

Item No 01:-

19/02186/FUL

**Cirencester Rugby Football Club
The Whiteway
Cirencester
Gloucestershire
GL7 2ER**

Item No 01:-

Creation of a car park providing 158 no. car parking spaces (including 3 no. disabled spaces), 5 no. motorcycle parking spaces and associated landscaping for a temporary period of 10 years at Cirencester Rugby Football Club The Whiteway Cirencester

Full Application 19/02186/FUL	
Applicant:	Cotswold District Council
Agent:	Carter Jonas
Case Officer:	Deborah Smith
Ward Member(s):	Councillor Mark Harris
Committee Date:	9th October 2019
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Parking Strategy
- (b) Impact on the Local Highway Network
- (c) Impact on the Special Landscape Area (SLA)
- (d) Impact on Designated Heritage Assets
- (e) Residential Amenity
- (f) Other Matters

Reasons for Referral:

The application has been made by Cotswold District Council. As such, the Council's adopted Scheme of Delegation requires the application to be determined by the Planning & Licensing Committee.

1. Site Description:

The site is located at the north-eastern edge of Cirencester and comprises part of the land associated with the Cirencester Rugby Club. The site falls just outside of the Cirencester Central Area (having regard to Cotswold District Local Plan (LP) Policy S3), and is outside of the town's Development Boundary. The Whiteway road forms the north-west boundary of the site, with Grove Lane (A435) running along the southern boundary. Residential properties line the western side of The Whiteway.

The site extends to approximately 0.5 ha and currently comprises a gravelled informal car parking area used in association with the rugby club activities. Earth bunding separates the car parking area from the sports pitches to the north, and the land to the east comprises agricultural land.

The site is located within a Special Landscape Area (SLA). It is considered that the site is within the setting of the Cirencester Town Centre and Gloucester Street and River Walk Conservation Areas, and there are views of the Grade I Listed Parish Church. Whilst the site is not a Scheduled Ancient Monument, records indicate that it is of archaeological sensitivity and therefore should be considered a Non-Designated Heritage Asset (NDHA).

The site lies within Flood Zone 1, which defines areas least at risk of flooding.

2. Relevant Planning History:

CT.3871/F: Construction of a new entrance. Permitted 01/12/82.

CT.3871/J: Erection of a new office building with associated landscaping and access arrangements; erection of a new clubhouse, creation of a new rugby pitch and alterations to existing; associated access and servicing arrangements. Application refused and Appeal dismissed 13/04/00.

CT.3871/K: Construction of full-size rugby football pitch. Permitted 23/03/06.

3. Planning Policies:

S1 - Cirencester Town
S3 - Cirencester Central Area
NPPF National Planning Policy Framework
INF3 Sustainable Transport
INF4 Highway Safety
INF5 Parking Provision
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN6 Special Landscape Areas
EN7 Trees, Hedgerows & Woodlands
EN8 Bio & Geo: Features Habitats & Species
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
EN12 HE: Non-designated Heritage Assets
INF3 Sustainable Transport
INF4 Highway Safety
INF5 Parking Provision

4. Observations of Consultees:

Gloucestershire County Council Highways Engineer: no objection, subject to conditions

Gloucestershire County Council Senior Archaeologist: no objection, subject to a condition securing the implementation of a programme of archaeological work

Environmental Regulatory Service (noise): no objection

Environmental Regulatory Service (lighting): no objection, subject to conditions

Environmental Regulatory Service (air quality): no objection, subject to a condition

Tree Officer: no objection, subject to conditions relating to tree protection measures

Landscape Officer: views incorporated within the Officer's report

Biodiversity Officer: views incorporated within the Officer's report

Conservation Officer: views incorporated within the Officer's report

5. View of Town/Parish Council:

Cirencester Town Council: no objection, but consider that i) the number of accessible spaces should be increased to 8, ii) that Electric Vehicle Charging Points should be installed at the outset and iii) that a cycle rack should be provided.

6. Other Representations:

9 third party letters of objection raising the following concerns (1 of these representations has been copied in full and attached as an appendix to this report):

- i. the proposals are not compliant with the development plan as they conflict with Policies DS2 and INF5(2) and the application should therefore be refused, unless material considerations suggest otherwise;
- ii. the only circumstance in which a public car park can be permitted is if it is located within or on the edge of a retail centre and this site is not;
- iii. it is particularly concerning that the Council, as the applicant, and its advisers do not appear to understand the Council's up-to-date development plan policies and this raises serious questions about the overall approach of the Council as applicant;
- iv. other material considerations include: the need for the car park; the consideration of alternatives; heritage impact; landscape impact; impact on residential amenities; and traffic impact;
- v. proposals to make up the 347 space shortfall (net) in Cirencester identified in the February 2017 Atkins Study are included in Policy S3 of the Local Plan and the associated Central Area Strategy;
- vi. plans are well-advanced for a multi-storey car park on the Waterloo site which will provide all of the additional spaces required and thus meet all of the identified need;
- vii. there is no policy support for any additional provision over and above the identified need;
- viii. there are no policies in the LP that deal with 'decant' parking;
- ix. the standard of design and construction of the proposed car park is, for all practical purposes, intended to be permanent;
- x. the 10 year temporary consent sought is far longer than the reasonable construction period associated with the Waterloo car park;
- xi. given the very substantial capital and revenue costs associated with the design and specification of the proposals, it has been suggested that it would not represent an appropriate use of public funds to realistically expect the Council to return the land to its previous state after the 2 or 3 years that might be required for 'decant' parking whilst the Waterloo is constructed;
- xii. it is difficult to imagine on what possible basis, the continuation of the use after 10 years could be resisted;
- xiii. the real reason for the over-specification of the project is that the Council's commercially driven objective is to use this provision to release the development potential of car parks in the Central Area of Cirencester, which, in planning terms, is completely contrary to its own recently adopted LP;
- xiv. the legal position on the consideration of alternative sites is well-established;
- xv. whilst a LPA does not have to take into account such sites, where there are alleged benefits arising from a proposal and clear objections, LPAs may have to consider whether there is a more appropriate site;
- xvi. the Council as applicant has made clear on numerous occasions that a list of alternative sites has been considered but refuses to make the results of this exercise public; on this basis, the Council, as applicant, cannot claim any benefit from the consideration of alternatives as a material consideration in the overall planning balance unless it is prepared to provide this information;
- xvii. a key consideration in terms of heritage impact is the impact that the development would be likely to have on the setting of the Grade I listed church of St John the Baptist;
- xviii. the foreground to the view of the church from the Whiteway will be transformed by the proposal, the church will be seen, not in the context of an informal, 'verdant' area in a SLA with low levels of use, but across an overtly urban form of development and thus, the harm arising from the development must be given significant weight in the context of paragraph 189 of the NPPF;
- xix. the submitted landscape appraisal is generally based on a 'light touch' approach to an assessment of the landscape impact of the scheme which is completely inappropriate given the importance of this issue;
- xx. no mention is made of the impact on tranquillity notwithstanding that pre-application advice requested it;
- xxi. it is difficult to understand how the designed scheme can be 'landscape led', as stated by the landscape consultants, when the proposed changes to landform do not form part of the proposals;
- xxii. the wooden planters should be removed and the landform graded to blend with the existing topography;

- xxiii. the landscape appraisal understates the effects of the proposals in concluding that the effects are 'moderate', nonetheless, a 'moderate' impact must involve significant harm and the appraisal does not identify any overall benefits in landscape and visual terms that can be set against the fundamental policy conflict with LP policies DS2 and INF5(2);
- xxiv. a public car park will have a significant harmful effect on the tranquillity of the SLA which is a material consideration which weighs against the grant of planning consent;
- xxv. the Landscape Officer is not in a position, as a matter of principle, to strike a balance between landscape impact and need; the comment that any public benefit arising from the 'decant' concept would outweigh the landscape harm is plainly illogical because it has no regard to the nature and magnitude of the alleged benefit set against the magnitude and nature of the harm;
- xxvi. the reports on noise and air quality need to be revisited as they rely on the outputs from the Transport Assessment (TA) in relation to traffic movements which is incorrect as the TA treats the Whiteway as a single-track road;
- xxvii. impact on residential amenity as an important material consideration involves a more subjective assessment and needs to be viewed in the context of the closely related concept of tranquillity within the SLA;
- xxviii. the proposals can only have a negative effect on residential amenity due to the noise, congestion, headlights and additional lighting on site;
- xxix. the TA is based upon the assumption that the section of the Whiteway from the site access to the traffic light junction to the south operates as a free-flowing, two-way road during peak hours which is completely erroneous due to parked cars on the west side of the road;
- xxx. the TA must include an assessment of the Whiteway as single-track road as substantial additional traffic from the proposed car park during peak periods is likely to cause harm in relation to increased congestion and associated amenity impacts.
- xxxi. A Statement of Community Involvement should have been submitted in support of the application as the proposals will likely generate significant public interest, and the application should not have been validated without it;
- xxxii. The proposed development will have an adverse impact on the safety of the adjacent neighbourhood and highway users, as The Whiteway is already extremely dangerous due to speeding vehicles;
- xxxiii. Visibility is poor along the road due to parked vehicles and consideration should be given to putting double-yellow lines along the length of the road;
- xxxiv. Consideration should be given to limiting parking along The Whiteway and issuing residents' permits;
- xxxv. The Highways Authority should recognise the need for improvements and safety measures and these should be included within the application submission, e.g. remove unwanted on-street parking and reduce the speed limit;
- xxxvi. Question the monitoring locations chosen by Atkins on behalf of the applicant;
- xxxvii. This development will lead to increased noise and air pollution;
- xxxviii. There is an enormous shortage of car parking within the town due to allowing too much development with scant regard to the impact on the infrastructure of the town; and
- xxxix. The existing pavements along The Whiteway are sub-standard in places and present hazards for pedestrians - any increase in traffic will exacerbate the problem.

1 third party letter of support: the plan is for a temporary car park to relieve congestion and delay on The Whiteway and is a practical solution to the growing need for more parking in town; it should reduce emissions on The Whiteway and make the journey along The Whiteway less stressful.

3 third party representations making 'general comments' about the proposals:

- i. The planning statement contains inaccuracies; St James Place lost an appeal on the site and this application should likewise be rejected;
- ii. The site isn't appropriate for operation as a car park on five days a week given its proximity to residential properties;
- iii. The car park would be visually harmful when viewed from residential properties;
- iv. Car park no. 2 should be omitted from the proposals;
- v. The proposals would result in light pollution, especially given that the lighting scheme has changed from the initial proposals;

- vi. The Transport Statement suggests that the site might be used beyond the temporary period of 10 years so the temporary nature of the permission should be reinforced by a planning condition;
- vii. The modelling does not reflect the fact that there is not uninterrupted free-flowing traffic on The Whiteway, therefore the results of the modelling are not fit for purpose;
- viii. Modelling of traffic movements should be repeated to determine the resilience of the system;
- ix. The Transport Statement plays down the very real safety issues on The Whiteway;
- x. The comment submitted in support of the application is not applicable as it is based on a misunderstanding of the application;
- xi. Concerned about the traffic backing up due to parked cars;
- xii. If approved, conditions should be imposed to ensure that the car park gates will be locked between 19.00-07.00; restricted to permit holders only; permits to be issued only for the number of parking spaces approved; permits to be limited to parking on 5 days per week; and associated lighting to be turned off between 19.00-07.00; and
- xiii. The traffic assessment of the junction makes no mention of the traffic capacity impact of the increased pedestrian usage which will have a significant impact on residents due to increased congestion and poor air quality.

7. Applicant's Supporting Information:

Planning Statement
Transport Assessment
Air Quality Assessment
Noise Assessment
Construction Statement
Landscape Appraisal
Landscape Design Statement
Arboricultural Impact Assessment
Heritage Assessment

8. Officer's Assessment:

Proposed Development

The application proposals comprise the formation of a temporary public car park within an existing informal parking area currently used in association with the Cirencester Rugby Football Club. It is proposed that the car park will be for the use of parking permit holders only, who are predominantly commuters who work in or close to the town centre during the week. On this basis, it is proposed that the car park operates Monday-Friday only.

The car park would provide 155 standard car parking spaces, 3 accessible spaces and 5 motorcycle spaces. 4 Electric Vehicle Charging Points are also proposed. Permission is sought on a temporary basis to enable decanting of parking from The Waterloo Public Car Park during construction, in the event that planning permission is granted for decked car parking on that site in the future. The applicant states that this provision would allow for decanted parking from The Waterloo car park through to the completion of the project, or, in the event that planning permission is not granted for decked parking on The Waterloo, this temporary provision will enable decanted parking from other public car parks within the town that have been allocated within the Local Plan for re-development, should any such proposals be approved.

The existing access from The Whiteway would be widened to enable two-way flow of traffic and to incorporate a pedestrian footway from the site. Some excavation works are required to level some areas of the site and a pre-fabricated cellular gravel paving system is proposed as surfacing within the site. Landscaping, including native tree planting and hedging, is proposed within the boundaries of the site and a panel fence would be installed behind the existing drystone boundary wall fronting The Whiteway to mitigate glare from car headlights.

Statute

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." The starting point for the determination of this application is therefore the development plan for the District which is the Cotswold District Local Plan 2011-2031.

(a) Parking Strategy

The evidence base used to inform the current Cotswold District Local Plan confirms that Cirencester is the most sustainable settlement within the District and is therefore identified within the Local Plan as the optimum location for growth, in accordance with National Planning Policy Framework (NPPF) expectations. Policy S1 (Cirencester Town) provides site-specific allocations for new development, and includes The Waterloo Car Park (site CIR_E14) for decked car parking. This policy also highlights 4 other car parks within the town that are allocated for mixed use development.

Policy

The growth strategy for Cirencester within the Local Plan, highlights a longstanding concern regarding an increasing shortfall in off-street parking (para 7.4.8) since the publication of the studies undertaken as part of the Cirencester Town Centre Supplementary Planning Document published in 2008, a document that remains a material consideration. The Strategy is predicated on the basis that *"Where appropriate is proposed on existing central car parks, alternative car parking provision shall be secured and implemented prior to the commencement of any development."*

The Local Plan supporting text goes on to state that:

"Cirencester currently has several surface-level car parks, and a number of these sites present the most obvious opportunities for redevelopment in the central area. This includes the option of creating decked parking which would maximise capacity, initially at a single location. This will help to address the looming shortfall, which has been assessed at around 350 parking spaces over and above existing capacity (c. 1,310 spaces)...Once sufficient additional car parking has been provided, the redevelopment potential of other car park(s), which may no longer required for parking, could be 'unlocked'. Such sites could then be considered for alternative uses that would both enhance the town's role and function and benefit its economy. In considering any redevelopment options for existing car parks, it is important to bear in mind that land might well be required to satisfy potential additional parking needs in the longer term." (paras 7.4.9 & 7.4.10).

The above conclusions therefore inform the content of Policy S3 (Cirencester Central Area Strategy) which states, *inter alia*, that:

"Transport, Parking and Access

3. Through the implementation of Transport and Parking Strategies, future improvements should be directed towards supporting and facilitating an attractive, vibrant, town centre environment.

4. The aim of providing a net increase of at least 350 car parking spaces over and above the existing off-street parking capacity (c. 1,310 spaces), while reducing congestion and pollution, should be addressed through complementary measures, including:

a. The rationalisation and intensification of off-street parking, including decking at least one existing car park (ideally The Waterloo) to meet identified parking needs, including for retailing and long-stay commuting (Cirencester Parking Survey (Gloucestershire County Council, August 2015));

b. Where justified, and subject to sufficient off-street parking being provided, considering the removal of on-street car parking where appropriate;

c. Creating an improved public transport interchange in the Southway - Forum area;

d. Making walking and cycling safer, convenient, accessible, and more attractive by considering pedestrian priority schemes; access restrictions to discourage unnecessary through traffic; better segregation between cars and cycles; and by ensuring pedestrian and cycle routes, and associated facilities, are maintained to an appropriate standard (Cotswold Cycling Strategy SPG - aims and objectives)."

The application proposals will direct some commuter parking towards the outside of the town centre, which could have the effect of reducing the amount of town centre traffic. The scheme could also have the effect of diverting some through traffic onto the A429 ring road and/or the A417 and in doing so, would help to achieve some of the aims of Policy S3.

Local Plan Policy S3 goes on to state that:

"Redevelopment Opportunities, Vitality and Viability

6. Subject to any land that is currently used for off-street public car parking becoming surplus to requirements, and sufficient off-street parking has been provided elsewhere in the town centre to meet current and future parking needs, consideration should be given to redevelopment for alternative, beneficial, town centre purposes."

This policy expects that off-street car parking for Cirencester town centre should be provided within the town centre. This is not the case with this application and this therefore weighs against the proposals.

Additionally, the District-wide Local Plan parking policy (Policy INF5) states that:

"2. Proposals for public car parks will be permitted where the development:

a. is essential for maintaining the functionality of retail centres as defined by Policy EC7 and demonstrably serves the retail centre as a whole; and

b. is located within or at the edge of the retail centre and is of a scale, layout and design that is in keeping with the size and character of the retail centre."

There is some ambiguity as to whether the application site is located at the edge of Cirencester Town Centre. The NPPF Glossary provides a definition of 'Edge of centre' but this is for main town centre uses. Car parks are not identified as one of the specified main town centre uses, although edge of centre for retail purposes is 300 metres from a town centre boundary and for office uses it is 500 metres from a public transport interchange. The National Planning Policy Framework (NPPF) Glossary specifies that "in determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances". Overall, this provides a guideline to what national policy considers to be edge of centre and there is a clear ambition that town centre facilities should be located within convenient and accessible distance of the town centre or the employment facilities that they are intended to serve.

The Transport Assessment (TA) analyses the walking routes from the proposed car park into the town centre and identifies two main routes: the Abbey Grounds route; and the Spitalgate Lane Route. Both routes are approximately 575 metres between the A417 Grove Lane crossing and Market Place. Account must also be taken of the walking route between the signalised junction at A417 Grove Lane and the Rugby Club access. This section of the route (circa. 175m) is provided by a footway bordering The Whiteway which, whilst narrow in places (minimum 1.6m), is an established provision that links the Rugby Club to the A417 Grove Lane signals currently. The proposed development would increase footfall along this section of footway, but given that the car park would be used by permit holder commuters, it is not expected to generate two-way footfall concurrently (i.e. the pedestrian flow will be tidal). On this basis, it is considered that this section of the route is acceptable as part of the full-route connection between the car park and the town centre.

In terms of the average time for users to walk to the town centre from the car park, modelling software was used to construct walking and cycling distance maps based on the existing Rugby Club entrance. Chapter 3 of the TA shows that the proposed car park is broadly within a 10-15 minute walking time of Market Place, based on an average walk time of 1.4 m/s, and 5 minute bicycle time.

If one considers necessary delay for the crossing of the A417 Grove Lane junction, this would add a maximum of 110 seconds onto the walk time based on modelled signal timings. Therefore, the walk time would still be 11-16 mins from the town centre, which is within the preferred maximum walking distance for pedestrians commuting, according to the Chartered Institution of Highways and Transportation (CIHT) document 'Providing for Journeys on Foot'. On this basis, it is considered that the proposed site is within reasonable walking distance of the town centre.

Notwithstanding that Officers consider that the site is accessible on foot from the town centre, it is adjudged that, on balance, the site cannot be considered to fall within or on the edge of the retail centre of the town and thus, fails against Local Plan Policy INF5, paragraph 2. However, it is of critical importance to acknowledge that the car park is sought on a temporary basis only, to address a short-medium term need to provide for replacement parking whilst other town centre public car parks are re-developed; in this instance, the temporary public car park is required to provide decanted car parking to facilitate the delivery of the proposed decking of the Waterloo Car Park, which is a key aspect of the Local Plan town centre strategy for Cirencester.

In this context, on balance, Officers consider that the public benefits of the scheme are significant and on a temporary basis, outweigh the objectives of Policy INF5 para. b and Policy S3, para. 6.

National Planning Policy Framework (NPPF)

The Local Plan policy strategy accords with the provisions of the NPPF. Section 6 of the NPPF promotes the building of a strong, competitive economy to achieve economic growth. Paragraph 80 states that *"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."* Paragraph 81 requires that *planning policies should "set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration"*.

Section 7 deals with ensuring the vitality of town centres and requires that "a positive approach" should be taken to their growth, management and adaptation.

Section 9 seeks to promote sustainable transport and paragraph 106 is particularly relevant as it states that *"In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists."*

(b) Impact on the Local Highway Network

Policy

Local Plan Policy INF4 states that:

"Development will be permitted that:

- a. is well integrated with the existing transport network within and beyond the development itself, avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the highway network;*
- b. creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter and where appropriate establishes home zones;*
- c. provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;*
- d. avoids locations where the cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation; and*
- e. has regard, where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it."*

A Transport Assessment, which analyses the impact of the proposals on the local highway network, has been submitted in support of the planning application and Gloucestershire County Council's Highways Engineers (Local Highway Authority (LHA)) have been formally consulted on the proposals. Following discussions between the LHA and the applicant's transport consultant, and the submission of further and amended information from the applicant, the LHA response is incorporated within the following text (a copy of the full response is attached as an appendix to this report).

Access and impact

The proposed car park will be located in the centre of the existing Rugby Club site, with the playing fields bordering the car park to the north and the clubhouse to the south. The existing site access is via a priority junction off The Whiteway and is currently of suitable width to accommodate one-way movement with waiting occurring either within the site or on The Whiteway. At the request of the LHA the access will be widened to provide sufficient width to allow for a pedestrian footpath adjacent to the vehicular access, and the proposed site access will allow the two-way movement of vehicles in and out of the site with an overall carriageway width of 6m. In addition, existing visibility splays will be retained to ensure that the minimum visibility of 120m for a 40mph road.

The proposed car park is intended to be utilised by commuters, who work in or close to the town centre during the week and will be subject to permit-holding. On this basis, it has been assumed that all arrival trips will occur during the AM peak period (0700 - 1000), and all departure trips during the PM peak period (1600 - 1900) which is acceptable to the LHA.

The modelling demonstrates that the established access currently operates significantly under the threshold of capacity and is capable of accommodating the predicted volume of traffic associated with the proposal.

The 'with development' junction capacity analysis forecasts that, in the 2019 assessment year, the signalised junction will operate within capacity during the AM peak hour and slightly over the 'Degree of Saturation' (DoS) threshold of 90% within the PM peak hour. Although the PM peak hour continues to show the junction operates above 90% DoS, it is an improvement on the existing situation with the DoS reducing from 98.5% to 94.8%. On this basis, it is considered that optimisation of the signal operation, in the form of recently installed MOVA signals, positively mitigates the traffic impact of the proposed development at The Whiteway / A417 Grove Lane / Spitalgate Lane signalised crossroads. In addition, whilst it is acknowledged the junction will operate over the DoS threshold of 90%, there is no indication which suggests that this would present a detrimental impact on the highway network.

The junction capacity analysis demonstrates that the proposed development will have a negligible impact on the operation of the A429 / A417 Roundabout.

Layout

The car park is proposed as three main parking areas, accessed via a reconfigured priority junction with The Whiteway. A total of 155 spaces will be provided, together with 3 accessible (disabled) parking spaces and 5 motorcycle parking bays.

The level of demand for the accessible parking spaces will be monitored to ensure that the level of provision is appropriate to meet demand once the car park is in operation. A future-proof layout has also been submitted to the LHA which demonstrates that a 6% accessible parking bay provision can be achieved. This has been secured by the LHA in order to ensure that the proposed development can future accommodate additional accessible parking without having to apply for further planning permissions.

It will be noted that third parties have raised concerns regarding the validity of the Transport Assessment and assert that it is based on the incorrect assumption that the section of The Whiteway adjacent to the application site operates as a free-flowing, two-way road during peak times with cars parked on the west side of The Whiteway. The LHA has confirmed that these assertions are not substantiated. The work undertaken and reported explicitly states that "The modified junction has been tested for operational efficiency using the proposed trips presented in Section 6.3.1. It assumes the narrowest possible width of the road accounting for parked vehicles on The Whiteway, during which a width of approximately 4.2m is broadly maintained" (Page 36 of the TA). The modelling work has thus been done on the restricted carriageway as identified by the objectors.

In addition, Double Yellow Line restrictions extend on The Whiteway on both sides for approximately 100m from the signalised junction northbound. This would, as a result, allow for approximately 15 (15 X 6M = 90m) Passenger Car Equivalent (PCU) to queue before the parking to the north created any interferences. The maximum queue from the work accepted is 11 (10.6) PCU in the existing AM peak. The maximum queue in the profile period for the application as proposed is 7 PCU. In summary, the work is considered to be robust and respond to the local highway issues within the modelling work that has been done.

On the above basis, the LHA is supportive of the proposals and it is considered that the proposals are acceptable, having regard to Section 9 of the NPPF and Local Plan Policy INF4.

(c) Impact on the Special Landscape Area (SLA)

Policy

Policy EN2 of the Local Plan states that development will be permitted which accords with the Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

Policy EN4 of the Local Plan states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. This policy requires that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, settlement patterns and heritage assets.

Policy EN6 of the Local Plan states that development within Special Landscape Areas will be permitted provided it does not have a significant detrimental impact upon the special character and key landscape qualities of the area including its tranquillity. SLAs are locally designated landscapes that have the purpose of protecting locally significant and valued landscapes that have particular intrinsic qualities or character.

Paragraph 170 of the new National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside.

Impact upon public visual amenity

A Landscape Visual Appraisal (LVA, May 2019) has been submitted in support of the application. An assessment of local and wider distance views was undertaken and it was considered that views of the site are limited to a short section of The Whiteway by virtue of the local topography, built form and intervening vegetation. The report identified that pedestrians using The Whiteway would be the most sensitive receptors; however adverse visual effects on these receptors have been appropriately mitigated with planting.

Officers agree that the site is visually contained and that views would be limited to local views from The Whiteway. However it is important to note that lighting would be perceived from the wider setting. To preserve the special rural qualities of the wider North Cirencester Special Landscape Area, a sympathetic external lighting scheme would be required (to include a restriction on the hours of operation of the lighting).

Impact on the character and appearance of the landscape

The site falls within the North Cirencester SLA which is made up of two distinct landscape character types. The SLA boundary to the east of The Whiteway falls within 'Dip Slope Lowland' Landscape Character Type (LCT) and therefore shares many of its characteristics. Some of the key qualities of the SLA which are considered relevant to the site include (Local Countryside Designation Review: Special Landscape Areas' White Consultants 2001):-

- Large-scale regular grain of elevated plateau landscape;
- Strong woodland belts on the dipslope, giving shelter and enclosure;

- Visual links with the old core of Cirencester, in particular views to the Church of St John the Baptist;
- Historic landscapes of the Chester Master Abbey estate.

The 2001 SLA Review by White Consultants, as commissioned by Cotswold District Council, notes that the approach into the town along The Whiteway is historically important and this landscape acts as a green wedge which penetrates into the town. It is also noted that the area exhibits many of the key characteristics of the bordering AONB landscape and that recreational uses, such as the rugby club, are included within the SLA as they form an integral part of the landscape close to the settlements.

The 2001 SLA Review by White Consultants has been recently reviewed in the 'Cotswold District: Special Landscape Areas Review: Landscape Context and Physical Changes' by White Consultants May 2017. The review concluded that the qualities of the North Cirencester SLA, as defined in the 2001 SLA report, are still relevant and its boundaries should remain the same.

The LVA identifies that the proposals themselves are likely to have a very limited effect on the landscape character of the area, whilst car usage would have a moderate effect. The LVA concludes that the study area would be capable of accommodating the changes proposed and any potential negative effects can be mitigated through the use of a suitable planting strategy.

Principle

The site and the surroundings are sensitive to change by virtue of the SLA setting and edge of town location. The existing carpark has a modest informal appearance and the intensification of parking, surfacing and also the introduction of lighting would impact upon the special character and key landscape qualities of the SLA including its tranquillity. As such, it is considered that the changes to the site would result in landscape harm; however, it is accepted that the changes are temporary and the provision of mitigation planting would help to offset the level of harm. In light of the temporary nature of the development and with the delivery of a robust mitigation planting scheme (to be agreed via planning condition), it is considered that the resulting level of landscape harm would not be significant.

(d) Impact on Designated Heritage Assets

The site of the proposed car park lies within the wider setting of the Grade I listed Church of Saint John the Baptist (through intervisibility), and the Grade II listed Whiteway Farmhouse (through historic association). 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(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

The site also lies within close proximity to, and within the setting of the designated Cirencester Town Centre, and Gloucester Street and River Walk Conservation Areas. Whilst there is no statutory provision to seek to preserve the setting of conservation areas under the 1990 Act, the NPPF identifies conservation areas as designated heritage assets, and places great weight on sustaining the significance of such assets through alterations to them and their settings.

Policy

Section 16 of the NPPF addresses the conservation and enhancement of the historic environment. Paragraph 189 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 (and the more important the asset, the greater the weight should be). It also states that significance can be harmed through alteration or development within the setting, and any harm should require clear and convincing justification. Paragraph 195 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 196 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 197 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.

Policy S3 (Cirencester Central Area Strategy) of the Local Plan, in addition to addressing the parking strategy, also requires that the historic environment should form an integral part of redevelopment proposals that are aimed at improving Cirencester's role, function and economy, including future transport and parking schemes. It states that, wherever feasible, the historic environment should be a key driver of, and focus for, inward investment, regeneration and redevelopment. It also states that any such applications should pay due regard to the town's Conservation Area Appraisal & Management Plan and Town Centre SPD.

Policy EN1 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 EN2 states that development will be permitted which accords with the Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

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 EN10 reiterates that great weight should be given to the conservation of designated heritage assets. It states that proposal that sustain the character, appearance and significance of designated assets will be permitted, but that proposals that would harm the significance of an asset or its setting would not be permitted unless outweighed by mitigating public benefit.

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.

Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated

The site currently comprises an informal area of parking, to the south-east of The Whiteway, with open space to either side (some of which comprises rugby fields). Beyond is a belt of trees, and open countryside. The character of this side of The Whiteway is strongly rural in character (reflected in its designation as a Special Landscape Area), in marked contrast to the north-western side of the road, whose character is markedly more suburban.

Church of Saint John the Baptist

When approaching Cirencester along The Whiteway, glimpses of the tower of the church are visible immediately above the application site.

The significance of the church rests heavily in its fine architecture, and its historical associations with the town and associated wool trade. The church lies adjacent to the market place, and its immediate setting is predominantly urban.

Nonetheless wider views from without the town, particularly on the ancient approaches to the town, such as The Whiteway, are important, as the tower, as was often characteristic, provided a strong visual orientation point in the landscape.

As such, the glimpses of the church tower across the site from The Whiteway do make a positive contribution to the significance of the building.

Whiteway Farmhouse

The application site was historically associated with Whiteway Farmhouse; forming part of the associated agricultural land to the south.

The character of Whiteway Farm, and much of the surrounding area has changed markedly in the 20th century. The area between the site and the farm now comprises a series of rugby pitches, and the site itself lies at some distance to the farm, and sheltered from it by the topography.

Furthermore, the site itself, whilst still open, does not appear 'agricultural'.

As such, given the distance, the lack of intervisibility, and the lack of any agricultural character, the site no longer contributes meaningfully to the significance of Whiteway Farm, or the ability to appreciate that significance.

Cirencester Town Centre and Gloucester Street and River Walk Conservation Areas

The Whiteway comprises one of the ancient approaches to Cirencester; and as such does form an integral part of the setting of the town and its various conservation areas. When approaching the town along The Whiteway, the open, rural (if no longer agricultural) land to the south-east of the road, with the glimpses of the church tower beyond, preserves and reinforces the historic character of the rural market town set within a still predominantly open, rural landscape. As such it does contribute to the significance and the ability to appreciate the significance of the town and its various conservation areas.

Where there is harm to significance, but potential mitigating public benefit, Paragraph 19 of the Planning Practice Guidance advises of the importance of seeking less harmful ways of achieving comparable benefit, by considering things such as 'more sensitive designs'.

In a rural context such as this, design generally is traditionally simple, functional and unfussy. In the view of Officers, several elements of the design, namely, the raised planters and ornamental planting, appear contrived, visually over-designed and consequently would give the proposal an unnecessarily urban character. In light of these concerns, conditions are attached to this report to ensure that the detailed planting is amended and that the raised planters are removed and the bank simply regraded.

Archaeology

In addition to the consideration of above ground heritage, the site is archaeologically sensitive. Gloucestershire County Council's Senior Archaeological Officer has reviewed the Heritage Statement submitted in support of the application and has advised the following. In 1999, the Rugby Club site was investigated by an archaeological field evaluation, and the area now proposed for development was investigated by a trial-trench (Trench 8). This revealed a number of significant archaeological features and any ground works required for the construction of this scheme may, therefore, have an adverse impact on significant archaeological remains.

It is noted that the applicant proposes to utilise a pre-fabricated cellular gravel paving system for the new parking areas, and that the need for intrusive ground works to create the new car park has been minimised. Notwithstanding this, some ground works will be required for this development, which will include the re-grading of slopes, and therefore it is suggested that provision is made for archaeological monitoring of the ground works required for the development, so as to allow the investigation and recording of any archaeological remains which may be revealed during construction. Subject to a condition to this effect, the County Archaeologist raises no objection to the application proposals.

(e) Residential Amenity

Local Plan Policy EN15 (Pollution & Contaminated Land) states that:

"Development will be permitted that will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through:

- a. pollution of the air, land, surface water, or ground water sources; and/or*
- b. generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell."*

Section 15 of the NPPF states, *inter alia*, that:

"Planning policies and decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

The applicant has submitted a report on air quality (*RPS, Air Quality Assessment, Cirencester Rugby Club Car Park, 22/05/19, Ref: JAR10972*) which the Council's Environmental Regulatory Services (ERS) Team has reviewed. It is considered that the methodology for assessing the impacts on air quality for both the construction and operational phases are acceptable.

Officers concur with the findings of the report in that the highly recommended mitigation measures described in the Institute of Air Quality Management construction dust guidance should reduce the residual dust effect from earthworks from 'low' to 'not significant'. The mitigation measures proposed are detailed in Section 7 of the report.

In addition, the operational impacts of the proposed development on existing receptors are predicted to be negligible.

On this basis, the resulting air quality effect of the car park is considered to be 'not significant' overall and no objection is raised with regard to air quality issues, subject to planning conditions attached to this report.

The applicant's agents engaged with the ERS Team prior to the submission of the planning application with regards to the implications for noise disturbance associated with the proposed development and as a result, a noise assessment has been submitted in support of the application. Officers concur with the findings of the report in that the noise resulting from activity within the proposed new car park will tend to be well below existing baseline sound levels and is unlikely to cause adverse impacts due to increases in ambient noise or due to the absolute ambient noise level.

An assessment of the likely impact resulting from increased traffic flows on the local highway network as a result of the proposed development have also been assessed and it is concluded that the noise changes associated with the new development are likely to be imperceptible. In light of this, the ERS Team is satisfied that there should be no detectable effect on human health and quality of life due to noise and raises no objection to the proposals.

It is proposed that the car park would be lit by 15 no. 6m high columns located throughout the site. The applicant was advised of the need to ensure that the lighting scheme would need to be sensitive to both ecological and environmental considerations (including the impact on nearby residential properties) and consequently, has designed a lighting scheme to minimise off-site light spillage. Warmer LED lighting is proposed and where there is potential for light spill into nearby residential properties, rear obtrusive light shields are proposed. Lighting has been kept to a minimum and it is also intended that the lighting is time-controlled to be used only between the hours of 07.30-19.30 Monday-Friday. A condition is attached to this report requiring the submission of full details of the lighting scheme prior to the first operation of the car park.

In addition, a panel fence, supplemented by native hedge planting is proposed to be erected along the boundary with The Whiteway, north of the vehicular access in order to mitigate against direct glare from car headlights parking in this section of the car park.

In light of the proximity of residential properties to the application site, a condition requiring the approval of a 'Construction Method Statement' is recommended to ensure that any disturbance throughout the construction phase is minimised. On the basis of the above, Officers are content that there would be no materially harmful impacts, having regard to Policy EN15 and Section 15 of the NPPF.

(f) Other Matters

Trees

The application site is within a conservation area but there are currently no Tree Preservation Orders that affect the site.

Local Plan Policy EN7 (Trees, Hedgerows & Woodlands) states that development will not be permitted that fails to conserve and enhance trees of high landscape, amenity, ecological or historical value.

Although the proposed car parking does encroach into the root protection area (RPA) of two pines, a sycamore and one holm oak, it is considered that this would not be significantly harmful in the long term. The proposed encroachment into the RPAs is specified as no-dig surfacing. Providing the installation of the no-dig surfacing is undertaken under an arboricultural watching brief during the initial stages, the Council's Tree officer is supportive of the proposals. A condition is attached requiring details of a watching brief.

Biodiversity

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Local Plan Policy EN8 (Biodiversity & Geodiversity: Features, Habitats & Species) states, *inter alia*, that "*Proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted....Development with a detrimental impact on other protected species and species and habitats "of principal importance for the purpose of conserving biodiversity" (Section 41 (England) of the Natural Environment and Rural Communities Act 2006) will not be permitted unless adequate provision can be made to ensure the conservation of the species or habitat.*"

This policy accords with the related provisions of section 15 of the NPPF.

The proposed car park is likely to have a minimal impact on biodiversity due to the current use of the site and the existing visibility splay demarcated by a stone wall rather than a hedgerow. However, the Council's Biodiversity Officer advises that there are opportunities for biodiversity enhancements, which include, native species-rich hedgerow planting, native wildflower meadow creation and native tree planting. These will be secured via planning conditions attached to this report.

Officers are satisfied that the proposals accord with Policy EN8 of the Local Plan, and the related statutory requirements and the provisions of the NPPF.

9. Conclusion:

There is clear up-to-date evidence that there is an imperative to increase car parking provision within the town and the Local Plan sets out a strategy, with associated adopted policies, to deliver the identified shortfall in car parking spaces. The importance of the proposals as part of the

implementation of the parking strategy has been detailed earlier in this report, but to reiterate, the current proposals are an integral sequential element of the implementation of the parking strategy, as they would deliver temporary replacement public car parking to assist in the decanting of spaces from the existing Waterloo car park which would be temporarily lost during the construction phase, in the event that planning permission were granted for decked parking on that site.

Through the work undertaken in the production of the relatively recently adopted Local Plan, as illustrated within its supporting evidence base, the delivery of the parking strategy is a central strategic priority for the Council in delivering public benefits of accessibility to facilities and services, maintaining and enhancing the vitality and viability of the town, and to allow growth for the wider local economy. The current application is therefore a key element of sequentially 'unlocking' the potential for the other identified redevelopment sites that would need to begin with the provision of additional permanent parking facilities, principally at The Waterloo. These public benefits are considered to carry significant weight in the planning balance.

It is acknowledged that there will be some harmful impact on the special character and key landscape qualities of the SLA as a result of the introduction of a more formal car park on the site. However, in light of the temporary nature of the development, and with the delivery of a robust mitigation planting scheme, it is considered that the resulting level of landscape harm would not be significant.

It is further accepted that the proposed car park would urbanise and erode the rural character of the site. This rural character makes a positive contribution to the setting of Cirencester and its various conservation areas as a rural market town, and thus would result in harm to these designated heritage assets, although the level of harm would be less-than-substantial. As a result, it is important that, in accordance with Local Plan Policy EN10 and paragraph 196 of the NPPF, the assessment of that harm is balanced against any public benefits that might weigh in favour of the proposed development. In this instance, it is acknowledged that the provision of additional parking would provide significant public benefits and on that basis, Officers consider that appropriate justification has been provided to demonstrate that the public benefits of the development outweigh the harm to the heritage assets.

Having regard to all of the policy considerations discussed within this report, Officers are able to recommend that the application should be permitted, subject to the conditions set out at the end of this report.

10. Proposed conditions:

1. 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.

2. The development hereby approved shall be implemented in accordance with the following drawing numbers: 21910/003/C (Detailed Planting Plan) and 21910/003/P1 (Car Park Levels Plan), and the Car Park Management Plan, produced by Atkins and dated 5th August 2019.

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

3. By 10 years from the date of this permission, the hardstanding/surfacing and all paraphernalia associated with the car park hereby approved shall be removed from the site and the site shall be reinstated to its former condition or to a condition to be agreed in writing by the Local Planning Authority.

Reason: Permanent development of this type might cause a nuisance or would cause harm to the detract from the amenity of the area and permission is given only to meet the special, temporary needs of the applicant, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN6, EN10 and EN15 and Sections 15 and 16 of the NPPF.

4. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Cotswold District Local Plan Policy INF4 and paragraphs 108 and 110 of the NPPF.

5. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 21910/001D with a minimum entrance width of 6.0m with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with Cotswold District Local Plan Policy INF4 and paragraph 108 and 110 of the NPPF.

6. The approved Car Park Management Plan, produced by Atkins and dated 5th August 2019 (received by the LPA on the 24th September 2019), shall be implemented in accordance with the submitted details, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with Cotswold District Local Plan Policy INF4 and paragraph 108 and 110 of the NPPF.

7. The development hereby permitted shall not be brought into use until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 21910/001D, 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Cotswold District Local Plan Policy INF5 and paragraphs 108 and 110 of the NPPF.

8. Notwithstanding the submitted details, 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 the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained, together with measures for their protection during construction work. It 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 Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

9. 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 objectives of Cotswold District Local Plan Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

10. 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 Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

11. Prior to the first use/occupation of the development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a. Description and evaluation of features to be managed;
- b. Aims and objectives of management;
- c. Appropriate management options for achieving aims and objectives;
- d. Prescriptions for management actions;
- e. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- f. Details of the body or organisation responsible for implementation of the plan.

The LEMP shall be implemented in full in accordance with the approved details.

Reason: In the interests of the character and appearance of the site and surrounding area in accordance with Cotswold District Local Plan Policies EN2, EN4, EN6, EN8 and EN10 and the provisions of the NPPF, and to ensure that the biodiversity of the site is protected and enhanced in accordance with the Wildlife and Countryside Act 1981. It is important that these details are agreed prior to the commencement of development in order to ensure proper management of the landscape and biodiversity at the site both during and following the construction of the approved scheme.

12. Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site, the control of light pollution and hours of operation. The scheme should be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15 and the provisions of Section 15 of the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no structures, buildings or fences shall be erected, constructed or installed on the site other than those permitted by this Decision Notice.

Reason: In the interests of the character and appearance of the site and surrounding area, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

14. Notwithstanding the approved details and drawings, no approval is hereby given for the installation of the planters as shown on drawing numbers: 21910/001/D and 21910/003/P1.

Reason: In the interests of the character and appearance of the site and surrounding area, in accordance with Cotswold District Local Plan Policies EN2, EN4, EN6 and EN10 and the provisions of the NPPF.

15. The Public Car Park shall not operate outside of the hours 07.30 - 19.30, Monday to Friday and not at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15 and Section 15 of the NPPF.

16. The construction phase of the development must be carried out in accordance with the RPS, Air Quality Assessment, Cirencester Rugby Club Car Park, 22/05/19, Ref: JAR10972 (AQA) implementing the highly recommended mitigation measures for 'low risk' developments, as detailed in the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction v1.1 (February 2014)'. The approved AQA shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15 and Section 15 of the NPPF.

17. 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 Cotswold District Local Plan Policy EC10 and Section 16 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.

18. The works shall be completed in accordance with the arboricultural recommendations laid out in the consultancy report Arboricultural Impact Assessment - Tree Survey, Tree Protection Plan, Arboricultural Method Statement at Cirencester Rugby Club, The Whiteway, Cirencester, GL7 7BA (dated 29th May 2019, project no: 1316). All of the recommendations shall be implemented in full according to any timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with Cotswold District Local Plan Policy EN7.

19. Prior to the commencement of any works on site (including demolition and site clearance), the tree protection as detailed on Tree Protection Plan drawing number 1316 - 01, dated May 18 shall be installed in accordance with the specifications set out within the plan and BS5837:2012 'Trees in relation to design, demolition and construction - recommendations' and shall remain in place until the completion of the construction process. No part of the protection shall be removed or altered without prior written approval of the Local Planning Authority.

Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of the fire and the wind direction should be taken into account when determining its location, and it should be attended at all times until safe enough to leave. Materials that would contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Construction Exclusion Zone and no building materials or surplus soil shall be stored therein. All service runs shall fall outside the Construction Exclusion Zone unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the retained trees in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well-being of existing trees.

20. An arboricultural watching brief proposal must be submitted for agreement in writing to the Local Planning Authority prior to the commencement of the no-dig works. Once agreed, all details must be complied with in full, and in accordance with any timescales therein.

Reason: To safeguard the retained trees in accordance with Cotswold District Local Plan Policy EN7.

21. 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 (and demolition) period. The Statement shall:

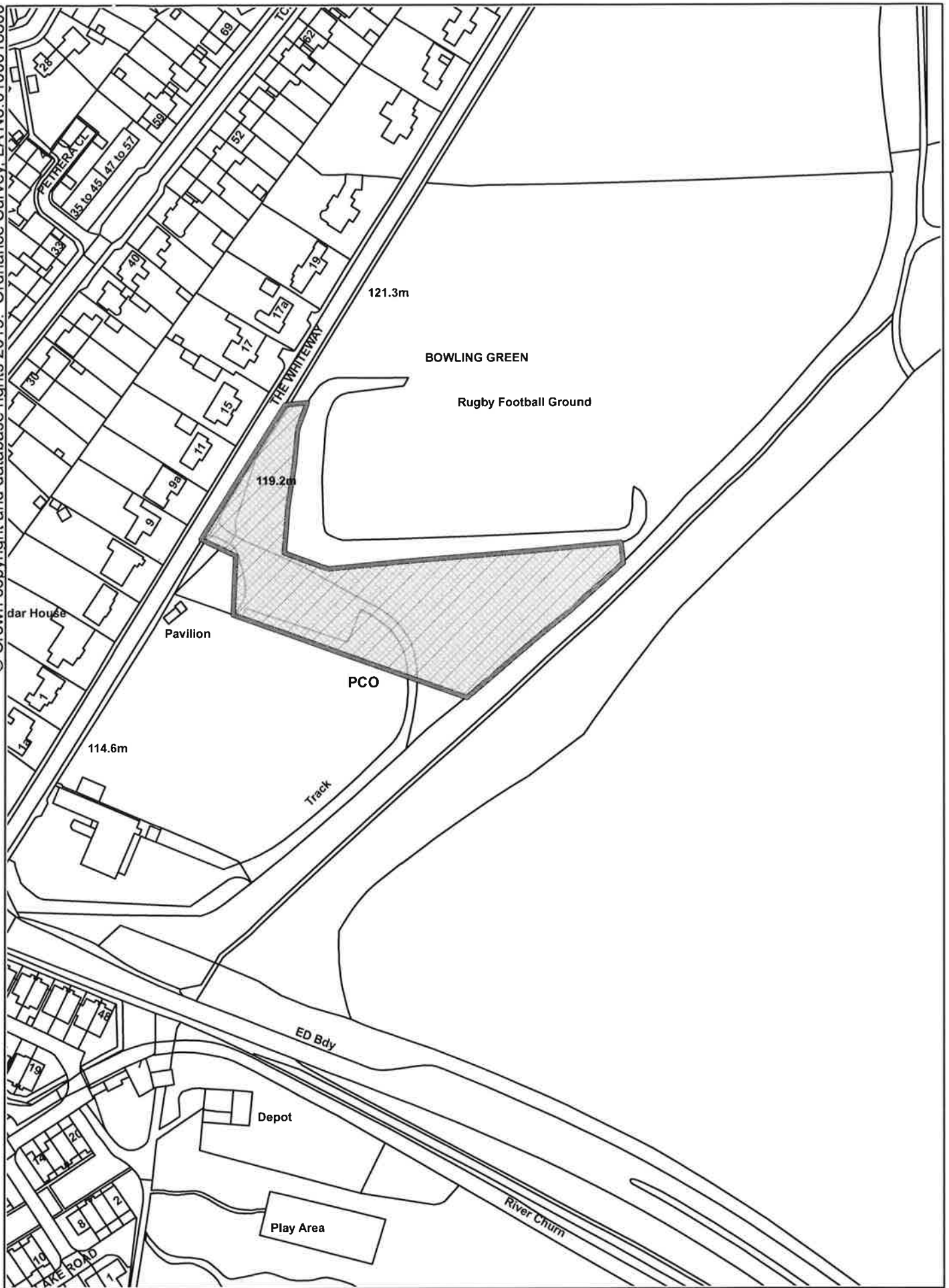
- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. specify measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and to accommodate the efficient delivery of goods and supplies, and to protect the amenity of the locality, especially for people living nearby, in accordance with Cotswold District Local Plan Policy EN15, Section 15 and Paragraph 102 of the NPPF.

Informatives:

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980, which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.





Highways Development Management

Shire Hall
Gloucester
GL1 2TH

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

email: jose.nunesdossantos@gloucestershire.gov.uk

Please ask for: Jose Nunes dos Santos

Our Ref: C/2019/043180

Your Ref: 19/02186/FUL

Date: 3 September 2019

Dear Mike Napper,

TOWN AND COUNTRY PLANNING ACT 1990 HIGHWAY RECOMMENDATION

LOCATION: Cirencester Rugby Football Club The Whiteway Cirencester Gloucestershire GL7 2ER

PROPOSED: Creation of a car park providing 160no. car parking spaces (including 3no. disabled spaces), 5no. motorcycle parking spaces and associated landscaping for a temporary period of 10 years

Reference is made to the above application received on the 4th July 2019 submitted with application form, planning statement, design statement, transport assessment, car park plan ref 21910/001D, car parking management plan and swept path analysis plan.

Access and impact

The proposed car park will be located in the centre of the existing Rugby Club site, with the playing fields bordering the car park to the north and the clubhouse to the south. The existing site access is via a priority junction off The Whiteway and is currently of suitable width to accommodate one-way movement with waiting occurring either within the site or on The Whiteway. At the request of the LHA the access will be widened to provide sufficient width to allow for a pedestrian footpath adjacent to the vehicular access, and the proposed site access will allow the two-way movement of vehicles in and out of the site with an overall carriageway width of 6m. In addition, existing visibility splays will be retained to ensure that the minimum visibility of 120m for a 40mph road.

The proposed car park is intended to be utilised by commuters, who work in or close to the town centre during the week and will be subject to permit-holding. On this basis, it has been

assumed that all arrival trips will occur during the AM peak period (0700 – 1000), and all departure trips during the PM peak period (1600 – 1900) which is acceptable by the LHA. The proportion of the development arrival/departure trips estimated to occur during the peak hours:

- AM Peak (arrivals) – 41.9% (67 two-way movements) and
- PM Peak (departures) – 47.6% (76 two-way movements)

Proposed Development Trip Distribution

Junction	Direction (From/To)	Distribution (%)	AM Peak (0800 – 0900)		PM Peak (1700 – 1800)	
			Arr.	Dep.	Arr.	Dep.
The Whiteway / A417 Grove Lane / Spitalgate Lane signalised crossroads	The Whiteway (North)	10%	7	0	0	8
	A417 Grove Lane	76%	51	0	0	58
	Spitalgate Lane	0%	0	0	0	0
	A417 Abbey Way	14%	10	0	0	11
A429 / A417 Roundabout	A429 Burford Road	24%	16	0	0	18
	A429 Swindon Road	52%	35	0	0	40
	London Road	0%	0	0	0	0

Rugby Club Access

Stream	AM (0800 – 0900)			PM (1700 – 1800)		
	M M Q (PCU)	Delay (s)	RFC	M M Q (PCU)	Delay (s)	RFC
B-AC	0.0	0.00	0.00	0.2	9.27	0.17
C-AB	0.2	7.02	0.12	0.0	0.00	0.00

*A – The Whiteway North, B – Site Access, C – The Whiteway South

The modelling demonstrates that the established access currently operates significantly under the threshold of capacity and is capable to accommodate the predicted volume of traffic associated with the proposal.

The Whiteway / A417 Grove Lane / Spitalgate Lane: Without Development

Arm	AM (0800 – 0900)		PM (1700 – 1800)	
	M M Q (PCU)	D o S (%)	M M Q (PCU)	D o S (%)
The Whiteway	11.2	96.4%	9.4	93.7%
A417 Grove Lane	15.2	90.9%	22.2	95.6%
Spitalgate Lane	4.7	76.7%	16.4	98.5%
Abbey Way (A417)	21.1	95.4%	11.5	73.1%
PRC % (All Lanes)	-7.1%		-9.5%	
Total Delay (PCU – hr)	33.39		38.61	

The Whiteway / A417 Grove Lane / Spitalgate Lane: With Development

Arm	AM (0800 – 0900)		PM (1700 – 1800)	
	M M Q (PCU)	D o S (%)	M M Q (PCU)	D o S (%)
The Whiteway	9.2	82.9%	13.6	93.6%
A417 Grove Lane	16.3	83.2%	26.5	94.8%
Spitalgate Lane	6.2	81.3%	17.2	94.7%
Abbey Way (A417)	21.3	83.6%	15.0	74.9%
PRC % (All Lanes)	7.7%		-5.4%	
Total Delay (PCU – hr)	28.89		40.14	

The 'with development' junction capacity analysis forecasts that, in the 2019 assessment year, the signalised junction will operate within capacity during the AM peak hour and slightly over the DoS threshold of 90% within the PM peak hour. Although the PM peak hour continues to show the junction operates above 90% DoS, it is an improvement on the existing situation with the DoS reducing from 98.5% to 94.8%. On this basis, it is considered that optimisation of the signal operation, in the form of recently installed MOVA signals, positively mitigates the traffic impact of the proposed development at The Whiteway / A417 Grove Lane / Spitalgate Lane signalised crossroads. In addition, whilst it is acknowledged the junction will operate over the DoS threshold of 90%, there is no indication which suggests that this would to present a detrimental impact on the highway network.

A429 / A417 Roundabout: Without Development

Arm	AM (0800 – 0900)			PM (1700 – 1800)		
	M M Q (PCU)	Delay (s)	R F C	M M Q (PCU)	Delay (s)	R F C
A429 Burford Road	2.6	10.54	0.7 2	0.9	5.31	0.4 6
A429 Swindon Road	1.1	4.40	0.5 1	1.8	5.11	0.6 4
London Road	0.2	2.51	0.1 9	0.8	4.07	0.4 5
A417 Grove Lane	1.1	4.28	0.5 2	1.0	4.78	0.5 0

A429 / A417 Roundabout: With Development

Arm	AM (0800 – 0900)			PM (1700 – 1800)		
	M M Q (PCU)	Delay (s)	R F C	M M Q (PCU)	Delay (s)	R F C
A429 Burford Road	2.5	10.27	0.7 2	0.9	5.31	0.4 6
A429 Swindon Road	1.1	4.35	0.5 1	1.8	5.11	0.6 4
London Road	0.2	2.58	0.1 9	0.7	3.71	0.3 9
A417 Grove Lane	1.1	4.20	0.5 1	1.1	4.94	0.5 3

The junction capacity analysis demonstrates that the proposed development will have a negligible impact on the operation of the A429 / A417 Roundabout.

Layout

The car park is proposed as three main parking areas, accessed via a reconfigured priority junction with The Whiteway. A total of 155 spaces will be provided, that will include three accessible parking spaces, in addition to five motorcycle parking bays.

The level of demand for the accessible parking spaces will be monitored to ensure that the level of provision (3%) is appropriate to meet demand once the car park is operation. A future proof layout has also been submitted to the highways authority which demonstrates that a 6% accessible parking bay provision can be achieved. This has been secured by the highways authority in order to ensure the proposed development can future accommodate additional accessible parking without having to recur to future planning processes.

Recommendation:

The highways authority recommends no highways objection to be raised subject to the following conditions attached to any permission granted:-

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 21910/001D with a minimum entrance width of 6.0m with any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

The approved Car Parking Management Plan shall be implemented in accordance with the submitted details, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: - To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

The development hereby permitted shall not be brought into use until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 21910/001D, 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework.

Prior to the occupation of the development hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: - To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

NOTE: The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

NOTE: The development includes a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980, which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

Jose Nunes dos Santos

Technician



9 The Whiteway,
Cirencester,
Gloucestershire,
GL7 2ER

14th August 2019

Dear Sir or Madam

Planning Application by Cotswold District Council for the construction of a 160-space public car park at Cirencester Rugby Club, The Whiteway, Cirencester.
Planning Application Ref. 19/02186/FUL

With reference to the above please find attached our representations on the application. These are to be read in conjunction with comments we have already submitted electronically that relate to the information supporting the application.

Yours faithfully



Mr and Mrs C J Simkins

The Planning and Development Manager,
Cotswold District Council,
Trinity Road,
Cirencester,
GL7 1PX

15 AUG 2019

Off Ref:
Act:

Planning Application ref 19/02186/FUL

Application for full planning permission by Cotswold District Council to construct a 160-space public car park at Cirencester Rugby Club, The Whiteway, Cirencester.

Representations by Mr and Mrs C Simkins, 9 The Whiteway, Cirencester.

The Principle of Development

1. The Carter Jonas planning statement accompanying the application at paragraph 5.1 identifies the correct legal test for determining planning applications but then fails to apply it. The officers' pre-application advice suffers from the same fundamental flaw. As the NPPF at paragraph 2 states

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".

2. The development plan in this case is the Cotswold District Local Plan (CDLP) adopted by the Council as recently as August 2018. The starting point for this fundamental legal test is thus an assessment of how this proposal should be determined based on the Local Plan alone. In this regard case law has established that development plan policies should be read together in a way that is reasonable and appropriate.
 3. In Chapter 6 of the CDLP that deals with the overarching strategy of the plan, key Policy DS2 states that:
- "Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle"*
4. This is a standard policy approach designed to focus development in the main towns and villages in The Cotswolds and protect areas outside them from major development. The application site in this case involves development outside the defined Development Boundary for Cirencester. Based on this overarching policy the proposal is thus not permissible in principle.
 5. In the context of the general approach in Policy DS2, CDLP Policy INF5(2) is also directed specifically at public car parks. It states that:

"Proposals for public car parks will be permitted where the development:

- a) is essential for maintaining the functionality of retail centres as defined by Policy EC7 and demonstrably serves the retail centre as a whole; and*
- b) is located within or at the edge of the retail centre and is of a scale, layout and design that is in keeping with the size and character of the retail centre"*

6. The only circumstances in which a public car park can be permitted based on the adopted development plan is thus if it is located within or on the edge of a retail centre. The application site in this case is not, as a matter of fact, within or at the edge of the retail centre of Cirencester as defined in the adopted Local Plan and is thus also in total conflict with this policy.
7. Taken together, policies DS2 and INF5(2) confirm that the application proposal is not in accordance with the development plan as a matter of policy and principle and the application should thus be refused unless material considerations suggest otherwise. This position is sufficiently clear and unambiguous to question the lawfulness of any decision that is not based on it.
8. The Carter Jonas planning statement at paragraphs 6.10 and 6.11, however, concludes as follows on the question of the principle of the proposal:

“6.10 This application for temporary planning permission for 10 years to provide additional car parking facilities within Cirencester would serve a critical short to medium-term need, as identified within the Cirencester Town Centre Off Street Parking Study, 2017.

6.11 As such, it is considered the principle of the development proposal is entirely acceptable and in accordance with national and local planning policy, notably as part of implementing the car parking strategy for Cirencester.”
9. The assessment in paragraph 6.10 above is fundamentally misleading. As the application site is not within the Central Area of Cirencester it cannot be policy compliant for it to be suggested, as a matter of principle, that it can appropriately meet any form of identified need arising from either the 2017 Parking Study, or the adopted Local Plan. As indicated above, the Local Plan policies specifically direct the meeting of identified public parking need to the Central Area. In addition and as a matter of fact, neither of these documents identify a ‘short to medium term need’ in any event, based on a 10 year or any other time scale.
10. The conclusion in paragraph 6.11 in relation to the principle of the development being ‘entirely acceptable’ based on the comments in paragraph 6.10 is thus completely wrong in relation to recently adopted local planning policy and the principle of development. If approval of the application is based on this conclusion, any such decision would be fundamentally flawed.
11. It is particularly concerning that the Council as applicant and its advisors do not appear to understand the Council’s own up to date development plan policies that have been in

place for just 12 months. Whilst the District Council's roles as applicant and decision maker are separate in law, it is reasonable to expect the Council as a corporate body to interpret its policies correctly and consistently. Claiming that the principle of the proposal is in accordance with the Council's own recently adopted policies when it plainly is not is unacceptable and raises serious questions about the overall approach of the Council as applicant.

Other Material Considerations

12. The important considerations to be considered in the context of the clear 'in principle' policy conflict in relation to this application include:
 1. The need for the proposed car park
 2. The consideration of alternatives
 3. Heritage impact
 4. Landscape impact
 5. Impact on residential amenities
 6. Traffic impact
1. **Need**
13. The Carter Jonas planning statement identifies 2 aspects of the alleged need for the proposed public car park at the Rugby Club. Paragraphs 6.4 and 6.5 suggest it will contribute to the forecast shortfall of 347 spaces in Cirencester Town Centre identified in the 2017 Atkins Study. In paragraph 6.8 it also suggests it will be used for 'decant' parking whilst the decked Waterloo Car Park is constructed.
14. The 347 space shortfall (net) in Cirencester Town Centre is identified in the February 2017 Atkins Study. Proposals to make up this shortfall by 2031 are included in Policy S3 of the CDLP and the associated Central Area Strategy. They include the decking of existing car parks within the Central Area and 'ideally' the Waterloo car park which is specifically allocated for this purpose in CDLP Policy S1.
15. Plans are well advanced for a multi-storey car park on the Waterloo site which will provide all of the additional spaces required and thus meet all the identified need. Even if this project didn't proceed, the need is to be met, in any event, within the Central Area of Cirencester consistent with Policy INF5(2). The Rugby Club is not within the Central Area
16. If an additional 160 public car park spaces are provided on the Rugby Club site, the identified need will thus be exceeded by 46% irrespective of whether the permission is for a 'temporary' 10 year period or not. The reference in paragraph 6.10 of the Carter Jonas statement to a 10 year temporary permission serving a critical short to medium-

term need as identified within the 2017 Atkins report is entirely incorrect as identified above. That report contains no such statement or reference and neither does the adopted Local Plan.

17. Any suggestion that the need for additional public parking space is a material consideration that weighs in favour of this application in the context of the fundamental policy objection identified above would thus be completely wrong. This identified need is to be met within the Central Area of Cirencester and meeting this need is being actively progressed with the Waterloo scheme. There is also no policy support whatsoever for any additional provision over and above the identified need irrespective of whether it has permanent planning permission or permission for a lengthy and completely arbitrary period of 10 years.
18. In relation to the issue of temporary 'decant' parking that might be required during construction of permanent provision, any such proposals outside the Central Area and/or the settlement limit of Cirencester would be subject to the same starting point in development plan policy terms as any other form of public car park. There are no policies in the adopted CDLP dealing with 'decant' parking.
19. Any proposal of this type would not in any case need to involve the standard of design and construction associated with the application proposal which is for all practical purposes obviously intended to be permanent. Neither would 'decant' parking require a 10 year 'temporary' consent as that is far longer than a reasonable construction period associated with the Waterloo scheme.
20. Given the very substantial capital and revenue costs associated with the design and specification of the application proposal, it has been suggested at a public meeting that it would not represent an appropriate use of public funds to realistically expect the Council to return the land to its previous state after the 2 or 3 years that might be required for 'decant' parking whilst the Waterloo car park is constructed. It is not, however, a relevant planning consideration that the Council is, for whatever reason, choosing to specify this proposal far beyond what is reasonably required for interim 'decant' parking and thus requires what amounts to permanent planning permission, for purely financial reasons.
21. The clear implication is that this proposal must be considered as a permanent public car park. There is no planning justification whatsoever provided for seeking a 10 year temporary consent for either temporary or permanent parking in a location where there is a strong policy presumption against the principle of such a use in either of those forms. If the proposal is approved, it is also difficult to imagine on what possible basis the continuation of the use after 10 years could be resisted particularly if, as outlined

below, the council use the proposed provision as justification for re-developing existing car-parks.

22. A key reason why the Council as applicant is seeking to secure what is, in reality, a permanent car park that will far exceed the identified need is made clear in the supporting information. In the Transport Assessment at 2.4.2 on page 11 dealing with Local Plan Policy it states in this regard that:

“The proposed Rugby Club car park will support employment development within the town through somewhat mitigating the forecast car parking shortfall within the town centre. The provision of additional car parking spaces will enable the redevelopment potential of other sites within Cirencester. This would enhance the town’s role and function, as well as benefit the economy of the wider area.”

23. In relation to the first sentence here, it has already been explained that the application site is in a location where public car parks are not permissible as matter of principle and the proposal is not, in any event, required to meet the identified need.

24. As regards the second sentence, the Council as applicant plainly sees this proposal as a basis for re-developing its existing car parks. There is provision for such an approach in Policy S3 in the CDLP and the associated Central Area Strategy. However, this provision is again restricted entirely to the Central Area. Item 6 of the Strategy states in this regard that:

“ Subject to any land that is currently used for off-street public car parking becoming surplus to requirements, and sufficient off-street parking has been provided in the town centre to meet current and future parking needs, consideration should be given to redevelopment for alternative, beneficial, town centre purposes”(objector emphasis)

25. The principle of compensatory parking provision to facilitate the re-development of the Council’s existing public car parks is thus confined to Cirencester town centre which is wholly consistent with CDLP Policies DS2 and INF5(2) referred to above. Seeking to release the development potential of the Council’s town centre car parks by giving planning permission for replacement parking in the Special Landscape Area outside the Central Area and the settlement limit is thus also entirely contrary to the policies on this issue in the Council’s recently adopted Local Plan.

26. If there was any doubt about the Council’s intentions in this regard, paragraph 5.11 of the Carter Jonas planning statement supporting the application also includes the following extract from the Local Plan. The underlining and the ‘(Our emphasis)’ insertion are not ours but are taken directly from the Carter Jonas statement:

“Paragraph 7.4.10 states “Once sufficient additional car parking has been provided, the redevelopment potential of other car park(s), which may no longer be required for parking, could be ‘unlocked’. (Our emphasis)”

27. The Council as applicant is thus drawing the attention of the reader, and ultimately the Council as decision-maker, specifically to this provision in the plan as a significant policy consideration in support of the application. The reverse is in fact the case. Any suggestion that this proposal is to be regarded as contributing towards providing ‘sufficient additional car parking’ which would release the redevelopment potential of other car parks is completely contrary to the Council’s Local Plan policies based on the location of the site.
28. In conclusion on the question of need, notwithstanding the strong policy objections associated with its location, there is simply no need for this proposed public car park in relation to the provision of parking in Cirencester Central Area based on the identified need set out in the CDLP. The proposed design and specification of the proposals are also wholly inconsistent with the concept of short term ‘decant’ parking and there is no planning justification for a 10-year temporary consent for such a proposal. The real reason for the over-specification of the project is that the Council’s commercially driven objective is to use this provision to release the development potential of car parks in the Central Area of Cirencester which in planning terms is completely contrary to its own recently adopted Local Plan.
- 2. Alternative Sites**
29. The legal position on the consideration of alternative sites is well established (see for example *The Forge Field Society et al vs Sevenoaks District Council – Queens Bench Division* (Admin) June 2014).
30. Whilst a Local Planning Authority (LPA) does not have to take in to account such sites, where there are alleged benefits arising from a proposal but also clear objections, LPAs may have to consider whether there is a more appropriate site. In this case the council considers that there are benefits associated with the proposal. There are also significant objections based on the basic policy conflict identified above and the other matters identified in these representations.
31. In addition, in this case it has already been made clear on numerous occasions by the Council as applicant’s team that a list of alternative sites has been considered by the council as the promoter of the proposal. In July 2016 for example, a council officer acting for the Council as applicant stated that this involved:

“Any site which could be suitable for parking has been included so brown or greenfield sites which provide open areas where car parking could be provided or increased. Some sites include disused buildings. Everything is included and then each site is considered to see whether it may be feasible.”

32. The Council has consistently refused to make the results of this exercise public on the basis that it involves sites where the landowners have not been informed and/or there were commercially sensitive issues associated with situations where there had been discussions. It would, however, be a simple task to omit any sensitive information from the results of this work and only include the planning and land-use considerations that are relevant to the determination of the application by the council as LPA and this approach is commonly adopted in this type of study. It is also not strictly necessary for landowners to be informed that a site is under consideration in this sort of exercise although it is difficult to understand why they would not be if only to establish whether they might be willing to make land available. It is also not clear why some landowners of alternative sites have been contacted and others have not.
33. Given that the council as applicant has deemed it appropriate to undertake this exercise and has based its selection of the Rugby Club site upon it, it is essential that the LPA considers it when determining the application and also that those with an interest in the proposal are given the opportunity to see it and comment as necessary.
34. The selection of the Rugby Club site has plainly been made on the basis of the consideration of these alternatives and the exercise is relied upon as a basis for overriding development plan policy. As such, any decision to approve the application that is not based on a clear and transparent explanation of the alternatives considered, the detailed methodology used for assessing the sites and a justification for the final selection of the application site would be fundamentally flawed and potentially unlawful on this basis alone. Moreover, and in any event, the Council as applicant cannot claim any benefit from the consideration of alternatives as a material consideration in the overall planning balance unless it is prepared to provide the information.

3. Heritage Impact

35. Paragraph 193 of the NPPF states that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”

36. The relevant test is thus a rigorous one in that any harm at all is relevant when considering heritage assets and it should be given greater weight in relation to more important assets.
37. In this case the most important consideration is the impact of the proposal on the setting of the Grade 1 Listed Church of St John the Baptist. Only 2.5% of Listed Buildings in the UK are Grade 1 so the church is undisputedly a designated heritage asset of great importance.
38. The heritage assessment accompanying the application suggests that the site makes a low contribution to the setting of the Grade 1 church (paragraph 8.3.2) but accepts it is within that setting. Paragraph 8.3.2 goes on to conclude that:
- “.....the proposed development, as a very small part of the wider setting, will not result in harm to the heritage significance of the church”*
39. Whilst it can be accepted that, as a proportion of the entire, wider setting of the church, the application site is small, that fact cannot possibly lead to the conclusion that there is no harm arising to the heritage significance of the church which, as paragraph 189 of the NPPF confirms, specifically includes its setting.
40. The key consideration here is the view across the site from the Whiteway towards the church in the general area shown on Plate 4 in the Heritage Assessment. At present, and particularly for pedestrians approaching the town on the pavement on the east side of the Whiteway, this view of the church is currently taken across an open area in the foreground that the Heritage Assessment fairly describes as ‘verdant’ (para 9.1.3) and part of the setting of the church (see above). Most of the time, this area is currently completely unused.
41. Whilst the Heritage Assessment suggests that this contribution to the setting of the church is ‘low’ in this view, it does not suggest that it is non-existent. In the summer months the view across the verdant foreground setting is of the top of the tower rising dramatically above the trees. In the winter, more of the structure is visible through the trees once the leaves have fallen as the photograph from Viewpoint 3 in the Landscape Appraisal clearly shows.
42. This foreground to this view and thus the setting of the church will be transformed by the proposal. The access bell mouth is to be widened which will, on its own, have a major urbanising impact. The fence/hedge proposed on the inside of the existing stone wall to screen cars that will be parked right up to the wall will also be a contrived, alien feature and partially interrupt this important view. Through the widened access there will be views across a general featureless public car park dominated by cars, with

associated lighting on 6m columns and other paraphernalia that will dominate the foreground to views of the church.

43. Whilst the degree of harm arising in relation to this key view and the setting of the church can be debated, it cannot possibly be suggested that constructing a public car park within this part of its wider setting involves no significant harm. The church will be seen, not in the context of an informal, 'verdant' area in a Special Landscape Area with low levels of use but across an overtly urban form of development that will be occupied on at least five days a week by up to 160 vehicles. Having regard to Government Policy in the NPPF and the high heritage value of the church, the harm arising must thus be given significant weight.

44. The Heritage Assessment effectively concludes that, at best, the impact of the scheme would be neutral which cannot possibly be correct. The impact will involve material harm to the setting of the church which adds significant weight to the case for refusal.

4. Landscape Impact

45. The Landscape Appraisal inexplicably states that it does not include an analysis of relevant planning policy (Para 1.4). This is particularly surprising if only because the CDLP includes a specific policy on development in Special Landscape Areas (SLA - Policy EN6). Of particular relevance, policy EN6 requires a specific assessment of the effects of any proposal on the tranquillity of the SLA.

46. Specific reference is made to the impact on tranquillity as an important aspect of EN6 in the Landscape Officer's pre-application advice and in the officer's response to the planning application. The submitted Landscape Appraisal, however, doesn't even mention it. The appraisal is also generally based on what it describes as a 'light touch' approach to an assessment of the landscape impact of the scheme which is completely inappropriate given the importance of this issue.

47. The superficial nature of the Landscape Appraisal is all the more surprising as the authors are also the designers of the scheme which, is described as being 'landscape led' in accordance with the Landscape Officer's pre-application advice. In this regard, however, the design does not even include the proposed final finished levels of the scheme which would be materially changed by the proposals. It is difficult to understand how a scheme can be properly characterised as 'landscape led' when the proposed changes to the existing landform are not part of the proposals.

48. At the very least, a plan showing the final levels must be provided. We also note that Landscape Officer suggests that the proposed wooden planters be removed as they are inappropriate features in this location. The officer also says that their function as

retaining structures should be dispensed with and the landform graded to blend with the existing topography. Without prejudice to our fundamental objections to the proposal, we fully support this suggestion.

49. As far as impact on landscape character is concerned the Landscape Appraisal concludes at paragraph 3.1.1 that:

"The proposals themselves are likely to have a very limited effect on the landscape character of the area, whilst car usage will have a moderate effect"

50. As regards visual impact the appraisal also accepts that there will be some adverse effects in relation to pedestrians on the Whiteway, principally across the site frontage and from the ground floors of houses opposite the site entrance but that these can be mitigated.

51. As with the heritage issue, there is a significant degree of judgement involved on these matters. The conclusion in the Landscape Appraisal that the landscape impact of this proposal and the associated parked cars is 'moderate', however, is considered to be an understatement of the effects. Nevertheless, 'moderate' impact must involve significant harm and the Landscape Appraisal does not identify any overall benefits in landscape and visual terms that can be set against the fundamental policy conflict with CDLP Policies DS2 and INF5(2).

52. Some benefit is claimed at paragraph 4.1 of the appraisal in relation to an improvement in biodiversity but there is no ecological evidence to support that assertion and it is difficult to imagine how, in principle, replacing an open area of grassland with a 160 space car park could involve significant benefits in terms of bio-diversity.

53. On the key issue of tranquillity which the Landscape Appraisal completely ignores, it is also impossible to envisage how the activity associated with the use of a public car park of this scale and in this location could have anything other than a significant harmful effect on the tranquillity of the SLA. The traffic and human movements to and from the site and the movement of people and vehicles within it are characteristic of an urban area which is exactly why the policies in the CDLP operate in the way they do to concentrate public parking in the Central Area of Cirencester.

54. Apart from the relatively infrequent and informal use by the Rugby Club, the site is currently a quiet and verdant area, both day and night, and as the Council's Landscape Officer has pointed out, has been confirmed as recently as 2017 (White Consultants May 2017) as still fully deserving of its SLA status. This proposal would completely destroy these qualities and, if this application is granted, it would be difficult to imagine a future

review of the SLA concluding that a 160 space public car park is consistent with the designation.

55. The harm arising from this proposal in relation to the tranquillity of the SLA, which the Landscape Appraisal does not consider, would thus be substantial and is a very significant material consideration that weighs against the granting of planning consent.
56. The response of the Council's Landscape Officer to the application also clearly identifies significant harm in landscape and visual terms but suggests this would be offset on the basis that, in the absence of any reasonable alternative temporary site, any benefit arising from the use of the site for 'decant' parking whilst the Waterloo car park is constructed would outweigh this harm.
57. As will be clear from the foregoing, a temporary public car park is subject to the same fundamental policy conflict as a permanent one and a 10-year temporary permission coupled with the design and specification of the proposal is entirely inconsistent with short-term 'decant' parking. The Landscape Officer is also not in a position as a matter of principle to strike a balance between landscape impact and need. The comment that any public benefit arising from the 'decant' concept would outweigh the landscape harm is plainly illogical because it has no regard to the nature and magnitude of the alleged benefit set against the nature and magnitude of the harm.
58. There is also no evidence to suggest that the Landscape Officer's comment in relation to alternative sites is based on the officer having seen the exercise on alternatives undertaken by the Council that is based on the proposition that there is no reasonable alternative site to the Rugby Club site for either permanent or temporary public car parking. Even if that is the case, it makes it all the more important that this exercise is published as supporting information to the application.
59. As regards the 'temporary' nature of the proposal, as indicated above the 10 year period proposed is obviously far longer than the construction period required for the Waterloo scheme and the nature and specification of the design, including the requirement for level changes, is clearly not what would normally be associated with a temporary car park. Having regard in particular to this proposed change in levels, it is difficult to envisage how the site could be returned to its previous state after 10 years even if that was a plausible and fully justified scenario.
60. These considerations thus do not begin to outweigh either the landscape harm viewed on its own or the overall harm arising from the obvious and fundamental policy conflict in relation to the principle of a public car park in this location, and the other harm arising.

5. Effects on Residential Amenities

61. It is accepted that there are no technical objections in relation to noise or air quality identified in the reports accompanying the application. These both depend fundamentally on the outputs from the Transport Assessment (TA), however, in relation to traffic movements. Based on the comments below in relation to the TA, these assessments would need to be re-visited to address the impacts arising from treating the relevant section of The Whiteway as a single-track road.
62. Notwithstanding these technical considerations, impact on residential amenity as an important material consideration involves a more subjective assessment. In this regard, in this specific case it also needs to be viewed in the context of the closely related concept of tranquillity within the SLA. Having regard to CDLP Policy EN6, the effects on amenity must have regard to the fact that, as a matter of policy, the Council have committed to protecting this tranquillity. This commitment is embodied in the statutory development plan (the CDLP) that the Council itself adopted only last year.
63. The effects on residential amenity are essentially the same as those identified above in relation to tranquillity. The activity associated with a major public car park in terms of users accessing it and their behaviour within it can only have a negative effect. The sound of traffic and the associated congestion, the slamming of car doors, the headlights of cars exiting at night, the additional lighting on 6m (20ft) high lighting columns are all bound to significantly reduce the amenity of the area and the tranquillity associated with the SLA.
64. As with the other key considerations, there can only be harm arising in relation to this matter and no benefits whatsoever that can be set against the fundamental policy conflict.

7. Traffic Impact

65. The Transport Assessment is based on the fundamental assumption that the section of the Whiteway from the proposed site access to the traffic light junction to the south operates as a free flowing, two-way road during the peak hours with cars parked on the west side of The Whiteway. This assumption is completely erroneous. In those periods the pattern of traffic movements is dominated by northbound vehicles having to wait in gaps in the parked cars to allow oncoming traffic to pass or southbound vehicles stopping on a similar basis. Two vehicles passing in the residual width of The Whiteway almost never occurs and, if it does, the southbound vehicle invariably has to mount the pavement.

66. The TA must thus include an assessment of the relevant section of The Whiteway as a single-track road. This section of highway is almost certainly currently operating over capacity on that basis already. Adding substantial additional traffic from the proposed car park during peak periods is thus likely to create significant additional problems and thus harm in relation to increased congestion and associated amenity impacts.
67. If an additional assessment is not undertaken on this basis, the LPA would not be presented with an accurate picture of the traffic impact of the proposal which is plainly in the public interest and the proper consideration of this important material consideration in the overall planning balance.

The Overall Planning Balance

68. There is no sense in which this proposed public car park, whether temporary or permanent, can be regarded as compliant with relevant policies of the development plan if determined solely in accordance with that plan which in this case is the up to date Cotswold District Local Plan adopted in August 2018.
69. In relation to the key material considerations that are relevant to consider in the context of the fundamental and significant harm arising from this policy conflict there is additional material harm in relation to impacts on heritage, landscape, residential amenity and traffic effects. Whilst some mitigation is proposed this itself involves features that are harmful notably in relation to attempts to deal with the landscape impact. The obvious and significant effects on the tranquillity of the Special Landscape Area would be particularly harmful and this issue has been totally ignored by the Council as applicant.
70. The cumulative harm is thus very substantial. Set against this the Council as applicant claims benefits in relation to both the provision of temporary parking whilst the Waterloo car park is constructed and permanent parking that will contribute to the identified parking needs for and within Cirencester Central Area. The latter claim is spurious principally because, based on the Council's own policies, all the additional permanent need is met in the Central Area of Cirencester and, specifically, in the new Waterloo car park. There is thus no justification whatsoever for looking outside the Central Area for additional permanent public car parking and no benefit can be claimed on this basis.
71. As far a temporary, 'decant' public parking is concerned, in accordance with Local Plan policy the first option for such provision must again be within the Central Area of Cirencester, on the same policy basis that applies to permanent parking provision. The proposed design, specification and cost of the car park is also entirely inconsistent with temporary 'decant' provision as is the proposed 10-year life of any consent which is not

justified on any planning basis in the application. It is also clear from the information supporting the application that a key reason for adopting this approach is so that the Council can release the development potential of its other car parks by creating de facto permanent, compensatory provision at the Rugby Club.

72. Any benefit associated with the provision of temporary parking to cover the Waterloo construction period is thus largely outweighed by these considerations. Even if the Council as applicant could justify the Rugby Club location for such a proposal based on its yet unpublished study of alternatives, the specification and design would need to reflect the relatively short period for which it would be required following which the land would be restored to its current state. The current proposal is far in excess of what is required, and its impact is similarly far greater than necessary for that purpose.

73. The overall balance of harm and benefit thus decisively supports the refusal of planning permission for policy and environmental reasons and in the absence of any justification for the selection of the application site from other reasonable alternatives. We look to the Council as LPA and decision-maker and as a responsible corporate body to consider this proposal with proper regard to its own recently adopted policies and the overall planning balance, and based on a comprehensive and transparent approach to the supporting information.

August 12th, 2019.