

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee:** Planning Committee  
**Date:** Thursday 3 July 2025  
**Time:** 4.00 pm  
**Venue** 39 Castle Quay, Banbury, OX16 5FD

## Membership

### **Councillor Barry Wood (Chair)**

Councillor Rebecca Biegel  
Councillor John Broad  
Councillor Becky Clarke MBE  
Councillor Dr Isabel Creed  
Councillor David Hingley  
Councillor Lesley McLean  
Councillor Chris Pruden  
Councillor Dr Kerrie Thornhill

### **Councillor Amanda Watkins (Vice-Chair)**

Councillor Chris Brant  
Councillor Phil Chapman  
Councillor Jean Conway  
Councillor Ian Harwood  
Councillor Fiona Mawson  
Councillor Robert Parkinson  
Councillor Les Sibley  
Councillor Douglas Webb

## Substitutes

Councillor Nick Cotter  
Councillor Harry Knight  
Councillor Lynne Parsons  
Councillor Edward Fraser Reeves  
Councillor Nigel Simpson  
Councillor Linda Ward

Councillor Andrew Crichton  
Councillor Dr Chukwudi Okeke  
Councillor Rob Pattenden  
Councillor David Rogers  
Councillor Dorothy Walker  
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.

Please note that the deadline for requests to address the meeting is noon on the working day before the meeting. Addresses can be made virtually or in person.

4. **Minutes** (Pages 5 - 21)

To confirm as a correct record the Minutes of the meeting of the Committee held on 5 June 2025.

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.

## **Planning Applications**

8. **OS Parcel 2636 NW Of Baynards House Ardley Green Farm Street To Horwell Farm Baynards Green** (Pages 24 - 82) **21/03268/OUT**

9. **OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green** (Pages 83 - 128) **21/03267/OUT**

10. **OS Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green** (Pages 129 - 193) **22/01340/OUT**

11. **OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green** (Pages 194 - 231) **21/03266/F**

12. **Land West Of The Old Piggeries Bloxham Road Milcombe** (Pages 232 - 256) **24/03399/OUT**

13. **Land To The Rear Of Mole End Main Street Great Bourton** (Pages 257 - 284)  
**24/01885/F**
14. **Land North of A4221 Bicester Road, Fringford** (Pages 285 - 314) **24/02167/F**
15. **Hanwell Fields Community Centre Rotary Way Banbury Oxfordshire OX16 1ER** (Pages 315 - 321) **25/01191/CDC**

## **Review and Monitoring Reports**

16. **Appeals Progress Report** (Pages 322 - 337)

Report of Assistant Director Planning and Development

### **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 meeting is recommended:

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

**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](mailto: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.

### **Evacuation Procedure**

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If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber or joining virtually, you are consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

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**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 25 June 2025



## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 5 June 2025 at 4.00 pm

#### **Present:**

Councillor Barry Wood (Chair)  
Councillor Amanda Watkins (Vice-Chair)  
Councillor Rebecca Biegel  
Councillor Chris Brant  
Councillor John Broad  
Councillor Phil Chapman  
Councillor Becky Clarke MBE  
Councillor Jean Conway  
Councillor Dr Isabel Creed  
Councillor Ian Harwood  
Councillor David Hingley  
Councillor Fiona Mawson  
Councillor Lesley McLean  
Councillor Robert Parkinson  
Councillor Chris Pruden  
Councillor Les Sibley  
Councillor Dr Kerrie Thornhill  
Councillor Douglas Webb

#### **Officers:**

Nat Stock, Team Leader - North Area General Developments  
Katherine Daniels, Principal Planning Officer  
Sophie Browne, Principal Planning Officer  
Hansah Iqbal, Planning Officer  
Andy Bateson, Team Leader - North Area Major Developments  
Karen Jordan, Deputy Principal Solicitor  
Martyn Surfleet, Democratic and Elections Officer  
Matt Swinford, Democratic and Elections Officer

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### **Declarations of Interest**

#### **8. Land North West Of Railway Farm Station Road Hook Norton**

Councillor Amanda Watkins, Declaration, advised that as a local resident she would leave the meeting for the duration of the item.

#### **10. The Old Priory, Priory Lane, Bicester, OX26 6BG**

Councillor Rob Parkinson, Disclosable pecuniary interest, advised that as the Applicant for the item he would leave the meeting for the duration of the item.

Councillor Les Sibley Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Chris Pruden Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

#### 4 **Requests to Address the Meeting**

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

#### 5 **Minutes**

Subject to the correction of the application reference number at Minute 143, as well as minor grammatical errors at Minute 147 of the 15 May 2025 Minutes, the Minutes of the meetings held on 15 and 21 May 2025 were agreed as correct records and signed by the Chair.

#### 6 **Chair's Announcements**

The Chair made the following announcement:

1. Referring to the decision of the Committee at its 15 May 2025 meeting regarding the council's written representation on the Botley West Solar Farm National Significant Infrastructure Project whereby it was resolved that the report be referred to the Monitoring Officer to advise regarding potential referral of the item to an extraordinary meeting of Full Council or an extraordinary meeting of Planning Committee, the Monitoring Officer had emailed Planning Committee members explaining that the Officer Scheme of Delegation as set out in the Constitution (section 3.10.4) delegated authority to the Chief Executive, Directors and Assistant Directors to respond to Government consultations and consultations from other bodies, in consultation with the relevant Executive Portfolio Holder(s) or Committee Chair(s).

The Monitoring Officer considered it prudent that the views of Planning Committee members were sought prior to the consultation response being submitted. A briefing had therefore been held ahead of submission of the response.

#### 7 **Urgent Business**

There were no items of urgent business.

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

Councillor Amanda Watkins requested that details of the site visit for application 24/00539/F - Land To The East Of Stratfield Brake And West Of Oxford Parkway Railway Station Oxford Road Kidlington, were sent to Members as soon as possible to allow them to make any necessary arrangements in order to attend. The Head of Development Management advised details would be circulated as soon as practicable.

9 **Land North West Of Railway Farm Station Road Hook Norton**

The Committee considered application 24/03243/OUT, an outline application for the demolition and re-building of a former railway abutment wall and the erection of up to 55 dwellings with associated infrastructure with all matters reserved except for means of access at Land North West Of Railway Farm Station Road Hook Norton for Gladman Developments Ltd.

Councillor David Rogers addressed the Committee as Local Ward Member.

Liz Sparrow, Hook Norton Parish Council and Caroline Sloan, local resident addressed the Committee in objection to the application.

James Whitehead, Applicant, addressed the Committee in support of the application.

It was proposed by Councillor Parkinson and seconded by Councillor Thornhill that application 24/03243/OUT be approved, in line with the officer recommendation, subject to the inclusion of additional conditions in relation to the design code and layout.

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

**Resolved**

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission for application 24/03243/OUT subject to conditions, including the agreed additional conditions (wording to be confirmed in the decision notice), a S106 legal agreement and subject to no objection from nature space and the lead local flood authority as well as any amendments if deemed necessary.

**Conditions**

1. Provision of 35% affordable housing on site
2. Payment of a financial contribution towards off outdoor site sports and recreation provision in the locality of £2,017.03 per dwelling (index linked)

3. Payment of a financial contribution towards off indoor site sports and recreation provision in the locality of £44, 262.24 (index linked)
  4. Payment of a financial contribution towards the provision of Household Waste Recycling Centres of £101.88 per dwelling (index linked)
  5. On-site provision of an equipped Local Area of Play and payment of a financial contribution to be confirmed (index linked) towards maintenance or other management provisions thereof
  6. Payment of a financial contribution towards the maintenance of on-site Open Space
  7. Payment of a financial contribution towards community hall facilities of £60, 610.44 (index linked)
  8. Provision of a Habitat Management and Monitoring Plan (including funding) to secure long-term biodiversity net gain
  9. Payment of a financial contribution towards public transport provision of £1,326 per dwelling (index linked)
  10. Payment of a financial contribution towards improvements to Public Rights of Way in the vicinity of the site of £20,000 (index linked)
  11. Payment of a financial contribution towards Special Needs Education needs in the locality £26, 922 (index linked)
  12. Payment of the Council's monitoring costs to be confirmed
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1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission and the development hereby permitted shall be begun either before the expiration of two 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 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).

Compliance with Plans

3. 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:

- Site Location Plan (0001 Rev P03)
- Access Strategy Plan (001 Rev K)
- Existing Retaining Wall Plan (2002 Rev P04)

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.

#### CONDITIONS TO BE DISCHARGED PRIOR TO COMMENCING DEVELOPMENT

4. No development shall commence unless and until a specialist acoustic consultants report that demonstrates that all habitable rooms within the dwelling and external areas will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) has been 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 report.
5. No development shall commence unless and until a Phase 2 contamination report has been 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 report.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence, including any works of demolition 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 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.

7. No development shall commence, including any demolition and any works of site clearance, until a mitigation strategy for great crested newts, which shall include timing of works, the location and design of alternative ponds/habitats together with the timing of their provision, has been submitted to and approved in writing by the local planning authority. Thereafter, the mitigation works shall be carried out in full 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.

#### CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION

8. Prior to first occupation of any of the dwellings hereby approved, a Travel Information Pack shall be submitted to and approved in writing by the local planning authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

#### COMPLIANCE CONDITIONS

9. 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.

#### INFORMATIVES

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without

a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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### **Land West of Chinalls Close, Adj. To Banbury Road, Finmere**

The Committee considered application 24/01078/OUT, an outline application for the erection of up to 10 dwellings and associated vehicular access, public open space, landscaping and other supporting infrastructure at Land West of Chinalls Close, Adj. To Banbury Road, Finmere for Hayfield Homes Construction Limited.

Mike Kerford-Byrnes, on behalf of Finmere Parish Council, addressed the Committee in objection to the application.

Katie Hancox, agent on behalf of the applicant, addressed the Committee in support of the application.

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

### **Resolved**

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission for application 24/01078/OUT subject to –

- a. The conditions set out below (and any amendments to those conditions as deemed necessary) and
- b. 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):
  - a. Provision of 30% affordable housing on site, or a commuted sum of £519,187.50 if a Registered Provider cannot be secured
  - b. Payment of a financial contribution towards off site sports and recreation provision in the locality of £2,017.03 per dwelling, plus £804.77 per dwelling towards strategic facilities (index linked)

- c. Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106 per dwelling (index linked)
- d. Payment of a financial contribution towards the provision of Household Waste Recycling Centres of £101.88 per dwelling (index linked)
- e. On-site provision of an equipped Local Area of Play and payment of a financial contribution of £65,564.81 (index linked) towards maintenance or other management provisions thereof
- f. Payment of a financial contribution towards the maintenance of on-site Open Space
- g. Payment of a financial contribution for the monitoring of the Public Open Space of £24,880.32 (index linked)
- h. Payment of a financial contribution towards community hall facilities of £1,102.008 per dwelling (index linked)
- i. Provision of a Habitat Management and Monitoring Plan (including funding) to secure long-term biodiversity net gain
- j. Payment of a financial contribution towards public transport provision of £1,326 per dwelling (index linked)
- k. Payment of a financial contribution towards improvements to Public Rights of Way in the vicinity of the site of £15,000 (index linked)
- l. Payment of the Council's monitoring costs to be confirmed

### **Conditions**

#### Time Limit

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of two 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 layout, scale, appearance, 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).

#### Compliance with Plans



3. 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:

P212023 02 A (site location plan)  
26717\_08\_020\_01 C (access design)  
26717\_08\_020\_03 K (proposed footway link)

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.

Prior to commencement conditions

4. Construction of the development hereby approved shall not begin prior to the approval of first reserved matters, which shall include a detailed surface water drainage scheme for the site to be 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 complete. The scheme shall include:

- 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.

Reason – To ensure development does not increase the risk of flooding elsewhere, in accordance with paragraph 155 of the National Planning Policy Framework and Local and National Standards.

5. 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 newts 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.

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. 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. 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 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.

8. No development shall take place (including demolition, ground works, vegetation clearance) 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:
  - a. Risk assessment of potentially damaging construction activities;
  - b. Update surveys for badgers and any trees proposed for removal;
  - c. Identification of 'Biodiversity Protection Zones';
  - d. 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);
  - e. The location and timing of sensitive works to avoid harm to biodiversity features;
  - f. The times during construction when specialist ecologists need to be present on site to oversee works;
  - g. Responsible persons and lines of communication;
  - h. The role and responsibilities on site of an ecological clerk of works (ecow) or similarly competent person;
  - i. Use of protective fences, exclusion barriers and warning signs
9. 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.

10. Prior to the commencement of the development hereby approved a specialist acoustic consultant's report that demonstrates that all habitable rooms within

the dwelling and external areas shall achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. For outdoor areas, a level of 50 db laeq (16 hr) or less shall be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common. Where acoustic glazing and alternative means of ventilation are required to achieve this standard, full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. 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 splay 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.

12. The development shall not commence until details of improvements to PROW Footpaths 213/9/20, 213/10/30, 213/1/40 and 213/10/20 within the site and at the site boundary, including layout, construction, surfacing, drainage, gates, and wayfinding, together with a timetable for delivery, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the improvements shall be delivered in accordance with the approved details and timetable.

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.

13. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and has been 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 that it is satisfied that no potential risk from contamination has been identified.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. If a potential risk from contamination is identified as a result of the work carried out under condition 12, 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.

15. If contamination is found by undertaking the work carried out under condition 13, 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.

16. No development shall commence above slab level until a scheme for biodiversity enhancement within the built environment and green spaces, which may include but not be limited to integrated roosting provision for bats and birds as well as boxes on trees, log piles, bee bricks, measures to ensure permeability (e.g. Hedgehog highways), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained 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.

17. No development shall commence above slab level until a full external lighting strategy, including lux diagrams and in line with recommendations within the guidance note from the Bat Conservation Trust and ILP (note 08/23), has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be installed in accordance with the approved details and no other external lighting shall be installed at 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. Prior to occupation conditions

18. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. 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.

19. Prior to first occupation of the development hereby approved, 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 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.

20. 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.

21. Prior to first occupation of 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.

Compliance conditions

22. The approved drainage system shall be implemented in accordance with the following prior to the first occupation of the development hereby approved:

Document

Floor Risk Assessment Ref: 26717-FLD-0102 - March 2024

Drawing

Appendix H

Proposed Drainage strategy Drawing No: 26717\_01\_230\_02

Outline Suds basin plan

Table

Appendix I

Maintenance and management

REF: Table 1.1 proposed maintenance regime

Calculations

Appendix G

Design Calculations REF: 26717-CALC-0101

Storage calculations only

Infiltration Tests carried out by Mewies Engineering Consultants Ltd (MEC)

Date: 25/08/2021

Infiltration not viable discharge to Anglian Water at 1l/s.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal.

23. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

24. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or relevant phase of development, is resumed or continued.

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

Informatives:

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. Protection of existing assets: A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. Building near to a public sewer: No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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### **The Old Priory, Priory Lane, Bicester, OX26 6BG**

The Committee considered application 25/00804/LB, a listed building application to re-lead existing historic glass in two arched panels within existing stone surround at The Old Priory, Priory Lane, Bicester, OX26 6BG for Mr Robert Parkinson.

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

#### **Resolved**

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission for application 25/00804/LB subject to conditions.

#### **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: SLP 'Site Location Plan', 1 'First floor east end plan', 2 'East Elevation' and documents called 'Design/Heritage Statement', 'Photo - external arched panels', 'Photo – external arched panels', 'Photo – internal arched panels' and 'Photo – external elevation'.

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.

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### **Appeals Progress Report**

The Assistant Director Planning and Development 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.

The meeting ended at 6.40 pm

Chair:

Date:

# Agenda Annex

## CHERWELL DISTRICT COUNCIL

Planning Committee – 3 July 2025

### 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**

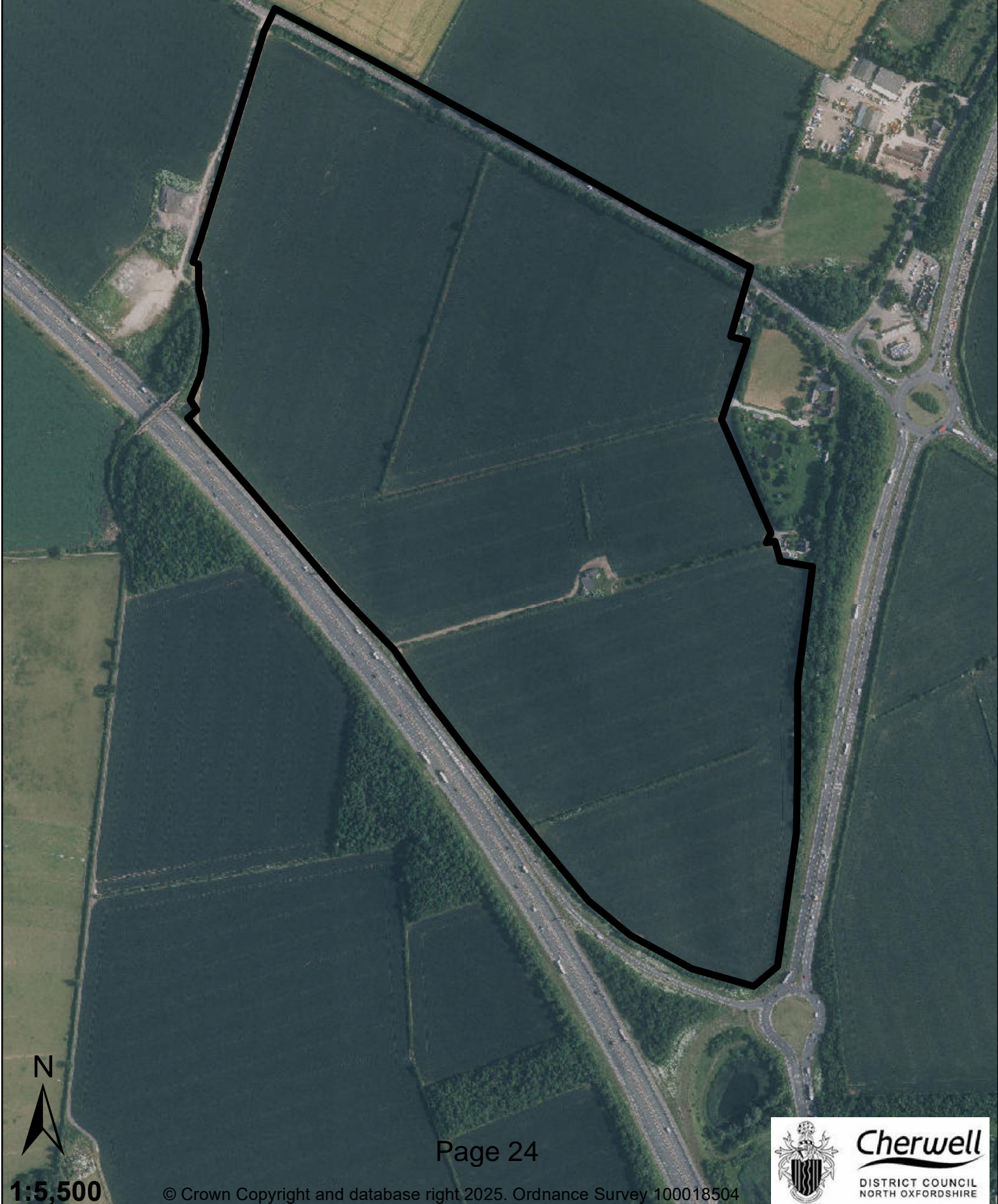
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

<b>Item No.</b>	<b>Site</b>	<b>Application Number</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
<b>8</b>	OS Parcel 2636 NW Of Baynards House Ardley Green Farm Street To Horwell Farm Baynards Green	21/03268/OUT	Fringford & Heyford	Approval*	Tom Webster
<b>9</b>	OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green	21/03267/OUT	Fringford & Heyford	Approval*	Tom Webster
<b>10</b>	OS Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green	22/01340/OUT	Fringford & Heyford	Approval*	Tom Webster
<b>11</b>	OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green	21/03266/F	Fringford & Heyford	Approval*	Tom Webster
<b>12</b>	Land West Of The Old Piggeries Bloxham Road Milcombe	24/03399/OUT	Deddington	Approval*	Katherine Daniels
<b>13</b>	Land To The Rear Of Mole End Main Street Great Bourton	24/01885/F	Cropredy, Sibfords & Wroxton	Approval*	Shona King
<b>14</b>	Land North of A4221 Bicester Road, Fringford	24/02167/F	Fringford & Heyfords	Approval*	Rebekah Morgan
<b>15</b>	Hanwell Fields Community Centre Rotary Way Banbury Oxfordshire OX16 1ER	25/01191/CDC	Banbury Hardwick	Approval*	Iwona Gogut

\*Subject to conditions

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

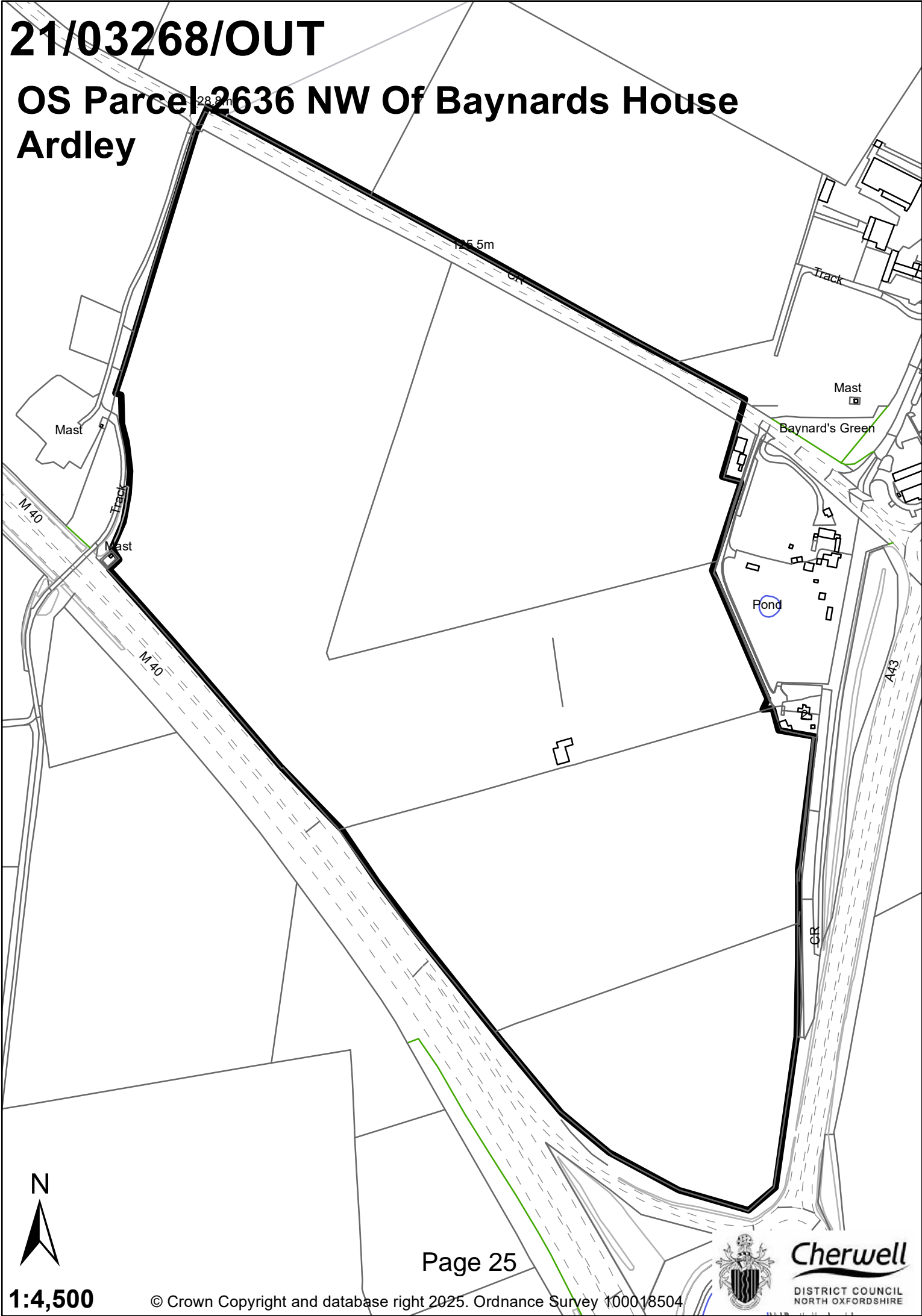
**OS Parcel 2636 NW Of Baynards House  
Ardley**





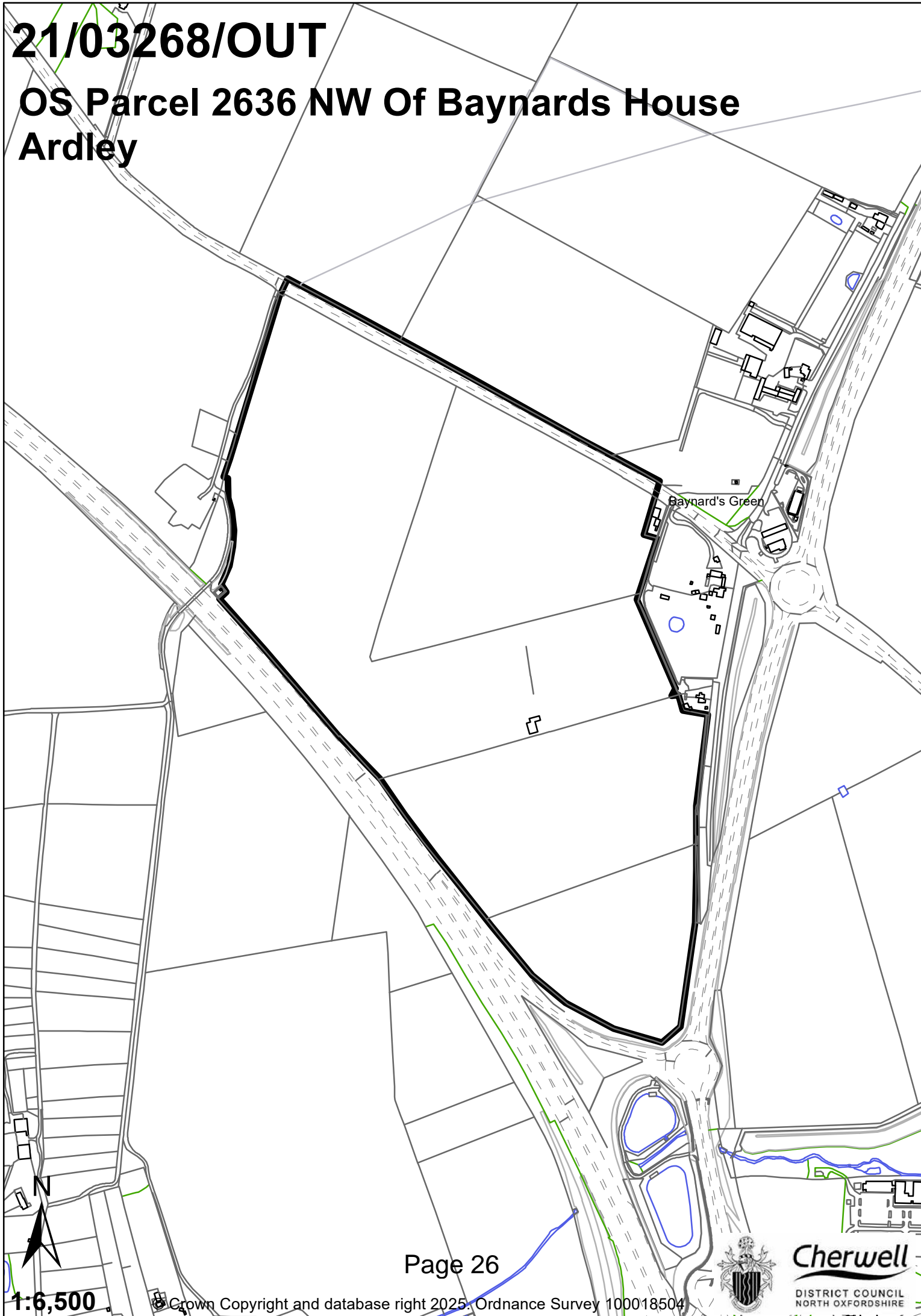
21/03268/OUT

OS Parcel 2636 NW Of Baynards House  
Ardley



21/03268/OUT

OS Parcel 2636 NW Of Baynards House  
Ardley



**Case Officer:** Tom Webster

**Applicant:** Albion Land.

**Proposal:** 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

**Ward:** Fringford & Heyford

**Councillors:** Cllr Grace Conway-Murray, Cllr Nigel Simpson, Cllr Barry Wood

**Reason for Referral:** Major Development/Departure from Plan

**Expiry Date:** 31 May 2025

**Committee Date:** 3rd July 2025

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## **SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND SECTION 106 LEGAL AGREEMENT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The site, which sits just north of Junction 10 of the M40, comprises 43.9ha of arable farmland. The farmland is divided by low-clipped hedgerows (with some loss/gaps in places) into six separate fields. An overhead power cable crosses over the site.
- 1.2. The site is bounded by the B4100 to the north, the A43 to the east, the M40 & M40 southbound slip road to the south/southeast, and a farm track and hedgerow to the west (with arable fields beyond). The land is relatively flat with a gently undulating nature. The highest point is 126m above ordnance datum (AOD) on the northwestern part of the site and gradually slopes down to 114m AOD.
- 1.3. The site is also in close proximity to Baynard's Green roundabout which forms the junction of B4100 and the A43. Three residential properties separate the junction from the site and sit along the north-eastern corner of the site
- 1.4. Public Right of Way 109/5/10 runs down the eastern part of the site but then cuts through a third of the site and continues along the western boundary.
- 1.5. The northern, eastern and western boundaries are distinguished by mature tree belts and hedgerows. The southern part of the site, close to the M40 is more open in nature, which the level and density of planting increasing in parallel with the slip road.
- 1.6. There are no structures on site other than a small building in agricultural use.

## **2. CONSTRAINTS**

- 2.1. Two Public Rights of Way extend along the eastern and western boundaries of the Western Site (refs. 367/28/10 and 109/2/40). They are linked by a Public Right of Way that extends south westerly across the Western Site (ref. 105/5/10).
- 2.2. The Agricultural Land Classification for the site is predominantly 3b with the remainder being classed as 3a (Moderate Quality Agricultural Land)
- 2.3. There are no listed buildings on site and the site is not inside a Conservation Area. The closest listed building is the Grade II building on Baynard's Green Farm which is 200m away.
- 2.4. The Grade II listed Manor Farmhouse and Fewcott Farmhouse are located approximately 800m and 900m south of the Site boundary respectively, on the opposite side of the M40.
- 2.5. The closest Conservation Areas are Ardley & Fawcett (800m, respectively) and Fritwell (1.2km)
- 2.6. The site is entirely in flood zone 1.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 For an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.
- 3.2 This application seeks outline planning consent (all matters reserved except means of access) for 170,000 sqm GEA of logistics (Use Class B8) and 10,000sqm of ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.
- 3.3 A new access from the B4100 is also proposed via a new roundabout. A second new roundabout would also be developed inside the site leading to two separate phases of development
- 3.4 As part of the s.106 mitigation measures, the applicants are, in conjunction with Tritax Big Box, are proposing to make the following changes to Baynard's Green Roundabout:
  - The full signalisation of the roundabout
  - Widening on the approaches and circulatory carriageway; and
  - the introduction of active mode infrastructure to ensure pedestrians and cyclists are able to navigate the junction.
- 3.5 Albion Land and Tritax Big Box have both signed a Land Collaboration Agreement that will ensure all Baynard's Green highway improvement works will come forward, prior to the commencement of development, even if only one of these logistics developments were to come forward.
- 3.6 It is also proposed to create a cycle/pedestrian link between the site and Braeburn Avenue, Bicester along with a contribution to turn the existing number 500 bus service from an hourly service into a 30-minute service, for a period of 8 years



- 3.7 The applicants have also offered the alternative scenario where they increase the level of bus contribution to ensure a 15-minute bus service for 8 years. This scenario would either be instead of the cycle/pedestrian path or in the event that it is not practically possible to deliver the cycle/pedestrian route and is the applicants' preferred option as, my understanding is there are a couple of potential pinch points along the route.
- 3.8 The distribution of development would be guided by three parameter plans:
- 3.9 *Parameter Plan 1: Land Use.* This plan identifies 3 build zones, areas of soft and enhanced landscaping, the existing public right of way and where the public right of way would be diverted.
- 3.10 *Parameter Plan 2: Building Heights.* This plan caps the maximum height of the buildings at 23m
- 3.11 *Parameter Plan 3: Vegetation and retention and removal:* This plan establishes which hedgerows would be lost, which would be strengthened and the 3 trees which would be lost.
- 3.12 The applicants have also submitted an illustrative Landscape Strategy Plan, an illustrative Masterplan (which includes Albion's neighbouring eastern parcel on the eastern side of the A43) and illustrative elevations.
- 3.13 The illustrative Landscape Strategy Plan depicts
- Multiple SuD ponds, swales and wet woodland areas
  - Semi natural screening/woodland along the northern boundary
  - Southern eastern boundary hedgerow protected and enhanced
  - Western boundary hedgerow protected and enhanced
  - Landscaped parking areas
- 3.14 However, it should be noted that the illustrative Landscape Strategy Plan is not a formal plan and is submitted for illustrative purposes only.
- 3.15 CBRE, in their 'Logistics Marketing and Land Availability Report', anticipates that this site, along with the eastern parcel, would lead to 400 construction jobs and 3,000 permanent jobs. My understanding is that DHL, a leading Logistics company to lease two of the buildings on this western parcel.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. There is no planning history on this site directly relevant to the proposal. However, the following planning applications (submitted by Albion Land) on the neighbouring sites are considered relevant to the current proposal:

OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green

21/03267/OUT - 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 – *to be determined*.

OS Parcel 2636 NW Of Baynards House, Ardley

21/03266/F - Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping – *to be determined*.

Os Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green

22/01340/OUT - 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 – *to be determined*.

OS Parcel 8233, South of Baynards Green Farm, Street to Horwell Farm, Baynards Green OX27 7SG

- 4.2. Additionally, the following application was submitted by Brunel Securities LLP and The Curtis Family on the 17 April 2018:

18/00672/OUT - Outline development for up to 7,161 m<sup>2</sup> of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping – refused on the 21 September 2018.

- 4.3. It was subsequently dismissed on appeal under Ref: APP/C3105/W/19/3225084 – see **Appendix A**) concluding the development would be in conflict with Policies SLE, ESD1, ESD 13 and ESD 15 of the Local Plan.

- 4.4. In reaching his decision, the Inspector concluded that this employment application would be in an “*inappropriate location*” and that:

*“Irrespective of the final configuration of the buildings on the site, even if set back from the road, the proposal would lead to an urbanisation of the site with the built development being of a notable scale and bulk given the size of the plot and the amount of floorspace proposed. This is regardless of whether it is deemed large or small in scale.”*

## **5. PRE-APPLICATION DISCUSSIONS**

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

Part Of M40 In OS Parcels 1800 5680 5633 7648 0068 5656 And 4300  
Part Of M40 Through Ardley Parish, Ardley

21/01708/PREAPP - Logistics Development -pre-app advise issued on the 26 November 2021

- 5.2. The case officer concluded that she could not support the development for the following reasons:

*“The application is likely to be unacceptable in principle because it appears that it would conflict with policies SLE1, SLE4, ESD1, ESD13 and ESD15 of the Cherwell*

*Local Plan 2031, saved policy C8 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.*

*Development of the form and scale proposed on either or both sites would be likely to generate significant volumes of HGV traffic on the adjoining highways – the B4100, A43 and M40, exacerbating congestion on the Baynards Green and M40 J10 road junctions;*

*The western site affects the setting of a listed building ('Medkre') and would therefore need to be designed sensitively to take account of this, including using high quality materials;*

*The adjoining properties Baynards House, Baynards Barn and the grade II listed Medkre are all very close to the site boundary of the western plot and therefore the development could result in a serious loss of residential amenity for neighbouring occupants;*

*Development, particularly on the eastern site would be prominent in the landscape and substantially impact its open rural character*

## **6. RESPONSE TO PUBLICITY**

6.1 This EIA application has been publicised multiple times by way of a Site Notices displayed near the site, by advertisement in the local newspaper expiring **18 July 2025** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments is the **18 July 2025**.

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

129 letters of objection (albeit some letters objection submitted more than once due to multiple re-consultations)

- This proposal is vastly over scaled especially when added to other proposals at Baynards Green and Heyford for warehousing and a freight depot. Taken together, these proposals will industrialize the Cherwell Valley.
- The proposed development will encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.
- With another 22,000 houses coming to Bicester in the coming years it would be far more sensible to link the entrance to the dual carriageway of the A43 rather than the already busy single carriageway B4100.
- All employees would have to commute by car
- It is not an allocated site.
- Employment land is allocated elsewhere in the district through the Local Plan.
- This area is open countryside and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.

- The site is within close proximity to at least 12 Grade-2, Grade-2\* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust
- The proposal will lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange will lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT)
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use will add to these delays.
- The application is also flawed as it fails to recognise the significance of Stoke Woods, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.
- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant number of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tail-backs forming along the B4100 (currently, often as far down as the Stoke Lyne turning)
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials
- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.

- Would cause flooding
- Would harm the wildlife
- Noise impact on the residents of Stoke Lyne and Hardwick
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.

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.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2 Ardley with Fewcott Parish Council: No comments received

7.3 Piddington Parish Council: No comments received

7.4 Fritwell Parish Council: **objects**

1. Precedence
2. Traffic & Congestion
3. Conversion of Agricultural land into industrial use
4. Pollution
5. Flooding
6. Low skilled jobs -limited employment opportunities for local residents

7.5 Stoke Lyne Parish Council: **-objects** for the following reasons:

*"The Parish Council would submit that the current proposals do not accord with the policies contained in the Local Plan, in that*

*1. they are proposing development outside the limits of the development\_areas of Bicester, Banbury and Kidlington, and that the proposals will not bring with them the higher technology industries described in the plan SO1)\_or can be considered to support the development of a knowledge-based\_economy to create the desired support the creation of a globally competitive\_and lower carbon economy*

2. They do nothing to protect and enhance the natural environment or to minimise pollution in a rural area (SO15)

3. It will not help strengthen the rural economy or increase employment opportunities

4. The proposals are outside the boundaries of development proposals for either Bicester or Banbury and are situated on land where no development has been allocated in the Local Plan.

5. It is contrary to Policy SLE1 in that it is not an existing site, it is not within the built up limits of the settlement with no access by sustainable modes of transport, and the application being of a rural nature, fails to comply with requirement to respect the rural nature of the area and the local villages, it will, by significantly increasing road use, have a detrimental effect on the highway network, at a time when other proposals – HS2, East/West Rail etc will also put pressure on the road network around J 10 of the M40 motorway.

Under the same policy the proposal will have a severe impact on the appearance and character of the landscape and the environment generally including on any designated buildings or features including the effect on the area around Juniper Hill, with the historical significance enhanced by Flora Thompson in Lark Rise to candleford. It will also give rise to excessive or inappropriate traffic and will do nothing to contribute to the general aim of reducing the need to travel by private car.

Stoke Lyne Parish Council supports the principles of the NPPF which seeks to promote the role of planning in achieving sustainable economic growth, in building a strong, responsive and competitive economy, and by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation, but would suggest that the current proposals are not the right type of proposal, on the right land or in the right place.

The CDC Local Plan has an acknowledged urban focus, and the Parish Council submits that there is no reason to depart from this principle. The Parish Council also has concerns that the proposal to create this development outside the built-up area of the Bicester could, if approved, encourage other landowners to make similar applications. The Council accepts that fear of establishing a precedent is not a proper planning consideration as each case has to be considered on its own merits, but the Parish Council fears that should development on this site be approved it could become a material consideration encouraging other landowners with land outside the Bicester development area and in similar rural locations to make similar applications for development.”

#### STATUTORY CONSULTEES

7.6 Anglian Water: - **Objects** due to the lack of capacity to accommodate the additional flows that would be generated by the proposed development. Recommends a pre-commencement condition, in the event of approval.

7.7 CDC Arboriculture: No comments received

7.8 OCC Archaeology – **No objection:** No archaeological deposits which will require further mitigation were recorded in the western land parcel

7.9 BBO Wildlife Trust: **Objection:**

1.Loss of hedgerow priority habitat

*2. Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and Species Regulations 2010 as amended by paragraph 9a of the Conservation of Habitats and Species (Amendment) 2012 Regulations).*

*3. The importance of a net gain in biodiversity being in perpetuity*

*4. Further justification required to illustrate how net gain in biodiversity will be achieved*

*5. Cumulative effects on farmland birds in the context of other infrastructure proposals for the area.*

#### 7.10 Campaign to Protect Rural Oxfordshire – Objection

- Harm to the character and appearance of the area
- Loss of agriculture
- Landscape harm & village setting
- Could be located on other parts of the M40
- A land grab would be needed for the cycle/pedestrian route
- Significant loss of biodiversity on the site
- The applicant should show how the site in Piddington will provide the complementary habitat green corridors that will be lost to Baynards Green.

#### 7.11 CDC Conservation: No objection

“The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting. It is noted that the indicative plans show the land surrounding Baynards House not to be developed and landscaping to the north of the site around the site entrance.

The two village conservation areas closest to the site are Ardley and Fewcott, and Fritwell. From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas. “

#### 7.12 CDC Drainage: No objection, subject to conditions:

Both sites (east and west of A43) are shown to be at very low risk of fluvial and surface water flooding and not affected by any other source. Therefore, no comments on Flood Risk at this time.

#### 7.13 CDC Ecology: Objection

- Insufficient provisions for badger population present.
- Loss of priority hedgerow habitat in contrary to NPPF and Cherwell Local Plan.
- Further information required for Biodiversity Net Gain.
- Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan.
- Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan.

#### 7.14 CDC Economic Growth:

*Whilst there would be a significant number of jobs created, it is unclear where the workforce would be drawn from in an area of existing high economic activity, where higher paid residents are already generally required to commute out of the area to access higher paid jobs.*

*The density of the jobs in relation to developed greenfield land would also be expected to be lower than for other employment uses (e.g. offices and manufacturing). Whilst it is accepted that there are technical, office and managerial roles in modern logistics operations, the majority of posts would be expected to be in lower skilled roles, and it would need to be established how many of those roles could be filled locally.*

*It is therefore unclear how a local labour force would be recruited and maintained. A realistic skills and employment plan would be essential, implemented well in advance of both the construction and operational phases.*

*The risk is that, if the skills and employment plan is ineffective, the limited local labour pool would lead to a significant amount of commuting to and from locations beyond the district and county boundaries.*

*Even if labour could be drawn from nearby towns, the geographical location of the site - far from residential neighbourhoods and sustainable transport options - would mean that personal vehicular access would predominate. Investment in sustainable and permanent solutions would be required.*

*Whilst the operations of the Large Goods Vehicles would have efficient access to the strategic road network, there would be likely to be localised issues adjacent to the site. Indeed, the masterplan does not indicate improvements to the already congested access onto the roundabout on the A43. Unless enhanced, this could impact negatively upon local businesses and residents, and on the long-distance traffic passing through.*

#### 7.15 Environmental Agency:

*"The submitted amendments include an area of off-site habitat compensation proposed to demonstrate how the development will deliver a net biodiversity gain. The proposed off-site compensation area lies within an area at risk of flooding and part of the boundary adjoins the Muswell Hill Brook main river. The applicant should be asked to update the Flood Risk Assessment and provide further details of the proposed works in this area to confirm that flood risk will not increase."*

#### 7.16 CDC Environmental Protection: **No objection**, subject to conditions



*General:* Although a framework CEMP is mentioned in the ES, I have been unable to find a copy of the document and therefore I would advise that the following condition is placed on any permission granted:

*Noise:* Having read the updated noise chapter of the ES with regards to the Eastern Development I am satisfied with the contents and findings and am pleased to see the improvement made by the 2m high fence as mitigation but would like to see further mitigation such as the low noise road surfacing's included in the scheme to give the best possible outcomes for the nearby residential receptors.

*Contaminated Land:* At this stage as no further information has been provided, I see no reason to alter my earlier comments, namely: Consideration should be given to a supplementary investigation once the proposed layouts are finalised and watching brief should be maintained on potential hotspots on the site. Should contamination be found then a remediation strategy should be supplied to and agreed with the LPA before further work is carried out.

*Air Quality:* Having read the AQ chapter of the ES I am satisfied with the contents and findings and have no further comments at this stage.

*Odour:* No comments

*Light:* Having read the light report provided I am satisfied with its findings and the proposed mitigation.

7.17 Oxfordshire Fire & Rescue Service: **No Objection**

*It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010. You should review and ensure suitable water supply for firefighting is provided prior to consultation.*

7.18 Historic England: **No Objection**

7.19 OCC Local Lead Flood Authority: **No objection**, subject to conditions

7.20 Mid-Cherwell Neighbourhood Forum: **Objection**

- Not clear how diverse the range of jobs would be
- Loss of agriculture
- Harm to the existing landscape
- The scale of development will have an adverse effect on the surrounding environment.
- Not enough detail re the volume of traffic
- Both the Conservation Areas are entirely within this zone, and therefore – theoretically – the development could cause harm to the setting of the Conservation Areas. The applicants should be required by CDC to carry out detailed analysis of views and vistas in order to ascertain the extent of visibility affecting these Conservation Areas. Only then is it possible to determine whether the requirements of Policy PD4 can be met.

- Concern that the development could be contrary to the Neighbourhood Plan policy PD4 -potentially to the character of a village and its setting or of the wider countryside; and its ability to avoid light pollution
- The Inspector refused the employment appeal scheme to the north of this site
- Prematurity -coming forward before the new Local Plan
- Unproven demand.

7.21 Natural England: No Objection

7.22 National Highways: No objections, subject to conditions - in particular the requirement to deliver the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: **216285-A-14A**, titled Baynards Green General Arrangement, prior to the commencement of development.

The Concept Site Levels & Drainage drawing (FRA and Drainage Report Appendix H), includes the comment “Emergency overflow into Local ditches (TBC),” adjacent to the roundabout at the end of the A43 S/B exit slip road.

Please note that under paragraph 59 of DfT Circular 01/2022:

*To ensure the integrity of the highway drainage systems, no new connections into those systems from third party development and proposed drainage schemes will be accepted. Where there is already an existing informal or formal connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment. The company may require a drainage management and maintenance agreement to be entered into to secure this requirement in perpetuity*

7.23 West Northamptonshire Council:

- *TA and ES demonstrate negligible impact to traffic flows in Aynho and Croughton*
- *ES states construction traffic will be mitigated via a Construction Traffic Management Plan. This should be conditioned and WNC should be consulted in order to review magnitude of impacts on our network, programming and mitigation measures.*
- *ES Operational Phase traffic flows do not calculate correctly. ES shows 0% HGVs on A43 and A421 presently, with an increase in excess of total development flows. These should be checked and resubmitted before WNC can confirm we are satisfied with the magnitude of the impact.*

7.24 National Planning Casework Unit: No Comments received

7.25 CDC Policy: No Objection CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

7.26 Thames Water: Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a prior to occupation condition be added to any planning permission to ensure that either all the water network upgrades required 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 to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan

#### OTHER CONSULTEES

7.27 Bicester BUG:

##### **B4100/A43 Junction**

*We would advise providing crossings over all junction arms to include the north arm. This will enable pedestrians on the NE corner of the junction to cross to the services on the NW corner by making only 2 crossings. At present they will be required to cross 6 very slow and indirect crossings.*

##### **B4100 Road**

*Along the frontage of the site, segregated and buffered pedestrian and cycle paths should be provided on both sides of the B4100 to facilitate foot and bike movements within and between the development. This is essentially now a spine road. See the Oxford Cycle Design Standards.*

*Pedestrians and cycle crossings over minor junctions need to be set back a minimum of 5m for reasons of safety, particularly given the paths are bi-directional.*

##### **Albion West Access**

*There is a shared path on one side of the road, but a pedestrian only path on the other. It is inevitable as arranged that cyclists will ride on the pedestrian path to avoid the need to make the crossing. Better to ensure that there are shared paths on both sides of the access road.*

##### **Cycle Path**

*Priority needs to be continuous across access points.*

*There needs to be access and egress points from the cycle path near to where there are junctions off the B4100 to other destinations to allow cyclists to join and exit the path.*

*The bus stop bypass design is quite fussy and complicated. Better to provide a wide section of shared area adjacent to the bus stop to enable pedestrians and cyclists to pass without risking collisions.*

*Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas.*

*It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.*

*The path runs along the back of the large layby near Bicester. Either the layby needs to be redesigned, or the path needs to run in front of the layby for safety and security, even if this requires two (setback) crossings over the mouths of the layby.*

### **Albion Land Site Western Parcel**

*The shared paths seem incoherent and only lead into car parks, rather than close to the entrances of the buildings. The shared paths should lead all the way to the entrance to the buildings where the cycle parking should be located to enable effective surveillance of valuable e-bikes.*

*The shared paths seem only to be shown on one side of the internal road with a narrow pedestrian path on the other, and similarly to the bus stop. Cyclists will inevitably ride on the pedestrian paths as currently designed, causing conflict and annoyance. It would be preferable to have shared paths on both sides of the carriageways.*

## **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 (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 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 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP4 – Employment generating development in rural areas
- TR1 – Transport

- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C9 – Scale of development compatible with a rural location
- C28 – Layout, design and external appearance of new development

#### Mid Cherwell Neighbourhood Plan 2018 - 2031

- Policy PD4: Protection of important views and vistas
- Policy PD5: Building and site design
- Policy PD6: Control of light pollution

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)
- Developer Contributions SPD
- Conservation of Habitats and Species Regulations 2017

## 9. APPRAISAL

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

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage
- Energy
- Heritage
- Residential Amenity
- Archaeology
- Loss of Agricultural Land
- Air Quality
- Public Right of Way Diversion
- Planning Obligations
- Other Matters

#### Principle of Development

9.2. Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise. Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits of the proposal are demonstrably outweighed by any harm caused.

9.1. As the Council has an up-to-date local plan, the starting point for the consideration of this proposal is the Cherwell Local Plan. The Cherwell Local Plan outlines the Council's policies for the period 2011- 2031. These policies include the allocation of sites for employment purposes to meet the district's needs.

9.2. The overall spatial strategy within 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.

- 9.3. In the rural areas growth is much more limited and is focussed on meeting local community and business needs. It is directed towards the larger and more sustainable villages. Development in the open countryside is strictly controlled.
- 9.4. A key 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.
- 9.5. 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.
- 9.6. Paragraph B.31 continues by listing the types of employment development the district wants to attract, including advanced manufacturing/high performance engineering, the green economy, innovation, research and development. Paragraph B.32 states support for well-designed logistics development in recognition of the areas attractive transport links.
- 9.7. Paragraph B.43 sets out that that land is allocated taking account of economic evidence base matching growth in housing and to cater for company demand, particularly for logistics.
- 9.8. Policy SLE 1 helps to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester.
- 9.9. The application is inconsistent with, and a departure from, the Local Plan strategy in this regard. The Plan has an urban focus, and justification is needed for new sites in the rural areas.
- 9.10. Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.
- 9.11. The site is located in the rural area, including in the context of Policy SLE1, and, therefore, the third part of Policy SLE1 applies. For completeness, the relevant criteria of this policy is set out in full, further on in this chapter, where an assessment of the scheme is made against each criterion.
- 9.12. The emerging Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, is at Regulation 19 stage. The document proposes a number of new employment allocations at Bicester and an employment and mixed-use allocations at Banbury. The spatial strategy focuses the majority of employment and residential new development at Bicester and Banbury, with some residential development directed to the more sustainable villages.
- 9.13. The importance of the M40 Motorway corridor is recognised within the district. Accordingly, three of the five employment allocations at Bicester are at the junction of the M40 Junction 9. This also enables the sites to maximise the location of the A41 corridor into Bicester. There are no employment allocations proposed at Junction 10

of the M40 in either the existing or emerging local plans. Therefore, development here would be on unallocated land.

- 9.14. Paragraph 85 of the NPPF states, *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** (my emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*
- 9.15. Paragraph 86 of the NPPF (which applies to preparing policies) goes on to set out a number of criteria to encourage Councils positively and proactively plan for growth. Sub-section c of this paragraph explains that *“Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying **suitable locations for uses such as logistics** (my emphasis).”*
- 9.16. Paragraph 87b of the NPPF (which applies to both preparing policies and decision making) reinforces this point by making clear that, *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales **and in suitably accessible locations** (my emphasis) that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation”.*
- 9.17. Paragraph 87c of the NPPF adds that, *“Planning policies and decisions should also include the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience*
- 9.18. The PPG also recognises the importance of logistics development in the employment sector, stating:
- The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)”.*
- 9.19. Albion are proposing to deliver three ‘XXL’ units on this parcel of land, each with a floor area of 500,000 sq ft per unit) and, as such, require at least 11ha of land. Although the precise floorspaces for each unit are not fixed on the parameter plan, they would have a maximum height of 23m.
- 9.20. The applicants’ planning statement states that being immediately adjacent to the strategic highway network is a fundamental requirement of logistics operators (DHL), adding that *“there are no other suitable sites capable of accommodating development of the scale proposed.”*
- 9.21. CBRE, on behalf of the applicants, submitted a Logistics Market Assessment and Land Availability Report and an update to that report in February 2025. This report considers that all other committed or allocated sites in Cherwell DC, either currently existing or potentially coming forward, are smaller or of irregular shape and not capable of delivering the ‘XXL’ units Albion are proposing.
- 9.22. I am inclined to agree with this viewpoint: developing this scale of development next to Junction 11, for example, would result in landscape harm and severe highways safety issues (both National Highways and Oxfordshire County Council Highways objected to the recent appeal application APP/C3105/W/24/3352512); and Junction 9 is currently unallocated (albeit it has land allocated in the emerging plan for district

scale B2/B8 development). Moreover, this scale of development would not be appropriate for this scale of development to be located on the edge of Category A Villages.

- 9.23. The other part of CBRE's assessment is their review of the existing principal logistics schemes on the M40, predominantly, but not limited to, the Cherwell District.
- 9.24. The Council instructed Lambeth Smith Hampton (LSH) to review CBRE's evidence to help establish the actual level of need and supply at both district and the wider PMA level. LSH are in agreement with CBRE that there is a demand for XXL units. For the ease of reference, I have included LSH's assessment of CBRE's evidence, in the paragraphs below:

*"Overall, we consider the evidence provided by CBRE shows that there is high demand for XXL units from businesses requiring premises from which to serve regional and national requirements. This is distinct from the market for units serving a more local market; and whereas both will favour locations with easy access to the strategic highway network, the drive time advantages make this part of the country of particular interest to businesses wanting XXL units.*

*As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria*

*The need for XXL units is difficult to estimate at a district level using typical forecasting methods, due to the very small number of units of this size which makes establishing trends at a local level difficult. Additionally, the catchment areas covered by distribution units of this size are generally regional or even national in scale. These factors mean that defining the need for XXL units at a district level is not practicable or advisable.*

*Ideally, there would be a strategic logistics study which examines the need for these large-scale logistics at a regional scale, however at present there is a lack of such strategic evidence. It is not within the scope of this commission to quantify need at this scale and due to the size of the catchment areas, these XXL units are not included within the Cherwell ENA which is focused on district need.*

*Whilst the evidence presented by CBRE does not constitute a full strategic study, in our opinion the evidence they have presented in relation to demand for XXL units is compelling. Based on the evidence presented from CBRE alongside our own market knowledge, we are in agreement that there is a high demand for XXL units in this area. Given the very large catchments, it is not possible to conclude that this need is specifically required within Cherwell district, however it is clear that the district is a very attractive location and therefore demand is high.*

*Whilst the focus of CBRE's evidence is XXL (with some analysis of XL units over 350,000sqft), it is noted that the layout of the site and therefore the unit sizes are indicative at this stage and to be determined at reserved matters stage. Two options are presented within the CBRE report, with only Option 2 providing unit sizes. For Option 2 the unit sizes range between 386,000 sq ft and 1,179,000 sq ft and although not stated the unit sizes for option 1 appear to be smaller with the majority below the XXL threshold.*



*Given the focus of their evidence on XXL units, it is assumed that Albion wish to develop units of this size and therefore if the Council are minded to grant permission, the indicative nature of the unit sizes and the options presented may need to be considered and discussed further.*

- 9.25. Despite some minor differences in approach, and whilst no survey has been undertaken to establish the exact level of national need, LSH agree with CBRE that there is a high need/demand for this type of development, for regional and national needs, noting that the scheme would also bring a range of economic benefits to the local and wider economies.
- 9.26. Moreover, I am advised by LSH that the Cherwell Economic Needs Assessment (ENA) 2025 has led to an increased estimate of need, reflected in the draft review Local Plan 2042. The 'upper end' of the range of employment need figure is now much more closely aligned with the level of need identified by Savills, despite the differences in methodology.
- 9.27. It should be noted that the Cherwell ENA 2025 has been produced to support the emerging Local Plan, rather than the adopted Plan, against which this application is being determined. The Cherwell ENA 2025 estimates an overall need of employment land between 2020 and 2042 of between 274 and 359 hectares. This need is heavily focussed on B2/B8 uses which represent 198 and 283.5 hectares of that overall figure. On an annual basis this need equates to 9.0–12.4ha (lower and upper-end demand) for all B2/B8 land at a district level.
- 9.28. It remains the Council's choice where in that estimated range to plan for. In looking at the top end of the range, the Council, currently, would have a potential shortfall of around 22.5ha of B2/B8 land. The quantum of employment space required will ultimately be set in the Cherwell Local Plan 2042.
- 9.29. In light of the conclusions of the LSH report and the scheme's compliance with the current NPPF paragraphs, the proposal broadly complies with the criteria of the policy SLE1. For the ease of reference, I have set out my assessment of the scheme against the criteria of this policy:

**Policy SLE 1:**

- 9.30. *"Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1)."*
- 9.31. I consider there to be exceptional circumstances:
- LSH have concluded that CBRE have provided compelling evidence that there is high demand for XXL units from businesses requiring premises from which to serve local, regional and national requirements
  - The applicants' planning statement confirms that there are no other suitable alternative sites or opportunities for large scale logistics buildings of this nature along the M40 corridor.
  - Collectively, there would be 3000 permanent jobs across the Albion two sites (East & West) + 400 construction jobs
  - Para 85 of the NPPF advises that there should be "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"
  - Para 86 of the NPPF: "Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as logistics

- Para 87 of the NPPF acknowledges the importance of 'suitably accessible locations' - this site is next to the Motorway, away from villages.
- The development will bring a range of economic benefits to the local and wider economies and help support the modern economy.
- Established occupiers (DHL) lined up, so a big part of the site could come forward quickly.
- This site sits inside the Oxford – Cambridge corridor. The Government wishes this corridor to be an economic engine for the whole of the UK. For further info, see: <https://www.gov.uk/government/news/minister-vallance-underlines-how-oxford-cambridge-corridor-ambitions-can-boost-whole-uk>

9.32. ***"New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:***

- ***They will be outside of the Green Belt, unless very special circumstances can be demonstrated.***

9.33. Officer Comment: Complies.

- Both Albion east and west parcels are outside the Green Belt

- ***Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.***

9.34. Officer Comment: Complies for the following reasons:

- Para 322 of the LSH report: "*As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria*"
- This site will help plug a potential shortfall in B2/B8 use at the upper end of the estimated employment range, as concluded by LSH
- Also, whilst in the rural area, the sites are close to the motorway and therefore wouldn't comprise sporadic development.
- There are no sites on the edge of Category A Villages capable of delivering schemes of this scale, and they are not as close to the motorway. Also, development on this scale would harm the setting of Category A villages, if they were located on the edge.

- ***They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings***

9.35. Officer Comment: Complies

- The delivery of a very high quality of design for the buildings and the internal landscaping scheme, can be secured through robust pre app discussions and reserved matters applications.
- The buildings would not impact on the character of the neighbouring villages, which are significantly set back from the site.
- The buildings, with appropriate screening, would respect the urban character of the surrounding M40, B4100, the garage & MacDonalds and the A43

- Sustainable construction conditions will be imposed, which require the development to be completed to BREEAM Very Good/Excellent as offered by the applicants in their planning statement.
- ***They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.***

9.36. Officer Comment: Partial compliance

- The buildings would not be small in scale. However;
- They wouldn't impact on the setting of Ardley, Fritwell or Fewcott, the three closest villages. Nor would they be out of keeping with the urban nature of the M40, the A43, and the garage and the MacDonalds to the North of the site.
- There would be significant adverse harm on the character and appearance of the area when viewed from the vantage points identified in LUC's assessment and set out in the Landscape and Visibility chapter of this committee report, noting that this landscape is of 'modest' value.
- ***The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).***

9.37. Officer Comment: Complies

- The scheme can be carried out without undue detriment to residential amenity or the highways network.
- The site is not near a village and would not affect the setting of the closest village
- The scheme will not unduly impact on the setting of any listed and non-designated buildings (no objections Historic England or CDC Conservation).
- There would be some harm to the character of the landscape, the majority of which can be mitigated through robust landscaping plans.
- ***The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car. There are no suitable available plots or premises within existing nearby employment sites in the rural areas".***

9.38. Officer Comment: Complies

- National Highways and OCC Highways have, subject to conditions and planning obligations, no objections to the scheme from a highway's safety point of view.
- The provision of either an improved or new bus service and cycle/pedestrian path would contribute to the general aim of reducing the need to travel by private car.
- There are no suitable alternative sites within Bicester or Banbury which are in close proximity to the M40 that could absorb a scheme of this scale. J11 is not appropriate from a landscape or highways perspective

and J9 does not currently have any allocated sites (albeit there are some employment sites in the emerging Local Plan Review).

- 9.39. Whilst the proposal does not fully comply with every criteria of this policy, it complies with the majority of them and, therefore, partially, rather than fully complies with this policy.
- 9.40. Overall, the delivery of new employment land, on such a big scale, is a very significant benefit of this scheme. There would be a great number of jobs created: from the temporary construction workforce to the long-term annual jobs. These significant job projections are, I note, not theoretical – LSH consider them to be accurate, helping to create a diverse employment base in the district. The XXL units would also have the added benefit of not only serving the district and the region, but serving at a national level as well, given their position in a ‘suitably accessible location’.

#### Landscape & Visual Impact

- 9.41. Paragraph 187 of the NPPF requires planning policies and decisions contribute to and enhance the natural and local environment by, amongst other things:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- 9.42. 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.
- 9.43. 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.
- 9.44. Policy ESD15 opens with, “*Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.*”
- 9.45. Sitting underneath this paragraph is a list of design criteria, including the requirement for new development to be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. This part of the policy adds that development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 9.46. 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.

- 9.47. Paragraph B.87 of the Cherwell Local Plan explains that Cherwell's countryside, landscape and green spaces are important natural resources. It goes on to 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.
- 9.48. 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. However, it does not automatically follow that development on it would be acceptable and, for reasons set out below, there are a number of factors that would, together, result in harm to the character and appearance of the area.
- 9.49. Saved policy C8) of the Cherwell Local Plan 1996 seeks to resist development *"if its attractive, open, rural character is to be maintained"*. It explains that this policy *"will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester."*
- 9.50. As noted elsewhere in the report, it is not practical to direct development to suitable sites at Banbury or Bicester. The Banbury M40 J11 site, which is the subject of an appeal, is the only site available and is unsuitable in landscape and highways terms. Bicester's suitable sites do not yet have consent. C8 is therefore accorded with.
- 9.51. Policy DM4 of the Mid Cherwell Neighbourhood Plan 2018 -2031 makes clear that *"development proposals within the plan area must demonstrate sensitivity to the important views and vistas described in Table 4 and illustrated by photographs in the documents referred to in that Table, by including an assessment of the significance of the views and the effect of the proposed development on them. Proposals which cause significant harm to any of these views will only be acceptable where the benefits of the proposal clearly outweigh any harm."*
- Development proposals must also be designed such that there is no adverse impact on the sensitive skylines identified in Fig. 8 and referenced in Table 4.*
- 9.52. Of the two Albion applications, this western parcel is the least sensitive location. It is well screened along the A43 and along the B4100 and the most open views are from motorway where cars move quickly.
- 9.53. That said, at circa 43.9 ha hectares, the combined fields form a very large site and, given the site's proximity three residential properties, public rights of way, and the views from the M40 and part of the A43, it is nonetheless a prominent and sensitive site.
- 9.54. In this context, the introduction of large-scale buildings, associated large-scale lorry and car parking spaces, along with the presence of the lorry's, and, in some places, significant earth bunds, there will be an impact on the landscape and the character and appearance of the area. The key question then, is what is the extent of the harm? Will the character of the area be compromised and undermined as part of that harm?
- 9.55. Tyler Grange, on behalf of the applicant has viewed the site from 15 different viewpoints in their Viewpoints and the Zone of Theoretical Visibility (ZTV). Their ZTV covers a radius of 2km from the centre of the site.

- 9.56. Tyler Grange considers the Fritwell and Middleton Stoney LCAs, in which the Western and Eastern Sites lie, to have a high/medium susceptibility to the Development and a localised importance (medium / low landscape value) resulting in a medium overall sensitivity to proposals. LUC, on behalf of the Council, broadly agree with this assessment, noting that, *“noting that Cherwell Council’s published Landscape Sensitivity Assessment (September 2022) identifies assessment unit LS M40 J10\_2 (equivalent to the (Albion) Eastern site) as having a slightly higher sensitivity to logistics development (moderate-high sensitivity to logistics development and moderate sensitivity to commercial development) than the Western site (assessment unit LS M40 J10\_3) which is stated as having a moderate sensitivity to commercial and logistics development. LUC’s view is that the sensitivity rating of moderate is about right, with sensitivity increasing with distance from the M40/A34 junction.*
- 9.57. LUC’s position is that *“Given the height and scale of the proposed development parameters there will be a number of significant adverse effects on landscape and visual receptors”* for 15 years and beyond...
- 9.58. As part of their assessment LUC reviewed the viewpoints in Tyler Grange’s ZTV and made the following comments:

*If only the western site were to be developed then then the area of landscape that will experience a change to character will be reduced, with the area to the east of the A43 being unaffected, and the significant effects on users of the bridleway abutting the southern boundary of the Eastern site, users of footpaths around Stoke Lyne, the local community of Stoke Lyne and motorists on the A43 would fall away. Also, a shorter stretch of the B4100 would be urbanised. The remaining key significant (long terms) effects would be on:*

- *Users of local public rights of way, and particularly the footpath crossing the western site (Photo viewpoints 8 and 9) which will need diverting between the new buildings.*
- *Users of the PRoW network abutting the site i.e. the bridleway abutting the western edge of the Western Site (Photo viewpoint 7).*
  - *To a slightly lesser extent, users of the footpaths and bridleway network in the vicinity of the sites including the footpath south of Tusmore Park (Photoviewpoints 2 and 3) due to views of the building in the western development; users of the PRoW west and northwest of A43 (Photoviewpoints 10, 18 and 20) due to views of the Western development, and users of the PRoW to the west and southwest of the Site on the edges of Fewcott and Fritwell (Photoviewpoints 12 and 13) due to views of the buildings in the western development.*
- *The local community of Baynard’s Green (Viewpoint 8) comprising Medkre, Baynard House, cottages to the south of Baynard House, Baynard’s Green Farm and Baynard’s Barn - these are the properties closest to the Site and are open to the Western Site so will experience a big change in views, particularly Medkre and the cottages to the south of Baynard House (but no residential visual amenity threshold breaches);*
  - *and to a lesser extent the local communities of Fritwell (Viewpoint 12) and Ardley/ Fewcott (Viewpoint 13) – from these communities most views will be from edges or upper storeys of individual properties, and they will be more distant than at Baynard’s Green.*

- *Urbanisation of a section of the B4100, west of the A43 roundabout and views into the development site from here;*
- *To a lesser extent users of the M40 who, although they will experience clear views of buildings on the western site, the motorists will be passing at speed and have lower interest in their views than on local roads.*

9.59. This application will lead to long-term significant adverse harm on the receiving environment with a medium overall sensitivity.

9.60. When assessed against the criteria of Policy ESD13, there is conflict:

<b>Policy Requirement</b>	<b>ESD13</b>	<b>My Response</b>	<b>Accordance with ESD13 Bullet Points</b>
Bullet point 1. Cause undue visual intrusion into the open countryside.		This scheme would be an almost complete urbanisation of 8 open, gently undulating arable fields and would have a very dominating effect, post 15 years.	No.
Bullet point 2. Cause undue harm to important natural landscape features and topography		<p>The undeveloped character of the application site contributes positively to a medium sensitive landscape setting. This proposal would alter the character of the landscape. The gently undulating topography landscape would not be as visible.</p> <p>However, the landscape is not valued or of historical importance. So, in that sense, it would comply with this part of the policy</p>	Yes
Bullet point 3. Be inconsistent with local character		<p>The loss of longstanding hedgerows and the urbanisation of the site would not only be at odds with the rural site, but, because of the scale and massing, would jar with it.</p> <p>However, the local character also includes the M40, the A43 and B4100 which their tarmac, noise and lights.</p>	Partial Compliance

Bullet point 4. Impact on areas judged to have a high level of tranquillity	Map 4.4 of The Landscape Character Assessment (2024) identifies the tranquillity of the site as being medium to low.	Yes.
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	It wouldn't harm the setting of settlements or landmark features or the closest residential property which is 205m away	Yes
Bullet point 6 Harm the historic value of the landscape.	It is not a landscape with historic value	Yes

9.61. Therefore, there is partial conflict with the Cherwell local plan 2015, the Mid-Cherwell Neighbourhood Plan policies and the NPPF. The landscaping scheme proposed on the parameter plan and phased landscaping schemes, secured through detailed reserved matters applications would very much be a case of mitigation measures rather than enhancement of the site and the local landscape.

9.62. Nevertheless, there is recent case law (*Corbett v Cornwall County Council [2020] EWCA Civ 508. April 2020*) which establishes that a development does not have to comply with every policy of a development plan to be found to be in compliance with a development plan as a whole.

9.63. Moreover, in my view, and LUC's, is that this application site would be the most suitable location of all the logistics applications around Baynards Green: it is a less sensitive site than the neighbouring logistics planning application sites: Albion eastern parcel (the east of the A43) and Tritax Big Box (to the northeast of the Baynards Green roundabout – part of which has a high tranquillity rating on the CBRE Tranquillity Maps 2006). The significant adverse harm will not be as keenly felt here.

9.64. I would also expect any reserved matters application to include a robust layout strategy for that phase. As noted in the 'Highways' chapter, the amount of urban tarmac and parking bays shown on the illustrative plans are 780 bays which, when measured against OCC maximum standards of 1000 bays per 300,000sqm of employment space, represents a 78% exceedance. A robust landscaping scheme would need to be secured by condition, if approved.

#### Highways

9.65. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given 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 Code; and
  - d. 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.
- 9.66. Paragraph 116 of the NPPF makes clear 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. 9.
- 9.67. Policy SLE4 of the Local Plan reflect the NPPF policy: it 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.
- 9.68. Paragraph 117 of the NPPF states that within this context, applications for development should:
  - a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- 9.69. Paragraph 118 of the NPPF requires all developments which generate significant amounts of movement 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.
- 9.70. National Highways had originally (September 2022) requested that planning permission was not granted for a period of 3 months to allow time for the applicant to provide the additional information required to help National Highways better understand trip generation and the level of impact on the national road network, including Baynards Green roundabout.
- 9.71. In March 2023, National Highways requested another 3 months pause to allow for further information to assess the potential impact on a similar extent of the SRN, including the Baynards Green roundabout and establish the level of mitigation would be required at this junction, as the Growth Fund scheme was no longer in place as originally expected. This holding objection was repeated several times and remained in place until April 2024 following the applicants' scheme to improve the Baynards Green Roundabout by...
- 9.72. National Highways were satisfied by the mitigation plans and subsequently withdrew their holding objection on the basis that a stringent pre-occupation of development condition is imposed to ensure that the highway improvement plan, as shown on SLR Consulting drawing ref: 216285-A-14A, titled Baynards Green General Arrangement, is completed and open to traffic. National Highways then subsequently recommended an additional condition for a Construction Environmental Management Plan (CEMP).
- 9.73. OCC Highways are also satisfied with the principal of the proposed capacity improvement works to Baynards Green Roundabout but, at the time of writing this

report, they are currently reviewing the Land Collaboration Agreement to ensure that, in the event that the Tritax or one of the two Albion Schemes comes forward first, one applicant/landowner couldn't prohibit the other from carrying out the works. OCC Highways concern comes from the need for Tritax and Albion Land East parcel to provide land (E of the A43 & S of the B4100 ) to allow for an adequate forward visibility to the roundabout, small areas of land are required outside the highway boundary.

9.74. Notwithstanding the support in principle for the Baynard's Green mitigation measures, OCC Highways also have to be satisfied that the application is not going to unduly impact on the local road network from an increased journey time and highways safety perspective and ensure that any impacts are not severe.

9.75. Following an OCC Highways objection in August 2024, and a request for further information in March 2025, the applicants, along with Albion Land, have jointly submitted the following additional documents:

- Transport covering letter on behalf of applicants, Albion Land and Tritax; and
- Transport Modelling Appendix A Topic Paper Addendum providing summary of current situation, details of cycle facility and an appendix with details of a test to address OCC's previous concerns regarding modelling of B4100 junctions.

9.76. The updated information sets out the following:

- How the scheme would integrate with the proposed cycle route to Bicester.
- How the crossing facilities at the southern arm have been amended to a parallel crossing arrangement.
- How the splitter island has been increased in width at the access and at the B4100.
- Confirmation that detailed highway boundary has been obtained to confirm land ownerships.
- Further details regarding the design of the bus stop areas which aim to reduce conflict between cyclists and waiting bus passengers.
- Transport Modelling work

9.77. For completeness, I have set out OCC's key concerns (written in italic font) in 2024 and OCC's response, following receipt of this additional transport information:

9.78. *Lack of commitment to providing the cycle route between the sites and Bicester, with the applicants seeking to justify not providing it.*

"This is now offered as mitigation, as set out in Transport Topic Paper Addendum Appendix C, drawings DTA 17213-30-GA- 0-6 Rev N, and further work has been done by the applicant to demonstrate its feasibility, including a Road Safety Audit Stage 1, to the point where OCC highways is satisfied that it could be delivered, albeit with constraints requiring narrowing in places. Points raised in the RSA can be addressed through detailed design. Since the submission of this additional material, there has been further discussion as to how the route could safely transition into Braeburn Avenue, and the works are likely to require some changes to the geometry of the junction, to tighten up the radii. There is insufficient agreed-

carriageway facilities but cycling on carriageway in Braeburn Avenue is considered acceptable due to the low traffic volumes (it is not a through road because of the bus-only link at the northern end of Charlotte Ave) and 20mph speed limit. OCC remains firmly of the opinion that this mitigation is required alongside public transport improvements as part of the sustainable transport strategy for the site, and in order to provide safe access for all users. (NB: For OCC's full justification please see their response of November 2024). There would be some loss of vegetation including overgrown hedgerow, and possibly some complete loss of hedgerow along parts of the route. However, in my opinion this should be considered in the context of the significant loss of hedgerow arising from the developments themselves and the mitigation scheme at Baynards Green."

9.79. *Aspects of the access arrangements required revision for safety reasons:*

"these have been largely addressed (see Appendix E of 'Topic Paper Addendum' dated 3 February 2025), and the proposed access for the Albion Land eastern plot (to the east of the Baynard Green Roundabout) has been changed from a roundabout to traffic signals, which is considered acceptable. The revised junction arrangement for the Albion Land E site have been subject to RSA1 and are considered acceptable in combination with one other in terms of safety.

The accesses E of the B4100 accommodate the proposed cycle/pedestrian link to Bicester, which has been subject to a separate Road Safety Audit Stage 1 (Appendix C of the Topic Paper Addendum). The detailed design stage of the accesses must be carried out in conjunction with detailed design of the ped/cycle facility.

Accesses for Albion E and Tritax are shown in combination, together with their required bus stop laybys and crossing, on drawing SLR 216285\_PD12 Rev A. Drawing DTA 17213-35-GA Rev D shows the signalized junction for Albion E.

For the Albion Land W site, additional footway has been added to the W side of the access road and an informal crossing at the roundabout junction with B4100. I would prefer to see the crossing set back from the roundabout for safety reasons and therefore a condition is requested. Consideration will also need to be given to cycle access to the western plots. The arrangements are the subject of a full application, ref 21-03266-F.

Careful consideration will need to be given to the construction phase, and it is expected the CTMP will consider the construction of the junctions. The highway works necessary for each application site will be secured through the respective S106 agreements. For each site this will include continuous footway and cycleway linking to the Baynards Green junction improvement scheme and to Bicester (Braeburn Avenue), bus stop facilities including laybys and crossing of B4100. Completion of these works will be required prior to first occupation. "

9.80. *Concern that the assessment of the B4100/A4095 junction in Bicester was underestimating the traffic impact of the development at that junction.*

Further modelling work has since been undertaken which is discussed further below.

9.81. *Assessment of impact on villages to the north in Northamptonshire.*

It is noted that WNC concluded that there would be negligible impact on traffic flows in Aynho and Croughton. Difference plots from the Bicester Transport Model show that approximately 14% of the development traffic would route via the B4100 west, which would result in a change of less than 5% on the B4100 through Aynho, which could not be considered severe in NPPF terms. The increase in traffic will be from cars, not HGVs, which would be subject to a routing agreement prohibiting them from travelling north on the B4100.

9.82. *Concern about the level of car parking at the developments.*

“Whilst this is only indicative and would be agreed at reserved matters stage, from the layouts provided it is evident that the number of car parking spaces envisaged (these are marked on the plans – not just a general area indicated for parking) is far in excess of OCC’s parking standards. If parking levels were to be allowed as shown, this would potentially undermine travel plan objectives to promote sustainable travel and car sharing. The travel plan is especially important here since the applicant’s traffic modelling of the A4095/B4100 junction relies on significant modal shift away from single occupancy car trips between the site and Bicester. “

9.83. I agree with OCC re: the concern over the exceedance of the parking bays (the illustrative plan suggests 1780 bays against OCC maximum standards of 1000 bays per 300,000sqm of employment space -a 78% exceedance). Not only would it result in further landscape harm and, potentially, a reduced quality internal layout, it would also run counter to the aims and aspirations of the travel plan and its ability to help encourage a modal shift from driving to cycling and walking.

9.84. OCC’s Highways conditions are set out in the ‘Infrastructure’ chapter below. Subject to those contributions being agreed, along with their conditions and those recommended by National Highways, including most crucially of all, the Grampian condition, then this aspect of the proposal complies with national and local planning policy.

Ecology

9.85. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.

9.86. 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.

9.87. 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 on to state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.

9.88. These policies are both supported by paragraph 187 of the NPPF which states 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.

9.89. Cherwell Local plan policy ESD11 states: “*Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.*”

- 9.90. Moreover, 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.
- 9.91. The PPG 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 LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity
- 9.92. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.
- 9.93. This information confirms that 2.6k of hedgerow (some of it species rich) across this and Albion's Eastern parcel on the other side of the A43 would be lost and a general loss of habitat for farmland birds (Lapwing, Skylark, Yellowhammer) and the hairstreak butterfly.
- 9.94. The applicants are proposing on-site mitigation measures through the provision of Enhanced Areas of Landscape Zones (shown on the Land use plans) which would be areas designated for retention and strengthening of existing vegetation.
- 9.95. The applicants have also acquired 20ha of arable land located near Piddington. This site will be used for the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.
- 9.96. The applicants have also submitted a draft Habitat Management and Monitoring Plan (HHMP) which sets out measures to maximise the biodiversity potential of retained and newly created habitats through appropriate management covering a period of 30 years.
- 9.97. Collectively, through on-site and the off-site measures, the applicants anticipate that this development would be able to achieve a BNG of 16% for habitat units and 11% for hedgerow units.
- 9.98. I note that there has been a number of objections to the scheme on ecology grounds including, but limited to, residents, Fritwell Parish Council, CDC Ecology, CPRE, Tusmore Park Estate & BBOWT who do not think the BNG proposal is policy compliant. The Environmental Agency also raised concerns that the 20ha off-site area near Piddington is in Flood Zones 2 and 3 and, therefore, at risk of flooding.
- 9.99. The Council's ecology officer is also concerned about the impact the proposal would have on the existing badger set and fears that due to the loss of so much foraging areas for them, they will essentially become landlocked and would like to see further buffer habitat for badgers as well as wildlife tunnels beneath all roads. The applicants have responded that, due to the size of the buildings and the foundations it will not be possible to provide further on-site buffer habitat. However, badgers are protected species and will need to be looked after. Consequently, a planning condition requiring mitigation measures is recommended.
- 9.100. In response to the Environmental Agency, my understanding is that as part of the HHMP, no buildings or structure will be erected there as part of the habitat improvement works.
- 9.101. I do think the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful

aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself.

### Drainage

9.102. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning 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. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

9.103. 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.

9.104. 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.

9.105. The applicants, in their submission documents, have included an updated Flood Risk Assessment (September 2024), prepared by Bailey Johnson Hayes Consulting Engineers.

9.106. This report recommends that the following drainage measures are put in place to mitigate the impacts of the development: *“Raising thresholds and building levels outside of design flood levels, providing safe access and egress around the development, directing overland flows towards areas of low risk, implementation of SuDS to manage runoff at sources thus reducing flood volume, installation of pollution prevention features to prevent contamination at discharge locations, tree planting to increase biodiversity and absorption of water, management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development.*

9.107. The report goes on to recommend the following SuDs features:

- Swales
- Infiltration Basins
- Permeable Paving
- Petrol Interceptors
- Catchpits, Gullies and Line Drains
- Flows control devices

9.108. It concludes by stating that, *“Further design will be required to establish the detailed drainage network and to ensure no flooding is created on the site during the 30-year event and flooding is contained on site safely during the 100-year + 40% event.”*

9.109. On the 6 March 2025, Anglian Water, who hadn't objected to the proposal previously, objected to the scheme connecting to their foul network due to capacity constraints and pollution risk. However, Anglia Water has said that in the event that the Council were minded to approve the application, they require a condition is imposed which prohibits the development from commencing until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water.

9.110. Similarly, Thames Water, in their consultation response have advised that, following initial investigations, they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Consequently, they request that the following condition be added to any planning permission which prevents the buildings from being occupied until confirmation has been provided that either:- *“all water network upgrades required 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 to allow development to be occupied.”*

9.111. Subject to conditions, neither the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate conditions attached, the proposal accords with the Local and National Planning Policies.

### Energy

9.112. Planning plays a vital role in ensuring that developments minimise their contribution towards climate change. This is recognised by the Government and why one of the NPPF's core principles is that *“the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 152)”*.

9.113. Cherwell District Council is committed to tackling climate change. For many years Cherwell District Council has been at the forefront of developing and implementing robust and innovative planning policies and standards to tackle climate change. In July 2019 it declared a Climate Change Emergency.

9.114. When the 2011-2031 Local Plan was adopted, it strengthened previous planning policies relating to energy in order to ensure that the Council continues to take a robust and ambitious approach to minimising carbon emissions in the district, which is why policies ESD 1 – 5 were introduced.

9.115. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for

heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).

- 9.116. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 9.117. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day (this applies to residential uses too).
- 9.118. The applicants' Environmental Statement (prepared by Quod) advises that based on measures detailed in the Travel Plan, inherent design measures to minimise energy consumption, along with the use of PV (to ensure GHG emissions from energy use of office and core areas of buildings are zero) their scheme could achieve the ESD 3 requirement of "Very Good" under BREEAM, and remove the need for any form of decentralised energy supply.
- 9.119. Based on the above points, and the imposition of a condition, it is considered that the proposal would comply with the requirements of Policies ESD1, ESD2 and ESD3 of the CLP 2015

#### Heritage

- 9.120. Policy ESD15 of the CLP 2015 makes it clear that new development to, or near, non-designated heritage assets, should: "Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG."
- 9.121. Paragraph 207 of the NPPF states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 9.122. The applicants have included a Cultural Heritage Report in the ES, prepared by RPS. This appraisal concludes that there would not result in any adverse effects on the closest heritage assets, which are:
- Barn at SP 5487 2940, Grade II listed (List entry number: 1046400);
  - Manor Farmhouse, Grade II listed (List entry number: 1369564); and
  - Fewcott Farmhouse, Grade II (List entry number: 1046880).



9.123. This is a view shared by the Council's Conservation Officer, who has concluded that, overall, in terms of Heritage Assets, the development is considered to have limited direct impacts. She commented, *"The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting. It is noted that the indicative plans show the land surrounding Baynards House not to be developed and landscaping to the north of the site around the site entrance."*

9.124. The Council's Conservation Officer also considered the relationship between the proposal and the closest conservation areas to the site, which are Ardley and Fewcott, and Fritwell: *"From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas."*

9.125. For these reasons, this aspect of the proposal would not unduly impact of the views set out in table.4 of the Mid Cherwell Neighbourhood Plan (2018 - 2031) and is policy compliant.

#### Archaeology

9.126. RPS, on behalf of the applicants, carried out an archaeological desk-based assessment (DBA) in June 2021. This was followed by a geophysical survey between May and August 2021, which, in turn, was supplemented further by a field evaluation comprising evaluation trenches between November 2022 and January 2023.

9.127. Based on the conclusions of this work, RPS do not anticipate there would be any archaeological remains present that would preclude development or form a material design consideration.

9.128. Similarly, OCC'S Archaeologist has commented that "no archaeological deposits which will require further mitigation were recorded in the western land parcel" and raised no objection.

9.129. For this reason, this element of the scheme accords with the local planning policies and the NPPF.

#### Residential Amenity

9.130. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

9.131. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which 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."*

- 9.132. The three closest residential properties to the application site, which are close to the north eastern boundary, would be the only residential properties affected by the proposal. Their views would undoubtedly be altered which is a shortcoming of the development, although Tyler Grange, in Appendix 13/11A of the ES concludes that would be no effects on residential properties above the residential visual amenity threshold (nb: this threshold is not prescriptive but is in place to ensure developments are as neighbourly as possible).
- 9.133. However, given the significant setback between the closest building shown on the parameter plan, and these properties (205m), I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy.
- 9.134. Although there would be a great deal of lorry, van and car movement on the site, the Council's environmental protection officer has not objected on noise grounds, subject to conditions which also secure the proposed barrier in para 10.7.25 of the ES and the low noise road surfacing to achieve a further noise reduction of 3dB in para 10.7.29be.
- 9.135. Similarly, the Lighting Assessment (prepared by Light Pad) concludes that although there would be no impact to residential amenity as a result of glare arising from the lighting installation– baffles would still be used as an extra protection. On page 17, a number of lighting mitigation measures are proposed. The Council's Environmental Protection officer advises that these are acceptable and can be secured by condition.
- 9.136. Therefore, subject to conditions, this element of the proposal complies with policy ESD15 of the CLP 2011-2031 Part 1 and Policy PD6 (Control of light pollution) of the Mid Cherwell Neighbourhood Plan 2018 – 2031.

#### Loss of Agricultural Land

- 9.137. Paragraph 187b states that planning policies and decisions should contribute to and enhance the natural and local environment by:

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

- 9.138. The applicants have submitted an Agricultural Land Assessment, prepared by Askew Land & Soil Limited. This report concludes that the majority of the site is predominantly 3b (moderate quality agricultural land) with the remainder being classed as 3a (Good Quality Agricultural Land) albeit it the Grade 3a is not consistent and is mixed in with the 3b land.
- 9.139. In developing this site, the district would not be losing its 'best and most versatile' agricultural land (Grades 1 & 2) but it is a loss however, which is a harm of the development. However, this harm would be countered by the creation of a great number of jobs on a short-term and long-term basis.

#### Air Quality

- 9.140. Policy ESD 1: Mitigating and Adapting to Climate Change Measures contained within the Cherwell Local Plan 2011-2031 Part 1 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include: Distributing growth to the most sustainable locations as defined in this Local Plan; and delivering development that seeks to reduce the

need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.

9.141. Policy ESD 10: Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.

9.142. Saved policy ENV1 contained within the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

9.143. The Site does not lie within an Air Quality Management Area (AQMA) – the closest AQMA is 6.5km to the southern east of Bicester.

9.144. The applicants commissioned Isabel Stanley to carry out an Air Quality Assessment which concludes that the impacts of dust on the environment and people is 'low risk'. It also concludes, having used 25 existing receptors, that impacts of Nitrogen Dioxide concentrations would be negligible for 25 out of 25 receptors during the construction stage, and negligible for 24 out of 25 receptors during the development stage, where one receptor would change to 'moderate adverse'. The impact on particular matters receptors is thought to be negligible.

9.145. The conclusions of the Air Quality Assessment are that:

*"The assessment has demonstrated that the overall air quality effect of the Development on human health receptors will be 'not significant'; the Development will not cause any exceedances of the air quality objectives, or lead to any impacts that would be described as significant. Therefore, further mitigation measures are not proposed in this regard."*

9.146. The Council's Environmental Protection Officer agrees with the conclusions and raises no objection. Therefore, this aspect of the proposal complies with policies of ESD 1 and ESD10 of the Cherwell Local Plan:2015 and Saved policy ENV1 of the 1996 Cherwell Local Plan.

#### Public Right of Way

9.147. A public right of way crosses the site, and the parameter plans show that this will require a diversion. A clearly proposed alternative route should form part of your proposals for assessment. If planning permission were to be granted, a formal process will be required. Further detail can be found here:

<https://www.cherwell.gov.uk/info/115/planning-process/953/public-rights-of-way>

#### Planning Obligations

9.148. The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Cherwell District Council's Local Plan: Part 1 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably

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

9.150. Oxfordshire County Council have requested the following contributions, which will be subject to indexation:

- Highways works contribution 1 - Signalisation of Charlotte Ave/B4100 junction - **£56,643.24**
- Highways works contribution 2 - Traffic management in Caversfield/Aunt Emm's Lane - **£14,900**
- Public Transport – Bus service serving the site - **£2,133,133**
- Public transport infrastructure (if not dealt with under S278/S38 agreement) - Bus real time information (other bus stop infrastructure to be provided as part of S278/on site highway works - **£11,352**
- Traffic Reg Order (if not dealt with under S278/S38 agreement) - Consultation on change to speed limit on B4100 - **£4,224**
- Travel Plan Monitoring - To cover the cost to OCC of monitoring the travel plan over its life - **£3,265** for each site's framework Travel Plan & 3,265 for each unit.
- Public Rights of Way - Improvements to public rights of way in the vicinity of the sites - **£54k**
- Off-Site Highways Works - Improvements to Baynards Green roundabout, including widening, additional lanes and active travel infrastructure, as per drawing SLR 216285/A/14 Rev B. This scheme will be required prior to first occupation of any of the sites. Note that this is also a requirement of National Highways.
- Footway/cycleway link to Bicester - For all three application sites: Required for any one of the application sites prior to first occupation: footway/cycleway link to Braeburn Ave, Bicester, as shown in Appendix C
- Access Arrangements - Site access roundabout junction with B4100 and footway/cycleway link to footway/cycleway facilities forming part of Baynards Green roundabout improvements. Internal access road linking to timetable case, ducting) on internal access road (to enable the site to be served by public transport). Note that this is a combination of on and off site highway works, and is the subject of a separate full planning application, ref 21-03266-F.

NOTE: The above represents the overall contributions required for applications 21/03267/OUT, 21/03268/OUT (Albion Land) and 22/01430/OUT (Tritax), which are considered together in this response. Those marked with an asterisk (highway works 1 and 2, and PRow) could be split proportionately between the sites. The public transport contribution is required in full by any one of these developments coming forward, as it is needed in full to provide an adequate bus service. Likewise, the Traffic Regulation Order contribution is required in full. Travel Plan monitoring contribution is as explained above.

9.151. In their consultation response, Oxfordshire County Council Highways have provided detailed information to justify the need for their contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF.

#### Other Matters

9.152. I note the advice received from Bicester BUG, as part of their consultation response and, having sought the advice of the OCC Highways officer, I shall address each point in turn:

### *B4100/A43 Junction*

- 9.153. B4100/A43 junction – my understanding is that the possibility of a crossing on the A43 north arm was ruled out early in the design process by National Highways. There isn't the available highway space, particularly on the NW corner of the roundabout by the service station. There are crossings proposed on the other three arms of the roundabout, allowing access between the sites and the facilities at the PFS.

### *B4100 Road*

- 9.154. The OCC Highways officer's disagrees that this is like a normal spine road in terms of the requirements for movements. All likely movements between the sites and the petrol filling station and the bus stops would be catered for, and in the only place where there would be significant pedestrian movements (between the sites and the bus stops on the B4100) pedestrians would be segregated from cyclists. Elsewhere shared use is considered acceptable.
- 9.155. Crossing setbacks can be adjusted at detailed design stage if necessary.

### *Albion West Accessibility*

- 9.156. OCC Highways have requested a condition to deal with how cyclists access the western units.

### *Cycle Pathway*

- 9.157. Cycle path: priority across access points will be given where it is safe to do so, noting points above about set back – not always sufficient land to set the crossing back far enough, in which case it may not be safe to give priority to cyclists – this will be looked at at detailed design stage.
- 9.158. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.
- 9.159. Noted re rails and fencing, but we have accepted that there will be narrowings in places where there are constraints.
- 9.160. The proposed cycle path ends at Braeburn Avenue, where it is considered safe for cyclists to join the carriageway. The developers have shown (to OCC) a design where the junction radii are reduced to allow a safe transition onto the carriageway. Unfortunately, there isn't enough highway land on Braeburn avenue for a segregated cycle facility. On the B4100 south of Braeburn Avenue, there is a building close to the carriageway near the bend, which makes it unsuitable for an off-carriageway route alongside the B4100 to the A4095 junction.
- 9.161. The details of how the cycle path goes through the layby can be addressed at detailed design stage.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. Sustainability is the golden thread that runs through the National Planning Policy Framework, and this is reflected in the policies of the adopted Cherwell Development Plan. The three strands of sustainability are economic, social and environmental as set out at Paragraph 8 of the NPPF.

### Positive Benefits

### Economic

- 10.2. The proposals will contribute significantly to the Council's Employment Land Supply, especially at a period of time when LSH has identified a potential shortfall of 22.5ha at the upper level.
- 10.3. LSH has also concluded that a benefit of the scheme would be helping to make a contribution towards national, regional and sub-regional strategic employment requirements.
- 10.4. With a forecast of 400 construction jobs and a great number of permanent jobs (3,000, if combined with the eastern parcel), this benefit attracts significant weight. Although the construction jobs would be time-limited, on this scale, I attach significant weight instead of modest weight.
- 10.5. It will also help the Government realise its's ambitious plans to ensure that the Oxford – Cambridge corridor is an engine for the whole of the UK.

### Social

- 10.6. The proposals will likely provide a range of job types from the low-skilled to the highly skilled. Although, given the location, not every post is likely to be taken by people living locally, the job provision is still a very significant benefit, as there will be residents who are likely to work there.
- 10.7. Accordingly, I attach very significant weight to this aspect of the proposal.

### Environmental

- 10.8. The proposals committing to a minimum of 10% biodiversity net gain, through on-site enhanced landscape schemes and 20ha of off-site land, also carries significant weight although it is balanced out by the loss of a significant number of species rich hedging.
- 10.9. There is an existing bus service – the 500, but it is hourly, doesn't extend into the early morning and late evening, and is only funded for a limited time (until 2027) from development in Brackley. The s106 contribution, although needed to make the development less car reliant, would cover a new bus service in the event the existing service ceases to be, or be used to top it up – in which case the money would last longer. I consider this to be a neutral benefit because it is required to help make a modal shift and ensure that the development is as sustainable as is possible.
- 10.10. Similarly, the cycle and pedestrian route connecting the site with Braeburn Avenue is necessary to help reduce the need for the car. Therefore, I give this neutral weight.

### Negatives

- 10.11. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 10.12. No development or construction site is silent and dark and, therefore, the development will result in impacts on the area in terms of noise and disturbance, as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans. However, some disturbance is expected. This carries moderate negative weight.

- 10.13. The development, once built, would have a significant adverse harm from a small number of views. As the most harmful view would be from the Motorway, where cars are moving at speed, I consider this harm to be significant negative rather than very significant negative
- 10.14. Cutting into the well-established hedgerow along the B4100 will also be harmful, but a lot of screening will be retained, and the buildings are well set back. Therefore, I afford the harm significant negative weight rather than very significant negative.
- 10.15. The loss of species rich hedgerows is a significant disbenefit of the scheme, as is the inability to replace it like for like in the vicinity of the site. However, 20ha of arable land will be made available to compensate. Therefore, I give the level of harm significant negative weight rather than very significant weight.
- 10.16. A new 4.5km cycleway, required to make the scheme acceptable from a safety and sustainability point of view, will result in further urbanisation of the area. However, this is likely to predominantly result in the loss of scrubs and overgrown hedges that have grown out over the embankment. It wouldn't be the same level of harm as the new access points on the B4100, for example. I give it moderate negative harm to this aspect of the development.
- 10.17. The loss of a mixture of Class 3a and 3b Agricultural Land would also be a shortcoming of the scheme although when weighed against the jobs provided, I would give modest negative weight to its loss.

### **Conclusion**

- 10.18. On balance, the very significant benefits of creating a large amount of jobs in a suitably accessible location, which will support the modern economy at national, regional and sub-regional levels, outweigh the harms caused by developing this particular site. For this reason, I respectfully request that planning permission be granted.

## **11. RECOMMENDATION**

That permission be granted, subject the conditions set out in **Appendix 1** and the identified planning obligations (to be set out in the written update).

## **Appendix 1 for 21/03266/F & 21/03268/OUT**

### **Draft Conditions**

#### **Phasing Plan**

1. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: This permission is in outline only and is granted 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. No development shall commence on any phase identified within an approved the phasing plan approved under condition 1 until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted 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 timings**

3. 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 five 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: This permission is in outline only and is granted 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). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

#### **Use Class**



4. The development hereby permitted shall be used only for purposes falling within B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

### **Approved Plans**

5. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

20005-TP=009 Revision B Parameter Plan 07 Building Heights

20005=TP-010 Revision A Parameter Plan 08 Vegetation Retention & Removal

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

6. Notwithstanding the submission of the Land Use and Landscape Parameter Plans, where the overall provision of hard surfacing is unacceptable to the LPA, new Land Use and Landscape Parameter parameters plans will be submitted as part of the reserved matters application which includes the same provision of layout and roads but reduces the provision of lorry hardstanding and increases the provision of landscaping along the western boundary in parallel with the A43. The Building Heights parameter plan is acceptable in so far as as the building heights are concerned.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

### **Ground Levels**

7. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-

2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Energy**

8. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

### **Ecology Conditions**

#### **LEMP**

9. The development hereby permitted shall be carried out and maintained in strict accordance with the Landscape and Ecological Management Plan (LEMP), dated March 2025.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and 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.

#### **CEMP:**

10. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) based on the measures outlined in the Ecology Appraisal by. has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) 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);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) 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, unless otherwise agreed in writing by the Local Planning Authority.

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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### BEMP

11. The development hereby approved shall not be first occupied or used until a Biodiversity Enhancement and Management Plan (BEMP) for enhancing biodiversity on the site and/or elsewhere within the Cherwell District so that an overall net gain is achieved has been submitted to and approved in writing by the local planning authority. This shall also include a timetable for provision of measures. Thereafter, the biodiversity enhancement scheme shall be carried out and retained 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### HMMP

12. The development shall not 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.

#### Protected Species

13. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) 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 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### Breeding Birds on Off-site Land

14. As part of the first Reserved Matters submission, breeding bird survey work relating to the off-site land proposed to be used for BNG and ecological mitigation purposes, shall form part of the submission. This survey work shall identify the carrying capacity of the site they plan to use to see if it feasibly can be used.

Reason: To ensure that the development manages, enhances and protects wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

#### Badgers Mitigation

15. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, 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 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.

### Seasonal removal

16. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) 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 and Government guidance contained within the National Planning Policy Framework.

## **Employment Floorspace Cap**

### Total Floorspace

17. No more than 100,000sqm GIA of employment floor space shall be provided across the site as demonstrated on the 'Parameters Plans'. Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

### No additional internal floors

18. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations or extensions increasing the floor space of any buildings hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing, and traffic generation on the site in accordance with Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 and paragraph 116 of the NPPF.

## **PD Rights**

### Above ground infrastructure

19. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **Landscape**

### Landscaping Strategy and Management

20. As part of the Reserved Matters submission, for each phase, a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports and is complimentary to the Illustrative Strategy (Landscape)

These details will include the following in relation to the submission:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.

- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

### **Arboricultural method statement**

21. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

### **Contaminated Land**

#### Unexpected Contaminated Land at a later date

22. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out on that part of the site 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 Section 15 of the National Planning Policy Framework.

## **Lighting**

23. Prior to the installation of any external lighting, the design, position, orientation, any screening of the lighting and a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, 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 document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **Fire Hydrants**

24. No above ground works shall commence on any phase identified within an approved the phasing plan approved under condition 1 until full details of the fire hydrants to be provided or enhanced on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

## **Highways**

### **National Highways**

#### Baynards Green Improvement works

25. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A Rev B titled Baynards Green General Arrangement, is completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the A43 Baynards Green junction in accordance with paragraph 115 National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

#### Excavation Works



26. Prior to the commencement of any excavation works and landscaping works, geotechnical submissions shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A43).

Reason: To mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022.

## **Oxfordshire County Council**

### Cycle Arrangements

27. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of the vehicular, cycle and pedestrian access arrangements including pedestrian and cycle infrastructure connecting the parcels west of the proposed access road to the proposed improvement scheme at Baynards Green, incorporating a safe crossing point of the access road. Thereafter the access arrangements shall be provided prior to first occupation of the site in accordance with the approved details.

Reason: in the interest of highway safety. The current drawing does not show a suitable cycle connection and crossing point.

### Public Right of Way Improvements

28. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of permanent improvements to the existing public footpath through the site and including its connection to the adjacent bridleway and its proposed diversion route through the site including route, width, surfacing, drainage, boundary treatments, gates and landscaping, together with a timetable for their implementation. Thereafter the improvements shall be provided in accordance with the approved details.

Reason: to ensure that the public right of way is usable and attractive.

### Access

29. 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.

#### Details

30. No development shall commence on any phase identified within the phasing plan approved under condition [1] unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

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.

#### HGV Routing

31. The development shall not commence until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with Oxfordshire County Council's Freight and Logistics Strategy. And for the avoidance of doubt these shall not include the B4100 northwest of the site access.

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.

#### Construction details

32. No development shall commence on any phase identified within the phasing plan approved under condition (1) unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within the site, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

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.

### Cycle Parking Details

33. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. Thereafter, the 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 Vehicle Charging Points

34. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, 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

### CTMP

35. 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 in consultation with the Highway Authority for the A43. This shall include details of phasing of the highway works. 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 and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022

### Signage

36. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason - To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

#### Travel Plan

37. Prior to the first occupation of the development hereby approved, a Framework 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.

#### Site Travel Plan

38. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition [XX], 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.

### **Drainage conditions**

#### Thames Water

39. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required 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 to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no

occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

#### Anglian Water

40. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved scheme.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

### **Local Lead Flood Authority**

#### Surface Water Drainage

41. No development shall commence until 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 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 the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
  - 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 for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

#### SuDS As Built and Maintenance Details

42. 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 .dwg 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 that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

#### Surface Water Management Scheme (Phases):

43. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.



**21/03267/OUT**

Agenda Item 9

**OS Parcel 0006 South East Of Baynards House  
Adjoining A43  
Baynards Green**



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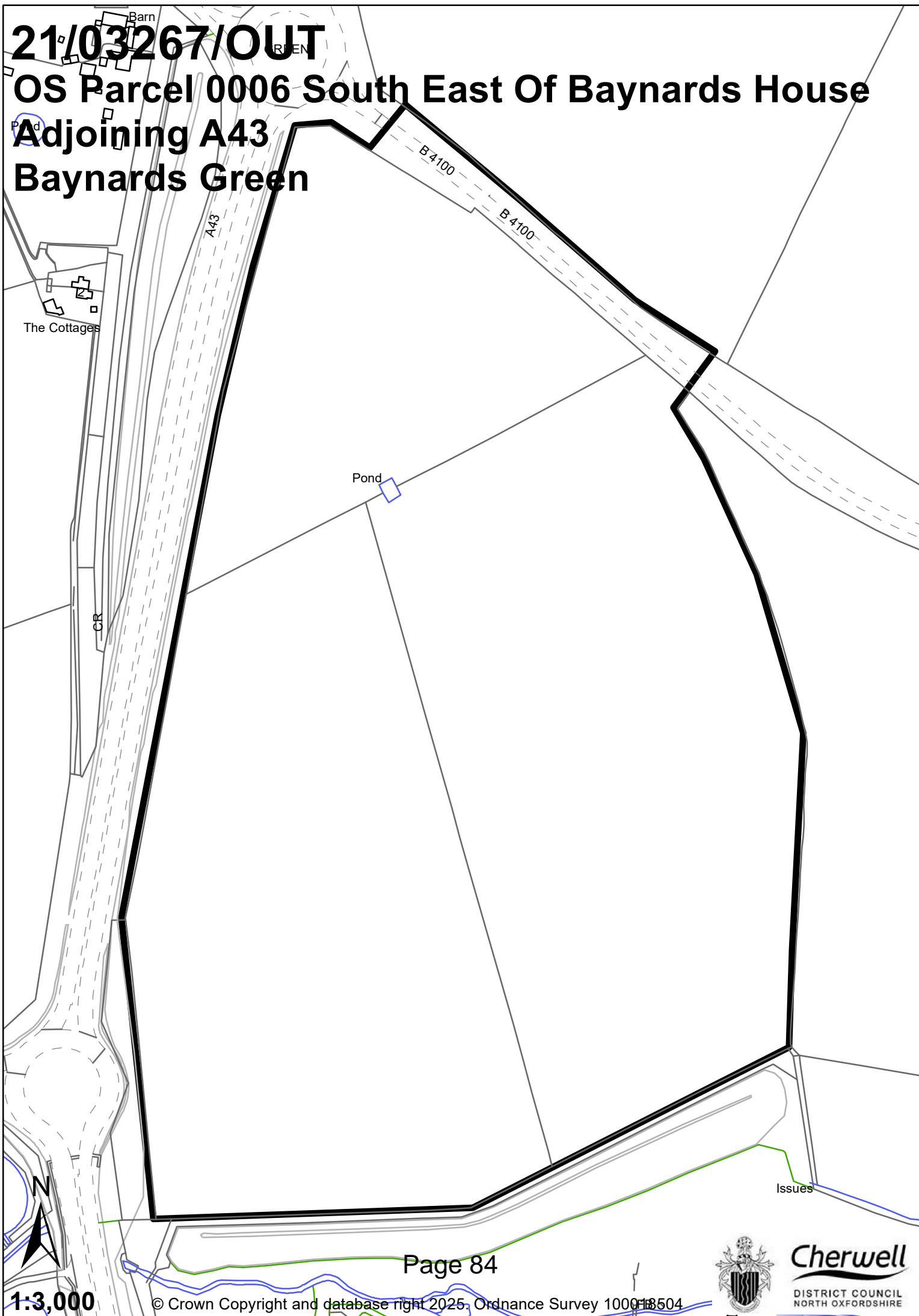
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DISTRICT COUNCIL  
NORTH OXFORDSHIRE

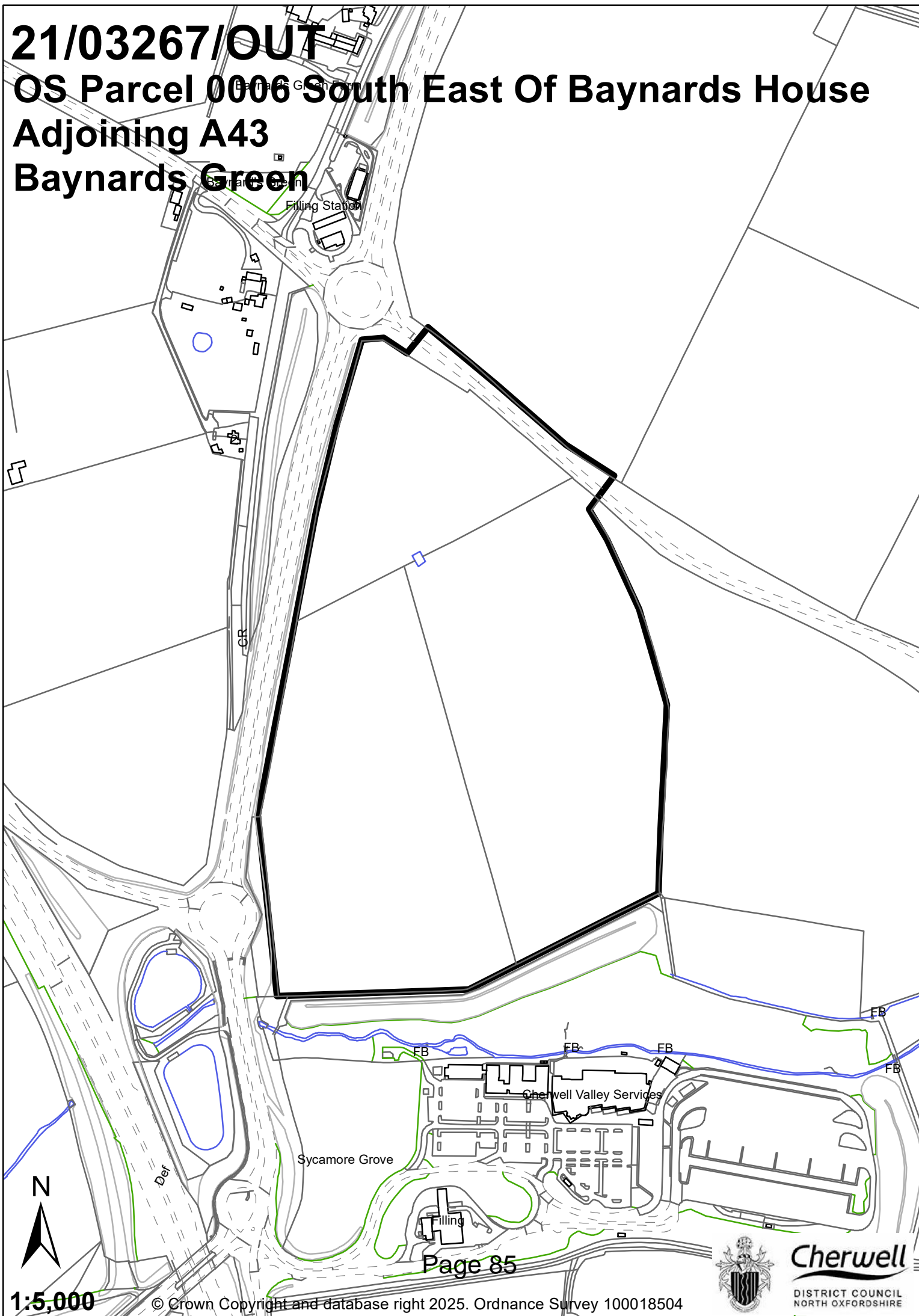
21/03267/OUT

# OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green





21/03267/OUT  
OS Parcel 0006 South East Of Baynards House  
Adjoining A43  
Baynards Green



**Case Officer:** Tom Webster

**Applicant:** Albion Land.

**Proposal:** 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

**Ward:** Fringford & Heyford

**Councillors** Cllr Grace Conway-Murray, Cllr Nigel Simpson, Cllr Barry Wood

**Reason for Referral:** **Major Development / Departure from Plan**

**Expiry Date:** 31 May 2025

**Committee Date:** 3rd July 2025

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO  
CONDITIONS AND COMPLETION OF SECTION 106 LEGAL AGREEMENT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The site, which sits to the north of Cherwell Valley Services at M40 J10, comprises 23.18ha of arable farmland. The farmland is divided by low-clipped hedgerows (with some loss/gaps in places) into three separate fields. In addition to the arable fields, the interior also contains ditches, hedgerows, scrubland areas and a small waterbody.
- 1.2. Immediately to the northeast of the site is the Baynards Green roundabout, where the B4100 meets the A43 trunk road linking the M40 and M1.
- 1.3. The site is bounded by the A43 to the west and the B4100 to the north, with large arable fields beyond, arable fields to the east, and the aforementioned service station to the south.
- 1.4. The boundaries of the site are as follows: a hedgerow field boundary on the western boundary with the A43; a small tree belt along the west, a combination of trees and hedge along the northern boundary with the B4100 and a thick woodland belt along the southern boundary, which screens the service station.
- 1.5. The Site is not publicly accessible, although a bridleway runs along its southern boundary. The site undulates gently falling from south to north and is open in nature. Its rural landscape is particularly noticeable from the B4100 to the north.

## **2. CONSTRAINTS**

- 2.1. Bridleway 367/21/10 runs along the southern boundary Site (refs. 367/28/10 and 109/2/40).
- 2.2. The Agricultural Land Classification for the site is predominantly 3b, with the remainder being classed as 3a (Moderate Quality Agricultural Land)
- 2.3. There are no listed buildings on site and the site is not inside a Conservation Area. The closest listed building is the Grade II building on Baynard's Green Farm, which is 200m away, on the opposite side of the A43.
- 2.4. The Grade II listed Manor Farmhouse and Fewcott Farmhouse are located approximately 800m and 900m south of the Site boundary respectively, beyond the M40.
- 2.5. The closest Conservation Areas are Ardley & Fawcett (800m, respectively) and Fritwell (1.2km).
- 2.6. The site is entirely in flood zone 1.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. For an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.
- 3.2. This application seeks outline planning consent (all matters reserved except means of access) for 100,000sqm GIA of logistics (Use Class B8) and 7,000sqm of ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.
- 3.3. A new access from the B4100 is also proposed via a new roundabout approximately 180m east from the A43 Baynards Green junction, with its service station beyond.
- 3.4. As part of the s.106 mitigation measures, the applicants are, in conjunction with Tritax Big Box, are proposing to make the following changes to Baynard's Green Roundabout:
  - The full signalisation of the roundabout;
  - Widening on the approaches and circulatory carriageway; and
  - the introduction of active mode infrastructure to ensure pedestrians and cyclists are able to navigate the junction.
- 3.5. Albion Land and Tritax Big Box have both signed a Land Collaboration Agreement that will ensure all necessary Baynard's Green highway improvement works required by National Highways and OCC as Local Highway Authority will come forward, prior to the commencement of development, even if only one or two of their three proposed logistics developments were to come forward.
- 3.6. It is also proposed to create a cycle/pedestrian link within the highway verge along the southern side of the B4100 between the site and Braeburn Avenue, Bicester along with a contribution to turn the existing number 500 bus service from Bicester from an hourly service into a 30-minute service, for a period of 8 years.

- 3.7. The applicants have also offered an alternative option, which they claim would likely achieve a greater modal shift away from private car travel, where they would increase the level of bus contribution to ensure a 15-minute frequency bus service for 8 years. This scenario would either be instead of the cycle/pedestrian path or in the event that it is not practically possible to deliver the cycle/pedestrian route and is the applicants' preferred option as, my understanding is there are several pinch points along the route that would prevent implementation in those areas to full design compliance standard.
- 3.8. The distribution of development would be guided by three parameter plans:
- 3.9. *Parameter Plan 1: Land Use.* This plan identifies 2 build zones, hard landscape and landscape zones
- 3.10. *Parameter Plan 2: Building Heights.* This plan caps the maximum height of the buildings at 23m inside the 2 build zones.
- 3.11. *Parameter Plan 3: Vegetation Retention and Removal Plan:* This plan shows several existing hedgerows being removed, including along part of the northern boundary with the B4100 to accommodate the new site access. The remaining hedgerow located along the perimeter of the Eastern Site would be retained and enhanced. The vegetation is proposed to be strengthened along the western boundary with the A43 too.
- 3.12. The applicants have also submitted an illustrative Landscape Strategy Plan (which includes Albion's neighbouring western parcel on the western side of the A43) and illustrative elevations.
- 3.13. The illustrative Landscape Strategy Plan depicts:
- Multiple SuDS ponds, swales and wet woodland areas;
  - Semi natural screening/woodland patches along the northern, eastern and southern boundary;
  - Retained parts of the hedgerow enhanced;
  - Western boundary hedgerow protected and enhanced; and
  - A landscaped parking area to the north.
- 3.14. It should be noted that the illustrative Landscape Strategy Plan is not a formal plan and is submitted for illustrative purposes only.
- 3.15. CBRE, in their 'Logistics Marketing and Land Availability Report', anticipate that this site, along with the western parcel, would lead to 400 temporary construction jobs and 3,000 permanent jobs upon completion of development. My understanding is that DHL, a leading logistics company would lease two of the three suggested buildings on the western parcel, which is why the applicants have also submitted an enabling full application for the access road to that site. Other as yet un-named operators are claimed to be interested in this eastern plot.

#### **4. RELEVANT PLANNING HISTORY**

- 3.1. There is no planning history on this site directly relevant to the proposal. However, the following planning applications (submitted by Albion Land) on the neighbouring land to the west and by Tritax on the land to the north and east are considered relevant to the current proposal:

OS Parcel 2636 Northwest of Baynards House, Ardley

21/03268/OUT - Outline planning permission (all matters reserved except for access) for the erection of buildings comprising 180,000sqm floorspace logistics (Use Class B8) with 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 – *to be determined*.

21/03266/F - Site clearance, construction of new site access from the B4100 west of its junction with the A43 at Baynards Green, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping – *to be determined*.

OS Parcel 6124 East of Baynards Green Farm Street To Horwell Farm Baynards Green

22/01340/OUT - Application for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the erection of buildings comprising 300,000sqm logistics (use class B8) with ancillary offices (use class e(g)(i)) floorspace; energy centre, hgv parking, construction of new site access from the B4100 east of its junction with the A43 at Baynards Green; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure – *to be determined*.

OS Parcel 8233, South of Baynards Green Farm, Street to Horwell Farm, Baynards Green OX27 7SG

- 3.2. Additionally, the following application was submitted by Brunel Securities LLP and The Curtis Family on the 17 April 2018:

18/00672/OUT - Outline development for up to 7,161 m<sup>2</sup> of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping – refused on the 21 September 2018.

- 3.3. It was subsequently dismissed on appeal under Ref: APP/C3105/W/19/3225084 – see **Appendix A**) concluding the development would be in conflict with Policies SLE, ESD1, ESD 13 and ESD 15 of the Local Plan.
- 3.4. In reaching his decision, the Inspector concluded that this employment application would be in an “*inappropriate location*” and that:

*“Irrespective of the final configuration of the buildings on the site, even if set back from the road, the proposal would lead to an urbanisation of the site with the built development being of a notable scale and bulk given the size of the plot and the amount of floorspace proposed. This is regardless of whether it is deemed large or small in scale.”*

## **5. PRE-APPLICATION DISCUSSIONS**

- 5.1 The following pre-application discussions took place with respect to this proposal:

Part of M40 in OS Parcels 1800, 5680, 5633, 7648, 0068, 5656 and 4300  
Part of M40 through Ardley Parish, Ardley

21/01708/PREAPP - Logistics Development - Pre-app advise issued on 26 November 2021.

- 5.2 The case officer concluded that she could not support the development for the following reasons:

*“The application is likely to be unacceptable in principle because it appears that it would conflict with policies SLE1, SLE4, ESD1, ESD13 and ESD15 of the Cherwell Local Plan 2031, saved policy C8 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.*

*Development of the form and scale proposed on either or both sites would be likely to generate significant volumes of HGV traffic on the adjoining highways – the B4100, A43 and M40, exacerbating congestion on the Baynards Green and M40 J10 road junctions;*

*The western site affects the setting of a listed building (‘Medkre’) and would therefore need to be designed sensitively to take account of this, including using high quality materials;*

*The adjoining properties Baynards House, Baynards Barn and the grade II listed Medkre are all very close to the site boundary of the western plot and therefore the development could result in a serious loss of residential amenity for neighbouring occupants;*

*Development, particularly on the eastern site would be prominent in the landscape and substantially impact its open rural character.”*

## **6. RESPONSE TO PUBLICITY**

- 6.1. This EIA application has been publicised multiple times by way of Site Notices displayed near the site, by advertisement in the local newspaper and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **11 April 2025**.

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

129 letters of objection (albeit some letters objection submitted more than once due to multiple re-consultations)

- This proposal is vastly over scaled especially when added to other proposals at Baynards Green and Heyford for warehousing and a freight depot. Taken together, these proposals will industrialize the Cherwell Valley.
- The proposed development will encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.
- With another 22,000 houses coming to Bicester in the coming years it would be far more sensible to link the entrance to the dual carriageway of the A43 rather than the already busy single carriageway B4100.
- All employees would have to commute by car.
- It is not an allocated site.
- Employment land is allocated elsewhere in the district through the Local Plan.

- This area is open countryside, and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.
- The site is within close proximity to at least 12 Grade-2, Grade-2\* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust.
- The proposal will lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange will lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT).
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use would add to those delays.
- The application is also flawed as it fails to recognise the significance of Stoke Woods, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.
- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant numbers of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tail-backs forming along the B4100 (currently, often as far down as the Stoke Lyne turning).
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development.
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials.

- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding.
- Would harm the wildlife.
- Noise impact on the residents of Stoke Lyne and Hardwick.
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there would be no impact to great crested newts and/or their habitat as a result of the development being approved.

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.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. Ardley with Fewcott Parish Council: No comments received.

7.3. Piddington Parish Council: No comments received.

7.4. Fritwell Parish Council: **Objects**

Fritwell Parish Council has not been convinced that there is any merit in this application, and it seems to be naked opportunism that the location presents in being at a motorway junction. More recent reports include:

- Lambert Smith Hampton report, entitled Baynards Green - Review of Socio-Economic Evidence, commissioned by Cherwell District Council and published (with review edits!) December 2024 relates to the "clutch" of applications including Albion Land and Tritax applications. We were somewhat surprised that the report did not seem take account to any reasonable degree, of the CDC Local Plan Policies to 2042 (under consultation) relating to employment and Warehousing.
- The junction is considered a "failed" junction, yet it is a main gateway to the East with the A43 to Northampton and the M1. When the Grand Prix is on – the A43 is closed. Additionally, when there are (frequent) problems on the M40 or close to this area, this junction can be gridlocked for many hours. The National Highways approval of the proposed roundabout improvements at



Baynards Green by merely increasing the diameter of the roundabout and increasing the visibility splay at entry/exit points is highly unlikely (in our layman's view) to mitigate traffic issues. This was based on theoretical modelling (using the BTM) and no "Real-life" data logging of traffic over a full cycle (probably a year) data was considered at least no monitoring equipment has been installed in Fritwell which is a regular "rat-run" when there are issues at Junction 10. The modelling, we believe, does not take account of the potential for the Puy Du Fou site near Bucknell, or the proposed Rail Freight Interchange at Ardley.

- The OCC suggested addition of a cycle way along the B4100 would be a good addition for leisure cyclists but would in no way make a dent in vehicle commuting to the sites, let alone the increase in Road Freight traffic.
- Paucity of locally available workforce to support 1. the development of these facilities and 2. The staffing (up to 6,280 persons) of the completed facilities, meaning that there will be significant pressure for temporary and permanent housing in the area, or at least the prospect of significant additional commuter traffic.
- The guaranteed destruction of productive farmland and impact on wildlife, with some proposals to offset some of the damage done with biodiversity offset at Piddington! With no local offset benefit to local communities to mitigate the obvious harm that will be perpetrated.
- Lack of infrastructure and capacity development in the area to support these large developments, e.g. Electricity capacity, Broadband capacity, Water Treatment, flood management, Health Provision, School places and additional Policing needs always seems to be an afterthought.
- The impact on the environment, clean air, dark skies, increased noise pollution will be to the detriment of the well-being of residents in the area. These developments will isolate rural communities, including Fritwell.

#### 7.5. Upper Heyford Parish Council – Objects

Upper Heyford Parish Council wishes to object to the above-mentioned planning application for massive industrial expansion at Junction 10 of the M40.

The area is a previously undeveloped greenfield site which goes against government and local planning policy that favours brownfield before green. The loss of such a huge expanse of greenfield site at a time where we are under national threat of food shortages and climate crisis should immediately make this application untenable. CDC's local plan also does not call for any large industrial development in the open countryside.

There will be enormous disruption during the construction phase of this development and surround infrastructure projects will further detract from the open nature of this area. Once built the visual impact of the development, and the others around it that have been applied for will make this no different to areas of huge 'warehouse cities' in the surround area, less than 30 miles from this new proposal.

The employees that will work at these warehouse will all need to travel, by car, to get to work every day, adding yet more traffic on to the roads of the surrounding area (they will likely all need to come from Bicester, Banbury or indeed Northampton, where there is housing within financial reach of this type of workforce salary. This additional

traffic is completely at odds of any climate change policies that a local council, and local residents would want to see.

In the minds of Upper Heyford Parish Council, this application coupled with 2 other huge industrial applications in the pipeline (Oxfordshire SRFI and Tritax application 22/01340/OUT) and the recently approved Great Wolf Resorts development, means that this once tranquil rural area will be swamped with industrial units, train movements and car journeys and be a huge detriment to the local area.

7.6. Stoke Lyne Parish Council: - Objects:

*"The Parish Council would submit that the current proposals do not accord with the policies contained in the Local Plan, in that*

*1. they are proposing development outside the limits of the development areas of Bicester, Banbury and Kidlington, and that the proposals will not bring with them the higher technology industries described in the plan SO1) or can be considered to support the development of a knowledge-based economy to create the desired support the creation of a globally competitive and lower carbon economy*

*2. They do nothing to protect and enhance the natural environment or to minimise pollution in a rural area (SO15)*

*3. It will not help strengthen the rural economy or increase employment opportunities*

*4. The proposals are outside the boundaries of development proposals for either Bicester or Banbury and are situated on land where no development has been allocated in the Local Plan.*

*5. It is contrary to Policy SLE1 in that it is not an existing site, it is not within the built up limits of the settlement with no access by sustainable modes of transport, and the application being of a rural nature, fails to comply with requirement to respect the rural nature of the area and the local villages, it will, by significantly increasing road use, have a detrimental effect on the highway network, at a time when other proposals – HS2, East/West Rail etc will also put pressure on the road network around J 10 of the M40 motorway.*

*Under the same policy the proposal will have a severe impact on the appearance and character of the landscape and the environment generally including on any designated buildings or features including the effect on the area around Juniper Hill, with the historical significance enhanced by Flora Thompson in Lark Rise to Candleford. It will also give rise to excessive or inappropriate traffic and will do nothing to contribute to the general aim of reducing the need to travel by private car.*

*Stoke Lyne Parish Council supports the principles of the NPPF which seeks to promote the role of planning in achieving sustainable economic growth, in building a strong, responsive and competitive economy, and by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation, but would suggest that the current proposals are not the right type of proposal, on the right land or in the right place.*

*The CDC Local Plan has an acknowledged urban focus, and the Parish Council submits that there is no reason to depart from this principle. The Parish Council also has concerns that the proposal to create this development outside the built-up area of the Bicester could, if approved, encourage other landowners to make similar applications. The Council accepts that fear of establishing a precedent is not a proper planning consideration as each case has to be considered on its own merits, but the*

*Parish Council fears that should development on this site be approved it could become a material consideration encouraging other landowners with land outside the Bicester development area and in similar rural locations to make similar applications for development."*

#### STATUTORY CONSULTEES

- 7.7. Anglian Water: - **Objects** due to the lack of capacity to accommodate the additional flows that would be generated by the proposed development. Recommends a pre-commencement condition, in the event of approval.
- 7.8. CDC Arboriculture: No comments received
- 7.9. OCC Archaeology – **No objection, subject to conditions:**

The site lies in an area of archaeological interest and potential, as has been demonstrated in the submitted Environmental Statement Chapter 11, Cultural Heritage. This chapter had been informed by a Cultural Heritage Desk Based Assessment, a Geophysical Survey and an Archaeological Trenched Evaluation, and these documents have been submitted as appendices.

To the immediate east of the proposal site, archaeological investigations have recorded Middle-Late

Iron Age settlement and agricultural activity, which continues into the Roman period. A 2nd – 4th century stone built 'villa rustica', or farmhouse, was recorded along with a number of smaller ancillary buildings. Four inhumation burials of likely Roman date, along with a trackway, enclosures and quarry activity are also associated with this building. In the area adjacent to the southeast corner of the current application site, two Saxon sunken feature buildings were recorded in the trenching, with at least two more recorded via a geophysical survey. This adjacent site is subject to a separate application for development and will require further archaeological excavation should permission be granted.

Due to the archaeological features recorded on the adjacent site, a predetermination trenched evaluation was required for this application site. The trenching has recorded a concentration of features in the south-eastern part of the site, consisting of pits and enclosure ditches. These features produced large assemblages of animal bone and Early-Middle Iron Age pottery, as well as fragments of fired clay, worked stones and a possible oven plate. The remains suggest a small area of Iron Age settlement, without a continuation of the Roman and Saxon remains recorded to the east.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation to be maintained during the period of construction.

This can be ensured through the attachment of a pre commencement condition requesting a Archaeological Written Scheme of Investigation and a programme of Archaeological mitigation measures.

- 7.10. BBO Wildlife Trust: **Objection:**

*1.Loss of hedgerow priority habitat*

*2.Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and*

*Species Regulations 2010 as amended by paragraph 9a of the Conservation of Habitats and Species (Amendment) 2012 Regulations).*

*3. The importance of a net gain in biodiversity being in perpetuity*

*4. Further justification required to illustrate how net gain in biodiversity will be achieved*

*5. Cumulative effects on farmland birds in the context of other infrastructure proposals for the area.*

**7.11. Campaign to Protect Rural Oxfordshire – Objection**

- Harm to the character and appearance of the area
- Landscape harm & village setting
- Could be located on other parts of the M40
- A land grab would be needed for the cycle/pedestrian route
- Significant loss of biodiversity on the site
- The applicant should show how the site in Piddington will provide the complementary habitat green corridors that will be lost to Baynards Green.

**7.12. CDC Conservation: No objection**

“The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting. It is noted that the indicative plans show the land surrounding Baynards House not to be developed and landscaping to the north of the site around the site entrance.

The two village conservation areas closest to the site are Ardley and Fewcott, and Fritwell. From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas. “

To the east the Grade II\* Church at Stoke Lyne and its setting needs to be considered. There is considered to be no notable interrelationship between the church, its churchyard, and the development site. It is noted that the proposed development to the east of this site (22/01340/OUT) will come closer to the village of Stoke Lyne. Because of the distance of this application site from the church and due to the mature trees and landscaping that surrounds the church the development is not considered to result in harm to the significance of this heritage asset through development within its setting.

It is accepted that large developments of this kind will have a visual impact on the landscape. Landscape mitigation should consider the setting of conservation areas and Listed Buildings. It should also be noted that as this application is an outline application the indicative details may change. If the building heights were to increase, then there is potential for greater impact. The final design, colour and type of materials used in the buildings will also be key to mitigating the impact of the development.

Overall, in terms of Heritage Assets the developments are considered to have limited direct impacts and therefore we defer to the landscape team and where appropriate OCC Archaeology for comment

7.13. CDC Drainage: **No objection**, subject to conditions:

Both sites (east and west of A43) are shown to be at very low risk of fluvial and surface water flooding and not affected by any other source. Therefore, no comments on Flood Risk at this time.

7.14. CDC Ecology: **Objection**

1. Insufficient provisions for badger population present.
2. Loss of priority hedgerow habitat in contrary to NPPF and Cherwell Local Plan.
3. Further information required for Biodiversity Net Gain.
4. Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan.
5. Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan.

7.15. CDC Economic Growth:

*Whilst there would be a significant number of jobs created, it is unclear where the workforce would be drawn from in an area of existing high economic activity, where higher paid residents are already generally required to commute out of the area to access higher paid jobs.*

*The density of the jobs in relation to developed greenfield land would also be expected to be lower than for other employment uses (e.g. offices and manufacturing). Whilst it is accepted that there are technical, office and managerial roles in modern logistics operations, the majority of posts would be expected to be in lower skilled roles, and it would need to be established how many of those roles could be filled locally.*

*It is therefore unclear how a local labour force would be recruited and maintained. A realistic skills and employment plan would be essential, implemented well in advance of both the construction and operational phases.*

*The risk is that, if the skills and employment plan is ineffective, the limited local labour pool would lead to a significant amount of commuting to and from locations beyond the beyond the district and county boundaries.*

*Even if labour could be drawn from nearby towns, the geographical location of the site - far from residential neighbourhoods and sustainable transport options - would mean that personal vehicular access would predominate. Investment in sustainable and permanent solutions would be required.*

*Whilst the operations of the Large Goods Vehicles would have efficient access to the*

*strategic road network, there would be likely to be localised issues adjacent to the site. Indeed, the masterplan does not indicate improvements to the already congested access onto the roundabout on the A43. Unless enhanced, this could impact negatively upon local businesses and residents, and on the long-distance traffic passing through.*

7.16. Environmental Agency:

*"The submitted amendments include an area of off-site habitat compensation proposed to demonstrate how the development will deliver a net biodiversity gain. The proposed off-site compensation area lies within an area at risk of flooding and part of the boundary adjoins the Muswell Hill Brook main river. The applicant should be asked to update the Flood Risk Assessment and provide further details of the proposed works in this area to confirm that flood risk will not increase."*

7.17. CDC Environmental Protection: **No objection**, subject to conditions

*General:* Although a framework CEMP is mentioned in the ES, I have been unable to find a copy of the document and therefore I would advise that the following condition is placed on any permission granted:

*Noise:* Having read the updated noise chapter of the ES with regards to the Eastern Development I am satisfied with the contents and findings and am pleased to see the improvement made by the 2m high fence as mitigation but would like to see further mitigation such as the low noise road surfacing's included in the scheme to give the best possible outcomes for the nearby residential receptors.

*Contaminated Land:* At this stage as no further information has been provided, I see no reason to alter my earlier comments, namely:

Consideration should be given to a supplementary investigation once the proposed layouts are finalised and watching brief should be maintained on potential hotspots on the site.

Should contamination be found then a remediation strategy should be supplied to and agreed with the LPA before further work is carried out.

*Air Quality:* Having read the AQ chapter of the ES I am satisfied with the contents and findings and have no further comments at this stage.

*Odour:* No comments

*Light:* Having read the light report provided I am satisfied with its findings and the proposed mitigation.

7.18. Oxfordshire Fire & Rescue Service: **No Objection**

*It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010. You should review and ensure suitable water supply for firefighting is provided prior to consultation.*

7.19. Historic England: **No comments**

7.20. OCC Local Lead Flood Authority: **No objection**, subject to conditions

7.21. Mid Cherwell Neighbourhood Forum: **Objection**

- *Not clear how diverse the range of jobs would be*
- *Loss of agriculture*
- *Harm to the existing landscape*
- *The scale of development will have an adverse effect on the surrounding environment.*
- *Not enough detail re the volume of traffic*
- *Both the Conservation Areas are entirely within this zone, and therefore – theoretically – the development could cause harm to the setting of the Conservation Areas. The applicants should be required by CDC to carry out detailed analysis of views and vistas in order to ascertain the extent of visibility affecting these Conservation Areas. Only then is it possible to determine whether the requirements of Policy PD4 can be met.*
- *Concern that the development could be contrary to the Neighbourhood Plan policy PD4 -potentially to the character of a village and its setting or of the wider countryside; and its ability to avoid light pollution*
- *The Inspector refused the employment appeal scheme to the north of this site*
- *Prematurity -coming forward before the new Local Plan*
- *Unproven demand*

7.22. Natural England: No Objection.

- 7.23. National Highways: No objections, subject to conditions - in particular the requirement to deliver the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: **216285-A-14A**, titled Baynards Green General Arrangement, prior to the commencement of development.

The Concept Site Levels & Drainage drawing (FRA and Drainage Report Appendix H) includes the comment “Emergency overflow into Local ditches (TBC),” adjacent to the roundabout at the end of the A43 S/B exit slip road.

Please note that under paragraph 59 of DfT Circular 01/2022:

*To ensure the integrity of the highway drainage systems, no new connections into those systems from third party development and proposed drainage schemes will be accepted. Where there is already an existing informal or formal connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment. The company may require a drainage management and maintenance agreement to be entered into to secure this requirement in perpetuity. That could be addressed through an Informative to any consent.*

7.24. Oxfordshire Rail Freight Interchange:

Comments dated 22 December 2021:

- Relevant parts of the ES should be updated to include cumulative assessment which includes the proposed SRFI.

- The Full application should not be determined before the outline applications.

7.25. West Northamptonshire Council:

- *TA and ES demonstrate negligible impact to traffic flows in Aynho and Croughton*
- *ES states construction traffic will be mitigated via a Construction Traffic Management Plan. This should be conditioned and WNC should be consulted in order to review magnitude of impacts on our network, programming and mitigation measures.*
- *ES Operational Phase traffic flows do not calculate correctly. ES shows 0% HGVs on A43 and A421 presently, with an increase in excess of total development flows. These should be checked and resubmitted before WNC can confirm we are satisfied with the magnitude of the impact.*

7.26. National Planning Casework Unit: No Comments received.

7.27. CDC Policy: **No Objection**

CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

7.28. Thames Water: Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a prior to occupation condition be added to any planning permission to ensure that either all the water network upgrades required 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 to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan

OTHER CONSULTEES

7.29. Bicester BUG:

**B4100/A43 Junction**

*We would advise providing crossings over all junction arms to include the north arm. This will enable pedestrians on the NE corner of the junction to cross to the services on the NW corner by making only 2 crossings. At present they will be required to cross 6 very slow and indirect crossings.*

**B4100 Road**

*Along the frontage of the site, segregated and buffered pedestrian and cycle paths should be provided on both sides of the B4100 to facilitate foot and bike movements*



*within and between the development. This is essentially now a spine road. See the Oxford Cycle Design Standards.*

*Pedestrians and cycle crossings over minor junctions need to be set back a minimum of 5m for reasons of safety, particularly given the paths are bi-directional.*

### **Albion West Access**

*There is a shared path on one side of the road, but a pedestrian only path on the other. It is inevitable as arranged that cyclists will ride on the pedestrian path to avoid the need to make the crossing. Better to ensure that there are shared paths on both sides of the access road.*

### **Cycle Path**

*Priority needs to be continuous across access points.*

*There needs to be access and egress points from the cycle path near to where there are junctions off the B4100 to other destinations to allow cyclists to join and exit the path.*

*The bus stop bypass design is quite fussy and complicated. Better to provide a wide section of shared area adjacent to the bus stop to enable pedestrians and cyclists to pass without risking collisions.*

*Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas.*

*It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.*

*The path runs along the back of the large layby near Bicester. Either the layby needs to be redesigned, or the path needs to run in front of the layby for safety and security, even if this requires two (setback) crossings over the mouths of the layby.*

### **Albion Land Site Western Parcel**

*The shared paths seem incoherent and only lead into carparks, rather than close to the entrances of the buildings. The shared paths should lead all the way to the entrance to the buildings where the cycle parking should be located to enable effective surveillance of valuable e-bikes.*

*The shared paths seem only to be shown on one side of the internal road with a narrow pedestrian path on the other, and similarly to the bus stop. Cyclists will inevitably ride on the pedestrian paths as currently designed, causing conflict and annoyance. It would be preferable to have shared paths on both sides of the carriageways.*

## **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 (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)

- 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 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP4 – Employment generating development in rural areas
- TR1 – Transport
- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C9 – Scale of development compatible with a rural location
- C28 – Layout, design and external appearance of new development

#### Mid Cherwell Neighbourhood Plan 2018 - 2031

- Policy PD4: Protection of important views and vistas
- Policy PD5: Building and site design
- Policy PD6: Control of light pollution

#### 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)
- Developer Contributions SPD
- Conservation of Habitats and Species Regulations 2017

## 9. APPRAISAL

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

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage

- Energy
- Heritage
- Residential Amenity
- Archaeology
- Loss of Agricultural Land
- Air Quality
- Public Right of Way Diversion
- Planning Obligations
- Other Matters

### Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise. Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits of the proposal are demonstrably outweighed by any harm caused.
- 9.1. As the Council has an up-to-date local plan, the starting point for the consideration of this proposal is the Cherwell Local Plan. The Cherwell Local Plan outlines the Council's policies for the period 2011- 2031. These policies include the allocation of sites for employment purposes to meet the district's needs.
- 9.2. The overall spatial strategy within 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.
- 9.3. In the rural areas growth is much more limited and is focussed on meeting local community and business needs. It is directed towards the larger and more sustainable villages. Development in the open countryside is strictly controlled.
- 9.4. A key 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.
- 9.5. 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.
- 9.6. Paragraph B.31 continues by listing the types of employment development the district wants to attract, including advanced manufacturing/high performance engineering, the green economy, innovation, research and development. Paragraph B.32 states support for well-designed logistics development in recognition of the areas attractive transport links.
- 9.7. Paragraph B.43 sets out that that land is allocated taking account of economic evidence base matching growth in housing and to cater for company demand, particularly for logistics.

- 9.8. Policy SLE 1 helps to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester, the majority of which has already been developed.
- 9.9. The application is inconsistent with, and would be a departure from, the Local Plan strategy in this regard, although there are criteria against which other development proposals brought forward can be assessed as to their appropriateness. The Plan has an urban focus, and justification is needed for new sites in the rural areas.
- 9.10. Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.
- 9.11. The site is located in the rural area, including in the context of Policy SLE1, and, therefore, the third part of Policy SLE1 applies. For completeness, the relevant criteria of this policy are set out in full, further on in this chapter, where an assessment of the scheme is made against each criterion.
- 9.12. The emerging review Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, is at Regulation 19 stage and is due for submission for Examination before the end of the month. The document proposes several new employment allocations at Bicester (sites E1 – E5) and a single employment site and several mixed-use allocations at Banbury. The spatial strategy focuses the majority of employment and residential new development at/near to Bicester and Banbury, with some residential development directed to the more sustainable villages. It should be noted that this review plan will be examined/has been 'saved' for consideration under the 2023 version of the NPPF.
- 9.13. The importance of the M40 Motorway corridor is recognised within the district. Accordingly, three of the five employment allocations at Bicester are at the junction of the M40 Junction 9. This also enables the sites to maximise the location of the A41 corridor into Bicester. There are no employment allocations proposed at Junctions 10 or 11 of the M40 in either the existing or emerging local plans beyond those previously developed. Therefore, development here would be on unallocated land.
- 9.14. Paragraph 85 of the latest NPPF (Feb.'25) states, *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** (my emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*
- 9.15. Paragraph 86 of the NPPF (which applies to preparing policies) goes on to set out several criteria to encourage Councils to positively and proactively plan for growth. Sub-section c of this paragraph explains that *"Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying **suitable locations for uses such as logistics** (my emphasis)."*
- 9.16. Paragraph 87b of the NPPF (which applies to both preparing policies and decision making) reinforces this point by making clear that, *"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales **and in suitably accessible locations** (my emphasis) that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation".*

9.17. Paragraph 87c of the NPPF adds that, *“Planning policies and decisions should also include the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience*

9.18. The PPG also recognises the importance of logistics development in the employment sector, stating:

*The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)”.*

N.B. The emphasis and support now given to logistics development in the latest version of the NPPF is notably different from that contained with the 2023 version, against which the District’s review Local Plan 2020-2042 will be examined.

9.19. Albion are proposing to deliver three ‘XXL’ units on this parcel of land, each with a floor area of 500,000sqft per unit) and, as such, require at least 11ha of land. Although the precise floorspaces for each unit are not fixed on the parameter plan, they would have a maximum height of 23m.

9.20. The applicants’ planning statement states that being immediately adjacent to the strategic highway network is a fundamental requirement of logistics operators (DHL), adding that *“there are no other suitable sites capable of accommodating development of the scale proposed.”*

9.21. CBRE, on behalf of the applicants, submitted a Logistics Market Assessment and Land Availability Report and an update to that report in February 2025. This report considers that all other committed or allocated sites in Cherwell DC, either currently existing or potentially coming forward, are smaller or of irregular shape and not capable of delivering the ‘XXL’ units Albion are proposing.

9.22. Officers agree with this viewpoint: developing this scale of development next to Junction 11, for example, would result in landscape harm and severe highways safety issues (both National Highways and Oxfordshire County Council Highways objected to the recent appeal application *APP/C3105/W/24/3352512*); and Junction 9 is currently unallocated (albeit it has land allocated in the emerging plan for district scale B2/B8 development). Moreover, this scale of development would not be appropriate for this scale of development to be located on the edge of Category A Villages.

9.23. The other part of CBRE’s assessment is their review of the existing principal logistics schemes on the M40, predominantly, but not limited to, the Cherwell District.

9.24. The Council instructed Lambeth Smith Hampton (LSH) to review CBRE’s evidence to help establish the actual level of need and supply at both district and the wider PMA level. LSH are in agreement with CBRE that there is a demand for XXL units. For the ease of reference, I have included LSH’s assessment of CBRE’ evidence, in the paragraphs below:

*“Overall, we consider the evidence provided by CBRE shows that there is high demand for XXL units from businesses requiring premises from which to serve regional and national requirements. This is distinct from the market for units serving a more local market; and whereas both will favour locations with easy access to the strategic highway network, the drive time advantages make this part of the country of particular interest to businesses wanting XXL units.*

*As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria*

*The need for XXL units is difficult to estimate at a district level using typical forecasting methods, due to the very small number of units of this size which makes establishing trends at a local level difficult. Additionally, the catchment areas covered by distribution units of this size are generally regional or even national in scale. These factors mean that defining the need for XXL units at a district level is not practicable or advisable.*

*Ideally, there would be a strategic logistics study which examines the need for these large-scale logistics at a regional scale, however at present there is a lack of such strategic evidence. It is not within the scope of this commission to quantify need at this scale and due to the size of the catchment areas, these XXL units are not included within the Cherwell ENA which is focused on district need.*

*Whilst the evidence presented by CBRE does not constitute a full strategic study, in our opinion the evidence they have presented in relation to demand for XXL units is compelling. Based on the evidence presented from CBRE alongside our own market knowledge, we are in agreement that there is a high demand for XXL units in this area. Given the very large catchments, it is not possible to conclude that this need is specifically required within Cherwell district, however it is clear that the district is a very attractive location and therefore demand is high.*

*Whilst the focus of CBRE's evidence is XXL (with some analysis of XL units over 350,000sqft), it is noted that the layout of the site and therefore the unit sizes are indicative at this stage and to be determined at reserved matters stage. Two options are presented within the CBRE report, with only Option 2 providing unit sizes. For Option 2 the unit sizes range between 386,000sqft and 1,179,000sqft and although not stated the unit sizes for option 1 appear to be smaller with the majority below the XXL threshold.*

*Given the focus of their evidence on XXL units, it is assumed that Albion wish to develop units of this size and therefore if the Council are minded to grant permission, the indicative nature of the unit sizes and the options presented may need to be considered and discussed further.*

- 9.25. Despite some minor differences in approach, and whilst no survey has been undertaken to establish the exact level of national need, LSH agree with CBRE that there is a high need/demand for this type of development, for regional and national needs, noting that the scheme would also bring a range of economic benefits to the local and wider economies.
- 9.26. Moreover, I am advised by LSH that the Cherwell Economic Needs Assessment (ENA) 2025 has led to an increased estimate of need, reflected in the draft review Local Plan 2042. The 'upper end' of the range of employment need figure is now much more closely aligned with the level of need identified by Savills, despite the differences in methodology.
- 9.27. It should be noted that the Cherwell ENA 2025 has been produced to support the emerging Local Plan, rather than the adopted Plan, against which this application is being determined. The Cherwell ENA 2025 estimates an overall need of employment land between 2020 and 2042 of between 274 and 359 hectares. This need is heavily

focussed on B2/B8 uses which represent 198 and 283.5 hectares of that overall figure. On an annual basis this need equates to 9.0–12.4ha (lower and upper-end demand) for all B2/B8 land at a district level.

9.28. It remains the Council's choice where in that estimated range to plan for. In looking at the top end of the range, the Council, currently, would have a potential shortfall of around 22.5ha of B2/B8 land. The quantum of employment space required will ultimately be set in the Cherwell Local Plan 2042.

9.29. In light of the conclusions of the LSH report and the scheme's compliance with the current NPPF paragraphs, the proposal broadly complies with the criteria of the policy SLE1. For the ease of reference, I have set out my assessment of the scheme against the criteria of this policy:

**Policy SLE 1:**

9.30. *"Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1)."*

9.31. I consider there to be exceptional circumstances:

- LSH have concluded that CBRE have provided compelling evidence that there is high demand for XXL units from businesses requiring premises from which to serve local, regional and national requirements
- The applicants' planning statement confirms that there are no other suitable alternative sites or opportunities for large scale logistics buildings of this nature along the M40 corridor.
- Collectively, there would be 3000 permanent jobs across the Albion two sites (East & West) + 400 construction jobs
- Para 85 of the NPPF advises that there should be "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"
- Para 86 of the NPPF: "Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as logistics
- Para 87 of the NPPF acknowledges the importance of 'suitably accessible locations' - this site is next to the Motorway, away from villages.
- The development will bring a range of economic benefits to the local and wider economies and help support the modern economy.
- Established occupiers (DHL) lined up, so a big part of the site could come forward quickly.
- This site sits inside the Oxford – Cambridge corridor. The Government wishes this corridor to be an economic engine for the whole of the UK. For further info, see: <https://www.gov.uk/government/news/minister-vallance-underlines-how-oxford-cambridge-corridor-ambitions-can-boost-whole-uk>

9.32. *"New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:*

- ***They will be outside of the Green Belt, unless very special circumstances can be demonstrated.***

9.33. Officer Comment: Complies.

- Both Albion east and west parcels are outside the Green Belt

- ***Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.***

9.34. Officer Comment: Complies for the following reasons:

- Para 322 of the LSH report: *“As the level of occupier enquiries demonstrates, the M40 corridor meets the locational criteria of businesses with XXL requirements by providing proximity to the strategic highway network, access to workers, and sites with the capacity and topography to accommodate the largest requirements that are not within Green Belt or constrained by other national designations that would prevent development. Baynards Green is within this area and meets these criteria”*
- This site will help plug a potential shortfall in B2/B8 use at the upper end of the estimated employment range, as concluded by LSH
- Also, whilst in the rural area, the sites are close to the motorway and therefore wouldn't comprise sporadic development.
- No sites on the edge of Category A Villages capable of delivering schemes of this scale, and they are not as close to the motorway. Also, development on this scale would harm the setting of Category A villages, if they were located on the edge.
- ***They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings***

9.35. Officer Comment: Complies

- The delivery of a very high quality of design for the buildings and the internal landscaping scheme, can be secured through robust pre app discussions and reserved matters applications.
- The buildings would not impact on the character of the neighbouring villages which are significantly set back from the site.
- The buildings would respect the urban character of the surrounding M40, B4100, garage & MacDonalds and the A43
- Sustainable construction conditions will be imposed, which require the development to be completed to BREEAM Very Good/Excellent as offered by the applicants in their planning statement.
- ***They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.***

9.36. Officer Comment: Partial Compliance

- The buildings would not be small in scale. However;
- They wouldn't impact on the setting of Stoke Lynne, Fewcott or Ardley , the three closest villages. Nor would they be out of keeping with the urban nature of the M40, the A43, and the garage and the MacDonalds to the North east of the site.
- There would be significant adverse harm on the character and appearance of the area when viewed from the vantage points identified in LUC's assessment and set out in the Landscape and Visibility chapter of this committee report, noting that this landscape is of 'modest' value.



- ***The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).***

9.37. Officer Comment: Complies

- The scheme can be carried out without undue detriment to residential amenity or the highways network.
  - The site is not near a village and would not affect the setting of the closest village
  - The scheme will not unduly impact on the setting of any listed and non-designated buildings (no objections Historic England or CDC Conservation).
  - There would be some harm to the character of the landscape, the majority of which can be mitigated through robust landscaping plans.
- ***The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car. There are no suitable available plots or premises within existing nearby employment sites in the rural areas”.***

9.38. Officer Comment: Complies

- National Highways and OCC Highways have, subject to conditions and planning obligations, no objections to the scheme from a highway’s safety point of view.
- The provision of either an improved or new bus service and cycle/pedestrian path would contribute to the general aim of reducing the need to travel by private car.
- There are no suitable alternative sites within Bicester or Banbury which are in close proximity to the M40 that could absorb a scheme of this scale. J11 is not appropriate from a landscape or highways perspective and J9 does not currently have any allocated sites (albeit there are some employment sites in the emerging Local Plan Review).

9.39. Whilst the proposal does not fully comply with every criteria of this policy, it complies with the majority of them and, therefore, partially, rather than fully complies with this policy.

9.40. Overall, the delivery of new employment land, on such a big scale, is a very significant benefit of this scheme. There would be a great number of jobs created: from the temporary construction workforce to the long-term annual jobs. These significant job projections are, I note, not theoretical – LSH consider them to be accurate, helping to create a diverse employment base in the district. The XXL units would also have the added benefit of not only serving the district and the region, but serving at a national level as well, given their position in a ‘suitably accessible location’.

#### Landscape & Visual Impact

9.41. Paragraph 187 of the NPPF requires planning policies and decisions contribute to and enhance the natural and local environment by, amongst other things:

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

- 9.42. 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.
- 9.43. The policy goes on to list 6 criteria where proposals will not be permitted. An assessment of the proposals against the 6 criteria is contained in table 1 below.
- 9.44. Policy ESD15 opens with, *“Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.”*
- 9.45. Sitting underneath this paragraph is a list of design criteria, including the requirement for new development to be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. This part of the policy adds that development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 9.46. 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.
- 9.47. Paragraph B.87 of the Cherwell Local Plan explains that Cherwell’s countryside, landscape and green spaces are important natural resources. It goes on to 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.
- 9.48. 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. However, it does not automatically follow that development on it would be acceptable and, for reasons set out below, there are a number of factors that would, together, result in harm to the character and appearance of the area.
- 9.49. Saved policy C8 of the Cherwell Local Plan 1996 seeks to resist development *“if its attractive, open, rural character is to be maintained”*. It explains that this policy *“will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.”*

- 9.50. As noted elsewhere in the report, it is not practical to direct development to suitable sites at Banbury or Bicester. The Banbury M40 J11 site, which is the subject of an appeal, is the only site available and is unsuitable in landscape and highways terms. Bicester's suitable sites do not yet have consent. C8 is therefore accorded with.
- 9.51. Paragraph 187 of the NPPF makes clear that policies and decisions should contribute to and enhance the natural and local environment by:
- 9.52. *a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*
- 9.53. *b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- 9.54. Of the two Albion applications, this eastern parcel is the more sensitively located as there will be several open views into it in, and from, a more open rural setting.
- 9.55. In this context, the introduction of large-scale buildings, associated large-scale lorry and car parking spaces, along with the presence of the lorry's, and, in some places, significant earth bunds, there will be an impact on the landscape and the character and appearance of the area. The key question then, is what is the extent of the harm? Will the character of the area be compromised and undermined as part of that harm?
- 9.56. Tyler Grange, on behalf of the applicant has viewed the site from 15 different viewpoints in their Viewpoints and the Zone of Theoretical Visibility (ZTV). Their ZTV covers a radius of 2km from the centre of the site.
- 9.57. Tyler Grange considers the Fritwell and Middleton Stoney LCAs, in which both the Western and Eastern Sites lie, to have a high/medium susceptibility to the Development and a localised importance (medium / low landscape value) resulting in a medium overall sensitivity to proposals. LUC, on behalf of the Council, broadly agree with this assessment, noting that, *"noting that Cherwell Council's published Landscape Sensitivity Assessment (September 2022) identifies assessment unit LS M40 J10\_2 (equivalent to the (Albion) Eastern site) as having a slightly higher sensitivity to logistics development (moderate-high sensitivity to logistics development and moderate sensitivity to commercial development) than the Western site (assessment unit LS M40 J10\_3) which is stated as having a moderate sensitivity to commercial and logistics development. LUC's view is that the sensitivity rating of moderate is about right, with sensitivity increasing with distance from the M40/A34 junction.*
- 9.58. LUC's position is that *"Given the height and scale of the proposed development parameters there will be a number of significant adverse effects on landscape and visual receptors"* for 15 years and beyond.
- 9.59. As part of their assessment LUC reviewed the viewpoints in Tyler Grange's ZTV and made the following comments:
- *Change to landscape character of the site and immediate surrounds (but more localised due to being a smaller development area than both sites together).*
  - *Change to views experience by users of the bridleway along the southern boundary of the Eastern site (Photoviewpoint 6) from where the buildings will be very large in views;*

– To a slightly lesser extent, users of the footpaths and bridleway network in the vicinity of the sites including the footpath south of Tusmore Park (Photoviewpoints 2 and 3) from where there will be views of the buildings on the Eastern site; footpaths around Stoke Lyne (e.g. Photoviewpoints 1 and 5) due to views of the Eastern development;

- Urbanisation of a short section of the B4100, east of the A43 roundabout..

9.60. For these reasons, the application will lead to long-term significant adverse hard on the receiving environment which has a medium overall sensitivity

9.61. When assessed against the criteria of Policy ESD13, there is conflict:

<b>Policy Requirement</b>	<b>ESD13</b>	<b>Officer Response</b>	<b>Accordance with ESD13 Bullet Points</b>
Bullet point 1. Cause undue visual intrusion into the open countryside.		This scheme would be an almost complete urbanisation of 3 open, gently undulating arable fields and would have a very dominating effect, post 15 years.	No.
Bullet point 2. Cause undue harm to important natural landscape features and topography		<p>The undeveloped character of the application site contributes positively to a medium sensitive landscape setting. This proposal would alter the character of the landscape. The gently undulating topography landscape would not be as visible.</p> <p>However, the landscape is not valued or of historical importance. So, in that sense, it would comply with this part of the policy</p>	Yes
Bullet point 3. Be inconsistent with local character		The loss of longstanding hedgerows and the urbanisation of the site would be at odds with the rural surroundings. However, part of the local character comprises busy roads, the service station, garage and the fast food restaurant. Also, there are some heavily wooded areas in the locality and a heavily wooded landscape scheme would not be wholly inconsistent with the local character.	Partial Compliance
Bullet point 4. Impact on areas judged to		Map 4.4 of The Landscape Character Assessment (2024)	Yes.

have a high level of tranquillity	identifies the tranquillity of the site as being of low tranquillity.	
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	No, it would not harm the setting of the nearest villages, buildings, structures or other landmark features	Yes
Bullet point 6 Harm the historic value of the landscape.	It is not an historic landscape	Yes

9.62. A thicker woodland belt is needed along this western boundary. If extended to the south, it would also soften the impact of the development on those improve the walking the Bridleway. A greater level of landscaping is needed along the northern boundary as well, also to the east, which can be secured by condition. At the time of writing this report the applicants are drafting a revised parameter plan which will increase the width of the landscape boundary along the western part of the site.

9.63. It note that the 2024 Cherwell Landscape Character Appraisal (LCA) places the site within Character Areas – ‘Oxfordshire Estate Farmlands’ and ‘Heyford Plateau’. The Design Guidance in this document, includes:

- Retain/enhance woodland copses
- Management of woodland
- Expand and reconnect woodland
- Use trees and woodland to integrate new development into the landscape
- Seek to prevent loss/decline of hedgerow.

9.64. In short, the consequence of inserting large-scale logistics buildings into this open countryside (particularly on the northern parcel) would be significant adverse harm from certain vantage points and the harm of the scheme is compounded by the loss of hedgerows on the ‘interior’ of the site albeit with new landscaping offered up in return. This harm would result in partial conflict with policies ESD13 and ESD15 of the Local Plan and 187 of the NPPF and weighs against the proposal in the planning balance.

9.65. Nevertheless, there is recent case law (*Corbett v Cornwall County Council [2020] EWCA Civ 508. April 2020*) which establishes that a development does not have to comply with every policy of a development plan to be found to be in compliance with a development plan as a whole.

#### Highway Safety

9.66. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given 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 Code; and
  - d. 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.
- 9.67. Paragraph 116 of the NPPF makes clear 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. 9.
- 9.68. Policy SLE4 of the Local Plan reflect the NPPF policy: it 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.
- 9.69. Paragraph 117 of the NPPF states that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- 9.70. Paragraph 118 of the NPPF requires all developments which generate significant amounts of movement 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.
- 9.71. National Highways had originally (September 2022) requested that planning permission was not granted for a period of 3 months to allow time for the applicant to provide the additional information required to help National Highways better understand trip generation and the level of impact on the national road network, including Baynards Green roundabout.
- 9.72. In March 2023, National Highways requested another 3 months pause to allow for further information to assess the potential impact on a similar extent of the SRN, including the Baynards Green roundabout and establish the level of mitigation would be required at this junction, as the Growth Fund scheme was no longer in place as originally expected. This holding objection was repeated several times and remained in place until April 2024 following the applicants' scheme to improve the capacity of Baynards Green Roundabout.
- 9.73. National Highways were satisfied by the mitigation plans and subsequently withdrew their holding objection on the basis that a stringent pre-occupation of development condition is imposed to ensure that the highway improvement plan, as shown on SLR Consulting drawing ref: 216285-A-14A, titled Baynards Green General Arrangement, is completed and open to traffic. National Highways then subsequently recommended an additional condition for a Construction Environmental Management Plan (CEMP).
- 9.74. OCC Highways are also satisfied with the principal of the proposed capacity improvement works to Baynards Green Roundabout but, at the time of writing this

report, they are currently reviewing the Land Collaboration Agreement to ensure that, in the event that the Tritax or one of the two Albion Schemes comes forward first, one applicant/landowner couldn't prohibit the other from carrying out the works. OCC Highways concern comes from the need for Tritax and Albion Land East parcel to provide land (E of the A43 & S of the B4100 ) to allow for an adequate forward visibility to the roundabout, small areas of land are required outside the highway boundary.

9.75. Notwithstanding the support in principle for the Baynard's Green mitigation measures, OCC Highways also have to be satisfied that the application is not going to unduly impact on the local road network from an increased journey time and highways safety perspective and ensure that any impacts are not severe.

9.76. Following an OCC Highways objection in August 2024, and a request for further information in March 2025, the applicants, along with Albion Land, have jointly submitted the following additional documents:

- Transport covering letter on behalf of applicants, Albion Land and Tritax; and
- Transport Modelling Appendix A Topic Paper Addendum providing summary of current situation, details of cycle facility and an appendix with details of a test to address OCC's previous concerns regarding modelling of B4100 junctions.

9.77. The updated information sets out the following:

- How the scheme would integrate with the proposed cycle route to Bicester.
- How the crossing facilities at the southern arm have been amended to a parallel crossing arrangement.
- How the splitter island has been increased in width at the access and at the B4100.
- Confirmation that detailed highway boundary has been obtained to confirm land ownerships.
- Further details regarding the design of the bus stop areas which aim to reduce conflict between cyclists and waiting bus passengers.
- Transport Modelling work

9.78. For completeness, I have set out OCC's key concerns (written in italic font) in 2024 and OCC's response, following receipt of this additional transport information:

9.79. *Lack of commitment to providing the cycle route between the sites and Bicester, with the applicants seeking to justify not providing it:*

"This is now offered as mitigation, as set out in Transport Topic Paper Addendum Appendix C, drawings DTA 17213-30-GA- 0-6 Rev N, and further work has been done by the applicant to demonstrate its feasibility, including a Road Safety Audit Stage 1, to the point where OCC highways is satisfied that it could be delivered, albeit with constraints requiring narrowing in places. Points raised in the RSA can be addressed through detailed design. Since the submission of this additional material, there has been further discussion as to how the route could safely transition into Braeburn Avenue, and the works are likely to require some changes to the geometry of the junction, to tighten up the radii. There is insufficient agreed-carriageway facilities but cycling on carriageway in Braeburn Avenue is considered acceptable due to the low traffic volumes (it is not a through road

because of the bus-only link at the northern end of Charlotte Ave) and 20mph speed limit. OCC remains firmly of the opinion that this mitigation is required alongside public transport improvements as part of the sustainable transport strategy for the site, and in order to provide safe access for all users. (NB: For OCC's full justification please see their response of November 2024). There would be some loss of vegetation including overgrown hedgerow, and possibly some complete loss of hedgerow along parts of the route. However, in my opinion this should be considered in the context of the significant loss of hedgerow arising from the developments themselves and the mitigation scheme at Baynards Green."

9.80. *Aspects of the access arrangements required revision for safety reasons:*

"These have been largely addressed (see Appendix E of 'Topic Paper Addendum' dated 3 February 2025), and the proposed access for the Albion Land eastern plot (to the east of the Baynard Green Roundabout) has been changed from a roundabout to traffic signals, which is considered acceptable. The revised junction arrangement for the Albion Land E site have been subject to RSA1 and are considered acceptable in combination with one other in terms of safety.

The accesses E of the B4100 accommodate the proposed cycle/pedestrian link to Bicester, which has been subject to a separate Road Safety Audit Stage 1 (Appendix C of the Topic Paper Addendum). The detailed design stage of the accesses must be carried out in conjunction with detailed design of the ped/cycle facility.

Accesses for Albion E and Tritax are shown in combination, together with their required bus stop laybys and crossing, on drawing SLR 216285\_PD12 Rev A. Drawing DTA 17213-35-GA Rev D shows the signalized junction for Albion E.

For the Albion Land W site, additional footway has been added to the W side of the access road and an informal crossing at the roundabout junction with B4100. I would prefer to see the crossing set back from the roundabout for safety reasons and therefore a condition is requested. Consideration will also need to be given to cycle access to the western plots. The arrangements are the subject of a full application, ref 21-03266-F.

Careful consideration will need to be given to the construction phase, and it is expected the CTMP will consider the construction of the junctions. The highway works necessary for each application site will be secured through the respective S106 agreements. For each site this will include continuous footway and cycleway linking to the Baynards Green junction improvement scheme and to Bicester (Braeburn Avenue), bus stop facilities including laybys and crossing of B4100. Completion of these works will be required prior to first occupation. "

9.81. *Concern that the assessment of the B4100/A4095 junction in Bicester was underestimating the traffic impact of the development at that junction.*

Further modelling work has since been undertaken which is discussed further below.

9.82. *Assessment of impact on villages to the north in Northamptonshire.*



It is noted that WNC concluded that there would be negligible impact on traffic flows in Aynho and Croughton. Difference plots from the Bicester Transport Model show that approximately 14% of the development traffic would route via the B4100 west, which would result in a change of less than 5% on the B4100 through Aynho, which could not be considered severe in NPPF terms. The increase in traffic will be from cars, not HGVs, which would be subject to a routing agreement prohibiting them from travelling north on the B4100.

9.83. *Concern about the level of car parking at the developments.*

“Whilst this is only indicative and would be agreed at reserved matters stage, from the layouts provided it is evident that the number of car parking spaces envisaged (these are marked on the plans – not just a general area indicated for parking) is far in excess of OCC’s parking standards. If parking levels were to be allowed as shown, this would potentially undermine travel plan objectives to promote sustainable travel and car sharing. The travel plan is especially important here since the applicant’s traffic modelling of the A4095/B4100 junction relies on significant modal shift away from single occupancy car trips between the site and Bicester. “

9.84. I agree with OCC re: the concern over the exceedance of the parking bays (the illustrative plan suggests 1780 bays against OCC maximum standards of 1000 bays per 300,000sqm of employment space -a 78% exceedance). Not only would it result in further landscape harm and, potentially, a reduced quality internal layout, but it would also run counter to the aims and aspirations of the travel plan and its ability to help encourage a modal shift from driving to cycling and walking.

9.85. OCC’s Highways conditions are set out in the ‘Infrastructure’ chapter below. Subject to those contributions being agreed, along with their conditions and those recommended by National Highways, including most crucially of all, the Grampian condition, then this aspect of the proposal complies with national and local planning policy.

Ecology

9.86. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.

9.87. 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.

9.88. 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.

9.89. These policies are both supported by paragraph 187 of the NPPF which states 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.

9.90. Cherwell Local plan policy ESD11 states: *“Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.”*

- 9.91. Moreover, 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.
- 9.92. The PPG 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 LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity
- 9.93. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.
- 9.94. This information confirms that 2.6k of hedgerow (some of it is species rich) across this and Albion's Eastern parcel on the other side of the A43 would be lost and a general loss of habitat for farmland birds (Lapwing, Skylark, Yellowhammer) and the hairstreak butterfly.
- 9.95. The applicants are proposing on-site mitigation measures through the provision of Enhanced Areas of Landscape Zones (shown on the Land use plans) which would be areas designated for retention and strengthening of existing vegetation.
- 9.96. The applicants have also acquired 20ha of arable land located near Piddington. This site will be used for the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.
- 9.97. The applicants have also submitted a draft Habitat Management and Monitoring Plan (HHMP) which sets out measures to maximise the biodiversity potential of retained and newly created habitats, through appropriate management covering a period of 30 years.
- 9.98. Collectively, through on-site and the off-site measures, the applicants anticipate that this development would be able to achieve a BNG of 16% for habitat units and 11% for hedgerow units.
- 9.99. I note that there has been a number of objections to the scheme on ecology grounds including, but limited to, residents, Fritwell Parish Council, CDC Ecology, CPRE, Tusmore Park Estate & BBOWT who do not think the BNG proposal is policy compliant. The Environmental Agency also raised concerns that the 20ha off-site area near Piddington is in Flood Zones 2 and 3 and, therefore, at risk of flooding.
- 9.100. The Council's ecology officer is also concerned about the impact the proposal would have on the existing badger set and fears that due to the loss of so much foraging areas for them, they will essentially become landlocked and would like to see further buffer habitat for badgers as well as wildlife tunnels beneath all roads. The applicants have responded that, due to the size of the buildings and the foundations it will not be possible to provide further on-site buffer habitat. However, one solution would be for a planning obligation requiring badger tunnels under the roads.
- 9.101. In response to the Environmental Agency, my understanding is that as part of the HHMP, no buildings or structure will be erected there as part of the habitat improvement works.
- 9.102. I do think the loss of so much species rich hedgerow and the reduction in farmland birds and hairstreak butterfly is in conflict with local plan policies, and it is a harmful aspect of the development. However, I also think that whilst the harm cannot be

completely compensated, the provision of robust planning obligations and conditions, this element of the scheme would not warrant a refusal.

### Drainage

9.103. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning 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. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

9.104. 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.

9.105. 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.

9.106. The applicants, in their submission documents, have included an updated Flood Risk Assessment (September 2024), prepared by Bailey Johnson Hayes Consulting Engineers.

9.107. This report recommends that the following drainage measures are put in place to mitigate the impacts of the development: *“Raising thresholds and building levels outside of design flood levels, providing safe access and egress around the development, directing overland flows towards areas of low risk, implementation of SuDS to manage runoff at sources thus reducing flood volume, installation of pollution prevention features to prevent contamination at discharge locations, tree planting to increase biodiversity and absorption of water, management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development.”*

9.108. The report goes on to recommend the following SuDs features:

- Swales
- Infiltration Basins
- Permeable Paving
- Petrol Interceptors
- Catchpits, Gullies and Line Drains
- Flows control devices

9.109. It concludes by stating that, *“Further design will be required to establish the detailed drainage network and to ensure no flooding is created on the site during the 30-year event and flooding is contained on site safely during the 100-year + 40% event.”*

- 9.110. On the 6 March 2025, Anglian Water, who hadn't objected to the proposal previously, objected to the scheme connecting to their foul network due to capacity constraints and pollution risk. However, Anglia Water has said that in the event that the Council were minded to approve the application, they require a condition is imposed which prohibits the development from commencing until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water.
- 9.111. Similarly, Thames Water, in their consultation response have advised that, following initial investigations, they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Consequently, they request that the following condition be added to any planning permission which prevents the buildings from being occupied until confirmation has been provided that either:- *"all water network upgrades required 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 to allow development to be occupied."*
- 9.112. Subject to conditions, neither the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate conditions attached, the proposal accords with the Local and National Planning Policies.

### Energy

- 9.113. Planning plays a vital role in ensuring that developments minimise their contribution towards climate change. This is recognised by the Government and why one of the NPPF's core principles is that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 152)".*
- 9.114. Cherwell District Council is committed to tackling climate change. For many years Cherwell District Council has been at the forefront of developing and implementing robust and innovative planning policies and standards to tackle climate change. In July 2019 it declared a Climate Change Emergency.
- 9.115. When the 2011-2031 Local Plan was adopted, it strengthened previous planning policies relating to energy in order to ensure that the Council continues to take a robust and ambitious approach to minimising carbon emissions in the district, which is why policies ESD 1 – 5 were introduced.
- 9.116. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).

- 9.117. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 9.118. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day (this applies to residential uses too).
- 9.119. The applicants' Environmental Statement (prepared by Quod) advises that based on measures detailed in the Travel Plan, inherent design measures to minimise energy consumption, along with the use of PV (to ensure GHG emissions from energy use of office and core areas of buildings are zero) their scheme could achieve the ESD 3 requirement of "Very Good" under BREEAM, and remove the need for any form of decentralised energy supply.
- 9.120. Based on the above points, and the imposition of a condition, it is considered that the proposal would comply with the requirements of Policies ESD1, ESD2 and ESD3 of the CLP 2015

#### Heritage

- 9.121. Policy ESD15 of the CLP 2015 makes it clear that new development to, or near, non-designated heritage assets, should: "Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG."
- 9.122. Paragraph 207 of the NPPF states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 9.123. The applicants have included a Cultural Heritage Report in the ES, prepared by RPS. This appraisal concludes that there would not result in any adverse effects on the closest heritage assets, which are:
- Barn at SP 5487 2940, Grade II listed (List entry number: 1046400);
  - Manor Farmhouse, Grade II listed (List entry number: 1369564); and
  - Fewcott Farmhouse, Grade II (List entry number: 1046880).
- 9.124. This is a view shared by the Council's Conservation Officer, who has concluded that, overall, in terms of Heritage Assets, the development is considered to have limited direct impacts. She commented, *"The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-*

*food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting. It is noted that the indicative plans show the land surrounding Baynards House not to be developed and landscaping to the north of the site around the site entrance.*

9.125. The Council's Conservation Officer also considered the relationship between the proposal and the closest conservation areas to the site, which are Ardley and Fewcott, and Fritwell: *"From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas."*

9.126. For these reasons, this aspect of the proposal would not unduly impact of the views set out in table.4 of the Mid Cherwell Neighbourhood Plan (2018 - 2031) and is policy compliant.

#### Archaeology

9.127. RPS, on behalf of the applicants, carried out an archaeological desk-based assessment (DBA) in June 2021. This was followed by a geophysical survey between May and August 2021, which, in turn, was supplemented further by a field evaluation comprising evaluation trenches between November 2022 and January 2023.

9.128. The trenching work carried out by RBS has recorded a concentration of features in the south-eastern part of the site, consisting of pits and enclosure ditches. These features produced large assemblages of animal bone and Early-Middle Iron Age pottery, as well as fragments of fired clay, worked stones and a possible oven plate. The remains suggest a small area of Iron Age settlement, without a continuation of the Roman and Saxon remains recorded to the east.

9.129. Accordingly, OCC's Archaeologist recommends that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of archaeological investigation be maintained during the period of construction.

9.130. This can be achieved through the attachment of a pre commencement condition requesting a Archaeological Written Scheme of Investigation and a subsequent programme of Archaeological mitigation measures

9.131. Subject to conditions, this element of the scheme accords with the local planning policies and the NPPF.

#### Residential Amenity

9.132. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

9.133. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which 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."*

9.134. The three closest residential properties to the application site are on the western side of the A43. Given the significant separation distance between those buildings and this proposal, I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy or be unduly impacted by noise or lighting, which can be controlled by condition in any event.

9.135. Therefore, subject to conditions, this element of the proposal complies with policy ESD15 of the CLP 2011-2031 Part 1.

#### Loss of Agricultural Land

9.136. Paragraph 187b states that planning policies and decisions should contribute to and enhance the natural and local environment by:

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

9.137. The applicants have submitted an Agricultural Land Assessment, prepared by Askew Land & Soil Limited. This report concludes that the majority of the site is 3b (moderate quality agricultural land) with the remainder being classed as 3a (Good Quality Agricultural Land) albeit it the Grade 3a is not consistent and is mixed in with the 3b land.

9.138. In developing this site, the district would not be losing its 'best and most versatile' agricultural land (Grades 1 & 2) but it is a loss however, which is a harm of the development. However, this harm would be countered by the creation of a great number of jobs on a short-term and long-term basis.

#### Air Quality

9.139. Policy ESD 1: Mitigating and Adapting to Climate Change Measures contained within the Cherwell Local Plan 2011-2031 Part 1 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include: Distributing growth to the most sustainable locations as defined in this Local Plan; and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.

9.140. Policy ESD 10: Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.

9.141. Saved policy ENV1 contained within the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

9.142. The Site does not lie within an Air Quality Management Area (AQMA) – the closest AQMA is 6.5km to the southern east of Bicester.

9.143. The applicants commissioned Isabel Stanley to carry out an Air Quality Assessment which concludes that the impacts of dust on the environment and people is 'low risk'. It also concludes, having used 25 existing receptors, that impacts of Nitrogen Dioxide concentrations would be negligible for 25 out of 25 receptors during the construction

stage, and negligible for 24 out of 25 receptors during the development stage, where one receptor would change to 'moderate adverse'. The impact on particular matters receptors is thought to be negligible.

9.144. The conclusions of the Air Quality Assessment are that:

*"The assessment has demonstrated that the overall air quality effect of the Development on human health receptors will be 'not significant'; the Development will not cause any exceedances of the air quality objectives, or lead to any impacts that would be described as significant. Therefore, further mitigation measures are not proposed in this regard."*

9.145. The Council's Environmental Protection Officer agrees with the conclusions and raises no objection. Therefore, this aspect of the proposal complies with policies of ESD 1 and ESD10 of the Cherwell Local Plan:2015 and Saved policy ENV1 of the 1996 Cherwell Local Plan.

#### Public Right of Way

9.146. A public right of way crosses the site, and the parameter plans show that this will require a diversion. A clearly proposed alternative route should form part of your proposals for assessment. If planning permission were to be granted, a formal process will be required. Further detail can be found here:

<https://www.cherwell.gov.uk/info/115/planning-process/953/public-rights-of-way>

#### Planning Obligations

9.147. The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Cherwell District Council's Local Plan: Part 1 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably

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

9.149. Oxfordshire County Council have requested the following contributions:

- Highways works contribution 1 - Signalisation of Charlotte Ave/B4100 junction - **£33,263.65**
- Highways works contribution 2 - Traffic management in Caversfield/Aunt Emm's Lane - **£8,750**
- Public Transport – Bus service serving the site - **£2,133,133**
- Public transport infrastructure (if not dealt with under S278/S38 agreement) - Bus real time information (other bus stop infrastructure to be provided as part of S278/on site highway works - **£22,704**
- Traffic Reg Order (if not dealt with under S278/S38 agreement) - Consultation on change to speed limit on B4100 - **£3,840**
- Travel Plan Monitoring - To cover the cost to OCC of monitoring the travel plan over its life - **£4,224** for each site's framework Travel Plan & **£3,265** for each unit.
- Public Rights of Way - Improvements to public rights of way in the vicinity of the sites - **£33k**



- Off-Site Highways Works - Improvements to Baynards Green roundabout, including widening, additional lanes and active travel infrastructure, as per drawing SLR 216285/A/14 Rev B. This scheme will be required prior to first occupation of any of the sites. Note that this is also a requirement of National Highways.
- Footway/cycleway link to Bicester - For all three application sites: Required for any one of the application sites prior to first occupation: footway/cycleway link to Braeburn Ave, Bicester, as shown in Appendix C
- Access Arrangements - Site access roundabout junction with B4100 and footway/cycleway link to footway/cycleway facilities forming part of Baynards Green roundabout improvements. Internal access road linking to timetable case, ducting) on internal access road (to enable the site to be served by public transport). Note that this is a combination of on and off site highway works, and is the subject of a separate full planning application, ref 21-03266-F.

NOTE: The above represents the overall contributions required for applications 21/03267/OUT, 21/03268/OUT (Albion Land) and 22/01430/OUT (Tritax), which are considered together in this response. Those marked with an asterisk (highway works 1 and 2, and PRow) could be split proportionately between the sites. The public transport contribution is required in full by any one of these developments coming forward, as it is needed in full to provide an adequate bus service. Likewise the Traffic Regulation Order contribution is required in full. Travel Plan monitoring contribution is as explained above.

9.150. In their consultation response, Oxfordshire County Council Highways have provided detailed information to justify the need for their contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF.

#### Other Matters

9.151. I note the advice received from Bicester BUG, as part of their consultation response and, having sought the advice of the OCC Highways officer, I shall address each point in turn:

#### *B4100/A43 Junction*

9.152. B4100/A43 junction – my understanding is that the possibility of a crossing on the A43 north arm was ruled out early in the design process by National Highways. There isn't the available highway space, particularly on the NW corner of the roundabout by the service station. There are crossings proposed on the other three arms of the roundabout, allowing access between the sites and the facilities at the PFS.

#### *B4100 Road*

9.153. The OCC Highways officer's disagrees that this is like a normal spine road in terms of the requirements for movements. All likely movements between the sites and the petrol filling station and the bus stops would be catered for, and in the only place where there would be significant pedestrian movements (between the sites and the bus stops on the B4100) pedestrians would be segregated from cyclists. Elsewhere shared use is considered acceptable.

9.154. Crossing setbacks can be adjusted at detailed design stage if necessary.

#### *Albion East*

- 9.155. An uncontrolled crossing could be added at detailed design stage. The northeast arm of the junction is unlikely to get much use by pedestrians, as the crossing of the B4100 is west of the junction. There will need to be a crossing point for cyclists to get across the arm, probably further into the development

### *Cycle Pathway*

- 9.156. Cycle path: priority across access points will be given where it is safe to do so, noting points above about set back – not always sufficient land to set the crossing back far enough, in which case it may not be safe to give priority to cyclists – this will be looked at at detailed design stage.
- 9.157. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.
- 9.158. Noted re rails and fencing, but we have accepted that there will be narrowings in places where there are constraints.
- 9.159. The proposed cycle path ends at Braeburn Avenue, where it is considered safe for cyclists to join the carriageway. The developers have shown (to OCC) a design where the junction radii are reduced to allow a safe transition onto the carriageway. Unfortunately, there isn't enough highway land on Braeburn avenue for a segregated cycle facility. On the B4100 south of Braeburn Avenue, there is a building close to the carriageway near the bend, which makes it unsuitable for an off-carriageway route alongside the B4100 to the A4095 junction.
- 9.160. The details of how the cycle path goes through the layby can be addressed at detailed design stage.
- 9.161. The other comments relate to internal layouts, and so can be addressed at RM stage.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. Sustainability is the golden thread that runs through the National Planning Policy Framework, and this is reflected in the policies of the adopted Cherwell Development Plan. The three strands of sustainability are economic, social and environmental as set out at Paragraph 8 of the NPPF.

### Positive Benefits

#### Economic

- 10.2. The proposals will contribute significantly to the Council's Employment Land Supply, especially at a period of time when LSH has identified a potential shortfall of 22.5ha at the upper level.
- 10.3. LSH has also concluded that a benefit of the scheme would be helping to make a contribution towards national, regional and sub-regional strategic employment requirements.
- 10.4. With a forecast of 400 construction jobs and a great number of permanent jobs (3,000, if combined with the eastern parcel), this benefit attracts significant weight. Although the construction jobs would be time-limited, on this scale, I attach significant weight instead of modest weight.

- 10.5. It will also help the Government realise its's ambitious plans to ensure that the Oxford – Cambridge corridor is an engine for the whole of the UK.

### Social

- 10.6. The proposals will likely provide a range of job types from the low-skilled to the highly skilled. Although, given the location, not every post is likely to be taken by people living locally, the job provision is still a very significant benefit, as there will be residents who are likely to work there. That will bring a community aspect to the scheme as well.
- 10.7. Accordingly, I attach very significant weight to this aspect of the proposal.

### Environmental

- 10.8. The proposals committing to a minimum of 10% biodiversity net gain, through on-site enhanced landscape schemes and 20ha of off-site land, also carries significant weight although it is balanced out by the loss of a significant number of species rich hedging.
- 10.9. There is an existing bus service – the 500, but it is hourly, doesn't extend into the early morning and late evening, and is only funded for a limited time (until 2027) from development in Brackley. The s106 contribution, although needed to make the development less car reliant, would cover a new bus service in the event the existing service ceases to be, or be used to top it up – in which case the money would last longer. I consider this to be a neutral benefit because it is required to help make a modal shift and ensure that the development is as sustainable as is possible.
- 10.10. Similarly, the cycle and pedestrian route connecting the site with Braeburn Avenue is necessary to help reduce the need for the car. Therefore, I give this neutral weight.

### Negatives

- 10.11. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 10.12. No development or construction site is silent and dark and, therefore, the development will result in impacts on the area in terms of noise and disturbance, as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans. However, some disturbance is expected. This carries moderate negative weight.
- 10.13. The development would have a significant adverse harm from a small number of views although, in the event that the Tritax application is approved, the number of views this application would impact upon would be greatly reduced. As the impact of the scheme can be reduced through the imposition of landscaping conditions, I consider this harm to be significant rather than very significant.
- 10.14. Cutting into the well-established hedgerow along the B4100 will also be harmful, but a lot of screening will be retained, and the buildings are well set back. Therefore, I afford the harm significant weight rather than very significant.
- 10.15. The loss of species rich hedgerow is a significant disbenefit of the scheme, as is the inability to replace it like for like in the vicinity of the site. However, 20ha of arable land will be made available to compensate. Therefore, I give the level of harm significant negative weight rather than very significant negative weight.

- 10.16. A new 4.5km cycleway, required to make the scheme acceptable from a safety and sustainability point of view, will result in further urbanisation of the area. However, this is likely to predominantly result in the loss of scrubs and overgrown hedges that have grown out over the embankment. It wouldn't be the same level of harm as the new access points on the B4100, for example. I give it moderate negative harm to this aspect of the development
- 10.17. The loss of predominantly Class 3b Agricultural Land would also be a shortcoming of the scheme although, when weighed against the jobs provided, I would give modest negative weight to its loss.

### **Conclusion**

- 10.18. On balance, the very significant benefits of creating a large amount of jobs in a suitably accessible location, which will support the modern economy at national, regional and sub-regional levels, outweigh the harms caused by developing this particular site. For this reason, I respectfully request that planning permission be granted.

### **11. RECOMMENDATION**

That permission be granted, subject the conditions set out in **Appendix 1** and the identified planning obligations: To be set out in the written update



**22/01340/OUT**

Agenda Item 10

**Os Parcel 6124 East Of Baynards Green Farm  
Street To Horwell Farm  
Baynards Green**



**1:8,500**

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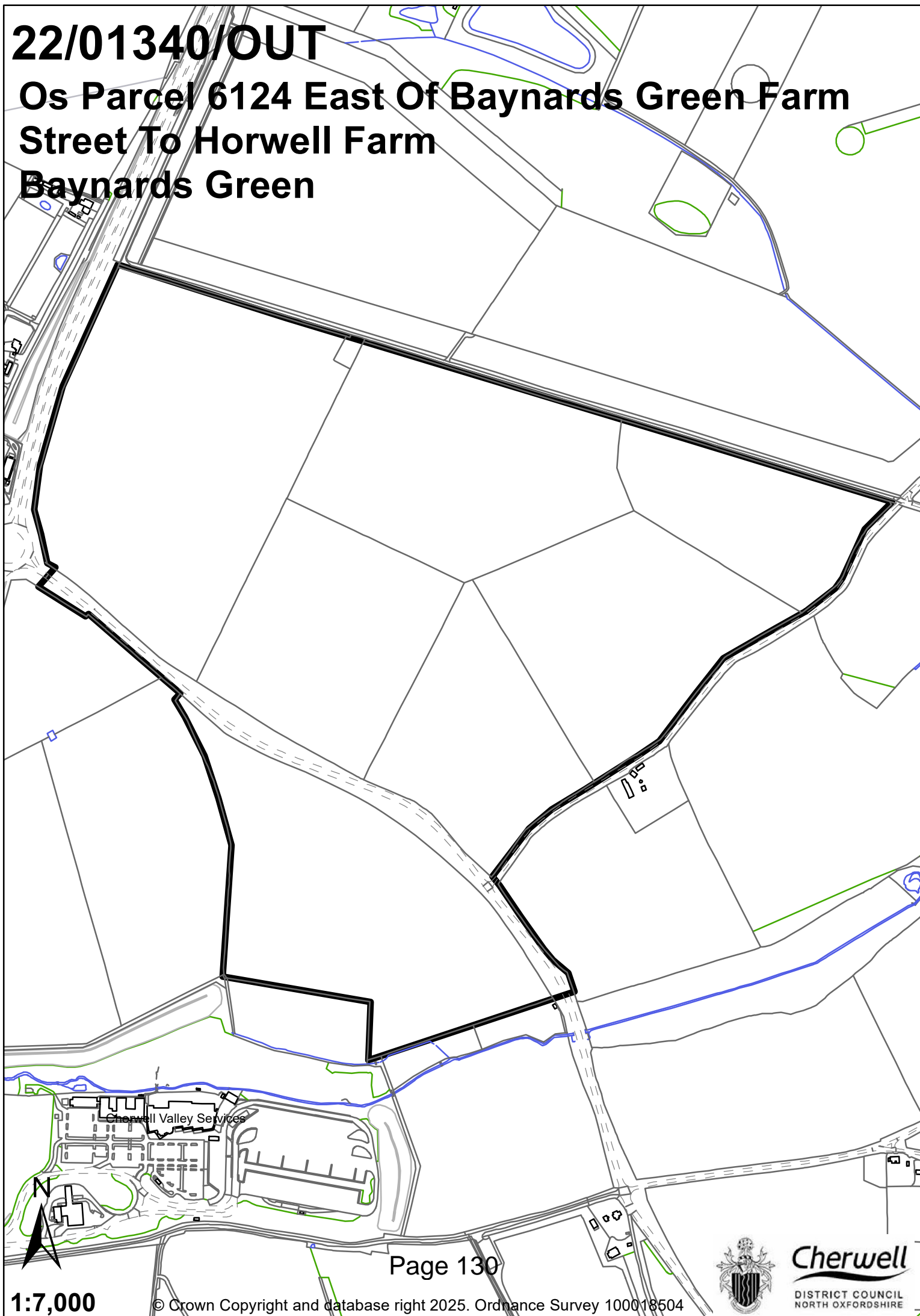


***Cherwell***  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



**22/01340/OUT**

**Os Parcel 6124 East Of Baynards Green Farm  
Street To Horwell Farm  
Baynards Green**



**22/01340/OUT**

**Os Parcel 6124 East Of Baynards Green Farm  
Street To Horwell Farm  
Baynards Green**



Stoke Wood

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**1:10,000**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Case Officer:** Tom Webster

**Applicant:** Tritax Symmetry Ardley Ltd.

**Proposal:** 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.

**Ward** Fringford & Heyford

**Councillors:** Cllr Grace Conway-Murray, Cllr Nigel Simpson, Cllr Barry Wood

**Reason for Referral:** Major application

**Expiry Date:** 13 July 2025

**Committee Date:** 3 July 2025

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## **SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND COMPLETION OF SECTION 106 LEGAL AGREEMENT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the east of the A43 and Baynard Green Services, to the northeast of Baynards Green Roundabout with the B4100 and to the north of Cherwell Valley Services at M40 Junction 10 (which is well enclosed by trees) and Stoke Wood, an ancient woodland run by the Woodland Trust. It is also located to the south/southwest of Tusmore Park and Stoke Wood. It also straddles to the north and south, and includes part of, the B4100.
- 1.2. The closest villages are Stoke Lyne and Hardwick to the east, and the closest residential property is Lone Farm on an unnamed road leading north from the B4100 to Stoke Lyne.
- 1.3. The application site comprises two parcels of land: one larger parcel to the north of the B4100, extending between the A43 to the west and the road to Hardwick to the east, and the other smaller parcel immediately to the south of the B4100, which also incorporates part of the B4100.
- 1.4. The northern parcel is irregular shaped, made up of 6 arable fields with a gently undulating landscape. Each field is separated by rows of low clipped mature hedgerows.
- 1.5. The parcel is framed along the eastern and western boundaries by mature low clipped hedgerows with some loss/gaps in. It is framed along the northern boundary by



mature low clipped hedgerow and mature trees. The western boundary with the A43 is distinguished by mature hedging and trees which lose their leaves in the autumn and winter months. Public Bridleway 367/24/10, which runs along a former road, and a planted young tree belt, run parallel with the northern boundary of the site. The access point to this site is from the north-eastern corner, just below the Bridleway.

- 1.6. The southern parcel is also irregular shaped and gently undulating in character. It is currently in use as a single arable field. It is significantly smaller than the northern parcel. It is currently accessed from the eastern boundary via the B4100.
- 1.7. Both parcels are open in nature and the landscape is, therefore, similar. The total floor area of the whole site is 83.28ha. The centre of the northern parcel is located approximately 1,200m northeast from Junction 10 of the M40 and the centre of the southern parcel is approximately 900m northeast of the junction.
- 1.8. The northern Tritax site parcel extends further north than the two Albion Land sites to the west and is located slightly further away from the M40 junction (the centres of the two Albion sites are approximately 600m northeast and 900m north of junction 10) and closer to Tusmore Park, with Tusmore Park House located about 1,200m to the north.
- 1.9. Public Right of Way (PRoW) bridleway No. 367/24/10 and a planted young tree belt adjoin the northern boundary of the site. The site straddles the B4100, and the A43 forms the western boundary of the Application Site. A residential property at Lone Barn adjoins the eastern side of an unnamed lane heading northeast to Hardwick, which also forms the eastern boundary of the site. The Application Site is located to the east of Baynard's Green, to the north-west of the village of Stoke Lyne, and to the north of Cherwell Valley Services (which is well enclosed by trees).

## **2. CONSTRAINTS**

- 2.1. Both the northern and southern parcels comprise grade 3b (moderate) quality agricultural land.
- 2.2. The site is adjacent to the Tusmore and Shellswell Park Conservation Target Area.
- 2.3. The sites sit within Flood Zone 1 (the lowest probability of flooding) on the Environmental Agency Map.
- 2.4. A Public Right of Way (PRoW) bridleway No. 367/24/10 runs in parallel to the northern part of the northern site.
- 2.5. Public Right of Way (PRoW) bridleway No. 367/21/10 is situated below the southern parcel of the site.
- 2.6. Local Wildlife site (Stoke Bushes) lies within 50m of the site boundary.
- 2.7. There are no listed buildings on the site and the site sits outside any Conservation Area.
- 2.8. Ardley Cutting and Quarry SSSI (beside the M40) lies about 1 mile south of the site.
- 2.9. The two closest Ancient Woodlands are: Stoke Bush Wood (to the northeast) and Stoke Little (to the Southeast).

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 For an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.
- 3.2 This application seeks outline planning consent (all matters reserved except means of access) for 300,000sqm GIA of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.
- 3.3 A new access into both parcels from the B4100 is also proposed via a new roundabout junction.
- 3.4 As part of the s.106 mitigation measures, the applicants are, in conjunction with Albion Land, proposing to make the following changes to Baynard's Green Roundabout:
- The full signalisation of the roundabout;
  - Widening on the approaches and circulatory carriageway; and
  - the introduction of active mode infrastructure to ensure pedestrians and cyclists are able to navigate the junction.
- 3.5 Tritax Big Box and Albion Land have both signed a Land Collaboration Agreement that will ensure all necessary Baynard's Green highway improvement works required by National Highways and OCC as Local Highway Authority will come forward prior to the commencement of development, even if only one or two of their three proposed logistics developments were to come forward.
- 3.6 Also, in conjunction with Albion, one option Tritax are exploring, as advocated by OCC, is the creation of a new pedestrian and cycle route to/from Bicester along the B4100. It would extend 4.5km on adopted highways verge land south of the carriageway.
- 3.7 It is also proposed to provide a contribution to turn the existing number 500 bus service from Bicester from an hourly service into a 30-minute service, for a period of 8 years.
- 3.8 An alternative option proposed by the developers, which they claim would likely achieve a greater modal shift away from private car travel, would be to pay an increased developer contribution to provide an 8-year subsidised bus service to the site that would run every 15 minutes, instead of the 30-minute frequency service suggested by the County Council as LHA. This latter option would be instead of the 4.5km cycle way.
- 3.9 The distribution of development would be guided by the parameter plan. The parameter plan defines the two parcels of land as being Zone A (Northern Parcel) and Zone B (Southern Parcel). The breakdown of development, according to this parameter plan, would be:

#### Zone A

- 255,000sqm GIA (excluding energy centre) of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace;
- The employment buildings would have a maximum height of 23m above finished floor level, reducing to a maximum of 20m along the eastern edge;
- The developable area would be set back from the western boundary with the A43 by 35m. It would also be set back from the southern boundary line with the B4100 by 35m. It would be inset from the northern boundary by 10m and from the eastern boundary by varying degrees ranging from 45.1m to 111.3m;
- A bund running the length of the eastern boundary; and
- An indicative location for a lorry park, shown close to the Baynards Green roundabout junction.

### Zone B

- 45,000sqm GIA of logistics (Use Class B8) with ancillary office (Use Class E(g)(i)) floorspace;
- The employment buildings would have a maximum height of 23m above finished floor level;
- The developable area would be set back from the boundaries by the following distances:
  - 35m from the northern boundary with the B4100;
  - 7.5m from the southern boundary with the woodland surrounding Cherwell Valley Services;
  - A mean average of about 20m from the western boundary with the proposed Albion East site;
  - Between 81m and 208.9m from the eastern boundary; and
- A strategic landscaping bund close to the centre of a south-eastern strategic landscaping strip.

3.10 Access to the Site is proposed via the creation of a new roundabout on the B4100 which would provide spine roads into the two parcels of land.

3.11 A new bus stop/layby would also be provided for future employees and visitors of the sites.

3.12 The proposals include HGV, staff and visitor car parking areas (including disabled car parking spaces, Electric Vehicle (EV) charging point spaces and car share spaces), motorcycle parking spaces and cycle spaces.

3.13 The applicants have submitted a revised illustrative plan which shows:

- Minor changes to the alignment of estate roads and parking areas;
- An Energy centre moved to the middle of the northern Site parcel;
- Attenuation basins shown in accordance with updated drainage strategy;

- Park trail shown as a circular recreation path with activity stations.
- 3.14 However, it should be noted that the illustrative plan is not a formal plan and is submitted for illustrative purposes only.
- 3.15 The applicant's planning statement and Savills' socio-economic review anticipates that development would deliver the following number of jobs:
- **500** on-site jobs per annum during the construction period. Once leakage, displacement, and multiplier effects are considered, it is anticipated there would be a net addition of 610 jobs; and
  - Up to **2,430** on-site jobs per annum during the lifetime of the development.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. There is no planning history on this site directly relevant to the proposal. However, the following planning applications (submitted by Albion Land) on the neighbouring sites to the west are considered relevant to the current proposal:

OS Parcel 0006 Southeast of Baynards House, Adjoining A43, Baynards Green

21/03267/OUT - 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 – *to be determined*.

OS Parcel 2636 Northwest of Baynards House, Ardley

21/03268/OUT - 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 – *to be determined*.

21/03266/F - Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping – *to be determined*.

- 4.2. In addition, the land to the northwest of the Baynards Green roundabout, behind the petrol filling station and restaurant, was the subject of a speculative outline planning application for a mixed B1, B2 and B8 employment development in 20018 (Ref: 18/00672/OUT). Planning permission was refused for that development proposal and a subsequent appeal (Ref: APP/C3105/W/19/3225084) was dismissed. The reasons for those decisions are available to see on the Council's planning applications website.

#### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. No pre-application discussions took place with respect to this proposal.

#### **6. RESPONSE TO PUBLICITY**

6.1 This EIA application has been publicised multiple times by way of Site Notices displayed near the site, by advertisement in the local newspaper expiring **18 July 2025** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments is the **18 July 2025**.

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

492 letters of objection (although some, not all, of these letters are duplications due to several different consultations on amended details):

- The land bordering the application site is stated to be designated as a Conservation Target Area in the revised Cherwell Local Plan 2042 review and this proposed designation should be extended on all the land up to the edge of the A43 (so as to encompass the application site).
- The application site sits squarely in land defined (under the new terminology) as Open Countryside and the proposed development would seem to violate some of the proposed Policy LEC3, especially paragraphs vii - ix as they relate to Category C villages and open countryside (the proposed development also violates paragraphs i, ii, iv and vi). Paragraphs ii and iv of LEC3 are also drawn out in the LUC "Review of Landscape and visual effects" which acknowledges that "there will be significant adverse effects on landscape and visual receptors" and that these long-term adverse effects are "beyond that which could be mitigated".
- It is noted by OCC, as Highways Authority that the VISSIM traffic modelling work has not taken into account the proposed Puy Du Fou application at Bucknell which would direct all vehicles along exactly the same route, via the Baynards Green Roundabout and the B4100, as is proposed for access to the application site.
- This proposal is vastly over scaled especially when added to other proposals at Baynards Green and Heyford for warehousing and a strategic rail freight depot. Taken together, these proposals would industrialize the Cherwell Valley.
- The proposed development would encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.
- All employees would have to commute by car; and an extensive archaeological survey would be required. (Pictures supplied)
- It is not an allocated site.
- Employment land is allocated elsewhere in the district through the Local Plan.
- This area is open countryside and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.
- The site is within close proximity to at least 12 Grade-2, Grade-2\* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust.

- The proposal would lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange would lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT).
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use would add to those delays.
- The application is also flawed as it fails to recognise the significance of Stoke Wood, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.
- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant number of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tail-backs forming along the B4100 (currently, often as far down as the Stoke Lyne turning).
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development.
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials.
- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding.
- Would harm the wildlife.

- Noise impact on the residents of Stoke Lyne and Hardwick.
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there would be no impact to great crested newts and/or their habitat as a result of the development being approved.
- It is acknowledged that significant weight should be placed on supporting economic growth in the logistics sectors as outlined with the NPPF (2023). However, a logistics development of this nature and scale would be far more suitable and sustainably located adjacent or in close proximity to Banbury, Bicester or Kidlington.

#### 8 letters of support

- It would provide the local area with jobs.
- The development would bring good business to the area and, as a result of this, much needed housing - more houses are needed in Croughton.

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.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

#### **7.2 Farthinghoe Parish Council: – Objects**

We have just read the National Highways submission to this application. Farthinghoe Parish Council would like to receive early reassurances that full account is taken of the negative effects of extra traffic generated by this proposal when the M40 is closed by accidents or by road repairs and the traffic is forced to use the official signposted A43/A422 diversion both to and from Junction 11 M40.

Update:

Farthinghoe Parish Council are very dismayed that there has been no meaningful response from West Northants Council either Planning or Highways.

Surely they must realise the effect this Logistics Centre would have on the A422, as well as the A43, during M40 closures these roads being the automatic diversion for any such closures

#### **7.3 Fritwell Parish Council: Objects**

- Would generate low skilled jobs leading to an increase in people driving to the area.
- Dispute the applicant's assessment that there is a shortage of jobs locally.
- Have concerns over the drainage solutions, particularly with regards to long-term maintenance.
- Disregards local planning norms as this is not a designated site for development.
- Irreparably harms the character and visual appearance of the area.
- Would lead to an urbanisation of the area, as the catchment area will not support the employment needs of this facility (despite the analysis report suggesting otherwise). These employees will come from elsewhere in the country and this influx of people will have to live somewhere. The Bicester to Banbury corridor is exhausted by the pressures of already planned and now, speculative developments.
- Would be a "speculative development" referencing the "need for warehouse space" does not accommodate a strategic plan for where it should be located to accommodate minimum traffic movements to serve the real needs of the country, FPC see nowhere in this application a reference to this as a strategic location other than it is located along a major road system. Thousands of square feet of warehouse space already developed along the M40 corridor remains unused.
- States in the Statement of Community Involvement a local consultation has been concluded. Villages, and estates (Tusmore Park) that will be affected by this development, have been excluded from the consultation, in FPC opinion, rendering this exercise unproductive.
- FPC supports the view that this development would irrevocably damage the rural nature of this area and the species it supports.
- Building such large structures at this junction would only exacerbate already intractable problems and increase traffic pollution in this area, an area that is essentially rural in nature. While this development is close to a motorway junction, there is no public transport to this site.
- Would prefer to retain the site as farmland and develop previously developed land elsewhere in the district.
- *Noise, light, and Air pollution* are of significant concern during the construction and operation of these warehouses, particularly the cumulative effect that would surround the village of Fritwell with the Heyford development to the Southwest, the potential for the Rail Freight Terminal in the South and this development with Albion Land and this development to the East. Fritwell Parish are deeply concerned about noise attenuation resulting from this facility operating 24/7. Fritwell is Class 3/Class 4 on the Bortle Scale for Night Sky Brightness, this would be compromised by additional light pollution from this planned facility. We enjoy good air quality in Fritwell despite the proximity of the motorway, this will be compromised by this development.
- Updated objection – 15.3.2025:



*In reviewing the current objections more recently lodged, without repeating themes already identified, FPC have reviewed the following and unequivocally support the comments therein of the: objection lodged by Tusmore Park in Public Comments; objection lodged by Anglian Water (6th March 2025); objection lodged by CDC Ecology (28th January 2025).*

#### 7.4 Fringford Parish Council: – Objects

1. The proposed large scale logistics site is on green-belt land which should be resisted. The number and scale of similar developments is negatively swamping rural North Oxfordshire at a rapid rate with an over-bearing, dominant impact on the visual, natural landscape and environment. The amount of such logistical development in the area of Cherwell District Council appears to be disproportionate to other areas.

2. There will be a significant negative impact on biodiversity and wildlife of the area which is rural in character made up of agricultural fields, currently supporting wildlife. The huge scale of this proposed development will bring additional noise, sound and light pollution to the area.

3. There will be a negative impact on highway safety and traffic. The proximity of the proposed development will negatively impact the existing traffic flow issues and delays at Baynards Green roundabout which already struggles with the volume of vehicles and has already seen an increase in lorries and larger vehicles. Junction 10 of the M40 will negatively be impacted as traffic already backs up in both directions on the motorway which is dangerous. The current exit slip road is only one lane and relatively short in length.

#### 7.5 Godington Parish Council: – Objects – to this planning application and supports all the concerns of Stoke Lyne Parish Council. We believe the application has many flaws and will have a huge negative impact on local residents and the local environment.

Our main reasons for objecting are as follows: Contrary to the Cherwell Local Plan which does not support such development in rural areas; Uses agricultural land in greenfield sites when we should be maximising our ability to be sustainable; Will hugely increase traffic on already busy local roads, many of which are small in nature; Inaccessible to public transport; Will be visually harmful to local communities as set in a flat landscape; Significant disruption caused by it's construction - at a time when local roads and residents already hugely affected by EWR and HS2 construction traffic.

#### 7.6 Middleton Cheney Parish Council – Objects

1. The environmental impact particularly to local agriculture and the noise and light pollution from increased traffic and deliveries and night time lights in the warehouses. The local roads are already at saturation point if there is an incident on the M40. This development will inevitably increase traffic on ALL neighbouring roads as lorries move in and out of the site.

2. Although this site does not directly join our parish, we consider that the inevitable increase in traffic particularly along the A43 and the A422 will have a detrimental effect on the environment around us.

3. The design, appearance and layout of the site is unsuitable for this position and the character of the land. Cherwell's local development plan references, respect for heritage assets conservation of tranquillity and biodiversity and environmental character. These plans pay no regard to these statements.

4. Cherwell DC has declared a climate emergency, it is difficult to reconcile these plans with that!"

#### 7.7 Stoke Lyne Parish Council: - Objects

1. Sustainability Any development at this site is not a sustainable option – while it is situated adjacent to major roads, there is no public transport accessing the site, and employees and vehicles would add to the current road use, which is already over capacity.

2. Visual Intrusion Any development would be visually intrusive, (as stated by the Inspector at the 2015 Local Plan Inquiry) “in the open countryside due to the size of the buildings, as well as potentially difficult and/or expensive to cater for satisfactorily at the M40 junctions in highway capacity terms” (para 41).

3. Location While the site is located close to the strategic highway network, this does not in itself justify the location as buildings (as observed by Inspector K Ford when dismissing the appeal against refusal of planning application ref 18/00672/OUT), who noted that the proposal would: “lead to an urbanisation of the site .... This is regardless of whether it is deemed large or small in scale” (para 18)

The inspector “consequently disagree(d) with the LVIA [Landscape Visual Impact Assessment] that the proposal would not have an unacceptable visual impact” (para 19)

*“Whilst the roads and neighbouring petrol station and drive-thru have eroded the landscape quality of the area, the harm would be compounded by the development in an area that otherwise has an open character with open fields of which the site forms part. The impact of the surrounding development does not weigh in favour of the proposal and does not justify further exacerbation of the harm ..... the proposal would make a significant contribution in urbanising the junction to an unacceptable degree” (para 20)*

*“The proposal would harm the character and appearance of the area ..... It would also conflict with saved Policy C8 of the Cherwell Local Plan 1996 which resists sporadic development in open countryside, including developments in the vicinity of the motorway or major road junctions” (para 21)*

4. Not appropriate: The proposal would lead to the creation of a significant amount of commercial floor space in a geographically unsustainable location. The development is not in accordance with Local plan proposals, and the applicant has not demonstrated any exceptional circumstances for the development. The development should be in a more sustainable location

5. Traffic implications: The traffic impacts of the development must robustly be assessed within any Transport Assessment particularly in regard to the impact on the junction into the site when approach along the B4100. This is a highway which is already overused, leading onto junction 10 of the M40. The road network at this point cannot accommodate more traffic into the area.

6. Cumulative impact of developments in the area The Parish Council is aware of major development proposals in the area, including the Dorchester new Town, work to upgrade Junction 10 of the M40 and proposals for a strategic rail/freight interchange near Ardley. The cumulative effects on residents and the road network will be completely unacceptable.

#### STATUTORY CONSULTEES

7.8 OCC Archaeology: **No objection, subject to conditions** - As an update to my previous comments on the 24th June 2024, the Phase 2 archaeological evaluation report has now been submitted with the application (Cotswold Archaeology 2024). A further area of archaeological activity was recorded in this phase 2 trenching, and this will also require archaeological mitigation excavation, which can be achieved through conditions. This advice should be read in conjunction with previous comments from the Archaeology Service in April 2023.

7.9 Active Travel England: No Comments.

7.10 Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust: – **Objection** - The document dated December 2021 shows a net loss of -5.39% habitat units and a net loss of -22.17% hedgerow units.

We refer you to paragraph 1 of our previous response which argues that the application does not provide evidence of an adequate net gain in biodiversity as required by National Planning Policy Framework, The Cherwell Local Plan, Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Cherwell District Council's Community Nature Plan 2020–2022 A natural environment for people and wildlife.

For this reason and the other reasons set out in our response of 8th June 2022, it is our opinion that this application should not be approved, and certainly not so in its current form

7.11 Buckingham & Drainage Board: On the basis that any proposed surface water discharge into the land drainage system upstream of the Board's district would be restricted to greenfield run-off rates, the Board has **no objection** to the proposal.

7.12 CDC Building Control: **No Objection** - Fire service access and external wall fire ratings to be in accordance with approved document B vol 2

7.13 Campaign to Protect Rural Oxfordshire: **Object**

1. Harm to the character and appearance of the area
2. Loss of agriculture
3. Landscape harm & village setting
4. Could be located on other parts of the M40
5. A land grab would be needed for the cycle/pedestrian route
6. Significant loss of biodiversity on the site
7. The applicant should show how the site in Piddington will provide the complementary habitat green corridors that will be lost to Baynards Green.

7.14 CDC Conservation – **No objections**

*Nearby Heritage*: The application site is an area of land to the east of the A43 dual carriageway. To the north west is Baynards Green Farm which includes a Grade II Listed barn and directly to the south is Cherwell Valley services. The village conservation areas of Ardley and Fewcott, and Fritwell lie to the west beyond the M40 motorway. To the east the village of Stoke Lyne has a Grade II\* Listed church. In heritage terms the significance of the site is its overall contribution to the setting of the listed buildings and conservation areas.

*Assessment:* The Listed barn at Baynards Farm to the north is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings and the large road network in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting.

The two village conservation areas closest to the site are Ardley and Fewcott, and Fritwell. From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure (The M40 and A43) and in the case of Ardley and Fewcott the Cherwell Valley services. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas.

To the east the Grade II\* Church at Stoke Lyne and its setting needs to be considered. There is considered to be no notable interrelationship between the church, its churchyard, and the development site. It is noted that the proposed development to the east of this site (22/01340/OUT) will come closer to the village of Stoke Lyne. Because of the distance of this application site from the church and due to the mature trees and landscaping that surrounds the church the development is not considered to result in harm to the significance of this heritage asset through development within its setting.

It is accepted that large developments of this kind will have a visual impact on the landscape. Landscape mitigation should consider the setting of conservation areas and Listed Buildings. It should also be noted that as this application is an outline application the indicative details may change. If the building heights were to increase, then there is potential for greater impact. The final design, colour and type of materials used in the buildings will also be key to mitigating the impact of the development.

*Overall.* in terms of Heritage Assets, the developments are considered to have limited direct impacts and therefore we defer to the landscape team and where appropriate OCC Archaeology for comment.

#### 7.15 CDC Drainage – **No objections, subject to conditions:**

##### *Surface water Drainage:*

No further comments. However, the Padbury Brook to which any surface water will drain that cannot be infiltrated enters the area of the Buckingham and River Ouzel Internal Drainage Board a little downstream of the site discharge. Therefore, ensure they are also consulted.

NB: In an email, dated the 13 October 2024, the applicants advised the case officer and the Council's Drainage officer that they have liaised with the Drainage Board. The Drainage Board, I am told, have confirmed that the development has now been discussed, and they will not be seeking any SWDC to be applied, due to the distance from the Board maintained watercourse. My understanding is that they will respond to the planning application stating that on the basis that any discharge would be restricted to greenfield run-off rates, the Board has no objection to the proposal.

*Foul Drainage:* - A pumped solution to Stoke Lyne STW, which is operated by Anglian Water, is proposed. It is clear from the estimated foul flows generated on the site that the sewage treatment facility will require substantial advance upgrading.

7.16 CDC Ecology: – **Objection**

- Proposed loss of priority habitat, species rich hedgerows, contrary to NPPF and Cherwell Local Plan.
- Inadequate Net Gain.
- Insufficient baseline data.
- Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan.
- Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan.
- Impact on ancient woodland priority habitat contrary to NPPF and Cherwell Local Plan.
- Impact on CTA contrary to Cherwell Local Plan.

NB: The applicant provided further information, but CDC's Ecologist still maintains her objection

7.17 CDC Economic Development: - Commented

I have been liaising with Tritax very recently - and over the months and years - to encourage development of a diverse range of employment uses, particularly with regard to extending the knowledge economy. In relation to this site, I have encouraged the provision of a skills and employment facility on site and/or in cooperation with enhanced educational provision in Bicester.

This is key to prepare years ahead for the construction, logistics and other skills required by such a proposal – to avoid shortages in both the short-term construction phase and longer-term operational phases of the development. I am unaware of any local 'need' for such large-scale logistics units but acknowledge the regional and national 'demand' – extending from the 'golden triangle' (around the A5, M6 and M1) – into the A43 and M40 corridors. I am also aware both of a need and demand locally for smaller flexible units that have been developed in accordance with the Local Plan, adjacent to existing settlements (evident in recent years).

The scale of the proposal – distant from centres of population and tied to the Strategic Road Network - is therefore important to consider with regard to regional and national need, demand and context. Ideally this would be in relation to a national economic framework, county plan and the Arc policies but – given the absence of such mechanisms - the Local Plan is key to assess the suitability of this site (and those adjacent to it).

Doubtlessly, a significant number of jobs would be created, and economic growth and benefits would arise. However, it is unclear for example how the jobs created would address the needs of the local population, redressing the current out-commuting patterns to create all elements of sustainable development.

7.18 Environmental Agency: **No objections.**

7.19 CDC Environmental Protection: – **No objections, subject to conditions:**

The CEMP needs to be finalised and agreed with the LPA prior to works commencing on site.

*Noise:* Having read the updated noise chapter of the ES I am satisfied with the findings and proposed mitigation and have no further comments at this stage.

*Contaminated Land:* Having read Chapter 14 - Ground Conditions and Soils of the updated ES I agree that further intrusive investigation is required.

*Air Quality:* Having read the AQ chapter of the ES I am satisfied with the contents and findings.

*Odour:* No comments.

*Lighting:* Having read the light report provided I am satisfied with its findings and the proposed mitigation.

- 7.20 Oxfordshire Fire Service: **No objection** - It is taken where required, works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with all the functional requirements of The Building Regulations from B1 to B5. Oxfordshire Fire and Rescue.

- 7.21 OCC Highways: **No Objection, subject to conditions and planning obligations:**

OCC Highways had previously raised objections, but those objections have now been addressed. This is discussed in the transport section of the report. OCC Highways latest comments can also be found in full on public access.

- 7.22 Historic England: **No comments.**

- 7.23 OCC Local Lead Flood Authority: **No objection, subject to conditions.**

- 7.24 National Highways: **No objections, subject to conditions** - in particular the requirement to deliver the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: **216285-A-14A**, titled Baynards Green General Arrangement, prior to the commencement of development.

- 7.25 National Planning Case Officer Unit: No comments received.

- 7.26 Natural England: – **No Objection** - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

- 7.27 National Grid: **No objection.**

- 7.28 OCC Public Rights of Way: **No objection, subject to s.106 contribution** - While there are no PROW running through the proposed site, the development is likely to have a negative impact on the local road network which is used to link up many of the Public Rights of Ways, in particular for Bridleway users.

Therefore, I would like to see some additional access provided North to South through or along the edge of the site to link up bridleways 367/24/10 and 367/21/10. This should be in addition to securing funding via S106 to improve the PROW network within and linking to the immediate area. This would allow OCC to improve existing routes and to potentially secure additional route for public access.

7.29 Thames Water: **No objection, subject to a pre-occupation condition** due to an inability of the existing water network infrastructure to accommodate the needs of this development proposal.

7.30 CDC Urban Design: **Objects**

The proposal would constitute large-scale development in a rural location. The scale and character of the strategic green infrastructure proposals are not commensurate with the scale of built form proposed and the wider landscape character. The illustrative proving layout, sections, DAS and fixed parameters plan do not provide sufficient reassurance that detailed proposals would reflect design policy and guidance. Overall, the proposals do not reflect design policy and guidance.

I suggest amendments are made to the parameter plan, supported by an amended proving layout, amended and additional sections.

- Wider eastern and southern multi-functional landscape buffers. These buffers should be of sufficient width to accommodate bunding (where appropriate), woodland planting, woodland edge scrub and rough grass, drainage features, footways (where appropriate) and activity hubs (where appropriate). I suggest the parameter plan allows for a width range (i.e. not a uniform width), that is informed by illustrative sections and plans.
- Wider northern and western landscape buffers to provide an appropriate relationship to the adjacent road and bridleway. These buffers should be of sufficient width to allow footways and activity hubs (where appropriate). The width range parameter will need to be informed by illustrative sections/ plans.
- Building frontages offset from landscape buffers to provide an appropriate building offset and relationship to trees, planting, adjacent roads and footpaths. The exact offset should be informed by illustrative plans/ sections.
- Retention and enhancement of existing established species rich hedges and ditches as part of a multi-functional green infrastructure network. Retention and appropriate offsets to be informed by illustrative plans/ sections.

No further comment yet received in respect to the amended plans, which addressed these concerns.

7.31 CDC Policy: **No Objection**

CDC Policy commented that the proposal was not an allocation in either the adopted 2011-2031 Local Plan or the emerging review 2020-2042 Local Plan. Accordingly, the proposal was advertised as a departure. Notwithstanding this departure, CDC Policy has not raised objection to the application proposals on economic needs grounds, on the grounds that they consider it to be broadly compliant with the criteria listed in adopted SLE1 policy that relates to speculative, unallocated employment developments and to the adopted 2015 Local Plan overall.

7.32 West Northamptonshire Council: Commented:

This site is not allocated in either the existing or the emerging local plans for Cherwell and as such remains an unallocated site in a rural area outside of settlement confines. In our recent responses to consultations on the review of the

Cherwell Local Plan this Council cautioned against proposals that would see the further allocation of land for employment near to junctions 10 and 11 of the M40 which could have a significant impact on the highway network and the character and functioning of the area, with it and the south western corner of West Northamptonshire which it directly adjoins being rural in nature, character and appearance. We urge our colleagues at Cherwell to give these matters full and proper consideration as they progress this application, in addition to those other matters identified in Policy SLE1 of the Part 1 Plan and the Development Plan at large.

With regards to highway matters,

- TA and ES demonstrate negligible impact to traffic flows in Aynho and Croughton
- ES states construction traffic will be mitigated via a Construction Traffic Management Plan. This should be conditioned and WNC should be consulted in order to review magnitude of impacts on our network, programming and mitigation measures.
- ES Operational Phase traffic flows do not calculate correctly. ES shows 0% HGVs on A43 and A421 presently, with an increase in excess of total development flows. These should be checked and resubmitted before WNC can confirm we are satisfied with the magnitude of the impact.

#### OTHER CONSULTEES

##### 7.33 Bicester BUG:

#### **B4100/A43 Junction**

*We would advise providing crossings over all junction arms to include the north arm. This will enable pedestrians on the NE corner of the junction to cross to the services on the NW corner by making only 2 crossings. At present they will be required to cross 6 very slow and indirect crossings.*

#### **B4100 Road**

*Along the frontage of the site, segregated and buffered pedestrian and cycle paths should be provided on both sides of the B4100 to facilitate foot and bike movements within and between the development. This is essentially now a spine road. See the Oxford Cycle Design Standards.*

*Pedestrians and cycle crossings over minor junctions need to be set back a minimum of 5m for reasons of safety, particularly given the paths are bi-directional.*

#### **Tritax North Access**

*It would be cheap and significantly facilitate pedestrian and cycle movements to have uncontrolled crossings over each of the junction arms. There appears to be a pedestrian only path on the north-east arms of the junction. This will inevitably be ridden on by cyclists. It would make sense to at least make this shared, but preferably segregated.*

#### **Tritax South Access**



*The proposed parallel crossing is excellent, though the landing areas either side need to be expanded to avoid conflict.*

## **Cycle Path**

*Priority needs to be continuous across access points.*

*There needs to be access and egress points from the cycle path near to where there are junctions off the B4100 to other destinations to allow cyclists to join and exit the path.*

*The bus stop bypass design is quite fussy and complicated. Better to provide a wide section of shared area adjacent to the bus stop to enable pedestrians and cyclists to pass without risking collisions.*

*Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas. It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.*

*The path runs along the back of the large layby near Bicester. Either the layby needs to be redesigned, or the path needs to run in front of the layby for safety and security, even if this requires two (setback) crossings over the mouths of the layby.*

## **Tritax North**

*It is not clear whether cyclists are expected to share the carriageway with heavy goods vehicles. This would be very dangerous. Off-carriageway shared paths would be required as a minimum within the site.*

## **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 (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 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 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP4 – Employment generating development in rural areas
- TR1 – Transport
- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development

#### 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)
- Developer Contributions
- Conservation of Habitats and Species Regulations 2017

### 9. APPRAISAL

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

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage
- Energy
- Heritage
- Residential Amenity
- Archaeology
- Loss of Agricultural Land
- Air Quality
- Planning Obligations
- Other Matters

#### Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise. Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits of the proposal are demonstrably outweighed by any harm caused.
- 9.3. As the Council has an up-to-date local plan, the starting point for the consideration of this proposal is the Cherwell Local Plan. The Cherwell Local Plan outlines the Council's policies for the period 2011-2031. These policies include the allocation of sites for employment purposes to meet the district's needs.

- 9.4. The overall spatial strategy within 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. In the rural areas, growth is much more limited and is focussed on meeting local community and business needs. It is directed towards the larger and more sustainable villages. Development in the open countryside is strictly controlled.
- 9.6. A key objective of the adopted local plan (SO1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.
- 9.7. 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.
- 9.8. Paragraph B.31 continues by listing the types of employment development the District wants to attract, including advanced manufacturing/high performance engineering, the green economy, innovation, research and development. Paragraph B.32 states support for well-designed logistics development in recognition of the areas attractive transport links.
- 9.9. Paragraph B.43 sets out that that land is allocated taking account of economic evidence base matching growth in housing and to cater for company demand, particularly for logistics.
- 9.10. Policy SLE1 helps to deliver the Plan's strategy to locate strategic employment proposals at Banbury, Bicester and Kidlington. The adopted Local Plan allocated approximately 175 hectares of employment land at Banbury and Bicester, the majority of which has already been developed.
- 9.11. The application is largely inconsistent with, and would be a departure from, the Local Plan strategy in this regard, although there are criteria against which other development proposals brought forward can be assessed as to their appropriateness. The Plan has an urban focus, and justification is needed for new sites in the rural areas.
- 9.12. Paragraph B.44 states that to ensure employment development is located in sustainable locations, to avoid problems such as traffic on rural roads and commuting, employment development in the rural areas will be limited.
- 9.13. The site is located in the rural area, including in the context of Policy SLE1, and, therefore, the third part of Policy SLE1 applies. For completeness, the relevant criteria of this policy are set out in full, further on in this chapter at paragraphs 8.28-8.31, where an assessment of the scheme is made against each criterion.
- 9.14. The emerging review Local Plan for Cherwell, which seeks to provide sufficient land for housing and local employment up to 2042, is at Regulation 19 stage and is due for submission for Examination before the end of the month. The document proposes a

number of new employment allocations at Bicester (sites E1 – E5) and a single employment site and several mixed-use allocations at Banbury. The spatial strategy focuses the majority of employment and residential new development at/near to Bicester and Banbury, with some residential development directed to the more sustainable villages. It should be noted that this review plan will be examined/has been 'saved' for consideration under the 2023 version of the NPPF.

- 9.15. The importance of the M40 Motorway corridor is recognised within the district. Accordingly, three of the five employment allocations at Bicester are at the junction of the M40 Junction 9. This also enables the sites to maximise the location of the A41 corridor into Bicester. There are no employment allocations proposed at Junctions 10 or 11 of the M40 in either the existing or emerging local plans beyond those previously developed. Therefore, development here would be on unallocated land.
- 9.16. Paragraph 85 of the latest NPPF version (Feb.'25) states, *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight** (my emphasis) should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".*
- 9.17. Paragraph 86 (which applies to preparing policies) of the NPPF goes on to set out several criteria to encourage Councils to positively and proactively plan for growth. Sub-section c) of this paragraph explains that *"Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying **suitable locations for uses such as logistics** (my emphasis)."*
- 9.18. Paragraph 87b of the NPPF (which applies to both preparing policies and decision making) reinforces this point by making clear that, *"Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales **and in suitably accessible locations** (my emphasis) that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation".*
- 9.19. Paragraph 87c of the NPPF adds that, *"Planning policies and decisions should also include the expansion or modernisation of other industries **of local, regional or national importance** (my emphasis) to support economic growth and resilience*
- 9.20. The PPG also recognises the importance of logistics development in the employment sector, stating:

*The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land)".*

N.B. The emphasis and support now given to logistics development in the latest version of the NPPF is notably different from that contained with the 2023 version, against which the District's review Local Plan 2020-2042 will be examined.

- 9.21. The applicants are proposing to deliver a number of large-scale logistics buildings on these two parcels of land, either side of the B4100. Savills, on behalf of the applicants, submitted Symmetry Park, Ardley Market Analysis Report and an update to that report in January 2025. Their evidence includes a detailed quantitative assessment of need and supply at both district and wider PMA level. It tests three scenarios: lower, core

and upper to establish an average. Savills conclusion is that the 'core' estimate *"provides a reasonable estimate of the influence of the relevant demand factors"*.

- 9.22. The applicants' original and updated planning statements state that being in close proximity to the strategic highway network is a key requirement of logistics operators, particularly along the M40 corridor, where the applicants consider there to be a significant need for logistics floorspace.
- 9.23. The Council instructed Lambeth Smith Hampton (LSH) to review Savill's evidence to help establish the level of need and supply at both district and the wider PMA level. Despite some minor differences in approach, LSH have confirmed that they are in broad agreement with Savills conclusion that the proposed development would bring a range of economic benefits to the local and wider economies.
- 9.24. Moreover, I am advised by LSH that the Cherwell Economic Needs Assessment (ENA) 2025 has led to an increased estimate of need, reflected in the draft review Local Plan 2042. The 'upper end' of the range of employment need figure is now much more closely aligned with the level of need identified by Savills, despite the differences in methodology.
- 9.25. It should be noted that the Cherwell ENA 2025 has been produced to support the emerging Local Plan, rather than the adopted Plan, against which this application is being determined. The Cherwell ENA 2025 estimates an overall need of employment land between 2020 and 2042 of between 274 and 359 hectares. This need is heavily focussed on B2/B8 uses which represent 198 and 283.5 hectares of that overall figure. On an annual basis this need equates to 9.0–12.4ha (lower and upper-end demand) for all B2/B8 land at a district level.
- 9.26. It remains the Council's choice where in that estimated range to plan for. . In looking at the top end of the range, the Council, currently, would have a potential shortfall of around 22.5ha of B2/B8 land. The quantum of employment space required will ultimately be set in the Cherwell Local Plan 2042.
- 9.27. The delivery of new employment land, in a sustainably suitable location, is a significant benefit of this scheme. However, I attach even more weight to the benefits of this scheme in the context of LSH's conclusions. Not only would there be a big temporary construction workforce (500+), which of course would be time-limited, but there would also be high numbers (2,400+) of long-term annual job creation. The scheme, if allowed, would also remove any potential shortfall of employment land at the upper level and afford greater flexibility bearing in mind that some employment sites would almost inevitably be developed for Class E(g) purposes rather than B2 or B8 use, which are other material benefits of the scheme.
- 9.28. In light of the conclusions of the two recent LSH reports, and the scheme's compliance with the current NPPF paragraphs, the proposal broadly complies with the criteria of the policy SLE1. For the ease of reference, I have set out my assessment of the scheme against the criteria of this policy in the paragraphs below.

**Policy SLE 1:**

- 9.29. *"Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1)*
- the applicant has provided an assessment of suitability and availability of land at, and within, Category A villages as part of their assessment. The details of which are contained in Table 3 of the Planning Statement and Appendix 3 of

the PS which accompanied the application. The results showed the proposal cannot go within or on the edge of Cat A villages;

- LSH have concluded that at the higher bound long-term scenario there is a need for at least 22.5ha of B2/B8 employment land (more if any of the mixed employment use allocations are ultimately developed for non-B8 purposes) which will need to be in a suitably accessible location;
- This application would deliver 2,430 permanent jobs and 500 construction jobs rising to 610 and 83ha of employment land;
- Para 85 of the NPPF advises that: "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";
- Para 86 of the NPPF: "Planning policies should pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as logistics";
- Para 87 of the NPPF acknowledges the importance of 'suitably accessible locations' - this site is very close to the Motorway, away from villages;
- The development will bring a range of economic benefits to the local and wider economies and help support the modern economy;
- An Established potential occupiers (including GXO), so part of the site could come forward quickly, providing construction and permanent jobs to the area;
- This site sits inside the Oxford – Cambridge Arc corridor. The Government wishes this corridor to be an economic engine for the whole of the UK. For further info, see: <https://www.gov.uk/government/news/minister-vallance-underlines-how-oxford-cambridge-corridor-ambitions-can-boost-whole-uk>

9.30. ***"New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:***

- ***They will be outside of the Green Belt, unless very special circumstances can be demonstrated.***

9.31. Officer Comment: Complies

- This application sits outside the Green Belt.

- ***Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.***

9.32. Officer Comment: Complies

- This site will help plug a potential shortfall in B2/B8 use at the upper end, of the estimated employment range, as concluded by LSH;
- Whilst in the rural area, the two parcels of land are close to the motorway and the A43 and, therefore, would not constitute sporadic development;
- There are no sites on the edge of Category A Villages capable of delivering schemes of this form or scale, and they are not as close to the motorway. Also, development on this scale would harm the setting of Category A villages, if they were located on the edge.

- ***They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings***

9.33. Officer Comment: Complies

- The delivery of a high quality of design for the buildings and the internal landscaping scheme, can be secured through robust pre app discussions and reserved matters applications;

- Sustainable construction conditions would be imposed, to ensure that the buildings would be completed to a BREEAM Standard 'Very Good' and that a net zero carbon would be achieved during construction;
  - Following officer advice, the applicants have submitted a revised parameter plan that has increased the width of landscaped boundaries on prominent edges from 20m to 35m to allow for a deeper and more robust landscaping scheme which would ensure a more sensitive scheme overall;
  - The buildings would be 3m smaller in height and scale closer to the nearest buildings and settlement (Stoke Lyne) and then gain height (up to 23m) closer to the A43
- ***They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.***

9.34. Officer Comment: Partial compliance

- The buildings would not be small in scale. However, they wouldn't impact on the setting of Stoke Lyne, but there would be significant adverse harm on the character and appearance of the area from some views;
  - A robust landscaping and tree plan would, in the long term, shield large parts of the scheme. The tops of the logistics buildings, at **up to 20m and 23m** in height, respectively, would still be visible, but, after 15 years the impact would be significantly softened.
- ***The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).***

9.35. Officer Comment: Partial Compliance

- The scheme can be carried out without undue detriment to residential amenity or the highways network;
  - The site is not near a village and would not affect the setting of the closest village;
  - The scheme will not unduly impact on the setting of any listed and non-designated buildings (no objections from Historic England or CDC Conservation);
  - There would be some harm to the character of the landscape, some of which could be mitigated in part through robust landscaping plans.
- ***The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car. There are no suitable available plots or premises within existing nearby employment sites in the rural areas".***

9.36. Officer Comment: Complies

- National Highways and OCC Highways have, subject to conditions and planning obligations, no objections to the scheme from a highway safety point of view nor do they consider that the scheme would give rise to excessive or inappropriate traffic on the national and local highways networks, respectively;

- As noted above, the applicant has provided an assessment of suitability and availability of land at, and within, Category A villages as part of their assessment. The details of which are contained in Table 3 of the Planning Statement and Appendix 3 of the PS, which accompanied the application. The results showed the proposal cannot go within or on the edge of Category A villages;
- There are no suitable alternative sites within Bicester or Banbury which are in close proximity to the M40 that could absorb a scheme of this scale. J11 is not appropriate from a landscape or highways perspective and J9 does not currently have any allocated sites (albeit there are some employment sites in the emerging Local Plan Review) that would be able to accommodate some/most of the identified employment needs.

9.37. Whilst the proposal does not fully comply with every criteria of this policy, it complies with the majority, and, therefore, partially rather than fully complies with this policy.

9.38. Overall, the delivery of new employment land, on such a big scale, is a very significant benefit of this scheme. There would be a great number of jobs created: from the temporary construction workforce to the long-term annual jobs. These significant job projections are, I note, not theoretical – LSH consider them to be accurate, helping to create a diverse employment base in the district.

#### Landscape & Visual Impact

9.39. Paragraph 187 of the NPPF requires planning policies and decisions contribute to and enhance the natural and local environment by, amongst other things:

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

9.40. 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.

9.41. The policy goes on to list 6 criteria where proposals will not be permitted. An assessment of the proposals against those 6 criteria is contained in table 1 below.

9.42. Policy ESD15 opens with, “*Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.*”

9.43. Sitting underneath this paragraph is a list of design criteria, including the requirement for new development to be designed to deliver high quality, safe, attractive, durable and healthy places to live and work in. This part of the policy adds that development of all scales should be designed to improve the quality and appearance of an area and the way it functions.



- 9.44. Strategic objective SO12 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.
- 9.45. Paragraph B.87 of the Cherwell Local Plan explains that Cherwell's countryside, landscape and green spaces are important natural resources. It goes on to 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.
- 9.46. Saved policy C8 of the Cherwell Local Plan 1996 seeks to resist development "*if its attractive, open, rural character is to be maintained*". It explains that this policy "*will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.*"
- 9.47. As noted elsewhere in the report, it is not practical to direct development to suitable sites at Banbury or Bicester. The Banbury M40 J11 site at Huscote Farm, Daventry Road, which is the subject of a currently undetermined appeal, is the only site that could be available but is considered unsuitable in landscape and highways terms by the District and County Council and by National Highways in respect to strategic highway network impacts. Bicester's suitable sites at M40 J9 do not yet have consent. C8 is therefore accorded with.
- 9.48. 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. However, it does not automatically follow that development on it would be acceptable and, for reasons set out below, there are several factors that would, together, result in significant harm to the character and appearance of the area.
- 9.49. I also note that the Cherwell Landscape Designation Assessment (2024), which forms part of the evidence base to the draft Cherwell Local Plan, shows the northern parcel of this site falling within the proposed North Ploughley Valley Landscape Designation.
- 9.50. LUC, who carried out and wrote the Cherwell Landscape Designation Assessment 2024, sets out a number of Landscape Management criteria for this designation, including:
- *Encourage the management and strengthening of hedgerows particularly in areas where there are gaps;*
  - *Preserve the tranquillity and strong rural character of locations remote from transport infrastructure and urban edges.*
- 9.51. LUC also set out some suggested Development Management measures for this designation:
- *Maintain the characteristic sparse pattern of development by avoiding large-scale development.*
- 9.52. That said, as the draft Local Plan has yet to be submitted for examination, and does not yet form part of the development plan. This proposed designation carries limited

decision-making weight, but it does show that the Council and LUC, a leading Landscaping Consultancy, consider the northern part of this site to have landscape value.

- 9.53. At circa 83.28ha hectares, the combined fields form a very large site. Given the site's proximity to roads, public footpaths, and the low-lying nature of the hedgerows, which afford clear local views into the agricultural fields, and from further afield (Stoke Lyne), it is a prominent and sensitive site. It provides relief from the urban influence of the A43.
- 9.54. In this context, the introduction of large-scale buildings, associated large-scale lorry and car parking spaces, along with the presence of the lorry's, and, in some places, significant earth bunds, there would be an undoubted impact on the landscape and the character and appearance of the area. The key question then, is what would the extent of such harm be? Also, would the character of the area be compromised and undermined as part of that harm?
- 9.55. The applicant has submitted a Landscape Visual Impact Assessment (LVIA) with the application. It was prepared by EDP, and the updated version is dated MAY 2024). Of the 18 views EDP have looked at, they have concluded that the scheme would result in long term significant adverse harm from only 1 view - view 12 from PRoW367/24/10 looking south).
- 9.56. EDPs assessment finds that the adverse landscape and visual effects are at a lower level (the majority of the views ranging from very low to medium adverse, once the proposed landscaping scheme had matured).
- 9.57. The Council appointed (LUC) to review the submitted LVIA. LUC provided their response to the applicants' LVIA in January 2025. LUC concluded that *"Construction will result in adverse effects on the character of a localised part of the Wooded Estate lands that includes the site and its immediate context (as recognised in the LVIA), due to the removal of all internal hedgerows and trees, and the change from rural agricultural fields to construction sites including remodelling of topography to create the development platforms and temporary construction lighting. This will also adversely affect views from the local community of Stoke Lyne; individual properties at Lone Barn and Park Farm; local public rights of way particularly to the north, east and south of the site; and from the roads bordering the site (B4100 and A43)."*
- 9.58. Moreover, LUC also concluded that *"During operation significant adverse effects are predicted on landscape features and character of the site and its localised surrounds due to the change from rural agricultural fields to large scale shed development) – resulting in a large change in character. This will be a long-term adverse change (i.e. beyond 15 years) and non-reversible. This adverse effect will also be present after dark due to the proposed lighting on this currently rural site, resulting in an urbanising effect."*
- 9.59. LUC identified the following specific viewpoints where there would be significant long term adverse effects:
- *Users of local public rights of way – users of PRoW to the north (ref. Viewpoint 2); users of PRoW to the east (ref. Viewpoints 4 and 5); users of PRoW to the south (Viewpoint 6); and users of PRoW to the west (ref. Viewpoints 1 and 11);*
  - *The local community of Stoke Lyne (ref. Viewpoint 5); and individual properties at Lone Barn and Park Farm;*

- *The roads bordering the site – the A43 and B4100 (ref. Viewpoint 6 taken on the approach along the A4100).*
- 9.60. LUC also noted that *“After dark lighting will also be visible from these same receptors resulting in adverse effects (although the lighting assessment concludes no impact to residential amenity as a result of glare arising from the lighting installation – baffles would be used to protect against this).”*
- 9.61. The detrimental effect is also readily apparent from the montages and demonstrate the dual harmful impacts of the scheme: the loss of significant parcels of the countryside; whilst also having an imposing effect on the surrounding area to the east, along the B4100 (including absorbing part of this defensible boundary and creating a tunnelling effect) and the public rights of way, particularly close to the northern boundary. I consider the views from this public right of way to be of high sensitivity given the route is mostly used for recreational purposes. Its proximity to the new, extremely large commercial buildings and associated parking cannot be overstated.
- 9.62. Whilst buildings of this scale and height will never be fully screened, even when landscape treatment fully matures, given the open nature of the site, it is imperative that a robust landscaping scheme is secured as soon as possible. A revised parameter plan has now been received from the applicants that increases the depth of the landscaping zones around the site.
- 9.63. LUC, in their review, cautioned that the *“information about mitigation within the parameter plans cannot predict how effective the structural planting is likely to be at Year 15 – it will be important that the detailed landscape proposals are developed with input from the Council and key mitigation such as bunding and proposed planting stock sizes are agreed and appropriate to the situation.*
- 9.64. LUC added that *“This should include woodland planting that is at the full widths shown on the strategic parameters plan (i.e. between 45m and 200m along the eastern boundary), and aiming for a minimum of 35m locally appropriate (and climate resilient) woodland along the B4100. Bunds should be softened (using approaching landform profiling) to appear as ‘natural’ as possible, and tree species and planting ages selected to ensure they can establish successfully, especially on bunds that can provide a more difficult environment for establishment and growth.*
- 9.65. Whilst any reserved matters application (in the event of an approval) would need to wash its own face from a landscaping perspective, it is vital that a robust landscape scheme which frames the site and provides as much mitigation as is possible are fixed now. For example, to achieve the minimum 35m deep landscape buffer along the A43 and the B4100, suggested by LUC. The revised parameter plan has been amended to ensure compliance with LUC suggestions and condition compliance would ensure it was delivered.
- 9.66. The Council’s Urban Designer also raised concerns about the effectiveness of the landscaping proposed on the original parameter plan and was concerned about the loss of all the internal hedging, noting that the National Design Guide expects development to integrate existing natural features into multifunctional networks that support quality of place, biodiversity and water management, and address climate change mitigation and resilience.
- 9.67. His view, which has yet to be updated following receipt of the amended parameters plan, is that:
- Wider eastern and southern multi-functional landscape buffers are required, these buffers should be of sufficient width to accommodate bunding (where

appropriate), woodland planting, woodland edge scrub and rough grass, drainage features, footways (where appropriate) and activity hubs (where appropriate).

- The parameter plan should allow for a width range (i.e. not a uniform width), that is informed by updated illustrative sections and plans.
- Wider northern and western landscape buffers are required to provide an appropriate relationship to the adjacent road and bridleway. These buffers should be of sufficient width to allow footways and activity hubs (where appropriate). The width range parameter will need to be informed by illustrative sections/ plans.

9.68. The applicants submitted an illustrative layout plan which, although not a formal document, pointed towards overdevelopment of the site with insufficient boundary landscaping, potentially over engineered bunds which would be out of character with the area, and not enough internal landscaping. The urban designer advised that it would be helpful to see a revised illustrative plan and section plans that demonstrate that the following can be achieved:

- Building frontages offset from landscape buffers to provide an appropriate building offset and relationship to trees, planting, adjacent roads and footpaths.
- The retention and enhancement of existing established species rich hedges and ditches as part of a multi-functional green infrastructure network.

9.69. The potential over-development of the site is another major shortcoming of the scheme. The original illustrative layout suggested a car parking provision of 1,780 bays, which would have represented an exceedance of 78% over the OCC maximum parking standards of 1,000 bays for a development of this size. I recognise that with the nature of shift work there would be short overlap periods where staff taking over shifts won't always be able to park in the same bay. However, there is scope to significantly reduce the amount of parking bays (and therefore the urban tarmac/development area) being presented on both the illustrative plan and the parameter plan, allowing for greater depths of landscaping provision – the number of bays being proposed would also run counter to the applicants' transport modelling work's reliance on a travel plan being used to encourage a modal shift. The revised parameters plan with significantly larger landscape boundaries and building off-sets would reduce the amount of parking availability, ensuring greater consistency with adopted parking standards.

9.70. Another shortcoming is OCC's requirement, from a safety and sustainability point of view, for there to be a 4.5km pedestrian/cycle way on highway land which would result in some loss of hedging, a tree and scrub in some pinch-point locations and urbanise the rural area still further.

9.71. When assessed against the criteria of policy ESD13 (See table 1 below), there is a combination of compliance and conflict with the criteria. It also falls short of fully meeting the requirements of Local Plan policy ESD15 and paragraph 187 of the NPPF.

Table 1

<b>Policy ESD13 Requirement</b>	<b>Officer Response</b>	<b>Accordance with ESD13 Bullet Points</b>
Bullet point 1. Cause undue visual intrusion into the open countryside.	This scheme would be an almost complete urbanisation of two open, gently undulating arable fields and would have a visual impact, even after 15 years, albeit the impact would be softened through strategic planting	No.
Bullet point 2. Cause undue harm to important natural landscape features and topography	<p>The undeveloped character of the application site, as two parcels of land, contribute positively to what is a prevailing rural feel to the east and south of this site. This proposal would remove that character entirely.</p> <p>However, the landscape is not valued or of historical importance. So, in that sense, it would comply with this part of the policy</p>	Yes
Bullet point 3. Be inconsistent with local character	The loss of longstanding hedgerows and the urbanisation of the site would be at odds with the rural surroundings. However, part of the local character is busy roads, the service station, garage and the fast food restaurant. Also, there are some heavily wooded areas in the locality and a heavily wooded landscape scheme would not be wholly inconsistent with the local character.	Partial compliance
Bullet point 4. Impact on areas judged to have a high level of tranquillity	Map 4.4 of The Landscape Character Assessment (2024) identifies the majority of the two parcels being at the lower end with the north	Yes

	eastern parcel being medium.	
Bullet point 5. Harm the setting of settlements, buildings, structures or other landmark features, or	No, it would not harm the setting of Stoke Lyne, Lone Barn and Park Farm	Yes
Bullet point 6 Harm the historic value of the landscape.	The field pattern of this site has been intact since at least the 1st edition OS mapping of the early 1800's and this pattern would, of course, be permanently altered by the removal of the hedges and the introduction of large logistics buildings along with the associated lorry and car parking bays. That said, it is not an historic valued landscape.	Yes.

9.72. In short, the consequence of inserting large-scale logistics buildings into this open countryside (particularly on the northern parcel) would represent significant adverse harm that is permanent and enduring. It is compounded by the loss of hedgerows on the 'interior' of the site and insufficient landscaping offered up in return in the original submission (since revised). This harm would result in conflict with policies ESD13 and ESD15 of the Local Plan and 187 of the NPPF and weighs against the proposal in the planning balance.

9.73. Nevertheless, there is recent case law (*Corbett v Cornwall County Council [2020] EWCA Civ 508. April 2020*) which establishes that a development does not have to comply with every policy of a development plan to be found to be in compliance with a development plan as a whole.

#### Highways

9.74. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given 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 Code; and
- d. 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.

- 9.75. Paragraph 116 of the NPPF makes clear 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. 9.
- 9.76. Policy SLE4 of the Local Plan reflect the NPPF policy: it 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.
- 9.77. Paragraph 117 of the NPPF states that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- 9.78. Paragraph 118 of the NPPF requires all developments which generate significant amounts of movement 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.
- 9.79. National Highways had originally (September 2022) requested that planning permission was not granted for a period of 3 months to allow time for the applicant to provide the additional information required to help National Highways better understand trip generation and the level of impact on the national road network, including Baynards Green roundabout.
- 9.80. In March 2023, National Highways requested another 3 months pause to allow for further information to assess the potential impact on a similar extent of the SRN, including the Baynards Green roundabout and establish the level of mitigation would be required at this junction, as the Growth Fund scheme was no longer in place as originally expected. This holding objection remained in place until April 2024 following the applicants scheme to improve the Baynards Green Roundabout with additional north-south highway capacity on the A43 and enhanced signal controls.
- 9.81. National Highways were satisfied by the mitigation plans and subsequently withdrew their holding objection on the basis that a stringent pre-occupation of development condition was imposed to ensure that the highway improvement plan, as shown on SLR Consulting drawing ref: 216285-A-14A, entitled 'Baynards Green General Arrangement', is completed and open to traffic. National Highways then subsequently recommended an additional condition for a Construction Environmental Management Plan (CEMP).
- 9.82. OCC Highways are also satisfied with the principal of the proposed capacity improvement works to Baynards Green Roundabout but, at the time of writing this report, they are currently reviewing the Land Collaboration Agreement to ensure that, in the event that the Tritax scheme or one of the two Albion Schemes comes forward in advance of the others, one applicant/landowner couldn't prohibit the other from carrying out the agreed works. OCC Highway concern comes from a need for Tritax and Albion Land East parcel to provide land (East of the A43 and South of the B4100)

to allow for adequate forward visibility to the roundabout when approaching along the B4100 from the east, small areas of land are required outside the highway boundary.

9.83. Following an OCC Highways objection in August 2024, and a request for further information in March 2025, the applicants, along with Albion Land, have jointly submitted the following additional documents:

- Transport covering letter on behalf of applicants, Albion Land and Tritax; and
- Transport Modelling Appendix A Topic Paper Addendum providing summary of current situation, details of cycle facility and an appendix with details of a test to address OCC's previous concerns regarding modelling of B4100 junctions.

9.84. The updated information sets out the following:

- How the scheme would integrate with the proposed cycle route to Bicester.
- How the crossing facilities at the southern arm have been amended to a parallel crossing arrangement.
- How the splitter island has been increased in width at the access and at the B4100.
- Confirmation that detailed highway boundary has been obtained to confirm land ownerships.
- Further details regarding the design of the bus stop areas which aim to reduce conflict between cyclists and waiting bus passengers.
- Transport Modelling work.

9.85. For completeness, I have set out OCC's key concerns (written in italic font) in 2024 and OCC's response, following receipt of this additional transport information:

9.86. *Lack of commitment to providing the cycle route between the sites and Bicester, with the applicants seeking to justify not providing it:*

"This is now offered as mitigation, as set out in Transport Topic Paper Addendum Appendix C, drawings DTA 17213-30-GA- 0-6 Rev N, and further work has been done by the applicant to demonstrate its feasibility, including a Road Safety Audit Stage 1, to the point where OCC highways is satisfied that it could be delivered, albeit with constraints requiring narrowing in places. Points raised in the RSA can be addressed through detailed design. Since the submission of this additional material, there has been further discussion as to how the route could safely transition into Braeburn Avenue, and the works are likely to require some changes to the geometry of the junction, to tighten up the radii. There is insufficient agreed-carriageway facilities but cycling on carriageway in Braeburn Avenue is considered acceptable due to the low traffic volumes (it is not a through road because of the bus-only link at the northern end of Charlotte Ave) and 20mph speed limit. OCC remains firmly of the opinion that this mitigation is required alongside public transport improvements as part of the sustainable transport strategy for the site, and in order to provide safe access for all users. (NB: For OCC's full justification please see their response of November 2024). There would be some loss of vegetation including overgrown hedgerow, and possibly some complete loss of hedgerow along parts of the route. However, in my opinion this should be considered in the context of the significant loss of hedgerow arising from the developments themselves and the mitigation scheme at Baynards Green."

9.87. *Aspects of the access arrangements required revision for safety reasons:*



“These have been largely addressed (see Appendix E of ‘Topic Paper Addendum’ dated 3 February 2025), and the proposed access for the Albion Land eastern plot (to the east of the Baynard Green Roundabout) has been changed from a roundabout to traffic signals, which is considered acceptable. The revised junction arrangement for the Albion Land E site have been subject to RSA1 and are considered acceptable in combination with one other in terms of safety.

The accesses E of the B4100 accommodate the proposed cycle/pedestrian link to Bicester, which has been subject to a separate Road Safety Audit Stage 1 (Appendix C of the Topic Paper Addendum). The detailed design stage of the accesses must be carried out in conjunction with detailed design of the ped/cycle facility.

Accesses for Albion E and Tritax are shown in combination, together with their required bus stop laybys and crossing, on drawing SLR 216285\_PD12 Rev A. Drawing DTA 17213-35-GA Rev D shows the signalized junction for Albion E.

For the Albion Land W site, additional footway has been added to the W side of the access road and an informal crossing at the roundabout junction with B4100. I would prefer to see the crossing set back from the roundabout for safety reasons and therefore a condition is requested. Consideration will also need to be given to cycle access to the western plots. The arrangements are the subject of a full application, ref 21-03266-F.

Careful consideration will need to be given to the construction phase, and it is expected the CTMP will consider the construction of the junctions. The highway works necessary for each application site will be secured through the respective S106 agreements. For each site this will include continuous footway and cycleway linking to the Baynards Green junction improvement scheme and to Bicester (Braeburn Avenue), bus stop facilities including laybys and crossing of B4100. Completion of these works will be required prior to first occupation. “

- 9.88. *Concern that the assessment of the B4100/A4095 junction in Bicester was underestimating the traffic impact of the development at that junction.*

Further modelling work has since been undertaken, which is discussed further below.

- 9.89. *Assessment of impact on villages to the north in Northamptonshire.*

It is noted that WNC concluded that there would be negligible impact on traffic flows in Aynho and Croughton. Difference plots from the Bicester Transport Model show that approximately 14% of the development traffic would route via the B4100 west, which would result in a change of less than 5% on the B4100 through Aynho, which could not be considered severe in NPPF terms. The increase in traffic will be from cars, not HGVs, which would be subject to a routing agreement prohibiting them from travelling north on the B4100.

- 9.90. *Concern about the level of car parking at the developments.*

“Whilst this is only indicative and would be agreed at reserved matters stage, from the layouts provided it is evident that the number of car parking spaces envisaged (these are marked on the plans – not just a general area indicated for parking) is

far in excess of OCC's parking standards. If parking levels were to be allowed as shown, this would potentially undermine travel plan objectives to promote sustainable travel and car sharing. The travel plan is especially important here since the applicant's traffic modelling of the A4095/B4100 junction relies on significant modal shift away from single occupancy car trips between the site and Bicester. "

- 9.91. I agree with OCC regarding their concern over the exceedance of parking bays (the original illustrative plan suggested 1,025 bays against OCC maximum standards of 600 bays per 180,000sqm of employment space - a 70% exceedance). Not only would it result in further landscape harm and potentially a poor-quality internal layout, it would also run counter to the aims and aspirations of the travel plan and its ability to help encourage a modal shift from driving to cycling, walking and public transport. The revised parameters plan increased boundary landscaping and that would afford a significant but as yet unspecified reduction in available parking space.
- 9.92. I noted in paragraph A.6.25 of Tritax's updated Environmental Statement note (February 2025), the proposed cycleway extends adjacent to Twelveacre Copse; an Ancient Woodland site. This paragraph advises that, *"No direct loss to Ancient Woodland habitat is anticipated, however the route extends through the 15m Ancient Woodland buffer zone. The potential for impacts to the woodland's root protection zone that may result in impacts to the integrity of the Ancient Woodland will be assessed as part of the Ecological Assessment. This will be informed with input from the Arboricultural survey and, if needed, appropriate mitigation will be detailed to ensure there are no impacts to the Ancient Woodland from the creation of the cycleway."*
- 9.93. The advice I have received from the OCC Highways officer on this matter is that a no-dig construction could be used for the construction of the cycleway. Potentially a flexible surface could be used, as has been used in other locations close to trees. This isn't suitable for vehicles but would be OK for cycles and pedestrians.
- 9.94. OCC's Highway conditions are set out in the 'Infrastructure' chapter below. Subject to those contributions being agreed, along with their conditions and those recommended by National Highways, including most crucially of all, the Grampian condition, then this aspect of the proposal complies with national and local planning policy.

## **Ecology**

- 9.95. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 9.96. 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.
- 9.97. 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 on to state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.
- 9.98. These policies are both supported by paragraph 187 of the NPPF which states 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.

- 9.99. Cherwell Local plan policy ESD11 states: *“Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.”*
- 9.100. Moreover, 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.
- 9.101. The PPG 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 LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.102. The applicants’ Environmental Statement (ES) (2024) and the response prepared by EDP, confirms that approximately 2.46km or 39% of hedgerows onsite would be lost. Hedgerows are priority habitats according to NERC Act 2006, and as such are offered protection under the NPPF and Cherwell Local Plan.
- 9.103. According to the Pre-Development Habitats figure in The ES Appendix 0.8.4 (Drawing number edp2355\_d)58a), the majority of this hedgerow loss would be species rich hedgerow. This remains a concern for the Council’s Ecologist who, in her response in January 2025, commented that, *“Currently without information about how and where the lost hedgerows will be compensated, we cannot fully assess the impact of the scheme even in outline stage and our objection based on loss of priority habitat stands.”*
- 9.104. The Council’s Ecology officer raised a great number of other concerns to the proposal relating to:
- 1) Inadequate Net Gain
  - 2) Insufficient baseline data
  - 3) Impact on farmland birds onsite and in cumulation contrary to NPPF and Cherwell Local Plan
  - 4) Impact on brown hairstreak butterfly contrary to NPPF and Cherwell Local Plan
  - 5) Impact on ancient woodland priority habitat contrary to NPPF and Cherwell Local Plan
  - 6) Impact on CTA contrary to Cherwell Local Plan.
- 9.105. The applicants responded to the officer’s comments with additional information submitted on the 12 March 2025 including a draft LEMP. An agreement has been reached where objections to 2, 3, 4, 5 and 6 in the list above can be adequately addressed through conditions/and or planning obligations, which secure detailed LEMP/LHMP/CEMPs, prior to the commencement of development, and ensure that features for wintering birds should be incorporated into the design of offsite measures.
- 9.106. As noted in the Highway chapter, OCC Highways have requested that a 4.5km cycleway/pedestrian route, for safety and sustainability reasons, is created which would connect the site to Bicester. The length of the route is an indication of how far the site is from one of the main urban settlements in the district.
- 9.107. The lack of precise information about where any hedgerow would be removed to facilitate this route is not ideal, but I do not think it would warrant a refusal in itself. This absent information could be secured via condition and through a reserved matters application. The real harm would be the loss of the species rich hedgerow on

site in the first instance to accommodate a large commercial development, which isn't allocated and in the wrong location.

- 9.108. Despite the imposition of conditions, this element of the scheme would not be fully compliant with the Local Plan policies Policy ESD10, ESD 11 and BL11 along with the relevant provisions in the NPPF and would only be permissible if the benefits of the scheme outweighed the harm of the scheme overall.

#### Drainage

- 9.109. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning 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. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.110. 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.
- 9.111. 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.
- 9.112. The applicants, in their submission documents, have included a Flood Risk Assessment and Drainage Strategy. The strategy is for all surface water flow to be attenuated in a series of basins (combination of soakaways and impermeable basins) and below ground storage prior to discharging at QBAR Greenfield run off rate of 4.5l/s/ha.
- 9.113. Part of the surface water strategy would also involve dividing the site into 3 catchment areas (See Appendix F).
- 9.114. Catchment 1 would utilise a hybrid system of attenuation basins and soakaways, in addition to below ground storage. It is anticipated that surface water would infiltrate into the ground for majority of design storms, and, during more extreme storms, the surface water would rise to a level of 113.150m and then overflow from the attenuation systems discharging into an existing ditch located south of catchment 1 at a controlled greenfield runoff rate. The Drainage Strategy assumes that the existing ditch is culverted beneath the B4100 and flows further south into another existing ditch.
- 9.115. Catchment 2 would attenuate the surface water flows entirely within a series of attenuation basins prior to discharging into an existing pipe east of catchment 2 which further connects into an existing ditch. Due to the low permeability of the existing strata in this area, the attenuation basins will only partially act as soakaways. The drainage strategy advises that due to the existing 300mm diameter pipe size, the flow

would be restricted to a maximum of 90l/s, reducing the discharge rate from the greenfield run off rate.

- 9.116. Catchment 3 would be located south of the development site and is proposed to drain entirely through a soakaway basin due to the permeability of the underlying strata. Permeable paving is proposed to be installed to all external car parking areas. This will be a 'Type B' system (after CIRIA 735), where the proportion of rainfall that exceeds the infiltration capacity of the subsoil will flow into the engineered drainage network.
- 9.117. The Drainage Strategy confirms that the whole of the drainage network has been designed to accommodate the critical storm event up to and including the 1 in 100-year return period plus a 40% allowance for climate change, whilst still preventing off-site flooding.
- 9.118. The Drainage Strategy also confirms that the drainage system will be designed to accord with BS EN 752:2017 requirements.
- 9.119. Regarding the foul water, the Drainage Strategy advises that *"All foul effluent from the north side of the development will be directly discharged into an on-site main pumping station located on the north eastern side of the development (see Appendix F). It is proposed that the foul flows from the south side of the development discharge into a private pumping station located within the southern area, pumping the foul water into the main pumping station via a rising main. The main pumping station will then pump all the foul water drainage into an existing Anglian Water manhole (Ref:5301) in Stoke Lyne village located east of the site."*
- 9.120. On the 6 March 2025, Anglian Water, who hadn't objected to the proposal previously, objected to the scheme connecting to their foul network due to capacity constraints and pollution risk. However, Anglian Water has said that in the event that the Council were minded to approve the application, they would require a condition be imposed which prohibits the development from commencing until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water.
- 9.121. Similarly, Thames Water, in their consultation response have advised that, following initial investigations, they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Consequently, they request that the following condition be added to any planning permission which prevents the buildings from being occupied until confirmation has been provided that either:- *"all water network upgrades required 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 to allow development to be occupied."*
- 9.122. Subject to conditions, neither the CDC Drainage officer, nor OCC, as the LLFA, have raised any objections to the proposal. Therefore, with the appropriate conditions attached, the proposal accords with relevant Local and National Planning Policies.

### Energy

- 9.123. Planning plays a vital role in ensuring that developments minimise their contribution towards climate change. This is recognised by the Government and why one of the NPPF's core principles is that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience;*

*encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 152)".*

- 9.124. Cherwell District Council is committed to tackling climate change. For many years Cherwell District Council has been at the forefront of developing and implementing robust and innovative planning policies and standards to tackle climate change. In July 2019 it declared a Climate Change Emergency.
- 9.125. When the 2011-2031 Local Plan was adopted, it strengthened previous planning policies relating to energy in order to ensure that the Council continues to take a robust and ambitious approach to minimising carbon emissions in the district, which is why policies ESD 1 – 5 were introduced.
- 9.126. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.127. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 9.128. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/per day (this applies to residential uses too).
- 9.129. The applicants' Environmental Statement (prepared by Savills) and Planning Statement (Framptons) advises that each building on each site would have PV solar panels on a minimum of 18% of the roof area and that an 'energy hierarchy' would be employed "to reduce carbon emissions from the built development: by minimising heat losses, reducing air permeability, maximising the use of natural light; maximising the energy efficiency of the fittings and equipment that is incorporated into the development; and to incorporate renewables / low carbon technology."
- 9.130. A compound would also be used as an energy centre and there would be EV charge parking for cars and sustainable drainage solutions. These are all energy mitigation measures which can be secured via condition.
- 9.131. Based on the above points it is considered that the applicants have demonstrated that the proposal would comply with the requirements of Policies ESD1, ESD2 and ESD3 of the CLP 2015

## Air Quality

- 9.132. Policy ESD 1: Mitigating and Adapting to Climate Change Measures contained within the Cherwell Local Plan 2011-2031 Part 1 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include: Distributing growth to the most sustainable locations as defined in this Local Plan; and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 9.133. Policy ESD 10: Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.
- 9.134. Saved policy ENV1 contained within the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.
- 9.135. Paragraph 6.1.4 of the Air Quality chapter of the applicants Environmental Statement states: *"It is anticipated that the day-to-day energy strategy during the operational phase of the Proposed Development will incorporate an all-electric approach, in compliance with Part L of the Building Regulations. As such, assessment of day-to-day on-site air quality emissions during the operational phase has been scoped out."*
- 9.136. The Air Quality assessment concludes that the impact from dust generated from the earthworks and the construction phase would be low. It goes on to set out the Predicted Annual Mean NO<sub>2</sub> and PM<sub>10</sub> Concentrations during the proposed development, as being negligible. The Council's Environmental Protection Officer agrees with these conclusions and raises no objections.
- 9.137. Moreover, the Site does not lie within an Air Quality Management Area (AQMA) – the closest AQMA is 6.5km to the southeast of Bicester.
- 9.138. For the above reasons, this aspect of the proposal complies with policies of ESD 1 and ESD10 of the Cherwell Local Plan:2015 and Saved policy ENV1 of the 1996 Cherwell Local Plan.

## Heritage

- 9.139. Policy ESD15 of the CLP 2015 makes it clear that new development to, or near, non-designated heritage assets, should: "Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG."
- 9.140. Paragraph 207 of the NPPF states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

- 9.141. The applicants have included an Archaeology and Heritage chapter in the ES, prepared by EDP. It assesses the relationship between the site and all the Heritage Assets within a 2km radius of the site. This appraisal concludes that there would not result in any adverse effects on the non-designated and designated heritage assets.
- 9.142. This is a view shared by the Council's Conservation Officer, who has concluded that, due to a combination of distance, screening (buildings, landscaping & trees), there is no notable interrelationship between the site and the closest heritage assets (Grade II\* Church in Stoke Lynn, Conservation Areas in Ardley, Fewcott & Fitwell).
- 9.143. For this reason, this aspect of the proposal is policy compliant.

#### Residential Amenity

- 9.144. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.145. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which 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.*"
- 9.146. Given the significant setback between the proposed development area shown on the parameter plan, and the closest neighbouring buildings (56m), I do not anticipate that the neighbours would experience a loss of daylight/sunlight or privacy.
- 9.147. Although there would be a great deal of lorry, van and car movement on the site, the Council's Environmental Protection Officer has not objected on noise or lighting grounds, subject to conditions.
- 9.148. However, the scale of this employment park, its open location and proximity to two isolated dwellings and Stoke Lynn means that a few local residents would suffer a significant change in their views. Although it is long established that no one has a right to a view, this is another element which weighs against the scheme in the planning balance.

#### Archaeology

- 9.149. OCC's Archaeologist, in her original comments noted that "*the site was known to be of archaeological interest and potential, with a range of features recorded from cropmarks, and a Roman coin hoard recovered from within the development area.*"
- 9.150. *The geophysical survey revealed extensive remains beyond those known from cropmarks and so trenching was undertaken. The archaeological trenching has recorded dense Iron Age, Late Iron Age – Early Romano British (transitional period) and Romano British activity in the east of the site, with evidence for Saxon settlement being recorded in the southern field. As well as these remains, a small assemblage of later prehistoric, worked flint was recovered from the site, suggesting there was also earlier activity across the area.*
- 9.151. *The Iron Age settlement remains include enclosures and a north – south trackway. Associated with the settlement, four burials were also identified. The Iron Age features underlie the later Romano-British settlement, which expanded across the site and mostly dates from the 2nd-4th century. Within this period, a single rectilinear stone building was erected which could represent a basic villa rustica, or large barn. The*



*Saxon settlement to the south of the B4100 is represented by four sunken featured buildings, which have been dated to the 7-8th century.”*

- 9.152. During the course of the application OCC’s Ecologist, following a review of Cotswold Archaeology’s first phase of evaluation, requested sight of their second phase evaluation, along with the results of the geophysical survey. This was subsequently submitted, and, on the 12 September 2024, OCC’s Archaeologist made the following comments:

*“A further area of archaeological activity was recorded in this phase 2 trenching, and this will also require archaeological mitigation excavation, which can be achieved through conditions. This advice should be read in conjunction with previous comments from the Archaeology Service in April 2023.”*

- 9.153. Subject to OCC’s recommended pre-commencement condition for an Archaeological Written Scheme of Investigation, this aspect of the proposal is acceptable.

#### Loss of Agricultural Land

- 9.154. Paragraph 187b states that planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- 9.155. The applicants have submitted an Agricultural Land Classification report, prepared by Land Research Associates. This report concludes that the land is of moderate quality (subgrade 3B) and, therefore, not the ‘best and most versatile land’.

- 9.156. The Agricultural Land Classification report also sets out that that the majority of land (67%) within the Cherwell District is either Very Good (Grade 2) or Good to Moderate (grade 3) agricultural land, a percentage that is significantly higher than the national average.

- 9.157. In summary, the district would not be losing the ‘best and most versatile’ land. It would still result in the loss of agricultural land that is of some (moderate) use, of course, but this would be balanced out by the creation of new jobs. In the planning balance, I give the loss of this moderate 3b agricultural land a neutral impact when measured against the creation of a significant number of short-term and long-term jobs.

#### Planning Obligations

- 9.158. The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Cherwell District Council’s Local Plan: Part 1 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably.

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

9.160. Oxfordshire County Council have requested the following contributions:

- Highways works contribution 1 - Signalisation of Charlotte Ave/B4100 junction - **£98,840**
- Highways works contribution 2 - Traffic management in Caversfield/Aunt Emm's Lane - **£26,000**
- Public Transport – Bus service serving the site - **£2,133,133** Public transport infrastructure (if not dealt with under S278/S38 agreement) - Bus real time information (other bus stop infrastructure to be provided as part of S278/on site highway works - **£11,352**
- Traffic Reg Order (if not dealt with under S278/S38 agreement) - Consultation on change to speed limit on B4100 - **£4,224**
- Travel Plan Monitoring - To cover the cost to OCC of monitoring the travel plan over its life - **£3,265** for each site's framework Travel Plan & 3,265 for each unit.
- Public Rights of Way - Improvements to public rights of way in the vicinity of the sites - **£83k**
- Off-Site Highways Works - Improvements to Baynards Green roundabout, including widening, additional lanes and active travel infrastructure, as per drawing SLR 216285/A/14 Rev B. This scheme will be required prior to first occupation of any of the sites. Note that this is also a requirement of National Highways.
- Footway/cycleway link to Bicester - For all three application sites: Required for any one of the application sites prior to first occupation: footway/cycleway link to Braeburn Ave, Bicester, as shown in Appendix C

NOTE: The above represents the overall contributions required for applications 21/03267/OUT, 21/03268/OUT (Albion Land) and 22/01430/OUT (Tritax), which are considered together in this response. Those marked with an asterisk (highway works 1 and 2, and PRow) could be split proportionately between the sites. The public transport contribution is required in full by any one of these developments coming forward, as it is needed in full to provide an adequate bus service. Likewise, the Traffic Regulation Order contribution is required in full. Travel Plan monitoring contribution is as explained above.

9.161. In their consultation response, Oxfordshire County Council Highways have provided detailed information to justify the need for their contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF and ensure CIL Reg.122 compliance.

### **Other Matters**

9.162. I note the advice received from Bicester BUG, as part of their consultation response and, having sought the advice of the OCC Highways officer, I shall address each point in turn:

#### B4100/A43 Junction

9.163. B4100/A43 junction – my understanding is that the possibility of a crossing on the A43 north arm was ruled out early in the design process by National Highways. There isn't the available highway space, particularly on the NW corner of the roundabout by the service station. There are crossings proposed on the other three arms of the roundabout, allowing access between the sites and the facilities at the PFS.

#### B4100 Road

9.164. The OCC Highways officer disagrees that this is like a normal spine road in terms of the requirements for movements. All likely movements between the sites and the petrol filling station and the bus stops would be catered for, and in the only place where there would be significant pedestrian movements (between the sites and the bus stops on the B4100) pedestrians would be segregated from cyclists. Elsewhere shared use is considered acceptable.

9.165. Crossing setbacks can be adjusted at detailed design stage, if necessary.

#### *Tritax North Access*

9.166. An uncontrolled crossing could be added at detailed design stage. The northeast arm of the junction is unlikely to get much use by pedestrians, as the crossing of the B4100 is west of the junction. There will need to be a crossing point for cyclists to get across the arm, probably further into the development.

#### *Tritax South address*

9.167. Landing areas could be expanded at detailed design stage.

#### *Cycle Pathway*

9.168. Cycle path: priority across access points will be given where it is safe to do so, noting points above about set back – not always sufficient land to set the crossing back far enough, in which case it may not be safe to give priority to cyclists – this will be looked at at detailed design stage.

9.169. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.

9.170. Noted re rails and fencing, but we have accepted that there will be narrowings in places where there are constraints.

9.171. The proposed cycle path ends at Braeburn Avenue, where it is considered safe for cyclists to join the carriageway. The developers have shown (to OCC) a design where the junction radii are reduced to allow a safe transition onto the carriageway. Unfortunately, there isn't enough highway land on Braeburn avenue for a segregated cycle facility. On the B4100 south of Braeburn Avenue, there is a building close to the carriageway near the bend, which makes it unsuitable for an off-carriageway route alongside the B4100 to the A4095 junction.

9.172. The details of how the cycle path goes through the layby can be addressed at detailed design stage.

9.173. The other comments relate to internal layouts and so can be addressed at RM stage.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. Sustainability is the golden thread that runs through the National Planning Policy Framework, and this is reflected in the policies of the adopted Cherwell Development Plan. The three strands of sustainability are economic, social and environmental as set out at Paragraph 8 of the NPPF.

#### *Positive Benefits*

### Economic

- 10.2. The proposals would contribute significantly to the Council's Employment Land Supply.
- 10.3. With a forecast of 500 construction jobs (potentially rising to 610 jobs) and 2,430 permanent jobs, this benefit attracts very significant weight. Although the construction jobs would be time-limited, on this scale, I attach significant weight to this benefit.
- 10.4. It will also help towards the Government's renewed plans to ensure that the Oxford – Cambridge Arc corridor is an engine for the whole of the UK.
- 10.5. For these reasons, very significant weight should be attached.

### Social

- 10.6. The proposals will likely provide a range of job types from the low-skilled to the highly skilled. Although, given the location, not every post is likely to be taken by people living locally, the job provision is still a very significant benefit, as there will be residents who are likely to work there. That will bring a community aspect to the scheme as well.
- 10.7. Accordingly, I attach very significant weight to this aspect of the proposal.

### Environmental

- 10.8. The proposals committing to a minimum of 10% biodiversity net gain, through on-site enhanced landscape schemes and on off-site ecological improvements (Secured by condition), carries modest weight, but not more than that, because the off-site parcel of land is not known at this stage.
- 10.9. There is an existing bus service – the 500, but it is hourly, doesn't extend into the early morning and late evening, and is only funded for a limited time (until 2027) from development in Brackley. The s106 contribution, although needed to make the development less car reliant, would cover a new bus service in the event the existing service ceases or be used to top it up. This is needed to help make the development more sustainable. Therefore I give it modest weight.
- 10.10. Similarly, the cycle and pedestrian route connecting the site with Braeburn Avenue is necessary to help reduce the need for the car. Therefore, I give this neutral weight.

### Negatives

- 10.11. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 10.12. No development or construction site is silent and dark and, therefore, the development will result in impacts on the area in terms of noise and disturbance, as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans. However, some disturbance is expected. This carries moderate negative weight.
- 10.13. The development would have significant adverse harm, on a long-term (15 year +) basis from a number of very clear and open vantage points. It would irrevocably alter a landscape that LUC consider to be significant enough to be included in the North

Ploughley Valley Landscape Designation of the emerging local plan. However, as it stands, the value of landscape is classed as 'modest'.

- 10.14. The scale of the site, at 83.28ha, which would accommodate a significant amount of floorspace, exacerbates the harm further still. The impact of the landscape is a major shortcoming of the proposal, albeit I am mindful that the landscape is of medium value and not currently a valued landscape. Therefore, I attach significant negative weight. Instead of very significant negative weight.
- 10.15. The loss of 2.46km of hedgerow, 1.63 km of which is species-rich priority hedgerow, by building on unallocated land also affords significant negative weight, albeit on site planting and off-site mitigation measures reduce this harmful impact to the extent that I attach moderate negative harm.
- 10.16. The new 4.5km cycleway, required to make the scheme acceptable from a safety and sustainability point of view, will result in further urbanisation of the area. However, this is likely to be the loss of predominantly scrubs and overgrown hedges, it wouldn't be the same level of harm as the new access points on the B4100, for example. I give it moderate negative harm.
- 10.17. The loss of Class B Agricultural Land would also be a shortcoming of the scheme, although, when weighed against the jobs provided, I would give modest negative weight to its loss.

#### Conclusion

- 10.18. On balance, the very significant benefits of creating a large amount of jobs in a suitably accessible location, which will support the modern economy, help contribute towards identified employment needs and help provide a diversity of job opportunities at the local and regional level, outweighs the harms caused by developing this particular site. For these reasons, I respectfully conclude that conditional outline planning permission be granted, subject to the prior completion of an acceptable S106.

#### **11. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT AS SET OUT IN APPENDIX 1.**

## **Appendix 1 - 22/01340/OUT Draft Conditions**

### **Phasing Plan**

1. Prior to or concurrently with the submission of the first reserved matters application(s), a Site Wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. Concurrently with the submission of any application for an approval of reserved matters relating to layout, which result in amendments to this plan, and the updated Site Wide Phasing Plan, shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in accordance with the approved Site Wide phasing plan.

Reason: This permission is in outline only and is granted 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. No development shall commence on any phase identified within the approved Site Wide phasing plan approved under condition 1 until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted 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 timings**

3. 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 five 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: This permission is in outline only and is granted 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). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

### **Use Class**

4. The development hereby permitted shall be used only for purposes falling within B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

### **Approved Plans**

5. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

Location Plan ref. 14-019-SGP-XX-XX-DR-A-13100 Rev P2

Site Access Plan ref. 216285\_PD12 Rev A

Parameters Plan ref. 14-019-SGP-XX-XX-DR-A-131003 Rev P14

The Access Plan may be amended by Road Safety Audit or Detailed Design or Section 278 Agreement here such documents are approved by Oxfordshire County Council and a copy provided to the Local Planning Authority.

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

### **Ground Levels**

6. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Energy**

7. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no

unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

## **Archaeology**

### **Archaeological Written Scheme of Investigation**

8. Prior to the commencement of the 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).

### **A programme of archaeological mitigation**

9. Following the approval of the Written Scheme of Investigation referred to in condition **8**, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological 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 two 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 (2024).

## **Ecology Conditions**

### **LEMP**

10. No building construction shall commence until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be in general accordance with the draft LEMP dated March 2025 but will be updated to accord with the increased buffers in the Parameters Plan ref. 14-019-SGP-XX-XX-DR-A-131003 Rev P14.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and 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.

CEMP:

11. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) based on the measures outlined in the Ecology Appraisal by EDP has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) 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);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) 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, unless otherwise agreed in writing by the Local Planning Authority.

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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

BEMP

12. The development hereby approved shall not be first occupied or used until a Biodiversity Enhancement and Management Plan (BEMP) for enhancing biodiversity on the site and/or elsewhere within the Cherwell District so that an overall net gain is achieved has been submitted to and approved in writing by the local planning authority. This shall also include a timetable for provision of measures. Thereafter, the biodiversity enhancement scheme shall be carried out and retained 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

HMMP

13. The development shall not 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.

#### Protected Species

14. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) 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 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### Seasonal removal

15. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) 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 and Government guidance contained within the National Planning Policy Framework.

### **Employment Floorspace Cap**

#### Total Floorspace

16. No more than 300,000sqm GIA of employment floor space shall be provided across the site as demonstrated on drawing 14-019-SGP-XX-XX-DR-A-131003 Rev P14

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

#### No additional internal floors

17. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations or extensions increasing the floor space of any buildings hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing, and traffic generation on the site in accordance with Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 and paragraph 116 of the NPPF.

### **PD Rights**

#### Above ground infrastructure

18. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **Landscape**

### Landscaping Strategy and Management

19. As part of the Reserved Matters submission, for each phase, a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports, enhances, and is complimentary to the Illustrative Strategy (Landscape) These details will include the following in relation to the submission:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan

2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

### **Arboricultural method statement**

20. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

### **Contaminated Land**

#### Desk Study

21. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and has been 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 that it is satisfied that no potential risk from contamination has been identified.

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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### Contaminated Land Outcome

22. If a potential risk from contamination is identified as a result of the work carried out under condition **xx**, 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### Further contaminated land

23. If contamination is found by undertaking the work carried out under condition **xx**, 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### Unexpected Contaminated Land at a later date

24. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out on that part of the site 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 Section 15 of the National Planning Policy Framework.

### **Lighting**

25. Prior to the installation of any external lighting in each phase, the design, position, orientation, any screening of the lighting and a full lighting strategy to include

illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, 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 document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Fire Hydrants**

26. No above ground works shall commence on any phase identified within an approved the phasing plan approved under condition 1 until full details of the fire hydrants to be provided or enhanced on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

### **Highways**

#### **National Highways**

##### Baynards Green Improvement works

27. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: SLR Consulting drawing ref: 216285-A-14B,, is completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the A43 Baynards Green junction in accordance with paragraph 115 National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

#### **Oxfordshire County Council**

##### Access

28. 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.

Pedestrian/cycleway connection southeast

29. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of a direct pedestrian/cycle connection to the adjacent public highway to the southeast. Thereafter the connection shall be provided in accordance with the approved details.

Reason: In the interest of highway safety, to provide a route for cycling between the site and nearby villages without using the carriageway of the B4100

Pedestrian/cycleway connection south

30. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of a pedestrian/cycle connection to the adjacent public bridleway to the south. Thereafter the connection shall be provided in accordance with the approved details.

Reason: To provide a connection to the adjacent public rights of way network, allowing employees access to nearby facilities at Cherwell Valley Services and to Stoke Woods.

Details

31. No development shall commence on any phase identified within the phasing plan approved under condition [1] unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

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.

HGV Routing

32. The development shall not commence until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with



Oxfordshire County Council's Freight and Logistics Strategy. And for the avoidance of doubt these shall not include the B4100 northwest of the Baynards Green Roundabout.

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.

#### Construction details

33. No development shall commence on any phase identified within the phasing plan approved under condition (1) unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within the site, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

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.

#### Cycle Parking Details

34. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. Thereafter, the 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 Vehicle Charging Points

35. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, 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

#### CTMP

36. 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 in consultation with the Highway Authority for the A43. This shall include details of phasing of the highway works. 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.

#### Signage

37. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason - To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

#### Travel Plan

38. Prior to the first occupation of the development hereby approved, a Framework 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.
39. 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.

#### Site Travel Plan

40. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based

on the Framework Travel Plan approved under Condition [XX], 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.

### **Drainage conditions**

#### **Thames Water**

41. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required 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 to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

#### **Anglian Water**

42. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved scheme.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

### **Local Lead Flood Authority**

#### **Surface Water Drainage**

43. No development shall commence until 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 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 the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
- 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 for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

#### Surface Water Management Scheme (Phases):

44. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

#### SuDS As Built and Maintenance Details

45. 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 .dwg 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 that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

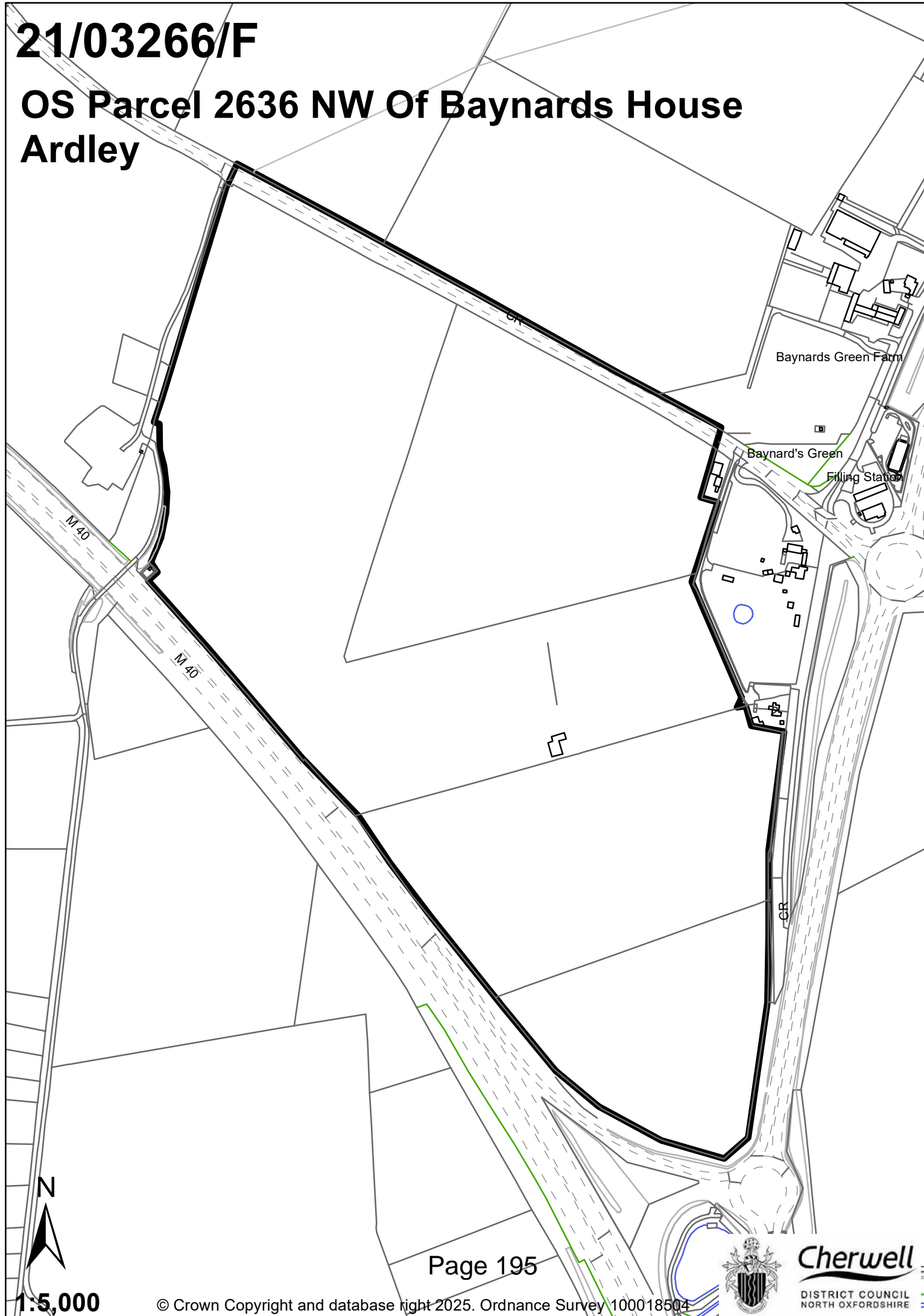


# **OS Parcel 2636 NW Of Baynards House Ardley**



21/03266/F

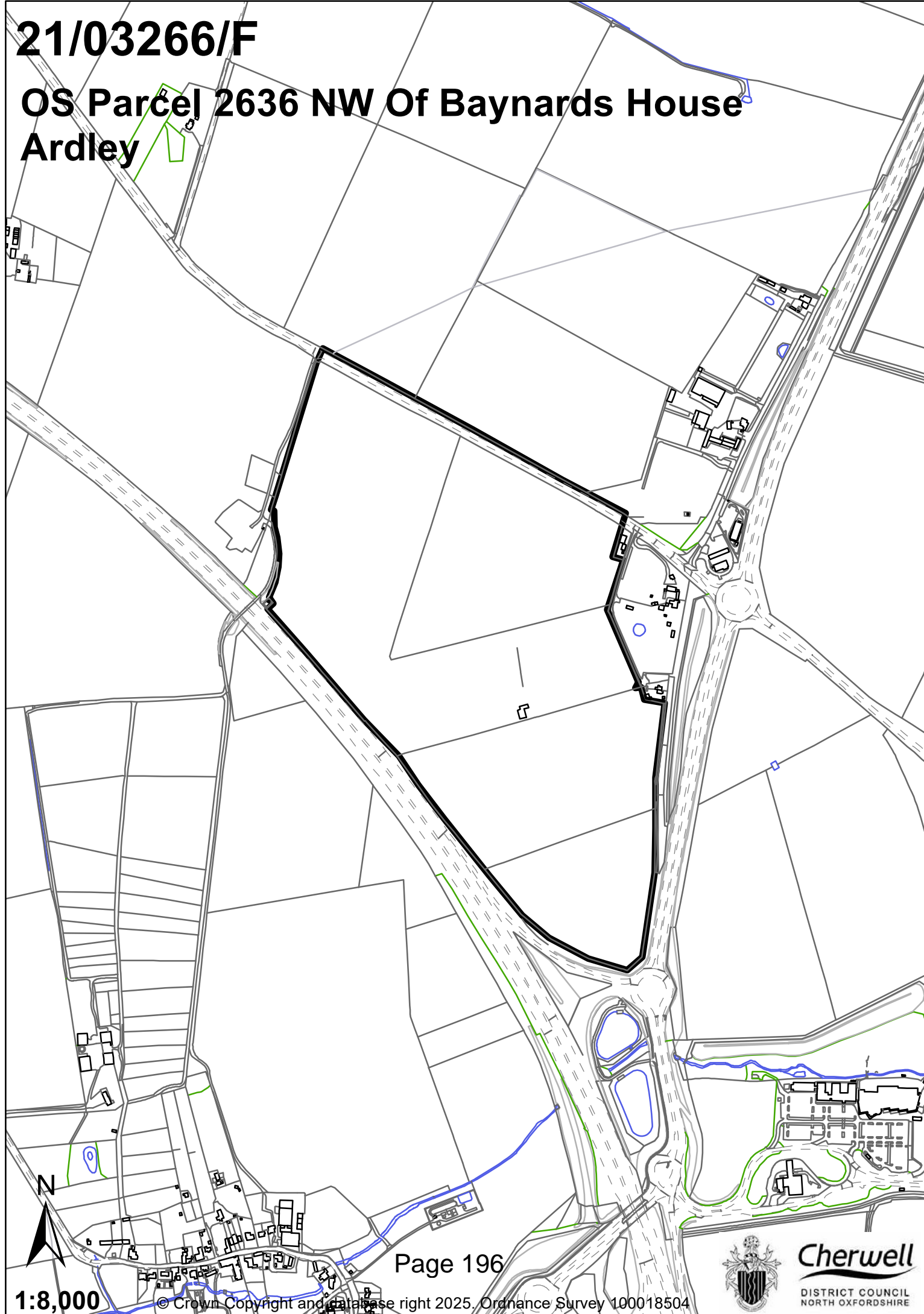
# OS Parcel 2636 NW Of Baynards House Ardley





21/03266/F

# OS Parcel 2636 NW Of Baynards House Ardley





**Case Officer:** Tom Webster

**Applicant:** Albion Land

**Proposal:** Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping

**Ward:** Fringford & Heyford

**Councillors** Cllr Grace Conway-Murray, Cllr Nigel Simpson, Cllr Barry Wood

**Reason for Referral** Major Application

**Expiry Date:** 31 May 2025

**Committee Date:** 3 July 2025

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND SECTION 106 LEGAL AGREEMENT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The site to which this application relates, and which would afford access to, sits just north of Junction 10 of the M40, comprises 43.9ha of arable farmland. The farmland is divided by low-clipped hedgerows (with some loss/gaps in places) into six separate fields. An overhead power cable crosses over the site.
- 1.2. The site is bounded by the B4100 to the north, the A43 to the east, the M40 & M40 south-bound slip road to the south/southeast, and a farm track and hedgerow to the west (with arable fields beyond). The land is relatively flat with a gently undulating nature. The highest point is 126m above ordnance datum (AOD) on the northwestern part of the site and gradually slopes down to 114m AOD.
- 1.3. The site is also in close proximity to Baynard's Green roundabout, which forms the junction of the B4100 and the A43 trunk road linking the M40 and M1 motorways. Three residential properties separate the junction from the site and sit along the north-eastern corner of the site.
- 1.4. Public Right of Way 109/5/10 runs down the eastern part of the site but then cuts through a third of the site and continues along the western boundary.

- 1.5. The northern, eastern and western boundaries are distinguished by mature tree belts and hedgerows. The southern part of the site, close to the M40 is more open in nature, with the level and density of planting increasing in parallel with the slip road.
- 1.6. There are no structures on site other than a small building in agricultural use.

## **2. CONSTRAINTS**

- 2.1. Two Public Rights of Way extend along the eastern and western boundaries of the Western Site (refs. 367/28/10 and 109/2/40). They are linked by a Public Right of Way that extends south westerly across the Western Site (ref. 105/5/10).
- 2.2. The Agricultural Land Classification for the site is predominantly 3b with the remainder being classed as 3a (Moderate Quality Agricultural Land)
- 2.3. There are no listed buildings on site and the site is not inside a Conservation Area. The closest listed building is the Grade II building on Baynard's Green Farm, which is 200m away to the east.
- 2.4. The Grade II listed Manor Farmhouse and Fewcott Farmhouse are located approximately 800m and 900m south of the site boundary respectively, on the opposite side of the M40.
- 2.5. The closest Conservation Areas are Ardley & Fawcett (800m, respectively) and Fritwell (1.2km), also on the opposite side of the M40.
- 2.6. The site is entirely in flood zone 1.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Planning permission is sought for the construction of a new access roundabout from the B4100 as well as the construction of an internal roundabout and connecting roadway.
- 3.2. These works constitute enabling works to help facilities the proposed logistics scheme of 170,000sqm GIA of XXL logistics units on this site.
- 3.3. The enabling works will also include the construction of a bus layby, foul drainage station, a temporary road, as well as the installation of in-ground services, the diversion of an existing overhead cable and the existing Public Right of Way (PROW which cuts across the site east down to the southern boundary, and soft landscaping.
- 3.4. For the avoidance of doubt, the works will comprise:
  - Clearance of existing vegetation (Crops & Hedges) and existing agricultural storage building;
  - Construction of a new access roundabout on the B4100;
  - Construction of an internal roundabout, including adjacent footpaths, landscape verge and street lighting;
  - Construction of a 7.3m wide roadway (and adjacent footpaths, landscape verge, street lighting and a bus layby) to connect the new roundabouts;
  - Construction of a foul drainage station to serve the Site and a temporary access road and electrical point, to connect to the foul drainage station.

- Construction of two swales – one adjacent to the internal roundabout and the other in south-eastern corner
  - Installation of utility connections, including electricity, water, BT and GTT fibre infrastructure. These will be installed underground and include high and low voltage electricity cables. They will connect with the existing services located to the northeast and northwest of the site.
  - Diversion of an existing overhead cable -the existing overhead power cable will be removed and diverted beneath the site to facilitate the vertical construction of buildings proposed in the Outline Planning Application.
  - Provision of soft landscaping and planting; and
  - Diversion of the existing public right of way through the centre of the site in a L- shape form.
- 3.5. This application seeks outline planning consent (all matters reserved except means of access) for 300,000 sqm GIA of logistics (Use Class B8) and ancillary office (Use Class E(g)(i)) floorspace, and the construction of associated parking, servicing, hard and soft landscaping.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. There is no planning history on this site directly relevant to the proposal. However, the following planning applications (submitted by Albion Land) on the neighbouring sites are considered relevant to the current proposal:

OS Parcel 0006 South East of Baynards House Adjoining A43 Baynards Green

21/03267/OUT - 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 – *to be determined*.

OS Parcel 2636 NW Of Baynards House, Ardley

21/03268/OUT - 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 – *to be determined*.

Os Parcel 6124 East of Baynards Green Farm Street to Horwell Farm Baynards Green

22/01340/OUT - 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 – *to be determined*.

- 4.2. In addition, the land to the northwest of the Baynards Green roundabout, behind the petrol filling station and restaurant, was the subject of a speculative outline planning application for a mixed B1, B2 and B8 employment development in 20018 (Ref:

18/00672/OUT). Planning permission was refused for that development proposal and a subsequent appeal (Ref: APP/C3105/W/19/3225084) was dismissed. The reasons for those decisions are available to see on the Council's planning applications website.

## **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 EIA application has been publicised multiple times by way of a Site Notices displayed near the site, by advertisement in the local newspaper expiring **18 July 2025** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **18 July 2025**.

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

100 letters of objection (although some, although not all of these letters are duplications due to several different consultations):

- The land bordering the application site is slated to be designated as a Conservation Target Area in the revised Cherwell Local Plan 2042 and this designation should be extended on all the land up to the edge of the A43 (so as to encompass the application site).
- The application site sits squarely in land defined (under the new terminology) as Open Countryside and the proposed development would seem to violate some of the proposed Policy LEC3, especially paragraphs vii - ix as they relate to Category C villages and open countryside (the proposed development also violates paragraphs i, ii, iv and vi). Paragraphs ii and iv of LEC3 are also drawn out in the LUC "Review of Landscape and visual effects" which acknowledges that "there will be significant adverse effects on landscape and visual receptors" and that these long-term adverse effects are "beyond that which could be mitigated". It is noted that OCC, as Highways Authority.
- The modelling work has not taken into account the proposed Puy Du Fou application at Bucknell which would direct all vehicles along exactly the same route, via the Baynards Green Roundabout and the B4100, as is proposed for access to the application site.
- This proposal is vastly over scaled especially when added to other proposals at Baynards Green and Heyford for warehousing and a freight depot. Taken together, these proposals will industrialize the Cherwell Valley.
- The proposed development will encroach on Stoke Wood, which is the only natural woodland within six miles of Bicester.
- All employees would have to commute by car an extensive archaeological survey would be required. (Pictures supplied)
- It is not an allocated site.
- Employment land is allocated elsewhere in the district through the Local Plan.

- This area is open countryside and the proposed development would significantly change the characteristics of the area and local vicinity.
- The landscape has already been harmed by the approval of the garage.
- The site is within close proximity to at least 12 Grade-2, Grade-2\* and Grade-1 listed buildings and the ancient woodland Stoke Wood, owned by the Woodland Trust
- The proposal will lead to increased traffic causing traffic to divert using local road arteries for cut-throughs, including Stoke Lyne.
- Cumulatively, this application, along with the Albion Land proposals and the Oxford Strategic Rail Freight Interchange will lead to light pollution, environmental pollution & nature conservation harm.
- Cumulatively, these proposals would be 4 x the size of the warehouse scheme dismissed at appeal (18/00672/OUT)
- The B4100 is a very busy road and at rush hour there are long delays going toward the M40. The warehouse use will add to these delays.
- The application is also flawed as it fails to recognise the significance of Stoke Woods, a medieval coppice very popular with dog walkers in close proximity to the proposed development and a number of listed buildings within Stoke Lyne and Bainton Parish.
- The proposed development is in the wrong place. The materials and design are not in keeping with the countryside. The proposal would be incredibly disruptive and increased traffic and emissions would diminish the air quality for local people, putting public health at risk.
- The proposal would ruin the tranquillity of the countryside and mental health of residents.
- There is no need to provide extra jobs in the local area as very low unemployment rate.
- The journey from the M40, along the A43 and then down the B4100 (heading South-East) would be akin to driving in a roofless tunnel.
- The proposal would generate significant number of HGVs attempting to join the roundabout from the B4100 south would only exacerbate the problem of long tailbacks forming along the B4100 (currently, often as far down as the Stoke Lyne turning)
- The development site is within sight of St Peter's Church, Stoke Lyne, a Grade-2-star listed building which would be harmed as a result of the development
- Increased jobs would lead to pressure for more houses.
- There is no public transport available to this site & cycling along the surrounding roads is extremely dangerous as they are either dual carriageway or have a high volume of traffic.
- Inappropriate design, appearance and materials

- Would result in overlooking and a loss of privacy and light and also overshadowing.
- Impact on the conservation area.
- Would cause flooding
- Would harm the wildlife
- Noise impact on the residents of Stoke Lyne and Hardwick
- The removal of agricultural land and is at odds with the drive towards a plant-based diet.
- Ironically, the ES statement lists agriculture as being the second highest in the applicants' assessment of Gross Value Added per worker. Transportation and storage are 9th on the list.
- Not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.
- It is acknowledged that significant weight should be placed on supporting economic growth in the logistics sectors as outlined with the NPPF (2023). However, a logistics development of this nature and scale would be far more suitable and sustainably located adjacent or in close proximity to Banbury, Bicester or Kidlington.

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.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. Evenley Parish Council: **Object**

Evenley Parish Council strongly objects to the proposals, as we did in 2022. The impact on the local environment and infrastructure will be immense, with a significant increase in traffic on already heavily used roads, already full of HS2 traffic. This will result in more pollution and light and noise disturbance to peaceful local communities.

This is a very large-scale development proposal, on a greenfield site and in a rural area. It would dwarf the small-scale buildings in the neighbouring countryside. Further, it would result in considerable loss of biodiversity.

7.3. Fritwell Parish Council: **objects**

- Would generate low skilled jobs leading to an increase in people driving to the area
- Dispute the applicant's assessment that there is a shortage of jobs locally.

- Have concerns over the drainage solutions, particularly with regards to long-term maintenance.
- Disregards local planning norms as this is not a designated site for development.
- Irreparably harms the character and visual appearance of the area.
- Will lead to an urbanisation of the area, as the catchment area will not support the employment needs of this facility (despite the analysis report suggesting otherwise). These employees will come from elsewhere in the country and this influx of people will have to live somewhere. The Bicester to Banbury corridor is exhausted by the pressures of already planned and now, speculative developments.
- Will be a “speculative development” referencing the “need for warehouse space” does not accommodate a strategic plan for where it should be located to accommodate minimum traffic movements to serve the real needs of the country, FPC see nowhere in this application a reference to this as a strategic location other than it is located along a major road system. Thousands of square feet of warehouse space already developed along the M40 corridor remains unused.
- States in the Statement of Community Involvement a local consultation has been concluded. Villages, and estates (Tusmore Park) that will be affected by this development, have been excluded from the consultation, in FPC opinion, rendering this exercise unproductive.
- FPC supports this view that this development will irrevocably damage the rural nature of this area and the species it supports.
- Building such large structures at this junction will only exacerbate already intractable problems and increase traffic pollution in this area, an area that is essentially rural in nature. While this development is close to a motorway junction, there is no public transport to this site.
- Would prefer to retain the site as farmland and develop previously developed land elsewhere in the district.
- *Noise, light, and Air pollution* are of significant concern during the construction and operation of these warehouses, particularly the cumulative effect that would surround the village of Fritwell with the Heyford development to the Southwest, the potential for the Rail Freight Terminal in the South and this development with Albion Land and this development to the East. Fritwell Parish are deeply concerned about noise attenuation resulting from this facility operating 24/7. Fritwell is Class 3/Class 4 on the Bortle Scale for Night Sky Brightness, this would be compromised by additional light pollution from this planned facility. We enjoy good air quality in Fritwell despite the proximity of the motorway, this will be compromised by this development.

#### STATUTORY CONSULTEES

##### 7.4. OCC Archaeology: **No Objections**

No archaeological deposits which will require further mitigation were recorded in the western land parcel, which is subject to apps. 21/03266/F and 21/03268/OUT.

#### 7.5. BBOW: **Object**

- Loss of hedgerow priority habitat
- Insufficient evidence that populations of farmland bird species will be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and Species Regulations 2010 as amended by paragraph 9a of the Conservation of Habitats and Species (Amendment) 2012 Regulations).
- The importance of a net gain in biodiversity being in perpetuity
- Further justification required to illustrate how net gain in biodiversity will be achieved
- Cumulative effects on farmland birds in the context of other infrastructure proposals for the area

#### 7.6. CDC Conservation: **No Objection**

The comments relate to the two applications, an outline planning application for logistics buildings and ancillary offices and a full planning application for site clearance, access roads and other internal drainage works etc. As such both applications are considered together.

The Listed barn at Baynards Farm to the north of the site is part of a farm complex that has now been converted to business use. These buildings are located adjacent to the A43 and behind a modern petrol station and fast-food outlet. It is therefore considered that the setting of the Listed barn is somewhat compromised by the existing buildings in its immediate surroundings. Because of this the proposed development of this site is unlikely to further harm the significance of the Listed Building through development within its setting. It is noted that the indicative plans show the land surrounding Baynards House not to be developed and landscaping to the north of the site around the site entrance.

The two village conservation areas closest to the site are Ardley and Fewcott, and Fritwell. From within these conservation areas the development site is not considered to be visible and Fritwell conservation area in particular is surrounded by more modern development on the east side that is not part of the conservation area. In both cases once you are well outside the village on the footpaths the logistic sheds may be visible in the wider landscape, however the views and countryside setting are considered to be interrupted by the existing road infrastructure. Because of this and the distances involved the proposals are not considered to be harmful to the significance of the conservation areas.

The works proposed by application 21/03266/F are localised to within the site and providing access from the existing road, consequently these proposals are not considered to be harmful to the heritage assets.

It is accepted that large developments of this kind will have a visual impact on the landscape. Landscape mitigation should consider the setting of conservation areas and Listed Buildings. It should also be noted that as one of the applications is an outline application the indicative details may change. If the building heights were to increase, then there is potential for greater impact. Furthermore, the final design, colour and type of materials used in the buildings will also be key to mitigating the impact of the developments.



Overall, in terms of Heritage Assets the developments are considered to have limited direct impacts and therefore we defer to the landscape team and where appropriate OCC Archaeology for comment.

7.7. Campaign to Protect Rural Oxfordshire – **Objection**

- Harm to the character and appearance of the area
- Landscape harm & village setting
- Could be located on other parts of the M40
- A land grab would be needed for the cycle/pedestrian route
- Significant loss of biodiversity on the site
- The applicant should show how the site in Piddington will provide the complementary habitat green corridors that will be lost to Baynards Green.

7.8. OCC LLFA: **No objection, subject to conditions**

7.9. Environmental Agency: **No Objections**

7.10. OCC Highways: **No Objection, subject to conditions**

*Original comments*

An updated highways plan has been submitted as part of the Transport Topic Paper Addendum, in Appendix E. This shows that our previous comments have been partially addressed by providing a footway on the western side of the access road and an informal crossing for pedestrians at the splitter island of the roundabout. However, this is considered potentially unsafe due to the proximity to the roundabout. It will certainly feel uncomfortable for pedestrians to use given the large number of turning HGVs.

It is also not clear from the plans how cyclists coming from the proposed new shared use footway/cycleway along the B4100 would access the unit(s) to the west of the access road. There should be a facility for cyclists to cross the access road safely. This could be provided as a parallel crossing further into the site.

Although this is a full application, if the outline planning application which it relates to is approved, I recommend that the submitted plans for the access are not approved but a condition is applied as below requiring further detail of a crossing and cycle link to the western units.

*Officer update:* OCC Highways comments have now been addressed -see Highways chapter of this report- and are satisfied with the proposal.

6.4. OCC Local Lead Flood Authority: **No comments, subject to conditions**

6.5. National Highways: **No objection, subject to condition**

The application concerns enabling works for the development at the same location which is the subject of application 21/03268/OUT. National Highways has no objection in principle to this planning application, but recommends to West

Northamptonshire Council that the following conditions are attached to any grant of planning consent in the interest of maintaining the safety and integrity of the A43:

7.11. National Planning Policy Case Unit: **No Comment**

7.12. National Grid: **No comments received**

7.13. Mid-Cherwell Neighbourhood Forum: **Objection**

- Not clear how diverse the range of jobs would be
- Loss of agriculture
- Harm to the existing landscape
- The scale of development will have an adverse effect on the surrounding environment.
- Not enough detail re the volume of traffic
- Both the Conservation Areas are entirely within this zone, and therefore – theoretically – the development could cause harm to the setting of the Conservation Areas. The applicants should be required by CDC to carry out detailed analysis of views and vistas in order to ascertain the extent of visibility affecting these Conservation Areas. Only then is it possible to determine whether the requirements of Policy PD4 can be met.
- Concern that the development could be contrary to the Neighbourhood Plan policy PD4 -potentially to the character of a village and its setting or of the wider countryside; and its ability to avoid light pollution
- The Inspector refused the employment appeal scheme to the north of this site
- Prematurity -coming forward before the new Local Plan
- Unproven demand.

6.6. OCC Public Right of Way: **No objection**

*Original comments:*

Footpath 109/5/10 is proposed to be diverted as it passes through the site. OCC would like to see this dedicated as a bridleway at the same time as any diversion, which would allow for cycling, and complete a missing link between Stoke Lyne Bridleway 367/29 and Ardley Bridleway 109/2. This could be a 3m wide tarmac path with a verge on either side. See map and annotations below. This comment is made without prejudice to the desirability/outcome of any application to divert PRoW. The existing/alterd footpath connection to opposite the services should be retained.

The preferred alignment would be as shown below and make use of the 3m wide cycle connection to the site, although as stated above, it would be better within the site rather than alongside the B4100. An improved crossing point leading across the B4100 into the service area site, would provide an onward connection to bridleway 367/29. As the area of highway land on the western side of the service area access is quite wide, it should be separated from the access road by a verge until it can connect with the access road at a safe point.

Officer comment: The public right of way diversion has been relocated on a revised plan, in accordance with the advice of the Public Right of Way Officer.

- 7.14. Thames Water: **No objection, subject to a pre-occupation condition** due to an inability of the existing water network infrastructure to accommodate the needs of this development proposal.

#### OTHER CONSULTEES

- 7.15. Bicester BUG:

##### **B4100 Road**

*Along the frontage of the site, segregated and buffered pedestrian and cycle paths should be provided on both sides of the B4100 to facilitate foot and bike movements within and between the development. This is essentially now a spine road. See the Oxford Cycle Design Standards.*

*Pedestrians and cycle crossings over minor junctions need to be set back a minimum of 5m for reasons of safety, particularly given the paths are bi-directional.*

##### **Albion West Access**

*There is a shared path on one side of the road, but a pedestrian only path on the other. It is inevitable as arranged that cyclists will ride on the pedestrian path to avoid the need to make the crossing. Better to ensure that there are shared paths on both sides of the access road.*

##### **Cycle Path**

*Priority needs to be continuous across access points.*

*There needs to be access and egress points from the cycle path near to where there are junctions off the B4100 to other destinations to allow cyclists to join and exit the path.*

*The bus stop bypass design is quite fussy and complicated. Better to provide a wide section of shared area adjacent to the bus stop to enable pedestrians and cyclists to pass without risking collisions.*

*Metal rails / fencing is proposed at various points. Note that this effectively reduces the width of the path by 0.5m so the path will need to be widened in these areas.*

*It is not clear where the cycle path ends in Bicester. It should be continuous until it joins onto the cycle provision at the new Banbury Road junction.*

*The path runs along the back of the large layby near Bicester. Either the layby needs to be redesigned, or the path needs to run in front of the layby for safety and security, even if this requires two (setback) crossings over the mouths of the layby.*

##### **Albion Land Site Western Parcel**

*The shared paths seem incoherent and only lead into car parks, rather than close to the entrances of the buildings. The shared paths should lead all the way to the entrance to the buildings where the cycle parking should be located to enable effective surveillance of valuable e-bikes.*

*The shared paths seem only to be shown on one side of the internal road with a narrow pedestrian path on the other, and similarly to the bus stop. Cyclists will inevitably ride on the pedestrian paths as currently designed, causing conflict and annoyance. It would be preferable to have shared paths on both sides of the carriageways.*

## **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 (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 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 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Landscape Protection
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- EMP4 – Employment generating development in rural areas
- TR1 – Transport
- TR10 – Heavy Good Vehicles
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development

### Mid Cherwell Neighbourhood Plan 2018 - 2031

- Policy PD4: Protection of important views and vistas
- Policy PD5: Building and site design
- Policy PD6: Control of light pollution

- 8.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF, Dec 2024)
- Planning Practice Guidance (PPG)

- Developer Contributions
- Conservation of Habitats and Species Regulations 2017

## 9. APPRAISAL

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

- Principle of development
- Landscape/impact on the character of the area
- Highways Impact
- Ecology
- Drainage
- Residential Amenity
- Other Matters

### Principle of Development

- 9.2. Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. This paragraph makes clear that these dimensions are needed to help build a strong, responsive, and competitive economy; to support strong, vibrant, and healthy communities; and to protect and enhance our natural, built, and historic environment.
- 9.3. This enabling development proposal is broadly compliant with these core principles in that it seeks to help facilitate a significant amount of B8 logistics space (the subject of an outline application 21/03268/OUT) and, with it, deliver a large amount of job growth, whilst minimising disruption to neighbouring residents and people using the public right of way and the users of the B4100 .
- 9.4. In the event that Outline application 21/03268/OUT obtains consent, the principle of this revised temporary access road would be acceptable, provided it does not result in highways safety problems on the local highways network, does not cause landscape harm or other wider impacts and satisfies other relevant policies.

### Highway Safety

- 9.5. Paragraph 116 of the NPPF 2024 (December) states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 9.6. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work.
- 9.7. OCC Highways were consulted and whilst they are comfortable with the principle of the proposal. They had raised highways safety concerns. An updated highways plan has been submitted as part of the Transport Topic Paper Addendum, in Appendix E. This has partially addressed OCC Highways previous comments, by providing a footway on the western side of the access road and an informal crossing for pedestrians at the splitter island of the roundabout.
- 9.8. However, OCC Highways considered it potentially unsafe because of the proximity of the footway/crossing to the roundabout. Their view was that it would feel uncomfortable for pedestrians and cyclists to use this crossing, given the large number of turning HGVs.

- 9.9. Following detailed discussions with OCC Highways Officers, the applicants have responded to OCC Highways concerns by submitting plan 17213-13 Revision O and a Road Safety Audit (RSA). The plan includes:
- a) A parallel crossing provided further into the site.
  - b) an increased verge width of 0.5m on the western side; and
  - c) 3m surfaced area duly moved 0.5m across to the west.
  - d) Belisha beacons have been added too.
- 9.10. The RSA recommends the need for the access link to be subject to 30mph (or by inference lower) speed limit restriction. OCC Highways are noW satisfied with the proposal.
- 9.11. Subject to conditions, this aspect of the proposal complies with national and local planning policy.

#### Residential Amenities

- 9.12. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.13. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which 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."*
- 9.14. Given the significant setback between the access into the site, the internal roads and the internal roundabout, from the closest neighbouring residential property (135m – 146m respectively, I do not anticipate this proposal materially impacting on the existing amenities of the neighbours.
- 9.15. Noise, lighting and dust, resulting from the site clearance and construction works, will be controlled by conditions to ensure compliance with national, local and neighbourhood plan policies.

#### Public Right of Way

- 9.16. The PROW footpath 105/5/10 which extends across the site, from east to south will be diverted as part of these enabling works. The Public Right of Way officer was consulted as part of this application and Outline application 21/03268/OUT and is content with the proposed (revised) arrangement, subject to developer contributions being secured for public rights of way improvements (see planning obligations section).

#### Landscape and Visual Impact

- 9.17. LUC, as part of their LVIA review work for the Council during outline application concluded that:

*"The enabling works will be visible from local community/residential receptors at Baynard's Green. Views will also be opened up due to removal of vegetation along the B4100 (as shown on Parameter Plan 03). Construction activities will result in adverse effects on landscape features and character of the Eastern Site and Western Site (localised parts of LCT 6: Farmland Plateau and 19 Wooded Estate lands) due to the removal of all internal hedgerows, trees and change from rural agricultural fields*

*to construction sites including remodelling of topography to create the development platforms and temporary construction lighting.*

*This will also adversely affect views from the local community of Baynard's Green (these are the properties closest to the Site and are open to the Western Site) and Fritwell, and to a lesser extent the local communities of Stoke Lyne, Ardley/ Fewcott, from local public rights of way and from the three roads bordering the site (M40, A43 and B4100)."*

- 9.18. I agree with her conclusions but, given the substantial material benefits of the outline scheme, leading to my recommendation for approval for that application, the enabling works are necessary to deliver a significant number of jobs. Moreover, some of the harm caused by the enabling works would be short-term as the site will be built upon and landscaping schemes (secured by condition) will be put in place to soften the impact on the neighbouring residents.

### Ecology

- 9.19. Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) seeks to protect and enhance biodiversity and the natural environment.
- 9.20. 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.
- 9.21. 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 on to state that development should take opportunities to protect and wherever possible enhance biodiversity and habitats.
- 9.22. These policies are both supported by paragraph 187 of the NPPF which states 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.
- 9.23. Cherwell Local plan policy ESD11 states: "*Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted.*"
- 9.24. Moreover, 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.
- 9.25. The PPG 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 LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity
- 9.26. Tyler Grange, on behalf of the applicants, have conducted an Ecology Appraisal and provided additional foraging information and a HHMP.
- 9.27. This information confirms that 2.6k of hedgerow (some of it is species rich) across this parcel of land and Albion's Eastern parcel, on the other side of the A43, would be lost and a general loss of habitat for farmland birds (Lapwing, Skylark, Yellowhammer) and the hairstreak butterfly.

- 9.28. The applicants are proposing on-site mitigation measures through the provision of Enhanced Areas of Landscape Zones (shown on the Land use plans) which would be areas designated for retention and strengthening of existing vegetation.
- 9.29. The applicants have also acquired 20ha of arable land located near Piddington. This site will be used for the creation of neutral grassland (comprising grassland with a high proportion of flowering grasses) and hedgerows.
- 9.30. The applicants have also submitted a draft Habitat Management and Monitoring Plan (HMMP) which sets out measures to maximise the biodiversity potential of retained and newly created habitats through appropriate management covering a period of 30 years.
- 9.31. Collectively, through on-site and the off-site measures, the applicants anticipate that this development would be able to achieve a BNG of 16% for habitat units and 11% for hedgerow units.
- 9.32. I note that there has been a number of objections to this scheme and the outline application on ecology grounds including, but limited to, residents, Fritwell Parish Council, CDC Ecology, CPRE, Tusmore Park Estate & BBOWT who do not think the BNG proposal is policy compliant. The Environmental Agency also raised concerns that the 20ha off-site area near Piddington is in Flood Zones 2 and 3 and, therefore, at risk of flooding.
- 9.33. The Council's ecology officer is also concerned about the impact the proposal would have on the existing badger set and fears that due to the loss of so much foraging areas for them, they will essentially become landlocked and would like to see further buffer habitat for badgers as well as wildlife tunnels beneath all roads. The applicants have responded that, due to the size of the buildings and the foundations it will not be possible to provide further on-site buffer habitat. However, badgers are protected species and will need to be protected. Consequently, a planning condition requiring mitigation measures is recommended.
- 9.34. In response to the Environmental Agency, my understanding is that as part of the HMMP, no buildings or structure will be erected there as part of the habitat improvement works.
- 9.35. I do think the loss of so much species rich hedgerow, and the reduction in farmland birds and hairstreak butterfly, conflicts with local plan policies, and it is a harmful aspect of the development. However, I also think that, whilst the harm cannot be completely compensated, the provision of robust ecology conditions to ensure the delivery of on-site replacement hedging and off-site wildlife and planting provision, this element of the scheme would not warrant a refusal in itself.

#### Drainage

- 9.36. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning 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. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage



systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 9.37. 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.
- 9.38. 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.
- 9.39. A new water main would be installed in order to provide points of connection to the future buildings. The water main will follow the alignment of the proposed access road. The new water main will pass along the B4100 to the north of the Site towards its junction with the A43. The necessary works to the public highway will be secured via a S278 Agreement.
- 9.40. The proposed enabling works also include the installation of a foul water drainage station to serve the Site. The foul water drainage station will be located in the southeastern corner of the Site.
- 9.41. Two swales will be installed within the Site. One will be adjacent to the internal roundabout and the other will be located in the southeastern corner of the Site.

*“The swales will provide a sustainable drainage function within the Site. Water will drain towards the larger swale located in the southern corner of the Site. Water from the largest swale will drain at greenfield rate to a local ditch.”* (para 4.21 of the planning statement)

- 9.42. The applicants, in their updated submission documents, have included an updated Flood Risk Assessment (September 2024), prepared by Bailey Johnson Hayes Consulting Engineers.
- 9.43. This report recommends that the following drainage measures are put in place to mitigate the impacts of the development: *“Raising thresholds and building levels outside of design flood levels, providing safe access and egress around the development, directing overland flows towards areas of low risk, implementation of SuDS to manage runoff at sources thus reducing flood volume, installation of pollution prevention features to prevent contamination at discharge locations, tree planting to increase biodiversity and absorption of water, management and maintenance to ensure correct operation of all drainage systems and managing residual risks post development.”*

- 9.44. The report goes on to recommend the following SuDs features:

- Swales
- Infiltration Basins
- Permeable Paving
- Petrol Interceptors
- Catchpits, Gullies and Line Drains
- Flows control devices

- 9.45. It concludes by stating that, *“Further design will be required to establish the detailed drainage network and to ensure no flooding is created on the site during the 30-year event and flooding is contained on site safely during the 100-year + 40% event.”*
- 9.46. Subject to conditions, Thames Water, CDC Drainage officer, and OCC, as the LLFA, have not raised any objections to the proposal. Therefore, with the appropriate conditions attached, the proposal accords with the Local and National Planning Policies.

#### Archaeology

- 9.47. OCC's Archaeologist is satisfied that there are no archaeological deposits which will require further mitigation on this site.

#### Planning Obligations

- 9.48. The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Cherwell District Council's Local Plan: Part 1 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably
- 9.49. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.50. Oxfordshire County Council have requested the following contributions, which will be subject to indexation:

Public Rights of Way - Improvements to public rights of way in the vicinity of the site - **£54k**

#### Other Matters

- 9.51. I note the advice received from Bicester BUG, as part of their consultation response and, having sought the advice of the OCC Highways officer, I shall address each relevant point in turn:

##### *B4100 Road*

- 9.52. The OCC Highways officer disagrees that this is like a normal spine road in terms of the requirements for movements. All likely movements between the sites and the petrol filling station and the bus stops would be catered for, and in the only place where there would be significant pedestrian movements (between the sites and the bus stops on the B4100) pedestrians would be segregated from cyclists. Elsewhere shared use is considered acceptable.
- 9.53. Crossing setbacks can be adjusted at detailed design stage if necessary.

##### *Albion West Accessibility*

- 9.54. OCC Highways have requested a condition to deal with how cyclists access the western units.

##### *Cycle Pathway*

- 9.55. Cycle path: priority across access points will be given where it is safe to do so, noting points above about set back – not always sufficient land to set the crossing back far enough, in which case it may not be safe to give priority to cyclists – this will be looked at at detailed design stage.
- 9.56. Access and egress points, and bus stop bypass design can be addressed at detailed design stage.
- 9.57. Noted re rails and fencing, but we have accepted that there will be narrowing's in places where there are constraints.
- 9.58. The proposed cycle path ends at Braeburn Avenue, where it is considered safe for cyclists to join the carriageway. The developers have shown (to OCC) a design where the junction radii are reduced to allow a safe transition onto the carriageway. Unfortunately, there isn't enough highway land on Braeburn avenue for a segregated cycle facility. On the B4100 south of Braeburn Avenue, there is a building close to the carriageway near the bend, which makes it unsuitable for an off-carriageway route alongside the B4100 to the A4095 junction.
- 9.59. The details of how the cycle path goes through the layby can be addressed at detailed design stage.

## **10. CONCLUSION**

- 10.1. The proposed site clearance and construction of a new site access from the B4100, along with the creation of permanent and temporary internal roads, an internal roundabout, a foul drainage station, the diversion of an existing overhead power cable and public right of way, and the provision of soft landscaping, is considered to be acceptable and in accordance with the NPPF (Dec 2024), the Cherwell Local Plan: Part 1 (2015) and the Mid-Cherwell Neighbourhood Plan (2018 -2031).
- 10.2. Accordingly, it is recommended that, subject to conditions, planning permission be granted

## **11. RECOMMENDATION**

That permission be granted, subject the conditions set out in **Appendix 1** and the identified planning obligations (to be set out in the written update).

## **Appendix 1 for 21/03266/F & 21/03268/OUT**

### **Draft Conditions**

#### **Phasing Plan**

1. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: This permission is in outline only and is granted 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. No development shall commence on any phase identified within an approved the phasing plan approved under condition 1 until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted 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 timings**

3. 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 five 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: This permission is in outline only and is granted 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). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

#### **Use Class**

4. The development hereby permitted shall be used only for purposes falling within B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in accordance with Government guidance contained within the National Planning Policy Framework.

### **Approved Plans**

5. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

20005-TP=009 Revision B Parameter Plan 07 Building Heights

20005=TP-010 Revision A Parameter Plan 08 Vegetation Retention & Removal

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

6. Notwithstanding the submission of the Land Use and Landscape Parameter Plans, where the overall provision of hard surfacing is unacceptable to the LPA, new Land Use and Landscape Parameter parameters plans will be submitted as part of the reserved matters application which includes the same provision of layout and roads but reduces the provision of lorry hardstanding and increases the provision of landscaping along the western boundary in parallel with the A43. The Building Heights parameter plan is acceptable in so far as as the building heights are concerned.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

### **Ground Levels**

7. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-

2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Energy**

8. All applications for approval of reserved matters shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase, including the provision of solar PV. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no unit shall be occupied until the approved on-site renewable energy provision serving that unit is operational and shall be retained as such thereafter.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

### **Ecology Conditions**

#### **LEMP**

9. The development hereby permitted shall be carried out and maintained in strict accordance with the Landscape and Ecological Management Plan (LEMP), dated March 2025.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and 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.

#### **CEMP:**

10. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) based on the measures outlined in the Ecology Appraisal by. has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) 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);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) 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, unless otherwise agreed in writing by the Local Planning Authority.

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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### BEMP

11. The development hereby approved shall not be first occupied or used until a Biodiversity Enhancement and Management Plan (BEMP) for enhancing biodiversity on the site and/or elsewhere within the Cherwell District so that an overall net gain is achieved has been submitted to and approved in writing by the local planning authority. This shall also include a timetable for provision of measures. Thereafter, the biodiversity enhancement scheme shall be carried out and retained 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### HMMP

12. The development shall not 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.

#### Protected Species

13. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by an ecologist (Member of CIEEM or equivalent professional organisation) 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 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### Breeding Birds on Off-site Land

14. As part of the first Reserved Matters submission, breeding bird survey work relating to the off-site land proposed to be used for BNG and ecological mitigation purposes, shall form part of the submission. This survey work shall identify the carrying capacity of the site they plan to use to see if it feasibly can be used.

Reason: To ensure that the development manages, enhances and protects wildlife in accordance Policies ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

#### Badgers Mitigation

15. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, 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 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.



### Seasonal removal

16. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) 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 and Government guidance contained within the National Planning Policy Framework.

## **Employment Floorspace Cap**

### Total Floorspace

17. No more than 100,000sqm GIA of employment floor space shall be provided across the site as demonstrated on the 'Parameters Plans'. Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

### No additional internal floors

18. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations or extensions increasing the floor space of any buildings hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing, and traffic generation on the site in accordance with Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 and paragraph 116 of the NPPF.

## **PD Rights**

### Above ground infrastructure

19. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase or discharge of other conditions forming part of this permission.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **Landscape**

### Landscaping Strategy and Management

20. As part of the Reserved Matters submission, for each phase, a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports and is complimentary to the Illustrative Strategy (Landscape)

These details will include the following in relation to the submission:

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.

- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife in accordance Policies SLE1, ESD10, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 aims and objectives of the National Planning Policy Framework

### **Arboricultural method statement**

21. Prior to the commencement of development, an arboricultural method statement, which includes tree protection measures shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the statement's recommendations and shall be retained in place for the duration of the construction of the development.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

### **Contaminated Land**

#### Unexpected Contaminated Land at a later date

22. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out on that part of the site 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 Section 15 of the National Planning Policy Framework.

## **Lighting**

23. Prior to the installation of any external lighting, the design, position, orientation, any screening of the lighting and a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, 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 document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and harm to the environment from light pollution in accordance with Policy ESD10 of the Cherwell Local Plan 2011- 2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **Fire Hydrants**

24. No above ground works shall commence on any phase identified within an approved the phasing plan approved under condition 1 until full details of the fire hydrants to be provided or enhanced on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development in that phase, the fire hydrants shall be provided or enhanced in accordance with the approved details for that phase and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

## **Highways**

### **National Highways**

#### Baynards Green Improvement works

25. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highway as shown in general accordance with SLR Consulting drawing ref: 216285-A-14A Rev B titled Baynards Green General Arrangement, is completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the A43 Baynards Green junction in accordance with paragraph 115 National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

#### Excavation Works

26. Prior to the commencement of any excavation works and landscaping works, geotechnical submissions shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with the Highway Authority for the A43).

Reason: To mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022.

## **Oxfordshire County Council**

### Cycle Arrangements

27. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of the vehicular, cycle and pedestrian access arrangements including pedestrian and cycle infrastructure connecting the parcels west of the proposed access road to the proposed improvement scheme at Baynards Green, incorporating a safe crossing point of the access road. Thereafter the access arrangements shall be provided prior to first occupation of the site in accordance with the approved details.

Reason: in the interest of highway safety. The current drawing does not show a suitable cycle connection and crossing point.

### Public Right of Way Improvements

28. The development shall not commence until full specification details have first been submitted to and approved in writing by the local planning authority of permanent improvements to the existing public footpath through the site and including its connection to the adjacent bridleway and its proposed diversion route through the site including route, width, surfacing, drainage, boundary treatments, gates and landscaping, together with a timetable for their implementation. Thereafter the improvements shall be provided in accordance with the approved details.

Reason: to ensure that the public right of way is usable and attractive.

### Access

29. 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.

#### Details

30. No development shall commence on any phase identified within the phasing plan approved under condition [1] unless and until full specification details (including construction, layout, surfacing and drainage) of the turning areas HGV and car parking spaces within that phase have been submitted to and approved in writing by the Local Planning Authority. The car parking provision shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. The turning area and parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development in that phase.

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.

#### HGV Routing

31. The development shall not commence until details have first been submitted and approved in writing of an HGV Routing Strategy which shall set out measures to prevent HGVs travelling to and from the site during the operational phase from using routes other than approved HGV routes, which shall be in accordance with Oxfordshire County Council's Freight and Logistics Strategy. And for the avoidance of doubt these shall not include the B4100 northwest of the site access.

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.

#### Construction details

32. No development shall commence on any phase identified within the phasing plan approved under condition (1) unless and full specification details (including construction, layout, surfacing and drainage) of the internal access roads, footways and segregated cycle facilities within the site, have been submitted to and approved in writing by the Local Planning Authority. The roads, footways and cycle facilities shall be constructed in accordance with the approved details prior to the first occupation of the development.

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.

### Cycle Parking Details

33. Prior to the first use or occupation of any phase of the development hereby permitted, cycle parking facilities shall be provided for that phase on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be in accordance with Oxfordshire County Council's Parking Standards for New Developments or such standards as may replace it. Thereafter, the 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 Vehicle Charging Points

34. Prior to the first occupation of any phase of the development, a scheme for the provision of vehicular electric charging points to serve that phase of the development, which shall be in accordance with the Oxfordshire Electric Vehicle Infrastructure Strategy, 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

### CTMP

35. 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 in consultation with the Highway Authority for the A43. This shall include details of phasing of the highway works. 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 and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022

### Signage

36. The development shall not be occupied until a signage strategy for the site including off-site signage on nearby routes has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be completed and signage installed in accordance with the approved details prior to the first use of any building on the site.

Reason - To ensure that traffic is directed along the most appropriate routes and to comply with Government guidance contained within the National Planning Policy Framework.

#### Travel Plan

37. Prior to the first occupation of the development hereby approved, a Framework 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.

#### Site Travel Plan

38. Within three months of the first occupation of each unit at the site a Site Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and based on the Framework Travel Plan approved under Condition [XX], 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.

### **Drainage conditions**

#### Thames Water

39. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required 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 to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no



occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

#### Anglian Water

40. No development shall commence until a strategic foul water strategy has been submitted to and approved in writing by the local Planning Authority, in consultation with Anglian Water. This strategy will identify a sustainable point of connection to the public foul network. Prior to occupation within any phase, the foul water drainage works for that phase must have been carried out in complete accordance with the approved scheme.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

### **Local Lead Flood Authority**

#### Surface Water Drainage

41. No development shall commence until 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 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 the following storm events: 1 in 1 year, 1 in 30 year and all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive Infiltration testing across the site to BRE DG 365 (if applicable), sufficient to confirm the design;
  - 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 for the lifetime of the development; and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

#### SuDS As Built and Maintenance Details

42. 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 .dwg 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 that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

#### Surface Water Management Scheme (Phases):

43. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information as listed in the Condition. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.



**Land West Of The Old Piggeries  
Bloxham Road  
Milcombe**





24/03399/OUT

Land West Of The Old Piggeries  
Bloxham Road  
Milcombe

130.7m

1.22m RH

NEWCOMBE CLOSE

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1:1,500

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

24/03399/OUT

Land West Of The Old Piggeries  
Bloxham Road  
Milcombe



**Case Officer:** Katherine Daniels

**Applicant:** Neptune Land Promotion Ltd, Mr I Smith, Mrs L Smit

**Proposal:** Outline planning application, together with associated access off Bloxham Road (all other matters reserved), for up to 50 homes (Use Class C3) together with associated infrastructure, open space and landscaping; and retained agricultural field

**Ward:** Deddington

**Councillors:** Councillor McLernon, Councillor Rogers, Councillor Reeves

**Reason for Referral:** Major development of 10+ dwellings

**Expiry Date:** 31 July 2025

**Committee Date:** 3 July 2025

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**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO (a) RESOLUTION OF NATURESPACE'S OBJECTION, (b) CONDITIONS AND (c) A S106 LEGAL AGREEMENT**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located off Bloxham Road in Milcombe. It is a rectangular field, with a footpath crossing diagonally through the site. A modern housing estate off New Road is located to the west of the application site. The field is arable, and has a hedgerow along its boundary. Open countryside is located to the north, east and south of the site. There is a residential building at the south-eastern corner.

**2. CONSTRAINTS**

- 2.1. The site is not within a conservation area, and there is a public rights of way through the site. The site is within an archaeological alert area, and it is Grade 3 Best and Most Versatile Land (BMVL)

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. This is an outline application for the erection of up to 50 dwellings, with associated infrastructure, open space and landscaping with land for a new village hall and a new retail access. The application seeks to create a new access off Bloxham Road, with all other matters reserved.
- 3.2. The proposed development would be served by a single point of access from Bloxham Road, which will serve the retail, village hall as well as the housing. The proposal includes a play area, green infrastructure to the east, pumping stations, and public open space. The masterplan submitted with the application is indicative at this stage.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. 23/01144/OUT - Outline planning application, together with associated access off Bloxham Road (all other matters reserved), for up to 90 homes (use class C3) together with associated infrastructure and open space, landscaping, including provision of land for new village hall (use class F2(b)) and retail space (use class E). – refused.

#### **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 **25 February 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. 25 letters of objection have been received, 3 letters of comment and 1 letter of support. The comments raised by third parties are summarised as follows:
- Too many houses for the size of Milcombe
  - Impact on residential amenity
  - Highway Safety impacts
  - No requirement for a new shop
  - Not sufficient infrastructure
  - Impact on Ecology
  - Impact on character and appearance of the locality.

- 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. MILCOMBE AND BLOXHAM PARISH COUNCIL: **Objects** on the grounds of over-development; outside the village confines; adding to traffic problems in the area, Infrastructure is not sufficient. Although a Cat A village, it is likely to be downgraded in the new Local Plan. Village is not large enough to cope with two village shops, and the existing community hall is centrally located within the village. Has experienced much growth in the last few years.



- 7.3. **OCC HIGHWAYS: No objections** subject to S106 contributions and conditions
- 7.4. **OCC LEAD LOCAL FLOOD AUTHORITY: No objections** subject to conditions
- 7.5. **OCC EDUCATION: No objections** subject to S106 for primary, secondary and special education contributions
- 7.6. **OCC ARCHAEOLOGY: No objections** subject to conditions
- 7.7. **OCC Waste Management: No objections** subject to S106 contributions towards household waste facilities
- 7.8. **CDC ECOLOGY:** No comments received to date
- 7.9. **NATURESPACE: Objection** subject to further investigation into Great Crested Newts
- 7.10. **CDC RECREATION AND LEISURE:** No Objections subject to S106 contributions for community hall facilities, outdoor sports provision, Indoor Sports provision, Public Art
- 7.11. **BOBICB:** No objection subject to monies to contribute towards additional clinical capacity at Hook Norton or Bloxham Surgeries

## **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
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC8: Securing health and wellbeing
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- 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 (SuDs)

- ESD8: Water resources
- 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
- ESD17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Cherwell Annual Monitoring Report (2024 AMR) (February 2025)
- Housing and Economic Needs Assessment (December 2022)

## 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
- Heritage impact
- Residential amenity
- Ecology impact

#### Principle of Development

### *Policy Context*

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015'), the saved policies of the Cherwell Local Plan 1996 ('CLP 1996').
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Policies Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell, with Milcombe classed as a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. The categorisation of villages was informed by a defined range of sustainability criteria as they applied in 2014-15 (CLP 2015 para C.255). PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As a Category A village Milcombe is identified by the Local Plan as being a suitable settlement for minor development, infilling and conversions.
- 9.5. Policy Villages 2 (PV2) of the CLP 2015 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.
- 9.6. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.7. The published Cherwell District Council latest Annual Monitoring Report dated February 2025 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with H18 and BSC1 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.
- 9.8. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development (paragraph 11d of the NPPF) applies.
- 9.9. 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.

- 9.10. 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.
- 9.11. The recently published 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 areas identified housing need, including with an appropriate mix of housing types for the local community.
- 9.12. 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. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.
- 9.13. Policy ESD1 of CLP 2015 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.
- 9.14. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Milcombe 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.

#### *Assessment*

- 9.15. The 2024 Annual Monitoring Report confirms that the LPA can only demonstrate a 2.3 year housing land supply at present, in light of which paragraph 11(d) of the NPPF is engaged.
- 9.16. Engagement of the 'tilted balance' under paragraph 11(d) does not mean that the Local Development Plan is set aside, as the assessment of a proposal against adopted LDP Policies can facilitate the overall assessment of the benefits and adverse impacts of a scheme in relation to the NPPF as a whole, but it does mean that the relevant local plan policies i.e. those relating to housing are afforded less weight, in particular, the numerical elements of those policies.
- 9.17. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 50 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is outside of the existing built-up form of Milcombe is therefore in open countryside.
- 9.18. The development would not be in accordance with the development plan's allocations – the site is not allocated for development, well over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct housing towards the most sustainable, metropolitan areas such as Banbury, Bicester and Kidlington. However, given the current housing land supply within the district the tilted balance is engaged. It is considered that the proposed development would be

in a sustainable location on the edge of a Category A village, and is close to a wide range of facilities including, shops, community centres and has good transport links to towns including Bloxham, Banbury and Chipping Norton. The site is bounded by a road to the north, residential development to the west, and open countryside to the east, and south of the site. The masterplan submitted with the application indicates that the development would occur to the west of the site, with open space to the east and south of the site. This indicates that the proposal could be designed so it is adjacent to the main built up area of Milcombe.

### *Conclusion*

- 9.19. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing in a sustainable location.
- 9.20. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years. As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. The site is located on the edge of one of the more sustainable villages within Cherwell and would benefit from proximity to existing infrastructure and facilities. Whilst there may be some impact upon the character and appearance of the open countryside and locality through the development of this greenfield site, it is considered that the harmful impact could be mitigated.

### Design and impact on the character of the area

#### *Policy context*

- 9.21. 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 design standards and complementing any nearby heritage assets.*
- 9.22. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.* The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.23. 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. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.24. Section 12 of the NPPF is clear that good design is a 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;*

- *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*

- 9.25. This is an outline application, in which – except for access – all matters are reserved to be considered at a later stage. The proposal includes a masterplan which gives details on how the site could be developed if outline consent is granted. The masterplan shows a buffer area to the boundary of the site adjoining the countryside to the north and east. This includes Sustainable Urban Drainage features and footpaths through an area of open space. The indicative road layout also separates the green buffer from the proposed dwellings. In effect, the proposal seeks to have a perimeter road to the east and south edge. It is noted that the indicative layout is similar for this application to the northern part of the previous proposal for a larger number of dwellings.
- 9.26. The site comes under the Rolling Village Pastures and the upstanding Village Farmlands landscape character area. Some of the key characteristics are a strong undulating landform of rounded hills and small valleys, densely scattered hedgerow trees and well-defined nucleated villages with little dispersal into the wider countryside.
- 9.27. The LVIA states that the impact of the proposed development of the Landscape would have moderate to adverse impact within the site and its surroundings, and slight adverse on the wider landscape, with some areas being neutral. The proposed development would have an urbanising effect on this part of the countryside, emphasised by the flat nature of the site and its concomitant visibility from a wider area, though the proposal would be seen in context to the existing residential properties to the west.
- 9.28. The development would lead to a negative impact on the character and appearance of the locality. The existing estate to the west is a modern stand-alone development, and the further development of this area could further impact on its overall character, which is further exacerbated by the public right of way running through the site. The proposed development would further disperse into the wider countryside, and closer to Bloxham, and away from Milcombe's historic core.
- 9.29. The scale of the development has been reduced, from the previously refused application for up to 90 houses, to up to 50 houses. As noted above, the indicative layout is similar for this application to the northern part of the previous proposal for a larger number of dwellings, leaving the southern part of the site undeveloped but capable of being developed at a later date. Officers would be concerned if the detailed design was to come forward as per the indicative layout because the reality would be a similarly urbanising impact.
- 9.30. However, if the whole of the site was developed for the lower number, this would reduce the overall urbanisation on the character and appearance of the locality from that of the recently refused application, i.e. provided the density of the development reduces in line with the reduced number of dwellings. The applicant has confirmed that the density of the development would be less than 30 dwellings per hectare, which is not in accordance with the requirements of Policy BSC2. However, given its location at the edge of the village and its visual impact, it is considered a density of less than 30 dwellings per hectares may be appropriate in this particular location in order to make development of this scale acceptable.

- 9.31. The application submission states that the dwellings would be a maximum of two-storey dwellings. However, scale is a reserved matter and not to be assessed here. A condition could be imposed to ensure building height details are submitted as part of any approval.
- 9.32. Overall, the proposal would be a significant addition to the village and would have a significant visual impact, resulting in some harm to the character and appearance of the locality. This weighs against the proposal.

#### Highways impact

- 9.33. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given 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 Code; and
  - d) 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.
- 9.34. In addition, paragraph 116 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.35. The Local Highway Authority originally raised objections to the proposal; however, the previous application for 90 was not refused on highway grounds. The applicants have sought to overcome the concerns of the Local Highway Authority and have now done so and the LHA does not object on highway grounds. The proposal is thus considered acceptable in highway safety terms.

#### Drainage

- 9.36. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning 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. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and

- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.37. Paragraph 182 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- 9.38. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, 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.
- 9.39. 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.
- 9.40. The current situation is that the site is located within a flood zone 1 which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority has commented on this and does not have an objection to the scheme provided suitably worded conditions are imposed, and the Environment Agency also consider the proposal will not increase the risk of flooding.
- 9.41. The proposal is therefore considered to be acceptable in terms of flood risk and drainage.

#### Residential amenity

- 9.42. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.43. The application is in outline form at this stage; therefore, the consideration of residential amenity is more relevant at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact on the amenities of the existing properties and proposed dwellings. This is helped further by the reduction in the overall number of dwellings from 90 to 50.
- 9.44. It is therefore considered that residential amenity is not a sound basis on which to refuse the application.

#### Ecology impact

#### *Legislative context*

- 9.45. 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.

- 9.46. 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.
- 9.47. 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.
- 9.48. 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.
- 9.49. 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*

- 9.50. 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.
- 9.51. Paragraph 193 states that when determining planning applications, local planning authorities (LPAs) 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.

- 9.52. 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.
- 9.53. Policy ESD10 of the CLP 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.
- 9.54. 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.
- 9.55. 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.
- 9.56. 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 LPAs 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*

- 9.57. The applicant has provided a Biodiversity Impact Assessment and a Preliminary Ecological Assessment, which considered there will be opportunities for nesting birds hedgerow and trees, sheltering reptiles, foraging bats, wild mammals and priority species. There is a potential loss of or damage to active birds nests, and harm to existing reptiles on site or badgers and other wild animals.
- 9.58. The ecology statement carries several recommendations to ensure the development does not have a negative on ecology. The recommendations within the report include habitat enhancements. This includes details for appropriate landscaping scheme which will help support biodiversity, including native species, bat and bird boxes, and ongoing management of habitats.
- 9.59. Further recommendations include having a suitably qualified ecologist to ensure the vegetation removal does not impact on any reptile species. This also includes mammals.

- 9.60. The proposal includes a biodiversity net gain of 12.49% on site habitat units and 25.04% in hedgerow units.
- 9.61. 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.
- 9.62. Officers are satisfied, in 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 would 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.

#### Sustainable construction

- 9.63. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 164 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 165 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

#### *Development Plan*

- 9.64. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.65. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.

- 9.66. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

#### *Assessment*

- 9.67. The application is at outline stage; therefore, it is not clear how the dwellings would be constructed, and how many sustainable features would be used as part of the development of the scheme. The applicant has stated that the design would incorporate sustainable features to achieve a carbon positive development. The applicant has also provided an Energy and Sustainable Statement. It is considered that the development is likely to adhere to these policies; however, this would be confirmed at the reserved matters stage.

#### S106

- 9.68. Paragraph 58 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:

- 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.

- 9.69. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:

- 9.70. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

- 9.71. Policy BSC 3 of the CLP 2015 states, amongst other things that at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be

expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.

- 9.72. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.73. This application is for up to 50 residential units on the site, which would represent a major application in terms of definition. For this reason, the application would need to provide an element of affordable housing as part of the proposal.
- 9.74. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 16 units.
- 9.75. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements, education necessary for the development as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.
- 9.76. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the CLP 2015. The proposed masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, this can be controlled by way of planning conditions/and or a S106 obligation.
- 9.77. It is noted that the Parish Council have requested an area for a community hall with the parking of twelve cars. This was something which the previous application included, however this current application, which is for a smaller amount of housing does not. The Recreation and Leisure team has requested contributions towards the improvement to the existing facilities. It is considered that the provision of land for a new community hall in this particular case does not meet the relevant tests and should not be requested to mitigate against the impact of an additional 50 dwellings for the village.
- 9.78. As such it is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed development would comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore,

necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

#### *Positive benefits - Economic*

- 10.2. The proposals would contribute to the Council's Shortfall in Housing Supply due to the size and duration of the project. The applicants are satisfied the development of the dwellings could be brought forward in a timely manner. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided this should also be afforded significant positive weight.
- 10.3. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly. Socially, the development would provide much needed market and affordable housing on the edge of a sustainable main settlement is served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of ecological habitats available for wildlife and the setting of the site. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and could be considered sustainable. These aspects are explored in greater detail through the coming paragraphs.

#### *Social*

- 10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.
- 10.5. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing. Very significant weight is afforded to the provision of affordable housing.
- 10.6. The proposals would also provide significant social benefit from on-site recreation and play facilities, which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.
- 10.7. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy, thus carrying neutral weight in the planning balance.

#### *Environmental*

- 10.8. The proposals also commit to a minimum of 10% biodiversity net gain, but as this is to comply with policy it carries neutral weight in the planning balance.
- 10.9. Milcombe has a number of services and employment opportunities. It is a Category A village and, with a shop, public house and on an active bus route, one of the more sustainable villages within the district. The site's relatively sustainable location is afforded some positive weight.

#### *Negative impacts*

- 10.10. The site is positioned beyond the existing built-up limits of the village on the eastern side and is an area of countryside. There would be some urbanisation of the site, and it would result in some harm to the character and appearance of the locality. Significant weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

#### *Conclusion*

- 10.11. On the basis that the Council is not able to demonstrate a five-year supply of land of housing, paragraph 11d of the NPPF is engaged and the 'titled balance' applies.
- 10.12. The proposal seeks permission for up to 50 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded 750, the numerical elements of the Council's housing policies are out of date given the Council's housing land supply position. In such a scenario, this policy is considered simply to be reflective of a strategy to direct residential development to the most sustainable settlements in the District. Milcombe is a Category A village and is one of the more sustainable villages in the District.
- 10.13. Overall, subject to conditions as set out above and in the recommendation below, it is considered that the benefits of the scheme outweigh the harm it would cause and therefore the application is recommended for approval.

## **11. RECOMMENDATION**

### **DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO**

- 1. NO OBJECTIONS FROM NATURE SPACE**
- 2. THE ENTERING INTO A S106 TO INCLUDE THE CONTRIBUTIONS AND INFRASTRUCTURE AS SET OUT IN APPENDIX 1 AND BELOW (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY); AND**
- 3. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**
  - 1. Provision of 35% affordable housing on site**
  - 2. Payment of a financial contribution towards off outdoor site sports and recreation provision in the locality of £2,017.03 per dwelling (index linked)**
  - 3. Payment of a financial contribution towards off indoor site sports and recreation provision in the locality of £40 238.40 (index linked)**
  - 4. Payment of a financial contribution towards the provision of Household Waste Recycling Centres of £5 094 (index linked)**
  - 5. On-site provision of an equipped Local Area of Play and payment of a financial contribution to be confirmed (index linked) towards maintenance or other management provisions thereof**
  - 6. Payment of a financial contribution towards the maintenance of on-site Open Space**
  - 7. Payment of a financial contribution towards community hall facilities of £64, 824 (index linked)**
  - 8. Provision of a Habitat Management and Monitoring Plan (including funding) to secure long-term biodiversity net gain**
  - 9. Payment of a financial contribution towards public transport provision of £56 650 (index linked)**

10. Payment of transport infrastructure (if not dealt with the S278) contribution £20 944
11. Payment of Traffic Regulations Order contribution: £4 224 (Index linked)
12. Payment of a financial contribution towards improvements to Public Rights of Way in the vicinity of the site of £35 000 (index linked)
13. Payment of a financial contribution towards Primary education needs in the locality £472 074 (index linked)
14. Payment of a financial contribution towards Secondary education needs in the locality £410 076 (index linked)
15. Payment of a financial contribution towards Special Needs Education needs in the locality £47 215 (index linked)
16. Payment of a financial contribution towards the expansion of Hook Norton and Bloxham Surgeries £45 309 (indexed linked)
17. Payment of the Council's monitoring costs to be confirmed

**FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 31<sup>st</sup> JULY 2025. 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 FOR PLANNING AND DEVELOPMENT 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 infrastructure 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 Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within 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 18 Months from the date of this permission and the development hereby permitted shall be begun either before the expiration of two 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 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).

### **Compliance with Plans**

3. 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

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.

### **CONDITIONS TO BE DISCHARGED PRIOR TO COMMENCING DEVELOPMENT**

4. No development shall commence including any demolition unless and until a professional archaeological organisation acceptable to the Local Planning Authority has prepared an Archaeological Written Scheme of Investigation, relating to the application site area and which has been 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 (2023).

5. Following the approval of the Written Scheme of Investigation referred to in condition 5, and prior to any demolition on the site and the commencement of the 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 two 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 (2023).

6. No development shall commence [on any phase], including any works of demolition until a Construction Environment and Traffic Management Plan [for that phase] 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 [Date]

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.

7. 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.

8. No development shall commence unless and until 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 has been 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 if 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 8, 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.

### **CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION**

11. Prior to first occupation of any of the dwellings hereby approved, a Travel Information Pack shall be submitted to and approved in writing by the local planning authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby approved, a Travel Plan Statement 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.

### **COMPLIANCE CONDITIONS**

13. 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.

### **INFORMATIVES**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please

refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

CASE OFFICER: Katherine Daniels



**24/01885/F**

**Agenda Item 13**

**Land To The Rear Of Mole End  
Main Street  
Great Bourton**



**N**



**1:900**

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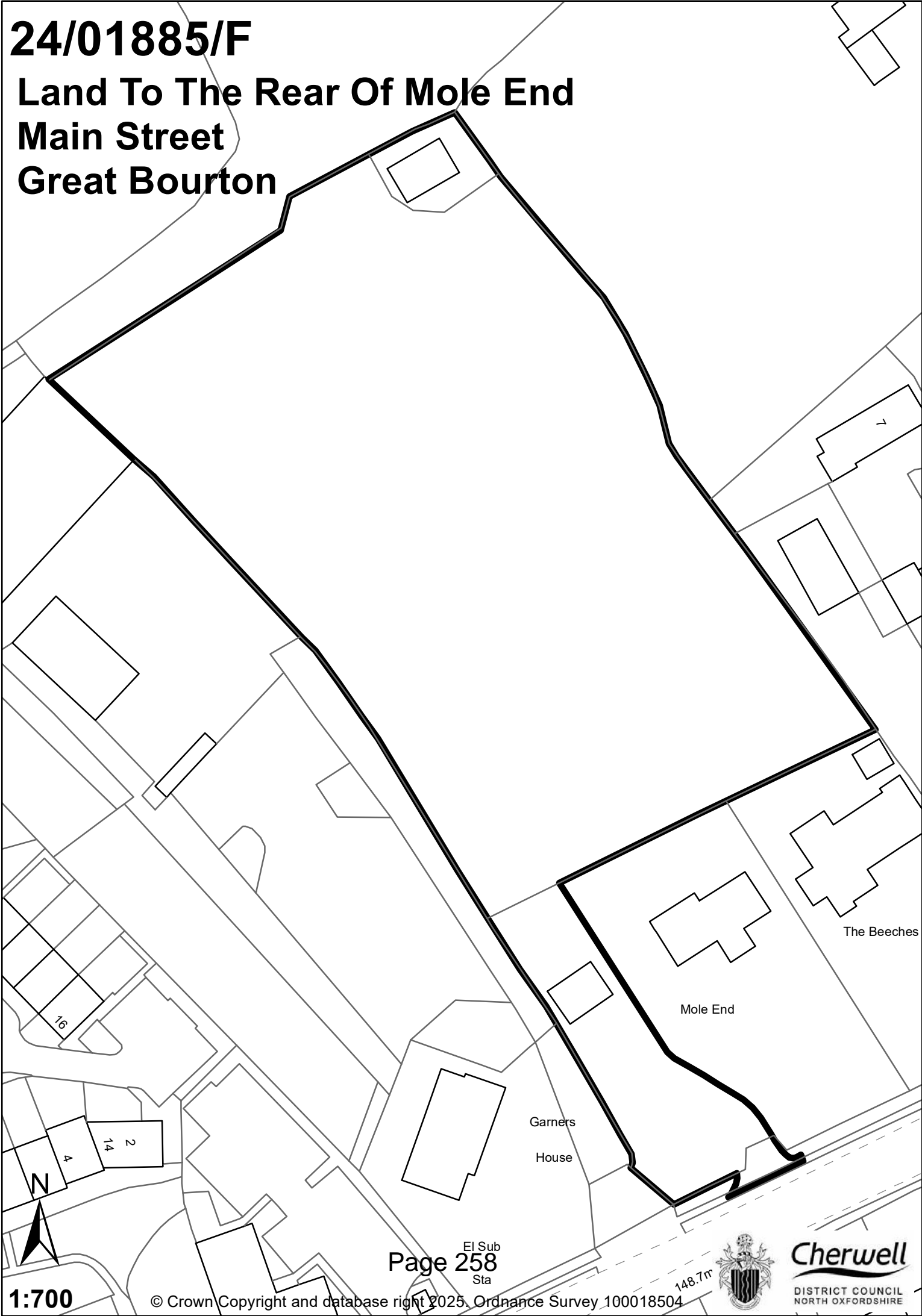


**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



24/01885/F

Land To The Rear Of Mole End  
Main Street  
Great Bourton



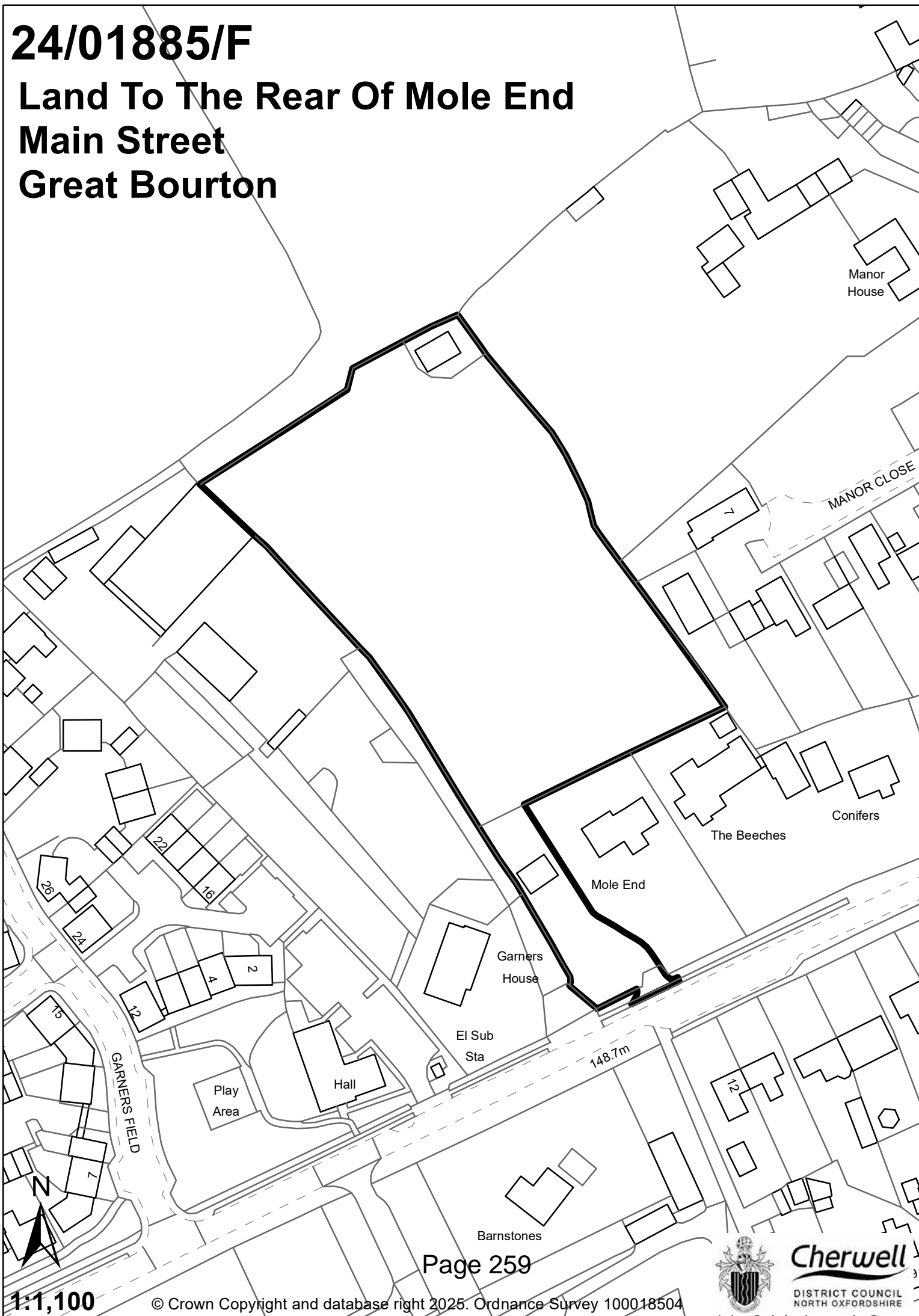
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24/01885/F

Land To The Rear Of Mole End  
Main Street  
Great Bourton



1:1,100



**Case Officer:** Shona King

**Applicant:** Talbot Homes

**Proposal:** Development of 19no dwellings

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Councillor Brant, Councillor Chapman and Councillor Webb

**Reason for Referral:** Major development of 10+ dwellings

**Expiry Date:** 17 January 2025

**Committee Date:** 3 July 2025

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

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the north of Main Street in Great Bourton. The site is bounded to the south and east by residential properties, and to the west by a commercial operation. To the north of the site is a line of mature vegetation separating the site from a defined Public Right of Way to the north of the vegetation. The site is currently a field which has a relatively flat topography. There are several protected trees in the boundaries of the site.

**2. CONSTRAINTS**

- 2.1. Public Right of Way to rear of site.
- 2.2. Trees subject to preservation orders to northern and eastern boundary, and at road frontage
- 2.3. Residential to east and south of the site, commercial to west.
- 2.4. Open countryside to north.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Full planning permission is sought for the erection of 19 dwellings on the site. Twelve are to be market houses with a mix of 7 x 3 bed dwellings, 3 x 4 bed and 2 x 5 bed houses. 7 are to be affordable units with a mix of 2 x 1 bed flats and 5 x 2 bed houses.
- 3.2. Amended plans have been submitted seeking to overcome concerns regarding the layout of the scheme, the design of the buildings, the potential impact on neighbouring properties, the visual impact of the development and the impact on protected trees.



Additional information has also been provided seeking to overcome drainage concerns.

#### **4. RELEVANT PLANNING HISTORY**

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

23/01929/PIP – Application for permission in principle for the development of between 8 and 9 houses – Approved

#### **5. PRE-APPLICATION DISCUSSIONS**

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

23/00972/PREAPP - Proposed development of 9 No dwellings on land to the north of Main Street, Great Bourton within the built limits of the village

5.2. The pre-application advice concluded the principle of housing in this location was acceptable on the basis that the site was within the built-up limits of the village. However, there would need to be a mix of dwelling sizes to include 1 and 2 bed dwellings as well as 3-4 beds. In addition, it would need to be demonstrated that 11 or more dwellings could not be delivered on the site and thereby allow for a proportion of affordable housing. The pre-application submission proposals did not make effective use of land and therefore conflicted with Policy BSC2 of the Cherwell Local Plan 2015. A greater number of dwellings proposed on the site would be expected.

#### **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 **13 May 2025**, although comments received after this date and before finalising this report have also been taken into account.

6.2. There have been 26 letters of objection received, the comments raised by third parties are summarised as follows:

- Principle of development – greenfield site; not sustainable development; no facilities in the village; infrequent bus service – reliance on car use; unsuitable for cycling to Banbury/Cropredy; lack of pavement to Banbury
- Need – houses not needed
- Design – housing mix/size; scale development - 9 dwellings more appropriate; not in keeping with the village; density; concerns over the layout and the design of the dwellings; oversized affordable houses; the affordable housing requirements need to be met; building materials
- Impact on the character of the area – urbanising countryside; impact on street frontage of Mole End
- Residential amenity – impact on privacy of existing houses; noise and disturbance to existing residents;

- Highway safety – lack of visitor parking; increase in traffic movements in the village; pedestrian safety; traffic during construction
- Infrastructure impacts – impact on infrastructure; impact on sewage system; surgery in Cropredy at capacity;
- Other matters – Increase in light pollution; impact on wildlife; biodiversity net gain of the development; management of communal areas; inaccuracies in application documents
- Non-planning matters - Loss of value if existing dwellings

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. THE BOURTONS PARISH COUNCIL: Original comments – **Objects** for the following reasons –

- Inaccuracies in application – relating to services/facilities available in the village and sustainability
- Housing density and mix - inappropriate density for the village and housing mix doesn't reflect local need
- 5 year land supply
- site layout impact on character of the immediate area
- Does not reflect the character of either surrounding houses, the local ecology or the wider village
- Access, on-site parking, on street parking
- Intrusion & visual impact
- Impact on existing dwellings
- Impact on wildlife and habitat
- Improvement of access to the countryside
- Style and design of properties & building materials
- Waste water processing capacity
- Highway safety including on-street parking around the site entrance from events at the Community Hall
- S106 contributions

7.3. Comments on first amended scheme – **Objects** for the following reasons but accepts that significant changes have been made –

- Sewage treatment capacity – guidance required as to the implications and impact of the feasibility of the application and timing due to the revised comments of Thames Water
- Housing density - 30/hectare unacceptable in this location the proposed site will look congested, cramped, and completely out-of-character with its immediate surroundings and the wider village where no housing has been built at this density
- Parking – concern regarding parking provision within the site and the lack of visitor parking leading to parking on pavements or access road leading to highway safety issues. Above the minimum number of spaces should be provided.
- Ecology – Arboricultural report doesn't address concerns that a number of mature trees are being removed and hedgerows within private gardens.
- Access to the ProW
- Housing Mix – needs to meet local requirements
- Site layout – layout hasn't addressed any concerns. Out of character with a rural village
- Adoption of access road and maintenance
- Building materials – reference to local materials but concrete tiles need to be changed to a more suitable/acceptable alternative in keeping with surrounding properties.

7.4. Comments on second amended scheme – **Objects** for the following reasons but accepts that significant changes have been made –

- The impact of the revised layout of the affordable homes.
- Insufficient onsite parking to allow for the anticipated level of car ownership of home owners and parking for visitors.
- The location of Plot 7 remains very close to the boundary fence on the right of the site creating serious overlooking concerns with the adjacent house on Manor Close.
- Whilst the Principle of development on this site is accepted the PC remains very concerned about the housing density as this is completely out-of-scale with the surrounding area, and represents the highest density in Great Bourton, this making the development visually dominant in an area of the village where densities are very much lower.
- Pleased to note that the mix of affordable housing now meets the CDC target, but we remain concerned about the significant proportion of 4 & 5 bed dwellings, which has not changed, albeit we recognise the reduction in the number of 5 bed properties.

- Requirement of condition from Thames Water and the impact of this on the development
- 7.5. Comments on third amended scheme – **Objects** for the following reasons but accepts that some changes have been made and pleased that the housing mix on the site has been significantly changed reducing the number of 4 & 5 bed houses and increasing the number 2 bedroom properties which is what is required by existing families living in Great Bourton -
- Insufficient on-site parking
  - The visual intrusion and proximity caused by Plot 7 has NOT been addressed in any way
  - The proposed housing density remains out of scale with the surrounding area and the Parish
  - Remain concerned about the detail of the proposed s106 agreement and the contribution towards the improvement of public transport serving Great Bourton
- 7.6. OCC HIGHWAYS: Original comments: **Objected** for the following reasons - Width improvement of footway along Main Street either side of the access is required, a crossing between the footway on the northern side to the southern side of Main Street is required.
- In addition a legal agreement is required with an obligation to enter into a s278 agreement to mitigate the impact of the development including the above crossing and footway improvements and the provision of a pair of layby's along the A423 Southam Road with appropriate passenger waiting space (hardstanding), bus stop poles to OCC specification, connecting footways and an appropriate crossing point, with works contained within the existing highway boundary. A planning condition is also recommended relating to a provision of cycle parking facilities.
- 7.7. Interim comments - **No objection** subject to a s106 obligation to provide a pair of bus stops within layby's along the A423 Southam Road to include bus stop poles and connecting footways and appropriate crossing facilities.
- 7.8. Final comments – **No objection** subject to s106 contributions towards a pair of bus stops with associated hardstanding and a suitable crossing along the A423 Southam Road and an obligation to enter into a s278 agreement to secure mitigation/improvement works.
- 7.9. LEAD LOCAL FLOOD AUTHORITY (OCC): Original comments – **Objects** for the following reasons – A summary of the drainage strategy needs to be provided and additional testing and monitoring is required.
- 7.10. Interim comments – **Objects** for the following reason - Groundwater levels must be recorded during the winter period, to ensure suitable soakaway design otherwise an alternative viable drainage strategy must be put forward which would allow for further ground investigations by condition.
- 7.11. Final comments – **No objections** subject to conditions relating to surface water drainage and SuDS

- 7.12. OCC ARCHAEOLOGY: **Comments** - The proposal lies in an area of archaeological interest and potential and recommends conditions relating to a staged programme of archaeological investigation.
- 7.13. CDC ARBORICULTURAL OFFICER: Original comments – **Objects** for the following reasons – the impact of the development on the protected within and adjacent to the site, future pressure on the trees due to the proximity of the trees to the development, impact on the trees during construction. The proposals will not allow for the safe long-term retention of existing trees both on and off the site.
- 7.14. Final **comments** - an update of the arboricultural impact assessment showing the new proposals in conjunction with the trees is needed. If there are to be pathways/access roads within the RPA of the trees then we need a detailed method statement outlining how these will be installed without harming the trees. All access roads and pathways should be constructed using no dig methods and surfaces should be permeable. All boundary treatments should avoid damaging any trees and should follow an arboricultural method statement the details of which will need to be submitted and suitable for the particular boundary treatment to be used.
- 7.15. CDC BUILDING CONTROL: A full plans building regulation application will be required
- 7.16. CDC ECOLOGIST: Original comments - **Objects** for the following reasons – further justification is required regarding the classification of grassland, the biodiversity net gain metric needs updating along with the submission of an assessment of the condition of the habitat.
- 7.17. Final **comments** - Proportionate justification has been provided in the Ecology Response dated 13.11.24; The BNG metric has been provided concluding that the Development would result in a 34.15% loss in habitats and 2.19% loss in hedgerows which means the Development's requirement to provide 10% net gain has not been met. However, the applicant proposes to purchase units to offset the loss. An automatic Biodiversity Gain Plan condition would be applied where the applicant would need to demonstrate how they are providing 10% net gain across habitats and hedgerows.
- 7.18. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions relating to preparation of a Construction Environment Management Plan (CEMP), contaminated land, and lighting
- 7.19. CDC LANDSCAPE SERVICES: No comment to date
- 7.20. CDC PLANNING POLICY: **No objection** to the principle of the development
- 7.21. CDC RECREATION AND LEISURE: Contributions are sought towards community hall facilities, outdoor and indoor sport provision, and public realm/public art
- 7.22. CDC STRATEGIC HOUSING: **Supports** this proposal in principle; however, the affordable housing needs to be better integrated with the market housing and the sizes and tenures need to correspond with the following mix - Social Rent (total 5 units) 2 x 2-bed, 4-person houses: 25-30% 2 x 3-bed, 5-person houses: 30-35% 1 x 4-bed, 7-person house: 15-20% Intermediate/First Homes (total 2 units) 1 x 2-bed 4-person house 1 x 3-bed 5-person house.
- 7.23. CDC URBAN DESIGNER: Original comments - **Objects** – the scheme doesn't reflect national and local design guidance and policy. The scheme requires a strong design concept that addresses the character of the site and immediate design context. The

masterplan and street scenes should address the adjacent footpath and wider countryside and village context. Further design and analysis is required to determine and justify an appropriate number and mix of dwellings.

7.24. Final **comments** - The overall layout is acceptable; however, the following information/amendments are necessary. • Provide a direct footpath link between Main Street and the public footpath. • Review the use and character of the space to the side of plot 8 and 15. • Provide elevations for Plot 1 and 2. Conditions will be required to cover materials and detailing.

7.25. CDC WASTE AND RECYCLING: No comment to date

7.26. THAMES WATER: Thames Water has identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development proposal in terms of waste and request a condition that restricts occupancy of the development until either all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. With respect to surface water drainage and water network and water treatment infrastructure capacity there are no objections to the development.

7.27. THAMES VALLEY POLICE: No comment to date

## **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
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing health and wellbeing
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- 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
- ESD8 – Water resources
- 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
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- Villages 4 – Meeting the Need for Open Space, Sport and Recreation
- INF1 – Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Contaminated land

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Residential Design Guide (2018)
- Cherwell Annual Monitoring Report (2024 AMR) (February 2025)
- Housing and Economic Needs Assessment (December 2022)

## 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
- Ecology impact
- Highway safety
- Drainage/Sewerage
- Sustainability and Energy Efficiency
- Effect on Infrastructure and Planning Obligations

#### Principle of Development

##### *Policy Context*

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The

Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.

- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and District wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Strategic Objective SO7 of CLP 2015 refers to the need to meet the housing needs of all sections of Cherwell's Communities, particularly the need to house an ageing population.
- 9.5. Policy ESD1 of CLP 2015 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.
- 9.6. Policies Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell, with Great Bourton as a Category B Village. The categorisation of villages was informed by a defined range of sustainability criteria as they applied in 2014-15 (CLP 2015 para C.255). PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As a Category B village Great Bourton is identified by the Local Plan as being a suitable settlement for minor development, infilling and conversions.
- 9.7. Policy Villages 2 (PV2) of the CLP 2015 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.
- 9.8. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built-up limits of settlements.
- 9.9. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District.
- 9.10. The published Cherwell District Council latest Annual Monitoring Report dated February 2025 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with H18 and BSC1 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.
- 9.11. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development (paragraph 11d of the NPPF) applies.
- 9.12. 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
- 9.13. 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.
- 9.14. The recently published 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.
- 9.15. 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. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.
- 9.16. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Great Bourton as a Category B Village Settlement.

#### *Assessment*

- 9.17. The 2024 Annual Monitoring Report confirms that the LPA can only demonstrate a 2.3 year housing land supply at present, in light of which paragraph 11(d) of the NPPF is engaged.
- 9.18. Engagement of the 'tilted balance' under paragraph 11(d) does not mean that the Local Development Plan is set aside, as the assessment of a proposal against adopted LDP Policies can facilitate the overall assessment of the benefits and adverse impacts of a scheme in relation to the NPPF as a whole, but it does mean that the relevant local plan policies i.e. those relating to housing are afforded less weight, in particular, the numerical elements of those policies.
- 9.19. The principle of residential development in Great Bourton is assessed against Policy Villages 1 in the CLP 2015. As noted above, Great Bourton is a Category B village. Within Category B villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built-up area of the settlement.
- 9.20. The development plan does not define the built-up limits of villages, and this is assessed on a case by case basis. The principle of development on the southern part of this site was established under the Permission in Principle application, 23/01929/PIP. This Permission in Principle also established the location of the access to serve the development. Considering the site's position, bounded by development to the east, south and west, and with the defined mature vegetation approximately 59m to the north, the southern part of the site was considered to be within the built-up limits of the village.

- 9.21. While the concerns of third parties are noted, it is important to stress that the 'Permission in Principle development' could be carried out and that it is likely a further application for the development of the northern part of the site for c.6-10 houses would then be submitted and would be difficult to resist. The benefits of the whole site coming forward at the same time is a more efficient and effective use of land and a better designed, more cohesive form of development.
- 9.22. Paragraph C.262 of the CLP 2015 states that in assessing whether proposals in villages are acceptable, regard will be had for a number of criteria including the site's context within the existing built environment and whether the development is in keeping with the character and form of the village. The other criteria are the size of the village and the level of service provision, its local landscape setting, and careful consideration of the appropriate scale of the development. Given the Permission in Principle for up to 9 houses on part of the site, the relationship of the wider site with the surrounding built form and, importantly, the strong defined northern boundary, it is considered that the development of the additional area of land would not be viewed as an extension of the built form into open countryside.

### *Conclusion*

- 9.23. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing in a sustainable location. With the inclusion of the additional land over and above that granted Permission in Principle, the currently proposed development makes a more efficient and effective use of land and a better design and layout of development.
- 9.24. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years (2.3 years supply). As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. While the site is not a particularly sustainable location in terms of access to key facilities, it relates well to the existing built form, is considered to be within the built limits of the settlement and regard must be had to the Permission in Principle for the southern part of the site. Whilst there may be some impact upon the locality through the development of this greenfield site, it is considered that the harmful impact can be mitigated.

### Design, and impact on the character of the area

#### *Policy context*

- 9.25. 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 design standards and complementing any nearby heritage assets*.
- 9.26. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density*. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 8.17 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. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

#### *Assessment*

- 8.18 The application proposals have been amended since originally submitted. The site area and number of houses along with the access from Main Street have remained unchanged; however, the internal layout of the site has changed, as well as the designs and sizes of the houses. A distinct access onto the PRoW that runs along the northern boundary has also been provided. A main access road leads from Main Street into the site and smaller roads lead off this to provide access to the dwellings. The layout now provides for a frontage onto the main estate road and the smaller access roads. It is considered that the amended layout is acceptable, and that the proposed number of dwellings can be accommodated within the site without resulting in a cramped form of development inappropriate to its setting.
- 8.19 The dwellings have also been moved away from the northern boundary with the existing hedge line within public space rather than private garden areas. With their retention, and seen in views from the north in the context of built form to the west and east of the site, it is considered that the amended proposal would not adversely affect the wider landscape setting of the village. The dwellings are also proposed to face onto the PRoW giving some surveillance to this.
- 8.20 Built form has been repositioned outside of the root protection areas of the main trees some of which are protected by preservation orders. The trees proposed for removal are not considered to be of high public amenity value and it has been shown in the arboricultural statement that development can be carried out in such a way to limit harm on the trees to be retained. The Council's Arboricultural Officer has raised no significant concerns subject to the adherence to an arboricultural method statement which is conditioned below.
- 8.21 The proposal now includes the use of natural stone for the dwellings fronting onto the main access and those facing the northern boundary of the site. The remainder of the dwellings are to be constructed using a red brick. Slate is proposed for the roofs rather than concrete tiles. The proposed dwellings are considered to be of acceptable designs. A stone wall along with the dwellings provides for a continuous strong building line along the eastern side of the of the main access road

#### *Conclusion*

- 8.22 Overall, Officers consider that the layout and design of the proposal now represents an acceptable scheme that will be constructed from an appropriate palette of materials and proposes acceptable house types in design terms. The proposal is therefore considered to represent good design and comply with Policy ESD15 of the CLP 2015 and the NPPF.

#### Residential amenity

- 8.23 Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.
- 8.24 Saved Policy C30 of the CLP 1996 requires that new housing development provides standards of amenity and privacy acceptable to the local planning authority.

- 8.25 The proposed scheme as amended is not considered to result in any significant detriment to the living amenities of the neighbouring properties by reason of overlooking or overshadowing. The proposal has been amended to mitigate overlooking between dwellings and now meets the Council's adopted space standards with at least 22m between habitable room windows of the existing and proposed dwellings. It is proposed to retain existing intervening hedges between the application and boundaries of the existing dwellings and this would mitigate any impact further.
- 8.26 It is very important to note that, if the Permission In Principle scheme was to be taken forward, development would be located in the southern part of the site resulting in dwellings adjacent to the southern and eastern boundaries in the area where they are located under this scheme. As such the principle of development here has been established and the impact on neighbours to the south and east of the site would be the same or very similar whichever of the two schemes was developed.
- 8.27 Concerns have been raised by the owner of No. 6 Manor Close regarding the potential impact on their property. The proposal has been amended removing any side facing windows in Plot 7 and the terrace has been moved further from the shared boundary. Whilst there is a path within the site along the shared boundary this is to access the rear garden of Plot 7 only i.e. would not be publicly accessed. As such it is considered that the development would not result in any significant harm to the living amenities of No. 6 Manor Close.
- 8.28 There is more likely to be an impact from No. 6 Manor Close on future occupiers rather than the other way around, i.e. the rear garden of Plot 7 has the potential to be overlooked by two bedroom windows. However, the windows in No.6 Manor Close that would have a view of the side elevation of Plot 7 are a bathroom window and a secondary window to a bedroom. In addition, the existing hedge would be retained between the properties and the garden to Plot 7 is large enough for additional planting to be provided to mitigate any overlooking from these windows.
- 8.29 It is considered therefore that the proposal provides adequate levels of amenity for the existing and future residents and complies with Policy ESD15 of the CLP 2015, Saved Policy C30 of the CLP 1996 and the NPPF.

#### Ecology Impact

##### *Legislative context*

- 8.30. 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.
- 8.31. 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.
- 8.32. 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.

8.33. 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:

- 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?
- That there is no satisfactory alternative.
- 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.

8.34. 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*

8.35. 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.

8.36. Paragraph 193 states that when determining planning applications, local planning authorities (LPAs) 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.

8.37. 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.

- 8.38. Policy ESD10 of the CLP 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.
- 8.39. Policy ESD11 of the CLP 2015 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.
- 8.40. 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.
- 8.41. 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 LPAs 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*

- 8.42. 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 LPAs 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')
- 8.43. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard there are a number of mature trees and hedgerows within and adjacent the site, along with two existing buildings that are to be demolished and therefore the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, Great Crested Newts and invertebrates.
- 8.44. In order for the LPA 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, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA 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.
- 8.45. 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.

- 8.46. The application is supported by a detailed protected species survey, which concluded that whilst the garage to be demolished has a moderate potential for roosting bats there was no evidence present. The site offers suitable foraging and commuting habitat for bats in the form of its hedgerows, trees, and grassland. There was no evidence of badger activity on the site or immediate adjacent habitat but the site has suitability for sett excavation and foraging and commuting Badgers. The site has habitats with the potential to support a limited range of common nesting birds, but the size of the site makes the presence of large or important breeding bird assemblages unlikely. The presence of ground nesting birds is very unlikely due to the habitats present and regular disturbance. The grassland and hedgerows provide limited suitability for use by terrestrial Great Crested Newt, but there are no known records within 2 km of the site and no apparent ponds within 250m. It is considered unlikely that Great Crested Newt are present on-site. The habitats of the proposal site and adjacent areas are suitable for use by reptiles to forage, bask, and hibernate. The neutral grassland and hedgerows provide limited foraging and commuting habitat.

#### *Conclusion*

- 8.47. 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 would 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.

#### Highway safety

- 8.48. The application seeks to utilise and modify an existing access into the site from Main Street to the west of Mole End. The access was approved as part of the Permission in Principle scheme and therefore the principle of using this, albeit for fewer dwellings, has been established. This part of the development would be the same whichever of the two schemes comes forward.
- 8.49. The Local Highway Authority has raised no objections to the use of the access in terms of highway safety, subject to the provision of a wider footpath either side of the access along with a crossing point. A legal agreement is required to secure a financial contribution towards a pair of bus stops with associated hardstanding and a suitable crossing along the A423 Southam Road with an obligation to enter into a s278 agreement to mitigate the impact of the development including the above crossing and footway improvements.
- 8.50. No highway safety concerns have been raised regarding the internal road layout; however, a planning condition is recommended relating to a provision of cycle parking facilities.
- 8.51. Overall, officers conclude that the impact of the development on the highway network is not considered to be significant.

#### Drainage / Sewerage

- 8.52. Whilst the site lies within flood zone 1 and is at very low risk of flooding from surface water sufficient information was not originally submitted with the application for a full assessment of the potential for flooding to be made. This information has now been

provided and the Lead Local Flood Authority has raised no objections to the development subject to conditions relating to surface water drainage and SuDS.

- 8.53. Thames Water has advised that the sewage treatment works at Cropredy cannot currently accommodate the foul water flow needs of the proposal. An upgrade scheme for Cropredy STW is scheduled to deliver for April 2026 but they have advised that as with any construction project there is potential for programme delays. As such they require a condition restricting the occupancy of the development until confirmation has been provided that all sewage works upgrades required to accommodate the additional flows from the development have been completed to ensure that the risk of pollution was reduced.

#### Sustainability and Energy Efficiency

- 8.54. The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques. The policies are however now out of date taking into account more recent Government guidance. Energy efficiency of homes is now a matter for the Building Regulations. Policy ESD3 does however require all new homes to achieve a water efficiency standard of no greater than 110 litres/person/day. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 8.55. The proposal is not accompanied by information to demonstrate compliance with the energy policies of the local plan; however, the site does not meet the scale of development set out within Policy ESD5 for the provision of onsite renewables. Solar panels are proposed in the roofs of the dwellings and a condition is proposed to be recommended to meet the higher Building Regulations Standards for water consumption as set out within Policy ESD3 (110 litres/ person/ day).

#### Effect on Infrastructure and Planning Obligations

- 8.56. A S106 Legal agreement is required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

- 8.57. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.

- 8.58. Due to the level of development on the site an element of affordable housing is required. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 6.65 units which would be rounded up



to 7 units. The submitted plans show 7 units are to be provided in the form of 2x 1 bed flats, 3x 2 bed and 2x 3 bed.

8.59. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.

8.60. The heads of terms of the agreement are likely to include the following:

#### Financial Contributions

- Community Hall facilities - £20,948.08
- Outdoor sport provision - £38,323.57
- Indoor sport provision - £15,290.59
- Public realm/art - £4,256.00
- Public transport infrastructure - £50,000

#### Other Requirements

- Affordable housing
- S278 Highway works

8.61. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in the NPPF.

## **7. PLANNING BALANCE AND CONCLUSION**

9.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

#### *Positive benefits*

##### *Economic*

9.2. The proposals would contribute to the Council's Shortfall in Housing Supply due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area.

##### *Social*

7.3. The delivery of homes across the district is an important positive material consideration in the planning balance. The proposals would provide affordable housing for those in need and this would be a significant social benefit. Significant

weight is to be afforded to the social benefits of the proposed housing. Very significant weight is afforded to the provision of affordable housing.

- 7.4. The proposals would also provide social benefit from upgrades to local facilities through s106 contributions and these would be of benefit not just to the occupiers of the proposed development but to the wider community.

#### *Environmental*

- 7.5. The proposals also commit to a minimum of 10% biodiversity net gain, but as this is to comply with policy it carries neutral weight in the planning balance.

#### *Negative impacts*

- 7.6. The proposal does involve the development of a greenfield site, and it could be argued that this would result in some harm to the character and appearance of the locality. Significant weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land. However, it is considered that the harmful impact is mitigated by the strong well-defined boundaries of the site and the relationship with adjacent built form.

#### *Conclusion*

- 7.7. On the basis that the Council is not able to demonstrate a five-year supply of land of housing, paragraph 11d of the NPPF is engaged and the 'titled balance' applies.
- 7.8. The site benefits from Permission in Principle for development; as amended and with retention of trees and hedgerow to the northern boundary of the site the current proposal provides for additional housing without any greater impact on the area or on the amenity of residents or highway safety; and it provides for Affordable Housing to which significant weight is afforded.
- 7.9. Overall, subject to conditions as set out above and in the recommendation below, it is considered that the benefits of the scheme outweigh the harm it would cause and therefore the application is recommended for approval.

### **8. RECOMMENDATION**

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

- a) Provision of 7 affordable dwellings on site**
- b) Payment of a financial contribution (index linked) towards Community Hall facilities (£20,948.08), Outdoor sport provision (£38,323.57), Indoor sport provision (£15,290.59) and Public realm/art (£4,256.00)**
- c) Payment of a financial contribution towards public transport provision (50,000.00)(index linked)**
- d) S278 Agreement for carrying out works within the public highway**
- e) Payment of the Council's and Oxfordshire County Council's monitoring costs to be confirmed**

**FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 18.07.2025. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY THIS DATE 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 FOR PLANNING AND DEVELOPMENT 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 infrastructure or mitigation 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 Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework**

#### **CONDITIONS**

##### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of 18 months 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 the following approved plans:

5674 001 P0, 002 P0, 003 P13, 004 P9, 005 P8, 006 P6, 007 P5, 008 P5, 010 P6, 011 P6, 012 P2, 013 P6, 014 P8, 015 P6, 016 P1 and SK01 P2.

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.

#### **CONDITIONS TO BE DISCHARGED PRIOR TO COMMENCING DEVELOPMENT**

3. No development shall commence unless and until 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, has been 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 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.

4. As contamination was identified in the report provided with the application (RDM1194 dated 8th July 2024), 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.

5. No development shall commence including any demolition unless and until a professional archaeological organisation acceptable to the Local Planning Authority has prepared an Archaeological Written Scheme of Investigation, relating to the application site area and which has been 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 (2023).

6. Following the approval of the Written Scheme of Investigation referred to in condition 5, and prior to any demolition on the site and the commencement of the 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 two 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 (2023).

7. Construction shall not begin until 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;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including crosssection 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

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.

8. No development shall commence above slab level until a method statement for enhancing biodiversity 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. The statement should include the location and type of all bird, bat and hedgehog boxes, RAMs for great crested newts, a nesting bird check, tree check and soft-strip methodology.

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 shall commence unless and until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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.

#### **CONDITIONS TO BE DISCHARGED PRIOR TO CERTAIN WORKS**

10. No development shall commence above slab level until sample panels of the stone and brick to be used in the construction of the external elevations of the dwellings and stone boundary wall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panels shall

be at least 1 metre x 1 metre and show the proposed material, bond and pointing technique. The sample panels shall be constructed in a position that is readily accessible for viewing in good natural daylight and shall not be removed from the site until completion of the development. The development shall not be carried out other than in accordance with the approved samples 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.

11. Samples of the slates to be used in the covering of the roof of the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to commencement of those works. The development shall not be carried out other than in accordance with the samples so approved 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.

12. No development shall commence above slab level until details of the construction, including cross sections, cill, lintel, reveal and colour/finish of the proposed windows and doors, to a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the dwellings 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.

13. Prior to the construction of the footpath link to the Public Right of Way construction and surfacing details of the footpath link shall be submitted to and approved in writing by the local planning authority. The works 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.

14. 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.

#### **CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION**

15. No development shall be occupied until confirmation has been provided to the Local Planning Authority that all sewage works upgrades required to accommodate the additional flows from the development have been completed.

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

16. Prior to first occupation of the development hereby approved, 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 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

17. The development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 4. 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.

18. Prior to the first use or occupation 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.

19. 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

#### **COMPLIANCE CONDITIONS**

20. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.



**24/02167/F**

**Agenda Item 14**

**Land North Of A4221  
Bicester Road  
Fringford**



**1:1,000**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

24/02167/F

Land North Of A4221  
Bicester Road  
Fringford



91.0m

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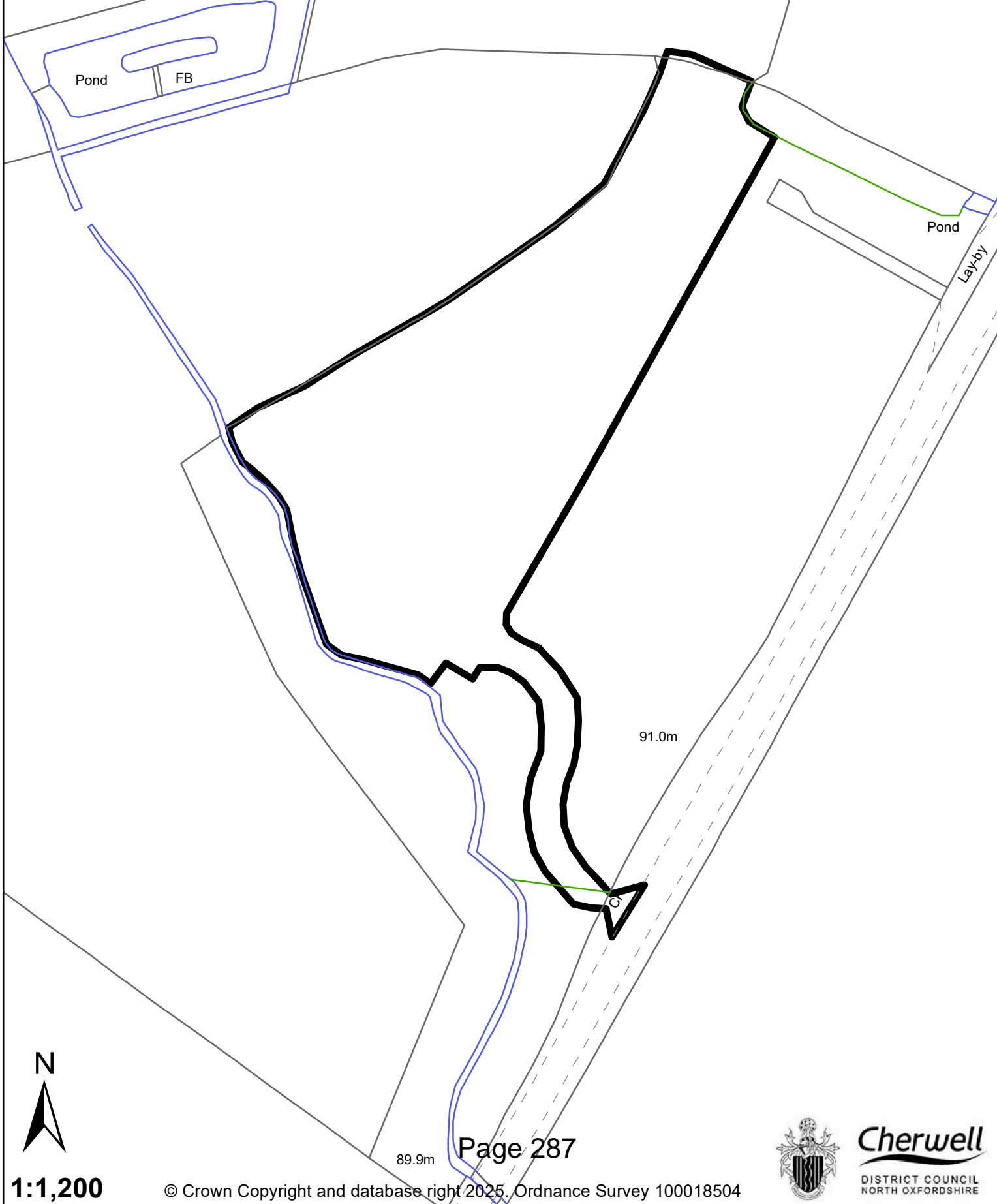
**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

24/02167/F

Land North Of A4221

Bicester Road

Fringford





**Case Officer:** Rebekah Morgan

**Applicant:** Mr J Bell

**Proposal:** Change of Use of land to a 4 pitch travellers caravan site and erection of stable building - re-submission of 23/02886/F

**Ward:** Fringford And Heyfords

**Councillors:** Cllr. Grace Conway-Murray, Cllr. Nigel Simpson and Cllr. Barry Wood

**Reason for Referral:** Called in by Councillor Wood for the following reasons: high public interest and planning history of the site.

**Expiry Date:** 8 July 2025

**Committee Date:** 3 July 2025

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**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site comprises part of an open field which is relatively flat. There is a partially constructed steeled framed barn towards the north-west corner. This frame has no roof and partial cladding on one side. The field is currently in agricultural use.
- 1.2. The existing access point joins the A4421 in the existing layby. The road at this point is subject to a 50mph speed limit at the access point. Adjoining to the north-east is a copse on rising land. To the south-west is a small watercourse. The site is surrounded by mature hedgerows and trees. No public footpaths run through the site and there is no pavement on the A4421.
- 1.3. The site is located to the south of Fringford which is 1.5km away (by road). Stratton Audley is 1km to the south of the site (by road) and the edge of Bicester (Buckingham Road roundabout) is 3.1km to the south of the site.

**2. CONSTRAINTS**

- 2.1. The following constraints apply to the site:
  - The site is identified as potentially contaminated land
  - Category 3 – Best and most versatile land
  - Within 2km of a Site of Special Scientific Interest (SSSI) – Stratton Audley Quarries
  - Within 2km of a historical landfill site
  - Protected and notable species within the vicinity of the site.
  - The site is within Flood Zone 1

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposed layout includes four pitches with each having the same provision of one mobile home, one day room, parking for two cars and for one touring caravan. Each

pitch is shown to be surrounded by native hedgerow planting with three trees planted with an understorey of bulb drifts. Adjoining one of the pitches is a proposed play area and, beyond is a stable block. An existing steel framed barn would be removed.

- 3.2. The proposed pitches would be set back on the rear part of the site, furthest from the road. A native woodland buffer is proposed on the eastern and south-east side of the four pitches and play area. An avenue of native trees is proposed on the access track, which would be from the southernmost end of the site onto the A4421. The site plan proposes to cut back the thicket / scrub on the roadside as required to achieve required visibility splays. The access track would be gravelled. Additional information relating to highway issues and visibility splays, received on 24.01.2024, is outlined and addressed in the section of the appraisal relating to highway issues. The remaining land would be used for paddocks.
- 3.3. The day rooms and stable block would be timber clad with fibre cement slate roofs.
- 3.4. The stable block would be L-shaped and have four horses, a tack room, hay store and kitchen.

#### **4. RELEVANT PLANNING HISTORY**

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

23/01368/F: Change of Use of land to a 4 pitch travellers caravan site and erection of a stable building. WITHDRAWN.

23/02886/F: Change of Use of land to a 4 pitch travellers caravan site and erection of stable building - re-submission of 23/01368/F. REFUSE.

- 4.2. Application 23/02886/F was refused for three reasons, which are summarised below:
  - Visual impact and harm to the character of the open countryside. The Council maintained it could demonstrate a 5 year supply of deliverable sites and therefore the harm was not outweighed by the benefits of the scheme.
  - The vision splays and access point are substandard and significantly compromise highway safety.
  - The submitted scheme failed to demonstrate that the development would not result in harm to protected species and their habitat.

#### **5. PRE-APPLICATION DISCUSSIONS**

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

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **17 September 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. There have been 118 letters of objection and 3 letters of comment

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

*Location, sustainability and services*

- Insufficient infrastructure
- Fringford is a small village
- Lack of services in the village
- School is already full
- No regular public transport
- Disrupt the quiet nature of the village
- Fringford is not a sustainable location
- Lack of employment opportunities in Fringford
- Site unsuitable for residential dwellings
- Fringford is a Category A village but this is being changed in the new local plan
- Does not make effective and efficient use of land
- The nearest village to the site is Stratton Audley which is a category C village
- Existing utilities to the village are poor

*Highway safety and access*

- Site access is not suitable for cars/caravans
- This is a very fast road
- The access will prevent the layby being used
- Close to a crossroads, so could cause accidents
- Vision is compromised due to topography of the road
- No public footpath or street lights for pedestrians
- Occupants would be reliant on car travel to access anything
- A4221 is not safe for cyclists
- Lack of safe visibility splays
- Previous accidents on the road
- The submitted highway information is unclear and does not address previous concerns
- Visibility splays are substandard
- Dangerous place for the stabling of horses if they need to be ridden or walked along the road

*Landscape and Ecology*

- Loss of existing agricultural land and green space
- Visual impact on surrounding countryside
- Impact on wider views of the site
- Negative impact on biodiversity
- Removal of a large section of hedgerow
- Urbanising impact on the countryside
- Impact on enjoyment of walkers using public footpaths
- Creating large areas of hardstanding would be detrimental to ecology and biodiversity
- Impact on protected species
- Habitat along the watercourse should be safeguarded
- Impact on the adjacent wood
- Significant removal of trees
- The same landscape statement has been submitted as the previously refused scheme
- Scale and appearance would have an urbanising impact

*General comments*

- Why is a permanent site required when travellers normally travel around
- Suitable housing in the local area if they want to settle
- No significant change from previously refused application
- No access to water or utilities on the site
- No suitable access for refuse collection
- Local flooding issues
- Poor drainage
- Will likely result in request for more caravans in the future
- Environmental impact of using generators
- Brownfield sites should be considered before greenfield sites
- Application fails to mention alternative sites
- No information on flood risk and drainage proposals
- No information on waste and rubbish disposal
- What is the relevance of submitting appeal decisions as supporting information
- The proposed site is greenbelt and should be protected
- The application is for four static homes, 4 day rooms and 4 spaces for mobile homes – this could be 12 residential units on less than 30% of the site putting pressure on future expansion
- Lack of basic provisions to meet the living requirements of the occupants
- If approved, the application should be subject to a legal agreement to restrict the use
- There is no evidence to suggest the applicant is a member of the travelling community
- Increased crime
- Risk of littering
- Air pollution
- Noise pollution
- Loss of agricultural land

6.4. 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. FRINGFORD PARISH COUNCIL: **Objects**, detailed comments have been submitted relating to the planning history, highway safety, lack of compliance with policy BSC6 of the CLP 2015 and impact on landscape and visual amenity. The following summary points have been provided:

- The reasons for refusing 23/02886/F have not been overcome. The latest proposed site plan is almost identical to that refused and there is a disconnect between the Transport Statement, Statement of Evidence in relation to landscape objections and BNG Assessment.
- Policy H, paragraph 25 of PPTS states "*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.*" The application site is located in open countryside, "away from existing settlements or outside areas allocated in the development plan", where a new traveller site should be strictly limited.

- In respect of Policy BSC6, the location of the application site complies with the sequential test and Fringford Parish Council does not take issue with the proposal in relation to criteria E, G and J. However, the proposal fails to comply with criteria A, B, C, F, H, I and K. This conflict with several policy criteria is great enough to constitute a breach of Policy BSC6 when taken as a whole. The proposal is not a suitable location for a gypsy and traveller site.
- The unsuitability of the site regarding Policy BSC6 criterion C (Avoiding areas at risk of flooding) also results in conflict with policies ESD6 (Sustainable Flood Risk Management) and ESD7 (Sustainable Drainage Systems). Unsuitability regarding criterion F (The potential for harm to the historic and natural environment) also results in conflict with policies ESD10 (Protection and enhancement of Biodiversity and the Natural Environment), ESD13 (Local Landscape Protection and Enhancement) and ESD15 (The Character of the Built and Historic Environment). By reason of harm to the character and appearance of the locality, the proposal also conflicts with saved Policies C28 and C30 of the Cherwell Local Plan 1996.
- In conclusion, the proposal conflicts with the development plan as a whole (Cherwell Local Plan 2011-2031 Part 1 and the Cherwell Local Plan 1996). Therefore, planning permission should be refused.

7.3. HETHE PARISH COUNCIL: **Objects**, for the following reasons:

- Moving the access does nothing to alleviate the dangers of entering/ exiting the site. Any vehicles parked in the adjacent lay-by will seriously obstruct vision and add to the danger of an access onto this busy road.
- The proposed site would have a detrimental impact on this area of open countryside. It is a Greenfield site and therefore should remain in agricultural use.
- Lack of nearby services any trips to school, shops, GP surgery etc would necessitate the use of a car as there are no cycle paths, footpaths or bus services to the site.
- The site has no access to utilities ie. electricity, gas, drainage, water.
- Any development on the site will have a negative impact on local wildlife.

7.4. STRATTON AUDLEY PARISH COUNCIL: **Object**, detailed comments have been submitted relating to location of the site and lack of compliance with the criteria set out in Policy BSC6 of the CLP 2015. The following specific points are highlighted as concerns:

- There is no street lighting or pavement in the area or indeed a cyclepath;
- The site access is from a lay-by on the A4421 with a speed limit of 50 MPH. Access to the site will cause a further danger to fast moving cars on the main road and for those entering and exiting the site at much lower speeds;
- The track access is narrow and the plans do not indicate that there will be sufficient room for large vehicles to pass each other, which again could lead to accident accidents when entering and leaving onto the A4421;
- No account seems to have been taken as to how refuse collections are to be carried out. Presumably resulting in residence having to take their bins down



the track which is circa 180 metres long. More likely will be the scenario of bins being left in the lay-by permanently, creating an eyesore for passers-by.

- It is a greenfield site which is adjacent to hedgerows and trees and a woodland area to the north. There is a stream to the south and a pond nearby. It has previously been established that protected species live in the area. The site is clearly visible from the A4421 and other vantage points and there is a public footpath close-by, all of which will be detrimentally affected by this development. The application seems to dismiss these important factors which affect the visual amenity of the area.
- We also note that the proposals run counter to CDC's own guidelines which state that "planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside".
- We note that a previous application indicated that there was no need for further pitches within the Cherwell District Council area.

In conclusion, the application is unacceptable and conflicts with parts of the Cherwell Local Plan 2011-2031 and should be rejected in its entirety. Furthermore, the applicant should be discouraged from revising their application and re-submitting as the site is clearly not capable of sustaining such a development, now or in the future.

- 7.5. COTTISFORD PARISH COUNCIL: **Object**, detailed comments have been submitted covering points relating to the planning history, highway safety and lack of compliance with policy BSC6 of the CLP 2015.

Highway safety: Sub-standard access point and visibility splays (no change to visibility splays) which significantly compromise highway safety. Impact on visibility splays of vehicles using the layby. Impact of required hedge removal on landscape character and visual amenity.

Policy BSC6: The proposal fails to comply with the following criteria: Access to GP and other health services and access to schools, avoiding areas at risk of flooding, the potential harm to the historic and natural environment, the need to make efficient use of land, deliverability (including whether utilities can be provided) and the availability of alternative sites.

Summary:

- The reasons for refusing 23/02886/F have not been overcome. The latest proposed site plan is almost identical to that refused and there is a disconnect between the Transport Statement, Statement of Evidence in relation to landscape objections and BNG Assessment.
- In conclusion, the proposal conflicts with the development plan as a whole (Cherwell Local Plan 2011-2031 Part 1 and the Cherwell Local Plan 1996). Therefore, planning permission should be refused.

- 7.6. OCC HIGHWAYS: **No objection**, subject to conditions.

The explanation regarding the location of the proposed access is accepted by OCC, plans submitted under 23/02886/F had two contrasting scales written within the document, the incorrect scale was used to measure the visibility from a potential

access point. This assessment is based on the location of the access as described within the Transport Statement and shown on the submitted plans No. TDA 2836 03.

There are 4 pitches proposed as part of this application, the number of vehicle movements associated with a development of this size are likely to be minimal.

The applicant is required to enter into a Section 278 agreement in order to create the bell-mouth access and close the existing access to the site, as well as clear vegetation within the proposed visibility splays (explained below). As part of the Section 278 agreement, any land within the visibility splays that is not public highway will need to be dedicated as highway. The applicant has demonstrated that a suitable visibility, based on speed survey data, is achievable subject to vegetation clearance. However, there is a ditch present at the site frontage, and this means the highway boundary is at the carriageway edge of the ditch. As part of the S278 agreement, the owner will need to establish title to the ditch.

In order to ensure safe access for construction, the visibility splays shown on plan No. TDA 2836 03, must be cleared before work starts.

7.7. THAMES WATER: No comments to make.

7.8. NATURE SPACE: The applicant has received their Nature Space documentation which has been submitted with the application. There are conditions relating to the district licence scheme that need to be applied.

7.9. CDC ECOLOGY OFFICER: The following comments were made:

Currently the District Level Licence certificate is valid only for planning application reference 23/02886/F and as such NatureSpace should be contacted to provide a new certificate with the current details. Conditions relevant to the application will be described on the certificate which should be applied.

A condition should be applied to ensure the recommendations set out within the Preliminary Ecological Appraisal by Pro Vision are followed, with particular reference to ensure no light spill on hedgerows, woodland or ponds. The habitat onsite could become suitable for reptiles if not maintained, a pre-commencement survey should be undertaken no more than 3 months prior to commencement to check on suitability for reptiles and for presence of any new badger setts, with a report of findings submitted to the council.

In order to follow Policy ESD10 a Biodiversity Enhancement Plan should be submitted to detail enhancements for birds, bats, invertebrates and hedgehogs.

The standard HMMP condition should be applied with regard to biodiversity net gain achieved onsite.

7.10. CDC LANDSCAPE OFFICER: **No objections,**

General information:

- In terms of landscape value, the Site is not covered by any statutory or non-statutory designations for landscape character or quality.
- The site is not publicly accessible.
- Potential views into the site are limited due to mature hedging to perimeters.
- The site is not located within the Green Belt.

Views:

- After conducting a site visit on the 28/05/2025 and reviewing images from the 'Landscape Statement of Evidence' provided by applicants, it is clear that potential views from Bicester Road into the site are limited due to the mature hedging to the Southern boundary. I believe the existing hedgerow will provide sufficient screening to the proposed works.
- The public footpath shown on CDC mapping to the West of the site is of a far enough distance to not affect the visual amenity of this route.
- While there is no doubt the proposal will alter the open character of the area, I don't believe the visual harm to the site is severe.

#### Planting:

- The existing mature hedgerow to the southern boundary must be retained and protected under this application to limit the loss of biodiversity and provide sufficient screening.
- Plant species are not identified on plans. A condition is to be created to ensure a planting scheme is approved before construction commences.
- A native plant buffer must be provided to the eastern boundary to protect the adjacent NERC ACT S41 habitat.
- There are discrepancies in driveway access location. Drawing TDA 2836 03 shows driveway access to the South and Drawing TDA.2836.03 shown in 'Landscape Design Statements' shows the driveway access to the North. Applicants must ensure it is clear where the driveway will be located and provide reasoning for its location noting that unnecessary removal of mature hedging will not be accepted.

- 7.11. CDC DRAINAGE OFFICER: The proposed use as a Travelers Site put it in the NPPG "Highly Vulnerable" flood risk category.

There is a wide ribbon of surface water flood risk shown to straddle the brook which forms the southern boundary of the site. The floor levels of all the units must be raised above the maximum flood level that can reasonably be expected (I suggest a minimum of 450mm above bank level) and a "dry" egress route from all units ensured.

No objections provided these criteria are met.

- 7.12. CDC ENVIRONMENTAL PROTECTION OFFICER: Advise to refer to comments made previously on application 23/01386/F as these are still applicable.

No comments with regards to light or air quality.

Noise: Having read the noise report, we would a condition is attached restricting occupation of the site to mobile homes that comply with the requirements of BS3632 to ensure the appropriate noise levels are achieved.

Contaminated land: A condition is recommended relating to unexpected contamination and to secure any required remediation if required.

Odour: A condition is recommended relating to the location, method of storage and disposal of manure and waste from the site.

- 7.13. CDC STRATEGIC HOUSING OFFICER: The following comments were made:

- Any permission granted for caravan pitches should be for the sole use of the Gypsy and Traveller community.
- Any permission granted for caravan or mobile home pitches should make clear if the permission is for either:

- a) the pitch only which is then made available by the site owner to lease to caravan/mobile homeowners to station their caravans/mobile homes, or
  - b) for caravans/mobile homes owned by the site owner to be stationed on the pitches as available for occupation for rent by the site owner.
- It appears that 2(a) would be more appropriate in this application and if the permission is granted for the pitches only, the permission should make clear that whilst the leasing of pitches is permitted, the permanent stationing an/or leasing of caravans/mobile homes themselves is not.
  - If caravans or mobile homes owned by the site owner *are* to be stationed on the site as available for occupation for rent by the site owner for all year-round use, the caravans or mobile homes must be of a suitable standard and condition (adhering to all applicable standards) such that they are appropriate for all year-round use.
  - If planning permission is granted, a site licence must be obtained prior to the occupation of the site.

7.14. CDC BUILDING CONTROL OFFICER: A building regulations application is required.

## **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
- BSC6: Travelling Communities
- ESD1: Mitigating and Adapting to Climate Change
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV1: Environmental Pollution

- 8.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
  - Planning Policy for Traveller Sites (PPTS) (2024)

- Planning Practice Guidance (PPG)
- Cherwell, Oxford City, South Oxfordshire, Vale of White Horse and West Oxfordshire Gypsy and Traveller, Travelling Showperson and Boat Dweller Accommodation Assessment (2024) (GTAA)
- Cherwell District Council Annual Monitoring Report 2024 (June 2025) (AMR)
- The United Nations Convention on the Rights of the Child (UNCRC)
- Relevant appeal decisions

## 9. APPRAISAL

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

- Principle of Development
- Provisions of the Planning Policy for Traveller Sites, including the Rights of the Child
- Visual Impact and Effect on Landscape Character
- Accessibility and Highway Safety
- Ecology
- Residential Amenity
- Surface Water Flood Risk
- Drainage and Utilities
- Other matters

### Principle of Development

9.2. The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states *‘achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways’*, with the three objectives being economic, social and environmental.

9.3. Paragraph 26 of the Planning Policy for Traveller Sites (PPTS) states *‘Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, avoiding placing an undue pressure on local infrastructure’*.

9.4. Paragraph 27 of the PPTS states *‘When considering applications, local planning authorities should attach weight to the following matters:*

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

9.5. Policy ESD1 of the CLP 2015 seeks to mitigate and adapt to climate change. This includes distributing growth to the most sustainable locations and delivering development that seeks to reduce the need to travel, and which encourages sustainable travel options including walking, cycling and public transport, to reduce dependence on private cars.

- 9.6. Policy BSC6 of the CLP 2015 sets out the requirements for identifying suitable sites and provides the following criteria:

*'Locations outside of the Cotswold Area of Outstanding Natural Beauty and the Green Belt will be considered. In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:*

1. *within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village*
2. *within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*

*Other locations will only be considered in exceptional circumstances'*

It goes on to state that the following criteria will also be considered in assessing the suitability of sites:

- a) *access to GP and other health services*
- b) *access to schools*
- c) *avoiding areas at risk of flooding*
- d) *access to the highway network*
- e) *the potential for noise and other disturbance*
- f) *the potential for harm to the historic and natural environment*
- g) *the ability to provide a satisfactory living environment*
- h) *the need to make efficient and effective use of land*
- i) *deliverability, including whether utilities can be provided*
- j) *the existing level of local provision*
- k) *the availability of alternatives to applicants*

- 9.7. The PPTS provides the following definition of "gypsies and travellers" for the purposes of the planning policy:

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.*

- 9.8. The supporting documents submitted with the application makes it clear that the application seeks the provision of pitches for gypsy and travellers. There is no requirement in planning policy terms for evidence to be provided. If approved, the use of the site by those meeting the definition can be conditioned.
- 9.9. The application site is located within the open countryside. The application seeks consent for 4 pitches and a small stable block. The proposal is of a scale that would not *'dominate the nearest settled community'* and with the close proximity of Bicester, it is not considered to be of a scale to put undue pressure on local services.
- 9.10. Policy BSC6, set out above, was intended to inform the allocation of sites as part of CLP 2015 Part 2. This plan has now been superseded by the emerging Cherwell Local Plan 2042. Policy BSC6 remains a useful tool in assessing the sustainability of any proposed site.

- 9.11. In terms of the criteria, the site is outside the Cotswold Area of Outstanding Natural Beauty and is outside of the Oxford Green Belt. The site is within 3kms of Fringford, a Category A village, therefore complying with criterion 1. It is also 3.1kms from the access point on the site to the built-up limit of Bicester (as measured to the first roundabout junction of the A4421 and the A4095). Bicester would provide access to a wider range of facilities.
- 9.12. Category A villages are amongst the most sustainable villages in the District. Fringford has limited facilities and services but does include the provision of a primary and pre-school, public house, church and village hall which could meet some of the needs of the occupants of the site. However, due to slight exceedance in distance to Bicester, it is reasonable that some services can be adequately provided in Bicester. Therefore, with regards to criteria a (access to health services) and b (access to schools), it is considered the site meets these requirements. Therefore, in terms of location and sustainability of the site, the proposal is considered to comply with Policy BSC6 of the CLP 2015.
- 9.13. With regards to criteria set out in points c-i of Policy BSC6, these matters are addressed below in this report.
- 9.14. It is acknowledged the site is located in the open countryside and whilst relatively close to Bicester, occupants are likely to rely on private motor vehicles to access services to meet their daily requirements. In addition to this, any other planning harms set out below, need to be balanced against the benefits of the scheme including the provision of accommodation to meet the applicant's needs.

Provisions of the Planning Policy for Traveller Sites, including the Rights of the Child

- 9.15. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states *'achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways'*, with the three objectives being economic, social and environmental.
- 9.16. Paragraph 11d of the NPPF sets out a presumption in favour of sustainable development. It states that for decision taking this means:
- *Approving development proposals that accord with an up-to-date development plan without delay; or*
  - *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - i. *The application of policies in this Framework that protect areas or 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 assessing 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.*
- 9.17. The Planning Policy for Traveller Sites (PPTS) sets out the government's planning policy for traveller sites and is a material consideration in any planning decision.
- 9.18. The PPTS defines 'gypsies and travellers' as:

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.*

9.19. Paragraph 28 of the PPTS states *'if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply'.*

9.20. Paragraph 25 of the PPTS states *'Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

*a) the existing level of local provision and needs for sites*

*b) the availability (or lack) of alternative accommodation for the applicants*

*c) other personal circumstances of the applicant*

*d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*

*e) that they should determine applications for sites from any travellers and not just those with local connections.*

9.21. Criteria j and k of Policy BSC 6 of the CLP 2015 relate to the supply and availability of alternative sites for the applicants. This reflects the guidance in paragraph 25 of the PPTS which sets out 5 criteria which should be considered in turn.

#### **The existing level of local provisions and needs for sites**

9.22. The Council jointly commissioned the *'Cherwell, Oxford City, South Oxfordshire, Vale of White Horse and West Oxfordshire – Gypsy and Traveller, Travelling Showperson and Boat Dweller Accommodation Assessment 2024'* (GTAA) which is the most up to date position on the supply of deliverable gypsy traveller pitches. The assessment demonstrates the Council currently has a 8.23-year supply, which is also reflected in the Annual Monitoring Review 2024 (AMR).

9.23. This supply figure was recently challenged in an appeal (reference APP/C3105/W/24/3352105) at Manor View, Hampton Poyle. The appellant questioned the evidence base and calculations used to reach this position. The Inspector found that there was insufficient evidence put forward to cast necessary doubts on the GTAA and also noted this document has not yet been the subject of a formal Examination in Public which is the most appropriate route to fully test the evidence. The Inspector concluded that due to the level of supply, there would need to be a significant reduction in supply for the figure to result in the deliverable supply of sites falling below the 5-year level. Therefore, it was concluded the Council could demonstrate the minimum of a 5 year supply of deliverable sites.

#### **The availability or lack of alternative accommodation for the applicants**

9.24. The matter of alternative sites was also addressed at the Hampton Poyle appeal. Alternative sites need to be available for occupation by the applicant straight away. The Council was unable to provide the Inspector sufficient assurances that any of the



existing traveller sites had immediate availability or that there were alternative sites (with planning permission) that could be immediately occupied.

- 9.25. At the present time, the Council has not allocated sites within the existing or emerging local plans. Officers are not aware of any sites in the district that currently have availability for the applicant. Therefore, it has to be concluded there are no suitable, alternative sites at this time that could serve the needs of the applicant.

#### **Other personal circumstances**

- 9.26. Confidential information has been submitted relating to the health needs of future occupiers and clearly demonstrates that children will occupy pitches on the site. As such the interest of the child, must be a primary consideration in the determination of the application. There are clear benefits to these children to allow them to occupy a settled base where there is access to services and facilities in Bicester.

#### **Use of locally specific criteria to assess applications on unallocated sites**

- 9.27. This relates to the provisions within Policy BSC6 of the CLP 2015. These provisions have been addressed elsewhere in this report.

#### **Other matters identified by the PPTS**

- 9.28. Paragraph 26 of the PPTS states that, when considering applications, local planning authorities should attach weight to the effective use of previously developed (brownfield), untidy or derelict land. The application is proposed on green field land and so no weight can be given to this consideration.

#### *Availability and allocation of sites*

- 9.29. The Inspector for the Hampton Poyle appeal made the following comments in regard to the development plan policies and provision of sites:

*'The Council's development plan contains no site allocation policy for gypsy traveller sites. There is only a criteria-based policy, against which individual sites that come forward are assessed. I was told that an allocation policy was to be drafted as Part 2 of the development plan, but this was never produced. While the current level of need is not excessive, there is still a need with the Council accepting at the hearing that the criteria-based policy could have performed better. Within this context, I find that there has been an ongoing failure of policy to address the full accommodation needs of gypsy travellers within the area'.*

- 9.30. The Inspector makes it very clear that being able to demonstrate a 5-year supply of deliverable sites was not the only consideration when assessing need. Without identifiable available sites or the allocation of sites in the local plan, the needs of the applicant still need to be met.

#### **Conclusion**

- 9.31. Whilst the Council can demonstrate a 5-year supply of deliverable pitches, it cannot identify any available sites that could be occupied immediately by the applicant. In addition, the recent appeal decision identified the lack of site allocations, to meet the needs of gypsy travellers in the area. Therefore, weight must be given to the benefits of providing additional pitches to meet the personal needs of the applicants.

- 9.32. In principle, the use of the site for the provision of gypsy traveller pitches is therefore considered to be acceptable. The benefits of the identified need to be weighed against any identified harm.

#### Visual Impact and Effect on Landscape Character

- 9.33. The government attaches great importance to both the protection and enhancement of the natural environment and the design of the built environment within the NPPF.
- 9.34. These aims are also echoed within Policy ESD13 of the CLP 2015, which states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside.
- 9.35. 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."
- 9.36. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside from sporadic development. This proposal does not fall into a category where development would be acceptable.
- 9.37. The site currently positively contributes to the rural character and appearance of the locality and the intrinsic character and beauty of the open countryside through being undeveloped agricultural land.
- 9.38. Policy ESD13 states that a character-based approach to assessment is required and seeks to conserve and enhance the countryside and landscape character of the whole District.
- 9.39. The Council's Landscape Officer has visited the site and reviewed the submitted information. Whilst it is acknowledged the development of the site would impact the rural character of the area, the harm is considered to be relatively limited and very localised. The existing site is well screened, limiting views of the site and public footpaths are a sufficient distance away that the proposal would not impact on the visual amenity of those routes.
- 9.40. The application proposes a new access towards the southern end of the site which will require the removal of part of the hedgerow.
- 9.41. The Landscape Officer highlights a discrepancy in the position of the access shown in the landscape assessment. This is due to the location of the access being re-positioned to provide adequate visibility splays. The submitted plans and site area make it clear the access is proposed at the southern end of the site. The applicant has been requested to provide an undated document.
- 9.42. Additionally, some of the existing hedgerow would need to be cut back and continually managed to ensure visibility splays are adequate. The removal of the hedgerow is regrettable, but necessary to ensure an appropriate access can be secured.
- 9.43. The addition of mobile homes, parked vehicles, hardstanding, play area and domestic paraphernalia would detrimentally impact on the landscape character of the site, having an urbanising effect within a countryside setting, contrary to the existing established character of the area. An existing (partially constructed) barn and track would be removed; however, this is not sufficient to negate the visual impact of the proposal and therefore is a limited benefit of the proposal.

- 9.44. Additional landscaping is proposed to mitigate some of the harm to landscape character and this would aid to further limit views into the site. It is acknowledged that this would take time to establish, and the proposed landscaping would not completely negate the harm.
- 9.45. It is considered that the proposals would cause visual intrusion into the open countryside and be to the detriment of the general character and appearance of the surrounding rural landscape.

#### Accessibility and Highway Safety

- 9.46. Policy PSD1 of the CLP 2015 has a presumption in favour of sustainable development provided any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies on the NPPF taken as a whole.
- 9.47. Policy ESD1 looks to deliver development that reduces the need to travel and which encourages sustainable travel options including walking, cycling and public transport, to reduce dependence on private cars. It also seeks to reduce carbon emissions and use resources more efficiently.
- 9.48. Policy ESD15 of the CLP 2015 states, *inter alia*, that new development should be designed to deliver a high quality safe place to live and work. Development of all scales should be designed to improve the quality of an area and the way it functions.
- 9.49. Paragraph 8 of the NPPF seeks to ensure that sufficient land of the right type is available in the right places. It seeks to foster safe places with accessible services. It also seeks to make effective use of land and minimise pollution.
- 9.50. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 9.51. Paragraph 116 of the NPPF continues that applications for development should facilitate access to high quality public transport and create places that are safe and secure.
- 9.52. The proposal is in an isolated location with no access to public footpaths or other public rights of way, nor to street pavements or public transport connections. The occupiers would therefore be wholly dependent on the car, even for short journeys. This would conflict with the aim to achieve sustainable development due to dependency on the car as a means of transport.
- 9.53. The previous proposal (23/02886/F) was resisted for a number of reasons including on highway safety grounds. The reason for refusal reads as follows:.

*The visibility splays at the access point are substandard and significantly compromise highway safety to the detriment of road users. The proposal therefore fails to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.*

- 9.54. This application has been submitted with additional information regarding the access and visibility splay arrangements. The application has been reviewed by the local Highway Authority (LHA); they raise no objection to the proposal and have explained how this application differs from the previous.

- 9.55. The LHA has noted an error in scale with the previous plans which resulted incorrect measurements of the visibility splays. The information submitted now demonstrates that suitable access and visibility splays can be achieved from the revised access position. The LHA is satisfied that a safe access can be created and have recommended conditions and highlighted the requirement for the applicant to enter into a Section 278 agreement for any highways works. Given the need for a new access and the vision splays to be cleared to achieve this, it is considered necessary that the conditions require the access to be created prior to the commencement of development.
- 9.56. It is acknowledged that highway safety concerns have been raised by a significant number of third-party comments. However, in the absence of an objection from the LHA, it would not be reasonable to refuse the application on these grounds and it is unlikely that such a reason for refusal could be defended at an appeal.
- 9.57. Therefore, it is concluded the proposal can achieve a safe and suitable access that would not compromise highway safety and therefore accords in this respect with government guidance contained within the NPPF.

#### Impact on Ecology

- 9.58. Paragraph 8(c) of the NPPF seeks to protect our natural environment and Paragraph 186 of the NPPF seeks to prevent significant harm to biodiversity resulting from a development.
- 9.59. Policy PSD1 of the CLP 2015 has a presumption in favour of sustainable development. Policy BSC6 seeks to prevent harm to the natural environment. Policy ESD1 seeks to take into account known environmental constraints and Policy ESD10 seeks to protect and enhance biodiversity and the natural environment.
- 9.60. The previous application included a reason for refusal relating to ecology because insufficient information had been submitted to assess the impacts of the proposal. The application is supported by a preliminary ecological assessment and a Biodiversity Net Gain (BNG) Assessment.
- 9.61. The Council's Ecologist has reviewed the information submitted with this application and does not raise an objection. The ecological appraisal is considered to be appropriate and sufficiently detailed. The report does identify impacts of the development and mitigation measures which can be conditioned. The statutory requirement for 10% Biodiversity Net Gain (BNG) has been demonstrated.
- 9.62. The Ecologist noted the need for an updated District Level Licence in respect of protected species. This information has been supplied, and Nature Space has confirmed this is acceptable. Nature Space recommend planning conditions relating to the District Licence scheme and these have been included in the recommendation.
- 9.63. The Council's Ecologist has recommended conditions relating to lighting, pre-commencement survey, biodiversity enhancement plan and Habitat Management and Monitoring Plan (HMMP).

#### Residential Amenity

- 9.64. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.

- 9.65. The site is in open countryside and some distance away from the closest residential properties, so there are no residential amenity concerns in respect of these neighbours..
- 9.66. The site plan demonstrates sufficient space to accommodate four pitches. Due to the nature of the site, the layout would provide sufficient private amenity for the occupiers. In addition, there is space for a play area and outdoor amenity space.
- 9.67. The site is close to the main road, as such, the Environmental Protection Officer has recommended conditions relating to noise to ensure the caravans on the site are of a standard to provide suitable internal noise levels.
- 9.68. The application includes a small stable block that could create odour issues. This is situated away from the pitches, a planning note has been recommended advising of the need to regular dispose manure and waste from the site to protect the local environment.
- 9.69. Overall, the site will provide sufficient levels of amenity for the future occupiers of the site and complies in this respect with Policy ESD15 of the CLP 2015, policy C30 of the CLP 1996 and government guidance contained within the NPPF.

#### Surface Water Flood Risk

- 9.70. The Council's Building Control and Flood Risk Manager advises that there is a wide ribbon of surface water flood risk that is shown to straddle the brook which forms the southern boundary of the site. He therefore seeks a raised floor level for each unit and a dry egress route from all units. This could be dealt with by condition. The Environment Agency surface water flood risk map shows that the pre-existing access onto the parking layby would provide a safe exit point for pedestrians

#### Drainage and Utilities

- 9.71. Due to the location of the site, it is not connected to mains sewers and there are no existing utilities to the site. Third party comments have raised concerns about the existing utility provision to Fringford being poor at times.
- 9.72. Due to the type of development, it is common for sites not to be served by mains utilities and is acceptable for the pitches to be served by generators. The site is not close to other residential properties and therefore any noise from equipment would not impact on other residents.
- 9.73. The application form specifies that the site will be served by a package treatment plant. Given the nature of the site, this is considered to be an appropriate means of drainage for the pitches on the site.

#### Other matters

- 9.74. Third party comments have questioned the need for a permanent site if the occupiers are travellers and also whether the applicants are truly travellers. Paragraph 9.18 of this report includes the PPTS definition of 'gypsies and travellers' and it is not disputed that the applicants comply with the definition. It also allows for permanent settlement due to health and education needs, which justifies the need for permanent sites.
- 9.75. Comments relating to potential littering and risk of crime are not material planning considerations in this case because there is no evidence to suggest this would be the case.

## 10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. There would be harm to the character and appearance of the countryside which would attract substantial weight against the scheme.
- 10.3. The Council can demonstrate a 5-year supply of deliverable sites. However, it cannot identify any sites that are immediately available for occupation. Therefore, significant weight must also be given to meeting the needs of the applicant.
- 10.4. Indeed, the applicant's personal circumstances and rights of the child must be at the forefront of any decision. The site is located within 3km of a Category A village and only 3.1km from Bicester, so there would be sufficient access to services and health care.
- 10.5. The site is not so large as to dominate the local settlements, and the layout would provide sufficient levels of amenity for occupiers. In addition, the LHA has advised a safe and suitable access can be created and there are no objections in relation to highway safety. Impacts on ecology can be adequately mitigated, and the applicant has demonstrated that statutory Biodiversity Net Gain can be provided on the site.
- 10.6. The harm identified, relates predominantly to visual and landscape harm, which the Council's Landscape Officer has stated would not be severe. When balanced against the benefits of the scheme, including the provision of accommodation to meet the needs of gypsy travellers and the rights of the child, officers conclude that, on balance, the harm is outweighed by the benefits of the scheme. Therefore, the proposal is recommended for approval subject to conditions, as set out below.

## 11. RECOMMENDATION

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

### CONDITIONS

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans and documents:

- Drawing number TDA.2836.01 – [Site Location Plan]
- Drawing number TDA.2836.03 – [Proposed Site Layout & Outline Landscape Scheme]
- Drawing number TDA.2836.05 – [Proposed Stable Block: Plans and Elevations]

- Drawing number TDA.2836.04 – [Proposed Day Room: Plans and Elevations]
- Planning Statement prepared by Murdoch Planning Limited dated August 2024
- Transportation Planning, Highway Design and Environmental Assessment prepared by The Hurlstone Partnership dated July 2024
- Noise Statement prepared by LD Acoustics dated March 2023

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. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent and to comply with Government guidance contained Planning Policy for Traveller Sites.

4. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than four shall be static caravans, shall be stationed on the site at any time.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent and to comply with government guidance contained within the Planning Policy for Traveller Sites.

5. All tourers maintained within the site shall only be used ancillary to and in connection with a mobile / static home on the site and shall not be used as independent residential accommodation.

Reason: To ensure the development does not result in an over development of the site and in the interest of the residents' amenity 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.

6. The stables and use of land hereby permitted shall be for private use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time.

Reason: To protect the character of the countryside and in the interest of highway safety in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

7. No commercial activities shall take place on the land including the storage of

materials associated with commercial activities.

Reason: In order to safeguard the visual amenities 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 advice in The National Planning Policy Framework.

8. 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 day rooms 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.

9. 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.

10. Prior to the commencement of the development hereby approved, all



vegetation, trees and other material exceeding the height of 0.6m within the visibility splays set out in drawing No. TDA.2836-03 must be cleared. 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, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

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

12. Before the hereby approved new access is first used, the existing access serving the field onto the A4221 shall be permanently stopped up in accordance with details which shall have first been submitted to and approved in writing by the local planning authority and shall not thereafter be used by any vehicular traffic whatsoever.

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

13. Prior the first use/occupation of the development hereby approved, the parking and manoeuvring area shall be provided in accordance with the plan approved (Drawing No. TDA.2836.03) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times

Reason: In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. No development shall commence until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include:
- a) Details of wheel cleaning/wash facilities, to prevent mud from being carried onto the adjacent highway by vehicles
  - b) Contact details of the Project Manager and Site Supervisor responsible for on-site works.
  - c) Details of how appropriately trained banksmen will be used for guiding vehicles and unloading.
  - d) Details of where staff and visitors to the construction site will park.
  - e) Details of times for deliveries to and the removal of materials from the site.
  - f) Layout plan of the site that shows haul roads, site storage, compound and

pedestrian routes.

The development shall then be undertaken in accordance with the approved CTMP.

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, and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal prepared Pro Vision dated June 2023 unless otherwise agreed in writing by the local planning authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with government guidance contained within the National Planning Policy Framework.

16. A revised Preliminary Ecological Appraisal shall be undertaken within the 3 months prior to the commencement of the development to establish changes in the presence, abundance and impact on reptiles, and badgers. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local planning authority. Thereafter, the development shall be carried out in full 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.

17. No development shall commence until a method statement for enhancing birds, bats, invertebrates and hedgehogs 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.

18. 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.

19. 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 "Land North of A4421: Impact plan for great crested newt District Licensing (Version 1)", dated 27th June 2024.

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 (WMLOR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

20. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR150, or a 'Further Licence'), and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

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 (WMLOR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

21. Prior to the installation of any external lighting, details of the external lighting/security 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 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.

22. 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.

23. Prior to the first use of the development hereby approved, details of any plant/machinery (including generators) including details of any treatment against the transmission of sound and/or vibration shall be submitted to and approved in writing by the local planning authority. The plan/machinery 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: To safeguard the amenities of the occupiers of adjoining properties in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

24. No development shall commence until a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved and shall be maintained as such thereafter.

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.

25. Finished Floor levels shall be set above the 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change flood level, in accordance with details that have been submitted to and approved in writing by the local planning authority, prior to the first occupation of the site.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

26. No development shall commence above slab level until details for the incorporation of renewable energy features have been submitted to and approved in writing by the local planning authority. The renewable energy features shall be installed prior to the first occupation of the development and retained and maintained in good working order as such thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework

27. The existing steel barn structure on the site at the date of this permission shall be demolished and the debris and materials removed from the site before the development hereby approved is first occupied.

Reason: In order to achieve a satisfactory form 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.

28. Notwithstanding the provisions of Article 3 and Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no gate fence wall or other means of enclosure shall be erected constructed or placed on the site without the grant of further specific planning permission from the local planning authority.

Reason: To safeguard the character and appearance of the area 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.

### **Planning Notes**

1. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
2. 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 newt are thereby committed then criminal investigation and prosecution by the police may follow.
3. It is essential to note that any ground investigations, site preparatory works and ground/vegetation clearance works/activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the

District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

4. The disposal of manure and waste material from the site shall be undertaken on a regular basis to limit the harm to the local environment.



**25/01191/CDC**

Agenda Item 15

**Hanwell Fields Community Centre**

**Rotary Way**

**Banbury**

**Oxfordshire**

**OX16 1ER**



**1:450**



**25/01191/CDC**  
**Hanwell Fields Community Centre**  
**Rotary Way**  
**Banbury**  
**Oxfordshire**  
**OX16 1ER**

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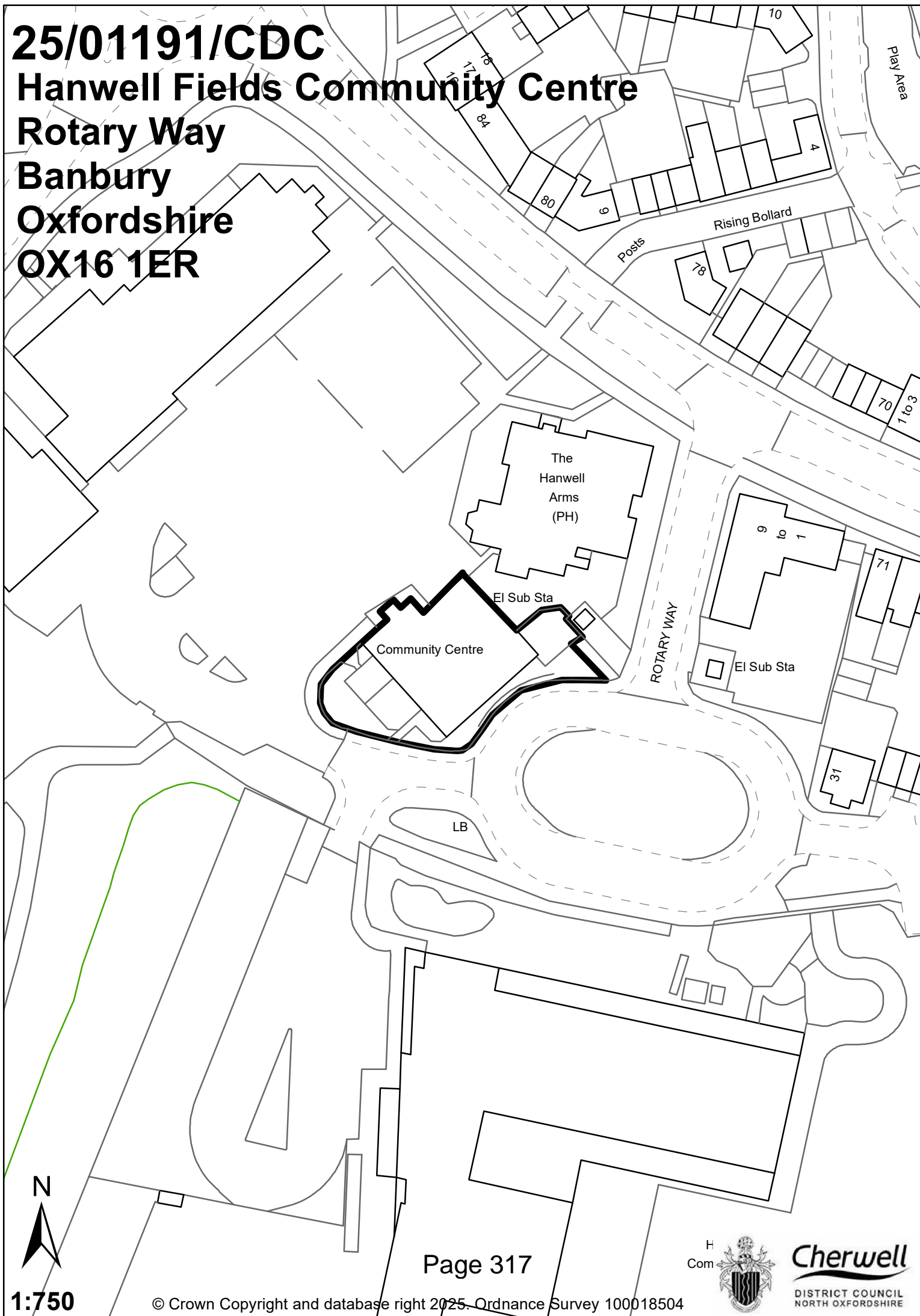
Community Centre

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**25/01191/CDC**  
**Hanwell Fields Community Centre**  
**Rotary Way**  
**Banbury**  
**Oxfordshire**  
**OX16 1ER**



**Case Officer:** Iwona Gogut

**Applicant:** Cherwell District Council

**Proposal:** Insertion of 3 new windows, enlargement of fire escape door opening and insertion of glazed door with sidelights, addition of rear escape gate in courtyard and rear escape steps with handrails and associated internal changes to increase capacity

**Ward:** Banbury Hardwick

**Councillors:** Cllr Besmira Brasha, Cllr Andrew Crichton, Cllr Dr Kerrie Thornhill

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

**Expiry Date:** 4 July 2025

**Committee Date:** 03 July 2025

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**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1 The Hanwell Fields Community Centre is situated north-west of the Rotary Way roundabout, adjacent to 'The Hanwell Arms' public house and the car parking serving a number of local shops to the north-west. Hanwell Fields Community School is situated across the road to the south of the site.

**2. CONSTRAINTS**

- 2.1. There are no relevant site constraints to this application.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The applicant seeks planning permission for the proposed works comprising:
- The insertion of three new windows at ground floor level, specifically 1no window on the north-west elevation and 2no windows to the north-east elevation;
  - The enlargement of the existing fire escape door opening and insertion of glazed door with sidelights (north-west elevation);
  - The provision of rear escape gate in courtyard, along with rear escape steps with handrails; and
  - Associated internal alterations, including the creation of a community café and meeting room at ground floor level in lieu of the existing main hall, and the relocation of the main hall to first floor level.

#### **4. RELEVANT PLANNING HISTORY**

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

**95/01117/OUT (PER)** Residential development, new link road, landscaping, ancillary development and new primary school site, (as amended by additional masterplan received 15/05/96 and link road plans received 27/03/97).

**05/00809/REM (PER)** Reserved Matters to Outline 95/01117/OUT: Mixed Use Local Centre comprising of up to 7 No. A1, A2 and A5 units, public house, community centre, 39 No. 1 and 2 bed flats, land identified for possible future doctors surgery, landscaping and parking. Including temporary construction access (as amended by plans received 30/06/05, 01.08.05, 24.10.05 and 11.11.05).

**08/02146/F** Replacement of first floor level windows to include opening panels.

**08/02408/F** Alteration to existing entrance canopy.

**15/00015/CLUE** Certificate of Lawful Use Existing for a photovoltaic array installation on south-west facing roof.

#### **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 **01 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: No objections

7.3. BUILDING CONTROL: The proposal is subject to the Building Regulations, and will require an application to be submitted to a Building Control body.

#### **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)
- Cherwell Home Extensions and Alterations Design Guide (2007)

## 9. APPRAISAL

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

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

#### Design, and impact on the character of the area

- 9.2. The proposed new window openings, along with the enlargement of the existing fire escape door opening and insertion of glazed door with sidelights, would be located to the north-east and north-west side of the building and would be readily visible from the public domain.
- 9.3. However, the proposed fenestrations and door would match the designs of the existing openings on the building in terms of its size, scale, design and materials and as such would be in keeping with the established character and appearance of the building.
- 9.4. A rear escape gate, together with escape steps and handrails, is proposed to be installed in the courtyard on the eastern side of the site. These elements are intended to improve the safety and functionality of the building and are considered to be in keeping with the utilitarian character typically associated with buildings of this type and use.
- 9.5. Having regard to the above and given its scale and nature, it is not considered that the proposal would result in any adverse impact on the character or appearance of the area, are therefore acceptable in this regard, and would accord with Policies ESD15 of the CLP 2015 and C28 of the CLP 1996 in this respect, as well as the NPPF.

#### Residential amenity

- 9.6. Having regard to its nature, scale and design and distance to the neighbouring properties, it is considered that the proposed development would not adversely affect the living conditions of neighbouring properties in terms of loss of outlook, loss

of light or privacy and would therefore accord 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, planning permission should therefore be granted.

## **11. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY NECESSARY AMENDMENTS TO THE WORDING OF THOSE 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, Site Location Plan (dwg no 06425-101) and following approved plans and documents: 06425-106 (Proposed Elevations), Proposed Floor Plans (06425-105) and Design/Access/Planning/Ecology Statement.

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.

# Agenda Item 16

This report is Public	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	3 July 2025
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report	TBC
Corporate Director	Corporate Director of Communities, Ian Boll.
Date Corporate Director agreed report.	TBC
Report of	Assistant Director Planning and Development, 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	The current cost of appeals has exceeded core budget as at the end of June. Therefore, a request for use of reserves will be

	<p>necessary. This position will be closely monitored throughout the year but further reserve requests may be necessary. Kelly Wheeler, Finance Business Partner, 16 June 2025</p>			
<b>Legal</b>	<p>As this report is purely for information there are no legal implications arising. Denzil Turbervill, Head of Legal, 16 June 2025</p>			
<b>Risk Management</b>	<p>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. Julie Miles, Performance Analyst &amp; Developer, 17 June 2025</p>			
<b>Impact Assessments</b>	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		<p>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.</p>
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
<b>Climate &amp; Environmental Impact</b>				Not applicable
<b>ICT &amp; Digital Impact</b>				Not applicable
<b>Data Impact</b>				Not applicable
<b>Procurement &amp; subsidy</b>				Not applicable
<b>Council Priorities</b>	Not applicable			
<b>Human Resources</b>	Not applicable			
<b>Property</b>	Not applicable			

## 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 served Enforcement Notice. 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 of 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

#### 4.1. Planning Appeals

##### **New Appeals**

4.1.1. We have received four new **Written Representations** appeals:

- An appeal against non-determination of a 'Permission in Principle' application for a single dwelling at 8 Heathfield Cottages
- Two appeals for the refusal of planning permission and advertisement consent for the installation of a 'BT Street Hub unit' in a phone kiosk on Bridge Street Banbury (Delegated Refusal)



- An appeal against the refusal of a retrospective application for an extension at 73 High Street Kidlington (Committee Refusal against officer recommendation)

4.1.2. We have received no new **Informal Hearing** appeals.

4.1.3. We have received no new **Public Inquiry** appeals.

### **In Progress/Awaiting Decision**

4.1.4. We are awaiting the outcome of 13 **Written Representation** appeals, these include:

- 5 are minor residential development (between 1-9 houses) and 1 is for major residential development (114 dwellings)
- There are also 3 certificate of lawfulness applications, 2 householder applications, an application to vary conditions on a planning permission, and a TPO application
- 11 applications where officers refused applications under delegated authority.
- 2 applications where Committee refused applications contrary to officer recommendation

4.1.5. We are awaiting the outcome of 2 **Informal Hearing** appeals, namely:

- An application for minor residential development (9 dwellings) at Hempton. This application was originally refused under delegated powers and dismissed at appeal. However the applicants won a judicial review against the dismissal requiring the hearing to have to be heard again.
- An application for a Solar Farm at Noke that Committee refused contrary to officer recommendation

4.1.6. We are awaiting the outcome of 4 **Public Inquiry** appeals, namely:

- Major commercial application for XXXXsqm of storage and distribution warehouses at J11 of the M40 Banbury
- Major residential development at Caversfield (99 houses), which was a Committee refusal following officer recommendation
- Two duplicate applications for major residential development (60 houses) at Bloxham that were both refused by Committee in line with officer recommendation. One of the applications was dismissed at

appeal, but subsequently quashed following the applicants challenging the decision by Judicial Review. A new public inquiry is taking place covering both appeals.

4.1.7. Details of all the planning appeals can be found at Appendix 1

#### 4.2. **Enforcement Appeals**

##### **New Appeals**

4.2.1 We have received one new appeal, namely:

- An appeal against an Enforcement Notice regarding the Erection of a large building for scaffolding and portacabins without planning permission at Heathfield

##### **In Progress/Awaiting Decision**

4.2.2 There are four **enforcement** appeals awaiting a decision, namely:

- All four appeals relate to Enforcement Notices
- Three of the appeals are being dealt with under the written representations procedure, and all are householder development at Swalcliffe, Duns Tew and Kidlington
- One appeal is being dealt with as a public inquiry regarding the expansion of a site into open countryside at Kidlington

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

#### 4.3. **Forthcoming Public Inquiries and Hearings between 3 July 2025, and 31 July 2025.**

4.3.1 There are no public inquiries or hearings taking place between 3 July and 31 July

#### 4.4. **Appellants Award of Costs Application to the Planning Inspectorate.**

4.4.1 No Appeal decisions this month have been subject to a Costs Decision

#### 4.5. **Appeals Results**

4.5.1 **24/01391/F – 82 High Street, Banbury, Oxon, OX16 5JG.**

Change of use for the ground floor existing charity shop (Class E1) to a tanning salon (sui generis)

### **Appeal Allowed**

The Inspector concluded that while the proposed tanning salon conflicted with local planning policy restricting ground floor uses in Banbury's primary shopping frontage, the prolonged vacancy of the unit and wider retail decline in the area meant the change of use would likely enhance the town centre's vitality and viability. The proposal would bring a vacant unit back into use, attract footfall, and maintain active frontages without harming the character of the listed building or conservation area. As such, the benefits were found to outweigh the policy conflict, and the appeal was allowed.

#### **4.5.2 22/01293/F – Land at Manor View, Hampton Poyle, Kidlington, OX5 2PW.**

Change of use of land for the creation 2 Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch.

### **Appeal Allowed**

The Inspector allowed a temporary planning appeal for the creation of two Gypsy/Traveller pitches at Land at Manor View, Hampton Poyle, despite the development being inappropriate in the Green Belt. While the Council demonstrated a five-year supply of traveller sites, the Inspector found no currently available alternative sites and acknowledged a policy failure to allocate suitable land. The proposal's limited impact on openness and character, the lack of viable alternatives, and the significant weight given to the personal circumstances and best interests of the children involved amounted to very special circumstances. As a result, a two-year temporary permission was granted, subject to conditions.

#### **4.5.3 24/01740/DISC – Fir Cottage, Fir Lane, Steeple Aston, Bicester, Oxon.**

Discharge of Condition 3 (construction details) of 24/00512/LB

### **Appeal Allowed**

The Inspector allowed the appeal concerning the discharge of a condition related to listed building consent for Fir Cottage, a Grade II listed building in Steeple Aston Conservation Area. Although the proposed composite part-glazed stable door differed from the more traditional solid timber door shown in the approved plans, the Inspector found that the rear elevation—already altered with modern UPVC windows and materials—meant the new door would have a neutral effect on the building's significance. As such, the proposal preserved the special architectural interest of the listed building and

the character of the conservation area, complying with local and national heritage policies.

**4.5.4 24/02259/F – 28 Buckhurst Close, Banbury, Oxon, OX16 1JT**

RETROSPECTIVE - Single storey shed to rear garden

**Appeal Dismissed**

The Inspector dismissed the appeal for a proposed single-storey storage shed at 28 Buckhurst Close, Banbury, finding that although modest in scale, its bulky form, industrial black steel cladding, and prominent siting made it an overly dominant and incongruous feature in the street scene. The shed was deemed harmful to the character and appearance of the area, particularly given the estate's coherent residential design and the visibility of the rear elevation from the public realm. The proposal conflicted with local planning policies aimed at maintaining high design standards and local character, and no overriding justification was found.

**4.5.5 24/02261/F – 29 Buckhurst Close, Banbury, Oxon, OX16 1JT.**

RETROSPECTIVE - Erection of a wooden shed on 10cm concrete base to the rear of garden.

**Appeal Dismissed.**

The Inspector dismissed the appeal for a proposed wooden shed at the rear of 29 Buckhurst Close, finding that despite its modest scale, the shed's box-like form and visibility above the boundary wall made it an unsympathetic and overly prominent feature in the street scene. Given the property's unusually exposed position on three sides, the shed was considered harmful to the coherent and open character of the estate. The proposal conflicted with local planning policies aimed at maintaining high design standards and was not justified by the appellant's storage needs.

**4.5.6 24/02403/F – 2 Meadow Walk, Heathfield, Blatchington, OX5 3FG.**

Dormer extension to rear roofslope and rooflights to rear roofslope to facilitate conversion of loft to habitable accommodation

**Appeal Dismissed**

The Inspector dismissed the appeal for a proposed rear dormer extension and rooflights to facilitate a loft conversion, finding that the flat-roof dormer's large scale and unsympathetic design would significantly harm the traditional character of the former stable block and its rural courtyard setting. Despite the appellant's claim that visibility would be limited due to nearby development, the Inspector noted that the dormer would still be visible from private access

routes and that good design must respect the host building regardless of visibility. The proposal was found to conflict with local planning policies aimed at preserving rural character and high-quality design.

**4.5.7 23/02071/F – Land to Rear of Wheelwright Cottage, Main Street, North Newington, OX15 6AG.**

New build dwelling.

**Appeal Allowed**

The Inspector allowed the appeal for a single-storey new build dwelling, concluding that the proposal would not harm the character or appearance of the North Newington Conservation Area, nor the setting of nearby listed buildings. The development was deemed acceptable in terms of its design, location within the village, and impact on neighbouring amenity and highway safety. Although concerns were raised about vehicular access over a public right of way, this was considered a legal matter outside the planning remit. The Inspector imposed a comprehensive set of conditions to manage construction, design quality, landscaping, and neighbour privacy, ensuring the development would integrate appropriately into its sensitive rural and historic context.

**4.5.8 24/00658/CLUE - Log Cabin, Bainton Woodyard, Bainton, Bicester, Oxon, OX27 8RL.**

Free-standing garden room in the grounds, to serve existing household.

**Appeal Dismissed**

The Inspector dismissed the appeal for a Certificate of Lawful Use or Development at The Log Cabin, Bainton, concluding that the structure—comprising a mobile home and a lean-to—did not constitute a single building and that the mobile home's residential use had not been continuous for the required ten-year period to be lawful. Although the lean-to was found to be immune from enforcement due to its permanence and time on site, the mobile home had a two-year gap in continuous residential use between 2018 and 2020, which reset the immunity clock. As a result, the use of the structure as a dwellinghouse was not lawful at the time of the application, and the appeal was therefore rightly refused by the Council.

**4.5.9 24/01193/F – Fullers Farm, North Street, Fritwell, Bicester, Oxon, OX27 7QJ**

RETROSPECTIVE - Change of Use of existing office (Unit 1) and ancillary accommodation (Unit 2) to separate dwellings.

### **Appeal Dismissed**

The Inspector concluded that while the proposed development at Fullers Farm would have a neutral impact on the character and appearance of the Fritwell Conservation Area, it would significantly harm the privacy of both existing and future occupiers due to the inward-facing layout and lack of private outdoor space. Despite the site's sustainable location and potential to offer affordable housing, these benefits did not outweigh the identified harm to residential amenity. Consequently, the appeal was dismissed.

#### **4.5.10 21/02028/F – The Coach House, Hanwell Castle, Nr Banbury, Oxon, OX17 1HN.**

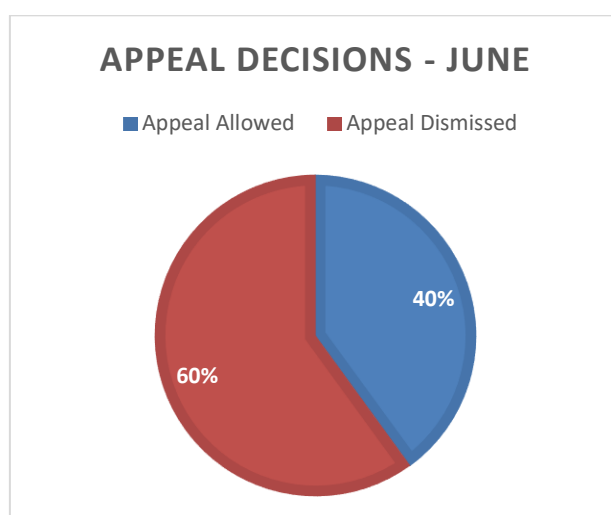
Free-standing garden room in the grounds, to serve existing household

### **Appeal Dismissed**

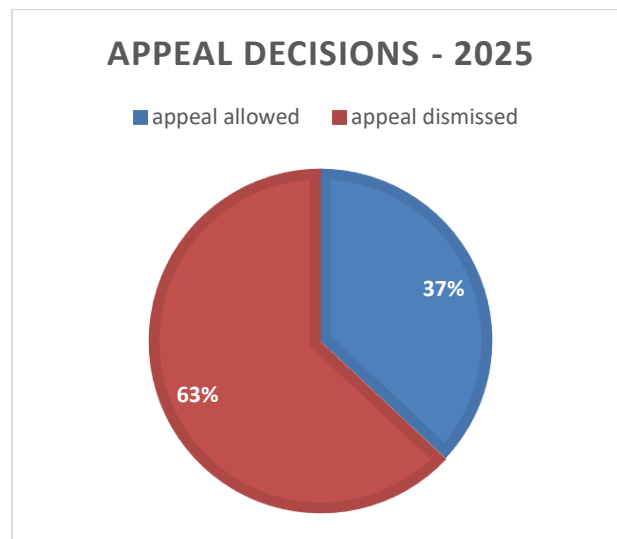
The Inspector concluded that the proposed garden room, due to its substantial size, formal design, and proximity to the Grade II\* listed Hanwell Castle, would cause less than substantial harm to the significance of the listed building and the character and appearance of the Hanwell Conservation Area. Despite some screening from vegetation and the appellant's intentions for cultural and educational use, the structure would appear as an incongruous and prominent addition to the historic setting. The public benefits cited were not considered sufficient to outweigh the heritage harm, and the proposal was found to conflict with both local planning policy and national heritage protection guidance, leading to the dismissal of the appeal.

### **Appeal Decision Data**

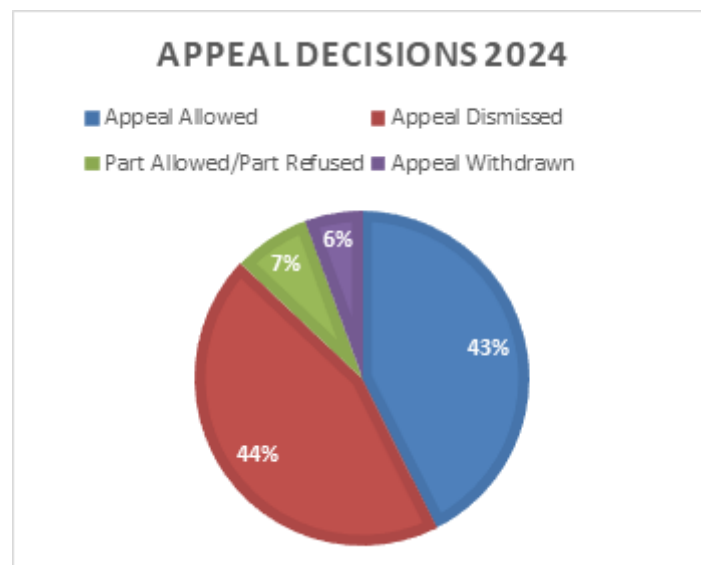
4.5.11 Since last month's appeals report we have received 10 appeal decisions. 6 were dismissed, 4 were allowed.



4.5.12 So far in 2025 there have been 35 appeal decisions, 13 allowed and 22 dismissed



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



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

## 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

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

### Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Planning Appeals
<b>Appendix 2</b>	Enforcement Appeals
<b>Background Papers</b>	None
<b>Reference Papers</b>	All documents in respect of the planning appeal
<b>Report Author</b>	Sarah Gevaux, Appeals Administrator Paul Seckington, Development Manager
<b>Report Author contact details</b>	<a href="mailto:Sarah.gevaux@cherwell-dc.gov.uk">Sarah.gevaux@cherwell-dc.gov.uk</a> <a href="mailto:Paul.seckington@cherwell-dc.gov.uk">Paul.seckington@cherwell-dc.gov.uk</a>



## **Appendix 1 - Planning Appeals**

### **New Written Reps Appeals received**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
25/00748/PIP	8 Heathfield Cottages	Permission in Principle - Proposed conversion of existing building to form 1 no. dwellinghouse. Removal of existing outbuildings.	Appeal Against Non-Determination	30.05.2025.
24/03076/F	Phone Kiosk To The Front Of No 30 Bridge Street Banbury	Installation of 1no. BT Street Hub unit	Delegated Refusal	02.06.2025.
24//03077/ADV	Phone Kiosk To The Front Of No 30 Bridge Street Banbury	Installation of 1no. BT Street Hub unit	Delegated Refusal	02.06.2025
24/03350/F	73 High Street, Kidlington	RETROSPECTIVE - First floor extension over an existing garage with eaves height increment to accommodate new windows	Committee Refusal Against Officers Recommendation	11.06.2025

### **New Informal Hearing Appeals Received:**

None

### **New Public Inquiry Appeals Received:**

None

### **Written Reps Appeals Outstanding :**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
23/03078/CLUP	Manor Cottage, Middleton Park, Middleton Stoney	Certificate of Lawfulness of Proposed Development:	Delegated Refusal	23.04.2024.

		Repositioning of existing "tarmac" driveway with a gravel driveway.		
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford	T1 Walnut and T2 - Beech - crown reduction. - subject to TPO 13/2019.	Delegated Refusal	06.07.2024.
24/01295/F	Duns Tew Manor, Main Street, Duns Tew	Erection of a garden room and associated landscaping.	Delegated Refusal	07.01.2025.
24/01378/CLUP	Manor House Islip Road Bletchington	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	Delegated Refusal	29.01.2025.
24/00519/F	Manor House Islip Road Bletchington	Variation of condition 2 (plans) of 22/03088/F – alterations to design of main house and garage to include amended chimney design, the use of different construction materials, removal of porch, provision of fire escapes, installation of doors, erection of external stairs to garage, alteration of garage roof from hipped to pitched style roof, insertion of rooflights and addition of solar panels	Delegated Refusal	30.01.2025.
24/02664/PIP	The Pheasant Pluckers Inn, Street Through Burdrop	Planning Permission in Principle is sought for the provision of 3-7 dwellings within the area outlined in red on the accompanying Ordnance Survey Map	Delegated Refusal	05.03.2025
23/03366/OUT	Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury	Outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access	Committee Refusal Against Officers Recommendation	20.03.2025
24/02787/F	The Woodyard, Bainton	Conversion to a single dwellinghouse (Self-Build)	Delegated Refusal	01.04.2025
24/01646/CLUP	Greenhill Leisure Park Greenhill Farm Station Road	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation	Delegated Refusal	27.03.2025

	Bletchington			
24/00899/OUT	Land Adjoining the Cottage The Green Fringford	OUTLINE application for construction of 9 detached dwellings, formation of new vehicular and pedestrian access, associated landscaping, drainage and associated works with All Matters Reserved except for Access	Delegated Refusal	16.04.2025.
25/00556/F	1 Ingleby Paddocks, Field House, Enslow,	Split the curtilage into two and erection of a new house on the east plot (self-build)	Delegated Refusal	07.05.2025
24/00572/F	Fourways, North Street, Islip	Demolition of existing bungalow and construction of two houses - re-submission of 23/02203/F	Committee Refusal Against Officers Recommendation	08.05.2025
24/03085/F	1 Station Road, Launton	RETROSPECTIVE - Installation of entrance door	Delegated Refusal	14.05.2025

#### Informal Hearing Appeals Outstanding:

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/03802/OUT	Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way Hempton Road Hempton	Outline planning application for the erection of up to 9 dwellings and creation of associated vehicular and pedestrian access onto Hempton Road, highway improvements, parking, landscaping, drainage features, open space, and associated infrastructure, with all matters to be reserved except new vehicular access into the site from Hempton Road - all matters reserved except for access.	Second Hearing Due to the Appellants Successful JR of the Original Appeal Decision.	08.01.2025
22/01682/F	Land North of Manor Farm Noke	Development of a ground mounted solar farm incorporating the installation of solar PV panels, associated infrastructure and access, as well as landscape planting and designated ecological enhancement areas.	Committee Refusal Against Officers Recommendation	12.02.2025

## Public Inquiry Appeals Outstanding

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00245/OUT	South Lodge, Land West of Fringford Road, Caversfield,	Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.	Committee Refusal following Officer recommendation	28.11.2024.
23/01265/OUT & 24/01908/OUT (Linked Appeal)	OS Parcel 0069 West Of Quarry Close Quarry Close Bloxham	Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All Matters Reserved except for means of access - re-submission of 23/01265/OUT	Committee Refusal following Officer recommendation	29.04.2025
23/03428/OUT	Land East of J11 of the M40, (OS Parcel 5616 South West of Huscote Farm and East of Daventry Road, Banbury, Oxon, OX17 2FJ	Outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with ancillary offices and facilities and servicing and infrastructure including new site accesses. Internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.	Committee Refusal following Officer recommendation	14.10.2024.

## **Appendix 2 - Enforcement Appeals**

### **New Enforcement Appeals Received:**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
23/00525/ENF	Heathfield Yard, Street Through Heathfield Village, Heathfield, Oxon, OX5 3DX	Erection of a large building for scaffolding and portacabins without planning permission	Enforcement Notice	04.06.2025

### **Enforcement Appeals Outstanding:**

<b>Application Number</b>	<b>Location</b>	<b>Description (summary)</b>	<b>LPA Decision:</b>	<b>Start Date</b>
21/00333/ENF	Fairway Cottage, Main Road, Swalcliffe	Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.	Enforcement Notice	10.11.2023  Written Reps
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  Written Reps
20/00295/ENF	16 Almond Avenue, Kidlington	Garage/Garden building converted to residential premises	Enforcement Notice.	13.03.2024  Written Reps
15/00256/COU	Hebbons Yard, Bicester Road, Kidlington, OX5 2LD	Expansion Of Yard onto Agricultural Land	Enforcement Notice.  1 Day Inquiry	24.02.2025