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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 2 July 2026
Time: 4.00 pm
Venue 39 Castle Quay, Banbury, OX16 5FD

Membership

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

Substitutes

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

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

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

3. Requests to Address the Meeting

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

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

The deadline for requests to address this meeting is noon on Wednesday 1 July 2026.

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

4. **Minutes** (Pages 5 - 40)

To confirm as a correct record the Minutes of the meeting of the Committee held on 4 June 2026.

5. **Chair's Announcements**

To receive communications from the Chair.

6. **Urgent Business**

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

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

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

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

Consultation Responses, Review and Monitoring Reports

8. **Oxfordshire Strategic Rail Freight Interchange** (Pages 41 - 89)

26/01477/OxSRFI

****No public speaking permitted on this item as it is not a planning application for determination by Cherwell District Council****

Planning Committee is asked to approve Cherwell District Council's Relevant Representation comments to submitted Oxfordshire Strategic Rail Freight Interchange Development Consent Order application subject to the approval of any amendments by the Chair of the Planning Committee and the Deputy Leader of the Council in their role as Portfolio Holder for Planning.

Recommendations

The Planning Committee resolves:

- 1.1 To approve Cherwell District Council's Relevant Representation comments to submitted Oxfordshire Strategic Rail Freight Interchange Development Consent Order application subject to the approval of any amendments by the Chair of the Planning Committee and the Deputy Leader of the Council in their role as Portfolio Holder for Planning.

Planning Applications

9. **Himley Village North West Bicester Middleton Stoney Road Bicester** (Pages 92 - 104) **24/03392/M106 AND 25/00366/DOV_5**
10. **Borough House Marlborough Road Banbury OX16 5TH** (Pages 105 - 129) **24/01909/F**
11. **Borough House Marlborough Road Banbury OX16 5TH** (Pages 130 - 144) **24/01910/LB**
12. **39 Sheep Street, Bicester, OX26 6JJ** (Pages 145 - 151) **26/00228/CDC**

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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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 24 June 2026

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 4 June 2026 at 4.00 pm

Present:

Councillor Robert Parkinson (Chair)
Councillor Douglas Webb (Vice-Chair)
Councillor Chris Brant
Councillor Besmira Brasha
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lisa Smith

Substitute Members:

Councillor Nicola Borkmann (In place of Councillor Dorothy Walker)
Councillor Mark Gorman (In place of Councillor Yvonne Greene)

Apologies for absence:

Councillor Dr Isabel Creed
Councillor Yvonne Greene
Councillor Dorothy Walker

Officers:

Paul Seckington, Head of Development Management
Shiraz Sheikh, Assistant Director Law & Governance and Monitoring Officer
David Peckford, Assistant Director Planning
Denzil Turbervill, Head of Legal Services
Lewis Knox, Senior Planning Officer
Laura Kennedy, Senior Planning Officer
Emma Whitley, Principal Planning Officer
Martyn Surfleet, Democratic and Elections Officer
Natasha Clark, Governance and Elections Manager

3 Declarations of Interest

9. Land East Of Barford Road Bloxham.

Councillor Douglas Webb, Other Registerable Interest, advised that they were friends with a farmer who farmed the land but was not the applicant and had no pecuniary interest.

10. Land North Of Grundon Merton Street Banbury.

Councillor Ian Harwood, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Ian Harwood, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

12. Unit 14 Expeditionary Road, Ambrosden, OX25 2EJ.

Councillor Chris Brant, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lisa Smith, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Nicola Borkmann, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

13. Town Centre House Southam Road Banbury OX16 2BZ.

Councillor Chris Brant, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lisa Smith, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Nicola Borkmann, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

14. Units 17 To 24 Thorpe Place Banbury OX16 4XH.

Councillor Chris Brant, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lisa Smith, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Nicola Borkmann, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

15. 48 Castle Quay Banbury OX16 5UW.

Councillor Chris Brant, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lisa Smith, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Nicola Borkmann, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

4 **Requests to Address the Meeting**

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

5 **Minutes**

The Minutes of the meetings held on 16 April 2026 and 20 May 2026 were agreed as correct records and signed by the Chair.

6 **Chair's Announcements**

1. The Chair reminded members of the public that only registered speakers were entitled to speak at the committee meeting and would be invited to speak by the Chair at the appropriate time. Members of the public were requested to remain quiet during the meeting and not cause disturbance.
2. The Chair reminded Members that should they need to leave the room for any reason, that they should be mindful of timing and endeavour to be present for officers' presentation, public addresses and participate in the debate. Members were advised that voting was ultimately a matter for their own judgment.
3. The Chair referred to Constitution Review report agreed by Council in March 2026 whereby delegated authority was given to the Monitoring Officer, in consultation with the Chair, to review and amend the Planning Committee cycle to 3-weekly cycle. Revised dates would be sent to Members and the website updated.

7 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

9 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

Land East Of Barford Road Bloxham

The Committee considered application 25/01009/OUT, an outline application for the demolition of an existing building and development of up to 100 dwellings (Use Class C3) alongside open space, sustainable drainage and ancillary infrastructure with all matters reserved except for primary means of vehicular access from Barford Road at Land East Of Barford Road, Bloxham for Ainscough Strategic Land Limited.

Councillor Rob Pattenden addressed the Committee as Local Ward Member.

Dave Morris, on behalf of Bloxham Parish Council, addressed the Committee in objection to the application.

Karen Barnes, agent on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Conway and seconded by Councillor Webb that application 25/01009/OUT be approved, in line with the officer recommendation.

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

Resolved

- (1) That, in line with the officer recommendation authority be delegated to the Assistant Director Planning to grant permission for application 25/01009/OUT, subject to:
 - (i) The conditions set out below (and any amendments to those conditions as deemed necessary); and the inclusion of an additional condition as requested by Thames Water the wording of which will be agreed with the applicant.
 - (ii) The entering into a section 106 legal agreement to include the contributions and infrastructure (as set out in the Annex to the Minutes as set out in the Minute Book) (and any amendments to those conditions as deemed necessary) including reference to the need for the open space on the southern parcel of site to remain as open space in perpetuity.

Conditions

Time Limit

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

approval of the last of the reserved matters to be approved whichever is the later.

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

Reserved Matters

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

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

Approved Plans

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

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

Access

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

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

Vision Splays

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

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

Traffic Calming

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

Reason: In the interest of Highway Safety.

Cycle Parking

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

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

Electric Charging Points

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

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise

opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Construction Traffic Management Plan

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

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

Travel Information Pack

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

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Plan

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

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

Removal of Permitted Development Rights

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

Reason: To safeguard the operation of technical equipment located at RAF Barford St John by providing a reasonable and appropriate level of control over the installation of microgeneration equipment. To ensure the

development accords with the requirements of paragraph 102 (b) of the National Planning Policy Framework (December 2024).

Landscaping

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

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

Construction Environment and Traffic Management Plan

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

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- Measures to control the emission of dust and dirt during construction;
- Delivery, demolition and construction working hours;
- The mitigation measures recommended at [Add References] of the submitted Environmental Statement.

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

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

Landscape Ecological Management Plan

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

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

Lighting

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

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

Landscaping

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Open Space and Landscaping

18. No development shall commence above slab level unless and until full details of the provision, landscaping and treatment of open space within the site together with a timeframe for its provision shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter the open space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space.

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

Tree Removal

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

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Ecology

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

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

Habitat Management and Monitoring Plan

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

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

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

Surface Water Drainage

22. Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
 - Details of how water quality will be managed during construction and post development in perpetuity;
 - Confirmation of any outfall details.

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

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

SuDS As Built and Maintenance Details

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

Contamination

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

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

Contamination Remediation.

25. If contamination is found by undertaking the work carried out under condition [24], prior to the commencement of the development hereby

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

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

Contamination. Completion of Remedial Works.

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

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

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

Archaeology

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

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

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

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

- (2) It was further resolved that if the section 106 agreement/undertaking was not completed within 6 months of this resolution and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, the Assistant Director Planning be given delegated authority to refuse the application for the following reason:

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

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Land North Of Grundon Merton Street Banbury

The Committee considered application 25/02998/F for a commercial development (Use Classes B8, Eg(i), Eg(ii), and Eg(iii)) along with car parking/yard areas and all associated development at Land North Of Grundon Merton Street Banbury for E5 Commercial (Higham Way) Ltd.

It was proposed by Councillor Conway and seconded by Councillor Harwood that the application be approved, in line with the officer recommendation.

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

Resolved

- (1) That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 25/02998/F subject to:
- (i) the conditions set out below (and any amendments to those conditions as deemed necessary) and
 - (ii) the completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments as deemed necessary):
 - Highway Works – Towards the implementation of the eastern active travel corridor scheme - £103,302

Conditions

Time Limit

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans:
 - 3414/08 – Proposed Site Plan
 - 3414/05 – Units 1-6 Plan and elevations
 - 3415/10 – Unit 7 Plan and elevations
 - 3415/11 – Units 8-9 Plan and elevations

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

Highways

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

vision displays shall be kept clear of obstructions higher than 0.6m at all times.

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

4. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development. Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.
5. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

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

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

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

Sustainable Drainage

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

- Appendix 6 – Drainage Strategy Drawings
- Appendix 7 – Hydraulic Calculations □ Appendix 8 - EA Product 4 Data

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

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

Ecology

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

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

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

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

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

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

10. No development shall commence above slab level until a method statement for enhancing bats, birds, invertebrates, and mammals has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework

Environmental Protection

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

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

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

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

13. For each individual unit all plant, machinery, and equipment to be used by reason of the granting of this permission shall be so installed,

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

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

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

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

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

- Monday - Friday: 07:00hrs – 18:00hrs
- Saturdays: 08:30hrs - 17:00hrs
- Sundays, Bank and Public Holidays: No time.

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

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

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

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

17. Prior to the erection, installation, fixing, placement, and/or operation of any external lighting on the site (including on the buildings itself), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction, and cowl of all external lights to the building(s)] and other parts of the application site and the hours at which such lighting is to be operated. This scheme shall ensure that light trespass into the windows of any light sensitive premises shall not have a Vertical

Illuminance greater than 10 Lux pre-curfew, and 2 Lux postcurfew (in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01/2011).

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

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

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

Efficiency

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

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

Landscaping

20. No development shall commence above slab level until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme shall include:
- details of the proposed tree and shrub planting including their species, number, sizes, and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
 - details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each
 - tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

- details of the hard landscaping including hard surface areas, pavements, pedestrian areas, and steps.

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

All planting, seeding, or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

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

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

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

Use Class Restriction

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

Reason: To safeguard the visual amenities of the area and protect the amenities of nearby residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C31 of

the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

(2) It was further resolved that, having regard to the statutory determination period for this application which expired on 5 June 2026, if the section 106 agreement/undertaking was not completed and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, the Assistant Director Planning be given delegated authority to refuse the application for the following reason:

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

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VPK Packaging Beaumont Road Banbury OX16 1RE

The Committee considered application 25/01300/F, for the replacement of an existing single storey storage facility with a new storage building with covered loading area at VPK Packaging, Beaumont Road, Banbury, OX16 1RE for VPK Group.

Stephen Holloway, agent on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Webb and seconded by Councillor Harwood that application 25/01300/F be approved, in line with the officer recommendation.

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

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director Planning to grant permission for application 25/01300/F subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

Conditions

Time Limit

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans:

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

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

Sustainable Drainage

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

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

Materials

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

Reason: To safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031

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

Highways

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

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

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

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

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

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

Ecology

8. No development shall commence above slab level until a method statement for enhancing biodiversity at the site, including birds, bats, insects, and native planting has been submitted to and approved in

writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

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

Other Details

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

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

10. Prior to the commencement of development above slab level a plan detailing the hard landscaping within the site including surface materials and boundary treatments shall be submitted to and approved in writing by the by the local planning authority. The hard landscaping scheme approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

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

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Unit 14 Expeditionary Road, Ambrosden, OX25 2EJ

The Committee considered application 25/02215/CDC for the change of use from Class B8 to mixed uses including operational waste depot (sui generis), storage and distribution (B8), MOT station, and HGV workshop (B2), and supporting office space and welfare facilities (Ancillary E), the demolition of single storey elements of building and alterations to openings, provision of hardstanding and internal access roads and gate, plant space, signage, solar PV on roof and associated hard and soft landscaping works at Unit 14 Expeditionary Road, Ambrosden, OX25 2EJ for Cherwell District Council.

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

It was proposed by Councillor Webb and seconded by Councillor Conway that the application be approved, in line with officer recommendation.

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

Resolved

That, in line with officer recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 25/02215/CDC subject to:

- (i) The conditions set out below (and any amendments to those conditions as deemed necessary) and
- (ii) The completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments as deemed necessary):
 - Habitat Management and Monitoring Plan, securing of the BNG offsite for 30 years
 - Payment of BNG Monitoring fee of £4,517.76(The annex to the Minutes as set out in the Minute Book sets out the full specification)

Conditions

Time Limit

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans:

Drawing numbers: 330511166-DR-A-10000 Rev P1 (Site Location Plan), 330511166-DR-A-10110 Rev P2 (Existing Site Location Plan), 330511166-DRA-10100 Rev P8 (Proposed Site Plan), 1204.1/02 (Tree Pit & Hedgerow Details), 996953-659-DWG-TCP-FR-01-NB-230425 (Tree Constraints Plan), 996953659-DWG-TPP-FP-1NB-050825 (Tree

Protection Plan), 996953-659-DWGTRRP-FP-1NB-050825 (Tree retention & removal plan), 330511166-DR-A11002 P1 (Existing Ground Floor Plan), 330511166-DR-A-11000 P6 (Proposed Ground Floor Plan), 330511166-DR-A-12010 P2 (Existing Sections), 330511166-DR-A-12001 P1 (Proposed Sections), 330511166-DR-A-13010 P2 (Existing Elevations 1 of 2), 330511166-DR-A-13011 P1 (Existing Elevations 2 of 2), 330511166-DR-A-13000 P2 (Proposed Elevations 1 of 2), 330511166-DRA-13001 P2 (Proposed Elevations 2 of 2), 330511166-DR-A-13002 P2 (West Elevation Proposed Improvements, 330511166-DR A-16010 P1 (Schedule of Accommodation), 202411046 V1 (BNG Impact Map), 1204.1_01D Landscape General Arrangement Plan), 330511166-STN-HDG-XX-RP-0501-41 PO1 (Proposed Site Levels).

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

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

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

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

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

5. Prior to the first occupation of The Depot, a Travel Plan, prepared in accordance with the Department for Transport's Best Practice Guidance

Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning Authority. The plan shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport. The development shall be operated in accordance with the approved Travel Plan.

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

6. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

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

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

7. No development shall commence on site without the appointed archaeologist being present (other than in accordance with the agreed and submitted Written Scheme of Investigation [UNIT 14, EXPEDITIONARY ROAD, GRAVEN HILL, BICESTER ARCHAEOLOGICAL MONITORING AND RECORDING John Moore Heritage Services 2025]). Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

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

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

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

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

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

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

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

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

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

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

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

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

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

14. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

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

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

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

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

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the

Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

14 **Town Centre House Southam Road Banbury OX16 2BZ**

The committee considered application 26/00508/CDC, a retrospective application for the installation of a guard rail around the roof of Town Centre House at Town Centre House, Southam Road, Banbury, OX16 2BZ.

It was proposed by Councillor Webb and seconded by Councillor Conway that application 26/00508/CDC be approved in line with the officer recommendation

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

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 26/00508/CDC subject to the conditions set out below (and any amendments to those conditions as deemed necessary)

Compliance with Plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form, Site Location Plan (NTBS3853-GLE-TCH-XX-DR-B-01 Rev 0) and following approved plans and documents: Block Plan (NTBS3853-GLE-TCH-XX-DR-B-02 Rev A), Proposed Roof Plan (NTBS3853-GLE-TCH-XX-DR-B-04 Rev 0) and Proposed Elevations (NTBS3853-GLE-TCH-XX-DR-B-06 Rev A).

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

15

Units 17 To 24 Thorpe Place Banbury OX16 4XH

The Committee considered application 26/00586/CDC for over cladding of existing roof sheeting on Units 17-24 together with fitting of photovoltaic panels to all Units at Units 17 To 24 Thorpe Place, Banbury, OX16 4XH for Cherwell District Council.

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

It was proposed by Councillor Webb and seconded by Councillor Conway that application 26/00586/CDC be approved in line with the officer recommendation.

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 26/00586/CDC subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

Conditions

Time Limit

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and following approved plans and documents:

- Drawing No. 25-111/01 Rev B – Site Location Plan & Proposed Plans and Elevations (Building 1 – South) (Wellan Ltd, dated 5 February 2026)
- Drawing No. 25-111/02 Rev B – Site Block Plan & Proposed Plans and Elevations (Building 2 – North) (Wellan Ltd, dated 6 February 2026)
- Euroclad 32/1000 Profile Sheet – External Roof Cladding Specification (Refresh Euroclad, dated May 2017)
- Solar Panels Data Sheet (JA Solar) provided by agent in email dated

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

Materials

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

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

Photovoltaic Panels

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

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

Construction Management Plan

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

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

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

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

16 **48 Castle Quay Banbury OX16 5UW**

The Committee considered application 26/00706/F for change of use from retail unit to a youth cultural arts space working with young people at 48 Castle Quay, Banbury, OX16 5UW for Mr Michael Deacon.

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

It was proposed by Councillor Conway and seconded by Councillor Webb that the application be approved in line with the officer recommendation.

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director Planning to grant permission for application 26/00706/F subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

Conditions

Time Limit

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and following approved plan:
 - DR-035-P01 Site Location Plan (GBS Architects, dated December 2025)

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

Use Restriction

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

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

The meeting ended at 6.25 pm

Chair:

Date:

Oxfordshire Strategic Rail Freight Interchange.

26/01477/OxSRFI

Case Officer: Shawn Fleet

Applicant: Oxfordshire Rail Freight Limited.

Proposal: Strategic Rail Freight Interchange and associated road improvement works - Nationally Significant Infrastructure Project (NSIP)

Wards: Fringford & Heyford

Councillors: Cllr Jean Conway, Cllr Grace Conway-Murray and Cllr Nigel Simpson

Reason for Referral: Major development

Expiry Date: 19th July 2026

Committee Date: 2nd July 2026

SUMMARY RECOMMENDATION: To approve Cherwell District Council's Relevant Representation comments to submitted Oxfordshire Strategic Rail Freight Interchange Development Consent Order application subject to the approval of any amendments by the Chair of the Planning Committee and the Deputy Leader of the Council in their role as Portfolio Holder for Planning.

MAIN REPORT

1. INTRODUCTION AND APPLICATION SITE

- 1.1. On 28 April this year, The Planning Inspectorate notified the Council that they had accepted the submission of a proposal by Oxfordshire Railfreight Ltd. for the development of a strategic rail freight interchange just off Junction 10 of the M40 just south of Ardley. As the development is located within the Council's administrative area, the Planning Inspectorate have identified the Council as a Host Authority. The County Council have also been notified of the proposal, and they too have been identified as a host authority.
- 1.2. The Planning Inspectorate have written to the two Councils to seek our views on the proposal. This is one of a series of consultations on the scheme. The project commenced in 2018 involving initial design work which led to the non-statutory stage 1 consultation in 2022 and the statutory stage 2 consultation which ended in November last year.
- 1.3. This phase of statutory consultation is referred to as the relevant representations stage and a deadline of 19 July has been set for comments to be submitted. In addition to the two host authorities, comments have also been sought directly from statutory consultees including National Highways, Historic England, Natural England, and the Environment Agency and notices have been placed in the vicinity of the site, enabling the local community to engage with the project.
- 1.4. Unlike the earlier Stage 2 consultation which was prepared and submitted in conjunction with the County Council, this submission needs to be made by the District Council only. This is because the submission serves two purposes. Firstly, it allows the Council to express its views on the application as originally submitted highlighting areas of interest to the Examining Authority and areas of additional work that may be needed but also to secure for the Council the status of an Interested Party.

- 1.5. This status as an Interested Party is significant because it ensures the Council then has the legal right to participate in the subsequent examination by submitting evidence, asking questions, and speaking at public hearings. Furthermore, only Interested Parties can challenge the Secretary of State's final decision and apply for a Judicial Review in the High Court within the 6-week post-decision period if this is considered necessary.
- 1.6. If no submission is made by the Council by 19 July, then the Council does not have a legal position at subsequent stages of consideration of the application. It is therefore recommended that the response contained in Appendix 1 is submitted on or before the 19th July.
- 1.7. Following this stage, discussion on the proposal continues through to the Local Impact Report (LIR) stage and then written submissions and hearings. For the latter stages of the consideration of the Order, especially at examination, timescales will become shorter for comments to be submitted. Officers though will continue to engage and update members as the process allows.
- 1.8. As work progresses through the latter stages, the Council will review its position regarding working with the County Council as undertaken for the Stage 2 representation though at this stage it is anticipated that the Council will work with the County Council on a joint submission of the LIR.
- 1.9. A full description of the proposals is contained below but in summary it constitutes an intermodal freight rail interchange terminal with sidings and associated works to the rail line, associated warehousing development (805.133m²) and significant highways works to M40 J10, a new Ardley bypass, relief road around the north-eastern side of Middleton Stoney, link road connecting B430 to Camp Road, Heyford Park, stopping up the existing B430 south of Ardley, widening the A43 north of M40 J10 to the B4100 at Baynards Green, improvements to the A43/B4100 junction and improvements to M40 Junction 9.
- 1.10. The main site for the Strategic Rail Freight Interchange extends to 241 Ha and mostly comprises agricultural land used for the growing of crops and grazing of livestock.
- 1.11. It is located to the west of the B430 and is bound by the existing Chiltern Railway line to the north and the B4030 to the south.
- 1.12. Within the site there is Ashgrove Farmstead (Ashgrove Farm) which includes farm buildings and farm- house. The on-site threshing barn is Grade II Listed.
- 1.13. Also, within the main site is the In Vessel Compositing Facility that is operated by Biffa. The lease on the facility is due to expire in 2030 at which point the owner will vacate the site and the existing buildings and associated hard standing will be demolished. There is also an underground reservoir in the south-eastern part of the site which will remain in place.
- 1.14. Within the site to the south of Ashgrove Farm is a deciduous woodland which is designated as a priority habitat. Adjacent to the site to the south of Camp Road is another area of deciduous woodland. The site is divided into field parcels by mature hedgerows within which are mature trees.
- 1.15. The Ashgrove Brook flows through the application site and is identified by the Environment Agency as being at risk of surface water flooding. The remaining parts of the site fall within flood risk zone 1.

1.16. To the north of the site and running parallel with the Chiltern Railway Line is the Ardley Cutting Site of Special Scientific Interest. To the east of the site on the opposite side of the B430 is the Ardley Trackways Site of Special Scientific Interest. This SSSI is split into northern and southern parcels. Figures 1 below shows the areas of SSSI. To the west of the site is RAF Upper Heyford Local Wildlife Site.

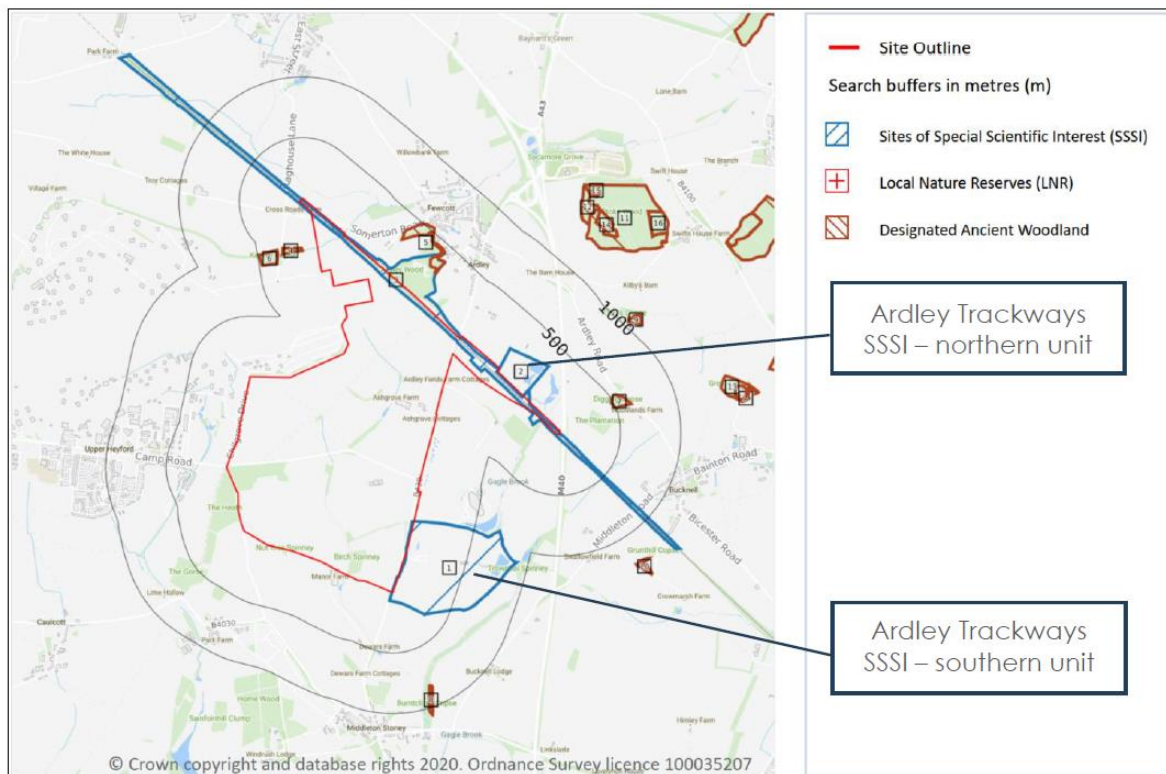


Figure 1 showing the two SSSI Areas. The red line shown denotes the application boundary for the main site.

- 1.17. To the west of the application boundary is the former RAF Upper Heyford Airfield which is a designated Conservation Area. Within the former airfield are two Scheduled Monuments in the form of the northern and southern bomb stores.
- 1.18. In the north-western corner of the site, between the northern edge of the airfield and Ardley Road is Kennel Copse Ancient Woodland.
- 1.19. The site is within the Ardley and Upper Heyford Conservation Target Area.
- 1.20. Two public rights of way (PROW.109/30/10 and PROW 109/29/20) cross the site connecting Ardley with Upper Heyford.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Due to the scale of the proposals, the scheme is classified as a Nationally Strategic Infrastructure Project (NSIP) and so are subject to the 2008 Planning Act. This is a separate process to ordinary planning applications which are assessed under The Town and Country Planning Act 1990.
- 2.2 The National Networks National Policy Statement which defines whether an application is, or is not, an NSIP scheme prescribes several criteria that a SRFI must meet to be considered a NSIP project. These include the ability to accommodate 4 freight trains per day each of a length of 775m and the ability for the rail network to accommodate a minimum of W8 gauge which is required for freight rail transport. In

accepting the proposal as a formal NSIP application, the Planning Inspectorate have taken the view that the proposal does meet the necessary criteria.

- 2.3 The National Networks National Policy Statement does not however prescribe a minimum or maximum floorspace figure for the warehouse logistics space required to be provided as part of the rail freight terminal. The proposal is for in the region of 600,000 sq.m. (6.5 million sq.ft.) of warehouse space with a further 200,000 sq.m. (2 million sq.ft.) in the form of mezzanines. These units will be set into the site through the proposed cut and fill exercise but will extend up to 25m in height. Given the scale of the proposals and identified harm caused by such scale, further justification is required as to why this level of floorspace is required.
- 2.4 The submission consists of three NSIP applications. This is because each component is dealt with under separate areas of the 2008 Planning Act ('the Act'). These are detailed below:
- The SRFI (including warehousing) (section 26 of the Act);
 - Motorway alteration works to M40 Junction 10 (section 22 of the Act);
 - Alteration of a trunk road (A43) (section 22 of the Act).
- 2.5 The key proposals for this project as defined on the Planning Inspectorates NSIP pages are:
- An intermodal rail terminal served via new connections to the Chiltern Main Line (part of the Strategic Rail Freight Network), including container storage;
 - Up to 603,850 sqm (approx. 6.5 million square feet) of warehousing, including ancillary office accommodation, plus up to 201,283 sqm (2 million square feet) of additional floorspace in the form of mezzanines. Maximum building heights are proposed at 25m;
 - Improvements to Junction 10 of the M40 involving works on the A43 east of the M40, new slip roads to and from the M40 an Ardley Bypass to the east of Ardley;
 - Improvements to Junction 9 of the M40 involving a dedicated slip road for vehicles travelling between the A43 and M40 northbound;
 - A Heyford Park Link Road which runs from Camp Road south-east of Heyford Park and south of the proposed development to a new junction on the B430;
 - A Middleton Stoney Relief Road around the north-eastern side of the village connecting from a new junction on the B430 to the existing B4030 which links over the M40 to Bicester which will remove key traffic flows from the centre of the village;
 - The Principal Access to the Main Site will be from a new roundabout on the B430 in the north-eastern corner of the Main Site, south of the railway line. This primary access will serve all HGV and car traffic accessing the site;
 - A Secondary Access into the Main Site will be provided from the Heyford Park Link Road for bus, pedestrian, cyclists and emergency vehicles only;
 - Retention of the Grade II listed Threshing Barn at Ashgrove Farm as part of a Central Hub of estate management and communal facilities for the other development on the Main Site;

- Retained key landscape features and new landscaping and planting, including on the proposed earthwork bunds within the Main Site.

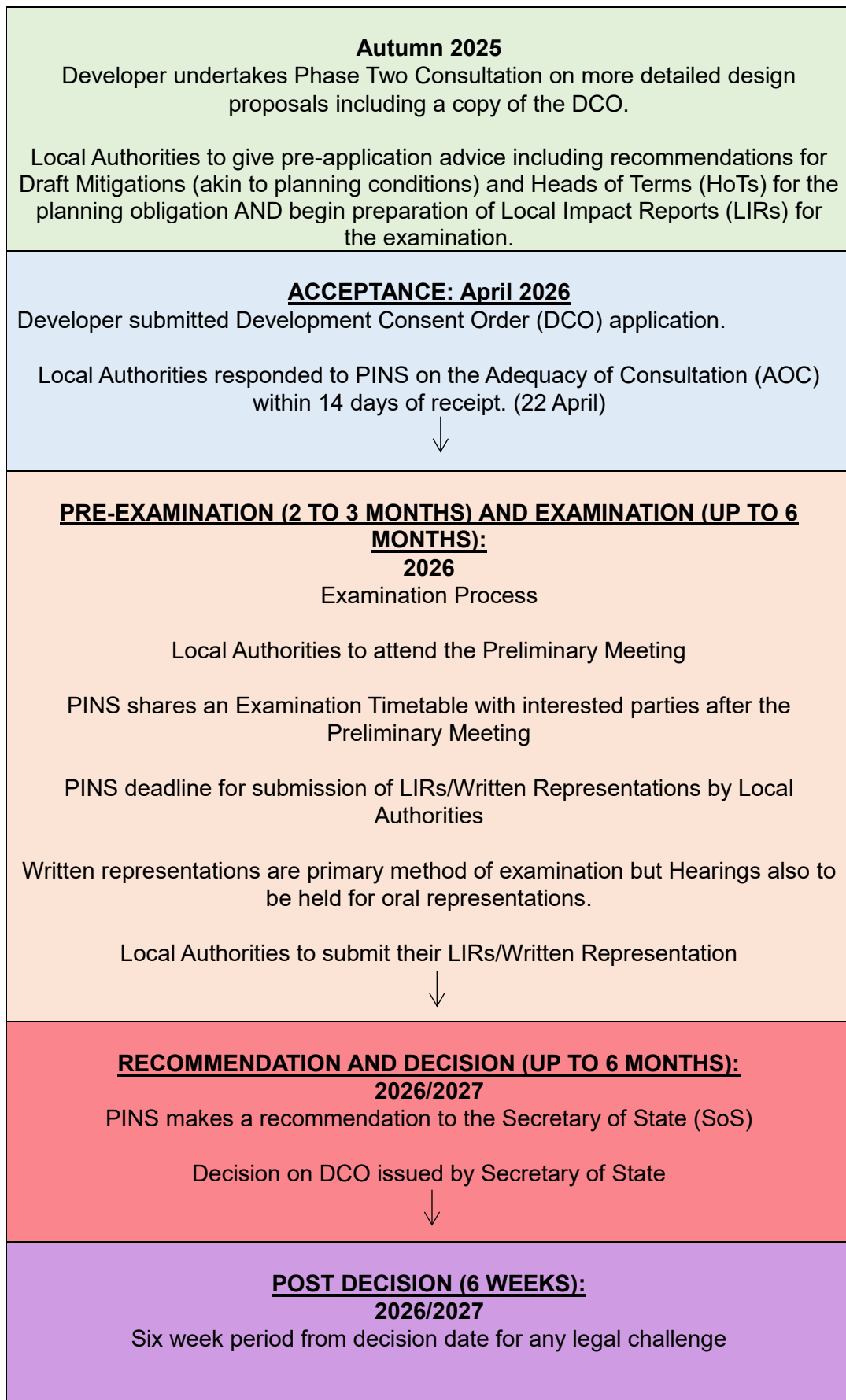
3. RELEVANT PLANNING HISTORY

- 3.1 The Stage 2 consultation ended in November 2025. In advance of this deadline, a report was present to Planning Committee on 6 November, and it was resolved that the draft response prepared by officers from both Council's be submitted to the Planning Inspectorate as the Council's formal submission. The comments were submitted on time.
- 3.2 Concerns raised at the meeting included, the suitability of the location, relationship of this scheme to other SRFI projects notably those along the M1, suitability of the Chiltern line to serve freight rail including connections to the main ports, impacts on the highway network both along the M40 corridor and the local road system particularly in conjunction with other developments off J9 and J10 of the M40, the use of solar panels to be provided on the roofs of the buildings and the phasing of the delivery of the rail freight interchange to the occupation of the logistics buildings.
- 3.3 Following the formal submission of the application, the Planning Inspectorate wrote to the two-host Council's and those neighbouring to seek views on whether it was felt the applicants had undertaken to necessary consultation steps in accordance with the established legislation.
- 3.4 Due to the timescales set down for a response, it was not possible to bring a draft response to Planning Committee. Officers did though submit a response on 22 April 2026 and whilst it was considered that the statutory requirements had been met, the Council would have appreciated additional engagement following the Stage 2 consultation exercise particularly on matters around landscape, biodiversity, cultural heritage and socio-economic impact.

4. PROCESS AND TIMELINE

- 4.1 The scale of this application means that it is defined as a Nationally Significant Infrastructure Project (NSIP). Developments of this type are determined by the relevant Secretary of State (SoS) with the Planning Inspectorate (PINS) acting as the examining authority who make a recommendation to the SoS as to whether a Development Consent Order (DCO) should be granted. Local Authorities (LAs) are consultees in this process and are not determining authorities.
- 4.2 Figure A below is a table summarising the process so far and going forward for the OxSRFI. The next stage is for the DCO to be submitted to the Planning Inspectorate after which a public examination into the proposals will commence.

Figure A	TIMETABLE AND PROCESS for the OxSFRI
	<u>PRE APPLICATION (NO TIME LIMIT):</u>
	Spring/Summer 2022
	Developer undertakes Phase One Community Consultation on initial proposals Spring/Summer 2022.
	Summer 2023
	Developer consults with local authorities on draft Statement of Community Consultation (SoCC).
	Local Authorities provide written comments on the draft SoCC



4.3 As the application boundary is all within the jurisdiction of Cherwell District Council, we are the host authority along with Oxfordshire County Council for the purposes of

this NSIP application. Neighbouring authorities including West Northamptonshire District Council, West Oxfordshire District Council, Oxford City Council, South Oxfordshire and Vale of White Horse will also be consulted as part of the NSIP process.

5. PRINCIPLE

- 5.1 Both CDC and OCC have declared has declared a climate emergency and is committed to tackling climate change. CDC recognise the government's goal of increasing rail freight by 75% by 2050. CDC accepts that there is a compelling need, as a matter of principle to reduce carbon emissions. Both OCC and CDC are therefore supportive of projects such as this which seek to reduce road base freight transport movements and use rail-based alternatives. There are however concerns over the environmental impacts caused by the scale of the proposals and the adequacy of the mitigation being proposed.
- 5.2 As the strategic matters around impacts on the highway network, rail system, waste and minerals are being dealt with by the County Council in their representations, these representations look to focus on environmental health matters of noise, odour, lighting and ground conditions, landscape, ecology, heritage and the socio-economic impact.
- 5.3 In terms of changes to the DCO, requirement five of the DCO seeks to allow occupation of 2.5 million sq ft of warehouse floorspace on the main site prior to a fully functioning rail freight terminal capable of accommodating a minimum of 4 trains per day being completed. Both CDC and OCC do not consider that the wording of this restriction is sufficient. It does not explicitly reference providing a connection to the rail freight terminal to the Chiltern Main Line. A situation could therefore arise whereby the terminal is constructed but is not able to be used as it is not connected to the freight network. This could potentially allow warehousing to come forward that is reliant on road rather than rail-based transport for movement. Both OCC and CDC consider that this requirement should be re-drafted to make it more explicit that the connection to the Chiltern Main Line is included in the associated rail infrastructure. Similar approaches have been taken on other SRFI's such as that at Northampton Gateway.
- 5.4 Paragraph 4.83 of the National Networks NPS makes clear that SRFI's may not be considered suitable adjacent to residential areas. Although Heyford has not been identified by the Ministry of Housing, Communities and Local Government as a potential location for a new town, there is a live planning application currently being considered for the redevelopment of the RAF basis and therefore further evidence is required that the proposed SRFI would not adversely affect potential future occupants of these dwellings should the proposal be accepted.
- 5.5 Each of the topics contained in the draft Environmental Statement have been reviewed by the relevant service within the Council. A response on the adequacy of the mitigation proposed and level of impact is contained within the draft response.
- 5.6 At the time of Stage 2 Consultation Response, CDC did not have in house landscape expertise to review the proposed plans and reports. LUC were appointed on behalf of the CDC to undertake the required work and provided a response as part of the consultation. Since then, CDC has appointed in house landscape expertise who have provided a response on the proposals as part of the relevant representations.

In addition, FLAC have been appointed on behalf of CDC to review and the submitted Arboricultural Impact Assessment.

- 5.7 Further details on the recommendations and views of those consulted within Cherwell District Council and Oxfordshire County Council are contained in the attached formal response.
- 5.8 It is Officer's recommendation that members agree to the submission of the attached comments as the relevant representations on the proposed development on behalf of Cherwell District Council.

6. RECOMMENDATION

SUBJECT TO THE APPROVAL OF ANY AMENDMENTS BY THE CHAIR OF THE PLANNING COMMITTEE AND THE DEPUTY LEADER OF THE COUNCIL IN THEIR ROLE AS PORTFOLIO HOLDER FOR PLANNING, APPROVE THE SUBMISSION OF THE RELEVANT REPRESENTATIONS TO THE PLANNING INSPECTORATE.

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell
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NORTH OXFORDSHIRE

The Planning Inspectorate

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Please ask for:	Shawn Fleet	Direct Dial:	01295 221558
Email:	shawn.fleet@cherwell-dc.gov.uk	Your Ref:	TR050008

xxx July 2026

BY EMAIL ONLY

Dear Sir/ Madam

RELEVANT REPRESENTATION

Project: Oxfordshire Strategic Rail Freight Interchange
Applicant's Name: Oxfordshire Railfreight Limited
Our ref: 26/01477/OxSRFI

Following the Planning Inspectorate's decision on 28 April 2026 to accept the application for a Development Consent Order ('DCO') for the Oxfordshire Strategic Rail Freight Interchange, Cherwell District Council (CDC) requests to be registered as an Interested Party at the Examination. The Council welcomes the invitation to submit Relevant Representations by 19 July 2026.

This letter is CDC's Relevant Representation and provides a summary of the main aspects of the proposal with which the Council agrees and/or disagrees together with explanations as appropriate in accordance with published guidance.

The Council notes the guidance notes 'Planning Act 2008: Pre-examination stage for Nationally Significant Infrastructure Projects (April 2024)' and 'Projects: Advice for Local Authorities' as well as Regulation 4(2)(b) of the IMPP Regulation 2015. This guidance and regulation outline that Relevant Representations should outline the 'full particulars of the case which the person proposes to make in respect of the application'.

The Council notes that unlike other Interested Parties, CDC as a Host Authority will later be invited to submit a Local Impact Report (LIR) which will provide opportunity for the Council to look at the technical details and detailed evidence supporting the proposal.

This is a stage the Council will engage either independently or jointly with Oxfordshire County Council as the other Host Authority in the submission of a report to the Planning Inspectorate at the appropriate time.

As the LIR stage is focused on how the development will impact on the local environment and the people in the area, CDC will focus on this detailed assessment of the facts of the case and look to see what impacts may arise and what, if any, additional mitigation measures may be needed.

As the LIR stage is detail focused, the Council will not be expected to indicate whether it does or does not support the application in its LIR response. As consideration of the proposal proceeds through to the Written Representations stage however, the Council will then be able to express its views on the merits of the scheme once there is a clearer understanding of all the technical aspects relating to the proposal and what harms or benefits may accrue if the development proceeds.

The Council notes the role that Relevant Representations have in informing the ExA's Initial Assessment of Principal Issues (IAPI). To aid the ExA in the preparation of the IAPI the following are the areas which the Council considers to be principal issues which will require 'proper time for analysis' during the forthcoming examination.

Scope of this Relevant Representation

This representation is made without prejudice to the future views that may be expressed by CDC in its capacity as an interested party in the examination process. The comments are made following an initial review of the DCO application material and identifies the main topics/ aspects of the proposal which CDC has an interest in, and which CDC are likely to want to discuss further as part of the Examination.

In due course the two host authorities (CDC and OCC), are inclined either independently or jointly, to provide a detailed case on the impact of the application through the LIR process.

A more detailed statement of the Council's views and position on the project, including a consideration of the wider planning balance, will be contained in subsequent Written Representations (WR).

CDC understands its role in the examination process is to respond to written questions directed to them and to participate in Hearings as scheduled by the ExA. CDC reserve the right to raise any further matters relating to compliance with any primary and secondary legislation following a detailed assessment of the application, and in response to matters that may arise during the examination process.

Local Policy Context

Whilst not determinative under the Planning Act 2008, the ExA can consider other important and relevant matters, including national and local planning policy. The local policies that CDC considers of relevance to this application are highlighted below and should be considered as important and relevant to the determination of the application. Compliance with these policies will be assessed through the LIR process and, as the Council's LIR response back to the Planning Inspectorate will need to be taken into consideration, so the Council's views on overall policy compliance will also be considered.

The Development Plan comprises of the following documents:

- Adopted Cherwell Local Plan 2011-2031 (Part 1) (CLP),
- 'Saved' policies of the Adopted Cherwell Local Plan 1996 and
- The Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need.

Regulation 10A reviews of the Cherwell Local Plan 2011-2031 Part 1 took place in 2020 and 2023. In 2020, the Council undertook a 5 Year Review of the Local Plan and concluded that the majority of the policies were generally consistent with government policy and/or local circumstances. It did not indicate that the Local Plan policies needed updating. The Review was presented to and approved by the Council's Executive on 4 January 2021.

Two material changes in circumstance since that approval prompted the 2023 Local Plan Review:

- Termination of the Oxfordshire Joint Local Plan work programme; and
- New evidence in the form of the Housing and Employment Needs Assessment (HENA) 2022

The Regulation 10A Review of Local Plan Policies (February 2023) showed that nearly all policies were generally consistent with government policy and/or local circumstances. It did not indicate that the policies needed updating at this time, apart from Policy BSC1 District-Wide Housing Distribution.

The Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need was formally adopted as part of the statutory Development Plan in September 2020. The Partial Review provides the strategic planning framework and sets out strategic site allocations to provide Cherwell District's share of the unmet housing needs of Oxford to 2031.

The weight afforded to different policies is always a matter for the decision maker, and in the case of the emerging Cherwell Local Plan Review 2042, this weight should be determined in line with NPPF para 49, which states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

The Cherwell Local Plan Review 2020-2042, which is intended to replace the adopted local plan, was submitted for examination, at the end of July 2025. There are, currently, numerous objections to the policies.

Three initial hearing sessions were held during the week commencing 16 February 2026. On the 24 March 2026, the Planning Inspectors wrote to the Council, advising that, *"We are now in the process of carefully considering the totality of the evidence before us on these matters and intend to set out our thoughts in a further post hearings letter."* (paragraph 3).

This further post hearings letter has not yet been received by the Council. Presently, the emerging Plan (and its policies) is considered to carry limited weight.

There are two Neighbourhood Areas of note in relation to this proposal. Mid Cherwell (designated April 2015) and Heyford Park (designated June 2024). The site is located within the Mid Cherwell area and its northern and western boundaries are immediately adjacent to the Heyford Park area.

As originally made in 2015, the Mid Cherwell area comprised of the following Parishes:

- Ardley with Fewcott Parish
- Kirtlington Parish
- Duns Tew Parish
- Lower Heyford Parish
- Middleton Stoney Parish
- Somerton Parish
- Steeple Aston Parish
- Middle Aston Parish
- North Aston Parish
- Fritwell Parish
- Upper Heyford Parish

It should be noted that current Heyford Park Parish was largely part of an earlier and larger Upper Heyford Parish but following the redevelopment of the land around the former RAF base, the former Upper Heyford Parish was subdivided into two smaller areas with the land to the west retaining the original name and the eastern section, together with parts of the neighbouring Ardley and Somerton Parishes becoming the new, independent, Heyford Park Parish on 2 May 2019.

A Neighbourhood Plan for Mid Cherwell was made on 14 May 2019 and this is currently subject to review with consultation on the replacement plan having taken place in December 2025 and the formal examination commencing on the 17 June 2026. Until such time that the Inspectors Report is published following the conclusion of the examination, limited weight is being attributed to the emerging document. When the report is published, the Council will

inform the ExA highlighting any key points and provide comment on the implications for this project.

Within the current made Neighbourhood Plan; 2019, the following policies are considered pertinent:

Policy PD3: Development Adjacent To Heyford Park: Whilst the proposed SRFI development falls to the east of Heyford Park and therefore outside of the zone of coalescence located on the west, the policy does seek to ensure that development around Heyford Park does not seek to lead to coalescence with other settlements and the character of each area is maintained.

Policy PD4: Protection of Important Views and Vistas: This policy seeks to protect a range of views across the plan area. This includes views north of the application site around Ardley Conservation Area and around RAF Upper Heyford.

Policy PD5: Building and Site Design: This policy seeks to ensure new development is designed to a high standard which responds to the distinctive character of the settlement and reflects the guidelines and principles set out within the Heritage and Character Assessment. Part (a) of the policy goes on to ensure proposals should wherever possible include appropriate landscape mitigation measures to reduce the impact of the built form, to ensure that development is in keeping with the existing rural character of the village, and to provide a net gain in biodiversity.

Policy PD6: Control of Light Pollution: This policy aims to ensure the design of external and street lighting in all new development should minimise the risk of light spillage beyond the development site boundary.

Policy PC1: Local Employment: This policy is orientated to securing the continued use of commercial premises for such a role and supporting small new businesses that support the community. It does not however provide provision for the scale of development proposed as part of the Order.

In reviewing these policies, it is considered that the information submitted in support of the application, considers the matters raised. For each of these points namely, location of development, views, site and building design and light pollution, the matters under consideration are dealt with as part of the wider consideration of each ES chapter.

The new Heyford Park Parish remained within the scope of the 2015 Mid Cherwell Neighbourhood Plan area until 2024 when it secured approval to be considered as an independent Neighbourhood Plan area. Currently, there is no neighbourhood plan in preparation or adopted for the Heyford Park Parish area.

Local Plan Strategy

The strategy which underpins the adopted CLP is to focus the bulk of the proposed growth in and around Bicester and Banbury, to limit growth in rural areas and direct it towards larger and more sustainable villages and to strictly control development in the open countryside. The application site lies outside of any allocation or settlement boundary and is therefore deemed to be open countryside for planning purposes. It is therefore in conflict with the spatial strategy which seeks to protect the countryside from development unless there is a robust justification to demonstrate why this should be set aside.

Climate Change

Policy ESD 1: Mitigating and Adapting to Climate Change seeks to mitigate the impact of climate change within the district and promotes the adoption of decentralised, renewable, and low carbon energy where appropriate.

Flood Risk

Policy ED 6: Sustainable Flood Risk Management seeks to manage and reduce flood risk in the District and ESD 7: Sustainable Drainage Systems (SuDS) requires all development to use SuDS.

Biodiversity

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment. Of particular relevance to this application this policy seeks: net gains in biodiversity; to protect existing trees and increase the number of trees; the reuse of soil; and the provision of new and preservation of existing features of nature conservation value. Development that would result in significant and unavoidable harm which cannot be adequately mitigated or (as a last resort) compensated will not be permitted. Damage or loss will not be permitted unless the benefits clearly outweigh the harm.

Air Quality

Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment states that *“If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted.”*

Policy ESD10 also states *“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.”*

Landscape

Policy ESD 13: Local Landscape Protection and Enhancement. Development will be expected to respect and enhance the local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted where they:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

Heritage

Policy ESD 15: The Character of the Built and Historic Environment. Amongst other things, developments should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting. Proposals should sustain and enhance designated and non-designated heritage assets. Paragraph B.267 in the introductory text to this policy highlights the importance of taking "into account heritage assets located outside of the District such as Blenheim Place, a World Heritage Site".

Green Infrastructure

Policy ESD 17: Green Infrastructure. The GI network will be maintained and enhanced via a number of measures, including ensuring the Green Infrastructure network considerations are integral to the planning of new development.

Infrastructure

Policy INF1: Infrastructure. Seeks to identify the required infrastructure to meet the District's Growth.

Emerging Local Plan

CDC has prepared a proposed submission draft (Regulation 19) of the Cherwell Local Plan Review 2042 which is published and open for public consultation until 25 February 2025 under the transitional arrangements set out in paragraph 234(a) of the revised NPPF.

Under the transitional arrangements set out in paragraph 235, the Cherwell Local Plan Review 2042 commenced examination in February 2026 under the December 2023 version of the NPPF.

The weight to be afforded to this plan is currently limited but this will increase as the plan progresses through the consultation and examination process. This plan is intended to replace the adopted Cherwell Local Plan 2015 and 'saved' policies in the Cherwell Local Plan (1996).

PRINCIPAL ISSUES

These comments have been ordered in line with the structure of the ES chapters as submitted by the applicant.

Cherwell as a District Authority has not sought to comment in detail on all matters and these comments should be considered alongside those provided by the other Host Authority, Oxfordshire County Council which has focused more on the strategic aspects of transport and waste management.

1 Introduction

The Council welcomes the submission of the introductory section to the Environmental Statement setting out the background to the preceding consultation and the changes made prior to submission.

The Council also welcomes the detailing of how each chapter is structured and the methodology used to assess each topic area.

With regard to the reference to the Finch case, the Council is of the view that wider consideration should be given to wider additional environmental harms, or benefits, that may arise by this proposal that would not otherwise occur if this scheme were not to go ahead or would appear elsewhere or in a different form.

It is recognised that detailed quantification of the do something/ do nothing scenarios may be difficult to precisely establish but it is considered some narrative on the nature and potential quantum of impact that may arrive under the two different scenarios may be of assistance in terms of balancing material consideration for or against the proposal.

2 Description of Development and Alternatives

Sustainability

As part of this section of the ES, Document 6.2 looks at the approach taken to energy use and sustainability (section 2.4). The proposed use of photovoltaic (PV) panels on the roofs of the proposed warehouse buildings as proposed in paragraph 2.4.5 is welcomed. Whilst it is accepted that the scheme can only be in principle at the current time, it would appear from this paragraph, that the use of PV panels on the roofs of the buildings may be limited and would only extend to 100% 'if required'. The Council would wish to see this potential source of green, sustainable energy optimised as far as possible of the useable roof space and for the ExA to seek to secure the optimal level of provision as possible through this proposal.

Alternative Site Provision

In addition to Document 6.2, these comments also look at Appendix 2.4: Alternative Sites Assessment.

In considering prospective sites for the proposed SRFI, the approach of setting an initial search area as undertaken in section 3.0 of Appendix 2.4 seems an appropriate starting point and Figure 3 – Existing SRFI Network is of assistance to CDC in understanding the national picture relating to this aspect of UK logistics provision.

The conclusion drawn in paragraph 3.6 that there is an absence of provision along the M40 corridor is accepted however, it is also noted from examining Figure 3, that there are other areas along the strategic highway network which also appear under provided for.

A notable area which appears to lack provision is along the M4 corridor from Heathrow to Bristol. Whilst outside of the search area identified by the applicants, towns like Newbury which connects to the A34 and A339 and Swindon on the A419 and A420 have the potential to provide interchange facilities which would allow lorries to head north and radiate out. Within the scope of a one-hour travel time, vehicles from Swindon for example could reach towns like Evesham which is comparable to the drive time from facilities located along the M1 corridor.

Looking at a distribution network originating from the M4 corridor, towns like Banbury and Bicester lie between the two and could equally well served from the south (M4 corridor) or east (M1 corridor).

It is noted that the NPS seeks to locate SRFI developments close to regional, sub-regional and cross-regional markets that they serve (paragraph 3.103). It is considered that the M4 corridor would represent such an area. It is therefore felt consideration should be given to suitability of a new logistics hub being located to the south along the M4 corridor as a viable alternative location to serve identified demands for storage and distribution space.

The three key criteria identified in the NPS for a potential site, listed in paragraph 4.1 (close to strategic rail, close to strategic road and outside National Landscape) are accepted as is the search area identified on Figures 5 and 6 which are focused along the strategic rail and road networks in the search area.

In the absence of information about the suitability of the M4 corridor as an alternative location from which to serve logistics in conjunction with sites already located along the M1 corridor, it is considered that the weight to be attributed to the M40 corridor could be reduced.

3 Transport

This topic will be dealt with by OCC as the Local Highways Authority.

4 Air Quality and Odour

The Council notes that the work undertaken by the applicants in assessing air quality and odour is in line with established methodologies and, based on the evidence provided, would appear to be robust in nature.

Consideration has been given to the impacts arising for both the construction and operational phases but also the associated transport movements for both road and rail.

The provision of the proposed new link roads to the north and south of the site are significant factors in mitigation some of the localised forms of harm that might arise from this development primarily associated with transportation and the provision of the bund to the west of the northern link road helps to shield the village of Ardley from the proposed work.

The provision of the link roads assist in not only removing some of the harm arising from the development itself but also have the associated positive aspect of reducing traffic along the line of the existing B430 which runs to the east of the site thus delivering a net enhancement to the levels of amenity experienced by these properties.

One aspect of the proposed development that is of particular interest to the Council relates to the closure of the Ardley in Vessel Composting Facility (IVCF) operated by Biffa.

Whilst the relocation of the IVCF is no longer being pursued, the decommissioning of the site carries with it significant potential for adverse harm at unacceptable levels to occur.

The proposed methodology to remove the landfill is noted and welcomed. Such work has the potential to generate significant and long-lasting odour pollution as the existing site is reopened and work progresses at a large scale with much, if not all, of the land reopened to the air for prolonged periods.

In principle, the Council supports the approach advocated in paragraph 4.5.8 of the Air Quality chapter of the ES to only open up small areas of the landfill site each day, undertake the cleaning of that parcel and then recovering the land at the end of the day to minimise odour distribution.

However, due to the complexities of such work and the potential for significant loss of amenity to neighbours especially if weather conditions are unfavourable or change during the day, the Council would wish to be involved in signing off any operational strategy and be notified in advance of any works proceeding. This will enable the Council to provide updates to people living in the local area of the site prior to work commencing so that amenity levels can be best protected and disruption minimised.

5 Noise and Vibration

The Council acknowledges that due to its location to the southwest of the M40 and to the south of the Chiltern rail line, there already exists a degree of background noise and disruption which impacts on people's enjoyment of their properties and the wider environment.

Nevertheless, whilst there already exists a degree of intrusion from the motorway and railway, there is still a significant potential for the proposed development to generate additional harms which either in conjunction with existing background noise levels or independently, could result in unacceptable levels of harm arising.

In principle, the Council accepts the findings of the applicant's consideration of noise exposure from traffic and welcomes the fact the proposed Ardley by-pass will help pull traffic away from the village and thus result in improvements to some existing properties. However, the Council also acknowledges that there are some instances where the change in exposure to noise results in increased detriment.

The applicants have considered the new impacts and whilst most upward changes to harm are assessed to be either negligible or minor in nature, the increased noise exposure to dwellings in Bicester backing onto Middleton Stoney Road is classed as a significant adverse effect due to high night-time traffic levels.

Whilst the applicants recognise there may be scope for local transport polices or modal shift changes to assist in mitigating any harm arising from the increase in night time traffic patterns, they recognise that at the current time, it is not possible to be certain that changes can be put in place and what, if any, effect they may have.

Accordingly, the applicants are working on the understanding that as they cannot mitigate the increased noise, they need to mitigate the additional sound at the point where it is received i.e. by enhancing the acoustic qualities of the houses along the Middleton Stoney Road which are most significantly affected.

In principle, the idea of setting aside a sum of money which in turn can be drawn down to undertake improvements to windows where considered necessary, has some logic to it. However, in practice, the proposed arrangement is considered somewhat complex to operate and carries with it several risks that the harm will not be fully mitigated thus leaving some neighbours exposed to unacceptable harm.

The root challenge with the proposed agreement is that it does not contain either a clear framework to ensure that any home improvements being funded are installed to an appropriate standard and that the work will be undertaken in a timely manner.

As currently constructed, the proposed agreement essentially just secures a sum of money which identified residents can, if they so wish, call down on and then do no more. Were there to be a degree of confidence that the residents would in the short term invest in the intended home improvements, the Council may accept that a high level of weight could be attributed to this matter. However, due to the open-ended nature of the agreement, it is considered it would be more defensible to attribute little to no weight to the proposed mitigation measures.

To overcome this potential area of risk, it is suggested that a more proactive stance is taken to drive forward the uptake and timely installation of the proposed mitigation measures.

As the agreement is currently drafted, the onus is on the Council to respond to requests for funding and then allocate monies to occupiers. This is a passive process, and the Council is not structured or resourced to pursue requests for funds, the receipt of monies or undertake a traditional clerk of works role to oversee installation.

In line with its monitoring of S106 funding on other sites, the Council could undertake some tasks to facilitate the installation of supplemental glazing but could offer no certainties that this would be undertaken in a sufficiently timely manner or to a sufficient level of coverage to offset the harm arising from a proposed third party project to enable to classify and noise infiltration to be considered anything less than

Accordingly, there is a real risk that the development proceeds for some time without sufficient mitigation being in place and detrimental harm arising.

To address this risk, it is recommended that the applicant take a lead role in funding any allocations.

6 Ecology including Arboriculture

The submission documents relating to ecology (set out in Chapter 6 “Ecology including Arboriculture” and the appendices of the ES) are more detailed than what was submitted in the Stage two consultation stage. These documents now include clarifications, updated bat surveys, a draft Construction Environmental Management Plan (CEMP), the Biodiversity Net Gain (BNG) metric and a draft Habitat Management and Monitoring Plan (HMMP), which all aid assessment, but, at this stage, do not quite go far enough.

The Council’s ecologist has reviewed the latest submissions and is broadly happy whilst requesting further information:

Draft CEMP

The overall approach within the draft CEMP is acceptable. The draft/overarching CEMP states that a detailed phase CEMPs (P-CEMP) will be produced. This will need to be secured, and submitted for assessment, through an appropriate trigger, either through planning conditions or via a planning obligation.

Meanwhile, there are no plans of the area that have been surveyed for Otters or provide consideration of whether it includes natal holts. The surveys are generally acceptable at this stage, but this further information identified by the Council's ecologist, is required.

Impacts of the SSSI

Presently, there is no standalone strategy for mitigation of the impacts to the SSSI. This information would be helpful in assessment of its adequacy. There are some details in the draft HMMP with proposals for the North West Ecological Mitigation area, as a whole. However, a standalone scheme which shows the ratio of compensation to loss and the timings of provision, as well as regard to any species-specific mitigation required, would be valuable.

Ancient Woodland

Whilst there is consideration of indirect effects or air pollution on ancient woodland, other recognised indirect effects have not been considered in full. These include 'breaking up or destroying working connections between woodlands, changing the landscape character of the area, increasing disturbance to wildlife, such as noise from additional people and traffic'. The severing of the functional woodland corridor and mature hedgerow connections to the ancient woodland of Burntclose Copse for example, is not discussed in this context, and it should be, as it is an important material consideration.

Bats

At least nine species of bat have been identified using the site, including barbastelle and four other Priority species. Additional bat population surveys for bats (Barbastelle) have been carried out to best practice. The majority of the existing habitat corridors will be fragmented or removed from the main site. Therefore, it is vital that mitigation measures are put in place for this loss.

The relief road planned to cross the Gagle brook corridor will fragment an identified corridor for bats, as will the loss of woodland next to Burntclose Copse. A tunnel is suggested as mitigation for the brook corridor. This is considered to be acceptable mitigation.

It is noted that 'Hop overs', for bats close to new roads, are no longer proposed, on the basis of a recent study suggesting hop overs increase collisions for barbastelle bats. The Council's ecologist advises that further evidence against the use of hop overs is sought, as this is a generally accepted method of ameliorating the impacts of vegetation fragmentation by roads.

Lighting

The lighting strategy does not focus on the identified bat flightpaths and foraging areas for bats, although it does aim to take into account ILP/BCT guidance on bats more generally. There are currently no lux diagrams outside the immediate area of the new buildings. It is not clear if this is because there will be no other lighting. The lighting strategy should say how

impacts on nocturnal wildlife will be specifically avoided taking into account the locations where particular receptors are found (e.g. bat flightpaths, woodland and watercourses). Full lux diagrams would be required at a detailed stage with a commitment to avoid an increase in baseline lighting levels for those areas known to be of importance to bats.

Additional land has been set aside for mitigation for farmland birds. However, crucially, some of the mitigation is temporary with 50 skylark plots only provided for two years whilst the areas are being stripped of nutrients through cropping. Therefore, it would be helpful if clear plans of the areas set aside for long term bird mitigation were submitted, as part of this DCO process. This should include the intention for each phase within a standalone farmland bird mitigation strategy.

Fifty skylark plots is generally taken to be equivalent to mitigation for 25 territories, however, a peak count of 198 skylarks were reported using the site. The adequacy of the mitigation in the short and long term is not certain, therefore. Confirmation that a robust and adequate mitigation strategy can be delivered is essential.

BNG

The BNG metric and the BNG assessment do not currently match up, in terms of figures - with the assessment giving a 11% net gain for each habitat type and the BNG metric showing a higher gain for hedgerows. These figures are close to the minimum level of 10% and reliant on the creation of complex habitats which may be difficult to achieve. The separated metric calculations (Separating out the SSSI area) show a loss in hedgerow units overall within the SSSI and the mitigation area. This loss should be justified, given the reliance of many invertebrate species on these habitats.

The BNG metric also needs to be updated to take account of irreplaceable habitats (veteran trees) identified on site by the arboricultural review by FLAC (see later in this chapter, for further details). Currently the metric states there are no irreplaceable habitats on site, which is incorrect.

The BNG assessment needs to be updated to account for any losses or impacts to irreplaceable habitat. Where there will be any identified losses or impacts (including indirect impacts such as fragmentation) to irreplaceable habitats either on site or within the zone of influence of the works, a compensation scheme should be submitted.

The draft HMMP (more of which in the section below) should include direct reference to future management of any retained veteran or notable trees on site.

HMMP

The draft HMMP sets out how habitat creation and management will be achieved to ensure they meet a biodiversity net gain. There are ambitious proposals to create 10ha of Lowland meadow (priority habitat) and 20ha of lowland calcareous grassland. It is not clear if the creation will be delayed because of the need to alter current soil nutrient conditions. Currently, the metric has not allowed for a delayed start for creation of these habitats which would affect their BNG. This should be included in future iterations of the HMMP to provide the full and correct picture.

The Council appointed the Forbes-Laird Arboricultural Consultancy (FLAC) to act on behalf of the Council and undertake the following work:

- Desk-based assessments
- Field-based assessments
- Recommendations

The arboricultural submission documents, in addition to Chapter 6 of the ES (referenced above), comprised:

- Appendix 6.8: Arboricultural Assessment, dated February 2026 (Revision K)
- Tree and Hedgerow Retention and Removal Plan (Ref: 8308 T13-T22, Revision K, dated 13th February 2026)
- Tree Schedule (Ref: 8308 Rev A, dated 11th February 2025).

Firstly, following their desk-based assessment, FLAC, made the following general observations:

- 1) The report identifies only one tree as a veteran, listed in Appendix B of the report as T170.
- 2) The report states that 101 trees are proposed for removal. This has been corroborated by a detailed review of the retention and removal plans. However, tree T213 is also believed to require removal, as the proposed level changes nearby make its retention doubtful. A further 23 trees are shown to have some form of construction within their RPAs, reducing the likelihood of successful retention. These impacts were not addressed in the Arboricultural Assessment report. For clarity, the aforementioned 23 trees are considered potentially retainable for the rest of this report.
- 3) Review of the full scale of the arboricultural impact is hampered, here, by the low level of detail in the tree and hedgerow retention and removal plan. Some areas are simply blocks of colour with no key to indicate their meaning. For example, 14 trees are shown in an area of purple hatch, the significance of which is unclear. This may mean that further removals will be proposed at a later date when a higher level of detail becomes available.

Ancient and Veteran trees – Desk-based recognition of Irreplaceable Habitat (BGR Regulations

(2024))

Secondly, FLAC's review of the FPCR tree survey data has identified 158 trees as potentially meeting the definition of veteran tree (as set out at Schedule 2 of Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024_

However, in contrast to FLAC's conclusions, the applicants' Biodiversity Net Gain (BNG) Assessment report states, at Table 1, Checklist of Minimum BNG Reporting Requirements, that: "This statement confirms that no irreplaceable habitat has been identified on-site."

Crucially, of the 158 potential veteran trees, 76 are identified for removal on the Tree and Hedgerow Retention and Removal Plan. Moreover, there is no recognition of these losses as potential veteran trees in either the ecological or arboricultural material, which is, accordingly, potentially a statutory failure with regards to the BNG regime.

Thirdly, between June 15th and June 19th FLAC visited 117 trees (which equates to 40% of the FPCR survey) at the OxSRFI site. A summary of their findings is set out below.

Assessment in relation to British Standard 5837:2012

The Tree grading per British Standard 5837:2012 Trees in relation to design, demolition and construction is broadly agreed with - no systematic failings were found outside the normal range of professional difference, apart from a few key trees, as described below:

FLAC sought to confirm the stem diameter measurements recorded by FPCR of 58 individual tree specimens (21% of the FPCR survey). It is noteworthy that in 48 out of 58 cases (83% of the sample), FLAC recorded a larger diameter than FPCR. For context, a larger diameter was recorded by FPCR in only 6 cases, and diameters were an exact match in 4 cases.

The average (mean) difference was 64mm, with a median difference of 50mm. Differences ranged from -90mm (Tree 155, FPCR diameter > FLAC) to +300mm (Tree 273, FLAC diameter > FPCR).

At 75mm, the standard deviation indicates considerable variability across the dataset. The mean difference for trees where FPCR measured diameter directly was 42mm/6.4% which FLAC considers to represent acceptable professional variance.

However, the mean difference for trees where FPCR estimated diameter was 151mm/25.0% wholly outside the range of acceptable professional difference. According to FLAC, this indicates a material failing in FPCR's field methodology for estimating tree stems and is a matter that will need to be addressed.

There is concern that the widespread under-recording of stem diameters means that accurate root protection area constraints are not shown on the FPCR plans. Consequently, impacts on RPAs may well have been systematically under-assessed and the impact assessment cannot be relied upon.

Importantly, the FPCR survey data with the stem diameters appears to be identical to those recorded in a previous dataset dated November 2020; and do not appear to have been updated, despite the most recent tree survey schedule bearing a 2025 date. Stale data could account for some, but by no means all, of the identified discrepancy.

Ancient and Veteran trees – Field-based recognition of Irreplaceable Habitat (NPPF (2024))

FLAC identified 4no. trees from the 117 specimens sampled (including T170, identified as veteran by FPCR) as meeting the NPPF Annex 2 definition of veteran tree. The additional Framework veteran trees confirmed by ground-truthing are T93, T150 and T152. It is considered that additional sampling is unlikely to identify further NPPF qualifying veterans.

For trees T150 and T152, FPCR stem diameters were broadly similar to those measured by FLAC, but their veteran features have not been recognised, and their significance not understood in terms of their exceptional biodiversity value (per the NPPF). T152 should also

have been graded A under BS5837. Both trees are shown for retention, but their 15x stem diameter buffer zones (per Natural England and Forestry Commission Standing Advice) should be plotted on the plans and assessed against the proposals.

FPCR's estimated stem diameter for T93 of 1000mm, against FLAC's measured 1230mm, has prevented a proper analysis by FPCR of tree age, and may explain why it was not classified as a veteran. FPCR also record the physiological condition of T93 as 'poor' when it is in fact 'good'.

These errors, compounded by the failure to recognise its exceptional biodiversity value, result in an incorrectly understood tree. T93 should be graded A3 under the BS5837 and recognised as a Framework veteran; its proposed removal directly engages NPPF para. 193(c).

Off-site tree impacts

FLAC conducted a walkover review of 12 off-site locations, to assess whether trees of high-quality and/ or Irreplaceable Habitat status are likely to be impacted; none meeting these criteria were found. Accordingly, it is not considered that off-site impacts on trees outside the planning boundary are likely to be material, albeit this should be rechecked during the detailed design process.

Ancient woodland

FLAC also visited the three areas of ancient woodland that adjoin the site:

- Kennel Copse,
- Ardley Wood; and
- Burntclose Copse.

The purpose of their visit was to ground-truth the location and condition of the woodland edge, and to evaluate the adequacy of the 15m buffer zone proposed by the applicant. This section sets out the conclusions of their evaluations in turn.

FLAC concluded that there would be no impact on Ardley Wood.

Burntclose Copse is located downhill of the site and hosts a watercourse. This creates a significant physical risk of hydrological change leading to deterioration of the habitat. FLAC considers there to be uncertainty regarding potential impacts arising from the development, for two reasons:

1. The nature of the proximal proposals is unclear; and
2. It would appear that there has been no assessment made of the woodland itself.

Taking this second point in isolation, the lack of information means that the sensitivity of the receptor to impacts has not been (cannot have been) assessed. As such, it is not possible to conclude that no deterioration to the irreplaceable habitat would occur.

Kennel Copse, the third ancient woodland, hosts a watercourse that runs broadly west to east. The Main Site Development Parameter Plan (drawing number 08308-FPCR-ZZ-XX-DR-L-0012 Rev. P28 dated September 10 2025), shows "Landscape/ Green Infrastructure

(including strategic landscape mounding, sustainable drainage features, mixed habitats)” adjacent to Kennel Copse.

FLAC’s (and officers) position is that in the absence of details regarding the location and nature of proposals which could potentially result in an adverse effect on this area of ancient woodland (including with regards to hydrological change from adjacent mounding and effects on the easterly flow of the watercourse), it is not possible to conclude that no deterioration would occur to this irreplaceable habitat. This key information is required.

Recommendations

In short, FLAC has identified a number of clear and avoidable shortcomings with the arboricultural evidence which can be readily (and need to be prior to the DCO determination) remedied to help the Council understand the full impacts and benefits of this aspect of the proposal. To this end, FLAC, have made the following recommendations:

Recommendation 1: The tree survey should be updated to reflect either accurately measured stem diameters or close estimates (5% tolerance either way). Resulting root protection areas should be plotted against the proposals and impacts assessed, including with regards to BNG implications. The resulting information will require further evaluation by the host authority.

Recommendation 2: The four trees meeting the definition for veteran tree at NPPF Annex 2 should have their 15x stem diameter buffer zones plotted against the proposals and impacts assessed (Revision K includes the required buffer zone for tree T170). The required buffer radii are as follows:

Ref.	Veteran Tree Buffer Radii (VTBr (m))
T93	18.45
T150	20.55
T152	18.1
T170	19.98

Recommendation 3: Tree 93 has been identified for removal to facilitate development, and accordingly (per NPPF paragraph 193c), the applicant must demonstrate a wholly exceptional reason to justify the loss of irreplaceable habitat and provide a suitable compensation strategy.

Recommendation 4: In addition, all four NPPF veteran trees meet the criteria for veteran tree status under the BGR Regulations 2024 (“regulatory veteran trees”). This should be acknowledged in the BNG Assessment. Whilst bespoke compensation under the BNG regime is required for the loss of tree 93, it is considered that this requirement would be satisfied by the suitable compensation strategy required under NPPF paragraph 193c.

Recommendation 5: The loss of many potential regulatory veteran trees requires further assessment and, as applicable, bespoke compensation under the BNG regime.

Recommendation 6: The clear failure of the FPCR arboricultural and ecological material to identify trees meeting the definition for veteran trees in the BGR Regulations, particularly in light of the proposed removal of many potential such veteran trees, requires the withdrawal

of Chapter 6 of the Environmental Statement, pending what may become a substantial revision. This revision should capture all of the recommendations set out above.

Recommendation 7

In relation to Kennel Copse and Burntclose Copse, FLAC recommends an expansion of the buffer zone from the proposed minimum of 15m, to a precautionary 30m. In both cases, detailed design would need to ensure continuity of the existing hydrological regimes.

7 Landscape and Visual Impact Assessment

The site is not located inside a designated landscape, sitting as it does outside the North Ploughley and Cherwell Valley Local Landscape Designations (set out in the Cherwell Local Landscape Designation Assessment 2024, as part of the evidence for Cherwell District Council's emerging local plan).

The site does, however, straddle the following character zone, set out in the Cherwell Landscape Character Assessment (District Level)

- 'Upper Heyford Plateau' Landscape Character Area

Whilst parts of 'Upper Heyford Plateau' have a "distinctive elevated and exposed character with open, broad skies", particularly "where there are no woodlands or hedgerows to intervene", the Upper Heyford Plateau is, in practice, a varied landscape, which, in addition to a great number of arable fields, includes a number of ancient woodlands, long-standing hedgerows, villages, farmhouses and roads. The Cherwell Landscape Character Assessment also notes that, whilst there are pockets of tranquillity and a strong sense of character in certain parts, these are away from major transport infrastructure like the M40 and major developments – Heyford Park, with its military air base, for example, which are considered to be significant detractors.

The Council's Landscape officer, along with officers from OCC and a CDC Planning Officer, visited the site in April 2026 to gain a shared understanding of the landscape context, the sensitivity of local receptors, and the likely extent of visibility across the Cherwell Valley, Upper Heyford Plateau, Middleton Stoney, Ardley, and the surrounding public rights of way network.

The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) -see chapter 7 of the ES 'Landscape and Visual Impact Assessment'. The LVIA is a sequential process. This means that if there is a weakness in the early stages of the assessment, those weaknesses could impact on the soundness of the final judgements.

The Landscape Officer's appraisal raises a number of concerns regarding the robustness, at this stage, of the Landscape and Visual Impact Assessment (LVIA).

The Landscape Officer, as a consultee, has concluded that the LVIA does not provide sufficient evidence or transparency to demonstrate that the landscape and visual effects of the proposals have been fully or accurately assessed.

Firstly, his view is that there are limitations with the methodology, those limitations being:

- The LVIA has not adequately responded to the Planning Inspectorate's Scoping Opinion (2021).
- Nor has it fully addressed matters raised by Cherwell District Council, at the scoping stage (namely, the provision of field survey record sheets, the use of Natural England's 2014 Landscape Character Assessment guidance, justification of earth mounding, and inter-visibility analysis with key heritage assets).
- The omission of field survey records (an acknowledged oversight by the applicants) limits transparency regarding how the baseline was established and how susceptibility and value judgements were derived.
- The way the methodology has been set out is not that user-friendly and, sometimes, the information does not allow for cross referencing. Consequently, it is not easy to understand the assumptions underpinning the assessment. The ZTV is a key example: the 12m lighting columns to the proposed Ardley bypass have not been modelled.
- These inconsistencies undermine confidence in its conclusions.

Second, in the landscape officer's opinion, the scale of the development and associated earthworks and lighting would result in adverse effects on the receiving landscape character, both directly and indirectly. The proposals would, he feels, likely result in an erosion of landscape character and the mitigation strategy currently put forward, does not adequately address these effects. Presently, he objects to the proposal.

Thirdly, the landscape officer believes that the residual impacts on character would remain significant. He also notes that cumulative landscape effects have not been assessed and is concerned that those developments would further erode character.

Ultimately, officers view (having carried out a site visit, reviewed the applicant's submission documents and the Council's Landscape Officer's comments), feel that more assessment is required – the Council feels that the following supporting info would help in securing confidence that the potential impacts of the proposed development are not so excessive that they would tilt the balanced judgement against the OxSRFI:

- Provide a detailed response to the Planning Inspectorate's Scoping Opinion (2021).
- Provision field survey record sheets, and evidence of the use of Natural England's 2014 Landscape Character Assessment guidance
- Submit justification of earth mounding; and
- Provide inter-visibility analysis with key heritage assets.
- Include a narrative which explains the design evolution – e.g. an explanation of how the landscape strategy has responded to local variations in landscape character including perceptual qualities
- Improve the readability/legibility of the methodology- make it more user-friendly
- Provide photomontages based on the maximum design parameters instead of the illustrative masterplan.
- Update the LVIA so that it adequately factors in tranquillity, rurality and dark skies

Visual Impact Assessment

The potential approach to the design and layout of the proposed scheme is set out in the following documents:

- Design Approach Document – Main Site
- Design Approach Document – Central Hub
- Design Approach Document – Highways Design Approach
- Parameters Plan Rev P36
- Illustrative Masterplan Rev P29

Parameters Plan

The plan is clear and identifies the parameters, which have been considered by the Environmental Impact Assessment. Important urban design principles, which are not shown on the parameters, are set out within the Main Site Design Approach Document.

Design Approach Documents

General comments

- There is a lack of consistency in approach between the 'Main Site', 'Central Hub' and 'Highway Design Approach' documents.
 - o All three 'Design Approach' documents need firmer introductions, which dovetail with the other two documents, and clearly set out the purpose of each document and how it should be used.
 - o There will need to be clarity and consistency over wording and terminology throughout the documents, and how the 'principles', 'coding' and 'approaches' will be taken forward into detailed design. This is missing, at present.

Main Site Document

- The general design principles and coding are supported; and will need to be secured by condition. The important design coding elements include layout and orientation; scale height and massing; appearance and materials; signage and numbering; car park design, including tree cover; boundary treatments and retaining features; walking and cycling; on-plot amenity; and landscape design.
- It is advisable for the 'coding principles' to be added for the Central Hub. The application, as it stands, is vague and non-committal on the mix of uses: it says 'could' include a creche, café, gym, education and outdoor amenity elements. It would be helpful to secure a firm and clear vision for the hub at this stage, as the hub has the potential to form the social heart of the site.
- The Urban Design Officer's stage 1 comments had requested that the colour palette should be informed by an Environmental Colour Assessment (ECA) in accordance with Landscape Institute (LI) Technical note 04/2018. This request has been addressed, with the ECA included at Appendix One; and it will need to be used to inform detailed design proposals.
- Loose phrases, such as, "where practical', service yards will be visually screened" (para.7.7, bullet 4) should be removed and replaced with something more prescriptive e.g. "Service yards will be visually screened". The small details, like screening a service yard, can often lift or undermine the overall quality of a scheme, if they are done well/badly. Given the scale of the development, and the number of service yards, for instance, it will be vital

that significant efforts are made to getting the details right. This can only be achieved by appropriate wording/parameters. Therefore, it is imperative that the wording is more committal and firmer on these matters, whilst still allowing a degree of flexibility, if need be. To this end, the Council's Urban Design Officer would also like to see a section in the introduction, which says, *'if the alternative design solution does not undermine the key design objectives...'*

Central Hub Document

- This document sets out restoration proposals for the Listed Threshing Barn and restoration principles for other buildings within the farm complex. It does not provide any further detail about how the buildings will be used.

Highways Design Approach

- This matter is left to OCC as the Highways Authority.

Illustrative Masterplan

Notwithstanding that an illustrative masterplan is an indicative plan only, and therefore not binding, from an urban design perspective, it is broadly considerate of the site and context. As well as planning officers, the Council's Urban Design officer has also studied the submission documents; and makes these comments and suggestions:

- Smaller scale units located within the site's westernmost corner to step down to the emerging residential context west of Chilgrove Drive.
- Larger units on the western side of the site aligned northwest-southeast to break up the overall scale and mass in views from the airfield.
- Visual breaks between units to the east (These units are likely to be seen with the existing Energy Recovery Facility).
- Retention and re-use of the existing farm buildings as a central hub.
- Incorporation of a central landscape spine.
- Good pedestrian permeability with footways through the site, to the site's perimeter and linkages beyond the site.
- Vehicle permeability with access from the north and south connected by a main spine route.
- Generally, servicing areas located to the sides of the buildings allowing frontages and parking to address the main access road.
- Opportunities for new planting including woodland to the site's perimeters, which generally relates well to established woodland blocks.
- Opportunities for wetland habitat as part of the SuDS drainage scheme within the lowest southern site area.

Summary and Conclusions

In short, there is support for the general masterplan arrangement and coding principles. However, officers view are that further detail, and commitment, should be provided at this stage, to help ensure the delivery of a vibrant central hub. Key design principles and coding should be secured through conditions.

8 Lighting

Whilst sometime seen as a secondary element of development after principle, the way in which a development is illuminated can have a very significant role on how a development is perceived and its impacts on the surrounding environment. This is especially so as this scheme has the potential to work through the night as trains arrive from ports around the UK necessitating unloading activities and increased vehicle movements at a range of unsocial hours.

At the preliminary design stage, Cherwell District Council has engaged with the applicants on the suitability of the methodology employed within this ES Chapter and on the suitability of the lighting baseline assessment (see ES Appendix 8.6).

The Council has agreed that the methodology as detailed within this ES Chapter is acceptable for the assessment of lighting effects and also agrees with the lighting surveys undertaken and that their findings are suitable and that the environmental zone for the assessment of effects should be E2 as described within Table 8.2 and ES Appendix 8.2.

It is considered that there are broadly three main areas of consideration, these being the rail terminal, the buildings and the road network.

Rail Terminal Lighting

It is acknowledged that due to its outline nature, many aspects of the proposed development remain indicative. This is understandable and much of the detailed design can follow if the principle of development is deemed acceptable through the granting of the consent order.

The rail interchange and how it interfaces to the existing and proposed land forms and neighbouring ecological and human receptors will be one aspect of the development that has significant potential to create a wide range of impacts which over time could be erratic and disruptive.

The unloading area will involve significant amounts of large machinery including lorries and notably the gantry crane(s), moving across the landscape. There will inevitably need to be adequate lighting to ensure all loading and unloading areas not just along the track line but across the whole part of the site where containers and vehicles may be moved to ensure safe working conditions can be provided 24 hours a day.

From section G-G provided in the submission document Appendix 7.7: Illustrative Landscape Cross Sections, it can be seen that the site will be cut into the landscape some 6.0m to 7.0m and then a landscape bund around 9.0m high placed to the north. Together, the cut and bund will mean the loading yard will be some 15.0m below the highest neighbouring future land level.

This is a notable level difference, but it is also recognised that lighting columns will be needed around the site and lighting will also be affixed to the gantry cranes.

Although lighting columns are around 5.0m to 6.0m at railway stations and possibly up to 8.0m where vandalism is an issue (paragraph G 3.5.1.5 RIS-7702-INS Issue One: June 2013 Rail Industry Standard for Lighting at Stations), this standard is for passenger based facilities. For a freight interchange, guidance has been taken from other NSIP proposals and it is noted that in paragraph 5.43 of Appendix 3.2: Lighting Strategy (Document reference:

6.2.3.2) for the Hinckley National Rail Freight Interchange Development Consent Order, high mast luminaires would be limited to a maximum height of 25 metres though lower where practicable. It is noted that this application was refused primarily on highway grounds, but it is considered that this reference point gives an indication of the lighting details that may be forthcoming at the requirements stage.

Were such masts to be used in this location, they would rise above the surrounding landscape including the new bund resulting in the potential for light spillage into the surrounding landscape, dwellings and onto the Chiltern rail line to the north.

It is noted that in Table 8.10 of the ES submission, Chapter 8: Lighting, mitigation measure 9 seeks to minimise the height of any masts to the minimum height practical. This is welcomed but it remains unclear as to what height the masts may rise.

If, due to the requirements of documents like British Standards Institution BS EN 12464-2:2024 Light and lighting - Lighting of outdoor work places, it is deemed essential for lighting on both masts and the gantry cranes to exceed the height of the surrounding bunds to ensure safe working conditions on site, then there is a potential for an unassessed harm to occur which may have such significance that the balance of any judgment on the acceptability of the proposal is tilted to such a degree that the scheme is deemed to be unacceptably harmful when weighed against the potential benefits that may accrue.

To address this concern, it is requested before the decision on the Order is finalised, that details be provided of the requirements for illumination of the interchange and the manner in which lighting across the site, including from, and onto, any gantry cranes is facilitated. These details should then be plotted and lighting diagrams provided to show that in a worst-case scenario where the optimal lighting is provided, the risks of light spillage onto neighbouring land including the Chiltern rail line, do not cause unacceptable levels of harm.

Consideration has been given as to whether this level of information which, by its very nature will be detailed, can be left to later consideration under a finalised Construction and Environmental Management Plan (CEMP). This route is considered unacceptable to the Council as if it later transpires that lighting masts need to be 15m plus in height to accord with mandatory safety standards and the landscaping around the site cannot be elevated to fully mitigate any light spillage, then the local environment will be inevitably be compromised to a level where the harm arising from the scheme is widely considered to be unacceptable to nature, neighbours and rail operators.

Buildings

In considering lighting for buildings, the Council accepts that the applicants have undertaken an appropriate consideration of the local environment and the impacts that may occur.

Unlike the freight terminal where lighting impacts may be irregular in timing and intensity as well as points of origin and plant and vehicles move around, lighting on and around the buildings on site will remain fixed and thus any impacts can be accommodated over time.

Whilst the Council do not have any objections at the present time to the principles as set out in the ES, the Council would wish to see any detailed lighting addressed through relevant requirements and to have the opportunity to comment on the discharge of such details.

Furthermore, the Council would also wish to be involved in the consideration of any lighting proposals as they appertain to both design lighting which may be used to affect the appearance of the buildings in the landscape in the evening and night sky's and for any signage lighting including advertisements or building names.

Highways

The Council notes the submitted plans for the installation of new lighting masts around J10 of the M40 and the proposed new roads and recognises that the design and detailing of these units will be a matter for consideration by the Local Highway Authority.

The Council though would wish to ensure that particularly along the new sections of highway, light spillage is kept to a minimum and to this end, the proposal to install a bund alongside the Ardley by-pass for example is a welcome step to facilitating this.

Whilst it is recognised that there will be a requirement for some highway lighting on safety grounds, the Council would wish to ensure that such lighting is used prudently both to minimise adverse harm and to the surrounding environment and to enhance the character and appearance of the local area.

When used with care and consideration, the Council recognises that skilful lighting schemes can not only deliver much needed safety measures but also enhance and uplift and environment especially in the winter months to help it become a blend in more sympathetically into to a local area thus minimising disruption and harm.

9 Water Environment

These comments are provided by CDC in its role as the LPA. The comments should also be read in conjunction with those provided by OCC in its role as the Lead Local Flood Authority (LLFA).

As this proposal is still at an early stage with no specific detail on the size, location or proposed operation of the logistics unit nor any details on the layout of the rail freight interchange, these comments focus on the matters of principle.

It is noted that the site straddles the boundary between the Thames and Anglian catchment areas. As a result, no watercourses pass through the site. All water courses on the site, originate within the site and generally flow either north-eastwards into the Anglian catchment or southwards and south-eastwards into the Thames catchment. All watercourses within the site are Ordinary Watercourses and there are no Main Rivers. Accordingly, they all fall under the purview of the Local Authority rather than the Environment Agency.

Each watercourse will have a narrow ribbon of uncharted flood plain. The extents should be verified through hydraulic modelling so that the limits of the 1% AEP + 40% climate change envelopes can be plotted.

The drainage design principles should follow the criteria set out in the attached Oxfordshire Standards.

As the site currently lies, it is recognised that the existing land form performs poorly with regard to soak away rates. As this limits the scope for sustainable drainage systems to

perform well, it is recommended that a precautionary approach should be taken in considering the design of any drainage proposals and an assumption made that no infiltration will be possible unless proven otherwise by comprehensive soil testing.

It is recognised that a large part of the development site will involve a significant amount of soil movement reducing land levels by around 5.0m to 6.0m adjacent to the north eastern edge of the site close to the boundary with Upper Heyford RAF base and then being raised by a similar or level along the line of the proposed spine road.

Although this land will be compacted as part of the construction to form stable development platforms upon which the proposed storage buildings will be situated, the land will, for some time, remain artificially aerated and as the soil is predominantly clay in nature, it could take up to three years for full compaction to occur. (Ref para 6.4 of Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. DEFRA; 2009)

Accordingly, it is recommended that no testing for infiltration takes place after the levelling of the land until such time that it can be confirmed by an appropriately qualified engineer that full settlement has taken place.

Once it has been established that the land is sufficiently settled to allow detailed design work to proceed, positive drainage discharges should be limited to the greenfield QBar rate.

Through the design process for any drainage, space should be provided around all attenuation features should be provided so that access to them is always readily possible. All watercourses should be straddled at least 3m each side by an undeveloped corridor so that riparian maintenance can be readily and accessibly undertaken.

Across the site, the preferred drainage approach should be provided in the form of linear swale features and not in concentrated areas. Attenuation should be provided in the form of shallow vegetation basins or swales and not in the form of underground tanks.

If underground tanks are deemed necessary, these should be wholly within individual plots to allow ease and a direct line of management responsibility to ensure ongoing access for maintenance.

The Council recognises that there may be a necessity for some underground attenuation on communal space. This should be kept to an absolute minimum and full details of any future management regime should be provided including schedules for cleaning.

Looking at specific areas of the site, the Council would wish to see sustainable drainage measures included alongside any proposed highway drainage features including both on the main site and alongside the proposed highway improvements e.g. the amended connection to J10 of the M40.

These sustainable drainage measures should also assist in the delivery of ecological enhancements across the site especially as these are often isolated locations away from passing members of the public.

The proposed pond network to the south of the site, is welcomed and has the potential to meet multiple roles namely as part of a drainage scheme, provide ecological enhancements and also provide an area of amenity space for prospective employees on the site thus allowing for enhanced staff welfare.

It would appear from the masterplan that space could be provided to the south of the site to allow for the creation of some small recreation space or shelters and footpaths/ cycle trails along this part of the site.

It is appreciated that at the present time, it is too early to detail such measures but if the scheme were to proceed, the Council would wish to see requirements secured that would allow the LPA to consider, and approve if suitable, a range of ecological and amenity enhancements around the water environment on site.

At all times, the design and maintenance guidance in CIRIA 753 should be followed.

10 Heritage - Built and Archaeology

The application site is adjacent to the RAF Upper Heyford Conservation Area (which comprises the airbase at RAF Upper Heyford). According to the Council's Conservation Area Appraisal, *"the primary architectural and social historic interest of the airbase at RAF Upper Heyford is its role during the Cold War. Designation of the airbase as a Conservation Area acknowledges the site as an important Cold War landscape type."*

There is also a Grade II Listed building on the application site: the Threshing Barn at Ashgrove Farm. The significance of the Listed building lies in its fabric and character as an 18th century barn; the surrounding buildings, although not designated, also have some merit in terms of historic character as a 19th century farmstead. These are considered to contribute notably to the setting of the Listed Building.

RAF Upper Heyford Conservation Area

The Council's Conservation Officer's opinion is that the landscape, which surrounds RAF Upper Heyford, contributes to the character and setting of the Conservation Area and, therefore, its significance. Moreover, the airfield, due to its very nature, is set in a flat, open, landscape with clear views out from the runway. Impacts on the views out of the runway was a key concern of Historic England during the Stage 1 Consultation process.

In response to Historic England's comments, and recognition of the need to help preserve the historical context of the former runway, the applicants, as part of the Stage 2 Consultation process, tabled substantial amendments to the proposal. This involved the reduction in the height of the strategic mounding at the eastern end of the former RAF Upper Heyford runway, down to a 'half-height', along with less treatment proposed in this location. Details of the revised height of the mounding, and the treatment, are set out on the Parameters Plan (Document 2.5) and in Chapter 7 (LVIA) of the ES.

In response to these amendments (now part of the formal submission), as part of the Stage 2 consultation comments, Historic England concluded that there would still be some harm to the Conservation Area but that harm would be at the 'lower part of less than substantial harm'.

As Historic England have led on the assessment on the potential impact on the Conservation Area, the Council's Conservation Officer defers to Historic England's conclusions.

The Conservation Area also contains a number of scheduled monuments. However, it is not within the remit of the Local Authority to comment on this matter, and, again, officers defer to Historic England. The Conservation Officer does, however, conclude that the listed buildings with the Conservation Area would not be harmed, as a result of the proposed development.

Listed Building and its immediate setting

As part of the development, it is proposed to retain all the existing farm buildings, and then re-use them, by changing their use from agricultural use to (collectively) an estate management, training and communal facilities centre for the site. Part of the retention and re-use process would involve replacing the roof (currently in a decaying ruinous state and introducing new glazed windows and doors, and a rainwater management system.

The Design Approach Document – Central Hub presents three options for installing a new roof on the building. It also presents alternative ways of improving the floor, which is not fit for public use: the three options for delivering a usable floor is to, a), repair the floor, b), relay the level, or, c), insert a new floating floor. Part of the design details principles (set out in finer detail in the Threshing Barn Architectural application drawings, submitted as part of the DCO), include the provision of rooflights, a wide entrance framed by doors to “signify the entrance”.

In principle, the works to repair, retain and restore the Listed barn (which is in a decaying state state) are welcomed, and the approach proposed is considered to be appropriate: returning the building and other associated buildings to a viable use would be supported from a conservation perspective. Moreover, the works to restore the listed building are not considered to result in harm to its significance.

According to the Council’s Conservation Officer, the other historic buildings associated with the farm could be considered to be non-designated heritage assets. The most notable of these are proposed to be retained and restored where necessary, in line with providing a new use. This is supported and, again, the approach is considered acceptable. These buildings contribute to the setting of the Listed Building. Therefore, it follows that improvements to these buildings would enhance the immediate setting of the Listed Building: in fact, it would be a positive element of the proposal. Consequently, the retention, repair and reuse of Ashgrove Cottages is welcomed.

Wider setting to the Listed Building

However, the wider setting of the Listed Building and the historic farm complex will, inevitably, be altered by the scale and nature of the proposed logistics development. This will impact on the wider landscape. That said, it should be noted that landscape harm does not necessarily equate to heritage harm.

There are some concerns from officers that, due to the ground levels and the size of the distribution sheds, the Listed Building and farm complex could be dwarfed and dominated by the development, ultimately being positioned in a ‘valley’ between the proposed logistics buildings. Further consideration should be given to how this would be managed and the treatment of the boundaries between the old and new....

In short, the introduction of very large distribution sheds, in close proximity to the Listed Building, will result in some harm to its significance, as a result of development within its setting (wider agricultural land). This harm requires clear and convincing justification and should be weighed against the public benefit in line with paragraphs 213 and 215 of the NPPF.

Archaeology

With regards to non-designated archaeology, this topic will be dealt with by OCC, who have professional archaeologists reviewing the submitted information.

11 Ground Conditions

With regard to the main section of the ES dealing with ground contamination issues, the main report and its associated appendices is considered to be robust in terms of the methodology used, the assessment of potential risks and the mitigation measures proposed.

There is though a new issue regarding the potential existence of forever chemicals that may need to be considered as part of the proposed development and comments on the restoration of the Ardley Landfill site.

PFAS Chemicals

Following the Council's Stage 2 response in November 2025, it has been noted that levels of PFAS (per- and polyfluoroalkyl substances) commonly known as 'forever chemicals' have been recorded in some of the surrounding water courses.

The full impacts of these readings are under investigation, and the Council is actively seeking to establish full details of where PFAS chemicals may be found and what, if any, implications there may be. As a starting point this work, the Council is taking a precautionary approach on sites in the general area currently under consideration.

It should be clarified as an important detail that at present, the Council is not identifying the application site as an origin point of the chemicals but, using source, path receptor modelling, the Council is mindful that the application site, to some as yet unknown level, may factor into any wider examination of the impacts from PFAS chemicals.

The Council would therefore wish to engage with the applicants to further explore the relationship, if any, between the site and the wider examination. This is considered particularly important as there are large areas of cut and fill work proposed across the site digging down some 7.0m to 8.0m in some areas. If this excavation works interfaces with any PFAS chemicals on the site, the Council will wish to take this opportunity to secure an agreement to undertake suitable site remediation works and eliminate the chance of any cross contamination into the wider environment which may occur over time with, or without, the development taking place.

Ardley Landfill Site

With regard to the proposed works in relation to the Ardley landfill site that is proposed to be closed, the Council, in conjunction with the Environment Agency, would wish to partake in the discharging of any requirements to clear and recap the site to ensure that the risks of

any cross contamination back into the environment are adequately mitigated. This work would overlap with the measures taken to control potential odours.

It is noted that this chapter of the ES also touches on the loss of potential Jurassic rock fossils. This issue, alongside the management of *Cetiosaurus* and *Megalosaurus* dinosaur trackway passing through the 'Ardley Cutting and Quarry SSSI' at Dewars Farm Quarry will be addressed in detail by the County Council in their representations.

12 Socio-Economics - including Health

Demand for the Proposed Development

As a starting point, consideration is given to paragraph 2.10 the National Networks National Policy Statement which states that "Railways are a vital part of the country's transport infrastructure and play a crucial role in growing the economy and meeting the connectivity needs of customers and business."

Accordingly, the Council supports the principle of the proposed development as potentially forming an important component of the national infrastructure framework.

Due to the sites location outside of any establish centre, the proposed development, as currently structured, would not immediately assist in meeting the Council's Corporate Plan objectives which include creating vibrant economic centres and thriving rural villages and to deliver sustainable and strategic development that meets Cherwell's needs now, and in the future.

The Council does though recognise the proximity of the development to the emergence of Heyford Park as a new settlement and, with appropriate sustainable transport connections, the development could, in the future, play an active park in meeting the needs of the new centre through the delivery of sustainable and strategic development.

Whilst there is recognition of the national benefits that may accrue from this development, there is also an awareness that this development, like all national infrastructure projects, also has a local impact and it is this aspect of the scheme that the Council would wish to explore in more detail.

In assessing need for the SRFI, the Council is mindful of the dual nature of this proposal which, like other SRFI projects, not only includes the rail interchange which is supported in principle by national policy but also the logistics units which have the potential to be served either from the rail facility and/or the highway network.

In principle, the rail interchange is supported, and there is an identified need for logistics in the Cherwell Economic Needs Assessment (ENA) 2025, which provides the evidence for the draft review Local Plan 2042. That said, the amount of floorspace, and the scale of units being proposed, is substantial. The Council, therefore, wishes to explore, not just the precise need for the logistics units, but also justification for the scale and form of development proposed.

Based on evidence from the Council's Economic Growth Team, where the medium sized 'XL' units have been built in the local area, they are on the market longer than smaller premises for example Frontier Park in Banbury where the two larger units still remain vacant,

or the vacant 18,580 sq.m. (200,000 sq.ft) unit on Chalker Way adjacent to smaller units that more readily find and retained occupiers.

Local business expansion e.g. Prodrive, Norbar, Karcher, Firstline, Bakels has been to L/XL units below 139,50 sq.m. (150,000 sq.ft.) Units larger than this as noted above tend to be limited to logistics only, apart from unique, bespoke development such as Siemens.

The Market Analysis Report (Document 7.1) submitted with the proposal looks at the demand for logistics space around Bicester and the M40 corridor. Based on the market research provided, it is accepted that there is a demand from operators for space in the vicinity of the application site.

What is not clear, however, is how close to the centre of this area these operators believe they need to be located and whether their requirements could be met from sites further south along the M40 corridor. It is recognised that this site presents a potential opportunities along the M40 for logistics-based development, but it is not clear if the need for space in the Marketing Report can only be met by sites in along the M40 corridor or could also be met by sites further to the south, due to distance and travel time constraints. In the absence of this information, the Council currently places limited weight on the merits of this site in meeting the demand for logistics space identified by potential occupiers.

This matter has also been explored in section 2: Alternative Site Provision

Benefits for Local Economy

Should it considered that there is an identifiable need for the proposed development and there are no suitable alternative locations, the Council accepts that the proposed site has the potential to achieve the aims set out in the NPS.

If this is the case, the Council would wish to see provision to support improved skills training in the Cherwell area both for constructions work and the subsequent logistics activities. The Council recognises that there are a wide range of roles from driving to warehousing and office-based roles and these work areas provide a range of opportunities for training.

The trade body Rail Freight Group (RFG) through their June 2024 publication “Delivering For Our Economy, Environment And Regional Workforce” states that in addition to contribution £2.45bn to the British economy, the three largest rail freight operators in the country currently have more than 100 active apprentices in their industry in a range of roles from engineering to IT. These apprenticeships are seen as a vital way to address potential skills shortages in the rail industry and, should the SRFI be approved, Cherwell would wish to see some of these opportunities be secured, and enhanced, by the development.

Such backing can be secured through the S106 attached to the proposal and can seek to secure funding for a number of student places at Banbury and Bicester College which offers a range of NVQ courses covering subjects like business and management, construction and engineering either directly or in conjunction with partners.

Social Benefits

Whilst most of the site is oriented towards rail and logistics use, there is a large parcel of land to the south towards Middleton Stoney which is set aside to for sustainable drainage measures including swales.

This area of land has the potential to also include enhanced ecological provision and also recreation space for people employed or visiting the logistics park.

Given the benefits this may offer to support employees both in the physical and mental health, the Council would wish to engage with the applicants at the detailed design stage to introduce both physical improvements on the ground and secure funding to help deliver, and importantly, maintain, measures to enhance the value of the site to people there. If possible, it would also be beneficial to expand any improvements not just for the benefit of people employed on the logistics park but also those who live nearby for example in Middleton Stoney or Ardley.

Were these opportunities to be captured through the S106 agreement, the proposed development has greater potential to support the Council's corporate aims which seek to build an inclusive and green economy and promote health and wellbeing with a focus on inequality.

13 Materials and Waste

This topic will be dealt with by OCC as the Mineral and Waste Authority.

14 Soil Resources and Agricultural Land

In paragraph 14.4.3 of Document 6.14 Chapter 14: Soil Resources and Agricultural Land, the applicant has acknowledged that although the site covers a total area of 449.5 Ha, 17.8 Ha earmarked for ecological mitigation has not been surveyed. This approach has been justified on the basis that as the land would remain in agricultural

Paragraph 14.5.4-5 of the report identifies a Major Adverse Significant impact on agricultural during the construction phase due to the loss of 36.9 ha of Subgrade 3a land and 249.7 ha of Subgrade 3b land.

As mitigation against the loss of agricultural land is not considered possible as set out in Paragraph 14.6.1, the applicant states that a residual major adverse effect is expected and this is identified at paragraph 14.6.3.

Furthermore, paragraph 14.7.4 identifies a significant cumulative impact on agricultural land due to the scheme representing slightly more than 1% of annual loss (1.002%) of best and most versatile land across England and 264% of local annual loss of such land across the district area.

It is noted in paragraph 5.189 of the National Policy Statement for National Networks (NNNPS) that 'Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is

demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality’.

Moving on, paragraph 5.192 of the NNNPS further outlines that ‘Applicants can avoid, or minimise, the direct effects of a project on the existing use of the proposed site or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction.’ Paragraph 5.197 continues and outlines that ‘Where a project has a sterilising effect on land use there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors, or improving access and connectivity.’

Despite these losses of best and most versatile land, the applicants do not identify any embedded mitigation to reduce the impact of the scheme by moving built development away where possible.

The applicant has therefore failed to outline how they have sought to use areas of poorer quality land in preference to that of a higher quality, nor how they have sought to avoid, or minimise, the direct effects of a project on the existing use of the proposed site or proposed uses near the site, by the application of good design principles, including the layout of the project. The applicant has also failed to demonstrate how they have considered mitigating the sterilisation of agricultural land through the proposed use of the land. Given this the applicant has failed to demonstrate how the project is compliant with paragraphs 5.189, 5.192 and 5.197 of the NNNPS.

The Council, along with the County Council, is therefore concerned that the mitigation hierarchy has not been applied in relation to agricultural land which has resulted in a significant adverse impact both locally and cumulatively resulting in a significant loss of agricultural land at a regional scale.

As the ES chapter concludes identifying a residual negative major adverse impact on agricultural land during construction and a significant cumulative residual impact the Council would wish to see this aspect of the proposal examined in further depth by the ExA to closer understand the balance of judgement between the loss of this valuable natural resource against the potential economic enhancements that may occur specifically in the Cherwell area

15 Climate Change

15.1 Summary

In respect of the climate change implications arising from this development, Cherwell District Council wished to adopt a position of conditional support. This position is based on recognising two key matters.

Firstly, the Council acknowledges that the applicant has demonstrated a clear alignment with the energy hierarchy and achieving substantial reductions in regulated emissions as evidenced by a technically robust suite of documents (ES Chapter 15, Energy Strategy, CEMP and NTS) supporting the proposal. Secondly, it is acknowledged that the scheme incorporates extensive on-site renewable energy, low-carbon heating (ASHPs), and

standard construction mitigation, which together represent a positive baseline response to current planning policy requirements

However, despite these positive aspects appertaining to the proposal, CDC also wishes to clearly state concerns, on the following four points.

The strategy does not represent a whole-system net zero approach, with the majority of emissions arising from unregulated (tenant) energy use (~82% of total) remaining largely unaddressed.

The overall carbon performance is heavily reliant on a single technology (solar PV), making the strategy sensitive to grid constraints and delivery assumptions.

The scheme demonstrates limited ambition in demand reduction (“Be Lean”) and provides no substantive alternative at the “Be Clean” stage and finally,

Key elements of mitigation particularly around tenant emissions are aspirational rather than secured

In summary, Cherwell District Council acknowledges that the proposed development is in alignment with current planning policy and demonstrates strong performance in regulated emissions through extensive renewable energy deployment. However, concerns remain regarding the reliance on a narrow mitigation strategy, the limited treatment of unregulated emissions, and the absence of a comprehensive net zero-aligned approach. As such, CDC supports the principle of development subject to strengthened mitigation, clearer delivery mechanisms, and enhanced whole-life carbon ambition.

15.2 Key Climate Impacts

The key climate impacts associated with the Proposed Development, based on ES Chapter 15, the Energy Strategy, CEMP and NTS, are summarised below.

1) Operational Greenhouse Gas Emissions (Primary Impact)

- The development generates substantial operational emissions, dominated by:
 - o Unregulated energy use (~2,671 tCO₂ /year)
 - o Smaller but modelled regulated emissions (baseline 582.5 tCO₂ /year)
- While the Energy Strategy demonstrates a 105% reduction in regulated emissions through on-site renewables, this does not eliminate overall emissions.

Impact: The scheme results in continued significant absolute carbon emissions over its operational lifetime, primarily driven by tenant activities.

2) Reliance on Renewable Energy Infrastructure (Solar PV)

- Carbon mitigation is heavily dependent on:
 - o Large-scale rooftop solar PV (~5.8 MWp installed, with potential expansion)
- The ES acknowledges:
 - o Constraints on grid export capacity
 - o Risk of curtailment or underutilisation of generated electricity

Impact: Climate performance is contingent on external energy system factors, introducing uncertainty in realised carbon savings.

3) Limited Demand Reduction and Energy Efficiency Gains

- Only 3% reduction in regulated emissions is achieved through “Be Lean” measures
- This reflects:
 - o Limited influence of building fabric and passive design

- o High residual energy demand across the site

Impact: The scheme embeds relatively high baseline energy demand, increasing reliance on ongoing renewable generation.

4) Construction Phase Emissions

- Construction activities will generate:
 - o Short-term carbon emissions from plant, materials and transport
- The CEMP defines:
 - o Standard mitigation measures (e.g. efficient plant use, emissions control)

Impact: While temporary and mitigated, construction contributes to overall lifecycle emissions, with limited evidence of reduction beyond standard practice.

5) Climate Change Adaptation and Resilience

- The ES considers:
 - o Overheating risks and cooling demand
 - o Passive design measures and efficient cooling systems
- Warehousing use limits exposure to overheating in most areas

Impact: Climate risks are identified and managed at a basic level, but do not materially influence the development's overall carbon profile.

Summary of Key Impacts

- Major long-term impact: operational emissions (especially tenant energy use)
- Key dependency: large-scale solar PV and associated infrastructure
- Secondary impacts: construction emissions and climate resilience measures

15.3 Gaps in the Applicant's Assessment

While the applicant provides a comprehensive and policy-aligned assessment, several material gaps remain across ES Chapter 15, the Energy Strategy, CEMP and NTS.

1) Lack of Whole-System Carbon Assessment (Over-reliance on "regulated emissions")

- The assessment focuses heavily on regulated emissions, which represent a minority of total operational emissions
- Unregulated emissions (~2,671 tCO₂ /year) are acknowledged but not meaningfully assessed or mitigated
- The headline 105% reduction claim applies only to regulated emissions

Gap: No clear assessment of total operational emissions trajectory or alignment with net zero pathways

2) Absence of a Whole-Life Carbon / Embodied Carbon Assessment

- Construction emissions are addressed through:
 - o Standard CEMP mitigation measures
- However, there is:
 - o No quantified embodied carbon assessment
 - o No lifecycle carbon accounting (e.g. materials, construction, replacement cycles)

Gap: The ES does not evaluate the full carbon footprint of the development, limiting understanding of its long-term impact

3) Limited Assessment of Real-World Viability of Renewable Strategy

- The Energy Strategy depends heavily on:
 - o Large-scale solar PV deployment
- The ES acknowledges:
 - o Grid export constraints
 - o Potential curtailment risks

However:

- No quantified assessment of:
 - o Export feasibility
 - o Curtailment scenarios
 - o Impact on delivered carbon savings

Gap: The strategy lacks a robust delivery and sensitivity analysis, creating uncertainty in outcomes

4) Incomplete Treatment of Tenant Energy Use and Behaviour

- The assessment recognises that:
 - o The majority of emissions arise from tenant activities
- Proposed mitigation includes:
 - o “Green leases”
 - o Monitoring and metering

But:

- These measures are:
 - o Not secured
 - o Not quantified
 - o Not tested for effectiveness

Gap: No clear mechanism to control or reduce the dominant source of emissions

5) Weak Exploration of Alternative Low-Carbon Energy Options

- The “Be Clean” stage considers but rejects:
 - o District heating
 - o CHP
- Limited exploration of:
 - o Alternative decentralised energy systems
 - o Site-wide energy optimisation approaches

Gap: Insufficient analysis of diverse, resilient energy system options, resulting in reliance on a single solution

6) Limited Demand Reduction Analysis (“Be Lean”)

- Only 3% emissions reduction achieved through energy efficiency measures
- No detailed exploration of:
 - o Enhanced passive design strategies
 - o Advanced building performance standards

Gap: The ES does not demonstrate that energy demand has been minimised as far as practicable

7) Lack of Alignment with Net Zero Targets and Carbon Budgets

- The assessment is based on:
 - o EIA significance thresholds
 - o Part L compliance
- It does not explicitly assess:
 - o Alignment with:
 - * Local net zero targets
 - * Carbon budgets
 - * Science-based pathways

Gap: The development’s contribution to long-term climate objectives is not evaluated

Summary of Key Gaps

- No full whole-life or whole-system carbon assessment
- Heavy reliance on assumptions around renewables and grid interaction
- Dominant emissions source (tenants) not effectively addressed
- Limited ambition in demand reduction and energy system design

- No clear linkage to net zero trajectories or carbon budgets

15.4 Suggested Mitigation Measures

To address the identified gaps and strengthen alignment with climate objectives, the following mitigation measures are recommended.

1) Strengthen Control and Reduction of Tenant (Unregulated) Emissions

- Require a robust Energy & Carbon Management Plan (Operational Phase) secured through DCO requirements, including:
 - o Binding green lease provisions (minimum energy performance standards, reporting obligations)
 - o Mandatory energy monitoring and disclosure for tenants
 - o Targets for reducing unregulated energy use over time
- Require provision of:
 - o On-site renewable energy allocation strategy prioritising tenant use
 - o Infrastructure to enable future expansion of PV and low-carbon technologies

Outcome: Moves the dominant emissions source (tenants) from aspirational management to enforceable control

2) Enhance “Be Lean” Measures (Demand Reduction)

- Require commitments to:
 - o Higher fabric performance standards beyond current specification
 - o Maximised daylighting and passive design optimisation
 - o Smart building systems to reduce operational energy demand
- Consider setting:
 - o Minimum energy intensity targets (kWh/m²) for buildings

Outcome: Ensures energy demand is minimised at source, reducing reliance on renewables

3) Strengthen Renewable Energy Delivery and Grid Resilience

- Require a detailed Grid and Energy Strategy prior to construction, covering:
 - o Export capacity confirmation with the DNO
 - o Curtailment risk and mitigation measures
 - o Phasing of PV deployment
- Secure:
 - o Maximum feasible roof coverage with solar PV
 - o Delivery of battery energy storage systems (BESS) with defined performance roles

Outcome: Improves certainty that modelled carbon savings will be realised in practice

4) Require Whole-Life Carbon Assessment and Reduction Plan

- Require submission of a Whole-Life Carbon Assessment (aligned with recognised methodologies such as RICS or LETI guidance), including:
 - o Embodied carbon (A1–A5)
 - o Operational carbon (regulated and unregulated)
 - o End-of-life impacts
- Secure a Carbon Reduction Plan setting:
 - o Embodied carbon targets
 - o Low-carbon material strategies
 - o Construction emissions reduction measures

Outcome: Provides a complete picture of lifecycle emissions and drives reduction beyond operational energy

5) Strengthen Construction Phase Carbon Management

- Enhance the CEMP to include:

- o Quantified construction carbon targets
 - o Use of low-emission plant and fuels
 - o Minimisation of material transport and waste
 - Consider requirement for:
 - o Reporting construction phase emissions annually
- Outcome: Moves construction from managed impact to actively reduced impact

6) Expand Assessment and Delivery of Low-Carbon Energy Systems

- Require further exploration of:
 - o Site-wide energy systems (e.g. shared infrastructure, ambient loops)
 - o Opportunities for waste heat recovery or integration with nearby sources
 - Demonstrate why alternatives are not feasible, or commit to future readiness
- Outcome: Reduces reliance on a single-technology solution (solar PV) and improves system resilience

7) Align the Scheme with Net Zero Trajectories

- Require the applicant to:
 - o Demonstrate alignment with local and national net zero targets
 - o Provide a net zero pathway for the development over time
- Include:
 - o Commitments to future decarbonisation upgrades
 - o Periodic review of performance against targets

Outcome: Ensures the development contributes to long-term climate objectives, not just current compliance

Summary of Mitigation Approach

The above measures seek to:

- Close the gap between assessment and delivery
- Address unregulated emissions (largest source)
- Improve certainty and resilience of the energy strategy
- Extend the approach from compliance to whole-life carbon reduction

16 Cumulative Effects

The applicants have sought to identify how the proposed SRFI may impact either negatively or positively on the surrounding area in conjunction with other developments occurring near by. The main schemes of note are the employment sites being promoted by Albion and Tritax and also the expansion of RAF Heyford by Dorchester Homes.

It is acknowledged that the proposal to have Hayford Park identified in the Governments New Towns programme as a key settle is not progressing but as there is a live planning application still under consideration for the expansion of the site, it remains a material consideration alongside the SRFI project.

With respect to the main topic areas of transportation, landscape, visual impact, socio-economic impacts and changes to agricultural land, the applicants consider there will be significant operational benefits to transportation and socio-economic matters and significant adverse impacts to the other three areas in the construction phase and, for landscape and visual harm, both construction and ongoing operation impacts.

Whilst the applicants have put forward mitigation measures to offset the adverse impacts, the Council has raised concerns on a number of these areas as detailed within this report.

It is therefore the Council's view at the current time that until the mitigation measures proposed to accompany the main development are fully explored and their impacts to alleviate harm established, it is not possible at the current time to be certain about how much impact the SRFI project will have on the surrounding area when considered in combination with other schemes.

Furthermore, both the employment schemes proposed north of J10 and the housing development at Heyford remain under consideration. Whilst some, or all, of these schemes may fail to gain consent in time, the inverse is also true, and all these developments may gain approval. Accordingly, it is right for the developers to take these sites into account as part of their consideration of cumulative effects until such time that all opportunities for decision making and challenge have been pursued.

17 Summary of Effects

As noted in respect of the cumulative impacts section of the ES above, the Council still has a number of concerns remaining as the viability of the mitigation measures proposed to address various aspects of harm that arise from the development.

Until such time that the value of such mitigation has been established, the Council is of the opinion that it is not possible at the current time to quantify the value to be attached to each of these matters.

The Council will continue to review the topic areas as set out in the ES in conjunction with the County Council through the Local Impact Report stage and subsequent examination and written representations.

Draft S106

Schedule 3: Noise Insulation

Comment on the S106 has already been made in section 5: Noise and Vibration in respect of Schedule 3 of the draft agreement which seeks to obligate the District Council into managing a noise insulation programme on behalf of the applicants to mitigate excessive noise impacting on several properties on the entrance to Bicester.

This burden is one that has been considered and opposed by the Council due to the complexities associated with the monitoring of claims and expenditure from affected homeowners and the lack of certainty that the requirements of the obligation can be met in full thus adequately mitigating the unacceptable degree of harm brought about by the development.

Proposed New Schedules

As part of the consideration of the socio and economic aspects of the development, the Council consider it appropriate for the agreement to incorporate two additional schedules.

These would look to make provision to support increased apprenticeships in the local area based on roles associated with the logistics industry and secondly, to enable and maintain

an area of land to the south of the site which could be used to deliver improved physical and mental health benefits to users of the site and the local area.

Should it be possible to secure these enhancements to the project, it is considered that greater weight to be given in support of the proposal by the Council. This is a matter the Council will look to review at the Written Representations stage.

Draft Development Consent Order

In addition to the comments provided here by the Council, the County Council will also be making comment on the draft Order. Their comments relate amongst other items, to the following key points and are supported by the Council:

Definition of 'Commencement'

In line with SRFI applications that have already been approved by the Planning Inspectorate, this Order seeks to define what works on the ground can be undertaken early on and what might constitute a formal commencement of work. This stage of work is important as formal commencement often links to a wide range of additional requirements e.g. ensuring detailed work proposal are signed off.

The County Council wishes to ensure these powers are of an appropriate scale.

Definition of 'Undertaker'

As utility undertakers have a range of powers to work on power lines, drainage systems etc. Defining what undertakers can and can't do without the benefit of express planning permission is important to facilitate the delivery of the development if approved.

As with the definition of the word 'commencement', the County Council want this term focused in on essential tasks and excessive rights are not unknowing passed onto a n operator.

Deeming Provisions

These set the timescales for the Council to respond to requests to discharge requirements (akin to conditions) in the Order. If no decision is made in a timely manner, then the request is deemed to have been approved.

The Council accepts that a cut off time may be needed and such provisions are common on DCO applications but would wishes to ensure that these provisions allow adequate time for reasoned and sound responses to made taking into account resources available.

Schedule 2 Requirements – A key aspect of this schedule is the mechanism to secure delivery of the rail infrastructure before too much warehousing is developed out. There is a trigger point of 232,258 square metres of warehousing that can be built out before the rail interchange is open and available but the Council wished to secure details of how this is monitored.

Article 49: Felling or lopping of trees and removal of hedgerows

The Council recognises the importance of ensuring that trees and hedgerows adjacent to the site do not interfere with the operation or maintenance of the proposed development and therefore accepts in principle, the terms set out in this article.

The caveat in paragraph (6) which precludes the removal of any tree, shrub or hedgerow identified to be retained in the tree and hedgerow retention and removal plans without the agreement of the LPA.

However, the Council is mindful that during the ongoing lifetime of the proposed development, there is constantly emerging potential for trees and hedgerows previously considered to be of limited value to become more significant in stature and their loss could become more harmful to the environment that considered at the time the Order is made.

This is a particular concern in relation to trees which may accrue veteran status. Unlike ancient trees which are defined by their age and may possibly outlast the proposed development many times over, veteran trees are ones which develop habitat features such as wounds or decay.

As this process may develop of decay or damage may occur over a much shorter period, it is considered that trees not identified for retention at the current time, may in a decade or two become eligible for veteran status.

This classification is one not readily discernible to all who undertake arboricultural works and where a tree has suffered damage, it might not be seen as an indicator that the tree reached this important grading and could therefore be lost without further consideration.

Accordingly, whilst the Council accepts the spirit of the proposed article, it would wish to see a check being incorporated to allow a review of any proposed felling or pruning works to ensure that the tree would not be classified as a veteran and therefore potentially saved.

Articles 59: Planning Permissions etc.

The matter of how overlapping planning consents should be handled came under scrutiny in the Supreme Court's judgment in *Hillside Parks v Snowdonia National Parks Authority* in 2022. Four years on from this judgement, debate still exists about the approach to be taken with overlapping consents and what implications may arise to either allow or hinder the implementation of development.

It is understandable that for many parties involved in securing and then implementing planning consents, the Hillside judgement has the potential to significantly affect what works may or may not take place.

The Council in its role as the LPA is mindful of this but is also aware that, uncontrolled, a blanket allowance to developers to implement each and every consent granted may result in unintended consequences arising through elevated levels of development occurring over time that were not expected to be undertaken due to newer consents essentially quashing earlier approved schemes.

As drafted, Article 59 seeks to ensure that earlier schemes must not at any time be construed as preventing the further construction, maintenance or use of the development, or any part of it, as sought by the draft Order.

Whilst giving the applicants some flexibility to successfully implement the proposed development, it is considered that this article also has the potential to lead to additional levels of development occurring beyond that envisaged in the ES. It is recognised that the development as proposed must be delivered in accordance with the approved Order if granted and in theory, the potential for overlapping consents to occur is limited. However, with a site of this scale, it is considered that if additional development does occur, that impact may result in unacceptable consequences for the local community and environment.

The absence of the article as proposed does not preclude the implementation of alternative schemes but it would necessitate further consideration of the impacts that may arise. This ability for potentially harmful development to be checked is considered important.

Accordingly, the Council does not support the inclusion of this requirement in the proposed Order.

Summary

The work undertaken by the applicants in support of the proposal has been extensive and provides a detailed understanding of the justification for the scheme and the impacts and benefits that may accrue should the consent order be granted.

Whilst the Council is generally supportive of the principle of development on the basis that the scheme will support the local economy of Cherwell and north Oxfordshire, there are several areas of detail, for example landscape impact, where the impacts of the proposed scheme are notable. Whilst none of these, in themselves is seen as so egregious that the development should be resisted on that point alone, there is potential that collectively, the sum of all the harms may outweigh the gains that may be forthcoming and thus tilt the balance, in the eyes of some interested parties, towards refusal.

The Council believes that the harms identified are generally ones which can be addressed through the submission of supplemental information and furthermore, opportunities exist, for example in respect of supporting new apprenticeship roles, to enhance the gains that may be secured.

At the current time, the Council supports the development of further evidence to quantify the levels of harm and benefit that may arise from the scheme and would wish to explore these matters further at the Local Impact Report stage when detailed examination of each matter can be undertaken.

Yours sincerely,

Shawn Fleet

Principal Planning Officer (Major Development, Central)

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 02 July 2026

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
9	Himley Village North West Bicester Middleton Stoney Road Bicester	24/03392/M106 AND 25/00366/DOV_5	Bicester North and Caversfield Fringford and Heyfords	Agree modification of Section 106 legal agreement	Suzanne Taylor
10	Borough House Marlborough Road Banbury OX16 5TH	24/01909/F	Banbury Cross And Neithrop	Approval*	Michael Sackey
11	Borough House Marlborough Road Banbury OX16 5TH	24/01910/LB	Banbury Cross And Neithrop	Approval*	Michael Sackey
12	39 Sheep Street, Bicester, OX26 6JJ	26/00228/CDC	Bicester East	Approval*	Hansah Iqbal

*Subject to conditions

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

Agenda Item 9
24/03392/M106 & 25/00366/DOV_5

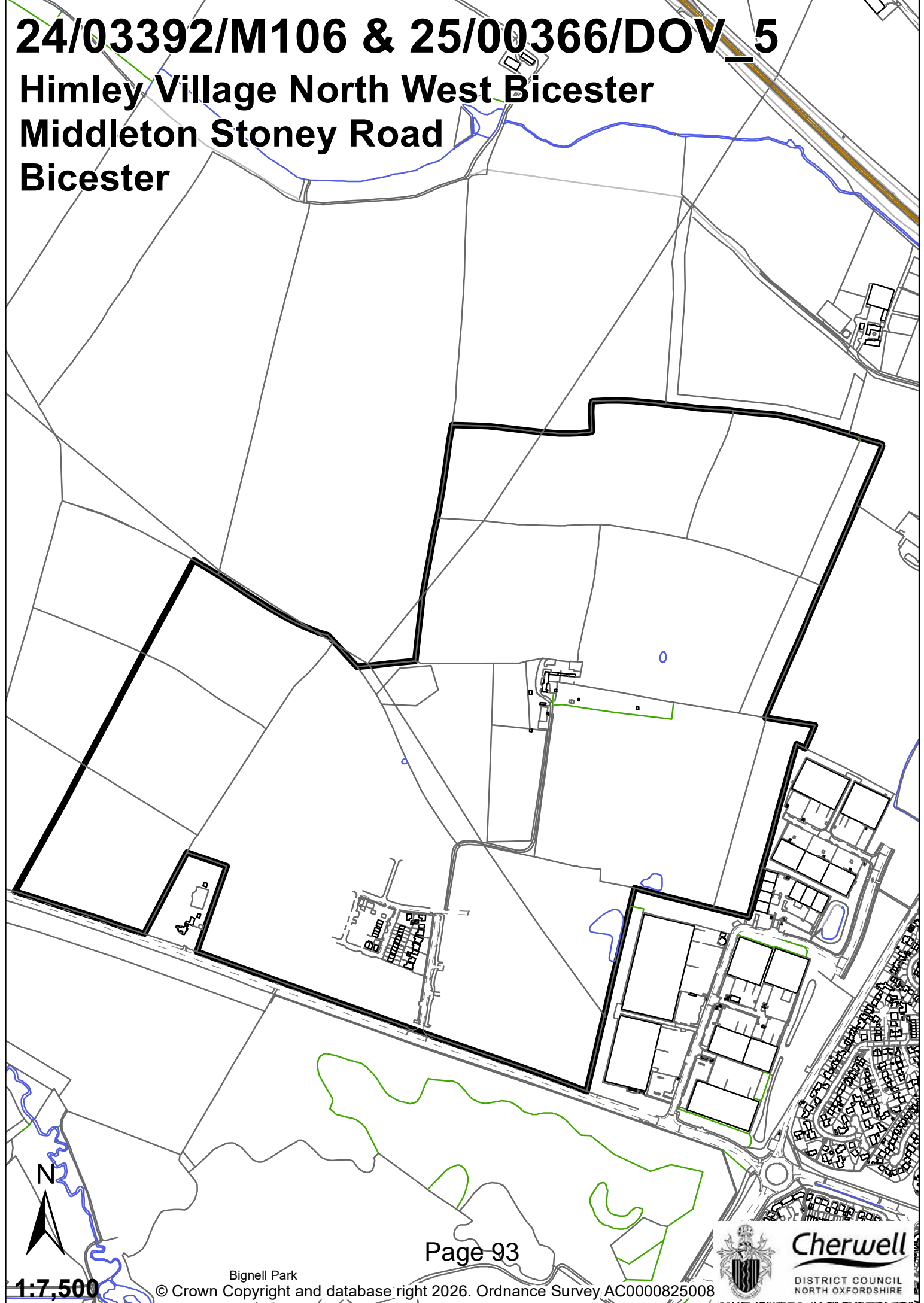
**Proposed Himley Village North West Bicester
Middleton Stoney Road
Bicester**



1:9,000

24/03392/M106 & 25/00366/DOV_5

Himley Village North West Bicester
Middleton Stoney Road
Bicester

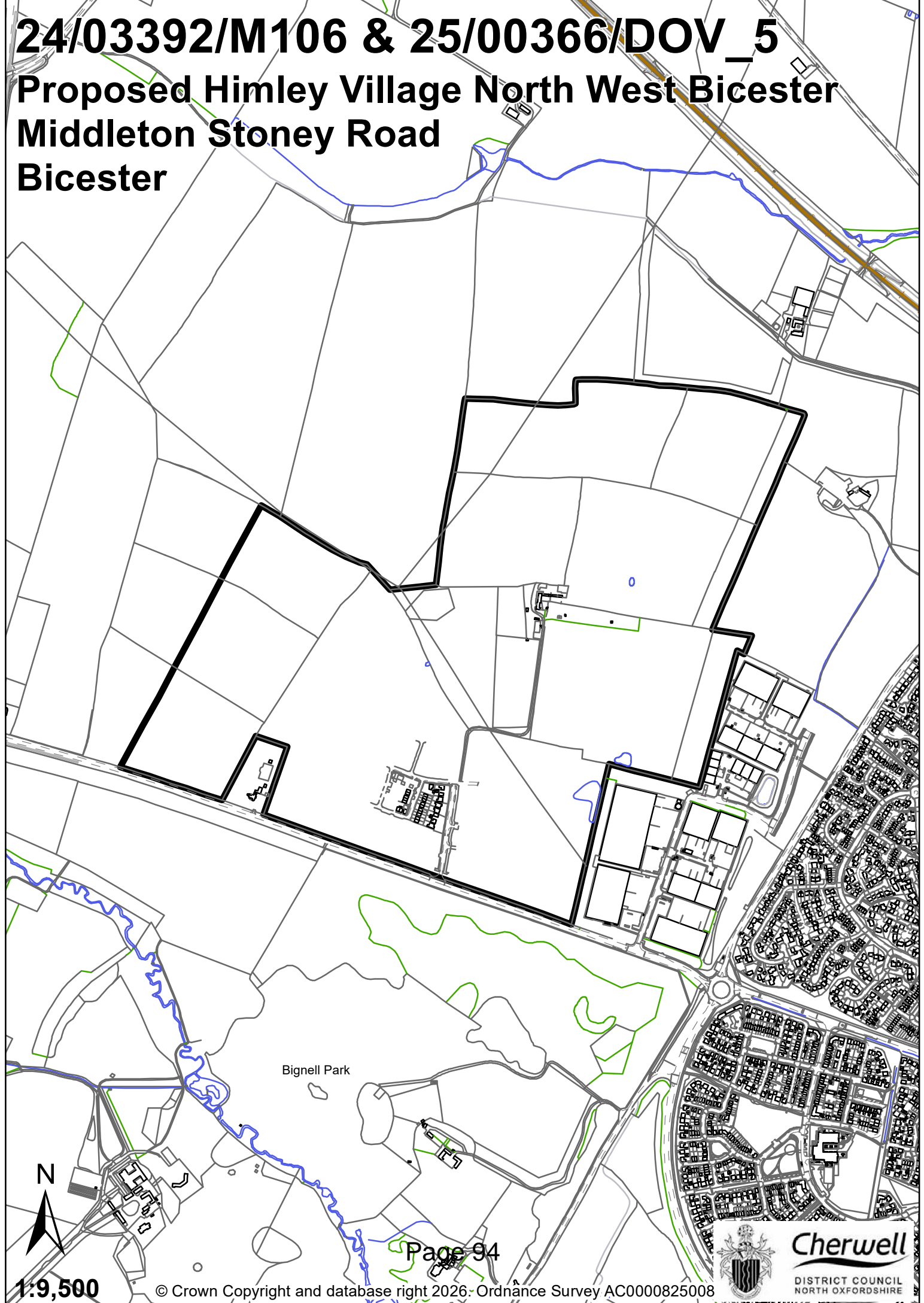


1:7,500



24/03392/M106 & 25/00366/DOV_5

**Proposed Himley Village North West Bicester
Middleton Stoney Road
Bicester**



Bignell Park



Case Officer: Suzanne Taylor

Applicant: CALA (Cotswolds Ltd)

Proposal: Application for a Deed of Variation to vary the S106 Legal Agreement entered into in respect of planning permission reference 14/02121/OUT for the modification to Schedule 9 of the signed Section 106 Agreement relating to affordable housing, specifically the various clauses and definitions that require a 30% provision to a reduced level to be agreed under this application

Wards: Fringford and Heyfords AND Bicester North and Caversfield

Councillors: Bicester North and Caversfield:
Councillor Simon Lytton; Councillor Julius Parker; Councillor John Willett

Fringford and Heyfords:
Councillor Jean Conway; Councillor Grace Conway-Murray; Councillor Nigel Simpson

Reason for Referral: Significant departure from adopted development plan or other CDC approved policies/strategies

Expiry Date: 9 April 2025

Committee Date: 02 July 2026

SUMMARY RECOMMENDATION: AGREE MODIFICATION TO S106 LEGAL AGREEMENT

MAIN REPORT

1. BACKGROUND INFORMATION

- 1.1. The Himley Village application site is situated to the northwest of Bicester, north of Middleton Stoney Road and west of Howes Lane and it forms part of the wider North West Bicester Eco Town area within the extent of the site allocated by Policy Bicester 1. The land sits detached from the Western extent of the town and is separated from it by Howes Lane and the Axis J9 employment site (which also forms part of the wider NW Bicester allocation – Policy Bicester 1 of the adopted Cherwell Local Plan 2015). A private residence called Lovelynych House sits adjacent to the southern site boundary. The land extends to approximately 90.3ha and is primarily agricultural land divided by field hedgerows.
- 1.2. Outline planning permission was granted by 14/02121/OUT for 1,700 houses, including affordable housing, and supporting infrastructure including a primary school, non-residential uses, and open space (including the main sport pitch land for the wider NW Bicester site). The development is proposed to meet true zero carbon standards in line with the policy allocation and all matters were reserved. Subsequently, reserved matters applications for Phase 1A (site accesses); Phase 1B (infrastructure to serve the first 500 dwellings); Phase 2A (123 dwellings including 37 affordable = 30%); and Phase 2B Part 1 (44 dwellings including 13 affordable = 30%) have also been approved.

- 1.3. Work has been completed on Phase 1A and Phases 1B, 2A and 2B Part 1 have commenced and are under construction.
- 1.4. The outline planning permission was granted in January 2020 subject to a S106 legal agreement which included Schedule 9 to cover the provision of Affordable Housing (AH). This schedule required that 30% of the total number of (up to 1,700) dwellings to be provided on the site were affordable units in line with Policies BSC3 and Bicester 1 of the adopted Cherwell Local Plan 2015. Therefore, the development was expected to deliver up to 510 affordable homes.
- 1.5. In accordance with the S106, the first residential reserved matters permissions granted will provide 30% of the total dwellings as affordable units which amounts to 50 affordable units out of a total of 167 dwellings.
- 1.6. The applicant submitted an informal request to vary the S106 agreement Affordable Housing Schedule (ref: 24/03392/M106) in December 2024 and this was followed by a formal request to modify the affordable housing provision (ref: 25/00366/DOV_5) in February 2025 after the expiry of 5 years from the date that the legal agreement was signed. These applications have been made under Section 106A(1)(a) AND Section 106A(3)(a) of the Town and Country Planning Act 1990, respectively. The first is an informal route which is normally used before the 5 year expiry and the second is a formal route following the expiry of 5 years from the grant of permission.
- 1.7. Both routes allow for a modification by agreement between the relevant parties, but the Local Planning Authority does not have to agree to consider any changes until 5 years or more have passed since the agreement was made. In contrast, the formal route after 5 years requires the variation to be considered and includes a provision for the applicant to appeal against the decision or against non-determination within 6 months of the expiry of the application determination date. [*Officer Note: This 6 month window has expired.*]

2. PROPOSED MODIFICATION

- 2.1. Since the aforementioned reserved matters were approved the applicant advised that the development was not financially viable and provided a Financial Viability Assessment (FVA) in order to demonstrate this. The initial FVA indicated that 0% affordable housing could be provided on the entire scheme of up to 1,700 dwellings.
- 2.2. At the point of this initial submission there was no proposal to include a review mechanism. A review mechanism is a clause included in a S106 legal agreement where the policy compliant amount of affordable housing (or other developer contributions) have not been secured due to viability issues. They allow the financial viability of a scheme to be re-examined at a specified point, or points, over the course of the development build-out to see if the scheme has become more financially viable. Such mechanisms are one-way (i.e. upward only in favour of the Local Authority). Therefore, if the developer's profit margin has improved the applicant will be required to provide additional affordable housing/contributions but if the scheme viability is the same or worse the agreed percentage of affordable/contributions must still be delivered and does not reduce under the review.
- 2.3. The applicants sought a proposed modification to the S106 agreement that reduced the provision of 30% affordable housing to a percentage to be agreed based on the outcome of an FVA.
- 2.4. The applicant's FVA has been independently assessed by Cherwell District Council's own Viability Consultant and Quantity Surveyor, and this is explained in more detail below. Based on their advice, it was agreed that the development could support the

delivery of 10% affordable housing for the entire 1,700 dwellings and that a review mechanism at the mid and late stages of the development would be justified. Therefore, the proposed modification to Schedule 9 of the S106 legal agreement is that the development will provide 10% affordable housing, and, in addition, it is proposed that a review mechanism for the mid and late stages of the development is added to Schedule 9 of the agreement.

3. FINANCIAL VIABILITY APPRAISAL

- 3.1. The applicant submitted an FVA in August 2024 in support of their informal request to vary the S106 agreement Affordable Housing Schedule (ref: 24/03392/M106). An addendum to this report was then submitted in January 2025. This FVA and addendum are also relevant to the consideration of the formal request to modify the affordable housing provision (ref: 25/00366/DOV_5) submitted in February 2025.
- 3.2. According to Planning Practice Guidance on Viability (Paragraph: 019 Reference ID: 10-019-20190509) the accepted level of profit for a developer is assumed to be 15-20% of gross development value (GDV). In this case, the applicant contended that the ambitious Bicester 1 eco-town policy requirements for a zero carbon scheme are more onerous, and therefore riskier, than typical housing developments and consequently the higher 20% margin should be assumed as a minimum return.
- 3.3. The initial FVA from the applicant looked at 3 scenarios for Himley Village: A Bicester 1 Policy compliant scheme with 30% AH, a Bicester 1 Policy compliant scheme with 0% AH and a current building regulations compliant scheme (prior to Future Homes Standards) with 0% AH. Their FVA concluded that neither of the policy compliant schemes was viable but a standard, building regulation compliant scheme did return a positive residual land value (RLV) albeit only where 0% affordable housing was provided (RLV - the amount remaining once the gross development cost of a project is deducted from its gross development value (GDV), and an appropriate return has been deducted).
- 3.4. The RLV should be compared to the Benchmark Land Value (BLV) to calculate the viability of a development. BLV is calculated using this formula: $BLV = \text{Existing Use Value (EUV)} + \text{Premium}$. The EUV is the value of the land in its current state; i.e. without planning permission. The Premium is an evidence-based financial incentive for a land owner to bring forward land for development while allowing a sufficient contribution to fully comply with policy requirements.
- 3.5. Deducting the BLV from the RLV the applicant's initial assessment of the policy compliant scheme produced a viability gap of circa £75 million.
- 3.6. Our independent assessment initially re-tested a policy compliant scheme (providing 30% AH, TZC and all other S106 contributions) and agreed that there was a viability gap, however this was closer to circa £16 million. Some of the key differences between the applicant's assessment and Cherwell's independent assessment were: the way that GDV had been calculated and the underlying assumptions about Market Sales Values which CDC found to be higher; a higher value was assumed by CDC for Affordable Housing; assumptions about the Development Timescales were also very different with CDC considering the scheme in 2 phases with phased infrastructure delivery and reducing their assumed 12 month lag between construction and first occupation. The applicant was asked to provide a number of clarifications and justifications and the Quantity Surveyors for both sides reviewed the scheme costs (Costs Plan). It also sought clarity on some of the S106 costs and costs associated with the Strategic Link Road (SLR).

- 3.7. Further information was supplied by the applicant and based on this, CDC’s consultants then reviewed and refined the initial draft appraisals (taking on board additional information and clarifications from both Officers and the Applicant) and produced a ‘Review of Applicant’s FVA’ in December 2025 which included another appraisal of the baseline policy compliant scheme with 30% AH and three Sensitivity Tests. The updated, independent assessment revealed a viability gap of approximately £26 million.
- 3.8. The table below summarises the independent finding:

Scenario	Residual Land Value (RLV)	Benchmark Land Value (BLV)	Viability Gap (£) (Difference between BLV and RLV)
Baseline Scenario – Highgate appraisal with 30% affordable housing (approximately 75.88% Affordable Rented and 24.12% Shared Ownership; ‘TZC’ costs in line with MGAC’s Cost Plan (and the Applicant’s interpretation of the Energy Strategy); Section 106 contributions in line with those provided by CDC of £49.53 million) plus a further assumed contribution of £9,334,310 for the SLR.	+£7.34 million	+£33.45 million	£26.11 million

Source: Highgate Viability Analysis (December 2025)

- 3.9. The first sensitivity test applied a corrected tenure mix for the affordable housing of 70% affordable rented and 30% Intermediate/Shared Ownership (as required by CDC policy and recommended by Cherwell’s Strategic Housing Team). This resulted in a slightly higher RLV of £8.25 million. Whilst this reduced the viability gap to approximately £25.2 million the scheme was still unviable.
- 3.10. The second sensitivity test was undertaken at a strategic level and assumed an alternative market housing mix (which would require further work to fully review the impact of this on costs). This found that the viability gap was increased to circa £29.3 million.
- 3.11. The third sensitivity test assumed a reduction in AH to 10% (with an acceptable 70/30 tenure mix) but retaining all other S106 contributions in full. This sensitivity test was undertaken by making high level adjustments to the number of affordable housing units and floorspace in the appraisal in order to provide Officers with an indication of the likely viability of a 10% affordable housing scenario. This increased the RLV to just under £39 million resulting in a viable scheme with a surplus of approximately £5.5 million as summarised in the table below:

Scenario	Residual Land Value (RLV)	Benchmark Land Value (BLV)	Viability Gap/Surplus (£) (Difference between BLV and RLV)
Sensitivity Test 3 – As Sensitivity Test 1, but with 10% affordable housing provision assumed.	+£38.95 million	£33.45 million	+£5.5 million (surplus)

Source: Highgate Viability Analysis (December 2025)

- 3.12. It was acknowledged that further refinement would be needed to determine the precise level of AH that would be viable (as this was a strategic sensitivity test of a reduced affordable housing provision of 10%).
- 3.13. CDC's consultant recommended that if we were to agree to the reduction in AH below 30% that we should add a review mechanism to the S106 *"in order to re-assess viability during the life of the scheme (should the level of affordable housing be reduced from the policy compliant level of 30%). Securing such a review mechanism should capture any improvement in viability in the future."*
- 3.14. The applicant then re-ran CDC's independent FVA with an adjustment to the mix of development assumed for a 10% affordable housing scenario refining it to ensure that it better reflected the illustrative layout that had been utilised for viability testing. This resulted in a small viability gap of circa £3.26 million. Whilst the applicant maintains that the scheme is still not viable (and they do not agree to all of the assumptions in CDC's independent FVA) they offered to deliver 10% Affordable Housing. They also agreed to the inclusion of a review mechanism in the legal obligation for both the mid and late stages of the build-out.
- 3.15. CDC considered whether there were any areas where savings could be made on other S106 contributions, but it was concluded that there was no justification for revising these at the current time and that they remained compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It was therefore agreed between the parties that the maximum of AH that could be provided for Himley Village was 10% subject to the addition of a one-way review mechanism and in the interests of allowing the development to be brought forward as quickly as possible.

4. RELEVANT PLANNING POLICY AND GUIDANCE

- 4.1 Paragraph 59 of the **National Planning Policy Framework (NPPF)** says of viability assessments:
"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs, and should be made publicly available."
- 4.2 **Planning Practice Guidance on Viability December 2025** is relevant to the consideration of these applications. Paragraph: 008 Reference ID: 10-008-20190509 states that *"It is up to the applicant to demonstrate whether particular circumstances*

justify the need for a viability assessment at the application stage". Circumstances that could justify an FVA include: "where a recession or similar significant economic changes have occurred since the plan was brought into force."

4.3 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 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. Policy Bicester 1 is relevant to these applications and, in particular, this includes a requirement for North West Bicester to provide 30% Affordable Housing.

4.4 Policy BSC 3: Affordable Housing of the CLP 2015 sets out the Council's aims for affordable housing on new residential developments, for schemes at Banbury and Bicester, 30% affordable housing is expected with 35% elsewhere (on schemes of 11 or more dwellings). The policy concedes that the percentage of AH can be negotiated where a scheme is unviable:

"Should the promoters of development consider that individual proposals would be unviable with the above requirements, 'open book' financial analysis of proposed developments will be expected so that an in house economic viability assessment can be undertaken. Where it is agreed that an external economic viability assessment is required, the cost shall be met by the promoter.

Where development is demonstrated to be unviable with the above requirements, further negotiations will take place. These negotiations will include consideration of the mix and type of housing, the split between social rented and intermediate housing, the availability of social housing grant/funding and the percentage of affordable housing to be provided."

5. APPRAISAL

5.1 Applications have been made under S106A(3)(a) AND Section 106A(1)(a) of the Town and Country Planning Act 1990. The first is a formal route following the expiry of 5 years from the grant of permission and the second is an informal route which is normally used before the 5 year expiry. Both allow for a modification by agreement between the relevant parties. The formal route includes a provision for the applicant to appeal against the decision or against non-determination within 6 months of the expiry of the application determination date. This has expired.

5.2 **Garnham J in R (Mansfield DC) v Secretary of State for Housing, Communities and Local Government [2018] EWHC 1794 (Admin)** referred to the correct approach to considering a s106A application as that articulated by Richards J (as he then was) in **R (The Garden and Leisure Group Ltd) v North Somerset Council [2003] EWHC 1065 (Admin)** at [28]:

"there are four essential questions to be considered: what is the current obligation? what purpose does it fulfil? is it a useful purpose? and if so, would the obligation serve that purpose equally well if it had effect subject to the proposed modifications? [Counsel] lays stress on the words 'equally well' and describes them as ordinary English words importing a principle of equivalence..."

5.3 The four essential questions can be applied to the current proposal as follows:

What is the current obligation?

The current S106 obligation requires the provision 30% of the total number of dwellings across the site to be AH. There is no review mechanism.

What purpose does it fulfil?

Policy Bicester 1 of the adopted Cherwell Local Plan 2015 (CLP 2015) sets out the expectations for the development of the NW Bicester Eco-Town. In terms of AH it specifies that 30% is required, which also aligns to Policy BSC3 of the CLP 2015. The CLP 2015 acknowledges the “high level of need for affordable housing” in the district as informed by the Oxfordshire Strategic Housing Market Assessment 2014. The obligation therefore seeks to ensure that the required percentage of AH is delivered by the development in accordance with the adopted policy.

Is it a useful purpose?

Yes. The obligation seeks to achieve the requirements of Policy Bicester 1 of the CLP 2015 in ensuring that the required amount of AH is provided.

And if so, would the obligation serve that purpose equally well if it had effect subject to the proposed modifications?

No. The proposed modification will reduce the percentage of AH that will be delivered by this development below the policy compliant 30%. However, the modified obligation will still secure at least 10% AH from the development and the addition of a review mechanism will ensure that the level of AH being provided could be increased for future phases if the viability of the scheme improves. The modification also maintains all other agreed contributions and obligations.

Assessment

- 5.4 The developer has justified that a viability review of the scheme was necessary and has adequately demonstrated that the development is not viable in accordance with paragraph 59 of the NPPF and the PPG on Viability 2025. Independent scrutiny of their FVA on CDC’s behalf has resulted in an agreed financial position for the development which shows it to be unable to deliver 30% AH but that 10% AH is viable. The relative age of the adopted CLP means that the underlying 2013 viability assessment upon which it was based is out-of-date and clearly there are a number of significant international and national events that have negatively affected the economic context since Policy Bicester 1 was adopted and planning permission was granted in 2020 (e.g. events such as Brexit, the COVID 19 pandemic, the 2022 ‘mini-budget’, the invasion of Ukraine in 2022 and, more recently, conflicts in the Middle East).
- 5.5 In determining these applications it is important to consider that the scale of this development (and the wider NW Bicester allocation) means that there are an extensive amount of infrastructure and financial contributions required to serve the needs of future residents and to mitigate the impacts that the new community would have upon existing residents and infrastructure. Amongst other things, this includes a strategic link road, primary schools and a secondary school, primary health care, a country park, a burial ground, sport pitches, green spaces to cover 40% of the site (with at least half of this being publicly accessible), play areas, allotments, community facilities, a network of active travel and leisure routes and bus services.
- 5.6 The higher infrastructure needs increase the development costs, and this makes it more likely to be financially unviable.

- 5.7 This modification would result in the development providing a total of 170 affordable dwellings rather than the anticipated, policy compliant, level of 510. This is disappointing but still a very substantial number of affordable homes and significantly higher than the 50 originally implied by the applicant's FVA. The agreed addition of a review mechanism also gives the Council opportunities in the future to secure more AH in the event that financial viability improves.
- 5.8 Whilst the modification of this obligation will mean that a policy compliant target level of 30% AH will not be secured, this needs to be balanced against the benefits of approving the variation. Firstly, allowing the modification will allow up to 1,700 dwellings to be delivered on an allocated site in the adopted local plan providing much needed homes and significantly contributing towards CDC's 5 year housing land supply (5YHLS).
- 5.9 Secondly, this will enable the development to deliver 170 affordable homes along with a full package of other S106 contributions and obligations which will mitigate the impacts of the development and fully support the needs of the new community at NW Bicester. Much of the infrastructure and contributions are shared with the rest of the current NW Bicester allocation for up to 6,000 houses in total and will facilitate the delivery of these.
- 5.10 Thirdly, these houses will be achieving very high, true zero carbon standards and contributing towards the Council's aims of reducing carbon emissions in the context of the declared climate emergency, but this comes at an additional cost.
- 5.11 Finally, the addition of a one-way review mechanism acts as a safeguard to ensure that more AH will be provided at the mid and late stages of the development if viability improves in the future.
- 5.12 Also, and whilst not a matter for consideration now, Officers are aware that on other sites where viability has been challenged, Developers and Registered Providers have sought funding from Homes England for 'additional' affordable housing which is usually only available for units to be delivered as affordable over and above those secured via a s106. Whilst there is no guarantee that this will occur here (and accessing funding may not always be possible), grant support is something that could possibly be secured to achieve a higher level of affordable housing provision than required by the Section 106 in the future.
- 5.13 In deciding whether to agree this modification it is also necessary to consider consistency with other sites at NW Bicester where there are FVAs; namely Firethorn and Hawkwell Farm.
- 5.14 The Firethorn scheme is an outline planning permission (ref: 21/01630/OUT) for up to 530 dwellings on the northern part of the NW Bicester allocation where a viability case was agreed which reduced the percentage of affordable housing from the policy compliant 30% to 10% and included reductions of other S106 contributions and a one-way review mechanism. It ensured that a True Zero Carbon development would be achieved and acknowledged the significant changes in the macroeconomic landscape which had occurred since the evidence for the CLP had been completed. This was decided and tested at an appeal and therefore sets a compelling and comparable precedent for the Himley Village development. The economic, policy and infrastructure context are all very similar to this case. It should also be noted that the FVA for Himley Village has followed the approach and assumptions that were considered in detail during the Firethorn appeal as far as possible.
- 5.15 Hawkwell Farm is a pending outline planning application (ref: 21/04275/OUT) for 3,100 dwellings north of the railway line and predominantly within the NW Bicester

allocation. An FVA has been submitted and is being independently assessed pending further information from the applicants. The initial FVA indicates that the development is not viable and that AH will need to be reduced below 30% to around 13%. The FVA is yet to be scrutinised (and the assumptions checked) but bearing in mind the contextual similarities this adds weight to the findings of the Himley FVA that AH needs to be substantially reduced.

- 5.16 Taking account of the independent, expert advice given to CDC, the applicant has adequately demonstrated that the development is not viable and that the scheme can only deliver 10% AH. Refusing the applications to modify the S106 would therefore be extremely difficult to defend at appeal and there would be a significant risk that the Council would lose and potentially have to pay the applicant's costs. Although less likely, there is also a possibility that CDC could lose the opportunity for a review mechanism to be added to the agreement.
- 5.17 Other risks in refusing to amend the legal agreement are that the development would stall and homes won't be delivered on an allocated site; thereby worsening our 5YHLS and making speculative applications for housing on unsuitable sites more likely to succeed. Delivery failure at Himley Village could also jeopardise the delivery of the wider NW Bicester Eco Town development as this scheme contributes towards wider essential infrastructure needs (sports pitches, SLR, highways and active travel links, bus services, schools etc...) to serve the entire area.

6. CONCLUSION

- 6.1 The Local Planning Authority considers that the proposed modification would serve a useful purpose by ensuring that 10% AH would be delivered across the scheme along with a one-way review mechanism that will allow more AH to be provided if the viability of the development improves in the future. It will also secure all other S106 obligations required to mitigate the impacts of the development.
- 6.2 Agreeing the modification to the legal agreement will facilitate the continued delivery of homes at Himley Village which supports CDC's 5YHLS and the delivery of the entire NW Bicester Eco Town and strengthens the Council's ability to resist inappropriate residential developments on speculative sites elsewhere in the district.
- 6.3 It is recommended that the proposed modification to the Section 106 attached to planning application 14/02121/OUT be agreed.

7. RECOMMENDATION

That the following modification be made to the Section 106 agreement attached to application 14/02121/OUT:

Amendments to Schedule 9 Affordable Housing needed to vary the % of AH from 30% to 10% and subject to review mechanism.

Addition of a review mechanism to Schedule 9 Affordable Housing at the mid and late stages of the development (triggers to be agreed – initial recommendation of approximately 800 dwellings and 1,200 dwellings) which should:

Allow additional AH to be provided if the scheme is more viable AND; Be one-way (i.e. if scheme viability is worse a lower % AH is not allowed).

To be agreed – whether review to involve a fresh 'open book' viability assessment of actual costs and actual sales values compared with the original financial viability assessment OR a formula-based approach based

on the original viability assessment.

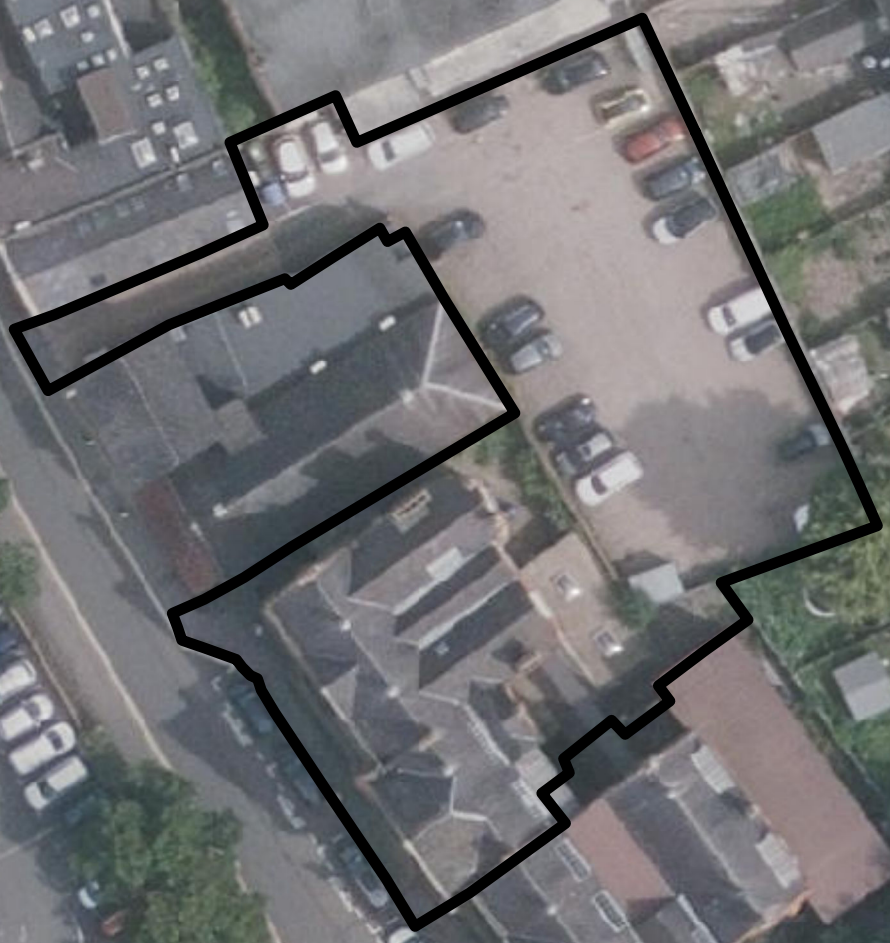
To be agreed – Review mechanism to also allow a review of other S106 contributions to see if they are still justified or if they could be reduced/removed to allow additional AH to be delivered.

THE EXACT WORDING TO BE DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING (AND ANY AMENDMENTS TO THE WORDING AS DEEMED NECESSARY)

24/01909/F

Agenda Item 10

**Borough House
Marlborough Road
Banbury**



1:500



24/01909/F

Borough House Marlborough Road Banbury

12

Masonic Hall

Borough
House

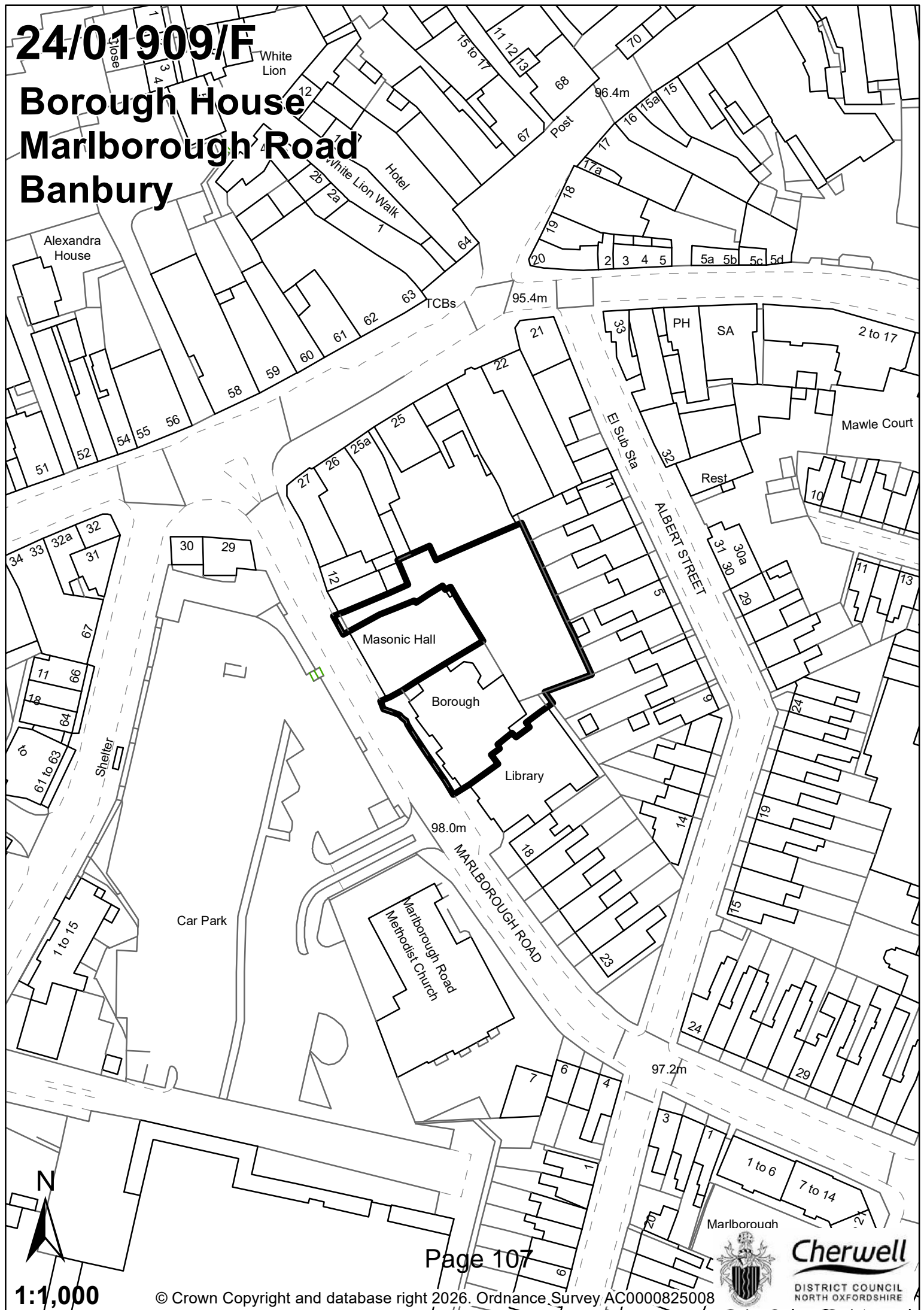
Library

98.0m



24/01909/F

Borough House Marlborough Road Banbury



1:1,000



Case Officer: Michael Sackey

Applicant: Mr Tom Mason

Proposal: Change of Use of part of building to form 10no apartments (Use Class C3) including the partial demolition and alterations to the rear elevation and associated works – revised scheme of 23/00401/F

Ward: Banbury Cross And Neithrop

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

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 8 June 2026

Committee Date: 02 July 2026

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a Grade II listed building, Borough House, located within Banbury Conservation Area. The building is late Victorian, dating to around 1893, and was previously the Municipal Technical School and Mechanic's Institute. The building is three storeys, and the ground floor of the site has a framing business and an employment consultancy business. The first and second floor have been in use as an office for over 20 years.
- 1.2. Part of the building is associated with Banbury Library to the south-east, which is also a Grade II listed building, and the property to the north-west is the Freemasons Hall. Adjacent to the Freemasons Hall is an access to a rear courtyard area, bound by properties along Marlborough Road, High Street and Albert Street.
- 1.3. Opposite the site, to the south-west is a car park at a higher land level that serves a few shops.

2. CONSTRAINTS

- 2.1. The application site is within Banbury town centre and Conservation Area, the building is a Grade II listed building, and immediately adjacent to a Grade II listed building.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the conversion of part of the building consisting of the basement, ground floor, first floor and second floor of the building,

partial demolition, a proposed rear extension, and internal alterations to provide 10 self-contained flats.

- 3.2. The basement would have cycle stores, storage areas, and a plantroom.
- 3.3. Flat 1 (2 bedroom) would be set across the ground floor and first floor with Flat 2 (1 bedroom) and Flat 3 (4 bedroom) set across the ground floor.
- 3.4. Flat 4 (1 bedroom) and Flat 5 (1 bedroom) would be set across the first floor with Flat 6 (1 bedroom) would be set across the first floor.
- 3.5. Flat 7 (1 bedroom), Flat 8 (1 bedroom) and Flat 9 (1 bedroom) would all be set across the second floor with Flat 10 (1 bedroom) also set across the second floor with a mezzanine level for the bedroom.
- 3.6. The current application relates to an email and amended plans received on (31.03.2026) at 12:21hrs from the applicant's agent (Ross Middleton) reference "21020 (D) 201 Revision D", "21020 (D) 202 Revision D" and "21020 (D) 203 Revision D" in response to the issues raised with regards to the impact of the development on the Heritage assets and fire safety by Officers during the course of the application.
- 3.7. The current application relates to an email and amended plans received on (27.04.2026) at 16:50hrs from the applicant's agent (Ross Middleton) reference "21020 (D) 204 Revision D" in response to the issues raised with regards to the impact of the development on the Heritage assets by Officers during the course of the application. The assessment and determination of this application is based on the amended plans and additional details and information.
- 3.8. There is a concurrent listed building consent application (Ref: 24/01910/LB) for the internal and external alterations to facilitate the proposed use.

4. RELEVANT PLANNING HISTORY

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

Application: 18/00999/F Permitted 24 September 2018

Change of Use from A2 (Professional and Financial) to B1 (Offices)

Application: 23/00401/F Refused 24 July 2023

Change of Use of part of building to form 10no apartments (Use Class C3) including the partial demolition and alterations to the rear elevation, an external staircase, and internal alterations

Application: 23/00402/LB Refused 24 July 2023

Partial demolition and alterations to the rear elevation, an external staircase, and internal alterations, to facilitate the change of use of part of building to form 10no apartments (Use Class C3)

Application: 24/01910/LB

Partial demolition and alterations to the rear elevation and internal alterations, to facilitate the change of use of part of building to form 10no

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 **23 August 2024**, 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. **BANBURY TOWN COUNCIL:** Banbury Town Council has now considered these applications at its Planning Committee and resolved to raise **no objections**.

OTHER CONSULTEES

- 7.3. **BANBURY CIVIC SOCIETY** - BCS maintains its objection to the scheme, arguing that the conversion of the listed Victorian building into 10 flats would still harm its historic character despite a reduction in subdivision and the removal of the fire escape proposal. However, BCS welcomes the retention of key historic features, considers one parking space per flat appropriate, and notes that a previous reason for refusal (the fire escape) has now been addressed.
- 7.4. **ECOLOGY** - With regard to the development, the roofs look to already be built into with no separate roof void. If any re-tiling, roof works or works to eave spaces are required a bat and nesting bird survey will be required. The same applies if any external features such as fascias, timber cladding or stonework is scheduled to be removed.

Informative notes should be applied to any permission relating to protection of bats and nesting birds.

- 7.5. **FIRE SERVICE (OXFORDSHIRE)** - In response to the above application, Oxfordshire Fire and Rescue Service have the following comment:

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.

- 7.6. **CDC BUILDING CONTROL** - A building regulation application is required.

- 7.7. **OCC HIGHWAYS: No objections** subject to standard conditions in respect of Travel plan, cycle parking, electric vehicle charging and car parking provision.
- 7.8. **OCC LEAD LOCAL FLOOD AUTHORITY** - The proposal is for a change of use of the existing building. The impermeable are not increasing and the existing surface water drainage is to be reused, which is appropriate for the type of development.
- 7.9. **OCC ARCHAEOLOGY** - The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 7.10. **CDC RECREATION AND LEISURE: No objection** subject to S106.
- 7.11. **THAMES VALLEY POLICE - No objection** incorporation of 'Secured by Design principles and/or standards.
- 7.12. **CDC DRAINAGE** - No comments on drainage but ensure Building Control are consulted.
- 7.13. **CDC CONSERVATION (14.07.2025) - (Objects)** The current proposals remain broadly in line with what was submitted previously, with the exception of the omission of the proposed fire escape and the slight reduction in the extent of internal subdivision. As such, it is difficult to support the proposals in their current form as they do not overcome the concerns raised by the previous conservation officer and the level of harm to the listed building would remain as less than substantial (mid-range of the scale). As harm has been identified to the heritage assets, consequently this harm should be weighed up against the public benefits of the scheme as laid out in the NPPF.
- 7.14. **CDC CONSERVATION (15.06.2026) - (No Objections)** We welcome attempts to minimise subdivision of the floor plan etc. It's a significant improvement on the previous iteration. Just a few points- the submission of a demolition plan which highlights any historical features to be removed would be helpful. I note that quite a few of the doorways are still to be blocked off. We will need further details of these - they should be in line with Historic England guidance on fireproofing historic buildings and any existing historic doors and architraves should remain in situ. Further details of required fireproofing/ thermal upgrading/ plastering etc. will be required. Where new walls are proposed they shouldn't cut through existing architectural features i.e. F05/ F08- the lobbies seem to cut through the chimney breast. If they could be set back this would create a neater fit. Details of all new windows/ doors/ panelling/ flooring/ internal walls/ staircases/ AOV system/ services (location of soil pipes etc.) are required.
- 7.15. **PUBLIC ART** - Consulted on (02.08.2024 and 29.10.2024); no comments received.
- 7.16. **STRATEGIC HOUSING** - Consulted on (02.08.2024 and 29.10.2024); no comments received.
- 7.17. **WASTE AND RECYCLING** - Consulted on (02.08.2024); no comments received.
- 7.18. **BANBURY ACTIVE TRAVEL SUPPORTERS** - Consulted on (02.08.2024); no comments received
- 7.19. **PROPERTY AND ASSETS MANAGER** - Consulted on (02.08.2024); no comments received
- 7.20. **THAMES WATER** - Consulted on (02.08.2024 and 29.10.2024); no comments

7.21. **HOUSING STANDARDS** - Consulted on (29.10.2024); no comments received.

7.22. **CLINICAL COMMISSIONING GROUP** - Consulted on (29.10.2024); no comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE2 – Securing Dynamic Town Centres
- BSC 1 – District Wide Housing Distribution
- BSC 2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD6 – Sustainable Flood Risk Management
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- Banbury 7 – Strengthening Banbury Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H21 – Conversion of Buildings in Settlements
- C21 – Proposals for the Re-use of a Listed Building
- C23 – Retention of Features Contributing to Character and Appearance of a Conservation Area
- C28 – Layout, Design and External Appearance of New Development
- C30 – Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Banbury Conservation Area Character Appraisal

9. APPRAISAL

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

- Principle of development
- Design, heritage, and impact on the character of the Conservation area
- Heritage impact

- Residential amenity
- Highway safety
- Drainage
- S106
- Other matters

Principle of Development

Policy Context

- 9.2. The CLP 2015 states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B.88 states: *'By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth.'*
- 9.3. Policy BSC 1 of the CLP 2015 sets out the distribution of housing growth throughout the Cherwell District Council area up to 2031, stating 22,840 homes are to be delivered during the plan period, with 7,319 of those to be delivered within Banbury.
- 9.4. The NPPF's key objective is to support the achievement of sustainable development through the planning system; recognising the need to secure gains in the overarching objectives (economic, social, and environmental). In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should also contribute to protecting and enhancing our natural, built, and historic environment, as well as fostering a well-designed and safe built environment (Para. 8). These aims are echoed within the policies of the CLP 2015 which looks to support sustainable development.

Assessment

- 9.5. The AMR 2025, including a Housing Land Supply Position Statement, was approved by the Executive on 2nd December 2025. Based on the housing site supply shown in the AMR, the updated position demonstrates that the district has a 3.1 year supply of deliverable sites over the next five years and in addition, the Local Authority has also recently been placed under special measures (Section 62A) in relation to its ability to make decisions on major applications.
- 9.6. As the Council cannot demonstrate a five-year housing land supply, in accordance with the NPPF, any assessment of residential proposals will need to apply the 'tilted balance.'
- 9.7. The site is located within the Banbury 'Town Centre' as defined within the Cherwell Local Plan. Policy Banbury 7 (Strengthening Banbury Town Centre) of the CLP 2015 states that residential development will be supported in appropriate locations in the town centre except where it will lead to a loss of retail or other main town centre uses.
- 9.8. Policy Banbury 7 does not specifically address residential uses at first floor level outside the primary shopping area. However, it does allow for such development inside the primary shopping area, and the Council has been supportive of the change of use of upper floors to residential development in the town centre as it can add to the vitality and viability of the centre as supported by the NPPF.

9.9. Policy SLE1 also states that *“In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:*

- *the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term.*
- *the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable.*
- *the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.”*

9.10. The premises is partly vacant, and a marketing report has been submitted accompanying the proposal and supporting the proposal for its change of use, which officers have reviewed and are generally satisfied with. The scheme as originally submitted with this application proposed to retain some the office the use at the ground floor level; however, following consultations with the council’s building Control Team, it was advised that a mixed use scheme particularly with the proposed uses would not be feasible with regards to health safety and fire safety, given that the proposed uses would use a shared access with different uses of residential and offices also being set on the ground floor.

9.11. It is therefore considered that in this instance although there would be some policy conflict with Policy SLE1 and Policy Banbury 7 with the loss of the use of the building as offices, this conflict should be afforded only limited weight given the justification for the loss of the employment use. This policy conflict will need to be weighed in the planning balance.

9.12. It is noted that the principle of a similar development under the previous application (Ref: 23/00401/F) was considered acceptable. The site is in a sustainable location close to the centre of Banbury, and conversions are an appropriate way to secure new residential properties and, in this instance, to also secure the long-term future of a heritage asset. Therefore, the general principle of development, in sustainability terms, is considered acceptable in terms of the location within Banbury.

Conclusion

9.13. The site is in a sustainable location. There is some policy conflict as set out above. This will need to be weighed in the planning balance. Overall acceptability is dependent on other material considerations including heritage impact, design, residential amenity and highway safety, discussed further below.

Design, heritage and impact on the character of the area

Legislative and policy context

9.14. The site is a Grade II listed building, is within the Banbury Conservation Area, and affects the setting of the Grade II listed Banbury Library.

9.15. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

9.16. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the*

local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.

- 9.17. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.18. 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.
- 9.19. 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.
- 9.20. 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.
- 9.21. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 135 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
- 9.22. No alterations are proposed to the frontage of the building and therefore there would be no impact on this elevation of the existing building.
- 9.23. To the rear of the building is a proposed a new four storey rear extension, which extends the existing gable and generally replicates the architectural detailing and features of the rear elevation of the building. For example, with its adoption of the existing gables and along with its set down and scale, would be subservient to the existing listed building. The fenestrations are relatively balanced to the proposed multi storey extension, mirroring the element of the rear element it would attach to. The materials would also match that of the existing building. This element of the

proposal would enhance the existing building by replacing parts of the existing rear modern elements to be demolished, which were considered unsightly modern extensions by the Conservation Officer. And as advised by the Conservation Officer, the extension element of the proposal constitutes an enhancement in heritage terms and attempts to minimise the extent of the subdivision and along with the omission of the previously proposed fire escape, is acceptable.

- 9.24. Following discussions and amended plans the Conservation officer has responded to the revised scheme advising and stating that

“We welcome attempts to minimise subdivision of the floor plan etc. It's a significant improvement on the previous iteration. Just a few points- the submission of a demolition plan which highlights any historical features to be removed would be helpful. I note that quite a few of the doorways are still to be block off. We will need further details of these- they should be in line with Historic England guidance on fireproofing historic buildings and any existing historic doors and architraves should remain in situ. Further details of required fireproofing/ thermal upgrading/ plastering etc. will be required. Where new walls are proposed they shouldn't cut through existing architectural features i.e. F05/ F08- the lobbies seem to cut through the chimney breast. If they could be set back this would create a neater fit. Details of all new windows/ doors/ panelling/ flooring/ internal walls/ staircases/ AOV system/ services (location of soil pipes etc.) are required.”

- 9.25. Officers consider that the amended proposal reflects the local distinctiveness of the area and secures a high-quality design, including materials, in line with the Banbury Conservation Area Appraisal (2018) which outlines appropriate building materials that are traditional to Banbury Conservation Area.
- 9.26. The parking proposed for the development would be located to the east and rear of the existing building with no changes to the existing access leading to the rear of building. The proposed parking would be overlooked by habitable room windows within proposed development and also the adjacent and neighbouring buildings and which would provide surveillance in line with the Cherwell Residential Design Guide SPD.
- 9.27. The proposed cycle storage for the development is proposed to the basement and to the rear of the existing building.
- 9.28. Refuse and waste storage bins are proposed to the east and rear of the building. In respect of bin storage, details are shown on the plans, and these are considered acceptable and the details would need to be secured by planning condition.

Conclusion

- 9.29. Overall, for the above reasons and subject to conditions on detailing and materials, the proposal would not adversely affect the character or appearance of the area or cause harm to the significance of the Banbury Conservation Area or the Grade II listed building. The development would also result in public benefit of providing additional dwellings within a sustainable location and securing the long-term future of the heritage asset, and it is thus considered that the proposal accords with Policy ESD15 of the CLP 2015, retained Policy C28 of the CLP 1996 and Government guidance in the NPPF.

Highway Safety

Policy context

- 9.30. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable, and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.

Assessment

- 9.31. The Local Highway Authority (LHA) has responded to raising no objections to the application advising that the site is located in close proximity to Banbury Town Centre. As such there is a comprehensive range of goods services and opportunities within comfortable walking distance, therefore, the site meets OCC’s criteria for car free development, and it is therefore considered acceptable to have 2 units on site without car parking provision. The LHA informed that the submitted Justification Design and Access Statement (PJDas) notes that the development will retain the existing vehicle access on Marlborough Road and retain part of the existing car park (8 spaces) to the rear of the building and that this arrangement is acceptable in principle.
- 9.32. The LHA further advised that the applicant must ensure that spaces are allocated to the dwellings, to avoid the risk of overspill onto the adjacent highway in the event they were to be occupied by office workers. And that the car park should also provide for electric vehicle charging points in accordance with policy EV18 of the Oxfordshire Electric Vehicle Infrastructure Strategy.
- 9.33. The LHA concluded that a revised car parking plan can be submitted in discharge of a condition of planning permission and submitted basement plans show an area labelled "Bike Store" at basement level but no details are given of the type of storage and quantity of bikes it will be able to accommodate. These details can be supplied in discharge of a condition of planning permission.
- 9.34. The provision electric charging infrastructure now falls within the remit of building control and is not considered applicable in in this instance.

Conclusion

- 9.35. Overall, therefore, it is considered that subject to the recommended conditions for a residential travel information pack, cycle parking provision and car parking provision, the proposal would not have a detrimental impact on the highway in terms of safety or convenience and thus accords with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

Residential Amenity

Policy Context

- 9.36. 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 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’*.

Assessment

- 9.37. The proposed development and its proposed flats would all comply with the Nationally Described Space Standards for 1-bedroom flats set across one floor, 1-bedroom flat set across two floors, 2-bedroom flats set across two floors and a 4-bedroom flat set across one floor.
- 9.38. All habitable rooms within the flats are served by appropriately sized windows and therefore benefit from appropriate receipt of light.
- 9.39. There is no outdoor, private residential amenity area provided for the 10 flats proposed, as the outdoor space associated with the development would serve as a parking area. Cherwell's Residential Design Guide SPD states that flats should be served by balconies, roof gardens, or shared gardens. Although there is an area labelled as the accommodation ancillary to the residential units at the basement level. It is appreciated this is a conversion scheme to a listed building, so there is limited scope to introduce new elements to overcome this issue. However, it is noted that People's Park is around 0.3 miles from the site (5-minute walk), and Spiceball Park is 0.5 miles from the site (10 minute walk). Therefore, given the proposal relates to a listed building which can accommodate limited changes, a balanced approach could be taken to this element and would not surmount to a reason to refuse the application.

Conclusion

- 9.40. Overall, therefore, the proposal would not adversely affect the amenities of the adjacent neighbours and buildings, and on balance would result in an acceptable standard of amenity for the future occupiers of the dwellings. The proposal therefore complies with Policy ESD15 of the CLP 2015, saved Policy C30 of the CLP 1996 and Government guidance in the NPPF.

Ecology Impact

Legislative context

- 9.41. 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.
- 9.42. 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.
- 9.43. 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.

- 9.44. 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.
- 9.45. The Regulations require competent authorities to consider or review planning permission, applied for, or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.46. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.47. Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.48. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
- 9.49. Policy ESD10 of the Cherwell Local Plan 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat, or species of known ecological value.

- 9.50. 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.
- 9.51. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.52. The Council's Ecologist (CE) has responded to the application advising that the proposal should be exempt from Biodiversity Net Gain. The CE further advises that with regards to the development, the roofs look to already be built into with no separate roof void, if any re-tiling, roof works or works to eave spaces are required a bat and nesting bird survey will be required and the same applies if any external features such as fascias, timber cladding or stonework is scheduled to be removed. The CE concluded that informative should be applied to any permission relating to protection of bats and nesting birds.

Conclusion

- 9.53. Having regards to the CE's comments and nature of the proposed development, the proposal would be acceptable in terms of the ecology of the site subject to the recommended informative and it would comply with Policies ESD10 and ESD15 of the CLP 2015 and Govt guidance in the NPPF.

Flood Risk and Drainage

Policy Context

- 9.54. The 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.*

9.55. 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*

9.56. Turning to the Development Plan, Policy ESD6 of the CLP 2015 essentially replicates national policy 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.

Assessment

9.57. The application included a Flood Risk Assessment and Drainage Strategy. The Lead Local Flood Authority (LLFA) also responded to the application advising that the proposal is for a change of use of the existing building, the impermeable areas are not increasing, and the existing surface water drainage is to be reused, which is appropriate for the type of development.

Conclusion

9.58. With regards to the comments of the LLFA and the Flood Risk Assessment and Drainage Strategy provided, it is considered that the application would not result in an adverse effect on drainage and flood risk at the site, therefore the proposal would be in accordance to Policy ESD6 of the CLP 2015 and the Government guidance contained within the NPPF.

Archaeology

9.59. The County Council Archaeological Officer has responded to the application advising that the proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features and as such there are no archaeological constraints to this scheme.

9.60. Officers agree with this assessment and the proposal given its nature and extent is considered acceptable in terms of archaeology. and would not conflict with Policy ESD15 of the CLP and Government guidance in the NPPF.

Impact on Local Infrastructure

Policy Context

9.61. Policy INF1 of the CLP 2015 states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

9.62. Policy BSC11 of the CLP 2015 states that: *“Development proposals will be required to contribute to the provision of open space, sport, and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should*

usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation.' Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”

- 9.63. The Council has an adopted Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on-site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.64. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

- 9.65. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

- 9.66. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- Payment of a financial contribution towards the provision of Community Hall Facilities
- Payment of a financial contribution towards the provision of Outdoor Sport Provision
- Payment of a financial contribution towards the provision of Indoor Sport Provision

Oxfordshire County Council

- Payment of a financial contribution towards the provision of Education

- 9.67. A S106 agreement would need be entered into if the application were to be supported, although no discussions or negotiations about the draft heads of terms have occurred at this stage. In the event that permission was to be approved for this development, it would be subject to an agreed S106 being in place.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development would result in the conversion of an existing building and the creation of ten residential units in a geographically sustainable location and provides potential to add vitality to the town centre through additional residential development and securing the long-term future of a heritage asset.
- 10.2. The proposal would result in the loss of office space, and conflicts with Policies SLE1 and Banbury 7 in this regard.
- 10.3. However, for reasons set out in this report, including applying the tilted balance, this conflict is afforded limited weight, and it is considered that this policy conflict is outweighed by the benefits of the scheme providing additional housing and providing a long-term use for the historic building or unit. The external alterations are considered acceptable, and the proposal is considered not to adversely affect the character and appearance of the local area or cause harm to the significance of heritage assets. Overall, the proposed development is considered to constitute a sustainable form of development, and it is recommended that planning permission be granted.

11. RECOMMENDATION

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

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

- a) Payment of a financial contribution towards off site indoor sports provision in the locality of £5,063.33 towards strategic facilities (index linked)
- b) Payment of a financial contribution towards off site outdoor sports in the locality of £20,170.30 towards strategic facilities (index linked)
- c) Payment of a financial contribution towards off site provision of community hall facilities of £6,924.78 (index linked)
- d) Payment of a financial contribution towards educational infrastructure TBC
- e) Payment of the Council's monitoring costs TBC.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 31.07.2026. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate planning obligations required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies INF1, PSD1, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1, Policies COM2, COM20, COM23 and COM24 of the draft Cherwell Local Plan 2042, and Government guidance contained 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 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 "21020 (D) 201 Revision D", "21020 (D) 202 Revision D" and "21020 (D) 203 Revision D" and "21020 (D) 204 Revision D"

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.

Brick sample

3. No development shall commence above slab level unless and until a brick sample panel minimum (1m² in size) has been constructed on site to match the brickwork on the existing building and showing the mortar to be used in the repointing and has been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be laid, dressed, coursed, and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the Conservation area and the significance of heritage assets 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

Detailed schedule of materials for the extension

4. No development shall commence above slab level unless and until a detailed schedule of materials for the extensions shall be 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.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Parking provision for vehicles

5. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed parking provision for vehicles to be accommodated within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

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.

Repointing of the brickwork

6. Prior to the any repointing of the brickwork, details including mortar specification details and sample of the repointing to an inconspicuous location to match the core sample of the existing mortar shall be 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.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets 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.

Treatment of the existing and proposed doors

7. Notwithstanding the submitted details, details of the treatment of the existing and proposed doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details of the new openings including method statement, materials samples, and details

8. Notwithstanding the details submitted, no development shall commence unless and until details of the new openings including method statement, materials samples, and details to match the existing building have 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 significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Joinery details including windows and doors

9. Notwithstanding the details submitted, no development shall commence above slab level unless and until joinery details including windows, doors and at a scale of 1:10 including cross sections and colour/finish have 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 significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details including panelling, flooring, internal walls, staircases, and AOV system/services

10. Notwithstanding the details submitted, no development shall commence above slab level unless and until details including panelling, flooring, internal walls, staircases, and AOV system/services have 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 significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details and positioning of external vents

11. Notwithstanding the submitted details, details and positioning of external vents shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details full details of soil vent pipes

12. Notwithstanding the submitted details, details full details of soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained

within the National Planning Policy Framework.

No features of architectural or historic interest shall be altered, replaced, or removed.

13. Unless such work is clearly and specifically referred to on drawings or other documents approved, no features of architectural or historic interest shall be altered, replaced, or removed. Any such features encountered during the work shall be drawn to the attention of the Local Planning Authority.

Reason - To safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any fire upgrade

14. Notwithstanding the submitted details, details for any fire upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any plastering

15. Notwithstanding the submitted details, details for any Plastering shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any thermal upgrade

16. Notwithstanding the submitted details, details for any thermal upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Rainwater goods

17. The rainwater goods installed to serve the development hereby permitted must be cast iron and painted black and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the significance of heritage assets 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.

Regulation 41 of the Habitat and Species Regulations 2010

18. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Travel Information Pack

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

Reason: To ensure all residents 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.

Covered cycle parking facilities

20. Prior to the first use or occupation of the development hereby permitted, and notwithstanding the details submitted, 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.

Details of the waste storage

21. Prior to the first occupation of the development hereby approved and notwithstanding the details submitted, details of the waste storage shall be submitted and approved in writing to the Local Planning Authority. The bin stores shall thereafter be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter be permanently retain in association with the use and used for no other purpose whatsoever.

Reason – In the interests of the amenity of future occupiers and to ensure that the completed development is in keeping with and preserves the character and appearance of the Conservation Area and to comply with saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local

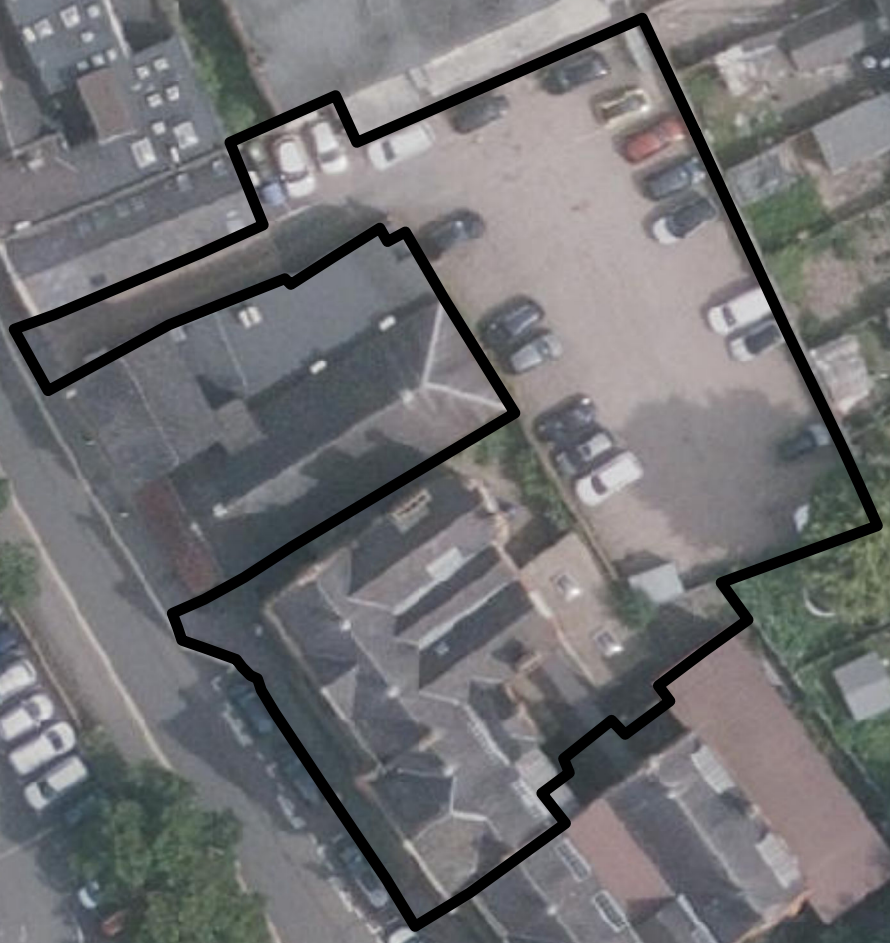
Informative Notes

1. **PN21 Third Party Interests** - Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or 54 another owner. Their rights are still valid, and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900

CASE OFFICER: Michael Sackey

Agenda Item 11
24/01910/LB

**Borough House
Marlborough Road
Banbury**



1:500

24/01910/LB

Borough House Marlborough Road Banbury

12

Masonic Hall

Borough
House

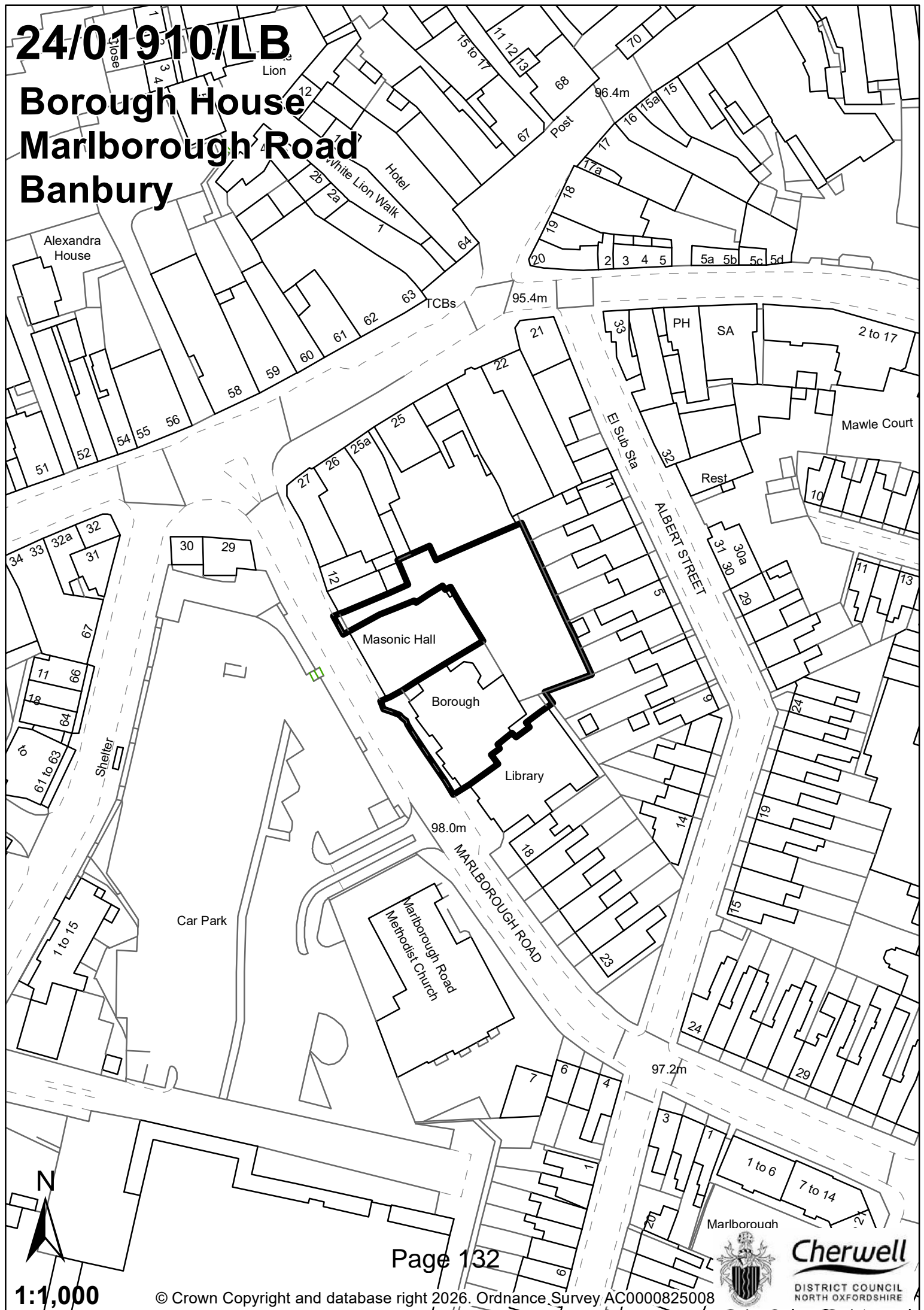
Library

98.0m



24/01910/LB

**Borough House
Marlborough Road
Banbury**



1:1,000



Case Officer: Michael Sackey

Applicant: Mr Tom Mason

Proposal: Partial demolition and alterations to the rear elevation and internal alterations, to facilitate the change of use of part of building to form 10no apartments (Use Class C3) - Re-submission of 23/00402/LB

Ward: Banbury Cross And Neithrop

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

Reason for Referral: Accompanies a full planning application for the development of 10 or more dwellings

Expiry Date: 31 July 2026

Expiry Date: 2 July 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a Grade II listed building, Borough House, located within Banbury Conservation Area. The building is late Victorian, dating to around 1893, and was previously the Municipal Technical School and Mechanic's Institute. The building is three storeys, and the ground floor of the site has a framing business and an employment consultancy business. The first and second floor have been in use as an office for over 20 years.

1.2. Part of the building is associated with Banbury Library to the south-east, which is also a Grade II listed building, and the property to the north-west is the Freemasons Hall. Adjacent to the Freemasons Hall is an access to a rear courtyard area, bound by properties along Marlborough Road, High Street and Albert Street.

1.3. Opposite the site, to the south-west is a car park at a higher land level that serves a few shops.

2. CONSTRAINTS

2.1. The application site is within Banbury town centre and Conservation Area, the building is a Grade II listed building, and immediately adjacent to a Grade II listed building.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 Partial demolition and alterations to the rear elevation and internal alterations, to facilitate the change of use of part of building to form 10no apartments.

3.2 There is a concurrent planning application (Ref: 24/01909/F) for the proposed development.

4. RELEVANT PLANNING HISTORY

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

Application: 18/00999/F Permitted 24 September 2018

Change of Use from A2 (Professional and Financial) to B1 (Offices)

Application: 23/00401/F Refused 24 July 2023

Change of Use of part of building to form 10no apartments (Use Class C3) including the partial demolition and alterations to the rear elevation, an external staircase, and internal alterations

Application: 23/00402/LB Refused 24 July 2023

Partial demolition and alterations to the rear elevation, an external staircase, and internal alterations, to facilitate the change of use of part of building to form 10no apartments (Use Class C3)

Application: 24/01910/LB

Partial demolition and alterations to the rear elevation and internal alterations, to facilitate the change of use of part of building to form 10no apartments (Use Class C3) - Re-submission of 23/00402/LB

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 **23 September 2024**

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.

[PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS](#)

7.2 BANBURY TOWN COUNCIL: Banbury Town Council has now considered these applications at its Planning Committee and resolved to raise no objections.

OTHER CONSULTEES

7.3 **CDC CONSERVATION (14.07.2025) - (Objects)** The current proposals remain broadly in line with what was submitted previously, with the exception of the omission of the proposed fire escape and the slight reduction in the extent of internal subdivision. As such, it is difficult to support the proposals in their current form as they do not overcome the concerns raised by the previous conservation officer and the level of harm to the listed building would remain as less than substantial (mid-range of the scale). As harm has been identified to the heritage assets,

consequently this harm should be weighed up against the public benefits of the scheme as laid out in the NPPF.

- 7.4 **CDC CONSERVATION (15.06.2026) - (No Objections)** We welcome attempts to minimise subdivision of the floor plan etc. It's a significant improvement on the previous iteration. Just a few points- the submission of a demolition plan which highlights any historical features to be removed would be helpful. I note that quite a few of the doorways are still to be block off. We will need further details of these- they should be in line with Historic England guidance on fireproofing historic buildings and any existing historic doors and architraves should remain in situ. Further details of required fireproofing/ thermal upgrading/ plastering etc. will be required. Where new walls are proposed they shouldn't cut through existing architectural features i.e. F05/ F08- the lobbies seem to cut through the chimney breast. If they could be set back this would create a neater fit. Details of all new windows/ doors/ panelling/ flooring/ internal walls/ staircases/ AOV system/ services (location of soil pipes etc.) are 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)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting a listed building
- C21 – Proposals for re-use of a listed building
- C23 – Retention of Features Contributing to Character and Appearance of a Conservation Area

- 8.3 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Banbury Conservation Area Character Appraisal

9. APPRAISAL

- 9.1. The site is a Grade II listed building, is within the Banbury Conservation area, and affects the setting of the Grade II listed Banbury Library. The key issue for

consideration in this case is the impact on the historic significance and setting of the listed building(s).

Policy Context

- 9.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 9.3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.4. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.5. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 212 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.6. The NPPF states that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to state any harm loss should require clear and convincing justification. The Council also has statutory duties under legislation to have special regard to preserve and enhance heritage assets and their settings which give them elevated weight in planning decisions. The NPPF advises where proposals lead to less than substantial harm to the significance of a heritage asset this should be weighed against the public benefits of the scheme.

Assessment

- 9.7. No alterations are proposed to the frontage of the building and therefore there would be no impact on this elevation of the existing building.
- 9.8. To the rear of the building is proposed a new four storey rear extension, which extends the existing gable, is of sympathetic form and generally replicates the architectural detailing and features of the rear elevation of the building. It is considered a subservient addition to the existing building. The fenestrations are relatively balanced to the proposed multi storey extension, mirroring the part of the rear element to which it would attach. The materials would also match that of the existing building. This element of the proposal would enhance the existing building by replacing parts of the existing rear modern elements to be demolished, which were considered unsightly modern extensions by the Conservation Officer. The previously proposed fire escape has been omitted from the proposals.

- 9.9. Officers consider that externally the amended proposal reflects the local distinctiveness of the area and secures a high-quality design, including materials, in line with the Banbury Conservation Area Appraisal (2018) which outlines appropriate building materials that are traditional to Banbury Conservation Area.
- 9.10. Following further discussions and amended plans which has resulted in significant changes to address the previous Conservation comments regarding the proposed internal alterations. The amended proposal has significantly reduced the extent of the internal subdivision resulting in the proposed residential dwellings utilising more of the building than initially submitted. The proposed units would also result in more open plan accommodation enabling a reduction in internal subdivision and better use of the existing fabric and layout. The amended proposal satisfactorily retains the historic layout and has acceptably addressed most of the issues previously raised by the Conservation Officer. The Conservation officer has responded to the revised scheme advising and stating that:

“We welcome attempts to minimise subdivision of the floor plan etc. It's a significant improvement on the previous iteration. Just a few points- the submission of a demolition plan which highlights any historical features to be removed would be helpful. I note that quite a few of the doorways are still to be block off. We will need further details of these- they should be in line with Historic England guidance on fireproofing historic buildings and any existing historic doors and architraves should remain in situ. Further details of required fireproofing/ thermal upgrading/ plastering etc. will be required. Where new walls are proposed they shouldn't cut through existing architectural features i.e. F05/ F08- the lobbies seem to cut through the chimney breast. If they could be set back this would create a neater fit. Details of all new windows/ doors/ panelling/ flooring/ internal walls/ staircases/ AOV system/ services (location of soil pipes etc.) are required.”

Conclusion

- 9.11. In light of the amended details submitted, and having regard to the comments of the Conservation officer, it is considered that cumulatively, and subject to the clarification and conditions as set out in the recommendation, the proposals would not cause demonstrable harm to the significance of the Grade II listed building, or other grade II listed buildings in the vicinity of the site. The proposed development thus accords with Policy ESD15 of the CLP 2015, retained Policy C18 of the CLP 1996 and Government guidance in the NPPF.

Ecological Impact

Legislative and policy context

- 9.12. 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.
- 9.13. 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.

- 9.14. 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.
- 9.15. 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.
- 9.16. 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

- 9.17. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.18. Paragraph 186 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.
- 9.19. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst

others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.

- 9.20. 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.
- 9.21. 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.
- 9.22. 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.
- 9.23. 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

- 9.24. The Council's Ecologist (CE) has responded to the application advising that the proposal should be exempt from Biodiversity Net Gain. The CE further advises that with regards to the development, the roofs look to already be built into with no separate roof void, if any re-tiling, roof works or works to eave spaces are required a bat and nesting bird survey will be required and the same applies if any external features such as fascias, timber cladding or stonework is scheduled to be removed. The CE concluded that informative should be applied to any permission relating to protection of bats and nesting birds.

Conclusion

- 9.25. Having regards to the CE's comments and nature of the proposed development, the proposal would be acceptable in terms of the ecology of the site subject to the recommended informative and it would comply with Policies ESD10 and ESD15 of the CLP 2015 and Govt guidance in the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development is considered to represent an acceptable and appropriate development, which would not cause demonstrable harm to the character or historic significance of the heritage asset and would be acceptable in ecological terms. As such the proposal complies with retained Policy C18 of the CLP 1996, Policy ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING TO GRANT

CONSENT, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY):

CONDITIONS

Time Limit

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 consent, the development shall be carried out strictly in accordance with the form and following approved plans "21020 (D) 201 Revision D", "21020 (D) 202 Revision D" and "21020 (D) 203 Revision D" and "21020 (D) 204 Revision D"

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.

Brick sample

3. No development shall commence above slab level unless and until a brick sample panel minimum (1m² in size) has been constructed on site to match the brickwork on the existing building and showing the mortar to be used in the repointing and has been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be laid, dressed, coursed, and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Detailed schedule of materials for the extension

4. No development shall commence above slab level unless and until a detailed schedule of materials for the extensions shall be 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.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details of internal services and service routes

5. Notwithstanding the submitted details, details of internal services and service routes including ventilation and extract equipment and methods of installation. This should include details of external vents which shall be 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.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Partitions of the development

6. Notwithstanding the details submitted, details of any partitions of the development including a cross section shall be submitted to and approved in writing by the Local Planning Authority before any work commences in respect of those elements. The development shall not be carried out other than in strict accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Repointing of the brickwork

7. Prior to the any repointing of the brickwork, details including mortar specification details and sample of the repointing to an inconspicuous location to match the core sample of the existing mortar shall be 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.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Treatment of the existing and proposed doors

8. Notwithstanding the submitted details, details of the treatment of the existing and proposed doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details of the new openings including method statement, materials samples, and details

9. Notwithstanding the details submitted, no development shall commence unless and until details of the new openings including method statement, materials samples, and details to match the existing building have 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 significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Joinery details including windows and doors

10. Notwithstanding the details submitted, no development shall commence above slab level unless and until joinery details including windows, doors and at a scale of 1:10 including cross sections and colour/finish have 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 significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details including panelling, flooring, internal walls, staircases, and AOV system/services

11. Notwithstanding the details submitted, no development shall commence above slab level unless and until details including panelling, flooring, internal walls, staircases, and AOV system/services have 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 significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details and positioning of external vents

12. Notwithstanding the submitted details, details and positioning of external vents shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details full details of soil vent pipes

13. Notwithstanding the submitted details, details full details of soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy

C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

No features of architectural or historic interest shall be altered, replaced, or removed.

14. Unless such work is clearly and specifically referred to on drawings or other documents approved, no features of architectural or historic interest shall be altered, replaced, or removed. Any such features encountered during the work shall be drawn to the attention of the Local Planning Authority.

Reason - To safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any fire upgrade

15. Notwithstanding the submitted details, details for any fire upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any plastering

16. Notwithstanding the submitted details, details for any Plastering shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any thermal upgrade

17. Notwithstanding the submitted details, details for any thermal upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Rainwater goods

18. The rainwater goods installed to serve the development hereby permitted must be cast iron and painted black and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Regulation 41 of the Habitat and Species Regulations 2010

19. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Informative Notes

1. **PN21 Third Party Interests** - Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or 54 another owner. Their rights are still valid, and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900

CASE OFFICER: Michael Sackey

26/00228/CDC

Agenda Item 12

**39 Sheep Street
Bicester**



1:500

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

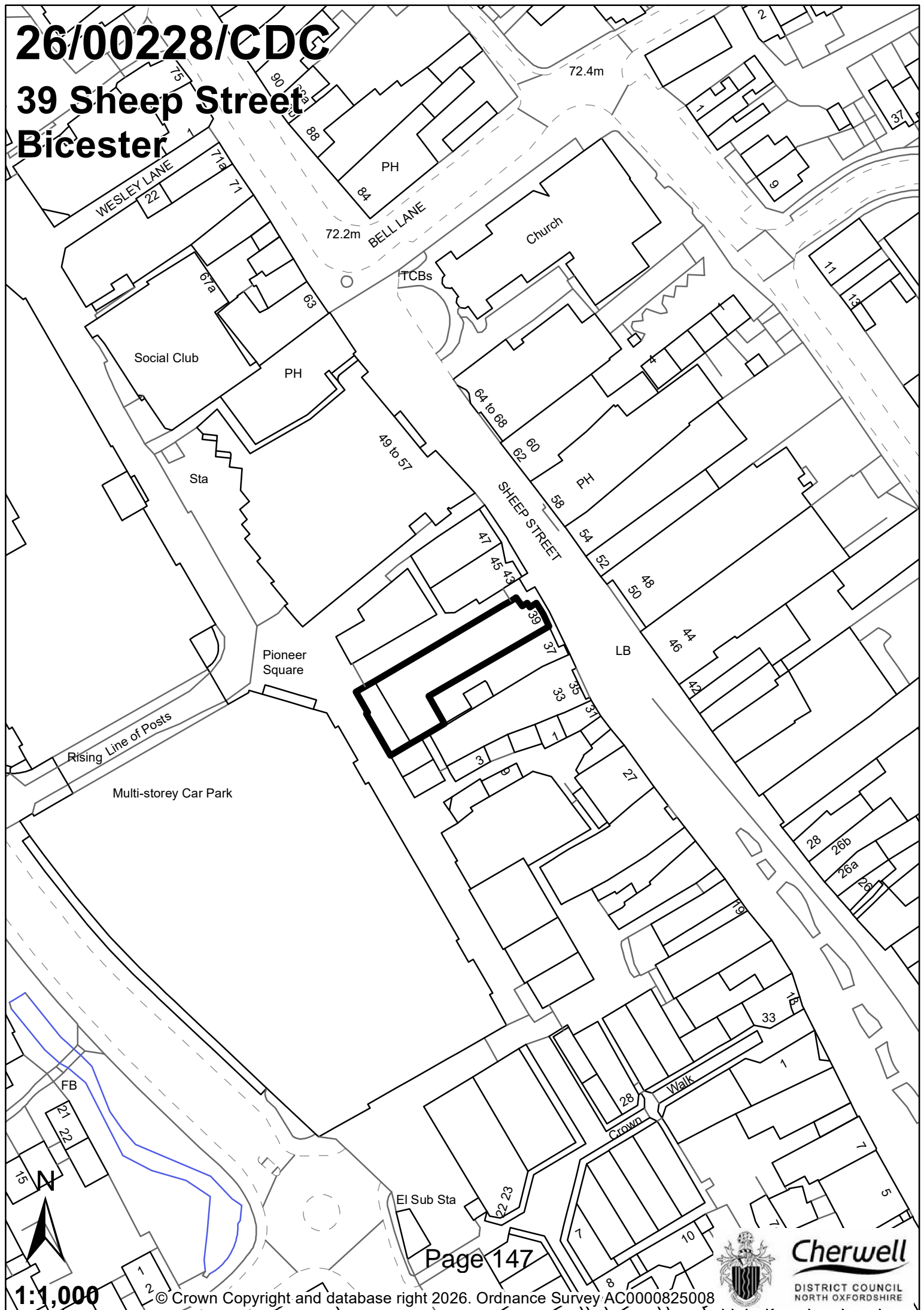
26/00228/CDC

**39 Sheep Street
Bicester**



26/00228/CDC

39 Sheep Street Bicester



Case Officer: Hansah Iqbal

Applicant: Cherwell District Council

Proposal: The installation of a marine-ply board for public art murals use on the side of the building and planters either side

Ward: Bicester East

Councillors: Cllr. Tom Beckett, Cllr. Robert Parkinson and Cllr. Bryonie Wells

Reason for Referral: CDC is the applicant

Expiry Date: 6 July 2026

Committee Date: 2 July 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is the side exterior wall of a retail unit which forms the boundary of a pedestrian footpath linking Pioneer Square to Sheep Street. This is a well-used pedestrian corridor linking the town centre with retail and leisure destinations. The wall, which is the subject of this application, is constructed of red brick.

2. CONSTRAINTS

2.1. Whilst not within the settings of any listed buildings the site is however located within Bicester Conservation Area. Although not relevant to this application the site is within an area of archaeological interest, and the land is potentially contaminated.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal originally sought permission for the installation of five mural boards along the application wall. Following amendments approval is now sought for the installation of a single marine-ply board for the purpose of individual or continuous public art murals. Positioned 0.2m above ground level the board would have a length of 5.24m and a height of 2m. Either side of the board it is proposed to site 2m long planters.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, 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 **4 June 2026**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. CDC Recreation & Leisure: need to consider costs of repair, removal or decommission and maintenance. Public art maintenance costs are 7% of the total cost for artwork and held by responsible party or owner.
- 7.3. CDC Conservation – no objections.
- 7.4. CDC Urban Design – tree would conflict with mural 3, no information on trees, no information on proposed maintenance/managements including of planter, no information on vandalism graffiti.

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
- SLE2: Securing Dynamic Town Centres
- ESD1: Mitigating and Adapting to Climate Change
- ESD15: The Character of the Built and Historic Environment
- Bicester 5: Strengthening Bicester Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

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

- Design, and impact on the character of the area, including the Bicester Conservation Area

Design, and impact on the character of the area, including the Bicester Conservation Area

- 9.2. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.3. Conservation areas and listed buildings are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.4. Following the comments from the Urban Design Officer, the proposal has been amended to install a single marine ply-board for use of public art mural with two planters either side. The proposed mural would provide some visual interest to the area. The applicant has provided assurances that the mural would be properly maintained. Officers, including the Council’s Conservation Officer, are therefore satisfied that the character and appearance of the Bicester Conservation Area would not be harmed.
- 9.5. Although part of the description of development, due to their size, the planters are considered to be permitted development under Schedule 2, Part 14 of the General Permitted Development Order 2015 (as amended). Regardless of whether they are permitted development, the planters are considered to be visually acceptable.
- 9.6. The proposed development would accord with Policies ESD15, SLE2 and Bicester 5 of the CLP 2015, Policy C28 of the CLP 1996 and government guidance contained within the NPPF.

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 appropriate development. In accordance with Paragraph 11 of the NPPF, consent should therefore be granted.

11. RECOMMENDATION

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

Time Limit

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: 'Location Plan' and 8469.ASP.7.0 Rev A 'Proposed Elevation/site plan.'

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

CASE OFFICER: Hansah Iqbal