

**Item No 05:-**

**17/04091/COMPLY**

**Brewery Court  
Cirencester  
Gloucestershire**

**Item No 05:-**

**Compliance with conditions 3 (samples), 4 (roofing), 5 (walling), 6 (sample panels), 7 (fenestration), 8 (timberwork) and 9 (design plans) - Mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures (ref. 14/01530/LBC) at Brewery Court Cirencester Gloucestershire**

<b>Compliance with conditions application 17/04091/COMPLY (CT.2239/Y)</b>	
<b>Applicant:</b>	Wildmoor (Cirencester) Ltd
<b>Agent:</b>	Miss Laura Humphries
<b>Case Officer:</b>	Sue Bremner
<b>Ward Member(s):</b>	Councillor Jenny Hincks
<b>Committee Date:</b>	23rd November 2017
<b>RECOMMENDATION:</b>	<b>PART-COMPLIANCE</b>

**Reasons for Referral:**

The application relates to land currently in the Council's ownership and therefore Section D (para 3.4) of the adopted Scheme of Delegation expressly requires any such applications to be determined by Planning Committee.

**1. Site Description:**

The application site runs parallel with Castle Street to the north and Cricklade Street to the east, with the Tesco 'Metro' store to the west. It comprises an area of approximately 1.7 ha in total, although approximately half of it accommodates the Brewery public car park. The remainder of the site area comprises the regionally important New Brewery Arts (NBA) complex, including 'The Barrel Store' tourist accommodation (formerly The Niccol Building), together with retail units, rear service areas of other commercial properties and public toilets. The area is otherwise dominated by paved public open space, which includes the distinctive 'Hare Mosaic', with pedestrian links to Castle Street, Farrell Close and Ashcroft Road. The area is currently also well-used by pedestrians visiting NBA and the other commercial properties fronting the open space and the Bishop's Walk arcade, including associated and public outside seating areas. The site is traversed by established Public Rights Of Way as a result of longstanding public usage.

The site lies within Cirencester's Development Boundary and within the town's Commercial Centre, as defined within the Cotswold District Local Plan. With the exception of the public car park, the site is subject to a site-specific Local Plan policy, Policy CIR.5 (Land Adjacent to Brewery Car Park).

Other than the public car park, the site lies within the Town Centre Conservation Area wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Additionally, the site abuts and affects the setting of listed buildings fronting Cricklade Street and Castle Street. The Local Planning Authority is statutorily required to have special regard to the desirability of preserving the listed buildings, their setting, and any features of special architectural or historic interest they may possess, in accordance with Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

There are also numerous unlisted buildings that are considered non-designated heritage assets that would be affected directly or indirectly by the proposed development, mainly of late C19 or early C20 construction. Within the site, these include the visually prominent former brewery building occupied by NBA, 'The Barrel Store' and the detached two-storey brick building currently in retail use. The site also contains more modern single and one-and-a-half storey late C20th buildings and immediately adjoins the large Tesco 'Metro' store and Bishops Walk buildings that, together with the rear elevations of the Castle Street-fronting properties, dominate views from within the public car park.

The application site also lies within an area of well-established archaeological sensitivity and the eastern part of the site lies within a Scheduled Ancient Monument, which itself is a designated Heritage Asset.

## **2. Relevant Planning History:**

13/01034/FUL Mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops, a multi-purpose arts facility and refurbished public realm, including the provision of a new substation and new public toilets both replacing existing structures: Permitted 10.01.14 (BUT PLEASE NOTE THAT THIS DECISION WAS THE SUBJECT OF LEGAL CHALLENGE AND IS TO BE QUASHED).

14/00270/FUL Change of use of Niccol Centre to a Youth Hostel with associated external alterations: Permitted 16.05.14.

14/01529/FUL Mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures: Permitted 24.11.14.

14/01530/LBC Mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures: Consent 24.11.17.

17/03494/COMPLY Compliance with conditions 6 (toilets), 7 (archaeology), 8 (drainage), 10 (contamination), 15 (noise/dust), 16 (CMS), 20 (travel plan) & 21 (landscaping) - Mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures: Pending consideration (see separate report on this Schedule).

17/04090/COMPLY Compliance of with conditions 9 (Piling Method Statement), 13 (Extractor/ventilator noise), 14 (Noise attenuation), 24 (Wall details), 25 (Roof materials), 26 (Samples), 27 (Sample panels), 28 (Fenestration), 29 (Timber) and 30 (Fenestration) - Mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures (Pending consideration (see separate report on this Schedule).

17/04454/COMPLY Compliance with Condition 19 (raised parking area) - Mixed use development comprising a four screen cinema, student accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures: Pending consideration (see separate report on this Schedule).

17/04552/NONMAT Non-material amendment to applications for revisions to wording of conditions 10 (Contaminated Land) and 19 (Raised platform) of planning permission ref. 14/01529/FUL (Mixed use development comprising a four screen cinema, student

accommodation, restaurants and cafes, shops and refurbished public realm, including the provision of a new substation and new public toilets, both replacing existing structures): Pending consideration (please see Item 1 of Schedule).

### **3. Planning Policies:**

NPPF National Planning Policy Framework

### **4. Observations of Consultees:**

None applicable

### **5. View of Town/Parish Council:**

Cirencester Town Council: "The Committee noted, with regret, that a start had not been made to comply with any of the planning compliance conditions which applied to the original planning consent for this development, which is due to expire on 24th November 2017. In the meantime, it was understood that a start on work to demolish the former "Jungle" retail premises, in order to gain access to and commence investigation work into an area of potential contamination, will be made. This, in order to comply with the 3 year planning consent rule that the proposed development has commenced. These are minor, but physically and visually disruptive, works in comparison with the scale of the proposed development as a whole. The Planning Committee therefore recommended that an extension of time for the compliance of planning conditions should be refused and a new planning application invited from this or another developer able to proceed".

### **6. Other Representations:**

None.

### **7. Applicant's Supporting Information:**

None applicable

### **8. Officer's Assessment:**

### **9. Conclusion:**

The conditions listed within the description of this Schedule item (as attached to the relevant Listed Building Consent) all require that "Before any phase of the development commences," additional information relating to the technical subject areas of the specific conditions "shall be submitted to and approved in writing by the Local Planning Authority for that phase". The listed conditions all relate to elements of the permitted new-build construction.

The applicant has provided written explanation that Phase 1 will be the "Demolition of existing buildings and structures", which would clearly have no bearing on the consideration of the construction detailing of the new buildings. The wording of the condition therefore allows for a more appropriate timing for the submission of the further details at the stage when more certainty would be available on the applicant's part of such details. A phased approach to condition compliance is a well-established method of dealing with the later submission of details, especially in larger scale developments, and accords with Government guidance regarding the formulation of conditions. The phased approach does not affect the Council's position to be able to consider the acceptability of future details prior to the commencement of any of the phases for the building construction works.

As such, it has been confirmed to the applicant that no submission of further details in respect of Phase 1 and that therefore we are in a position to confirm Part-Compliance with the conditions

pending the commencement of the construction phase(s). The final confirmation of compliance with the listed conditions will therefore be withheld until the relevant details have been approved.

#### **10. Proposed conditions:**

Condition 3 - samples of external materials - Part compliance but only insofar as this decision relates to Phase 1 works, as described in the agent's letter dated 03.10.17

Condition 4 - roofing materials - Part compliance but only insofar as this decision relates to Phase 1 works, as described in the agent's letter dated 03.10.17

Condition 5- walling and roofing materials - Part compliance but only insofar as this decision relates to Phase 1 works, as described in the agent's letter dated 03.10.17

Condition 6 - sample panels - Part compliance but only insofar as this decision relates to Phase 1 works, as described in the agent's letter dated 03.10.17

Condition 7 - fenestration and other details - Part compliance but only insofar as this decision relates to Phase 1 works, as described in the agent's letter dated 03.10.17

Condition 8 - timber cladding/louvres - Part compliance but only insofar as this decision relates to Phase 1 works, as described in the agent's letter dated 03.10.17

Condition 9 - details design plans - Part compliance but only insofar as this decision relates to Phase 1 works, as described in the agent's letter dated 03.10.17