

APPLICATION NO: 20/01655/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 24th November 2020		DATE OF EXPIRY: 19th January 2021
DATE VALIDATED: 24th November 2020		DATE OF SITE VISIT:
WARD: Lansdown		PARISH:
APPLICANT:	Cheltenham Borough Council	
AGENT:		
LOCATION:	Car Park, Synagogue Lane, Cheltenham	
PROPOSAL:	Provision of a temporary public, pay and display car park (forming an extension to an existing car park) for an additional period of 3 years (renewal of planning permission 15/00954/FUL)	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of approximately 0.4 hectares and is located within the Old Town Character Area of Cheltenham's Central Conservation Area. The site is also located within the Core Commercial Area and Flood Zone 3, and extends from St Georges Place to the east through to Chelt Walk car park to the west. The site was previously occupied by the vacant and dilapidated buildings of the former Shopfitters site. The impact of their removal was considered as part of the 2015 application.
- 1.2 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.
- 1.3 The applicant seeks planning permission for the provision of a temporary public, pay and display car park for an additional 3 year period (renewal of planning permission 15/00954/FUL). No changes to the existing car park layout, access arrangements, surfacing material, associated lighting or fixtures or opening hours are proposed. The existing temporary car park is an extension of the Chelt Walk town centre car park. Condition 2 of the 2015 planning permission requires the use of the land as a temporary car park to cease from September 25th 2020.
- 1.4 The application is before planning committee because the applicant and principal landowner is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Principal Urban Area
Residents Associations
Smoke Control Order

Relevant Planning History:

85/00768/ZHIST 22nd August 1985 PER

Land At Synagogue Lane Cheltenham Gloucestershire - Change Of Use To Car Park

87/01110/PR 26th November 1987 PER

Land At Synagogue Lane Cheltenham Gloucestershire - Renewal Of Permission For Car Parking

15/00954/FUL 25th September 2015 PER

79 St Georges Place - 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.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 4 Decision-making

Section 7 Ensuring the vitality of town centres
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

EM1 Employment Land
D1 Design
H2 Land Allocated for Mixed-Use Development
SL1 Safe and Sustainable Living
TN2 Long-stay car parking

Adopted Joint Core Strategy Policies

SD1 Employment
SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)

4. CONSULTATIONS

Building Control

1st December 2020

No comment

GCC Highways Planning Liaison Officer

15th December 2020

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. The Highway Authority therefore submits a response of no objection.

Environment Agency

15th December 2020

Thank you for referring the above consultation.

Whilst we acknowledge we have been consulted as the site is located in Flood Zone 3 and within 8 metres of a Main River (River Chelt), as there is to be no built development and the proposal is purely to provide an extension of time to an already established use, we would have no comments to make in response to this consultation.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	31
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1** Letters of notification were sent to 31 neighbouring properties and businesses. In addition, site notices were displayed within the vicinity of the site and an advert placed in the Gloucestershire Echo.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The key issue is the acceptability of extending the use of land as a temporary car park for a further three years; having regard to relevant policies of the recently adopted Cheltenham Plan. Impact on local amenity and any highway safety implications will also need to be considered. Matters relating to heritage and conservation, access and highway safety, flood risk, archaeology and site contamination were addressed as part of the original 2015 application.

6.3 Officer Comments

- 6.4** Policy EM1 of the Cheltenham Plan identifies the application site and adjoining Chelt Walk car park (and a number of other sites across the Borough) as locations for new employment development. The application site is included within Plan E4 of the Cheltenham Plan Proposals Map; the red lines on Plans E1-E4 marking the boundaries of the allocations which are separately and collectively part of policy EM1. As such, the proposed extended period of use of the land as a temporary car park must be considered very carefully.
- 6.5** The applicant has submitted a supporting statement which sets out the reasons for extending the temporary period. In summary, the extended use of the car park seeks to maintain temporary relief from parking pressure and reduced town centre car parking capacity brought about by recent new high grade office development in Jessop Avenue and other town centre development projects. This has increased demand generally for car parking provision in the south west quadrant of the town centre. Planned works for the St Georges Road and Chester Walk car parks will further reduce capacity. The proposal will also provide temporary capacity to accommodate potential development proposals/works on other CBC car parks (High Street, Royal Well).
- 6.6** It is acknowledged that currently the combined Chelt Walk and Synagogue Lane car parks have noticeable increased capacity. However, prior to the COVID 19 pandemic this car park (and St Georges Road car park) was popular and often at full capacity during the working week.
- 6.7** Notwithstanding all the above, the Property and Assets department of Cheltenham Borough Council is engaged in feasibility studies and pre-contractual work to develop the application site in accordance with the objectives of development plan policy. A timeframe of 2-3 years is anticipated for completion of this preparatory work.
- 6.8** In light of the above, the proposal remains as a temporary use of the land which would not sterilise the site's future redevelopment for commercial purposes.

6.9 Impact on neighbouring property

6.10 Policy SL1 of the Cheltenham Plan advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality. These requirements are reiterated in adopted JCS policy SD14. In addition, NPPF paragraph 127 highlights the need to secure a high standard of amenity for existing and future users.

6.11 No objections or concerns have been raised by local residents or businesses. Similarly, the Council's Environmental Health team has no objection to extending the temporary period.

6.12 Access and highway issues

6.13 The Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are therefore no justifiable grounds on which an objection on highway grounds could be maintained.

6.14 Other considerations

6.15 Flood Risk

6.16 The application site is located adjacent to the River Chelt which is classified as a main river. The site is also located within Flood Zone 3, bringing with it a 'high probability' of fluvial flooding and comprising land assessed as having a 1 in 100 year or greater annual probability of river flooding. The application submission therefore includes a Flood Risk Assessment.

6.17 The Environment Agency has raised no objection to the proposals; there is no built development and the proposal is purely to provide an extension of time to an already established use.

6.18 Public Sector Equalities Duty (PSED)

6.19 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.20 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.21 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the extended temporary use of this land as a car park would not sterilise the site's future redevelopment for commercial purposes; having regard

to Policy EM1 of the Cheltenham Plan. The proposals also present an opportunity to relieve pressure on town centre parking capacity and retain public car parking facilities in a location currently under provided.

- 7.2** The recommendation is therefore to grant planning permission subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 1 The use hereby permitted shall be discontinued on or before 21st January 2023.

Reason: In the interests of good planning. The application seeks permission on these terms and given the wider development aspirations for the site, it is considered appropriate to limit any additional restrictions to bringing forward such redevelopment.

- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice and also in accordance with the drawing numbers listed in Condition 2 of planning permission 15/00954/FUL which are not superseded by the granting of this planning permission.

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

- 3 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 8 metres 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, having regard to Policy INF2 of the Joint Core Strategy (2017).

- 4 Within two months of the date of this decision, a Flood Evacuation Management Plan shall be submitted to the Local Planning Authority for their written approval 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, having regard to Policy S1 of the Cheltenham Plan (2020) and Policies SL1 and INF2 of the Joint Core Strategy (2017).