



Minutes of a meeting of Planning and Licensing Committee held on Wednesday, 8 May 2024

Members present:

Ray Brassington – Chair
Dilys Neill
Michael Vann
Mark Harris

Patrick Coleman – Vice-Chair
Gary Selwyn
Julia Judd
David Fowles

Daryl Corps

Officers present:

Helen Blundell, Interim Head of Legal Services
Adrian Harding, Interim Development
Management Manager
Martin Perks, Principal Planning Officer

Helen Cooper
Malcolm Jones, Highways Response Officer
Ana Prelici, Democratic Services Officer

Observers:

Councillor Len Wilkins

79 Apologies

Apologies were received from Councillor Andrew Maclean.

80 Substitute Members

There were no substitute members.

81 Declarations of Interest

Councillor Fowles declared that he knew the owner of the Bibury Trout Farm for 30 years and stated that he otherwise had an open mind on the item, but would abstain from the vote.

The Interim Head of Legal Services initially stated that it was Councillor Fowles' decision to make, but then upon checking the constitution added that if Councillor Fowles had an interest that he felt prevented him from voting, he should also leave the room and not participate in the discussion on the Bibury Trout Farm items. Councillor Fowles would still be able to speak as the ward member for these items and would be invited back in the room to do so.

Councillor Fowles stated that he did not agree with this interpretation but left the room for the items as advised.

82 Minutes

There were no amendments on the minutes.

RESOLVED: That the Planning and Licensing Committee APPROVE the minutes of the meeting held on 10 April 2024

Voting record – For- 9, Against 0, Abstain 0, Absent/Did not vote 2

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

83 Chair's Announcements (if any)

The Chair noted that it was the last meeting of the civic year and thanked the members of the Committee for their service.

84 Public questions

There were no public questions.

85 Member questions

There were no member questions.

86 23/03970/FUL - Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL

The Case Officer introduced the item.

The application was for the re-modelling of existing fish raceways to form a new lake with a central island at Bibury Trout Farm, Arlington, Bibury, Gloucestershire, GL7 5NL.

The Case Officer explained that the raceways were no longer being utilised for their original purpose and therefore constituted redundant use.

Councillor Michelle Holt from Bibury Parish Council addressed the Committee. They raised concerns around parking provisions, as well as the perceived scale of development. Cllr Holt also stated that there would be harm to the dark skies, and wildlife.

Susanne Marshall, an objector who stated that they worked as an environmental consultant addressed the Committee. They raised concerns over harm to the Bibury conservation area and removal of a natural habitat.

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Councillor David Fowles, the Ward Member, addressed the Committee, explaining the history of the village. Councillor Fowles stated that the residents of the village were concerned about its future and the development of the trout farm from a working farm into a tourist attraction.

Members who had visited the Sites Inspection Briefing shared their views with the rest of the Committee. Some Members felt that while there would be an impact on ecology, there were still plenty of trout. Others were concerned over the sustainability of the business's growth and the traffic impact.

Councillor Fowles had declared an interest during the meeting and left the room at this point.

Member Questions

Members asked questions of the Case Officer and Interim Development Management Manager, who responded as follows;

- The measurement of the lake was approximately 0.12 hectares.
- The tourism component of the site was separate to the working trout farm. There was a restricted entrance gate and barrier to the working farm, where most of the farm's fish were contained.
- On the topic of potential damage to the environment, the Case Officer explained that no objections had been received from the drainage engineer and no comments received from the Environment Agency. They also stated that no objection had been received from the Biodiversity Officer, as trout rearing resulted in the fish eating many other species within the lake and creating what amounted to a monoculture.
- Discharge of water from the site into the River Coln requires an Environmental Permit from the Environment Agency.
- Addressing concerns over the increased size of the visitor attraction, the Case Officer stated that it was not uncommon for businesses to diversify, and that the proposals should be judged on their own merit.
- The lake could be used for boating without further permissions, as this would not constitute a material change of use.
- The Biodiversity Officer was also satisfied with the biodiversity conditions being pre-commencement. Therefore, the Case Officer did not consider that pre-permission conditions being applied would be reasonable or necessary for this application.

Member Comments

Members commented on the proposals, raising the following points;

- While Members were sympathetic to residents' concerns, how the business operated was not a material consideration in this case of the application in front of them.
- The farm had been attracting tourists since at least 1987.
- While Members were sympathetic to the tourism concerns, they felt that that the Parish Council and business should engage about these directly and work together to solve them.
- It was stated that the site was an example of rural diversification, which was common across the district.

Councillor Mark Harris proposed permitting the application, stating that the application did not harm the natural landscape and provided net gain in biodiversity.

Councillor Gary Selwyn seconded the proposal.

RESOLVED: To PERMIT the application

Voting Record

For 7, Against 1, Abstentions 0, Absent/did not vote 3

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

87 24/00359/FUL - Bibury Trout Farm Arlington Bibury Gloucestershire GL7 5NL

Councillor Fowles came back in the room to speak as the Ward Member on the item.

The Case Officer introduced the item. The application was for the erection of roof cover to be used as a visitor arts, activities and education area at Bibury Trout Farm, Arlington, Bibury, Gloucestershire, GL7 5NL.

Councillor Fowles, the Ward Member, addressed the Committee, referencing the concerns he had raised on the previous item. Councillor Fowles stated that the application constituted continuous erosion of the farm's original purpose. Councillor Fowles also believed the proposal to be contrary to EC10- Development of Tourist Facilities and Visitor Attractions of the Local Plan, and not necessary.

Members who had visited the Sites Inspection Briefing shared their views with the rest of the Committee. It was felt that the existing building was unattractive but concealed and in an inactive part of the site.

Councillor Fowles then left the room.

Member Questions

Members asked questions of the Case Officer and Interim Development Management Manager, who responded as follows;

- In reference to the Ward Member's statement, which had referred to the development as unnecessary, the Case Officer stated that they had no arguments to deem it an unnecessary development.
- Responding to queries about a masterplan for the area, the Interim Development Management Manager had stated that it would be an effective and appropriate mechanism to manage development in the area. Members suggested that the Ward Member could engage with the applicant about it.
- The materials would likely be artificial stone slate, as it was not a listed building.
- There was no scope to convert the building to create a second floor, as this was not on the plans submitted.

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- The viability of the trout farm was not considered to be impacted, as there was still a substantial amount of trout farming occurring on the site.

Member Comments

Councillor Mark Harris proposed permitting the application, stating that like many agricultural or rural businesses across the district, the applicant was seeking to diversify their business through the application. Councillor Harris stated that the Ward Member should seek to encourage the applicant to put forward a masterplan for the area which would address local concerns over the development.

Councillor Coleman seconded the proposal.

RESOLVED: That the Planning and Licensing Committee PERMIT the application

Voting Record

For- 7, Against 1, Abstentions 0, Absent/did not vote 3

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

88 22/03418/FUL - Fosseway Service Station Fosseway Lower Slaughter Cheltenham Gloucestershire GL54 2EY

Councillor David Fowles came back into the room, remaining for the rest of the meeting.

The Case Officer introduced the item.

The application was for the erection of a service station side extension and the erection of fencing to create a relocated bin storage area and associated works at Fosseway Service, Station Fosseway, Lower Slaughter Cheltenham, Gloucestershire GL54 2EY.

The Case Officer explained that the use as a service station was sui generis use and that the application was therefore not considering a change of use.

Jackie Ford, who was the agent on the application, addressed the Committee. The agent explained that the space would be utilised for a Greggs bakery, but that it would not be able to be used for another style of hot food takeaway outlet without putting forward a change of use application.

Councillor Len Wilkins, the Ward Member, addressed the Committee. He stated that there were plenty of nearby bakeries and shops and was concerned about detrimental competition against them. There were concerns raised regarding the impact on dark skies.

Member Questions

Members asked questions of the Case Officer and Interim Development Management Manager, who responded as follows;

- If the application was refused, applicant could potentially install a hot food display, for which they would not require permission, and still sell Greggs goods in this way. The Case Officer explained that the Committee should focus on the operational matters of the application.
- The Interim Development Management Manager confirmed that a hot food supplier would require permission for change of use, unless it was another bakery type business.
- The service station was very close to the nearby house, and already caused some overbearing and loss of light, but the Case Officer did not consider there to be an exacerbation of the existing situation.
- Parking provisions were considered sufficient by the Gloucestershire County Council Highways Officer. They explained that any restrictions would need to be voluntary, and that the site met the requirement of spaces, which was two. They also added that the development was not considered to be a destination development, and that most customers would likely already be at the service station, therefore it was not considered to generate excessive traffic.

Councillor Dilys Neill stated that she wished to better understand how to judge cumulative impact on this and future applications. The Chair stated that this would be taken as a request for training.

Councillor Mark Harris proposed accepting the application, stating he could not find a reason to refuse it.

Councillor Patrick Coleman seconded the proposal.

RESOLVED: That the Planning and Licensing Committee PERMIT the application

Voting Record

For 5, Against 3, Abstain 1, Absent/did not vote 2

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

89 Sites Inspection Briefing

If a Sites Inspection briefing was needed it would take place at 10am on Wednesday 5 June.

90 Licensing Sub-Committee

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There were no meetings of the Licensing Sub-Committee required at the present.

The Chair Councillor David Fowles thanked Chair and Vice-Chair of the Planning and Licensing Committee for their service during the 2023/24 civic year.

The Meeting commenced at 2.00 pm and closed at 4.05 pm

Chair

(END)