

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

4th September 2023

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PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held at Council Chamber - Trinity Road on **Wednesday, 13 September 2023 at 2.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Planning and Licensing Committee
(Councillors Ray Brassington, Patrick Coleman, Dilys Neill, Michael Vann, Mark Harris, Ian Watson, Gary Selwyn, Julia Judd, David Fowles, Daryl Corps and Andrew Maclean)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**
2. **Substitute Members**
To note details of any substitution arrangements in place for the Meeting.
3. **Declarations of Interest**
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
4. **Minutes (Pages 5 - 10)**
To confirm the minutes of the meeting of the Committee held on 9th August 2023.
5. **Chair's Announcements (if any)**
6. **Public questions**
A maximum of 15 minutes is allocated for an “open forum” of public questions at committee meetings. No person may ask more than two questions (including supplementary questions) and no more than two such questions may be asked on behalf of one organisation. The maximum length of oral questions or supplementary questions by the public will be two minutes. Questions must relate to the responsibilities of the Committee but questions in this section cannot relate to applications for determination at the meeting.

The response may take the form of:
 - a) A direct oral response (maximum length: 2 minutes);
 - b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

7. **Member questions**
A maximum period of fifteen minutes is allowed for Member questions. Questions must be directed to the Chair and must relate to the remit of the committee but may not relate to applications for determination at the meeting.

Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

The deadline for submitting questions is 5.00pm on the working day before the day of the meeting unless the Chair agrees that the question relates to an urgent matter, in which case the deadline is 9.30am on the day of the meeting.

A member may submit no more than two questions. At the meeting the member may ask a supplementary question arising directly from the original question or the reply. The maximum length of a supplementary question is one minute.

The response to a question or supplementary question may take the form of:

- a) A direct oral response (maximum length: 2 minutes);
- b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

8. Extension to Pavement Licensing Regime Under the Business and Planning Act 2020

(Pages 11 - 30)

Summary

Draft policy document for approval following the extension of the current pavement licensing regime to 30th September 2024.

Recommendations

That the Planning and Licensing Committee considers the draft Policy at Annex A and resolves to

- 1. Approve the draft policy; and
- 2. Consider the fee charged for 2023/24

Schedule of Applications

To consider and determine the applications contained within the enclosed schedule:

9. 22/04337/FUL- Berry Bank, Main Road, Oddington (Pages 33 - 50)

Summary

Change of use of the land from agricultural to outdoor live performance venue (sui generis), an engineering operation resulting in a sunken amphitheatre, erection of a kitchen pod, installation of a permanent pavilion base, temporary use of part of the site for car parking, laying out of an access track (part retrospective) at Berry Bank, Main Road, Oddington, Moreton-In-Marsh, Gloucestershire, GL56 0XW

Case Officer

Harrison Bowley

Ward Member

Councillor David Cunningham

Recommendation

PERMIT

10. 22/04303/FUL- Berry Bank, Main Road, Oddington (Pages 51 - 70)

Summary

Erection of a marquee pavilion, installation of outdoor lighting structures and installation of other 'pod' structures for a temporary period each calendar year from 30 April to 1 October to facilitate outdoor leisure events at Berry Bank, Main Road, Oddington, Moreton-In-Marsh, Gloucestershire, GL56 0XW.

Case Officer

Harrison Bowley

Ward Member

Councillor David Cunningham

Recommendation
PERMIT

11. **22/03206/FUL- Swallows Nest, Arlington, Bibury (Pages 71 - 92)**

Summary/purpose

Erection of a 1.5 storey extension and other associated works at Swallows Nest
Arlington Bibury Cirencester Gloucestershire GL7 5ND

Case Officer

Kristina Carter

Ward Member

Councillor David Fowles

Recommendation

REFUSE

12. **23/01233/FUL- Birdlip View, Cirencester Road, Birdlip (Pages 93 - 120)**

Summary/purpose

Erection of 1 ½ storey detached double garage annex at Birdlip View Cirencester Road
Birdlip Gloucestershire GL4 8JL

Case Officer

Cameron Berry

Ward Member

Councillor Julia Judd

Recommendation

PERMIT

13. **Sites Inspection Briefing**

Members for 4th October (if required)

Councillors Ray Brassington, Patrick Coleman, David Fowles, Dilys Neill, Michael Vann

14. **Licensing Sub-Committee**

Members 2003 Licensing Act Matters (if required)

Ray Brassington, Daryl Corps, Andrew Maclean

(END)

Planning and Licensing Committee
09/August2023



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 9 August 2023.

Councillors present:

Ray Brassington - Chair
Dilys Neill
Michael Vann
Mark Harris

Gary Selwyn –Vice-Chair
Ian Watson
David Cunningham
David Fowles

Daryl Corps
Andrew Maclean

Officers present:

Helen Blundell, Interim Head of Legal Services
Andrew Brown, Democratic Services Business
Manager
Phil Shaw, Business Manager - Development
Management
Caleb Harris, Senior Democratic Services
Officer

Tracey Birch, Career Grade Planner
Ana Prelici, Democratic Services
James Tyson, Tree Officer
Minette Matthews, Assistant Conservation and
Design Officer

225 Apologies

Apologies were received from councillors Julia Judd and Patrick Coleman.

226 Substitute Members

Councillor David Cunningham substituted for Councillor Judd.

227 Declarations of Interest

There were no declarations of interest.

228 Minutes

There was a correction to be made in the list of Members present to add the 'Chair' and 'Vice Chair' titles.

The minutes were proposed by Councillor Maclean and seconded by Councillor Fowles.

RESOLVED: That the Committee APPROVE the minutes, as amended as an accurate record of the meeting held on the 12th July 2023.

Voting record – For – 6, Against 0, Abstentions 4

For	Against	Abstentions
Andrew Maclean		David Cunningham
Daryl Corps		Dilys Neill
David Fowles		Gary Selwyn
Ian Watson		Mark Harris
Michael Vann		
Ray Brassington		

229 Chair's Announcements (if any)

The Chair stated that Councillor Gary Selwyn would be substituting for Councillor Patrick Coleman as Vice-Chair.

The Chair asked that any members who had any additional training needs within their remit as committee members get in touch.

230 Public questions

There were no public questions.

231 Member questions

There were no member questions.

232 23/00003/IND- Tree Preservation Order

The purpose of the report was to consider the making of a Tree Preservation Order in respect of a tree at Swan House Ditch Lane Winson Cirencester Gloucestershire GL7 5ER.

The recommendation was to confirm the creation of the Tree Preservation Order (TPO).

The Tree Officer introduced the report, and outlined the background to the report. The Tree Officer stated that the applicant had objected to the TPO on the grounds of undermining the outbuilding, but that in the Officer's view, damage was not visible.

The Tree Officer stated that the tree was an aged yew tree, which exhibited veteran features, and that its setting within the garden of a traditional large Cotswold house was in keeping with, and enhanced, the Conservation Area.

The ward member, Councillor David Fowles addressed the Committee, supporting the Officer's recommendation.

Member Questions

Members asked if a confirmed TPO could be revisited in the case that further evidence was provided which proved that the outbuilding was undermined. The Officer confirmed that this would be possible.

Members also asked if pruning could be undertaken on a tree with a TPO. The officer stated that it would be possible and typical to such a tree.

Members asked whether the light in the main dwelling was impacted by the tree, but officers stated that this was not within the remit of the application.

The Committee asked about the state of the tree and asked for detail on what a veteran feature was. The Officer stated the tree would be considered to not be healthily existing. The Officer also explained that a veteran tree was one in which there is normal and natural decay, which provides a habitat to wildlife. The Officer also stated that yew trees were not abnormal in their spread.

Member Comments

Members stated that the tree was estimated to be 300 years old, during which it appeared to have coexisted without undermining the outbuilding.

Councillor Andrew Maclean proposed accepting the officer's recommendation, stating that the risk to the outbuilding was believed to be minimal. Councillor Michael Vann seconded the proposal.

Resolved: To PERMIT the application

Voting record- For- 10, Against- 0 Abstentions- 0

*Cllr Cunningham voted by hand due to an error with the voting system

For	Against	Abstentions
Andrew Maclean		
Daryl Corps		
David Fowles		
Ian Watson		
Michael Vann		
Ray Brassington		
David Cunningham*		
Dilys Neill		
Gary Selwyn		
Mark Harris		

233 23/01490/FUL- Abbey House, Gosditch Street,Cirencester

The application was for the replacement of window with door and erection of external steps at 1 and 7 Abbey House at Abbey House Gosditch Street Cirencester Glos GL7 2QU.

The recommendation was to permit the application.

The Career Grade Planner, as the Case Officer introduced the item. The Case Officer stated that the reason for referral to the Committee was that the applicant was a relative of Councillor Patrick Coleman.

Councillor Mark Harris, the ward member, addressed the Committee and stated that there were no objections, highlighting that the Town Council had provided their support.

Member questions

Members asked why one application had been submitted for two different addresses. The Case Officer explained that the site was a complex of flats.

Member Comments

Councillor Dilys Neill proposed accepting the recommendation.

Councillor Andrew Maclean seconded the recommendation.

RESOLVED: To PERMIT the application

Voting record For 10, Abstentions 0, Against 0

For	Against	Abstentions
Andrew Maclean		
Daryl Corps		
David Fowles		
Ian Watson		
Michael Vann		
Ray Brassington		
David Cunningham		
Dilys Neill		
Gary Selwyn		
Mark Harris		

234 22/00775/LBC- The Old Railway Station, Old Station Car Park, Sheep Street, Cirencester

The application was for essential repairs to building including render repairs, removing modern plaster, roof repairs and replacing fibre cement vertical hung tiles at The Old Railway Station, Old Station Car Park, Sheep Street, Cirencester, Glos., GL7 1QW.

The recommendation was to permit the application.

The Assistant Conservation & Design Office, as the Case Officer on the application introduced it, and stated that some repairs to the building did not require a Listed Building Consent (LBC).

The Case Officer explained that the main reason behind the application was to rebuild the 20th Century repair with more suitable replacement materials. The aim was to make the building weatherproof with materials that were more compatible with the historic fabric of the building.

The ward member, Councillor Ray Brassington, did not address the Committee.

Member Questions

Members asked if improving the energy efficiency was considered as part of the application. The Conservation Officer explained that this was explored, but could not be incorporated as the use was currently not known and stated that would be explored at a later date.

The Committee requested details on the materials of the roof. The Officer stated that it would be slate to match the existing roof material.

Members asked whether there was a risk that the building could collapse upon carrying out the works. The Officer stated that structural surveys were carried out to mitigate this risk.

Members discussed the preservation of the historic building and energy efficiency measures, at which point the Planning Business Manager explained that since the applicant was the Council, the Council had a role as the applicant, which was outside of the Committee's remit in ensuring the Council Decision making.

It was suggested that the Overview and Scrutiny Committee receive an update on the work and plans for use. The Chair noted that this was not a matter for the Planning and Licensing Committee.

Comments

Councillor Mark Harris proposed permitting the application, noting that a previous application for this site was 42 years ago, and therefore this new effort to conserve the building was very welcome. Councillor David Fowles seconded the proposal.

RESOLVED: To PERMIT the application

Voting Record For 10, Against 0, Abstentions 0

For	Against	Abstentions
Andrew Maclean		
Daryl Corps		
David Fowles		
Ian Watson		
Michael Vann		
Ray Brassington		
David Cunningham		
Dilys Neill		
Gary Selwyn		
Mark Harris		

235 Sites Inspection Briefing

Councillor Harris gave his apologies for the Sites Inspections Briefing (if it was needed) due to earlier commitments on the day.

236 Licensing Sub-Committee

Councillor Dilys Neill gave her apologies for the Licensing Sub-Committee. The Chair encouraged her to arrange a substitute as soon as possible.

The Meeting commenced at 2.00 pm and closed at 2.47 pm

Planning and Licensing Committee

09/August2023

Chair

(END)

Agenda Item 8



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE – 13 SEPTEMBER 2023
Subject	BUSINESS AND PLANNING ACT 2020 – EXTENSION TO PAVEMENT LICENSING REGIME
Wards affected	All
Accountable member	<p>CLlr Juliet Layton Cabinet Member for Development Management and Licensing</p> <p>Email: Juliet.layton@cotswold.gov.uk</p>
Accountable officer	<p>Alison Gardner – Licensing Team Leader</p> <p>Email: alison.gardner@publicagroup.uk</p>
Report author	<p>Alison Gardner – Licensing Team Leader</p> <p>Email: alison.gardner@publicagroup.uk</p>
Summary/Purpose	Draft policy document for approval following the extension of the current pavement licensing regime to 30th September 2024.
Annexes	Annex A – Copy of draft Pavement Licensing Policy
Recommendation(s)	<p>That the Planning and Licensing Committee considers the draft Policy at Annex A and resolves to;</p> <ol style="list-style-type: none"> 1. Approve the draft policy; and 2. Note the fee charged for 2023/24
Corporate priorities	<ul style="list-style-type: none"> • Deliver the highest standard of service • Support health and wellbeing • Enable a vibrant economy
Key Decision	NO
Exempt	NO
Consultees/ Consultation	



EXECUTIVE SUMMARY

- 1.1 The Pavement Licensing regime has been extended for a further year until 30th September 2024 under the Business and Planning Act 2020 (Pavement Licences)(Coronavirus) (Amendment) Regulations 2023.
- 1.2 The draft policy requires approval following the extension of the current pavement licensing regime to 30th September 2024.

2. BACKGROUND

- 2.1 The Business and Planning Act 2020 (“the Act”) was introduced in 2020 to support various business sectors including hospitality. This Act included numerous temporary relaxations to existing legislations including the introduction of the Pavement Licensing regime which permitted businesses to apply to the Local Authority for a licence to use outside space to extend the trading area available for consumption of food and drink during the pandemic.
- 2.2 These powers were further extended until 30th September 2023.
- 2.3 The Pavement Licensing regime has now been given a further extension until 30th September 2024 under the Business and Planning Act 2020 (Pavement Licences)(Coronavirus) (Amendment) Regulations 2023 pending a permanent change in the future.
- 2.4 Cotswold District Council has a total of 15 licences across the District.

3. MAIN POINTS

3.1 Draft Policy Document

There have been no changes to the draft policy at Annex A apart from the change of date to reflect the extension until 30th September 2024.

3.2 Fee

In 2022/23, the Council determined to charge an application fee of £100 which is the maximum fee permitted under the Act.

Licence fees should be charged on a cost recovery basis and although a cost recovery exercise has not been carried out, the cost of processing a licence would be more than £100.

3.3 Existing Licence Holders

As there is no renewal application permitted under the Act, it is intended to make the application process as easy as possible for those licence holders who wish to apply for a ‘like-for-like’ licence. The licence holder will therefore not be required to submit plans and photographs as part of their application unless they wish to change the layout or numbers of tables and chairs. A copy of the public liability insurance will be required to ensure that a current policy is in place. A fee will be charged where applicable.



4. ALTERNATIVE OPTIONS

4.1 There are no alternative options.

5. FINANCIAL IMPLICATIONS

5.1 The licensing service should set fees on a cost recovery basis. The Council will not be reimbursed for any costs if no fee is set. Therefore if the Committee determines to not charge a fee the work will need to be subsidised by the Council.

6. LEGAL IMPLICATIONS

6.1 The legal implications are contained within the body of this report. The Planning and Licensing Committee holds the delegated powers for the amendment of the Policy and fee.

7. RISK ASSESSMENT

7.1 No risks have been identified.

8. EQUALITIES IMPACT

8.1 Not directly applicable to this decision.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There are no direct climate change implications arising directly from this report.

10. BACKGROUND PAPERS

10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023
- Ministry of Housing, Communities & Local Government (MHCLG) Guidance on Pavement Licences 26 July 2022

10.2 These documents will be available for inspection online at www.cotswold.gov.uk or by contacting democratic services democratic@cotswold.gov.uk for a period of up to 4 years from the date of the meeting.

(END)

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COTSWOLD
DISTRICT COUNCIL

Cotswold District Council

Pavement Licensing Policy

Revised September 2023

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1. INTRODUCTION

The Business and Planning Act 2020 (“the Act”) was enacted to promote economic recovery and growth in response to the economic impacts of the global Covid-19 pandemic. The Act included urgent provisions designed to make it easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

Sections 1 to 10 of the Act create a temporary regime for the issuing of “pavement licences” by appropriate local authorities. Cotswold District Council (“the Council”) is the appropriate local authority for issuing pavement licences in the administrative area covered by the Council.

The process introduced a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. The aim of the legislation is to support businesses to operate safely while social distancing measures remain in place and to provide much needed income over the summer months and protect as many hospitality jobs as possible.

The temporary licensing regime was in place until 30 September 2023. The provisions were then extended to 30 September 2024 when they are due to expire in accordance with section 10 of the Act.

2. SCOPE

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for the consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) of the Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over Crown land are exempt so a licence cannot be granted.

2.4 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which, in principle, means it is not a permanent fixed structure, and is able to be moved easily, and stored away at the end of the evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.5 Planning Permission

If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

2.6 Existing tables/chairs

The new pavement licence regime runs alongside the provisions in Part 7A of the Highways Act 1980, which remain in place.

Any existing permissions issued under Part 7A of the Highways Act 1980 remain valid.

3. APPLICATION AND DETERMINATION OF PAVEMENT LICENCES

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council on the appropriate form, and accompanied by:

- A plan showing the location of the premises marked by a red line, so the application site can be clearly identified
- A plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items of furniture to be placed on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- Photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied.

The applicant must also have public liability insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million before the licence can be utilised.

If a Traffic Regulation Order is required, the applicant must ensure that this permission is in place prior to applying for a Pavement Licence.

An application will not be considered complete (valid) until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.

All expired licences will be treated as new applications. The applicant must advertise the application for a period of 7 days. If the application is for the same layout only a copy of the public liability insurance will be required. If there is a change to the original layout, all documents will be required (e.g. plan, photographs of furniture etc.). A fee will be due in both cases.

3.2 Fees

The fee for applying for a licence under the new process is set locally, but capped at £100. The Council has determined that the fee for applications will be £100.

3.3 Consultation

Applications are consulted upon for 7 days, starting with the day on which a valid application was received by the Council.

The Council will publish details of the application on its website at www.cotswold.gov.uk

The Council is required by law to consult with the Highway Authority. In addition, to ensure that there are no unacceptable detrimental effects arising from the application proposals, the Council will consult with:

- Cotswold District Council Forward Planning teams
- Cotswold District Council Food, Health and Safety team
- Cotswold District Council Operations (Environmental Health) team
- Gloucestershire Police
- Ward Members

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

The applicant must, on the day the pavement licence application is made, fix a Notice of the application to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises. The Notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the Site Notice requirement having been complied with must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and the name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (7 days starting the day after the application is submitted to the Council).

A Site Notice template is shown as Appendix 1.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposal:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter? and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises;
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
 - other users of the space, for example, if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council, and so take any issues around noise, and nuisance into consideration as part of the proposal. Discussions with neighbours should consider any plans neighbouring businesses have also to place tables and chairs on the highway and plans for customers to queue outside.

3.6 Determination

Once the application is submitted the Council has 14 days from the day after the application is made (excluding public holidays) to consult upon and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation.

If the Council determines the application before the end of the determination period it can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

If the Council does not determine the application within the 14 day period, the application will be deemed to have been granted.

The following are authorised to grant or refuse applications, and to revoke a Licence which has been granted:

TABLE OF DELEGATIONS	
Decision	Delegated to
Grant of an application where no objections have been received during the consultation period	Business Manager responsible for the Licensing Service or Licensing Team Leader
Grant or refusal of an application where objections have been received during the consultation period	Business Manager responsible for the Licensing Service or Licensing Team Leader following consultation with the Chair of the Planning and Licensing Committee
Revocation of a Licence	Business Manager responsible for the Licensing Service or Licensing Team Leader following consultation with the Chair of the Planning and Licensing Committee

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement Café Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and the appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Café Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement Cafés to operate between 08:00 and 22:00 hours. Applicants are encouraged not to apply to operate outside of these times.

Applications outside these hours will be assessed in terms of the criteria detailed above regardless of whether objections have been made or not. The Council, however, retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 7 days, beginning with the first day after the public consultation period, excluding public holidays) it can specify the duration of the licence, subject to a minimum duration of 3 months.

The expectation from the Government is that Councils will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2024.

If a licence is 'deemed' granted because the Council does not make a decision on an application before the end of the determination period, then the licence will be valid for one year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2024.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Café, or if relevant representations are made which cannot be mitigated by conditions, then the application may be refused.

There is no statutory appeal process against a decision to refuse an application.

A business may apply again after refusal but will have to make a new application with an additional fee and address the concerns raised in the original application.

4. CONDITIONS

The Council's standard conditions can be found at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis, and the Council will confirm the reasons why any additional conditions have been imposed.

The Act contains two national conditions that all granted and deemed granted licences must adhere to if the Council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions. The two conditions are:

- a no-obstruction condition
- a smoke free seating condition

The Council's published conditions make provision for these conditions, but for the sake of transparency, the national conditions are detailed in Appendix 3 to this document.

The Act also allows for the Secretary of State to produce, via Regulations, conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the Council. If such conditions are created, this guidance will be amended to reflect them, and all licence holders will be notified of any changes this may create.

Where a Council sets a local condition that covers the same matter as set out in national conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

5. ENFORCEMENT

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. It remains the case that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing and social distancing controls. An applicant must ensure all such permissions are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a Notice requiring the breach to be remedied and the Council can take action to cover any costs.

The Council may revoke a licence in the following circumstances:

1. For breach of condition (whether or not a Remediation Notice has been issued),
or
2. Where:
 - there are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food but had applied for a licence where tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the Notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.
4. Any requests for revocation will be raised by the Officer and determined in consultation with the Planning and Licensing Committee Chair

6. REVIEW PROCEDURES

This Policy covers the Temporary Permission for Pavement Licences under the Business and Planning Act which is scheduled to expire on 30 September 2024.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Cafés generally, relevant social distancing measures or as a result of local considerations within the Cotswold District.

BUSINESS AND PLANNING ACT 2020

NOTICE OF APPLICATION FOR GRANT OF A PAVEMENT LICENCE

I / We(1)

Do hereby give notice that on (2)

I / we have applied to Cotswold District Council for a pavement licence at:

.....

..... (3)

known as..... (4)

The application is for:

.....

..... (5)

Any person wishing to make representations to this application may do so by writing to ers@cotswold.gov.uk by:

..... (6)

The application and information submitted with it can be viewed at:

www.cotswold.gov.uk

Signed

Date (7)

Guidance notes on completing this notice of application

Complete the notice by putting the following information in the numbered spaces:

- (1) Name of the applicant
- (2) Date the application is made (submitted)
- (3) Postal address of the premises
- (4) Name the premises is known by
- (5) Brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink).
- (6) Last date for representations being the date 7 days after the date the application is submitted to the local authority (excluding public holidays)
- (7) The date the notice was placed (must be the same date as (2) above)

On the same day that the application is made, a completed copy of this notice must be fixed to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises. It should be secured so that the notice remains in place until the end of the 7 day public consultation period.

Failure to comply with this requirement may lead to the revocation of any licence granted or deemed granted.

Standard Pavement Licence Conditions

Please note that these conditions are not an exhaustive list. Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate.

Where a licence is deemed granted, the applicant is deemed to be a 'licence holder' and is required to comply with all of the below conditions. In such circumstances, references to 'licensed area' should be understood to mean the area proposed for licensing within the application.

1. The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will:
 - (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport's [Inclusive Mobility](#) document.
3. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.
4. Permission to operate a pavement café does not imply an exclusive right to the area of public highway. The licence holder must be aware that Cotswold District Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements or any other reasonable cause. This may mean that the pavement café will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.

5. Tables and chairs must not be placed in position outside of the permitted times of the pavement licence. All tables and chairs and other furniture must be stored securely inside a premises away from the highway outside of these times.
6. The licence holder must ensure that furniture is positioned in such a way so as to ensure compliance with the relevant Government guidance on social distancing that is in place at any particular time and that staff can service the space in a manner that does not compromise their health and safety or the health and safety of customers.
7. Unless another more restrictive condition has been attached to the licence in response to particular concerns raised during the public consultation period, the licence holder must not place any furniture on the highway in pursuance of this licence before 08:00hrs on any day and must remove all furniture placed on the highway in pursuance of this licence when the premises closes or by 22:00hrs on any day, whichever is the earliest.
8. The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million.
9. The area of the highway covered by the licence must be kept clean and tidy at all times. This will include washing down the area, and removing any refuse and litter on the highway in the vicinity of the removable furniture.
10. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.
11. The licence holder is not to make or cause to be made any claim against the District or County Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
12. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions (see Appendix 3).
13. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
14. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
15. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc., will be recovered in full from the licence holder by Cotswold District Council or the Highway Authority.
16. The premises must ensure that if alcohol is sold from the business that all necessary permissions under the Licensing Act 2003 are in place.

17. The licence must be displayed on the premises with a plan of the agreed layout of the pavement café and the types of furniture that have been agreed to be used on the highway.
18. Cotswold District Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.
19. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that all of the conditions above are being adhered to.

National Conditions

[All section references are to the Business and Planning Act 2020]

No-obstruction condition

Section 5(5)

A “no-obstruction condition” is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6):

Section 3(6)

The effects referred to in subsection (5) are-

- a) preventing traffic, other than vehicular traffic, from—
 - i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - ii. passing along the relevant highway, or
 - iii. having normal access to premises adjoining the relevant highway,
- b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Smoke-free seating condition:

Section 5(6)

A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

PLANNING AND LICENSING COMMITTEE 13th September 2023

SCHEDULE OF APPLICATIONS FOR CONSIDERATION AND DECISION (HP)

- **Members are asked to determine the applications in this Schedule. My recommendations are given at the end of each report. Members should get in touch with the case officer if they wish to have any further information on any applications.**
- **Applications have been considered in the light of national planning policy guidance, the Development Plan and any relevant non-statutory supplementary planning guidance.**
- The following legislation is of particular importance in the consideration and determination of the applications contained in this Schedule:
 - **Planning Permission:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Listed Building Consent:** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest.
 - **Display of Advertisements:** Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - powers to be exercised only in the interests of amenity, including any feature of historic, architectural, cultural or similar interest and public safety.
- The reference to **Key Policy Background** in the reports is intended only to highlight the policies most relevant to each case. Other policies, or other material circumstances, may also apply and could lead to a different decision being made to that recommended by the Officer.
- Any responses to consultations received after this report had been printed, will be reported at the meeting, either in the form of lists of **Additional Representations**, or orally. Late information might result in a change in my recommendation.
- The **Background Papers** referred to in compiling these reports are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; responses from bodies or persons consulted on the application; other representations supporting or objecting to the application.

PLANNING AND LICENSING COMMITTEE 13th September 2023
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule Order
Oddington	Berry Bank Main Road Oddington Moreton-In-Marsh Gloucestershire GL56 0XW 22/04337/FUL Full Application	01
Oddington	Berry Bank Main Road Oddington Moreton-In-Marsh Gloucestershire GL56 0XW 22/04303/FUL Full Application	02
Bibury	Swallows Nest Arlington Bibury Cirencester Gloucestershire GL7 5ND 22/03206/FUL Full Application	03
Birdlip	Birdlip View Cirencester Road Birdlip Gloucestershire GL4 8JL 23/01233/FUL Full Application	04

Change of use of the land from agricultural to outdoor live performance venue (sui generis), an engineering operation resulting in a sunken amphitheatre, erection of a kitchen pod, installation of a permanent pavilion base, temporary use of part of the site for car parking, laying out of an access track (part retrospective) at Berry Bank Main Road Oddington Moreton-In-Marsh Gloucestershire GL56 0XW

Full Application 22/04337/FUL	
Applicant:	Berrybank Park Events Limited
Agent:	Pegasus Planning Group Ltd
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor David Cunningham
Committee Date:	13th September 2023
RECOMMENDATION:	PERMIT

UPDATE: This application was on the agenda of the Planning and Licensing Committee 12 July 2023 but was subsequently pulled owing to issues raised with regard to land ownership. It has now been confirmed that the land ownership remains unchanged from the original application. The original events management company was dissolved, and a new one formed to take over management of the site.

Updates to the July Case Officer Report are provided in bold text in the relevant sections of the following report, including in respect of items that were reported to the July Committee in the Additional Pages.

1. Main Issues:

- (a) Principle of Development
- (b) Design and Impact on the setting of Oddington Conservation Area
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (d) Impact on Residential Amenity
- (e) Highways Safety
- (f) Biodiversity and Geodiversity

2. Reason for Referral:

2.1 The application has received thirteen third party representations objecting to the application.

3. Site Description:

3.1 The application site consists of a large open field, located to the north of the village of Oddington, and north of the A436. The site contains a large modern agricultural building to

the west, adjoining the highway, with a modern dwelling to the north of the barn. Access is obtained from the highway to the south, accessing both the field to the north and east, and the buildings to the immediate west. The wider site is characterised by open agricultural fields.

3.2 The site lies within the Cotswolds Area of Outstanding Natural Beauty.

3.3 The Oddington Conservation Area lies around 40m to the south of the site, terminating on the southern side of the A436. The site lies within the setting of the Conservation Area.

4. Relevant Planning History:

4.1 17/00611/CLEUD - Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 for the occupation of a dwelling in breach of condition h) - agricultural occupancy restriction of permission CD.5849 - Permitted 09/03/2017;

4.2 17/02258/FUL - Removal of Condition h) (agricultural occupancy restriction) of permission CD.5849 - Permitted 11/07/2017;

4.3 22/01634/CLEUD - Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 for the use of the site as B2 Use (General Industrial) and associated ancillary uses - Permitted 10/08/2022.

5. Planning Policies:

TNPPF The National Planning Policy Framework

EC5 Rural Diversification

EN10 HE: Designated Heritage Assets

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN7 Trees, Hedgerows & Woodlands

EN8 Bio & Geo: Features Habitats & Species

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

EN15 Pollution & Contaminated Land

INF3 Sustainable Transport

INF4 Highway Safety

6. Observations of Consultees:

6.1 Lead Local Flood Authority - No objection.

6.2 ERS Pollution Officer - No objection subject to the recommendations and actions within the plan being implemented.

6.3 CDC Landscape Officer - No objection subject to the removal of festoon lighting.

6.4 Local Highways Authority - No objection subject to condition.

7. View of Town/Parish Council:

7.1 *"The Parish Council notes that this application is retrospective which is disappointing for such a substantial and unusual change of use and commercial use. We note that there has been a creeping of the size and nature of the facility from its original conception and if that were to continue it would give rise to more substantial concerns.*

7.2 *On balance the facility in its current form, scale and nature of operation is welcomed. However, that position relies heavily on the limits set out in the application of a maximum number of cars of 190 and a maximum of 50 events. It is not accurate to say at para 5.10 that there have been no complaints. The Council is aware that there have been some about noise and fireworks in an agricultural area with bloodstock. In addition to conditions concerning size and scale, conditions need to be established around lighting and noise.*

7.3 *The access and exit are on a busy "fast" main A road. The council notes that the owner has endeavoured to manage traffic safety but feels more needs to be done in terms of signage and warnings to avoid potential traffic issues. In addition, we note that the owner put up extensive and substantial marketing signage over a wide area. We would expect this to be with the agreement of the Highways Authority to avoid a precedent or dangerous distractions to drivers.*

7.4 *The site also comprises a series of former agricultural buildings which appear to have been augmented by a number of containers and conversion to Artisan style workshops"*

UPDATE: An objection has been received from the Parish Council referencing the noise survey commissioned by Oddington residents

8. Other Representations:

8.1 Thirteen third party representations objecting to the application have been received, raising concerns of:

- i. Lack of information;
- ii. Highways safety concerns;
- iii. Future development of the site;
- iv. Additional traffic movements;
- v. Impact on the character of the AONB;
- vi. Impact from light, air and noise pollution;
- vii. Impact on residential amenity;
- viii. Retrospective nature of the application;
- ix. Impact on livestock and horses;
- x. Surface water run off onto the highway;
- xi. Impact on wildlife;
- xii. Increased carbon footprint;
- xiii. Inaccuracies and flaws within transport statement.

UPDATE: An additional nine letters of objection have been received and a noise survey commissioned by Oddington residents has been submitted objecting to the current proposal

- 8.2 Ten third part representations supporting the application have been received, stating:
- i. Development proposed businesses within the local area;
 - ii. Development is a benefit to the local area and people;
 - iii. Designed so as to preserve views;
 - iv. Development has not caused noise or traffic disruption;
 - v. High quality of design and finish;
 - vi. Development is a local cultural asset;
 - vii. Benefit to local employment, artists and suppliers;
 - viii. Reduced need to commute to attend events outside of the area;

UPDATE: An additional thirty-two letters of support have been received

- 8.3 Comments have also been received from Stow-on-the-Wold Town Council, stating:

"Council wishes to comment that it is concerned about vehicle access on that section of road. Council is also concerned about the impact of the lighting and noise, and the lack of an environmental report. Council is disappointed that the activity has been under way for some time without the applicant seeking planning permission."

9. Applicant's Supporting Information:

- Proposed and Existing Plans
- Planning Statement
- Noise Management Plan
- Transport Note

10. Officer's Assessment:

10.1 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.'

10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

10.4 The application relates to the creation of an amphitheatre and events space at Berry Bank, to the north of Oddington.

10.5 This application is for the change of use of the land from agricultural to an outdoor live performance venue (sui generis). The change of use includes an engineering operation resulting in a sunken amphitheatre, the erection of a kitchen pod, the installation of a

permanent pavilion base and the temporary use of part of the site for car parking, including the laying out of an access track.

10.6 A linked application reference 22/04303/FUL has been submitted for the temporary erection of a marquee pavilion, installation of outdoor lighting structures and installation of other 'pod' structures for a temporary period each calendar year from 30 April to 1 October to facilitate outdoor leisure events.

10.7 The works are retrospective in their nature, with events ongoing and having taken place at the site throughout the summer of 2022.

(a) Principle of Development

10.8 Local Plan Policy EC5 relates to rural diversification and stated that development that relates to the diversification of an existing farm, agricultural estate, or other land-based rural business will be permitted provided that:

- (a) the proposal will not cause conflict with the existing farming operation including severance or disruption to the agricultural holding that would prejudice its continued viable operation;
- (b) existing buildings are reused wherever possible; and
- (c) the scale and design of the development contributes positively to the character and appearance of the area.

10.9 Local Plan Policy EC10 relates to the development of tourist facilities and visitor attractions. The policy states that new or extended tourist facilities and visitor attractions (excluding accommodation) will be permitted provided the proposal:

- (a) has a functional relationship and special affinity with the historic and natural heritage of the area;
- (b) is well related to the main tourist routes;
- (c) is an identified opportunity that is not met by existing facilities; and
- (d) as far as possible, use is made of existing buildings, particularly agricultural buildings in the countryside, with the number and scale of new buildings kept to a minimum.

10.10 The development proposes a sui generis use to create an outdoor live performance and events venue. The site contains a sunken amphitheatre, capable of hosting up to 450 visitors, as well as a temporary marquee pavilion. The submitted noise management plan outlines that events such as music, theatre and film are proposed to take place at the site.

10.11 Local Plan Policy EC10 requires new tourist and visitor facilities to have a functional relationship and special affinity with the historic and natural heritage of the area. The proposed development would be located within a former farm complex, overlooking the rural landscape to the north of Oddington. The proposed use would promote local performers, business and employment opportunities, and would be well connected fairly centrally between the towns

of Moreton in Marsh, Chipping Norton, Stow-on-the-Wold and Bourton-on-the-Water, all accessed via the A436 and the wider road networks via the A44 and A429. The development is therefore considered to respond to the local area, and relate to the main tourist routes within the locality, in accordance with criterion (a) and (b) of policy EC10.

10.12 The proposed facility would provide a range of visitor and tourist attractions, not accommodated through any similar facilities within the immediate or wider area. Whilst there are examples of local music festivals, and tourist attractions, they do not offer the same range or nature of attractions or facilities. The development therefore meets the requirements of criterion (c) of EC10.

10.13 The final criterion of policy EC10 requires use to be made of existing buildings, this is also reflected within the requirements of criterion b of policy EC5. A single agricultural building is present on site, and is advertised as being subject to prospective future development. The site would not make use of this existing building, which is unfortunate. Notwithstanding this, it is of note that the only permanent structures proposed is a kitchen pod. Whilst this could have been facilitated within the building, it is of a considerably more modest scale than the existing building. Moreover, in order to make functional use of the site, the location of the building in relation to the proposed pavilion and amphitheatre would not be practical. Other buildings proposed on the site are temporary pods and the pavilion, subject to a separate planning application. These would only be erected for a limited period per annum, and would not therefore result in the permanent addition of additional buildings. It is considered that, on balance, the development would satisfy this criterion.

10.14 Policy EC5 also requires development to be compatible with existing and adjoining agricultural uses of the site. The application submission outlines that "*the outdoor events that this development will facilitate have been running during summer 2022 with no detriment to the site and surrounding area and have been well received.*" There is no evidence that the development has detrimentally impacted the nearby agricultural operations. Criterion (a) is therefore satisfied.

10.15 Policy EC5 also seeks new development to be of a scale and design that contributes positively to the character and appearance of the area. The impact of the development on the wider landscape will be considered in a later section of this report. It is nevertheless considered that the proposed use, buildings and amphitheatre would be proportionate to the character of the site and wider area.

10.16 Overall, it is considered that the proposed development would be in accordance with Local Plan Policies EC5 and EC10 and the principle of development is therefore acceptable.

(b) Design and Impact on the setting of the Oddington Conservation Area

10.17 The site lies within the setting of the Oddington Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.18 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.19 Local Plan Policy EN11 states that development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features. Development in conservation areas will not result in loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the conservation area.

10.20 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

10.21 Section 16 of the NPPF (2018) seeks to conserve and enhance the historic environment and is consistent with Policies EN10 and EN11.

10.22 The Oddington Conservation Area lies around 40m to the south of the site, terminating on the southern side of the A436. The site would be visible from the Conservation Area, at the junction of the A436 and the unnamed road through Oddington. The site would also be viewed within the context of the Conservation Area in some views along the A436.

10.23 It is of note that the A road currently forms a firm boundary between the Conservation Area and the application site. Existing mature vegetation along the northern part of the A road on the west side of the site access largely obscures any views on the approach from the west. The land level declines as the A436 continues east, with views from this direction obscured by the elevation of the land and some boundary vegetation.

10.24 The proposed development has resulted in the creation of a sunken amphitheatre within the northern part of the site. The development also proposes the creation of a base, on which a pavilion is proposed to be temporarily constructed each year. By virtue of the land levels, the existing vegetation and the positioning, the amphitheatre is not visible from the Conservation Area. The pavilion base would similarly not be visible, however; the pavilion which is subject to a separate application would be. Whilst proposed separately, the purpose of the base should be considered as part of the current application. That being said, the proposed pavilion would constitute a modest, temporary structure that would appear unassuming within the context of the Conservation Area.

10.25 Whilst not within the Conservation Area, it is important to acknowledge the sites contribution to the setting of the heritage asset. The Conservation Area contains the village of Oddington, and the rural setting of the village through its surrounding open fields contributes to the significance of the asset.

10.26 The proposed scheme results in the modest development of the site, through the addition of hardstanding and the engineering of the amphitheatre. Owing to the relatively modest scale of the works, it is considered that the proposed development would preserve the rural character of the area, with regard to the structures and built form proposed. It is acknowledged that the use of the site would result in the addition of a large number of additional vehicle trips and parked cars and the general intensification of the use of the site.

This would somewhat erode the tranquil rural character. The impact would be mitigated through the temporary nature of the development, the limited frequency of use and through an appropriate landscaping scheme, which would preserve the character of the site outside of periods of intensified use. It is therefore considered that, on balance, the use would not harm the rural character of the site.

10.27 Overall, it is considered that the proposed development would preserve the character and significance of the setting of the Conservation Area, and is acceptable in this regard.

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

10.28 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.

10.29 Local Plan Policy EN4 relates to the wider natural and historic landscape and outlines that development should 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. It outlines 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, the setting of settlements, settlement patterns and heritage assets.

10.30 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.31 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.32 The application site formerly comprised of an area of open pastoral field with agricultural structures also present, notably within the south-western corner. The area is bound by hedgerows and fencing to varying extents. The land slopes down towards the north east and is experienced from public footpaths (Oddington Footpaths 3 and 5) to the west. In terms of sensitivity, the majority of the application site and its surroundings fall within Landscape Character Type (LCT) 17: Pastoral Lowland Vale and Landscape Character Area (LCA) 17B: Vale of Moreton as defined in the Landscape Strategy and Guidelines for the Cotswolds AONB. The south west of the site is within LCT 15: Farmed Slopes. The site shares a number of the published key features of the LCT 17 character assessment.

10.33 The proposed scheme has resulted in the engineering and development of a previously open rural field. As such, the scheme does result in a negative impact on the receiving landscape. It is noted that the features subject to this application are generally permanent, however; have a more limited visual impact by virtue of their low lying nature and assimilation with the wider landscape. Visually, the sunken nature of the amphitheatre reduced its prominence within views, notably from the public right of way and highway where it is not

readily visible. The proposed permanent kitchen pod is similarly low lying, and is finished in a green that aids in the structures assimilation within the receiving landscape. The proposed events, whilst considered as part of a separate application, would be limited to the summer, with October - March remaining free of the additional structures, paraphernalia and intensified use (vehicle movements, car park etc.). As such, the negative impact is partially mitigated, limiting the visual effect during times of maximum visibility.

10.34 The scheme would see relatively extensive additional planting. Whilst this would further erode the open nature of the landscape, it would result in biodiversity enhancements and further screening of the permanent structures. Use of external lighting would be limited, which is considered appropriate. It has also been agreed that the existing festoon lighting will be removed owing to its harmful impact.

10.35 The removal of the harmful lighting and the implementation and maintenance of the landscaping scheme will be controlled through condition. Subject to this, the development is, on balance, considered to be acceptable in terms of landscape and visual impact, with regard to policies EN4 and EN4 and Section 15 of the NPPF.

(d) Impact on Residential Amenity

10.36 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

10.37 Local Plan Policy EN15 stated that development will be permitted where there will be no unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses. This includes impacts from pollution, noise and light as well as other disturbances such as spillage and smell.

10.38 The application site lies on the edge of the village of Oddington, around 130m from the village edge. A number of more sporadic residential properties lie within close proximity including Fern Bank 110m to the south-west, Spring Villas 150m to the south-east, Black Pitts Farm 330m to the north and Mount Pleasant Farm 470m to the west. There is also the presence of livestock such as horses within the surrounding fields. A number of concerns have been raised in relation to the impact from light, air and noise pollution, both on neighbouring occupants and animals.

10.39 The application has been submitted with a Noise Management Plan. This plan outlines that events will be focussed around two spaces "*the Amphitheatre and the Pavilion, with programming running 10:00 - 22:30, primarily, Thursdays, Fridays and Saturdays throughout their planned event programme.*" The events held include Music, Theatre and Films with a described maximum capacity of 450 visitors plus around 50 staff, volunteers and performers. The Management Plan acknowledges that "*whilst thousands of people will enjoy the events at Berry bank Park over their event season, there are potential negative impacts associated with the event centre which have to be managed and minimised to ensure that the Licensing Act 2003 (LA03) objectives are promoted and upheld.*"

10.40 The plan sets out a detailed management and mitigation strategy, focused around layout and orientation, control of sound systems, and noise monitoring and enforcement. The Councils Environmental Health Officer has advised that they are satisfied that, provided that

all the recommendations and actions within the plan are enacted, along with the 22.30 finish time, that noise has been duly considered and minimised as far as is reasonably practical. No objection has been raised.

10.41 With regard to other potential disturbance, external lighting has been kept to a minimum, and the festoon lighting will be removed providing further mitigation. Traffic into and leaving the site will be managed, with the impact on the highways network discussed in a later section of this report.

10.42 The inclusion of a condition requiring development to be in accordance with the Noise Management Plan will ensure that any unacceptable noise can be controlled through enforcement action. It is also important to note that, any noise impacts that constitutes a statutory or public nuisance can be enforced through the Environmental Protection Act 1990. There is also further protection through the requirements of the Licences for the events.

10.43 Overall, it is considered that subject to conditions, the impacts in terms of noise and lighting will be satisfactorily mitigated and monitored and will not therefore result in any harm to the amenity of neighbouring dwellings. The scheme is therefore in accordance with Local Plan Policies EN2 and EN15.

(e) Highways Safety and Sustainable Transport

10.44 Local Plan Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets.

10.45 Section 9 of the NPPF promotes sustainable transport. Paragraph 110 of the NPPF states that in applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be - or have been taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.46 The development, comprising of the use of the site as an outdoor live performance venue, is submitted as a partially retrospective application, with events having already been held between June and September 2022. The application submission therefore benefits from data from the experienced vehicle movements. The site proposes an appropriate level of parking, capable of supporting the anticipated and experienced vehicles using the site. In terms of the quantity of trips, the development has the ability to cater for the expected level of trip generation associated with the site, without impact on the surrounding highway network.

Staggered arrivals and departures would be utilised and a condition would be required for an events management plan which, in part, would promote sustainable transport methods.

10.47 In terms of access and highways safety, the proposed visibility meets the standards set by the Department of Transport Manual for Streets and a condition would be included on a recommendation of permission to implement and maintain this arrangement. There is also considered to be a suitable level of management proposed to ensure that the current access would operate safely, given the expected level of vehicular usage. Internal movement would also be acceptable, with appropriate worst case scenario vehicle swept paths showing a suitable level of safe movement without causing damage to the immediately adjacent highway or impact on its performance.

10.48 It is therefore considered that the development proposes a reasonable level of parking and management to accommodate the proposed use, without impacting the local highway network.

10.49 It is noted that residents have raised concerns over recent occurrences on the immediately surrounding highway. Whilst these concerns have been fully considered, it is acknowledged that there is no hard data collected or available relating to these issues. The site offers appropriate parking provision and Department of Transport Manual for Streets compliant access arrangements. As such, in the absence of any supporting evidence, it is not considered that there are sufficient grounds to warrant refusal of the application on highways safety matters.

10.50 Overall, it is considered that the proposed development is acceptable in terms of the impact on the local highways network and highways safety matters, in accordance with policies INF3 and INF4 and Section 9 of the NPPF.

(f) Biodiversity and Geodiversity

10.51 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines 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.

10.52 Section 15 of the NPPF also outlines that development should conserve and where possible enhance biodiversity and geodiversity and should not result in the loss or deterioration of irreplaceable habitats and resources.

10.53 The application proposes additional planting in the form of a cherry orchard as well as areas of wild flower meadow and the gapping up of existing hedgerow. The use of *Prunus Taihaku* as an 'orchard' tree is regrettable as it is a non-fruiting and non-native cherry variety. This represents a missed opportunity for ecological enhancements. Notwithstanding this, the other planting proposed would result in an enhancement to the biodiversity of the site, and through conditions, further enhancements can be secured. The proposed external lighting is limited which is considered appropriate, and a further condition is proposed for a detailed lighting strategy through condition, in order to ensure migrating bats are protected.

10.54 Overall, it is considered that, subject to conditions, the development would preserve and enhance the ecology of the site.

Other Matters

10.55 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

11. Conclusion:

11.1 The proposal is considered to comply with Local Plan Policies and as such is recommended for permission.

12. Proposed Conditions:

1. The development hereby permitted shall be implemented in strict accordance with the following approved plans: Preliminary Field Kitchen (Drawing No. 2987 CP - 01); Field Kitchen - Sections Through Length (Drawing No. 2987 CP - 06); Floor Plan - Setting Out Dimensions (Drawing No. 2987 CP - 06); Site Layout (Drawing No. L2 - REV C).

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

2. The development shall be carried out in strict accordance with the Berrybank Park Noise Management Plan 2023 dated 30/01/2023, including all of the recommendations contained within Sections 2 - 14. The Noise Management Plan should be maintained and shall not be altered without the prior written approval of 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. It is important that the details are provided prior to the commencement of development so that the noise emanating from the site is controlled at all stages of development.

3. Within 2 months of this decision, details of a site events management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the promotion and production of events on the site. The plan shall include but not be restricted to;

- Details of over flow parking strategy
- Details of arrivals and departures management strategy
- Details of service vehicle management
- Management of the impact of events on the immediately surrounding highway network.

Reason: In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy INF4.

4. Within 1 month of this decision, visibility splays shall be provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of the number of meters stated within MfS for the designated road speed in each

direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy INF4.

5. The entire landscaping scheme shall be completed by the end of the planting season immediately following the date of this decision notice, and shall be maintained as such thereafter.

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 objective of Cotswold District Local Plan Policy EN4.

6. 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 Policy EN2.

7. Within 3 months of this decision notice, details of the provision of site ecological enhancements shall be submitted to the local planning authority for approval. The details shall include technical drawings showing the specification for each feature, including their locations within the site; and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved features shall be retained in accordance with the approved details thereafter.

Reason: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with the EC Wild Birds Directive, Policy EN8 of the Cotswold District Local Plan 2011- 2031, paragraphs 174, 179 and 180 of the National Planning Policy Framework and Part 3 of the Natural Environment and Rural Communities Act 2006.

8. The use hereby permitted shall not be open to customers outside the following times 10:00 - 22:30.

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.

Informative:

1. The applicant's attention is drawn to the need to ensure that the provision of the visibility splays required by this consent is safeguarded against the placement of any structure or obstruction within the visibility splays.

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Planting and Management Schedule (including items planted Winter '21-'22)

Qty Abb. Species Common Name Specification

Proposed and Newly-planted Specimen and Hedgerow Trees

- Planting:**
Extra Heavy standard trees 14-16 cm stem girth, rootballed, pit planted in 0.9m dia x 0.6m pits, compost working into backfill @ 25% of volume, planted with two stakes 1.8m long x 75mm dia. and crossbar secured with 2no. superstretch type ties.
- | | | | | |
|----|-----|--------------------------|-------------------------|--|
| 14 | Qr | Quercus robur | (English oak) | RB, 10-12 cm girth, 2.5-3.0m high, Std, 1.75m clr stem |
| 4 | CmP | Crataegus monogyna Plena | (Double-white hawthorn) | RB, 10-12 cm girth, 2.5-3.0m high, Std, 1.75m clr stem |
| 3 | Fs | Fagus sylvatica | (common beech) | RB, 14-16 cm girth, 3-3.5m high, Heavy Std, 1.75m clr stem |
| 2 | Ms | Malus sylvestris | (wild crab) | RB, 10-12 cm girth, 2.5-3.0m high, Std, 1.75m clr stem |
| 6 | Sa | Salix alba | (White willow) | RB, 14-16 cm girth, 3-3.5m high, Heavy Std, 1.75m clr stem |

- Management:**
Establishment Years 1-3:
 Protect new tree planting from rabbit, muntjac and roe deer damage, using 1.2 m ht biodegradable mesh guards or weldmesh tubes as appropriate
 Irrigate shrubs and trees when necessary until established.
 Inspect tree guards, stakes and ties annually.
 Re-firm trees after strong winds, frost heave or other disturbances.
 Remedial-prune trees in accordance with good horticultural practice.
Years 4-10:
 Replace failures with stock of the same size and species as that originally specified unless otherwise agreed.
 Remove and replace poor quality, overcrowded, squirrel-damaged, unsafe or unhealthy trees.
 Remove stakes and guards in Year 4 or 5

Proposed and Newly-planted Cherry 'Orchard'

- Flowering cherry trees, planted 9 - 10 metres apart to a curved grid, double-staked with cross-bar:*
- | | | | | |
|-----|-----|-----------------|----------------------|--|
| 104 | PTH | Prunus Tai-haku | (Great White Cherry) | RB, 14-16 cm girth, 3-3.5m high, Heavy Std, 1.75m clr stem |
|-----|-----|-----------------|----------------------|--|
- Management:**
Establishment Years 1-3:
 Protect new tree planting from rabbit, muntjac and roe deer damage, using 1.2 m ht biodegradable mesh guards or weldmesh tubes as appropriate
 Irrigate shrubs and trees when necessary until established.
 Inspect tree guards, stakes and ties annually.
 Re-firm trees after strong winds, frost heave or other disturbances.
 Remedial-prune trees in accordance with good horticultural practice.
 Replace failures with stock of the same size and species as that originally specified unless otherwise agreed.
Years 4-10:
 Remove and replace poor quality, overcrowded, squirrel-damaged, unsafe or unhealthy trees.
 Remove stakes and guards in Year 4 or 5

Proposed Hedgerows - 215 lin m.

- Hedge plants planted in double staggered rows @ 5 plants per linear m. All plants protected with 0.6m high clear plastic spiral rabbit guards secured to bamboo canes.*
- | | | | | |
|-----|----|-----------------------|---------------|--|
| 55 | 5 | Acer campestre | (field maple) | BR, 60-80cm high, 1+1 transplant |
| 55 | 5 | Corylus avellana | (hazel) | BR, 60-80cm high, branched, 1+2 transplant |
| 750 | 70 | Crataegus monogyna | (hawthorn) | BR, 60-80cm high, 1+1 transplant |
| 55 | 5 | Ilex aquifolium | (holly) | CG, 3l, 60-80cm high, leader with laterals |
| 55 | 5 | Ligustrum vulgare | (wild privet) | BR, 60-80cm high, branched, 1+1 transplant |
| 55 | 5 | Lonicera periclymenum | (honeysuckle) | CG, 2l, 60-80cm high, several shoots |
| 55 | 5 | Rosa canina | (dog rose) | BR, 60-80cm high, branched, 1+1 transplant |

- Management:**
Establishment Years 1-3:
 Protect new planting from rabbit damage with 0.6 m ht biodegradable mesh shrub guards.
 Irrigate when necessary until established.
 Carry out remedial pruning in accordance with good horticultural practice.
 Replace failures with stock of the same size and species as that originally specified unless otherwise agreed.
 Remove guards at end of establishment period
Years 4-10:
 Follow guidance as for Existing Hedgerows below

Existing Hedgerows - 575 lin m.

- Management:**
 Maintain the integrity of the hedgerows as a landscape feature by regular maintenance.
 Allow hedgerows to reach 3-4 m ht before trimming
 Select and clearly mark suitable saplings for growing on as standard hedgerow trees.
 Cut hedgerows to 2-3 m ht on a rotational basis in alternate years to ensure continuity of cover and maximise the ecological value for shelter / nesting / foraging habitat for invertebrates and birds
 Undertake cutting or coppicing works outside the bird-nesting season March to August.

Proposed Wildflower Meadow seed mix - 10,900 m2:

- Nectar Rich Wild-flower Meadow Mix: 'Historically Enhanced Pollen and Nectar Mix' from Cotswold Seeds (<https://www.cotswoldseeds.com/seedmix/wild-flowers>) or similar approved, sown at 8kg/acre to be surface-sown into 50-100mm depth topsoil that is well cultivated to produce a medium tilth, and free of weeds and surface vegetation. Seed to be divided into two or more parts and sown in overlapping sections. Seeded area to be rolled once sown.*
- Management:**
 The primary objectives are to improve soil health by avoiding herbicides and fertilizers, and to further reduce fertility by removing all cut material from the sward
Year 1
 Cut monthly throughout the first year to a height of 60-100mm, removing cuttings if dense.
 Spot-treat or hand-weed pernicious weeds (thistles, nettles, dock)
Years following:
 Cut grass with an approved disc mower (not a flail mower) to facilitate easy collection and removal.
 After flowering in August take a 'hay cut' to 100mm.
 Leave arisings for a period of 1-2 weeks to allow to dry and shed seed. Then rake off and remove all arisings from site.
 Leave marginal patches or edges uncut through winter to provide winter refuge for insects (areas to be alternated each year). Mow or graze the re-growth through to late autumn/winter to 50mm and again in spring if needed.

Existing Meadow sward

- Management:**
 The primary objective is to maintain a wear-resistant grass cover for car parking through the summer events season. This can be achieved by avoiding close-mowing when in use, and allowing the grass to grow long when not in use, to encourage deep root growth and good soil structure. Use the autumn/spring periods to top-dress with new seed and patch up worn or bald areas.

Rev -	29.09.22	1st issue
Rev A	11.10.22	2nd issue
Rev B	07.11.22	Draft for planning
Rev C	30.11.22	Red and blue lines added

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client						
Berry Bank Park Limited						
project						
Amphitheatre at Berry Bank, Oddington						
drawing						
Site Layout						
scale	1:500	scale of size	A1	date	Sept 2022	project no.
pref.	L	date	1699	pref.	L	date
rev	2	date		rev	C	date
purpose of issue						
PLANNING						

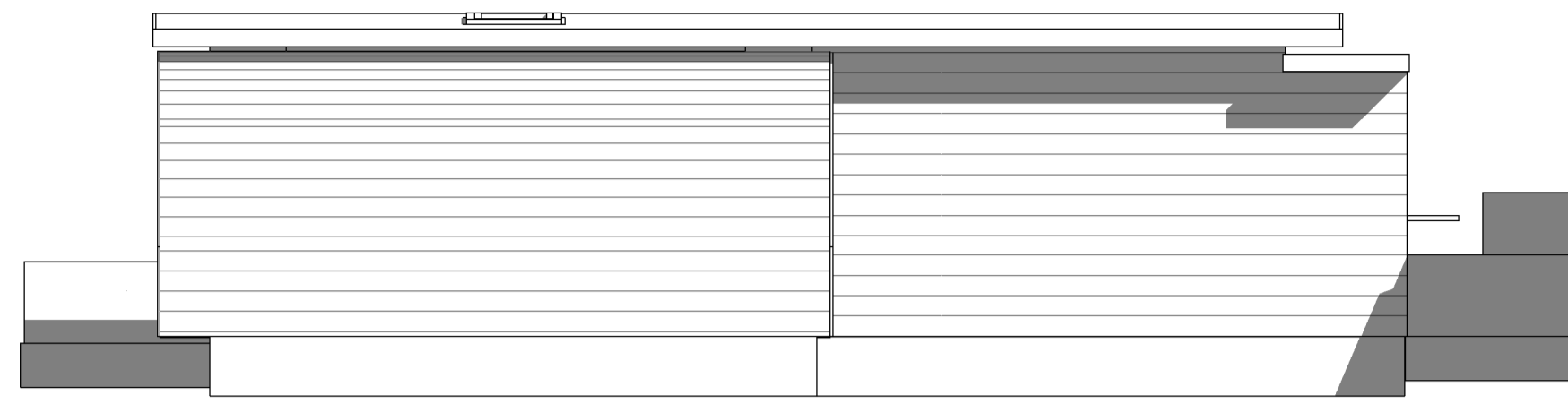
- existing mature tree retained
- existing mature hedgerow retained
- existing newly-planted tree retained
- proposed tree
- proposed hedgerow
- existing new hardcore track
- indicative car parking on grass
- existing new temporary 'pod' structure
- existing new temporary pavilion structure
- proposed meadow grass
- proposed wild-flora seeding

cross-section through amphitheatre scale 1-125

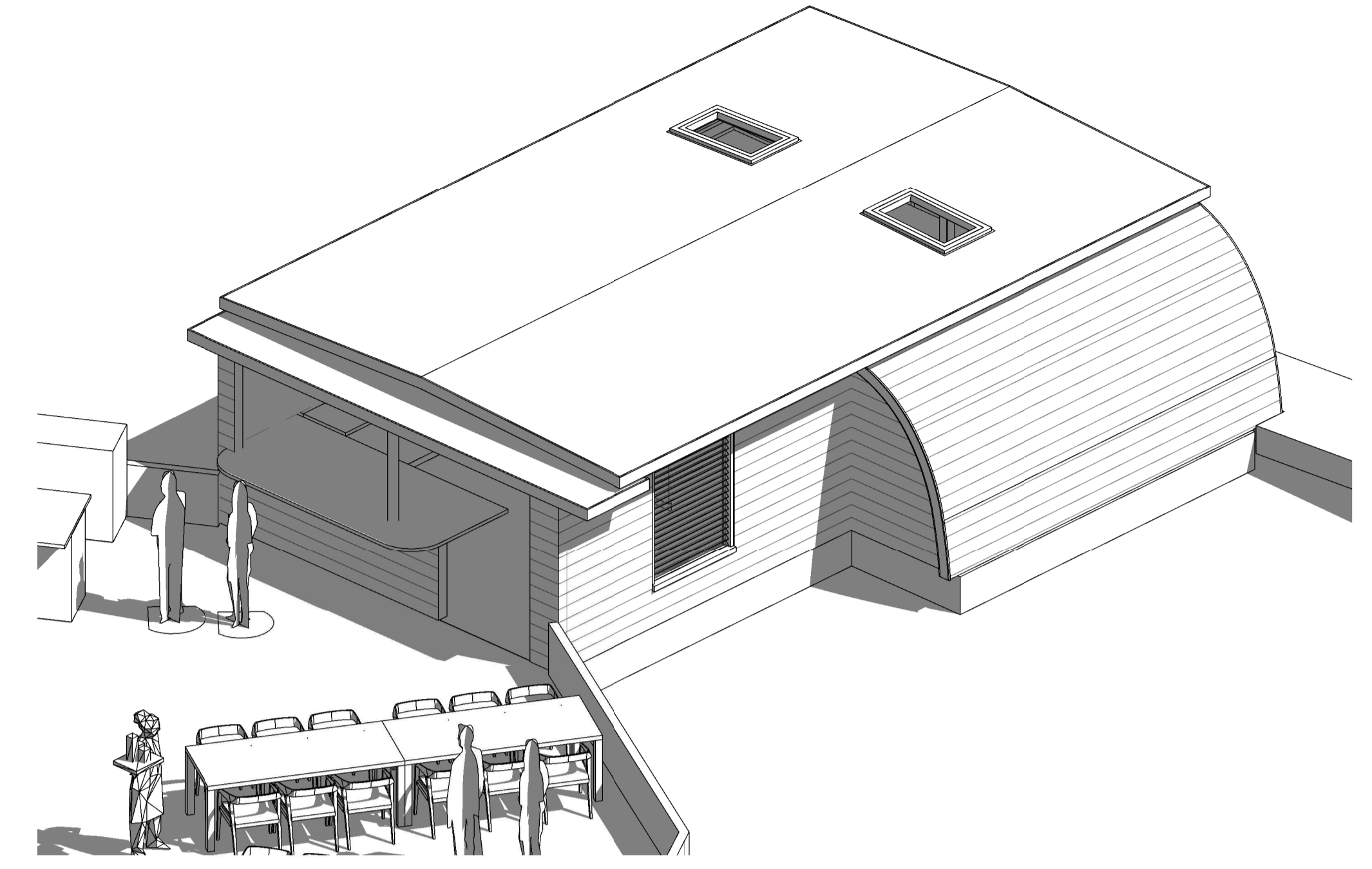
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East
1 : 50



North
1 : 50



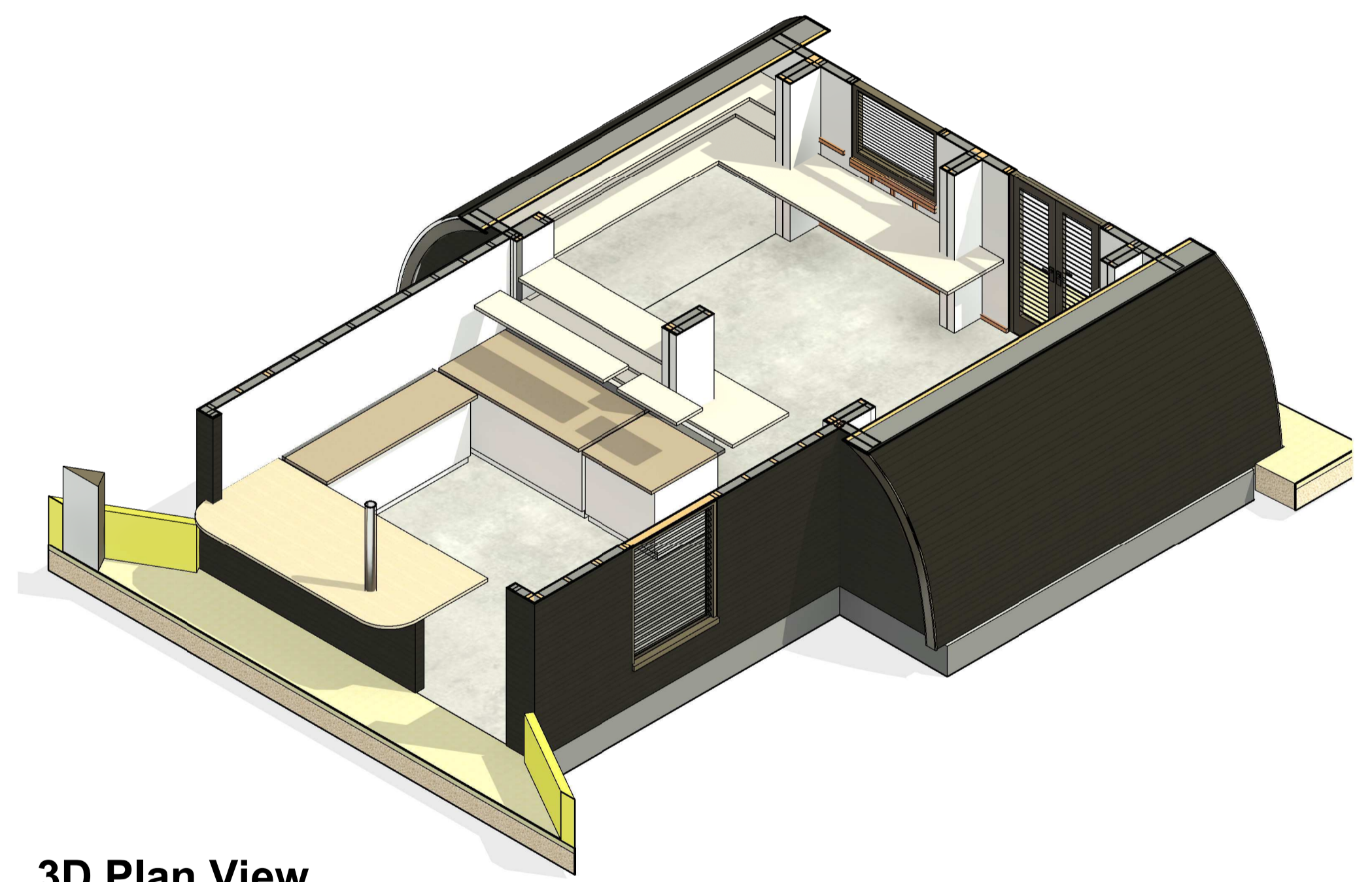
3D Roof Plan



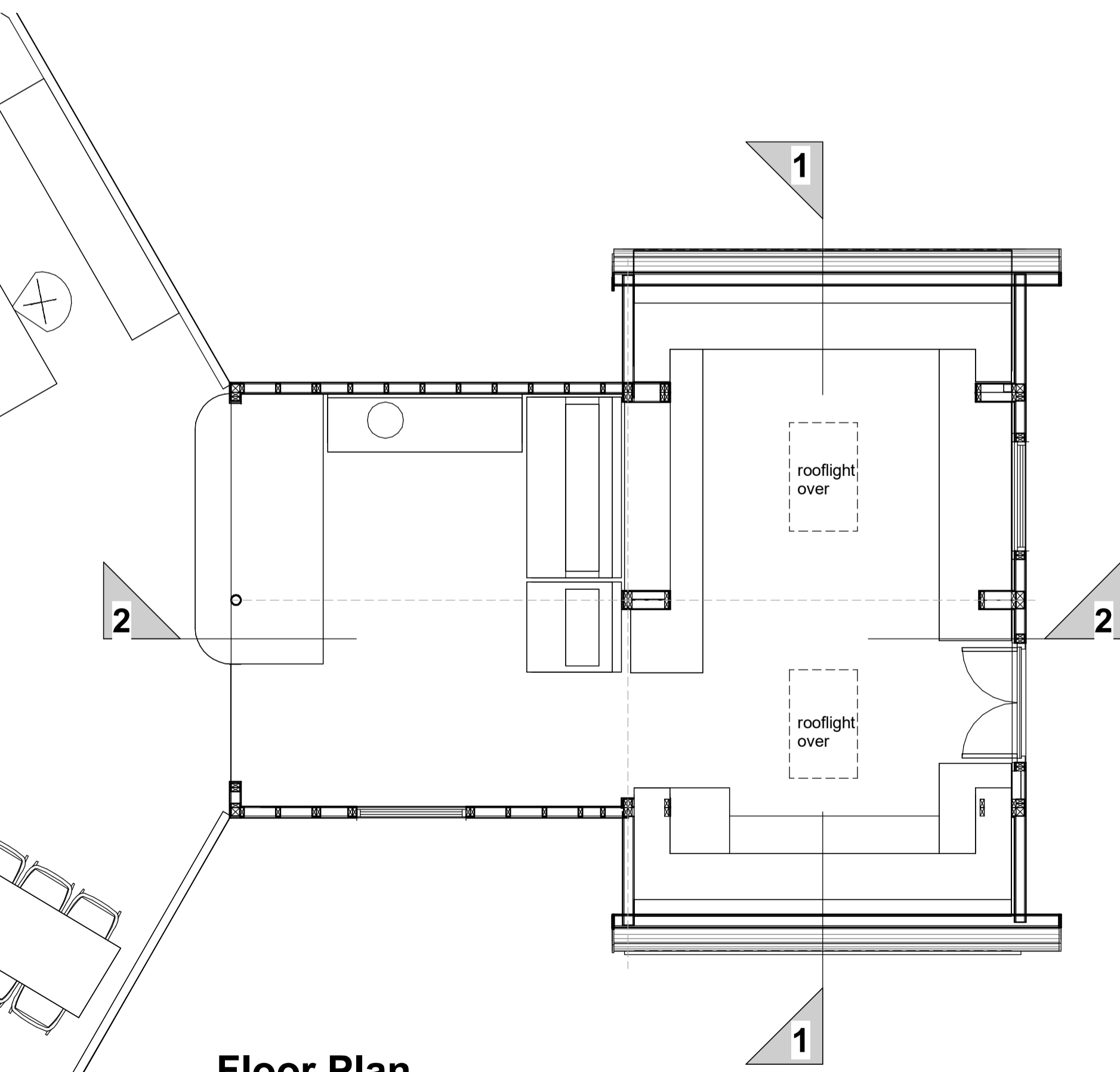
South
1 : 50
page 49



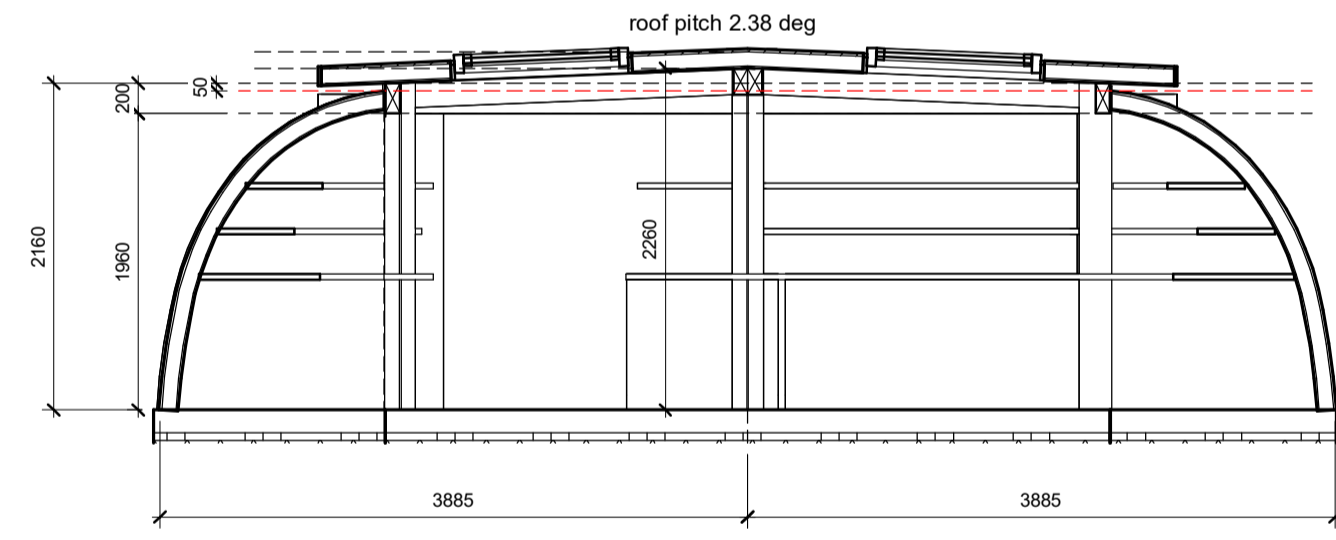
West
1 : 50



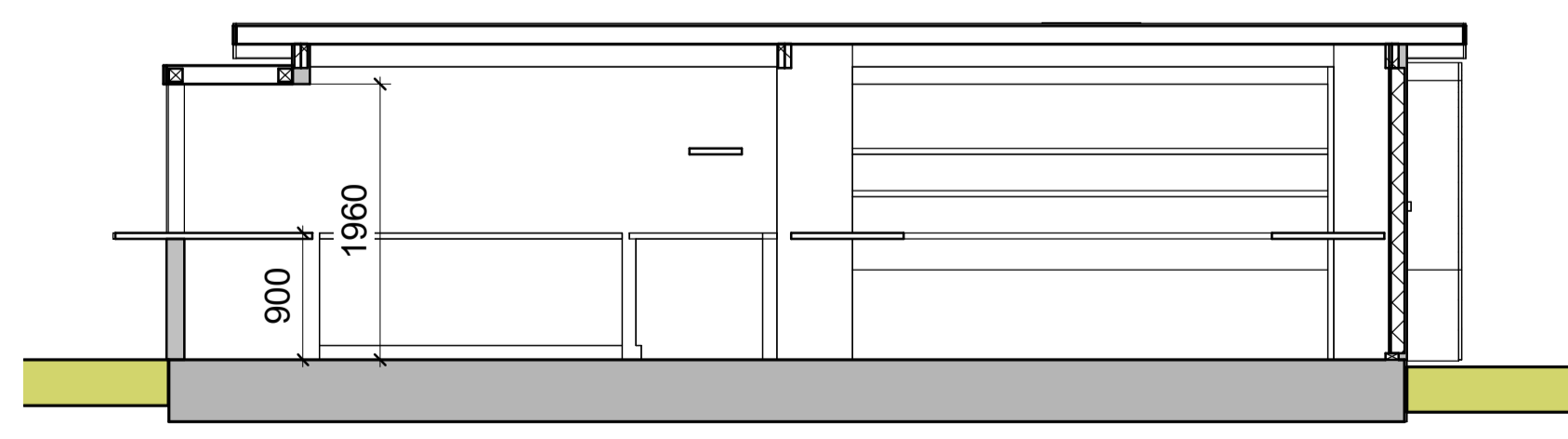
3D Plan View



Floor Plan
1 : 50



Section 1 Through Width
1 : 50



Section 2
1 : 50

Planning
This drawing has been prepared for workstages up to planning application purposes only and is not intended for construction. The scale bar should only be used to check the drawing has been reproduced to the correct size. No responsibility can be accepted for errors made by others in "scaling" from this drawing.

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Erection of a marquee pavilion, installation of outdoor lighting structures and installation of other 'pod' structures for a temporary period each calendar year from 30 April to 1 October to facilitate outdoor leisure events at Berry Bank Main Road Oddington Moreton-In-Marsh Gloucestershire GL56 0XW

Full Application 22/04303/FUL	
Applicant:	Berrybank Park Events Limited
Agent:	Pegasus Planning Group Ltd
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor David Cunningham
Committee Date:	13 th September 2023
RECOMMENDATION:	PERMIT

UPDATE: This application was on the agenda of the Planning and Licensing Committee 12 July 2023 but was subsequently pulled owing to issues raised with regard to land ownership. It has now been confirmed that the land ownership remains unchanged from the original application. The original events management company was dissolved, and a new one formed to take over management of the site.

Updates to the July Case Officer Report are provided in bold text in the relevant sections of the following report, including in respect of items that were reported to the July Committee in the Additional Pages.

1. Main Issues:

- (a) Principle of Development
- (b) Design and Impact on the setting of Oddington Conservation Area
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (d) Impact on Residential Amenity
- (e) Highways Safety
- (f) Biodiversity and Geodiversity

2. Reason for Referral:

2.1 The application has received thirteen third party representations objecting to the application.

3. Site Description:

3.1 The application site consists of a large open field, located to the north of the village of Oddington, and north of the A436. The site contains a large modern agricultural building to the west, adjoining the highway, with a modern dwelling to the north of the barn. Access is

obtained from the highway to the south, accessing both the field to the north and east, and the buildings to the immediate west. The wider site is characterised by open agricultural fields.

3.2 The site lies within the Cotswolds Area of Outstanding Natural Beauty.

3.3 The Oddington Conservation Area lies around 40m to the south of the site, terminating on the southern side of the A436. The site lies within the setting of the Conservation Area.

4. Relevant Planning History:

4.1 17/00611/CLEUD - Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 for the occupation of a dwelling in breach of condition h) - agricultural occupancy restriction of permission CD.5849 - Permitted 09/03/2017;

4.2 17/02258/FUL - Removal of Condition h) (agricultural occupancy restriction) of permission CD.5849 - Permitted 11/07/2017;

4.3 22/01634/CLEUD - Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 for the use of the site as B2 Use (General Industrial) and associated ancillary uses - Permitted 10/08/2022.

5. Planning Policies:

TNPPF The National Planning Policy Framework

EC5 Rural Diversification

EN10 HE: Designated Heritage Assets

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN7 Trees, Hedgerows & Woodlands

EN8 Bio & Geo: Features Habitats & Species

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

EN15 Pollution & Contaminated Land

6. Observations of Consultees:

6.1 Lead Local Flood Authority - No objection.

6.2 ERS Pollution Officer - No objection subject to the recommendations and actions within the plan being implemented.

6.3 CDC Landscape Officer - No objection subject to the removal of festoon lighting.

6.4 Local Highways Authority - No objection subject to conditions.

7. View of Town/Parish Council:

7.1 *"The Parish Council notes that this application is retrospective which is disappointing for such a substantial and unusual change of use and commercial use. We note that there has been a creeping of the size and nature of the facility from its original conception and if that were to continue it would give rise to more substantial concerns.*

7.2 *On balance the facility in its current form, scale and nature of operation is welcomed. However, that position relies heavily on the limits set out in the application of a maximum number of cars of 190 and a maximum of 50 events. It is not accurate to say at para 5.10 that there have been no complaints. The Council is aware that there have been some about noise and fireworks in an agricultural area with bloodstock. In addition to conditions concerning size and scale, conditions need to be established around lighting and noise.*

7.3 *The access and exit are on a busy" fast " main A road. The council notes that the owner has endeavoured to manage traffic safety but feels more needs to be done in terms of signage and warnings to avoid potential traffic issues. In addition, we note that the owner put up extensive and substantial marketing signage over a wide area. We would expect this to be with the agreement of the Highways Authority to avoid a precedent or dangerous distractions to drivers.*

7.4 *The site also comprises a series of former agricultural buildings which appear to have been augmented by a number of containers and conversion to Artisan style workshops"*

UPDATE: An objection has been received from the Parish Council referencing the noise survey commissioned by Oddington residents

8. Other Representations:

8.1 Thirteen third party representations objecting to the application have been received, raising concerns of:

- i. Lack of information;
- ii. Highways safety concerns;
- iii. Future development of the site;
- iv. Additional traffic movements;
- v. Impact on the character of the AONB;
- vi. Impact from light, air and noise pollution;
- vii. Impact on residential amenity;
- viii. Retrospective nature of the application;
- ix. Impact on livestock and horses;
- x. Surface water run off onto the highway;
- xi. Impact on wildlife;
- xii. Increased carbon footprint;
- xiii. Inaccuracies and flaws within transport statement.

UPDATE: An additional two letters of objection have been received and a noise survey commissioned by Oddington residents has been submitted objecting to the current proposal

8.2 Ten third part representations supporting the application have been received, stating:

- i. Development proposed businesses within the local area;
- ii. Development is a benefit to the local area and people;
- iii. Designed so as to preserve views;
- iv. Development has not caused noise or traffic disruption;
- v. High quality of design and finish;
- vi. Development is a local cultural asset;
- vii. Benefit to local employment, artists and suppliers;
- viii. Reduced need to commute to attend events outside of the area;

UPDATE: An additional three letters of support have been received

8.3 Comments have also been received from Stow-on-the-Wold Town Council, stating:

"Council wishes to comment that it is concerned about vehicle access on that section of road. Council is also concerned about the impact of the lighting and noise, and the lack of an environmental report. Council is disappointed that the activity has been under way for some time without the applicant seeking planning permission."

9. Applicant's Supporting Information:

- Proposed and Existing Plans
- Planning Statement
- Noise Management Plan
- Landscape Statement

10. Officer's Assessment:

10.1 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.'

10.2 The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

10.3 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Background and Proposed Development

10.4 This application relates to the erection of a marquee pavilion, installation of outdoor lighting structures and the installation of other 'pod' structures for a temporary period each calendar year between 30 April to 1 October, to facilitate outdoor leisure events. The application links to application 22/04337/FUL for the creation of an amphitheatre and events space at the site.

10.5 The works are retrospective in their nature, with events ongoing and having taken place at the site throughout the summer of 2022.

(a) Principle of Development

10.6 Local Plan Policy EC5 relates to rural diversification and stated that development that relates to the diversification of an existing farm, agricultural estate, or other land-based rural business will be permitted provided that:

- (a) the proposal will not cause conflict with the existing farming operation including severance or disruption to the agricultural holding that would prejudice its continued viable operation;
- (b) existing buildings are reused wherever possible; and
- (c) the scale and design of the development contributes positively to the character and appearance of the area.

10.7 Local Plan Policy EC10 relates to the development of tourist facilities and visitor attractions. The policy states that new or extended tourist facilities and visitor attractions (excluding accommodation) will be permitted provided the proposal:

- (a) has a functional relationship and special affinity with the historic and natural heritage of the area;
- (b) is well related to the main tourist routes;
- (c) is an identified opportunity that is not met by existing facilities; and
- (d) as far as possible, use is made of existing buildings, particularly agricultural buildings in the countryside, with the number and scale of new buildings kept to a minimum.

10.8 The development relates to a proposed sui generis use, resulting in the creation of an outdoor live performance and events venue. The principle of the use is considered within the linked application. Whilst this application related solely to the proposed temporary structures, the proposed temporary structures relate directly to their use. The principle of the structures is therefore considered below.

10.9 The principle of the proposed structures is not considered unreasonable, and would occupy the site on a temporary basis. The field is not currently used for agricultural purposes and as such, there would be no conflict with any existing farming operations. Whilst an existing building is present on site, it will not be re-used as part of the development. Notwithstanding this, it is acknowledged that this existing building is within an impractical location in relation to the amphitheatre and this current application relates solely to temporary buildings/structures. As such, the development would not be in conflict with criterion b of Policy EC5. With regard to criterion (c), the impact of the development on the wider landscape will be considered in a later section of this report. It is nevertheless considered that the proposed use, buildings and amphitheatre would be proportionate to the character of the site and wider area.

10.10 Whilst the principle of the use is not subject to this application, it is nevertheless acknowledged that the scheme would have a functional relationship with the area, is well related to the main tourist routes and would provide a range of visitor and tourist attractions,

not accommodated through any similar facilities within the immediate or wider area. The scheme is therefore in accordance with policy EC10.

10.11 Overall, it is considered that the proposed development would be in accordance with Local Plan Policies EC5 and EC10 and the principle of development is therefore acceptable.

(b) Design and Impact on the setting of the Oddington Conservation Area

10.12 The site lies within the setting of the Oddington Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

10.13 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.14 Local Plan Policy EN11 states that development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features. Development in conservation areas will not result in loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the conservation area.

10.15 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 130 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

10.16 Section 16 of the NPPF (2018) seeks to conserve and enhance the historic environment and is consistent with Policies EN10 and EN11.

10.17 The Oddington Conservation Area lies around 40m to the south of the site, terminating on the southern side of the A436. The site would be visible from the conservation area, at the junction of the A436 and the unnamed road through Oddington. The site would also be viewed within the context of the Conservation Area in some views along the A436.

10.18 It is of note that the A road currently forms a firm boundary between the conservation area and the application site. Existing mature vegetation along the northern part of the A road on the west side of the site access largely obscures any views on the approach from the west. The land level declines as the A436 continues east, with views from this direction obscured by the elevation of the land and some boundary vegetation.

10.19 The application relates to the erection of temporary structures including a marquee pavilion, outdoor lighting structures and other 'pod' structures. The structures would sit more prominently within the landscape, notably the marquee. The structure is prominent from the highway and is relatively distinct in appearance owing to external colour and shape. That being said, much of the harm would be mitigated by the temporary nature of the structure.

Moreover, works to 'gap up' the hedgerow and plant an orchard would restrict views of the structure and soften the appearance, further mitigating the harm. On balance, it is considered that owing to the temporary nature and softened appearance, the proposed marquee is not objectionable.

10.20 With regard to the proposed pods, these would be lower in height and thus, less prominent within views of the site. The structures would also be of a temporary nature, further mitigating any potential harm. In terms of their design, the buildings would be of a simple design with a curved roof and timber finish. This will contribute towards the lightweight appearance and modest scale of the buildings.

10.21 Overall, it is considered that the proposed structures are not objectionable, subject to a condition ensuring they are removed from the site during the winter months. The development would be in accordance with Local Plan Policies EN10 and EN11.

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

10.22 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.

10.23 Local Plan Policy EN4 relates to the wider natural and historic landscape and outlines that development should 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. It outlines 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, the setting of settlements, settlement patterns and heritage assets.

10.24 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.25 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 176 states Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.26 The application site formerly comprised of an area of open pastoral field with agricultural structures also present, notably within the south-western corner. The area is bound by hedgerows and fencing to varying extents. The land slopes down towards the north east and is experienced from public footpaths (Oddington Footpaths 3 and 5) to the west. In terms of sensitivity, the majority of the application site and its surroundings fall within Landscape Character Type (LCT) 17: Pastoral Lowland Vale and Landscape Character Area (LCA) 17B: Vale of Moreton as defined in the Landscape Strategy and Guidelines for the Cotswolds AONB. The south west of the site is within LCT 15: Farmed Slopes. The site shares a number of the published key features of the LCT 17 character assessment.

10.27 The proposed structures would be of a temporary nature, removed during the winter months when the worst-case visual baseline is present. The development would not result in the overdevelopment of the site, and whilst the pods would result in encroachment of urban built form into the open countryside, the temporary nature and lightweight appearance of the buildings would moderate the level of resultant harm. With regard to external lighting, the use of limited lighting is appropriate. The Festoon lighting is inappropriate due to the uncontrolled spread of light from each luminaire. The lighting is not focused upon its task and sends light in every direction including up into the sky. This is not usable light and causes light pollution, harm to the character of the Cotswolds AONB and its special qualities and harm to nocturnal species. With this in mind, the festoon lighting should be removed and a condition to this effect will be included within any recommendation of permission. The proposed additional planting, including along the boundaries, is considered appropriate and will soften the overall appearance of the site.

10.28 Overall, it is considered that the proposed development conserves the special qualities of the AONB, in accordance with Local Plan Policies EN4 and EN5.

(d) Impact on Residential Amenity

10.29 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

10.30 Local Plan Policy EN15 stated that development will be permitted where there will be no unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses. This includes impacts from pollution, noise and light as well as other disturbances such as spillage and smell.

10.31 This application solely considers the erection of the temporary structures on the site and not the overall use of the site for events. The structures would benefit from significant separation from adjoining neighbours and as such, would not result in any overbearing impact, overshadowing or loss of light. The level of separation and existing screening from boundary vegetation would also mitigate any potential overlooking, and the privacy of neighbouring dwellings would be preserved. There is a single dwelling on site, shown to be with the same ownership of the application site. Whilst the amenity of this property would be impacted by the development, as the site lies within the same ownership and is associated with the adjoining use, any occupant would reasonably be prepared to accept any potential amenity impacts.

10.32 Overall, it is considered that the proposed temporary structures would preserve the amenity of neighbouring residents, in accordance with Local Plan Policies EN2 and EN15.

Other Matters

10.33 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

11. Conclusion:

11.1 The proposal is considered to comply with Local Plan Policies and as such is recommended for permission.

12. Proposed conditions:

1. The development hereby permitted shall be implemented in strict accordance with the following approved plans: Site Layout (Drawing No. L2- REV C); As Built External Event Lighting (Drawing No. L3); Cloakroom Pods dated Dec 2022; Green Room Pod dated Dec 2022; Pavilion and Field Kitchen dated Dec 2022.

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

2. The entire landscaping scheme shall be completed by the end of the planting season immediately following the date of this decision notice, and shall be maintained as such thereafter.

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 objective of Cotswold District Local Plan Policy EN4.

3. 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.

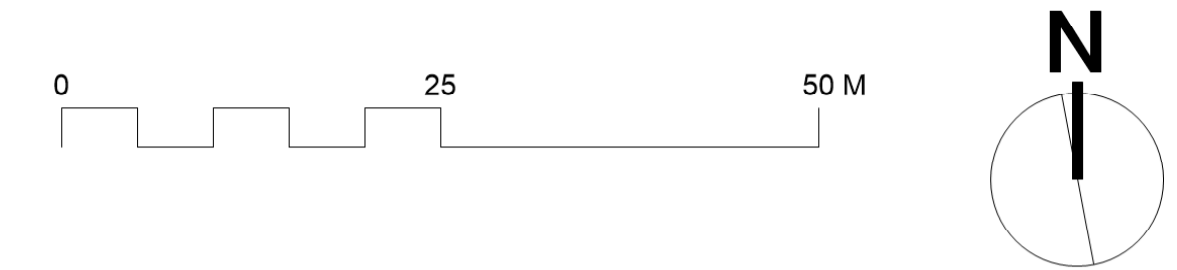
Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

4 Notwithstanding approved plans L2- REV C and L3, the temporary stage lighting: mains-powered colour LED spot lights mounted on 3m timber posts shall be removed and shall not be erected/installed. Prior to the installation of any replacement external lighting, a scheme shall be submitted to and agreed in writing by the local planning authority which specifies the lighting proposed, including the type of lighting, location, height above ground, and direction of light. The approved lighting shall then be maintained as such thereafter.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15.

5. Between 2nd October and 29th April each calendar year, the permitted buildings/structures shall be removed from the site, and the site shall be reinstated to its former condition.

Reason: Permanent development of this type might cause a nuisance or would detract from the amenity of the area and permission is given only to meet the special, temporary needs of the applicant or to enable the Local Planning Authority to give further consideration to the use after the temporary period has expired. This condition is attached in the light of Annex A to Circular 11/95.



Planting and Management Schedule (including items planted Winter '21-'22)

Qty Abb. Species Common Name Specification

Proposed and Newly-planted Specimen and Hedgerow Trees

- Planting:**
Extra Heavy standard trees 14-16 cm stem girth, rootballed, pit planted in 0.9m dia x 0.6m pits, compost working into backfill @ 25% of volume, planted with two stakes 1.8m long x 75mm dia. and crossbar secured with 2no. superstretch type ties.
- | | | | | |
|----|-----|--------------------------|-------------------------|--|
| 14 | Qr | Quercus robur | (English oak) | RB, 10-12 cm girth, 2.5-3.0m high, Std, 1.75m clr stem |
| 4 | CmP | Crataegus monogyna Plena | (Double-white hawthorn) | RB, 10-12 cm girth, 2.5-3.0m high, Std, 1.75m clr stem |
| 3 | Fs | Fagus sylvatica | (common beech) | RB, 14-16 cm girth, 3-3.5m high, Heavy Std, 1.75m clr stem |
| 2 | Ms | Malus sylvestris | (wild crab) | RB, 10-12 cm girth, 2.5-3.0m high, Std, 1.75m clr stem |
| 6 | Sa | Salix alba | (White willow) | RB, 14-16 cm girth, 3-3.5m high, Heavy Std, 1.75m clr stem |

- Management:**
Establishment Years 1-3:
 Protect new tree planting from rabbit, muntjac and roe deer damage, using 1.2 m ht biodegradable mesh guards or weldmesh tubes as appropriate
 Irrigate shrubs and trees when necessary until established.
 Inspect tree guards, stakes and ties annually.
 Re-firm trees after strong winds, frost heave or other disturbances.
 Remedial-prune trees in accordance with good horticultural practice.
Years 4-10:
 Replace failures with stock of the same size and species as that originally specified unless otherwise agreed.
 Remove and replace poor quality, overcrowded, squirrel-damaged, unsafe or unhealthy trees.
 Remove stakes and guards in Year 4 or 5

Proposed and Newly-planted Cherry 'Orchard'

- Flowering cherry trees, planted 9 - 10 metres apart to a curved grid, double-staked with cross-bar:*
- | | | | | |
|-----|-----|-----------------|----------------------|--|
| 104 | PTH | Prunus Tai-haku | (Great White Cherry) | RB, 14-16 cm girth, 3-3.5m high, Heavy Std, 1.75m clr stem |
|-----|-----|-----------------|----------------------|--|
- Management:**
Establishment Years 1-3:
 Protect new tree planting from rabbit, muntjac and roe deer damage, using 1.2 m ht biodegradable mesh guards or weldmesh tubes as appropriate
 Irrigate shrubs and trees when necessary until established.
 Inspect tree guards, stakes and ties annually.
 Re-firm trees after strong winds, frost heave or other disturbances.
 Remedial-prune trees in accordance with good horticultural practice.
 Replace failures with stock of the same size and species as that originally specified unless otherwise agreed.
Years 4-10:
 Remove and replace poor quality, overcrowded, squirrel-damaged, unsafe or unhealthy trees.
 Remove stakes and guards in Year 4 or 5

Proposed Hedgerows - 215 lin m.

- Hedge plants planted in double staggered rows @ 5 plants per linear m. All plants protected with 0.6m high clear plastic spiral rabbit guards secured to bamboo canes.*
- | | | | | |
|-----|----|-----------------------|---------------|--|
| 55 | 5 | Acer campestre | (field maple) | BR, 60-80cm high, 1+1 transplant |
| 55 | 5 | Corylus avellana | (hazel) | BR, 60-80cm high, branched, 1+2 transplant |
| 750 | 70 | Crataegus monogyna | (hawthorn) | BR, 60-80cm high, 1+1 transplant |
| 55 | 5 | Ilex aquifolium | (holly) | CG, 3L, 60-80cm high, leader with laterals |
| 55 | 5 | Ligustrum vulgare | (wild privet) | BR, 60-80cm high, branched, 1+1 transplant |
| 55 | 5 | Lonicera periclymenum | (honeysuckle) | CG, 2L, 60-80cm high, several shoots |
| 55 | 5 | Rosa canina | (dog rose) | BR, 60-80cm high, branched, 1+1 transplant |

- Management:**
Establishment Years 1-3:
 Protect new planting from rabbit damage with 0.6 m ht biodegradable mesh shrub guards.
 Irrigate when necessary until established.
 Carry out remedial pruning in accordance with good horticultural practice.
 Replace failures with stock of the same size and species as that originally specified unless otherwise agreed.
 Remove guards at end of establishment period
Years 4-10:
 Follow guidance as for Existing Hedgerows below

Existing Hedgerows - 575 lin m.

- Management:**
 Maintain the integrity of the hedgerows as a landscape feature by regular maintenance.
 Allow hedgerows to reach 3-4 m ht before trimming
 Select and clearly mark suitable saplings for growing on as standard hedgerow trees.
 Cut hedgerows to 2-3 m ht on a rotational basis in alternate years to ensure continuity of cover and maximise the ecological value for shelter / nesting / foraging habitat for invertebrates and birds
 Undertake cutting or coppicing works outside the bird-nesting season March to August.

Proposed Wildflower Meadow seed mix - 10,900 m2:

Nectar Rich Wild-flower Meadow Mix: 'Historically Enhanced Pollen and Nectar Mix' from Cotswold Seeds (<https://www.cotswoldseeds.com/seedmix/wild-flowers>) or similar approved, sown at 8kg/acre to be surface-sown into 50-100mm depth topsoil that is well cultivated to produce a medium tilth, and free of weeds and surface vegetation. Seed to be divided into two or more parts and sown in overlapping sections. Seeded area to be rolled once sown.

- Management:**
 The primary objectives are to improve soil health by avoiding herbicides and fertilizers, and to further reduce fertility by removing all cut material from the sward
Year 1
 Cut monthly throughout the first year to a height of 60-100mm, removing cuttings if dense.
 Spot-treat or hand-weed pernicious weeds (thistles, nettles, dock)
Years following:
 Cut grass with an approved disc mower (not a flail mower) to facilitate easy collection and removal.
 After flowering in August take a 'hay cut' to 100mm.
 Leave arisings for a period of 1-2 weeks to allow to dry and shed seed. Then rake off and remove all arisings from site.
 Leave marginal patches or edges uncut through winter to provide winter refuge for insects (areas to be alternated each year). Mow or graze the re-growth through to late autumn/winter to 50mm and again in spring if needed.

Existing Meadow sward

- Management:**
 The primary objective is to maintain a wear-resistant grass cover for car parking through the summer events season. This can be achieved by avoiding close-mowing when in use, and allowing the grass to grow long when not in use, to encourage deep root growth and good soil structure. Use the autumn/spring periods to top-dress with new seed and patch up worn or bald areas.

Rev -	29.09.22	1st issue
Rev A	11.10.22	2nd issue
Rev B	07.11.22	Draft for planning
Rev C	30.11.22	Red and blue lines added

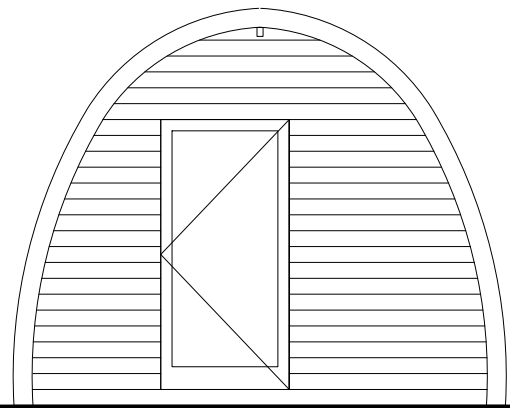
Portus+Whitton
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 Portus+Whitton LLP
 58 Ashcroft Road Cirencester
 Gloucestershire GL7 1QX
 T. 01285 644335 F. 01285 644336
 E. contact@portusandwhitton.co.uk

client	Berry Bank Park Limited						
project	Amphitheatre at Berry Bank, Oddington						
date	1:500	scale at size	A1	date	Sept 2022	project no.	1699
purpose of issue				pref.	L	fig no.	2
				rev			C
	PLANNING						

- existing mature tree retained
- existing mature hedgerow retained
- existing newly-planted tree retained
- proposed tree
- proposed hedgerow
- existing new hardcore track
- indicative car parking on grass
- existing new temporary 'pod' structure
- existing new temporary pavilion structure
- proposed meadow grass
- proposed wild-flora seeding

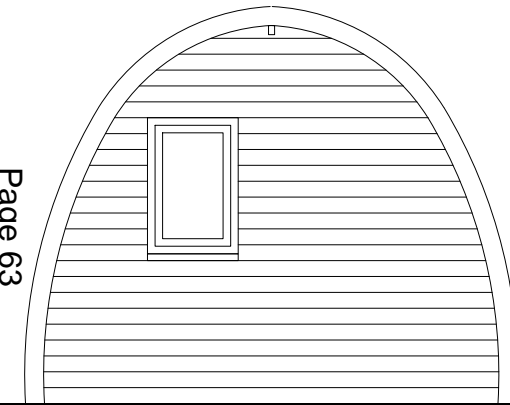
cross-section through amphitheatre scale 1-125

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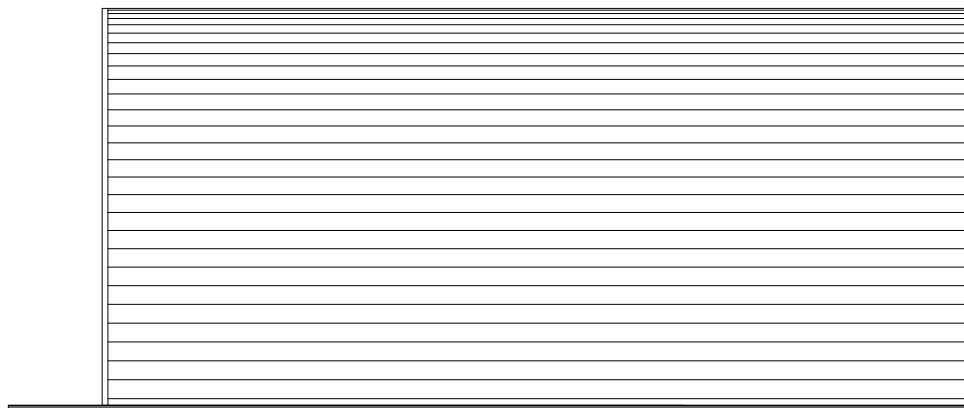
Front Elevation

Position of the door varies to suit the layout and usage

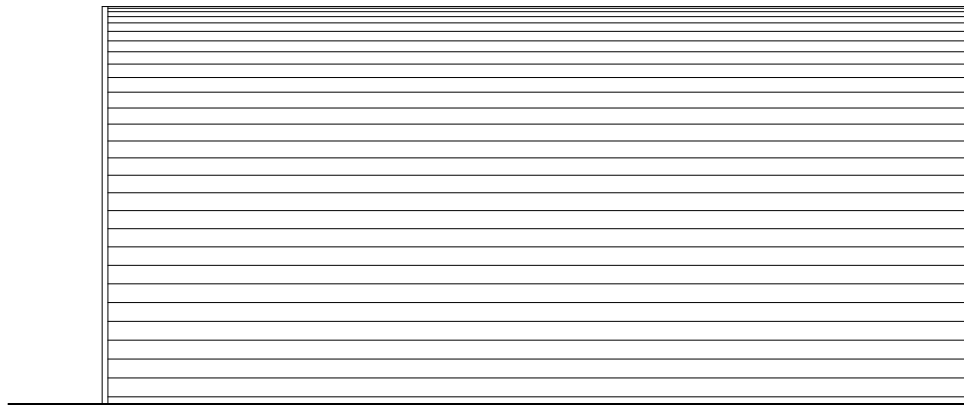


Rear Elevation

Position and size of windows vary to suit the layout and usage



Side Elevation

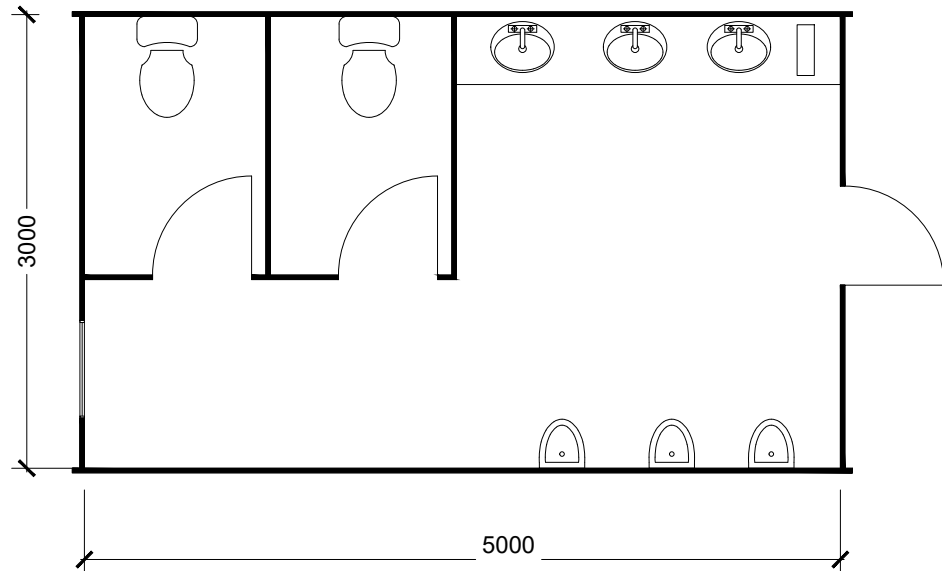


Side Elevation

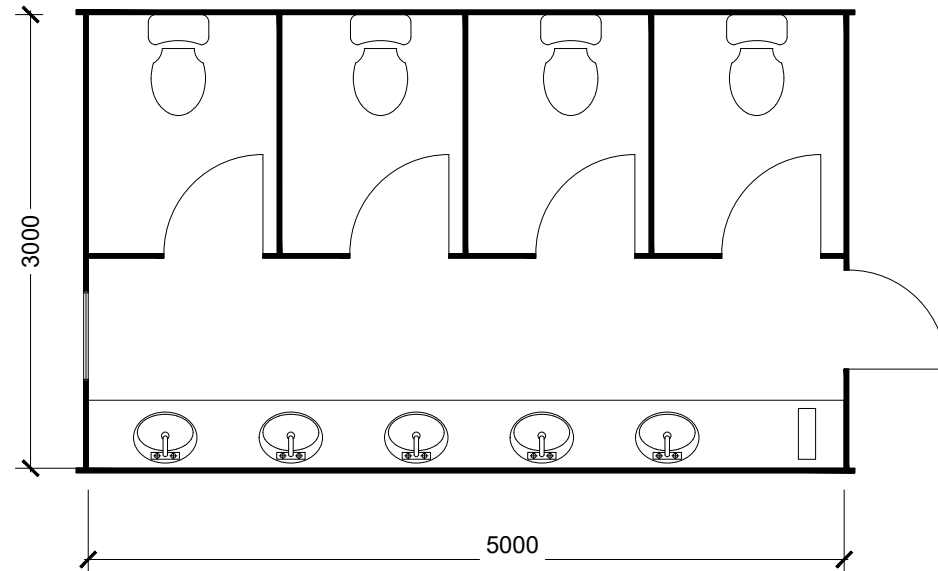


Scale Bar - metres

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Male Cloakroom



Female Cloakroom

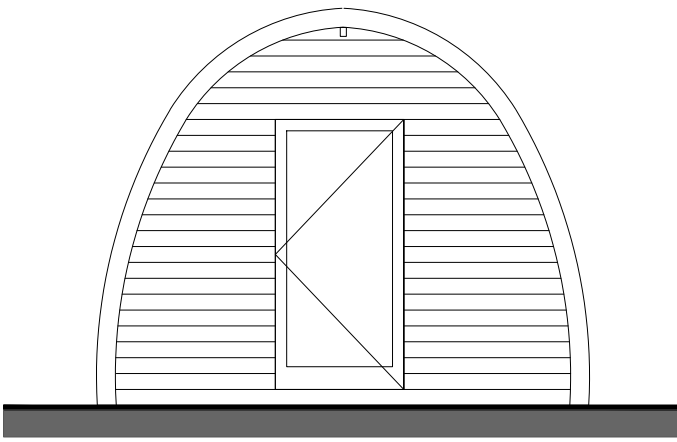
GIA - 15.00m²
GEA - 15.76m²

CLOAKROOM PODS
Berry Bank Park, Oddington

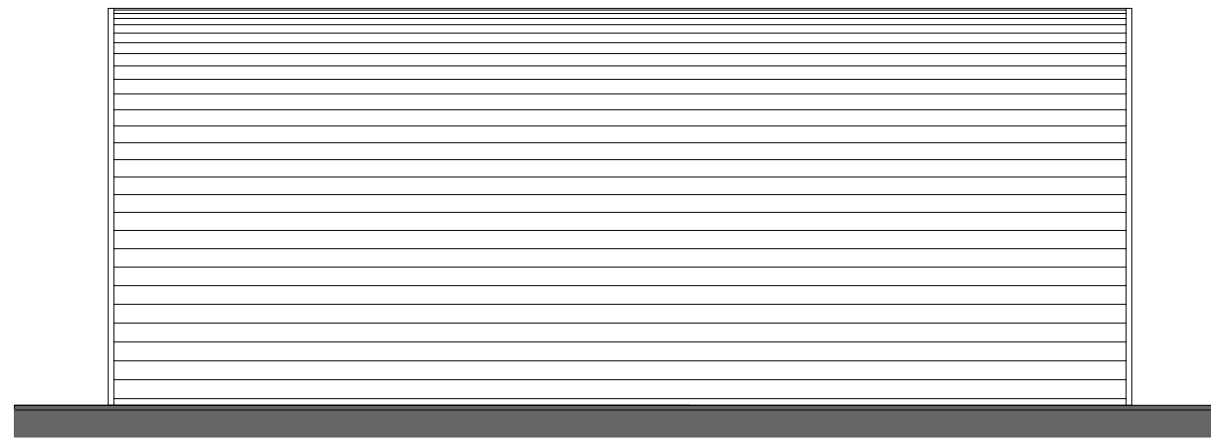
Date - Dec 2022

Scale - 1:50 @ A3

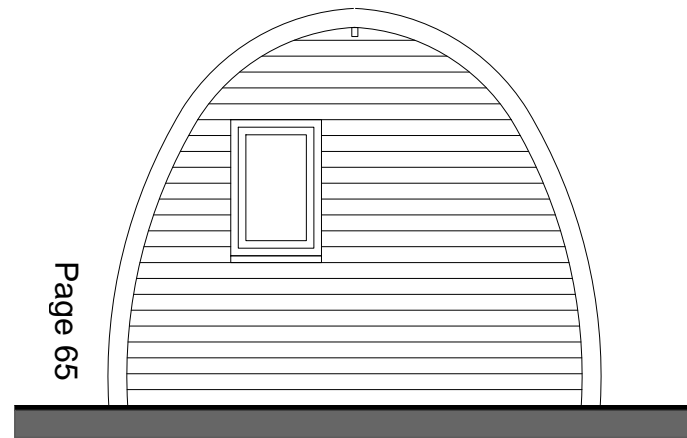
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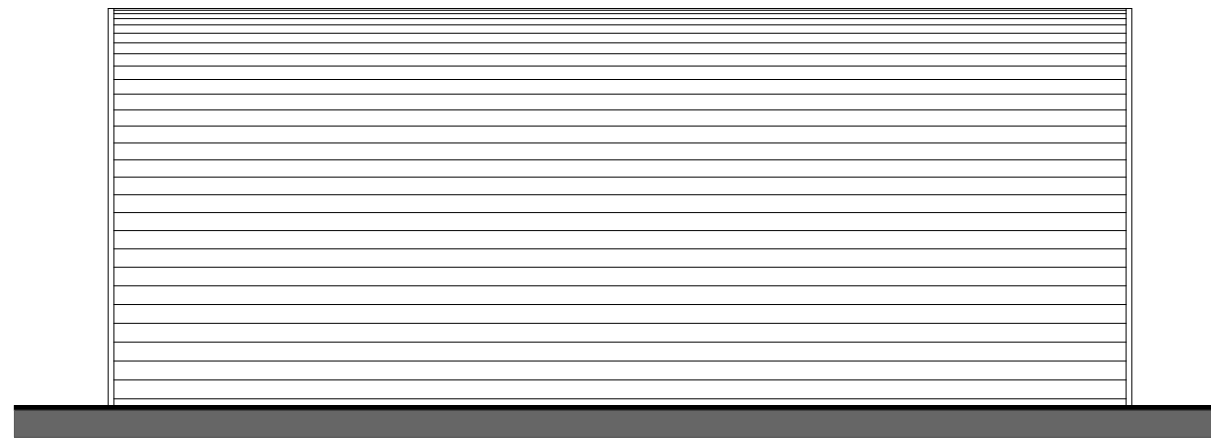
Front Elevation



Side Elevation

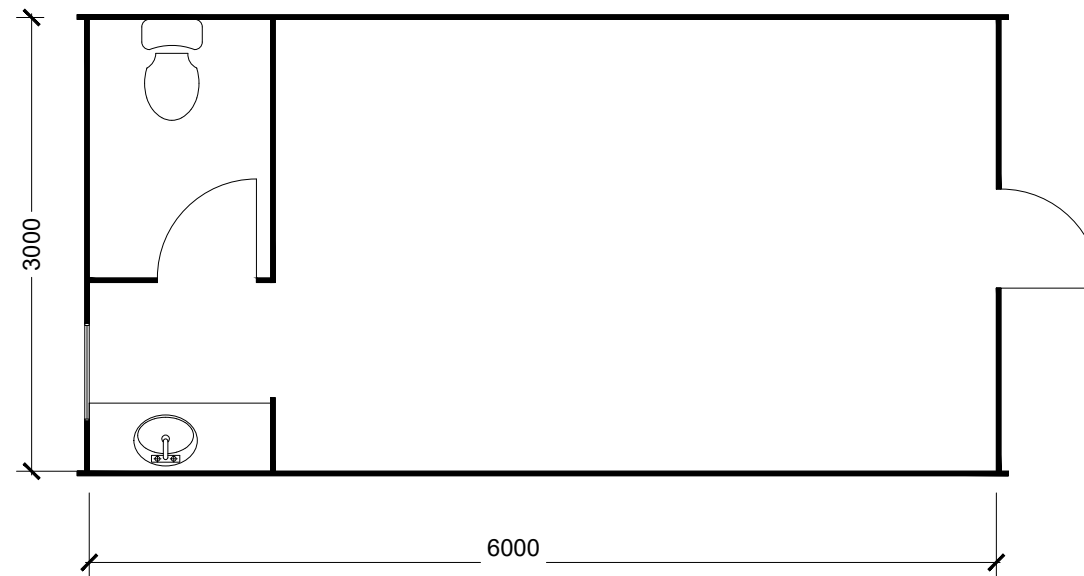


Rear Elevation



Side Elevation

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Green Room

GIA - 18.00m²
GEA - 18.77m²

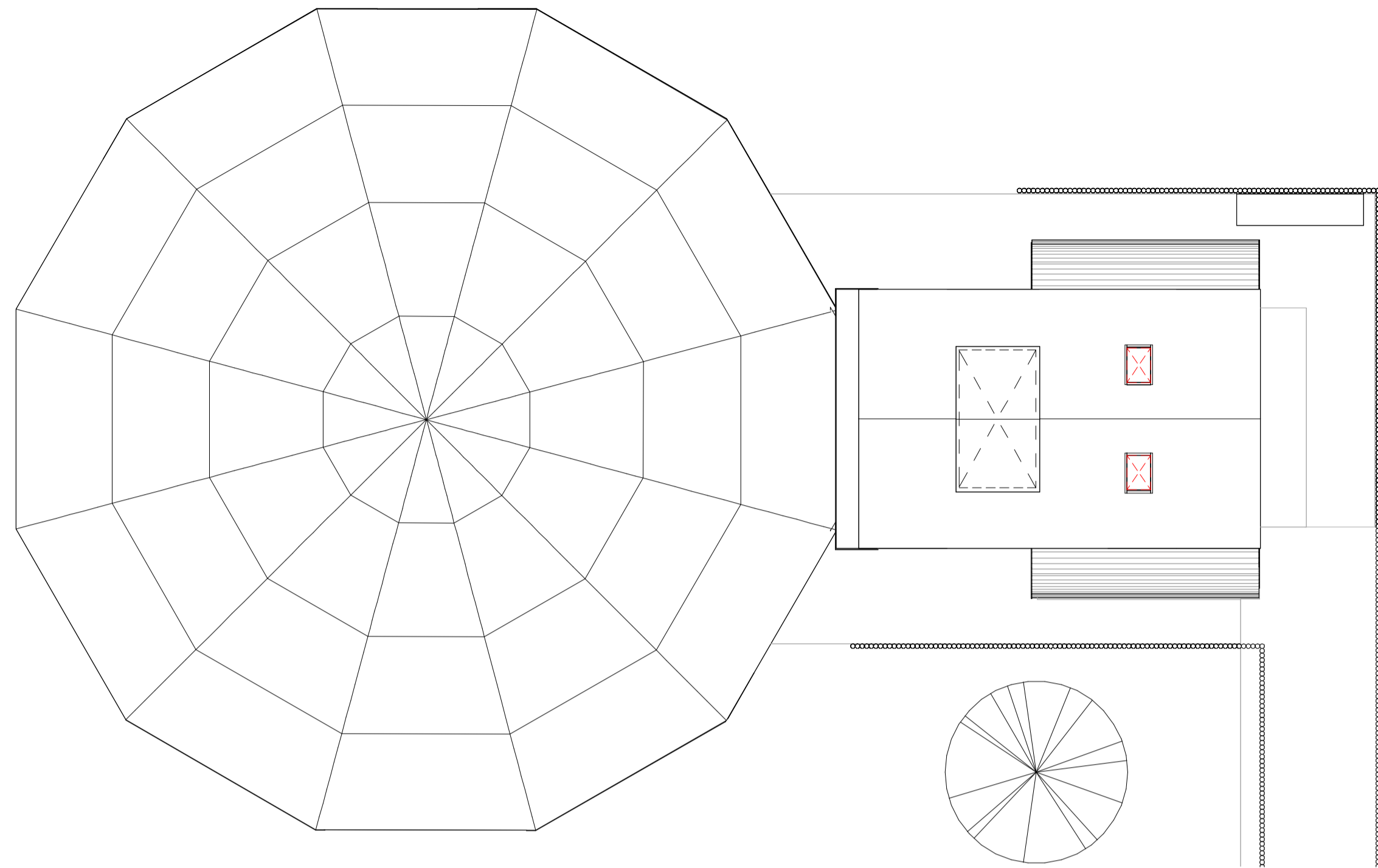
GREEN ROOM POD

Berry Bank Park, Oddington

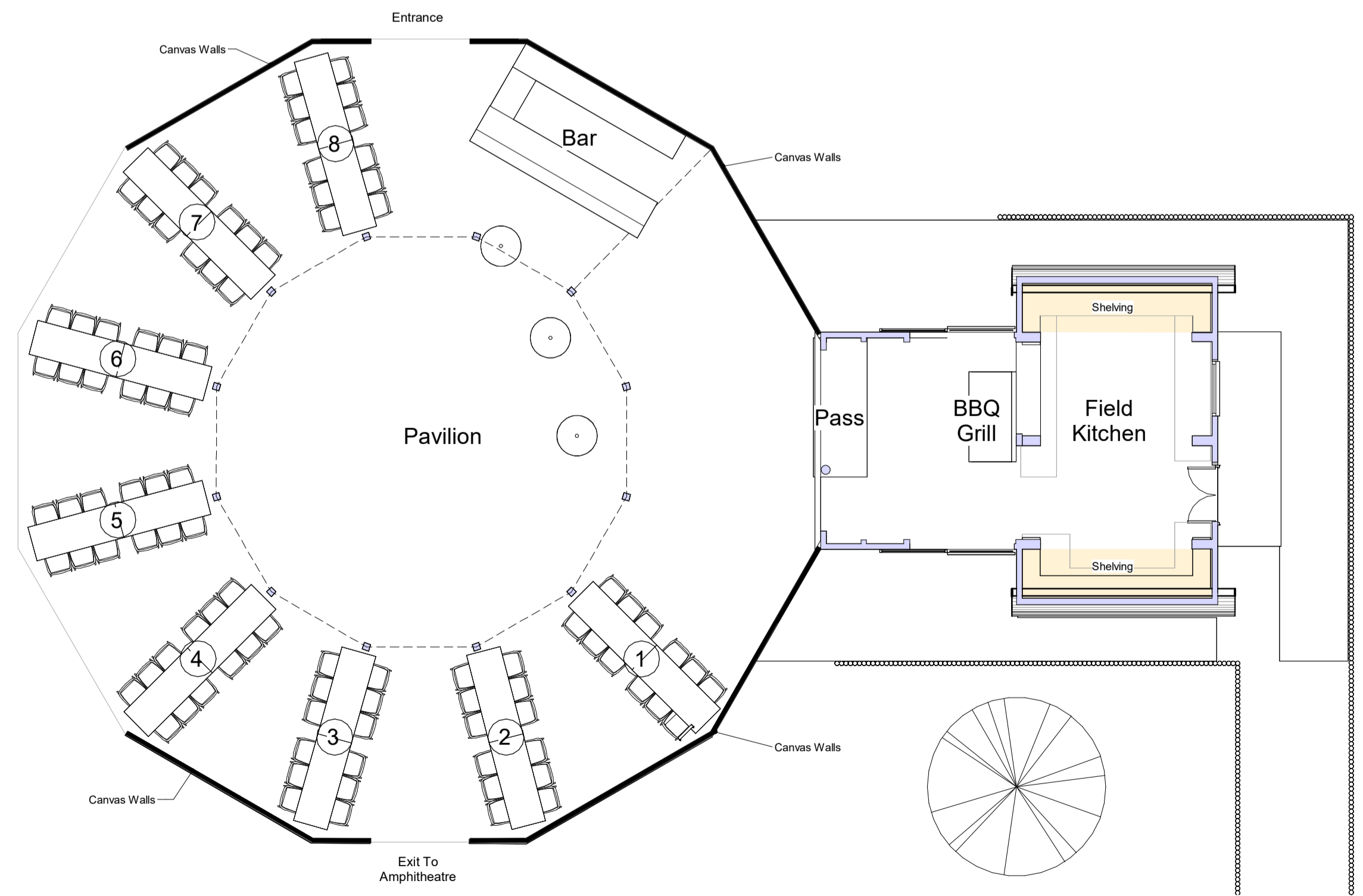
Date - Dec 2022

Scale - 1:50 @ A3

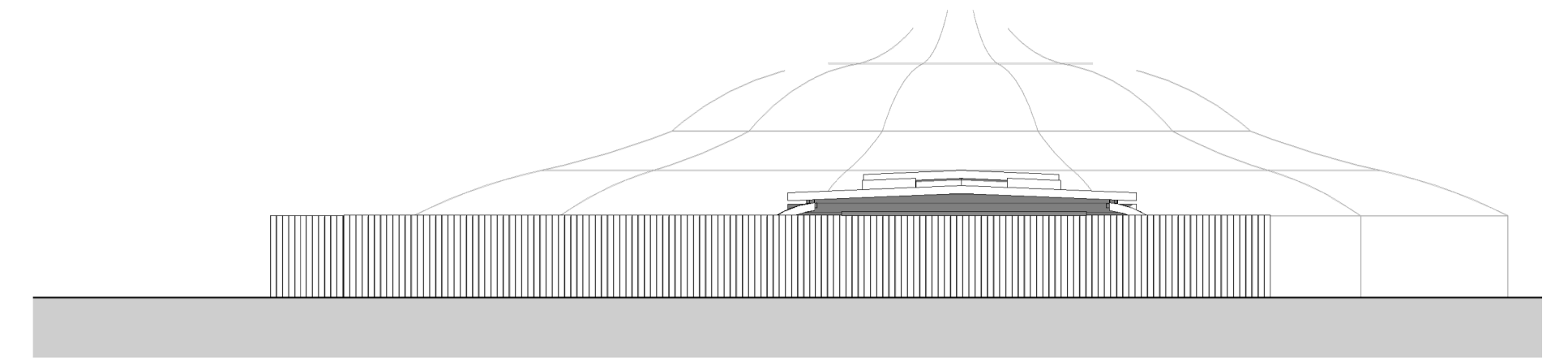
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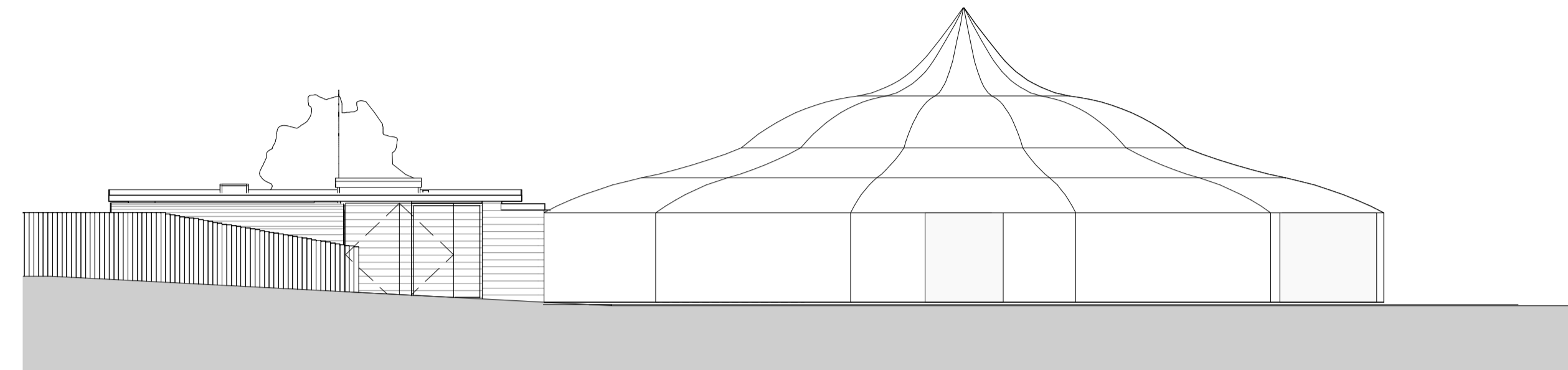
Roof Plan of Pavilion and Field Kitchen
1:100



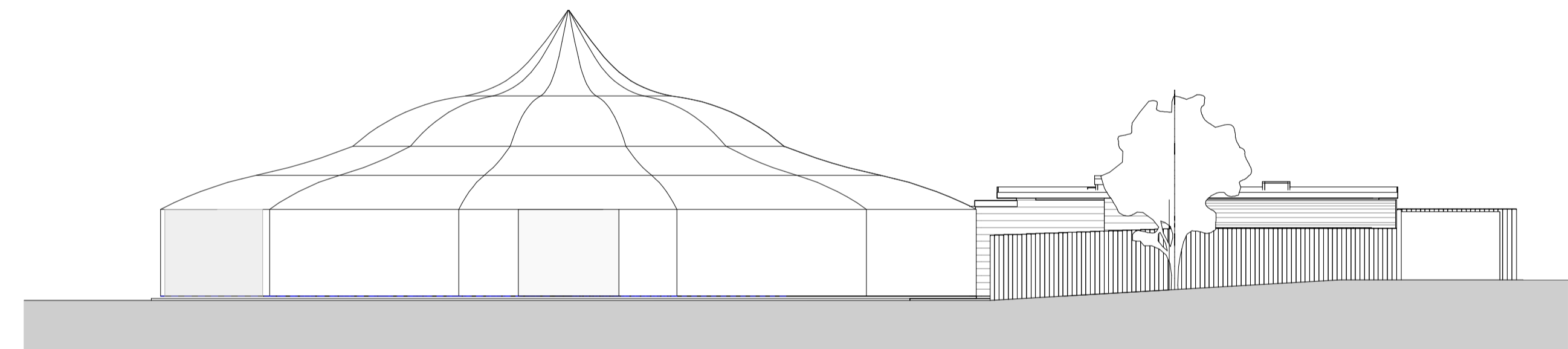
Floor Plan of Pavilion and Field Kitchen
1:100



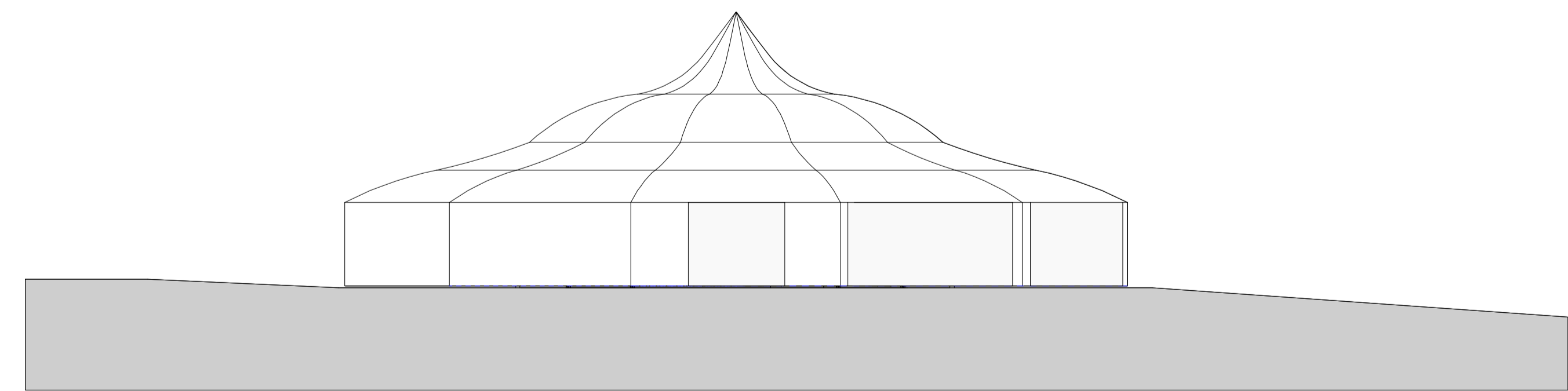
West Elevation
1 : 100



South Elevation
1 : 100



North Elevation
1:100



East Elevation
1 : 100

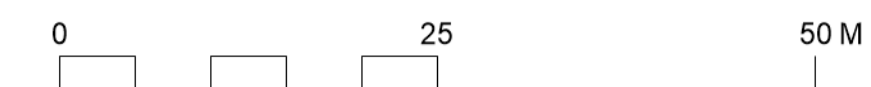
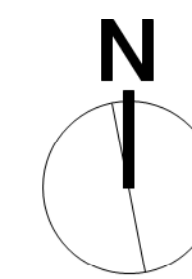
Kitchen Pod GIA - 51.23M2
 Kitchen Pod GEA - 56.22M2
 Pavillion GIA - 251.47M2
 Pavillion GEA - 256.58M2
 Combined GIA - 302.7M2
 Combined GEA - 312.8M2

Pavilion & Field Kitchen
Berry Bank Park, Oddington

Date - Dec 2022 Scale - 1 : 100

0 1 2 3 4 5 10
 scale bar - 1:100 metres

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Lighting Key

Proposed Lighting

All fittings use narrow spectrum bulbs (between 4000 and 2700k) and/or low UV emitting bulb types.

All lighting used only for 50 no. 4 hour events per year



Temporary WC Pod Lighting: Warm-white LED down-lights mounted under roof overhang - removed for winter



Temporary Stage Lighting: Mains-powered colour LED spot lights mounted on 3m ht timber posts.



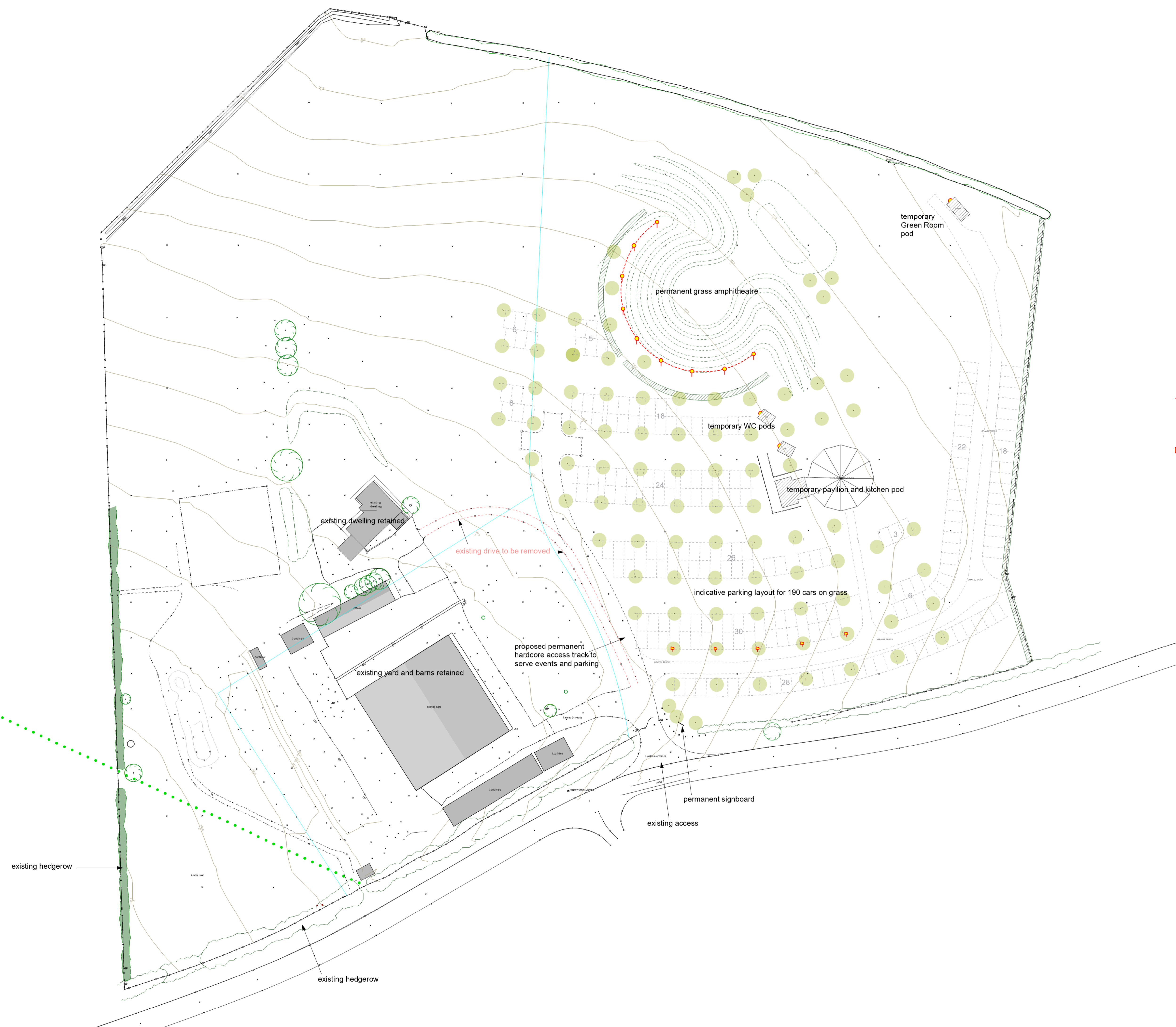
Mains-powered temporary warm-white Festoon lights strung between posts - removed for winter



Temporary drive lights: solar-powered LED spotlights - removed for winter



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Rev - 11.10.22 1st issue

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client	Berry Bank Park Limited												
project	Berry Bank, Oddington												
date	As-built Exterior Event Lighting												
scale	1:500	scale at site	A1	date	Sept 2022	project no.	1699	print	L	sheet no.	3	rev	-
purpose of issue	W.I.P. for CLIENT APPROVAL												

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**Erection of a 1.5 storey extension and other associated works at Swallows Nest
Arlington Bibury Cirencester Gloucestershire GL7 5ND**

Full Application 22/03206/FUL	
Applicant:	Wright
Agent:	Eric Cole LTD
Case Officer:	Kristina Carter
Ward Member(s):	Councillor David Fowles
Committee Date:	13th September 2023
RECOMMENDATION:	REFUSE

1. Main Issues:

- (a) Design and Impact on Design and Heritage Assets
- (b) Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)
- (c) Residential Amenity

2. Reasons for Referral:

2.1 Councillor Fowles, the Ward Member, has requested the application is referred to the Planning and Licensing Committee for the following reasons:

2.1.1 Optimum viable use of the site not being explored and weighing in favour of the proposal

2.1.2 'By converting this small dwelling into a viable permanent home for longstanding residents of Bibury and active members of the community, it qualifies as securing the optimum viable use of the site which is a public benefit that weighs in favour of the proposal.'

2.1.3 'A significant proportion of small dwellings in Bibury have been lost to commercial tourist accommodation and there is an identifiable need for viable small dwellings which this application seeks to meet.'

2.1.4 Belief there is a public benefit to the proposal that has not been considered

2.1.5 'NPPF202 relates to the definition of public benefit and "optimum viable use" however, both Officers omit this definition before finding there to be insufficient public benefit.'

Lack of harm to the Conservation Area

2.1.6 'Whilst the Appeal Decision refuses consent for a substantial new build dwelling located along the eastern side of the site on the boundary of the Conservation Area, the current proposal concerns an extension to the western side of the existing

building. Any concerns expressed by the Appeal Inspector in relation to the Conservation Area to the east of the site are therefore not relevant.'

Misinterpretation of the previous appeal decision

2.1.7 'I believe that the Conservation Officer has misinterpreted an appeal decision and referenced the wrong approvals. At Appeal it is clear that the principle of further development upon the site is acceptable and yet the Conservation Officer refers to the Appeal Decision as justification for recommending refusal!'

2.1.8 'The Appeal Inspector confirms that the ancillary character of the extant building results in "neutral harm". I believe the proposed conversion is a continuation of the extant acceptable character.'

Principle of further development of the site

2.1.9 'The Planning file shows that the local Authority considers the site to be suitable for buildings and residential use. This was first established in 2004 and then again in 2016 and 2017 with approvals to convert the extant building. I am concerned that we as the local authority now seek to prevent the owners from improving the building such that it can provide a viable permanent home. This seems to me to run contrary to the needs of residents and the wider community.'

3. Site Description:

3.1 The application relates to a stone outbuilding on the plot of land opposite The Old Post Office in Arlington, Bibury. The outbuilding is situated at the back of the plot and was first erected in the early 2000s as a double garage ancillary to The Old Post Office and has since been converted to a one bedroom dwellinghouse. The converted garage building benefits from the driveway to the front with parking to the west. To the south, there is open countryside.

3.2 The site is within the Cotswolds Area of Outstanding Natural Beauty and adjacent to the Bibury Conservation Area. There are several Grade II Listed Buildings in the vicinity of the application site, including The Old Post Office, Catherine Wheel, the Little Cottage, the Long Cottage and the Old Manse. There is also a Grade II Listed Telephone Kiosk to the west of the site.

4. Relevant Planning History:

- 4.1 04/01390/FUL - Erection of double garage and use of land as domestic curtilage, permitted 16.09.2004
- 4.2 14/05466/FUL - Erection of one dwelling, refused 09.04.2015
- 4.3 15/04341/FUL - Erection of one dwelling, refused 14.04.2016; appealed, refused on appeal 26.01.2017
- 4.4 16/01744/FUL - Change of use from a garage with studio above to one bedroom dwelling, permitted 18.07.2016

4.5 17/03060/FUL - Change of use from a garage with studio above to one bedroom dwelling, permitted 06.12.2017

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas

6. Observations of Consultees:

6.1 Conservation Officer: Recommendation to refuse; comments incorporated into the Officer report.

7. View of Town/Parish Council:

7.1 Bibury Parish Council: "Bibury Parish Council considered this application in their meeting held on Tuesday 11th October and agreed 'to support'."

8. Other Representations:

8.1 None received at the time of writing.

9. Applicant's Supporting Information:

- Proposed Plans
- Design and Access Statement
- Heritage Statement

10. Officer's Assessment:

10.1 The application seeks permission for erection of a one-and-a-half storey side extension to the west. The extension would measure approximately 6.6m in width, effectively doubling the current width of the dwelling. The depth would measure approximately 6.8m. The roofline would follow the existing, measuring approximately 6.0m in ridge height, with eaves approximately 2.3m. Four pitched roof dormer windows are proposed along the south facing roofslope. The dormers would measure approximately 2.2m in height and 1.4m in width, and would protrude from the roofslope by approximately 2.2m.

10.2 The proposed materials for the extension are stone to match the existing with tiles to match the existing roof. Windows are proposed to the south, west and north elevations. These would be painted timber to match the existing dwelling.

10.3 A timber pergola structure is proposed to the northwest corner of the property. This would measure approximately 7.0m in width and 5.0m in depth and would provide parking

shelter for three cars. The plans for the proposed pergola have not been submitted therefore the height of the pergola could not be measured.

(a) Impact on Design and Heritage Assets:

10.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when 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.

10.5 Local Plan Policy EN1 states that new development should promote the protection, conservation and enhancement of the historic and natural environment by several measures, including: ensuring the protection and enhancement of heritage assets and their settings; addressing climate change and ensuring that the design of proposals should complement the character of the area.

10.6 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.

10.7 Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. It supports proposals that sustain and enhance the character, appearance and significance of designated heritage assets and their setting, which put them in viable uses, consistent with their conservation. Where harm would be caused, it would not be supported unless clear and convincing justification of public benefit can be demonstrated to outweigh that harm.

10.8 Local Plan Policy EN11 seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas. Hard and soft landscaping should respect the character and appearance of conservation areas and proposals should have regard to the relevant conservation area appraisal.

10.9 Paragraph D.9 of the Cotswold Design Code states that any proposed new development should respond to its landscape or townscape setting. Paragraph D.10 states that Settlements are distinctive in how they set within the landscape with their layouts and patterns of streets. Any new development should reflect this in its location and design. Paragraph D.13 states that the particular character of existing streets should be respected, 'including gaps between buildings, which can often be important'.

10.10 Section 12 of the revised National Planning Policy Framework (NPPF) reiterates that achieving a high quality of design for places and buildings is fundamental to the planning process. Paragraph 130 advises that, amongst other things, development should be: 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. Paragraph 134 states that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'.

10.11 Section 16 of the NPPF states that Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Specifically, Paragraph 199 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. It also notes that significance can be harmed through alteration or development within the setting. Paragraph 200 clarifies that significance can be harmed through alteration or development within the setting. Paragraph 201 states that where a proposed development will lead to substantial harm application should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.12 The proposal is to erect a side extension to the west of the existing building, which would result in the structure doubling in size. This would materially change the appearance of the building which currently reads as a modest, ancillary outbuilding. The position of the property within the application site is set back within the plot, which further contributes to the property being read as an outbuilding. The scheme as proposed would result in the creation of a dormer bungalow. A dormer bungalow in this location is uncharacteristic of the Cotswolds and Bibury, and would fail to relate meaningfully to its context.

10.13 Furthermore, the extension to the west would result in an erosion of the still clearly-visible and legible edge of the historic settlement in this location, as well as inserting modern development between Arlington and its current and historically open aspect to the south. The addition as proposed would make the dwelling visually prominent in views from the main road, from within the Bibury Conservation Area, and would significantly erode the existing views south across the valley to the open countryside beyond. The proposed development would materially change the appearance of the area. This would harmfully erode the setting and significance of both the Conservation Area, and the nearby listed buildings.

10.14 Whilst this gap has already been partially eroded by the construction of the existing building, the property still reads as a subsidiary, ancillary outbuilding property, providing a gentle transition from the open gap to hillside and the buildings beyond. The proposed extension to the west would erode this transition, harmfully impacting the immediate setting and wider locale. This position is considered to be supported by the Planning Inspector who dismissed the appeal of planning refusal 15/04341/FUL for the erection of one new dwelling that was to stretch north to south and was to be no further west than the current structure. The Inspector noted that proposal would 'not extend across the entire site' with some of the gap still remaining due to the scheme's north-south orientation. Despite this, they still maintained that the 'development would affect the setting to the village and would be visible from the important approach into Arlington', concluding that this would adversely affect the historic development pattern and layout, and the relationship between the settlement and the open countryside. In the case of the current proposal, the proposed extension encroaches further west than the scheme submitted under 15/04341/FUL. While it is recognised that this is a one-and-a-half storey extension rather than a two-storey proposal, due to the position of the scheme as submitted, this presents a further encroachment to the west and into the gap than the previous scheme, harming the historic gap and negatively impacting the heritage assets.

10.15 In addition to the extension, a pergola proposed to the northwest part of the plot would further erode the openness of the site, adding to the cluttered appearance and harming the views of the open countryside beyond.

10.16 The harm caused by the proposed would be less than substantial, however there are no public benefits associated with the proposal which would outweigh the harm to the setting of the Conservation Area and the Listed Buildings. The proposal therefore fails to accord with Paragraph 202 of the NPPF.

10.17 It is therefore considered that the proposal fails to accord with the Local Plan Policies EN1, EN2, EN10 and EN11, and Sections 12 and 16 and the Paragraph 202 of the NPPF.

(b) Impact on the Area of Outstanding Natural Beauty

10.18 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.

10.19 Local Plan Policy EN4 (The Wider Natural and Historic Landscape) states 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. 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, the setting of settlements, settlement patterns and heritage assets.

10.20 Local Plan Policy EN5 relates specifically to the Cotswold AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

10.21 NPPF Section 15 seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.22 The existing building reads as a transition between the open space of the site and the nearby residential properties. This space contributes to the open character of this part of the village and creates a link through to the open countryside to the south. There are public footpaths running through the site and to the south. The site is therefore quite prominent both from the road on the approach to the village as well as from the open countryside to the south. Currently and owing to the modest ancillary appearance of the outbuilding, the structure does not dominate the views, allowing the eye to skip over it and to the countryside beyond.

10.23 The erection of a one-and-a-half storey extension to the west as well as the erection of the pergola would present a significantly more dominant feature, a visual encroachment that would harm the historic gap vistas, blocking some of the views across the site and causing harm to the visually open character of this part of the AONB. As previously stated, the

existing views are historic and significantly positively contribute to the appearance of the Cotswolds AONB. An encroachment into this gap would negatively impact the appearance of the village by eroding the separation gap and blurring the historic development boundary. This is again considered supported by the Inspector's decision where they state the importance of the relationship between the Cotswold village and the natural beauty of the AONB: 'The Cotswold villages are intrinsic to the natural beauty of the AONB and are an inherent feature of the area's special distinctiveness.' By harming the historic gap and the open vistas that characterise this area, the proposal would fail to conserve the appearance of the AONB, and therefore be contrary to the relevant Policies, both Local and National.

10.24 The proposal would fail to conserve and enhance the natural beauty of the area and would therefore be contrary to Local Plan Policies EN4 and EN5, and Section 15 of the NPPF.

(c) Impact on Residential Amenity:

10.25 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect, in conformity to the amenity requirements of Section 12 of the NPPF.

10.26 By virtue of the scale, siting and positioning of the proposal relative to the neighbouring properties, the proposed development is considered not to impinge on the residential amenities of the neighbouring properties having regard to loss of light, loss of privacy or overbearing. The proposed development is therefore considered to accord with the residential amenity considerations of Local Plan Policy EN2 and Section 12 of the NPPF.

11. Conclusion:

11.1 The proposed development does not respect the scale, proportions and the character of the host building, appearing out of keeping and having a detrimental effect on the character and appearance of the street scene, setting and significance of the Bibury Conservation Area and the setting of the nearby Listed Buildings. The proposal also fails to conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty. As the proposal is for a domestic dwelling, this harm would not be outweighed by the public benefits arising from the proposal. The application is therefore recommended for refusal.

12. Reasons for Refusal:

1. Swallow's Nest lies within the setting of several Grade II listed buildings as well as within the setting of the designated Bibury Conservation Area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, there is a statutory duty for the Local Planning Authority to 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. The National Planning Policy Framework required Local Planning Authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It also states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The current proposal, by virtue of encroachment into an open space that it has been confirmed at appeal contributes positively to the character, appearance and significance of the conservation area, would erode the historic settlement boundary, thereby harming aspects of the setting of the Bibury Conservation Area that contribute positively to its significance as a designated heritage asset. This open space also forms part of the historic relationship between the listed buildings and the open countryside. Therefore, this would harm aspects of the listed buildings' setting that contribute positively to their significance, thereby neither preserving their special architectural or historic interest, nor sustaining their significance as designated heritage assets. The harm would be less-than substantial, but not be outweighed by any resultant public benefits that are dependent upon that harm. Furthermore, the extension presents an addition that fails to be subservient in size and massing to the existing structure, does not respect the character of the building. The current structure, which currently reads as a small, ancillary outbuilding, would assume a domestic appearance of a dormer bungalow set back within the plot. Neither the dwelling, nor the proposed parking pergola, would be characteristic of the Cotswolds, nor would they relate meaningfully to their context. The proposal is therefore contrary to the Cotswold Design Code.

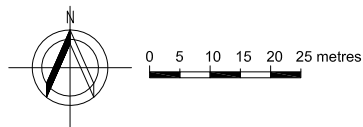
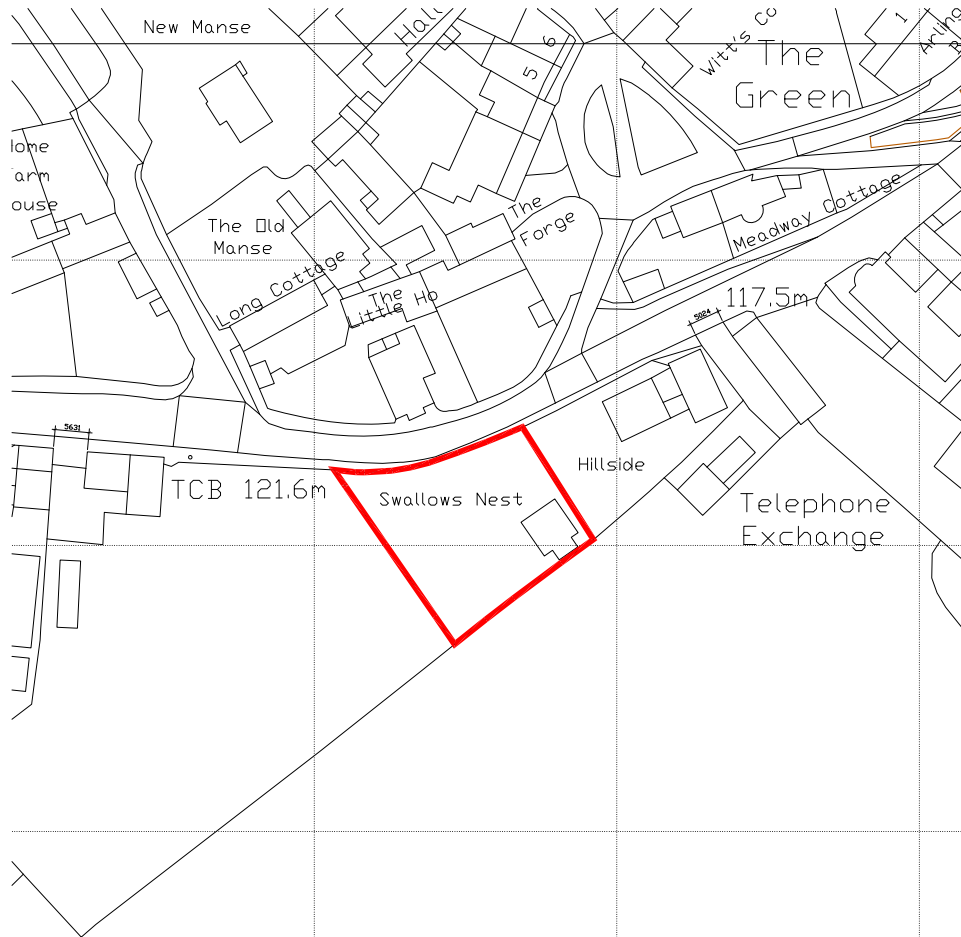
As such the proposal conflicts with paragraph 202 of the Framework, and to grant permission would be contrary to the requirements of Section 16 of the Framework, and the statutory duty of Section 66(1) of the 1990 Act. The proposal is also contrary to Policies EN1, EN2, EN10 and EN11 of the Cotswold Local Plan 2011-31, and Sections 12 and 16 of the National Planning Policy Framework.

2. The application site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape. The existing structure visually reads as a transition between the open space of the countryside and the residential part of the settlement. This space contributes to the open character of this part of the village and creates a link through to the open countryside to the south. The erection of a one-and-a-half storey extension to the west would present a visual encroachment that would harm the historic gap vistas and be harmful to the open character of this part of the Area of Outstanding Natural Beauty. The proposed pergola would present a further erosion of the open views of the countryside to the south. As such the proposal is contrary to Cotswold District Local Plan Policies EN2, EN4 and EN5 and Section 15 of the National Planning Policy Framework.

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LOCATION PLAN 1:1250

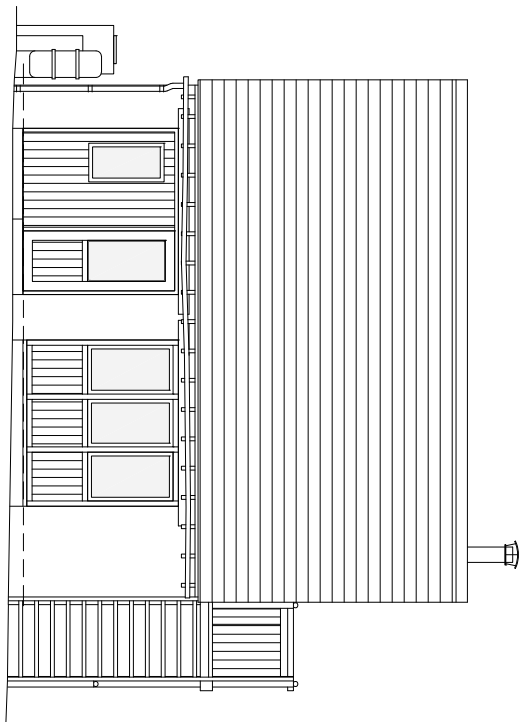


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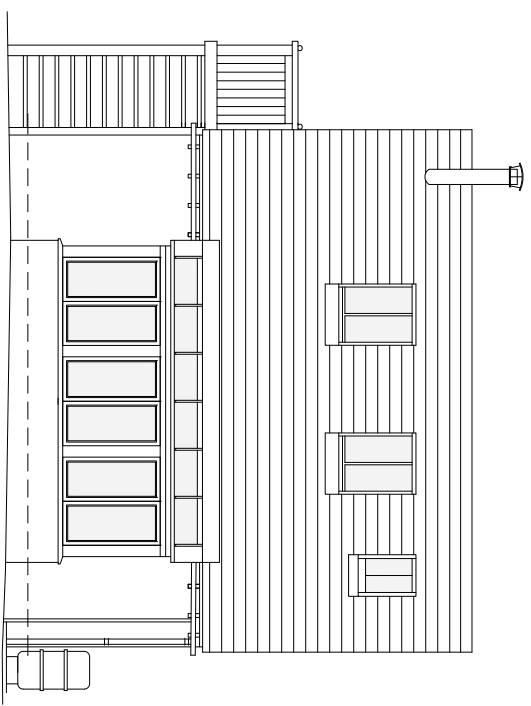
Eric Cole Ltd. 15 The Woolmarket, Cirencester, Gloucestershire GL7 2PR
 T: +44 (0)1285 641234 E: mail@ericcole.co.uk W: www.ericcole.co.uk

PROJECT:	SWALLOWS NEST, BIBURY		
DWG TITLE:	LOCATION PLAN		
SCALE:	1:1250	DRAWN: JD	CHECKED:
DWG NO:	17.042.01	REV:	DATE: AUG 22

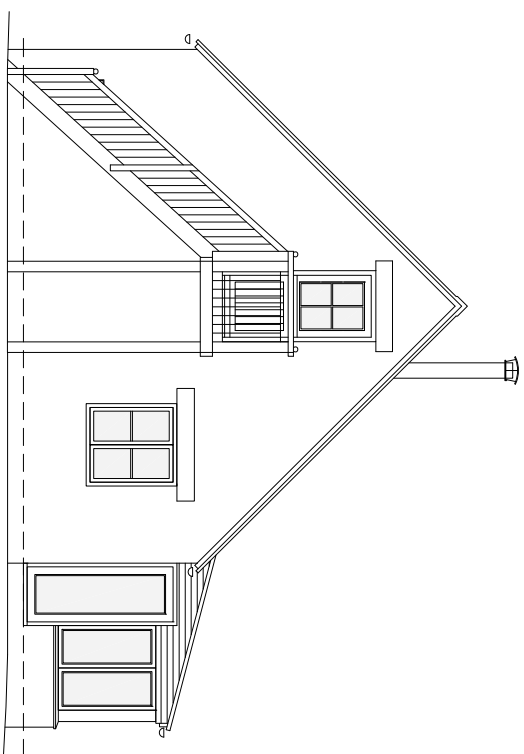
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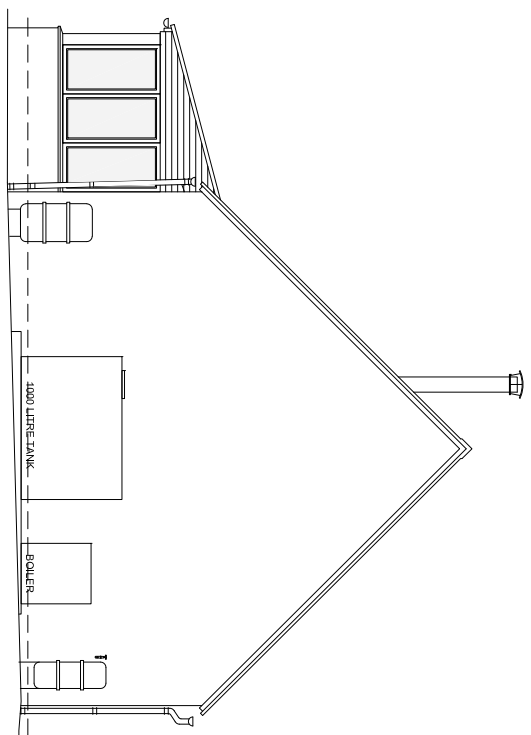
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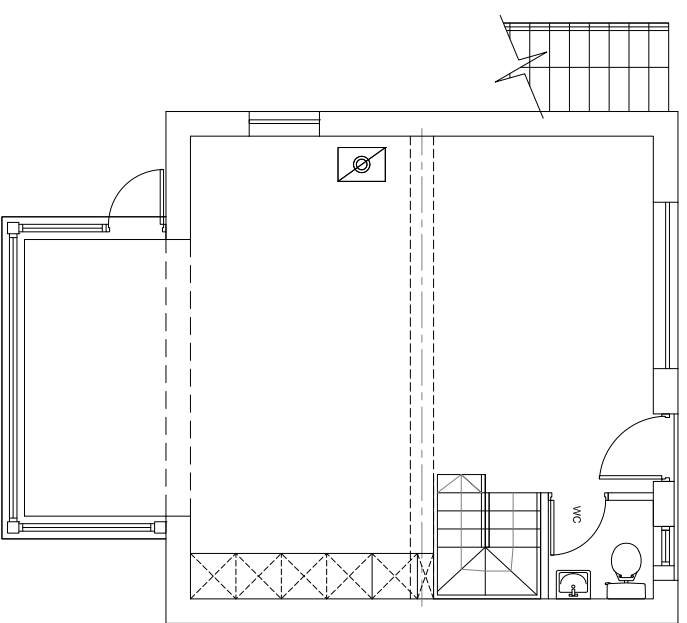
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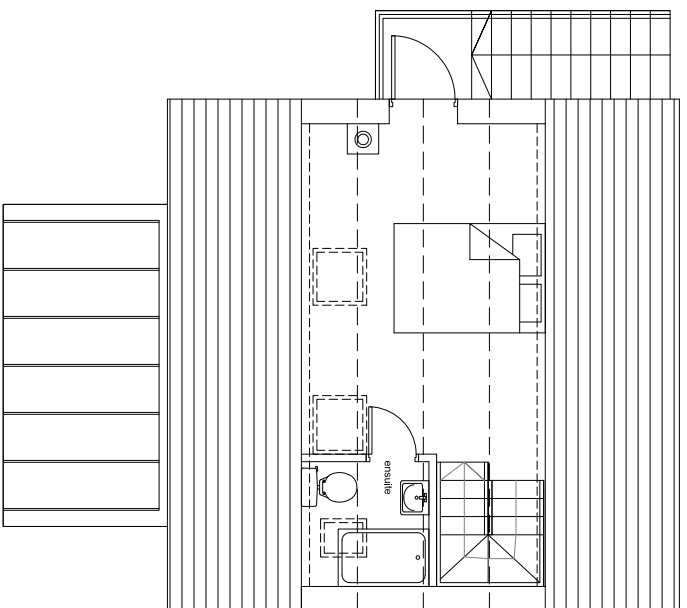
WEST ELEVATION



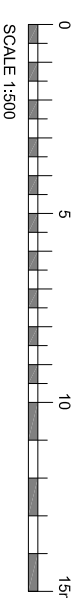
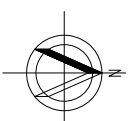
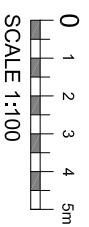
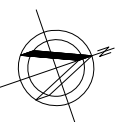
EAST ELEVATION



GROUND FLOOR PLAN



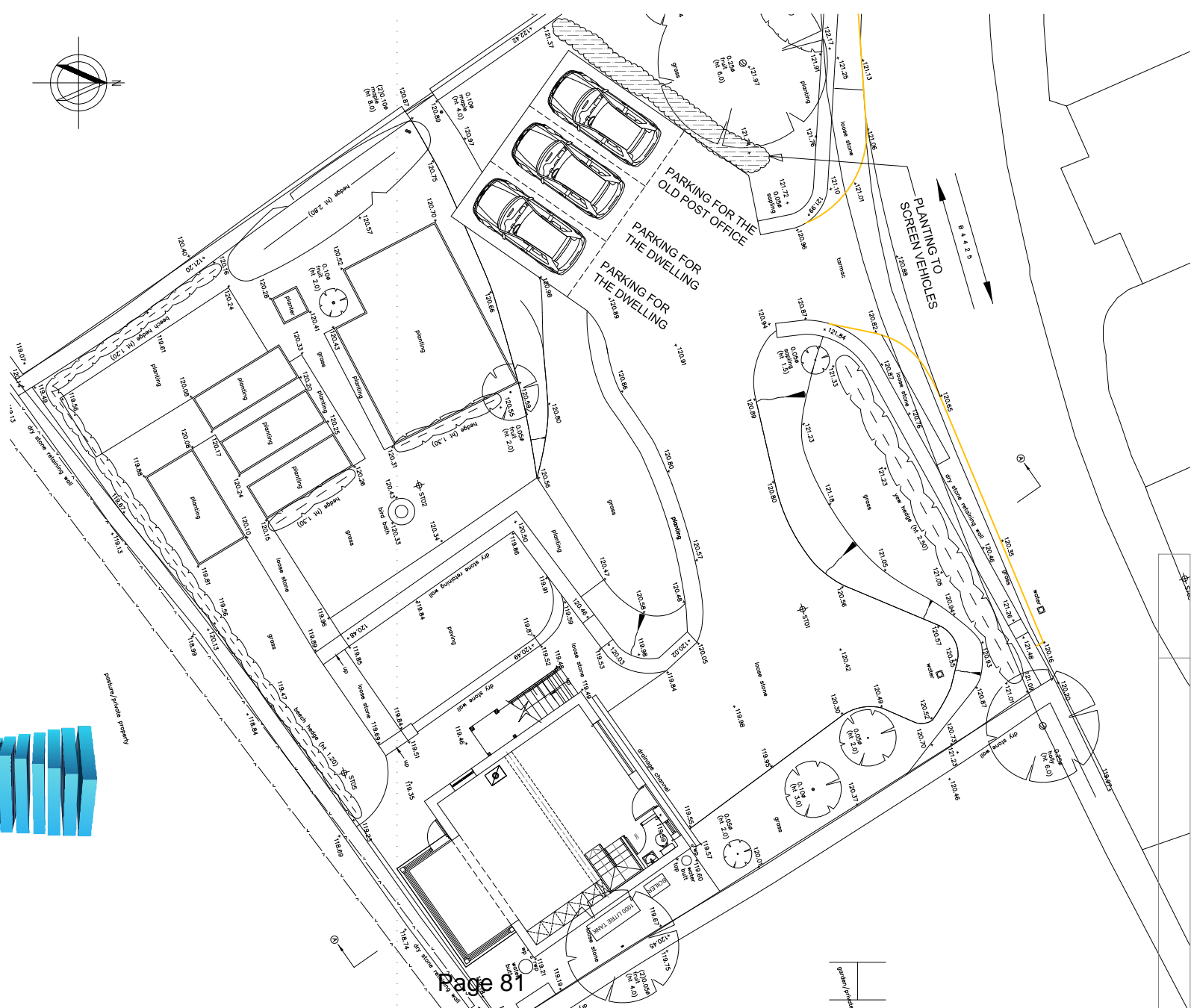
FIRST FLOOR PLAN



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PROJECT:	SWALLOW'S NEST, BIBURY
DWG TITLE:	EXISTING PLAN, ELEVATIONS & SITE PLAN
SCALE:	1:100/500
DWG NO.:	17.04203
REV.:	DATE: AUG 22
CHECKED:	DRAWN: JD



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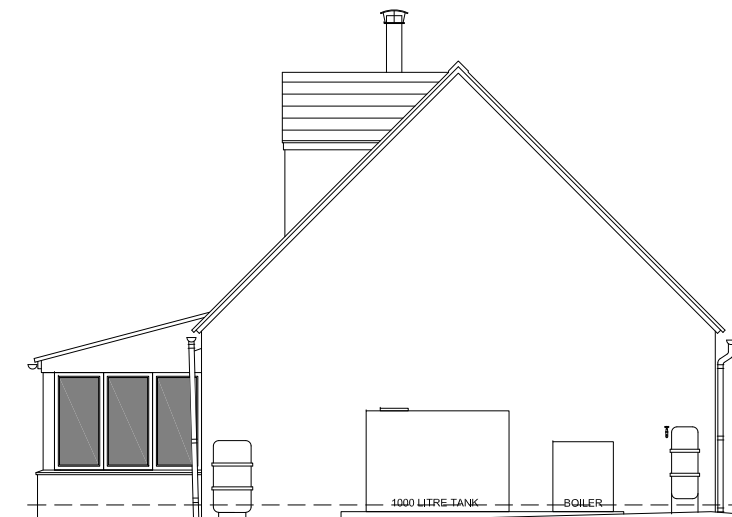
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NORTH ELEVATION

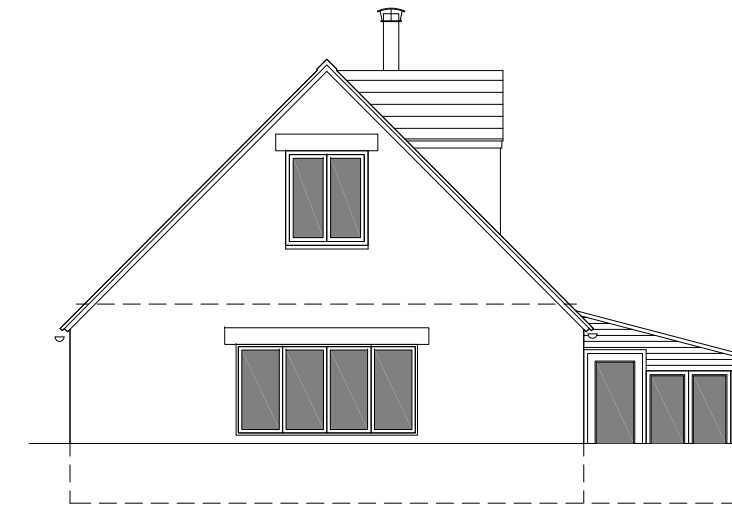


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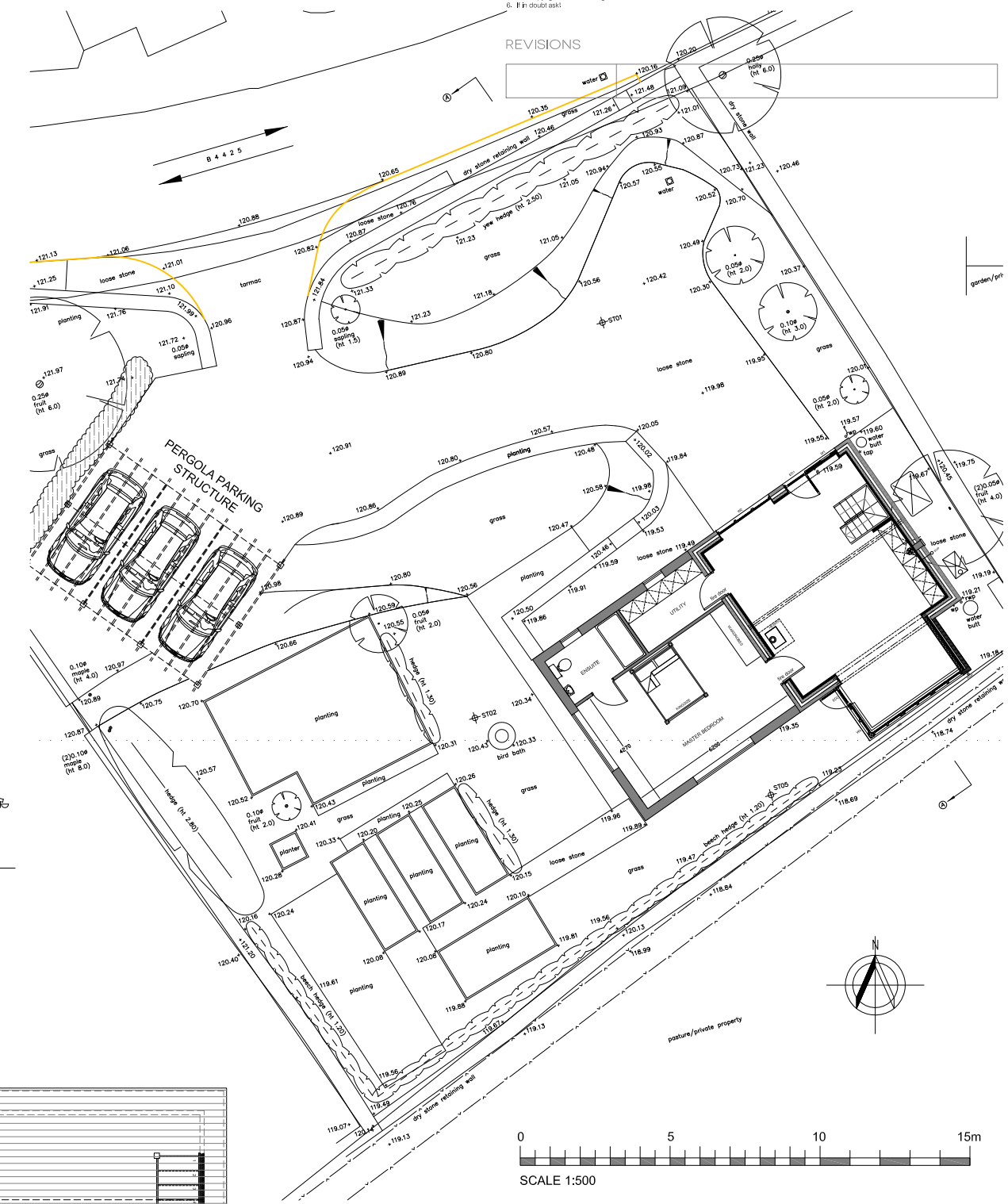


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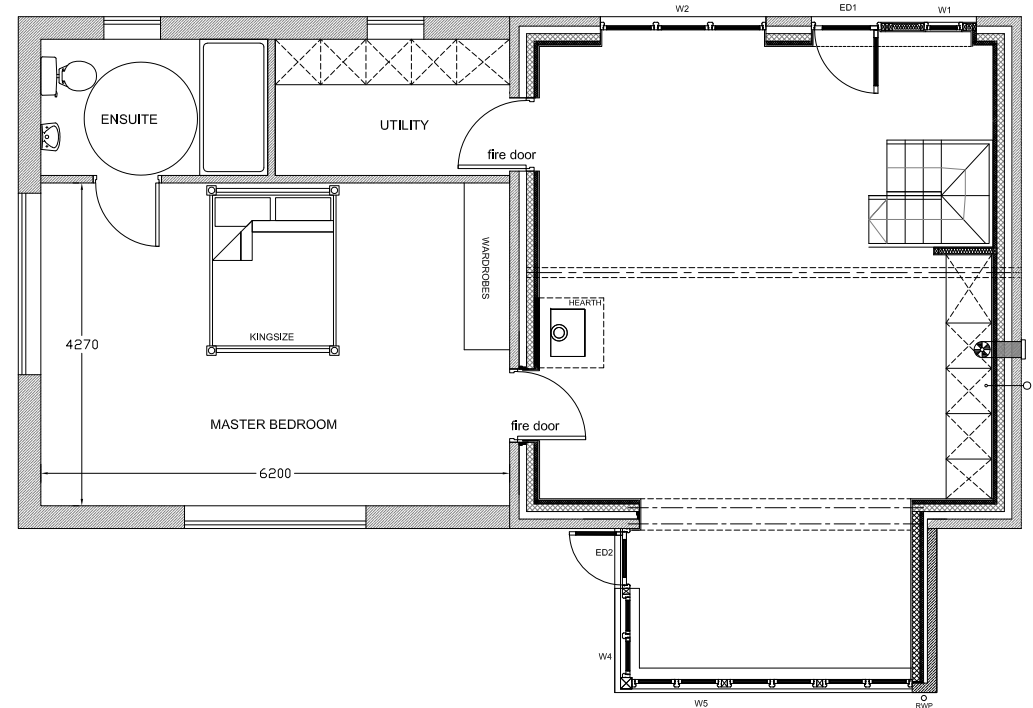
Page 83



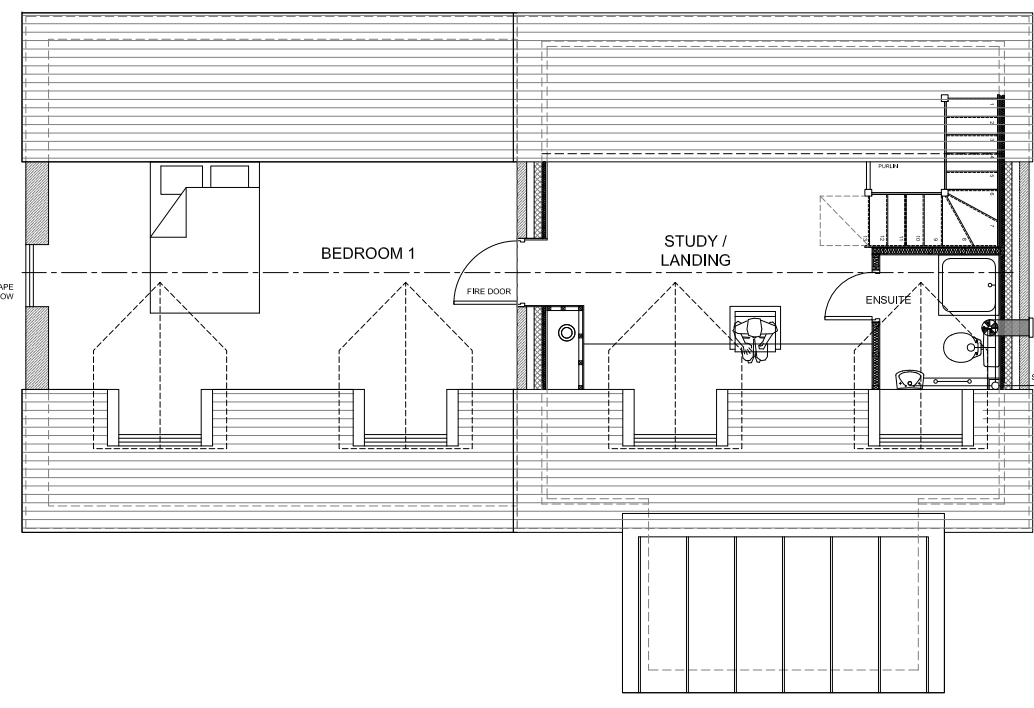
WEST ELEVATION



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 SCALE 1:500



GROUND FLOOR PLAN



FIRST FLOOR PLAN

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 SCALE 1:100

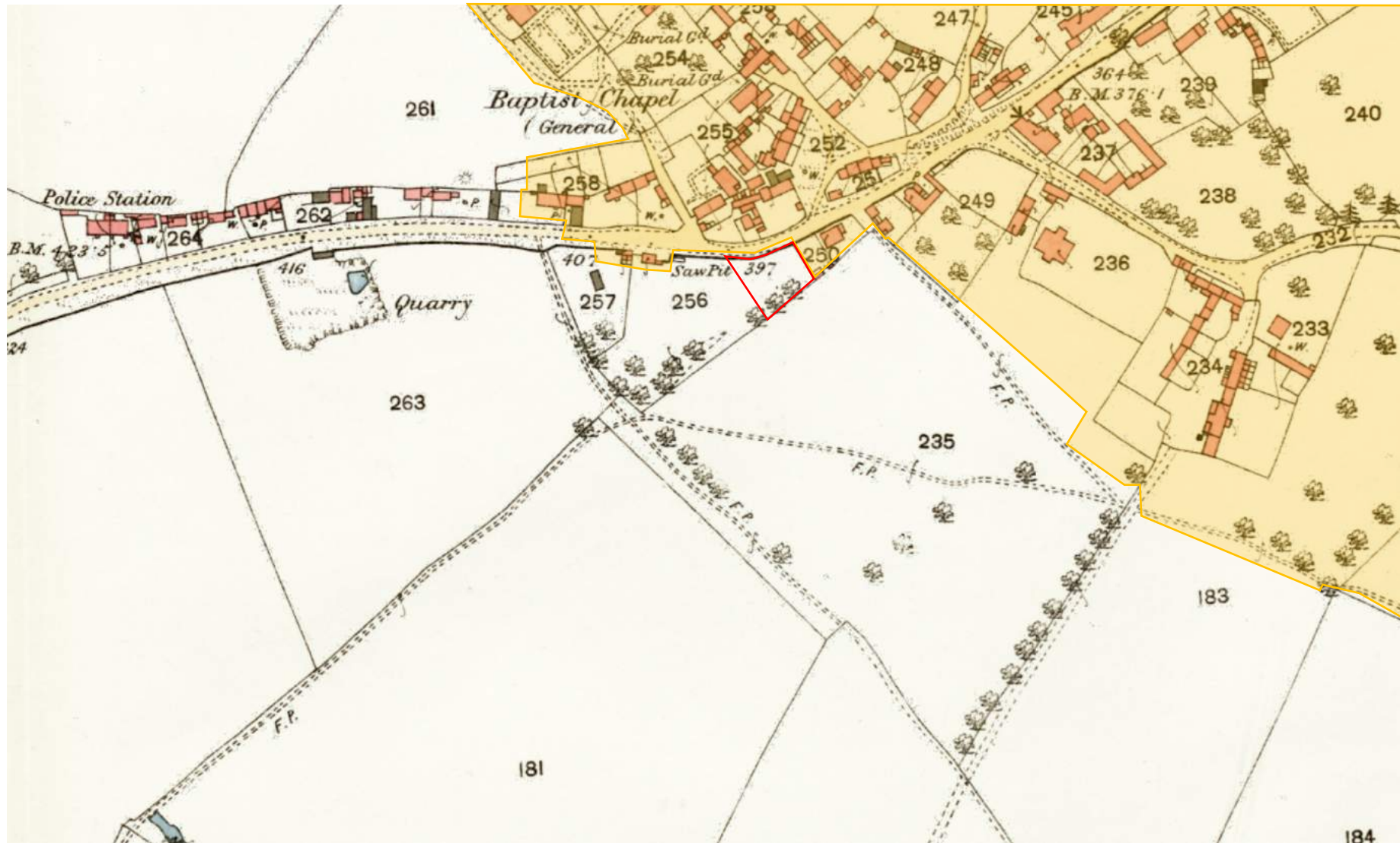


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PROJECT:	LAND OPPOSITE THE OLD POST OFFICE, BIBURY		
DWG TITLE:	PROPOSED EXTENSION		
SCALE:	1:100/500	DRAWN: JD	CHECKED:
DWG NO:	17.042.04	REV:	DATE: JULY 22

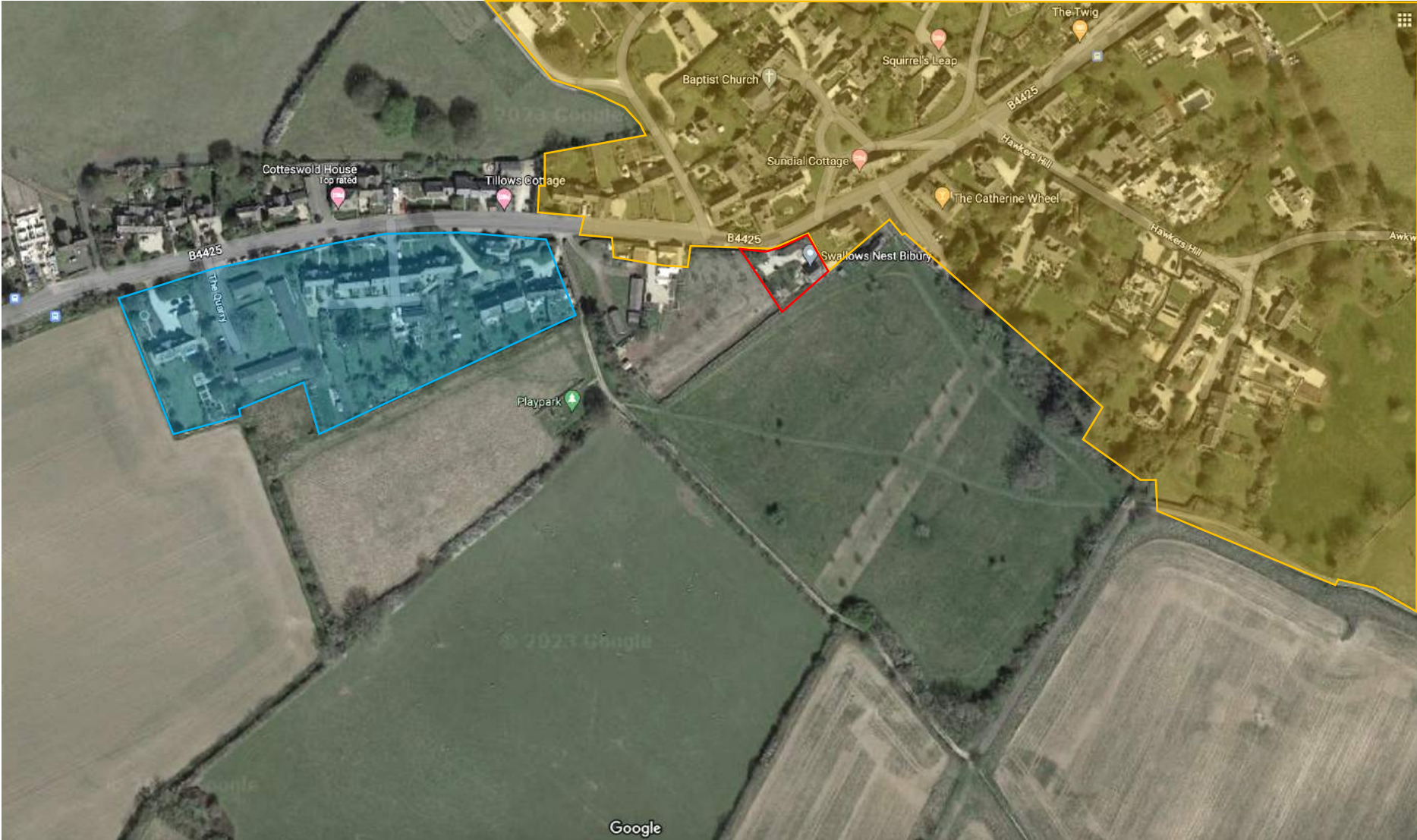
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1882-4, 1:25" Ordnance Survey map: conservation area highlighted yellow; application site outlined in red.



Land as identified by Planning Inspector's appeal decision APP/F1610/W/16/3159877, regarding application 15/04341/FUL.





Conservation Area/historic settlement; more recent housing development; extent of separating gap.
Existing building.



Conservation Area/historic settlement; more recent housing development; extent of separating gap.

Location & footprint of dwelling refused at committee, & dismissed by Inspector as the *'development would erode the separation gap and would blur the line of the historic development boundary'*.



Conservation Area/historic settlement; more recent housing development; extent of separating gap.
Location & full extent of current proposal (existing building & extension), & proposed parking pergola.



Existing floor-plans (prior to any conversion), 17/03060/FUL.
Existing building shaded green for clarity.



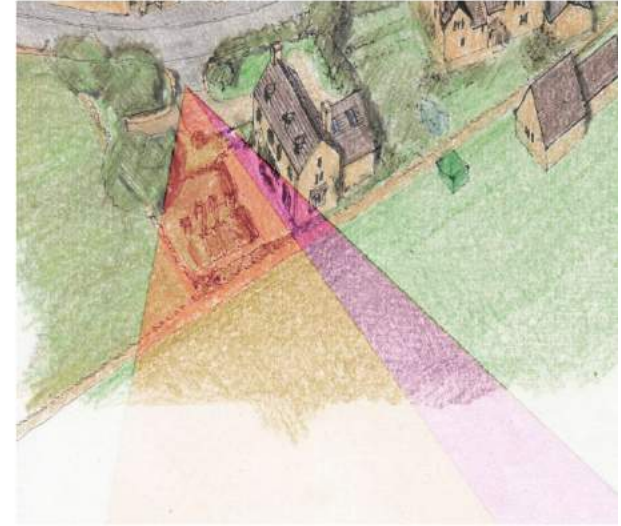
Permitted floor-plans, 17/03060/FUL,
Quantum of 'extension' shaded red for clarity.



Existing view



Revised siting and lowered form results in no loss of gap as currently proposed



Previous refusal with indicated loss



Applicant's submitted views analysis (limited only to the gate) from refused appeal application (15/04341/FUL).

Left: existing view, with current proposal (excluding parking pergola) overlaid in red.

Centre: application that was refused at committee & dismissed at appeal (15/04341/FUL) as it would *'encroach into the open land that separates the historic village from more recent housing development'* & *'erode the historic settlement boundary'*.

Right: application that was refused at committee (14/05466/FUL).

Erection of 1 ½ storey detached double garage annex at Birdlip View Cirencester Road Birdlip Gloucestershire GL4 8JL

Full Application 23/01233/FUL	
Applicant:	Emily Woodward-Court
Agent:	
Case Officer:	Cameron Berry
Ward Member(s):	Councillor Julia Judd
Committee Date:	13th September 2023
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Design and Impact on the Character and Appearance of the Area
- (b) Impact on Residential Amenity
- (c) Impact on the Cotswolds Area of Outstanding Natural Beauty
- (d) Highways
- (e) Impact on Biodiversity
- (f) Other Matters

2. Reasons for Referral:

2.1 Birdlip Parish Council has noted the Planning Officer's Delegated Report and reasons listed therein to recommend that permission should be granted for development.

2.2 Birdlip Parish Council has acknowledged the need for a garage structure when it supported the previous planning ref. 21/02208/FUL which included a new car port to the front of the property.

2.3 Whilst the current planning application includes a statement that the car port will no longer be constructed, Birdlip Parish Council does not support the proposed new garage/annex in the form and size proposed.

2.4 The Planning Officer is requested to further consider specific reasons for objection that have already been submitted by this Parish Council and other consultees and therefore NOT to Permit the application in the current form.

In particular:

Design and Impact on the Character and Appearance of the Area

2.5 A third party objector makes reference to the Cotswolds Local Plan Section D - Cotswolds Design Code. This Parish Council considers that the application of the Cotswolds Design Code is of particular relevance to the hamlet of Parsons Pitch, specifically:

Scale and Proportion

2.6 D.16 New buildings should be carefully proportioned and relate to the human scale, and to their landscape or townscape context.

2.7 D.17 Excessive or uncharacteristic bulk should be avoided. New buildings should generally not dominate their surroundings, but should complement the existing structures or landscape, and sit comfortably within their setting.

2.8 D.18 The height of new buildings should respond to the local context, for example forming a gentle transition from open countryside to settlement edge.

2.9 Furthermore: D.67 Key design considerations states for 2. Garages and other outbuildings:

(a) Garages and outbuildings should be carefully sited, scaled and designed so as not to detract from the character of the main building or its setting AND

'In some sensitive contexts, garages may not be permissible, where for example they detract from the contribution a traditional property and its garden makes to the area, or where breaching the front boundary and introducing vehicular access to the garden is considered harmful'.

(g) Where double or larger garages are permissible, these are better oriented with their doors under the eaves and with their wider gables concealed from view. Roof lines should generally be kept low and dropping the rear eaves can assist in this. Incorporating accommodation above the garage, with associated openings and external stairs, may not always be permissible.

D55 - Modern, incongruous forms of boundary treatment should be avoided, especially in prominent locations. These include close-boarded and other forms of modern timber fencing

2.10 The Planning Officer is requested to reconsider how this proposed garage structure complies with the Cotswold Design Code.

2.11 Birdlip Parish Council considers that the proposed garage and annex is contrary to the Cotswolds Design Code as it:

(a) It is a large structure which will not complement the existing property. Birdlip View is of historical significance to the hamlet of Parsons Pitch as a single dwelling within the context of the landscape of Hawcote Hill. The proposed structure will

dominate the surroundings and give the form and appearance of a separate dwelling and not as a subservient auxiliary building to Birdlip View.

- (b) Referencing D18 the height of the proposed structure will be clearly visible when viewed from the location of Ruby's Bar to the South and the North gable end and large glazed window will be visible on the line the ridge at the top of Hawcote Hill which will not sit comfortable within this iconic Cotswold vista.
- (c) Considering D67 (a) the proposed structure is not considered to be carefully designed and sited. Whilst the applicant has now allowed the rear garden to become degraded, the residents remember the contribution that Birdlip View with its productive vegetable garden made to the context of Parsons Pitch as a rural hamlet. Therefore this is considered to be of 'sensitive context' that should make such a large garage structure not to be permissible under D67.
- (d) Considering D67 (g) the garage design has not considered the Cotswolds Design Code in the context of the proposed external stairs, the visible prominence from the road of the gables and the accommodation above which, if all aspects of this section g) are to be considered should render the application not permissible.
- (e) The proposal appears to breach the front boundary of the curtilage and the proposed vehicle access to the traditional rear garden of Birdlip View is considered by this Parish Council to be harmful as any resemblance of a rear garden at Birdlip View will be removed. This is as a result of the applicant's proposal to site the structure on a perpendicular plane to the road resulting in a wide access splay that removes all of the existing hedgerow and the garden boundary to the road. In addition the grass verge has been removed further reducing this already narrow section of the road.
- (f) D55 references the avoidance of modern fencing. The applicant is proposing a modern contemporary style of fencing to screen the oil tank which will be a prominent feature visible from the road.

Drainage

2.12 The Parish Council has received professional advice that the proposed development cannot be drained of surface water within the boundaries and that the impermeable area is too great to allow space for any natural soakage and there is no public surface water sewer available off site. The Parish Council also notes the CDC Drainage Engineer's report which states there is no water course within 20 metres. However the drainage engineer has not referenced the public spring that is sited directly opposite the proposed development, just inside the boundary of the property opposite. The spring is listed on local ordinance survey maps and historically provided a source of domestic water to the residents of Parsons Pitch. The Planning Officer is requested to reconsider the impact of drainage on any decision to permit the development.

Environmental Impact

2.13 The Planning Officer makes no mention of the impact of the removal of substantial quantities of spoil from the site to construct the proposed building into the sloping garden and the impact of the HGV traffic to remove the spoil through the village. This impact is a direct consequence of the form and scale of the proposed development and its location within the site.

2.14 Finally, Birdlip Parish Council requests that the Planning Officer makes further consideration of the above points that have been made by the Parish Council and others. Birdlip Parish Council is willing to make representation of the same, should it be necessary, at any CDC Planning Committee.

3. Site Description:

3.1 Birdlip View is a detached three-storey property located on Old Cirencester Road. The property is a mixture of stone and render. The property benefits from off road parking and external amenity space wrapping around the property.

3.2 The application site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) however is not located within any designated conservation area. A public right of way (Brimpsfield Bridleway 32) lies 16m to the west of the property.

4. Relevant Planning History:

4.1 CT.2122/D: Erection of single storey rear extension and conservatory to the side. - Permitted 1991.

4.2 21/02208/FUL: Demolish existing side and rear extension, erection of single storey side extension, single storey rear extension and new detached car port - Permitted 2021.

4.3 21/04236/PLP: Erection of a detached dwelling - Refused 2022.

4.4 22/01491/OUT: Outline application for the erection of a detached dwelling with all matters reserved - Refused 2023.

5. Planning Policies:

EN8 Bio & Geo: Features Habitats & Species
TNPPF The National Planning Policy Framework
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN4 The Wider Natural & Historic Landscape
EN5 Cotswolds AONB
INF4 Highway Safety
INF5 Parking Provision

6. Observations of Consultees:

- 6.1 Landscape Officer - No Objection.
- 6.2 Highways Officer - No Objection, subject to conditions.
- 6.3 Drainage Officer - No Objection subject to conditions.
- 6.4 Biodiversity Officer - No Objection, subject to conditions.

7. View of Town/Parish Council:

- 7.1 "Objects on the grounds that the proposed works will lead to an over-development/overcrowding of the site, and impact on the form, character and appearance of the area. The works are also considered to impact the highways access and safety, drainage, unlawful development on highway verge and the environmental impact caused by excavations."

8. Other Representations:

- 8.1 Seven third party representations objecting to the application have been received, raising concerns of;

8.1.1 The application is flawed as you cannot enter the site in forward gear, and it is not possible to turn a vehicle within the site, it is impossible to park in the furthest bay from the A417. The building will not be used as a garage but as a dwelling. Building regulations require that soakaways are built at least 5 metres from a building; no soakaways on the highway, the surface water on the site must be disposed of within the site boundaries.

8.1.2 The proposed application is more akin to a coach house rather than a garage, the proposed works will remove a large proportion of the dwellings garden which is uncommon for the hamlet. Birdlip has few amenities, which is why garden space is key. Excavation of the site will lead to an increase in HGVS, the site has limited space for turning. The proposed plans are not in keeping with any property within the hamlet.

8.1.3 The proposals will lead to an overdevelopment of the site, an access driveway has been constructed without permission. Given the mass amount of ground works that will have to be carried out, it is hard to understand how the new proposed dwelling would not affect the adjacent property in terms of loss of light. The proposed garage is similar in footprint to the refused applications for a new dwelling.

8.1.4 Objects on the grounds that the proposed works will increase noise pollution to the residence located opposite. The applicants are trying to make use of what was a single storey chicken coop to promote the idea that a building has been previously placed on the site. The site is within the AONB and should be left as a garden.

8.1.5 The application resembles a coach house not a garage, the proposal will affect the neighbouring dwellings in terms of loss of light and impacts on drainage and water flow.

8.1.6 The proposal relates to an overdevelopment of the site, and will reduce the garden area of the existing dwelling. The proposal will also overshadow the neighbouring properties, impact the character and appearance of the dwelling, will cause highways safety issues and there is currently unlawful development on a highways verge.

8.1.7 The application appears similar to the refused plans of the previously refused dwelling. The implementation of a driveway to the east of the dwelling will overcrowd the site and leave little room for a garden area. The additional storey above the garage will look out of keeping within the hamlet and the proposal will impact the Cotswolds AONB.

9. Applicant's Supporting Information:

- Drawings

10. Officer's Assessment:

10.1 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 the current development plan for the District which is the adopted Cotswold District Local Plan 2011-2031.

10.2 The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

Proposed Development:

10.3 This application seeks permission for the erection of a 1 ½ storey garage/ annex. The proposed works will measure approximately 7.5 metres in height, 7.5 metres in width and 11.3 metres in length. The proposed garage will be constructed with Cotswolds Stone walling and reconstituted Cotswolds stone roof tiles.

(a) Design and Impact on the Character and Appearance of the Area.

10.4 Cotswold District Local Plan Policy EN1 'Built, Natural and Historic Environment' states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by, amongst other things; ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset; ensuring design standards that complement the character of the area and the sustainable use of the development.

10.5 Local Plan Policy EN2 'Design of the Built and Natural Environment' states that development will be permitted which accords with the Cotswold Design Code (Appendix D). In particular, proposals should be of a design quality that respects the character and distinctive appearance of the locality.

10.6 Section 12 of the NPPF also seeks to achieve well-designed places, and considers good design to be a key aspect of sustainable development.

10.7 The proposal plans will see a 1 ½ storey detached garage/ annex to be erected to the south east of the original dwelling. The proposed garage/ annex will be constructed with Cotswolds stone walling and reconstituted Cotswolds stone roofing, which will match the materials of the original property and will sympathetic to the local area. The proposed garage will remain subservient to the main dwelling, despite being placed on a higher ground level than the main dwelling. It is noted that two previous applications were refused at the site for development within a similar location to the current proposal. These applications were refused as, the proposals were to construct a dwelling which would have resulted in the erection of a new-built open market dwelling outside of a Principal or Non-Principal Settlement. Design and scale did not form a reason for refusal of the previous applications.

10.8 Paragraph D.67 2, G of the Cotswolds Design Code states "Where double or larger garages are permissible, these are better oriented with their doors under the eaves and with their wider gables concealed from view. Roof lines should generally be kept low and dropping the rear eaves can assist in this. Incorporating accommodation above the garage, with associated openings and external stairs, may not always be permissible". The external stairs of the proposed will be placed facing onto the nearby highway, in this instant this is considered acceptable as the proposed southwest elevations will be constructed into the existing embankment.

10.9 It is noted that there have been a number of objection comments relating to the proposals impact on the main dwellings garden space, leaving them main house without adequate amenity space. It is considered that the current amenity space located to the courtyard and to the rear of the main dwelling is sufficient, as the dwelling would retain an area of private amenity space for sitting out, whilst also maintaining a larger area of space for other garden activities. Therefore, the proposed works are considered to respect the character and appearance of the existing dwelling and surrounding area.

10.10 Thus, the proposed development is considered to accord with the objectives of Cotswolds District Local Plan Policies EN1 and EN2 and the considerations contained in section 12 of the National Planning Policy Framework.

(b) Residential Amenity

10.11 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects development to respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect.

10.12 Section 12 of the NPPF explains planning decisions should ensure developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

10.13 The proposed works will be placed to the south east of the application site, which will abut the neighbouring dwelling to the southeast. However, the neighbouring dwelling to the south east of the application site will be located approximately 27m away. There will also be no windows installed to the proposed plans southeast roof slope. As such, the proposed plans are not considered to overshadow or lead to a loss of privacy to the neighbouring dwelling to the south east. There is also a neighbouring dwelling that is located over the highway to the north of the application site, a stairwell and a door will be placed on the first floor of the garage/ annex. This dwelling to the north is located approximately 20 metres away. As such the proposed plans are not considered to overshadow or lead to a loss of privacy to the neighbouring dwelling to the north.

10.14 Consequently the proposed development is considered to accord with the objectives of Cotswold District Local Plan Policy EN2 and the residential amenity considerations contained in Section 12 of the NPPF.

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

10.15 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. Local Plan Policy EN4 states that development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape, and requires that it takes account of landscape character, visual quality and local distinctiveness.

10.16 Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight. This conforms to the considerations of NPPF Section 15, which seeks to conserve and enhance the natural environment.

10.17 Section 15 of the NPPF seeks to conserve and enhance the natural environment. More specifically Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (amongst other sensitive areas), which have the highest status of protection in relation to these issues.

10.18 The proposed extension will be set within a residential context, and will not result in the encroachment of urban built form into the wider countryside. The proposed works will also be set within an embankment to the rear and side elevation, views from the side elevation will also be blocked by the existing dwelling. It is therefore considered that the proposal will not lead to a detrimental impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty.

10.19 Thus, the proposed development is considered to accord with the objectives of Cotswold District Local Plan Policies EN4 and EN5 and the residential amenity considerations contained in sections 12 and 15 of the NPPF.

(d) Highways

10.20 Local Plan Policy INF4 "Highway Safety" states that development will be permitted that provides safe and suitable access and has regard, where appropriate to the Manual for Gloucester Streets.

10.21 Local Plan Policy INF5 "Parking Provision" states that development will provide residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network.

10.22 The Local Highways Authority were consulted on this application and raised no objection to the proposed development, subject to conditions being attached for vehicular and pedestrian visibility splays, as well as a condition attached which limits the use of the proposed works to be ancillary to the main dwelling. It is Officers opinion that these conditions are justifiable and as such, they have been attached to the recommendation of permission. It is considered that as the highway to the front of the dwelling is a relatively quiet road and the turning area facilitated by the proposed garage entry and exit to the application site will not detrimentally impact public safety on the highway. As such, the proposed works are considered to accord with the objectives of the Cotswolds District Local Plan policies INF4 and INF5, and considerations laid out in the National Planning Policy Framework.

(e) Impact on Biodiversity

10.23 Local Plan Policy EN8 - Biodiversity and Geodiversity (Features Habitats and Species) supports development that conserves and enhances biodiversity providing net gains where possible.

10.24 The proposals are considered to be acceptable by the Biodiversity Officer, however conditions have been added which requires a Precautionary Method of Working, Integrated Nesting Opportunities, Lighting Design Strategy and a Landscaping Scheme to be submitted. As such, the proposals are considered to be acceptable and comply with Local Plan Policy EN8 and Section 15 of the National Planning Policy Framework.

(f) Other Matters

10.25 Objections have been raised in regards to the drainage at the site; a Drainage Officer has been consulted and has submitted no objections subject to conditions. The condition requires a surface water drainage scheme to be submitted by the applicants and approved by the council before any construction works take place. Objections have also been raised in regards to the removal of spoil from the construction site. Although spoil will need to be removed from the site, it is not considered to create substantial trips to remove the waste, and as such not create a detrimental impact upon the environment.

11. Conclusion:

11.1 The proposal is considered to comply with Local Plan Policies and material considerations, as such the proposal is recommended for permission.

11.2 This development is liable for CIL because it is over than 100m² of new build.

12. Proposed condition:

1. The development shall be started within 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 permitted shall be implemented in strict accordance with the following approved plans: (00)001REV A, (00)002, SK01, THE LOCATION PLAN received 10th of April 2023.

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

3. Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and EN11, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

4. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for distances according with plan SK01 rev A. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason: In the interests of highway safety according to policy INF4 of the Local Plan, Local Transport Plan and paragraph 110 of the National Planning Policy Framework.

5. The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the edge of carriageway shall be provided on both sides of the access. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above the adjoining ground level.

Reason: To ensure motorists have clear and unrestricted views of approaching pedestrians when pulling out onto the adopted highway, in the interest of highway safety according to policy INF4 of the Local Plan, Local Transport Plan and paragraph 110 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises shall only be used for the purposes specified in the planning application ancillary to the existing dwelling.

Reason: To Define the Permission and ensure the trip demands reflect the submitted details according to policy INF4 of the Local Plan, Local Transport Plan and paragraph 110 of the National Planning Policy Framework.

7. The development shall be completed in accordance with Cotswold District Council's Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

Reason: To ensure biodiversity is protected and enhanced in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. Before the erection of any external walls, details of the provision of integrated nesting opportunities for birds (e.g. house sparrow terrace, starling boxes, swift brick or swallow/house martin nest cups on the north or east-facing elevations or within a suitable tree), shall be submitted to the Local Planning Authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The development shall be carried out in accordance with the approved details and programme of implementation and thereafter permanently retained.

Reason: To provide opportunities for nesting birds as a biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

9. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

(a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;

(b) Show where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb nocturnal species. All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

Reason: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. Prior to first use of the garage hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native hedgerow and wildflower planting) and a 5-year maintenance plan. 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.

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 enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

11. Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that 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 enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EN8 of the Cotswold District Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cotswold Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

Informative:

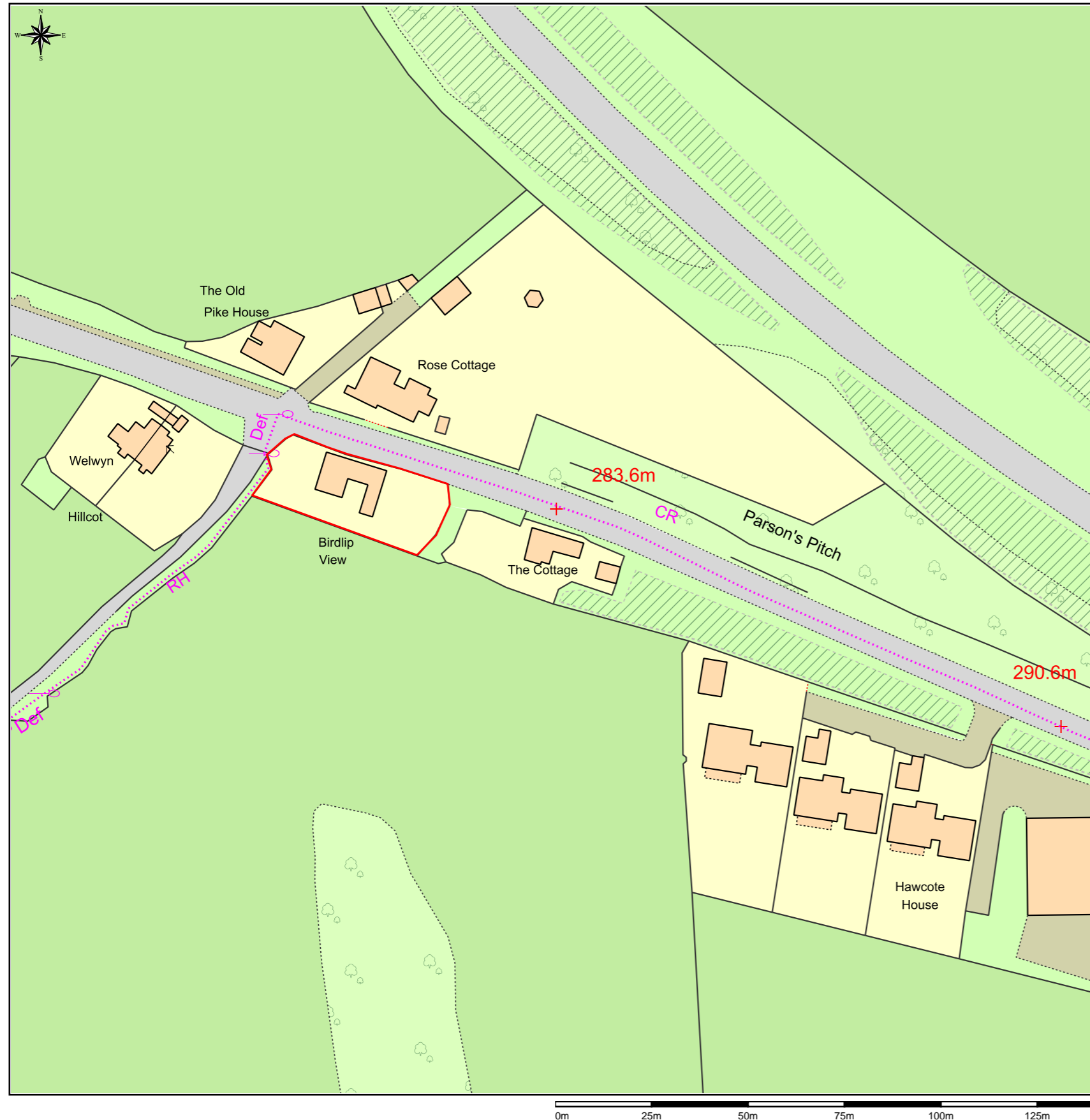
1. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk

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Location Plan



Proposed new dwelling to replace historic outbuilding on land to rear of Birdlip View, Birdlip, GL4 8JL



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0m 25m 50m 75m 100m 125m

Scale: 1:1250, paper size: A3

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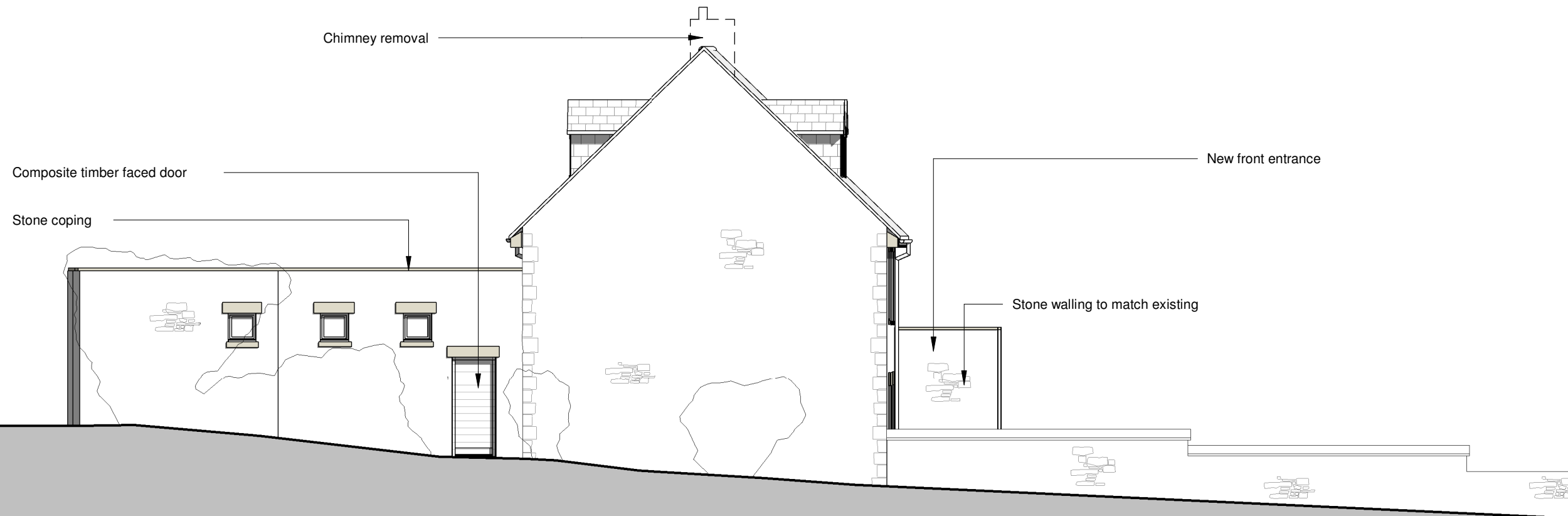
Prepared by: Ian Woodward-Court, 15-03-2021

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Proposed Front Elevation_North West

1 : 100@A3



Proposed Side Elevation_North East

1 : 100@A3

Rev.	Date	Drawn	Checked	Description
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PLANNING ISSUE

Project Title:
Birdlip View,

Client:
Mr Jack Joy & Miss Emily

Drawing Title:
Proposed Elevations - Sheet 1

File Number: H158

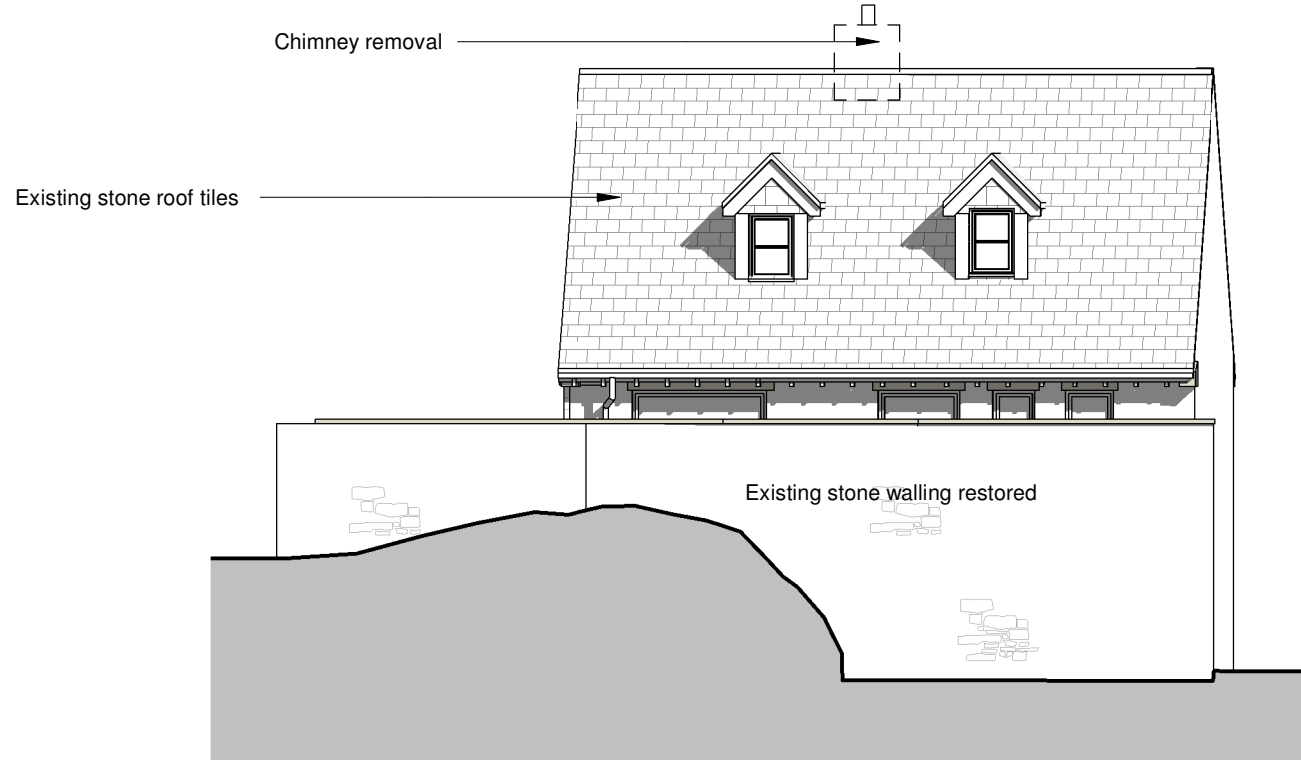
Drawn By: LMC

Checked By: LMC

Scale@A3: 1 : 100 **Date:** 18/05/2021

Dwg No: (00)005 **Rev:**

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Proposed Rear Elevation_South East 01

1 : 100@A3



Proposed Rear Elevation_South East 02

1 : 100@A3

Rev. Date Drawn Checked Description



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PLANNING ISSUE

Project Title:
Birdlip View,

Client:
Mr Jack Joy & Miss Emily

Drawing Title:
Proposed Elevations - Sheet 2

File Number: H158

Drawn By: LMC

Checked By: LMC

Scale@A3: 1 : 100 **Date:** 18/05/2021

Dwg No: (00)006 **Rev:**



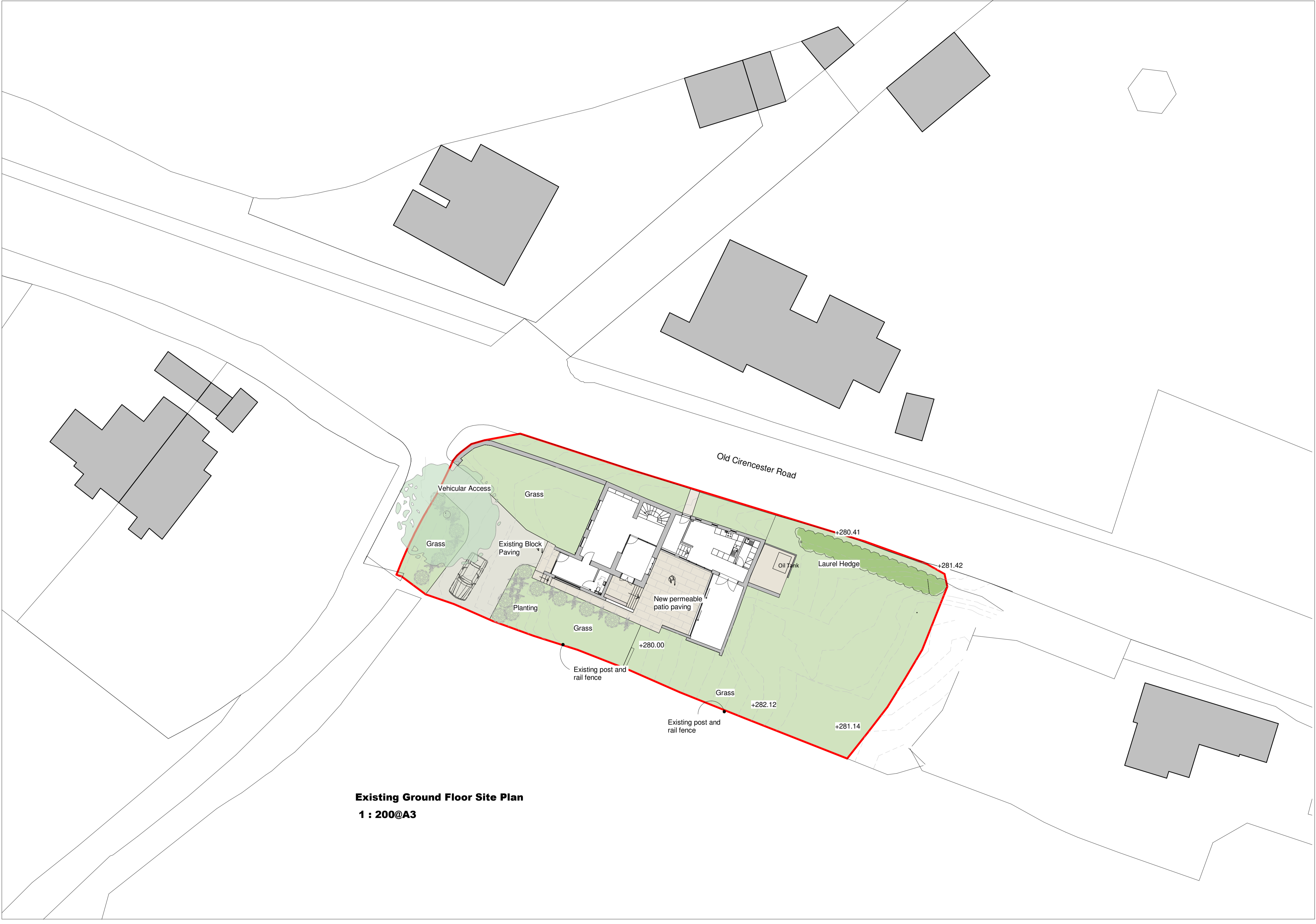
Proposed Side Elevation_South West

1 : 100@A3

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Existing Ground Floor Site Plan
1 : 200@A3

Rev.	By	Comment	Date



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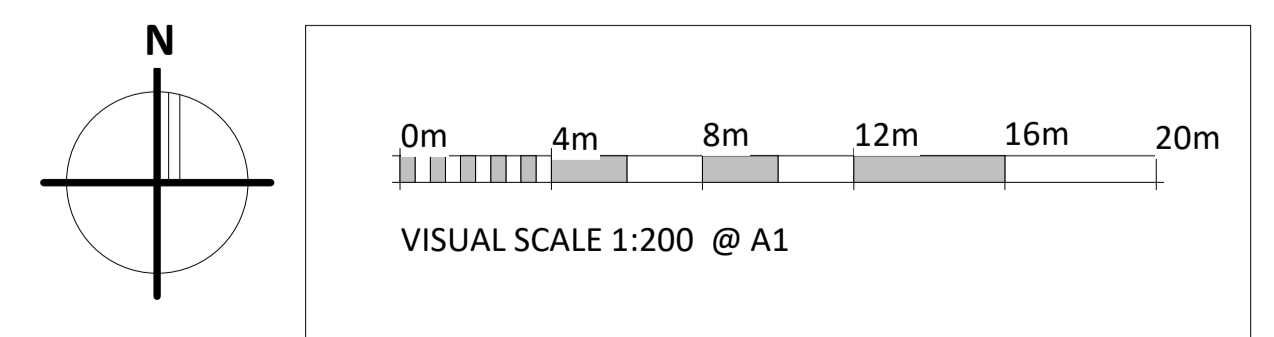
PLANNING ISSUE

Client's name:
 Mr Jack Joy & Miss Emily

Job Title:
 Birdlip View, Old Cirencester Road, Birdlip,
 GL4 8JL

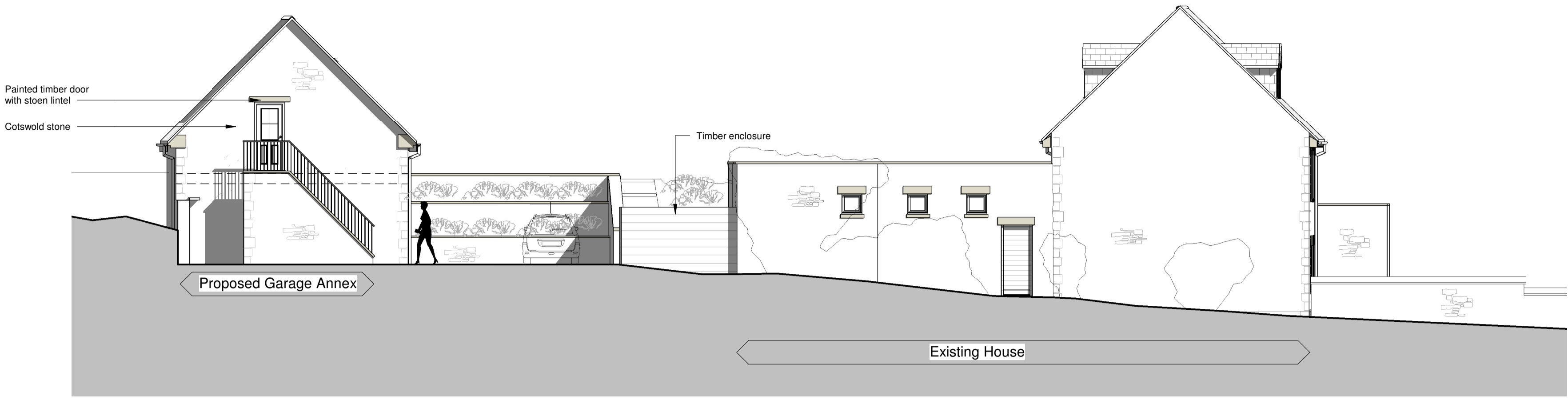
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File Number: H158
Drawn: Author
Checked: Checker
Scale@A1: 1 : 200 **Date:** 26/04/2023
Drawing No: (00)003 **Rev:**

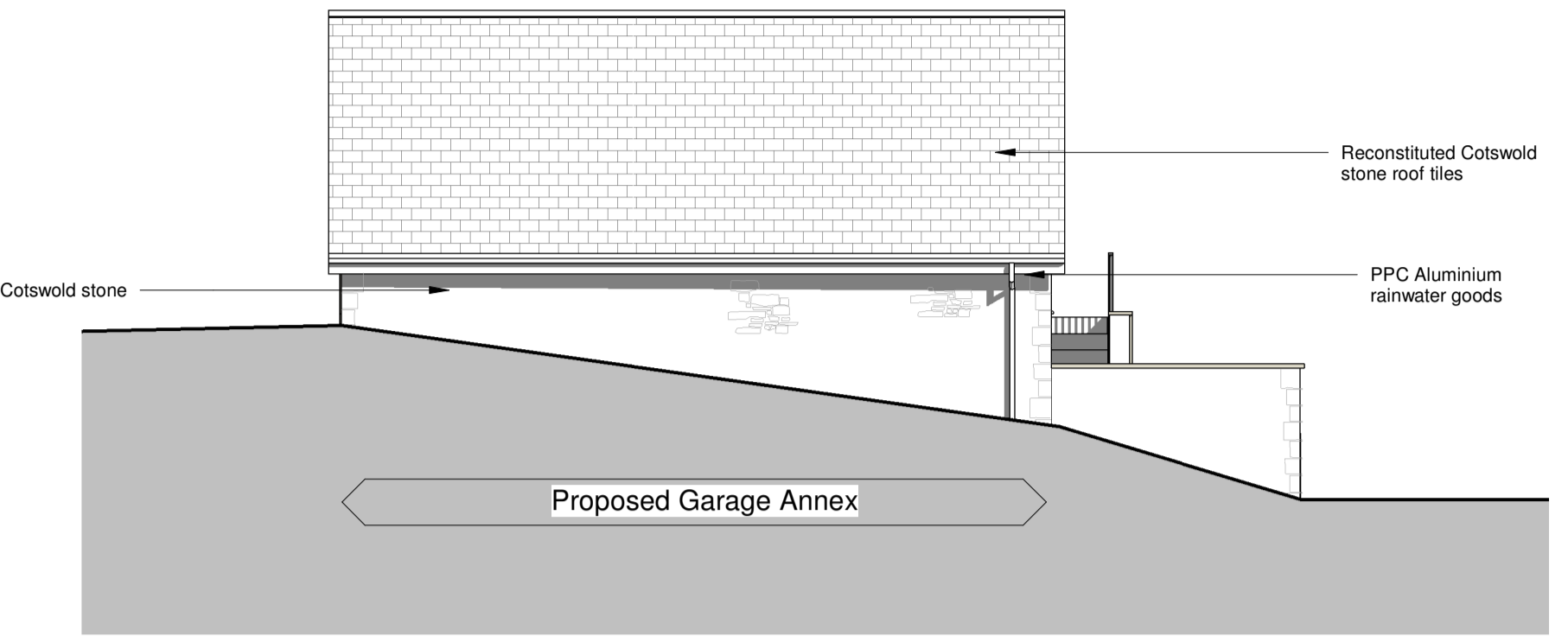


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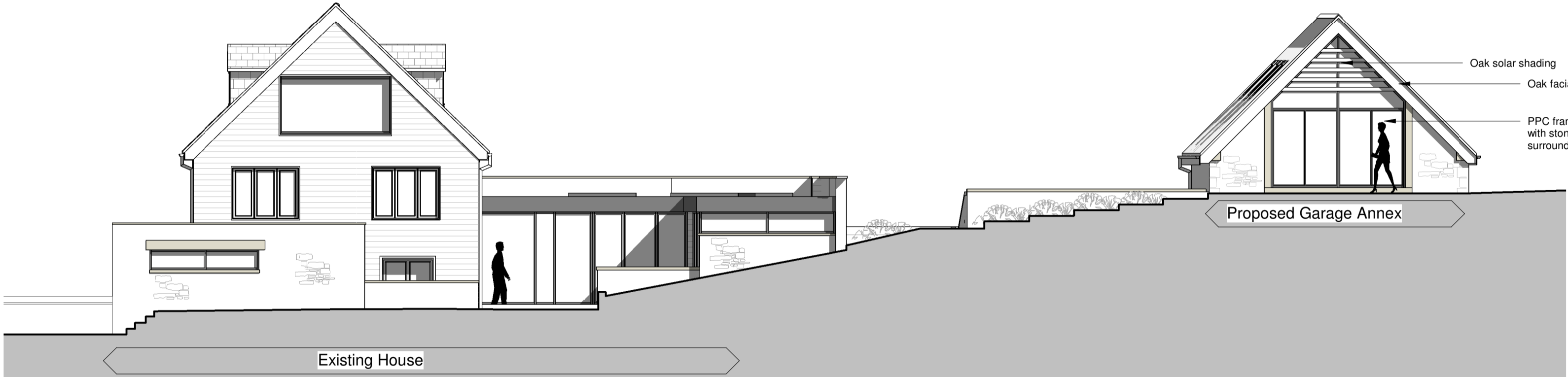
Do not scale from this drawing for construction or acquisition purposes. Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information must be taken from figured dimensions only. All dimensions and levels must be checked on site and discrepancies between drawings and specification must be reported to Lewis Critchley Architects.
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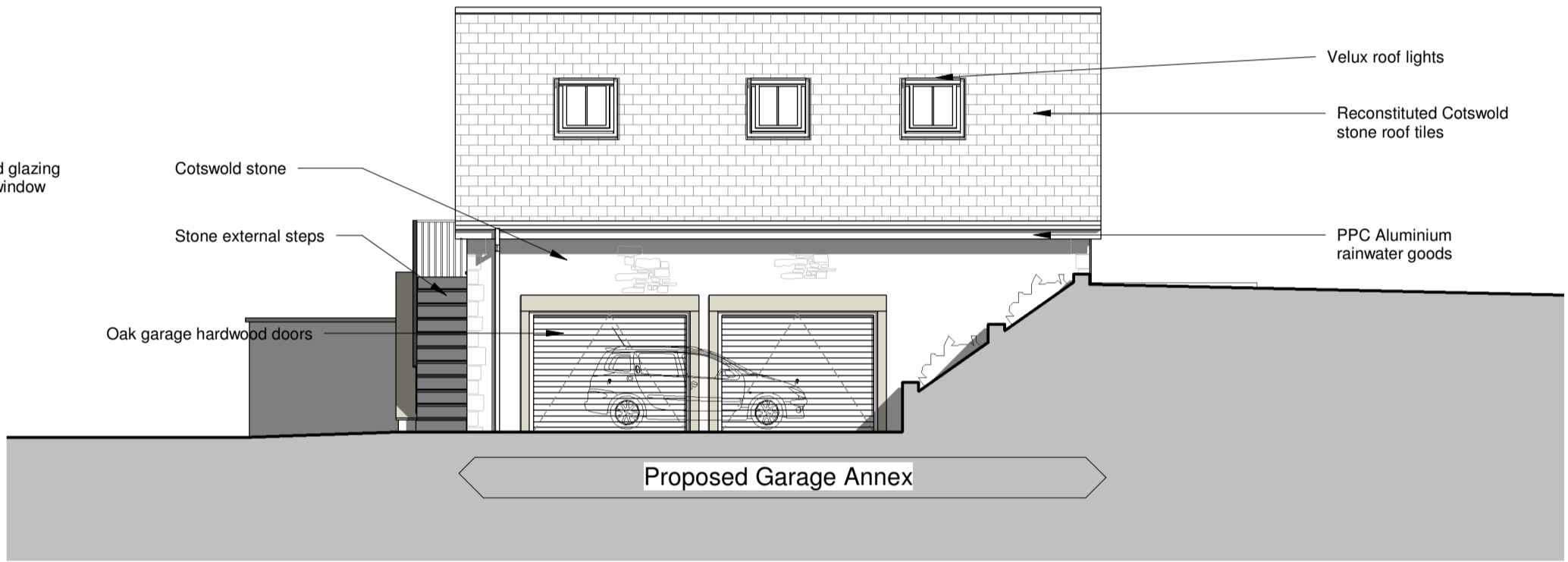
Proposed Street Elevation_North East
1 : 100@A1



Proposed South West Elevation
1 : 100@A1



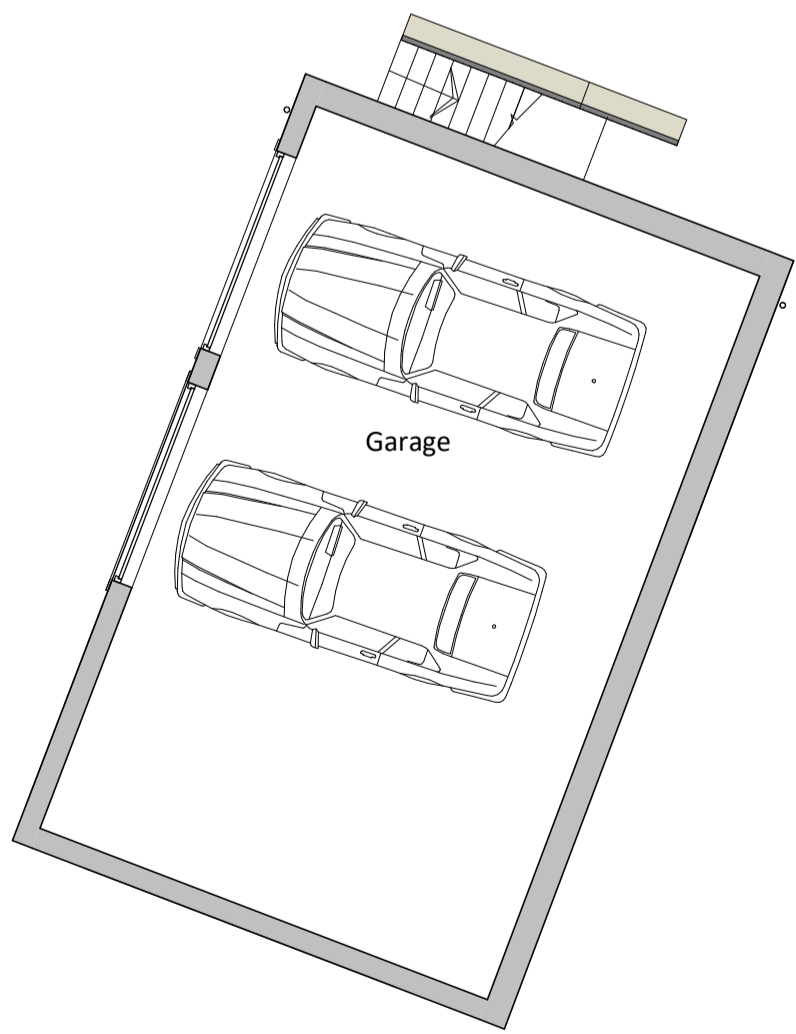
Proposed Rear Elevation_South West
1 : 100@A1



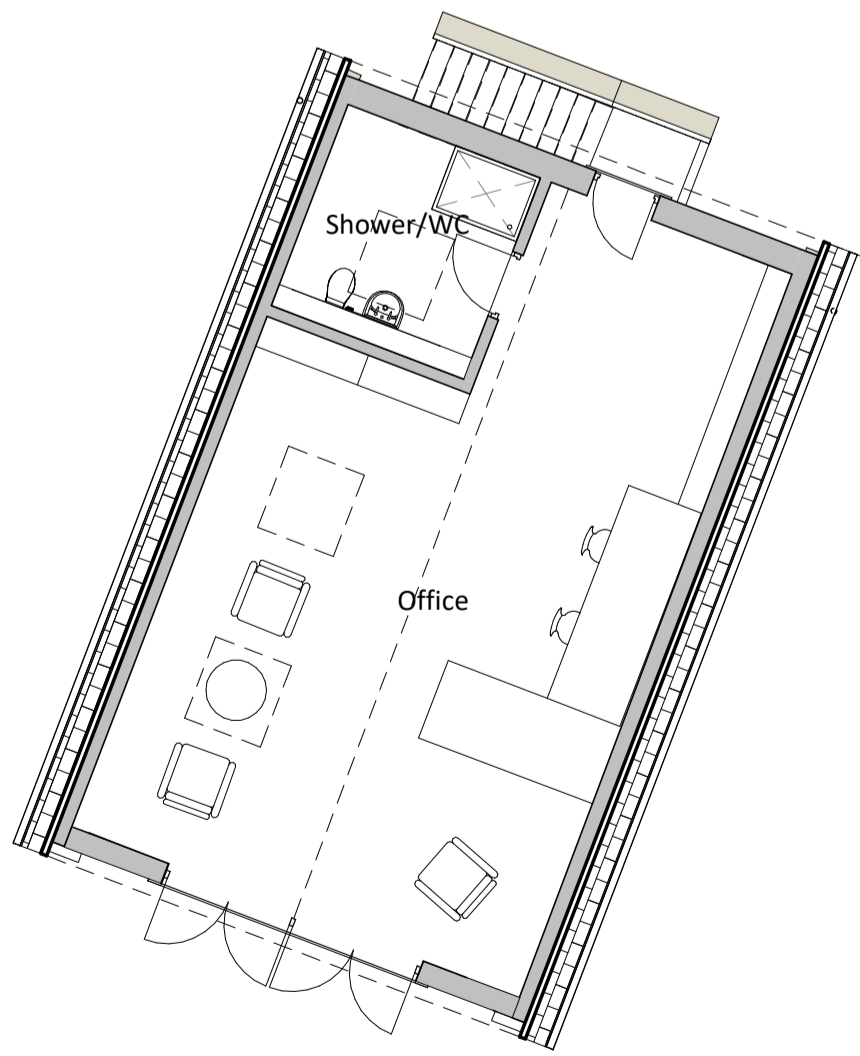
Proposed North West Elevation
1 : 100@A1

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Rev.	By	Comment	Date
1 Lynworth Lane, Twynning, Tewkesbury, Gloucestershire, GL20 6DD Telephone: 07769642827 Email: lmc@lewisritchleyarchitects.co.uk Web: www.lewisritchleyarchitects.co.uk			



Proposed Lower Ground Floor Plan_Garage
1 : 100@A1



Proposed Upper Ground Floor Plan _ Annex
1 : 100@A1

Client's name:
 Mr Jack Joy & Miss Emily

Job Title:
 Birdlip View, Old Cirencester Road, Birdlip,
 GL4 8JL

Drawing Title:
 Proposed Floor Plans & Elevations

File Number: H158
Drawn: LMC
Checked: LMC
Scale@A1: 1 : 100 **Date:** 05/04/2023
Drawing No: (00)002 **Rev:**

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Rev.	By	Comment	Date
A		26042023	



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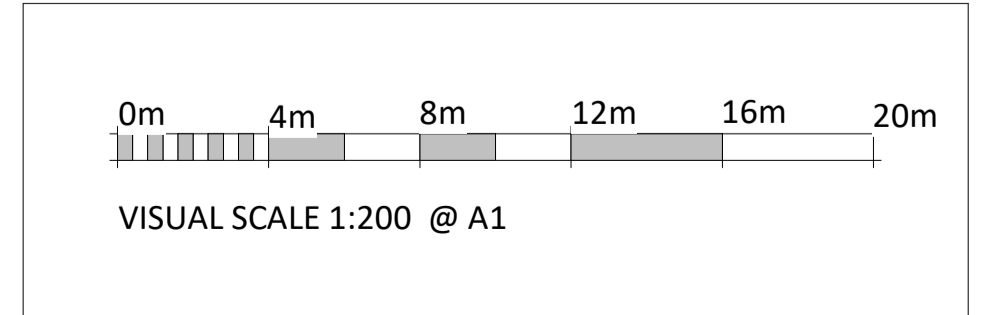
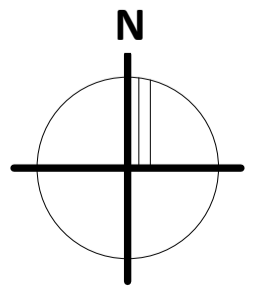
Client's name:
 Mr Jack Joy & Miss Emily

Job Title:
 Birdlip View, Old Cirencester Road, Birdlip,
 GL4 8JL

Drawing Title:
 Proposed Ground Floor Site Plan

File Number:	H158
Drawn:	LMC
Checked:	LMC
Scale@A1:	1 : 200
Date:	05/04/2023
Drawing No:	(00)001
Rev:	A

Proposed Ground Floor Site Plan
1 : 200@A1



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Page 1 of 1



Notes:

1. Do not scale from this drawing. All dimensions are in metres, unless stated otherwise.
2. This drawing is based on a topographical survey undertaken by Monuments Geometrics Limited in April 2021.
3. Ordnance Survey, (c) Crown Copyright 2020. All rights reserved. Licence number 100022432.
4. Drawing to be read in conjunction with all other drawings. Any discrepancies are to be reported to the engineer 5 working days in advance of undertaking any work.

- Indicative site boundary based on Land Registry GR40555 and GR304833 on OS mapping and plotted 'best fit' on topographical survey.
- Extent of adopted highway obtained from GCC on OS mapping and plotted 'best fit' on combined OS mapping and topographical survey
- Pedestrian visibility of 2m x 2m

Rev	Date	Details	Drawn by	Checked by
A	05.04.22	Included Adopted Highway Boundary	MW	ES



CLIENT:
Plainview Planning

PROJECT:
**Birdlip View
Birdlip
Gloucestershire**

TITLE:
Site Access Arrangements

STATUS:
INFORMATION

SCALE @ A3: As Stated	DATE: 24.03.22	DRAWN: MW	CHECKED: ES	APPROVED: ES
JOB NO: 22-0228	DRAWING NO: SK01	REVISION: A		



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