

Item No 05:-

20/02043/FUL

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

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

Full Application 20/02043/FUL	
Applicant:	Cotswold District Council
Agent:	
Case Officer:	Deborah Smith
Ward Member(s):	Councillor Mark Harris
Committee Date:	8th July 2020
RECOMMENDATION:	DELEGATED AUTHORITY TO PERMIT, SUBJECT TO NO OBJECTIONS BEING RAISED WITHIN THE CONSULTATION PERIOD

Main Issues:

(a) Highway Safety

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 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 site extends to approximately 0.5 ha and currently comprises a gravelled informal car parking area used in association with the rugby club activities. Earth bunding separates the car parking area from the sports pitches to the north, and the land to the east comprises agricultural land.

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.

20/00761/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.

20/01194/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.

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

4. Observations of Consultees:

Gloucestershire County Council Highways: Awaiting formal consultation response.

5. View of Town/Parish Council:

Not yet received

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 changes to the visibility splays at the access point with The Whiteway. All other elements of the development remain unchanged.

(a) Highway Safety

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.

Local Plan Policy INF4 states that:

"Development will be permitted that:

- a. is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network;*
- b. creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter and where appropriate establishes home zones;*
- c. provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;*
- d. avoids locations where the cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation; and*
- e. has regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it."*

Paragraph 109 of the National Planning Policy Framework reiterates the need to ensure that new development would not have an unacceptable impact on highway safety.

The applicant has engaged in pre-application discussions with Gloucestershire County Council's Highways Engineers (Local Highway Authority (LHA)) with regards to the changes proposed and the LHA has informally confirmed that it is content with the proposed revisions to the visibility splays set out within this application, having regard to the relevant policy considerations and particularly Policy INF4.

At the time of writing, formal confirmation of this position is awaited and the recommendation to permit is therefore subject to no objection being raised by the LHA. It is hoped that the Highways Officer's comments will be available by the date of the Committee Meeting.

9. Conclusion:

Subject to the LHA formally confirming that no objection is raised to the amended wording to Condition 4, the recommendation is therefore for Committee to grant delegated authority to permit once those comments are received.

10. Proposed conditions:

1. The development hereby approved shall be carried out in accordance with the following drawing numbers: 21910/001/J, 21910/002, 21910/003/H, 21910/003/P1, 21910/012/B, 21910/013/B, 5168090-ATK-HGN-VISI-DR-D-001/P1 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 91m distant to the left and 95m to the right (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 within 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.

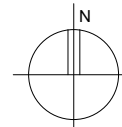


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Project				
CIRENCESTER RUGBY CLUB				
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Title				
SITE BOUNDARY				
Scale	Date	Drawn	Checked	Approved
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Drawing no.				Revision
21910/002				/



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It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement			<table border="1"> <tr> <td>Rev.</td> <td>Date</td> <td>Description</td> <td>By</td> <td>CHK'd</td> <td>App'd</td> </tr> <tr> <td>P1</td> <td>18/06/20</td> <td>FIRST ISSUE</td> <td></td> <td></td> <td></td> </tr> </table>		Rev.	Date	Description	By	CHK'd	App'd	P1	18/06/20	FIRST ISSUE				Drawing Number 5168090-ATK-HGN-VISI-DR-D-0001		Authorised C.W. Date 18/06/20	
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