

Item No 03:-

17/04454/COMPLY

**Brewery Court
Cirencester
Gloucestershire**

Item No 03:-

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 at Brewery Court Cirencester Gloucestershire

Compliance with conditions application 17/04454/COMPLY (CT.2239/X)	
Applicant:	Wildmoor (Cirencester) Ltd
Agent:	Miss Laura Humphries
Case Officer:	Mike Napper
Ward Member(s):	Councillor Jenny Hincks
Committee Date:	23rd November 2017
RECOMMENDATION:	PART-COMPLIANCE

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 (noise), 14 (noise), 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: Part-Compliance only in respect of Phase 1 works (see separate report on this Schedule).

17/04091/COMPLY Compliance with conditions 3 (samples), 4 (roofing), 5 (walling), 6 (sample panels), 7 (fenestration), 8 (timber) 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: Part-Compliance only in respect of Phase 1 works (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
 LPR38 Accessibility to & within New Developments
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development

4. Observations of Consultees:

Highways Officer: No objection.

Landscape Officer: No objection.

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:

Please see Officer's Assessment

8. Officer's Assessment:

(a) Condition 19 (Raised parking area)

Members will note that this condition is also the subject of a Non-Material Amendment application to revise its wording, as discussed under the first Schedule item.

Condition 19 of the planning permission is currently as follows:-

"Prior to the commencement on site of any phase of the development hereby permitted, details of the 'Raised parking area with pedestrian priority', as shown on drawing 2438-A-P011 Rev. A19, including surface treatment(s), section(s) and method (street furniture and/or landscaping details) of physical delineation and separation between it and the colonnaded pedestrian walkway, shall be submitted to and approved in writing by the Local Planning Authority. The said raised parking area shall then be provided in accordance with the requirements of Condition 17 of this decision notice.

Reason: *To ensure that a safe and appropriately designed layout is provided, in accordance with the provisions of the NPPF and Cotswold District Local Plan Policies 15, 39, 42 and CIR.5."*

The raised parking area would be in close proximity to the southern elevation of the development and therefore to pedestrian users of the public spaces. The raised parking area, which includes 16 public car parking spaces, was considered necessary to provide a physical delineation for drivers and pedestrians between pedestrian only circulation space and the remainder of the public car park. The raised area is to be a shared space to provide vehicular access to the parking spaces, but is to be pedestrian priority. The condition was attached to the permission to ensure that the design of the raised area would be visually appropriate to the townscape and, equally, that the detailed design would ensure safe use of the space for car users and pedestrians.

The applicant proposes the following wording:-

"Prior to the commencement of the 'Raised parking area with pedestrian priority' hereby approved, details of the 'Raised parking area with pedestrian priority', as shown on drawing 2438-A-P011 Rev. A19, including surface treatment(s), section(s) and method (street furniture and/or landscaping details) of physical delineation and separation between it and the colonnaded pedestrian walkway, shall be submitted to and approved in writing by the Local Planning Authority. The said raised parking area shall then be provided in accordance with the requirements of Condition 17 of this decision notice."

The intention of the proposed revised wording is to remove the necessity for the required additional design details of the raised parking area to be submitted for the Council's approval prior to the commencement of construction works of that particular feature. The wording as suggested would be more compliant with the recommendations of Government guidance regarding the practicality of conditions, as it would not place an unreasonable and unnecessary onus on the applicant to provide details prior to any commencement of the overall development, which works may not have any bearing on the construction of the raised area. Consequently, officers consider that the proposed revision to the wording is more 'fit-for-purpose', but would nevertheless retain the effectiveness and enforceability of the original condition. Phase 1 of the development as described by the applicant would have no impact upon the detailed design of the raised parking area.

The Landscape Officer and Highways Officers have confirmed their satisfaction with the proposals, although clarification is sought regarding the surface treatment of the raised pedestrian priority parking area to ensure consistency with the details to be submitted in accordance with Condition 21 (Landscaping), which is the subject of a separate condition compliance application earlier in this Schedule. Clarification will be provided at the Committee Meeting.

9. Conclusion:

On the basis of the Officer Recommendation to approve the Non-Material Amendment application, if the Committee has resolved to support that Recommendation, officers are satisfied that compliance would be satisfied insofar as Phase 1 of the development is described. The revised wording would be beneficial to all parties concerned as it would allow the full investigation works to be carried out in compliance with the condition. Full compliance would need to be satisfied at a later date prior to commencement of the construction works relating to the raised parking area. The Officer Recommendation to this application therefore reflects this position.

Alternatively, if the Committee has resolved not to approve the Non-Material Amendment application, the current wording of Condition 19 does not allow for the full extent of the necessary investigation works to be undertaken. Consequently, officers would not be in a position to recommend compliance unless clarity has been agreed regarding the proposed surfacing details.

10. Proposed conditions:

Condition 19 - details of the 'Raised parking area with pedestrian priority' (drg. nos. 50099 01B & 03) - Part compliance but only insofar as this decision relates to Phase 1 works, as described in the agent's letter dated 03.10.17