accordance with the legislation surrounding asbestos removal and all waste disposed of in a legally compliant manner.

Heritage and Conservation

28th August 2015

1. The majority of this site is already a surface car park and the most significant proposed change is the demolition of the three existing buildings.
2. The existing larger two storey building dates from the mid-20th century and its loss is of no concern. The two existing single storey buildings appear to be the remains of 19th century buildings which may have been part of the historic St George's Mews range of buildings. Unfortunately they both appear to have been significantly altered and are in a very poor condition. Their loss is also acceptable.
3. The proposed access into and from the site is acceptable and the retention of a number of historic walls is welcomed.
4. However I have two minor concerns which are as follows-

- a. The area of land set aside for landscaping at the rear of 77 St George's Place is welcomed, but an access gate should be provided in the new timber fence to allow maintenance of the landscaped area.
- b. The proposed new wall along the St George's Place boundary appears to be 1.5m in height from the pavement side (although due to the ground levels it is higher on the car park side). This height of wall when viewed from the pavement is too low and I suggest a minimum height of 1.8m from the pavement. At this increased height the view of the car park will be screened from the wider conservation area.

CONSERVATION AND HERITAGE SUMMARY: I object to the proposals because of the minor concerns raised above, but provided these concerns are addressed then I am able to support this application.

Wales and West Utilities

12th August 2015

Wales & West Utilities acknowledge receipt of your notice received on 31.07.2015 advising us of the planning application and proposals at: 79, Georges Place, Cheltenham, Gloucestershire, GL50 3PP

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Cheltenham Civic Society

14th August 2015

We think it a pity to rule out redevelopment of this site for as long as 5 years. Well redeveloped, it could be an area of great character, quite distinct from other areas of the town centre.

Contaminated Land Officer

19th August 2015

In relation to application 15/00954/FUL for 79 St Georges Place, Cheltenham, Gloucestershire, GL50 3PP from a contaminated land perspective there has already been a geo-environmental assessment completed. This has indicated that the historical use of this site has been as a shop fitters unit. It has also indicated other sites of possible contamination.

Due to the proposed end use of this site as a covered car park (and being mindful of the source - pathway - receptor model for contamination), there is no objection to make. However, it would be useful for this condition to be added should permission be granted:

"Should ground contamination be found during the works to complete this project, the developer will inform the Local Authority. After assessment/testing it may then be that an agreed depth of soil is to be removed from the site and clean soil brought in to replace this material."

County Archaeology

29th July 2015

Thank you for consulting me regarding the above planning application. I wish to make the following observations concerning the archaeological implications of this scheme.

I advise that I have checked the proposed development area against the County Historic Environment Record: the locality is known to contain archaeological remains relating to prehistoric settlement and activity, and there may be some potential for such remains to be present within the application site.

However, an archaeological evaluation undertaken within the application site in 2006 found no evidence for significant archaeological remains, and the results indicated that substantial areas will have been disturbed by cellars and walls associated with buildings of modern date which were formerly present on this site.

Against that background, and in view of the largely superficial ground intrusions required to create the new car park surfaces, it is my view that the proposed development has low potential to have an adverse impact on any significant archaeological remains.

Therefore, I recommend that no archaeological investigation or recording should be required in connection with this development proposal.

I have no further observations.

Environment Agency

17th August 2015

Thank you for referring the above consultation, which we received on 29 July 2015. We do not object to the proposed development and would offer the following comments to assist your consideration at this time:

Flood Risk:

Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site (as outlined in red on the Site Location Plan, dated 28 July 2015) is located entirely within Flood Zone 3 of the River Chelt which is classified as a 'Main River'. In accordance with Table 1 'Flood Zones' within the National Planning Practice Guidance (NPPG), Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises of land assessed as having a 1 in 100 year or greater annual probability of river flooding.

The site and the surrounding area is afforded a level of protection from the River Chelt by our Flood Alleviation Scheme (FAS). It should be noted that our Flood Map does not include the presence of any flood defences. The FAS in this location would not afford the site protection during a 1 in 100 year flood event plus climate change. Therefore the most significant risk of flooding to the site is either in an exceedence event of the FAS (i.e. greater than a 1 in 100 year event) or a blockage scenario.

Appendix B of the Flood Risk Assessment (FRA) dated May 2015 (ref: ICBR0035) shows existing ground levels on site in comparison to our modelled River Chelt flood levels (the 100 year plus climate change river flood level is 56.66m AOD). Based on the findings of the topographical survey, it appears that the majority of the site is located within the 100 year flood extent plus climate change. Appendix D of the FRA shows that flood depths on site within this return period will vary between 0 and 600mm.

Sequential Test:

Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test' (ST). It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required (see Paragraph 102 of the NPPF).

Based on the scale and nature of the proposal, we would not make any bespoke comments on the ST, in this instance. The fact that we are not providing comments does not mean that there are no ST issues, but we leave this for your Council to consider. Providing you are satisfied that the ST has been passed, then we can provide the following comments on the FRA.

Flood Risk Assessment:

Based on the information submitted, the proposed development is unlikely to affect flood flows and/or flood storage on site and we would recommend the following planning condition:

CONDITION:

There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 56.66m AOD, within the 100 year plus climate change floodplain, or within 8metres of the top of bank of the River Chelt, inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent any impact on flood flows and flood risk elsewhere.

Informative - notes to the above: To ensure that there will be no increased risk of flooding to third parties due to impedance of flood flows and/or reduction of flood storage capacity, there should be no storage of any materials, including soil, on ground located below the 100 year flood level plus climate change (56.66m AOD) during the construction phase.

Informative - advice to the applicant: Any works in, under, over or within 8 metres of the River Chelt will require our prior Flood Defence Consent in addition to any planning permission. This will ensure that the proposals are also in accordance with the terms of the Water Resources Act (1991) and Midlands Land Drainage Byelaws.

Bearing in mind the likely depths of flooding on site, previous guidance has recommended that car parks should ideally not be subject to flood depths in excess of 300mm depth since vehicles can be moved by water of this depth. We would recommend that you consult with your Emergency Planner on the appropriateness of the proposed car parking area, including evacuation during an exceedence event of the FAS (i.e. greater than a 1 in 100 year event) or a blockage scenario.

Note - Our role during a flood event is limited to providing a flood warning where a service is available. For information, we have a flood warning service available for the River Chelt, which could be used to inform evacuation procedures.

The following wording of a condition for a Flood Evacuation Management Plan is provided to assist, should you decide in consultation with your Emergency Planner to secure this detail through a condition at this stage (we would not wish to be party to the discharge of details submitted for this condition). You may also wish to consider flood warning signage within the car park area liable to significant flood risk.

CONDITION:

Prior to occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles); and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

REASON: To minimise the flood related danger to people in the flood risk area.

Surface Water Drainage:

We recommend you consult with the Gloucestershire Flood Risk Management team (Lead Local Flood Authority) on any surface water drainage matters. We would also refer you to our West Area 'Planning - FRA Guidance Note 3' for further information.

Pollution Prevention:

Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:

<https://www.gov.uk/government/collections/pollution-preventionguidance-ppg>

The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

Land Drainage Officer

19th August 2015

No objection; nothing further to add to Environment Agency comments.

Strategic Land Use Team

17th August 2015

As the proposed car park is for temporary use and wouldn't permanently sterilise the site's future redevelopment the local plan team consider the application in accordance with the Development Plan, subject to comments from the Heritage and Conservation team.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 42 neighbouring premises. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, one representation has been received from the owner of no.77 St Georges Place

raising no objection but posing a number of questions; the letter has been circulated to members.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle, layout, impact on the conservation area, impact on neighbouring amenity, and access and highway safety issues.

6.2 Principle

6.2.1 The majority of the site is already used for car parking but the eastern part of the site is occupied by two vacant and dilapidated buildings which formed part of the Cheltenham Shopfitting site; as such this part of the site falls within a B2 employment use. However, the site has been vacant for a number of years despite seeking its redevelopment, without success, since at least 2006.

6.2.2 Given the temporary nature of the car park, which would not permanently sterilise the site's future redevelopment, the Policy Team therefore considers the application to be in accordance with the Development Plan.

6.3 Layout

6.3.1 The application proposes an additional 42no. car parking spaces which would result in a total of 102no. car parking spaces; and 2no. solo motorcycle spaces would also be provided.

6.3.2 An existing area of tarmac to the north of the north of the site is to be retained. Elsewhere within the site an impermeable trafficked surface is proposed, with permeable surfacing proposed to the parking bays.

6.3.3 The existing vehicular access on St Georges Place would be closed and bollards installed; pedestrian access in this location would therefore be retained. The primary vehicular access and solitary exit point would be provided from the St James Square roundabout.

6.4 Impact on the conservation area

6.4.1 The Conservation and Heritage Manager has considered this application in detail and is generally supportive of the proposals.

6.4.2 The loss of the larger two storey building, which dates from the mid-20th century, is of no concern. In addition, the two single storey buildings, whilst they appear to be the remains of 19th century buildings, have been significantly altered and are in very poor condition; as such, their demolition is also acceptable. The retention of a number of historic walls is welcomed.

6.4.3 Two minor areas of concern have been raised and is anticipated that revised drawings will be submitted to show an increase in the height of the new boundary wall fronting St Georges Place (to 1.8 metres) and the insertion of a gate in the timber fence to the rear of no.77 St Georges Place to allow access to the landscaped area for maintenance.

6.5 Impact on neighbouring amenity

6.5.1 It is proposed that the car park would be operational between the hours of 8am to 8pm daily. The Environmental Health team have raised no objection to the hours of operation.

6.5.2 Lighting within the car park would be provided by lighting columns and the Environmental Health team are currently reviewing the information submitted in respect of the proposed levels of lighting.

6.6 Access and highway safety

6.6.1 A Highways response is still awaited.

6.7 Conclusion

6.7.1 Following receipt of the comments from Environmental Health and Highways, an update will be circulated to include the officer recommendation.