

Delegated Application Report

Target Date: 6/1/2023 (EXT)

Address: Green Park Business Park

Application No: 221627/NMA

Proposal: Minor amendment to condition 2 of planning permission 201754 for amendments to realign the bus bay in Area 5 and extend footpaths in Area 10.

Case Officer: Alison Amoah

Proposal: The proposed changes and reasons are as follows:

For Area 5 - in the time since the approval for the installation of an half inset bus layby and relocation of a lighting column, the contractor has identified a previously unknown hydrant in Area 5, which requires the boundary of the bus layby to be realigned.

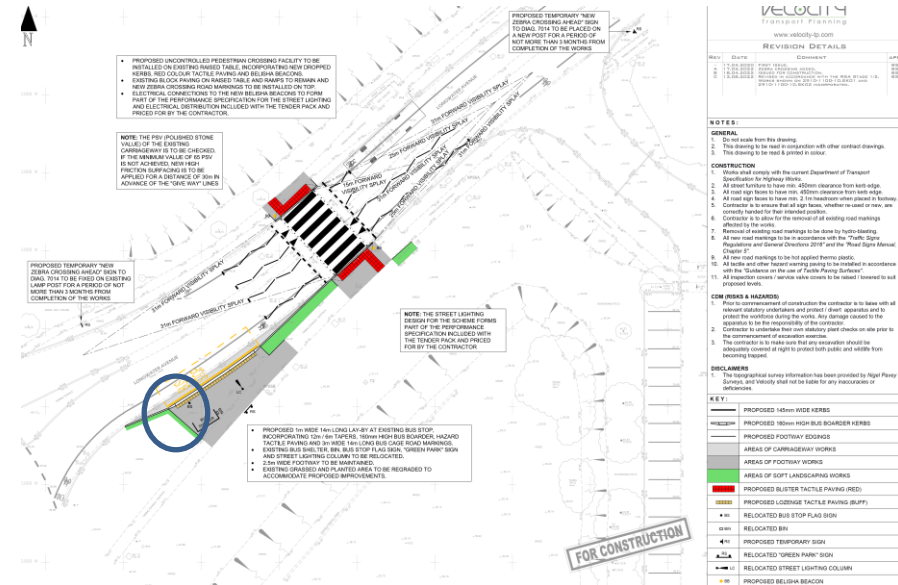
For Area 10 - The approved works to Area 10 comprise a new half inset layby, new zebra crossing and lighting column. Since the approval the contractor has identified that the footpath falls short of the area where passengers board and alight from buses and it is, therefore, proposed to the extend the footpath by 4m (Area 10).

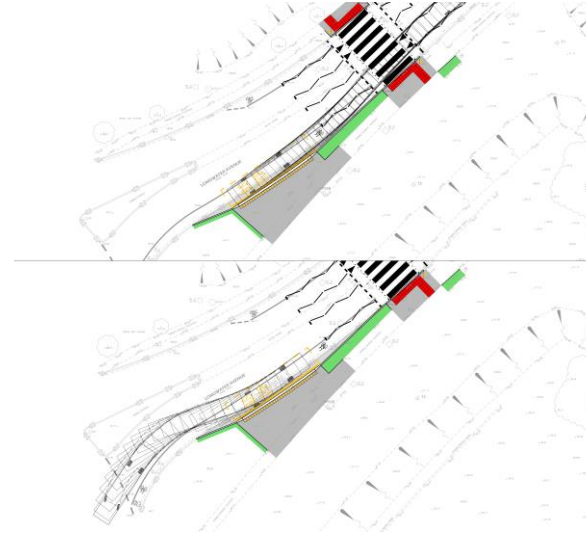
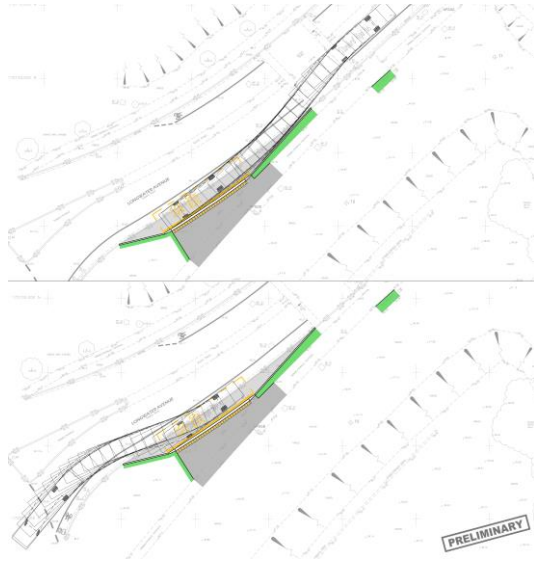
Originally Approved under 201754

Area 5

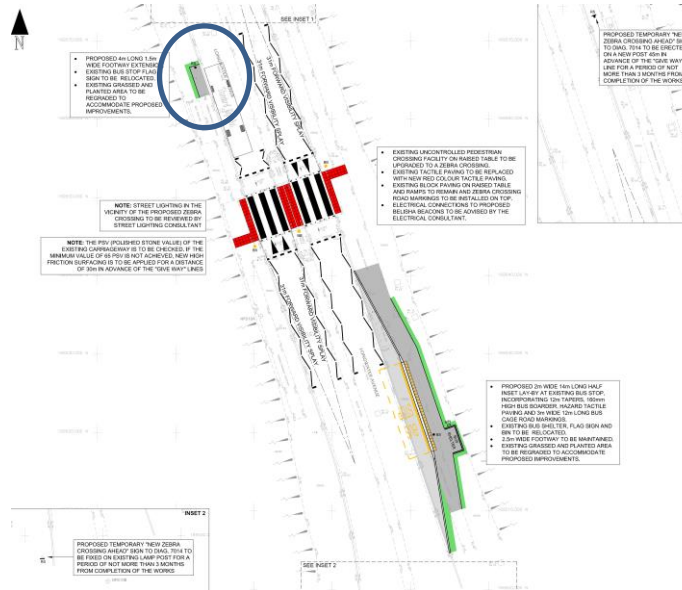
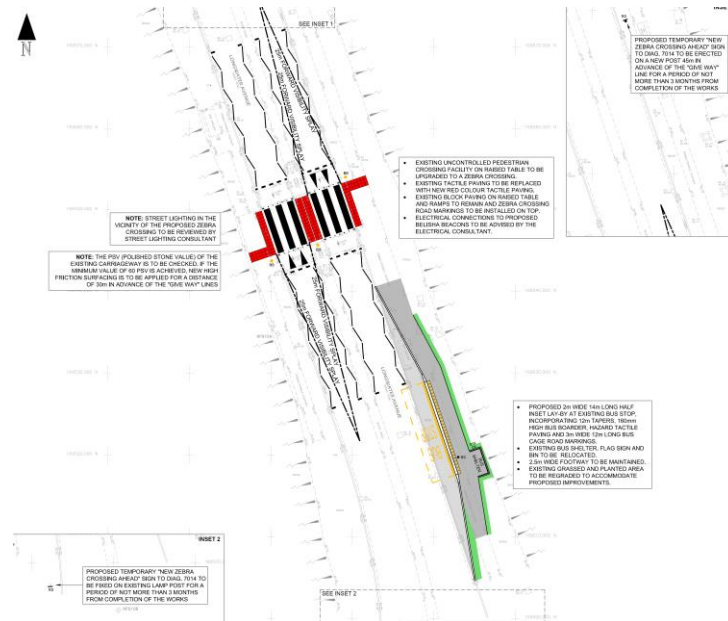


Proposed Under 221627





Area 10



Original Plan approved under 201754/FUL	Proposed Amended Plan under 221627/NMA
2910-1100-05.100, dated 17 April 2020	2910-1100-05.100 Rev C, dated 13 th August 2022 -Proposed Highway Improvements (Area 5) General Arrangements, received 1 st November 2022
2910-1100-05.TR01, dated 17 April 2020	2910-1100-05.TR01 Rev C, dated 13 th August 2022 -Proposed Highway Improvements (Area 5) Vehicular Swept Path Analysis, received 1 st November 2022
<i>Previously submitted for information only:</i> 2910-1100-08.100 Rev A, dated 16 July 2020	<i>Submitted for information only:</i> 2910-1100-08.100 Rev D, dated 10 th August 2022 - Proposed Highway Improvements (Area 8) General Arrangements, received 1 st November 2022
2910-1100-10.100 Rev A, dated 16 July 2020	2910-1100-10.100 Rev C, dated 13 th August 2022 - Proposed Highway Improvements (Area 10) General Arrangements, received 1 st November 2022

Objections Received (Summary):

Applications under S96A are not applications for planning permission, so are not covered by the publicity requirements as set out in the DMPO.

However, Transport was consulted, and their comments were as follows:

“Area 5

The proposed revisions have been deemed acceptable.

Area 8

As part of the original planning application the applicant previously advised that the proposed changes to install the zebra crossing are permitted development and as such the Highway Authority could not comment on them and I did not do so. However, it is therefore surprising that the Highway Authorities view has been sought via this NMA application.

Irrespective of this the Highway Authorities view currently is as per that expressed to the applicant prior to the submission of this application and consists of the footway surrounding the proposed crossing should be of a bound material to reduce the possibility of loose material from the existing footway being deposited on the carriageway, reducing the skid resistance, which could lead to pedestrian slips or loss of control collisions, particularly for cyclists or powered two-wheeled (P2W) vehicles. This view was originally expressed as part of an independent Road Safety Audit undertaken by the applicant to which the Highway Authority agreed however, it is noted that the Road Safety Audit has not been submitted to accompany the application and that the recommendations have not been actioned by the applicant.

The Highway Authority would therefore advise that should the works be permitted development there are no comments to make or should the works not be permitted development then the above point must be addressed.

Planning Officer Note: It has been confirmed with the agent that as this area of works was originally considered by them as permitted development it did not form part of the approval under 201754 and, therefore, the amendment to the plan to extend the footpath by 2m (originally submitted under 201754 for information) will not be formally approved under this NMA either and will not be included in the description.

Area 10

As part of the original planning application the applicant previously advised that the proposed changes to install the zebra crossing are permitted development and as such the Highway Authority could not comment on them and I did not do so. However, it is therefore surprising that the Highway Authorities view has been sought via this NMA application.

Irrespective of this the Highway Authorities view currently is as per that expressed to the applicant prior to the submission of this application and consists of the footway surrounding the proposed crossing should be of a bound material to reduce the possibility of loose material from the existing footway being deposited on the carriageway, reducing the skid resistance, which could lead to pedestrian slips or loss of control collisions, particularly for cyclists or powered two-wheeled (P2W) vehicles. This view was originally expressed as part of an independent Road Safety Audit undertaken by the applicant to which the Highway Authority agreed however, it is noted that the Road Safety Audit has not been submitted to accompany the application and that the recommendations have not been actioned by the applicant.

The Highway Authority would therefore advise that should the works be permitted development there are no comments to make or should the works not be permitted development then the above point must be addressed.

Until the above has been clarified by the applicant I would request that amended drawings are submitted to address the above prior to the determination of the application.

Planning Officer Note: It has been confirmed with the agent that part of the area of the works was originally considered by them as permitted development and part as requiring planning permission. Hence, an amended plan has been submitted to address a minor extension to the footpath.

Relevant Planning History:

201754/FUL - Various highway maintenance and improvement works - Approved 8/10/2021

Appraisal:

The proposed amendments are very minor in nature and it is considered that they would not have any detrimental effect with respect to the appearance of the Business Park, nor harm highway safety, nor impact detrimentally with regard to existing landscaping, thereby complying with relevant Policies CC7, EN12, EN14, TR1 and TR3 on this basis.

Conclusion:

The changes as proposed are considered to be acceptable non-material alterations to the approved scheme.

Recommendation:

Approve non-material amendment subject to conditions. Although Section 96(A) of the Act does not allow for the original decision to be re-issued, it does allow the modification of, or imposition of, conditions. In this respect it is considered appropriate to impose an additional condition:

Condition

The plans hereby approved by this Non-Material Amendment (under Section 96A of the Town and Country Planning Act 1990) are as follows as received 1st November 2022:

- 2910-1100-05.100 Rev C, dated 13th August 2022 - Proposed Highway Improvements (Area 5) General Arrangements
- 2910-1100-05.TR01 Rev C, dated 13th August 2022 - Proposed Highway Improvements (Area 5) Vehicular Swept Path Analysis
- 910-1100-10.100 Rev C, dated 13th August 2022 - Proposed Highway Improvements (Area 10) General Arrangements

Reason: to clarify which plans are approved by this Non-Material Amendment.

INFORMATIVES

1. This notice relates only to the changes to condition 2 of the substantive planning permission (Ref: 201754). It shall be read in the context of the substantive planning permission and is bound by all the conditions and obligations attached to that permission. That permission still stands and this notice (and any other notices issued under section 96a for this development) should be read together.

2. In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.