

APPLICATION NO: 16/00693/FUL		OFFICER: Mr Craig Hemphill
DATE REGISTERED: 5th May 2016		DATE OF EXPIRY:
WARD: St Peters		PARISH:
APPLICANT:	Cheltenham Borough Council	
AGENT:	Mrs Rebecca Conway	
LOCATION:	Land At Colletts Drive, Cheltenham	
PROPOSAL:	Change of use of site to provide a 41 space car park for local business.	

RECOMMENDATION: Permit

Update to Officer Report

1. CONSULTATIONS

GCC Highways Planning Liaison Officer

24th June 2016

Access & visibility

The development proposes to use an existing established access located on the south easterly boundary of the site. As this section of Colletts Drive is subject to a 30mph speed emerging visibility splays that are deemed to satisfy visibility standards require emerging splays of 54m in both directions at a 2.4m setback of the centre line. 54m visibility splays can be achieved in both the north easterly (left) and south westerly (right) directions.

Parking

The development has proposed 41 parking spaces. These parking spaces should comply with Manual for Gloucestershire Streets sections 9.13-9.14.

Recommendation

I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:

Condition 1 - Visibility

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

27th June 2016

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Environment Agency

No need for consultation as this proposal wouldn't feature in our checklist for bespoke consultation as it's a 'green cell' in our Flood Risk Standing Advice matrix (cell F3 – change of use resulting in a less vulnerable development). As such our Standing Advice would apply. Consideration for something like this would include a flood evacuation management plan, as no built development is involved.

2. OFFICER COMMENTS

2.1. Determining Issues

2.2. No building or resurfacing works are proposed, the application is proposing to use the site in its current form for the parking of up to 41 cars. The main issues therefore in considering this application are the proposed use, highway safety and flooding considerations.

2.3. The site is currently being informally used as a car park.

2.4. The proposed use

2.5. The site is located in a sustainable location, it is however constrained by its location next to commercial and industrial uses and buildings. In addition, and more significantly, the site is located in Flood Zone 3 (flooding considerations for a car parking uses are set out below). These constraints limit development proposal coming forward with previous planning permissions at this site including mainly temporary uses such as a site compound, builder's yard and temporary car parking.

2.6. The application is seeking to formalize the use of the site as a private car park for up to 5 years which no physical works proposed to the site. This proposal may not be the most innovative, but it would ensure that the site is being used while also providing support for the economic activity and growth of an existing business. Furthermore the use would not limit or prevent the site being considered for alternative uses in the future.

2.7. The principle is therefore considered to be acceptable.

2.8. Access and highway safety

2.9. The Gloucestershire Highways Officer has considered the application providing no objection, subject to a condition being attached requiring viability to be improved at the access to the site. Given that the application is seeking to use this site for a period of up to 5 years this condition is considered reasonable.

2.10. Flooding

2.11. The site is located within Flood Zone 3. The Environment Agency no longer comments on all planning application in flood zones referring to standard advice. For the avoidance of doubt Officers have requested clarification from the EA on this issue. As set out in the EA response the site does fall which standing advice confirming that the proposal is 'a 'green cell' in our Flood Risk Standing Advice matrix (cell F3 – change of use resulting in a less vulnerable development)', and that 'the main consideration for something like this would be a flood evacuation management plan, as no built development is involved.'

2.12. The Land Drainage Officer has also considered the application providing no objection.

2.13. Given these comments the use of a site in Flood Zone 3 for the purpose of surface car parking is considered to be acceptable. The Environment Agency makes comment on the need for flood evacuation management plan for the car park. It is considered that a condition can be attached requiring this information to be submitted.

2.14. Impact on neighbouring property

2.15. The site is currently being used as an informal car park, there have not been any complaints received to date on this activity from neighbouring land users. There have been no letters of representation for this application. The proposed use is not considered to have any additional impact that already exists at the site and is therefore considered to satisfy policy CP4 of the Local Plan.

3. CONCLUSION AND RECOMMENDATION

3.1. The proposed use of the site for 41 a car parking area can be achieved without harm to highway safety. The proposed use will secure the active use of the site and support and facilitate the expansion of a business located within Cheltenham. The proposed use is identified as a less vulnerable use which can be accommodated in flood zone 3.

3.2. The planning balance is considered to be in favour of the proposal and therefore the recommendation is to permit the application subject to conditions.

4. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 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.
- 3 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES :-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.