

Applicant: Dr & Mrs N Brener

Proposal: Erection of building to provide an indoor manege

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major development

Expiry Date: 15 May 2017

Committee Date: 18 May 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a site situated north-east of the village of Piddington, to the rear of dwellings on Lower End. The land is currently surfaced and used as an outdoor ménage, and is positioned adjacent to an existing stable complex with associated structures. Vehicular access is taken from Lower End. The site does not contain any listed buildings, although Grade II listed 70 Lower End is situated to the north-west of the site. The site is within 20 metres of a Main River, and Great Crested Newts have been identified in the area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The proposed development would involve the construction of an indoor manege upon the site of the existing outdoor manege. The measured externally, the proposed structure would be 60.9 metres x 21.6 metres, with an eaves height of 4.3 metres and height to ridge of 6.1 metres. Construction materials would consist of green coloured profiled metal clad walls and grey fibrous cement profiled roof sheeting. A viewing gallery, solarium and store are also proposed, and these would be constructed from timber boarded walls with brickwork plinth and slate roof. The existing stable complex would remain as existing. Additional tree planting is proposed to the south of the building.
- 2.2. The use of the indoor manege would be limited to the personal use of the applicant, who is an amateur competitor in dressage. The applicant anticipates that vehicle movements to and from the site would reduce as a result of the development due to the lack of need to transport horses off site to indoor schools during inclement weather.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
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4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments will be 27.04.2017, although comments received after this date and before finalising this report have also been taken into account. A total of 11 objections to the scheme have been received.

5.2. The comments raised by third parties are summarised as follows:

- If permitted would set a potentially disastrous precedent for the urbanisation of this pleasant rural village
- Proposal flies in the face of many Council policies e.g. EN30, EN34, C260
- It is of utmost importance that Piddington residents are made properly aware of the proposals and they are given sufficient time to consider their response – it is clear that this hasn't happened, most villagers including residents of Lower End are not aware of the application due largely to very limited neighbour consultation
- As owners of Grade II listed building in very close proximity to proposal we were not informed by Council, only became aware via a neighbour.
- Listed building is not shown on Council's plan of relevant matters
- Request that further neighbour consultation is carried out allowing a further 21 days for response
- As the applicant has only just submitted Certificate B and notified the owner of part of the proposed access, further time is required
- Applicant owns insufficient land for the proper screening of this massive building. As there is no room for tree planting on that side, the northern boundary consists of an existing farm hedge which is not wholly controlled by the applicant
- On the southern boundary, lack of space has obliged to proposed planting a row of trees tight against the neighbours boundary. As they grown, these trees will not be in the exclusive control of the applicant as their branches and roots will overhang and undermine the neighbour's property
- Complaint that the site notice was erected later than the date on the notice – *the Case Officer has confirmed that this is incorrect, and that the notice was erected during the morning of 02 March 2017*

- Large scale building of unsympathetic construction materials, which would dominate the rural landscape, in close proximity to a number of dwellings
- Surface of the existing menage has been raised considerably above the field level. The land and the farm hedge to the north of the menage slope downhill towards the east, this will accentuate the height of the building above the surrounding farmland and hedge, creating greater visual impact of the structure from all directions
- Currently water from the existing menage drains through the hedge and onto our farmland causing flooding at peak times. There must be proper provision for removal of rainwater away from the site
- It may increase traffic flow as in the future other users may come to use this "private facility"
- Industrial scale building would be highly intrusive, destroying its rural village setting and dominating the outlook of nearby residential properties including ours
- It would constitute an unpleasant eyesore which, contrary to the applicants answer to question 24, would be seen from miles around including from the public road and footpath to the south
- IT would detract from the view of the village from Muswell Hill, a popular walking area for villagers and others
- The building would be located on back land, significantly outside the village envelope
- Location of this vast building would seriously detract from the setting of a listed building from which it would be seen and the curtilage of which is only 30 yards from the equestrian site, namely Fir Tree House, an important Grade II William and Mary dwelling built in 1690, the only building in Piddington mentioned in Pevsner
- No overriding need for the proposed building which might justify this intrusive back land development on white land outside the envelope of this rural village. The sole function of the proposed development would be to benefit the applicants personal hobby without satisfying any local or national need, nor would it contribute any further to local employment as the building would simply cover an existing outdoor menage
- The sparse ecology report is based on a single visit and does not mention the presence of Great Crested Newts in the immediate vicinity as well as in the curtilage of nearby Fir Tree House
- In para. 12 of the application form the applicants answer no to the flood risk question, however, the erection of such a large building would create significant additional run-off to the adjacent watercourse contributing further to the regular flooding which occurs at this point where the stream turns west and often overflows across farmland adjacent to the site and over the garden of Fir Tree House
- Certificate B needs to be completed for the access road as this is owned by an adjacent landowner – *Certificate B was signed and returned on 21 March 2017*

- The proposed structure would be a massive ugly industrial building with steel cladding and fibre roof, such a building would be out of keeping with its currently pleasant rural situation
- No guarantee that the equestrian use of the proposed building would continue, in that event, a further undesirable change of use could be applied for in due course and the existence of this huge building would make it much more difficult for the planning authority to resist. Furthermore, if this proposal were permitted it would set an unwelcome precedent for yet further urbanisation of adjoining land
- Urge Planning Committee to refuse the application, which has nothing to recommend it or which could possibly override the considerable damage it would cause to the local environment and to the lives of local residents
- Extra traffic would be disruptive to my property
- This is a huge development in relation to the surrounding buildings and will have a significant effect on the neighbouring properties
- Remind the Planning Department that conditions imposed for recent applications in the immediate vicinity included the following reasons "in the interests of the visual amenities of the area and to ensure the creation of a pleasant environment" "to ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the adjoining buildings". While this may be true for the elevation viewed by the applicants the north and south elevations cannot be described as "pleasant" or "in Harmony
- There is going to be a large volume of rainwater run off from this proposed building and hard standing. It is essential that this is disposed of in a proper and sustainable manner. There are no drainage channels/ ditches within the vicinity of the site and we have been told on previous applications (environment agency/ Thames water) that surface water cannot be allowed to flow directly into the village brook as in times of heavy storm it cannot cope resulting in extensive flooding within the village
- Reduced property values and impact on quality of life
- If it is allowed to go ahead then the design on the long elevations should use "softer" more rural materials such as wood and brick, the drainage must be dealt with appropriately, and while I accept that this application is for private, non-commercial use, binding restrictions should be imposed to prevent change of use which could cause increased traffic and nuisance to the village residents at a future date.
- Scale of the proposed development to be considerably in excess of a private equestrian facility
- Adverse impact on views within and approaching the village
- Concern that the applicants or subsequent owners may use the building for commercial use as a business, leading to significant increase in traffic into the village using the narrow private access designed purely for private domestic use

- Window openings are shown on the elevation plans but not the floorplans – *the Case Officer does not consider that this prevents the consideration of the application.*
- One of the principal and characteristic features of Piddington is its linear pattern and form, where buildings generally front on to the roads from which they take access and to which there is limited (if any) development in depth. This ensures that there is a close relationship between the buildings and the surrounding countryside edge, with that countryside permeating (in places) up to the road frontage, and with the gaps between buildings and the negligible development in depth otherwise allowing a ready appreciation of the surrounding countryside from the principal roads through the village. The form and layout of the proposed development would, however, fundamentally conflict with that established pattern and character of development. In particular, in the position proposed the building would substantially extend the built edge of the village in to the surrounding countryside, where it would intrude in to rural amenities and character of the area
- The resultant building would be of a large and excessive scale that, when combined with its industrial, utilitarian design and form, and the range of insensitive external materials proposed, would be wholly at odds with the form of the surrounding domestic-scale buildings, and would represent a prominent and intrusive feature in the landscape that from the public highway, public rights of way, and private land, would detract from the established landscape qualities and character of the area
- Concern regarding light pollution from translucent panels in the external walls and roof of the building, arising from an outward glow of the building, raising the prominence and visual effects of the building detracting from the rural character and qualities of the area
- Development contrary to the National Planning Policy Framework and related saved Development Plan policies
- Enclosed and overbearing relationship with neighbouring 64 Lower End, detracting from residential amenities currently enjoyed
- Uncharacteristic landscaping proposed that would not afford any meaningful screening of the building and would not ameliorate the harmful amenity affects arising from a fundamental change in character and loss of the open and rural context. Further, landscaping conditions attached to previous planning permissions have either not been implemented as intended or have failed to deliver an appropriate landscape scheme
- Noise impacts, in particular resulting from the use within the building would be readily apparent from within their residential curtilage. Proposal would result in increase in number of vehicles using the access with associated advised amenity consequences arising from more general noise and disturbance, and damage to the access way
- Detriment to the setting of Grade II listed Fir Tree House, contrary to National Planning Policy Framework and associated Development Plan policies

- No details with regard to the surface water drainage proposals – essential requirements given the scale of the roof of the proposed building and the increase in surface water run-off rates that would result from such
- There has been considerable development on the site in the last few years - cumulative impact of the overall scale of the development on the site only adds to the unacceptable harm to the character and appearance of the area
- Impact of development will be felt by all villagers – consultation inadequate
- Size of building far in excess of all buildings in the village and will dominate the lower part of the village
- Proposed materials out of keeping and better suited to an industrial estate – no attempt at considering the surrounding vernacular for inspiration of material or design. The proposed clock tower does not compensate for the steel cladding and fibrous cement roofing both of which will only exacerbate the dominance of such an industrial style building in the village
- Whilst the applicant states that only she will use the indoor menage, such a large construction will inevitably be used by others. This will lead to a significant increase in towing vehicles in a quiet village
- Pedestrian residents have to use the roads for walking as there is only a short run of pavement at the other end of the village and on only one side of the road. Towing vehicles will be a traffic hazard on the quiet village roads. The road out of Lower End passes over a weight restricted rail bridge, and the further road is often under water. Thus any towing vehicles will pass through the village via either Widnell Lane (with blind corners) or Thame Road (with 3 right angled bends) on entry and exit, crossing the route of the school transport bus and across the path of children walking back home
- Quite why all the villagers should be negatively impacted for just one keen rider, who already has an outdoor menage, is beyond comprehension. Both horses and riders enjoy the outdoors, and all- weather facilities only make sense when activities have to take place almost 24/7 such as in commercial set ups, rather than for one part-time hobbyist.
- Detrimental to wonderful views of fields and undulating hills from back garden
- More than happy to comment on a smaller building that is less intrusive
- Impact upon amenity and enjoyment of our property
- Impact upon rural surrounds and settlements characteristics
- Level of lorries, vehicles, dust, noise, drive damage and general inconvenience will cause should be worth a refusal – this was experienced during the construction of the outdoor riding ménage
- Large warehouse type structure, industrial style will not blend into the surrounding village, along with the clocktower it will be highly visible from routes into the village and especially from the surrounding landscape
- Amount of space left around the plot begs the question of how viable vegetation screening will be to adjacent properties

- There must be a constraint that no commercial use will be made of the facilities in the future, this building should be removed should ownership change
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Piddington Parish Council – objects, on the following grounds:

Piddington is a Category C village in Cherwell District Council's Local Plan where development is limited to extensions of existing properties and small amounts of infilling. Lower End is currently a section of ribbon development comprising a mixture of bungalow and two storey dwellings, with linear development along the road structure (a notable feature of Piddington village as a whole), current development would be on land outside of the village envelope and currently of open aspect.

- Alien feature in rural village landscape, the size of a significant warehouse, which would overpower all adjacent properties and swamping all other properties in the vicinity, visible from highways, footpaths, all areas of the village and local viewpoints such as Muswell Hill.

- Development will bring intrusive urbanisation to the village with profiled metal cladding and fibrous cement profiled sheet roofing, which will effectively be an extremely large industrial building (as large as an aircraft hangar) immediately adjacent to residential properties in the village and completely out of keeping with strict design conditions that have been proposed on residential development within the village.

- Development takes up almost all of the space immediately behind 66 Lower End leaving little space between the building and boundary hedges, creating an enclosed effect for residents which the Parish Council believes to be unacceptable.

- Development will significantly adversely affect the setting of not only the village as a whole, but of listed buildings in particular, with at least one listed building of such architectural merit as to warrant and entry into Pevsner.

- If minded to approve, the Parish Council would expect to see planning conditions to achieve strict controls over water run-off from the building, to control potential light pollution and a condition limiting the use of the development for the personal use of the current owners of the property, with a requirement to remove the building should their ownership of the property cease.

STATUTORY CONSULTEES

- 6.3. OCC Drainage – no objection subject to suggested condition 6 being applied.
- 6.4. Environment Agency – no comments received at the time of writing.

NON-STATUTORY CONSULTEES

- 6.5. CDC Ecology – recommend a note with regard to protected species, the protection of the existing hedgerow during construction works, and that opportunities are taken to provide bat or bird boxes on the proposed new building, for example at the eaves level, making enhancements for local wildlife and benefit biodiversity .
- 6.6. CDC Environmental Protection – no objections or comments to make on the application as presented.
- 6.7. CDC Landscape Services – no objection, but recommend that a detailed soft landscaping scheme is required to mitigate the impact of the development. The proposed tree planting is too formal and should be planted in irregular naturalistic groups. Further comments were received on 04 April 2017 suggesting that if the management of the hedgerow to the north to 3.5 metres above ground level is going to be a problem then the building could be located 1.5 - 2m further south to accommodate 6 small trees to grown. Structural foundations may have to be revised in respect of the trees. However, further verbal advice was provided on 10 April 2016 stating that no objection would be raised if the building was not relocated.
- 6.8. OCC Single Response – no response received at the time of writing.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 - Presumption in Favour of Sustainable Development
- ESD6 – Sustainable Flood Risk Management
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 - Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C31 - Compatibility of proposals in residential areas
- AG5 - Development involving horses
- ENV1 - Development likely to cause detrimental levels of pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area, including heritage assets
- Residential amenity
- Biodiversity
- Flood risk

Principle of development

8.2. The equestrian use of the site and adjacent land has already been established by the previous consents for a stable complex and outdoor manege. Saved Policy AG5 of the Cherwell Local Plan 1996 states that proposals for horse related development will normally be permitted provided that the proposal would not have an adverse effect on the character and appearance of the countryside; the proposal would not be detrimental to the amenity of neighbouring properties and the proposal complies with the other Policies in the Plan.

8.3. The impact of the development upon the character and appearance of the countryside and the amenity of neighbouring properties are assessed later in the report, although it is considered that the principle of horse-related development in this rural location is acceptable in accordance with saved Policy AG5 of the Cherwell Local Plan 1996.

Design, and impact on the character of the area, including heritage assets

8.4. Government guidance contained within the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

8.5. Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

8.6. Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to resist sporadic development in the open countryside, although this will be reasonably applied to accommodate the needs of agriculture. Saved Policy C28 seeks to control new development to ensure that it is sympathetic to the character of its context.

8.7. There is no denying that the proposed building is of a large size, and that it would be visible from surrounding vantage points, including the rear facing openings of

dwellings along Lower End. The footprint would be approx. 1315 sq m and the height would be 6.1 metres to the ridge, which is a substantial structure. Furthermore, the development would take place beyond the built-up limits of the settlement of Piddington, in the open countryside.

- 8.8. However, the fact that something would be visible alone is not considered a reason to resist an application, and furthermore, the loss of a particular or pleasant view from neighbouring properties is not a material planning consideration.
- 8.9. The topography of the site and immediate surroundings is largely flat, with the land gradually rising towards the east. A railway line also runs approx. 350 metres to the east. The buildings associated with nearby Brill Farm are currently visible to the south-east. The site itself consists of an existing stable complex and the outdoor ménage currently consists of a large surfaced rectangle surrounded by post and rail fencing.
- 8.10. Aside from the clock tower feature on the western facing elevation, it is considered that the building would appear as a large, functional design agricultural barn, with steel clad walls and fibrous cement roof, which is considered to represent an appropriate feature in the rural landscape. While the proposed use of the building is not for agriculture, the principle of equestrian uses in the open countryside is generally accepted, as this is considered an appropriate location for such rural pursuits.
- 8.11. The proposed building would be positioned in open countryside, although it would be viewed as part of the existing stable complex, and such grouping of buildings is considered preferable to an isolated site away from other built form.
- 8.12. A Grade II listed building is positioned some 100 metres to the west of the site and due to this separating distance the site is not considered to play an integral role in forming the setting of the building. The site itself is not covered by any historic designations.
- 8.13. Existing landscape features, such as the hedgerow to the north and ponds are proposed for retention, and additional landscaping is proposed to the south of the proposed building. It is noted that the hedgerow to the north is not within the ownership or control of the applicant, and so it will not be possible to further enhance this boundary.
- 8.14. On balance, given that the development would involve an equestrian use in this rural location, the appearance of the structure as a large agricultural barn and the proximity of the site to other existing structures, Officers consider that the development would be in keeping with its rural context, and that it would not result in significant or demonstrable harm to the visual amenities of the locality. Further, the development would not materially harm the setting of the nearby listed building, in accordance with Government guidance contained within the National Planning Policy Framework, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C8, AG5 and C28 of the Cherwell Local Plan 1996.

Residential amenity

- 8.15. Government guidance contained within the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy ESD 15 of the Cherwell Local Plan 2011-2031 states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. In addition, saved Policy C31 of the Cherwell Local Plan 1996 seeks

compatible development in residential areas, and saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to resist development that would result in materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution.

- 8.16. As previously mentioned, the equestrian use of the site has already been established. It is understood that the number of horses accommodated on site, and the existing provisions for the storage and disposal of manure would remain as existing. The indoor manege would also be used on a personal basis by the applicant, as opposed to a commercial riding school. The number of vehicle movements to and from the site is anticipated to be the same as, or fewer than, those existing.
- 8.17. Based on the above, it is considered that the proposed development would not result in significant harm to the neighbouring properties in terms of a loss of amenity. Concerns regarding noise and light pollution are noted; although the Environmental Protection Team raises no objection to the proposals. That said, it is considered reasonable to restrict the provision of outdoor lighting to serve the development, and the hours of use, to ensure that associated activities do not result in disturbance to neighbours at unreasonable hours (e.g. moving horses from the manege to their stables, which are closer to residential dwellings than the proposed manege). The applicant has indicated that they would be happy to comply with such a condition.
- 8.18. Subject to the above-mentioned conditions, the proposed development is not considered to cause significant or demonstrable harm to the living amenities currently enjoyed by neighbouring properties.

Biodiversity

- 8.19. Government guidance contained within the NPPF states that in determining planning applications local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last result, compensated for, then planning permission should be refused. Policy ESD 10 of the adopted Cherwell Local Plan 2011-2031 seeks both the protection and enhancement of biodiversity and the natural environment.
- 8.20. An Ecology Survey undertaken during February 2015 has been submitted with the application, that was originally submitted in support of the application for the stable complex and outdoor manege. The report concluded that the site would have no impact to the Piddington Brook, and that there were no obvious enhancements that could be carried out.
- 8.21. The Council's Ecology Officer is content that no further surveys are required in connection with the current application, although wishes to highlight the protected status of the Great Crested Newt (of which there are records in the vicinity of the site) with the applicant. Protective fencing along the existing hedgerow is also requested, which can be secured via condition, and biodiversity enhancements in the form of bat or bird boxes at eaves level on the proposed building.
- 8.22. It is considered that the proposed development would not significantly or demonstrably harm biodiversity, and that the development accords with Government guidance contained within the NPPF and Policy ESD 10 of the Cherwell Local Plan 2011-2031.

Flood risk

- 8.23. Government guidance contained within the NPPF states that in determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Policy ESD 6 of the adopted Cherwell Local Plan 2011-2031 states that where development is proposed within areas at risk of flooding it should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.
- 8.24. The site lies within Flood Zone 1, which is not considered to form a part of the flood plain. Piddington Brook, a Main River, is within 20 metres of the site, and comments received as a result of public consultation indicate that the site and surrounding land is known to suffer from drainage problems. Indeed, there are a number of small ponds in the vicinity of the site and during their visits to the site the Officer has noted that the land is wet.
- 8.25. At the time of writing, the Environment Agency has not provided comments on the scheme. In the absence of comments, it is to be assumed that no objections are raised.
- 8.26. OCC Drainage has requested a condition relating to the provision of a scheme for the disposal of surface water within the site due to the dimensions of the building.
- 8.27. Subject to the above mentioned condition, it is considered that the development would not result in the increase of flood risk elsewhere, in accordance with Government guidance contained within the NPPF and Policy ESD 6 of the Cherwell Local Plan 2011-2031.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Officers are of the opinion that the principle of the equestrian use of the site has already been established through the existing stable complex and outdoor manege. The creation of an indoor manege, that would be similar in appearance to an agricultural barn, would be of an appropriate use and appearance in this rural context. The development is not considered to result in significant or demonstrable harm to the visual amenities of the locality, or the living amenities or privacy currently enjoyed by neighbouring properties. Further, the development would not materially harm the setting of the nearby listed building, the biodiversity of the site or increase the risk of flooding elsewhere, in accordance with Government guidance contained within the NPPF, Policies ESD 6, ESD 10, ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C8, C28, C31, AG5 and ENV1 of the Cherwell Local Plan 1996.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply 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. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Design and Access Statement dated December 2016, Drg No's. SK/06, SK/07 and 01 Rev. or

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a schedule of the materials and finishes for the external walls and roof(s), including samples where appropriate, of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development, and notwithstanding the plans hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first use of the building the approved scheme implemented, and maintained as such thereafter.

Reason - To ensure satisfactory drainage of the site to avoid flooding of adjacent land and property and to comply with Policy ESD 6 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works and exclusion fencing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the building the bat and bird boxes shall be installed on the site in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

9. No external lights/floodlights shall be erected on the land without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the nearby dwellings in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. The indoor manege hereby permitted shall be used for private use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the nearby premises in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. The hours of use of the indoor manege shall be restricted to 8.00am to 10.00pm,

unless otherwise approved in writing by the Local Planning Authority.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the nearby premises in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

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