

**Application No: 22/04337/FUL**

**Berry Bank  
Main Road  
Oddington  
Moreton-In-Marsh  
Gloucestershire  
GL56 0XW**

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

<b>Full Application 22/04337/FUL</b>	
Applicant:	Berrybank Park Events Limited
Agent:	Pegasus Planning Group Ltd
Case Officer:	Harrison Bowley
Ward Member(s):	Councillor David Cunningham
Committee Date:	12th July 2023
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

**1. Main Issues:**

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

**2. Reason for Referral:**

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

**3. Site Description:**

3.1 The application site consists of a large open field, located to the north of the village of Oddington, and north of the A436. The site contains a large modern agricultural building to the west, adjoining the highway, with a modern dwelling to the north of the barn. Access is obtained from the highway to the south, accessing both the field to the north and east, and the buildings to the immediate west. The wider site is characterised by open agricultural fields.

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

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

#### **4. Relevant Planning History:**

- 4.1 17/00611/CLEUD - Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 for the occupation of a dwelling in breach of condition h) - agricultural occupancy restriction of permission CD.5849 - Permitted 09/03/2017;
- 4.2 17/02258/FUL - Removal of Condition h) (agricultural occupancy restriction) of permission CD.5849 - Permitted 11/07/2017;
- 4.3 22/01634/CLEUD - Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 for the use of the site as B2 Use (General Industrial) and associated ancillary uses - Permitted 10/08/2022.

#### **5. Planning Policies:**

TNPPF The National Planning Policy Framework

EC5 Rural Diversification

EN10 HE: Designated Heritage Assets

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN7 Trees, Hedgerows & Woodlands

EN8 Bio & Geo: Features Habitats & Species

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

EN15 Pollution & Contaminated Land

INF3 Sustainable Transport

INF4 Highway Safety

#### **6. Observations of Consultees:**

- 6.1 Lead Local Flood Authority - No objection.
- 6.2 ERS Pollution Officer - No objection subject to the recommendations and actions within the plan being implemented.
- 6.3 CDC Landscape Officer - No objection subject to the removal of festoon lighting.
- 6.4 Local Highways Authority - No objection subject to condition.

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

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

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

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

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

## **8. Other Representations:**

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

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

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

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

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

*"Council wishes to comment that it is concerned about vehicle access on that section of road. Council is also concerned about the impact of the lighting and noise, and the lack of an environmental report.*

*Council is disappointed that the activity has been under way for some time without the applicant seeking planning permission."*

## **9. Applicant's Supporting Information:**

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

## **10. Officer's Assessment:**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

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

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

### **Background and Proposed Development**

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

10.5 This application is for the change of use of the land from agricultural to an outdoor live performance venue (*sui generis*). The change of use includes an engineering operation resulting in a sunken amphitheatre, the erection of a kitchen pod, the installation of a permanent pavilion base and the temporary use of part of the site for car parking, including the laying out of an access track.

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

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

#### **(a) Principle of Development**

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

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

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

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

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

10.11 Local Plan Policy EC10 requires new tourist and visitor facilities to have a functional relationship and special affinity with the historic and natural heritage of the area. The proposed development would be located within a former farm complex, overlooking the rural landscape to the north of Oddington. The proposed use would promote local performers, business and employment opportunities, and would be well connected fairly centrally between the towns of Moreton in Marsh, Chipping Norton, Stow-on-the-Wold and Bourton-on-the-Water, all accessed via the A436 and the wider road networks via the A44 and A429. The development is therefore considered to respond to the local area, and relate to the main tourist routes within the locality, in accordance with criterion (a) and (b) of policy EC10.

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

10.13 The final criterion of policy EC10 requires use to be made of existing buildings, this is also reflected within the requirements of criterion b of policy EC5. A single agricultural building is present on site, and is advertised as being subject to prospective future development. The site would not make use of this existing building, which is unfortunate. Notwithstanding this, it is of note that the only permanent structures proposed is a kitchen pod. Whilst this could have been facilitated within the building, it is of a considerably more

modest scale than the existing building. Moreover, in order to make functional use of the site, the location of the building in relation to the proposed pavilion and amphitheatre would not be practical. Other buildings proposed on the site are temporary pods and the pavilion, subject to a separate planning application. These would only be erected for a limited period per annum, and would not therefore result in the permanent addition of additional buildings. It is considered that, on balance, the development would satisfy this criterion.

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

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

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

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

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

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

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

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

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

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

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

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

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

10.26 The proposed scheme results in the modest development of the site, through the addition of hardstanding and the engineering of the amphitheatre. Owing to the relatively modest scale of the works, it is considered that the proposed development would preserve the rural character of the area, with regard to the structures and built form proposed. It is acknowledged that the use of the site would result in the addition of a large number of additional vehicle trips and parked cars and the general intensification of the use of the site. This would somewhat erode the tranquil rural character. The impact would be mitigated through the temporary nature of the development, the limited frequency of use and through an appropriate landscaping scheme, which would preserve the character of the site outside of periods of intensified use. It is therefore considered that, on balance, the use would not harm the rural character of the site.

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

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

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

10.29 Local Plan Policy EN4 relates to the wider natural and historic landscape and outlines that development should be permitted where it does not have a significant detrimental impact

on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. It outlines that proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.

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

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

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

10.33 The proposed scheme has resulted in the engineering and development of a previously open rural field. As such, the scheme does result in a negative impact on the receiving landscape. It is noted that the features subject to this application are generally permanent, however; have a more limited visual impact by virtue of their low lying nature and assimilation with the wider landscape. Visually, the sunken nature of the amphitheatre reduced its prominence within views, notably from the public right of way and highway where it is not readily visible. The proposed permanent kitchen pod is similarly low lying, and is finished in a green that aids in the structures assimilation within the receiving landscape. The proposed events, whilst considered as part of a separate application, would be limited to the summer, with October - March remaining free of the additional structures, paraphernalia and intensified use (vehicle movements, car park etc.). As such, the negative impact is partially mitigated, limiting the visual effect during times of maximum visibility.

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

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

#### **(d) Impact on Residential Amenity**

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

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

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

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

10.40 The plan sets out a detailed management and mitigation strategy, focused around layout and orientation, control of sound systems, and noise monitoring and enforcement. The Councils Environmental Health Officer has advised that they are satisfied that, provided that all the recommendations and actions within the plan are enacted, along with the 22.30 finish time, that noise has been duly considered and minimised as far as is reasonably practical. No objection has been raised.

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

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

10.43 Overall, it is considered that subject to conditions, the impacts in terms of noise and lighting will be satisfactorily mitigated and monitored and will not therefore result in any harm

to the amenity of neighbouring dwellings. The scheme is therefore in accordance with Local Plan Policies EN2 and EN15.

### **(e) Highways Safety and Sustainable Transport**

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

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

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

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

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

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

10.49 It is noted that residents have raised concerns over recent occurrences on the immediately surrounding highway. Whilst these concerns have been fully considered, it is

acknowledged that there is no hard data collected or available relating to these issues. The site offers appropriate parking provision and Department of Transport Manual for Streets compliant access arrangements. As such, in the absence of any supporting evidence, it is not considered that there are sufficient grounds to warrant refusal of the application on highways safety matters.

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

#### **(f) Biodiversity and Geodiversity**

10.51 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that proposals that would result in the loss or deterioration of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.

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

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

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

#### **Other Matters**

10.55 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

#### **11. Conclusion:**

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

#### **12. Proposed Conditions:**

1. The development hereby permitted shall be implemented in strict accordance with the following approved plans: Preliminary Field Kitchen (Drawing No. 2987 CP - 01); Field

Kitchen - Sections Through Length (Drawing No. 2987 CP - 06); Floor Plan - Setting Out Dimensions (Drawing No. 2987 CP - 06); Site Layout (Drawing No. L2 - REV C).

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

2. The development shall be carried out in strict accordance with the Berrybank Park Noise Management Plan 2023 dated 30/01/2023, including all of the recommendations contained within Sections 2 - 14. The Noise Management Plan should be maintained and shall not be altered without the prior written approval of the Local Planning Authority.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15. It is important that the details are provided prior to the commencement of development so that the noise emanating from the site is controlled at all stages of development.

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

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

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

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

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

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

**Reason:** To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN4.

6. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

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

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

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

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

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

**Informative:**

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