

Item No 04:-

20/01194/FUL

**Cirencester Rugby Football Club
The Whiteway
Cirencester
Gloucestershire
GL7 2ER**

Item No 04:-

Retrospective permission for the infilling of a natural hole with spoil from the construction of the car park to the south of the site at Cirencester Rugby Football Club The Whiteway Cirencester Gloucestershire GL7 2ER

| Full Application 20/01194/FUL | |
|--|------------------------|
| Applicant: | Carter Jonas |
| 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 site lies on 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 site comprises a parcel of land extending to approximately 1840sq.m. which is located to the north and west of the sports pitches in the northernmost section of the Rugby Club land.

The site is located within a Special Landscape Area (SLA).

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.

20/00761/FUL: 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. 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:

EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN6 Special Landscape Areas
EN14 Managing Flood Risk
NPPF National Planning Policy Framework

4. Observations of Consultees:

Landscape Officer: views incorporated within the Officer's report

Drainage Engineer: As the site is within Floodzone 1 and there will be no increased flood risk from these works, I have no comments to make

5. View of Cirencester Town Council:

No objection to the infilling of a natural sink hole with spoil from the construction of the car park to the south of the site

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 on the former informal car parking area to the south of the application site. As a result of the excavation works required to create the public car park, an amount of spoil has been produced and the applicant is seeking to retain part of the spoil

on site within an area of the field that comprises a natural depression. Works are partially complete.

The infilling of the depression will result in less road trips of spoil via large trucks, reducing the impact on highways, and in turn, reducing emissions. It is proposed that the area will be re-turfed on completion of the infilling and a handrail and steps are to be installed to enable pedestrian access from The Whiteway.

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) of the Local Plan 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 tranquillity."

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).

The infilling is to be graded to ensure that the highest point of the slope, when viewed from The Whiteway and the footpath to the west, is set back in excess of 6m which, it is considered, will reduce its visual impact and not appear overbearing. It is considered that there would be no harm to views or the local character over the baseline context.

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

Drainage

Policy EN14 of the Local Plan states, inter alia, that:

"Proposals should not increase the level of risk to the safety of occupier of a site, the local community or the wider environment as a result of flooding."

Paragraph 163 of the NPPF reiterates this guidance and states:

"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere."

The Council's Drainage Engineer has confirmed that there will be no increased flood risk resulting from the development given that the site falls within Flood Zone 1 as designated by the Environment Agency.

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."

It is considered that the infilling of the depression 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: 21910/002/E, 21910/016/A, 21910/017 and 21910/018.

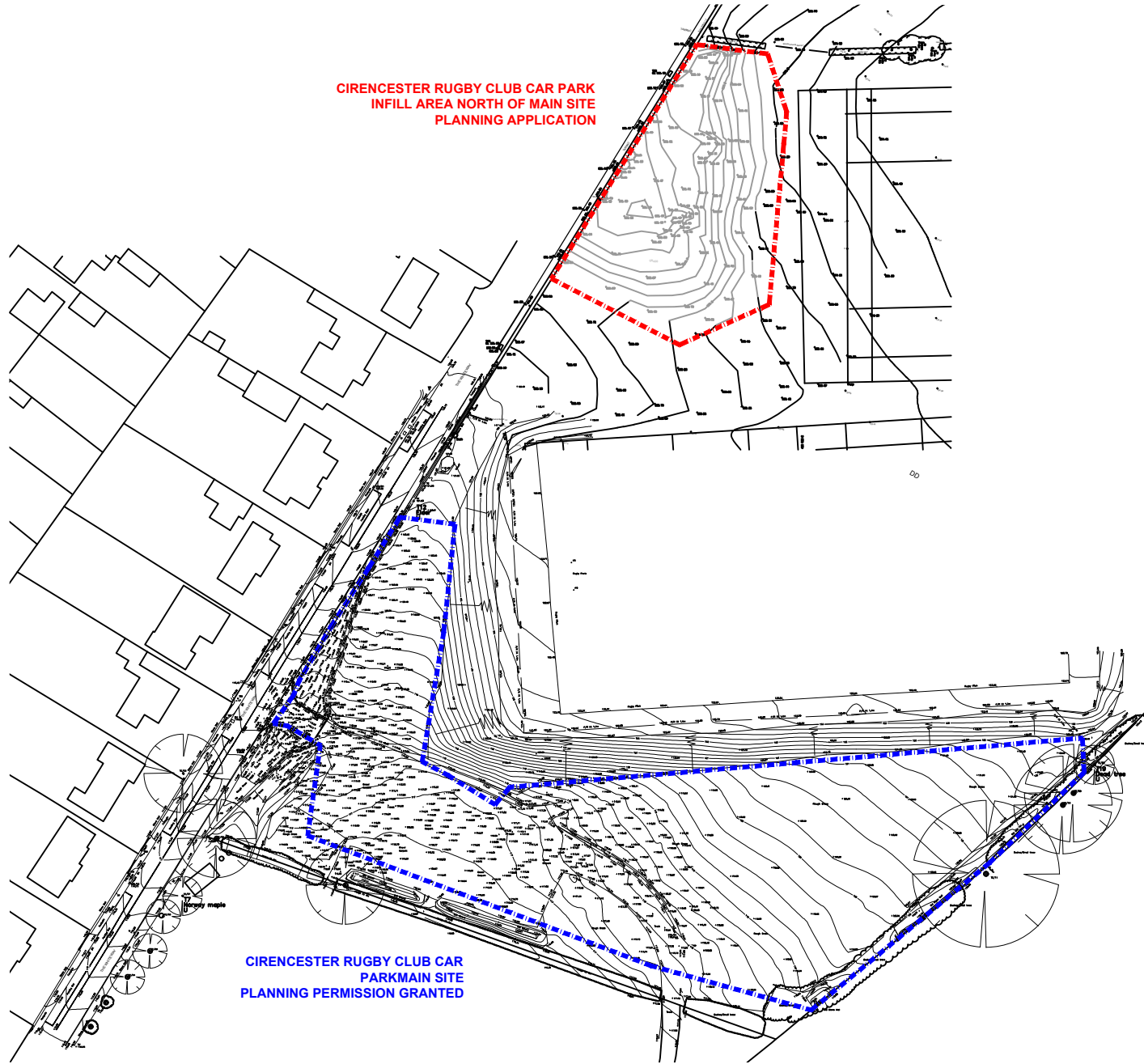
Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

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.

**CIRENCESTER RUGBY CLUB CAR PARK
INFILL AREA NORTH OF MAIN SITE
PLANNING APPLICATION**



**CIRENCESTER RUGBY CLUB CAR
PARK MAIN SITE
PLANNING PERMISSION GRANTED**

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| STATUS | CONSTRUCTION ISSUE | | |
|--------|---|----|------|
| E | 02-04-20 S278 boundaries removed, Red and Blue boundary lines amended for infill planning application | TJ | SEI |
| D | 27-02-27 Infill area north of main site added for new planning application | GB | GB |
| C | 10-12-19 Construction issue + S278 Highways works area shown | GB | GB |
| B | 10-12-19 Tender issue | GB | - |
| REV | DATE | BY | CHKD |

illmanyOUNG

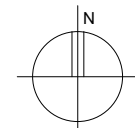
The Warehouse, 4 Kingshold Buildings
Malmesbury Road : Cheltenham : GL51 9PL
mail@illman-young.com T: 01242 521460 F: 01242 228849

Project
**CIRENCESTER RUGBY CLUB
WORKS INFORMATION
SECTION 2**

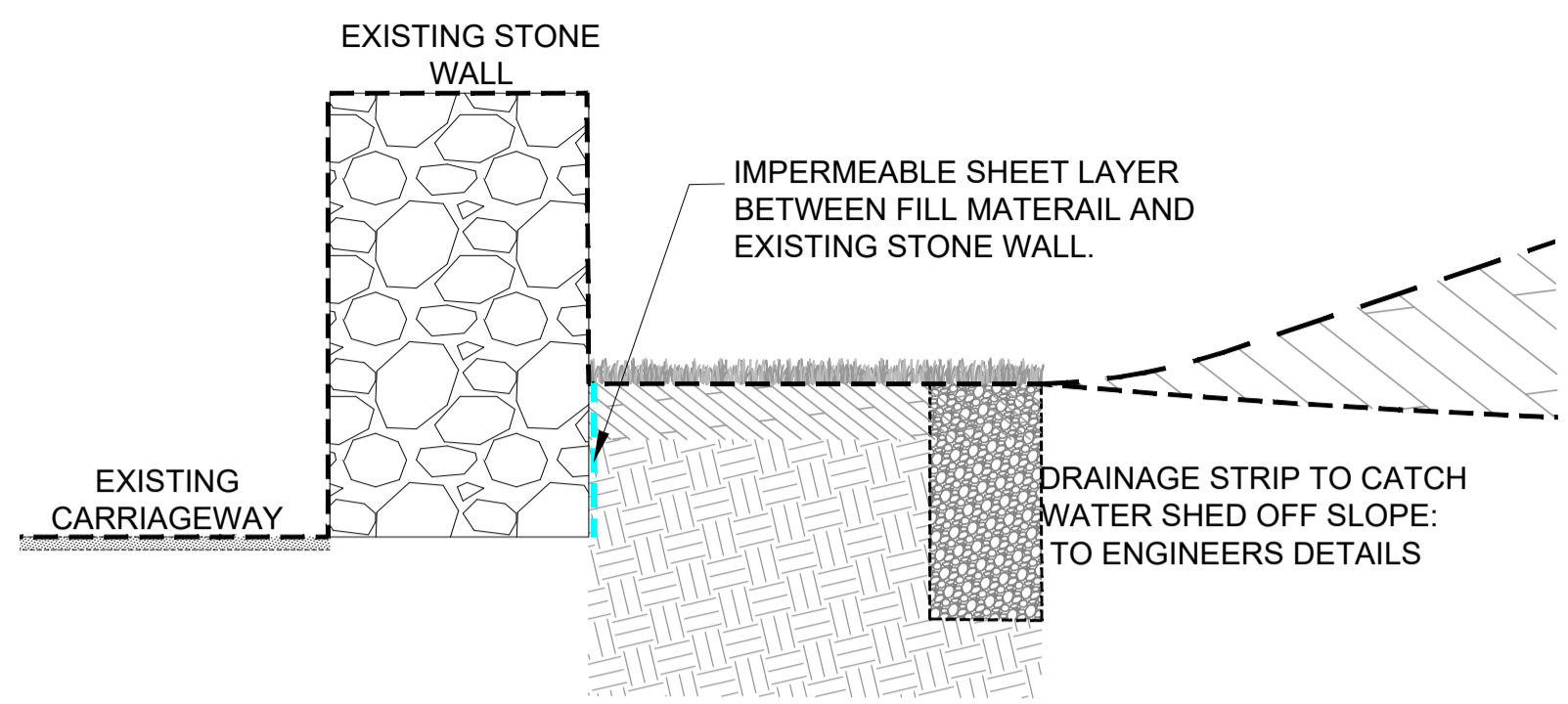
Client
COTSWOLD DISTRICT COUNCIL

Title
SITE BOUNDARY

| Scale | Date | Drawn | Checked | Approved |
|-----------------------|--------|-------|---------|---------------|
| 1:1250 | APR 19 | TJ | SI | |
| Drawing no. 21910/002 | | | | Revision E |



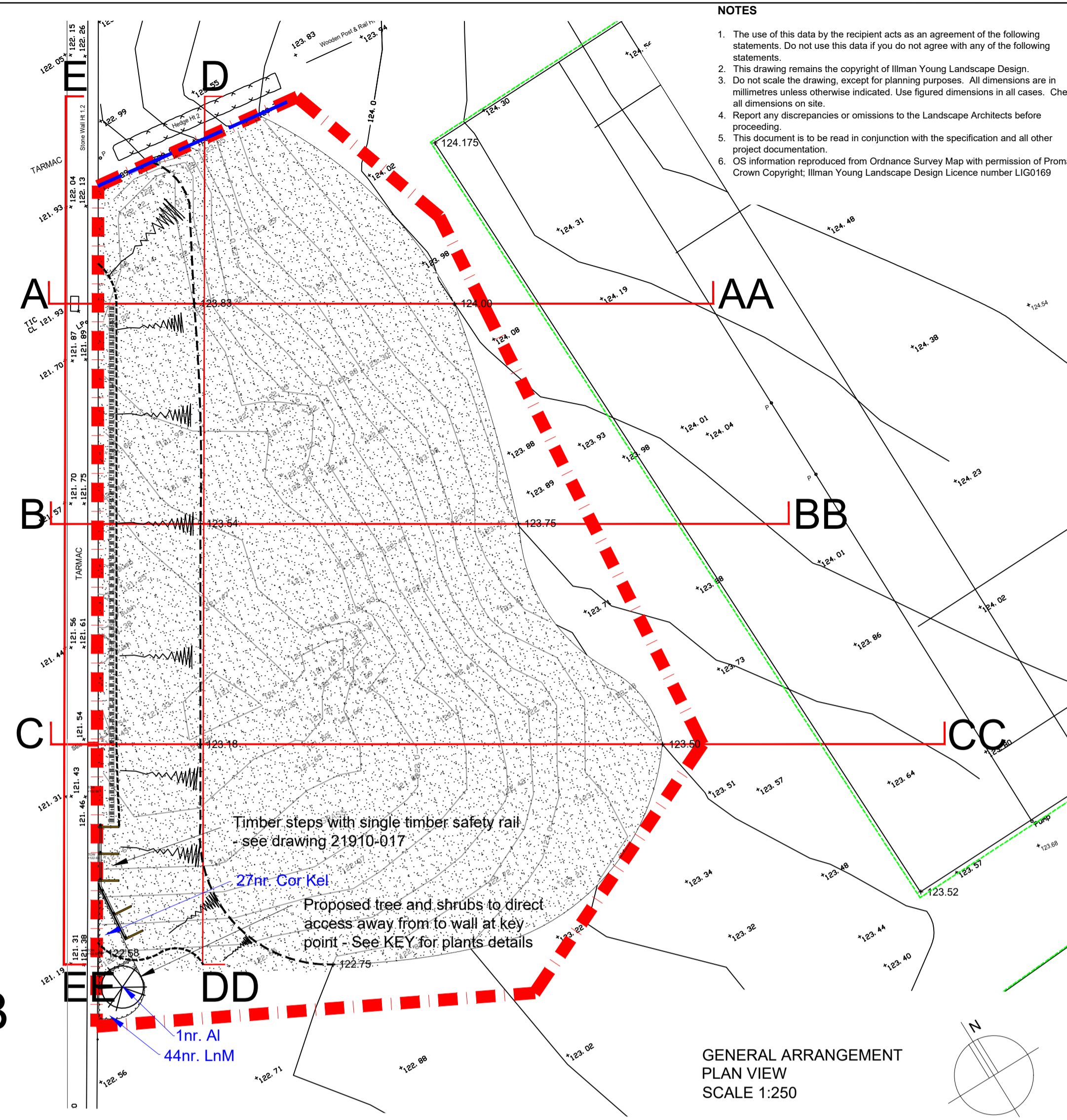
A4 Original



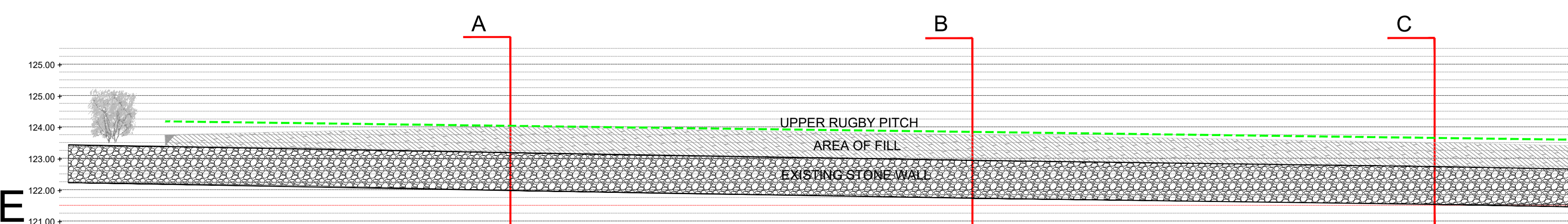
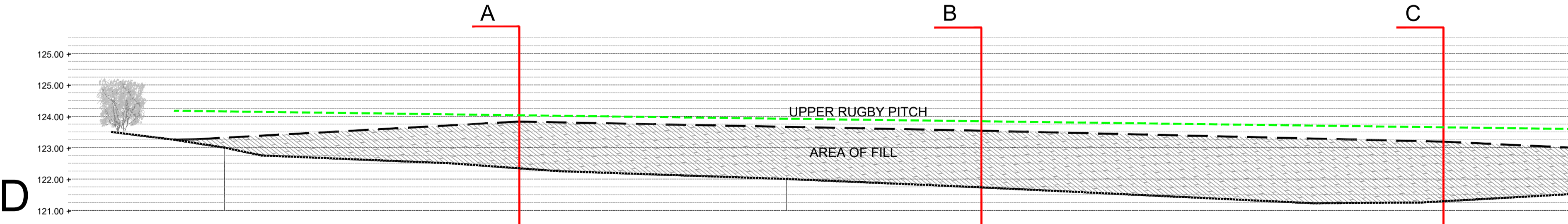
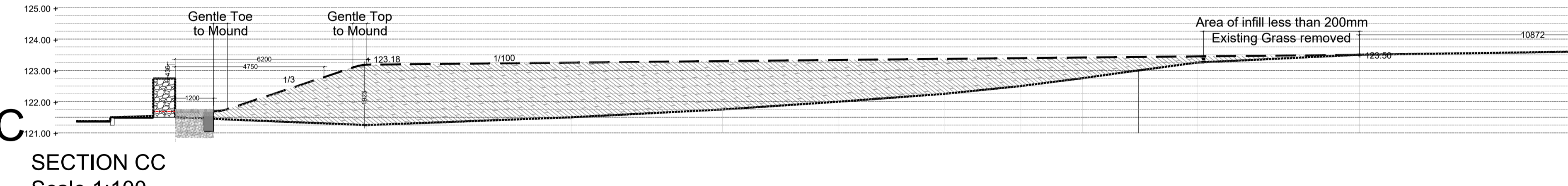
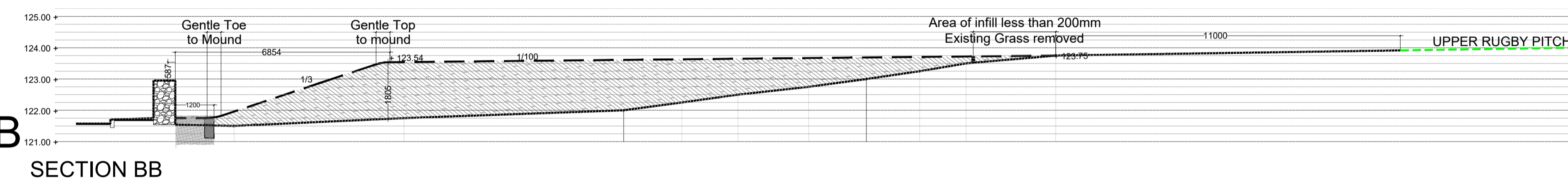
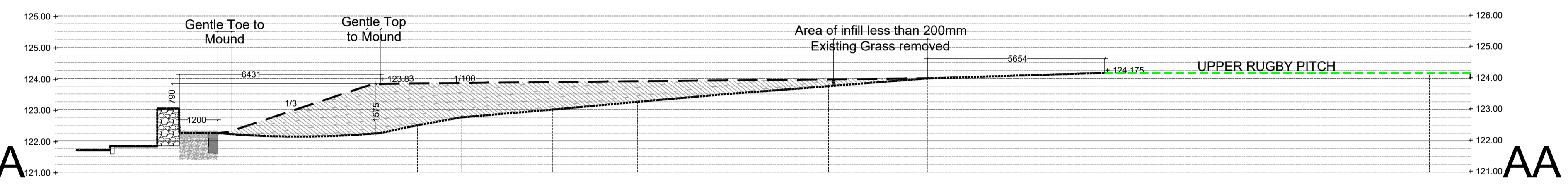
- Tree Protection Fence
- Indicative Top/Bottom of Graded Areas
- Drainage strip to catch water shed off slope to Engineers details.
- Proposed Amenity Grass
Supplier: www.geminalamenity.com
Areas of Slope: A3 Embankment & Drought mix.
All other Areas: A24 Wear & Tear mix
- Proposed tree:
Al - Amelanchier lamarckii
Girth: 12-14cm
Height: 350-425cm
Root Condition: RB
Form: Extra heavy Standard
- Proposed shrub planting
Cor Kel - Cornus Kelseyi
Height: 30-40cm
Root Condition: 3lt container
Bushy to fill pot, Min Breaks: 5
Planting: 4 per m2, spacing at 0.5m centres.
LnM - Lonicera nitida Maigrun
Height: 30-40cm
Root Condition: 3lt container
Bushy to fill pot, Min Breaks: 5
Planting: 4 per m2, spacing at 0.5m centres.

- INFILL NOTES:
- INFILL TO BE IN LIGHTLY COMPACTED 150mm LAYERS
 - EXISTING TURF TO BE REMOVED WHERE DEPTH OF INFILL IS LESS THAN 200mm

For planting instruction Main Site Specification and details



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| STATUS | PLANNING/CONSTRUCTION | | | |
|--------|-----------------------|---|----|------|
| A | 27.02.20 | Minor amendments, steps/rail alteration | GB | GB |
| REV | DATE | | BY | CHKD |

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Project
CIRENCESTER RUGBY CLUB WORKS INFORMATION SECTION 2

Client
COTSWOLD DISTRICT COUNCIL

Title
TOPSOIL INFILL TO AREA NORTH OF MAIN WORKS

| Scale | Date | Drawn | Checked | Approved |
|--------|----------|-------|---------|----------|
| Varies | 07.02.20 | GB | SEI | SEI |

Drawing no. **21910/016** Revision **A**

A1 Original