Item No 03:-

20/00761/FUL

Cirencester Rugby Football Club The Whiteway Cirencester Gloucestershire GL7 2ER

Item No 03:-

Variation of Condition 2 (drawing numbers) of permission 19/02186/FUL (Creation of a car park for a temporary period of 10 years) to enable the creation of soil mounds within the southern part of the site at Cirencester Rugby Football Club

The Whiteway Cirencester Gloucestershire GL7 2ER

Full Application 20/00761/FUL	
Applicant:	Cotswold District Council
Agent:	Carter Jonas
Case Officer:	Deborah Smith
Ward Member(s):	Councillor Mark Harris
Committee Date:	8th July 2020
RECOMMENDATION:	PERMIT

Main Issues:

(a) Impact on the Special Landscape Area (SLA)

(b) Other Matters

Reasons for Referral:

The application has been made by Cotswold District Council. As such, the Council's adopted Scheme of Delegation requires the application to be determined by the Planning and Licensing Committee.

1. Site Description:

The car park site is located at the north-eastern edge of Cirencester and comprises part of the land associated with the Cirencester Rugby Club. The site falls just outside of the Cirencester Central Area (having regard to Cotswold District Local Plan (LP) Policy S3), and is outside of the town's Development Boundary. The Whiteway road forms the north-west boundary of the site, with Grove Lane (A435) running along the southern boundary. Residential properties line the western side of The Whiteway.

The overall site extends to approximately 0.5 ha but this application relates specifically to two small parcels of land within the south-eastern part of the site, adjacent to the existing mature hedgerow which separates the car park from the rugby club training ground.

The site is located within a Special Landscape Area (SLA). It is considered that the site is within the setting of the Cirencester Town Centre and Gloucester Street and River Walk Conservation Areas, and there are views of the Grade I Listed Parish Church. Whilst the site is not a Scheduled Ancient Monument, records indicate that it is of archaeological sensitivity and therefore should be considered a Non-Designated Heritage Asset (NDHA).

The site lies within Flood Zone 1, which defines areas least at risk of flooding.

2. Relevant Planning History:

CT.3871/F: Construction of a new entrance. Permitted 01/12/82.

CT.3871/J: Erection of a new office building with associated landscaping and access arrangements; erection of a new clubhouse, creation of a new rugby pitch and alterations to existing; associated access and servicing arrangements. Application refused and Appeal dismissed 13/04/00.

CT.3871/K: Construction of full-size rugby football pitch. Permitted 23/03/06.

19/02186/FUL: Creation of a car park providing 158 no. car parking spaces (including 3 no. disabled spaces), 5 no. motorcycle parking spaces and associated landscaping for a temporary period of 10 years. Permitted 16.10.2019.

20/01194/FUL: Retrospective permission for the infilling of a natural hole with spoil from the construction of the car park to the south of the site. Decision pending.

20/02043/FUL: Variation of Condition 4 of planning permission 19/02186/FUL (Creation of a car park for a temporary period of 10 years) to allow for the visibility splay lines/distances at the access point to be reduced. Decision pending.

3. Planning Policies:

S1 - Cirencester Town
S3 - Cirencester Central Area
INF3 Sustainable Transport
INF4 Highway Safety
INF5 Parking Provision
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN6 Special Landscape Areas
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN12 HE: Non-designated Heritage Assets
NPPF National Planning Policy Framework

4. Observations of Consultees:

Landscape Officer: views incorporated within the Officer's report

Tree Officer: views incorporated within the Officer's report

5. View of Cirencester Town Council:

No objection

6. Other Representations:

None

7. Applicant's Supporting Information:

Drawings

8. Officer's Assessment:

Background and Proposed Development

Planning permission was granted in 2019 (under planning permission reference 19/02186/FUL) for the creation of a public car park to provide 158 no. car parking spaces for a temporary period of 10 years. The applicant is now seeking to make minor changes to the scheme to allow for the creation of two mounds of spoil arising from the engineering works undertaken on site to create the formal car park.

The largest of the two mounds is situated in the very south-eastern part of the site and measures approximately 35m by 12m at its widest point, whilst the second, smaller mound on the opposite side of the access road to the rugby club, measures approximately 13m by 8.5m. Works are partially complete.

The NPPF has, at its core, a presumption in favour of sustainable development and, in decision-taking, to approve development that accords with an up-to-date development plan without delay (para 11). The current Cotswold District Local Plan 2011-2031 was adopted on 03.08.2018 and is therefore the up-to-date development plan for the purposes of determining applications.

(a) Impact on the Special Landscape Area (SLA)

Policy EN2 (Design of the Built & Historic Landscape) states that development should accord with the Cotswold Design Code, and that proposals should respect the character and distinctive appearance of the locality.

Policy EN4 (The Wider Natural & Historic Landscape) states that development will not be permitted where it has a significantly detrimental impact on the natural and historic landscape, and will take account of landscape character, including historic character, visual quality and local distinctiveness.

Policy EN6 (Special Landscape Areas) of the Local Plan states that "Development within Special Landscape Areas (as shown on the Policies Map) will be permitted provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the area including its tranquility."

Section 15 of the NPPF relates to the conservation and enhancement of the natural environment, and inter alia, requires that "Planning policies and decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes" (para. 170).

Given that the mounds are visually contained within the site and are seen in the context of the existing mature hedgerow, the line of trees along the eastern boundary of the site and the significantly raised ground level to the north, it is considered that the addition of the mounds will not increase the visual presence of the development within the SLA and thus, do not harm the landscape character or visual amenity of the area.

On this basis, it is considered that the proposals accord with Local Plan Policies EN2, EN4 and EN6 and Section 15 of the NPPF.

(b) Other Matters

Impact on designated Heritage Assets

The land forming the Cirencester Rugby Club lies within the wider setting of the Grade I listed Church of Saint John the Baptist (through intervisibility), and the Grade II listed Whiteway Farmhouse (through historic association). In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, in accordance with Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

The site also lies within close proximity to, and within the setting of the designated Cirencester Town Centre, and Gloucester Street and River Walk Conservation Areas. Whilst there is no statutory provision to seek to preserve the setting of conservation areas under the 1990 Act, the NPPF identifies conservation areas as designated heritage assets, and places great weight on sustaining the significance of such assets through alterations to them and their settings.

Policy EN10 (Designated Heritage Assets) reiterates Section 16 of the NPPF in that great weight should be given to the conservation of heritage assets. It states that proposal that sustain the character, appearance and significance of designated assets will be permitted, but that proposals that would harm the significance of an asset or its setting would not be permitted unless outweighed by mitigating public benefit.

Policy EN11 (Conservation Areas) states that proposals that affect conservation areas or their settings would be permitted providing that, amongst other things, it would preserve or where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, and materials.

In light of the minor nature of the works proposed, Officers are satisfied that the development would not harm the setting of any designated heritage assets and thereby accords with Local Plan Policies EN2, EN4, EN10, EN11 and the provisions of Section 16 of the NPPF.

Trees

Local Plan Policy EN7 (Trees, Hedgerows & Woodlands) states that development will not be permitted that fails to conserve and enhance trees of high landscape, amenity, ecological or historical value.

The siting of the mounds will not adversely impact upon any trees within the site and it is considered therefore, that the proposed development accords with Local Plan Policy EN7.

Biodiversity

In accordance with the provisions of the NPPF, Policy EN8 (Biodiversity & Geodiversity: Features, Habitats & Species) states that:

"Development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible."

The siting of the mounds will have no impact on biodiversity due to the current use of the site and the proposals therefore comply with Local Plan Policy EN8 and the related statutory requirements and the provisions of the NPPF.

Community Infrastructure Levy (CIL)

The development is not liable for a CIL payment.

9. Conclusion:

Having regard to all of the policy considerations outlined above, the application is recommended for approval.

10. Proposed conditions:

1. The development hereby approved shall be carried out in accordance with the following drawing numbers: 21910/001/J, 21910/003/H, 21910/003/P1, 21910/012/B, 21910/013/B and the Car Park Management Plan, produced by Atkins and dated 5th August 2019.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

2. By 10 years from the date of this permission, the hardstanding/surfacing and all paraphernalia associated with the car park hereby approved shall be removed from the site and the site shall be reinstated to its former condition or to a condition to be agreed in writing by the Local Planning Authority.

Reason: Permanent development of this type might cause a nuisance or would cause harm to the detract from the amenity of the area and permission is given only to meet the special, temporary needs of the applicant, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN6, EN10 and EN15 and Sections 15 and 16 of the NPPF.

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 120m 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 avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Cotswold District Local Plan Policy INF4 and paragraphs 108 and 110 of the NPPF.

4. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 21910/001E with a minimum entrance width of 6.0m with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with Cotswold District Local Plan Policy INF4 and paragraph 108 and 110 of the NPPF.

5. The approved Car Park Management Plan, produced by Atkins and dated 5th August 2019 (received by the LPA on the 24th September 2019), shall be implemented in accordance with the submitted details, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with Cotswold District Local Plan Policy INF4 and paragraph 108 and 110 of the NPPF.

6. The development hereby permitted shall not be brought into use until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 21910/001E, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Cotswold District Local Plan Policy INF5 and paragraphs 108 and 110 of the NPPF.

7. Notwithstanding the submitted details, prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

8. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objectives of Cotswold District Local Plan Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

9. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

10. Prior to the first use/occupation of the development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

a. Description and evaluation of features to be managed;

- b. Aims and objectives of management;
- c. Appropriate management options for achieving aims and objectives;
- d. Prescriptions for management actions;

e. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);

f. Details of the body or organisation responsible for implementation of the plan.

The LEMP shall be implemented in full in accordance with the approved details.

Reason: In the interests of the character and appearance of the site and surrounding area in accordance with Cotswold District Local Plan Policies EN2, EN4, EN6, EN8 and EN10 and the provisions of the NPPF, and to ensure that the biodiversity of the site is protected and enhanced in accordance with the Wildlife and Countryside Act 1981. It is important that these details are agreed prior to the commencement of development in order to ensure proper management of the landscape and biodiversity at the site both during and following the construction of the approved scheme.

11. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site, the control of light pollution and hours of operation. The scheme should be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15 and the provisions of Section 15 of the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no structures, buildings or fences shall be erected, constructed or installed on the site other than those permitted by this Decision Notice.

Reason: In the interests of the character and appearance of the site and surrounding area, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

13. Notwithstanding the approved details and drawings, no approval is hereby given for the installation of the planters as shown on drawing numbers: 21910/001/E and 21910/003/P1.

Reason: In the interests of the character and appearance of the site and surrounding area, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

14. The Public Car Park shall not operate outside of the hours 07.30 - 19.30, Monday to Friday and not at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15 and Section 15 of the NPPF.

15. The construction phase of the development must be carried out in accordance with the RPS, Air Quality Assessment, Cirencester Rugby Club Car Park, 22/05/19, Ref: JAR10972 (AQA) implementing the highly recommended mitigation measures for 'low risk' developments, as detailed in the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction v1.1 (February 2014)'. The approved AQA shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15 and Section 15 of the NPPF.

16. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the submission of the findings, which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that items of archaeological interest are properly recorded in accordance with Cotswold District Local Plan Policy EC10 and Section 16 of the NPPF. Such items would potentially be lost if development was commenced prior to the implementation of a programme of archaeological work. It is therefore important that such a programme is agreed prior to the commencement of development.

17. The works shall be completed in accordance with the arboricultural recommendations laid out in the consultancy report Arboricultural Impact Assessment - Tree Survey, Tree Protection Plan, Arboricultural Method Statement at Cirencester Rugby Club, The Whiteway, Cirencester, GL7 7BA (dated 29th May 2019, project no: 1316). All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with Cotswold District Local Plan Policy EN7.

18. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan drawing number 1316 - 01, dated May 18 shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged with 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

19. An arboricultural watching brief proposal must be submitted for agreement in writing to the Local Planning Authority prior to the commencement of the no-dig works. Once agreed, all details must be complied with in full, and in accordance with any timescales therein.

Reason: To safeguard the retained trees in accordance with Cotswold District Local Plan Policy EN7.

20. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction (and demolition) period. The Statement shall:

i. specify the type and number of vehicles;

ii. provide for the parking of vehicles of site operatives and visitors;

iii. provide for the loading and unloading of plant and materials;

iv. provide for the storage of plant and materials used in constructing the development;

v. provide for wheel washing facilities;

vi. specify the intended hours of construction operations;

vii. specify measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and to accommodate the efficient delivery of goods and supplies, and to protect the amenity of the locality, especially for people living nearby, in accordance with Cotswold District Local Plan Policy EN15, Section 15 and Paragraph 102 of the NPPF.

Informatives:

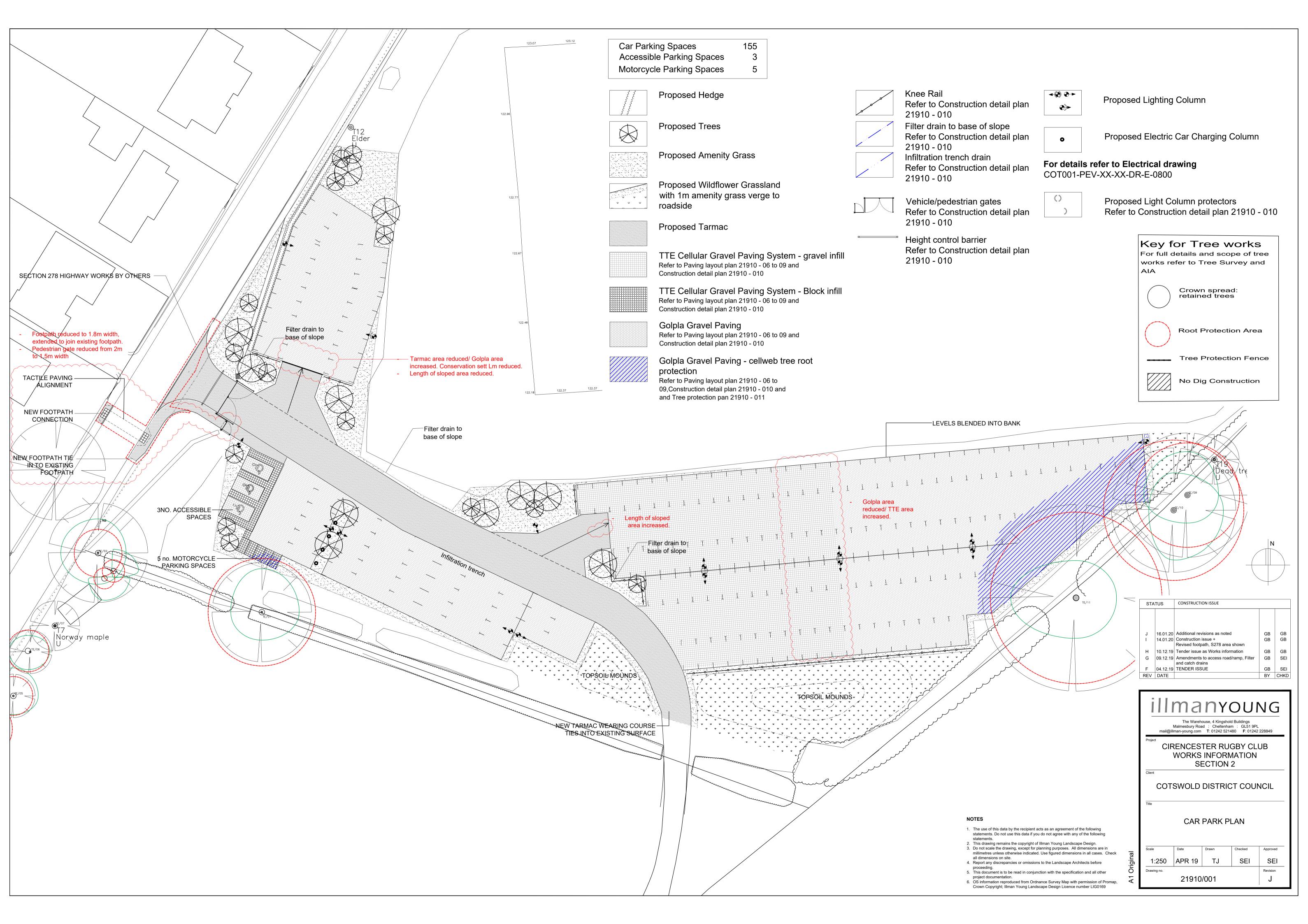
The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

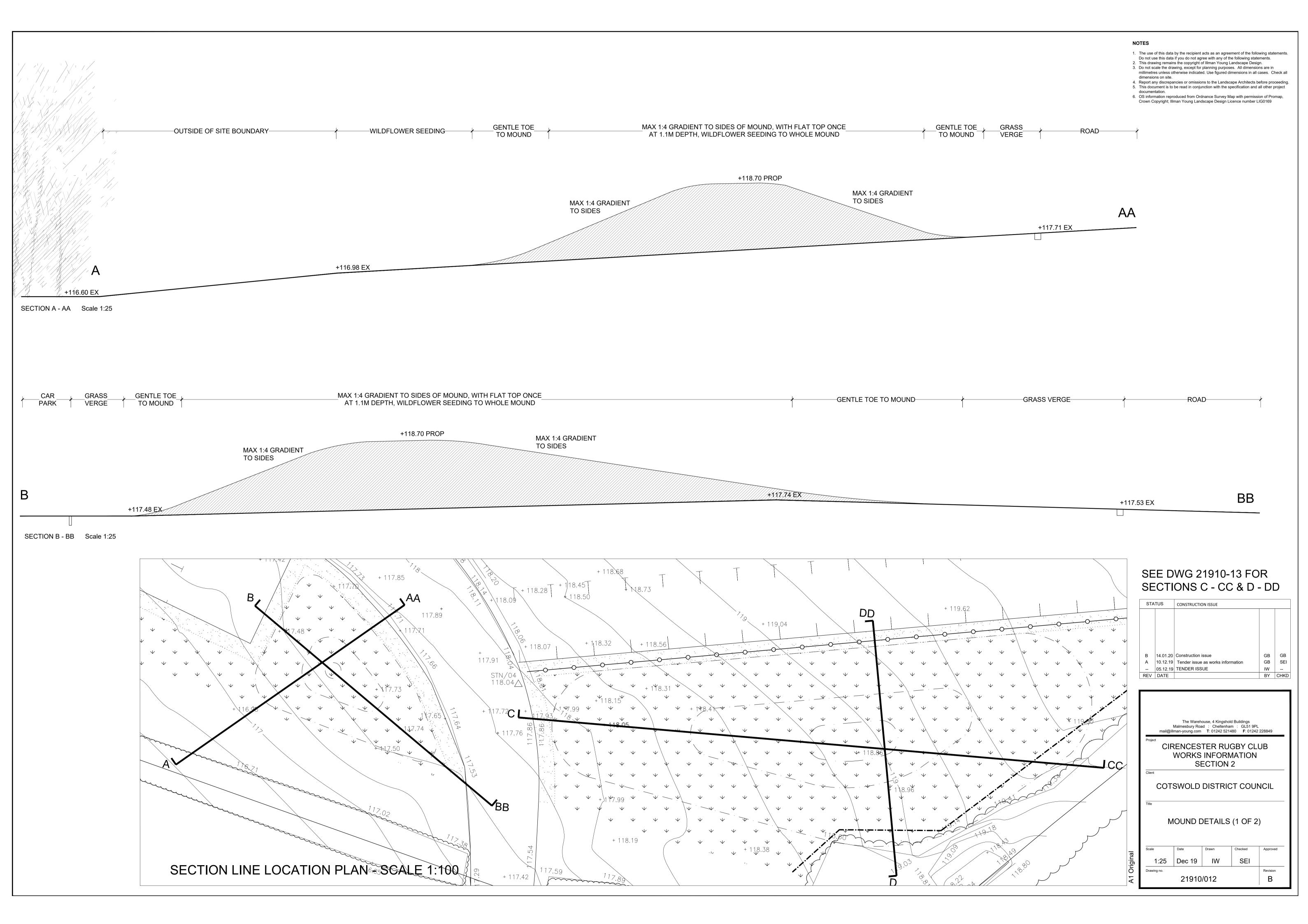
The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980, which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.

NOTES

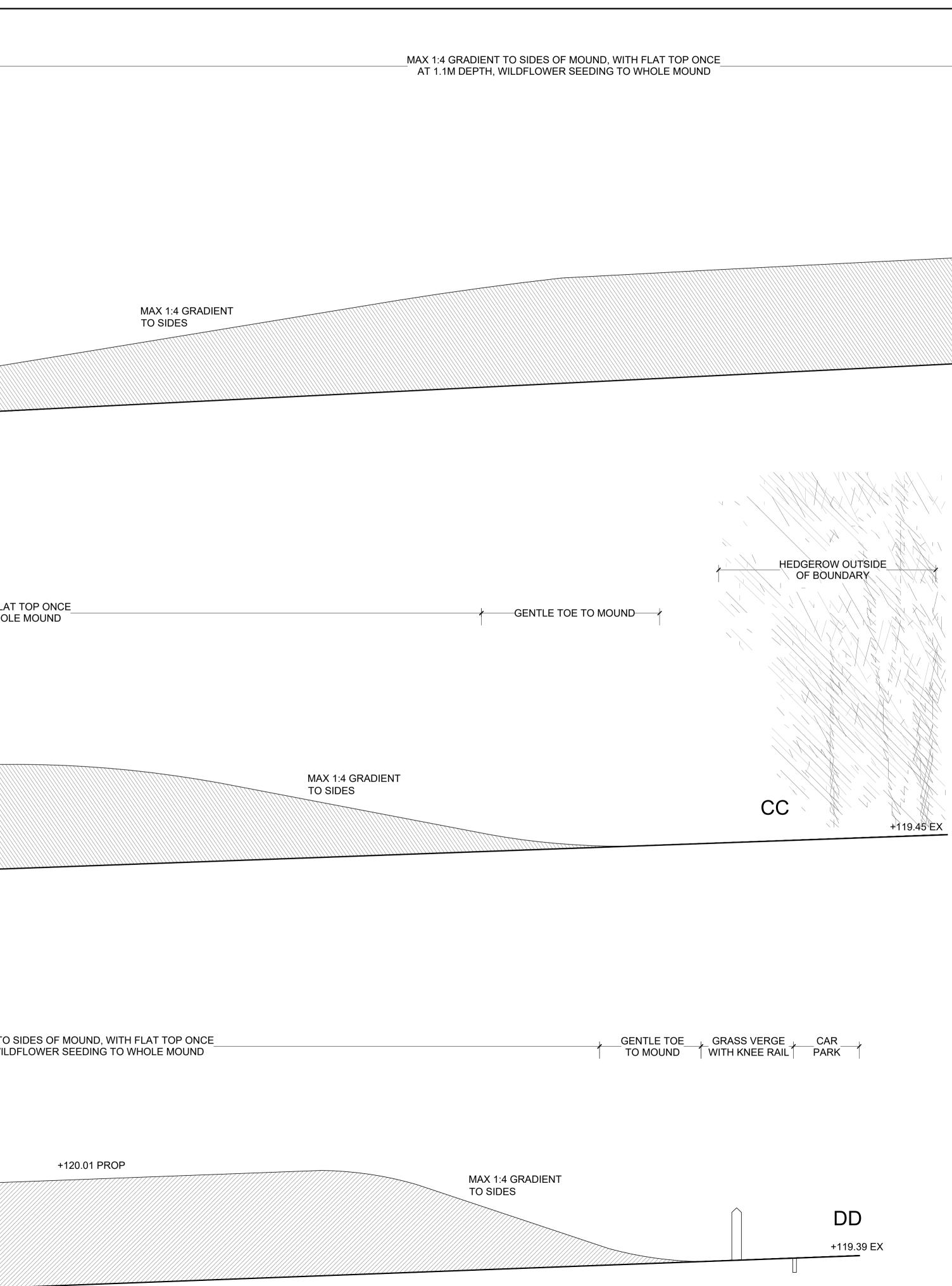
- 1. The use of this data by the recipient acts as an agreement of The doc of this data by the recipion and a bar agreements of the following statements. Do not use this data if you do not agree with any of the following statements.
 This drawing remains the copyright of Illman Young
- Landscape Design.
- Do not scale the drawing, except for planning purposes. All dimensions are in millimetres unless otherwise indicated. Use figured dimensions in all cases. Check all dimensions on site.



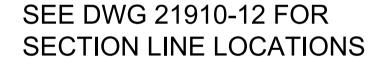




ROAD GRASS VERGE	GENTLE TOE TO MOUND
С	+118.05 EX
+117.90 EX	
SECTION C - CC Scale 1:25	
	MAX 1:4 GRADIENT TO SIDES OF MOUND, WITH FL AT 1.1M DEPTH, WILDFLOWER SEEDING TO WH
	AT 1.1M DEPTH, WILDFLOWER SEEDING TO WH
+119.96 PROP	
+118.86 EX	
SECTION C - CC CONTINUED Scal	1:25
HEDGEROW OUTSIDE	
	GENTLE TOE 🖌 MAX 1:4 GRADIENT T
	GENTLE TOEMAX 1:4 GRADIENT T TO MOUND AT 1.1M DEPTH, W
	MAX 1:4 GRADIENT TO SIDES
D +119.03 EX	



+119.96 PROP



NOTES

- The use of this data by the recipient acts as an agreement of the following statements. Do not use this data if you do not agree with any of the following statements.
- This drawing remains the copyright of Illman Young Landscape Design.
 Do not scale the drawing, except for planning purposes. All dimensions are in millimetres unless otherwise indicated. Use figured dimensions in all cases. Check all
- dimensions on site. Report any discrepancies or omissions to the Landscape Architects before proceeding.
 This document is to be read in conjunction with the specification and all other project

6. OS information reproduced from Ordnance Survey Map with permission of Promap, Crown Copyright; Illman Young Landscape Design Licence number LIG0169 STATUS CONSTRUCTION ISSUE GB GB GB SEI B 14.01.20 Construction issue A 10.12.19 Tender issue as works information --05.12.19TENDER ISSUEREVDATE IVV --BY CHKD

