

Kemsley Farm Northampton Road Weston on the Green OX25 3AA

21/01580/F

Case Officer: James Kirkham

Applicant: Oxford Polo Limited

Proposal: Change of use of land from agriculture to equestrian use. Erection of buildings to provide stabling for 36 ponies with associated facilities for the storage of tack, feed and equipment to tend the land. Formation of an exercise arena and exercise track and school area. Relocation of existing site access to Akeman Street.

Ward: Launton and Otmoor

Councillors: Councillor Hallchurch, Councillor Holland, and Councillor Hughes

Reason for Referral: Major development

Expiry Date: 11 February 2022

Committee Date: 10 February 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO THE RESOLUTION OF THE OBJECTION FROM THE COUNTY ARCHEALOGY, AND CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of 14.39ha of undeveloped agricultural land to the south of Akeman Street and to the west of the B3430 (Northampton Road) approximately 1km north of the village of Weston-on-the-Green. RAF Weston on the Green exists approximately 200m to the east of the site beyond the Northampton Road. Approximately 100m to the west of the site is the Gallos Brook with larger areas of tree planting with associated flood risk areas however these do not extend into the site.
- 1.2. The site falls gently in a southerly direction. The site was formerly used for arable cultivation but is now in the process of being set to pasture for grazing. Immediately to the east exists a small commercial estate with various industrial and office uses and a number of dwellings. The site includes a number of hedgerows and trees which separate the existing fields.

2. CONSTRAINTS

- 2.1. The site is located in the area covered by the Weston-on-the-Green Neighbourhood Plan which forms part of the Development Plan.
- 2.2. The Weston Fen Site of Special Scientific Interest (SSSI) is located approximately 200 metres to the south west of the site which is also a Natural Environment and Rural Communities Act (NERC) Priority Habitat (Wet woodland).
- 2.3. A public bridleway (ref 404/19/10) is located approximately 200m to the south of the site. The site is also located in the safeguarding zone for RAF Weston-on-the-Green

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks permission to change the use of the land for equestrian purposes, namely the keeping and training of polo ponies. The application seeks permission to relocate the applicant's business (Oxford Polo Ltd) from a leased stable a few hundred metres to the west of the site to the application site. The site would provide a base for keeping the ponies in between competing and training during the summer months and accommodation and paddocks for over-wintering. It would also allow training of younger ponies to take place on site. The site will not accommodate competitions but will provide training for school children as at their existing site. The applicant has stated that typically there would be 2 minibuses a day during the term time.
- 3.2. The application also seeks permission for the following:
- Erection of two buildings to the east of the site (each 36m x 25m – 4m to eaves, max height 6.1m) to provide stabling for 36 ponies and associated storage such as feed, tack and equipment. This would be finished with treated timber spaced boarded to the elevations with a fibre cement roof sheeting.
 - The relocation of an access on Akeman Street to the north of the site and the provision of hoggin access tracks within the site to serve new buildings and uses.
 - Creation of an all weather horse arena area, schooling area and exercise track to allow for training all year round.
 - Creation of a new infiltration pond
- 3.3. During the course of the application further information has been received in regard to flood risk/drainage, ecology, the nature of the use and amended plans reducing the size of the buildings.
- 3.4. There is also a further planning application pending consideration on the wider site for a stone barn to be converted to a dwelling to provide accommodation for the owner (21/00873/F refers).

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly on this site. However on the following planning history is considered relevant to the current proposal and is located immediately to the west of the current application site and is part of the same land holding:

Application: 21/00873/F

Demolition of existing chapel and erection of 1 dwelling

Under consideration

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. 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 (amend as appropriate). The final date for comments was **1 July 2021**.

- 6.2. 1 comment was raised by third parties which requested clarification on an access track adjacent to the eastern boundary. This was clarified by the applicant. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. 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

- 7.2. WESTON ON THE GREEN PARISH COUNCIL: Originally **objected** as further information is required in respect of flood risk; ecology and biodiversity; information on waste disposal; visual impacts; lighting and potential noise. Further to the receipt of additional information in the above respect the parish council **comment** that they are supportive of rural businesses within the Parish however remain concerned over what happens when period of excess flooding occur in and around Landscape Road/Northampton Road.
- 7.3. CHESTERTON PARISH COUNCIL (immediately adjoining site): **No objection** but request consideration of signage on Akeman Road and provision of car parking.

CONSULTEES

- 7.4. OCC HIGHWAYS: **No objections** subject to conditions. The relocation of the access is acceptable and supported by speed surveys and appropriate visibility splays. The existing access should be closed. Due to the location of the site it is assumed that the vast majority of trips made to the site will be via private car. The public Right of Way 404/19/10 forms the southern boundary of the site and is not expected to be impacted by the proposals.
- 7.5. The application form states that 20 vehicle parking spaces will be provided for staff and visitor and request a condition detailing this. The applicant has demonstrated that a 12.5m articulated vehicle can safely access the site using swept path analysis
- 7.6. As stated in the access statement, traffic impact from the site is expected to be minimal. The applicants estimation of 10 members of staff and 10 visitors accessing the site per day would not result in a significant impact on trip generation, particularly if trips are staggered throughout the day and considering the seasonal changes in polo. The traffic impact is expected to be minimal.
- 7.7. NATURAL ENGLAND: Originally **objected** as insufficient drainage information was provided to assess the impact of the development on the Weston Fen SSSI. Welcome the new 20m woodland buffer alongside the Gallos Brook which follows into the Weston Fen SSSI and request that hedgerow between the Paddock and SSSI is retained. Further to receipt of additional drainage information raise **no objection** subject to the drainage strategy being conditioned and implemented.
- 7.8. CDC ECOLOGY: **No objection**. The submitted survey is acceptable and agrees with the conclusions and the recommendations should be conditioned. A LEMP showing the full species and planting lists and including the location and types of bird and bat boxes (as per the Ecological Impact assessment) should be conditioned and submitted pre-commencement. The Biodiversity calculations demonstrate that, if the recommendations above are put in place, a very good level of net gain for biodiversity in both habitats and hedgerows can be achieved under these proposals

- 7.9. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions on land contamination, EV charging points, full details for storage and disposal of manure and waste from the site and a detailed lighting scheme
- 7.10. CDC LAND DRAINAGE: Further to the receipt of additional drainage information and flood exceedance routes raises **no objections**.
- 7.11. OCC DRAINAGE: Further to the receipt of additional information **No objections** subject to conditions.
- 7.12. NATIONAL AIR TRAFFIC SYSTEMS: **No objections**
- 7.13. MOD SAFEGUARDING: **No objection**. The application site falls within the statutory height and technical safeguarding zones surrounding RAF Weston on the Green however no objection is made.
- 7.14. OCC ARCHAEOLOGY: **Objection** on the basis of insufficient information. Request the submission of a Desk Based Assessment and the result of a field evaluation

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council in 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 2015)

- Policies ESD6 – 7 – SUDS and flood risk
- Policy 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 countryside
- C28 – Layout, design and external appearance of new development
- AG5: Development involving horses
- ENV1 – Pollution control

- 8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Weston-on-the-Green Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

Weston-on-the-Green Neighbourhood Plan

- E1 – Environment
- E2 – Environment
- E4 – External lighting

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Ecological impact
- Heritage
- Residential amenity
- Other matters

Principle of development

9.2. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF notes the same, and that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

9.3. The application seeks planning permission for the use of the land for equestrian purposes and the erection buildings/structures for this purpose.

9.4. Saved Policy AG5 states that proposals for horse related development will normally be permitted provided they do not adversely affect the character and appearance of the countryside and are not detrimental to the amenity of the neighbouring properties.

9.5. Therefore, the principle of equestrian related development in this rural location is acceptable in principle; the overall acceptability of this particular proposal is subject to other material considerations.

Design and impact on the character of the area

9.6. Paragraph 126 of the NPPF states that: *'Good design is a key aspect of sustainable development'* and that it *'creates better places in which to live and work'*. This is reflected in Policy ESD15 of the CLP 2015, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.* Saved Policy C28 of the CLP 1996 reinforces this, stating: *standards of layout, design, and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context.*

9.7. Policy ESD13 of the CLP 2015 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. Proposals will not be permitted where, amongst other criteria, they would cause undue visual intrusion into the countryside or cause undue harm to important natural landscape features and topography. Paragraph 174 of the NPPF states that planning decision should contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

- 9.8. Policy E1 of the WOTG Neighbourhood Plan 2021 (WOTG NP) states new development should provide a positive contribution to the locally distinctive character and achieve a biodiversity net gain. It also states development outside the village confines along the B430 should be avoided unless it is in accordance with other development plan policies. Policy E4 seeks to ensure lighting is designed to ensure it does not cause visual intrusion or cause adverse effects due to light pollution.
- 9.9. The application site lies within the open countryside for planning purposes outside the built limits of any settlement. The proposed buildings have been located to the eastern part of the site to be situated near to the existing commercial and residential properties which exist to this boundary. This is considered to be an appropriate approach to ensure that the proposed buildings do not appear unduly dominant in the landscape and ensure they are seen in the context of this existing built form and limit their visual intrusion.
- 9.10. The buildings will have an agricultural and functional form and appearance which would not be out of place in this rural context and the topography of the site is relatively flat in this area. Public views to the north of the site would largely be screened by the existing road side vegetation and where views are available they would be seen in the context of this existing grouping of buildings.
- 9.11. There would also be views from the public bridleway to the south of the which would be more open. However in these views the proposed buildings would again be seen in the context of the existing grouping of development and would be from a distance of approximately 400m. The provision of the new arena, schooling area and exercise track would also be visible from this location. The applicant has confirmed these would be enclosed by approximately 1.4 metre high fencing. The full details of which could be controlled through condition to ensure they were appropriate for a rural area. The provision of new landscaping across the site in the form of new hedgerows and tree planting would also help mitigate the visual impacts of the development from public vantage points and this can be controlled through condition.
- 9.12. The provision of a new access to the Akeman Street to the north would also lead to the loss of a small amount of road side planting however this would be relatively limited and could be mitigated with additional planting elsewhere on the site. The access tracks around the site would also have a somewhat urbanising impact on the site however where possible these have been located near to existing hedgerows to reduce their impact. They are proposed to be constructed of porous materials and full details of their appearance could be controlled through condition.
- 9.13. The applicant has stated that the only external lighting provided at the site would be low level lighting around the building entrances and parking areas as required for safety of workers and visitors. It is not intended to light the arena or track area. Full details of the lighting can be controlled by condition.
- 9.14. The use of the land for equestrian purposes will also change the character of the land to some extent however given the relatively flat topography of the site alongside the above considerations this is not considered to be unduly harmful in this case.
- 9.15. Overall whilst it is acceptable there will be some visual change and harm associated with the loss of an open field it is considered that the proposal can be successfully assimilated into the landscape without causing undue visual intrusion to the character and appearance of the surrounding area particularly given the nature of the proposed use which is not uncommon in a rural area.

Residential amenity

- 9.16. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space. Saved Policy ENV1 of the CLP 1996 seeks to ensure development does not give rise to unacceptable levels of pollution such as noise and odour.
- 9.17. The proposed building would be located approximately 50m from the boundary with the closest residential property not associated with the holding. Given this relationship it is considered that the building would not result in any significant levels of appearing overbearing or loss of light from that dwelling.
- 9.18. In terms of noise and disturbance from the proposed use, the Council's Environmental Protection Officer has raised no objection to the application on this basis. The building and yard are located closer to commercial properties to the east of the site. The areas of use are considered to be located a sufficient distance from the neighbouring properties to ensure they would not be likely to result in unacceptable levels of noise and disturbance if used appropriately.
- 9.19. It is recommended that full details of the location, method of storage and disposal for manure from the site be controlled by condition to ensure that it does not result in unacceptable levels of odour to neighbouring properties
- 9.20. Overall the impact on the development on the amenity of the neighbouring properties is therefore considered to be acceptable.

Highway safety

- 9.21. Policy SLE4 of the CLP Part 1 2015 states all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes on to state that development which is not suitable for the roads that serve the development, and which have severe traffic impacts will not be supported.
- 9.22. The proposed development would lead to the creation of a new vehicle access point to the north with Akeman Street. The new access is required to provide adequate visibility for the proposed use of the site. It also allows for the proposed access roads through the site to follow the existing hedgelines which will reduce the visual impacts of the new access road. The application is accompanied by an Access Statement which has included undertaking speed surveys on the road and this demonstrates that adequate visibility can be provided from the access to be safe and suitable. The traffic impacts of the development would result in approximately 20 vehicles movements a day (10 staff and 10 visitors) and the access is considered appropriate to serve this. The Highway Authority have been consulted and raised no objection to the application subject to conditions including the closure of the existing access onto Akeman Street.
- 9.23. The applicant has stated that parking on the site would be provided around the buildings and full details of this can be secured. Officers are satisfied that appropriate levels of parking can be provided due to the scale of the use and likely staff/visitor numbers and the Highway Authority have not raised any objection in this respect.
- 9.24. Whilst the geographical sustainability of the site, in terms of access to sustainable forms of transport is very limited, the nature of the use is appropriate to a rural location

and the scale of the proposal is relatively limited. Furthermore, it should be acknowledged that for the purposes of the Development Plan the proposal is not an employment use (where Policy SLE1) would apply.

- 9.25. The proposal is therefore considered acceptable in highway safety terms and compliant with Policy ESD15 of the CLP 2015 and Government policy in the NPPF.

Flood Risk and Drainage

- 9.26. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 9.27. During the course of the application a Flood Risk Assessment and Drainage Strategy has been submitted as this is required as the site is over 1 hectare in size. The site is located in Flood Zone 1 which is the lowest areas of flood risk and is also not shown to be at risk of surface water flooding. The proposed development will however result in area of impermeable areas being provided on the site including the buildings. The access routes are proposed to be constructed of a porous material.
- 9.28. In terms of the run-off from the proposed building is it proposed that this will be accommodated within an attenuation storage basin on site within the adjacent to the track area which will then discharge to the underlying soil strata with no direct discharge required off site. This would cater to all storm events up to and including the 1 in 100 year + 40% climate change storm event and the ground has been found suitable for infiltration. The Councils Land Drainage Officer and the Lead Local Flood Authority have assessed this and consider it to be acceptable and would not result in flooding elsewhere.
- 9.29. Based on the information provided the proposed development is therefore considered to be acceptable in respect of drainage and flood risk.

Ecology Impact

- 9.30. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.31. Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.32. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts

that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.33. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.34. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.35. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.36. Policy D1 of the WOTG NP seeks to secure a net gain in biodiversity and Policy E2 states development should preserve and enhance the environment by, amongst other issues, preserve hedgerows and ponds and create new one.
- 9.37. The site is located close to the Weston Fen SSSI which supports water dependant habitats which could be negatively impacted by changes in the quality or quantity of water entering the site. The application site also consists of undeveloped fields with associated hedgerows and trees and therefore has the potential to accommodate protected species and other biodiversity. When the application was originally submitted there was very little information in respect of the ecological constraints of the site or the associated impacts of the development. During the course of the application further information has therefore be requested and provided with an Ecological Impact Assessment and a Drainage Strategy.
- 9.38. The site contains areas of amenity grassland and arable lane along with hedgerows and trees. The majority of the habitats on the site are considered to be of negligible ecological value at the site level with the hedgerow of value a local level. The site provides habitats for nesting birds and foraging bats. A mature horse chestnut tree is present at the proposed access however this is assessed as having low bat roost potential.
- 9.39. The Councils Ecologist has considered the submitted Ecological Impact Assessment and considered the findings to be acceptable. The loss of the grassland is unlikely to result in any significant ecological impact and the existing hedgerows, which are noted as habitats of principal importance, will be retained, protected and enhanced. It is also proposed that the planting of semi-natural broadleaved woodland is undertaken to the west of the site and planting of native species rich hedgerows to the south and west of the site and enhancement of ditches. It is also proposed to have new bat and bird boxes located on the site. These should be conditioned along in the form of a Landscape and Ecological Management Plan. The Councils Ecologist has confirmed this would result in a significant net gain in biodiversity across the site and this is supported by a Biodiversity Metric.

- 9.40. In respect of the impact on the Weston Fen SSSI the Council's Ecologist as raised no objection to this. Natural England have reviewed the submitted Ecological Appraisal and the drainage scheme which indicates that run-off from built development will be attenuated and discharged to ground, and that access roads will be made of permeable materials and utilise sediment pumps and catch pits. Subject to these matters being controlled through a planning condition, Natural England do not consider the proposed development will not have any significant adverse impacts on Weston Fen SSSI and raise no objection to the application.
- 9.41. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the ecological impact of the development would be acceptable.

Heritage Assets

- 9.42. The application site is not in Conservation Area or affecting the listed building. However the site is located in an area of archaeological potential. Paragraph 194 of the NPPF covers the issue of proposals affecting heritage assets and states amongst other things that *where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.* Paragraph 195 continues by stating that *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*
- 9.43. Policy ESD15 of the CLP 2015 covers the issue of the Character of the Built and Historic Environment. The Policy states, amongst other things, that *new development proposals should: include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation*
- 9.44. The County Archaeologist has stated that the site is located in an area of archaeological potential immediately west of the site of a possible windmill clump or Bronze Age barrow. This feature survives as an earthwork and is marked on the 1st edition OS map as a windmill Clump. The earthwork has also however been interpreted as a Bronze Age barrow and two further probable Bronze Age barrows have been recorded approximately 500m south of the proposed site. In addition, the site is located along the line of Akeman Street, the Roman road from Alchester to Towcester. A trackway and possible buildings have been recorded from aerial photographs along the southern side of this road approximately 1.5km east of the proposal site.
- 9.45. It is therefore considered that the proposal has the impact on archaeological features related to the Roman Road and any associated settlement as well as further Bronze Age remains.
- 9.46. Further information is awaited from the applicant in respect of the heritage constraints of the site. However, a Written Scheme of Investigation for the site investigation involving a geophysical survey has been submitted and agreed with the County Archaeologist. It is hoped that further information will be submitted prior to the committee and Councillors will be updated on this matter.

Other matters

- 9.47. The application site falls within the statutory height and technical safeguarding zones surrounding RAF Weston On The Green and MOD Safeguarding and National Air Traffic Systems have been consulted and raised no objection to the proposal. It is therefore considered to be acceptable in this respect.
- 9.48. The proposal would also bring about economic benefits by allowing an existing equine business to relocate and expand and would help support a prosperous rural economy. The applicant forms state that 10 FTE jobs would be supported at the site.
- 9.49. In line with Policy ESD5 the applicant has given consideration to the use of the renewable energy at the site and proposes to include PV panels on the roof of the building. Full details of this can be secured through condition.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The principle of the proposed development is considered to be acceptable and whilst there would be some limited harm to the character and appearance of the area, the type of use proposed is not uncommon in a rural setting such as this. The buildings and built development have been situated to the east of the site adjacent to the existing development to help reduce the visual impact on the wider area and significant levels of new landscaping are proposed which will help reduce the visual impacts over time. The proposal would be acceptable in terms of amenity, highways, flood risk and there would be a significant benefit in terms of biodiversity. There would also be benefits through the provision/retention of jobs associated with the development.
- 10.2. Overall when view in the context the Development Plan as a whole the proposal is considered to comply with the Development Plan and therefore it is recommended that planning permission be granted subject to resolution of the objections from the County Archaeologist.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO THE RESOLUTION OF THE OBJECTION FROM THE COUNTY ARCHEALOGY AND SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY):

CONDITIONS

Time Limit

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.

Compliance with Plans

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, Glanville Flood Risk Assessment 4 October 2021,

Windrush Ecological Impact Assessment (August 2021) and drawing number LP 001 Rev A, SKP 004 Rev H, J1545-01, 8210154 6101 A and Infiltration Basin.

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 construction of any part of the access tracks, horse arena, schooling area or exercise track, full details of the final surface treatment for that element shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

4. Prior to the installation of any fences or other means of enclosure full details of the enclosures site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details and retained as such. .

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and its subsequent amendments, no gate, fence, wall or other means of enclosure, other than those that have been approved as part of the application shall be erected, constructed or placed on the site without the prior express planning consent of the Local Planning Authority

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

6. Prior to any works above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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 schedule.

Reason - In the interests of the visual amenities of the area, and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework

7. Prior to any works above slab level full details of the extent and location of solar panels to be provided on the roof of the proposed buildings shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To provide renewable energy at the site in accordance with Policy ESD5 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework

8. Prior to any works above slab level of the development hereby approved, full details of the location, method of storage and disposal of all manure and waste from the site shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out and maintained in accordance with the approved details

Reason – To ensure that proper arrangements are made for the disposal of manure//waste, to ensure the creation of an environment free from intrusive levels of odour/flies/vermin and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the installation of any external lighting, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details. At no time shall any additional external lighting beyond that agreed under this condition be installed at the site.

Reason - In the interests of the visual amenities of the area, to protect the amenity of the neighbouring properties and the ecological constraints of the site and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015), Policy E4 of the Weston on the Green Neighbourhood Plan 2021 and Government guidance contained within the National Planning Policy Framework

10. Prior to the any works to the access hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the site/buildings, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

11. Other than the approved access(s) no other means of access whatsoever shall be formed or used between the land and the highway.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

12. Prior to the any works above slab level or the first use of the site for equestrian purposes, a plan showing car parking provision for vehicles to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, and completed in accordance with the approved details and shall be retained solely for the parking of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

13. The development shall be carried out in accordance with the Recommendations and protection measures outline within Section 6 of the Windrush Ecological Impact Assessment (2021) Section 6 unless otherwise agreed in writing by the Local Planning Authority under a separate discharge of planning condition.

Reason: In the interests of the ecological value of the site and to protect habitats on the site and to comply with Policies, ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

14. No development shall take place above slab level and the site shall not be used for equestrian purposes until a Landscape and Ecology Management Plan (LEMP) based on the Windrush Ecology Ecological Impact Assessment (2021) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a full detailed landscaping plan and full details of the other ecological enhancements for the site. Thereafter the development shall be carried out in strict accordance with the approved details prior to the first use of the site and all the landscaping shall be completed in the first planting and seeding seasons following the occupation of the site for equestrian purposes 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: To protect habitats of importance to biodiversity conservation from any loss or damage, to ensure a biodiversity net gain is secured and to help mitigate the visual impacts of the development in accordance with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

15. The drainage system shall be implemented in strict accordance with the detail drainage design (as outlined in the document below) prior to the use of the building commencing:
- Glanville Flood Risk Assessment Kemsley Barn, Akeman Street, Weston on the Green, Oxfordshire (ref: 001_8210613_AQ_Flood_Risk_Assessment 4 October 2021 Issue 1

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework

16. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a. As built plans;
 - b. Photographs to document each key stage of the drainage system when installed on site;
 - c. Photographs to document the completed installation of the drainage structures on site;
 - d. The name and contact details of the appointed management company information and their responsibilities

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government

17. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Informative:

An obligation to enter into a S278 Agreement will be required to secure improvement works to the proposed new bell mouth access detailed in drawing no. 8210154/6101. Further information on this process and the application form can be found here: <https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/section-38-and-section-278>