Item No 07:-

18/04250/FUL

The Waggon And Horses
London Road
Cirencester
Gloucestershire
GL7 2PU

Item No 07:-

Change of use from public house to 4 x 2-bed flats and 1 x 1-bed flats and associated demolitions and alterations at The Waggon And Horses London Road Cirencester

Full Application 18/04250/FUL		
Applicant:	CDMC Properties Limited	
Agent:	Plainview Planning Ltd	
Case Officer:	Adrian Walker	
Ward Member(s):	Councillor Joe Harris	
Committee Date:	13th March 2019	

Site Plan



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RECOMMENDATION: PERMIT

Main Issues:

- (a) Principle of Development
- (b) Cirencester Central Area
- (c) Loss of Community Facility
- (d) Impact on Heritage Assets
- (e) Residential Amenity
- (f) Access and Parking
- (g) Other matters

Reasons for Referral:

Cllr Coleman requested the application be referred to committee however is yet to provide the reason.

1. Site Description:

The application site is located within Cirencester's development boundary and Cirencester's Central Area as defined by the adopted Local Plan Polices Map. The application site is not located within the Cotswolds Area of Outstanding Natural Beauty (AONB) but is located within the Cirencester Town Centre Conservation Area.

The application site comprises a former Public House, The Waggon and Horses. The site is not listed, however it is considered a non-designated heritage asset. The site is also within Flood Zone 2.

2. Relevant Planning History:

91.02132: Erection of a rear single storey dining room extension. Refused 23.01.1992

92.00423: Erection of a rear single storey dining room extension with matching roof to adjacent toilet block. Permitted 29.06.1992

98.02077: Provision of new 300 dia. vertical flue to existing kitchen extract fan ductwork (galvanised metal to match). Permitted 04.01.1999

00.00713: Retention of existing hanging sign and sign boards. Permitted 18.07.2000.

3. Planning Policies:

DS1 Development Strategy

DS2 Development within Development Boundaries

S1 - Cirencester Town

S3 - Cirencester Central Area

H1 Housing Mix & Tenure to meet local needs

H2 Affordable Housing

EC8 MainTown Centre Uses

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

EN14 Managing Flood Risk

INF2 Social & Community Infrastructure

INF3 Sustainable Transport

INF4 Highway Safety

INF5 Parking Provision

4. Observations of Consultees:

Environment Agency: No comments received.

Drainage Engineer: No objection subject to conditions.

GCC Archaeology: No objection.

5. View of Town/Parish Council:

Members had no objection to the change of use from a public house subject to no changes to the street frontage.

6. Other Representations:

10 letters of objection have been received in regards to the loss of the Public House.

7. Applicant's Supporting Information:

Design, Access and Heritage Statement Viability Report Planning Statement Flood Risk Assessment

8. Officer's Assessment:

(a) Principle of development

The application is for the conversion of The Waggon and Horses Public House to 5 residential dwellings. The application does not propose any changes to the façade of the building along London Road. The application also involves the demolition of a number of non-historic extensions to the rear of the building.

The application site is located within Cirencester's adopted development boundary where Policy DS2 applies. Policy DS2 states that "Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle".

As such there is no objection to the principle of the proposed development/conversion, subject to the proposal's compliance with other relevant policies.

(b) Cirencester Central Area

The application site lies within Cirencester's Central Area as identified on the Policies Map Inset 2. In this area Policy S3 (Cirencester Central Area) Clause 1 supports the development in principle that is consistent with the area's Strategy.

Clauses 2 to 4 are considered to be irrelevant as they deal with main town centre uses within the Primary and Secondary Frontages, only, and although the proposal affects an existing town centre use (as defined in the NPPF; 2018), the site is not located within either the Primary or Secondary Frontages indicated on the Policies Map Inset 2. Clauses 5 and 6 refer to public car parks/parking (discussed in more detail later in this report).

It is apparent from the wording of Policy S3 and its explanatory text that the policy is focussed on conserving the town's rich historic environment while, at the same time, promoting: a greater provision and improved use of off-street public parking areas, possible future redevelopment of one; the creation of a public transport hub; and the rich and varied cultural, tourist and retail opportunities within the 'Town Centre' limits. Although at paragraph 7.4.14 the Strategy recognises the difficulty for modern retail requirements to be accommodated within historic buildings and the importance of securing viable uses for them. As such there is considered to be no conflict in principle with Policy S3.

(c) Loss of Community Facility

The adopted Local Plan explains that to sustain and support existing, strong, vibrant communities, a wide range of facilities and services is needed and that the provision and location of these facilities and services plays an important role in encouraging and maintaining a sense of community and well-being. Facilities and services can be a building or open spaces and can include public houses.

Section 8 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other things, plan positively for the provision and use of shared spaces, community facilities including local shops and public houses.

Policy EC8 relates to Main Town Centre Uses which, in accordance with the definition contained in the NPPF, includes bars and pubs. Policy EC8 Clause 5 states that within the Centre boundaries identified on the Policies Maps Class A1 uses and other main town centre uses will be permitted where they would complement and enhance the retailing offer of the Centre. Where a loss of a town centre use is proposed, evidence must be submitted to demonstrate that the property has been continually, actively and effectively marketed for at least 12 months. In this case, whilst in a town centre use, the application site is not located within the defined 'Centre' of Cirencester and as such Policy EC8 Clause 5 does not apply.

Policy INF2 relates to social and community infrastructure and is supportive of proposals for new community facilities where it is demonstrated that, amongst other things, account has been taken of existing facilities in the area. Where a development results in the loss of a community facility or service (as is the case here) Policy INF2 states that such development will be permitted provided:

- a. It is demonstrated that there is no local demand for the facility or service, or demand for an appropriate, alternative local community use for the facility; or
- b. Replacement facilities or services are provided in an appropriate alternative location having regard to the requirements of Clause 1 above

It is apparent that Policy INF2 is primarily intended to direct the provision of and protect against the loss of community facilities in locations outside of the 17 Principal Settlements. The pretext to Policy INF2 states that: 'Most services and facilities in Cotswold District are concentrated within the 17 Principal Settlements. It is recognised that smaller scale services and facilities in local neighbourhoods and villages are vital to many residents for social, economic and environmental reasons." (paragraph 11.2.1).

Therefore, in light of the application site's location within the adopted development boundary of Cirencester it is reasonable to rely primarily upon Policy DS2 which is supportive of (all) development in principle.

Nonetheless, the applicant has submitted information to justify the loss of the public house use. The viability report includes marketing information, recent trends and changing market habits resulting in a lack of demand.

With regard to the availability of alternative establishments it is noted from the submitted Viability Report that there are 16 operational drinking establishments within 0.5 mile radius and therefore within walking distance of the application site. Officers note that there are also other premises in the town that have licences to sell alcohol including restaurants, sports and social clubs.

The applicant does not offer any replacement facility. However Policy IFN2 is supplemented with explanatory text and at paragraph 11.2.9 states:

"Social and community infrastructure is vitally important in ensuring the quality of life and well-being of communities. For this reason, the redevelopment of a community facility will only be acceptable in certain circumstances; for example, where the facility will be replaced, or where it can satisfactorily be demonstrated that there is no current or future need or demand, or where a marginal loss will result in improvement or provision of a complementary use..."

In the particular circumstances of this case it is considered by officers that the applicant has satisfactorily demonstrated in the submitted Viability Report and Planning Statement there is no current or future need or demand.

As such, while the loss of the public house is regrettable, the apparent lack of demand for the facility, the availability of alternative facilities available and the location of the application site within the adopted development boundary of Cirencester (where development is permissible in principle), it is considered that the proposed change of use is acceptable in principle and compliant with Policy INF2.

(d) Impact on Heritage Assets

The Waggon and Horses lies immediately adjacent to, and within the setting of Oxford House, which is a grade II listed building. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, in accordance with Section 66(2) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

It also lies within the Cirencester 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.

Section 12 of the revised National Planning Policy Framework reiterates that achieving a high quality of design for places and buildings is fundamental to the planning process. Paragraph 130 states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area".

Whilst the Waggon and Horses is not listed, it is nevertheless a characteristic and historic structure, and as such is considered to be a non-designated heritage asset. Paragraph 197 of the revised National Planning Policy Framework advises that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy EN1 of the Local Plan states that new development should conserve the historic environment by ensuring the protection and enhancement of heritage assets and their settings, and that the design of proposals should complement the character of the area.

Policy EN4 states that development should take into account historic landscape character and local distinctiveness, and would be expected to enhance, restore or better manage significant historic landscape features, including key views, the setting of settlements, settlement pattern, and heritage assets.

Policy EN11 states that proposals that affect conservation areas or their settings would be permitted providing that, amongst other things, it would preserve or where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, and materials.

Policy EN12 states that proposals that affect a non-designated heritage asset would be permitted where it is designed sympathetically, having regard to the significance of the asset. The accompanying information lays down a series of criteria for selection as a non-designated

heritage asset (based upon Historic England criteria), which includes architectural interest, historic interest, representativeness, group value, and sense of completeness.

Paragraph 7 of the Planning Practice Guidance advises that "Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation", and that "Natural features and local heritage resources can help give shape to a development and integrate it into the wider area, reinforce and sustain local distinctiveness, reduce its impact on nature and contribute to a sense of place."

The Waggon and Horses is considered to be a late-19th/early-20th century building in an interpretation of the 17th-century Cotswold vernacular. From the front it is a visually attractive building that makes a positive contribution to the character and appearance of the surrounding conservation area.

Although an attractive building within the setting of Oxford House, its contribution to the significance of Oxford House is negligible.

There are no changes proposed to the façade of the building itself which is welcomed. It is proposed to install a timber gate within the vehicular access. This is reasonable in and the design of the gate is considered appropriate. The removal of the modern iron overthrow is considered to be an enhancement.

The front elevation of the building has some signage, which it is not proposed to alter. The hanging sign is on an attractive, decorative iron bracket. The retention of this, with an appropriate sign as evidence of the building's historic use is welcome. The flat timber fascia sign, however, is both comparatively modern and uncharacteristic; its removal and the removal of the menu boxes adjacent to the door is welcomed.

The conversion itself seeks to remove part of the range of buildings to the rear of the site, including part of the poorly-placed 1980s/90s extensions that projects awkwardly into the middle of the rear courtyard. Significant alterations have been made over the course of the application in accordance with the Conservation Officers comments which have included the omission of one unit to provide a larger courtyard and improved design.

As such it is considered that the proposal will result in no harm to the character, appearance or significance of the Conservation Area or the setting of other designated heritage assets located in close proximity to the application site. The proposal is therefore in accordance with Section 16 of the NPPF and adopted Local Plan Policies EN1, EN2, EN10 and EN11.

(e) Residential Amenity

The submitted plans show that all but one unit will have their own individual courtyard area. While the courtyard areas are comparatively small this is not unusual within historic town centre locations. The improved communal courtyard has been significantly enlarged from the original submission so that this area will be a pleasant space for the residents to use.

Officers are content that the proposed courtyard/garden areas are capable of providing enough space for the needs of the proposed units in accordance with Policy EN2 and the Cotswold Design Code.

Given that the site is already in use as a public house it is not considered that its conversion would result in any negative impact on the residential amenity of neighbours as a result of overlooking or loss of privacy. If anything, the closure of the public house is likely to benefit immediate residents from a residential amenity point of view, given the likely reduction in levels of

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(noise) disturbance, particularly at night, and the removal of a number of the existing extensions will improve the overall outlook.

Overall it is concluded that the proposal would have no adverse impact upon neighbouring residential amenity and that the residential amenity of future occupiers is adequate. The proposal is therefore considered to accord with the Cotswold Design Code (Policy EN2) set out in the Local Plan and Section 12 (Achieving well-designed places) of the NPPF.

(f) Access and Parking

Policy INF4 states that development will be permitted that is well integrated with the existing transport network, creates safe and secure layouts, provides safe and suitable access, avoids cumulative impact of congestion and has regard where appropriate to the Manual for Gloucestershire Streets or any other guidance produced by the Local Highway Authority.

Policy INF5 states that development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network. In respect of Policy INF5 it is notable that there are no set parking standards for Gloucestershire. Policy S3 states that new development shall provide sufficient parking capacity to meet current and foreseeable needs.

The application does not propose any parking or vehicular access to the site. The pedestrian access will remain as existing.

The site is located within the development boundaries of Cirencester and within short walking distance of the shops, services and public transport links of Cirencester. In addition there are public car parks within a short walking distance of the site where permits can be purchased by local residents if off street parking is not available. A secure bike store is proposed for each unit.

The principle of a car free development is supported and parking provision is not considered necessary to manage the local road network in this area. The proposals show secure bicycle storage to serve each unit and a condition would be imposed to ensure that this is provided prior to the units being occupied.

It should also be noted that the existing use as a public house has an access for deliveries including vans and delivery vehicles which would require vehicles to reverse from or onto the road as such the proposals would reduce the potential conflict of pedestrians and vehicles over that of the current access and parking arrangements.

It is considered that given the proximity of the site to facilities to meet the day to day needs of the occupants and alternatives to the private car such as the bus or walking/cycling routes the proposals would be acceptable as a car free development and would help to reduce the reliance on the private car in accordance with the NPPF and Policies INF4 and INF5 of the Cotswold District Local Plan.

(g) Other matters

Housing Provision

Local Plan Policy H1, Clause 1 states that all housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing needs and demand. Policy H1 also states that developers will be required to comply with Nationally Prescribed Space Standards although it is noted at paragraph 8.1.4 of the Plan that this requirement "will come into effect 12 months from the date of the Plan being adopted." It is

however, accepted that this may not always be possible to achieve within the constraints of historic fabric.

With regard to mix, it is considered that the natural division of the building(s) and modest room sizes has been dictated by the arrangement of the proposed units; as such, the proposed redevelopment of the site would result in four 2-bed and 1-bed open market dwellings. Officers agree that this constitutes an appropriate mix of house sizes given the historic constraints of the site and as such have no objections in this regard.

There is no policy requirement to provide affordable housing given that the proposal (for 5 dwellings) falls below the affordable housing threshold set out in Policy H2 which provides that in locations such as the application site, all developments that provide 11 or more (net) new dwellings or dwellings which have a combined floorspace of over 1,000 sqm will be expected to contribute towards affordable housing.

Flood Risk

It is noted from the Flood Mapping information obtained online from the Environment Agency and submitted with the planning application that the application site is located within Flood Zone 2 and assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

The site is in an existing lawful use as a public house including associated residential accommodation. The application has a net decrease in the amount of floorspace. As the application is for a conversion and not a new build there is not the requirement for a Sequential Test.

The application form confirms that surface water will be disposed of via the public sewer (as is the case currently) to which there is no objection. It is not considered that the surface or foul water arising from the proposed use will be significantly greater than the existing use. Accordingly, subject to conditions, there is no risk that the proposal would exacerbate flood risk and as such is acceptable having regard to Local Plan Policy EN14 and Section 14 of the NPPF.

Archaeology

The County Archaeologist has checked the proposed development area against the County Historic Environment Record which confirms that the application site is located within Cirencester's medieval settlement area. Ground works required for development in this locality may therefore have an adverse impact on archaeological remains relating to medieval settlement.

However, it is noted that the development proposal involves the conversion of existing structures, and that only minor new ground works are required for this scheme. For that reason, it is the view of the County Archaeologist that there is low potential for this development to have an adverse impact on archaeological remains. Accordingly, it is recommended that no archaeological investigation or recording need be undertaken in connection with this scheme. The proposal is therefore considered to be compliant with Local Plan Policies EN1 and EN12 and Section 16 of the NPPF.

9. Conclusion:

The application is considered to be in accordance with National and Local Polices and it is recommended that planning permission should be granted.

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): 2716P(0) 01 REV A, 2716P(1) 01 REV A, 2716P(2)00 REV A, 2716P(2)01 REV A, 2716P(2)02 REV B.

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

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials 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 EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

That, 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 details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

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 Practice Guidance).

If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2.

Prior to the first use/occupation of the development hereby approved, secure cycle parking shall be provided within the application site fully in accordance with Drawing No. 2716 P(2) 01 Rev. A and the secure cycle parking shall be permanently retained in accordance with the agreed details thereafter.

Reason: To ensure adequate cycle facilities are provided to meet the requirement for sustainable development, in accordance with Cotswold District Local Plan Policy INF3.

Informatives:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 Clause 27 (1))
- Code for sustainable homes A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water

Management Act 2010 (Part 1 - Clause 9 (1))

- CIRIA C753 SuDS Manual 2015



AERIAL VIEW Not to scale



LOCATION PLAN
1:1250 @ A3



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Amendments to PO comments 02.01.19 16.01.19 MP A Revision Description

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Client : CDMC Properties Ltd

Waggon & Horses Conversion Into Flats 11 London Road, Cirencester, GL7 2PU

Drawing Title:

Site Location & Proposed Block Plan

Status Local Authority	Date January 2019	ORS
Drawing No.	Revision	Scale
2716 P(0) 01	A	As Stated

PLANNING ISSUE

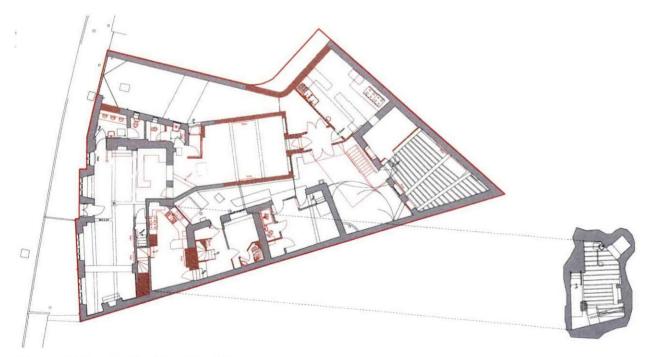
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Scale 1:100 @ A1 / 1:200 @ A3

First Floor Enabling Plan



Ground Floor & Site Enabling Plan

Basement Floor Enabling Plan

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Amendments inline with PO 16,01.19 MP comments 02,01,19 Revision Description Date Check Rev

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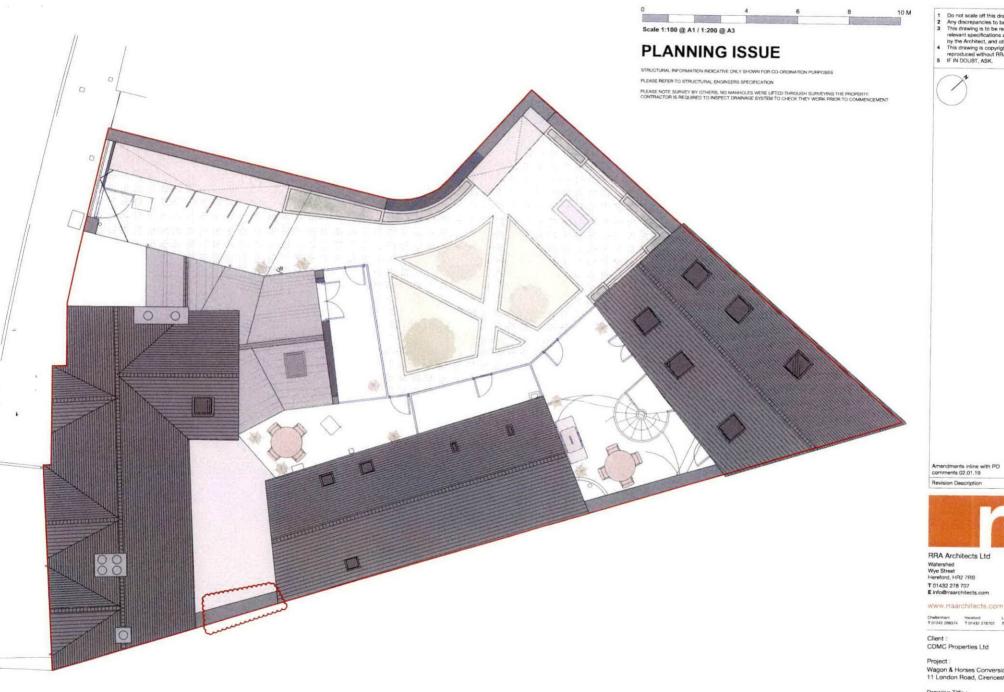
Client:

CDMC Properties Ltd

Wagon & Horses Conversion Into Flats 11 London Road, Cirencester, GL7 2PU

Drawing Title : Ground / First Floor & Basement Enabling Plans

Date January 2019 Drawn By ORS 2716 P(1) 01 A 1:100 @ A1



Proposed Site GA Plan

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CDMC Properties Ltd

Project :

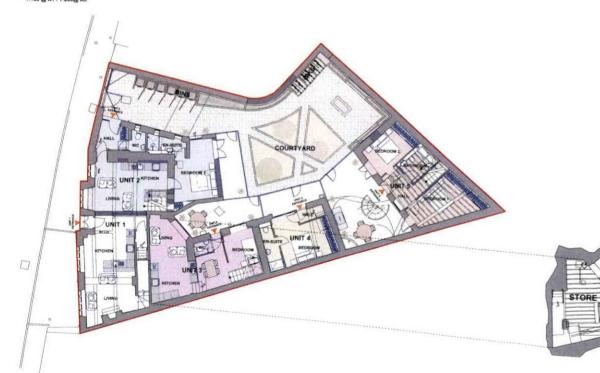
Wagon & Horses Conversion Into Flats 11 London Road, Cirencester, GL7 2PU

Drawing Title: Proposed Site Plan

Status Local Authority	Date January 2019	Drawn By ORS
Drawing No.	Revision	Scale
2716 P(2) 00	A	1::50 G A1



Proposed First Floor GA Plan 1:100@A1/1:200@A3



Proposed Ground Floor & Site GA Plan

Proposed Basement Floor Plan

Scale 1:100 @ A1 / 1:200 @ A3

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UNIT	GROSS INTERNAL AREA
1	91 sq m
2	78 sq m
3	56 sq m
4	42 sq m
5	76 sq m

Amendments inline with PO comments 02.01.19 16.01.19 MP A Revision Description Date Check Rev

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Client:

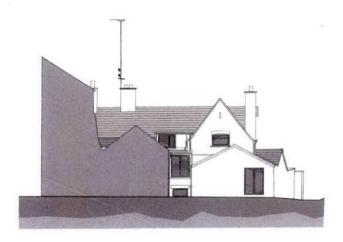
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Wagon & Horses Conversion Into Flats 11 London Road, Cirencester, GL7 2PU

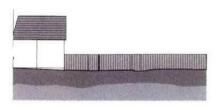
Drawing Title:

Proposed Ground, First Floor & Basement GA

Drawn By ORS Local Authority 2716 P(2) 01 A 1:100 @ A1



Proposed Pub NW Elevation



Proposed Pub NE Elevation



1 Proposed Pub SE Elevation



Proposed Section 4



5 Proposed Accomodation SE Elevation



4 Proposed Pub SW Elevation



Scale 1:100 @ A1 / 1:200 @ A3

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Proposed Accomodation NE Elevatio



on	comments 02.01.19	19.01.16	MP	В
	Proposed new roof above gents tollets to clients instuction.	18,12.04	MP	Α
	Revision Description	Date	Check	Rev
			-	7.8E

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Wagon & Horses Conversion Into Flats 11 London Road, Cirencester, GL7 2PU

Drawing Title :

Proposed Elevations & Sections

7 Proposed Accomodation SW Elevation

Status Local Authority	Date January 2019	ORS
Drawing No.	Revision	Scale
2716 P(2) 02	В	1:100 @ A1