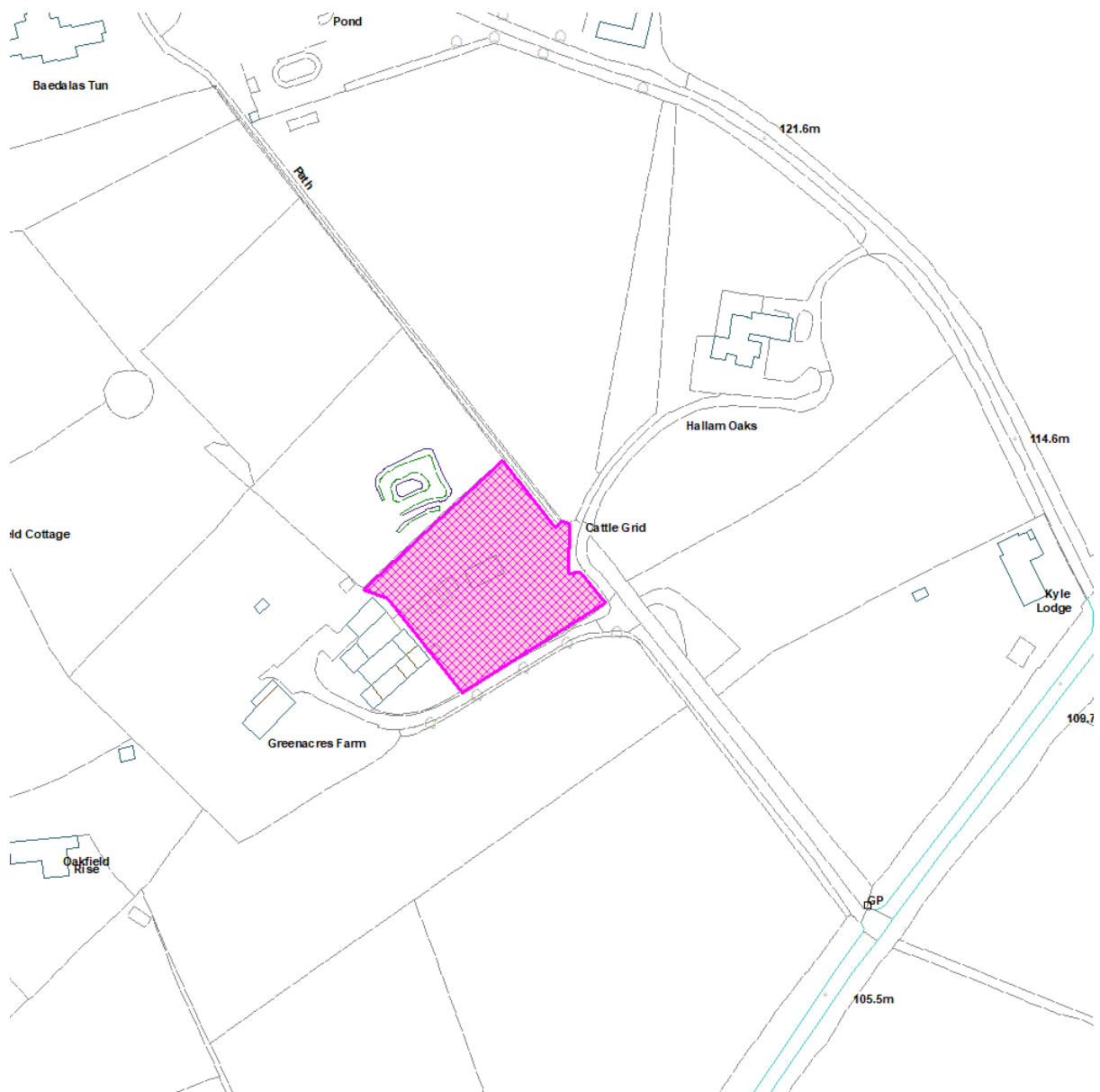


<b>APPLICATION NO:</b> 21/01270/FUL	<b>OFFICER:</b> Mr Ben Warren
<b>DATE REGISTERED:</b> 15th June 2021	<b>DATE OF EXPIRY:</b> 10th August 2021
<b>DATE VALIDATED:</b> 15th June 2021	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Battledown	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr John Everitt
<b>AGENT:</b>	Coombes Everitt Architects Limited
<b>LOCATION:</b>	Oakfield House Stables, Oakfield House, Greenway Lane
<b>PROPOSAL:</b>	Erection of new stable block and riding manege

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to an area of land associated with Oakfield House on Greenway Lane, the land previously accommodated two single storey storage/stable buildings, which have recently been demolished. The application site is located outside of the Principle Urban Area (PUA) and is within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.2 The applicant is seeking planning permission for the erection of a new stable block and riding manege.
- 1.3 The application is at planning committee at the request of Councillor McCloskey due to the sites sensitive location within the AONB and previous applications that went to appeal.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport safeguarding over 15m  
Parish Boundary  
Principal Urban Area  
Residents Associations  
Area of Outstanding Natural Beauty

### **Relevant Planning History:**

**19/01252/FUL 23rd October 2019 REF**

Erection of a single self-build dwelling following the demolition of existing stables.

**20/00154/FUL 8th April 2020 REF**

Erection of a single self-build dwelling following the demolition of existing stables (revised scheme)

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment

### **Adopted Cheltenham Plan Policies**

D1 Design  
L1 Landscape and Setting  
SL1 Safe and Sustainable Living  
GI2 Protection and replacement of trees  
GI3 Trees and Development

### **Adopted Joint Core Strategy Policies**

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD6 Landscape  
SD7 The Cotswolds Area of Outstanding Natural Beauty  
SD9 Biodiversity and Geodiversity  
SD14 Health and Environmental Quality  
INF1 Transport Network

**Other**

Cotswold AONB Management Plan 2018-23

## 4. CONSULTATIONS

**Building Control**

*18th June 2021*

No comments to be made.

**Parish Council**

*8th June 2021*

No objection

**Parish Council**

*10th August 2021*

No Objection

**GCC Highways Planning Liaison Office**

*15th June 2021*

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

The justification for this decision is provided below.

The proposal seeks the replacement of former outbuildings, erection of new link and addition of new stable block at Oakfield House Stables Oakfield House Greenway Lane Charlton Kings Cheltenham.

The proposal is not perceived to be conducive to a detrimental impact on the safety and operation of the adjacent network when compared to the lawful use of the site. On this basis, the Highway Authority would not wish to object to the proposal subject to a number of conditions. It is necessary to condition the proposed gates be setback 10m from the edge of the carriageway in order to ensure agricultural machinery and vehicles with horse trailers are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic. It is also necessary to condition the first 10m of the proposed access be surfaced in bound material in the interest of highway safety.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

The Development hereby approved shall not be occupied until the proposed access gates have been set back 10 metres from the adjoining carriageway edge, and made to open inwards only.

Reason: In the interest of highway and pedestrian safety, and to ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic.

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed with the area of driveway within at least 10 metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: In the interest of highway safety.

**GCC Highways Planning Liaison Office**

*5<sup>th</sup> October 2021*

The revised details won't require the amendment of our initial recommendation.

**Gloucestershire Centre For Environmental Records**

*15th June 2021*

Biodiversity report available to view.

**Cheltenham Civic Society**

*24th June 2021*

**OBJECT**

This is a significant area as it denotes how the town relates to its surrounding countryside. The materials proposed for the new stable block are unsympathetic and do not reflect the character of the area. These are industrial style buildings, and are not 'Living with Beauty'. Local materials, with a pitched stone roof (ideally providing a much needed bat habitat) would be much more suitable.

The existing buildings follow the contours. The proposed stables do not, so they are likely to necessitate additional excavations in the root zone of the oak tree. Rebuilding could have been an opportunity to relocate the buildings away from the tree canopy and the overhead electric wire. The proposed screening trees are thin Lombardy poplars, so the buildings would still be visible from the road - not that planting should be used to disguise poor design.

A lighting scheme should be included in the plans to ensure light pollution is kept to a minimum.

We have concerns about the drainage work which has already been carried out, increasing the net flow off site, and increasing the risk of flooding locally. This should be addressed, e.g. by the introduction of a balancing pond, which would also be a positive feature for supporting wildlife diversity.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 9 letters were sent to neighbouring properties on three separate occasions, a site notice was also displayed. Representations have been received from 4 neighbouring land users, three of which object to the application, whilst one is in support.

5.2 The concerns raised in these representations have been summarised but are not limited to the following:

- Flood risk / water run off / SUDs
- Design
- Light pollution
- Access and highways issues
- Impact on the AONB

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

6.2 The main considerations of this application are principle, design, impact on neighbouring amenity, impact on the AONB, impact on existing trees, highway safety, drainage, impact on wildlife.

### **6.3 The site and its context**

6.4 The application site is an area of land which is associated with Oakfield House which is located on Ashley Road, however, the site has its own vehicular access from Greenway Lane. The site previously consisted of two relatively dilapidated storage/stable buildings, however these have recently been demolished. The site is located outside of Cheltenham's PUA and is wholly within the Cotswolds AONB.

6.5 Directly adjacent to the application site is the neighbouring site occupied by 'Greenacres Farm', but generally the immediate locality is open land with dispersed settlements which are generally large detached dwellings sat within generous plots.

### **6.6 Planning History**

6.7 The application site has been the subject of two recent planning applications 19/01252/FUL and 20/00154/FUL, these applications sought consent for the erection of a new dwelling on the site, both applications were refused at committee due to harm to the AONB, and subsequent appeals were also dismissed.

### **6.8 The proposal**

6.9 The original submission within this application sought consent for a replacement stable building, however officers considered the scale of the proposed new stable building to be excessive and would have an urbanising effect upon the appearance of the site. The proposal was considered to be much more visible than the previous stable buildings that were on the site and therefore would be more prominent in the plot. It was the opinion of officers that this initial proposal would have resulted in harm to the character and appearance of the area, would fail to conserve or enhance the scenic beauty of the AONB, and was therefore considered to be in conflict with adopted JCS policy SD7.

6.10 Following negotiations with the applicant a revised scheme has been submitted for consideration. The applicant is now seeking consent for the erection of a more modest replacement stable building and an associated riding Manage. The applicant has confirmed that the facilities will be for private use and will accommodate their own horses which are currently being kept in nearby stables.

6.11 The comments below relate to the revised scheme submitted within this application.

**6.12 Principle, design and impact on AONB.**

6.13 Policy SD7 of the JCS states:

*'All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.'*

Paragraph 172 of the NPPF states:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding natural Beauty, which have the highest status of protection in relation to these issues.'*

6.14 The previous refusal reason on this site was:

'the development would not conserve nor enhance the Cotswold AONB and would lead to both adverse landscape and visual change in the local area, including negative impacts on the Public Right of Way (PROW) to the immediate east of the site and would alter the existing rural character of the site and surroundings. The development would therefore be contrary to the NPPF (para 172), Joint Core Strategy policy SD7, the Cotswold AONB Management Plan 2018-23 and the relevant saved policies of the Local Plan.'

6.15 The appeal inspectors comments stated that the main issue of development on this site is the effect of the proposal on the character and appearance of the area, including the Cotswold AONB and the adjacent public right of way. The inspector identified that the key characteristic of the site is 'open sloping pastoral landscape' which would be 'clearly sensitive to change'.

6.16 The application proposes the erection of a stable block and an associated riding manege, officers are of the opinion that the location of the application site is conducive to accommodating a replacement stable block and associated facilities, and consider that this type of facility and use is what you would expect to see in this rural location. This is also noted in the appeal inspector's comments on the previous applications whereby they state 'Arguably re-construction as stables or demolition and return of the yard to a grass field or paddock would conserve and enhance the AONB Landscape'.

Officers therefore consider the principle of a stable block and riding mange in this location to be acceptable. Having said that, officers feel that these facilities should only be for private use of the applicant, and should not be used for any commercial or business opportunity, as any significant increase in users, including trips to and from the site could have a negative impact on the tranquil nature of its location within the AONB. The applicant has confirmed that the facilities are only for private use and therefore an appropriate condition has been attached.

6.17 The proposed stable block is a single storey timber structure with a black corrugated roofing material. Officers consider the overall scale, form and design of the new stable block to be appropriate for the site and for this form of development.

6.18 The proposed riding manege is to be located to the north of the stable building. Details of the surface construction have been provided. Whilst officers note that this facility has a generous overall footprint, the visual impact of this facility is relatively minor. In addition, the enclosure of this area is to be a simple post and rail fence which is considered to be appropriate in this location.

- 6.19 Comments from the Civic Society have been duly noted and have been addressed in the form of the revised plans.
- 6.20 Having secured a revised scheme which shows a significant reduction in built form, the proposed new stable building and associated manege is not considered to result in any adverse landscape or visual change in the local area, and is not considered to negatively affect the Public Right of Way which runs to the east of the site.

Officers are therefore of the opinion that the application is in accordance with Cheltenham Plan policy D1, JCS policy SD4 and SD7, the Cotswold AONB Management Plan 2018 - 23.

- 6.21 A number of conditions are considered necessary in order to ensure the works do not cause harm to the character of the area, these include:

- Restriction on external lighting
- Construction of the manege in accordance with the submitted details
- Manege enclosure to be 'post and rail fence'

#### **6.22 Impact on neighbouring property**

- 6.23 Due to the scale of the proposed development, its position within the plot and the relationship with neighbouring land users, the proposal is not considered to result in any unacceptable impact on neighbouring amenity. The proposal is therefore considered to be compliant with Cheltenham Plan policy SL1 and Adopted JCS policy SD14.

#### **6.24 Access and highway issues**

- 6.25 Gloucestershire Highways have reviewed the details of the application and have provided their detailed comments, which can be read above. No objection has been raised, the proposal is not considered to result in any unacceptable access or highway safety implications.

- 6.26 Two conditions have been suggested which relate to the location of the access gates and the driveway material. The applicant has submitted a revised plan to address the position of the gates, which is now acceptable. Two conditions are still considered necessary and have been attached. With these conditions attached the proposal is considered to be compliant with JCS policy INF1.

#### **6.27 Drainage**

- 6.28 Concerns have been raised by local residents regarding drainage issues and surface water run-off. Officers are aware that some engineering works have already taken place on the land in order to resolve some surface water and drainage issues. However, these works took place prior to the submission of this application and do not appear to relate to the application that is now being considered.

- 6.29 Due to the sloping nature of the land, officers acknowledge that the surface water run-off is a valid concern for this proposed development. Further details regarding the construction and makeup of the riding manege's surface and further drainage solutions were requested.

- 6.30 The applicant has provided a document which provides the construction information for the surface of the riding Manege (document number 01270.01), this document also includes detailed information regarding the drainage solutions for this development. Furthermore, the revised site layout drawing PL004 A, indicates the provision of drainage

gullies which are to be directed towards a soakaway for the proposed area of hardstanding. Officers consider this provision is appropriate and will ensure there are no unacceptable surface water implications as a result of the proposed development.

6.31 Conditions 7 and 11 will ensure that these measures are included in the development prior to the beneficial use of the site. With these conditions attached the proposal is considered to be compliant with JCS policy INF2.

#### **6.32 Trees / landscaping**

6.33 A number of trees are proposed to be removed within this application, the council's tree officer has therefore been consulted and has provided detailed comments.

6.34 No objection has been raised by the tree officer, however mitigation tree planting and tree protection measures were requested by the tree officer. It was also considered that further planting/landscaping was necessary in order to achieve a successful scheme.

6.35 The applicant has provided a landscaping plan PL006 A which shows the proposal of 3 new Holm Oak trees and a substantial amount of new mixed hedgerow along the south and western boundaries of the site. Officers consider the provision of tree planting to be sufficient to mitigate the loss of the existing trees. The proposed new hedgerow provides a softer boundary to the site and will break up the otherwise blank rear elevation of the stable building.

6.36 Whilst the tree officer accepts the proposal of 'holm oaks' to be acceptable, further tree size information and pit details are considered necessary, therefore a condition has been attached. Furthermore, a tree protection plan is still considered necessary and therefore a further condition has been attached.

6.37 Having secured a suitable landscaping plan, officers consider the proposal to be compliant with Cheltenham Plan Policies GI2 and GI3.

#### **6.38 Impact on protected species**

6.39 Records identify that important species have been sighted near the application site in the past and in particular various species of bats were recorded in 2017, the sightings were recorded as 210 metres from the site. In addition badgers have been recorded in 2017, also 210m from the site.

6.40 During the previous application on the site (20/00154/FUL) an ecological assessment was provided which concluded that there was an 'occasional pipistrelle night roost used by a small number of individual bats located within the existing stable building', which would have required suitable mitigation measures. As the original stable buildings have now been demolished this roost no longer exists, however officers consider it is necessary that any new building on the site should provide provision of bat roosting facilities. Therefore, a condition has been attached which requires the provision of a bat box to be attached to the new stable building.

6.41 It is important to note that all bat species, their breeding sites and resting places are protected by law as they are European Protected Species.

6.42 With regard to badgers, the GCER report acknowledges the presence of Badgers in the local area, however there is no information or evidence to suggest that there are any setts on the application site.



## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Having secured revised plans and additional information, and having considered the conclusions for each of the topic areas above, which include principle, design, impact on the AONB, impact on neighbouring amenity, highway safety and access, impact on trees and wildlife, the revised proposal is not considered to result in any unacceptable harm to AONB and is considered to appropriately conserve its scenic beauty.
- 7.2 Officer recommendation is therefore to permit the application, subject to the conditions set out below:

## 8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

Reason: To accord with the provisions 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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to policies GI2 and GI3 of the Cheltenham Plan 2020. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 4 Prior to the implementation of the landscaping as shown on drawing number PL006 received on 1st October 2021, full details of the tree sizes and pit details shall be submitted to and approved in writing by the Local Planning Authority.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details prior to first beneficial use of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies

SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 5 The facilities hereby granted shall only be for the benefit of residents of Oakfield House Stables and shall not be used for any commercial or business activities.

Reason: Increased use or use by others outside of the application site will require further consideration with specific regard to impact on the AONB, on neighbouring amenity and highway safety, having regard to the provisions of the Cheltenham Plan (2020) and the Joint Core Strategy (2017).

- 6 Prior to the installation of any external lighting (other than down lighting within the soffits of the stable building), details of the lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, and impact on neighbouring amenity, with regard to Cheltenham Plan policies D1, L1 and SL1, adopted JCS policies SD6, SD7, SD9 and SD14, and the Cotswold AONB Management Plan 2018-23.

- 7 The manege shall be constructed in accordance with the construction details included in document number 01270.01, received on 10th September 2021.

Reason: In the interests of the character and appearance of the area and to ensure the proper provision for surface water drainage with regard to Cheltenham Plan policies D1 and L1, adopted JCS policies SD6, SD7 and INF2 Flood Risk Management, and the Cotswold AONB Management Plan 2018-23.

- 8 The manege enclosure shall be of a post and rail fence construction, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area with regard to Cheltenham Plan policies D1 and L1, adopted JCS policies SD6, SD7, SD9 and the Cotswold AONB Management Plan 2018-23.

- 9 The access gates as identified on drawing PL004 Rev A received on 4th October 2021, shall be set back 10 metres from the adjoining carriageway edge, made to open inwards only and shall be maintained as such thereafter.

Reason: In the interest of highway and pedestrian safety, and to ensure vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to oncoming traffic, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 10 Prior to the first beneficial use of the development hereby permitted, the vehicular access shall be laid out and constructed with the area of driveway within at least 10 metres of the carriageway edge of the public road surfaced in bound material, and shall be maintained as such thereafter.

Reason: In the interest of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 11 Prior to the first beneficial use of the site, the drainage measures which include drainage gullies and a soakaway to the proposed area of hardstanding shall be installed in accordance with drawing number PL004 A received on 4th October 2021.

Reason: To ensure the proper provision for surface water drainage in accordance with adopted JCS policy INF2.

- 12 Prior to the first beneficial use of the site, a bat roosting box shall be installed onto the stable building and shall be maintained as such thereafter.

Reason: To ensure that adequate provision is made in order to safeguard protected species in accordance with adopted JCS policy SD9 and paragraph 175 of the NPPF.

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to the scale, form and layout;

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.