

Item No 06:-

17/04675/FUL

**Colt Car Company
Watermoor Road
Cirencester
Gloucestershire
GL7 1LF**

Item No 06:-**Variation of Condition 8 attached to planning permission 16/01209/FUL at Colt Car Company Watermoor Road Cirencester Gloucestershire GL7 1LF**

Full Application 17/04675/FUL	
Applicant:	The Colt Car Company Limited
Agent:	LD&PC Ltd
Case Officer:	Scott Britnell
Ward Member(s):	Councillor Joe Harris
Committee Date:	14th March 2018
RECOMMENDATION:	PERMIT

Main Issues:

(a) The impact of the proposed variation of planning condition on the ecology of the site.

Reasons for Referral:

This application was referred to committee by the local Ward Member, Councillor Harris, due to the sensitivity of the site, its recent planning history and the fact that the Town Council have objected.

1. Site Description:

The Colt Car Company site sits at the eastern end of Watermoor Road with residential roads and dwellings to the west and north. It is an established employment site within the Development Boundary. To the south the site is bounded by the A419 'Bristol Road'. Although the site is not within a conservation area the boundary of the South Cirencester Conservation Area is nearby. There are two listed buildings in proximity of the site, the Grade II Listed Cotswold Club and attached railings to the west, and 10 City Bank to the north.

2. Relevant Planning History:

There have been a number of planning applications assessed at this site over the past few years. The most relevant to this application is the planning permission against which the relevant condition was attached:

16/01209/FUL - 'Erection of a single storey extension to lobby'. Delegated authority was granted by Planning Committee subject to no objections being submitted by the Environment Agency (EA). The permission was issued on 26 April 2016 following submission of details from the EA.

3. Planning Policies:

LPR09 Biodiversity, Geology and Geomorphology
NPPF National Planning Policy Framework

4. Observations of Consultees:

Environment Agency: No objection.

Biodiversity Officer (Ecology): No objection.

5. View of Town/Parish Council:

Cirencester Town Council have made the following comments:

"Members objected to the variation of Condition 8 to planning permission 16/01209/FUL, which granted consent for the erection of a single storey extension to the lobby, as they felt that the applicant should comply with the conditions imposed by the Local Planning Authority."

6. Other Representations:

The application was advertised by way of public site notice and neighbour notification letters.

Two objections have been received. These raise the following issues:

- (i) Overdevelopment of the site.
- (ii) Parking.
- (iii) Access to the site for vehicles.
- (iv) Wildlife conservation.

7. Applicant's Supporting Information:

Site Location Plan, Supporting Statement, Ecology Assessment 2015 Pre-Works Update 2017

8. Officer's Assessment:

The Proposal:

This application seeks permission solely to vary Condition 8 of planning permission 16/01209/FUL. That extant consent is for the erection of a single storey extension to the lobby of the main office building.

The applicant is seeking to vary the condition on the following grounds:

1. The condition does not meet the test of reasonableness, contrary to advice given in paragraph 001 of the Planning Practice Guidance and the key questions, each of which must be satisfied in order to justify imposition of a particular condition.
2. The condition is not considered relevant to the development permitted insofar as the approved extension does not fall within the requested permanent buffer zone, and potential ecological and flood risk impacts of the atrium have been addressed to the satisfaction of the EA and LPA. Thus the condition appears to seek remedy for a pre-existing problem.
3. Implementation of the development is prevented by the buffer zone required under condition 8.

Main Issues:

(a) The impact of the proposed variation of planning condition on the ecology of the site

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. It can do this by protecting and enhancing valued landscapes and recognising the wider benefits of ecosystems.

Paragraph 118 of the NPPF states that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and that if significant harm resulting from proposed development cannot be avoided, adequately mitigated, or at least, compensated for, planning permission should be refused.

Policy 9 of the Local Plan states that the Council will, when permitting development, require the retention and management of any significant species, habitats and features, or geological sites, whether or not specifically designated as of nature conservation interest. It also states that the council will not permit development that harms, either directly or indirectly, a site supporting any legally protected species or its habitat unless safeguarding measures can be provided through conditions or planning obligations.

Policy EN6 of the Emerging Local Plan states that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. It continues that proposals that would result in significant habitat fragmentation and loss of ecological connectivity will not be permitted.

The land affected by the permitted extension can be categorised as amenity grassland, trees and perennial flowering shrubs. The River Churn and a side channel are next to it. This environment is valuable in respect of the wildlife that it supports.

The current condition (8) is set out in full below, followed by the proposed revision:

"No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the River Churn and Daglingworth Stream has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- (i) plans showing the extent and layout of the buffer zone
- (ii) details of any proposed planting scheme (for example, native species)
- (iii) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- (iv) proposals for control of invasive non-native species
- (v) details of any proposed footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside the River Churn is particularly valuable for wildlife and it is essential this is protected. This condition is imposed in light of paragraphs 109 and 118 of the NPPF."

Condition 8 was attached to ensure that the nearby watercourse, the River Churn, the wildlife that this supports and other wildlife would not be significantly impacted upon by the development. Land alongside the River Churn is particularly valuable and the condition was attached in accordance with Paragraphs 109 and 118 of the NPPF, in particular.

The revised condition is set out below and has been agreed by the Environment Agency:

"No development shall take place until a Construction Management and Monitoring Strategy has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved strategy and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The strategy shall include, but not necessarily be limited to, the following:

1. Details demonstrating how the development site will be managed during the construction phase, including:

- (a) contractors parking;
 - (b) timing and storage of deliveries; and
 - (c) times of operation (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
2. Measures to implement the recommendations of the Ecological Assessment Pre-Works Update 2017 dated 29th September 2017 by CTM Wildlife to mitigate for potential ecological impacts, including:
- (a) A strategy for monitoring of the river bank (particularly for water voles and otters) by a professional ecologist during the construction phase and how any necessary remedial works will be implemented where required;
 - (b) Management of the movement of construction machinery and equipment during the construction phase;
 - (c) Management of construction lighting; and
 - (d) Provision of a toolbox talk to ensure all construction personnel are aware of the ecological sensitivities at the site and what to do in the event that water voles or otters are seen.
3. Plans showing the extent and layout of the 8.0m wide buffer zone alongside the River Churn and Daglingworth Stream to be established following the completion of the development hereby approved;
4. A strategy for the long-term maintenance and management of the buffer zone, including adequate financial provision and a named body responsible for management;
5. A management plan for the licensed control of non-native plants, in particular Giant Hogweed and Himalayan Balsam, during construction and its long-term management, to include
- (a) details on the short-term control/treatment of the plants in years 1 & 2;
 - (b) the necessary Environment Agency consents and contractor licences;
 - (c) short-term erosion control and other management of the river bank;
 - (d) duty of care for the waste management of contaminated soil and materials during construction & management; and
 - (e) detail on the long-term management and monitoring.
6. Details of a proposed planting scheme (for example, the planting of native marginal plants, wildflowers and hedgerow/scrub species and the restoration of areas negatively affected during the construction phase).

Reason:

To ensure that the River Churn, Daglingworth Stream (priority habitat), water voles, otters and bats (priority and protected species) are safeguarded and the biodiversity of the site is enhanced in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11, paragraphs 109 and 118), Policy 9 of the Cotswold District Local Plan 2001-2011 and Policy EN6 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006."

The above revised condition is considered acceptable, as it would ensure the protection of the site's bio-diversity, while allowing the permitted development to be implemented. The application therefore complies with Section 11 of the National Planning Policy Framework, Policy 9 of the Cotswold District Local Plan 2001-2011 and Policy EN6 of the emerging Local Plan 2011-2031.

As this is an application to vary the condition of an extant planning permission, under Section 73 of the Act, all other conditions attached to the consent remain in place. These will be attached to the decision notice of decision should the application be approved.

9. Conclusion:

Subject to the above worded condition the application is acceptable. It is considered to comply with Section 11 of the National Planning Policy Framework, Policy 9 of the Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031 and is recommended for approval accordingly.

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 numbers approved under planning application 16/01209/FUL, P.01, P.02, P.03, P.04/A, P.05, P.07, P.08/A, P.09, GW-MW-0911/15, and 04 (Lowered Floor Level), 05 (Elevations A & B), and 06 (Elevation C) and the Ecology Assessment 2015 Pre-Works Update 2017 submitted under planning application 17/04675/FUL.

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

Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

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 which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: It is important to agree and implement a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.

The development shall be undertaken in accordance with the arboricultural method statement and tree protection plan in the report of Phil Dye of Wotton Tree Consultancy dated 14 April 2016. All of the provisions shall be implemented in full according to any timescales laid out in the method statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained/protected tree/s in accordance with Cotswold District Local Plan Policies 10 and 45.

Prior to commencing the development, a scheme of replacement tree planting shall be submitted to and approved by the Local Planning Authority. Details of the size, species and location of the replacement trees shall be agreed with the Local Planning Authority in writing and shall be planted within 3 months from the date of completion of any part of the development or, if this period does not fall within a planting season, by 31 January next.

Reason: In the interests of visual amenity and to conserve the contribution of trees to the character of the area in accordance with Cotswold District Local Plan Policies 10 and 45.

The development shall be carried out in accordance with the approved Flood Risk Assessment (ref. Flood Risk Assessment at Mitsubishi Motors, Cirencester, Watermoor Road, Gloucester, GL7 1LF, January 2016) as well as the following additional documents listed below.

1. There shall be no raising of existing ground levels, other than the works detailed within '16-52-04 Lowered Floor level'
2. The finished floor level shall be set no higher than 104.650 m AOD, as outlined in drawing '16-52-04 Lowered Floor level'
3. A minimum of 4 floodable voids shall be constructed as outlined in drawing '16-52-04 Lowered Floor level' of 1m width and the underside of the void will be above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change (105.53m AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding elsewhere by ensuring that the proposed development does not cause a loss of floodplain storage and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded, in accordance with the NPPF.

No development shall take place until a Construction Management and Monitoring Strategy has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved strategy and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The strategy shall include, but not necessarily be limited to, the following:

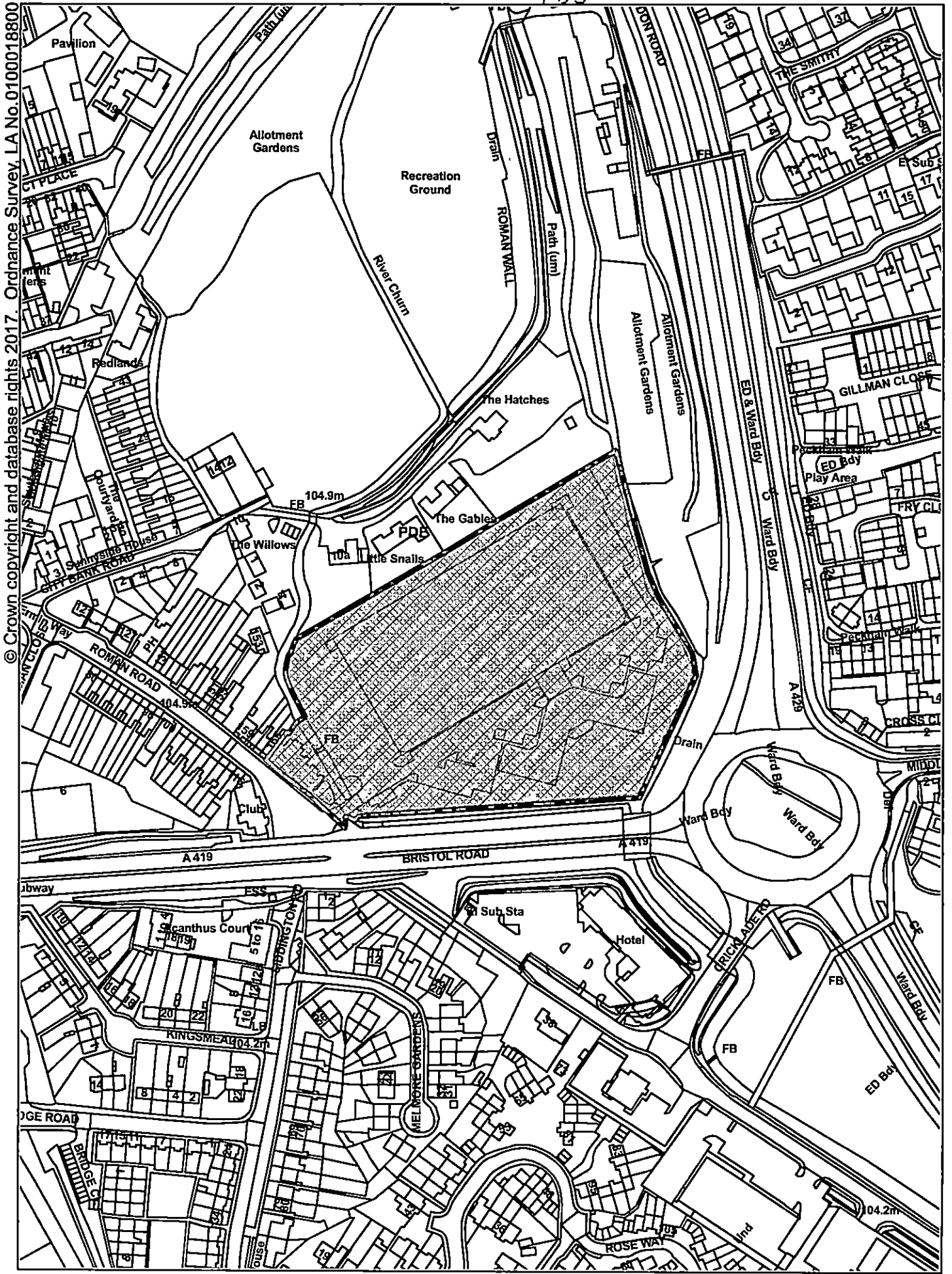
1. Details demonstrating how the development site will be managed during the construction phase, including:
 - (a) contractors parking;
 - (b) timing and storage of deliveries; and
 - (c) times of operation (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
2. Measures to implement the recommendations of the Ecological Assessment Pre-Works Update 2017 dated 29th September 2017 by CTM Wildlife to mitigate for potential ecological impacts, including:
 - (a) A strategy for monitoring of the river bank (particularly for water voles and otters) by a professional ecologist during the construction phase and how any necessary remedial works will be implemented where required;
 - (b) Management of the movement of construction machinery and equipment during the construction phase;
 - (c) Management of construction lighting; and
 - (d) Provision of a toolbox talk to ensure all construction personnel are aware of the ecological sensitivities at the site and what to do in the event that water voles or otters are seen.

3. Plans showing the extent and layout of the 8.0m wide buffer zone alongside the River Churn and Daglingworth Stream to be established following the completion of the development hereby approved;
4. A strategy for the long-term maintenance and management of the buffer zone, including adequate financial provision and a named body responsible for management;
5. A management plan for the licensed control of non-native plants, in particular Giant Hogweed and Himalayan Balsam, during construction and its long-term management, to include
 - (a) details on the short-term control/treatment of the plants in years 1 & 2;
 - (b) the necessary Environment Agency consents and contractor licences;
 - (c) short-term erosion control and other management of the river bank;
 - (d) duty of care for the waste management of contaminated soil and materials during construction & management; and
 - (e) detail on the long-term management and monitoring.
6. Details of a proposed planting scheme (for example, the planting of native marginal plants, wildflowers and hedgerow/scrub species and the restoration of areas negatively affected during the construction phase).

Reason: To ensure that the River Churn, Daglingworth Stream (priority habitat), water voles, otters and bats (priority and protected species) are safeguarded and the biodiversity of the site is enhanced in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11, paragraphs 109 and 118), Policy 9 of the Cotswold District Local Plan 2001-2011 and Policy EN8 of the emerging Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

The voids within the building as shown on drawing number: 16-52-05 (dated March 2017), shall be retained as open voids in perpetuity. The voids shall be maintained and maintained as necessary to ensure that they function correctly during a flood event.

Reason: To prevent flooding elsewhere by ensuring that the proposed development does not cause a loss of floodplain storage and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded, in accordance with the NPPF.



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COLT CAR COMPANY WATERMOOR ROAD CIRENCESTER

Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 02/03/2018



COTSWOLD
DISTRICT COUNCIL

