

Item No 02:-

16/03085/FUL (CT.1503/X)

**Jolly Nice
A 419
Stroud Road
Frampton Mansell
Stroud
Gloucestershire
GL6 8HZ**

Item No 02:-

Retrospective change of use of agricultural land to provide vehicular access, and reconfiguration of car parking at Jolly Nice A 419 Stroud Road Frampton Mansell Stroud Gloucestershire GL6 8HZ

Full Application 16/03085/FUL (CT.1503/X)	
Applicant:	Mr & Mrs S A And R C Wilson
Agent:	Pegasus Group
Case Officer:	Claire Baker
Ward Member(s):	Councillor Nicholas Parsons
Committee Date:	12th October 2016
RECOMMENDATION:	REFUSE AND, AS THE APPLICATION IS RETROSPECTIVE, DELEGATED AUTHORITY TO PROVIDE FOR ENFORCEMENT ACTION TO BE TAKEN HAVING REGARD TO SECTION 171A(1)(a) OF THE TOWN AND COUNTRY PLANNING ACT 1990 WITH A COMPLIANCE PERIOD OF 3 MONTHS TO REMOVE THE ACCESS ROAD AND ADJACENT HARD STANDING AND RE-INSTATE THE LAND TO ITS ORIGINAL CONDITION.

Main Issues:

- (a) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (b) Highway safety

Reasons for Referral:

This application is relevant to the previous application, 15/03597/FUL, which has been brought to Committee for consideration. The application has also been subject to a Pre-Committee Sites Inspection Briefing.

1. Site Description:

The Jolly Nice Take-Away and shop, formally The White Horse filling station, is located on the A419 Stroud Road. Adjacent to the hot food take-away and shop is the vacant former White Horse Inn. There was originally a rectangular car parking area at the rear of the inn with access onto the Rodmarton Road. Planning permission was granted for the Jolly Nice Take-Away and shop with an alternative access and parking arrangement than that currently at the site. The current access and parking arrangements have been implemented without the benefit of Planning permission. An additional access onto the Rodmarton Road has been created together with an alternative access road to a parking area located on part of the original car park. The site is located within the Cotswold Area of Outstanding Natural Beauty. The nearest existing residential properties are the White Horse Cottages to the other side of the adjacent minor road to Rodmarton.

2. Relevant Planning History:

13/022244/FUL Conversion of former White Horse Filling Station to A5 Takeaway permitted 6 August 2013.

13/02357/FUL Conversion of former public house to 4 no.apartments at The White Horse Inn, Frampton Mansell. Permitted 25 September 2013.

14/03774/FUL Variation of conditions 2 and 4 of application reference 13/02244/FUL. Permitted 16 October 2014.

14/03775/FUL Conversion of former Inn to 2 no. residential dwellings and erection of 4 no. residential dwellings within the former Inn car park, with car parking and associated works Refused 10 February 2015.

14/01338/FUL Extension to existing hot food takeaway. Permitted 04.07.2016.

15/01306/FUL Retrospective erection of a Yurt to provide seating for a temporary period of 3 years. Permitted 06.08.2015.

15/01307/FUL Retrospective erection of kitchen, butchery and associated alterations to car park and circulation areas for a temporary period of three years. Permitted 29.09.2-15.

15/02904/FUL Retrospective change of use of land to outdoor seating area for a further temporary 3

3. Planning Policies:

NPPF National Planning Policy Framework
LPR38 Accessibility to & within New Develop
LPR39 Parking Provision
LPR42 Cotswold Design Code

4. Observations of Consultees:

County Highway Officer: No objection subject to conditions.

Landscape Officer: Objects: Comments incorporated into the Officer report.

5. View of Town/Parish Council:

No comments received to date.

6. Other Representations:

None

7. Applicant's Supporting Information:

Planning Statement

8. Officer's Assessment:

The proposal and Planning background

Planning permission was originally granted in 2013 for the conversion of the former White Horse Filling Station to a hot food-takeaway. The application site consisted of the front forecourt of the former filling station with some overflow parking on the former White Horse Inn car park at the rear of the inn, adjacent to the Rodmarton Road. The existing entry and access to the former filling station was utilized for the new use. The applicant has stated that the approved entry, access and parking arrangements gave rise to congestion and highway safety issues and, following discussions with a County Highways Officer, carried out the alternative access arrangements that now exist at the site. However, Planning permission was not sought for this development and therefore the applicant is now seeking retrospective planning permission for a change of use of part of the field to retain the new access arrangements. The new access arrangements are also relevant to application 15/03597/FUL, the previous item on this schedule. In addition to the conversion of the former White Horse Inn to 2 dwellings, this application proposes the erection of two dwellings on the former White Horse car park. County Highways

have advised that they would raise an objection to the erection of two houses on the existing car park as this would leave insufficient parking provision for the Hot Food Takeaway and shop. However, if planning permission were to be granted for the existing new access and parking arrangements they would have no objection. The reasons for the new access and parking arrangements are therefore to achieve a safer access and parking for the Hot food takeaway and shop and to enable the erection of two dwellings on the former car park.

(a) Impact on the Cotswolds Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Section 11 of the National Planning Policy Framework encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Paragraph 17 of the National Planning Policy Framework states that the planning system should recognise the intrinsic character and beauty of the countryside.

Policy 42 states that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District.

Policy 45 of the Local Plan states that high standards of appropriate landscaping should be required in all developments and any attractive, existing landscape features, such as trees, hedgerows and other wildlife habitats should be retained and integrated into all landscaping schemes.

The application site is located to the rear of the former White Horse Inn. The area is relatively flat and bounded by fields. There are views to the open countryside to the south and east. Existing vegetation is limited to the north-west corner and along the Rodmarton Road. A number of Public Rights of Way (PRoWs) cross the surrounding countryside. The site and wider landscape falls just within character area 9D High Wold Dip Slope and is further refined as Cotswolds High Wold Dip-Slope in the Landscape Strategy and Guidelines for the Cotswolds AONB). It is considered that the site and surrounding countryside typifies this type of landscape. The character Assessment states that:

"The wide elevated, gently undulating Dip-slope landscape is sensitive to landscape change. Characteristic features such as wide panoramic views, a high degree of intervisibility and limited woodland cover increase the sensitivity of the landscape."

The area has undergone a number of alterations and additions in the past to improve the facilities at the Jolly Nice Take-Away and shop. Whilst the NPPF supports the expansion of rural businesses, the site is located within the AONB where great weight should be given to conserving the landscape. The new access road and hard standing, together with movement of vehicles is clearly visible from both the A419 and the minor road leading to Rodmarton. There would also be a loss of boundary vegetation to create an adequate visibility splay for the new access onto the Rodmarton Road. Officers are of the view that the access, hard standing, movement of vehicles and change of use of the land causes the development to encroach further into the landscape to the detriment of the character and appearance of this part of the AONB.

(b) Highway safety

The County Highways Officer has raised no objection to the retrospective proposal subject to a number of conditions. One of the conditions requires some loss of boundary vegetation at the site of the new access to improve the visibility splay. Officers are mindful of the requirement to improve the access and parking for the Hot Food Take-away and shop and having discussed this

with the County Highway Officer, consider that such improvement could be achieved without the necessity for the existing arrangements that are the subject of this retrospective application. The County Highway Officer has confirmed that the highway issues would be addressed were the exit onto the A419 closed and a vehicular access road to the approved parking area constructed so that vehicles could exit through the original access onto the Rodmarton Road. This would mean that the parking and access arrangements would remain within the approved site plan and there would be no encroachment of the development into the open countryside. The approved site plan (14/03774/FUL is attached to this report. Officers would also suggest additional planting to soften the appearance of the revised access. Officers are of the view that this alternative access would achieve improved highway safety whilst reducing the any adverse impact on the character and appearance of the AONB. Officers have not negotiated this alternative arrangement with the applicant as the alternative arrangement would not be possible were permission to be given for the erection of the two houses that are the subject of the previous application on this schedule. Given that the Officer recommendation for the application, which includes the erection of two new dwellings, is to refuse, there is even less justification for the proposed encroachment of development into the open countryside.

9. Conclusion:

Officers are of the opinion that the retention of the change of use of the land, together with the new access road and its use by vehicles has led to the encroachment of development into the open countryside and that it is visually prominent giving rise to an adverse impact on the agricultural character of this part of the AONB. Given that an alternative less impactful access arrangement would be possible to achieve improved highway safety, Officers are of the view that this retrospective development cannot be justified. The proposal is therefore contrary to paragraphs 17, 109 and 115 of the NPPF and Cotswold District Local Plan Policy 42.

10. Reason for Refusal:

The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB), wherein the Local Planning Authority is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The proposed development, by virtue of the introduction a new excess road and its use by vehicles, would appear visually prominent in the landscape. It would extend development into the open countryside resulting in an urbanising effect which would cause harm to the agricultural character and appearance of this part of the AONB. The proposal is therefore contrary to NPPF paragraph 17, 109 and 115 and Cotswold District Local Plan Policy 42.

182.4m

30

Jolly Nice, Stroud Road, Frampton Mansell

16/03085/FUL CT.1503/X

GP

Tyning \
Fa

LB

181.0m

The
White
Horse

Filling Station

**APPLICATION
SITE**

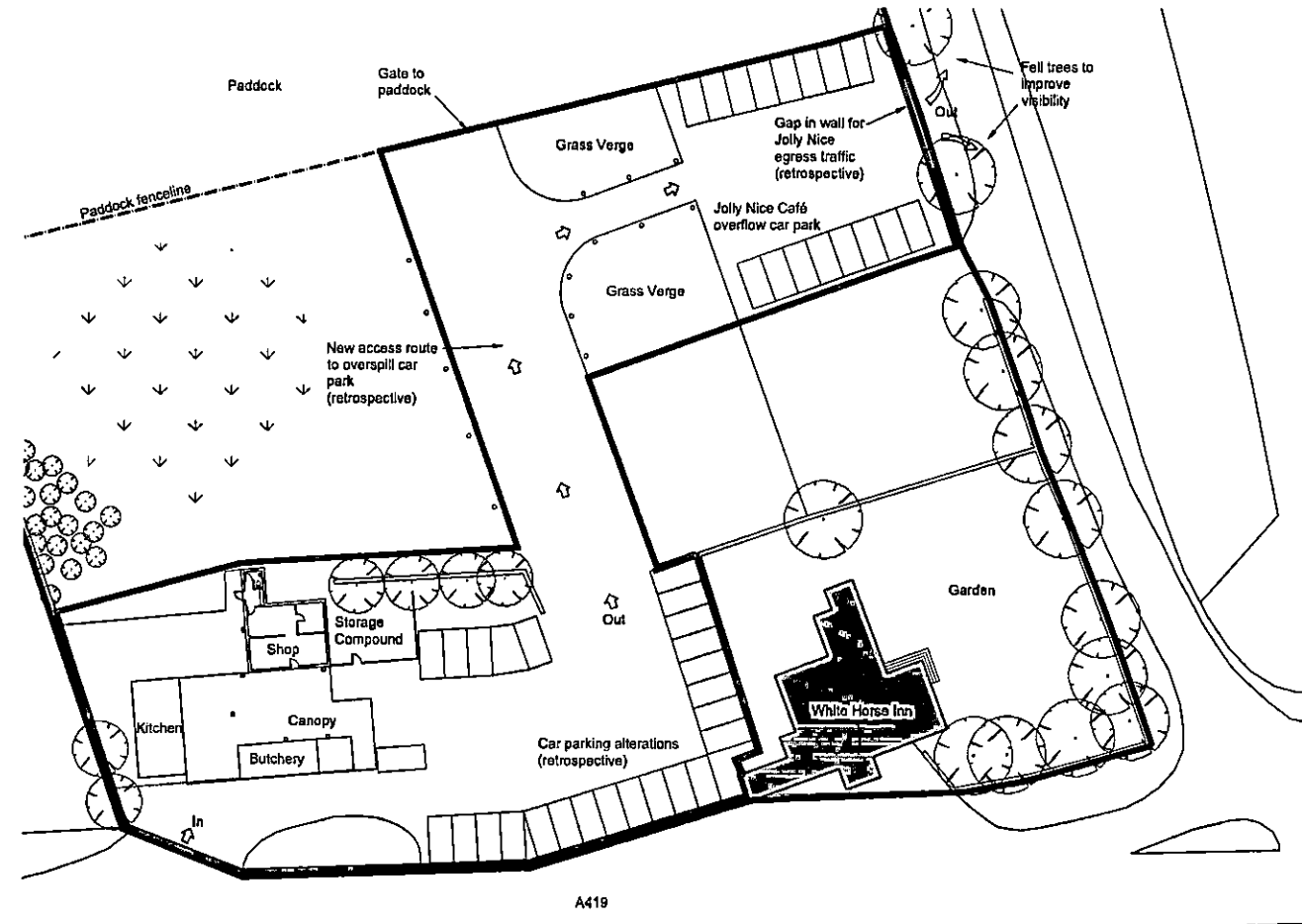
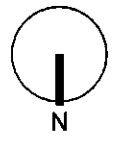
180.3m

Scale: 1:1250

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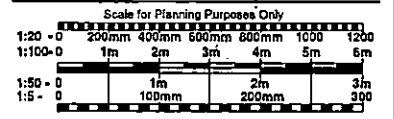


1:500 - 0 10m 20m 30m



B: Red line amended, 02/09/16
 A: Notes amended, detail added 290716
 Revisions

31



Client: **Harriet's Jolly Nice**
 Project: **Former Petrol Filling Station
 Kiosk Hot Food Takeaway
 Conversion
 GL6 8HZ**

Title: **Proposed Block Plan**

Status: **Planning**

Proposed Block Plan (*RETROSPECTIVE*)
 Scale 1:500

16103085 | AL

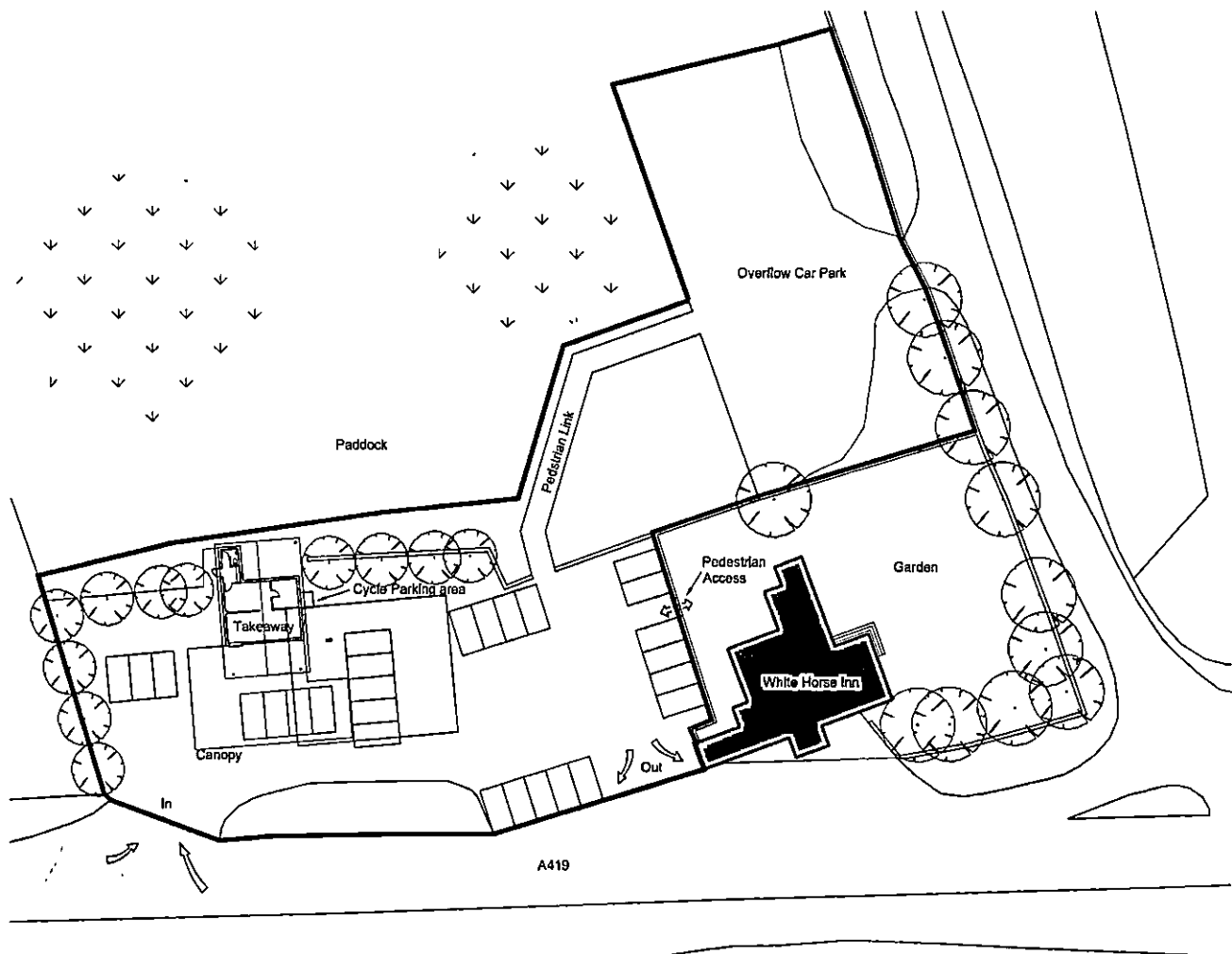
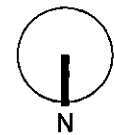
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P2: Canopy reinstated; parking spaces added, pedestrian links added 21.08.14 PBM

Revisions:

32

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Scale for Planning Purposes Only

1:20 - 0	200mm	400mm	600mm	800mm	1000	1200
1:100 - 0	1m	2m	3m	4m	5m	6m
1:50 - 0	1m	2m	3m	4m	5m	6m
1:5 - 0	100mm	200mm	300mm	400mm	500mm	600mm

Client: **Harriet's Jolly Nice**

Project: **Former Petrol Filling Station
 Kiosk Hot Food Takeaway
 Conversion
 GL6 8HZ**

Title: **Proposed Block Plan**

Status: **Planning**

Proposed Block Plan
 Scale 1:500

APPROVED ACCESS AND PARKING ARRANGEMENTS (14/03774/Full)

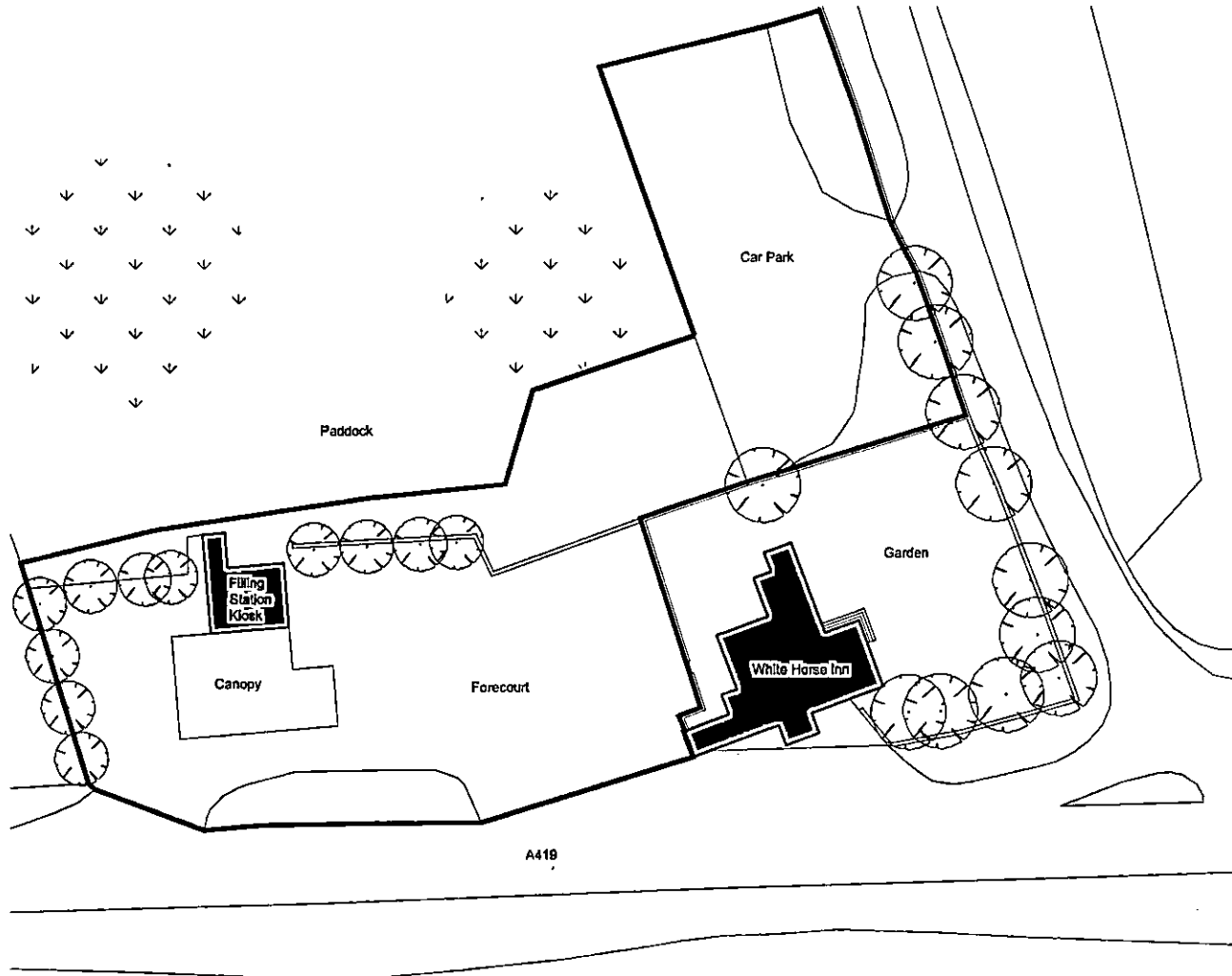
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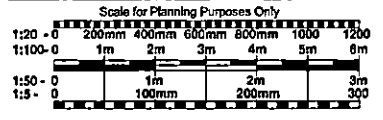
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Revisions:



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Client: Harriet's Jolly Nice

Project: Former Petrol Filling Station
 Kiosk Hot Food Takeaway
 Conversion
 GL6 8HZ

Title: Existing Block Plan

Status: Planning

Existing Block Plan *PRIOR TO CONVERSION OF WHITE HORSE FILLING STATION*
 Scale 1:500