

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

29 April 2024

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PLANNING AND LICENSING COMMITTEE

A meeting of the Planning and Licensing Committee will be held in the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Wednesday, 8 May 2024 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**
To receive any apologies for absence.

The quorum for the Planning and Licensing Committee is 3 Members.
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 10 April 2024.
5. **Chair's Announcements (if any)**
To receive any announcements from the Chair.
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.

Schedule of Applications

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

8. **23/03970/FUL - Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL** (Pages 13 - 32)

Summary

Re-modelling of existing fish raceways to form a new lake with central island at Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL

Case Officer

Martin Perks

Ward Member

Councillor David Fowles

Recommendation

Permit

9. **24/00359/FUL - Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL** (Pages 33 - 52)

Summary

Erection of roof cover to be used as a visitor arts, activities and education area at Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL

Case Officer

Martin Perks

Ward Member

Councillor David Fowles

Recommendation

Permit

10. **22/03418/FUL - Fosseway Service Station Fosseway Lower Slaughter Cheltenham Gloucestershire GL54 2EY** (Pages 53 - 78)

Summary

Erection of service station side extension and erection of fencing to create a relocated bin storage area and associated works at Fosseway Service Station Fosseway Lower Slaughter Cheltenham Gloucestershire GL54 2EY

Case Officer
Helen Cooper

Ward Member
Councillor Len Wilkins

Recommendation
Permit

11. **Sites Inspection Briefing**
Members for Wednesday 5 June 2024

Councillors Ray Brassington, Julia Judd, Dilys Neill, Gary Selwyn, and Ian Watson.

12. **Licensing Sub-Committee**
Not required at present.

(END)

Planning and Licensing Committee
10/April2024



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 10 April 2024

Councillors present:

Ray Brassington – Chair
Dilys Neill
Michael Vann
Mark Harris

Patrick Coleman – Vice Chair
Gary Selwyn
Julia Judd
David Fowles

Daryl Corps

Officers present:

Ana Prelici, Democratic Services Officer
Helen Blundell, Interim Head of Legal Services
Adrian Harding, Interim Development
Management Manager

Andrew Moody, Senior Planning Case Officer
Martin Perks, Principal Planning Officer
Kira Thompson, Election and Democratic
Services Support Assistant

Observers:

Councillor David Cunningham and Lisa Spivey

68 Apologies

Apologies were received from Councillor Andrew Maclean.

69 Substitute Members

There were no substitute members.

70 Declarations of Interest

Councillor Dilys Neill stated for transparency that she knew the Parish Councillor on the first application, but had not discussed the item with them. This was not a pecuniary interest
Councillor Neill had not pre-determined the application.

Councillor David Fowles stated that he potentially knew the owner of the cottages related to the second application, but that this was not pecuniary and he had not pre-determined the application.

71 Minutes

The minutes of the meeting on 13 March 2024 were considered as part of the pack.

The Interim Development Management Manager stated that on page 9, “in consultation with the Chair of The Planning and Licensing Committee” had been added to the minutes after publication.

The following amendments were addressed;

- Pg. 13 – “the Vice Chair took the Chair as the Chair was the Ward Member” (Chair to be added)
- Pg. 9 – “a member” should replace “members”
- Councillor Mark Harris stated that they wished to be referred to by his preferred pronouns “he”, instead of “they”. The Democratic Services Officer stated that the practice of utilising the generic “they” was outlined in the minute style guide, but that they could explore changing this practice.
- “ward ember” should read “ward member”

RESOLVED: That the Planning and Licensing Committee APPROVE minutes of the meeting held on 13 March 2024 subject to the amendments being made.

Voting record

8 For, 0 Against, 1 Abstention, 2 Absent/Did not vote

For	Against	Abstain	Absent/Did not vote
Daryl Corps		Patrick Coleman	Andrew Maclean
David Fowles			Ian Watson
Dilys Neill			
Gary Selwyn			
Julia Judd			
Mark Harris			
Michael Vann			
Ray Brassington			

72 Chair's Announcements (if any)

There were no Chair Announcements.

73 Public questions

There were no public questions.

74 Member questions

The Interim Development Management Manager provided an update on the response to Councillor Dilys Neill’s question from the meeting of the Planning and Licensing Committee held on 13 December. The Interim Development Manager explained that delays had occurred due to the Forward Planning team’s focus on the Local Plan, but stated that a response would be provided to Councillor Neill within two weeks of the Committee.

75 22/04163/FUL- The Feathered Nest Inn, Nether Westcote, Chipping Norton, Gloucestershire, OX7 6SD

The Case Officer introduced the report. The application was for the erection of eight units of overnight accommodation and associated works at the Feathered Nest Inn, Nether Westcote, Chipping Norton, Gloucestershire, OX7 6S.

The public speakers were then invited to address the Committee.

Trevor Bigg, the Chair of Westcote Parish Meeting, addressed the Committee, raising objections to the application citing concerns over the location of the accommodation, stating that a closer proximity to the nearby building would have been preferable to prevent increased light pollution and visibility from the village.

Victoria Taylor, an Objector addressed the Committee, raising objections over road traffic, and the Conservation Area and Area of Outstanding Natural Beauty (AONB).

Neil Warner from JPPC, the agent for the application, addressed the application. They stated that the overarching purpose of the application was to ensure the financial sustainability of the pub business.

Councillor David Cunningham addressed the committee as the Ward Member and raised concerns on the lack of public benefit to the application, and the impact on the AONB and Conservation Area.

Members who had attended the Site Inspection Briefing commented on the application;

- There were strong examples of local vernacular in the nearby architecture but the impact of the application did not seem to be as impactful as initially expected.
- The new buildings would be partially screened by nearby vegetation.
- It was useful to see and hear residents' concerns.

Member Questions

There were various questions from Members, which the Case Officer and the Interim Development Management Manager responded to;

- The conditions aimed to regiment parking spaces, but the management of these was down to the applicant to execute. The Case Officer added that the level of traffic was not expected to substantially increase from current levels.
- The planning history of the site involved multiple past permissions, some of which included use by caravans. The Case Officer stated that each application should be considered on its own merits, and these would have been acceptable at the time.
- Members asked if the new buildings were very far away from the principal pub building in order to make it easier to convert them into dwellings in the future. The Case Officer stated that they didn't believe this to be the case as the accommodation units were intended to be serviced units and ancillary to the pub, but that the applicant could bring such a future application forward. If a future application was brought forward, it would need to be judged on its own merits.
- The Case Officer stated that the application's impact on the setting of the conservation area should be taken into consideration, but that the proposed was considered not to harm the heritage asset.
- The Case Officer did not consider that there was any harm to dark skies.

- The public benefit was discussed as per the Ward Member's comments. The Case Officer stated that this would be a material planning consideration in the case of impact on a heritage asset, when harm was identified.

Member Comments

Members discussed the application, stating the following points;

- The Case Officer had negotiated with the applicant to improve the proposal comparative to what had initially been applied for, with particular note to the reduced footprint of the application.
- It was felt by some that the units would not be visible from the public right of way.
- Businesses needed to be supported in being economically viable, but this needed to be balanced with the needs of the community, with some stating that the village would be harmed by the proposal.

Councillor Patrick Coleman proposed permitting the application, agreeing with the Officer's recommendation. Councillor Coleman stated that no statutory consultees had objected and that he could not see a reason to refuse.

Councillor Julia Judd seconded the proposal.

RESOLVED: To PERMIT the application.

Voting Record

7 For, 2 Against, 0 Abstentions, 2 Absent/Did not vote

For	Against	Abstain	Absent/Did not vote
Ray Brassington	Daryl Corps		Andrew Maclean
Patrick Coleman	David Fowles		Ian Watson
Dilys Neill			
Gary Selwyn			
Julia Judd			
Mark Harris			
Michael Vann			

After voting on the item, the Committee adjourned at 15.24, returning at 15.30.

76 24/00055/PLP- Land South Of 1 - 3 Corner Houses, Driffield, Gloucestershire, GL7 5QA

The Case Officer introduced the item. The application was for the permission in principle for the construction of two dwellings at Land South of 1 – 3 Corner Houses Driffield Gloucestershire GL7 5QA.

Councillor David Fowles stated that he knew the owners of the land but that it did not constitute a pecuniary interest on his part and he had not pre-determined the application.

Joe Seymour from McLoughlin Planning Ltd, the agent on the application addressed the Committee. He stated that the applicant was a small scale house builder and that the application was for two new houses.

Councillor Lisa Spivey addressed the Committee as the Ward Member. Councillor Spivey explained that she had referred the application to the Committee due to a potential conflict between Local Plan Policies DS3 (Small-Scale Residential Development In Non-Principal Settlements) and DS4 (Open Market Housing Outside Principal And Non-Principal Settlements).

Member Questions

Members asked questions, to which the Case Officer provided answers;

- On the point of what a permission in principle application constituted, the Case Officer referred to paragraph 10.4 of their report, which stated; “With regard to the decision making process, the PPG (Planning Practice Guidance) states: ‘How must a decision on whether to grant permission in principle to a site be made? A decision on whether to grant permission in principle to a site following a valid application or by entering it on Part 2 of a brownfield land register must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.’” The Committee would therefore need to make its decision on the sustainability of development in this location.
- There were no details for the garden’s ownership, as that information was not required for a permission in principle application.
- The Local Plan review that was underway included review of policy DS3 but that this was not material to the application.
- It was confirmed that the appeal process was the same as for any other application.
- The Highways Authority recommended refusal, but this was due to a blanket approach to all development in non-principal boundaries which did not take into consideration the existence of DS3 which was conflicting.

Member Comments

Members commented on the application, stating that Ampney Crucis was closely related to the village of Driffild, and served it in terms of amenities. This was considered a good opportunity to support the village’s growth in a way that was proportionate in scale.

Councillor Julia Judd proposed permitting the application, agreeing with the recommendations in the report, and adding that the applicant had built sympathetically designed homes at a small scale across the district.

Councillor Dilys Neill seconded the proposal.

RESOLVED: To PERMIT the application

Voting record

9 For, 0 Against, 0 Abstentions, 2 Absent/Did not vote

For	Against	Abstentions	Absent/Did not vote
Ray Brassington			Ian Watson
Patrick Coleman			Andrew Maclean
Daryl Corps			
David Fowles			
Dilys Neill			
Gary Selwyn			
Julia Judd			
Mark Harris			
Michael Vann			

77 Sites Inspection Briefing (SIB)

The Interim Development Management Manager stated that they would be in touch if this was required. Members asked whether the Environment Agency could attend Future Briefings. The Interim Development Management Manager stated that the Environment Agency could be invited but that the Council had no legal powers in compelling them to attend.

78 Licensing Sub-Committee

The Democratic Services Officer stated that a Licensing Sub-Committee was not required at present.

The Meeting commenced at 2.00 pm and closed at 4.01 pm

Chair

(END)

PLANNING AND LICENSING COMMITTEE 8 May 2024

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 8 May 2024
INDEX TO APPLICATIONS FOR CONSIDERATION AND DECISION

Parish	Application	Schedule Order No.
Bibury	Bibury Trout Farm Arlington Bibury Cirencester Gloucestershire 23/03970/FUL Full Application	1
Bibury	Bibury Trout Farm Arlington Bibury Cirencester Gloucestershire 24/00359/FUL Full Application	2
Lower Slaughter	Fosseway Service Station Fosseway Lower Slaughter Cheltenham Gloucestershire 22/03418/FUL Full Application	3

Re-modelling of existing fish raceways to form a new lake with central island at Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL

Full Application 23/03970/FUL	
Applicant:	
Agent:	Andrew P Jones Associates
Case Officer:	Martin Perks
Ward Member(s):	Councillor David Fowles
Committee Date:	8th May 2024
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Impact on Bibury Trout Farm
- (b) Impact on the Character and Appearance of Bibury Conservation Area
- (c) Impact on the Character and Appearance of the Cotswolds National Landscape
- (d) Drainage and Flood Risk
- (e) Impact on Protected Species

2. Reasons for Referral:

- 2.1 This application has been referred to the Planning and Licensing Committee following assessment by the Committee Review Panel and further to the following request by Cllr Fowles:

'Having reviewed this application and considered the strong objections lodged by the Parish Council I share their concerns that this application will result in the loss of the hatchery and undermine the working function of the Trout Farm resulting in the farm ceasing to exist and change of use to a Leisure theme park.'

3. Site Description:

- 3.1 This application relates to one of a number of water features located within Bibury Trout Farm. The Trout Farm is located on the western edge of the village of Bibury and covers an area of approximately 5 hectares in size. The application site measures approximately 0.12 hectares and consists of 4 vertical channels containing water (raceways) separated by raised banks. Sluice gates are located at the northern of the site.
- 3.2 The site is bordered by a network of footpaths and other ponds/water features. The northern boundary of the site also adjoins the River Coln, which is designated as a Main River by the Environment Agency.
- 3.3 The site is located within Bibury Conservation Area and the Cotswolds National Landscape.

3.4 The site is located within Flood Zone 3.

4. Relevant Planning History:

Bibury Trout Farm

- 4.1 CD.0155 5 trout ponds. Permitted 1949
- 4.2 CD.0155/B Lorry garage and workshop. Permitted 1965
- 4.3 CD.0155/D Erection of single storey farm facility building to include new farm office, fish preparation area, fish sales counter and ticket area, shelter and informative/educational display area. Refused 1984
- 4.4 CD.0155/E Erection of single storey farm facility building to include new farm office, fish preparation area, fish sales counter and ticket area, shelter and informative/educational display area. Permitted 1984
- 4.5 CD.0155/F Formation of a car park for 21 cars, construction of a new vehicular and pedestrian access. Permitted 1985
- 4.6 CD.0155/G Retention and completion of farm facility building. Permitted 1986
- 4.7 CD.0155/H Retention of a farm facility building (amended elevations and roofing materials) Refused 1986 Enforcement and planning appeals dismissed 1986
- 4.8 CD.0155/J Provision of two velux rooflights to north west elevation of existing building. Permitted 1987
- 4.9 CD.0155/K Replacement of existing softwood entrance doors with new hardwood framed glass doors. Permitted 1988
- 4.10 CD.0155/L Construction of 7 earth ponds and 2 settlement ponds and supply and return channels. Permitted 1988
- 4.11 CD.0155/M Construction of a small lake offering use for anglers all year round. Permitted 1989
- 4.12 16/00245/FUL - Erection of single storey extension to form toilets. Permitted 2016
- 4.13 19/00885/FUL Erection of single storey extension to form toilets (re-submission of 16/00245/FUL). Permitted 2019
- 4.14 20/01642/FUL Erection of a new agricultural building, to include a fishing room and store. Permitted 2020
- 4.15 20/01804/FUL Extension to existing visitor car park. Withdrawn 2022
- 4.16 20/03923/FUL Erection of agricultural building with associated landscaping and new access. Permitted 2021

- 4.17 20/04028/FUL Infill of redundant pond. Permitted 2021
- 4.18 21/02486/FUL Creation of overload car park. Permitted 2023
- 4.19 21/04508/FUL Erection of an agricultural building, to include a fishing room and store. Permitted 2022
- 4.20 21/04281/FUL Change of use from Class IA (Sale of ice-creams) to holiday accommodation. Permitted 2022
- 4.21 22/03944/FUL Erection of an agricultural building, to include a fishing room and store. Permitted 2022
- 4.22 23/00886/FUL Erection of an agricultural building, to include a fishing room and store. Permitted 2023
- 4.23 23/01948/FUL Creation of a children's play park. Permitted 2023
- 4.24 23/03980/FUL Erection of a café/gift shop. Permitted 2024
- 4.25 23/04050/FUL Installation of 6no. glamping pods and associated decked paths. Minor landscaping of the site, planting of native species of shrubbery and wildflower. Withdrawn 2024
- 4.26 24/00359/FUL Erection of roof cover to be used as a visitor arts, activities and education area. Pending decision

5. Planning Policies:

- EC3 All types of Employment-generating Uses
- EC10 Tourist Facilities & Visitor Attractions
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN14 Managing Flood Risk

6. Observations of Consultees:

- 6.1 Drainage Engineer: No objection
- 6.2 Biodiversity Officer: No objection
- 6.3 Environment Agency: No formal response received to date

7. View of Town/Parish Council:

7.1 *'Bibury Parish Council considered this planning application in their meeting held on Tuesday 12th March and agreed to strongly object; as these plans would undermine the functioning of a working Trout Farm. The proposals will do significant ecological damage.*

7.2 *Please also refer to the Councils submission for Planning Applications 23/04050/FUL (Installation of 6no. glamping pods and associated decked paths. Minor landscaping of the site, planting of native species of shrubbery and wildflowers) & 24/00359/FUL (Erection of roof cover to be used as a visitor arts, activities and education area). It is requested that these applications should be considered together by the Planning Control Committee. That these plans will cause significant harm, contrary to Policies EN1, EN2, EN4, EN10, EN11 and EC10 of the Local Plan.'*

8. Other Representations:

8.1 12 objections received.

Main grounds of objection are:

- i) Adverse impact on viability of trout farm.
- ii) Detrimental to wildlife.
- iii) No community benefit to Bibury.
- iv) Trout culture in raceways is practised for hatchery production because environmental and water quality parameters are easier to manage in raceways than in pond systems. Flowing water flushes away wastes and forces the fish to exercise. The shallower water also allows visual observations so that diet or disease can be promptly corrected. Why would the Trout Farm no longer need this?
- v) The Trout Farm site has been subject to tree felling and major loss of habitat.
- vi) This proposal is clearly part of a bigger scheme to run down the trout farm and then redevelop for housing.
- vii) The Bibury Trout Farm raceways were built in order to breed and rear fish. The proposal to destroy the raceways and replace them with a pond is wholly flawed in the context of running a Fish Farm.
- viii) The high volumes of tourists is causing irreversible damage to the character and appearance of this historic Village.
- ix) This proposal along with other applications seem aimed at turning the Trout Farm into a theme park totally out of keeping with the village.
- x) The new owner has not engaged with the parish council or the community.

- xi) The proposal would have a visual impact on one of the most historic Cotswold scenic villages. The impact of a circular pond with an artificial island is not in keeping with the historic surroundings and flood plain.
- xii) Impact on flooding and drainage.
- xiii) Impact on biodiversity.
- xiv) A 5-10 year masterplan for the site should be submitted.
- xv) Implications for long term viability of historic Trout Farm.

9. Applicant's Supporting Information:

- Flood Risk Assessment
- Heritage Statement and Heritage Impact Assessment

10. Officer's Assessment:

Proposed Development

- 10.1 This application seeks to remodel an existing set of raceways in order to create a pond with a central circular island. The proposed island will measure approximately 15m in diameter. The island will be created from spoil arising from the removal of earth banks located between each of the raceways. The overall volume of water in the resultant pond will be similar to existing. Two of the sluice gates located in the northern part of the site will be removed and replaced with earth to tie in with existing banks.
- 10.2 The applicant states that the existing raceways are no longer required for fish farming purposes.

(a) Impact on Bibury Trout Farm

- 10.3 This application relates to an existing trout farm which is also open to the public. The site therefore acts as a visitor attraction as well as a trout farm.
- 10.4 Local Plan Policy EC10 Development of Tourist Facilities and Visitor Attractions states:

'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.'*

10.5 The proposed development is located within the grounds of the existing trout farm and adjacent to a network of ponds and associated infrastructure. The proposed works therefore have a functional relationship with the existing trout farm site. The application site forms one of a network of over 30 ponds within the trout farm. The ponds are of a mix of sizes and dimensions. The loss of one water feature is considered not to have a material impact on the character or appearance of the location nor its overall historic character as a trout farm. The raceways are no longer required for fish farming purposes and the applicant is looking to re-configure the water feature so that it can be put to an alternative use.

10.6 The trout farm site is located adjacent to a road in one of the busiest tourist villages in the District and is therefore well related to a main tourist route. In addition, the proposal does not require the erection of new buildings. It is considered that the proposal is in accordance with Local Plan Policy EC10.

10.7 The proposed development will also accord with the aspirations of paragraph 88 of the National Planning Policy Framework (NPPF) which states that:

'Planning policies and decisions should enable:

- a) *The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *The development and diversification of agricultural and other land-based rural businesses;*
- c) *Sustainable rural tourism and leisure developments which respect the character of the countryside'*

10.8 It is considered that the proposed development will assist the viability of the existing rural business to the benefit of the rural economy and in accordance with the aspirations of paragraph 88.

10.9 In response to the concerns of objectors, the applicant has advised:

10.9.1 *'There are 50/60000 visitors to Bibury a year many of whom come from a very long way after they have done their walk along Arlington Row they come to the Cafe and ask what else is there to do? We at the Trout Farm are trying to improve the offering and the facilities for these visitors both young and old.*

10.9.2 *The Hatchery - over the past few years we have suffered huge losses of fish with diseases at a very early stage within the hatchery, experiencing huge problems with fresh water supply which has made that side of our business very risky and unprofitable, we believe this was the case experienced by our predecessor who had discussions with the Cotswold District Planning dept 6 years ago as to alternative uses for the hatchery under a pre-application 18/04061 where it was discussed to use the area as an extension to the cafe or the shop, at this stage we are keen to use the*

area as a possible education area for water based activities for children as it is located close to the children's play area and as an area when teaching of hand crafts can be made.

10.9.3 As the decision was made to close the hatchery we have purchased 300,000 fingerlings which will have been treated against one of the diseases that the farm so badly suffers from and we hope that our losses will be significantly reduced, and can be cared for in a different location.

10.9.4 The Raceways situated in the main part of the visitor area of the farm, haven't been used for a number of years and they are redundant in that position to the main farming activities, the small slivers of land that divide the areas of water are very difficult to maintain and keep tidy in the summer and are completely overgrown with weeds. We therefore wish to amalgamate all strips of water making a new pond with a central island landscaped and planted with ornamental species...

10.9.5 The Trout farm is divided into three sections the first is the visitor section which is open to the public where actual farming activities are kept to a minimum other than feeding and monitoring the fish. The next part of the farm is not open to the public and is where we have created new raceways and is the serious part for the mature fish farming activities. The next part is referred as the New Meadow where we have a number of ponds into which the fingerlings when they are large enough are introduced to river water and then grown on.

10.9.6 Since acquiring the farm we have invested over 2 million pounds in repairing ponds, banks and walkways, we have built a large new barn and created a state of the art smokery and fish preparation area with shower and changing facilities for our farmers.'

10.10 It is considered that there is a reasonable justification for the works that are being undertaken and that it will not undermine the overall viability of the trout farm.

(b) Impact on the Character and Appearance of Bibury Conservation Area

10.11 The site is located within Bibury Conservation Area (CA).

10.12 With respect to any buildings or other land in a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Considerable weight and importance must be given to the aforementioned legislation.

10.13 The following Local Plan policies are considered relevant to the proposal:

10.14 Local Plan Policy EN2 Design of the Built and Natural Environment

'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'

10.15 Local Plan Policy EN10 Designated Heritage Assets states:

- 1 *'In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.*
- 2 *Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.*
- 3 *Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:*
 - *The importance of the asset;*
 - *The scale of harm; and*
 - *The nature and level of the public benefit of the proposal.'*

10.16 Local Plan Policy EN11 Designated Heritage Assets - Conservation Areas states:

'Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- a. *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;*
- b. *Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;*
- c. *Will not result in the 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.*
- d. *Have regard to the relevant Conservation Area appraisal (where available); and*
- e. *do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'*

10.17 In terms of national guidance, paragraph 205 of the National Planning Policy Framework (NPPF) states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.'*

10.18 Paragraph 208 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 securing its optimum viable use.'*

- 10.19 The application site is located within an established trout farm. The character and appearance of the trout farm is defined by a network of various ponds and watercourses of varying shapes and sizes. The existing raceways are not readily visible from outside the trout farm site. Public views from the road to the north are largely screened by a mix of buildings and vegetation, whilst views from the road to the east are limited by virtue of existing buildings, vegetation and distance. Within the trout farm itself, the site is seen in conjunction with a number of other ponds and water features.
- 10.20 The proposal will replace the existing raceways with a pond and central island. Whilst the loss of the raceways is noted, the trout farm site contains a variety of ponds and water features. The arrangement of ponds is not uniform with the result that changes to a single pond are considered not to undermine the overall character and appearance of the trout farm site. It is of note that the site is not identified in the Bibury Conservation Area Statement (CAS) as possessing any particular architectural or landscape qualities that are of special interest or that make a significant contribution to the character or appearance of the CA. The existing ponds are simply identified as a '*significant area of water*'. The raceways and existing arrangement of ponds has not therefore been identified as being of special historic interest. Moreover, as the proposal will result in the creation of a pond, it is considered that the proposal will not undermine the '*significant area of water*' characteristic identified in the CAS.
- 10.21 It is considered that the proposed development respects the character and appearance of the trout farm and the contribution it makes to the conservation area. It is considered that the scheme will preserve the character and appearance of the CA and is in accordance with Local Plan Policies EN2, EN10 and EN11 and guidance in Section 16 of the NPPF.

(c) Impact on the Character and Appearance of the Cotswolds National Landscape

- 10.22 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area '*must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*' (S85(A1) of the Countryside and Rights of Way Act 2000).
- 10.23 The following Local Plan policies are considered relevant to the proposal:
- 10.24 Local Plan Policy EN4 The Wider Natural and Historic Landscape states:
1. '*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.*
 2. '*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.*'

10.25 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. *'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.*
2. *Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.'*

10.26 In terms of national policy, Paragraph 180 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural and local environment by *'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'.*

10.27 Paragraph 182 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'*

10.28 The application site forms part of a network of ponds and water features which characterise this part of the Cotswolds National Landscape. The site therefore has a character and appearance which appears distinct from the open agricultural landscape to the west of the settlement. The proposed development will have the appearance of a water feature and is considered to be consistent with the character and appearance of the existing trout farm site. The proposal is also considered to be of a size and scale that is proportionate to the site and existing development. The character and appearance of this part of the Cotswolds National Landscape is heavily influenced by the trout farm. The proposed development is of a form that respects the aforementioned use and is therefore considered to respond sympathetically to the character of the designated landscape.

10.29 The proposed development will not result in an encroachment of development into the open countryside. It is also considered not to have an adverse impact on the setting of the village within the designated landscape. It is considered that the proposed development will not have an adverse impact on the character or appearance of the Cotswolds National Landscape and that it accords with Local Plan Policies EN4 and EN5 and guidance in paragraphs 180 and 182 of the NPPF.

(d) Drainage and Flood Risk

10.30 The application site lies adjacent to the River Coln which is designated as a Main River by the Environment Agency. The application site is located within Flood Zone 3, which is the highest designation of flood zone. Notwithstanding this, the proposal is for water compatible development which can be acceptable in principle within Flood Zone 3.

10.31 The applicant has submitted a Flood Risk Assessment (FRA) with this application. The FRA indicates that volume of water in the completed development will be similar to existing and that there will be no additional discharge into the River Coln. The Council's Drainage Engineer has assessed the application and raises no objection to the proposed scheme.

10.32 The Environment Agency has not responded to the current application. However, the applicant will need to obtain a separate Environmental Permit from the Environment Agency to discharge any water into the River Coln. This will be a separate matter between the applicant and the Environment Agency.

10.33 It is considered that the proposed development can be undertaken without having an adverse impact on flooding or drainage in accordance with Local Plan Policy EN14.

(e) Impact on Protected Species

10.34 The existing site has historically been used for the rearing of trout which has limited its potential for other species, such as great crested newts. The steep sided nature of the raceways also limited their ecological value. In contrast, the creation of an island with still water around it has the potential to create a more diverse range of habitats. The removal of 2 sluice gates and the replacement with new earth banks is also considered to represent a betterment in biodiversity terms.

10.35 The Council's Biodiversity Officer raises no objection and states that *'the site itself is highly unlikely to support protected and notable species. The main biodiversity constraint is the construction phase and the potential for pollution to enter the River Coln.'* A condition requiring the submission of a watercourse protection plan is therefore recommended in order to ensure that construction works do not have an adverse impact on biodiversity.

10.36 It is considered that the proposed development can be undertaken without having an adverse impact on protected species or their habitat in accordance with Local Plan Policy EN8.

Community Infrastructure Levy

10.37 The proposed development does not result in the creation of new floorspace and is not therefore liable for CIL.

11. Conclusion:

Overall, it is considered that the proposed development is in accordance with established policy and guidance. It is therefore recommended that the application is granted permission.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): 1621/351

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

3. No development shall take place until a Watercourse Protection Plan for the River Coln has been submitted to and approved in writing by the Local Planning Authority. The Watercourse Protection Plan shall include, but not necessarily be limited to, the following:

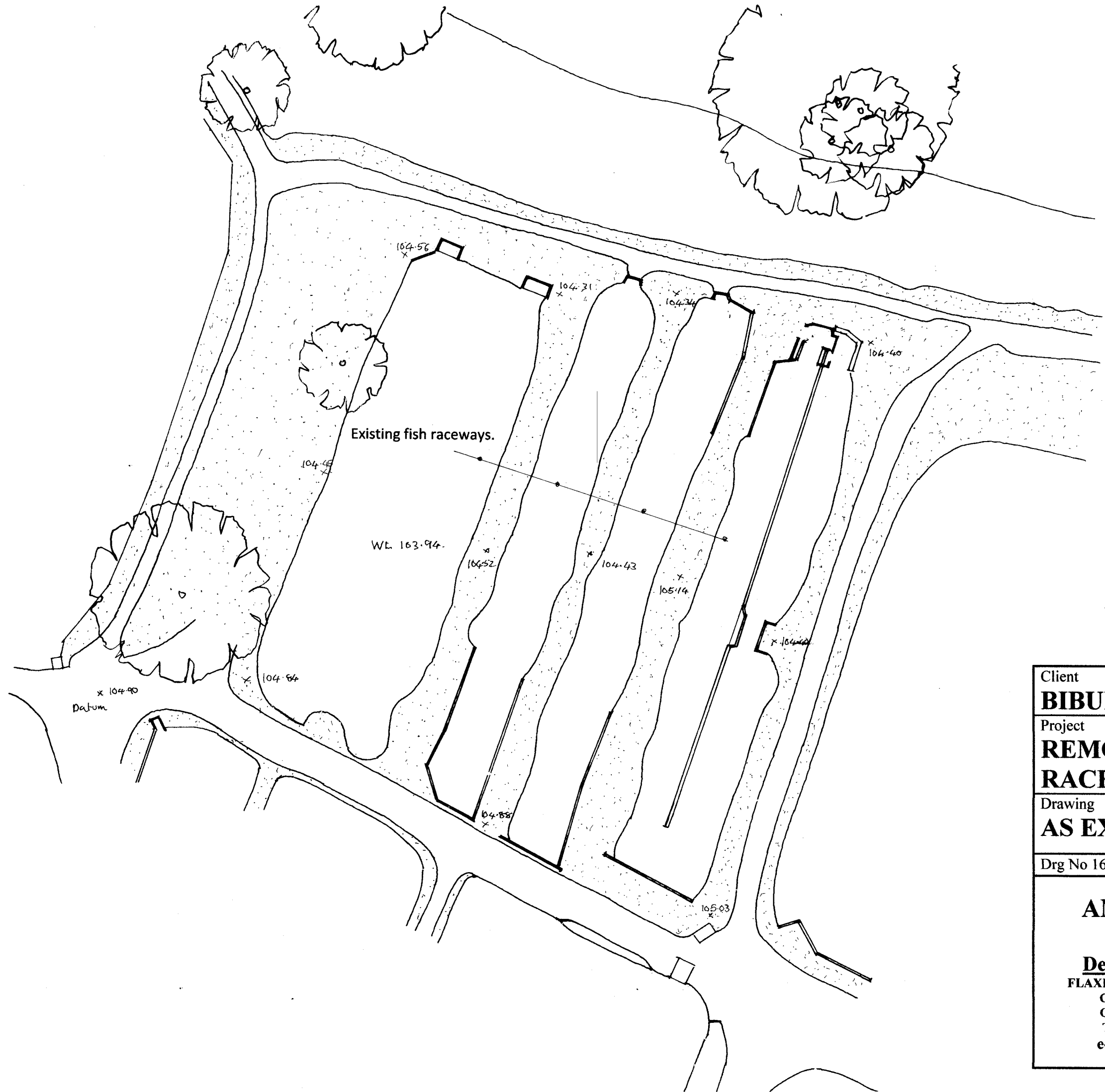
- i) A risk assessment of potentially damaging construction activities;
- ii) Identification of 'biodiversity protection zones';
- iii) Construction storage details, including waste, materials and equipment, ensuring there is a suitable buffer (ideally 10m) between storage facilities and the river;
- iv) Details of any construction lighting, ensuring light spill is not permitted towards the river; and
- v) Preventative measures to prevent pollution from entering the river.

The approved plan shall be implemented in full according to the timescales laid out in the plan, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the biodiversity of the watercourse is protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Policy EN8 of the Cotswold District Local Plan 2011-2031 and paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15). It is important that these details are agreed prior to the commencement of development as any on-site works could have an adverse impact on biodiversity.



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SCALE BAR 1:250



Client BIBURY TROUT FARM		
Project REMODELLING OF FISH RACEWAYS INTO LAKE.		
Drawing AS EXISTING		
Drg No 1621/350	1:250@A3	8-12-23
ANDREW P JONES ASSOCIATES <u>Development Consultants</u> FLAXFIELD HOUSE, POST OFFICE LANE, CLEEVE HILL, CHELTENHAM, GLOUCESTERSHIRE. GL52 3PS TELEPHONE/FAX 01242 676025 e-mail aj@apjassociates.co.uk		

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Island formed with existing material relocated from existing land divisions between lakes. Size to be determined by the amount of material available so that the volume of both the land and water remain as existing.

Existing bank erosion made good.

Sluice removed and banks made good.

Existing bank erosion made good.

Existing concrete dividing wall.

Line of dividing land between lakes to be removed and material reused to form new island.

SCALE BAR 1:250



Client
BIBURY TROUT FARM

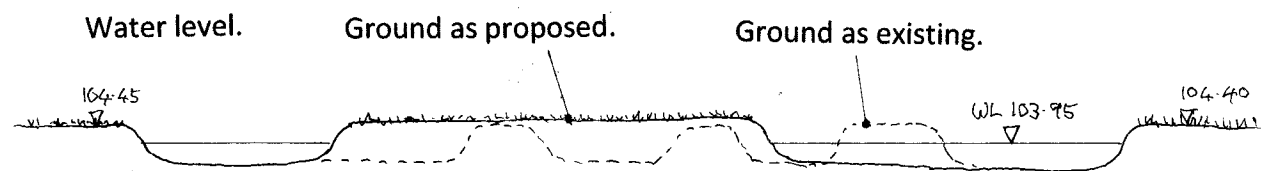
Project
REMODELLING OF FISH RACEWAYS INTO LAKE.

Drawing
AS PROPOSED

Drg No 1621/351 | 1:250@A3 | 8-12-23

ANDREW P JONES ASSOCIATES

Development Consultants
FLAXFIELD HOUSE, POST OFFICE LANE,
CLEEVE HILL, CHELTENHAM,
GLOUCESTERSHIRE. GL52 3PS
TELEPHONE/FAX 01242 676025
e-mail aj@apjassociates.co.uk



SECTION A-A

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Erection of roof cover to be used as a visitor arts, activities and education area at Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL

Full Application 24/00359/FUL	
Applicant:	Bibury Trout Farm
Agent:	Andrew P Jones Associates
Case Officer:	Martin Perks
Ward Member(s):	Councillor David Fowles
Committee Date:	8th May 2024
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Economic Development
- (b) Design and Impact on Bibury Conservation Area
- (c) Impact on the Character and Appearance of the Cotswolds National Landscape
- (d) Drainage and Flood Risk
- (e) Impact on Protected Species

2. Reasons for Referral:

- 2.1 This application has been referred to the Planning and Licensing Committee following assessment by the Committee Review Panel and further to the following request by Cllr Fowles:

'There is huge concern in the community about what is happening at the Trout Farm with a series of applications which are altering the fundamental nature of what takes place at the farm. Please can this application be sent to the panel to be reviewed.'

3. Site Description:

- 3.1 The application site is located in the north-eastern part of Bibury Trout Farm which is in turn located on the western edge of the village of Bibury. The site proposed for the new development consists of a concrete hardstanding. It is located adjacent to an existing single storey stone building which is used for storage and maintenance purposes in connection with the Trout Farm. The site is linear in form and is bordered by the River Coln to the east, a sluice channel to the west and south and the existing building to the north. Trout lakes/ponds lie further to the south and west of the site and a group of trees lie to the east of the River Coln.
- 3.2 The site is located within Bibury Conservation Area and the Cotswolds National Landscape.
- 3.3 The nearest listed buildings to the application site are the Grade II listed Swan Hotel and the 'Lock up approximately 20m north west of Swan Hotel', which are located approximately 40m to the east of the application site.

- 3.4 The River Coln is designated as a Main River by the Environment Agency.
- 3.5 The site of the proposed building is located partly within Flood Zone 1 and partly within Flood Zone 2. Land to the south/west of the site is located within Flood Zones 2 and 3.
- 4. Relevant Planning History:**
- 4.1 CD.0155 5 trout ponds. Permitted 1949
- 4.2 CD.0155/B Lorry garage and workshop. Permitted 1965
- 4.3 CD.0155/D Erection of single storey farm facility building to include new farm office, fish preparation area, fish sales counter and ticket area, shelter and informative/educational display area. Refused 1984
- 4.4 CD.0155/E Erection of single storey farm facility building to include new farm office, fish preparation area, fish sales counter and ticket area, shelter and informative/educational display area. Permitted 1984
- 4.5 CD.0155/F Formation of a car park for 21 cars, construction of a new vehicular and pedestrian access. Permitted 1985
- 4.6 CD.0155/G Retention and completion of farm facility building. Permitted 1986
- 4.7 CD.0155/H Retention of a farm facility building (amended elevations and roofing materials) Refused 1986 Enforcement and planning appeals dismissed 1986
- 4.8 CD.0155/J Provision of two velux rooflights to north west elevation of existing building. Permitted 1987
- 4.9 CD.0155/K Replacement of existing softwood entrance doors with new hardwood framed glass doors. Permitted 1988
- 4.10 CD.0155/L Construction of 7 earth ponds and 2 settlement ponds and supply and return channels. Permitted 1988
- 4.11 CD.0155/M Construction of a small lake offering use for anglers all year round. Permitted 1989
- 4.12 16/00245/FUL - Erection of single storey extension to form toilets. Permitted 2016
- 4.13 19/00885/FUL Erection of single storey extension to form toilets (re-submission of 16/00245/FUL). Permitted 2019
- 4.14 20/01642/FUL Erection of a new agricultural building, to include a fishing room and store. Permitted 2020
- 4.15 20/01804/FUL Extension to existing visitor car park. Withdrawn 2022

- 4.16 20/03923/FUL Erection of agricultural building with associated landscaping and new access. Permitted 2021
- 4.17 20/04028/FUL Infill of redundant pond. Permitted 2021
- 4.18 21/02486/FUL Creation of overload car park. Permitted 2023
- 4.19 121/04508/FUL Erection of an agricultural building, to include a fishing room and store. Permitted 2022
- 4.20 21/04281/FUL Change of use from Class IA (Sale of ice-creams) to holiday accommodation. Permitted 2022
- 4.21 22/03944/FUL Erection of an agricultural building, to include a fishing room and store. Permitted 2022
- 4.22 23/00886/FUL Erection of an agricultural building, to include a fishing room and store. Permitted 2023
- 4.23 23/03970/FUL Re-modelling of existing fish raceways to form a new lake with central island. Pending decision
- 4.24 23/03980/FUL Erection of a café/gift shop. Permitted 2024
- 4.25 23/04050/FUL Installation of 6no. glamping pods and associated decked paths. Minor landscaping of the site, planting of native species of shrubbery and wildflower. Withdrawn 2024

5. Planning Policies:

- EC5 Rural Diversification
- EC3 All types of Employment-generating Uses
- EC10 Tourist Facilities & Visitor Attractions
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN8 Bio & Geo: Features Habitats & Species
- EN10 HE: Designated Heritage Assets
- EN11 HE: DHA - Conservation Areas
- EN14 Managing Flood Risk
- EN15 Pollution & Contaminated Land

6. Observations of Consultees:

- 6.1 Environment Agency: No comments
- 6.2 Drainage Engineer: No objection

7. View of Town/Parish Council:

- 7.1 *'Bibury Parish Council considered this application in their meeting held on the 12th March and agreed to strongly object; it will be a significant structure and it will result in the loss of the hatchery and undermine the working function of the Trout Farm. The Council are extremely concerned that this is a change of use and is being developed as a theme park and will harm the landscape and be detrimental to the heritage character of the area. It will also be detrimental to the ecology and significant wildlife. The lights proposed will cause significant harm to the dark skies policy.'*
- 7.2 *Please also refer to the Councils submission for Planning Applications 23/04050/FUL (Installation of 6no. glamping pods and associated decked paths. Minor landscaping of the site, planting of native species of shrubbery and wildflowers) & 23/03970/FUL (Re-modelling of existing fish raceways to form a new lake with central island). It is requested that these applications should be considered together by the Planning Control Committee. That these plans will cause significant harm, contrary to Policies EN1, EN2, EN4, EN10, EN11 and EC10 of the Local Plan.'*

8. Other Representations:

- 8.1 11 objections received.

Main grounds of objection are:

- i) Over-development of the Trout Farm.
- ii) Adverse impact on AONB.
- iii) Impact of noise/light and traffic on residents of Bibury and Arlington.
- iv) Another historic segment of the former Trout Hatchery will be lost and replaced with a tourist visitor centre.
- v) Adverse impact on conservation area.
- vi) Adverse cumulative impact of development such as café/shop and glamping pods in addition to this application.
- vii) Lack of community engagement.
- viii) The trout farm is becoming no more than a theme park.
- ix) This is a new build and an alteration of use from an agricultural Trout Hatchery to Art Gallery, and covered area. This would be a further death blow to the once very profitable Trout Rearing part of the Trout Farm. It would increase the numbers of buildings on the site and reduce the need for the number of Trout Ponds the present hatcher serves, opening up the possibility of them being used for something else or being filled in to create more potential land for land leading for more tourist attractions, and more over development of the site. Any overdevelopment in this sensitive area in the heart of the Bibury&

Arlington will exacerbate the existing problems the large numbers of visitors create in terms of parking, narrowness or absence of pavements etc to cope with huge numbers of visitors.

- x) The proposed site adjoins the River Coln. No mention is made of present or likely increased toilet provision to accommodate the visitors or school children. It is very close to the main Bibury spring and the main water extraction site. Two site very vulnerable to pollution . The increased run-off from the extra roof area is likely to drain into the existing river , further increasing the flood risk to the lower parts of the village.
- xi) It will not enhance the character or appearance of the area.
- xii) Detrimental to wildlife.
- xiii) There is wholly inadequate infrastructure within the village to support increased numbers especially parking facilities

9. Applicant's Supporting Information:

- Heritage Statement and Heritage Impact Assessment
- Covering letter
- Flood Risk Assessment

10. Officer's Assessment:

Proposed Development

10.1 This application seeks permission for the erection of an open sided single storey building for use as a visitor arts, activities and education area. The proposed building will measure approximately 12.8m long by 7.5m wide by 6.2m high. It will be attached to the existing building to the north by a 1m wide glazed link. The proposed building will be approximately 1.5m taller than the existing building.

10.2 The gable end walls of the proposed building will be clad in timber and the roof will be covered in either natural or artificial Cotswold stone slates. The sides of the building will be open with the eaves supporting by timber posts.

(a) Economic Development

10.3 This application relates to an existing trout farm which is also open to the public. The site therefore acts as a visitor attraction as well as a trout farm.

10.4 Local Plan Policy EC10 Development of Tourist Facilities and Visitor Attractions states:

'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.'*

10.5 In addition to the above, the proposal will also support the diversification of an existing rural business: Local Plan Policy EC5 Rural Diversification states:

'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.'*

10.6 The proposed development is located within the grounds of the existing trout farm and adjacent to an existing service building and infrastructure. The proposed building is intended to provide additional facilities for visitors to the trout farm. The location of the proposed building is considered to have a functional relationship with the trout farm. It will occupy an existing hard surfaced area and does not result in the loss of any ponds, sluices or other features integral to the operation of the farm. As such, the proposal is considered not to cause a conflict with existing operations nor to prejudice its continued viable operation. In addition, the trout farm is located adjacent to a road in one of the busiest tourist villages in the District. Furthermore, there are no existing buildings which can meet the requirements of the proposal. It is considered that the proposal will accord with Local Plan Policies EC5 and EC10.

10.7 The proposed development is also considered to accord with the aspirations of paragraph 88 of the National Planning Policy Framework (NPPF) which states that:

'Planning policies and decisions should enable:

- a) *The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *The development and diversification of agricultural and other land-based rural businesses;*
- c) *Sustainable rural tourism and leisure developments which respect the character of the countryside'*

10.8 In response to the concerns of objectors, the applicant has provided the following information in relation to both this application and an accompanying application for the re-development of raceways (23/03970/FUL) within the wider trout farm site:

10.8.1 'There are 50/60000 visitors to Bibury a year many of whom come from a very long way after they have done their walk along Arlington Row they come to the Cafe and ask what else is there to do? We at the Trout Farm are trying to improve the offering and the facilities for these visitors both young and old.

10.8.2 The Hatchery - over the past few years we have suffered huge losses of fish with diseases at a very early stage within the hatchery, experiencing huge problems with fresh water supply which has made that side of our business very risky and unprofitable, we believe this was the case experienced by our predecessor who had discussions with the Cotswold District Planning dept 6 years ago as to alternative uses for the hatchery under a pre-application 18/04061 where it was discussed to use the area as an extension to the cafe or the shop, at this stage we are keen to use the area as a possible education area for water based activities for children as it is located close to the children's play area and as an area when teaching of hand crafts can be made.

10.8.3 As the decision was made to close the hatchery we have purchased 300,000 fingerlings which will have been treated against one of the diseases that the farm so badly suffers from and we hope that our losses will be significantly reduced, and can be cared for in a different location.

10.8.4 The Raceways situated in the main part of the visitor area of the farm, haven't been used for a number of years and they are redundant in that position to the main farming activities, the small slivers of land that divide the areas of water are very difficult to maintain and keep tidy in the summer and are completely overgrown with weeds. We therefore wish to amalgamate all strips of water making a new pond with a central island landscaped and planted with ornamental species...

10.8.5 The Trout farm is divided into three sections the first is the visitor section which is open to the public where actual farming activities are kept to a minimum other than feeding and monitoring the fish. The next part of the farm is not open to the public and is where we have created new raceways and is the serious part for the mature fish farming activities. The next part is referred as the New Meadow where we have a number of ponds into which the fingerlings when they are large enough are introduced to river water and then grown on.

10.8.6 Since acquiring the farm we have invested over 2 million pounds in repairing ponds, banks and walkways, we have built a large new barn and created a state of the art smokery and fish preparation area with shower and changing facilities for our farmers.'

10.9 It is considered that the proposed development will assist the viability of the existing rural business to the benefit of the rural economy. It will provide additional facilities for visitors whilst not restricting the use of existing ponds/hatcheries. The site consists of a concrete hardstanding area and, as such, the proposal involves the redevelopment of brownfield land rather than the introduction of development onto an undeveloped

part of the site. It is considered that the proposal can be undertaken without having an adverse impact on the operation of Bibury Trout Farm.

10.10 It is considered that the proposal accords with Local Plan Policies EC5 and EC10 and paragraph 88 of the NPPF.

(b) Design and Impact on Bibury Conservation Area

10.11 The site is located within Bibury Conservation Area (CA).

10.12 With respect to any buildings or other land in a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Considerable weight and importance must be given to the aforementioned legislation.

10.13 The following Local Plan policies are considered relevant to the proposal:

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'Development will be permitted which accords with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality.'

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- 1 *'In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.'*
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'Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- a. *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;*
- b. *Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;*
- c. *Will not result in the 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.*
- d. *Have regard to the relevant Conservation Area appraisal (where available); and*
- e. *do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'*

10.16 In terms of national guidance, paragraph 205 of the National Planning Policy Framework (NPPF) states that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.*'

10.17 Paragraph 208 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 securing its optimum viable use.*'

10.18 The application site lies in the north-eastern corner of the trout farm. A group of trees/woodland form the eastern backdrop to the site. Land to its west, south and north are characterised by trout ponds/hatcheries, sluices, footpaths and areas of amenity grassland. The trout farm has a relatively managed and engineered appearance which reflects its historic and established use. It therefore has a character and appearance which is distinct from the wider conservation area.

10.19 The proposed development will lie adjacent to an existing stone building. It will also be located on a concrete hard surfaced area. The site therefore has a developed character and appearance. The proposed building will have a simple, plain functional design which is considered to respect the utilitarian nature of the existing site. The proposed roof will be covered in stone slates to match the existing building. The use of oak posts along the side elevations of the building is considered to be reflective of the open elevations often seen in traditional agricultural buildings. Whilst the proposed building will be taller than the existing building, it is considered not to be of a size, scale or height that will appear excessive. It is considered that the site can accommodate the proposed building without appearing over-developed.

10.20 The proposed building is screened from public view to the east by existing trees. Views from the road to the south are also screened in part by existing vegetation. In combination with its set back position from the aforementioned road, it is considered that the proposal will not have an adverse impact on the character or appearance of the conservation area when experienced from the aforementioned vantage points. Within the trout farm itself, the building will appear as a functional, working building which is considered not to be out of character with its surroundings. It is therefore

considered not to have an adverse impact on the contribution currently made by Bibury Trout Farm to the character and appearance of the conservation area. It is considered not to cause harm to the character and appearance of the conservation area having regard to paragraph 208 of the NPPF.

- 10.21 The site is not identified in the Bibury Conservation Area Statement as possessing any particular architectural or landscape qualities that are of special interest or that make a significant contribution to the character or appearance of the CA.
- 10.22 With regard to the impact of the proposal on the setting of listed buildings, it is noted that trees/woodland lies between the site and the nearest listed buildings to the east. There is no direct visual inter-connectivity between the site of the proposed development and the aforementioned heritage assets. The proposal is considered not to have an adverse impact on, or cause harm to, the setting of listed buildings.
- 10.23 The existing building on the site was erected between 1903 and 1920 (according to historic maps). However, it has been subject to extension in the post war period. Having regard to its age, modern additions and overall form, it is considered not to represent a non-designated heritage asset.
- 10.24 The concerns of objectors regarding cumulative development are noted. However, the site of the glamping pods lies approximately 270m to the north-west of the current application site and the café/gift shop is located in an existing car park to the north-west of the current proposal. Due to a combination of distance, a lack of visual inter-connectivity between the sites in question and the overall size of the Trout Farm site, it is considered that the current proposal will not have an adverse cumulative impact on the character or appearance of the area.
- 10.25 It is considered that the proposed building is of a size, scale and design which will preserve the character and appearance of the CA and the setting of listed buildings. The proposal is therefore considered to accord with Local Plan Policies EN2, EN10 and EN11 and guidance in Section 16 of the NPPF.

(c) Impact on the Character and Appearance of the Cotswolds National Landscape

- 10.26 The site is located within the Cotswolds National Landscape (formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB)) wherein the Council, in performing or exercising any functions in relation to, or so as to affect, the area '*must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*' (S85(A1) of the Countryside and Rights of Way Act 2000).
- 10.27 The following Local Plan policies are considered relevant to the proposal:

Local Plan Policy EN4 The Wider Natural and Historic Landscape states:

1. *'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.*

2. *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.'*

10.28 Local Plan Policy EN5 Cotswolds Area of Outstanding Natural Beauty (AONB) states:

1. *'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.*
2. *Major development will not be permitted within the AONB unless it satisfies the exceptions set out in National Policy and Guidance.'*

10.29 In terms of national policy, Paragraph 180 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural and local environment by *'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'.*

10.30 Paragraph 182 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.'*

10.31 The application site lies on the north-eastern edge of the trout farm which extends to over 5 hectares in size. The site has a functional character and appearance that reflects its use as a trout farm. It is bordered on all sides by development associated with the trout farm. Existing vegetation also provides a degree of screening of the site from the road to the east and limited screening of the site to the south. The character and appearance of the Trout Farm is distinct from that of the open countryside lying to its west.

10.32 The proposed building has a functional appearance that reflects its intended use. It is also of a size and scale that is considered proportionate to the site and existing development. The character of this part of the Cotswolds National Landscape is heavily influenced by the trout farm. The proposed development is of a form that respects the aforementioned use and is therefore considered to respond sympathetically to the character of the designated landscape.

10.33 The proposed development will not result in an encroachment of development into the open countryside. It is also considered not to have an adverse impact on the setting of the village within the designated landscape. It is considered that the proposed development will not have an adverse impact on the character or appearance of the Cotswolds National Landscape and that it accords with Local Plan Policies EN4 and EN5 and guidance in paragraphs 180 and 182 of the NPPF.

(d) Drainage and Flood Risk

10.34 The application site lies adjacent to the north of the River Coln which is designated as a Main River by the Environment Agency. Notwithstanding this, the majority of the

application site falls within a Flood Zone I, wherein development of the type proposed can be acceptable in principle.

- 10.35 The site of the proposed building is already surfaced in concrete thereby reducing infiltration. The applicant is also proposing to add water butts to the building to reduce surface water flow from the building during periods of high rainfall. As the existing site is hard surfaced, the proposal will not result in the loss of a greenfield site which provides on-site attenuation.
- 10.36 The Council's Drainage Engineer raises no objection to this application.
- 10.37 The Environment Agency states no comments in relation to the application. Notwithstanding this, the applicant will need to obtain a separate Environmental Permit from the Environment Agency to discharge any water into the River Coln. This will be a separate matter between the applicant and the Environment Agency.
- 10.38 It is considered that the proposed development can be undertaken without having an adverse impact on flooding or drainage in accordance with Local Plan Policy EN14.

(e) Impact on Protected Species

- 10.39 The application site occupies a hard surfaced area which offers negligible potential for protected species. In addition, the proposal does not seek to alter the roof of the existing building so should not affect its potential for nesting birds or bats. It is not proposed to alter the boundary of the site with the River Coln and the ground floor of the building will be open sided. The proposal is considered not to result in the loss of a sensitive habitat nor to impact on its relationship with the River Coln, which is heavily engineered at this point along its course.
- 10.40 Whilst the site is located within a red zone for great crested newts, the existing site does not provide a suitable habitat for the species. In addition, the fishing ponds contains fish which decreases the suitability of the pond for the aforementioned species. It is considered that the proposal is unlikely to have an adverse impact on great crested newts.
- 10.41 It is considered that the proposed development can be undertaken without having an adverse impact on protected species or their habitat in accordance with Local Plan Policy EN8.

Community Infrastructure Levy

- 10.42 The proposed building will not be used for residential or retail purposes. It is therefore zero rated for CIL purposes.

11. Conclusion:

- 11.1 Overall, it is considered that the proposed building is of an acceptable size, scale and design and will assist the viability of the existing rural business. The proposal can also be undertaken without having an adverse impact on heritage assets, flooding,

protected species or other matters. It is therefore recommended that the application is granted permission.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s):

1621/152, 1621/154

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

3. The roofslopes of the development hereby permitted shall only be covered with natural Cotswold stone slates or artificial Cotswold stone slates. Prior to their installation, samples of the proposed roofing materials shall be submitted to and 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, EN10 and EN11, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

4. The new rooflights shall be of a design which, when installed, shall not project forward of the roof slope in which the rooflights are located and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

5. The timber boarding shall be left to weather and silver naturally and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, EN10 and EN11.

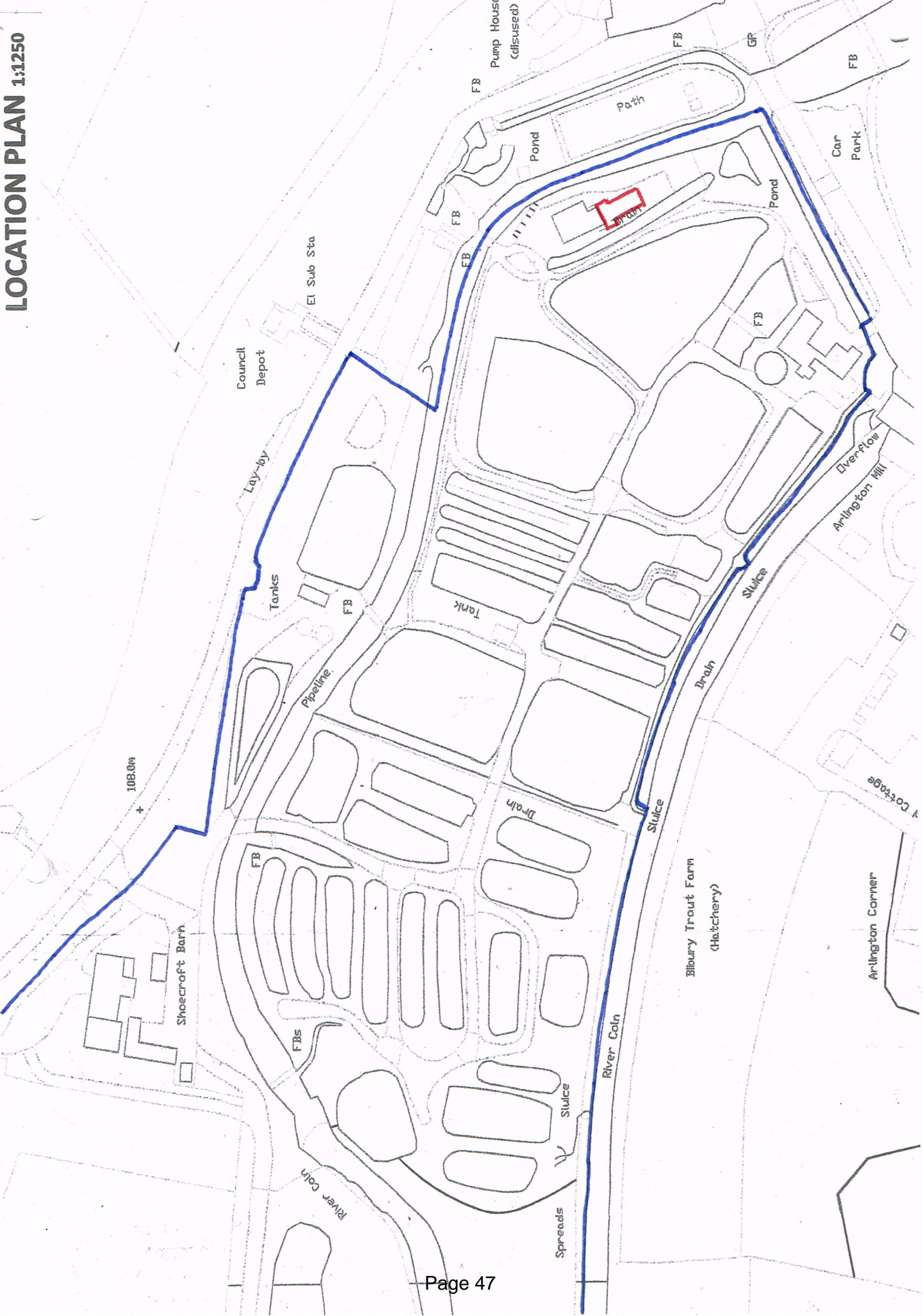
Informatives:

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

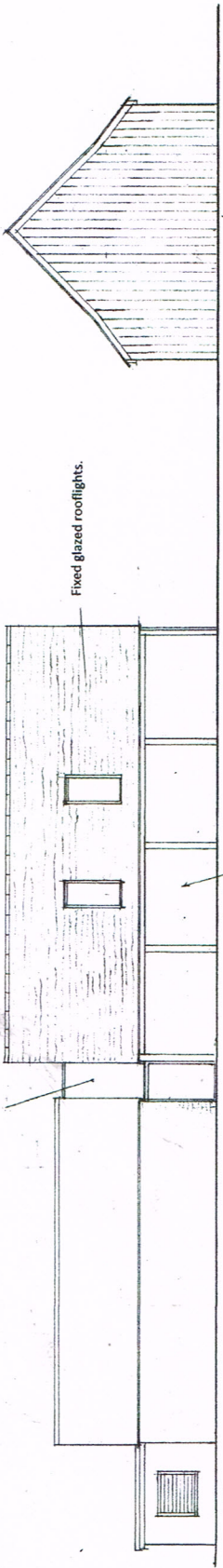
For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

2. The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).



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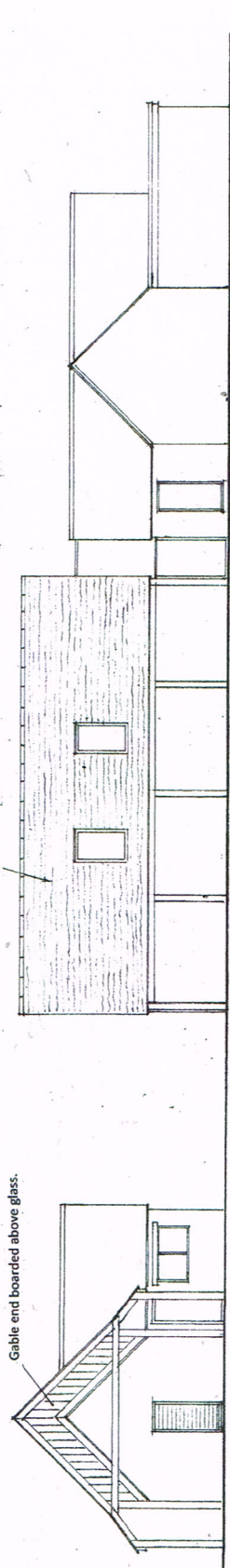
Covered area linked to existing building with fixed glass side walls in an aluminium frame and a fixed glass panel roof over.



ELEVATION A

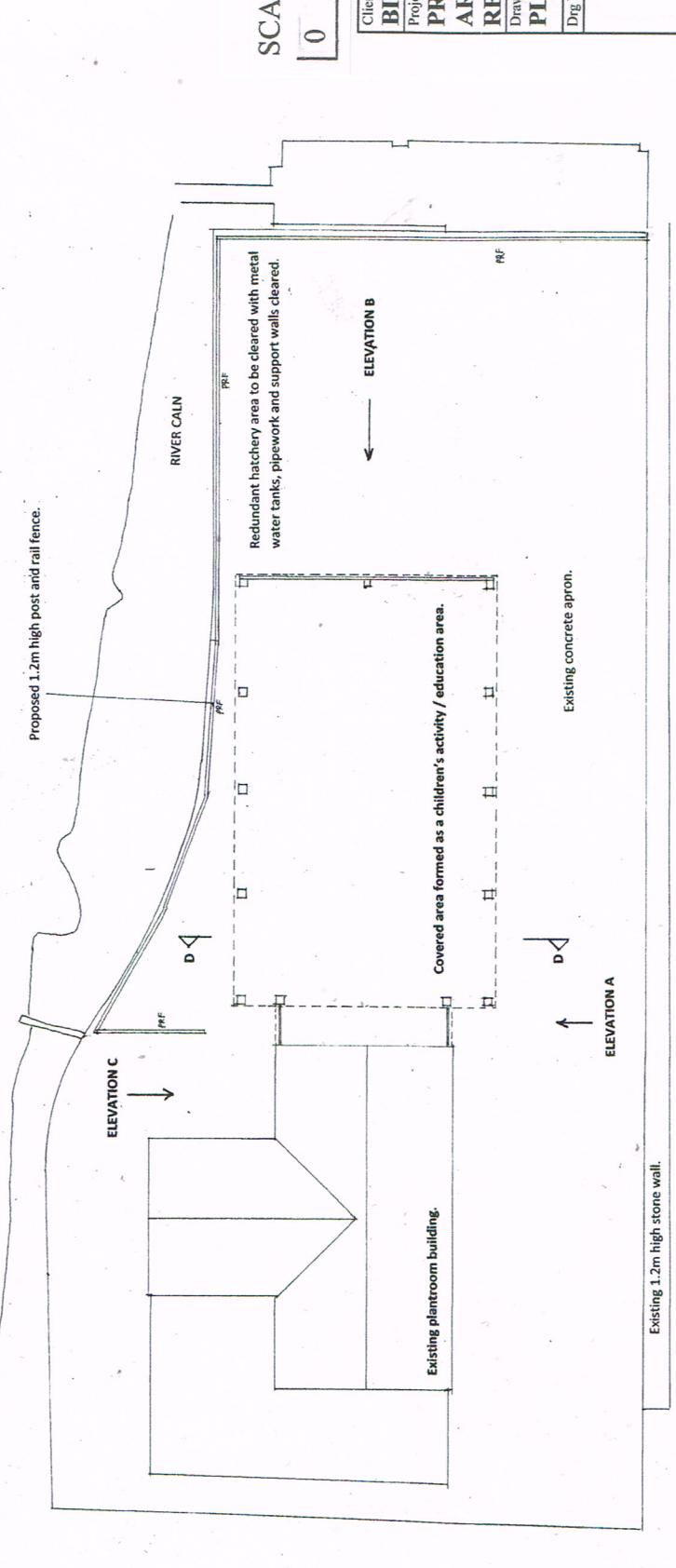
ELEVATION B

Proposed covered area formed with a timber posts and rafters with a slate roof covering on battens and end walls finished with vertical timber boarding (Sides to remain open).



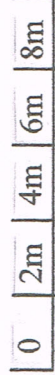
SECTION D-D

ELEVATION C



SITE PLAN

SCALE BAR 1:200



Client	BIBURY TROUT FARM
Project	PROPOSED COVERED AREA IN LOCATION OF REDUNDANT HATCHERY
Drawing	PLANS & ELEVATIONS
Dwg No	1621/154
Scale	1:200@A4
Date	19-2-24
Designer	ANDREW P JONES ASSOCIATES
Address	Development Consultants FLAXFIELD HOUSE, POST OFFICE LANE, CLEEVE HILL, CHELTENHAM, GLOUCESTERSHIRE. GL52 3PS
Contact	TELEPHONE/FAX 01242 676025 e-mail aj@apjassociates.co.uk

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Erection of service station side extension and erection of fencing to create a relocated bin storage area and associated works at Fosseway Service Station Fosseway Lower Slaughter Cheltenham Gloucestershire GL54 2EY

Full Application 22/03418/FUL	
Applicant:	Motor Fuel Limited
Agent:	JMS Planning
Case Officer:	Helen Cooper
Ward Member(s):	Councillor Len Wilkins
Committee Date:	8th May 2024
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle of Development
- (b) Design and Appearance
- (c) Impact on the Cotswold's National Landscape (AONB)
- (d) Impact on Residential Amenity
- (e) Land contamination
- (f) Highways Safety
- (g) Biodiversity
- (h) Other Matters

2. Reasons for Referral:

2.1 This application has been referred to Planning and Licensing Committee following assessment by the Committee Review Panel and further to the following request by Cllr Wilkins:

2.1.1 *'I have a number of concerns on Highway Safety. This application was originally turned down by Highways as unsafe but then permission was granted following further representations. The circumstances that applied at the time have now been altered and make this application unsafe for pedestrians and road users. Since this application was seen by Highways the Bourton Vale Car Park closed to coaches at the beginning of the year. This has led to a displacement of coaches and other vehicles and we now have coaches parking on the Fosse and peak time traffic congestion. This closure has led to a lack of adequate parking and no driver facility for rest and/or food. The Coach and Horses Inn which is almost opposite the application site was closed at the time when Highways considered this application is now to reopen.*

2.2.2 *In addition the Hawkstone Brewery festival site now has permission to hold 10 festival a year with a maximum capacity of 4,000 attendees. Therefore the assumptions used in the original Highways on parking adequacy are likely to be false. In any event this site does not have sufficient parking spots. It already offers a number of grocery items and when these customers are added to the potential fast-food customers there is insufficient parking.*

- 2.2.3 *The cumulative impact of this together with any extra traffic from the Greggs application is a major concern.*
- 2.2.4 *The application states hours of opening to be 6am to 11pm As other nearby food retailers open from 7am to 10pm the applicant is likely to attract customers between 6am and 7am and 10pm and 11pm which will cause disturbance to nearby neighbours during the early morning and late at night. I am also concerned that there will a temptation for residents and tourists leaving local pubs to make their way to the application site as the only source of fast food. This could also lead to levels along the A429 to increase.*
- 2.2.5 *Local plan states that businesses whose use is class E should not be in the open countryside.*
- 2.2.6 *Policy EC8 states the preferred sequence of locations for this type of business is a. Primary Shopping Area b. Town Centre c. Edge of Centre d. Out of Centre. Only if there are no suitable sites available should out of centre sites be considered. Policy EC8 d) is quoted in the report. This advises that there are no comparable food takeaway outlets similar to Greggs within the Bourton-on-the-Water area. The statement advises that the proposal would not harm the existing snack bars/coffee shops within Bourton-on-the-Water as these mainly cater for pedestrians. Sorry this is wrong. Firstly if there are no equivalents why is it necessary to say they won't be harmed? The report suggests that there is nothing comparable to this site in Bourton. Sorry, this misrepresents the facts. There are a number of comparable business nearby in Bourton who would lose customers to this application they are:-*
- 1 Bakery on the Water*
 - 2 Cornish Bakery*
 - 3 Midcounty's Food Hall*
 - 4 Midcountie'Coop Service station offering meal deals, coffee etc*
 - 5 Budgens - Bourton High Street*
 - 6 Boxbush House - Bourton High Street*
- 2.2.7 *Business 1 has no nearby parking, No 2 has parking until 11.00am, Others have parking facilities and businesses 4 and 5 open into the late evening and it is possible that they would all lose business to Greggs.*
- 2.2.8 *Also under Policy EC8 - There is very limited public transport to the site. I do not know of anyone who would catch a bus at a £4 cost (£2 each way) to buy fast food when local shops provide the same or better products. Equally walking and cycling to this location is dangerous. For Bourton residents it would mean crossing the Fosse so I contest this is a reason for refusal. I also question that the health and wellbeing of residents will be improved by a fast-food diet.*
- 2.2.9 *EN16 - Dark Skies . This application will produce additional lighting in late afternoon, especially in Winter. In will add to an already impacted light pollutant.*
- 2.2.10 *Noise and smells are also a concern. This site backs on to rural land and the impact of noise and smells on the sensitive animals that use this wildlife corridor is a concern. There are foxes, badgers, deer owls and bats that will be affected.*

2.2.11 *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. I content that these risks exist. Firstly in that access from Bourton, Lower Slaughter and Wyck Rissington can only safely be made by car which adds to pollution. Secondly there is limited parking available. It is now likely that more users of the service station will take advantage of the fast-food facilities and clog up this limited parking. The natural environment will suffer from noise, smells and pollution. Whilst there are only a few local residents adjacent to the site there are hundreds on the other side of the Fosse who could be inconvenienced with this application.*

2.2.12 *Lastly I note that there is no mention in the report of the potential changes brought around by the permission already granted to raise the fuel court canopy. At present Heavy Goods Vehicles cannot use the site due to a lack of available height. When this change is made both they and coaches could make use of the site, the fast food facilities and sorry there is just not room.*

2.2.13 *I have not mentioned the views of the Parish Councils of Bourton on the Water or Lower Slaughter but perhaps the committee would like to consider these also.'*

3. Site Description:

- 3.1 The application site comprises an existing fuel station, located approximately 0.6 km to the north of Bourton-on-the-Water. It is located on the western side of the A429 (Fosseway). The site currently has a canopy with fuel pumps to the front, single-storey shop associated with this, with additional parking to the side. A yard/bin store area with wooden gates adjoins the shop.
- 3.2 A detached residential property 'Westwood' lies to the rear of the site and residential properties are also set opposite the site.
- 3.3 The site is located outside of any defined Development Boundaries, but within the Cotswolds National Landscape (Area of Outstanding Natural Beauty (AONB)).

4. Relevant Planning History:

- 4.1 02/00392/ADV 2 No. single sided free-standing advertisement display units internally illuminated (only at night) - Permitted 11.04.2002
- 4.2 06/00613/ADV Display of illuminated free standing sign (retrospective) -Permitted 21.04.06
- 4.3 16/04110/FUL Retention of ATM -Permitted 29.11.2016
- 4.4 16/04111/ADV Integral illumination and screen to ATM fascia, internally illuminated Free Cash Withdrawals sign above ATM fascia and blue LED halo illumination to ATM surround - Permitted 29.11.2016
- 4.5 20/00908/FUL Existing canopy to be raised from 3.5m to 4.8m - Permitted 07.05.2020

- 4.6 21/04731/FUL Installation of 1 x self-service jet wash bay - withdrawn 17.11.22
- 4.7 23/00723/FUL Creation of an EV charging zone, erection of EV chargers, erection of canopy, erection of sub-station enclosure and associated forecourt works - Withdrawn
- 4.8 23/01501/FUL Existing canopy to be raised from 3.5m to 4.8m - Permitted 29.06.2023

5. **Planning Policies:**

- TNPPF The National Planning Policy Framework
- EC1 Employment Development
- EC3 All types of Employment-generating Uses
- EC7 Retail
- EC8 MainTown Centre Uses
- EC9 Retail Impact Assessments
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN5 Cotswolds AONB
- EN8 Bio & Geo: Features Habitats & Species
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety
- INF5 Parking Provision

6. **Observations of Consultees:**

- 6.1 Environmental and Regulatory Services Contamination: No objection.
- 6.2 Environmental and Regulatory Services Noise: No objection.
- 6.3 Environmental and Regulatory Services Air Quality: No objection.
- 6.4 Gloucester County Council (GCC) Highways: No objection.
- 6.5 National Highways: No comment, it's a significant distance from our network.

7. **View of Town/Parish Council:**

7.1 Lower Slaughter Parish Council (LSPC):

7.1.1 *'Whilst Lower Slaughter Parish Council recognise the need for this service station to explore options to support its commercial sustainability, we wish to object to this planned "change of use" to fast food retail on highway and operational safety grounds due to the resulting increase in vehicles moving around and onto and off the petrol station forecourt.*

7.1.2 *The planning application states replace open yard abutting existing forecourt shop building with new shop building extension. Provide new fenced refuse bin yard. The*

drawings confirm the proposal to introduce a Greggs on the site. Any such approval would create an unacceptable precedent in this location for fast food retail of any description.

7.1.3 We would expect a significant increase in traffic that would put additional strain on the highway network with the Gravel Pits site, the garage, bus stop, residential properties, the potential EVCS and planned road widening scheme, and access junctions to Lower Slaughter and Wyck Rissington all in close proximity. There will also be a significant increase in waste and servicing vehicle trips to the site which again impact on safety. We therefore request that the proposal be rejected on grounds of both highway safety, site constraints and unacceptable end use in this location in the AONB. These issues have been raised previously following serious road incidents in the area and in respect of the recent application for a car wash facility on the site.

7.1.4 In addition, there is insufficient car parking to accommodate forecourt users as well as both staff and non-fuel customers which we feel would prevent the site from operating safely.'

8. Other Representations:

8.1 Bourton-on-the-Water Parish Council:

8.1.1 'Bourton-on-the-Water Parish Council objects to the application due to overdevelopment of the site in respect of inadequate car parking and volume of traffic accessing the site from the Fosseway on a 50mph stretch of road.

8.1.2 In addition, there will be a cumulative impact with other local development (22/04004/FUL Grafters, C/22/01474/PRMV The Cotswold Brewing Co, and 22/03763/FUL Land parcel south of Meadow View, Stow Road) in terms of light pollution, impact on road safety and the wildlife corridor.'

8.2 Two representations have been received from the public. One from the adjacent neighbour at Westwood, Fosseway and another from Slaughter Pike, Lower Slaughter objecting to the proposal. To summarise the following concerns have been raised:

- Concern raised in respect of the car wash and potential noise. Request that any noisy equipment is located away from the boundary shared with Westwood.
- Request a fence is installed to prevent refuse being put onto Westwood's property.
- Lack of parking on the site and vehicles are regularly parked on the carriageway of the main A429 Fosseway to facilitate their occupants.
- This parking is on a very busy 50mph route
- Concerned that if the premises is to be extended offering more services then surely there has to be a condition that further parking is part of the plan, as it's a safety issue.

- Risk of accidents

9. Applicant's Supporting Information:

- Design and Access Statement
- Sequential Test Planning Statement
- Phase One Environmental Assessment
- Parking Standards Review
- Photographs and Photomontages
- 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 This application seeks permission for the erection of a service station side extension and erection of fencing to create a re-located bin storage area and associated works. The proposed extension would replace the existing bin storage area and the extension would measure approximately 8.8 metres in depth, 4.2 metres in width and 4.4 metres at its highest point and approximately 3.2 metres in height on the flat roof section. The extension would accommodate a Greggs outlet. In addition, the existing filling station and shop would be internally reconfigured. The entrance to the filling station would be re-located to the centre of the building and this would serve both the petrol sales, associated shop as well as the Greggs outlet.
- 10.5 The proposed site plan has been amended during the application process and the jet wash has been omitted from the plan following the withdrawal of the associated planning application 21/04731/FUL Installation of 1 x self-service jet wash bay. The proposed site plan has also been amended to show additional car parking spaces on the forecourt. There are now 3no. car parking bays proposed at the site for staff car parking and 6 no. customer parking bays, including one which is disabled. An ATM pod would be set adjacent to the south west elevation of the building and the bin store has been relocated to sit adjacent to the south west elevation behind a close board fence.
- 10.6 It should be acknowledged that permission has been granted for the existing canopy at the site to be raised from 3.5m to 4.8 metres under application 23/01501/FUL, which was permitted on the 29.06.2023. This permission is extant, although it has not

yet been implemented at the site. This permission will allow larger vehicles, such as heavy goods vehicles or coaches to use the service station.

- 10.7 Fosseway Service Station comprises a petrol filling station on its forecourt and an associated shop which has a sui generis use. A Greggs outlet would normally fall under Schedule 2, Part A use class E 'Commercial, Business and Service' of the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020. Class E, criteria (a) is 'for the display or retail sale of goods, other than hot food, principally to visiting members of the public'. In this instance, the Greggs outlet will be accessed via the existing forecourt shop through a re-positioned central access door and as such is considered to be ancillary to the main use of the site rather than a separate unit. As the Greggs is considered to be ancillary and forms part of the wider service station provision it is considered to fall within the existing sui generis definition. As such a change of use is not sought by this planning application.

(a) Principle of Development

- 10.8 Section 6 of the NPPF 'Building a strong, competitive economy' and in particular paragraphs 88 and 89 which relate to supporting a prosperous rural economy are relevant to this proposal. Paragraph 88 states:

Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

- 10.9 Paragraph 89 states:

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 10.10 Section 7 of the NPPF 'Ensuring the vitality of town centres' is relevant. Paragraph 91 advises that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in

accordance with an up-to -date plan.' Paragraph 93 advises that 'This sequential approach should not be applied to applications for small sale rural offices or other small scale rural development.'

10.11 Policy EC7 'Retail' sets out the retail hierarchy in Cotswold District. This advises that main town centre uses should be focussed primarily within Cirencester town centre, the key centres of Bourton-on-the-Water, Chipping Campden, Moreton-in-Marsh, Stow-on-the-Wold and Tetbury, the district centres of Fairford and Lechlade and the local centres within North Leach and South Cerney. Following this provision is made for small local shops and services in settlements that are not listed *if they would enhance a settlement's viability and help to meet the needs of, and are conveniently accessible to, the local community.*

10.12 Policy EC8 'Main Town Centre Uses' of the Cotswold District Local Plan is relevant. This advises the preferred sequence of locations for Main Town Centre Uses in Cirencester and other Principal Settlements. Numbers 7 and 8 relate to main town centre uses beyond the identified Centre boundaries and outline a number of criterion that should be met by proposals as outlined below:

7. *When considering proposals for main town centre uses beyond the identified Centre boundaries, (in edge of centre or out of centre locations), proposals will be permitted that are:*

a. accessible and well connected to the Centre by public transport, walking and cycling;

b. contribute to the quality, attractiveness and character of the settlement and the street frontage within which the site is located;

c. maintain or improve, where possible, the health and wellbeing of the District's residents through increased choice and quality of shopping, leisure, recreation, arts, cultural and community facilities; and

d. except where the proposal is in conformity with an allocation for main town centre uses elsewhere in the Plan, comply with the sequential test, by demonstrating that there are no sequentially preferable sites or premises to accommodate the proposed development, taking into account the need for flexibility in the scale and format of proposals.

8. *In addition to Clause 7 criteria (a)-(d) proposals for retail, leisure and office uses outside of defined centres will be assessed in relation to their impact on:*

a. the vitality and viability of those defined town centres within the catchment area of the proposal; and

b. existing, proposed and committed town centre investment in defined centres within the catchment area of the proposal.

Such assessments should, where appropriate, extend to an assessment of the cumulative effects, taking into account other committed and recently completed developments.

10.13 Policy EC3 (Proposals for All Types Of Employment-Generating Uses) is relevant to the proposal. Section 2 as follows is relevant to this application:

2. *Outside Development Boundaries, and outside established employment sites, proposals for small-scale employment development appropriate to the rural area will be permitted where they:*

a. do not entail residential use as anything other than ancillary to the business; and

b. are justified by a business case, demonstrating that the business is viable; or

c. facilitate the retention or growth of a local employment opportunity

Assessment

10.14 The application site is located outside of settlement boundaries as identified within the Cotswold District Local Plan and within the open countryside.

10.15 As outlined above, the petrol filling station has a sui-generis use which comprises an existing forecourt shop. The proposal would extend the existing service station provision and a change of use is not sought by the application. The proposal to extend the existing service provision is therefore considered acceptable in principle.

10.16 Notwithstanding this, concerns have been received in relation to the potential impact that the proposal may have upon cafes in Bourton-On-The-Water. A food outlet such as Greggs can constitute a main town centre use and this is considered in more detail below against relevant policies within the Local Plan.

10.17 A retail impact assessment in respect of Policy EC9 is not required due to the scale of the proposal (required for retail development with a net increase of 100sqm or more outside identified centres).

10.18 Policy EC8 'Main Town Centre Uses' is of relevance in respect of the concerns raised. This advises the preferred sequence of locations for Main Town Centre Uses in Cirencester and other Principal Settlements. EC8 section 7 and 8 relate to main town centre uses beyond the identified Centre boundaries and outline a number of criterion that should be met by proposals outlined above. In this instance, the proposal is considered to represent small scale development and as outlined by paragraph 93 of the NPPF a 'sequential approach should not be applied to applications for small scale rural offices or other small scale rural development'. However, a sequential test planning statement supports the application, and this is considered to accord with Policy EC8 7 d).

10.19 The supporting sequential test advises that there are not considered to be any comparable food takeaway outlets similar to Greggs within the Bourton-on-the-Water area. The statement advises that the proposal would not harm the existing snack bars/coffee shops within Bourton-on-the-Water as these mainly cater for pedestrians. The service station effectively 'bypasses the town, and consists mainly of transient motorists stopping for fuel and a rest break.' Officers have reviewed the statement

and agree that due to the nature of the proposal the service station is an acceptable location and will enhance the existing onsite provision.

- 10.20 Whilst Fosseyway Services is outside of a settlement, bus stops are in close proximity to the site and it is not so isolated that it couldn't be reached through sustainable transport modes such as cycling and public transport in accordance with Policy EC8 7. a). It is also considered that the proposal is likely to improve the appearance of the site and enhance the existing retail provision in accordance with Policy EC8 7. b) and c).
- 10.21 It is considered that the proposal complies with Policy EC3 2. criteria c) as the extension will facilitate the retention or growth of a local employment opportunity.
- 10.22 The extension, which would accommodate a Greggs food-to-go outlet, is therefore considered to comply with Policies EC3 and EC8 of the Local Plan. The proposal will support employment development within this area of the District and enhance the provision offered by the existing service station. The design and appearance, residential amenity, contaminated land and highway safety are addressed within the following sections of the report.

(b) Design and Appearance

- 10.23 Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in.
- 10.24 Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality.
- 10.25 The extension is set down from the original filling station and will appear subordinate to the main building. The use of a pitched roof along the front elevation with a flat roof across the bulk of the structure to the rear is acceptable and this will also help reduce its visibility in the wider area and from the neighbouring property, 'Westwoods', which is set to the rear of the site.
- 10.26 The proposed bin storage area has been repositioned during the application process and will be set behind proposed fencing and this will not appear uncharacteristic within the site. As such the proposal is considered to accord with Policy EN2 in respect of its design.

(c) Impact on the Cotswolds National Landscape

- 10.27 The site is located within the Cotswold's National Landscape. Section 85 (A1) 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 National Landscape.
- 10.28 Section 15 of the NPPF seeks to conserve and enhance the natural environment.
- 10.29 Local Plan Policy EN5 relates specifically to the Cotswolds National Landscape (AONB), and states that in determining development proposals within the Area of

Outstanding Natural Beauty, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

- 10.30 The proposal is located within an existing petrol filling site off the Fosseyway (A429). The extension is considered to be a subordinate addition to the building and as such will not have an adverse impact upon the Cotswold National Landscape character or appearance in accordance with Policy EN5.
- 10.31 Concerns have been received in relation to protecting dark skies within the National Landscape. It is not considered that the proposal will increase any existing light spill from the site and as such is acceptable.

(d) Impact on Residential Amenity

- 10.32 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.
- 10.33 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.
- 10.34 Westwoods, a residential property is situated next to the site and is approximately 2.3 metres away from the proposal at its closest point. A conservatory belonging to this property is set to the rear of the proposed extension and a gable end belonging to the property is in proximity to the proposal. This is single storey in height with a window serving primary living accommodation. A group of residential properties near to the road named, Slaughter Pike, are set on the other side of the A429.
- 10.35 The proposed extension is a subordinate addition to the building. The flat roof element of the extension which is in proximity to the neighbouring property Westwoods, measures approximately 3.2 metres in height. Whilst close, the extension is not set directly in front of the single storey gable end window belonging to Westwoods and taking into account the existing boundary wall, on balance, it is not considered that the height increase would lead to a level of harm though loss of light, privacy or overbearing impact as to warrant refusal.
- 10.36 Due to the separation distance to other residential properties nearby it is not considered that the single storey extension would be overbearing or cause loss of light or privacy in accordance with Policy EN2.
- 10.37 The existing service station is open from 6 am until 11pm and the Design and Access Statement advises that the site opening hours will remain the same. As the proposal seeks to extend the existing service station provision it is not considered reasonable to restrict the opening hours of the extension. A planning condition is therefore recommended to ensure the Greggs shares the same opening hours and this includes delivery times to minimise disturbance to the surrounding area.

- 10.38 With regard to traffic movements the supporting Transport Note advises that as the food-to-go is not a major takeaway outlet many of the customers are likely to be purchasing fuel. LPA Officers consider that a large number of trips will be linked to the existing petrol filling station. Due to the existing character of the site and proximity to the A429, on balance any increased vehicular movements are unlikely to materially lead to a level of harm that would warrant refusal in respect of Policy EN2 and EN15.
- 10.39 Environmental and Regulatory Services Noise initially raised concerns in respect of the location of the air conditioning units and noise levels. Further information has been submitted during the application process relating to the food preparation area and extract installation systems and following review the details are considered acceptable. As such it is not considered that the proposal would harm residential amenity in respect of noise levels. It should also be noted that the granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received. A condition has been recommended to ensure that only low odour food is heated up at the premises and it is considered that this will help safeguard residential amenity.
- 10.40 Environmental and Regulatory Services Air Quality have advised the following *With regards to air quality, I acknowledge the products which will be cooked on the premises will generate low odour which, if I understand correctly, will be diluted by other air flows from other areas of the building, e.g. office, staff room etc. I also acknowledge the position of the exhaust vent will direct emissions away for the closest residential buildings. Consequently I agree cooking odours emitted from the ventilation/extraction system are unlikely to cause a nuisance. However, the applicant should be aware that once operational, should the proposed system prove to be inadequate in controlling odours at anytime in the future, resulting in justifiable complaints, the applicant will be required to reconfigure the ventilation/extraction system to ensure nuisance odours are removed from the extracted air before leaving the building or dispersed at height using a suitable stack.*
- 10.41 Concerns have been received from the neighbouring property Westwoods, in relation to refuse being pushed through gaps in the shared boundary fence. The bin store has been re-positioned during the application process and is now contained in the area to the southwest of the building. It is considered that the position of the bin store is acceptable and littering is subject of separate legislation which cannot be addressed through the planning process.
- 10.42 Officers are satisfied that subject to planning condition the proposed development is acceptable in residential amenity terms and therefore accords with Policies EN2 and EN15, and paragraph 130 of the NPPF.

(e) Contaminated Land

- 10.43 Environmental and Regulatory Services Contamination initially advised that *many petrol filling stations have various generations of tank farms, redundant pipework and not fully surveyed fuel legs etc. Hence, there may be former tanks present beneath the area to be developed. We would expect information from the applicant upfront, including a desk study and possibly a survey to understand the possible presence of any underground features present.*

10.44 Following receipt of a Phase One Environmental Assessment Environmental and Regulatory Services advised that it is unlikely that any further underground storage tanks are located on the site. The conclusions of the assessment are supported and it is considered that no further investigation or remedial works are required. However, a watching brief during excavations with a suitably qualified person present is recommended within the report and a condition is recommended in respect of this requirement.

10.45 It is therefore considered that the risk of land contamination can adequately be mitigated for. This aspect of the proposal is therefore considered to comply with Policy EN15.

(f) Highway Safety

10.46 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. Policy INF5 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. This is supported by Section 9 of the NPPF.

10.47 A Transport Note accompanies the planning application.

10.48 The Local Highway Authority (LHA) initially objected to the proposal, on grounds that the total staff on site would be 8 full time and 6 part time and that there were 5 car parking spaces and one additional space proposed. The proposals for parking and access for staff and delivery vehicles were not considered suitable in respect of Policy INF4 and INF5.

10.49 The applicant provided a response to the LHA's comments and highlighted that the revised parking meets the Cotswold District Council Parking Standards Review Parking Guidance Note.

10.50 The revised layout drawing provides 6 no car parking spaces, including one disabled space and 3 no. car parking spaces. The jet wash which was originally shown on the drawing and was subject of a separate application (reference: 21/04731/FUL-withdrawn) has also been removed from the site layout.

10.51 Following a review of the applicant's response and revisions the LHA have reconsidered the application and provided a response of no objection on the 30th January 2024.

10.52 The Local Highway Authority (LHA) Officer's detailed comments state

1. *'The proposed extension is 55.6sqm of additional retail floorspace, To comply with the parking standards that would require two parking spaces for a new use. In this case it may be considered that there will be a significant percentage of linked trips and that the extension in and of itself will not generate a significant level of traffic over and above that already accessing the site. There is likely to be a number of customers who purchase goods sold in the extension whilst buying fuel on the forecourt and would not therefore require an additional parking space.'*

2. *The objectors refer to existing parking on the Fosse Way and whilst we accept that this may well be the case the applicant has asked for "the data showing this" and there is currently no data available to the LHA. In order that the LHA could object to the extension it would need to not only identify the issue but to quantify how that issue would be made worse following the completion of the development and it is not considered that it would be possible to identify an unacceptable increase in this parking following the development. It is the case that if there is any dangerous parking it would constitute an offence and could be enforced. There have been some collisions in the vicinity of the filling station, but none are directly linked to the accesses or activities on the site.*
3. *There are no changes proposed to the accessing arrangements to the existing filling station.*
4. *It is considered that the onsite car parking coupled with the unmarked space on the forecourt and the likelihood of liked trips with customers using the fuel pumps is likely to be sufficient to serve any additional demand created by the extension.'*

10.53 Officers are therefore satisfied that the proposal would not have an unacceptable impact to highway safety and is in accordance with Local Plan Policies INF4, INF5 and the NPPF.

(g) Biodiversity

10.54 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.

10.55 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.

10.56 The existing use of the site where the extension would be sited comprises hardstanding. It is therefore not considered that the proposal would have an adverse impact upon Biodiversity at the site.

(h) Other Matters

10.57 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 would enhance the existing retail provision at Fosseway Service Station and any associated traffic generation is likely to be linked to the existing operation at the site. The design and appearance of the proposal is in keeping with the character of the site and on balance it is not considered that the proposal would harm residential

amenity. The proposal is considered to accord with all relevant policies of the Cotswold District Local Plan and as such is recommended for permission.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be implemented in strict accordance with the following approved plans:

Site location plan, FOSSE-WPS-MFG-527-P04 Rev E, FOSSE-WPS-MFG-527-P-05 Rev D, WPS-MFG-527-P-06 Rev C

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building and shall be permanently retained as such thereafter. The proposed close board fence shall be constructed from materials to match those of the existing boundary treatment and shall be permanently maintained and retained as such thereafter for the lifetime of the development.

Reason: To ensure a satisfactory standard of external appearance and to accord with Policy EN2 of the Cotswold District Local Plan 2011-2031 (Adopted) August 2018 and the National Planning Policy Framework.

4. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of the amenity in accordance with Cotswold District Local Plan Policy EN15 and Section 15 of the NPPF

5. The use hereby permitted shall only be open to customers between the hours of 06:00 and 23:00 Monday to Sunday. No deliveries shall be taken or despatched from the site outside of these approved operating hours.

Reason: In order to minimise disturbance to residential amenity in accordance with Policies EN2 and EN15 of the adopted Local Plan.

6. There shall be no cooking of any hot food on the premises other than that of toasting of sandwiches, or similar low odour heating of pre-prepared food.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy and the National Planning Policy Framework.

7. No construction site machinery or plant shall be operated, no process shall be carried out at the site except between the hours 08:00 and 18:00 on Mondays to Fridays, between 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of Residential Amenity in accordance with Policies EN2 and EN15 of the adopted Local Plan.

8. Prior to the development hereby permitted being first brought into use the parking spaces outlined on the approved drawing FOSSE-WPS-MFG-527-P04 Rev E shall be provided. The car parking spaces shall be retained and maintained in accordance with this approved drawing.

Reason: In the interests of highway safety in accordance with Policies INF4 and INF5 of the adopted Local Plan.

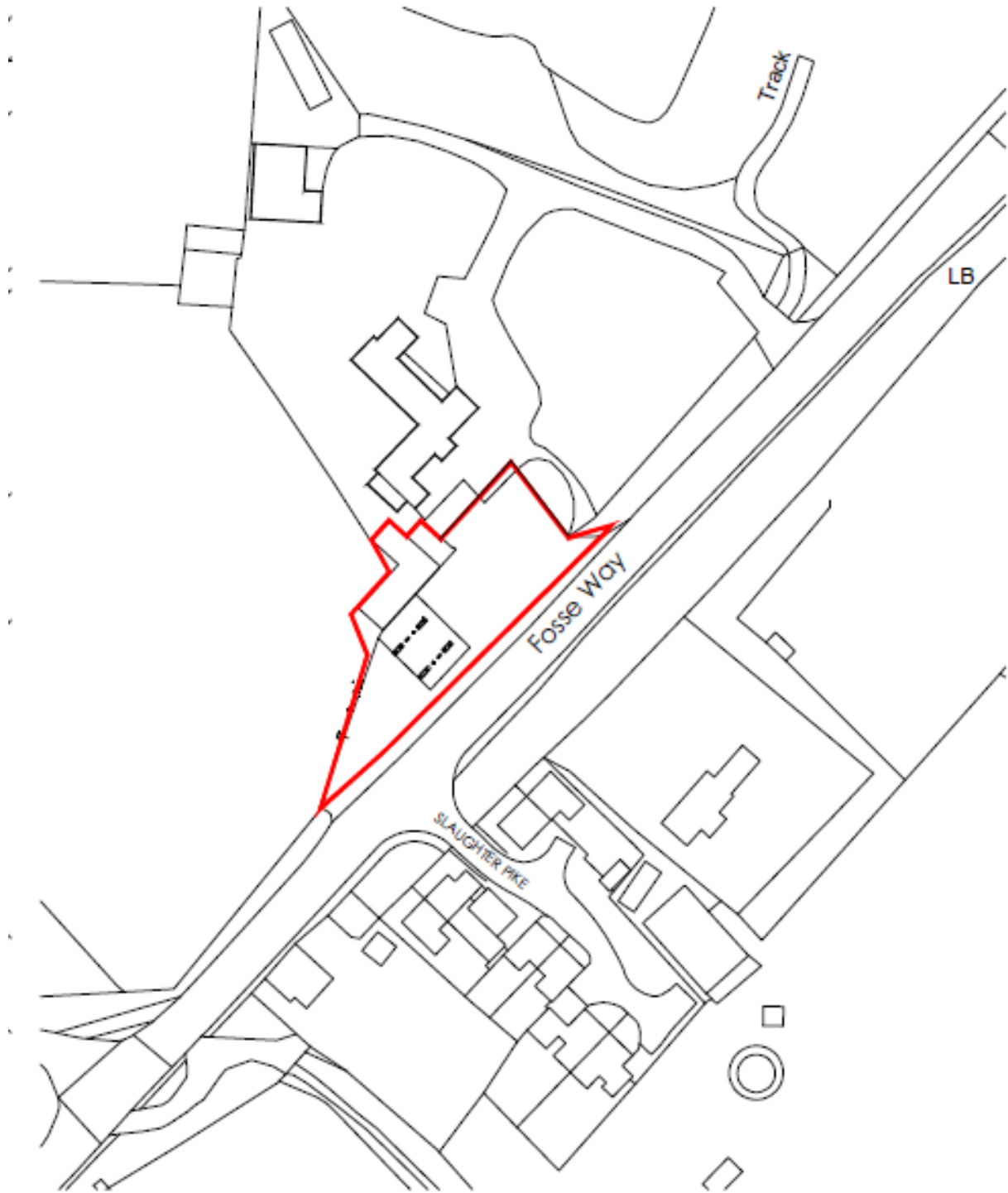
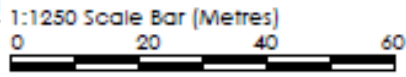
9. The mechanical extraction and ventilation system and the air condition condensers shall be installed in accordance with the details contained in the document 'Greggs Facility – Food Preparation Area Extract Installation' and shall be maintained and retained in accordance with these approved details thereafter.

Reason: In the interests of Residential Amenity in accordance with Policy EN15 of the Local Plan.'

Informatives:

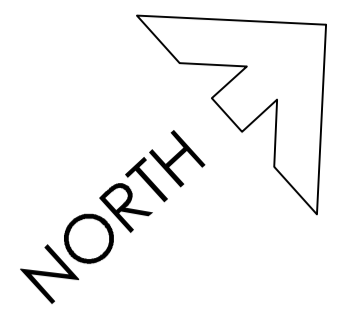
1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.
2. Advertisement consent is likely to be required for any associated signage and a separate advertisement consent application should be submitted in respect of this.

Location Plan
Scale 1:1250



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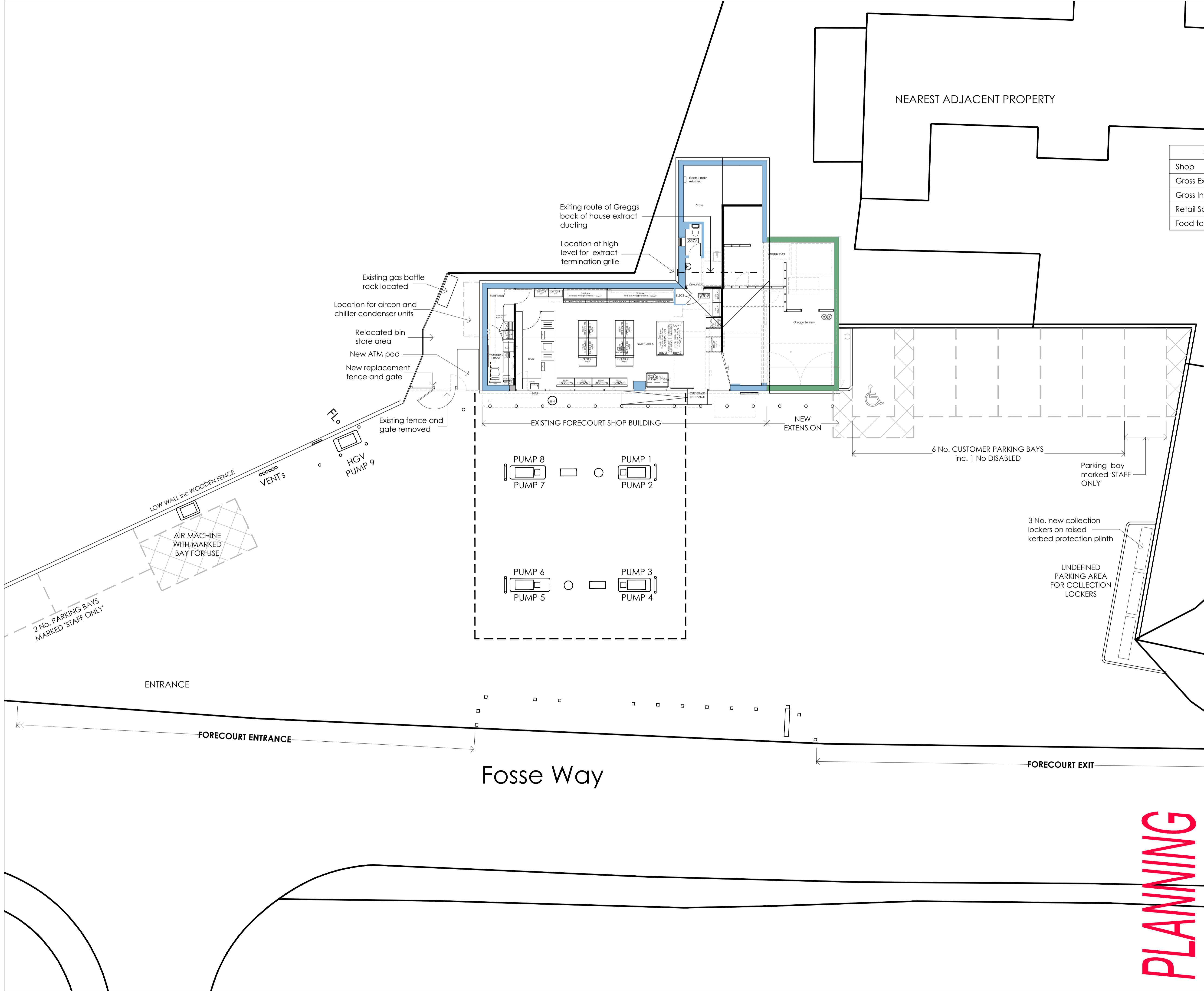
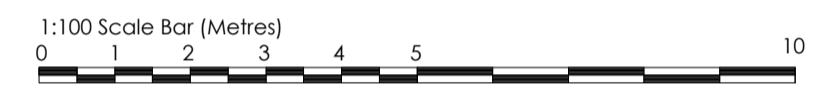
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NEAREST ADJACENT PROPERTY

Shop	Schedule of Areas (sq.ft.)		sq.m.	
	Existing	Proposed	Existing	Proposed
Gross External Area	1839	1837	170.63	170.81
Gross Internal Area	1623	1623	150.74	150.74
Retail Sales Area	715	568	66.39	52.75
Food to Go Area	0	669	0	62.13

Legend	
	Existing walls & columns
	Proposed walls
	Proposed internal stud walls
	Items removed



E	09/02/24	DS	Aircon and chiller condenser units location and Greggs extract route shown.
D	24/04/23	DS	Jet wash removed. Parking modified to suit. Bin store moved back to existing.
C	08/11/22	MS	Jet wash amended to original location, parking re-arranged, ATM relocated, lockers relocated.
B	31/10/22	MS	Jet wash added, refuse compound & ATM relocated, parking added, lockers moved.
A	14/10/22	DS	Bin area details added
-	15/09/22	L.O.	Drawing created

CLIENT
mfg Gladstone Road
 motor fuel group 36-38 Upper Marlborough Road
 Everard Close, St Albans, AL1 2QU

PROJECT LOCATION
 Fosse Way Service Station
 Fosse Way, Lower Slaughter
 GL54 2EY

DRAWING
 Proposed Site Plan

Wyeth Projects Services
 The Cart Shed, Amberley Court,
 Amberley Lane, Mifford, Surrey,
 GU8 5EB, United Kingdom
 Tel: +44 (0)1483 424704
 Email: enquires@wyethprojects.com
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Date:	September 2022	Draw By:	L.O.	A1
Scale:	1:200	Dwg No.:	WPS-MFG-527-P04	Rev:
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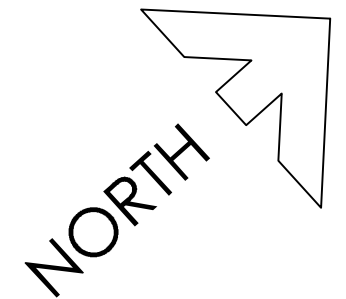
PLANNING

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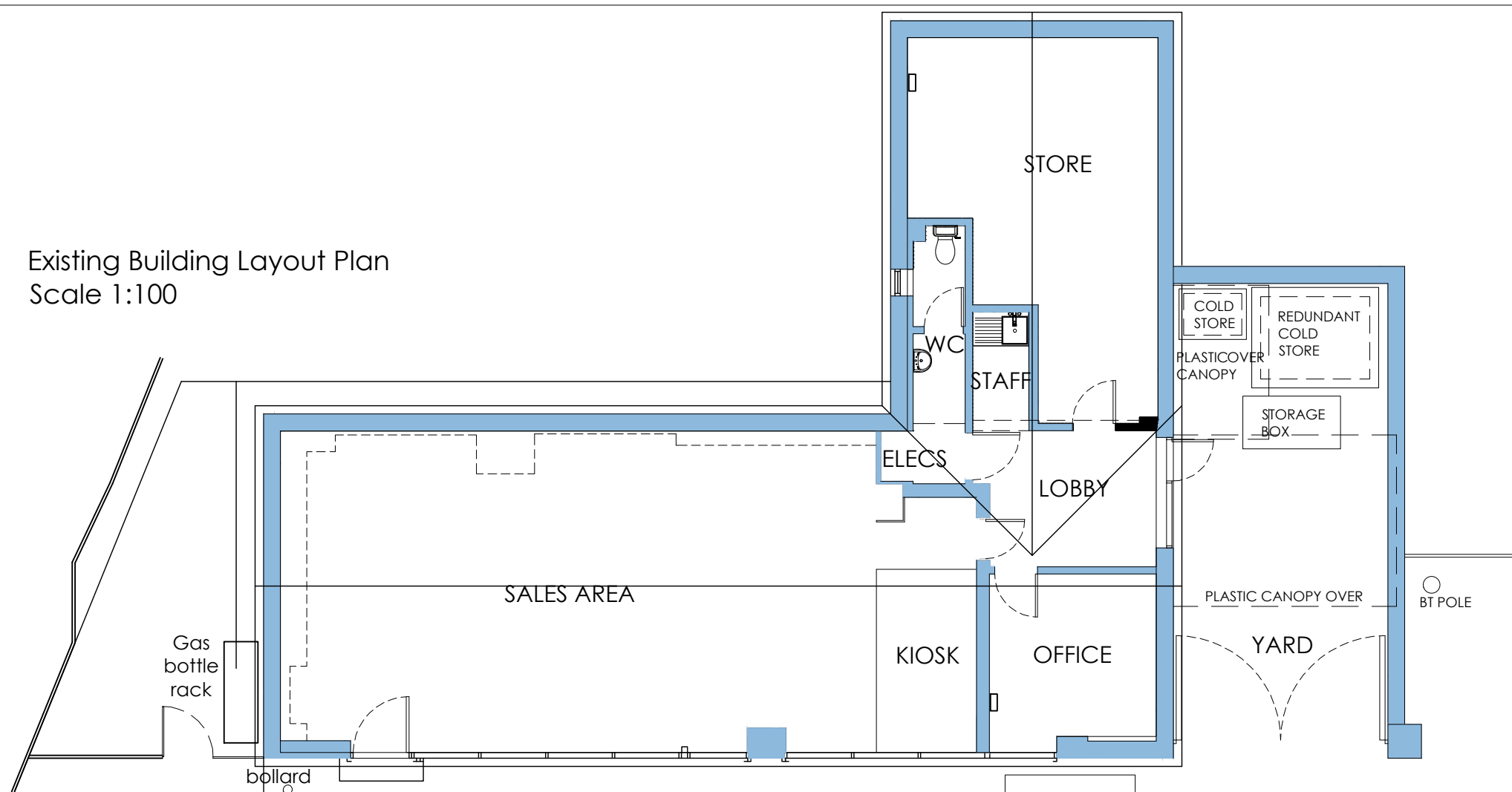


Schedule of Areas (sqft)		
Shop	Existing	Proposed
Gross External Area	1839	1837
Gross Internal Area	1623	1623
Retail Sales Area	715	718
Food to Go Area	0	598

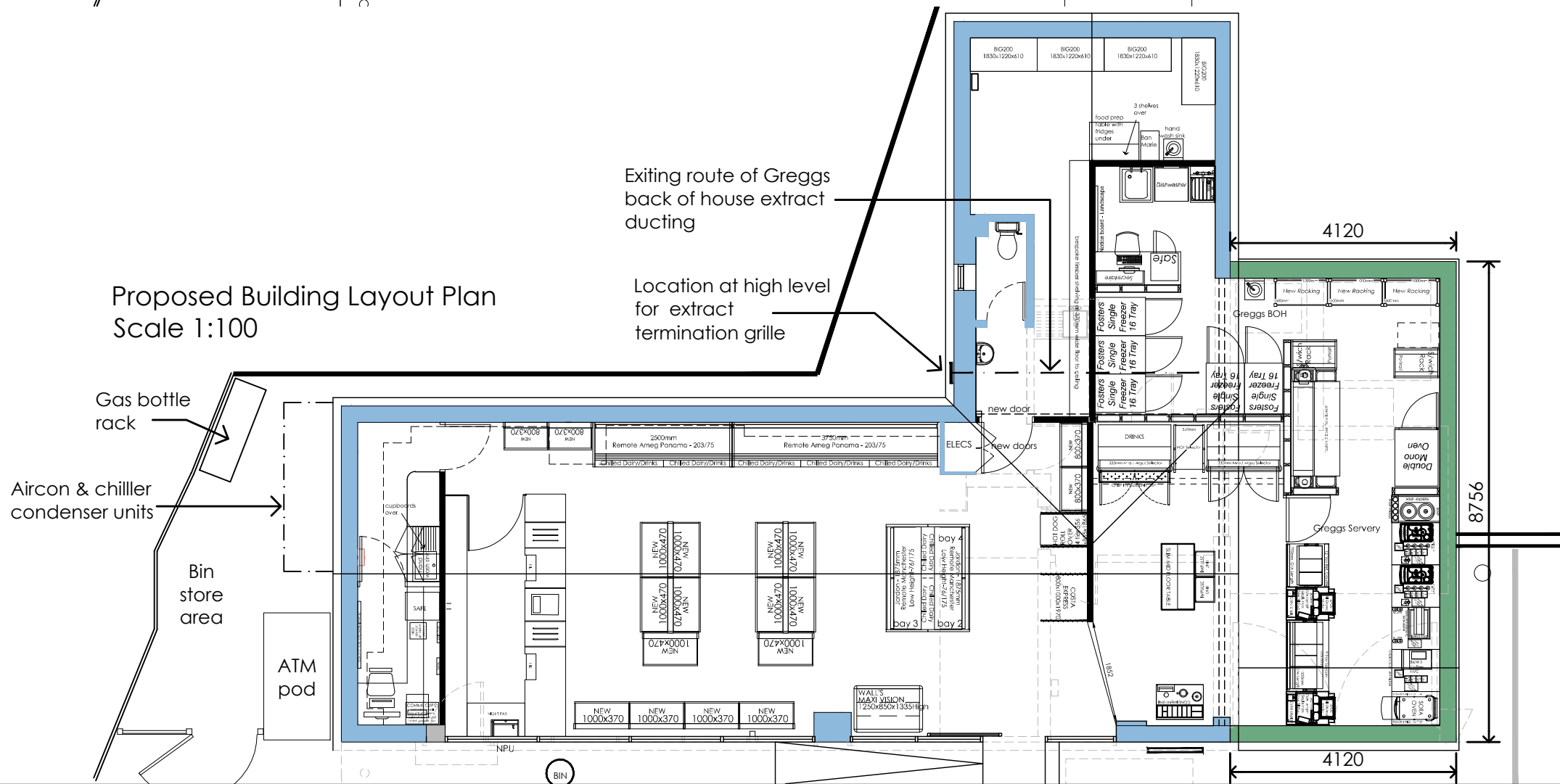
Legend	
	Existing walls & columns
	Proposed walls
	Proposed internal stud walls
	Items removed



Existing Building Layout Plan
Scale 1:100



Proposed Building Layout Plan
Scale 1:100



rev	date	by	description
C	04/04/24	DS	Refuse area layout corrected and additional notes added.
B	08/11/22	MS	Notes amended
A	11/08/22	JF	Internal Greggs layout adjusted, new Kiosk location amended, managers office adjusted, ex wc retained.
-	17/06/22	AF	Drawing created

CLIENT
mfg Gladstone Road
36-38 Upper Marlborough Road
Everard Close, St Albans, AL1 2QU

PROJECT LOCATION
Fosse Way Service Station
Fosse Way, Lower Slaughter
GL54 2EY

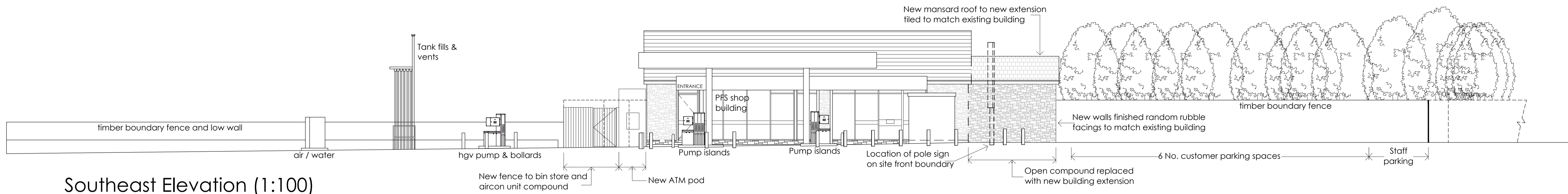
DRAWING
Existing & Proposed Building Plans

Wyeth Projects Services
The Cart Shed, Amberley Court,
Amberley Lane, Millford, Surrey,
GU8 5EB, United Kingdom
Tel: +44 (0)1483 424704
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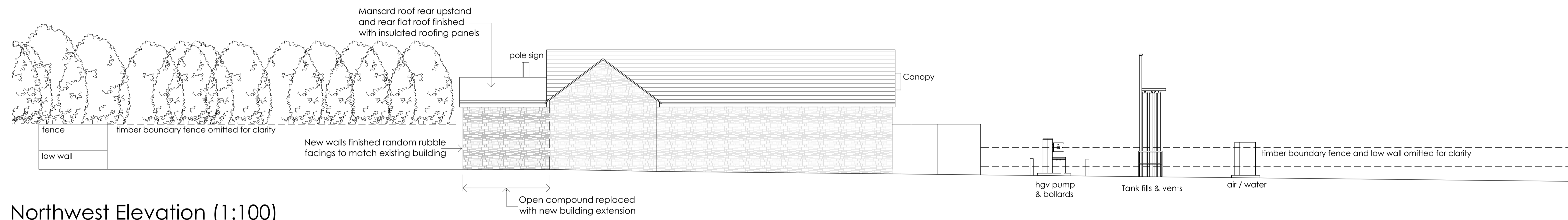
Date: September	Draw By: L.O.	A3
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PLANNING

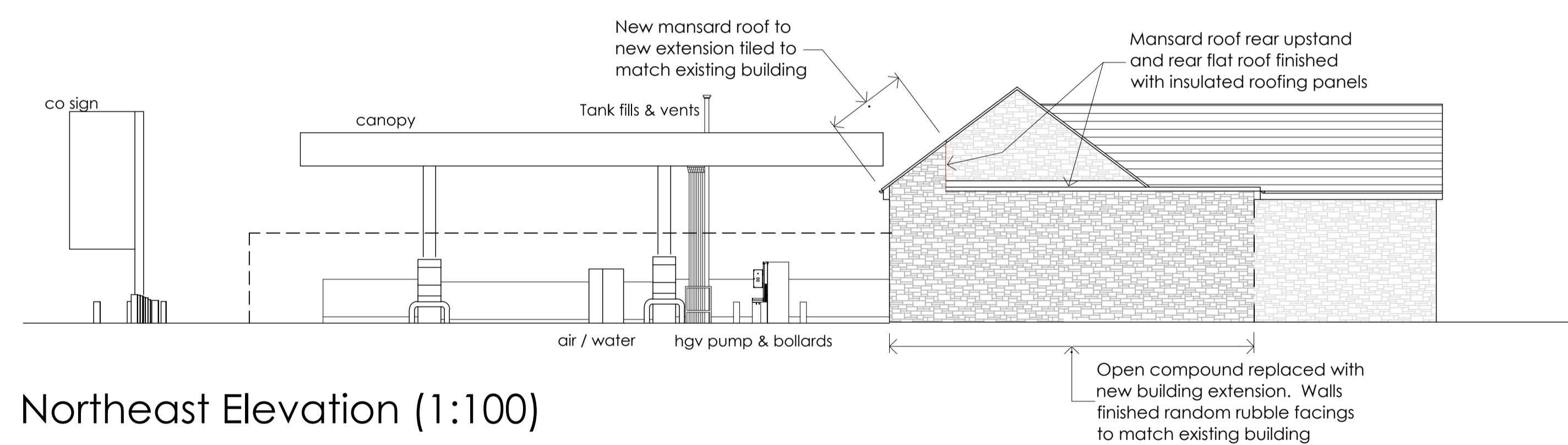
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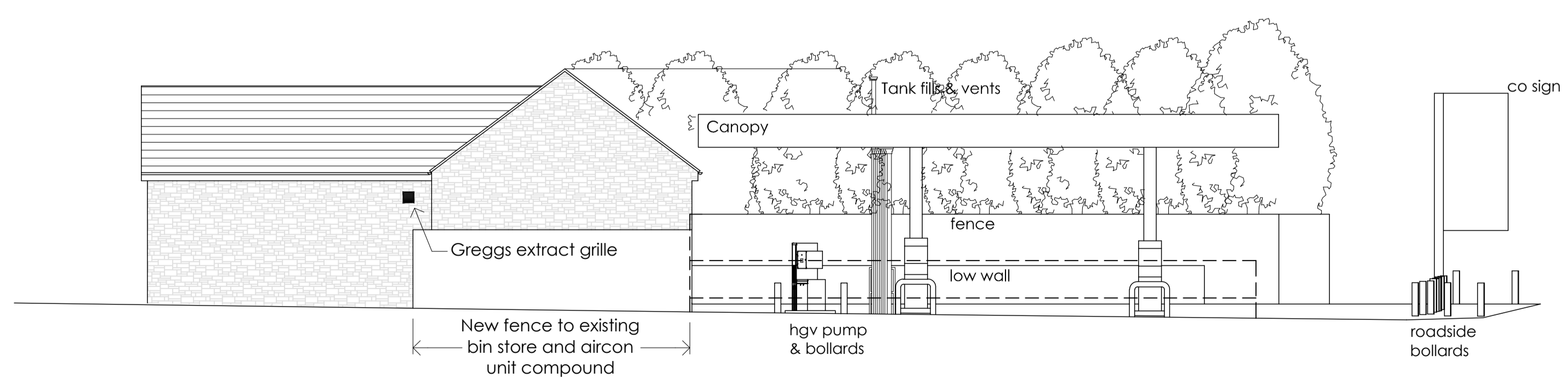
Southeast Elevation (1:100)



Northwest Elevation (1:100)



Northeast Elevation (1:100)



Southwest Elevation (1:100)



rev	date	by	description
D	09/02/24	D.S.	Elevation materials and notation clarified
C	24/04/23	D.S.	Bin area relocated and parking revised
B	07/11/22	MS	Elevations amended in line with changes to layout
A	14/10/22	D.S.	Bin area details added
-	13/08/22	L.O.	Drawing created

CLIENT
mfg Gladstone Road
 motor fuel group 36-38 Upper Marlborough Road
 Everard Close, St Albans, AL1 2QU

PROJECT LOCATION
 Fosse Way Service Station
 Fosse Way, Lower Slaughter
 GL54 2EY

DRAWING
 Proposed Site Elevations

Wyeth
 Projects Services
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Scale:	1:100	Dwg No:	WPS-MFG-527-P-05	Rev:
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PLANNING

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