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Item No 04:-

14/05222/FUL (CT.1787/R)

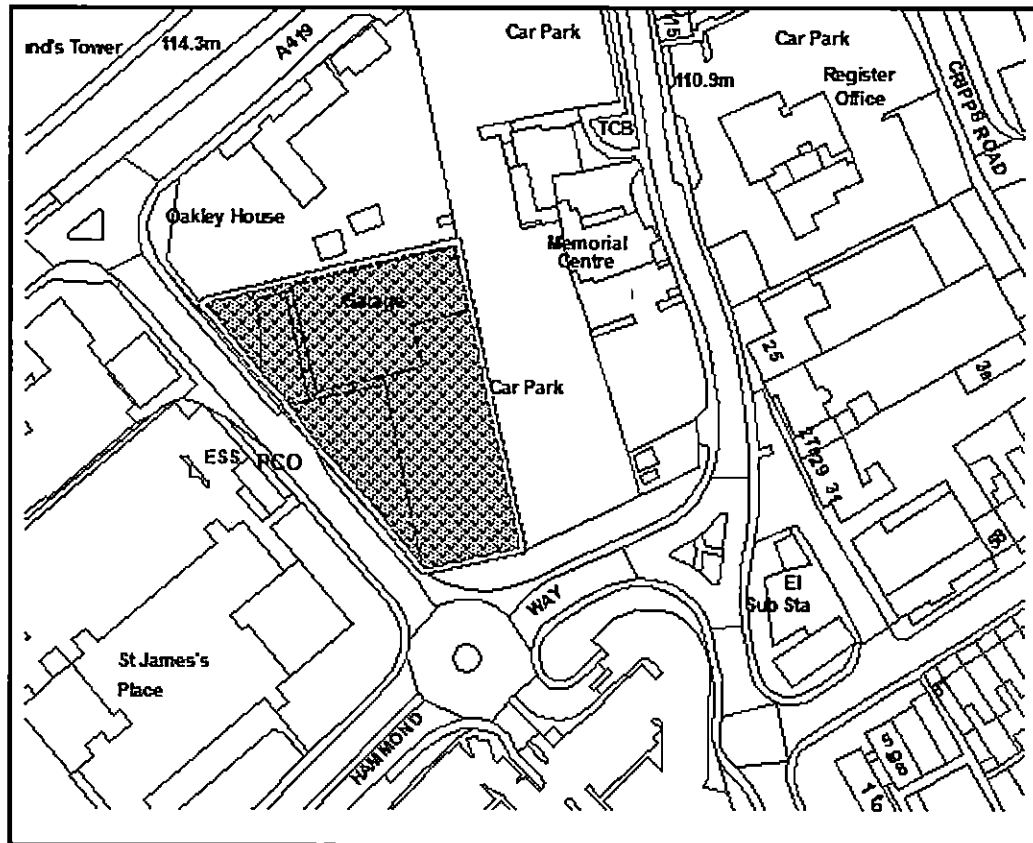
**T H White Ltd
Tetbury Road
Cirencester
Gloucestershire
GL7 1US**

Item No 04:-

Demolition of existing garage and redevelopment of the site to form 34 Retirement Living apartments with communal facilities and associated car parking and landscaping at T H White Ltd Tetbury Road Cirencester Gloucestershire

Full Application 14/05222/FUL (CT.1787/R)	
Applicant:	McCarthy & Stone Retirement Lifestyles Ltd
Agent:	The Planning Bureau Ltd
Case Officer:	Mike Napper
Ward Member(s):	Councillor Ray Brassington
Committee Date:	19th August 2015

Site Plan



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RECOMMENDATION: DELEGATED PERMISSION subject to the completion of a legal agreement in respect of i) financial contribution towards town centre improvements and ii) off-site Affordable Housing contribution

Update: This application was deferred at the 8th July 2015 Meeting of the Planning and Licensing Committee to seek a re-design of the scheme. The report to the July Committee Meeting was as follows with updates provided in bold text:-

Main Issues:

- (a) The Principle of Residential Development
- (b) Impact on the setting of Listed Buildings, Conservation Area and Archaeology
- (c) Highways Issues
- (d) Other Issues

Reasons for Referral:

Part of the application site is owned by Cotswold District Council (CDC) and the Scheme of Delegation requires that all applications involving CDC land must be determined by Planning & Licensing Committee.

1. Site Description:

The site in question lies within the town's development boundary, having regard to the current Cotswold District Local Plan 2001 - 2011 (adopted 2006). The site lies outside of the town's Commercial Centre, as defined within the Local Plan. The site is also part of a specifically allocated larger area for mixed use redevelopment under Local Plan (LP) Policy CIR.3 (Sheep St "Island" site, Tetbury Rd/Hammond Way), which allocates it for a decked car park and mix of residential, office & leisure uses. The site lies at the corner of Sheep St and Hammond Way and is therefore in a visually prominent location. Hammond Way is on one of the main vehicular routes into the town centre. The "old" Tetbury Rd is also nearby, which is well-used by pedestrians.

The site lies within the Cirencester Town & Park Conservation Area, the boundary of which runs along the site's south-eastern frontage with Hammond Way. The Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. The Council's 'Cirencester Town Centre Character Appraisal and Management Plan 2008' analyses the built environment and spatial qualities of this part of the Conservation Area, identifying unlisted buildings as positive, neutral or negative. The existing buildings on the site in question, related to its last use as a garage showroom, are identified as having a negative impact upon the Conservation Area.

There are nearby listed buildings, which include the Cirencester Memorial Centre (listed as Apsley Hall) and the Old Railway Station, which are both listed Grade II, and the Wall to Cirencester Park, which is Grade II*. The Local Planning Authority is statutorily required to have special regard to the desirability of preserving the setting of these buildings, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

There are also historic unlisted buildings and structures affected by the proposed development that, whilst forming part of the larger designated heritage asset of the Conservation Area, are also identified as non-designated heritage assets in their own right. These include the "spine wall" along the centre of the "Island Site", running on a north south axis. The wall is at least C19 in date and much of its masonry could indicate an even earlier date. The structure itself and the manner in which the wall divides the "island" is of significance to the historic development of Cirencester, the Conservation Area, and the setting of the listed buildings. There is also a section of historic boundary wall continuing to the southern edge of the T H White site. The brick wall to the north of the site is also of significance, as it is the setting of the unlisted Oakley House beyond.

The site is within an area of known archaeological sensitivity, although is not a Scheduled Ancient Monument.

2. Relevant Planning History:

CT.1892/B Erection of farm machinery sales and repairs workshop: Permitted 29.06.6.

CT.1892/N Alterations to existing south elevation and change of use of part of building to sales and servicing area for motor vehicles: Permitted 17.09.86.

CT.1892/T Demolition of existing showroom and offices, construction of new showroom, internal and external alterations: Permitted 03.10.01.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR18 Develop within Development Boundaries
 LPR05 Pollution and Safety
 LPR09 Biodiversity, Geology and Geomorphology
 LPR15 Conservation Areas
 LPR21 Affordable Housing
 LPR24 Employment Uses
 LPR38 Accessibility to & within New Develop
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development
 LPR46 Privacy & Gardens in Residential Deve
 CIR1 Traffic and Environment
 CIR3 Sheep Street 'Island'
 LPR25 Vitality & Viability of Settlements

4. Observations of Consultees:

Highways Officer: Final comments currently awaited. **Update: It was reported to the July Committee in Additional Pages that the Highways Officer's response had now been received and raised no objection, subject to conditions. A full copy of the comments, dated 03.07.15, is attached to this report.**

Environment Agency: No objection, subject to conditions regarding ground contamination.

Thames Water: No objection subject to condition regarding drainage/sewerage strategy. **Update: Following further correspondence, Thames Water are satisfied that the previously recommended condition is unnecessary as, based on the existing drainage layout provided, the developer is proposing to remove 560m² of contributing hard standing area that currently drains into the foul sewer.**

Drainage Engineer: Not yet received.

Environmental Protection Officer: No objection, subject to conditions regarding ground contamination.

Environmental Health Officer: No objection, subject to conditions.

Housing Enabling Officer: views incorporated within Officer's Assessment.

English Heritage (now Heritage England): No comments to make, other than that an archaeological recording condition should be attached to any permission, and the application should be determined in accordance with national and local plan policies and on the basis of CDC's own specialist conservation advice.

Conservation Officer: Views incorporated within Officer's Assessment.

Biodiversity Officer: Views incorporated within Officer's Assessment.

5. View of Town/Parish Council:

Cirencester Town Council: Support - there is a need for further pedestrian crossings in the area of the site, i.e. by Waitrose and another by Castle Street, as to gain access to the town, residents would need to walk all the way round to the Sheep Street crossing.

6. Other Representations:

5 Third Party letters of Objection: i) location is inappropriate with access off of what is effectively a roundabout; ii) the proposed contemporary design is inappropriate for Cirencester and particularly in this location next to the listed railway station building and vernacular buildings. The flat-roofed design approach should not be taken from the nearby St James's Place building, which is an office; iii) the submitted supporting information understates the difficulties and danger for people attempting to cross the road to and from the island site, especially for the elderly or disabled. A traffic light-controlled crossing is required; iv) a screen of new tree planting is required along the eastern edge of the site to protect the future residents of the proposed scheme from potential future development of the public car park; v) in the submitted documentation, the applicant has failed to consider the impact of the proposals upon the local heritage assets as required by the NPPF; vi) the proposals would be prejudicial to the future comprehensive redevelopment of the 'Island site' for mixed use in accordance with Local Plan Policy CIR.3; vii) the proposals make no provision for improvements to pedestrian access between the Leisure Centre and St James's Place developments and the town centre, as required by Local Plan Policy CIR.3, and would be prejudicial to any such provision in a future comprehensive redevelopment of the 'Island site'.

1 Third Party letter making General Comments: i) proposed on-site parking provision is inadequate.

Update: Cirencester Civic Society: please see letter dated 09.07.15 attached in full.

13 Third Party letters of Support: i) there is currently a lack of housing in the town specifically for older people where there is good access to public transport, library, church, shops and other amenities; ii) there would be no harm to any neighbouring dwellings in this location; iii) future residents would feel integrated within the town; iv) broadly in favour of the scheme, but subject to improved pedestrian access across Hammond Way to the St James's Place side of the road and to Waitrose; v) broadly support, but traffic flow in the vicinity and in the town as a whole needs to be addressed; vi) the proposed design is good and in keeping with neighbouring buildings; vii) would be a good use of a 'brownfield' site; viii) proposed building design is good.

Update: One further Third Party letter of support was reported to Members on Additional Pages Updates expressing support for the need and quality of the proposed scheme. Since the July Meeting, an additional Third Party letter of support has been received supporting the need for the development and expressing the opinion that the development was well-related to the town's facilities and within easy reach of supermarkets.

7. Applicant's Supporting Information:

- i) Bat Method Statement
- ii) Transport Statement
- iii) Archaeology
- iv) Foul and Surface Water Assessment
- v) Demolition Asbestos Survey
- vi) Financial Viability Assessment
- vii) Statement of Community Involvement
- viii) Contamination Appraisal Report
- ix) Design and Access Statement

- x) Verified Visual Montages
- xi) Site Noise Assessment

Update: Following the July Meeting, the applicant has also submitted i) a copy of a Legal Judgement, dated 13.11.07, in the case of the SoS, West End Green (Properties) Ltd and Sainsbury's Supermarkets Ltd, and ii) a 'Statement of Amenity Space Provision in Respect of McCarthy & Stone Sheltered Housing Developments'. A copy of these two additional documents have been circulated to all Members of the Committee prior to the Meeting.

8. Officer's Assessment:

The proposals comprise the redevelopment of the site of the former TH White showroom a Use Class C3 (Dwelling houses) development for older persons of a minimum 60 years of age. The proposals are for a total of 34 units (16 x 1-bed and 18 x 2-bed) in a three storey building fronting Hammond Way, with 31 car parking spaces, mobility scooter (with charging points), cycle spaces and communal outdoor amenity space. Vehicular access would be from an amended access to that currently serving the site via an undercroft to the proposed parking facilities. There would also be a separate pedestrian access from Hammond Way. The proposed building is of contemporary design incorporating a parapetted flat roof, with the predominant walling material being natural ashlar stone and some render. Window frames would be powder-coated aluminium. The height of the building would be approximately 10.00 m to the roof parapet at its highest point.

(a) The Principle of Residential Development

In terms of national policy, the National Planning Policy Framework (NPPF) commits the Government to the support of sustainable economic growth and to ensuring that the planning system operates to encourage such growth (para. 19). Paragraph 17 relates to the Government's Core Planning Principles and encourages the re-use of previously developed land provided that it is not of high environmental value. The same paragraph also includes the principle of conserving heritage assets in a manner appropriate to their significance. Section 2 addresses town centre development and refers to the importance of ensuring site availability for suitable town centre uses, including residential development, which it states has an important role in ensuring town vitality.

Section 6 deals with housing delivery with a presumption in favour of sustainable residential development. Although the Council can currently demonstrate a 5 year housing land supply (with buffer), this is not an upper limit and it is important that opportunities for sustainably-sited new housing development are nevertheless considered positively to ensure a continuous supply. Paragraph 50 refers to the need to deliver a wide choice of homes to create sustainable, inclusive and mixed communities (including for older people), reflecting local demand and identified affordable housing need.

Having regard to the Cotswold District Local Plan, Policy 18 (Development Within Development Boundaries) states, inter alia, that residential development will be permitted within Development Boundaries provided that the proposed number of dwellings is commensurate with the level of local facilities and infrastructure, and that the siting, appearance and scale of the development respects the traditional form, character and appearance of a settlement, and would cause no significant adverse environmental or visual harm to the site or its surroundings.

Site specific Policy CIR.3 (Sheep Street 'Island' Site, Tetbury Rd/Hammond Way, Cirencester) states as follows:-

"The site shown as Policy CIR.3 is allocated for a decked car park and a mix of residential, office and leisure uses, subject to the following criteria being met:

- (a) the design of the development retains and enhances the setting of Oakley House, the former railway station building, and Apsley Hall;

- (b) the car park is located and designed to make best use of the change of levels within the site and minimises the visual impact of its bulk;
- (c) an attractive pedestrian link is provided to the town centre, to be open for use by the general public at all times; and
- (d) an appropriate financial or in-kind contribution shall have been secured towards the implementation of traffic measures, including public transport, and towards environmental improvements in the town centre."

In the context of the NPPF regarding housing supply and site specific Local Plan policies 18 and CIR.3, the principle of residential development of the site is considered acceptable and would accord with the Government's objectives for the encouragement of sustainable economic growth. Site-specific Policy CIR.3 refers to the potential of some residential development as part of the re-development of 'the Island' site. Given the other objectives within the policy, it is important that any residential development does not compromise the remainder (approx. 75%) of overall site allocation for those other uses that would also benefit the town centre. There are currently no comprehensive redevelopment proposals for the whole of the site and therefore it is predictable that proposals will be submitted in a more piecemeal fashion, which it is necessary to consider on their own individual policy merits. In fact, the supporting text of the policy states that "The exact mix of uses to be developed will depend on market conditions and demand at the time of redevelopment. It may take place in phases, each delivering a different use or combination of the uses, in the overall mix for the site". In this instance, as the current application site is physically well-contained (by heritage assets, particularly the 'spine' wall) from the remainder of the 'island', it is unlikely that the non-residential objectives of Policy CIR.3 would become undeliverable if the current application is permitted. The issues in respect of design and highways issues will be addressed later in this report.

Paragraph 50 of the NPPF states that, where the Council has identified an affordable housing need, the need should be met on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. Local Plan Policy 21 (Affordable Housing) states that a proportion of affordable housing will be sought as part of any development in Cirencester of 10 dwellings or more (or on sites larger than 0.3 ha). Where the local need is demonstrated and subject to overall viability, up to 50% will be sought. As a residential scheme, the proposed development would be subject to policies regarding the provision of affordable housing. Due to demonstrated housing need in the town, the Council would seek 50% provision for older people. The applicant has submitted a viability assessment, which proposes an off-site financial contribution as the most appropriate way of addressing the need in this instance (i.e. given the managed nature of the development, it would be difficult and potentially detrimental to sub-divide the site to provide the two separate types of tenure). As it is the District's principal urban area, Cirencester is the settlement most likely to provide opportunities for the expenditure of an off-site contribution. In these case, therefore, officers have no objection to an off-site contribution, although the final contribution figure is still under negotiation at the time of writing this report, although it is expected that negotiations will have been completed by the date of the Committee Meeting.

In consultation with Cirencester Town Council, a financial contribution of £25k has also been negotiated for the town centre improvement scheme, which officers are satisfied meet the tests of the NPPF, having regard to criterion d) of Policy CIR.3.

(b) Impact on the setting of Listed Buildings, Conservation Area and Archaeology

The application site is in a very prominent location, being visible in public views from Hammond Way, the Old Tetbury Road and Sheep Street, and has a number of heritage constraints as described earlier in this report. The redevelopment of the site therefore requires careful consideration to ensure an appropriately sympathetic scheme.

Section 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; and respond to local

character and history, reflecting the identity of the surroundings and materials, whilst not stifling innovation. Paragraph 60 states that local distinctiveness should be promoted or reinforced and Paragraph 61 that connections between people and places, with the integration of new development into the built and historic environment. Section 12 directs that local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 128 states that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." Paragraph 132 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also states that significance can be harmed through alteration or development within the setting. Paragraph 133 states that where a proposed development will lead to substantial harm, applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits. Paragraph 134 states that where a development proposal will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Local Plan Policy 15 (Conservation Areas) states that development must preserve or enhance the character or appearance of the area as a whole, or any part. It states that development may be permitted if it can be demonstrated that the proposals can help an area to remain alive and prosperous, without compromising its character or appearance. It states that development will be permitted unless: it involves the demolition of a building that makes a positive contribution; new buildings that are out-of-keeping with the special character or appearance of the area in general or a particular location (in siting, scale, form, proportions, design or materials); or there would be the loss of open spaces that make a valuable contribution.

Policy 42 (Cotswold Design Code) requires that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

The CA3: Cirencester Town Centre Character Appraisal and Management Plan 2008 analyses the built environment and spatial qualities of this part of the Conservation Area, identifying the unlisted buildings affected as positive, neutral or negative. The site in question in its current form is identified as having a negative impact upon the Conservation Area. The issues identified in the vicinity of Sheep Street and the 'Island Site' include: the dominance of traffic and parking with associated hazards for pedestrians; the lack of proper context for buildings of special character; visual clutter in the streetscape; use of artificial walling products for boundaries; and loss of boundary walls with a lack of definition and enclosure to spaces. The Management Plan policy for new development includes: respecting historic plots and building lines; employing appropriate natural materials reflecting those in the vicinity; respecting the scale, roofscape, modulation, proportion of solid to void, and massing of existing and historic buildings; and creating active frontage to all publicly visible elevations.

Subject to the heritage constraints identified above, and appropriate footprint, scaling and design, there are no objections in principle to the development of this site. There is the potential here for townscape enhancement, as the former T.H. White buildings are of no architectural, heritage or townscape merit. Indeed they are identified as negative buildings within the CA3: Cirencester Town Centre document. There are clear public views of the existing buildings from several points within the Conservation Area that exacerbate their negative impact, including from Sheep Street and, of course, from the well-used Waitrose superstore.

In terms of the architectural approach taken by the applicant, officers have no objection to a high quality contemporary design in this location. The streetscene precedent has already been established by the St James's Place (SJP) offices opposite the current application site, which

officers consider to be very successful and demonstrate that contemporary design of sufficient quality can add to the visual interest of appropriate parts of the town, having regard to Local Plan Policy 42. The construction of the second phase of the SJP development of a similar design approach, scale and quality is now underway. Officers feel that the quality of the overall design detailing and materials of the currently proposed scheme at the former T.H. White site would reinforce the quality and character of the existing streetscene.

Officers have, nevertheless, been keen to ensure that that scale and massing of the building would complement the streetscene and would thereby preserve or enhance that part of the Conservation Area and the setting of the listed buildings. Following negotiations, the originally submitted design has been reduced in height by the replacement of the four storey element to three throughout and, as a result, gives articulation in height and a response to existing ground levels, most importantly in prominent views from the south. This part of the building is now less dominant in the locality and more appropriate to scaling within the heritage context. The treatment of the southern end of the building, architecturally, with stronger expressed framing to provide interest, is also felt to be an improvement. To compensate for loss of accommodation in reducing the number of storeys, a new linking rear range has been included. The reception element of the building therefore no longer drops to single storey through its depth. The first and second floors, however, are deeply recessed, and the device of the single storey link to the front is still considered to provide beneficial articulation to reduce the perception of an unbroken building line. Concerns were also initially raised by officers regarding a predominant horizontal emphasis and lack of modulation in the northern range. Following amendments, there is now a central recess and framing of the panels of fenestration that provides additional and beneficial verticality. As a result of the current amendments, the massing of the building, and its general design and contemporary architectural approach are all now considered to be acceptable.

In conclusion, it is considered that the proposed scheme would preserve the character and appearance of the Conservation Area, and the setting of the nearby listed buildings, in accordance with Sections 72(1) and 66(1) of the 1990 Act. The significance of these designated heritage assets will in my view be sustained, in accordance with Section 12 of the NPPF. The requirements of Policies 15, 18 and 42 of the Local Plan are also judged to be met. In response to Third Party criticism that insufficient information has been submitted in respect of the potential impact of the development upon heritage assets, officers are content that, in this instance, an appropriate and proportionate level of information has been provided to allow a proper assessment of the impacts to be undertaken in accordance with the requirements of the NPPF. To assist in this matter, English Heritage (now Heritage England) was also consulted and raised no objection, including in respect of the level of information provided with the submission.

In terms of archaeological impact, the County Archaeologist advises that the application site is archaeologically sensitive as it is located on the periphery of Cirencester's Roman town, and in an area utilised as a cemetery during the Roman period. Investigation of the nearby former Bridges Garage has revealed numerous Roman burials and cremations lay out on the margin of the line of the Fosse Way (the modern Tetbury Road). The application site is also located on the road margin, although set a little further back from the road frontage.

The application is supported by reports on an archaeological desk-based assessment and a report on an archaeological field evaluation. Having assessed the information provided, no objection is raised in principle to the proposed development and the results of the investigations to date, but it is recommended that archaeological monitoring of the ground works required for this development is undertaken, so that any significant archaeological remains revealed during construction may be recorded.

(c) Highways Issues

Paragraph 32 of the NPPF states that planning decisions should take account of the need to assess individual development proposals in terms of opportunities for sustainable transport modes, to ensure safe and suitable access for all people to the site, and for the consideration of cost-effective improvements within the transport network. It goes on to state; however, that

development should only be refused on transport grounds where cumulative impacts of development are severe. Local Plan policies 38 and 39 require all developments to provide safe and sustainable access, and to provide an appropriate level of on-site parking provision.

The application site is accessible by pedestrians to the town's commercial centre and other services and facilities and, as such, is a sustainable location for new residential development. It is nevertheless important to ensure that the routes between the site and the local supermarket (Waitrose) and bus stops have adequate pedestrian provision, particularly having regard to the potential mobility limitations of some residents of the development. In order to further improve sustainability, a financial contribution is requested to provide seating at the nearby Hammond Way (Waitrose) bus stop, the use of which is likely to be increased as a result of the development. The Highways Officer considers there to be reasonable pedestrian connection between the site and the town centre facilities to the east. Consequently, it is considered unreasonable to seek improved pedestrian links having regard to criterion c) of Policy CIR.3. Additionally, it would be impractical to provide public access into the (private) development at this time in the absence of a cohesive and deliverable scheme for the remainder of the allocated policy area.

Having considered the applicant's Transport Statement, the Highways Officer is content that there would be no materially harmful increase in the capacity of traffic on Hammond Way as a result of the proposed development, including when compared to the last use of the site and the nature of the proposed occupancy. Similarly, the details of the proposed vehicular access to the development are considered to be acceptable in terms of highway safety. The proposed on-site parking provision is in excess of current guidance. An outstanding issue remains in respect of ensuring appropriate parking and manoeuvring facilities for waste collection vehicles and this is expected to be resolved before the Committee Meeting with relevant conditions from the Highways Officer.

(d) Other Issues

Due to the fact that the site has a planning history of vehicle servicing and is close to the sidings of the adjacent former railway station, there is a possibility of land contamination, which would need to be resolved in any redevelopment of the site, having regard to Local Plan Policy 5. Whilst some investigation has been undertaken by the applicant at the pre-application stage, further investigation works will be required, although the Environmental Protection Officer is satisfied that such works can be undertaken via conditions, as recommended at the end of this report, and consequently no objections are raised.

All of the relevant statutory undertakers have been consulted in respect of potential impact upon drainage infrastructure, none of whom have raised objections, subject to the conditions recommended within this report.

Having regard to Local Plan Policy 9 and section 11 of the NPPF, no evidence of bats or other ecological interest has been found within the buildings to be demolished, but officers consider that there is an opportunity for some provision on site to potentially enhance biodiversity. As such, a condition is recommended to ensure that the proposed enhancements for bats are completed in accordance with the proposed planting plan.

9. Conclusion:

Following the outcome of negotiations, officers are now satisfied that the both the principle and detail of the proposed development are acceptable, having regard to all of the relevant policies previously quoted in this report, subject to the final outstanding consultation responses and the completion of the associated S106 legal agreement. Additional conditions as a result of the outstanding consultations may need to be added and officers will provide an update to Members in respect of progress in these matters at the Committee Meeting.

Update: At the July 2014 Meeting, the Committee raised concerns regarding the elevational design, layout and accessibility of the proposed development. The applicants' agent has provided a full response to the concerns expressed by Members, which is attached to this report in a letter dated 24.07.15. The letter is supported by a Legal Judgement dealing with design issues and a statement in respect of amenity space provision, both of which have been circulated to the Committee's Members prior to this Meeting. On the basis of the response, the applicants contend that the proposals as presented to Committee in July are fully compliant with national and Local Plan policies and therefore do not consider that a re-design of the scheme is reasonable or necessary. Consequently, the applicants request that the Committee determines the proposals in their current form on their own merits.

10. Proposed Conditions:

The development shall be started by 3 years from the date of this decision notice

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s):

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

The development hereby permitted shall be occupied solely by persons of a minimum age of 55 and any immediate dependants.

Reason: The Sheltered Housing has not been included within the Affordable Housing provision and therefore it is necessary to restrict unrestricted occupancy of the dwellings, in accordance with Cotswold District Local Plan policies 18 and 21, and the provisions of the NPPF.

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 the provisions 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.

Prior to the first occupation of the development hereby approved, measures to protect the occupiers of the development from road noise shall be completed fully in accordance with details that have first been approved in writing by the Local Planning Authority and those measures shall be permanently retained in accordance with the approved details thereafter.

Reason: To protect people within the development from noise in accordance with Cotswold District Council Plan Policy 5 and the National Planning Policy Framework.

Demolition or construction works shall only be undertaken between the hours of 0730-1800 on weekdays and 0800-1400 on Saturdays, and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy 5 and the National Planning Policy Framework.

The cumulative level of noise emitted by plant and machinery from the site during demolition and construction shall not exceed 35dB Lea at time, as measured at the boundary of the site with the nearest sensitive receptor.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy 5 and the National Planning Policy Framework.

Before the development commences a Dust Action Plan shall be submitted to and agreed in writing by their local planning authority which specifies the provisions for the control of dust on site.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy 5 and the National Planning Policy Framework.

No development approved by this planning permission shall be commenced until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it shall include:

- (I) a 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages;
- (ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
- (iii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
 - Human health,
 - Property (existing or proposed) including buildings, and service lines and pipes,
 - Adjoining land,
 - Groundwater's and surface waters,
 - Ecological systems.

Reason: To ensure any contamination of the site is identified and appropriately remediated, in accordance with Cotswold District Local Plan Policy 5 and Section 11 of the NPPF. It is important that details are agreed prior to the commencement of development as any groundwork's could cause contamination or a risk to human health or the environment.

No development approved by this planning permission shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

Reason: To ensure any contamination of the site is identified and appropriately remediated, in accordance with Cotswold District Local Plan Policy 5 and Section 11 of the NPPF. It is important that details are agreed prior to the commencement of development as any groundwork's could cause contamination or a risk to human health or the environment.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of Condition 9, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of Condition 10. The measures in the approved remediation scheme shall then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, written confirmation that all works were completed shall be submitted to and approved in writing by the Local Planning Authority in accordance with Condition 10.

Reason: To ensure any contamination of the site is identified and appropriately remediated, in accordance with Cotswold District Local Plan Policy 5 and Section 11 of the NPPF. It is important that details are agreed prior to the commencement of development as any groundwork's could cause contamination or a risk to human health or the environment.

All development works shall be carried out in accordance with the updated Bat Method Statement (Environmental Services as submitted February 2015) and as per the proposed planting plan drawing no. 1628-3001. All proposed mitigation and enhancements must be completed before the apartments are first brought into use and permanently maintained thereafter.

Reason: To ensure that bats and their habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), Cotswold District Local Plan Policy 9 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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 objective of Cotswold District Local Plan Policy 45.

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 Policy 45.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling (including non-stonework cladding, fibre cement panels and louvres with final finishes) and roofing material shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the construction of any external wall of the development hereby approved, sample panels of ashlar and rubble stone walling of at least one metre square in size, showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar, have been erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panels. The panels shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policies 15 and 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panels on site during the work will help to ensure consistency.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan policies 15 and 42 and the provisions of the NPPF.

External doors and window frames shall be finished in a colour(s) to be first submitted to and approved in writing by the Local Planning Authority prior to their installation and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan policies 15 and 42 and the provisions of the NPPF.

No external doors, windows, heads, cills, reveals, eaves, balconies (including treatment of internal wall faces and soffits), cladding, panels, louvers, treatment of inner walls and soffit of undercroft, balustrading, retaining walls, external steps, entrance bridge, new gates within southern boundary wall, repair of historic walls, hard landscaping materials, and substation enclosure shall be installed, inserted or constructed in the development hereby approved until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan policies 15 and 42 and the provisions of the NPPF.

No development shall take place, including any works of demolition, until the submitted 'Cirencester Construction Method Statement 23.07.15 Revision B - M & S Site Ref: 1999' has been fully implemented and the measures therein shall be maintained thereafter for the duration of the demolition and construction works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the potential impact on the public highway, in accordance with Cotswold District Local Plan Policy 38 and the provisions of the NPPF.

Prior to beneficial occupation of the proposed development details of electric vehicle charging points within the site shall be submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be occupied until the approved works have been completed in accordance with the approved details and the works shall be maintained as such thereafter.

Reason: To reduce potential highway impact, in accordance with Cotswold District Local Plan Policy 38 and the provisions of the NPPF.

Prior to beneficial occupation of the proposed development, details of secured and covered cycle parking within the site shall be submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be occupied until the approved works have been completed in accordance with the approved details and the works shall be maintained as such thereafter.

Reason: To reduce potential highway impact, in accordance with Cotswold District Local Plan Policy 38 and the provisions of the NPPF.

Prior to beneficial occupation of the proposed development, details of enhancements at the Hammond Way bus stop shall be submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be occupied until the approved works have been completed in accordance with the approved details and the works shall be maintained as such thereafter.

Reason: To reduce potential highway impact, in accordance with Cotswold District Local Plan Policy 38 and the provisions of the NPPF.

Prior to beneficial occupation of the proposed development, the vehicular parking and turning facilities shall be provided in accordance with the submitted plan 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 conflict between traffic and cyclists and pedestrians is provided in accordance with Cotswold District Local Plan policies 38 and 39 and the provisions of the NPPF.

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level in accordance with the submitted plans and maintained thereafter.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with Cotswold District Local Plan Policy 38 and the provisions of the NPPF.

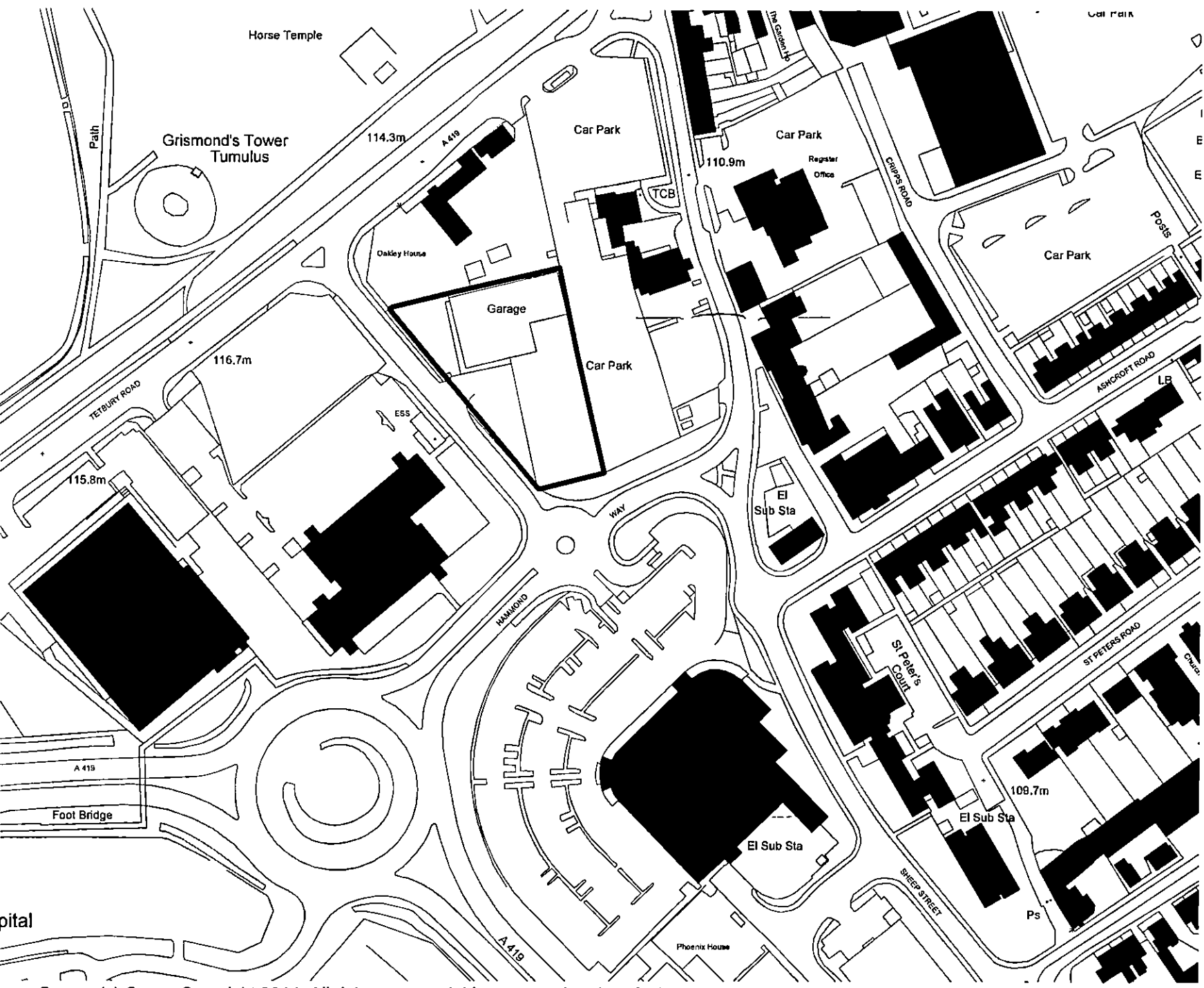
Notwithstanding the submitted plans, the proposed access road shall be a shared surface with no delineation and shall be retained as such thereafter.

Reason: The submitted plans show separate footways either side of the access road, which are not suitable for use, and the condition is therefore necessary in order to provide a safe and suitable access, in accordance with Cotswold District Local Plan Policy 38 and the provisions of the NPPF.

INFORMATIVES :-

1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2 The proposed development may require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.



Revisions

76

RE-FORM

AT

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Scale: 1:1250

Date: 25.11.2014

Drawn by: EG Checked: NA

Project Title: Apartment Blocks, Cirencester

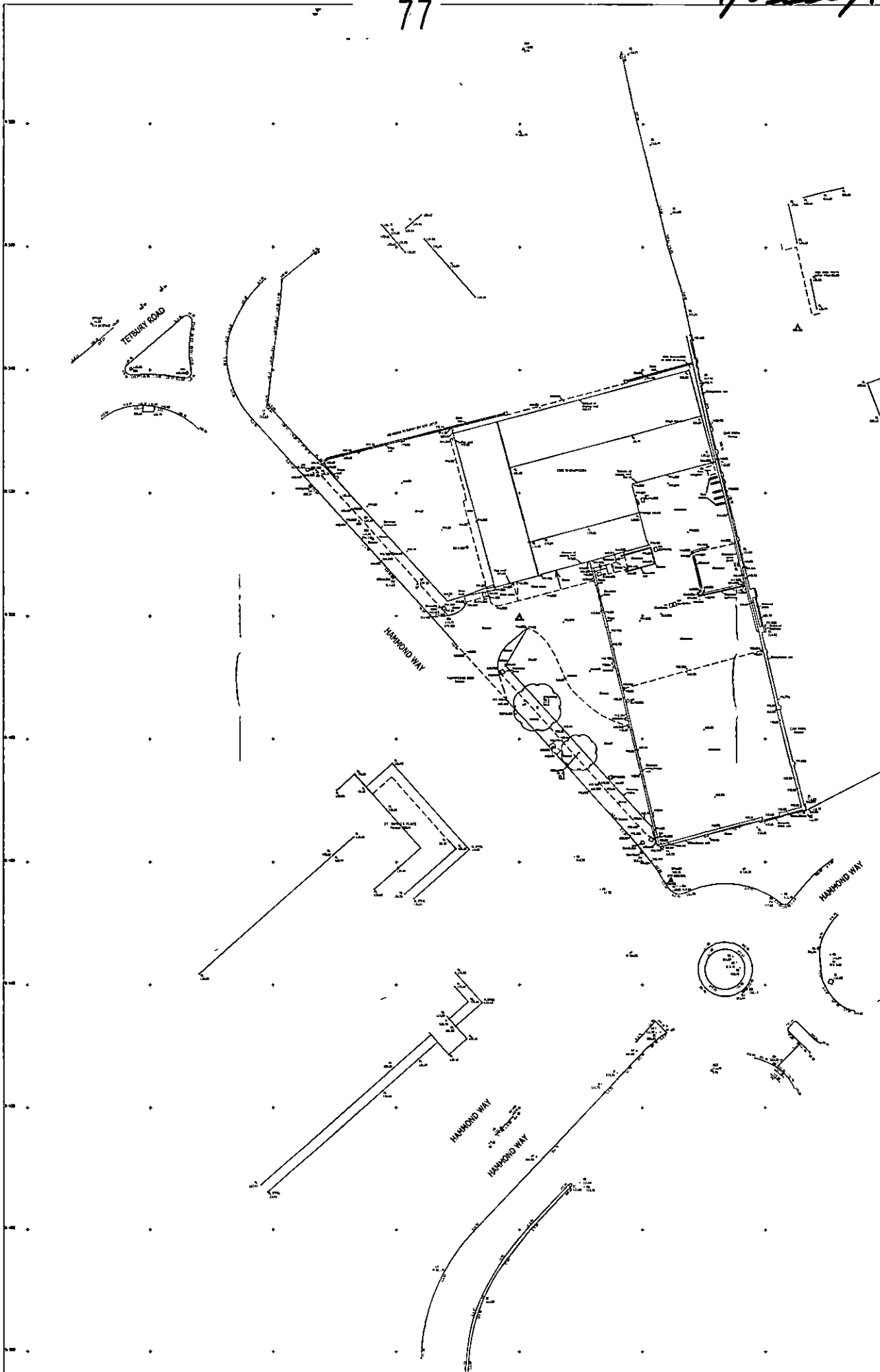
Document Title: Site Location Plan

Status: Planning

Drawing Number: 14042(AP)00.05 Revision: P2

14/05222/FUL.

SITE LOCATION PLAN.



LEGEND

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Scale

0 100 200 300 400 500

North Arrow

Inset Map

228-21 228-22

Disclaimer

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Baypoint Surveys

Land Survey
Site Survey
3D Laser Scanning
Historical & Utility Services

Hammond Way
Circle/arc

NCA 174 and Stone

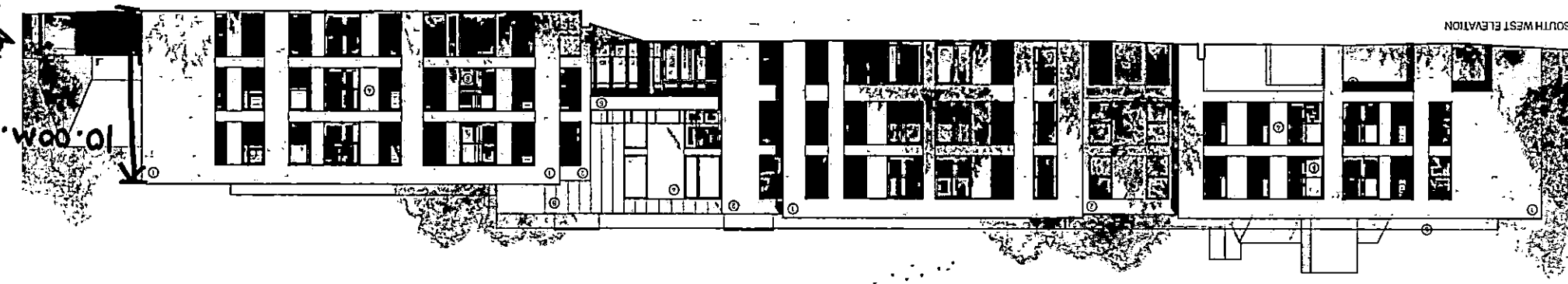
Topographical Survey

18/05222/FOL

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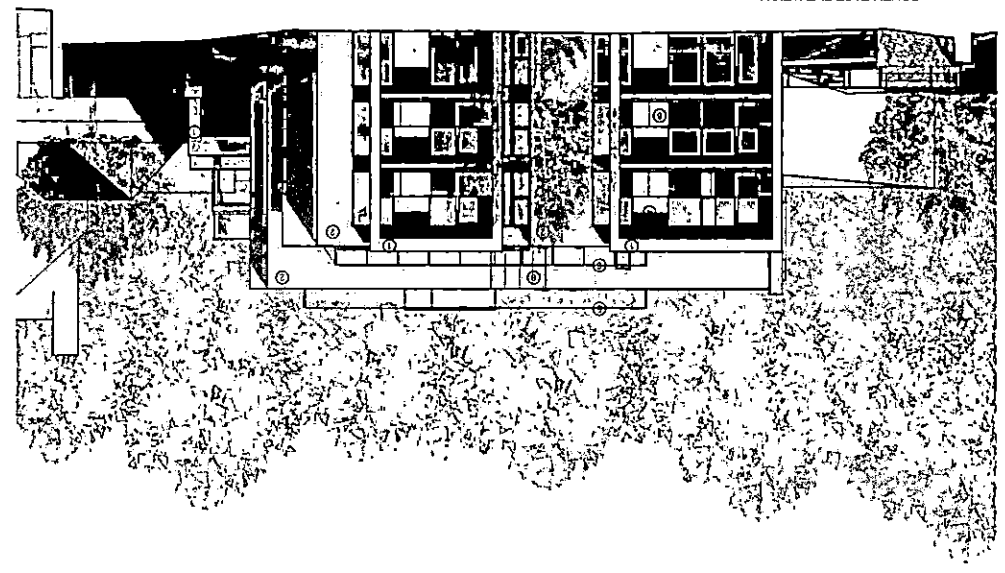
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DATE	04/09/2015	PROJECT NO.	04/09/2015
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SCALE	1:100	COORDINATE	1401214212
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DATE	04/09/2015	PROJECT NO.	04/09/2015
DRAWN BY	AD	CHECKED BY	SCAM AT 41
SCALE	1:100	COORDINATE	1401214212
PROJECT NO.	04/09/2015	PROJECT NAME	APARTMENT BLOCKS PROPOSAL

PROPOSED SW (FRONT) ELEVATION.



SOUTH WEST ELEVATION

PROPOSED (SE) SIDE ELEVATION.



SOUTH EAST ELEVATION

- KEY
- ① ALUMINUM
 - ② FLAT JOINT
 - ③ ROUGH MASONRY
 - ④ LUMBER BRICK WITH ROOFED Joints
 - ⑤ COLOR BRICK
 - ⑥ SHUTTERED FINISH CEILING BOARDS
 - ⑦ COLOR GRIT
 - ⑧ PCC W/ TR
 - ⑨ BRICK & TRITEL W/ COLOR GRIT
 - ⑩ GLASS BALUSTADE
 - ⑪ SAFETY GLASS BALUSTADE
 - ⑫ BRICK WALL
 - ⑬ CONCRETE
 - ⑭ CONCRETE
 - ⑮ CONCRETE
 - ⑯ CONCRETE
 - ⑰ CONCRETE
 - ⑱ CONCRETE
 - ⑲ CONCRETE
 - ⑳ CONCRETE

1# 7/17/2009/FUL

RF
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MAT

stage
04
revision
A

scale
primary
drawing number
SIV-1999-04-MC-104-2-02.11

project title
Apartment Block Development
drawing title
Elevation

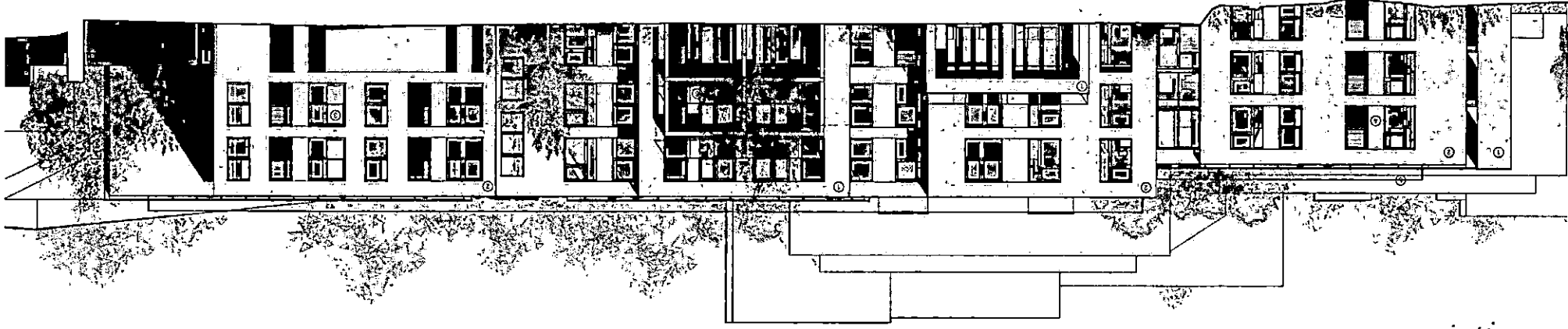
date
04/09/2015
sheet # of #
1/00

drawn by
MO
checked by
NAI, MW

name of consultant
MWH/ARCADIS
address of consultant
10000 10th Avenue SW
Edmonton, Alberta T6E 2C1
Canada
phone number
(780) 443-2211
fax number
(780) 443-2212
email
mwh@arcadis.com

PROPOSED NE (REAR) ELEVATION.

NORTH EAST ELEVATION



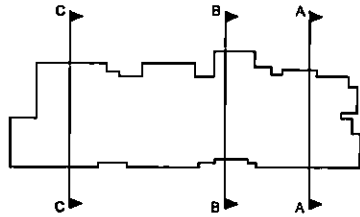
PROPOSED NW (SIDE) ELEVATION.

NORTH WEST ELEVATION

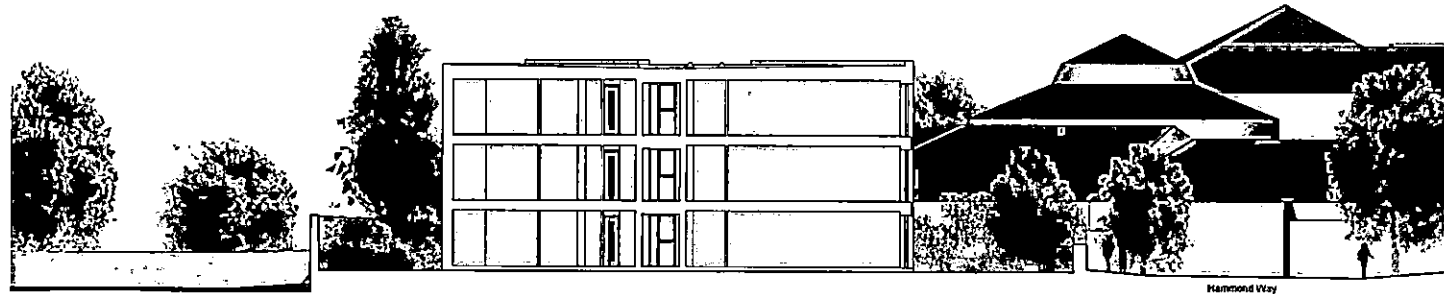


- KEY
- ① ALSKA STONE
 - ② Fluted Portland
 - ③ ROUGH MASONRY
 - ④ Lumber Deck w/ recessed joisting
 - ⑤ FPC ALUMINUM WINDOW
 - ⑥ color grey
 - ⑦ Buff finished FIBRE CEMENT BOARD
 - ⑧ color grey
 - ⑨ PFP METAL
 - ⑩ facade in metal with colour grey
 - ⑪ GLASS BALUSTRADE
 - ⑫ white glass balustrade
 - ⑬ Proposed new concrete primary access road
 - ⑭ aluminium cladding
 - ⑮ coloured metal cladding grey

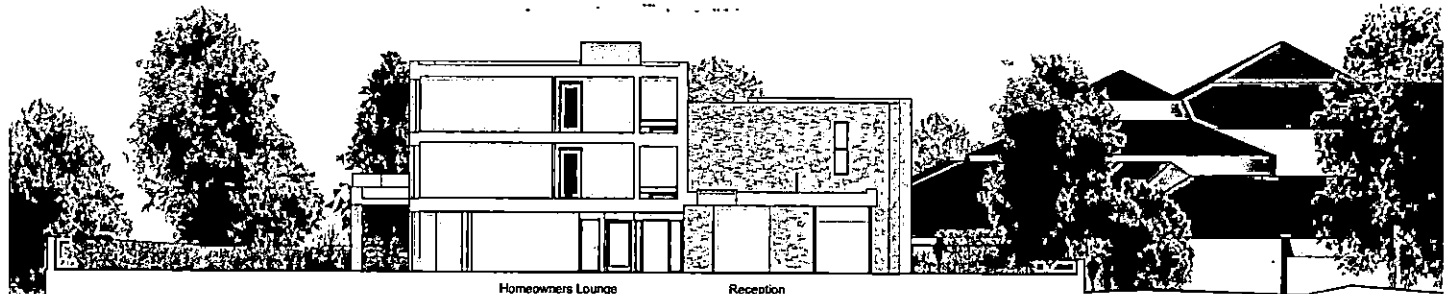
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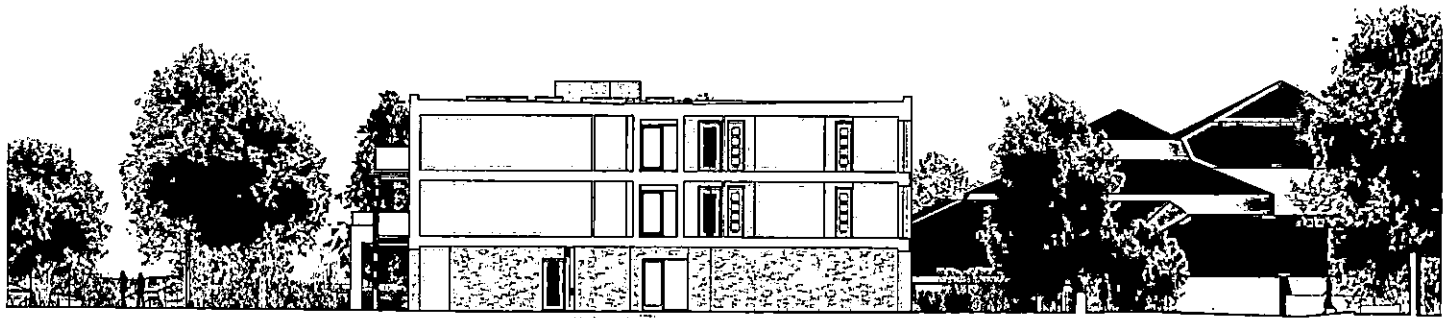
Sections location plan



Section A-A



Section B-B



Section C-C

PROPOSED SITE SECTIONS.

revisions
A - 03.08.2-15
FIRST ISSUE

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drawn by
MD
checked by
NA, MW
date
04/06/2015
scale at A3
project title
Apartment Blocks Cirencester
document title
Sections 4

status
preliminary
drawing number
SW-1899-04-AC-14042.50.01

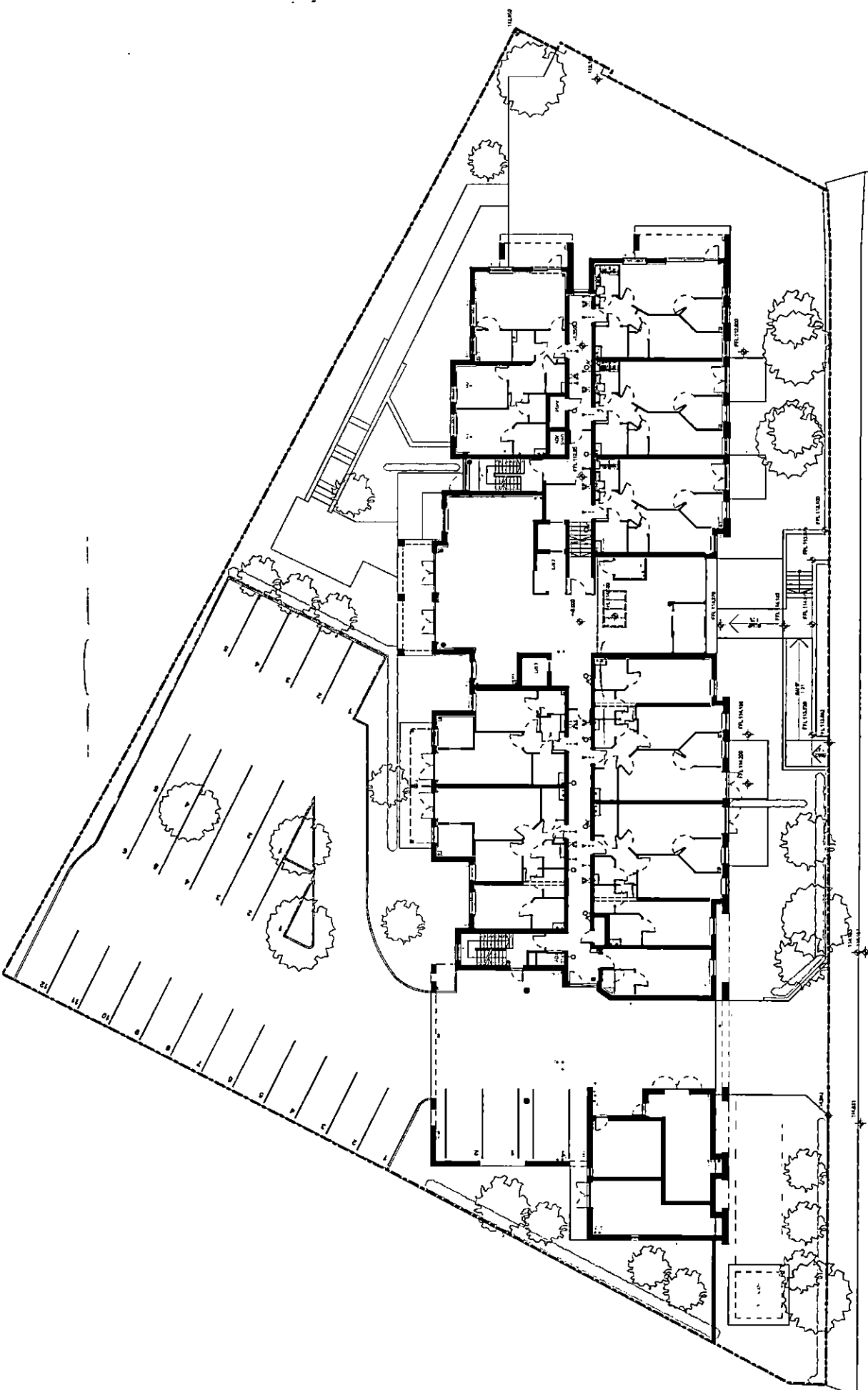
stage
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MAP
 DATE
 REVISION
 5

PROJECT NO.
 APARTMENT BLOCK CHANGSHAN
 DOCUMENT TITLE
 PROPOSED GROUND FLOOR

PROJECT NO.
 27015
 MAP NO. 1
 1/125

PROPOSED GROUND FLOOR LAYOUT
 ARCHITECT
 11/125

PROPOSED GROUND FLOOR LAYOUT

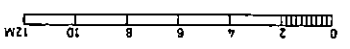
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 5 WALL OPENING AND LOCKERS SERVICE PASSAGE
 5 PLANT ROOM
 5 PLANT ROOM

14/02/2011

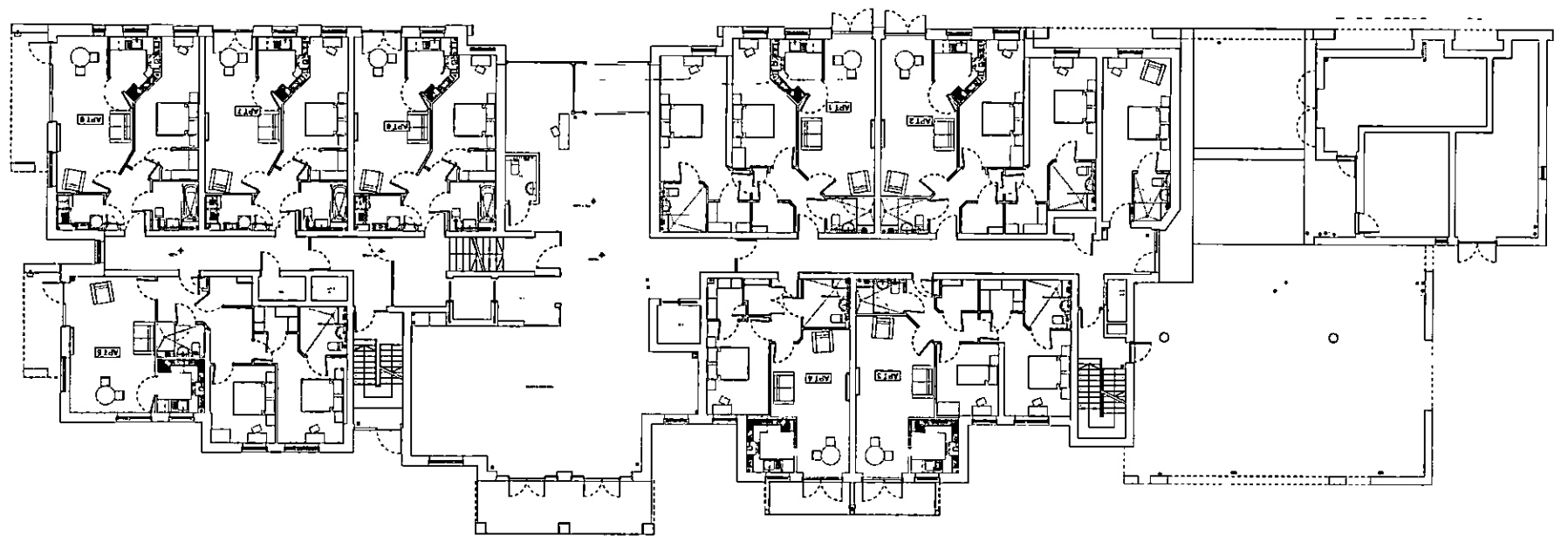
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 sheet no. 1
 scale 1:100
 drawing title Ground Floor Plans
 drawing number 01-1999-04-1402.1021
 status primary

drawing no. 01/00/2011
 date 01/09/2011
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 drawing no. 1.00
 sheet no. 1
 scale 1:100
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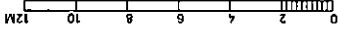


PROPOSED GROUND FLOOR.



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13/02/2011



NOT TO SCALE
THIS PLAN IS A PROPOSED
REVISION TO THE ORIGINAL
PLAN AND SHOULD NOT BE
USED FOR CONSTRUCTION
UNLESS SPECIFICALLY
NOTED OTHERWISE.

DATE: 01/02/2015
DRAWN BY: [Redacted]

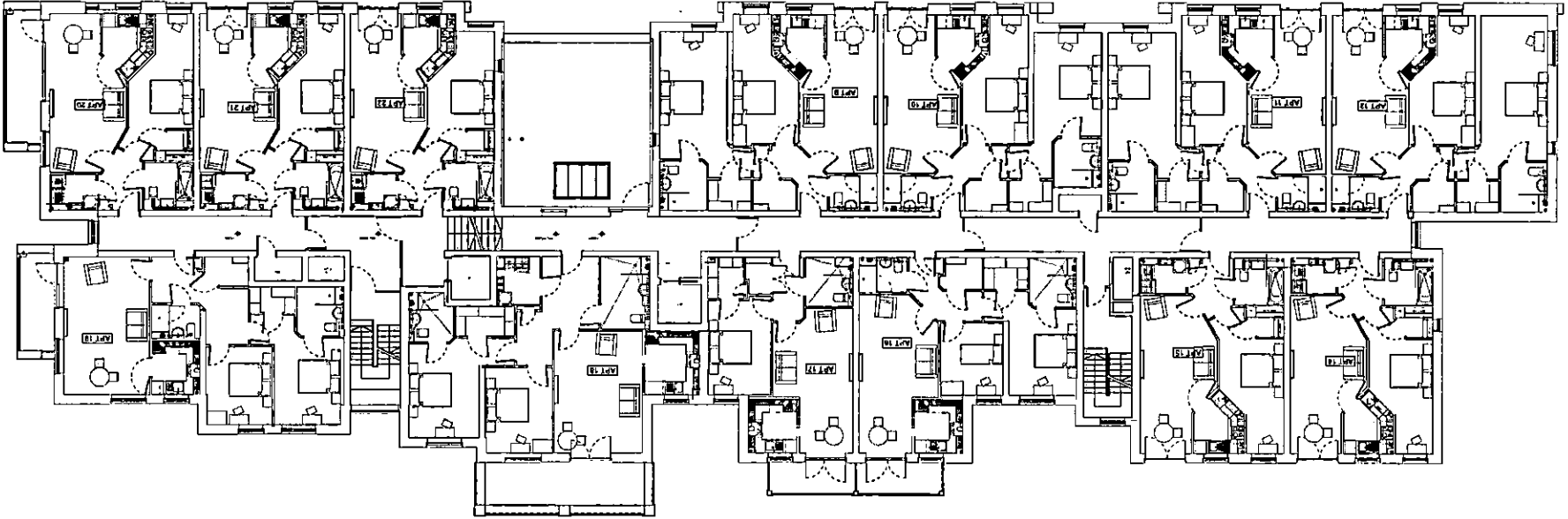
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CHECKED BY: [Redacted]

PROJECT NO: 1100
DOCUMENT TITLE: First Floor Plan

DATE: 01/02/2015
DRAWING NUMBER: SH-1599-04-AC-1642.10.22

SCALE: 1/8" = 1'-0"

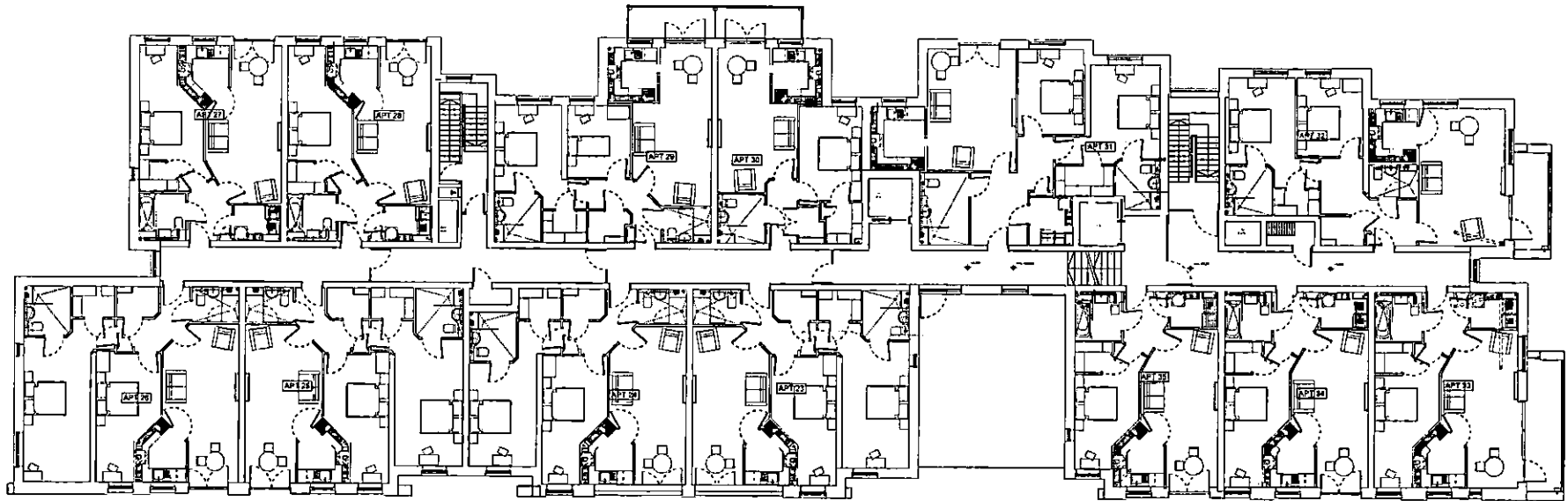
PROPOSED FIRST FLOOR



83

14/05222/41

FO
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RFI



84

PROPOSED SECOND FLOOR.

REV: 0078
 A: 08/08/2012
 B: 17/08/2012
 C: 28/08/2012

See drawing for examples of
 dimensions and tolerances. In the absence
 of a specific dimension, the tolerance
 shall be as follows: 0.5mm for
 dimensions up to 100mm, 1.0mm for
 dimensions over 100mm. See also
 drawing for construction details.

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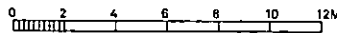
Drawn by
 MD
 Checked by
 NA, SPW

Date
 01/06/2015

Project Title
 Apartment Blocks Construction
 Drawing Number
 1-100

Status
 preliminary
 Drawing Number
 S14-1999-04-AC-140-2.10.23

Stage
 04
 Revision
 C



14/05222/FL2

REF
 R
 FO
 MAT

14/05222/FUL.

85

AGENT'S RESPONSE TO
JULY COMMITTEE RESOLUTION.



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REPLY TO: 1 Embankment Way, Ringwood, BH24 1EU

24th July 2015

Mr M Napper DipTP MRTPI
Team Leader (Development Management)
Cotswold District Council
Trinity Road
Cirencester
Glos. GL7 1PX

Dear Mike,

**PA 14/05222/FUL ERECTION OF RETIREMENT APARTMENTS SITE AT T H WHITE PREMISES,
TETBURY ROAD, CIRENCESTER, GLOUCESTERSHIRE**

With regards to the decision of the Planning Committee to defer the application for further discussions and negotiations, I would first of all refer you to my email dated 9th July 2015 which requested that the application be referred back to the first available planning committee. However, in addition to the brief comments made at that time, I take the opportunity of elaborating upon them.

The Planning Committee sought deferment on three specific issues: Design; Footpath links to the town centre and Landscaping/amenity space for the proposed development. Before dealing with each issue it is worth briefly reviewing policy CIR.3 albeit that I appreciate that it is also detailed in your Planning Report.

POLICY CIR.3: The site is allocated under policy CIR.3 for a number of uses including a decked car park, and a mix of residential, office and leisure uses. However the policy does not seek comprehensive development as clarified in the explanatory comments. The commentary makes clear that the exact mix of uses will be dependent on market conditions and demand at the time of development. Furthermore that such developments may take place in phases, each delivering a different use or a combination of uses in the overall mix of the site. The proposal is therefore consistent with the policy.

STATUTORY CONSIDERATIONS: It is of course acknowledged in the explanatory comments that the site is within the Conservation Area and that there are nearby Listed Buildings and that the opportunity should be taken to enhance this part of the town.

Whilst it is recognised that a Heritage Asset can be an irreplaceable resource which should be conserved in the manner appropriate to its or their significance, this does also need to take into account the following:

- Paragraph 126 of the NPPF: the desirability of new development making a positive contribution to the local character and distinctiveness.
- Paragraph 128 requires an Applicant to describe the significance of any Heritage Assets affected including any contributions made by their setting. This has been dealt with in detail in the accompanying Heritage Statement.
- Paragraph 129 goes on to identify that the Local Planning Authority should identify and assess the particular significance of any asset that may be affected, and
- Paragraph 131-133 provides further advice and guidance on how applications ought to be considered, not least when considering the impact of a proposed development on the significance of a Heritage Asset, great weight should be given to the assets conservation.

The starting point in how the redevelopment of the site needs to be considered is with due regard to the statutory test set out in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires in the exercise of planning control, that special attention is paid towards the preservation or enhancement of the character or appearance of the Conservation Area. In this respect, and as noted in paragraph 2 of your Report, the application site is identified in the Cirencester Town Centre Character Appraisal and Management Plan 2008 as having a negative impact upon the Conservation Area.

Given the fact that the application site has been identified as a negative feature which detracts from the character or appearance of the Conservation Area, it must follow that any proposal must be measured against this status, albeit that the Courts have held that such an assessment should not simply be limited to the assessment of buildings within the Conservation Area but should balance the overall planning merits of the proposals as reiterated in Paragraph 134 and 135 of the NPPF. The scheme has many benefits as detailed in the Planning Statement and include meeting specialist housing need, a contribution towards affordable housing, THE reuse and decontamination of a town centre site etc and of course being in compliance with CIR.3.

In broad terms therefore, given the current negative status of the site, it follows that having regard to both Section 66 and 72 of the Act that the proposal can only be realistically objectionable if it was to be concluded that it was not "neutral" compared to what presently exists (and that the benefits did not outweigh such harm). In applying this test, I cannot by any stretch of the imagination consider that the proposed development would be detrimental (or less than neutral) to the character or appearance of the Conservation Area or the setting of nearby Listed Buildings. I would in fact argue that it would be a positive improvement not least given that policy CIR.3 not only seeks to retain car parking but augment it by the provision of a decked car park. I cannot envisage how such proposals would in overall terms be neutral, let alone positively enhance either the setting of the Conservation Area or nearby Listed Buildings.

ALTERNATIVE DESIGN APPROACH: I am aware that some Members expressed the view that the design should perhaps be more traditional. However, the mere desirability that something else might be preferred does not invalidate the approach taken and for background information I attach

for your attention an Appeal case relating to the **Secretary of State, West and Green (Properties) Ltd and Sainsbury's Supermarkets Ltd 2007**, which in broad terms dealt with the issue of a "design competition".

You will note that Paragraph 19 of the judgement, identifies what has always been known, namely that alternative proposals have little relevance as an appeal (or in this case a planning application) must be decided on its own merits. In assessing the test of the "*high standards*" of design in Paragraph 52, the judgement makes it clear that such a phrase does not mean that "*because some improvements could be made to the design of an aspect of the scheme, the scheme therefore breaches policy*". Paragraph 53 of the judgement identifies that when determining matters relating to the quality of design of buildings there is some value judgement but it does not mean that the test is whether or not it meets or exceeds the quality of another scheme, or in this case some unspecified alternative which may or may not be acceptable to all Members, some of the Members, or none of the Members.

As mentioned before, and as clearly set out in the Committee Report, the current scheme has to be considered on its own merits and this includes a proper assessment of the current contribution that the site makes to the character or appearance of the Conservation Area and the setting of nearby Listed Buildings (as well as its other merits).

At present, it appears to me that what some Members may be inferring that the scheme is unacceptable on the basis that it would neither preserve nor enhance the character of a Conservation Area or the setting of nearby Listed Buildings. I find this position to be untenable given the present negative state of the site, the planning benefits of the proposal and indeed as mentioned above, the desire within policy CIR.3 to maintain a high level of car parking and indeed to provide a decked car park.

There are no fundamental objections to the proposal from English Heritage and the design is also supported by the Council's Conservation Officer. All of the expert advice is therefore in favour of the design approach. Accordingly, whether or not there may be an alternative which some Members may prefer, albeit that this is questionable, the fact remains that the Council has in front of it a detailed design which the Applicant wishes to be determined. In this respect I can only quote from the Planning Report on page 306 which states

"in conclusion, it is considered that the proposed scheme would preserve the character and appearance of the Conservation Area, and the setting of nearby Listed Buildings, in accordance with Section 72 (1) and Section 66 (1) of the 1990 Act. The significance of these designated assets will in my view be sustained, in accordance with Section 12 of the NPPF. The requirements of policies 15, 18 and 42 of the Local Plan are also judged to be met." And "to assist in this matter, English Heritage (now Heritage English) were also consulted and raised no objection, including in respect of the level of information provided with the submission".

I hope the above comments are helpful and I would say in large measure reiterate and reflect the comments made in the Planning Report in support of the application. I will now deal with the specific issues raised by members.

DESIGN: The design of the building has to be seen in the overall context of the application including the points made in the preceding paragraphs. The design is quite clearly explained in the accompanying DAS and there is further elaboration and assessment as to its relationship to the Conservation Area and to nearby Listed Buildings in the Heritage Statement. These documents,

especially the latter, draw together the relevant issues and considerations that are pertinent to the consideration of the application.

I do not disagree that there is more than one design solution as to how the site could be developed but the key issue remains that the detailed scheme before the Council which is what the Applicant wishes to be determined. The fact that some Members may prefer an alternative does not render the current scheme inappropriate or unacceptable as clearly explained in the preceding paragraphs and in the supporting documents which accompanied the application.

If some Members prefer a more traditional design, that is all well and good but it would involve the complete redesign of the current scheme without any actual guarantee that it would necessarily be acceptable to all Members. However in considering this alternative approach, I am mindful of Policy CIR.3 which seeks to encourage decked car park. This desire, to me, suggests that a contemporary design solution for that part of the Sheep Street site is not inappropriate. It therefore appears to be somewhat inconsistent to seek a traditional approach on the application site but to have a more contemporary approach on what may be the more sensitive part of the site i.e. closer to Listed Buildings and further within the Conservation Area.

Residential Use: In your email of 9th July 2015, you comment that *"even if they were persuaded that the location was appropriate for residential use"*. In this respect, I am unclear as to why they should consider the site unsuitable for residential development given that this is clearly referred to within Policy CIR.3 and that the site is well suited to such a use being approximately 500 metres from the town centre. If Members were to consider policy CIR.3 out of date, would this not in effect be a "silent" policy position which in accordance with the NPPF militate in favour of the proposal?

I would also add that if it is the view of some Members that the site is unsuitable for older persons accommodation that this is not, as a matter of principle, up to them to determine. The suitability of the site for older persons accommodation is clearly up to the Applicant i.e. in taking a commercial risk as to its suitability. The success or failure of the scheme will then be dependent upon the ability of the developer to sell the apartments which brings me to the viability of the scheme.

Scheme Viability: In the first instance, the sale values and sale rate adopted by the both the Applicant and the DVS is based on the belief that the apartments will sell and indeed a relatively fast sale rate has been adopted. It must therefore follow that if some Members think that the site is unsuitable for residential development, or indeed unsuitable for older persons accommodation, that the GDV and sale rate adopted must be incorrect. If that is their stance, then clearly the level of contribution agreed as a matter of commercial expediency needs to be scaled down, if not written off in its entirety.

The second issue is in part relates to the possible redesign of the scheme. As you will note, the current scheme is in our view already marginal in economic terms and the figure of £225k agreed as a matter of commercial expediency cannot be supported if the level of development was to be reduced which would be likely if a more traditional design approach was adopted.

The initial comment of course is that if some Members are of the view that a more traditional design approach is appropriate, how does this necessarily square with perhaps some of the views of some Members that the site is not suitable for residential accommodation? Surely the principle applies irrespective of the design. It appears to me that the views expressed by some Members are not entirely consistent and the concern regarding the suitability of the site for residential development or the appropriateness of this design is simply an expression of preference rather than a balanced assessment and consideration of the proposal.

Site Accessibility/Noise: In your email dated 9th July 2015 in referring to the comments of Members stated *"the latter seemed to be important in terms of the safe/improved accessibility from the site to the Leisure Centre, doctor's surgery, hospital, Waitrose, etc, and in terms of external noise"*.

Firstly dealing with the safe/improved accessibility from the site, this needs to be put into context. People who move to retirement accommodation do so for a variety of reasons including wanting a more central location with easier access to shops and services. I cannot therefore understand how the site may be deemed to be unsuitable compared to more remote locations which are presently occupied by older people. In addition, the site itself is some 500 metres from the town centre and is a highly sustainable location which is well located for its intended purpose.

The impression being given is that some Members feel that the site is an island site surrounded by significant traffic flows. I would challenge this perception as Cirencester is, from my experience, a relatively quiet town. Hammond Way is restricted to 20mph and Hammond Way East and West are restricted to 30mph. All of these roads have dropped kerbs with tactile paving crossing points. These crossing points are detailed in the accompanying Transport and Transport Statement Addendum. Consequently, I cannot see how the site can be anything but well located with good links and I would also make the point that there are no Highway objections to the proposal on any grounds.

I would also add that £25,000 is to be utilised towards improvements to the linkages to the town centre as requested by the Town Council and a further £7,600 towards bus stop improvements. My Client does not have any objection to a further sum being utilised for improved crossing points if that is what the Council desires, albeit that this would of course reduce the sum available for affordable housing.

Noise: With regards to external noise, I must go back to first principles and reiterate that the site under policy CIR.3 is deemed to be suitable for residential development and in this respect there are no objections from the Environmental Health Officer for the intended use.

I do however accept that the site is more exposed to noise than, for example, a more suburban location, but it is up to prospective purchasers to weigh up the pros and cons of the location. Given that the site is suitable for residential development, it is not up to Members to determine which age group should or should not occupy the site. If Members are correct then the apartments will not sell or if they do, it would be at a reduced value and sale rate. Either way it is at my Client's commercial risk.

PEDESTRIAN LINKS THROUGH SITE: As policy CIR.3 recognises that development may take place in phases, it stands to reason that not all parts of the CIR.3 site need to provide pedestrian links. Given the location of the site fronting Hammond Way it readily links to both Hammond Way East and West, I fail to see what purpose a pedestrian link broadly N-S through the site would serve.

A footpath running through the site in a west to east direction from Hammond Way and linking to the adjoining car park, even if practical, would also have little purpose. In this regard, and as set out in the Planning report, it would mean breaching the spine wall along the centre of the island site which dates from the 19th century or even be earlier. The structure itself and the manner in which it divides the island is of significance to the historic development of Cirencester, the Conservation Area and the setting of the Listed Buildings. Accordingly, the puncturing of this wall would not be beneficial either to the proposed development or to the historic value of the wall.

In addition such a link would in any event not be practical given the significant changes in ground levels between the site and the adjoining car park. Where should this link be provided and how would this then relate to any future development including the desire to have a decked car park? If the site was to be part an overall comprehensive scheme then a footpath link may have some merit but under the present circumstances, the need for there to be a pedestrian link through the site from Hammond Way eastwards to the adjoining car park is inappropriate.

LANDSCAPING AND AMENITY SPACE: I note your comments and interpretation of the views of some Members but I do not agree that the basis of their concerns are warranted.

Firstly, policy CIR.3 accepts the principle of residential development. Indeed given the uses listed within policy, it may well be that in a larger mixed use scheme, the residential would be on the upper floors and commercial and leisure uses on the ground floor. Accordingly given these parameters, it is highly unlikely that such residential accommodation would have any amenity space other than perhaps balconies. This is not a criticism, it is merely a point recognising that the site is within the town centre, an urban location and where one would normally expect there to be limited, if any, external amenity space for residents.

The fact that the prospective occupiers of the proposal would be older people does not change this basic point. Prospective residents would have to consider whether the site met their requirements and if it did not, possibly due to the lack of sufficient external amenity space for their needs, then they would not purchase the properties (a commercial risk and one which underlines the viability point made previously).

In support of this position, I attach for your attention a report entitled **Statement on Amenity Space Provision in respect of McCarthy & Stone Sheltered Housing Developments**. This document explains the nature of retirement schemes and why external space is not a key requirement for residents. The document also sets out various appeal decisions as well as the experience of McCarthy & Stone and its residents. In this respect I think two salient comments in the report are as follows:

- Appeal decision in 2004 for a sheltered scheme at Norwich in which the Inspector stated *"However, the Appellant's have wide experience in providing sheltered accommodation for elderly clients and, presumably, a detailed knowledge of their expectations. They would, in my opinion, be unlikely, therefore, to promote a development that potential purchasers would find unacceptable in respect of available amenity space. They note that there are internal communal areas, in addition to private sitting rooms, that would be available to residents and also that individuals would have a choice of whether or not to purchase apartments in the building."* (page 2 of the attached statement).
- The statement also refers in Section 4 to other appeal decisions released relating to the provision of amenity space. The document also deals with the experience of McCarthy & Stone as well as the surveys amongst residents. All of these factors are such that it is considered that "active" or "siting out" amenity space for residents is not of paramount importance. Of course the development would be the subject of a detailed landscaping scheme as this is seen as important by my Client in terms of "finishing off" the scheme as well as the fact that the attractiveness of the grounds are an assistance in selling the scheme to prospective purchasers. Such landscaping would of course be maintained as part of the service charge paid by residents.

In your response of 9th July 2015, I note the point that the reservations of some Members is linked to their position regarding the design approach. I note the comment that the appearance should be softened by landscaping and possibly breaking up the continuity of the frontage to expose glimpse through for a sense of open space beyond but quite frankly this would not be appropriate or achievable for a number of reasons.

The proposal is a well considered design which has been refined through discussions with yourself and the Conservation Officer. The design is fully explained in the accompanying DAS and Heritage Statement and a strong frontage is appropriate in this location. A detailed landscaping scheme was submitted as part of the planning submission (the plans need to be updated due to the cages in the footprint of the scheme) which illustrates the applicant's intentions.

If the building was to be divided into two blocks in order to provide some visual views through to the rear of the site, then it is unlikely that a retirement scheme would be possible. This is irrespective of the issue of whether such a development would remain financially viable given the various constraints including development costs.

I would also query as to the purpose of glimpses or views through to a rear landscaped area in what is a town centre location. Certainly if the degree of landscaping suggested by some Members was to be provided, then this could only be at the expense of the level of development and/or the level of car parking provided for residents. This would reduce the level of development with the ensuing impact on development viability.

If prospective residents, whether for a retirement or general market scheme, set external amenity space as being of prime importance, then a town centre location is not something that they would consider in preference to more suburban sites.

CONCLUSION: This is a much longer letter than I had intended not least as the Planning Report is very thorough and made a clear recommendation for approval to members.

The NPPF states that the determining Authority should contribute to building a strong responsive and competitive economy, vibrant and healthy communities that meet the needs of present and future generations and high quality built environments with accessible local services that reflect the communities needs and supports its health, social and cultural wellbeing as well as protecting the natural, built and historic environment.

In accordance with the above objectives, the main issue to consider in determining the application is therefore the acceptability of the principle of the proposed development in land use terms and the design of the proposed replacement building and its impact on the character and visual amenity and setting of the Conservation Area and Listed Buildings.

The NPPF presumption is of course in favour of sustainable development and this should form the basis of all planning decisions. Therefore proposals that comply with policy objectives should be approved without delay or that where Development Plans are silent or policies out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Clearly the proposal complies with policy CIR.3 and thus should be approved.

With regards to the principle of the NPPF, the site is deemed to be a negative feature in the Conservation Area and accordingly it is from this base that any considerations for replacement buildings must be made. As outlined above, the design has been fully justified and has evolved

through discussions. Both the Applicant and Officers in this case are of the view that the proposal is a high quality development in design terms as well as the materials proposed to complete it.

Accordingly, I remain of the view that the application should be supported and approved.

Yours sincerely

Mr Gian Bendinelli
Principal Planning Associate

ENCLOSURES

Secretary of State, West and Green (Properties) Ltd and Sainsbury's Supermarkets Ltd 2007

Statement on Amenity Space Provision in respect of McCarthy & Stone Sheltered Housing Developments,

CIRENCESTER CIVIC SOCIETY

Mr. Mike Napper
Cotswold District Council
Trinity Road, Cirencester.

From: 15 Cecily Hill
Cirencester
Glos. GL7 2EF

Ref: 14/05222/FUL (CT.1787/R)

9th July 2015

Dear Mike,

I understand that this application by McCarthy & Stone for the Retirement Living apartments on the T.H.White site in Tetbury Road was deferred yesterday by the Planning (Regulatory) Committee for further discussions with the applicant over the design.

The Civic Society considered this application at a previous Executive Committee meeting but, having noted the comments by the Town Council about pedestrian access, with which we were in agreement, had decided that, on balance, we found the design acceptable, bearing in mind the high quality materials that it was proposed be used.

However, due to this deferral, and now having the opportunity to look at the plans again, it was agreed at our meeting last evening to make the following comments:

The Civic Society, although accepting the need for homes like this for the over sixties near the town centre, has reservations about the design of the proposed building. Whilst appreciating the use of the superior outside building materials in the specification, it seems inappropriate that the design, with its flat roofline, and square appearance, looks more like an office block. Adjacent as it would be to the St. James's Place office blocks on the opposite side of Hammond Way, it would give the impression that this entrance to Cirencester was given over to offices.

Being on the fringes of the town centre we would not want the flat roofline to become the norm for new buildings so close to the historic town core.

The Society feels that it should give the clear impression that it is a residential building. To that end, it is suggested that a more sympathetic and less angular design would be more appropriate, with a roof-line that appears less office-like.

Perhaps a tiled sloping roof above the top parapet, as incorporated in the Waitrose store nearby, would achieve this.

We are aware that the applicant has a good record in designing retirement homes of this sort and very much hope that some compromise will be achieved in the discussions that will now take place.

I do hope that these remarks will be helpful in the debate.

Subject to what ensues and the new design, it is possible that a representative of the Society might like to request an opportunity to speak at the Planning meeting when this application is considered again.

With my personal regards,

Sincerely,



Geoffrey Adams
Chairman
Cirencester Civic Society.



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 Highways Development Management
 Shire Hall
 Gloucester
 GL1 2TH

 Mike Napper
 Cotswold District Council
 Trinity Road
 Cirencester
 Gloucestershire
 GL7 1PX

 Please ask Michael Glaze
 for:

Our Ref: C/2015/033336

Your Ref: 14/05222/FUL Date: 3 July 2015

Dear Mike Napper,

**TOWN AND COUNTRY PLANNING ACT 1990
 HIGHWAY RECOMMENDATION**

LOCATION: T H White Ltd, Tetbury Road, Cirencester, Gloucestershire, GL7 1US
PROPOSED: Demolition of existing garage and redevelopment of the site to form 35 Retirement Living apartments with communal facilities and associated car parking and landscaping.

Development proposal

The development site is a former car dealership of 804 sqm GFA with parking provision on site and public parking nearby. The implication from the TS is that the existing site is not in current usage. This should be confirmed. The proposal is for a change of use to 35 retirement living apartments.

Existing conditions/Accessibility

There is reasonable pedestrian connection between the site and the local facilities situated 500m to the east. Whilst the DfT standard walking distances should not be directly applied to this site due to the specific mobility needs of the residents, it is reasonable to state that these facilities will be accessible on foot to many residents.

The site is served by public transport at the Waitrose stop on Hammond Way. This stop is located 100m from the site and can therefore be considered accessible. Destinations served include Swindon, Stroud and Cheltenham. However services are relatively infrequent and there is no seating available at the bus stop. GCC requires that the developer provides enhancements to this stop including seating facilities and RTPI at the Hammond Way bus stop. This will cost-effectively enhance the attractiveness of bus services.

Parking

Justification for the proposed parking levels has been submitted and deemed acceptable.

The level of cycle parking should be stated and should be appropriate to accommodate the needs of residents, staff and visitors.

Trip generation

The TS states that McCarthy and Stone retirement developments are not directly comparable to traditional retirement developments. The trip generation has been reviewed and it is accepted that the proposed development will generate fewer peak hour and 12-hour vehicle trips than the extant land use.

Highway Impact

It is accepted that the proposed development will not have an impact on the local highway capacity.

Notwithstanding this, GCC considers that it would be appropriate for the proposed development to provide enhancements at the Waitrose stop on Hammond Way. Bus services are relatively infrequent and therefore it would be reasonable to expect that residents of the proposed development could wait a significant amount of time for a bus. Given the elderly nature of residents it is considered that seating should be provided in order to cost-effectively ensure that opportunities for sustainable transport are taken up.

Site Layout

A plan has been submitted demonstrating that the site access widths are suitable providing that the access is a shared surface arrangement. The recently submitted plans, 'proposed site plan rev F' and P1 appear to show a kerb line, this should be removed, as the proposed footway widths are not acceptable, this can be resolved by condition.

The site access remains as existing and provides suitable visibility. The Swept Path Analysis demonstrates that a large estate car can enter and exit the development and access the car parking.

I recommend that no highway objection be raised to this application, subject to the following conditions being attached to any permission granted:

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

Reason: To reduce the potential impact on the public highway.

Prior to beneficial occupation of the proposed development details of electric vehicle charging points within the site shall be submitted to and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter.

Reason:- To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

Prior to beneficial occupation of the proposed development details of secured and covered cycle parking within the site shall be submitted to and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter.

Reason:- To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

Prior to beneficial occupation of the proposed development details of enhancements at the Hammond Way bus stop shall be submitted to and agreed in writing by the local planning authority, no part of the development shall be occupied until the approved works have been completed, the works shall be maintained as such thereafter.

Reason:- To reduce potential highway impact, in accordance with paragraph 32 and 35 of The Framework.

Prior to beneficial occupation of the proposed development the vehicular parking and turning facilities shall be provided in accordance with the submitted plan 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 conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level in accordance with the submitted plans and maintained thereafter.

Reason: - To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 32 and 35 of the National Planning Policy Framework.

Notwithstanding the submitted plans, the proposed access road shall be shared surface with no delineation and shall be retained as such thereafter.

Reason: The submitted plans show separate footways either side of the access road, which are not suitable for use in order to provide a safe and suitable access, in accordance with paragraph 32 of the National Planning Policy Framework.

Note

The proposed development may require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

Yours sincerely,

Michael Glaze

Principal Development Co-ordinator