

APPLICATION NO: 23/01314/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 24th August 2023	DATE OF EXPIRY: 19th October 2023/Agreed Ext of Time 20 th November 2023
DATE VALIDATED: 24th August 2023	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	Evans Jones Ltd
LOCATION:	Car Park, Synagogue Lane, Cheltenham
PROPOSAL:	Retention of a temporary public, pay and display car park (forming an extension to an existing car park) for an additional period of 3 years

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a temporary, public pay and display car park, forming an extension of the adjoining Chelt Walk town centre car park. The mesh and gravel infill surfacing material and applied space markings over much of the site are reflective of the car park's temporary nature. Prior to site clearance to form the current car park the site was previously occupied by the vacant and dilapidated historic buildings associated with the former Shopfitters site.
- 1.2 The site is located within the Old Town Character Area of Cheltenham's Central Conservation Area, within the Core Commercial Area and Flood Zone 3. The site is bounded by a number of key-unlisted and Grade II listed buildings, including the Grade II* listed Synagogue to the north; a public house and public footpath adjacent to the River Chelt to the south; and 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 20/01655/FUL). There are no proposed alterations to the existing car park layout, access arrangements, surfacing material, associated lighting or fixtures or opening hours.
- 1.4 Planning permission for use of the land as a temporary car park was originally granted in 2015 (ref 15/00954/FUL). Condition 2 of this planning permission required the use of the land as a temporary car park to cease from September 25th 2020. A further 3 year temporary use of the land as a car park was granted in 2020 and this three year period ends 22nd January 2024.
- 1.5 The application is before planning committee because the applicant and landowner is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Land Allocated for Mixed Use
Airport Safeguarding over 45m
Central Conservation Area
Core Commercial Area
Employment Land
Flood Zone 2
Flood Zone 3
Principal Urban Area
Residents Associations
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.

20/01655/FUL 22nd January 2021 PER

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)

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)

Cheltenham Climate Change (2022)

4. CONSULTATIONS

Building Control

30th August 2023 - No comment

Heritage and Conservation

9th October 2023 - No observations.

Gloucestershire Centre For Environmental Records

25th August 2023 - Report available to view in documents tab

Drainage and Flooding 1

30th August 2023 - A maintenance plan for the Sustainable Drainage System (SUDS) should be added to the flood risk assessment to ensure that the drainage system and devices remain operational over the proposed lifetime, and to identify if any immediate maintenance is required for the continued use of the system given that it has already been operational for a number of years.

The flood risk assessment is otherwise considered appropriate for the applied additional period of 3 years as it provides an appropriate level of mitigation with regards to latest guidance. Any future retentions beyond this period would need to be re-reviewed against the latest design and climate change guidance.

Drainage and Flooding 2

11th September 2023 -

Comments have now been addressed and the flood risk assessment is therefore considered appropriate for an additional 3 year period

Highways

26th September 2023-

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 justification for this decision is provided below.

The application site is located to the south of Synagogue Lane, Cheltenham, within the town centre. The application seeks permission for the retention of a temporary public, pay and display car park (forming an extension to an existing car park) for an additional period of 3 years at Car Park, Synagogue Lane, Cheltenham.

Vehicular access to the application site is via a mini-roundabout junction off St James' Square, a two-way single carriageway road subject to a design speed of 30mph. Adjacent to the application site the carriageway is bordered by footways and grass verge. Regarding highway safety, there are no recorded instances of a personal injury collisions within 50m of the application site within the most recent 5-years.

The proposal satisfies the requirements for the following:

Turning facility - suitable provision for a vehicle to manoeuvre about the site and depart in a forward gear.

Junction to existing network - access to the existing network is gained through existing mini-roundabout junction onto St James' Square. No changes are proposed to the existing vehicle access.

Emergency access

Parking provision - no changes to the existing car parking provision which is considered suitable.

Highway Impact - Given the nature and scale of the proposal, it is not considered that the proposal will result in an adverse impact on highway safety or congestion.

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.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	65
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Letters of notification were sent to 65 neighbouring properties and businesses. In addition, site notices were displayed within the vicinity of the site and an advert placed in the Gloucestershire Echo. No representations were received following the publicity.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The principle of using the site as a temporary car park is established through the previous planning permissions. The key issue is limited therefore, to the acceptability of extending temporary use of the land as a car park for a further three years; having regard to relevant policies of the development plan.

- 6.3 Matters relating to neighbour amenity, heritage and conservation, access and highway safety, flood risk, archaeology and site contamination were considered as part of the original 2015 application. Other than neighbour amenity, highway safety, flooding and drainage, the above matters will not be re-examined as part of the current application.

6.4 Officer Comments

- 6.5 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.

- 6.6 The supporting text of the Cheltenham Plan at paragraphs 3.18-3.20, discusses the potential of the redevelopment of Chelt Walk car park for employment purposes. Although the site and surrounding land is located within flood zone 2 and 3, the land is considered to be a prime employment site and capable of accommodating a modern office development. As such, the proposed, further extended period of use of the land as a temporary car park must be considered very carefully.

- 6.7 The applicant's agent has submitted a supporting statement which sets out the reasons for extending the temporary period. In summary, comments are made about the lack of any employment use of the site for several decades and the increased demand for car parking in the area due to parking pressure and reduced capacity in the town centre. The previous extended use of the car park similarly sought to maintain temporary relief from parking pressure and reduced town centre car parking capacity. This was, in part, a result of the recent new office development in Jessop Avenue and other town centre and car park development projects. This has increased demand generally for car parking provision in this part of the town centre and the Jessop Avenue office quarter generates significant demand on the use of Chelt Walk car park.

- 6.8 The application supporting statement highlights that the use of both Chelt Walk and Synagogue Lane car parks has, more or less, returned to pre Covid 19 pandemic levels of occupancy. The car parks are frequently full during working hours. The statement rightly

also sets out the constraints of the site which may hinder/delay future development opportunities and also comments on office occupancy levels and investment in office development generally which are still in a period of adjustment following the pandemic. That said, allowing the site to continue as a temporary surface level car park would not hinder the long term re-development opportunities for the site.

- 6.9** Any future proposals for the re-development of the Synagogue Lane car park combined with Chelt Walk car park, would be facilitated and likely brought forward by the Council. However, there has been no recent developer interest in the site. At the time of the 2020 application and notwithstanding all of the above, the Property and Assets department of Cheltenham Borough Council was 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 was anticipated for completion of this preparatory work.
- 6.10** In light of the above, officers have again had discussions with the Property team over the long term use of this site. The post pandemic office market has not fully recovered and there is a surplus of office space currently available within the market, alongside a general increase in construction costs. As such, the Property team consider that the future of this site and how it could best offer a link between the St James's commercial quarter and the town centre, will be reassessed as part of the ongoing work associated with the Joint Local Plan preparation and Cheltenham's Car Parking Strategy.
- 6.11** The options therefore, in terms of this application, are either to leave the site empty until such a time as market conditions improve and the site comes forward for redevelopment. Or alternatively, continue the beneficial use of the site as a car park for a further temporary period; noting that, extending the temporary use of the land would not sterilise the site's future redevelopment for commercial purposes.

6.12 Impact on neighbouring property

- 6.13** 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.
- 6.14** The continued use of the car park for a further 3 years should not increase the potential for any noise and disturbance to neighbouring properties. There are no additional spaces, lighting columns or structures proposed and there are no changes to the surfacing material or the daily operation/hours of the temporary car park.
- 6.15** Furthermore, no objections or concerns have been raised by local residents or businesses.
- 6.16** In light of the above, the proposed development adheres to Policy SL1 of the Cheltenham Plan and Policy SD14 of the JCS.

6.17 Access and highway issues

- 6.18** 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.

6.19 Sustainability

- 6.20** In June 2022, Cheltenham's Climate Change SDP was adopted which identifies and provides guidance for how development can contribute to the aims of sustainability to

achieve net zero carbon by 2030 and how applicants can successfully integrate a best-practice approach towards climate and biodiversity in their development proposals. The SPD is now a material consideration in the determination of applications.

6.21 Given the nature of the proposals there are limited opportunities to address the SPD guidance.

6.22 Other considerations

6.23 Flood Risk

6.24 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.

6.25 The Council's Drainage officer (DO) requested a maintenance plan for the Sustainable Drainage System (SUDS) be added to the flood risk assessment to ensure that the drainage system and devices remain operational over the proposed lifetime, and to identify if any immediate maintenance is required for the continued use of the system given that it has already been operational for a number of years.

6.26 The DO subsequently reviewed the revised Flood Risk Assessment and raised no further concerns. The flood risk assessment is considered appropriate for an additional 3 year period.

6.27 The Environment Agency (EA) has not commented on the application. However, the EA raised no objection to the previous temporary planning permission, commenting that there is no built development and the proposal is purely to provide an extension of time to an already established use. The EA suggested condition is carried over from the previous consent.

6.28 Public Sector Equalities Duty (PSED)

6.29 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.

6.30 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 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 continue to relieve pressure on town centre parking capacity and retain public car parking facilities for the Jessop Avenue office quarter, in a location currently under provided.

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

8. CONDITIONS / INFORMATIVES

- 1 The use hereby permitted shall be discontinued on or before 18th November 2026.

Reason: In the interests of good planning. The application seeks permission on these terms and given the wider development aspirations for the site, in accordance with the objectives of Policy EM1 of the Cheltenham Plan (2020), 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.

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 SL1 of the Cheltenham Plan (2020) and Policies SD14 and INF2 of the Joint Core Strategy (2017).

- 5 The development hereby permitted shall be carried out in accordance with the requirements set out in the revised (Curtins) Flood Risk Assessment (ref 084526 Rev 02 dated 6th September 2023), received 8th September 2023.

Reason: To ensure sustainable drainage of the development and to minimise the flood related danger to people in the flood risk area, having regard to Policy SL1 of the Cheltenham Plan (2020) and Policies SD14 and INF2 of the Joint Core Strategy (2017).

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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.

Approved Plans

Reference	Type	Received	Notes
1314.01.	OS Extract	31st July 2023	
P 01 Rev C.	Drawing	31st July 2023	

CASE OFFICER: Mrs Lucy White

AUTHORISING OFFICER:

DATE: