

Public Document Pack



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 4 June 2026
Time: 4.00 pm
Venue: 39 Castle Quay, Banbury, OX16 5FD

Membership

Councillor Robert Parkinson (Chair)	Councillor Douglas Webb (Vice-Chair)
Councillor Chris Brant	Councillor Besmira Brasha
Councillor Jean Conway	Councillor Dr Isabel Creed
Councillor Yvonne Greene	Councillor Ian Harwood
Councillor Fiona Mawson	Councillor Lisa Smith
Councillor Dorothy Walker	

Substitutes

Councillor Rebecca Biegel	Councillor Nicola Borkmann
Councillor Mark Gorman	Councillor David Hingley
Councillor Lesley McLean	Councillor Rob Pattenden
Councillor Edward Fraser Reeves	Councillor David Rogers
Councillor Dr Kerrie Thornhill	Councillor Linda Ward
Councillor John Willett	

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chair to report on any requests to address the meeting.

Requests to address the meeting (including the application, whether you will speak in support of or objection to the application, your contact details) should be submitted to democracy@cherwell-dc.gov.uk

The deadline for requests to address this meeting is noon on Wednesday 3 June 2026.

Addresses can be made virtually or in person. Full details of public participation at Planning Committee meeting is available in the Constitution, [Planning Committee Procedure Rules](#).

4. Minutes (Pages 5 - 13)

To confirm as correct records the Minutes of the meetings of the Committee held on 16 April 2026 and 20 May 2026.

5. Chair's Announcements

To receive communications from the Chair.

6. Urgent Business

The Chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

7. Proposed Pre-Committee Site Visits (if any)

The Committee to consider requests for and proposed pre-committee site visits.

Any requests or recommendations for site visits will be published with the written update.

Review and Monitoring Reports

8. Appeals Progress Report (Pages 14 - 28)

Report of Assistant Director - Planning.

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Recommendations

The Planning Committee resolves:

1.1 To note the position on planning appeals contained within the report.

Planning Applications

9. **Land East Of Barford Road Bloxham** (Pages 31 - 72) **25/01009/OUT**
10. **Land North Of Grundon Merton Street Banbury** (Pages 73 - 96) **25/02998/F**
11. **VPK Packaging Beaumont Road Banbury OX16 1RE** (Pages 97 - 113)
25/01300/F
12. **Unit 14 Expeditionary Road, Ambrosden, OX25 2EJ** (Pages 114 - 141)
25/02215/CDC
13. **Town Centre House Southam Road Banbury OX16 2BZ** (Pages 142 - 149)
26/00508/CDC
14. **Units 17 To 24 Thorpe Place Banbury OX16 4XH** (Pages 150 - 158)
26/00586/CDC
15. **48 Castle Quay Banbury OX16 5UW** (Pages 159 - 166) **26/00706/F**

Councillors are requested to collect any post from their pigeon hole in the Members' Lounge at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

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The council is obliged, by law, to allow members of the public to take photographs, film, audio-record, and report on proceedings. The council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

Queries Regarding this Agenda

Please contact Matt Swinford / Martyn Surfleet, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 27 May 2026

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 16 April 2026 at 4.00 pm

Present:

Councillor Barry Wood (Chair)
Councillor Amanda Watkins (Vice-Chair)
Councillor Chris Brant
Councillor John Broad
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor Lesley McLean
Councillor Robert Parkinson
Councillor Chris Pruden
Councillor David Rogers
Councillor Les Sibley
Councillor Douglas Webb

Substitute Members:

Councillor Andrew Crichton (In place of Councillor Becky Clarke MBE)

Apologies for absence:

Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Ian Harwood
Councillor David Hingley
Councillor Fiona Mawson
Councillor Dr Kerrie Thornhill

Officers:

Paul Seckington, Head of Development Management
Denzil Turbervill, Head of Legal Services
Nicola Wheatcroft, Principal Planning Officer
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer

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Declarations of Interest

There were no declarations of interest.

118 **Requests to Address the Meeting**

The Chair advised that requests to address the meeting would be dealt with at each item.

119 **Minutes**

The Minutes of the meetings held on 19 March 2026 and 26 March 2026 were agreed as correct records and signed by the Chair.

120 **Chair's Announcements**

1. The Chair reminded members of the public that only registered speakers were entitled to speak at the committee meeting at the time instructed by the Chair and members of the public should remain quiet during the meeting and not cause disturbance.
2. The Chair reminded Members that should they need to leave the room for any reason, that they should be mindful of timing and that they should aim to be present for officers' presentation and participate in the debate. Members were advised that voting is ultimately a matter for the member's own judgment.

121 **Urgent Business**

There were no items of urgent business.

122 **Proposed Pre-Committee Site Visits (if any)**

There were no proposed pre-committee site visits.

123 **Planning Performance Report**

The Assistant Director of Planning submitted a report to detail the Council's performance in determining planning applications for the Government's targets on Speed and Quality, as well as general performance figures.

Resolved

- (1) That the report be noted.

124 **Appeals Progress Report**

The Head of Development Management submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

125 **Buildings Dovecote Farm, Heyford Road, Somerton**

The Committee considered application 26/00086/F, for the re-development of an existing yard for the erection of 10 residential dwellings (Use Class C3) including allotments, footpath, public open space and other associated works at Buildings, Dovecote Farm, Heyford Road, Somerton for Laxton Properties.

Rebecca Taylor, on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Rogers and seconded by Councillor Parkinson that the application be approved, against the officer recommendation, subject to conditions (delegated to officers), completion of a S106 legal agreement (delegated to officers), and removal of the objection from Oxfordshire County Council Highways.

In reaching its decision the Committee considered the officer's report and presentation, the addresses by public speakers and the written updates.

Resolved

That, against the officer's recommendation, application 26/00086/F be delegated to the Assistant Director for Planning to grant permission for application 26/00086/F subject to:

- i) Conditions (delegated to officers for exact wording and provided with the decision notice)
- ii) Completion of a S106 legal agreement (delegated to officers)
- iii) Removal of the objection from Oxfordshire County Council Highways

126 **Tuthill Park, Banbury Road Through Wardington, Wardington**

The Committee considered application 26/00044/OUT, an outline application for car storage, workshop and offices at Tuthill Park, Banbury Road Through Wardington, Wardington for Francis Tuthill Ltd.

It was proposed by Councillor Webb and seconded by Councillor Brant that application 26/00044/OUT be approved, in line with officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation, and the written updates.

Resolved

That application 26/00044/OUT, in line with officer recommendation, be delegated to the Assistant Director for Planning to grant permission subject to the conditions set out below (and any amendments to as deemed necessary).

Conditions

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings numbered Wg1013 001 Rev B, Wg1013 020, Wg1013 020 Rev B, Wg1013 021 Rev A and Wg1013 022 Rev A.

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.

4. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly 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 Part 1 and government guidance contained within the National Planning Policy Framework.

5. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity These measures should be informed by and align with those set out in Chapter 5 (Discussion) of the Preliminary Ecological Appraisal prepared by Luscinia Ecology and shall include as a minimum:
- Risk assessment and mitigation of potentially damaging construction activities
 - Identification of 'Biodiversity Protection Zones'
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - The location and timing of sensitive works to avoid harm to biodiversity features
 - The times during construction when specialist ecologists need to be present on site to oversee works
 - Responsible persons and lines of communication
 - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
 - Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly 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 Part 1 and government guidance contained within the National Planning Policy Framework.

6. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

7. No development shall commence above slab level unless and until a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. No development shall commence above slab level until a method statement for enhancing biodiversity, in line with the measures identified within the Luscinia Ecology Preliminary Ecological Appraisal has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full 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 Part 1 and government guidance contained within the National Planning Policy Framework.

9. No development above slab level shall occur until a detailed lighting plan in accordance with current Bat Conservation Trust and Institution of Lighting Professionals Guidance Note 08/23 on bats and artificial lighting has been submitted to and approved by the local planning authority. The development 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 Part 1 and government guidance contained within the National Planning Policy Framework.

10. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

11. The development shall not be used or occupied until the parking and manoeuvring areas have been provided in accordance with the plan hereby approved and have been constructed, laid out, surfaced, drained and completed in accordance with specification details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with government guidance contained within the National Planning Policy Framework. Specification details are required prior to commencement of development to ensure the details are appropriate.

The meeting ended at 5.40 pm

Chairman:

Date:

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 20 May 2026 at 7.43pm

Present:

Councillor Robert Parkinson (Chair)
Councillor Douglas Webb (Vice-Chair)
Councillor Chris Brant
Councillor Besmira Brasha
Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor Yvonne Greene
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lisa Smith
Councillor Dorothy Walker

1 Appointment of Chair for the municipal year 2026/2027

It was proposed by Councillor Brant and seconded by Councillor Webb that Councillor Parkinson be appointed Chair of the Planning Committee for the municipal year 2026/2027.

There were no further nominations.

There being no further nominations, Councillor Robert Parkinson was duly elected Chair of the Planning Committee for the municipal year 2026/2027.

2 Appointment of Vice-Chair for the municipal year 2026/2027

It was proposed by Councillor Parkinson and seconded by Councillor Brant that Councillor Webb be appointed Vice-Chair of the Planning Committee for the municipal year 2026/2027.

There were no further nominations.

There being no further nominations, Councillor Douglas Webb was duly elected Vice-Chair of the Planning Committee for the municipal year 2026/2027.

The meeting ended at 7.44 pm

Chair:

Date:

Agenda Item 8

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	4 June 2026
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Chris Brant.
Date Portfolio Holder agreed report.	27 May 2026
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	27 May 2026
Report of	Assistant Director - Planning, David Peckford

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

Implications & Impact Assessments

Implications	Commentary
Finance	There are no direct financial implications arising from this report, as the appeals outlined are minor cases that do not present a significant financial risk to the Council and will be met within existing budget for financial year 26/27. However, it should be noted that if future appeal costs were to exceed core budget and if

	the service is unable to absorb the costs, then a request for use of reserves will be necessary, however the position will be closely monitored. Kimberley Digweed, Finance Business Partner. Kim Digweed, Finance Business Partner: 27 May 2026			
Legal	As this report is purely for information there are no legal implications arising. Denzil Turbervill Law & Governance Legal Services: 19 May 2026			
Risk Management	This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary. Celia Prado-Teeling, Performance Team Leader: 19 May 2026			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			

Human Resources	Not applicable
Property	Not applicable
Consultation & Engagement	Not applicable in respect of this report

Supporting Information

3. Background

- 3.1. When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2. Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the Enforcement Notice served. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3. Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4. Monitoring all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

Written Representations

4.1. New Appeals

Written Representations	Informal Hearing	Public Inquiry
4	0	3 as 1

4.1.1 The 2 new Written Representation appeals are:

- **3 appeals relating to house extensions/alterations**
 - 73 High Street, Kidlington, OX5 2DN – first floor extension over an existing converted garage (part retrospective) (Householder).
 - Manor Court, North Side, Steeple Aston, Oxfordshire, OX25 4SE – two storey extension to replace existing single storey

extension; window replacement; associated internal refurbishment.

- 16 Oak Lane, Ambrosden, Bicester, OX25 2SH - single storey front, first floor side and two storey rear extensions (Householder).

- **1 appeal relating to Outline planning with all matters reserved save for access**

- Land west of Foxden Way, Great Bourton, Banbury, Oxfordshire, OX17 1QY - for up to 5 age-restricted (over 55) self/custom-build single storey bungalows.

4.1.2 Details of the new appeals can be found at appendix 1

In Progress/Awaiting Decision

Written Representations	Informal Hearing	Public Inquiry
16	0	3 as 1 event

4.1.3 **Details** of all the planning appeals can be found at Appendix 1

Enforcement Appeals

4.2. New Appeals

4.2.1. There are no new enforcement appeals

4.2.2. There are 4 enforcement appeals awaiting decisions.

4.2.3. Details of all the enforcement appeals can be found at Appendix 2

4.3 Forthcoming Public Inquiries and Hearings

One inquiry for 3 appeals relating to land at Baynards Green: Inquiry start date 22.09.2026 duration 15 days not consecutive end date 23.09.2026 with 27&28/10/2026 as reserve.

- OS Parcel 6124, East of Baynards Green Farm, Street to Horwell Farm, Baynards Green, Oxfordshire, OX27 7RD - Application for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the erection of buildings comprising logistics (use class B8) and ancillary offices (use class e(g)(i)) floorspace; energy centre, HGV parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure.

- OS Parcel 0006, South East of Baynards House, Adjoining A43, Baynards Green, Ardley, Oxfordshire, OX27 7RD - Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping
- OS Parcel 2636, NW of Baynards House, Ardley, OX27 7SQ - Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure

4.4 **Award of costs**

None

4.5 **Appeals Results**

4.5.1 **26/00001/NON – 56-58 Broad Street, Banbury, OX16 5BL**

Variation of Condition 2 (plans) to remove "agreement to re-route pizza outlet extraction" and removal of Condition 12 (flue) of 23/00199/F.

Appeal Dismissed

The Inspector dismissed the appeal because removing the conditions would allow the flats to be occupied without rerouting the Papa John's extraction flue, creating an unacceptable odour impact on future residents. Odours were evident during the site visit, several windows would be very close to the flue, and no technical assessment showed that fixed shut windows or ventilation would adequately protect living conditions.

Although the scheme would provide some benefits—such as additional town-centre housing and regeneration—the Inspector found these were outweighed by the harm to residential amenity. The conditions were therefore considered necessary and reasonable, and the appeal was refused.

4.5.2 **26/0004/REF – Oxhay Farm, Oxhey Hill, Cropredy, Oxfordshire, OX17 1DR**

Prior approval application for conversion of agricultural building to form 2 semi-detached dwellings at Oxhay Farm.

Appeal Allowed

The Inspector found that, because the Council failed to determine the Class Q prior approval application within the required 56 days, prior approval was automatically deemed to be granted. Although Class Q had been amended in May 2024, the application fell within the transitional arrangements, so the earlier version of the permitted development right still applied.

The decision does not confirm that the scheme is lawful in all respects. The development will only be lawful if it is carried out exactly as proposed and genuinely complies with the limitations and conditions of Class Q; otherwise, it could still face enforcement action.

4.5.3 **26/00011/REF – 7 Bignell View, Chesterton, Bicester, OX26 1UJ**

Proposed double garage to the front of the property

Appeal Dismissed

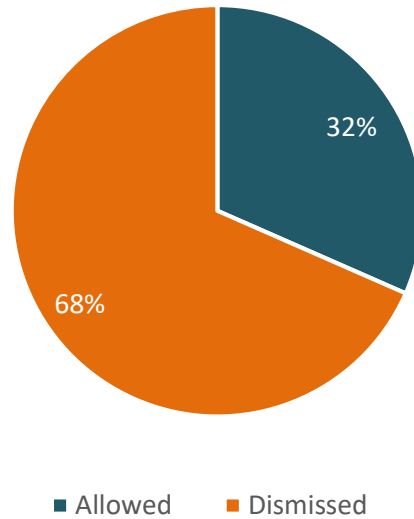
The inspector found that the proposed double garage's location and scale were acceptable in principle. Although it would sit close to the front boundary and be clearly visible, the large front garden and surrounding building pattern meant it would not significantly harm the street scene or dominate the house.

However, the appeal was dismissed because of the garage's design and materials. Its shallow roof pitch, lack of traditional detailing, and use of red brick and concrete tiles failed to reflect the character of the house or the wider village setting, causing harm to the area's appearance and conflicting with local design policies.

4.6 Appeal Decision Data

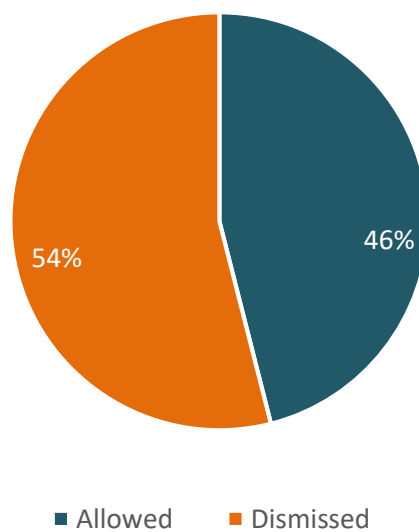
4.6.1 So far in 2026 there have been 19 appeal decisions, 6 allowed and 13 dismissed

Appeal Decisions 2026 (so far)



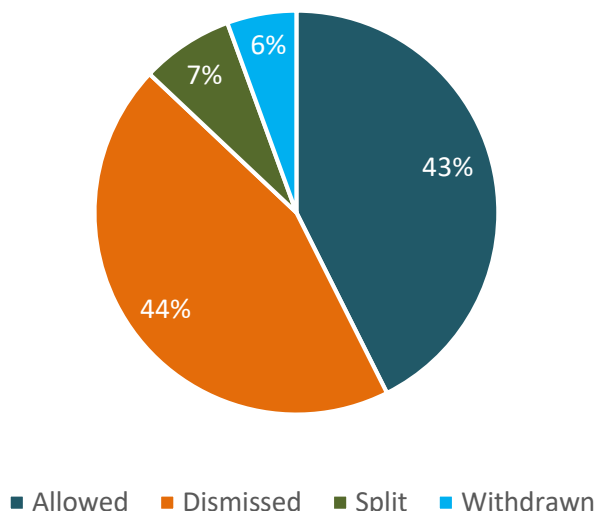
4.6.2 In 2025 there were 63 appeal decisions, 29 allowed and 34 dismissed

Appeal Decisions 2025



4.6.3 In 2024 there were 54 appeal decisions, 23 allowed, 24 dismissed, 4 split decisions and 3 withdrawn.

Appeals Decisions 2024



4.6.4 The above data shows that the proportion of appeals being allowed is decreasing.

Delegated/Committee Decisions

2026

4.6.5 So far in 2026, there have been 18 appeal decisions following delegated decisions, and 1 following a committee decision (The Bell Inn, Great Bourton, a committee overturn) Cherwell District Council.

4.6.6 Of the 18 delegated decisions, 6 were allowed (32%) and 12 were dismissed (68%). The 1 committee decision was dismissed (100%)

2025

4.6.7 In 2025, there were 52 appeal decisions that followed delegated decisions, and 11 appeal decisions that followed Committee decisions. Of the 11 committee decisions, 8 were committee overturns, and 3 went with recommendation.

4.6.8 Of the 52 delegated decisions at appeal, 32 were dismissed (62%) and 20 allowed (38%).

4.6.9 Of the 8 overturns, 1 was dismissed (12%), and 7 were allowed (88%). Of the 3 committee decisions that went with officer recommendation, 1 dismissed (33%) and 2 were allowed (66%)

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6. Conclusion and Reasons for Recommendations

6.1 The report provides the current position on planning appeals for information for Members.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	Planning Appeals Details
Appendix 2	Planning Enforcement Appeals Details
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Tracy Bennett, Appeals Administrator Paul Seckington, Head Development Management
Report Author contact details	tracy.bennett@cherwell-dc.gov.uk Paul.seckington@cherwell-dc.gov.uk

Appendix 1 - Planning Appeals

New Written Reps Appeals Received: 4

Application Number	Location	Description (summary)	LPA Decision:	Start Date
25/03055/F	73 High Street, Kidlington, OX5 2DN	First floor extension over an existing converted garage (part retrospective).	Refused Delegated	15/04/2026
26/00039/OUT	Land West of Foxden Way, Great Bourton,	Outline planning application with All Matters Reserved save for access for up to 5 age-restricted (over 55) self/custom-build single storey bungalows at land west of Foxden Way, Great Bourton	Refused Delegated	27/04/2026
26/00019/F	Manor Court, North Side, Steeple Aston, Oxfordshire, OX25 4SE	Two storey rear extension to replace existing single storey extension; window replacement; associated internal refurbishment.	Non-determination Delegated	28/04/2026
26/00169/F	16, Oak Lane, Ambrosden, Bicester, OX25 2SH	Single storey front, first floor side and two Storey rear extensions	Refused Delegated	01/05/2026

New Informal Hearing Appeals Received: None

New Public Inquiry Appeals Received: 3 – these will be held jointly as 1 Inquiry

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/01340/OUT	OS Parcel 6124, East of Baynards Green Farm, Street to Horwell Farm, Baynards Green, Oxfordshire, OX27 7RD	Application for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the erection of buildings comprising logistics (use class B8) and ancillary offices (use class e(g)(i)) floorspace; energy centre, HGV parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure.	Refused Committee	16/04/2026
21/03627/OUT	OS Parcel 0006, South East of Baynards House, adjoining A43 Baynards Green, Ardley, Oxfordshire, OX27 7RD	Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping	Refused Committee	16/04/2026
21/03628/OUT	OS Parcel 2636, NW of Baynards House, Ardley, OX27 7SQ	Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure	Refused Committee	16/04/2026

Written Reps Appeals Outstanding : 10

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford.	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Refused Delegated	06/07/2024
24/01378/CLUP	Manor House, Islip Road, Bletchingdon, Oxon, OX5 3DP	Certificate of Lawfulness of Proposed Development for the erection of an incidental outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015.	Refused Delegate	29/01/2025
24/01646/ CLUP	Greenhill Leisure Park, Greenhill Farm, Station Road, Bletchingdon, Kidlington, OX5 3BQ	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation.	Refused Delegated	27/03/205
25/00762/F	113 Danesmoor, Banbury, OX16 1QE.	RETROSPECTIVE - raising of front garden to level off	Refused Delegated	22/09/2025
25/00794/TPO	4 Paxmans Place, Banbury, Oxon, OX15 5EU	Tree T1 - Maritime Pine - Remove to ground, grind stump and replant with 1 No Sweet Gum (pot grown, 3-4m high) in same location - subject to TPO 13/1991	Refused Delegated	25/11/2025

25/02506/ADV	Opposite 52 Bridge Street, Banbury, Oxfordshire, OX16 5PN	The proposed installation of 1no BT Street Hub with 2no digital internally illuminated display screens and removal of associated existing BT payphone(s)	Refused Delegated	06/02/2026
25/02505/F	Opposite 52 Bridge Street, Banbury, Oxfordshire, OX16 5PN	The proposed installation of 1no BT Street Hub with 2no digital internally illuminated display screens and removal of associated existing BT payphone(s)	Refused Delegated	09/02/2026
25/01235/F	6-8 Bowmont Square, Bicester, Oxfordshire, OX26 2GJ	RETROSPECTIVE - On-site use and location of commercial shipping container for stock storage purposes only; installation and mounting of external wall mounted condenser fan units for the use of the shop; installed air con and cabinet chillers and construction of permanent access ramp/steps with guardrail, to provide inclusive shop access.	Refused Delegated	13/02/2026
25/02983/F	Land in Between Rose View and Gold Hill Cottage, Main Street, Hethe, Oxfordshire, OX27 8HD	Erection of a new single dwellinghouse and new home office	Refused Delegated	20/02/2026
25/01513/F	71 Ravencroft, Bicester, Oxfordshire, OX26 6YE	RETROSPECTIVE - Change of Use of amenity land to garden and installation of new fence to site boundary.	Refused Delegated	16/03/2026

Appendix 2 – Enforcement Appeals

New Enforcement Appeals Received: None

Enforcement Appeals Outstanding: 4

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28/11/2023
23/00525/ENF	Heathfield Yard, Street through Heathfield Village, Heathfield, Oxfordshire, OX5 3DX	Erection of a large building for scaffolding and portacabins without planning permission.	Enforcement Notice	04/06/2025
25-11-ENF 22/00012/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington, Banbury, OX17 1QE	Erection of barn and use as an indoor riding arena, pilates studio and chiropractors and associated hard standing.	Enforcement Notice	08/09/2025 On hold waiting for further instruction from PINs.

25-11-ENF 22/00527/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	<p>Without the benefit of planning permission, the erection of a building outlined in green on the attached plan titled 'Location Plan' including the erection of a dwelling house wholly inside that building in the area outlined in blue on the attached plan titled 'Location Plan'.</p> <p>Without the benefit of planning permission, the material change of use of land on which the building outlined in green has been is erected to a mixed use comprising use as a dwellinghouse (which, inside the building is taking place in the area identified in blue on the attached plan titled 'Location Plan') and agriculture and domestic storage use (which, inside the building, is taking place in the area identified in yellow on the attached plan titled 'Location Plan') associated with the both unauthorised dwelling and the adjacent farm dwelling.</p>	Enforcement Notice	08.09.2025 On hold waiting for further instruction from PINs (Planning Inspectorate).
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CHERWELL DISTRICT COUNCIL

Planning Committee – 04 June 2026

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
9	Land East Of Barford Road Bloxham	25/01009/OUT	Adderbury, Bloxham & Bodicote	Approval*	Nick Wyke
10	Land North Of Grundon Merton Street Banbury	25/02998/F	Banbury Grimsbury And Hightown	Approval*	Lewis Knox
11	VPK Packaging Beaumont Road Banbury OX16 1RE	25/01300/F	Banbury Cross And Neithrop	Approval*	Lewis Knox
12	Unit 14 Expeditionary Road Ambrosden OX25 2EJ	25/02215/CDC	Bicester South And Ambrosden	Approval*	Emma Whitley
13	Town Centre House Southam Road Banbury OX16 2BZ	26/00508/CDC	Banbury Cross and Neithrop	Approval*	Iwona Gogut
14	Units 17 To 24 Thorpe Place Banbury OX16 4XH	26/00586/CDC	Banbury Grimsbury And Hightown	Approval*	Laura Kennedy
15	48 Castle Quay Banbury OX16 5UW	26/00706/F	Banbury Cross And Neithrop	Approval*	Laura Kennedy

*Subject to conditions

Cherwell District Council Democratic and Elections Team, 39 Castle Quay, Banbury, OX16 5FD

25/01009/OUT

Agenda Item 9

**Land East Of Barford Road
Bloxham**

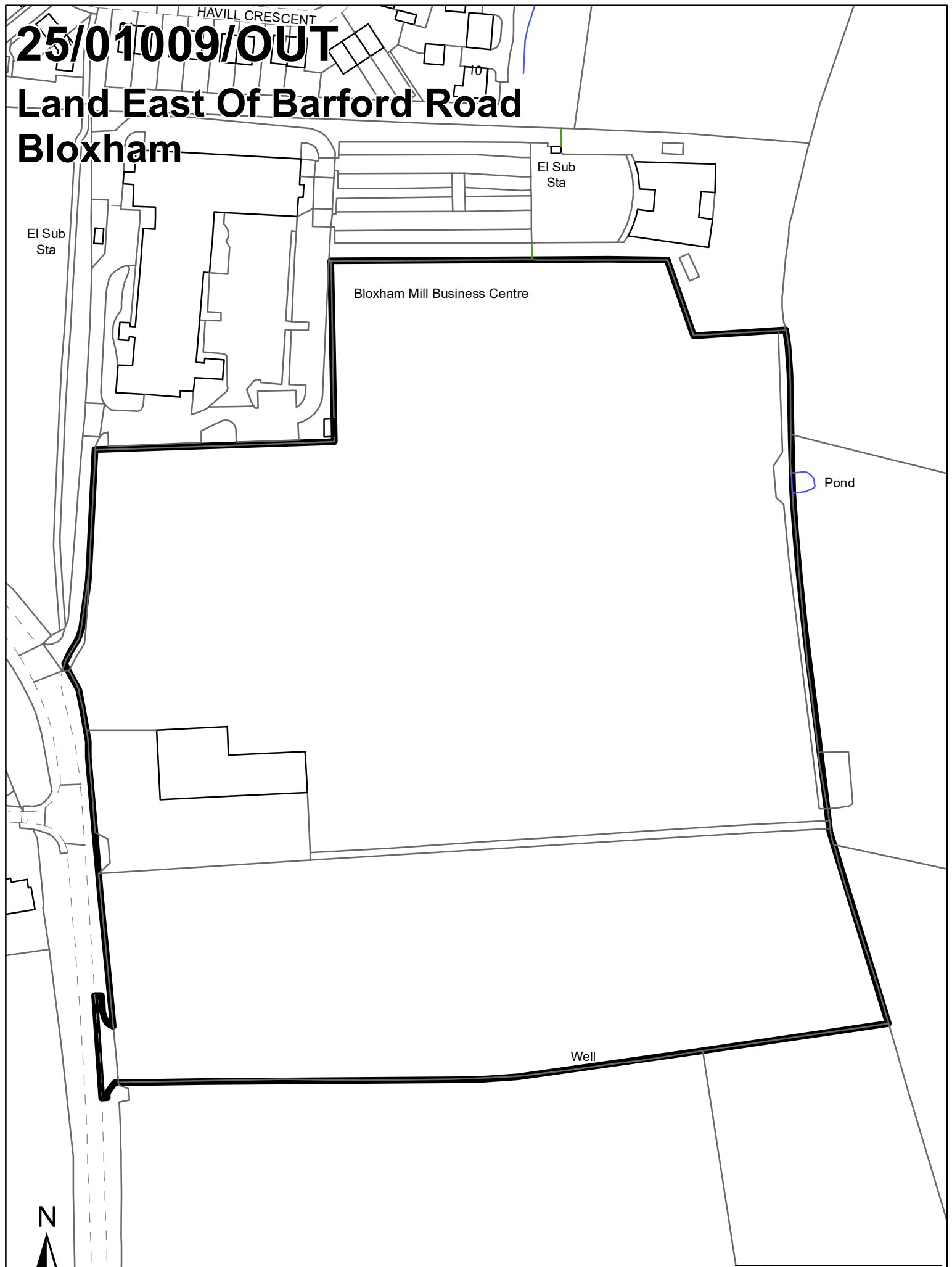


1:2,000



25/01009/OUT

**Land East Of Barford Road
Bloxham**

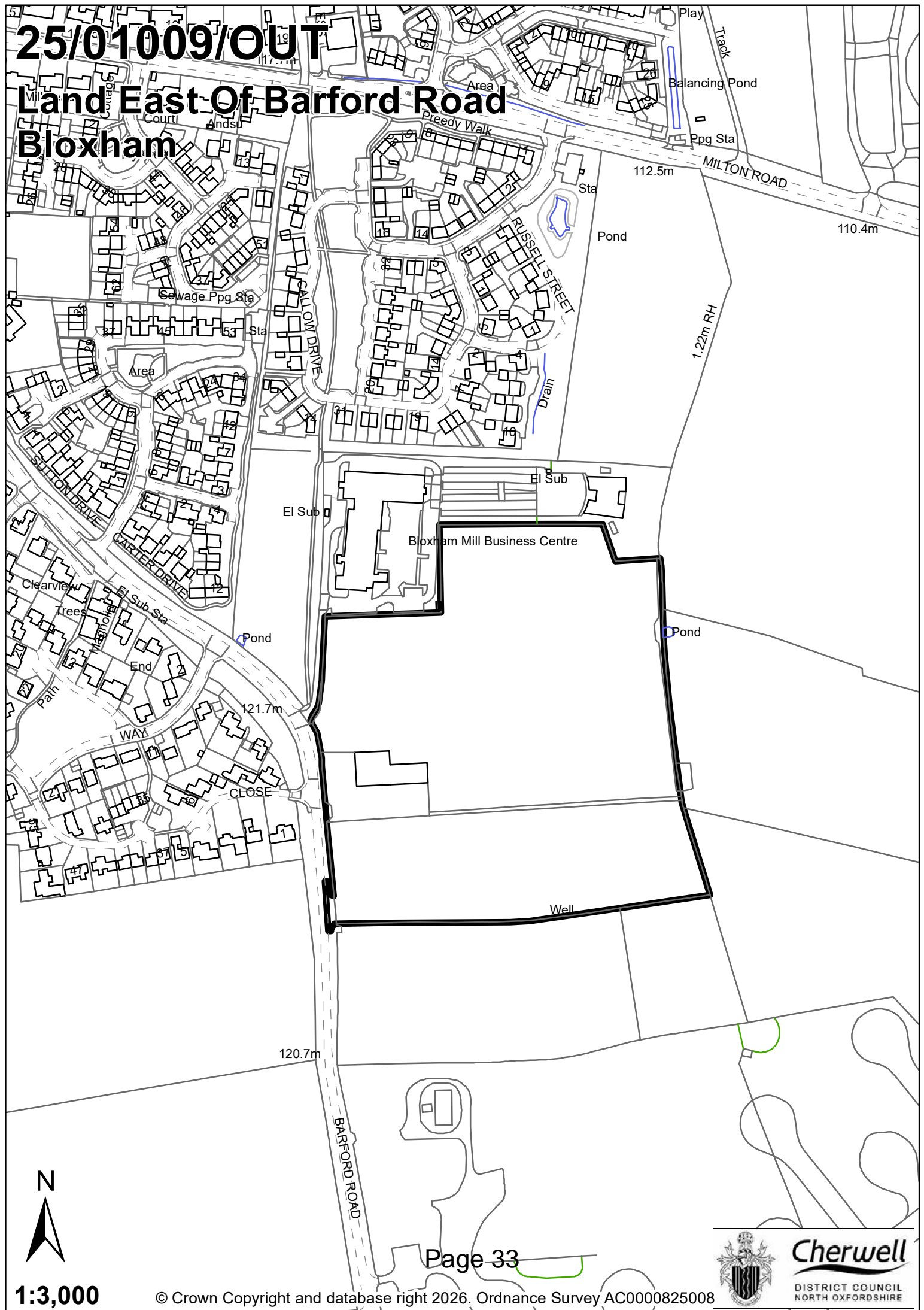


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25/01009/OUT

Land East Of Barford Road Bloxham



1:3,000



Case Officer: Nick Wyke

Applicant: Ainscough Strategic Land Limited

Proposal: Outline application for the demolition of existing building and development of up to 100 dwellings (Use Class C3) alongside open space, sustainable drainage and ancillary infrastructure. All Matters Reserved except for primary means of vehicular access from Barford Road

Ward: Adderbury, Bloxham & Bodicote

Councillors: Cllr Gordon Blakeway, Cllr David Hingley, Cllr Rob Pattenden

Reason for Major development

Referral:

Expiry Date: 20 April 2026

Committee Date: 4 June 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND S106 LEGAL AGREEMENT

1. APPLICATION SITE

- 1.1. The application site is located on the south-eastern side of Bloxham and comprises two parcels of land extending to 5.48ha. Both parcels are separated by a mature hedge and tree lines and are currently used for the grazing of livestock with an existing agricultural barn located in the south-western corner of the northern parcel. There is an existing vehicular access point off Barford Road opposite Maule Close. To the north of the site is Bloxham Mill Business Centre. To the east are agricultural parcels of land and to the south-east is the RAF Barford St John. The centre of Bloxham where there are a variety of shops and services is located approximately 0.7 miles to the north-west of the application site and is accessible via existing pedestrian footways along Barford Road.
- 1.2. According to the Cherwell District Council Proposals Map, the site is Grade 4 Agricultural Land. It also falls within the RAF Barford St John Safeguarding Zone.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The planning application has been submitted in outline with all matters reserved except access for the development of up to 100 residential dwellings (use class C3) alongside open space, sustainable drainage and ancillary infrastructure. The demolition of the existing agricultural barn also forms part of the proposals.
- 2.2. Matters surrounding layout, scale and appearance will be dealt with through the submission and agreement of reserved matters should the outline planning application be approved.
- 2.3. The application upon submission was for up to 130 dwellings, this was subsequently reduced to 114 dwellings by the applicant following comments being received from

the Council's Urban Design Officer. The current scheme is for up to 100 dwellings following concerns being raised by Officer's regarding over-development of the site and the incursion of development into the southern field parcel. The reduction in the number of dwellings proposed has removed all proposed dwellings from the southern field parcel which will now comprise open space.

- 2.4. The key consideration for this application is therefore whether the principle of development is acceptable and whether vehicular access onto Barford is safe suitable for up to 100 dwellings.

3. RELEVANT PLANNING HISTORY

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

LPA REF; 16/01412/OUT. Outline application for the erection of up to 3 dwellings (details of access submitted in full). Application was refused on the 12th September 2016.

LPA Ref; 02/01382/OUT. Renewal of 98/00764/OUT for agricultural dwelling and garage (outline). Application refused December 2002.

LPA Ref; 02/031/REM. Reserved matters application in conjunction with outline application for the erection of 1x agricultural dwelling and garage. Approved 13th November 2002.

LPA Ref; 08/00645/OUT. Outline planning application for the erection of new warehouse buildings and associated office accommodation and provision of new highway access to the site. (Land to the south of the application site.) Application withdrawn. 28th April 2008.

4. PRE-APPLICATION DISCUSSIONS

- 4.1 No pre-application discussions have taken place with respect to this proposal:

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **5 June 2025**, by advertisement in the local newspaper expiring **6 June 2025**. The overall final date for comments was the 20th March 2026. As per the Cherwell District Council Statement of Community Involvement, there is no requirement to send out letters to neighbours near to the application site where an application has been published on the Cherwell District Council website, by way of site notice and press notice.

- 5.2. Following the consultation 69 objections have been received, and 24 comments of support have been received. The comments raised by third parties are summarised as follows:

- Concerns over the highways impact of vehicles entering and existing onto Barford Road.
- Existing vehicle congestion in and around Bloxham
- Ability for surrounding infrastructure to accommodate further development including strain on doctors' surgery's, dentists and schools.
- The need for further housing development in Bloxham.

- Ecological impact as a result of further development
- Impact on the character of the village
- Landscape impact.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Portal.

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. **Bloxham Parish Council** have provided comments on the application raising concerns over the prematurity of the application and its impact on the Draft Neighbourhood Plan. The Parish Council have stated that they consider the application to be so substantial, and its cumulative effects with recent and other planned schemes to be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about scale and location of new development that is central to the emerging Neighbourhood Plan. The Parish Consider that paragraphs 50 and 51 of the NPPF are engaged and Cherwell District Council should duly refuse the planning application on the grounds of prematurity.

STATUTORY CONSULTEES

- 6.3. **OCC Lead Local Flood Authority** have raised no objection to the proposals.
- 6.4. **CDC Environmental Health** has confirmed that they are happy with the contents and findings of the noise and air quality report. A potential risk from contamination was identified in the phase 1 report provided with the application. The EHO has recommended that a comprehensive intrusive investigation report is undertaken in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals. The further contamination work required can be conditioned should planning consent be approved.
- 6.5. **OCC Archaeology** have recommended that a staged programme of archaeological investigation be maintained during the period of construction. This can be ensured through the attachment of a suitably worded planning condition.
- 6.6. **CDC Building Control** have advised that a building regulations application will be required to be submitted.
- 6.7. **CDC Recreation and leisure** have advised a financial contribution will be required to be paid towards Community Hall Facilities, Outdoor Sport Provision, Indoor Sport Provision, Community Development Worker, Community Development Fund and Public Art. These financial contributions will be agreed through a S106 agreement.
- 6.8. **OCC Education** have advised there is insufficient capacity at Bloxham Primary School to accommodate the expected increase in pupil numbers to arise should this development go-ahead. They originally requested a financial contribution of £1,167,762 towards the expansion of the primary school. The primary school works were forward funded by Oxfordshire Council with the funds being reclaimable as set

out in paragraph 15 of the Department for Education Guidance. Oxfordshire County Council previously advised as part of their comments for the application at Hartshill Close Bloxham (Ref: 24/02541/OUT) that the construction works costs would be £2,224,000. In correspondence between Oxfordshire County Council and Cherwell District Council dated 04th July 2025, OCC advised that the costs had increased to £3,336,000. Whilst the increase in build costs is unfortunate, I did not consider the requested contribution of £1,167,762 met the required Community Infrastructure Levy Regulations 2010 requirements. A contribution of £1,242,300 has already been agreed in principle for the development at Hartshill Close, Bloxham. Another contribution of £415,316 and £35,896 was agreed as part of the S106 agreement following the appeal for 60 dwellings (LPA Ref: 23/01265/OUT) on land south of Tadmarton Road, Bloxham.

- 6.9. A contribution of £960,298 towards Primary School Education can in my opinion be justified in accordance with the Community Infrastructure Levy Regulations based on the previous build cost figure of £2,224,000 and taking account of the £1,242,300 agreed as part of the scheme at Hartshill Close, Bloxham and £415,316 agreed through the Tadmarton Road scheme.
- 6.10. The proposed development is expected to result in an increase of 0.7 pupil places at special schools in the area. A contribution of £82,627 towards special education has therefore been requested based on the percentage of the pupil generation who would be expected to require places at a special school.
- 6.11. **OCC Minerals and Waste** have advised that the application site is approximately 450m south-west of a safeguarded waste management site (Newlands Farm). OCC Minerals and Waste consider that policy W11 of the Oxfordshire Minerals and Waste Local Plan Core Strategy is therefore engaged. Policy W11 states *Proposals for development that would directly or indirectly prevent or prejudice the use of a site safeguarded for waste management will not be permitted unless:*
- *The development is in accordance with a site allocation for development in an adopted local plan or neighbourhood plan; or*
 - *Equivalent waste management capacity can be appropriately and sustainably provided elsewhere; or*
 - *It can be demonstrated that the site is no longer required for waste management.*
- 6.12. **OCC Minerals and Waste** go onto advise that: *There is existing development to the west of the waste site on either side of Milton Road, as well as north of the application site off Dickenson Road and so development at the application is unlikely to prevent or prejudice the use of the waste site. However, appropriate mitigation should be considered to the north and eastern boundary of the proposal.*
- 6.13. Appendix 2 of the Minerals and Waste Core Strategy (September 2017) sets out the existing and permitted Waste Management Sites Safeguarded under Policy W11. The list includes Newlands Farm as referenced in OCC's comments. The Appendix states that *These sites are safeguarded under Policy W11 pending adoption of the Oxfordshire Minerals and Waste Local Plan: Part 2 – Site Allocations Document.* The Position Statement on the Oxfordshire Minerals and Waste Local Plan Production as published by Oxfordshire County Council confirms that the Oxfordshire Minerals and Waste Local Plan Part 2 (Site Allocations Document) has ceased its progress through the plan making process and will consequently be given no weight in planning decisions. Paragraph 5.100 of the Minerals and Waste Core Strategy states that Pending the adoption of the Site Allocations Document, policy W11 safeguards all

sites that contribute, or have permission to contribute, to Oxfordshire's waste management capacity. This applies to all waste management facilities except landfill (to which policy W6 applies). Paragraph 5.101 goes onto state that *the Site Allocations Document will confirm whether or not safeguarding will apply to each site for the duration of the plan. Policy W11 sets out the types of site that will be safeguarded.* Paragraph 5.102 states that *Policy W11 provides that there should be a presumption against development that could compromise the future use of a safeguarded site for waste purposes. Other forms of development should only be permitted if a suitable alternative location for the waste use can be identified, secured and safeguarded.* Paragraph 5.103 states that *The Site Allocations Document will confirm where consultation may not be necessary, but pending the adoption of that document a consultation zone of 250m will be applied to all safeguarded sites.*

- 6.14. OCC have confirmed in their comments that the application site is approximately 450m away from a safeguarded Minerals and Waste site. This is outside of the 250m consultation zone as referenced in paragraph 5.103. It is not therefore considered that this application would directly or indirectly prevent or prejudice the use of the minerals site. Policy W11 is therefore considered to be accorded with.
- 6.15. **CDC Waste Management** have advised that a financial contribution will be required towards the expansion and efficiency of Household Waste Recycling Centres. This contribution will be agreed through a S106 agreement should planning consent be approved.
- 6.16. **Thames Water** have advised that they have been unable to determine the foul water infrastructure needs of this application and have therefore requested that a condition is attached to any scheme should it be approved. Thames Water have confirmed they have no objection with regard to Surface Water Drainage subject to the sequential approach to the disposal of surface water being followed. Thames Water have identified an inability for the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have requested a condition which requires all water network upgrades to accommodate the additional demand to serve the development have been completed or a development and infrastructure phasing plan has been agreed with Thames Water.
- 6.17. **CDC Strategic Housing** have advised in their comments that the most pressing housing needs are *for 3 and 4-bed rented homes and a small number of 5 or 6-beds. In the last few years, the need for rented 4-beds has increased due to very limited supply, with waiting times of around 4-5 years for those with significant housing needs to secure a rented 4-bedroom home through our housing register.* Strategic Housing have advised that at the time of providing their comments (June 2025) they are beginning to see the delivery of some 4-bed houses. They are now actively seeking the provision of some 5 and 6 bed houses as well as 4 beds to meet the needs of those larger families on the housing register. Based on the above Strategic Housing have advised that 15-20% of new-build rented dwellings are required as 4-beds to address this and approximately 30-35% as 3-bed. The following mix of rented units is therefore required.
- 1-bed 25-30%
 - 2-bed 25-30%
 - 3-bed 30-35%
 - 4+-bed 15-20%
- 6.18. Based on a scheme for up to 100 dwellings, with a policy compliant provision of 35% the following mix of affordable dwellings and tenures has been requested by Strategic Housing. Shared ownership (total 10 units).

Social Rent. (25 dwellings)

6 x 1-bed 2-person maisonettes with GF as M4(2) with Level Access Showers

7 x 2-bed 4-person houses

7 x 3-bed 5-person houses

1 x 3-bed M4(3) (2) (b) bungalow

4 x 4-bed 7/8-person houses

Shared Ownership

7 x 2-bed houses

3 x 3-bed houses

6.19. The above affordable housing mix will be agreed through a Section 106 agreement subject to the provision of the final number of dwellings which will be submitted through the reserved matters applications.

Urban Design

6.20. The Cherwell District Council Urban Design Officer has provided comments (dated 05th March 2026) on the proposals confirming his support for the proposals. A summary of the comments is provided below.

- To allow for design development I suggest that the reserved matters condition states that proposals should be 'broadly' in accordance with the development parameters.
- I suggest a condition stating that the open space design should follow the general design principles of the 'Illustrative Landscape Strategy' plan.
- I suggest the clarity is sought over the feasibility of the pedestrian footpath links. If links are feasible a direct pedestrian link between the development and the public right of way should be conditioned.
- For the avoidance of doubt the illustrative masterplan layout is not supported and should not be conditioned.

OTHER CONSULTEES

6.21. The **Campaign to Protect Rural England** have raised concerns over the potential cumulative impact of the proposals when taken with the scheme for 130 dwellings on land south of Hartshill Close, Bloxham that was recently given a resolution to grant at planning committee subject to a S106. CPRE have welcomed the attachment of conditions that reduce the standard timeframe for receipt of reserved matters should the application be approved on 5-year housing land supply. Concerns have also been raised over the potential impact of additional traffic flows on the surrounding highway network along with the impact of the proposals on ecology.

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 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced several 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)

- BSC1 District Wide Housing Distribution
- BSC 3 Affordable Housing
- BSC 4 Housing Mix
- BSC 9 Public Services and Utilities
- BSC10 Open Space, Outdoor Sport and Recreation Provision
- BSC11 Local Standards of Provision – Outdoor Recreation
- ESD 1 Mitigating to climate change
- ESD 3 Sustainable Construction
- ESD 4 Decentralised Energy Systems
- ESD 6 Sustainable Flood Risk Management
- ESD 7 Sustainable Drainage Systems
- ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13 Local Landscape Protection and Enhancement
- ESD 15 The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth Across the Rural Areas
- Policy Villages 4; Meeting the need for open space, sport and recreation
- Policy INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- C31 – Compatibility of proposals in residential areas

DRAFT CHERWELL LOCAL PLAN REVIEW 2042 (at Examination)

- SP1: Settlement Hierarchy
- CSD1: Mitigating and adapting to climate change
- CSD2: Achieving net zero carbon development residential
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide
- LEC 6: Supporting A Thriving and Resilient Farming Sector
- LEC7: Best and Most Versatile Agricultural Land
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape
- COM11: Cherwell Local Landscape Designations

- COM 13: Settlement Gaps
- COM 14 Achieving Well Designed Places
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services
- COM 22 Public Services and Utilities
- COM23 Local Services and Community Facilities
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space
- COM 26 Historic Environment

BLOXHAM NEIGHBOURHOOD PLAN

- BL1 – Policies on Sustainable Housing and Size of Developments
- BL2 – Sustainable Development
- BL3 – Policy on Connectivity
- BL4 – Policies on Parking
- BL5 – Parking standards for existing residential development
- BL6 – Water consumption
- BL7 – Flood Risk
- BL8 – Housing that adapts to demographic change
- BL9 – Residential amenity
- BL10 – Bloxham Conservation Area
- BL11 – Residential design
- BL12 – Importance of space and key street scenes and views

7.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Written Ministerial Statement (July 2024)
- Written Ministerial Statement (December 2024)
- Housing Economic Needs Assessment (December 2024)
- Guidance issued by Natural England on Ancient Woodland, Ancient Trees and Veteran Trees (January 2022)
- Department for Education Securing developer contributions for education dated August 2023 which is a material consideration in the determination of this application
- Draft National Planning Policy Framework (December 2024)

8. APPRAISAL

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

- Principle of Development.
- Highways
- Landscape Impact
- Ecological Impact
- Urban Design
- Other Matters.

Principle of Development

- 8.2. Strategic Objective SO7 of the adopted Local Plan refers to the need to meet the housing needs of all sections of Cherwell's Communities, particularly the need to house an ageing population.

- 8.3. Policy ESD1 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.
- 8.4. Policies Villages 1 categorises the villages in Cherwell. Bloxham is categorised by Policy Villages 1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII of the Local Plan (2015). Policy Villages 1 states that proposals for residential development within the built-up limits of villages will be considered based on their categorisation. As Bloxham is categorised as a Category A Village by Policy Villages 1 it is identified by the Local Plan as being suitable settlement for minor development, infilling and conversions. The fact it is a Category A settlement further shows that it is a sustainable location to accommodate development.
- 8.5. The Cherwell Local Plan (2015) Policies Map does not contain settlement boundaries for settlements within the District. The Bloxham Neighbourhood Plan does not identify a settlement boundary for Bloxham either.
- 8.6. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Bloxham as a Category A Village Settlement. These are classified by the Draft Local Plan as being larger villages that have essential local services and facilities and often serve nearby smaller villages.
- 8.7. Policy Villages 2 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 8.8. Policy H18 refers to the development of dwellings beyond the built-up limits of settlements.
- 8.9. The published Cherwell District Council latest Annual Monitoring Report dated December 2025 confirms that Cherwell District Council can only demonstrate a housing land supply of 3.1 years. Policy Villages 1 and 2 along with H18, BSC1 and COM1 cannot therefore be considered up-to-date. Policy PSD1 of the Cherwell Local Plan and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 8.10. Policy PSD1 states that: *where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.*
- 8.11. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
- i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing

well designed places and providing affordable homes, individually or in combination.

- 8.12. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 8.13. The Bloxham Neighbourhood Plan was adopted in December 2016. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, *the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*
- 8.14. As Cherwell District Council cannot demonstrate a five-year housing land supply, the presumption in favour of sustainable development applies. The Bloxham Neighbourhood Plan became part of the development plan in December 2016 and is therefore more than five years old at the point of determination of this application. The reference to *and* in paragraph 14 of the NPPF implies that both parts A and B need to be met in order for the Neighbourhood Plan to be considered up-to-date. As the neighbourhood plan was adopted more than 5 years ago part A of paragraph 14 is not met. The housing policies in the Bloxham Neighbourhood Plan cannot therefore be considered up-to-date.
- 8.15. The adopted National Planning Policy Framework (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
- 8.16. The reference to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024.
- 8.17. To achieve this objective it is clear that sites in sustainable locations should be considered for development. The Cherwell Local Plan Proposals Map does not identify settlement boundaries. There is no reference to a settlement boundary within the adopted Bloxham Neighbourhood Plan either. As Cherwell District Council cannot demonstrate a five-year housing land supply, there is need to look at sites on the edge of sustainable settlements in order to meet this housing need. The site is considered a sustainable location being on the edge of the built-up boundary of Bloxham which in-turn is a sustainable settlement. This is reflected by its Category A Settlement status which is also be carried forward in the new Cherwell Local Plan.
- 8.18. Although the application is in outline with all matters reserved except access, having viewed the site it is clear that pedestrians could choose to walk from the site to the centre of Bloxham where there are a variety of shops and services. I acknowledge that some of the existing pedestrian footways to and from the village centre are narrow

in nature, the scope for widening these is however limited by the nature of the built form of the village.

8.19. Policy PSD1 requires the Council to take a proactive approach to reflect the presumption in favour of sustainable development contained within the NPPF. It goes on to state that the Council will always work proactively with applicants to jointly find solutions which meant that application can be approved wherever possible. Cherwell District Council has held regular meetings with the applicant throughout the application process and been clear on timescales for when amended plans are required to be submitted in order to meet key deadlines.

8.20. Of the up to 100 dwellings proposed, the applicant has committed to provide 35% as affordable housing thereby according with Policy BSC3 of the Cherwell Local Plan.

8.21. The provision of 100 dwellings will make an important contribution to the overall housing needs of the District along with the Government's wider objective for 1.5 million homes. This includes the high need for affordable housing which is recognised across the country and is specifically referenced in the comments received from the Strategic Housing team.

8.22. Bloxham Parish Council in their comments dated (March 2026) have raised concerns on prematurity grounds in the context of paragraph 50 and 51 of the NPPF. They consider that the development is so substantial, and its cumulative effect with recent development would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale and location of new development that are central to the emerging Modified Bloxham Neighbourhood Plan.

8.23. Paragraph 50 of the NPPF states:

Arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

8.24. Paragraph 51 states *Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.*

8.25. In assessing applications against paragraph 50 of the NPPF, I consider that the application falls in the category of being *substantial* given it would broadly represent 1/3 of the housing target (340) referenced in the Draft Neighbourhood Plan. I do not consider that the cumulative effect in terms of highways, landscape or drainage could be considered significant and this has not been raised as an issue by the consultees. Other than on highways grounds as set out in paragraph 116 of the NPPF there is no requirement in the adopted Local Plan or NPPF to assess the cumulative effects of other developments when coming to a decision.

- 8.26. As the draft Neighbourhood Plan has not been examined and has not been found sound, I do not consider that allowing the application could be considered to undermine the plan making process. Further, I do not consider that the proposals are of a scale which mean the NP cannot be made, nor does it prevent the draft allocations within the draft Neighbourhood Plan from coming forward. For the same reasons I do not consider that we can clearly indicate at this stage how granting permission for the development would prejudice the outcome of the Neighbourhood Plan making process. The requirements of paragraph 51 of the NPPF are not therefore met.
- 8.27. Matters surrounding prematurity under paragraph 50 and 51 of the NPPF are a material consideration in the determination of the application. In applying the tilted balance as set out in paragraph 11D of the NPPF the decision maker must grant consent unless any adverse impacts of doing so would *significantly and demonstrably outweigh the benefit when assessed against the policies in this framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.* (My emphasis added).
- 8.28. I do not consider that the adverse impacts of granting consent in advance of the Neighbourhood Plan having been found sound or adopted would significantly or demonstrably outweigh the benefits. This is in the context of housing numbers not being minimum numbers, the reference in the NPPF to significantly boost the supply of homes (Paragraph 61) and identified need for affordable housing in the adopted Local Plan (See paragraph A.19).
- 8.29. Paragraph 11 d requires the decision maker to assess the application against the policies in the framework when taken a whole. Even if there was conflict with paragraph 50 of the NPPF, I consider that this application would accord with the NPPF when read as a whole.
- 8.30. Lastly, the Paragraph 11 d requires the decision maker to have particular regard to the key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 9 of the NPPF lists the key policies which need to be considered. Those listed do not include paragraph 50 or 51. These policies are not therefore considered key in the context of paragraph 11 (d) of the NPPF.
- 8.31. The principle of development is therefore considered acceptable subject to no adverse impacts significantly and demonstrably outweighing the impacts. Further details on the assessment of impacts is contained below.

Highways

- 8.32. Policy SLE4 states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 8.33. Paragraph 115 (B) of the NPPF requires safe and suitable access to the site to be achieved for all users. Part D of paragraph 116 requires *any significant impacts from the development on the transport network (In terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*
- 8.34. Paragraph 116 of the NPPF states that development *should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

- 8.35. Paragraph 118 of the NPPF requires all developments which *generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so the likely impacts of the proposed development can be assessed and monitored.*
- 8.36. Means of access is matter for consideration in the determination of this application. The following are the key highways considerations,
- 1) Whether safe and suitable access can be achieved for all users
 - 2) Whether the development would result in an unacceptable impact on highway safety
 - 3) Whether the residual cumulative impacts on the road network, following mitigation would be severe, taking into account all reasonable future scenarios.
- 8.37. A new single 5.5m wide vehicular access point is proposed off Barford Road into the site with a 3m wide shared pedestrian footway/cycleway running along its northern side. Two separate pedestrian/cycle connections will be provided into the site via the road that serves Bloxham Mill thereby providing connections to the PROW and the existing pedestrian footway that runs along Barford Road. An uncontrolled crossing over Barford Road is proposed between the new vehicular access point and that serving Bloxham Mill. This will enable access to the existing pedestrian footway that runs along Barford Road into Bloxham.
- 8.38. Following an initial objection on highways grounds to the proposals the applicant undertook further highways work. The work undertaken by the applicant has included providing further information on the impact of the proposals on the roundabout where Church Street, Barford Road, and South Newington Road meet. The results showed that the proposed development is not forecasted to result in a material impact at this junction.
- 8.39. Oxfordshire County Council confirmed to Officers at CDC on Wednesday 29th April 2026 that they had no objection to the proposals subject to financial contributions being made towards public transport services (£163,680) in order to support the provision and enhancement of bus services, Public Transport Infrastructure (£36,000) in order to facilitate bus stop improvements (if not dealt with under a S278 or S38 agreement) and travel plan monitoring of £2,035 in order to enable the travel plan to be monitored for a period of five years.
- 8.40. The new site access off Barford Road and informal pedestrian crossing as shown on plan 4613-F03 Rev D, traffic calming measures, informal crossing over Barford Road, changes to the speed limit and footway/cycleway improvements along Barford Road between the proposed site access and Kings Road will need to be agreed through a Section 278 agreement.
- 8.41. Several conditions were also recommended to be attached to the decision notice should planning consent be approved. Further details on the conditions can be found in section 9.
- 8.42. Based on the no objection to highways that has been received from Oxfordshire County Council Highways, I am satisfied that Policy SLE4 is accorded with along with paragraph 115, 116 and 118 of the NPPF.

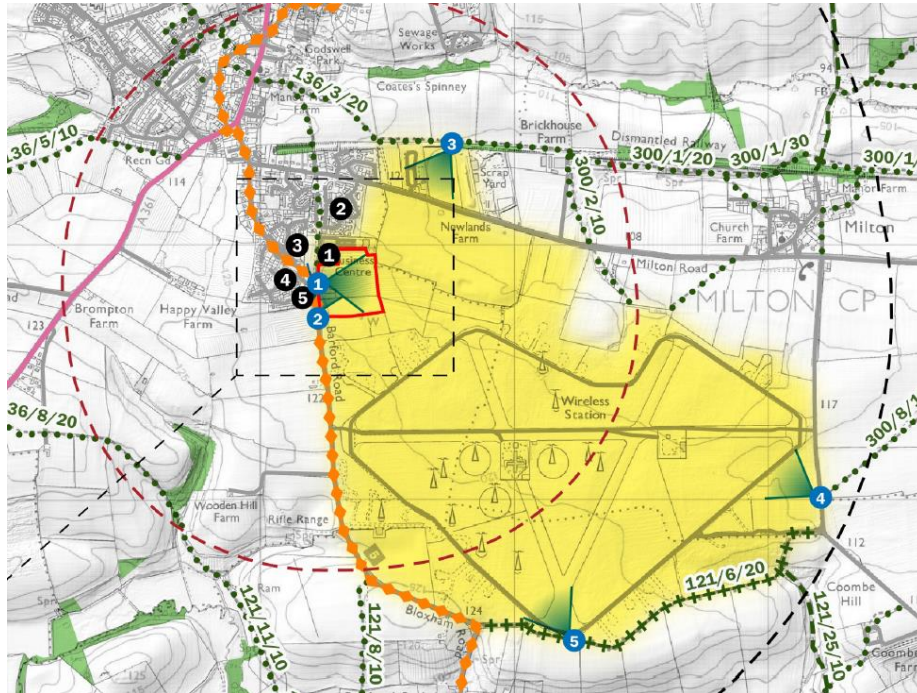
Landscape

- 8.43. Policy ESD13 states that development will be required to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. The inclusion of this wording suggests that damage to local landscape character will sometimes be unavoidable. The policy goes onto list 6 criteria where proposals will not be permitted. An assessment of the proposals against the 6 criteria is contained in table 1 below.
- 8.44. Strategic objective 12 of the Cherwell Local Plan seeks to focus development in Cherwell's sustainable locations, making efficient and effective use of land, conserving and enhancing the country and landscape and the setting of its towns and villages.
- 8.45. Paragraph B.87 of the Cherwell Local Plan states that *Cherwell's countryside, landscape and green spaces are important natural resources*. It goes onto state that *they form the setting of our towns and villages, contribute to their identity and the well-being of Cherwell's communities. The countryside's intrinsic character and beauty is important to the quality of life in Cherwell and remains an economically important agricultural resource*.
- 8.46. Policy BL11 of the Bloxham Neighbourhood Plan states all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 requires new development to make a positive contribution to the character of Bloxham and its rural feel.
- 8.47. Paragraph 187 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by:
- 8.47.1. Protecting and enhancing valued landscapes (Part A)
- 8.48. Whilst relevant, is important to note that paragraph 187 of the NPPF is not a Key Policy as set out in footnote 9 under paragraph 11 (d) ii of the NPPF.
- 8.49. The Cherwell District Council proposals map does not identify the site as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area.
- 8.50. The Landscape Assessment (1995) which forms part of the evidence base to the Local Plan shows Bloxham as falling within the Ironstone Hills and Valleys Character Area. This is defined as a strongly undulating complex of farmed hills and valleys. The LCA goes onto state that the *resulting landscaping is an intricate blend of mixed farming, with small variations in scale and local land use being closely related to topography, a tightly knit small scale rolling farmland with strong field pattern*.
- 8.51. The Cherwell Landscape Designation Assessment (2024) which forms part of the evidence base to the draft Cherwell Local Plan shows the site along with the wider area as falling within the Ironstone Downs Local Landscape Designation. However, as the draft Local Plan has yet to be examined and found sound it does not form part of the development plan and therefore carries limited decision- making weight.
- 8.52. In considering whether the landscape is valued in the context of paragraph 187 of the NPPF, consideration must be made towards relevant case law. In the Borough of Telford and Wrekin v Secretary of State for Communities and Local Government & Anor [2016] EWHC 3073 (Admin) (01 December 2016) case, Mrs Justice Lang stated that the NPPF *does not include a blanket protection of the Countryside in general*. For this reason it is important to establish whether a landscape is a valued landscape or merely countryside when assessing the extent to which a development complies with the policy in the NPPF.

- 8.53. In the Stroud Judgement (Stroud District Council v Secretary of State for Communities and Local Government and Gladman Developments Ltd [2015] EWHC 488 (Admin) (6 February 2015)) Mr Justice Ouseley stated that *'I accept that, currently, there is no agreed definition of valued as used in this paragraph. In the absence of any formal guidance on this point, I consider that to be valued would require the site to show some demonstrable physical attribute rather than just popularity. In the absence of any such designation, I find that paragraph 109 is not applicable to the appeal site.'* It is important to note that the paragraph's referenced in the NPPF relate to an earlier version of the current NPPF.
- 8.54. Mr Justice Ouseley stated that being valued by the community is not sufficient in itself for a landscape to be a valued landscape in NPPF terms. In other words, a site cannot be deemed a valued landscape simply because it is rural or popular. In order to cross the threshold into a valued landscape, the land must feature unique, demonstratable physical attributes that elevate beyond mere countryside.
- 8.55. I consider that whilst the landscape might be popular, it does not possess the physical attributes that elevate it beyond mere countryside.
- 8.56. Based on the above, Paragraph 187(a), 188 and 189 of the NPPF are not engaged.
- 8.57. The site was not assessed as part of the Cherwell Landscape Site Assessment dated September 2024 which forms part of the evidence base to the draft Cherwell Local Plan Review 2042.
- 8.58. The applicant has submitted a Landscape Visual Impact Assessment with the application. The assessment finds that the visual and sensory character of the site would change notably as a result of implementation of the proposals. It goes onto state that *the scale of change would be reduced by the fact that the site is already degraded and urbanised to some degree, and the fact that the proposals are compatible with the retention and enhancement of physical elements of the landscape, which will remain largely intact and enhanced.*
- 8.59. The LVA considers that due to the visual containment of the site due to the proximity of Bloxham Mill to the north and the existing vegetation surrounding the site, this level of effect on the LCA Ironstone Hills and Valleys and LT16 Upstanding Village Farmlands will be negligible.
- 8.60. Paragraph 7.6 of the LVA goes onto state that elevated levels of effect for visual receptors will therefore be limited to:
- Users of the PRow footpath 136/4/20 which runs along the western boundary of the site towards Bloxham Mill
 - Users of Barford Road/National Cycle Network Route 5 which runs along the sites western boundary
 - Residents of some five properties off Gascoine Way where the level of effect is due largely to the very high sensitivity of the receptors.
- 8.61. The LVA considers that these adverse effects could be reduced through mitigation and enhancement measures including
- Securing the retention, enhancement and ongoing management of existing pond, hedgerows and trees except for access.

- New tree, hedge and scrub planting and eras of flowered lawn for informal recreation with longer grass along the hedge lines with mown grass access.

8.62. I have visited the site and surrounding area on a number of occasions in order to better understand the visual impact of the proposals by walking the Public Rights of Way that surround the site including PRoW 136/4/20, PRoW 136/3/20 and PRoW 300/2/10. Figure 1 below is a snapshot of the Findings of EDP's Visual Appraisal (Drawing No. EDP9032_D019a) which forms part of the submitted LVA and shows the PRoW.



8.63. The site visit walk was undertaken in clear sunny conditions with good visibility. The intention of the site visit walk was not to provide a formal response to the methodology used in the preparation of the LVA, but rather better understand the visual impact of the proposals from surrounding receptors. My route started in Bloxham Village Centre walking first along route 136/2/20 to the site, then going back through the existing development of Maule Close and Gascoine Way before connecting onto PRoW 136/3/20 then onto PRoW 300/2/10. This route picked up all visual viewpoints (1-5) that are contained in the LVA as shown in figure 1.

8.64. The route of PRoW 136/2/20 from Bloxham village centre takes you through recently completed development of Havill Crescent, Callow Drive and Dickenson Road. There is clear sense that the application site is therefore edge of the built-up area of Bloxham. Once leaving the new built development the buildings that comprise Bloxham Mill are clearly visible along with the agricultural barn. Just before the PRoW joins onto Barford Road, the existing dwellings of Maule Close are visible. The existing vegetation surrounding the site and further afield limits the visibility of the northern parcel when viewed from PRoW 136/2/20. The southern parcel is more visible and rural in context when viewed from Barford Road and would therefore have a higher degree of sensitivity to change with some adverse impact.

8.65. The site was not visible at ground level from most properties on Gascoine Way with the exception of those closest to the junction of Barford Road.

8.66. The existing vegetation along much of the route 136/3/20 limits views of the site from this receptor. There is a gap in the hedge-line near the existing scrap yard where views of the site would be visible. These views are however seen in the context of the masts of the former RAF Barford St John so it cannot be considered in my opinion a completely undeveloped rural landscape.

8.67. The CDC Landscape Officer provided comments on the application after they joined Cherwell District Council in early 2026. In their comments dated 02nd April 2026, they raised concerns on the following points:

- 1) Ensuring the parameter plans detail where further landscape planting will be planted given this is a requirement of the LVIA
- 2) Clarification on the purpose of the blue ditched line as detailed on the parameter plan.
- 3) Recommendation for the inclusion of a hatched area on the parameter plan abutting the eastern site boundary.
- 4) Requirement for landscape planting to extend to 15m in width in places and average width of 7.5m.
- 5) Requirement for 2D and 3D modulation of the planted area
- 6) Requirement for details to be provided on the plant species.
- 7) Recommendation that a movement and access plan is provided showing a hierarchy of routes for walking, wheeling and cycling throughout the development
- 8) Requirement for proposed paths to be accessible to all. Planting adjacent to paths should be low in height and regularly maintained and mixed scrub is unlikely to meet these requirements. I request that ornamental planting is included and path designs reconsidered.
- 9) Vehicular maintenance access to SuDS and drainage features should be considered. If a 3m wide maintenance platform and easement is proposed, consideration should be given to incorporating this into the movement network.

8.68. I am satisfied that points 5-9 can be agreed through the landscaping reserved matters. Points 1-5 have since been addressed by the applicant through the provision of an updated parameter plan.

8.69. Based on my site visit, I am satisfied with the conclusions of harm reached in the LVA. The Cherwell District Council Landscape Officer have confirmed that they have no objection to the proposals.

8.70. As set out above, policy ESD13 states that development would not be permitted if they would:

Policy ESD13 requirement	My response.	Accordance with ESD13 bullet points
Bullet point 1.	Whilst the proposal would cause visual intrusion, I do not consider	Yes

Cause undue visual intrusion into the open countryside.	that the development would cause undue visual intrusion into the countryside given the sites containment by existing vegetation and its proximity to existing development.	
Bullet point 2. Cause undue harm to important natural landscape features and topography	As set out above, whilst the site falls within a character area it is not affected by a local or national landscape designation.	Yes
Bullet point 3. Be inconsistent with local character	The character of the site is rural in nature by way of the fact it is currently being used for agriculture and the grazing of livestock. It is however seen in the context of the existing development including Bloxham Mill and existing dwellings off Maule Close and Gascoine Way.	Yes
Bullet point 4. Impact on areas judged to have a high level of tranquillity	The Cherwell Landscape Character Assessment (2024) which forms part of the evidence base to Cherwell Local Plan 2042 includes a tranquillity map in figure 4.4. The map identifies areas in the district as being the most tranquil with blue being the least tranquil and yellow being the most tranquil. The site in question is shown in light blue and cannot therefore be considered to have a high level of tranquillity. A copy of the map is contained in Appendix 1 to this Officer report.	Yes
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	I consider there would be some degree of harm to the setting of Bloxham. Those mostly affected will be those travelling along Barford Road and users of National Cycle Network Route 5. Those users would however only be afforded glimpsed views of the site as they pass.	No.

	The views of those properties on Maule Close and Gascoine Way would also be affected.	
Bullet point 6 Harm the historic value of the landscape.	Remains of ridge and furrow are evident on the northern parcel. This is reflected in the archaeology and heritage assessment prepared by EDP. The loss of the ridge and furrow has not been raised by the Conservation Officer in their consultation response.	Yes

Table 1. Policy ED13 criteria.

- 8.71. Policy EDS13 does not make reference to the above criteria being a closed list nor does it contain reference to the word *following* that would require all the criteria to be satisfied.
- 8.72. The development concept plan submitted shows new tree and hedge planting around the perimeter and within the application site. This will not reduce the landscape impact of the proposals to zero but will help reduce the level of impact once the planting has reached a 15-year maturity age.
- 8.73. However, It should be noted that policy ESD13 envisages that damage to local landscape character will sometimes be unavoidable. I do not therefore consider that the development would conflict with policy ESD13 when read a whole. The Inspector deciding the scheme at Warwick Road, Banbury (APP/C3105/W/24/3338211) came to a similar conclusion on policy ESD13.
- 8.74. I acknowledge that the development does not comply with strategic objective 12 or BC11. However, the site is a sustainable location and given the absence of a housing land supply little weight can be attributed to BC11.

Ecology

- 8.75. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 8.76. Policy ESD10 sets out 12 criteria for how biodiversity and the natural environment will be achieved. The criteria include achieving a net gain in biodiversity, protection of existing trees, increasing the number of trees through planting of new trees and incorporation of features to encourage biodiversity.
- 8.77. Policy BL11 states that all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 goes onto state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.
- 8.78. Paragraph 187 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

- 8.79. The applicant has submitted an Arboricultural impact assessment which confirms that 2 individual trees, 22m of Category C hedgerow will be required to be removed to facilitate the proposed development. These were found by the Arboricultural Impact Assessment to be split across 1no. category B and 1no. Category C trees.
- 8.80. The applicant has submitted an ecological appraisal and biodiversity net gain assessment as part of the application. The Ecological Appraisal has assessed the impact of the proposed development on important ecological features which are anticipated to be affected from the construction or operation of the development. The important ecological features assessed include:
- Slade Local Nature Reserve
 - Barford Mash Oxfordshire Local Wildlife Site
 - Northern Valley Conservation Target Area
 - Swere Valley and Upper Stour Conservation Target Area
 - Non-Statutory Sites
 - Hedgerows, tree and woodland
 - Ponds
 - Bats
 - Birds
 - Reptiles
 - Great Crested Newts
- 8.81. The site falls into the SSSI Impact Risk Zone for Bestmoor SSSI which is located approximately 8 miles to the south east of the site.
- 8.82. The Ecological Appraisal considers there will be no significant effect on the important ecological features assessed.
- 8.83. In their comments dated 26th February 2026 the Council's Ecologist has reviewed the information provided and made the following comments:
- The revised plans are positive for biodiversity. The decision to focus development within the northern parcel is beneficial for maintaining habitat quality and supporting existing species across the wider site - this new layout also allows for more open space and areas which will benefit wildlife, rather than overcrowding the site with houses/built up areas. The updated BNG assessment and metric are acceptable, and I have no concerns with the submitted plans. As stated previously, the HMMP and the associated monitoring fees will need to be secured through a legal agreement.*
- 8.84. The Environment Act 2021 introduced mandatory biodiversity net gain for planning permissions in England, with a minimum of 10% increase in biodiversity value. The applicant has submitted a Biodiversity Impact Assessment Metric as part of the application. It shows that the proposals will result in a net 24.94% in habitat units with a net gain of 10.58% of hedgerow units.
- 8.85. The latest concept masterplan shows the planting of 378 native planting of trees, grassland and shrubs within areas of open space, around drainage feature onsite along with hedgerow enhancements. New trees are shown as being planted alongside the proposed internal road network thereby achieving the objective of tree lined streets as required by paragraph 136 of the NPPF.
- 8.86. The proposed on-site biodiversity gain will be secured through a S106 legal agreement.

8.87. Based on the above, it is considered that Policy ESD10, BL11 and paragraph 187 of the NPPF are accorded with.

Infrastructure

8.88. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

8.89. Oxfordshire County Council have requested a developer contribution of £960,298 towards the expansion of Bloxham Primary School and towards special education.

8.90. The contribution towards Bloxham Primary School is being sought towards the final phase of the expansion of the primary school in order to create a new larger hall and kitchen and create space to support the delivery of the curriculum.

8.91. Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

8.92. OCC have advised that the capital works were phased in response to a shortage of capital funding, but it became unreasonable to delay this final phases any longer to the detriment of pupils at the school. OCC have referred to Department for Education Guidance (paragraph 15) in their response which makes clear that *When school places have been forward funded, you can secure developer contributions to recoup the monies spent, including interest, fees, and expenses as well as the principal sum spent.*

8.93. Paragraph 56 of the NPPF requires local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of condition or planning obligations. The Department for Education Guidance makes clear that when school places have been forward funded you can secure developer contributions to recoup the monies spent.

8.94. I consider that due to the increased number of primary school aged children attending Bloxham Primary school the contribution requested towards primary education meets the three tests contained in paragraph 58 of the NPPF in terms of being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

8.95. A contribution of £82,627 has also been sought towards Special Education Provision serving the development. The proposed development is expected to further increase demand for places at special schools in the area, and a contribution towards the expansion of special schools is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school. OCC have based their contribution on pupil census data. The Special Education provision is therefore considered to meet the three tests contained in paragraph 58 of the NPPF.

8.96. Other developer contributions have been requested towards this development can be summaries as follows:

- Expansion and efficiency improvements of Household Waste Recycling Centre. £10,350.

- £90,502.80 towards creation of additional clinical capacity at Bloxham and Hook Norton Surgery or an identified primary care estates project in the local area to serve the development. As part of their response the ICB have provided evidence to demonstrate that the cross internal area of the practices at Bloxham and Hook Norton are below the NHS England size standards. There is therefore a need to reconfigure Bloxham and Hook Norton surgery in order to provide additional clinical space and to improve the existing GP services to accommodate the increase in population.
- The Recreation and Leisure team at Cherwell District Council have requested the following contributions towards:
 - Enhancement of Community Hall Facilities in the locality based on 2.4 person per dwelling = £110,200.80
 - Outdoor Sport provision based on £2,840.14 per dwelling = £284,014.00. This contribution is considered to accord with policy BSC11 and the CDC Playing Pitch Strategy which identifies the need for improved pitches at Bloxham Recreation Ground.
 - Indoor Sports provision contribution based on £445.95 per occupier of each dwelling based on 2.4 person per dwelling. = £107,028.000. This contribution will go towards improving indoor sport provision.
 - Community Development Worker contribution of £18,724.80. The Community Development Worker would help integrate residents into the community and wider area.
 - Community Development Fund. Based on £45 per dwelling = £4,500. This contribution is considered to accord with the aims of chapter 8 of the NPPF and promoting health and safe communities, specifically the aim of promoting social interaction.
 - Public Art. A contribution of £250 per dwelling plus 5% management and 7% maintenance has been requested towards public art. Based on the above this would amount to £28,000 based on 100 dwellings plus £1,500 for the management fee and £2,100 for the maintenance fee. No details have been provided on what public art this will be used to fund so I do not consider that it would meet the three tests contained within paragraph 58 of the NPPF. The applicant has however agreed to pay this contribution so this is a benefit in the planning balance.

8.97. Oxfordshire County Council have requested the following financial contributions:

- £163,680 towards public transport services
- £36,000 towards bus stop improvements
- £2,035 towards travel plan monitoring

8.98. Oxfordshire County have provided further information in their response to back up the above contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF.

8.99. The applicant has also agreed to pay the above contributions should planning consent be granted.

Design

- 8.100. Policy ESD15 (The Character of the Built and Historic Environment) requires new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design. It goes on to state that all new development will be required to meet high design standards.
- 8.101. Policy BL11 of the Bloxham Neighbourhood Plan and BSC2 of the Cherwell Local Plan require all new development to not exceed 30 dwellings per hectare. The supporting text (paragraph B.102) to policy BS2 makes clear that it is important to make efficient use of land. It goes on to state that in general, new housing should be provided at a net density of at least 30 dwellings per hectare and that the density of housing development will be expected to reflect the character and appearance of individual localities.
- 8.102. Based on a net developable area of 5.48 hectares and the development of up to 100 dwellings, the density is expected to be 18 DPH. Policy BSC2 refers to *at least* 30 dwellings per hectare. The author of the policy clearly therefore considered that 30 DPH is not a maximum figure. Given the shortfall in Cherwell's housing land supply and the Government's commitment to build 1.5 million homes over the next 4 years there is a need to make effective use of land in sustainable locations such as this. I do not therefore consider the development would be in conflict with Policy BL11 or BSC2.
- 8.103. The Cherwell Residential Design Guide states: *a High quality design supports a positive legacy, leaving successful places which are both functional and beautiful, which engender a sense of community, are long lasting and age well.*
- 8.104. The application has been submitted in outline with all matters reserved except access. Matters surrounding the layout, scale and appearance of the dwellings will all be dealt with through the submission and approval of reserved matters should planning consent be approved.
- 8.105. The applicant has submitted a Design and Access Statement which provides an overview of how the development has taken account of the site's opportunities and constraints. The Cherwell District Council Urban Design Officer provided an initial set of comments (dated 17th July 2025). In his comments, the Urban Design Officer raised concerns over the fact the landscape mitigation measures set out within the LVA had not been incorporated into the design parameters and conditioned to help ensure they are fully embedded into the scheme. The applicant has submitted amended plans and the Urban Design Officer has since confirmed that they are supportive of the proposals subject to a condition that requires the following:
- The reserved matters to be broadly in accordance with the development parameter plan.
 - Open space design should follow the general design principles of the illustrative landscape strategy plan/
 - Clarity is sought over the feasibility of the pedestrian footpath links. If the links are feasible a direct pedestrian link between the development and the public right of way should be conditioned
- 8.106. For conditions to be attached to a planning consent, paragraph 57 of the NPPF requires conditions to be enforceable, precise and reasonable in all other respects.
- 8.107. I do not consider that a condition that requires reserved matters to be broadly in accordance with the development parameter plan to be precise as there is no clarity on what the reserved matters need to accord with and do not. The same applies to

the open space design and pedestrian footpath links all of which will be agreed as part of the reserved matters. I do however consider future reserved matters should provide internal connections from within the development to surrounding public rights of way. I also consider that the future reserved matters should be brought forward in accordance with the parameter plan.

Flood Risk and Drainage

8.108. According to the Flood Risk Map for Planning, the site falls within Flood Risk Zone 1 and is not at risk of surface water flooding. The Local Lead Flood Authority have advised in their comments dated 28th May 2025 that they have no objection to the development subject to a condition that requires details of a surface water drainage scheme to be prepared, submitted and approved prior to the commencement of development. This a standard approach to take to development within flood risk zone 1 and I am therefore satisfied that the condition as requested meets the tests set out in paragraph 57 of the NPPF.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is engaged due to the shortfall in the five-year housing land supply across the District.
- 9.2. Part D of Paragraph 11 of the NPPF requires applications to be approved where the policies which are most important to the determination of the application are out of date. As set out above, I do not consider that the adverse impacts on landscape would significantly and demonstrably outweigh the benefits when assessing the application as a whole against the NPPF.
- 9.3. Part D of Paragraph 11 of the NPPF requires particular regard to be made towards key policies for directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes, individually or in combination. The key policies referred to are set out in Footnote 9. Appendix 2 attached to this Officer report demonstrates how the proposals accord with the key policies.
- 9.4. I do not consider that the adverse impacts of granting consent in advance of the Neighbourhood Plan having been found sound or adopted would significantly or demonstrably outweigh the benefits. This is in the context of housing numbers not being minimum numbers, the reference in the NPPF to significantly boost the supply of homes (Paragraph 61) and identified need for affordable housing in the adopted Local Plan (See paragraph A.19).
- 9.5. Based on the above, I consider the application accords with the NPPF when read a whole and the key policies referenced. I therefore recommend that planning consent is approved subject to conditions.

10. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, SUBJECT TO

- i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**

ii) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- **Provision of 35% affordable housing on site based on the 70:30 social rent and shared ownership tenure splits.**
- **Payment of financial contributions towards improvements to off-site community and healthcare, policing services and infrastructure.**
- **Payment of contributions towards education provisions.**
- **Payment of contributions to Health infrastructure.**
- **BNG provisions related to HMMP and monitoring fees.**
- **Appropriate monitoring fees for the delivery of the s106.**
- **Commuted sums and maintenance provisions for open spaces/recreational facilities.**
- **Off-site transport improvement works.**
- **Payment of contributions towards transport and public transport enhancements.**

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED WITHIN 6 MONTHS OF THIS RESOLUTION AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR - PLANNING IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions and provisions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

Conditions

Time Limit

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and the development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Reserved Matters

2. Details of the layout, scale appearance, access and landscaping (hereafter referred to as the reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Approved Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:
 - Site Location Plan. Drawing Reference No. LP01
 - Parameters Plan. Drawing Reference No. WE002 PP01 Rev M
 - Proposed Northern Site Access. Drawing No. 4613-F03 Rev D
 - Illustrative Landscape Strategy Plan. Drawing No. EDP 9032_D013c

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.

Access

4. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Vision Splays

5. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

Traffic Calming

6. No development shall commence unless and until full details of a scheme of traffic calming across the site access along Barford Road, including position, layout, vision splays, construction, drainage and lighting, have been submitted to and approved in writing by the Local Planning Authority, together with a timetable for its implementation. Thereafter these works shall be constructed in accordance with the approved details and timetable.

Reason: In the interest of Highway Safety.

Cycle Parking

7. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Electric Charging Points

8. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Construction Traffic Management Plan

9. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

Travel Information Pack

10. Prior to first occupation the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance

contained within the National Planning Policy Framework.

Travel Plan

11. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Removal of Permitted Development Rights

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that order with or without modification, no development as specified in Schedule 2, Part 14, Classes A, B, H, I, and J, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the operation of technical equipment located at RAF Barford St John by providing a reasonable and appropriate level of control over the installation of microgeneration equipment. To ensure the development accords with the requirements of paragraph 102 (b) of the National Planning Policy Framework (December 2024).

Landscaping

13. In order to ensure a sufficient quantum of planting in the structural landscape planting mitigation area as shown on drawing No. PP01 Rev M a minimum overall density of 1 plant per 1m² is required.

Reason in the interests of achieving a satisfactory landscape mitigation scheme as required by Policy ESD13.

Construction Environment and Traffic Management Plan

14. No development shall commence until a Construction Environment and Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The statement shall provide for at a minimum:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- Measures to control the emission of dust and dirt during construction;
- Delivery, demolition and construction working hours;
- The mitigation measures recommended at [Add References] of the submitted Environmental Statement.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Landscape Ecological Management Plan

15. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

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 Part 1 and government guidance contained within the National Planning Policy Framework.

Lighting

16. Prior to the first use of the development hereby approved details of the external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Landscaping

17. 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 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Open Space and Landscaping

18. No development shall commence above slab level unless and until full details of the provision, landscaping and treatment of open space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Tree Removal

19. No removal of hedgerows, trees or shrubs, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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 Part 1 and Government guidance contained within the National Planning Policy Framework.

Ecology

20. Within two months of the commencement of the development the site shall be thoroughly checked by an ecologist (member of the IEEM or similar related professional body) to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

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 Part 1 and government guidance contained within the National Planning Policy Framework.

Habitat Management and Monitoring Plan

21. No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

- a non-technical summary
- the roles and responsibilities of the people or organisation(s) delivering the HMMP
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
- the monitoring methodology and frequency in respect of the created or enhanced habitat
- Details and number and location of bird and bat boxes to be provided.
- Notice in writing shall be given to the local planning authority when the:
 - HMMP has been implemented
 - Habitat creation and enhancement work as set out in the HMMP have been completed.
 - The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority.
 - Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

Surface Water Drainage

22. Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.

- Consent for any connections into third party drainage systems
- Details of the management of the culvert running between the site and the recreation ground opposite.

Reason: To prevent environmental and amenity problems arising from flooding and to comply with government guidance contained within the National Planning Policy Framework.

23. SuDS As Built and Maintenance Details

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:

- As built plans in .pdf file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site;
- The name and contact details of any appointed management company information.

Reason: To prevent environmental and amenity problems arising from flooding and to comply with government guidance contained within the National Planning Policy Framework.

Contamination

24. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

25. Contamination Remediation.

If contamination is found by undertaking the work carried out under condition [24], prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

26. Contamination. Completion of Remedial Works.

If remedial works have been identified in condition [24], the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [25]. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

If remedial works have been identified in condition [24], the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [25]. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Archaeology

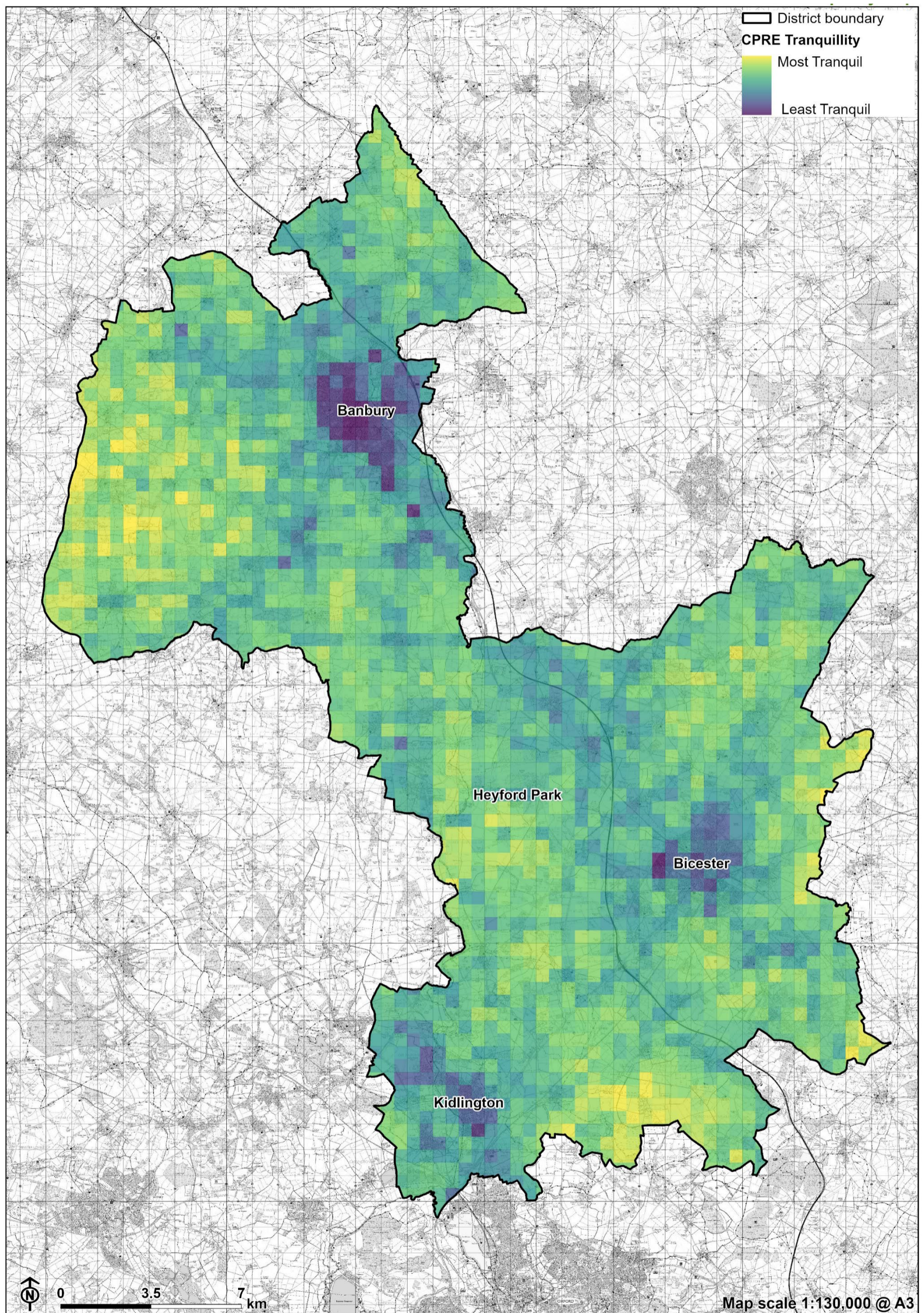
27. Prior to any demolition and commencement of development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To Safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

28. Following the approval of the Written Scheme of Investigation referred to in condition 27, and prior to any demolition of the site and the commencement of development (other than in accordance with the agreed written scheme of investigation, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within 2 years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.

Figure 4.4: CPRE Tranquillity Map



National Tranquillity Mapping Data 2007 developed for the CPRE and NE 12590_Overview_maps_CPRES Tranquillity_Map_r2_A3P 25/03/2024 EB:maily_m by Northumbria University. © Crown copyright and database rights 2024 OS 100018504

25/01009/OUT - Appendix 2

Assessment of the application against the key policies referenced in Footnote 9 of the NPPF.

Paragraph Number	Supporting Text	Case Officer Assessment	Compliance.
Paragraph number 66	Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.	The housing officer has confirmed they are satisfied that the split of 70%/30% social rent and intermediate housing can be provided as part of the reserved matters.	Yes.
Paragraph number 84	Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; c) the development would re-use redundant or disused buildings and enhance its immediate setting; d) the development would involve the subdivision of an existing residential building; or e) the design is of exceptional quality, in that it: i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and ii. would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.	Paragraph 84 relates to the sustainable locations part of paragraph II D (ii). The proposals represent an extension to an existing settlement and cannot therefore be considered a countryside location.	Yes
Paragraph Number 91	Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-	The sequential test applies to retail applications. The proposals are not for retail and are not	Yes

	date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.	therefore a main town centre use.	
Paragraph Number 110	The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.	Future occupiers of the development can walk and cycle between the site and the village centre. The NPPF does acknowledge that opportunities to maximise sustainable transport solutions will vary between rural and urban areas and requires this to be taken into account in decision making.	Yes
Paragraph Number 115	In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: <ul style="list-style-type: none"> a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and d) any significant impacts from the development on the transport network 	I consider the site can be assessed safely by all users. OCC Highways have confirmed the proposals will not have a significant impact.	Yes

	(in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.		
Chapter 11 – Making Effective Use of Land.			
Paragraph Number 129	<p>Planning policies and decisions should support development that makes efficient use of land, taking into account:</p> <p>a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;</p> <p>b) local market conditions and viability;</p> <p>c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;</p> <p>d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and</p> <p>e) the importance of securing well-designed, attractive and healthy places.</p>	I am satisfied that the scheme makes effective use of land whilst taking account of the site’s rural locality. I consider the requirements of paragraph 123 as set out in points B-E can also be met through the preparation and submission of reserved matters.	Yes
Paragraph Number 135	<p>Planning policies and decisions should ensure that developments:</p> <p>a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</p> <p>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</p> <p>c) are sympathetic to local character and history, including the surrounding</p>	These matters are more design focussed. I am satisfied that these can be addressed as part of the future reserved matters.	Yes

	<p>built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);</p> <p>d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;</p> <p>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and</p> <p>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p>		
<p>Paragraph Number 139</p>	<p>Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁴, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:</p> <p>a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or</p> <p>b) outstanding or innovative designs which promote high levels of sustainability or help raise the</p>	<p>As above, matters surrounding design will be addressed as part of the reserved matters.</p>	<p>Yes</p>

	standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.		
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25/02998/F

Agenda Item 10

**Land North Of Grundon
Merton Street
Banbury**



1:1,000



25/02998/F

Land North Of Grundon Merton Street Banbury



Case Officer: Lewis Knox

Applicant: E5 Commercial (Higham Way) Ltd

Proposal: Commercial development (Use Classes B8, Eg(i), Eg(ii), and Eg(iii)) along with car parking/yard areas and all associated development

Ward: Banbury Grimsbury And Hightown

Councillors: Councillor Rebecca Biegel, Councillor Dr Henry Elugwu, Councillor Dom Vaitkus

Reason for Referral: Major development/Significant departure from adopted development plan

Expiry Date: 5 June 2026

Committee Date: 4 June 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located off the southern end of Higham Way within Banbury.
- 1.2. The site is a vacant plot of land which has been cleared of its previous use as part of the Grundon Waste Depot and is now largely flat land and rubble. The site was allocated for housing in the Cherwell Local Plan 2011-2031 Part 1 (CLP 2015), but no such development has come forward. The land is now proposed to revert to its former commercial use in the draft Review Local Plan 2042. The site is currently surrounded by other commercial uses and adjacent residential apartments and other dwellings.

2. CONSTRAINTS

- 2.1. The application site is on an area of potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks planning permission for 9 commercial units with associated car parking and yard areas. The units will be formed from 3 separate blocks, two located in the northern part of the site, with a third; larger, block sited along the southern boundary.
- 3.2. The units will be for B8 (storage and distribution), and Eg(i), Eg(ii), and Eg(iii) (office and light industrial) uses.

4. RELEVANT PLANNING HISTORY

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

Application: 16/00472/OUT	Application Withdrawn	21 November 2024
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Proposed residential redevelopment for approximately 200 units.

Application: 24/02661/F	Refused	12 May 2025
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Development of 10 speculative commercial units and associated car parking/yard areas planning use classes B2, B8, Eg(i), Eg(ii), Eg(iii)

4.2. Application 24/02661/F was refused by committee on 12th May 2025 for the following reasons:

1. The proposed development, most particularly the four northern units (Units 7-8 and 9-10), by virtue of its siting, form, scale, massing and use, would fail to safeguard the living conditions of neighbouring residents and result in an imposing and overbearing form of development. The development also has the potential to cause excessive and harmful levels of noise disturbance in respect of the flats at 122-136 Marshall Road, if used for B2 purposes. In addition, the proposed employment development is contrary to Policy Banbury 19 of the Cherwell Local Plan 2011-2031 which currently allocates the land for housing. Accordingly, the proposed development is contrary to saved Policies C28 and ENV1 of the Cherwell Local Plan 1996, Policies Banbury 19 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a direct consequence of the development, and necessary to make the impacts of development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, Cherwell District Council's Developer Contributions SPD 2018 and Government guidance contained within the National Planning Policy Framework.

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 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 was **17 December 2025**, although comments received after this date and before finalising this report have also been taken into account.

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

- Concerns raised regarding noise
- Loss of light
- Loss of view

- Property value
- Traffic/Parking issues
- Concerns over operational hours
- Pollution
- Loss of privacy
- Impact on landscape

6.3. 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.

7.2. BANBURY TOWN COUNCIL: **Comments** There has been a clear improvement in terms of impact on residential amenity, concerns regarding potential issue of noise pollution remain.

7.3. OCC HIGHWAYS: **No objections** following the confirmation that the proposed development would not cause harm to the potential link road coming forward. Conditions and S106 contributions requested.

7.4. LLFA: **No objections** subject to conditions.

7.5. OCC ARCHAEOLOGY: **No objections.**

7.6. ENVIRONMENTAL PROTECTION: **No objections** subject to conditions.

7.7. CDC BUILDING CONTROL: **No objections.**

7.8. CDC ECOLOGY: **No objections** subject to conditions.

7.9. THAMES VALLEY POLICE: **Objection**, comments regarding building safety, parking, bin and cycle stores, postal deliveries, and lighting.

7.10. CDC ECONOMIC GROWTH: No comments received.

7.11. CDC PLANNING POLICY: No comments received.

7.12. *Officer comment: - Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*

7.13. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the*

above response from the Council's Finance department is therefore provided on an information basis only.

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 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 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- BSC9 – Public Services and Utilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- Policy ESD 5 - Renewable Energy
- Policy ESD 6 - Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- Policy ESD 8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 13 - Local Landscape Protection and Enhancement
- Policy ESD 15 - The Character of the Built and Historic Environment
- Policy Banbury 19 - Land at Higham Way

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy TR10 - Heavy Goods Vehicles
- Policy C7 - Landscape conservation
- Policy C28 - Layout, design, and external appearance of new development
- Policy C30 - Design Control
- EMP1 - Allocation of sites for employment generating development.
- ENV1 – Development likely to cause detrimental levels of pollution.
- ENV12 – Development on Contaminated Land.

8.3. 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
- Transport and Highway Impact
- Design, and impact on the character of the area
- Residential amenity
- Contaminated Land
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability

Principle of Development

Policy Context

Assessment

9.2. The site is a previously developed site within the built-up area of Banbury. The site is bounded by residential development to the north and east and to the south by Grondon waste management and to the west by industrial buildings. The railway station lies to the west. The site itself is currently concreted over with no physical buildings present. This is a brownfield commercial site close to the town centre which would benefit from being brought back into use. It measures approximately 0.3 hectares in size.

9.3. This is a full planning application for the creation of nine employment units covering B8 and E (g) uses. The application is accompanied by illustrative plans and technical reports including a Planning Statement, Design and Access Statement, Heritage Statement, FRA, and traffic note.

Adopted Cherwell Local Plan

9.4. The adopted 2015 Local Plan has an urban focus with the bulk of the District's strategic growth to 2031 directed to Banbury and Bicester.

9.5. The principle of employment development is generally assessed against Policy SLE1, though this site also falls within a Local Plan allocation Policy Banbury 19: Land at Higham Way. The adopted Local Plan allocates this site and additional land at Higham Way for residential development. (Prior to this it was allocated for mixed use development).

9.6. There was a planning application submitted in 2016 for the development of 200 dwellings on the wider allocation site, though this was subsequently withdrawn.

9.7. It is also the case that whilst not a confirmed allocation, it is a proposed allocation for employment in the emerging Local Plan. It has been identified in earlier stages of the Local Plan Review 2042 and remains in the version of the Plan that is expected to be submitted for examination later this year. It is clear from the allocation history of this site that the Council is keen to see this land be redeveloped.

9.8. This proposed development also forms part of a much wider allocation and it is not clear how the development of this part of the site in isolation would impact the wider redevelopment of the whole site. This application site is 0.3 hectares within a 3 hectare allocation.

9.9. A strategic objective of the adopted local plan (SO 1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.

9.10. Paragraph B.30 of the plan explains that that the aim is to secure:

- business-friendly and well-functioning towns
- an eco-innovation hub along the Oxford – Cambridge technology corridor
- internationally connected and export driven economic growth
- investment in people to grow skills and the local workforce
- vibrant, creative, and attractive market towns
- family housing
- measures to reclaim commuters where possible
- measures to increase labour productivity.

9.11. The NPPF will be a material consideration in the determination of this proposal, particularly NPPF requirements for planning policies and decisions to:

‘...help create the conditions in which business can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’ (NPPF Paragraph 85); and

‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. (NPPF paragraph 89)

Uses

9.12. The uses proposed on the site comprise a mix of B8, Eg(i), Eg(ii), Eg(iii) uses and careful consideration should be given to the potential impact on neighbouring residential amenity, particularly the abutting block of flats. It would be preferable to see office uses rather than B8 uses at this location.

9.13. Policy SLE 4 seeks to deliver key transport connections, supports a modal shift towards more sustainable modes of transport, and supports employment growth in more sustainable locations.

Conclusion

9.14. This proposal is generally consistent with the overall objectives of the adopted Cherwell Local Plan and a previously developed site. The site also falls within an adopted and retained/amended Local plan allocation for residential development. It is acknowledged that the emerging Local Plan now proposes the same allocation for employment land, and whilst the emerging Local Plan should be given limited weight, it is clear that a residential use has not been developed and the site would be more appropriately developed for employment purposes.

9.15. The application site forms a much smaller part of the wider site allocation, and it is not clear that this isolated development would not prejudice the redevelopment of the site as a whole. The application is not clear on this point.

9.16. The NPPF is generally supportive of this type of proposal. The proposal is reasonably related in scale to its adjacent employment land use on a site that would be best suited for this type of land use.

- 9.17. Whilst not strictly in line with the adopted allocation, the proposal does satisfy the other criteria set out in Policy SLE1.

Transport and Highway Impact

Policy Context

- 9.18. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.

Assessment

- 9.19. The site is located at the southern end of Higham Way and would be accessed using an existing access fork leading from Higham Way, as such there are no substantial works proposed to the existing highway network in terms of upgrades to facilitate this development. It is noted that the Existing Grundon Waste Management depo is located just to the south of the application site and is also accessed using Higham Way, and as such it is considered that the local road network and access is acceptable for use of heavy goods vehicles.
- 9.20. Oxfordshire County Council Highways Officers originally commented that the applicant must demonstrate on a plan that there is sufficient land available to provide a road corridor between Higham Way and the allocated employment site to the east. The road must be wide enough for a suitable carriageway and a shared footway / cycleway. It was also requested that the applicant demonstrates how the development site's access will form a junction with the future road. This road should not be an intended through route for HGV traffic, in order to reduce the number of HGVs within the residential areas of Higham Way.
- 9.21. Following these comments from OCC Highways further information was submitted in order to address the issues raised. It is now considered that the applicant has demonstrated that there would be suitable land provision for a road corridor between Higham Way and the allocated employment site to the east. This road would be adequately wide enough to accommodate a carriageway and a shared footway and cycleway. As such OCC Highways removed their objection in regard to this issue.
- 9.22. Conditions are suggested to ensure that the parking and turning area, means of access, cycle parking provision and ev charging provision are all adequate on the site but they are considered to be acceptable in principle based on the information currently provided.

Design, and Impact on the Character of the Area

Policy Context

- 9.23. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way it functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.
- 9.24. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

Assessment

- 9.25. The application site is largely flat having been cleared of previous development and is not within a sensitive landscape. The site is largely surrounded on all sides by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the industrial style buildings at Grondon Waste Management and the Banbury Rail station Multi-storey carpark. The north and east of the site are more residential style areas with large flats on the northern edge with dwellings to the east.
- 9.26. The development comprises three rectangular buildings which would be divided into 9 separate units, two smaller would be situated along the northern edge of the site with the largest of the three buildings along the southern boundary. The buildings would be sited perpendicular to the southern end of Higham Road. The buildings are sited either side of a central access road with parking and turning areas surrounding.
- 9.27. The design of the buildings is consistent and typical of a modern commercial development comprising large areas of glazing with grey and black panelling in varying shades. The buildings are designed to be constructed with a mono pitched roof.
- 9.28. In terms of scale, the buildings would single storey in height and would be consistent with the scale of buildings already in existence within the locality most notably the other industrial style buildings within the proximity of the site.
- 9.29. The layout, scale and appearance of the proposed buildings are considered acceptable in the context.
- 9.30. The site is relatively constrained and as such the proposed landscape scheme for the site is minimal however some buffers are proposed along the main access road to shield some views from the flats to the north. The landscape scheme is considered to be consistent with the principles established within the residential development to the north with some trees and green spaces breaking up the developed parts of the site. Full details will be required by condition.
- 9.31. Boundary treatment information has not been submitted with the application and will also need to be conditioned.
- 9.32. Areas for cycle parking are shown along the access but details of the appearance of these areas (structures/boundary treatment) has not been submitted and will need to be conditioned.
- 9.33. The proposals are considered to be in accordance with policies ESD15 of the CLP 2031 Part 1 and C28 of the CLP 1996 as well as national planning policy set out within the NPPF in this regard.

Residential Amenity

Policy Context

- 9.34. Policy ESD15 of the CLP 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

- 9.35. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.

Assessment

- 9.36. The 9 new commercial units (1 less than previously refused application) would be located close to an existing residential area which extends to the north and east of the application site. The most potential for impact on residential amenity would be on 122-136 Marshall Road which is the southern most block of flats within the neighbouring residential area.
- 9.37. The previously refused application, as well as the originally submitted plans on this application showed two units in the northern corner of the site which would have come in close proximity to the block of flats which abut the shared boundary to this side. A further set of two units were proposed perpendicular to these flats with a break between them which contains space for a turning head and parking.
- 9.38. It was determined that the proposed units in the northern end of the site which would have been located closest to the neighbouring flats would clearly result in a harmful impact on the residential amenity of the occupants of the closest flats, which face southwards onto the proposed development, this would have come in the form of some loss of light and some loss of outlook, overbearing and dominating effects. The application was refused on this basis.
- 9.39. Amended plans were submitted during the lifetime of this application which removed Unit 8 from the plans, which was the northern most unit within the site and that which would have been situated closest to the neighbouring flats. The removal of this unit is considered to remove the potential harm to the flats in terms of loss of light, some loss of outlook, overbearing, and dominating.
- 9.40. The two units to the western side of the site have also been pulled away from the shared boundary which would also reduce the potential impact on the neighbouring flats.
- 9.41. The units as proposed are now considered to be of an appropriate scale for this site and would be lower in height than the neighbouring block of flats. It is noted that the existing boundary treatments already reduce light and outlook to these properties and it is not considered that the erection of the proposed units would cause additional harm given the removal of the closest unit and the separation that would result.
- 9.42. Having regard to the floor plan of the existing flats, the flats on the corner of the block have dual aspect living areas and whilst some light would be blocked from one window, sufficient light would still be able to reach the accommodation via the other windows and as such there would not be significant impact in this regard. Some of the other facing windows on the southern elevation of the flats serve bedrooms and some light would be blocked reaching these windows, but it is not considered that the industrial units would cause impact to the main living areas of these properties.
- 9.43. The design of the buildings has had regard for the amenity of neighbouring properties with a mono pitched roof meaning the units would be lower at the back which would face towards Marshall Road and thus would reduce their impact in terms of scale and overbearing.

- 9.44. At their nearest point, the proposed units would be approximately 10m away from the adjacent flats, which would also reduce any impact felt and would provide an appropriate buffer between residential and commercial uses.
- 9.45. Concerns have been raised by commenters on the application regarding noise and other nuisances arising from the potential uses at the commercial units. Since the previous application, the applicants have removed the proposed B2 uses from the site, which could have included heavy manufacturing, assembly, and repairs. The removal of these potentially more harmful uses close to a residential area is considered to be a further improvement beyond the previously refused application. The proposed B8 and E class uses are all ones generally considered to be acceptable alongside residential properties.
- 9.46. CDC Environmental Officers have been consulted on the application and raised no objections to the scheme. Regard was had to the fact that the locality is already a mixed use area with existing industrial uses at Grundon as well as the neighbouring train station. They considered that as the units would face inwards towards the site and away from neighbouring residential uses that any harm caused would not be significantly greater than the existing situation in the locality.
- 9.47. Conditions have also been suggested which would restrict the operational hours of any intrusive uses at the site to minimise impact on the neighbouring occupants.
- 9.48. Given the lack of objections, it is considered that the development would not cause significant levels of harm to the amenity of nearby occupiers in terms of Noise, Light, Air Quality or Odour and would be acceptable in this respect subject to conditions.

Contaminated Land

- 9.49. CDC Environmental Officers raised no objections in principle with regards to contaminated land though conditions are required to ensure any contamination is identified and remedial works undertaken prior to the commencement of the development.

Ecology Impact

Legislative context

- 9.50. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.51. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.52. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders,

prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.53. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.54. The Regulations require competent authorities to consider or review planning permission, applied for, or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.55. Paragraph 180 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.

9.56. Paragraph 186 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.

9.57. Paragraph 191 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.

9.58. Policy ESD10 of the Cherwell Local Plan 2015 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.

- 9.59. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.60. 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.
- 9.61. 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.

Assessment

- 9.62. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.63. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site has been cleared and currently consists of rubble piles. There are a number of trees close by and in the boundary of the site which would not be affected by proposals. There are no buildings to be removed or altered due to the proposed development.
- 9.64. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 9.65. CDC Ecology Officers were consulted on the application and whilst they had no objections in principle conditions were suggested to ensure that construction does not cause harm to any existing species or biodiversity within the site. Ecology

Officers were generally satisfied with the inclusion of new trees and grassland areas within the development to count towards BNG.

- 9.66. It is also noted that the application would be subject to the statutory BNG Condition which will need to be discharged prior to the commencement of the development. Whilst some on site habitat is proposed, the site will ultimately achieve a net gain through the purchase of off site units from a third party provider. This is generally acceptable if permission is granted.

Conclusion

- 9.67. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2031 Part 1 subject to further details being approved through conditions.

Flood Risk and Drainage

Policy Context

- 9.68. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.69. No objections were raised to the current application by the LLFA. Conditions are recommended to ensure that the development is carried out to the satisfaction of the LLFA.

Conclusion

- 9.70. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1.

Energy Efficiency and Sustainability

Policy Context

- 9.71. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 1,000sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.

- 9.72. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

Assessment

- 9.73. The application does not include an Energy or Sustainability Statement to address how the development will seek to comply with Building Regulations and Policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good' standard.

- 9.74. Given the type of development proposed and limited constraints on the site, it is considered that there would be reasonable opportunities for the development to

incorporate improvements to the building fabric and the installation of high efficiency equipment to secure environmental improvements to the built form in addition to the utilisation of renewable energy sources such as solar panels and Air Source Heat Pumps.

- 9.75. A condition will be imposed to secure the submission of an Energy Strategy for the proposed buildings and the achievement of BREEAM 'Very Good' standard.

Conclusion

- 9.76. Subject to the imposition of suitable conditions requiring the submission of an Energy Strategy, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. 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.
- 10.2. Whilst the site was originally allocated for housing, no such proposals have been forthcoming since a withdrawn application in 2016. The site itself generally consistent with the overall objectives of the adopted Cherwell Local Plan and a previously developed site. The emerging local plan does allocate the site for employment development.
- 10.3. It is considered that the proposal would demonstrate a sustainable development with the proposed application site being located close to sites of a similar nature. The development would not cause harm to the local highway network, wider landscape, or flood risk. It is considered that the proposal would not have any significant impact on the amenity of the occupiers of the flats to the north of the site, any harm identified can be mitigated through appropriately worded conditions and so not outweigh the benefits of the proposal. Commercial developments of this kind are located close to the most sustainable locations within the district and Banbury has many other examples of similar developments within the locality and as such can accommodate a development of this size.
- 10.4. The plans demonstrate the site can accommodate the level of development suggested within the application and would be appropriately designed to respond to the existing character and appearance of the area.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, SUBJECT TO

- i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS**

DEEMED NECESSARY):

- **Highway Works – Towards the implementation of the eastern active travel corridor scheme - £103,302**

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 5th June 2026 IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR - PLANNING IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate sustainable travel connectivity required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1, paragraph 110(e) of the National Planning Policy Framework and Oxfordshire County Council's Local Transport and Connectivity Plan 2022-2050.

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 form and following approved plans:

- 3414/08 – Proposed Site Plan
- 3414/05 – Units 1-6 Plan and elevations
- 3415/10 – Unit 7 Plan and elevations
- 3415/11 – Units 8-9 Plan and elevations

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.

Highways

3. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage, and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be

constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

6. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

Sustainable Drainage

7. The approved drainage system shall be implemented in accordance with the approved documents prior to the use of the building commencing:
 - Floor Risk Assessment and Drainage Strategy
 - Ref: FRA SUDS SBK-24-220-P01: September 2024
 - Appendix 1 – Location Plan and Aerial View
 - Appendix 2 – Topographical Survey
 - Appendix 3 – Masterplan
 - Appendix 4 – Sewer Records and Thames Water Correspondence
 - Appendix 5 – Planning Policy
 - Appendix 6 – Drainage Strategy Drawings
 - Appendix 7 – Hydraulic Calculations
 - Appendix 8 - EA Product 4 Data

Reason: To ensure that the principles of sustainable drainage are incorporated

into this proposal.

8. 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 in both .pdf and .shp file format;
 - 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 any appointed management company information

Ecology

9. No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:
 - a non-technical summary
 - the roles and responsibilities of the people or organisation(s) delivering the HMMP
 - the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
 - the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
 - the monitoring methodology and frequency in respect of the created or enhanced habitat

Notice in writing shall be given to the local planning authority when the:

- HMMP has been implemented
- habitat creation and enhancement work as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority.

Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

10. No development shall commence above slab level until a method statement for enhancing bats, birds, invertebrates, and mammals has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full 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 Part 1 and government guidance contained within the National Planning Policy Framework

Environmental Protection

11. The development shall not be occupied until the remedial works have been carried out in accordance with the approved remediation strategy. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

12. 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

13. For each individual unit all plant, machinery, and equipment to be used by reason of the granting of this permission shall be so installed, maintained, and operated so as to ensure that the rating noise level from the equipment shall be at least 10dBA below the pre-existing background noise level (dBLA90) when measured at the nearest noise sensitive premises/site boundary. Measurements and rating of noise for the purpose of this condition shall be in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates).

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

14. No vehicle repairs or other activity connected with the use hereby permitted except loading/unloading shall be carried out other than within the building(s) unless otherwise previously approved in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

15. The operational use of the premises shall be restricted to the following times:

- Monday - Friday: 07:00hrs – 18:00hrs
- Saturdays: 08:30hrs - 17:00hrs

- Sundays, Bank and Public Holidays: No time.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

16. No deliveries or collections shall be made to the site outside the following times:

- Monday - Saturday: 23:00hours to 07:00 hours the following day.
- Sundays, Bank and Public Holidays: No time.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

17. Prior to the erection, installation, fixing, placement, and/or operation of any external lighting on the site (including on the buildings itself), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction, and cowling of all external lights to the building(s)] and other parts of the application site and the hours at which such lighting is to be operated. This scheme shall ensure that light trespass into the windows of any light sensitive premises shall not have a Vertical Illuminance greater than 10 Lux pre-curfew, and 2 Lux post-curfew (in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01/2011).

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Efficiency

19. The development hereby permitted shall be constructed to at least a BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with government guidance contained within the National Planning Policy Framework.

Landscaping

20. No development shall commence above slab level until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme shall include:

- details of the proposed tree and shrub planting including their species, number, sizes, and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
- 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,
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas, and steps.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation or use of the development and shall be retained as such thereafter.

All planting, seeding, or turfing included in the approved details of landscaping shall be carried out 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,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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 next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

21. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development hereby approved. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Use Class Restriction

22. The premises shall be used for Use Classes B8, Eg(i), Eg(ii) and Eg(iii) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the visual amenities of the area and protect the amenities of nearby residents in accordance with Policy ESD15 of the Cherwell Local Plan

2011-2031 Part 1, saved Policies C28 and C31 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Lewis Knox

25/01300/F

Agenda Item 11

VPK Packaging
Beaumont Road
Banbury

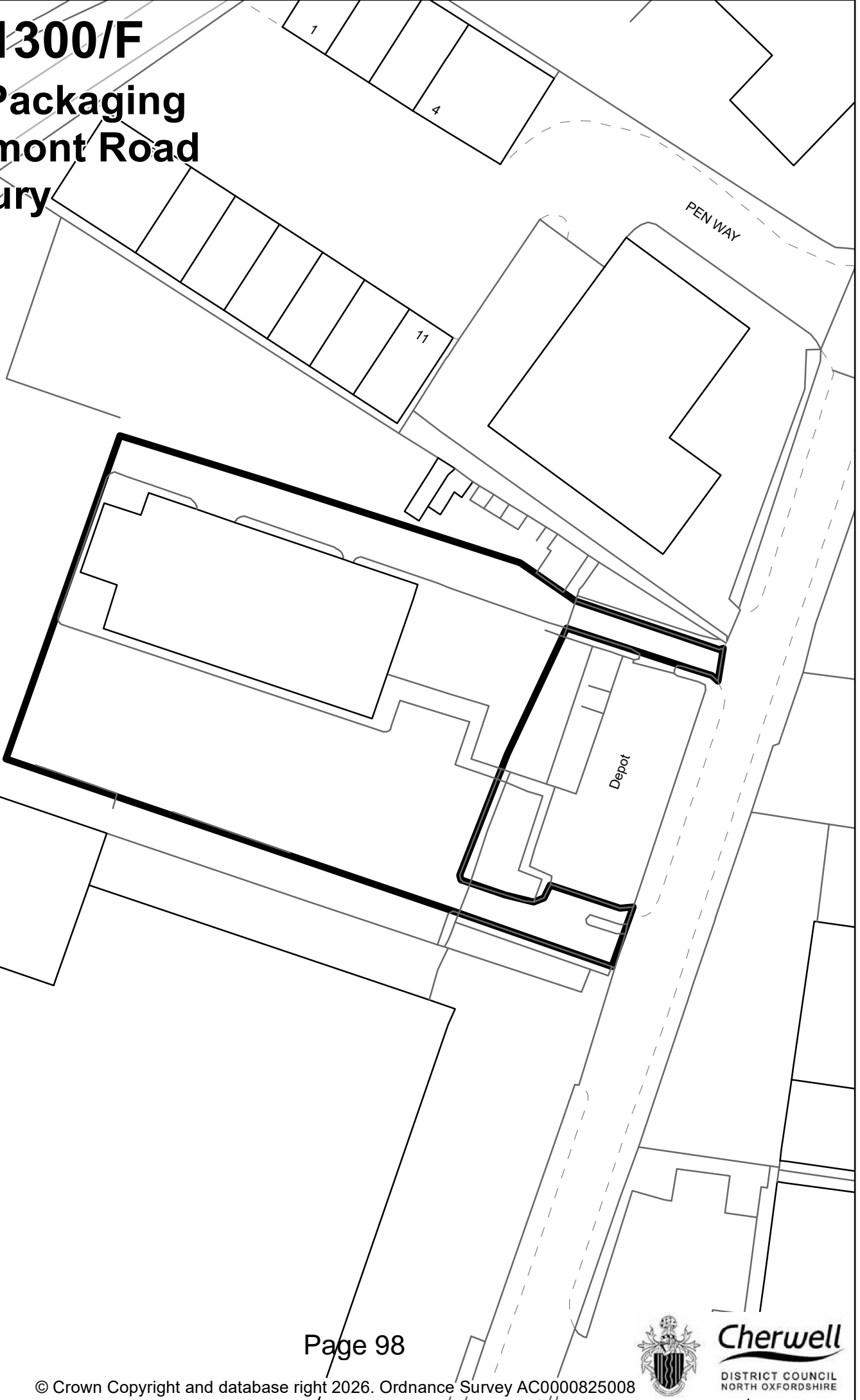


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25/01300/F

**VPK Packaging
Beaumont Road
Banbury**

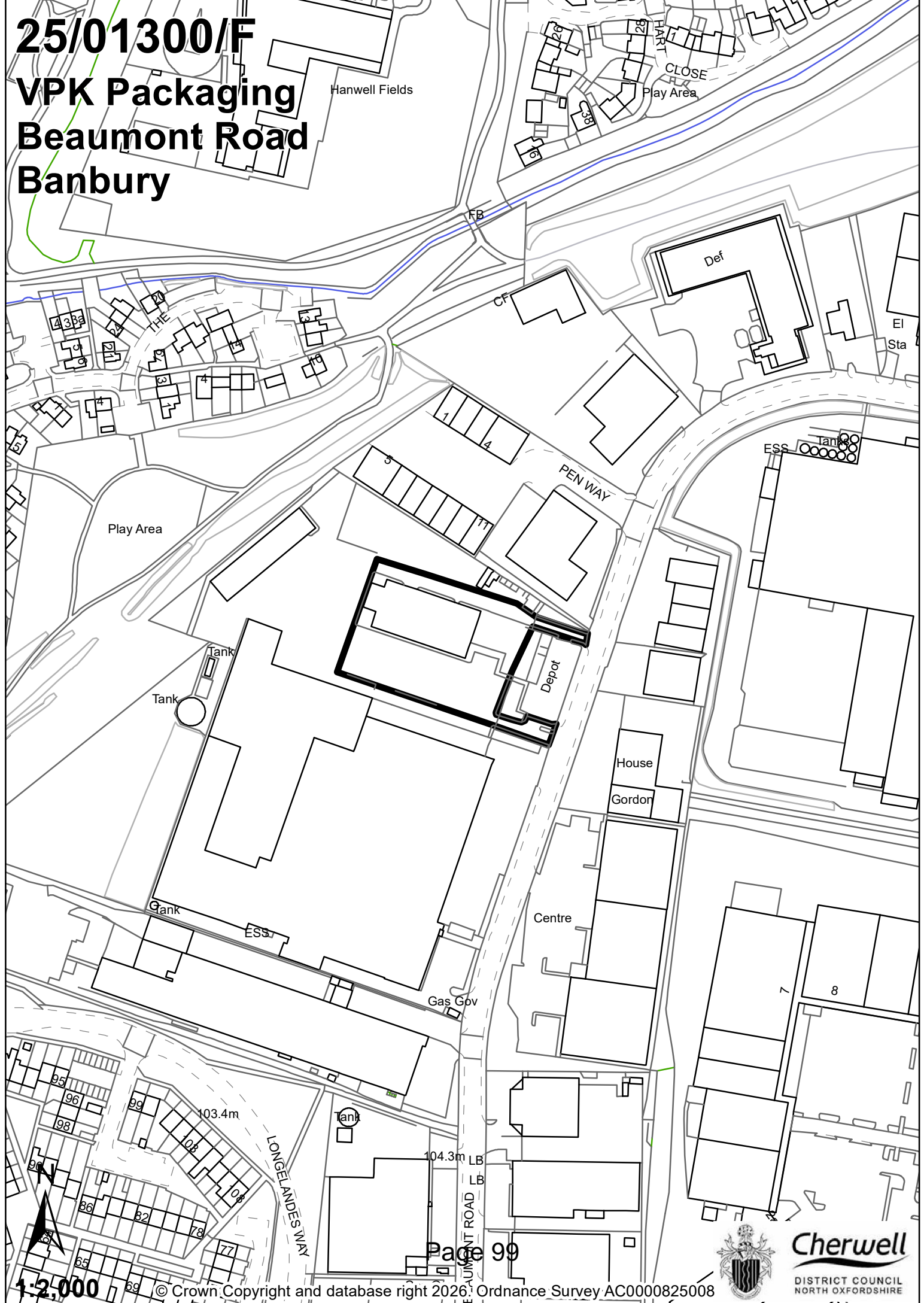


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25/01300/F

VPK Packaging Beaumont Road Banbury



Case Officer: Lewis Knox

Applicant: VPK Group

Proposal: Replacement of existing single storey storage facility with a new storage building with covered loading area

Ward: Banbury Cross And Neithrop

Councillors: Councillor Fiaz Ahmed, Councillor Becky Clarke, Councillor Yvonne Greene

Reason for Referral: Major development of over 1,000sqm floor space created.

Expiry Date: 22 January 2026

Committee Date: 4 June 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site forms part of the Beaumont Industrial Estate and contains an existing single-storey building that is proposed to be demolished as part of this application. The area surrounding the existing building is predominantly a hard standing surface and the site formerly contained a large office building that was previously demolished.
- 1.2. Adjoining the site to the south is the existing main building of the VPK Group, which is a large warehouse and office building of brick construction, with a significant portion of its front elevation being metal clad.
- 1.3. To the front of the application site are some large mature trees. Whilst these trees are not subject to a Tree Preservation Order (TPO), they nevertheless provide significant visual amenity to the street scene and soften the predominant industrial character of the site and surroundings.
- 1.4. Buildings surrounding the application site are typically of a utilitarian design that favours function over design. The prevailing industrial vernacular consists of box-like buildings, with hardstanding at the front to accommodate vehicle parking and interspersed with some vegetation.

2. CONSTRAINTS

- 2.1. The application site is within the Beaumont Industrial Estate, which forms part of an Existing Strategic Employment Site. There are no existing heritage assets near to or around the application site, however it is noted that to the rear of the site is the Banbury Circular Walk/Oxford Canal Trail, that forms part of Existing Green Space and a Conservation Target Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed development involves the demolition of existing buildings and the construction of a replacement single-storey storage building with covered loading area.

4. RELEVANT PLANNING HISTORY

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

02/02334/FUL – Extension to accommodate covered loading area, relocated corrugator line and bale store – Permitted

21/01937/F – Extension to form covered loading bay - Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with respect 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. The final date for comments was **3 July 2025**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. No comments have been raised by third parties.

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.

- 7.2. BANBURY TOWN COUNCIL: **Support** – no objections.

- 7.3. THAMES VALLEY POLICE – **No objection**. It is recommended that the applicants consult the guidance of Secure by Design – Non-Residential 2025 and incorporate the guidance contained within this document into the detailed specification of the building to ensure appropriate levels of security are provided to minimise the risk of crime.

- 7.4. CDC BUILDING CONTROL – **No objection**. There is insufficient information provided that this stage for Building Control to make any specific comments, other than that an application should be submitted a Building Control body for approval.

- 7.5. OCC TRANSPORT AND HIGHWAYS – **No objection, subject to conditions**. The proposal will reduce the number of vehicle trips. The storage unit is considered ancillary to the existing use. Access is gained from Beaumont Road with good visibility in both directions. The site layout plan demonstrates that adequate swept paths to allow for effective manoeuvrability within the site.

- 7.6. The existing provision of car parking on the site provides adequate capacity to accommodate potential increased demand. Conditions requested relate to cycle parking provision and the submission of a Construction Traffic Management Plan (CTMP).
- 7.7. OCC LEAD LOCAL FLOOD AUTHORITY – Initial **Objection**. Subsequent amended information submitted by applicant but not commented on by the LLFA is considered acceptable by CDC Planning Officers to address the initial LLFA concerns.
- 7.8. OCC ARCHAEOLOGY – **No comment**.
- 7.9. CDC ENVIRONMENTAL HEALTH – **No comments** in relation to noise, contaminated land, air quality, odour, or light.
- 7.10. THAMES WATER – A Groundwater Risk Management Permit from Thames Water will be required for discharging ground water to a public sewer. **No objection** in relation to wastewater and sewage treatment infrastructure capacity.

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 on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced several 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)

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- Policy ESD 2 – Energy Hierarchy and Allowable Solutions
- Policy ESD 3 – Sustainable Construction
- Policy ESD 5 – Renewable Energy
- Policy ESD 6 – Sustainable Flood Risk Management
- Policy ESD 7 – Sustainable Drainage Systems (SuDs)
- Policy ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design, and external appearance of new development

DRAFT REVIEW CHERWELL LOCAL PLAN 2042 (only limited weight)

- LEC 1 – Meeting Business and Employment Needs
- LEC 2 – Development at Existing Employment Sites

- 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

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
- Ecology impact
- Flooding
- Transport and Highways Impacts

Principle of Development

Policy Context

9.2. Policy SLE 1 of the Cherwell Local Plan 2015 states that in cases where planning permission is required, existing employment sites should be retained for employment uses unless relevant criteria has been met. It continues to state that employment proposals will be supported if they are (a) within the built up limits of the settlement, (b) outside the Green Belt unless VSC apply, (c) make efficient use of previously developed land, (d) make efficient use of existing and underused sites and premises increasing the intensity of use on sites, (e) have good access, (f) meet high design standards, particularly sustainable construction methods and respect the character of its surrounding and (g) do not have an adverse impact on surrounding land uses, residents or the environment.

9.3. Policy LEC 1 of the Draft Cherwell Local Plan 2042 states that employment and business development will be supported on allocated sites where it meets the requirements set out within the Area Strategies.

9.4. Policy LEC 2 of the Draft Cherwell Local Plan 2042 states that employment development on allocated sites will be type of employment development specified. Proposals for use classes other than B2, B8 or E(g) on allocated/saved or existing employment sites must demonstrate that the site has been marketed for planned or existing permitted employment use for a minimum period of 12 months and has remained unsold or un-let or that premises have been vacant in the long term.

Assessment

9.5. It should be noted that the proposed development does not involve a change of use of the site. The existing site has an existing storage building that does not have adequate capacity to accommodate the storage needs of finished goods of the occupier. This results in a current need for the occupier to rent off-site storage, which is increasingly impractical to existing business operations and results in an increase in vehicle movements to transport goods between the site and the off-site storage facility. The proposal would increase the storage capacity for finished goods from 1,000 to 3,000 items.

9.6. The proposed development would therefore result in the development retaining its existing ancillary B8 use, which is a conforming use within an Existing Strategic Employment Site. It would have the added benefit of increasing the efficiency of an

established enterprise and employer within Banbury and make effective use of an existing and underutilised site, in accordance with the requirements of Policy SLE1 of CLP2015. Existing access arrangements would be retained unchanged and would enable the existing operation to increase capacity three-fold with no discernible impact on local amenity or character.

Conclusion

- 9.7. The principle of development is wholly acceptable and would meet the objectives of Policy SLE 1 of the CLP2015 and Policies LEC 1 and LEC 2 of the Draft Cherwell Local Plan 2042.

Design and Impact on the Character of the Area

Policy Context

- 9.8. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high standards and complementing any nearby heritage assets.
- 9.9. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.10. Section 12 of the NPPF is clear that good design is fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *Are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; and*
 - *Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.*

Assessment

- 9.11. The existing storage building that is proposed to be demolished as part of this proposal has a generally regular shape. The total footprint of the existing building is measured at approximately 1,059sqm. The existing structure is predominantly metallic, with a flat roof and with small openings to provide access. The structure is surrounded by hardstandings, with HGV parking areas, stacked pallets, and other ancillary buildings. The existing building has no significant architectural merit, and its removal raises no design concerns.
- 9.12. The proposed building would have a conventional rectangular shape, with a length of 65m and a width of 35m. A smaller covered area would be attached to the flank elevation of the main structure with a length of 20m and a width of 8.5m. This creates a total floor area of 2,445sqm. This represents an increase in floor area between the existing and proposed structures of 1,386sqm, or more than double the size of the existing building.

- 9.13. A significant part of the additional floorspace being created is through extending the footprint wider than the existing building, whilst maintaining a similar setback from the street. The wider part of the building would sit behind existing mature trees retained at the front of the property, providing significant screening of the existing structure. The structure would be constructed in a similar manner to the existing building consisting of an aluminium frame and steel reinforcements.
- 9.14. Whilst the proposed structure also has limited architectural merit, it is a highly functional design, that will increase the storage capacity for the business and make best use of an existing development site. Its layout, form and appearance are commensurate with the prevailing pattern of development within the area and would replace a building that its showing signs of weathering and deterioration.
- 9.15. It should be noted that a key element of the design is to minimise internal condensation and enhance thermal insulation, as the existing structure does not provide a temperature-managed environment for finished products that are stored. The proposal to provide 60mm thick sandwich panels and a thermo-insulated PVC roof would significantly improve on the existing situation. The proposal would therefore provide improved sustainability credentials. The applicant has noted that they have considered the provision of solar panels and other renewable energy options, however at this stage, this has been discounted but is under review by the applicant as part of a site-wide improvement plan. Given the ancillary nature of the structure, improved insulation, and its use primarily for storage, the energy needs of the development are likely to be minimal.

Conclusion

- 9.16. The proposed design is considered to fully optimise the site, would integrate well with its surroundings, and reflects local architectural distinctiveness and the industrial vernacular of the established built form. The proposal is considered to comply with Policy ESD15 of CLP2015, Saved Policies C28 and C30 of the CLP1996 and the NPPF.

Ecology Impact

Legislative context

- 9.17. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.18. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.19. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may

proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.20. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.21. The Regulations require competent authorities to consider or review planning permission, applied for, or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.22. Paragraph 180 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.

9.23. Paragraph 186 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.

9.24. Paragraph 191 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.

9.25. Policy ESD10 of the Cherwell Local Plan 2015 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.

- 9.26. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.27. These policies are both supported by national policy in the NPPF and, 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.
- 9.28. 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.

Assessment

- 9.29. The Council's Ecology Officer has reviewed the proposed development and noted the existence of trees at the front of the site. Confirmation was sought as to whether the trees would be impacted by the proposed development. It was confirmed that the trees fall outside the application site boundary and given the spatial separation of the proposed building from these trees, at approximately 11-12 metres, it is unlikely that the proposal would result in any harm to these existing trees. It is, however, considered to be prudent to impose a condition requiring tree protection measures to be implemented during construction.
- 9.30. The applicant made an assessment within their submission that they consider that the proposal qualifies for the BNG *de minimis* exemption as the proposal does not impact priority habitats, impacts less than 25sqm of non-priority on-site habitat and impacts less than 5m of non-priority linear habitats. This has been reviewed by the Ecology Officer, who has confirmed that the proposed development would be subject to the *de minimis* exemption from statutory BNG requirements.
- 9.31. However, it must be noted that Policy ESD10 of the CLP 2031 does require the protection and enhancement of biodiversity within new proposals. As such it is considered that a condition for the submission of a Biodiversity Enhancement plan should be included on any permission which would demonstrate how the development will deliver a net gain for biodiversity, in line with the Cherwell Local Plan and the NPPF. Enhancements could include the installation and maintenance of features such as bird and bat bricks, insect hotels, and other habitat features.
- 9.32. Informatives relating to Bats, Nesting Birds and Badgers will also be added to any decision to ensure the applicants are aware of the legal protection afforded to these species if they are encountered during development.

Conclusion

- 9.33. Officers are satisfied that the development does not meet the criteria for Statutory BNG and is therefore subject to the *de minimis* exemption. That said biodiversity enhancement is required as part of the Cherwell Local Plan Policies and the NPPF.

There are no objections to the proposals in terms of their impact on ecology subject to the biodiversity enhancement condition suggested by the ecology officer.

9.34. Flood Risk and Drainage

Policy Context

- 9.35. 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.
- 9.36. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.37. The Sustainable Drainage Systems (SuDS) Policy, which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff, they are required to provide water quality, biodiversity, and amenity benefits in line with National Guidance. The Sustainable Drainage Systems (SuDS) Policy also implemented changes to the Town and Country Planning (Development Management Procedure) (England) Order 2010 to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.
- 9.38. The NPPF (Dec 2024) provides specific principles on flood risk (Section 14, from page 45). The NPPG provides further advice to ensure new development will come forward in line with the NPPF.
- 9.39. The non-statutory technical standards for sustainable drainage systems were produced to provide initial principles to ensure developments provide SuDS in line with the NPPF and NPPG. Oxfordshire County Council have published the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire" to assist developers in the design of all surface water drainage systems, and to support Local Planning Authorities in considering drainage proposals for new development in Oxfordshire. The guide sets out the standards that we apply in assessing all surface water drainage proposals to ensure they are in line with National legislation and guidance, as well as local requirements.
- 9.40. The SuDS philosophy and concepts within the Oxfordshire guidance are based upon and derived from the CIRIA SuDS Manual (C753), and we expect all development to come forward in line with these principles.

Assessment

- 9.41. Oxfordshire County Council as the Lead Local Flood Authority were consulted on the application and initially objected on the grounds that insufficient information had been submitted with the application to determine the acceptability of any drainage strategies at the site.
- 9.42. The information which was required included:

- Drainage strategy drawing to be provided, clearly showing the proposals and how surface water will be discharged.
 - Surface water catchment plan to be provided illustrating the impermeable area before and after development.
 - FRA to be provided, should the development be in flood zone 2&3 or greater than 1ha in flood zone 1.
 - Condition of existing drainage system to be confirmed in order to be able to take the new development. A survey to be conducted and any remedial works to be identified as part of the existing drainage system.
- 9.43. A drainage technical note which included information relating to the LLFA's request was subsequently submitted. At this stage, the LLFA maintained their objection citing deficiencies in the submitted technical note and that not all the information which was requested had been supplied.
- 9.44. Officers consider that this information had been submitted within the appendices of the revised technical note and that we are satisfied that a suitable and well thought out sustainable drainage strategy has now been provided for the site and as such it is not likely to cause any harmful impact on the locality in respect of flood risk or surface water run-off. Given that there were no other technical objections to the approach taken to sustainable drainage at the site and the fact the site is not located within a high risk flood zone, officers are content with the information provided.
- 9.45. A condition would be applied to any consent which requires the development to be carried out strictly in accordance with the submitted drainage details.

Transport and Highway Impact

Policy Context

- 9.44. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development

Assessment

- 9.46. The proposals seek to replace the existing storage facility on site with a larger, more efficient store capable of increasing storage capacity from 1000 units to 3000 units. The Planning Statement outlines that currently; vehicles are required move products to offsite storage units. It is agreed that the proposed store will reduce the number of vehicle trips associated with transportation to external storage units. It is also agreed, given the storage unit is ancillary to the existing use, the proposed development is unlikely to significantly increased trip generation from the development site.
- 9.47. Access to the site is gained via existing points onto Beaumont Road, with good visibility in both directions. OCC consider the access points serving the proposed development acceptable.
- 9.48. The submitted swept path analysis demonstrates that there is a suitable area in which large vehicles can manoeuvre on site in order to leave the site in forward gear.
- 9.49. The proposed development increases the internal floor space on site by 1386sqm for B8 storage use. The site now has a total of 2445sqm of internal floor space.

OCC's Parking Standards for New Developments document states that a provision of 1 space per 300sqm is suitable for B8 uses. The existing provision on site is capable of providing an adequate provision of parking and mitigation against the risk of parking overspill from the development.

- 9.50. New developments should incorporate cycle parking infrastructure to encourage and facilitate alternative and sustainable modes of transport for employees and visitors of the site. The requirements for B8 storage are 1 space per 250sqm for staff and 1 space per 500 sqm for visitors. The additional internal floorspace therefore permits a provision of 8 cycle spaces. Details and compliance of cycle parking will be secured by a suitably worded condition.

Conclusion

- 9.51. Oxfordshire County Council raised no objections to the proposals subject to conditions. Officers see no reason to differ from these conclusions. As such it is considered that the development would have an acceptable impact on the safety of the local highway network and sufficient parking would be provided within the site. As such the proposals are acceptable in respect to their impact on the local road infrastructure.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. It is considered that the proposal would demonstrate a sustainable development with the proposed application site being located close to sites of a similar nature. The development would not cause harm to the local highway network, wider landscape, or flood risk. It is considered that the proposal would have no impact on the amenity of the occupiers of the dwellings to the west of the site. Commercial developments of this kind are located close to the most sustainable locations within the district and Banbury has many other examples of similar developments within the locality and as such can accommodate a development of this size.
- 10.2. The plans demonstrate the site can accommodate the level of development suggested within the application and would be appropriately designed to respond to the existing character and appearance of the area.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, 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 form and following approved plans:

PP01 Issue 01 – Proposed Block Plan
001 Rev 001 – Proposed Elevations and Plan
LP01 Rev A Issue 01 – Location Plan
FCL0463-01 – Swept Path Analysis

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.

Sustainable Drainage

3. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with approved details as detailed within Drainage Strategy Technical Note dated January 2026 Issue No 01 and associated appendices. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Materials

4. No development shall commence above slab level until a schedule of materials and finishes to be used in the external walls and roofs of the dwellings has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

Highways

5. Prior to the first use or occupation of the development hereby permitted, access to and details of covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details;

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure, and local residents, particularly at morning and afternoon peak traffic times

7. No development shall commence above slab level until a plan detailing the proposed parking, manoeuvring, loading, and unloading areas for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and approved in writing by the local planning authority. The approved parking manoeuvring, loading, and unloading provision shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking [turning/loading/unloading] spaces shall be retained for the parking [turning/loading/unloading] of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

Ecology

8. No development shall commence above slab level until a method statement for enhancing biodiversity at the site, including birds, bats, insects, and native planting has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full 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 Part 1 and government guidance contained within the National Planning Policy Framework.

Other Details

9. Prior to the first use of the development hereby approved details of the external lighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of development above slab level a plan detailing

the hard landscaping within the site including surface materials and boundary treatments shall be submitted to and approved in writing by the by the local planning authority. The hard landscaping scheme approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

Reason: To safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

Informatives

1. Bats: Developers and contractors are reminded of the legal protection afforded to bats and their roosts under the Conservation of Habitats and Species Regulations 2017 (as amended). In the unlikely event that bats are encountered during works, all activity must cease immediately, and advice should be sought from a qualified ecologist.
2. Nesting Birds: Developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). If nesting birds are discovered during implementation, works must stop and advice sought from a suitably qualified ecologist. The nest must remain undisturbed until the young have fledged.
3. Badgers: Developers are reminded of the legal protection afforded to badgers under the Protection of Badgers Act 1992. During construction, any excavations or pipes should be covered overnight, and escape routes provided. If badgers or signs of badgers are encountered, works must stop and advice sought from a suitably qualified ecologist.

CASE OFFICER: Lewis Knox

Agenda Item 12
25/02215/CDC

Unit 14

Expeditionary Road

Ambrosden

OX25 2EJ



1:2,000



25/02215/CDC

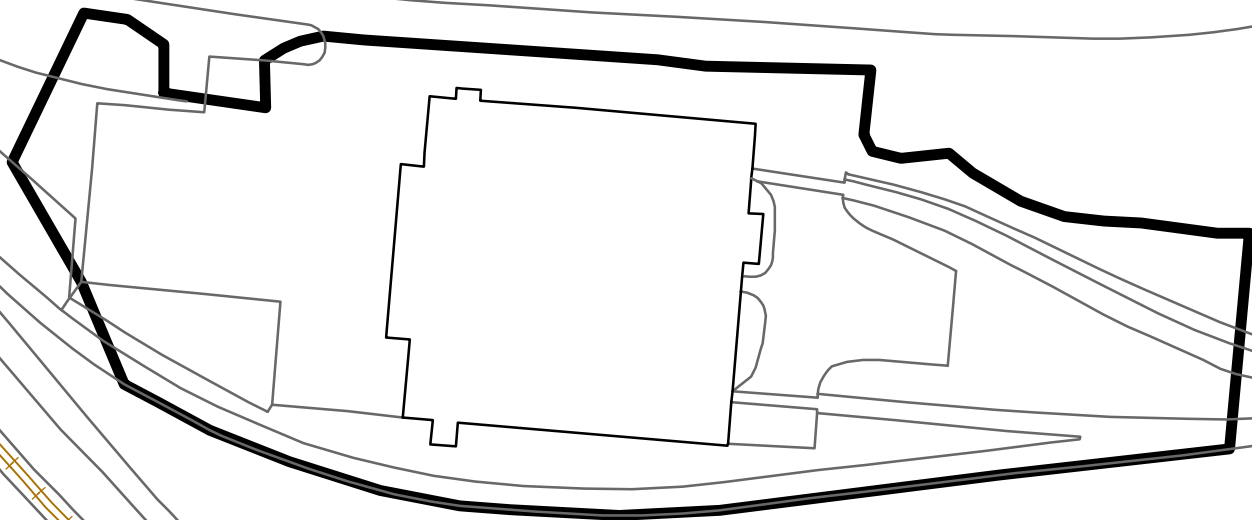
Unit 14

Expeditionary Road

Ambrosden

OX25 2EJ

75.7m



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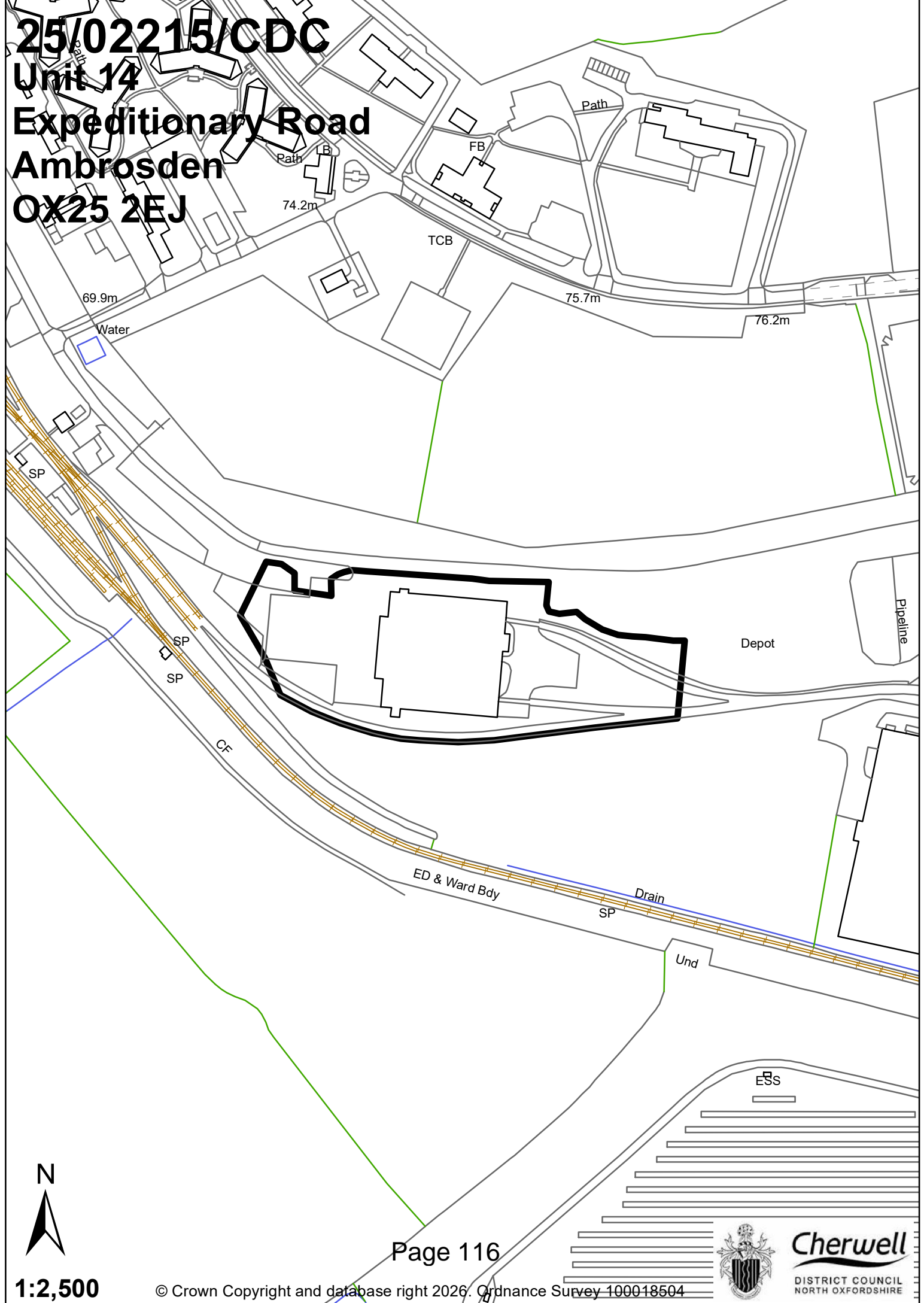
25/02215/CDC

Unit 14

Expeditionary Road

Ambrosden

OX25 2EJ



1:2,500



Case Officer: Emma Whitley

Applicant: Cherwell District Council

Proposal: Change of Use from Class B8 to mixed uses including operational waste depot (sui generis), storage and distribution (B8), MOT station, and HGV workshop (B2), and supporting office space and welfare facilities (Ancillary E). Demolition of single storey elements of building and alterations to openings, provision of hardstanding and internal access roads and gate, plant space, signage, solar PV on roof and associated hard and soft landscaping works

Ward: Bicester South And Ambrosden

Councillors: Councillor Nick Cotter, Councillor Frank Ideh and Councillor Chris Pruden

Reason for Referral: Major development, Cherwell District Council Proposal

Expiry Date: 08 June 2026

Committee Date: 04 June 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to 'Building D8' of the previously known complex of warehouses (formerly known as the 'D' Site), which was part of the Logistics, Commodities and Services (LCS), formerly known as Defence Storage and Distribution Agency (DSDA) logistics hub. The site contains a large warehouse building and areas of hardstanding, parts of which were previously railway tracks.
- 1.2. Located south of Bicester, the site is within close proximity to St. David's Barracks and within the southern part of the Graven Hill development site. The red line site area represents part of the Council's ownership with the wider site (within the blue line) also including the adjacent woodland and a veteran tree. Expeditionary Road bounds the site to the north and connects a cluster of industrial buildings to the north and south of the Graven Hill site. The land to the north and east is the wider 'D' site granted planning permission under 22/01829/OUT for B8 uses.
- 1.3. There are some distinct level changes across the site; with a raised area of hardstanding to the rear of the site, which falls away towards the woodland site, quite sharply.

2. CONSTRAINTS

- 2.1. The application site is within the area allocated in the adopted Local Plan (Bicester 2) as a strategic site for mixed use development, with Graven Hill itself proposed to remain as an open space to be utilised for public access. Policy Bicester 2 identified the site as a brownfield site. The site lies in an area of archaeological interest and

potential. There is an overarching archaeological written scheme of investigation which covers the entire Graven Hill site. The site lies within a protected species buffer for Great Crested Newts (GCN) and is within an area of potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the change of use of the warehouse and land from storage and distribution (Use Class B8) to mixed uses to include operational waste depot (Sui Generis), storage and distribution (B8), MOT station, and HGV workshop (B2), and supporting office space and welfare facilities (ancillary Class E). Permission is also sought for the demolition of single storey elements of the building, alterations to the existing openings, provision of hardstanding and alterations to the existing hardstanding, plant space, signage, solar photovoltaics to the roof and associated hard and soft landscaping.

4. RELEVANT PLANNING HISTORY

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

Application: 21/03749/F Permitted 22 March 2022

Variation of condition 2 (plans) of 19/00937/OUT - The submitted proposals show the relocation of the Community Centre, Extra Care Facility, Nursery and Pub, as explained in the submission. The masterplan is amended to include these proposals, and excludes the employment land, for clarity

Application: 24/00251/CDC Permitted 26 March 2024

New security fence to the vehicle parking areas

Application 22/01829/OUT Permitted 10 October 2023

'Outline (fixing 'Access' only) – redevelopment of Graven Hill D1 Site, including demolition of existing buildings, development of B8 'Storage or Distribution' use comprising up to 104,008 sq. m (GIA), creation of open space and associated highway works, ground works, sustainable drainage systems, services infrastructure, and associated works.' A reserved matters application is under consideration currently with reference 25/03310/REM.

Application 25/01768/HYBRID Under Consideration

Hybrid planning application comprising:

- Outline planning permission (with all matters reserved apart from access) for the development of up to 1,295 residential units (up to 1,235 homes (Use Class C3) and up to a 60-bed extra care facility) and supporting infrastructure, a pub / restaurant up to 1,000sqm, and associated parking areas, access, allotments, and public open space; and
- Full planning permission for the development of 34 residential units (Use Class C3) and associated parking areas, access, and public open space.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

Application: 25/00023/PREAPP

- 5.2. It was not possible to reach a view as insufficient information was provided. That being said, Officers considered that the proposal for storage and distribution of spare bins, storage of fuel and vehicles, provision of an MOT station for small vehicles and ancillary office and welfare facilities in connection with the above uses was likely to be considered acceptable in principle.

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. The final date for comments was **29 April 2026**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

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.
- 7.2. BICESTER TOWN COUNCIL: **no comments or objections** received at the time of drafting the report.
- 7.3. GRAVEN HILL RESIDENTS' ASSOCIATION – **no objection in principle but comments** that there are elements of the proposal which we request CDC consider conditions relating to the development. The description of development is somewhat loose and does not include reference to storage or transfer of waste in bulk – this should be clarified. BNG proposals should be explicit in the application and required through a Section 106 agreement at a specific site adjacent to Graven Hill.
- 7.4. LANGFORD VILLAGE COMMUNITY ASSOCIATION: **no comments or objections** received at the time of drafting the report.
- 7.5. ARBORICULTURE (Aspect Arboriculture): **no objection**.
- 7.6. ARCHAEOLOGY (OCC): **no objection** – subject to conditions (watching brief).
- 7.7. BUILDING CONTROL: **comments** that Building Regulations application will be required, consultation to the fire service required and additional fire exits may be required.
- 7.8. CPRE: **no comments or objections** received at the time of drafting the report.

- 7.9. ECOLOGY (CDC):
1 October 2025: **holding objection – more information required** (relating to the BNG assessment).

20 March 2026: **no objections**. BNG Metric wording error needs to be amended. Off-site BNG to be provided.

13 May 2026: confirmed the metric no longer shows an error. No further objections to this application.
- 7.10. ECONOMIC GROWTH (CDC): **no comments or objections** received at the time of drafting the report.
- 7.11. ENVIRONMENTAL HEALTH (CDC): **no objections, comments:**
Noise
No comments.

Air Quality
No comments.

Contaminated Land
The findings of the Phase 1 Geo-Environmental Desk Study are accepted. An intrusive investigation is required as recommended in the report. It is therefore recommended that a series of conditions be attached to any consent granted.

Odour
No comments.

Light
No comments.
- 7.12. FIRE SERVICE (OXFORDSHIRE): **no comments or objections** received at the time of drafting the report.
- 7.13. LANDSCAPE SERVICES (CDC): **no comments or objections** received at the time of drafting the report.
- 7.14. LEAD LOCAL FLOOD AUTHORITY (OCC):

14 October 2025: **objection** – key issues: surface water flooding and provision of existing and proposed discharge rates for 1:2, 1:30 and 1:100).

18 March 2025: **no objection** subject to condition (SuDS).
- 7.15. LOCAL HIGHWAYS AUTHORITY (OCC): **no objection** – subject to conditions (cycle parking and travel plan).
- 7.16. NATURESPACE: **no objections**. Statutory conditions and informatives should be included.
- 7.17. PROPERTY AND ASSETS MANAGER: **no comments or objections** received at the time of drafting the report.
- 7.18. THAMES VALLEY POLICE: **no objections or comments**.

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 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 2015)

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- Policy Bicester 2: Graven Hill

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design, and external appearance of new development

DRAFT CHERWELL LOCAL PLAN (DCLP 2042)

The District Council has prepared a 2042 Review Local Plan that has passed through Reg.18 and Reg.19 consultations and has now been submitted for Examination (31 July 2025). Even though it has not been statutorily adopted, by virtue of its advanced stage of preparation and Council endorsement as adopted emerging strategy worthy of consideration at Examination, some weight must now be afforded to its policies and proposals, with the weight attributable dependent upon the level of objection and/or support offered in representations made in respect to the two rounds of public consultation. Emerging policies of relevance to this proposal are:

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD3: Achieving Net Zero Carbon Development, Non-residential
- CSD4: Improving Energy and Carbon Performance in Existing Buildings
- CSD5: Embodied Carbon
- CSD6: Renewable Energy
- CSD7: Sustainable Flood Risk Management
- CSD8: Sustainable Drainage Systems (SuDS)
- CSD9: Water Resources and Wastewater Infrastructure
- CSD10: Protection of the Oxford Meadows SAC
- CSD11: Protection and Enhancement of Biodiversity

- CSD12: Biodiversity Net Gain
- CSD13: Conservation Target Areas
- CSD14: Natural Capital and Ecosystem Services
- CSD 15: Green and Blue Infrastructure
- CSD16: Air Quality
- CSD 17: Pollution and Noise
- CSD18: Light Pollution
- CSD19: Soils, Contaminated Land and Stability
- CSD21: Waste Collection and Recycling
- CSD22: Sustainable Transport and Connectivity Improvements
- CSD23: Assessing Transport Impact/ Decide and Provide
- CSD24: Freight
- Policy LEC 1: Meeting Business and Employment Needs
- Policy LEC 2: Development at Existing or Allocated Employment Sites
- COM10: Protection and Enhancement of the Landscape
- COM11: Cherwell Local Landscape Designations
- COM14: Achieving Well Designed Places
- COM15: Active Travel - Walking and Cycling
- COM18: Creating Healthy Communities
- COM20: Providing Supporting Infrastructure and Services
- COM22: Public Services and Utilities
- COM23: Local Services and Community Facilities
- COM25: Local Green Space
- BIC1: Bicester Area Strategy
- BIC2: Delivery of Transport Schemes within the Bicester Area
- BIC E4: Land South West of Graven Hill

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

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
- Residential amenity
- Highway safety
- Ecology
- Biodiversity net gain
- Flooding and drainage
- Arboricultural matters

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise. Paragraph 11 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. The presumption in favour of sustainable development is reiterated in Policy PSD1 of the CLP 2015.

- 9.3. Section 6 of the NPPF advises Local Planning Authorities on building a strong and competitive economy. Paragraph 85 notes that decisions on applications '*should help create the conditions in which businesses can invest, expand and adapt*'. Furthermore, Paragraph 124 within Section 11 '*Making effective use of land*', of the NPPF is relevant and supports plans that promote an effective use of land that utilise previously developed or '*brownfield*' land.
- 9.4. The Cherwell Local Plan 2011-2031 Part 1 adopted in 2015, allocates Graven Hill (Policy Bicester 2) as a strategic site proposed for mixed use development. Policy Bicester 2 provides for 26 hectares of land for employment purposes in use classes mixed B1, B2 and B8. The employment provision and mix related to the whole allocation and not just the application site.
- 9.5. Included in the approved Master Plan for the site is the current application site which is designated for employment use. The original outline consent for the entire site proposed 92,040 sq. m for employment floorspace (11/01494/OUT refers). This outline consent has now expired (on 8 August 2022), so the approved masterplan cannot be relied upon.
- 9.6. The site falls within the Graven Hill site ('*Policy Bicester 2: Graven Hill*') and is identified as having major development potential. The commentary to the allocation in the Plan at paragraph C58 notes that the use of the allocated site '*will support local economic growth including the warehousing and logistics sector in a location that lends itself to both national and regional distribution*'.
- 9.7. Policy SLE1 '*Employment Development*' within the adopted CLP 2015 states that employment development on new sites allocated within the plan should accord with the site allocation policy. In this instance that is Policy Bicester 2.
- 9.8. Policy SLE4 '*Improved Transport and Connections*' makes reference to the potential to capitalise rail freight opportunities and supports proposals for rail freight associated with development at Graven Hill.

Assessment

- 9.9. As stated above, Policy Bicester 2 sets out specific design and place shaping principles for the development of Graven Hill. One of the requirements of the policy is to achieve a well-designed approach to the urban edge, which relates development at the periphery to its rural setting. Employment units will need to be carefully designed to limit adverse visual impact on the wider area. It also requires development to respect the landscape setting and demonstrate enhancement, restoration, or creation of wildlife corridors, through the creation of 'green fingers' leading into the development area.
- 9.10. This proposal is in general conformity with Policy Bicester 2. While the proposal relates to change of use from a B8 use to a mixed use, the proposed mixed use is consistent with the wider B8 development scheme that was approved under 22/01829/OUT and on the part of the site originally identified for employment uses. Further, the woodland situated to the south of the building (within the applicant's ownership) will remain untouched, consistent with the intention to respect the landscape setting of the site.

Conclusion

- 9.11. The NPPF states that achieving sustainable development means the planning system has three overarching objectives; economic, social, and environmental. The objectives need to be balanced to ensure they can be pursued in a mutually supportive way.
- 9.12. The application proposes uses that would support the overall re-use of the building and makes effective use of brownfield land, would be consistent with the requirements of Policy Bicester 2 and SLE1, would enable the Council to respond to increasing demands on waste and environmental services through a relocated Depot site and, as will be set out in subsequent sections of this report, would respect the natural environmental context of the site, providing mitigation and enhancement where required. The proposal is therefore considered to constitute '*sustainable development*' and thus the presumption in favour of sustainable development applies.
- 9.13. As set out above, the proposal accords with Policy Bicester 2, SLE1 and PSD1 of the CLP 2015 and Government guidance contained within the NPPF.

Design, and impact on the character of the area

- 9.14. Policy ESD15 of the CLP 2015 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout, and high-quality design.
- 9.15. Government guidance contained within the NPPF (sections on design) state that good design is a key aspect of sustainable development to create better places (paragraph 131).
- 9.16. This proposal seeks to change the use of the land, the removal of the single storey lean-to additions, alterations to openings, the provision of hardstanding and internal roads, signage, and the addition of solar photovoltaics to the roof of the building.
- 9.17. The removal of the single-storey lean-to extensions would have very limited impact on the character and appearance of the existing building, given the significant scale and massing of the building. The lean-tos are minor in scale and are surplus to requirement in bringing this building back into use. The proposed alterations to openings are to create larger door openings accessible for vehicles. The north elevation (visible from the service road) remains consistent with the existing appearance, of which this is the only elevation visible within the public realm. The noticeable change only being the removal of the lean-to extension to the front of the building.
- 9.18. A new service road is proposed to continue along the south of the building and into the existing area of hardstanding, which is proposed to be extended. The areas of hardstanding and service roads will follow the layout of the existing hardstanding (previously rail infrastructure) and thus will have very limited impact on the character and appearance of the area.
- 9.19. Limited details have been provided in relation to signage but those currently proposed appear consistent with the scale and use of the proposal. Further details in relation to signage are proposed to be provided by way of condition.
- 9.20. Given the scale of the existing building, the addition of solar photovoltaics to the roof would have limited impact on the character of the building and immediate vicinity, particularly as they would be placed on the lower facing concertina of the roof,

directed away from the publicly visible elevation, and would appear consistent with the proposed use of the site.

- 9.21. The proposal would not give rise to a detrimental impact on the character and appearance of the area. The proposal therefore complies with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential amenity

- 9.22. Paragraph 135 (f) of the NPPF includes as a core principle, a requirement that planning decisions should create places '*with a high standard of amenity for existing and future users*'. This is reflected in Policy ESD15 of the CLP 2015, which states that '*new development proposals should: consider the amenity of both existing and future development, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space*'.
- 9.23. The application site is situated within an area proposed for commercial (predominantly B8) uses. There is significant separation between the site and St. David's Barracks and the site and proposed and existing residential dwellings on the Graven Hill development site (including those proposed via the Stage 2 application for Graven Hill (25/01768/HYBRID)).
- 9.24. The Environmental Protection Team have raised no objections with regard to noise, odour, or lighting. The proposal is acceptable in this regard.
- 9.25. The proposals are therefore not considered to be harmful to residential amenity and thus comply with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.26. Paragraph 116 of the NPPF states '*Development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.
- 9.27. Paragraph 118 of the NPPF goes on to state '*All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement so that the likely impacts of the proposal can be assessed*'.
- 9.28. The application has been submitted with a detailed transport statement, which has been reviewed by the Local Highway Authority (LHA). The LHA raise no objections to the application subject to conditions relating to cycle parking provisions and a travel plan.
- 9.29. The application does not propose any additional highway works and would utilise the existing access point and access road (Expeditionary Road) to the site.
- 9.30. The proposals are therefore considered to comply with Policy SLE4 of the CLP 2015 and Government guidance contained within the NPPF.

Ecology

Legislative context

- 9.31. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent

amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

- 9.32. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.33. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.34. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.35. The Regulations require competent authorities to consider or review planning permission, applied for, or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.36. Paragraph 187 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.
- 9.37. Paragraph 193 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.

- 9.38. Paragraph 198 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.
- 9.39. Policy ESD10 of the Cherwell Local Plan 2015 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.
- 9.40. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.41. 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.
- 9.42. 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.

Assessment

- 9.43. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it is likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it is not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species are not affected at each stage (this is known as a 'condition survey')

- 9.44. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings of traditional construction and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.45. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.46. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.47. The application is supported by a detailed Emergence Survey (dated June 2025), Full Reptile Survey (dated May 2025), Hibernation Check (dated February 2025), and an Ecological Appraisal (dated October 2024) all undertaken by Cherryfield Ecology, which concluded that it comprised artificial unvegetated; unsealed surface, developed land; sealed surface, modified grassland, other neutral grassland, scattered trees, ditches and mixed woodland. A day bat roost will be lost in the works at the west elevation as a result of the demolition of the single storey lean-to extension and minor disturbance may occur to the remaining roosts within the building. If lost roosts are replaced by bat boxes, the effects of the proposal are considered to be negligible. This will require a bat licence. Furthermore, it was outlined by the Council's Ecologist that GCN licensing would be required to be obtained from NatureSpace to mitigate harm on GCN, prior to determination. A GCN license from NatureSpace has been obtained.
- 9.48. A badger survey was undertaken of the site by Cherryfield Ecology (dated October 2024), the results for which are held in a confidential appendix, submitted by the applicants.
- 9.49. 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 welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Biodiversity net Gain (BNG)

Legislative and policy context

- 9.50. A mandatory 10% biodiversity net gain on-site would be required for this development in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

9.51. The need to achieve BNG is also set out within the National Planning Policy Framework (NPPF, 2021), which states in Para. 174 that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity.”

9.52. An accepted method of assessing BNG is through the use of biodiversity metrics to assess the biodiversity value of habitats pre- and post-development based on habitat type, distinctiveness, and condition. The original calculation submitted with the application showed a BNG of some minus seventy percent. Following discussions with the CDC Ecologist and refinement of the proposed scheme, this was reduced to some minus fifty five percent on the site itself. Therefore, offsite net gain is required.

9.53. Policy ESD 10 of the adopted Local Plan inter alia requires that:

- In considering proposals for development a net gain in biodiversity will be sought by protecting, managing, enhancing, and extending existing resources, and by creating new resources

Assessment

9.54. The submission was accompanied by a Final BNG 2025 Assessment undertaken by Cherryfield Ecology. This assessment was assessed by the Council's Ecologist and objections were raised with regard BNG and the assessment of other neutral grassland, further details were required with regard to off-site grassland, a discrepancy between the metric and the site plan (traditional orchard habitat) and proposal of some small trees within areas of scrub.

9.55. In response to the above, traditional orchard has been removed from within the metric as this was an error, the areas of grassland have been downgraded, with the exception of off-site grassland, proposed trees in close proximity to scrub have been relocated for management purposes and the area of enhanced woodland off-site has been reduced while still meeting the 10% net gain criteria with a combination of on and offsite improvements.

9.56. In light of the required amendments, the Council's Ecologist considered the updated reports and metric sufficient at this stage, and subject to the updating of an error in the metric (now confirmed as being updated and sufficient) and conditions, are considered acceptable.

9.57. Comments were raised by GHRA in relation to the provision of BNG on site and securing BNG provision through a S106 agreement. Off-site BNG will be secured through a Section 106 agreement, which is considered acceptable by the Council's Ecologist and Officer's agree with this assessment.

Conclusion

9.58. Overall, Officers are satisfied, on the basis of the advice from the Council's Ecologist and NatureSpace, and subject to conditions and planning obligations, that the proposed development will secure a biodiversity net gain. Furthermore, the off-site biodiversity enhancements will achieve the required legislative biodiversity net gain for this proposal. The proposal will be subject to the mandatory Biodiversity Gain Plan condition, and a Section 106 is required to secure the offsite BNG for 30 years and a Habitat Management and Monitoring Plan and monitoring fees. Therefore, the proposed development is considered to accord with Government guidance

contained within the NPPF, relevant legislation and Policies ESD10 and 11 of the CLP (2015).

Flooding and Drainage

Policy Context

- 9.59. Paragraph 181 of the NPPF states that when determining applications, Local Planning Authorities '*should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.*' Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.60. The site lies within Flood Zone 1, which is land which has less than 1 in 1,000 annual probability of river or sea flooding. Built development associated with the development is located entirely within Flood Zone 1.
- 9.61. In regard to surface water flooding, the majority of the site is in a very low surface water flood risk area. However, the Lead Local Flood Authority (LLFA) initially objected to the scheme, outlining that further information relating to surface water flooding for the 1:30 year storm event and existing and proposed discharge rates for the 1:2, 1:30 and 1:100 with the minimum betterment for brownfield sites was required.
- 9.62. In response to the LLFA's objection, the applicant provided a Flooding Technical Note (dated 19 November 2025 and produced by Stantec), which alleviated the LLFA's concerns, subject to conditions relating to SuDS.

Conclusion

- 9.63. Overall based on the submitted flood and drainage information, the development is not considered to give rise to the risk of flooding at the site, and it can be drained appropriately using SuDs techniques. Therefore, the proposals are considered to be satisfactory in this regard, in accordance with the requirements of policies ESD6 and ESD7 of the CLP 2031 Part 1 and Section 14 of the NPPF.

Arboriculture

- 9.64. A key site constraint are the trees on and surrounding the application site. Land within the blue line to the south of the red line site area is heavily tree'd and some of those trees form the edge of the site and extend onto it. There are a number of trees on the site itself. The tree survey identified the trees as being predominantly within Categories B (Moderate Quality and Value) and C (Low Quality and Value) with a small number of Category U trees (unsuitable for retention) and one Category A tree (High Quality and Value). The Arboricultural Impact Assessment refers to the Category A tree as being a 'Veteran Tree' (this is within the blue line site area). The Assessment confirms that the project design has prioritised the retention of trees of high and moderate quality, particularly those with significant remaining life expectancy and value to the wider landscape, however due to the requirements of the access, several trees of Category C and U do need to be removed or would be disturbed. Mitigation measures in the form of retention and protection of high and moderate quality trees is proposed as well as replacement planting using suitable native species.

- 9.65. Advice has been received for the Local Planning Authority from Aspect Arboriculture regarding the submission. Their advice is that the submitted information is sufficient. The principal Arboricultural impact is the loss of an Oak (recorded as a Category C tree) which is required to accommodate a service road. This is unavoidable and the loss of the tree would have negligible visual amenity impacts given the limited current opportunities for public appreciation of the tree and the fact that the wooded backdrop to the tree will remain (other losses would also be unavoidable and proportionate mitigation is proposed). An Arboricultural Method Statement and a detailed replanting scheme are recommended to be sought via planning condition, but the details sought are provided with the application.
- 9.66. The proposal is consistent with Policies ESD10, ESD13 and ESD15 which collectively promote the retention and protection of existing trees and woodland and therefore subject to conditions, the application is acceptable from an Arboricultural perspective.

Other Matters

- 9.67. The GHRA raised concern in relation to the storing of waste at the site. The proposals do not currently consist of waste storage, and provision is not proposed to accommodate this. Vehicles will be returned to site at the end of the day and stored once waste has been offloaded at relevant waste storage facilities within the district.
- 9.68. The Environmental Protection Team recommended conditions relating to land contamination and the need for intrusive investigations. The conditions are recommended.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Achieving sustainable development means the planning system has three overarching objectives; economic, social, and environmental. The objectives need to be balanced to ensure they can be pursued in a mutually supportive way.
- 10.2. The application proposes uses that would support the overall re-use of the building and makes effective use of brownfield land, would enable the Council to respond to increasing demands on waste and environmental services through an additional Depot site. In addition, the proposals will not cause harm to protected species and will achieve the required legislative biodiversity net gain for this proposal, while providing careful management of ecologically sensitive areas, thereby meeting social, economic, and environmental objectives.
- 10.3. The proposals are not considered to cause harm to residential amenity, highway safety or ecology and are not considered to give rise to any harm to the character and appearance of the site.
- 10.4. Officers are satisfied that the proposals comply with the relevant policies of the Development Plan, as outlined in the report, notably Policy Bicester 2 of the CLP 2015 and Government guidance contained within the National Planning Policy Framework, and permission should be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, SUBJECT TO:

- i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**

ii) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- **Habitat Management and Monitoring Plan**, securing of the BNG offsite for 30 years
- **Payment of BNG Monitoring fee** of £4,517.76

(Refer to Appendix 1 for the full specification)

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 form and following approved plans:

Drawing numbers: 330511166-DR-A-10000 Rev P1 (Site Location Plan), 330511166-DR-A-10110 Rev P2 (Existing Site Location Plan), 330511166-DR-A-10100 Rev P8 (Proposed Site Plan), 1204.1/02 (Tree Pit & Hedgerow Details), 996953-659-DWG-TCP-FR-01-NB-230425 (Tree Constraints Plan), 996953-659-DWG-TPP-FP-1NB-050825 (Tree Protection Plan), 996953-659-DWG-TRRP-FP-1NB-050825 (Tree retention & removal plan), 330511166-DR-A-11002 P1 (Existing Ground Floor Plan), 330511166-DR-A-11000 P6 (Proposed Ground Floor Plan), 330511166-DR-A-12010 P2 (Existing Sections), 330511166-DR-A-12001 P1 (Proposed Sections), 330511166-DR-A-13010 P2 (Existing Elevations 1 of 2), 330511166-DR-A-13011 P1 (Existing Elevations 2 of 2), 330511166-DR-A-13000 P2 (Proposed Elevations 1 of 2), 330511166-DR-A-13001 P2 (Proposed Elevations 2 of 2), 330511166-DR-A-13002 P2 (West Elevation Proposed Improvements, 330511166-DR A-16010 P1 (Schedule of Accommodation), 202411046 V1 (BNG Impact Map), 1204.1_01D Landscape General Arrangement Plan), 330511166-STN-HDG-XX-RP-0501-41 PO1 (Proposed Site Levels).

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. No development shall commence until the existing tree(s) to be retained as shown on approved drawing number (996953-659-DWG-TPP-FP-1NB-050825) have been protected in accordance with the Tree Retention and Removal Plan (drawing number 996953-659-DWG-TRRP-FP-1NB-050825). The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until the development is completed. Nothing shall be stored or placed within the areas

protected by the barriers.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

4. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of The Depot, a Travel Plan, prepared in accordance with the Department for Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning Authority. The plan shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport. The development shall be operated in accordance with the approved Travel Plan.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. 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 in both .pdf and .shp file format;
- (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 any appointed management company information.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

7. No development shall commence on site without the appointed archaeologist being present (other than in accordance with the agreed and submitted Written Scheme of Investigation [UNIT 14, EXPEDITIONARY ROAD, GRAVEN HILL, BICESTER ARCHAEOLOGICAL MONITORING AND RECORDING John Moore

Heritage Services 2025]). Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2024).

8. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

9. If contamination is found by undertaking the work carried out under condition 8, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the local planning authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

10. If remedial works have been identified in condition 9, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

11. 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

12. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers, and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly 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 Part 1 and government guidance contained within the National Planning Policy Framework.

13. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Unit 14 Expeditionary Road: Impact plan for great crested newt District Licensing (Version 1)", dated 20th August 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

14. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been

submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

15. Prior to the first use of the development hereby approved details of the external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting, which shall be in accordance with ILP/BCT Guidance Note 08/23 to ensure it is designed to avoid impacts to bats, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In the interests of visual amenity and highway safety, to protect the amenities of nearby residents and to ensure that the lighting is designed to be sensitive protected species, particularly bats and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. No development shall commence above slab level until a Biodiversity Enhancement and Mitigation Plan (BEMP) including species specific enhancements and compensatory measures has been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement and mitigation plan approved shall be carried out prior to occupation and shall thereafter be retained in full 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 Part 1 and government guidance contained within the National Planning Policy Framework.

17. Where an offence under Regulation 43 of the Habitats and Species Regulations 2017 ((or any regulation revoking or re-enacting or amending that regulation) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. Full design details of the proposed signage shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Informatives

- 1) It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.
- 2) It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.
- 3) It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR150, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

Appendix 1 – Heads of Terms

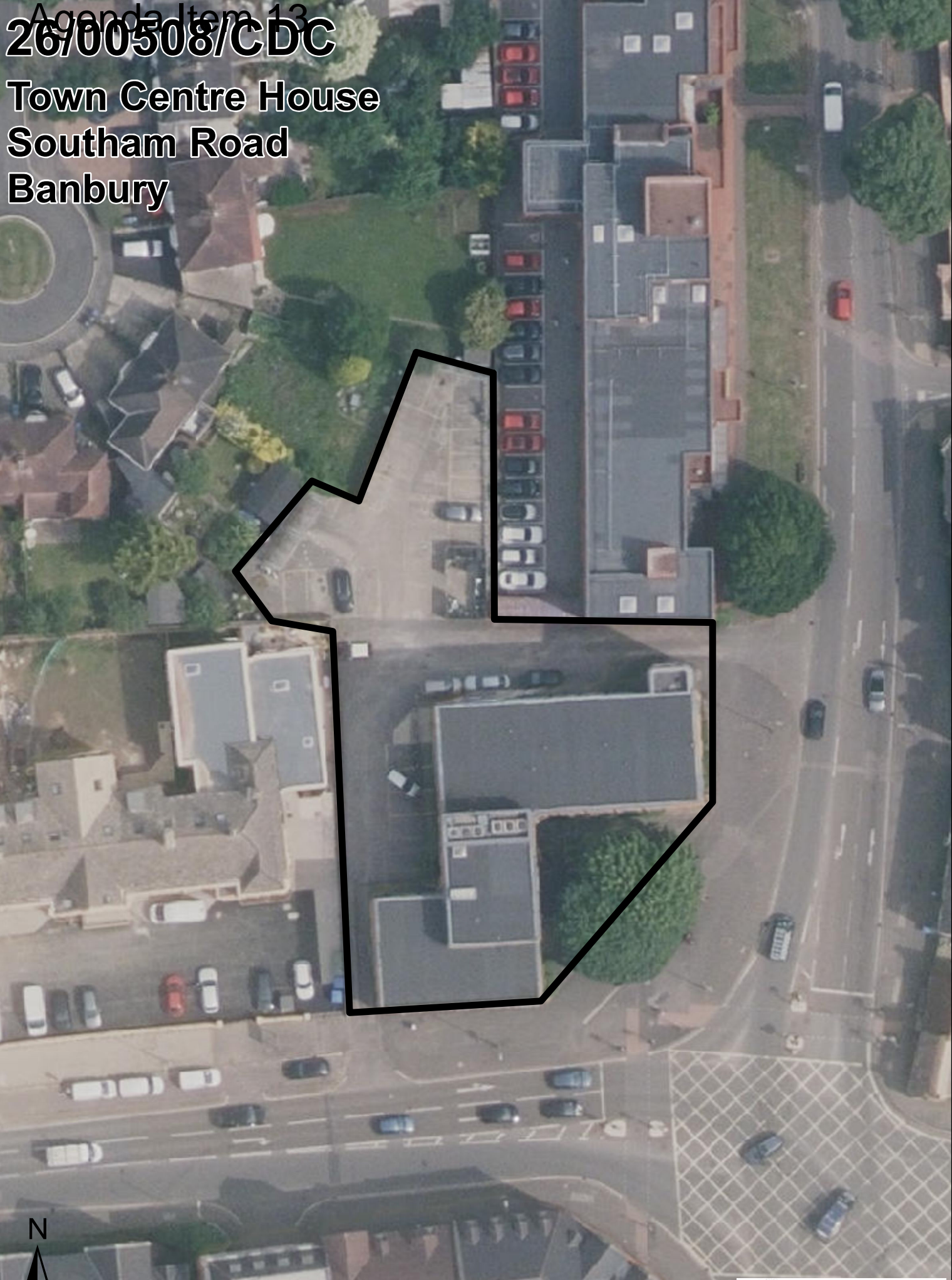
Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
HMMP		<p>Securing of the BNG offsite for 30 years</p> <p>No development shall commence unless and until an HMMP prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:</p> <ul style="list-style-type: none"> • a non-technical summary • the roles and responsibilities of the people or organisation(s) delivering the HMMP • the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan • the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development • the monitoring methodology and frequency in respect of the created or enhanced habitat <p>Notice in writing shall be given to the local planning authority when the:</p> <ul style="list-style-type: none"> • HMMP has been implemented 	<p>Necessary – Yes</p> <p>Directly related – Yes, to secure a BNG for the site in accordance with Section 7A of the TCPA 1990</p> <p>Fairly and reasonably related in scale and kind – Yes, policy compliant</p>

		<ul style="list-style-type: none"> • habitat creation and enhancement work as set out in the HMMP have been completed. • The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority. <p>Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.</p>	
BNG Monitoring	<p>£4,517.76 (8 hours * 70.59 (hourly rate) = 564.72 * 8 (monitoring intervals) = £4,517.76</p>	Prior to commencement of development	<p>Necessary – Yes, for monitoring purposes Directly related – Yes; provision would be provided off-site Fairly and reasonably related in scale and kind – Yes, amount is policy compliant</p>

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
HMMP		<p>Securing of the BNG offsite for 30 years</p> <p>No development shall commence unless and until an HMMP prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:</p> <ul style="list-style-type: none"> • a non-technical summary • the roles and responsibilities of the people or organisation(s) delivering the HMMP • the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan • the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development • the monitoring methodology and frequency in respect of the created or enhanced habitat <p>Notice in writing shall be given to the local planning authority when the:</p> <ul style="list-style-type: none"> • HMMP has been implemented • habitat creation and enhancement work as set out in the HMMP have been completed. 	<p>Necessary – Yes</p> <p>Directly related – Yes, to secure a BNG for the site in accordance with Section 7A of the TCPA 1990</p> <p>Fairly and reasonably related in scale and kind – Yes, policy compliant</p>

		<ul style="list-style-type: none"> The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority. <p>Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.</p>	
BNG Monitoring	<p>£4,517.76 (8 hours * 70.59 (hourly rate) = 564.72 * 8 (monitoring intervals) = £4,517.76</p>	Prior to commencement of development	<p>Necessary – Yes, for monitoring purposes Directly related – Yes; provision would be provided off-site Fairly and reasonably related in scale and kind – Yes, amount is policy compliant</p>

**Town Centre House
Southam Road
Banbury**



26/00508/CDC

**Town Centre House
Southam Road
Banbury**

Government Offices

Town Centre
House

N



1:350



26/00508/CDC

Town Centre House

Southam Road

Banbury



1:1,000



Case Officer: Iwona Gogut

Applicant: Cherwell District Council

Proposal: Retrospective - Installation of guard rail around roof of Town Centre House

Ward: Banbury Cross and Neithrop

Councillors: Councillors Fiaz Ahmed, Becky Clarke MBE, Yvonne Greene

Reason for Referral: Application affects Council's own land, and the Council is the applicant

Expiry Date: 8 June 2026

Committee Date: 4 June 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a large, detached building extending to three storeys in height, accommodating residential flats. It is constructed of brick with uPVC fenestrations and a flat roof. The building occupies a prominent position at a main junction within the centre of Banbury and fronts onto both Southam Road and Warwick Road.

2. CONSTRAINTS

2.1. The site lies immediately outside the Banbury Conservation Area, which adjoins the western, eastern and the southern boundaries of the application site. There are several Grade II listed buildings in close proximity, located to the east and south. Additionally, a locally listed building (The Magistrates Court) is situated immediately to the west.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks retrospective consent for the installation of guard rails around the roof of the flat roofed building. The fall-protection system comprises tubular galvanised steel railings running around the perimeter of the roof.

3.2. During the course of the application, following the case officer's site visit, it was identified that the aforementioned guard rails had already been installed. Consequently, the applicant (Cherwell District Council – Property & Investment Department) was contacted and confirmed via email dated 19 May 2026 at 13:46 hours to the Local Planning Authority that the works had been undertaken. The description of development was therefore amended to reflect the retrospective nature of the application.

4. RELEVANT PLANNING HISTORY

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

00/00583/F. Alterations to the building including new externally mounted rainwater pipes, renew existing zinc cladding to the mansards and rooftop plant housing with zinc or lead equivalent, installation of downlighter type lighting. Permitted

06/02096/F. Change of Use and extension of existing office building into hotel use (as amended by revised plans received 9 January 2007). Permitted

06/02097/F. Change of use and extension of existing office building into care home accommodation (as amended by plans received on 09.01.07). Permitted

14/01805/PAJ. Conversion of existing building from its current use (B1 offices) to a residential use comprising multiple apartments (use class C3). Prior Approval Not Required

15/01192/O56. Conversion of existing building from its current use (Class B1 offices) to a residential use comprising multiple apartments (Class C3). Application Withdrawn

15/00581/PAJ. Conversion of existing building from its current use (Class B1 offices) to a residential use comprising multiple apartments (Class C3). Prior Approval Not Required

15/00113/F. Proposed second floor extension to create 3 no. additional dwellings. Proposed external alterations to building. Permitted

17/00745/F. Provision of safety railing to south elevation. Permitted

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. The final date for comments was **01 June 2026**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

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.

7.2. BANBURY TOWN COUNCIL: Comment that the fencing perimeter should be set further back to reduce visual impact.

7.3. CDC BUILDING CONTROL: No adverse comments.

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 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 2015)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design, and external appearance of new development

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Banbury Conservation Area Appraisal

9. APPRAISAL

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

- Design, and impact on the character of the area
- Impact on heritage assets
- Residential amenity

Design, and impact on the character of the area

- 9.2. Whilst the guard rails represent a relatively minor addition in the context of the scale of the original building, their prominent siting and reflective finish introduce a more noticeable feature at roof level.
- 9.3. However, it is noted that their grey-toned appearance provides some visual alignment with the existing roof space, thereby reducing contrast to a degree when viewed against the existing materials/building itself. It is also acknowledged that comparable railing features are present at the nearby police station to the west of the site, which provide some context for such additions within the surrounding locality. Furthermore, regard must be had to the host building itself, which is not considered to be a positive contributor to the character of the street scene in design terms.
- 9.4. In addition, some weight should also be afforded to the functional requirements of the building, which is in use as a block of flats, and therefore the provision of guard rails at this height is likely necessary in the interest of safety. This requirement has been confirmed in an email correspondence from Peter Meadows of Cherwell District Council dated 19/05/2026 at 13:46 to the Local Planning Authority that states: ‘*The guardrail is required under H&S legislation which requires the building owner, in this case Cherwell District Council, to make the building as safe as possible for tradesmen to be able to carry our repairs in the future, in as safe a manner as possible*’. As such, the feature is considered reasonable and justified.

9.5. Overall, in light of the above, and on balance, while the guard rail is not entirely sympathetic in terms of its design and appearance, it does not adversely affect the character and appearance of the area and is therefore considered acceptable in this regard.

Impact on heritage assets

9.6. The site is located outside but in close proximity to an adjacent Conservation Area and nearby Listed Buildings. As such, the proposal has the potential to affect the setting of these heritage assets. However, in this instance, given the nature and limited scale of the development, together with the intervening junction and its prevailing urban character between the application site and Grade II Listed buildings to the east (The Three Pigeons, 4-8 Southam Road), it is considered that the development does not materially alter or harm the way in which these heritage assets are experienced or viewed.

9.7. The development as built may have a limited effect on the setting of the non-designated heritage asset (Magistrates Court) located to the west of the application site. However, it is not considered that it substantially alters the way in which the asset is experienced or appreciated, and therefore no harm is identified. Notwithstanding this, even if this impact were to be considered to amount to harm, it would be at the very low end of the less than substantial harm. If that was the conclusion, then in such circumstances some weight would need to be given to the identified harm, which would then be weighed against the public benefits of the proposal.

9.8. Having regard to all of the above and given its scale, siting and nature, it is considered that the proposed development does not cause harm to the significance of heritage assets through change to their setting, and is therefore considered acceptable in this regard, and accords with Policies ESD15 of the CLP 2015 and C28 of the CLP 1996 in this respect, as well as the NPPF.

Residential amenity

9.9. Having regard to its nature, scale, and siting, it is considered that the proposed development does not adversely affect the living conditions of any neighbouring properties in terms of loss of outlook, loss of light or privacy and therefore accords with Policy ESD15 of the CLP 2015 in this respect.

10. PLANNING BALANCE AND CONCLUSION

10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

Compliance with Plans

- 1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form, Site Location Plan (NTBS3853-GLE-TCH-XX-DR-B-01 Rev 0) and following

approved plans and documents: Block Plan (NTBS3853-GLE-TCH-XX-DR-B-02 Rev A), Proposed Roof Plan (NTBS3853-GLE-TCH-XX-DR-B-04 Rev 0) and Proposed Elevations (NTBS3853-GLE-TCH-XX-DR-B-06 Rev A).

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.

CASE OFFICER: Iwona Gogut

Agenda Item 14
26/00586/CDC

**Units 17 To 24
Thorpe Place
Banbury**



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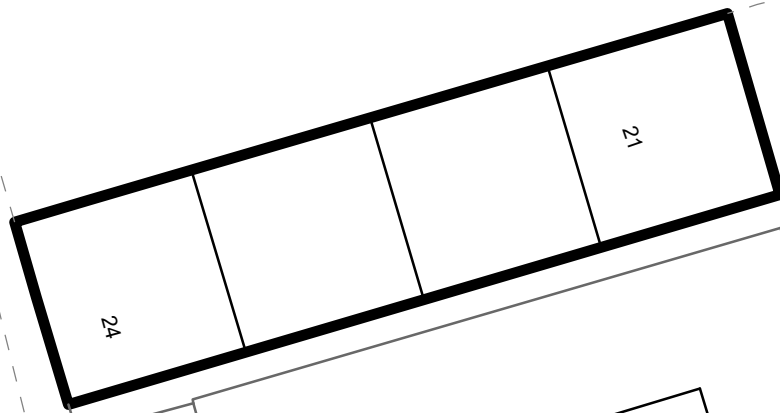
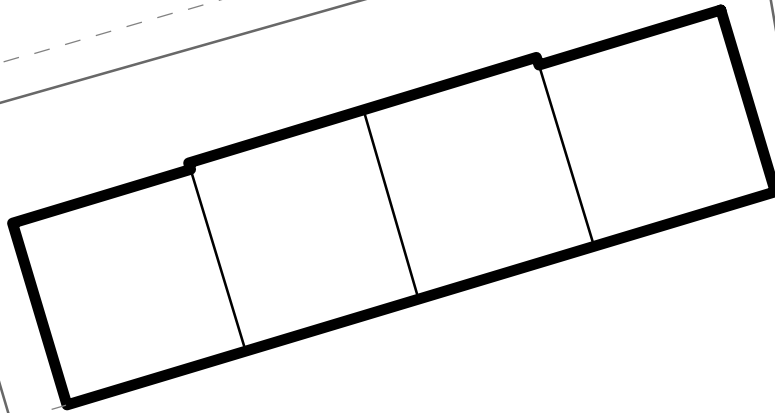


26/00586/CDC

Units 17 To 24 Thorpe Place Banbury

OVERTHORPE ROAD

91.4m



12

21

24

THORPE PLACE

N



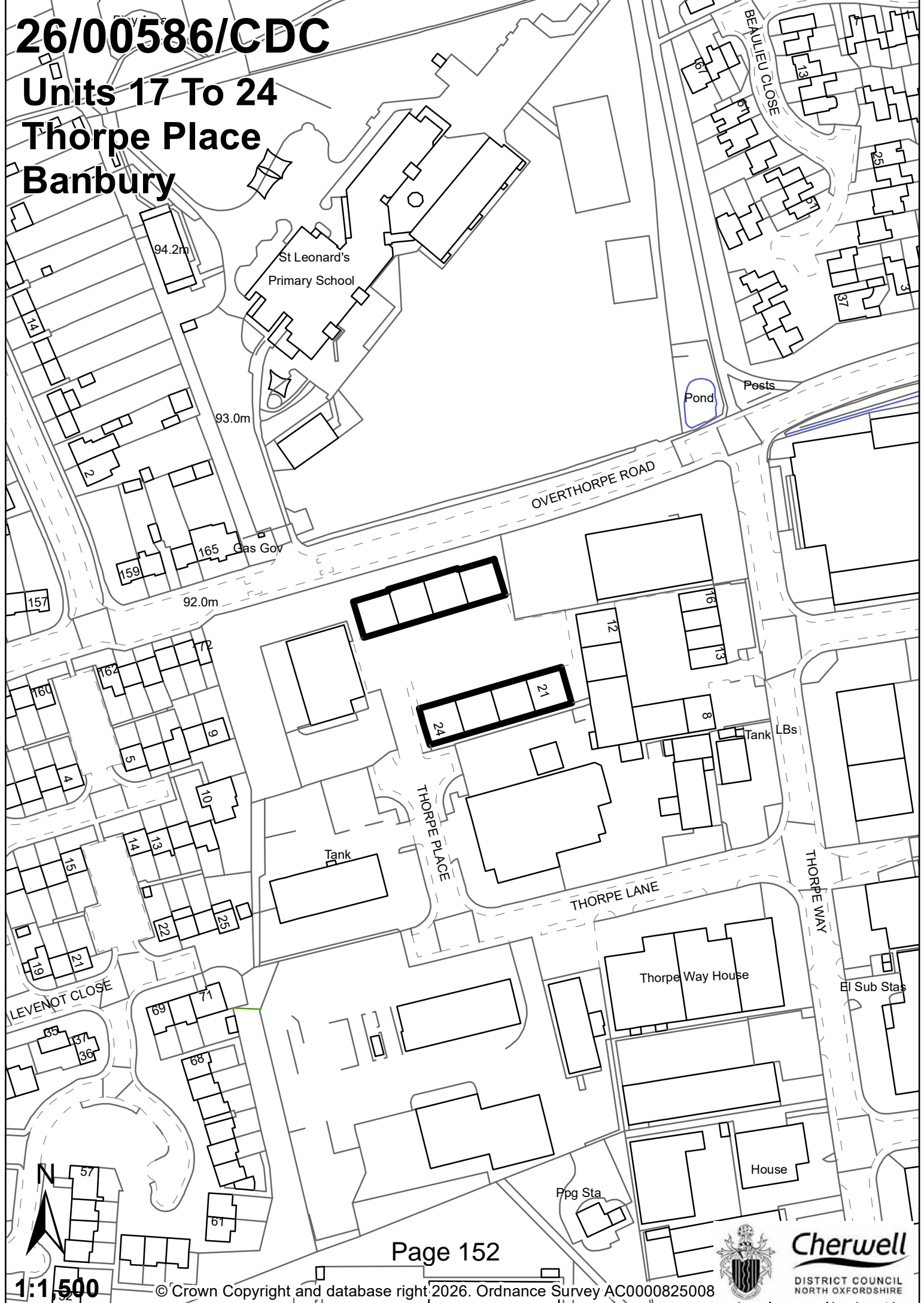
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26/00586/CDC

Units 17 To 24 Thorpe Place Banbury



Case Officer: Laura Kennedy

Applicant: Cherwell District Council

Proposal: Over cladding of existing roof sheeting on Units 17-24 together with fitting of photovoltaic panels to all Units

Ward: Banbury Grimsbury And Hightown

Councillors: Councillors Rebecca Biegel, Dr Henry Elugwu and Dom Vaitkus

Reason for Referral: Application affects Council's own land.

Expiry Date: 8 June 2026

Committee Date: 4 June 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1 The application site comprises two buildings divided into eight light industrial units (Units 17–24, Thorpe Place) located to the east of Banbury within the established Overthorpe Industrial Estate. One building (comprising units 17 - 20) is situated within the northern part of the site, and the remaining building (comprising units 21 - 24) is located to the south. Between the two buildings is an area of hardstanding which provides servicing space and car parking. The site is accessed directly from Thorpe Place.

1.2 The surrounding area is characterised by commercial and industrial uses to the south and east, with residential development located to the west. A primary school and associated playground are situated in close proximity to the north of the site. Boundary vegetation along the northern edge provides a degree of visual screening between the site and neighbouring uses.

2. CONSTRAINTS

2.1 The site is not located within a Conservation Area and does not contain any listed buildings. There are no other site-specific constraints relevant to the consideration of this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks planning permission for the over-cladding of the existing roof sheeting on all eight industrial units (Units 17–24), including the installation of photovoltaic (PV) panels across the roofs of each unit.

3.2. The existing roofs currently comprise corrugated fibre reinforced cement sheets. These are proposed to be over-clad with new 32mm profiled metal sheets, finished in a 'dove grey' colour on 260mm insulation fixed onto the existing roof covering. The works would result in the overall roof profile, including the eaves and guttering, being raised by approximately 300mm. The proposal also includes the installation of

black PV panels, which would improve the energy efficiency and sustainability of the buildings.

4. RELEVANT PLANNING HISTORY

4.1. There is no planning history directly relevant to the proposal.

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, 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 May 2026**, although comments received after this date and before finalising this report have also been taken into account.

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.

7.2. PARISH COUNCIL: No comments received.

7.3. BANBURY TOWN COUNCIL: **Support**. Proposal is a good use of commercial roof area for electricity generation.

7.4. CDC BUILDING CONTROL: **No objections**. The proposed over cladding of the roof panels is a renovation of a thermal element and is therefore subject to Building Regulations. An application must be submitted to a Building Control body for approval.

7.5. The PV installation is also subject to Building Regulations; however, Building Control approval is not required if installed by a registered competent person.

7.6. CDC ENVIRONMENTAL HEALTH: **No objections**. No comments in respect of noise, contaminated land, air quality, odour, and light.

7.7. OCC LOCAL HIGHWAY AUTHORITY: No comments received.

7.8. CAMPAIGN TO PROTECT RURAL ENGLAND: No comments received.

7.9. THAMES VALLEY POLICE: **No objections** subject to standard conditions in respect of Construction Management Plan detailing site security measures.

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 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 2015)

- PSD1: Presumption in Favour of Sustainable Development
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- 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)

- C28: Layout, design, and external appearance of new development
- C31: Compatibility of Proposals

8.3. 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
- Residential amenity
- Sustainability and renewable energy

Principle of Development

- 9.2. The application site is located within an established industrial estate and comprises existing employment units. The proposal relates solely to alterations to existing buildings and does not involve any change of use or intensification of activity. The principle of improving and maintaining existing employment premises is therefore considered acceptable and accords with Policies ESD15 of the CLP 2015 and saved Policy C28 of the CLP 1996.
- 9.3. The incorporation of photovoltaic panels represents a positive measure to reduce the carbon emissions associated with the operation of the buildings and improve their overall energy efficiency.
- 9.4. Policy ESD5 of the CLP 2015 supports the provision of renewable energy infrastructure where proposals are appropriately sited and designed, and do not give rise to unacceptable environmental impacts. In this case, the installation of PV panels on existing industrial buildings are considered an appropriate and sustainable form of development.
- 9.5. The proposal therefore makes a positive contribution towards addressing the reduction of carbon emissions transition to a low-carbon economy. As such, the

development is considered to accord with Policy ESD5 of the Cherwell Local Plan and is supported in principle.

Design, and impact on the character of the area

- 9.6. The proposal seeks to over-clad the existing roof structures and install photovoltaic panels across all units. The existing roofs are utilitarian in appearance and typical of the industrial character of development within this part of the Overthorpe Industrial Estate.
- 9.7. The proposed profiled metal sheeting, finished in a 'dove grey' colour, would have a contemporary appearance. The choice of material and colour is considered appropriate within the context of an established industrial estate and would not appear incongruous within the surrounding townscape. The development would therefore maintain and, to a limited extent, enhance the character and appearance of the built environment in accordance with Policy ESD15 of the CLP 2015 and saved Policy C28 of the CLP 1996.
- 9.8. The photovoltaic panels would be installed flush with the roof slopes and would not significantly alter the overall form or scale of the buildings. Given their positioning and the existing industrial context, the panels would not adversely affect the character or appearance of the area, in accordance with Policy ESD15 and saved Policy C28.

Residential amenity

- 9.9. The nearest sensitive receptors are residential properties located to the west of the site as well as a primary school located north.
- 9.10. The proposal relates solely to external alterations to the roofs of existing units and would not introduce any additional activity, noise, or disturbance beyond the established use of the site.
- 9.11. The installation of photovoltaic panels, given their positioning on the roof slopes, are considered unlikely to generate significant glare and would not result in any significant harm to neighbouring amenity, including that of the adjacent school.
- 9.12. Having regard to their nature, extent and design, the proposals would not result in harm to neighbouring residents either through loss of outlook, light, or privacy or through an imposing or overbearing form of development.
- 9.13. The proposals therefore accord with Policy ESD15 of the CLP 2015 and Saved Policy C31 of the Cherwell Local Plan 1996.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development would not result in any unacceptable harm to the character and appearance of the area or the amenities of neighbouring occupiers. Furthermore, the proposal would deliver sustainability benefits through the incorporation of renewable energy infrastructure. The development is therefore considered to accord with the relevant policies of the Development Plan. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, 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 application form and following approved plans and documents:
 - Drawing No. 25-111/01 Rev B – Site Location Plan & Proposed Plans and Elevations (Building 1 – South) (Wellan Ltd, dated 5 February 2026)
 - Drawing No. 25-111/02 Rev B – Site Block Plan & Proposed Plans and Elevations (Building 2 – North) (Wellan Ltd, dated 6 February 2026)
 - Euroclad 32/1000 Profile Sheet – External Roof Cladding Specification (Refresh Euroclad, dated May 2017)
 - Solar Panels Data Sheet (JA Solar) provided by agent in email dated

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.

Materials

3. The external materials to be used in the development shall be as specified in the approved application details, including the profiled metal roof sheeting finished in 'dove grey.'

Reason – To ensure satisfactory appearance of the development in accordance with Policy ESD15 of the Cherwell Local Plan 2011–2031 and saved Policy C28 of the Cherwell Local Plan 1996.

Photovoltaic Panels

4. The photovoltaic panels hereby approved shall be installed only in accordance with the approved plans and shall thereafter be retained as such.

Reason – To ensure the development is carried out as approved and to support the delivery of renewable energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011–2031.

Construction Management Plan

5. No development shall commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall detail proposed site security measures, to include (but not be limited to):

- Perimeter fencing and hoarding details;
- Access control measures for personnel and vehicles;
- Lighting, surveillance, and alarm provisions during construction;
- Measures to prevent unauthorised access outside of working hours;
- Security protocols for storage of tools, materials, and plant machinery.

The approved CMP, including the site security measures, shall be implemented in full for the duration of the construction works and adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the security of the site, protect public safety, and prevent crime and anti-social behaviour during the construction phase, in accordance with ESD15 of the Cherwell Local plan and the aims of the National Planning Policy Framework (NPPF).

INFORMATIVE

Secured by Design

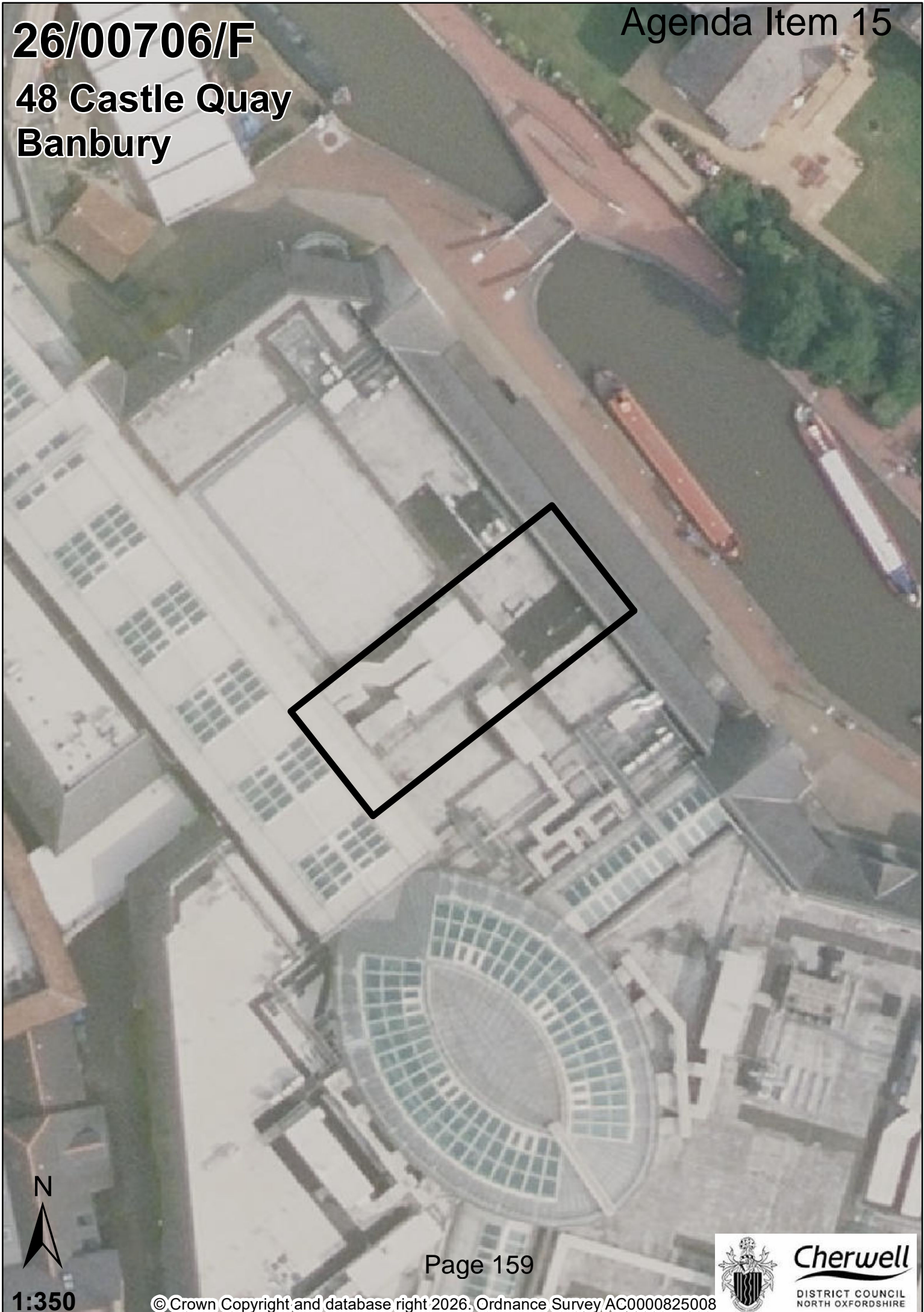
The applicant is advised to consult the guidance provided by Secured by Design to ensure that all reasonable opportunities are taken to design out crime and enhance site security from the outset. The guidance can be accessed via the following [link](#). Taking such measures will help to reduce the risk of crime and improve the overall safety and security of the development.

CASE OFFICER: Laura Kennedy

26/00706/F

**48 Castle Quay
Banbury**

Agenda Item 15

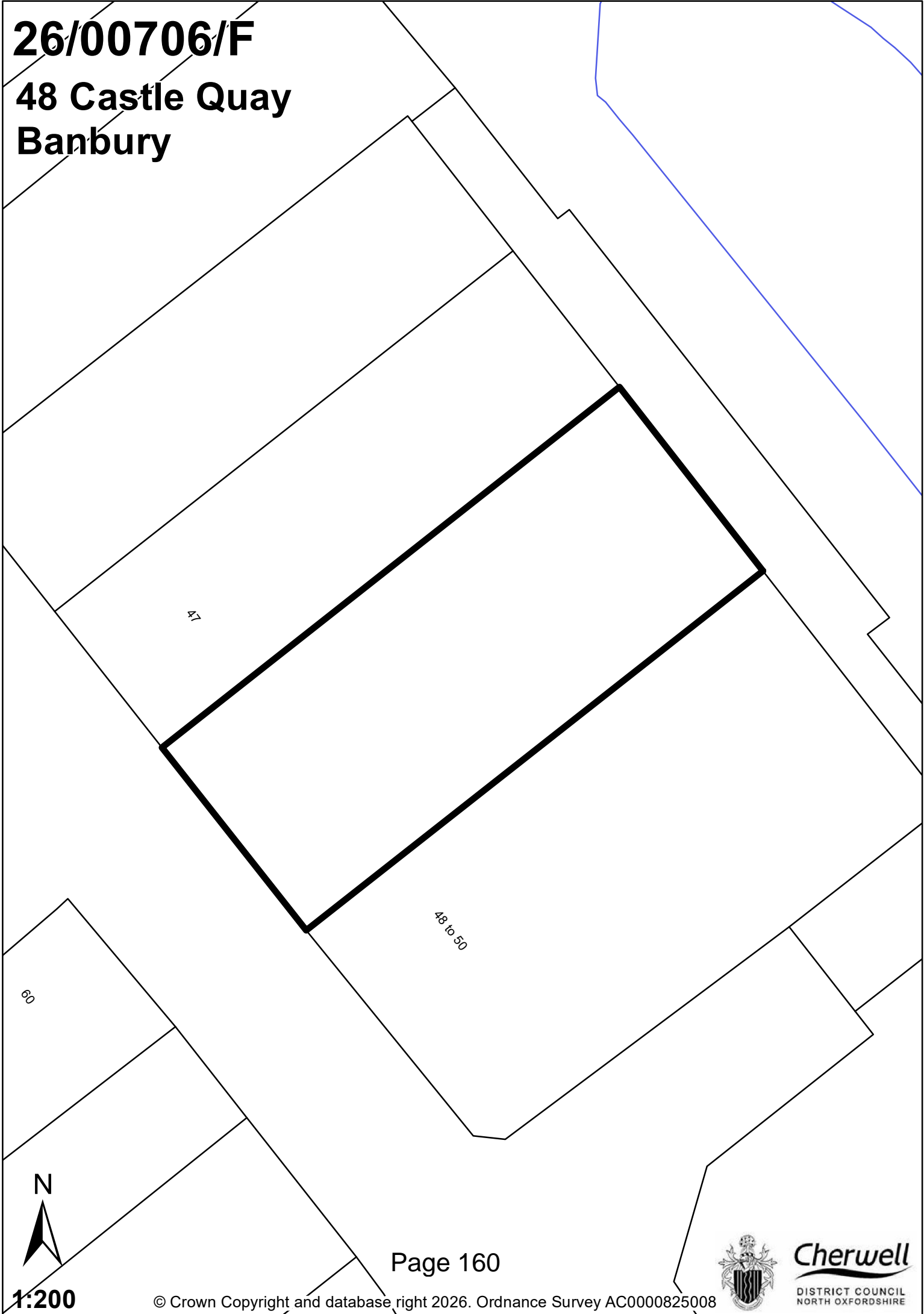


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26/00706/F

**48 Castle Quay
Banbury**



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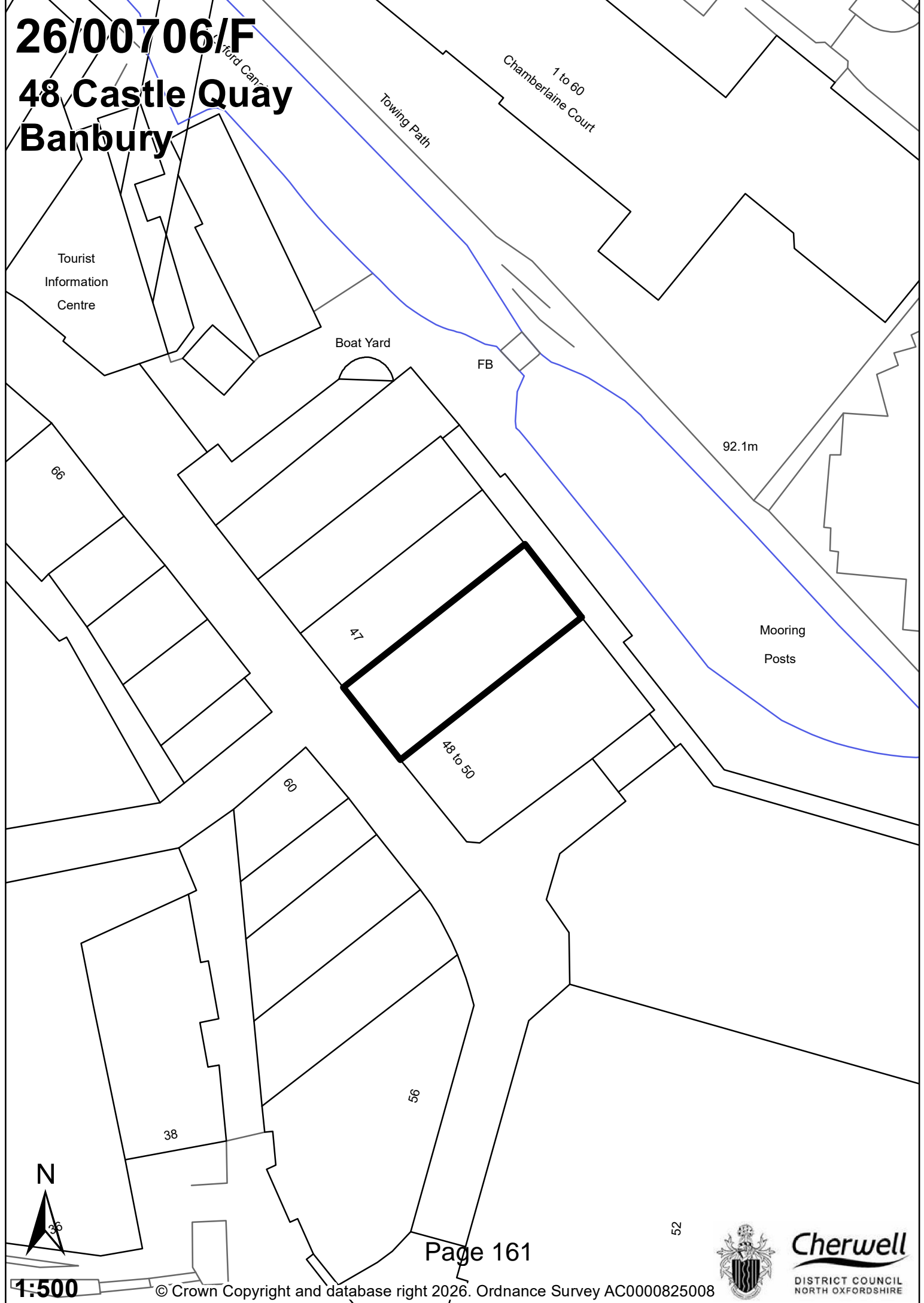
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26/00706/F

48 Castle Quay

Banbury



1:500



Case Officer: Laura Kennedy

Applicant: Mr Michael Deacon

Proposal: Change of Use from retail unit to a youth cultural arts space working with young people

Ward: Banbury Cross And Neithrop

Councillors: Cllr Fiaz Ahmed, Cllr Becky Clarke MBE, Cllr Yvonne Greene

Reason for Referral: Application affects Council's own land

Referral:

Expiry Date: 8 June 2026

Committee Date: 4 June 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located within Castle Quay Shopping Centre in Banbury town centre. The retail unit was last occupied by Clintons Cards in 2024 and has remained vacant since. The site forms part of an established indoor shopping centre characterised by a mix of retail, leisure and service uses.

2. CONSTRAINTS

2.1 The site lies outside, but in close proximity to, the designated Banbury Conservation Area, the Historic Town Core and Oxford Canal Conservation Area. A number of Grade II listed buildings are located to south-west of the site within Banbury Market Place.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 Planning permission is sought for the change of use of Unit 48 from Use Class E (Commercial, Business and Service) to Use Class F1 (Learning and Non-Residential Institutions).

3.2 The proposed development would facilitate the use of the unit as a Youth Arts Cultural Enterprise Centre, providing a range of community-focused activities including workshops, theatre rehearsal space, and arts-based programmes for young people, as well as activities for children and families.

3.3 The proposal relates to the use of the ground floor area only with a gross internal floor area of approximately 245 square metres. The unit would accommodate approximately 30 visitors per day and would be supported by four full-time equivalent members of staff.

4. RELEVANT PLANNING HISTORY

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

- 96/00923/F - Banbury Town Centre Redevelopment. Redevelopment to form extension of Castle Centre and new covered shopping centre, new link road from Castle Street to Inner Relief Road, car parking, landscaping, and ancillary facilities. Relocate bus station. Permitted 03/04/1997.
- 03/00034/ADV - Rear elevation shop sign (as amended by plans received 30.01.03). Permitted 26/02/2003.
- 03/00035/F - New rear elevation (as amended by plans received 30.01.03). Permitted 26/02/2003.
- 19/00535/CLUP - Certificate of Lawfulness for Proposed Development - Internal works for the relocation of public toilet provision to a new location within the existing shopping centre and external alterations to install 2 louvres to external northeastern elevation facing service yard. Permitted 31/05/2019.

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 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 29 April 2026, although comments received after this date and before finalising this report have also been taken into account.

6.2 No comments have been raised by third parties.

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.

7.2. PARISH COUNCIL: No comments received.

7.3. ENVIRONMENTAL HEALTH (CDC): **No objections** or comments received.

7.4. LICENSING (CDC): No comments received.

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 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 2015)

- ESD15 - The Character of the Built and Historic Environment
- SLE2 – Securing Dynamic Town Centres
- Banbury 7 – Strengthening Banbury Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design, and external appearance of new development

8.3. 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
- Residential amenity

Principle of Development

9.2. The proposal has been assessed against the provisions of the National Planning Policy Framework (NPPF), which seeks to support the vitality and viability of town centres. The site is located in Banbury town centre, within an established shopping centre where a mix of uses are present including retail, restaurants, leisure, and community uses.

9.3. The proposal seeks a change of use from a Class E retail unit to a Class F1 use. Whilst Class F1 uses are not defined as 'main town centre uses' within the NPPF, they are considered to be broadly compatible with the town centre function.

9.4. Policy SLE2 of the CLP 2015 seeks to direct main town centre uses to Banbury, Bicester, and Kidlington. Whilst the proposed use falls outside the NPPF definition of a main town centre use, Officers consider that it represents an appropriate and complementary use within the town centre location.

9.5. Policies SLE2 and Banbury 7 do not preclude other suitable uses within the town centre. In this instance, material considerations include:

- The re-use of an existing vacant unit, which has remained unoccupied since 2024;
- The suitability of the unit in terms of scale and layout to accommodate the proposed use; and
- The positive contribution the development would make to footfall and the vitality of the shopping centre, as well as supporting surrounding businesses

9.6. The proposal would deliver social and economic benefits through the provision of community facilities, whilst bringing an underutilised unit back into active use.

9.7. Therefore, subject to compliance with Policy ESD15, the principle of development is considered acceptable.

Design and impact on the character of the area.

- 9.8. The proposed development relates solely to a change of use and would not involve any external alterations to the building, with the exception of the installation of associated signage. As such, the proposal would not result in any material changes to the appearance of the unit or the wider shopping centre and would not adversely affect the character or visual amenity of the area.
- 9.9. The proposal therefore accords with Policy ESD15 of the CLP 2015.

Residential amenity

- 9.10. The site is located within a predominantly commercial area, and the proposed use would not give rise to significant noise, disturbance, or other adverse impacts on neighbouring occupiers.
- 9.11. The Council's Environmental Health Officer has raised no objections to the proposal. Having regard to the nature of the use and its location within the town centre, the development is not considered to result in any unacceptable harm to residential amenity.
- 9.12. The proposal therefore accords with Policy ESD15 of the CLP 2015.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

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 application form and following approved plan:

- DR-035-P01 Site Location Plan (GBS Architects, dated December 2025)

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.

Use Restriction

3. The premises shall be used a youth cultural arts space working with young people and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the visual amenities of the area and protect the amenities o nearby residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C31 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

INFORMATIVE NOTE

The applicant is advised that any external signage may require separate Advertisement Consent from the Local Planning Authority.

CASE OFFICER: Laura Kennedy