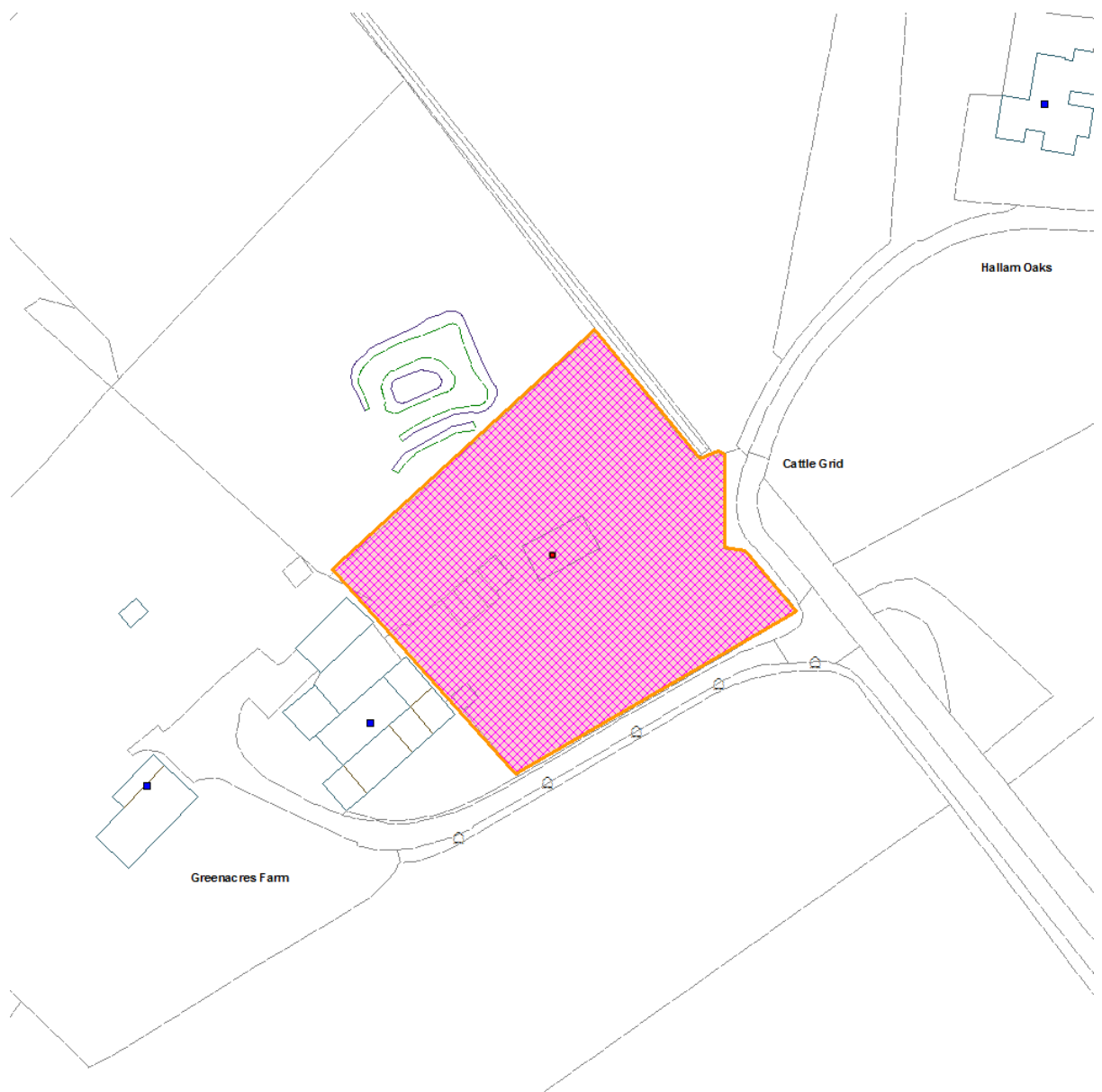


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|--|---|--|--|
| APPLICATION NO: 22/00257/FUL | | OFFICER: Mr Ben Warren | |
| DATE REGISTERED: 15th February 2022 | | DATE OF EXPIRY: 12th April 2022 | |
| DATE VALIDATED: 15th February 2022 | | DATE OF SITE VISIT: | |
| WARD: Battledown | | PARISH: Charlton Kings | |
| APPLICANT: | Mr And Mrs Marley | | |
| AGENT: | Coombes Everitt Architects Limited | | |
| LOCATION: | Oakfield House Stables Oakfield House Greenway Lane | | |
| PROPOSAL: | To rebuild two single-storey storage/stable outbuildings, following demolition of existing buildings. | | |

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 to rebuild two single-storey storage/stable outbuildings, following their earlier demolition.
- 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 have already been considered by the committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Airport Safeguarding over 45m
Parish Boundary
Outside of the Principal Urban Area
Residents Associations

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)

21/01270/FUL 15th October 2021 REF

Erection of new stable block and riding manege

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
INF2 Flood Risk Management

Other

Cotswold AONB Management Plan 2018-23

4. CONSULTATIONS

Cheltenham Civic Society - 8th March 2022

NEUTRAL

The Planning Forum strongly objects to the proposed planting of laurel trees. This is inappropriate in a rural setting and especially in the AONB. Laurel is toxic to horses.

As the applicant is rebuilding from scratch, having demolished the original stables, there is the option to rebuild in a material which is more sympathetic to the surroundings than sheet metal, subject to planning approval. More details should be specified in terms of materials. The materials should be specified as a condition to ensure they are suitable for the site.

Given the sensitivity of the site, and its history, it is essential that this project is implemented in precisely the form that is approved, and that this is followed up by planning enforcement officers.

Tree Officer - 7th March 2022

22/00257/FUL Greenway Lane Oakfield House Stables

The CBC Tree Section does not object to this application providing the following can be agreed:

- 1) A Method Statement for the demolition of the existing out building is submitted and agreed.
- 2) The foundation for the new stable block utilises existing foundations. Should this not be possible, a no-dig (eg pile and beam or raft) foundation type will be necessary where the proposed build is within the Root Protection Area of the existing nearby oak.
- 3) On no account should the route of any underground services be routed through the Root Protection Area of the oak tree.
- 4) An appropriate landscape plan should be drawn up showing new tree planting. The Coombes Everitt Architect Plan showing the planting of laurel trees is inappropriate. New appropriate species (eg oak, beech, hornbeam) trees should be submitted and agreed. This should be drawn up by a landscape architect or arboriculturist and should include details such as species, size, location, tree pit details etc. If the proposed laurel trees specified on the proposed Block Plan were planted and subsequently established they would likely kill the horses should they eat the foliage, fruit etc. All new planting must be contained within a corale to protect them from grazing horses. The specification of this corale must be described within the landscape plan.

Points 1-3 should protect the adjacent oak tree from significant damage in line with CBC Local Plan Policy GI2+3

GCC Highways Planning Liaison Officer - 8th March 2022

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. The justification for this decision is provided below.

The proposal is not perceived to result in an unacceptable impact on highway safety, nor a severe residual cumulative impact on the road network.

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.

The Highway Authority therefore submits a response of no objection.

Building Control - 15th February 2022

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council - 8th March 2022

Comment:

Given the site's location in the AONB, an alternative roofing material to steel sheet would be better suited.

As the access is shared with other properties, we would ask that if consent is given, a condition be made that free and unhindered access on the access track must be maintained at all times.

Gloucestershire Centre For Environmental Records - 24th February 2022

Bio Diversity report available in Documents tab.

5. PUBLICITY AND REPRESENTATIONS

5.1 11 letters were sent to neighbouring land users and a site notice was displayed, 4 letters of representation have been received in response to this public consultation process, this includes one general comment, which related to the land designations that were published on public access, a comment which supports the principle of the development, but questions the choice of materials and discusses the planting, and two letters of objection, where the concerns relate to the following:

- Impact on the AONB and landscape
- Impact on wildlife and bio-diversity
- Light pollution
- Development outside of the PUA
- Access

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 and 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 three recent planning applications; 19/01252/FUL, 20/00154/FUL and 21/01270/FUL, the first two 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, subsequent appeals were also dismissed for these applications. The latest application (21/01270/FUL) sought consent for a new stable block and riding manege, which was also refused at committee.

6.8 Principle, design and impact on AONB.

- 6.9 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.'

- 6.10 The refusal reason given by committee for the most recent application on this site (application number 21/01270/FUL) 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.'

- 6.11 The previous proposals were all considered to be contrary to the NPPF (para 176), Joint Core Strategy policy SD7, the Cotswold AONB Management Plan 2018-23 and the relevant saved policies of the Local Plan. The appeal inspector's comments on the earlier applications 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'.

- 6.12 This current application proposes the erection of two single storey buildings that include an outbuilding/store and stable block, which are proposed to replace the structures that were recently demolished. The replacement buildings are to be located in the same position as the previous buildings and are generally of a similar scale and form to the buildings that were demolished. The proposed works also includes the laying out of a small area of hardstanding to provide access to these new buildings.

Officers are of the opinion that the location of the application site is conducive to accommodating a replacement stable block and associated outbuilding, and consider this proposal to be wholly appropriate in this rural location.

- 6.13 Whilst officers accepted the scale, form and general design of the proposed new buildings to be acceptable, officers raised concerns regarding the proposed use of materials, specially relating to the proposed use of block work and the sheet metal proposed for the cladding and roofing material, these concerns were also raised by the Civic Society and Parish Council.

Amendments have been sought and revised plans have been submitted for consideration. The revised plans show a change to the materials and the elevations now show a stone plinth detail, timber cladding and a dark colour metal roof material. Officers consider these revised materials to be acceptable and appropriate in this location.

- 6.14 As the proposed new buildings will be of a similar scale and form, and located in the same position as the previous buildings, and having secured revised plans to address concerns regarding the facing materials, it is not considered that this development would 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. This assessment aligns with the appeal inspectors previous comments which suggested that the re-construction of stables on this site would conserve and enhance the AONB.

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

- 6.15 Two 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
- Personal permission for the use of the facilities

6.16 **Impact on neighbouring property**

- 6.17 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.

6.18 **Access and highway issues**

- 6.19 The development does not propose the introduction of a new or altered access, but will utilise the existing access and gate which is located just off the access track, leading from Greenway Lane.

- 6.20 Gloucestershire Highways have reviewed the details of the application and have provided their 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 and is therefore considered to be compliant with JCS policy INF1.

6.21 **Trees / landscaping**

- 6.22 Prior to this application being submitted, the applicant has carried out a scheme of tree and hedge planting at the site, this includes the planting of a new native species hedgerow along the eastern, southern and western boundaries of the application site, the addition of a Laurel tree in the south eastern corner of the site and the planting of 14 laurel trees planted in the field to the north of the application site, which is also within the applicants ownership.

- 6.23 The council's Tree Officer has reviewed the application and has provided detailed comments that can be read above. No objection has been raised by the tree officer, but comments regarding the impact of the development on the nearby oak tree have been made. In addition, a concern regarding the laurel trees which may have the potential to be poisonous to horses has also been made.

With regards to the Tree Officers comments, the existing buildings have already been removed therefore a method statement for demolition is not required, however conditions have been suggested which requires a no-dig foundation method within the root protection area of the oak tree and no underground services to be installed within the Root protection area. These conditions will provide suitable protection of the existing Oak tree.

In terms of the already planted Laurel trees, the 14 new trees to the north, are located in a field which is owned by the applicant but is separated from the application site by a fence, these trees therefore do not pose a risk to horses that may be housed on the application site. With regard to the Laurel tree located in the south east section of the site, officers note that this tree needs to be removed, the applicant has therefore submitted revised plans which show this tree will be replaced with a Holm Oak, this will eliminate any risk to any horses.

- 6.24 The planting that has already taken place is a positive gain to the site in terms of landscaping and bio-diversity, these works are similar to those that officers were previously seeking to be carried out by way of condition in the most recently determined application.
- 6.25 Having secured the revised plan, and with the suggested conditions attached, officers consider the proposal to be compliant with Cheltenham Plan Policies GI2 and GI3 and JCS policy SD9.

6.26 **Impact on protected species**

- 6.27 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.
- 6.28 During an earlier 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.
- 6.29 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.
- 6.30 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.

6.31 **Other considerations**

Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Having considered all of the above and having sought revised plans to address concerns raised by officers, in consultee comments and in neighbour representations, the application is considered to represent acceptable development that accords with local and national policy. Therefore, officer recommendation is 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 Should the proposed development require new foundations, a no-dig (eg pile and beam or raft) foundation type shall be used for any foundation works required within the Root Protection Area of the existing Oak Tree.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to policies G12 and G13 of the Cheltenham Plan 2020. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 4 No underground services shall be routed through the Root Protection Area of the existing Oak Tree.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to policies G12 and G13 of the Cheltenham Plan 2020. Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 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 No external lighting shall be installed, unless in accordance with details which shall have first been 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 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.

- 8 Prior to the first beneficial use of the development, the existing Laurel tree planted in the south eastern corner of the site, shall be replaced with a Holm Oak tree, as specified on the proposed block plan drawing PL004 Rev B.

Reason: It is understood that the existing Laurel tree needs to be removed, therefore a replacement tree is required in the interests of visual amenity, having regard to policies GI2 and GI3 of the Cheltenham Plan 2020.

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 design/materials and sought relevant additional information required to fully consider the application;

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