

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

3 July 2025

WRITTEN UPDATES

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

Additional representations from residents

A letter of objection has been received from a resident of Aynho, West Northants (this relates to agenda items 8, 9 and 10).. They consider that the developments could cause serious problems for local communities, especially along the B4100 and in villages like Aynho. (this relates to agenda items 8, 9 and 10). The main concerns are summarised below:

- **Air Pollution** – More diesel lorries (HGVs) will increase harmful air pollution, especially near busy roads and villages.
- **Noise Pollution** – Constant lorry traffic, day and night, will raise noise levels, affecting sleep and mental health.
- **Traffic & Safety** – Local roads are already busy and narrow. More HGVs will make congestion worse and increase the risk of accidents.

The objector considers that the following needs to happen (If Approved):

- **Upgrade Roads** – Improve M40 J10 and Baynards Green Roundabout to handle more traffic safely.
- **Limit HGVs in Villages** – Ban or restrict lorries from using village roads, especially during the night.
- **Monitor Air Quality** – Install air pollution monitors and take action if levels get too high.
- **Reduce Noise** - Build noise barriers and limit night-time lorry traffic.
- **Manage Worker Travel** – Use shuttle buses and encourage car-sharing to reduce car use.
- **Control Construction Traffic** – Set strict rules for construction traffic routes, times, and noise.

The objector concludes that:

- The development should not go ahead unless these protections are guaranteed. The council must put residents' health, safety, and quality of life first.

Officer comment: A lot of the above suggestions will be secured through conditions. The car share scenario is something that could be explored further through the approved Travel Plan at the Reserved Matters stage. The applicants will be paying a contribution to increase the existing 500 hourly bus service to a half hour service and will be providing as cycle lane that connects the site with Bicester. I'd also add that there are no objections to the proposal from National Highways, OCC Highways and the Council's Environmental Protection officer.

A second letter from a resident of Aynho, West Northants objected on the following grounds:

- The traffic on the B4100 is relatively normal. However, there are some difficulties when the B4100 cuts right through the village of Aynho. To introduce more traffic, particularly in the form of lorries, would be very detrimental to this historical village

Additional Letters of objection have been received from a Stoke Lyne resident (nb: this objection relates to items 9,10 and 11 as well), summary of comment:

- The small village of Stoke Lyne will be swamped by the increase in traffic. Junction 10 of the M40 and Baynard's Green are already at capacity.
- There are plenty of warehouses at Banbury and Bicester which are not full.
- Farmland is needed for farming

Officer comment: *This is addressed in the committee report*

Additional comments from OCC Highways:

1. Paragraphs 7.22 and 9.72 make reference to the requirement of National Highways for the delivery of the improvements to the Baynards Green junction. The scheme has been revised slightly, with NH approval, since this response, and the drawing is now on revision B, which is reflected in the proposed condition.
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3. Paragraph 9.15 sets out the requested planning obligations. The 'NOTE' paragraph underneath the list no longer applies, as it relates to an earlier version of this list, and states that the figures in the list represent the overall contributions and that Highway Works 1 and 2, and PRoW contributions could be split proportionately, which is not now the case.#
4. Paragraph 9.156 – the proposed access arrangements have now been amended such that the crossing point of the access road would be further away from the roundabout (i.e. not at the splitter island) and via a parallel crossing, allowing cyclists to cross directly to the western plot.
5. Appendix 1, proposed condition requiring a construction traffic management plan (CTMP). The wording should be changed to make it relevant to the local highway network as well as the A43.

Additional comments from the CDC Ecology Officer:

The Council's Ecologist has stated that for all of the applications, 22/01340/OUT, 21/03267/OUT, 21/03266/F and 21/03268/OUT, she would usually want a condition for updated surveys to be submitted with any REM applications. This is to ensure updated surveys are submitted. Ecology surveys expire after 18m-3years, so REM applications will

need to be supported with updated surveys if the survey reports are older than 18m-3yrs (depending on species). This isn't the same as the pre-commencement check – this is to ensure the ecological baseline of the site hasn't changed between OUT and REM stage, in line with CIEEM guidelines.

The Farmland Bird mitigation and BNG is offsite – so we will need the following off-site details to be secured (again, I believe this should be via s.106 since it's off-site):

- Farmland Bird Mitigation Strategy (FBMS) (pre-commencement) – via s.106
- Updated Biodiversity Net Gain (BNG) metric and strategy demonstrating measurable gains in habitats and hedgerows (with each REM)
- Updated Habitat Management and Monitoring Plan for the off-site areas, ensuring effective delivery of the identified gains and covering long-term monitoring and any associated fees (with each REM if BNG details are updated)

NB: This advice relates to items 9 and 10 as well.

Dormice were found on the western site – so we will need a condition for a dormice licence:

- An EPS Dormice licence for any works likely to impact this European Protected Species

The following Member representation has been received

Cllr Broad has written in. He noted that during the Local Plan 2011-2031 an 'exception site' was submitted at the 'last minute'. The Inspector, in his Report (dated 9 June 2015) on the Examination into the Local Plan, addressed this 'exception site' suggestion and Cllr Broad would like Members to read it. The most pertinent paragraph within that was 41, which, as requested, is set out in full below:

“However, despite the Council’s willingness to include a reference to “examining options for the release of land at motorway junctions in the district for very large scale logistics buildings in the Part 2 LP”, it is not necessary or appropriate to include this commitment in the policy. This is because the existence of such a need, specifically in this district, is as yet largely unproven and appears to be essentially reliant on speculative enquiries only at present. Moreover, such schemes would be road based and likely to prove visually intrusive in the open countryside due to the size of buildings, as well as potentially difficult and/or expensive to cater for satisfactorily at the M40 junctions in highway capacity terms.”

Additional comments from the Council’s Urban Design Officer:

Summary of comments on items 8 and 9:

Key Concerns

- Green Infrastructure: The proposal removes important hedgerows and lacks sufficient tree and woodland planting, especially along the A43 and site boundaries. Green buffers are too narrow with pinch points.
- Layout: Public Rights of Way (PRoWs) are not clearly shown or respected. Several units are too close to PRoWs, lacking space for screening or attractive green corridors.
- Positive Note: Setback from B4100 is supported for creating a green entrance.

Recommendations

- Retain and enhance existing hedgerows.
- Widen green corridors and buffers.

- Improve integration of PRowS into the layout.
- Add planting around car parks for shade and visual relief.

Suggested Conditions (if approved)

- Colour study and photomontages for materials and finishes.
- Detailed landscape design, including car parks and amenity areas.
- Drainage features designed for multiple benefits (wildlife, cooling, amenity).
- Full details of auxiliary structures (e.g., gatehouse, bins, bike stores, boundary treatments).

Officer comment: These bullet points have been included in a revised landscaping condition and a robust internal landscaping scheme can be secured through the reserved matters application stage.

Officer Update:

Following receipt of updated parameter plans, traffic modelling appendices, Road safety audit, updated ecology info and LSH final socio economic review, we carried out further public consultation in June, this expires on the 30th July. The recommendation is therefore an approval subject to the expiry of this consultation period and no new material matters being raised.

The following amendments/corrections/clarification to the Committee Report are proposed, following additional information/clarification received from the agent and further review:

- **Para 3.2** – the development is upto 170,000 sqm (GIA) of development in total. The primary use of the development is logistics (Use Class B8). Of this 170,000 sqm of floorspace upto 10,000 sqm may be used as ancillary office space, linked to the main logistics operations.
- **Para 3.7** - The Applicant's Transport Topic Paper confirms that the cycleway alongside the B4100 connecting the site to Bicester: will be predominantly 2m minimum width; where feasible, will be widened to a maximum of 3m, but also; that for some short sections (at "pinch points") the link may be less than 2m in width.

The potential "pinch points" which have been identified include (but are not limited to) where existing ditches adjacent to the highway may prevent a width of 2m being achieved; where the adopted highway boundary is already of reduced width or runs close to the relevant side of the existing carriageway; and important trees/vegetation.

In response to the Topic Paper, the OCC Highways (consultation response dated 9 May 2025) has confirmed that there were "constraints requiring narrowing in places" and that there was insufficient highway width at Elmsbrook for the link to be delivered off-carriageway (so an on-carriageway solution in Braeburn Avenue was acceptable).

- **Para 3.13** – As part of the application, a Landscape Parameters Plan has been submitted. If outline permission is granted, this will be an approved drawing and confirms the landscaping typologies within the minimum green infrastructure zones shown on the Land Use Parameters Plan. This reflects the Illustrative Landscape Strategy Plan and additionally commits to - semi nature woodland screen planting along the western boundary; areas of wet woodland and scrub; areas of neutral grassland and amenity grassland, both with scattered trees.

- **Para 3.15** – There is a purchase agreement for 83,610 sqm (GIA) in place, rather than an agreement to lease.
- **Para 4.1** – Application 22/01340/OUT is submitted by Tritax Big Box, not Albion Land.
- **Para 5.2** – For avoidance of doubt, the pre-application advice was given prior to CDC obtaining independent advice on market need from LSH.
- **Para 7.13** – CDC Ecology’s latest response (dated 25 March 2025) was not an objection. It provided comments on further improvements that could be made to the scheme, many of which have now been captured through provision of additional information.
- **Para 9.19** – The number of units at the Site will be confirmed at the detailed design stage, through subsequent reserved matters submissions. The Illustrative Masterplan shows how three XXL units could be delivered with the Parameters, which are fixed, but is just one possible configuration of development that could come forward within the proposed development envelope.
- **Para 9.21** – The CBRE update was submitted to CDC in January 2025.
- **Para 9.26** – The Savills evidence referred to here was submitted by Tritax Big Box and does not form part of this planning application.
- **Para 9.64** - The number of car parking spaces shown on Albion Land’s Illustrative Masterplan are not confirmed and are not numbered. Car parking provision / proposals will be confirmed by Albion Land at the detailed design stage, through reserved matters if outline permission is granted.
- **Para 9.72** - This drawing has since been further refined in consultation with OCC Highways and is now drawing reference 216285-A-14B.
- **Para 9.75** – The Applicants for this application are Albion Land. The additional documents referred to in this paragraph were prepared jointly by Albion Land and Tritax Big Box.
- **Paras 9.82- 9.83** – The number of car parking spaces shown on Albion Land’s Illustrative Masterplan are not confirmed and are not numbered. The number referred to at Paragraph 9.83 (1,780) are those proposed by Tritax Big Box and are for their proposals not Albion Land’s. Car parking provision / proposals will be confirmed by Albion Land at the detailed design stage, through reserved matters if outline permission is granted.
- **Paras 9.150** – The Note erroneously refers to some of the items listed as being marked with an asterisk. Where appropriate, the figures which are quoted in the Officer’s Report have in fact been adjusted from those in OCC’s request to reflect the proportionate split between all the development proposals in the vicinity.

To provide clarity to the conclusion of the Officer’s report to committee, and the planning balance (Section 10 of the report), Officers advise that:

- whilst there are partial areas of conflict, the proposals, with their significant material considerations/benefits, are considered to comply with the development plan as a whole and the National Planning Policy Framework.
- Furthermore, officers, on reflection, consider that the benefits provided by the proposed Baynards Green roundabout improvement works should be given 'modest weight' in the planning balance rather than 'neutral weight', as stated in the report. This is because, whilst the works are a clear and necessary requirement to mitigate the impacts of the development, Officer's view is that the additional lanes, filter lanes and signalisation will be an improvement on the existing situation.

Revised Recommendation –

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

- 1. EXPIRY OF THE ONGOING PUBLIC CONSULTATION EXERCISE ON 30 JULY 2025 AND NO NEW OR MATERIALLY DIFFERENT MATTERS BEING RAISED;**
- 2. THAT THE LAND COLLABORATION AGREEMENT BETWEEN ALBION LAND AND TRITAX BIG BOX HAS BEEN REVIEWED AND AGREED BY OCC AND CDC (SO THAT THE HIGHWAY IMPROVEMENTS CAN BE PROVIDED)**
- 3. THE CONDITIONS SET OUT IN THE OFFICER REPORT/APPENDIX 1 AND THE ADDITIONAL AMENDMENTS TO THE CONDITIONS AS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**
- 4. THE ENTERING INTO A S106 TO INCLUDE THE CONTRIBUTIONS SET OUT AT PARA 9.150 OF THE OFFICERS REPORT (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY);**

Additional/amended conditions

Approved Plans

1. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:
 - 20005 - T P - 0 01 Site Location Plan
 - 20005-TP-002 Revision A Parameter Plan 01 Land Use
 - 20005-TP-003 Parameter Plan 02 Building Heights
 - 20005-TP-004 Parameter Plan 03 Vegetation Retention and Removal
 - 14047_P16 Rev A Landscape Parameter Plan
 - 216285-A-14A Rev B – Baynards Green Works
 - 17213-13 Revision O – Western General Access with Parallel Crossing
 - Lighting Assessment (prepared by Light Pad)
 - Air Quality Assessment (prepared by part of the Logika Group)
 - Site Specific Flood Risk Assessment & Drainage Strategy - Issue 4 September 2024

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government

guidance contained within the National Planning Policy Framework and Planning Practice Guidance.

Energy

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

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

Landscaping Strategy and Management

3. As part of the Reserved Matters submission, for each phase, a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports, enhances, and is complimentary to the Illustrative Strategy (Landscape). These details will include the following in relation to the submission:
 - Identification of existing trees, shrubs and other vegetation to be retained
 - Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
 - The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
 - Details of street furniture including bins, seating, dog bins, and boundary treatment
 - The eradication of Japanese knotweed or other invasive species on the site, if applicable.
 - The replacement of trees proposed to be lost in site clearance works.
 - Details of the future management of the landscape scheme.
 - Ground preparation measures to be adopted.
 - Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
 - Existing and proposed levels.
 - Programme for delivery of the approved scheme
 - A colour study and photomontages to inform the selection of colours, cladding, fenestration, signage and roof appearance;
 - Detailed landscape design proposals that reflect the landscape strategy and include integration of car parking and employee amenity areas;
 - Full details of drainage features to be designed in accordance with the landscape strategy to provide multiple benefits – wildlife, amenity, seasonal cooling and drainage; and
 - Full details of all auxillary buildings and structures including boundary treatments gatehouse, bin and bike stores.

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

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

Ecology updated surveys

4. The submission of any Reserved Matters application must be accompanied by the following information:

- Updated breeding bird surveys (minimum of six, including at least one at twilight) in accordance with CIEEM guidance (pre-commencement)
- Dormouse surveys and, if surveys find evidence of dormice, a full mitigation strategy to be submitted pre-commencement of development
- An EPS Dormice licence for any works likely to impact this European Protected Species

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

Dormice

5. Prior to the commencement of the development hereby approved, including any works of site clearance, an EPS Dormice licence shall be secured for any works likely to impact this European Protected Species

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.

CTMP

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 in consultation with the Highway Authority for the A43 and the local highways network. This shall include details of phasing of the highway works. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

the National Planning Policy Framework and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022

Agenda item 9 - OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green – 21/03267/OUT

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4. Appendix 1, proposed condition requiring a construction traffic management plan (CTMP). The wording should be changed to make it relevant to the local highway network as well as the A43.

5. Paragraph 3.7 outlines an offer by the applicant of an additional sum of money towards public transport, as an alternative to delivering a safe cycle route between the site and Bicester. This additional sum of money would bring the bus service up to a 15 minute frequency for a period of 8 years. Paragraph 3.7 goes on to suggest that pinch points along the route could prevent implementation of the cycle route in those areas to full design compliance standard. It is the case that the width of highway land available alongside the B4100 means that parts of the cycle route would not be in accordance with the design guidance contained in LTN 1/20. This is often the case where cycle facilities need to be retro-fitted into the existing highway layout. Nevertheless, OCC has considered the proposed plans carefully and is satisfied that, given the location and likely low level of use by pedestrians, a safe route could be provided, avoiding the need for cyclists to use the carriageway of the B4100. I consider this provision to be necessary to make the development acceptable, given the relatively easy cycling distance of the sites from Bicester. I have previously set out a detailed justification of this position. Further, on the advice of my public transport colleagues, I consider that the enhancement of the bus service to 15 minute frequency is very unlikely to be financially self-sustaining after the end of the 8-year period, given the likely level of demand. Therefore it is likely that the service would fall back to 30 minute frequency after that. On the other hand, the cycle facility would leave a lasting means of safe access to the site from Bicester.
6. In paragraph 9.149, the access arrangements listed are those for item 8. The access arrangements for this site consist of a signalised junction onto the B4100 to the E of Baynards Green, together with bus stop laybys and a signalised crossing of the B4100. The same applies as above – the NOTE paragraph underneath the list of obligations is not relevant here.

Officer Update:

Following receipt of updated parameter plans, traffic modelling appendices, Road safety audit, updated ecology info and LSH final socio economic review, we carried out further public consultation in June, this expires on the 30th July. The recommendation is therefore an approval subject to the expiry of this consultation period and no new material matters being raised.

The following amendments/corrections/clarification to the Committee Report are proposed, following additional information/clarification received from the agent and further review:

- **Para 3.2** – Planning permission is sought for upto 100,000 sqm (GIA) of development in total. The primary use of the development is logistics (Use Class B8). Of this 100,000 sqm of floorspace upto 7,000 sqm may be used as ancillary office space, linked to the main logistics operations.
- **Para 3.3** - The new access from the B4100 will be via a signalised junction.
- **Para 3.5** - The agent has confirmed that the Baynards Green highway improvement works will be fully completed and open to traffic before the development is first brought into use.
- **Para 3.7** - The Applicant's Transport Topic Paper confirms that the cycleway alongside the B4100 connecting the site to Bicester: will be predominantly 2m

minimum width; where feasible, will be widened to a maximum of 3m, but also; that for some short sections (at “pinch points”) the link may be less than 2m in width.

The potential “pinch points” which have been identified include (but are not limited to) where existing ditches adjacent to the highway may prevent a width of 2m being achieved; where the adopted highway boundary is already of reduced width or runs close to the relevant side of the existing carriageway; and important trees/vegetation.

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- **Para 3.12** – As part of the application, a Landscape Parameters Plan has also been submitted. If outline permission is granted, it is intended that this will be an approved drawing, confirming the landscaping typologies within the minimum green infrastructure zones shown on the Land Use Parameters Plan.
- **Para 3.13** – The latest Landscape Parameters Plan reflects the Illustrative Landscape Strategy Plan and additionally commits to: - semi nature woodland screen planting along the length of the western boundary with the A43, which is deeper (a minimum of 35m) in the north-western and south-western areas of the site; - areas of wet woodland and scrub; - areas of neutral grassland with scattered trees.
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- **Para 9.21** – The CBRE update was submitted to CDC in January 2025.
- **Para 9.26** – The Savills evidence referred to here was submitted by Tritax Big Box and does not form part of this planning application
- **Para 9.31** – The agent ahas confirmed that DHL’s purchase agreement relates to Axis J10 West. There are, however, advanced (albeit commercially sensitive) negotiations underway in relation to this Site and early delivery would also be achievable, subject to planning permission being granted.
- **Para 9.62** – The Applicant’s submitted updated Land Use and Landscape Parameter Plans shortly before the Officer’s Report was finalised. This showed additional woodland planting in the north-western and south-western corners of the site, connecting into the existing area of woodland beyond the southern boundary, and along the full length of the western boundary.

- **Para 9.64** – The reference to the “northern parcel” here relates to Tritax Big Box’s application, and not the application site.
- **Para 9.73** - This drawing has since been further refined in consultation with OCC Highways and is now drawing reference 216285-A-14B.
- **Para 9.76** – The Applicants for this application are Albion Land. The additional documents referred to in this paragraph were prepared jointly by Albion Land and Tritax Big Box.
- **Para 9.84** – The number of car parking spaces shown on Albion Land’s Illustrative Masterplan are not confirmed and are not numbered. The numbers referred to here are be those proposed by Tritax Big Box and are for their proposals not Albion Land’s. Car parking provision / proposals will be confirmed by Albion Land at the detailed design stage, through reserved matters if outline permission is granted.
- **Para 9.94** – The figures relate to both Albion Land parcels – i.e. west and east. This application relates to the eastern parcel.
- **Para 9.100** – This comment relates to Albion Land’s western parcel, not the application site.
- **Para 9.146** – There is no public right of way which crosses this site or requires diversion in connection with the development. There is a bridleway beyond the southern boundary of the site, but this is not affected by the development.
- **Para 9.149** – The Note erroneously refers to some of the items listed as being marked with an asterisk. Where appropriate, the figures which are quoted in the Officer’s Report have in fact been adjusted from those in OCC’s request to reflect the proportionate split between all the development proposals in the vicinity.
- **Para 10.4** – The figure quoted is the combined number of jobs for the application site and Albion Land’s other (western) parcel.

To provide clarity to the conclusion of the Officer’s report to committee, and the planning balance (Section 10 of the report), Officers advise that:

- whilst there are partial areas of conflict, the proposals, with their significant material considerations/benefits, are considered to comply with the development plan as a whole and the National Planning Policy Framework.
- Furthermore, officers, on reflection, consider that the benefits provided by the proposed Baynards Green roundabout improvement works should be given ‘modest weight’ in the planning balance rather than ‘neutral weight’, as stated in the report. This is because, whilst the works are a clear and necessary requirement to mitigate the impacts of the development, Officer’s view is that the additional lanes, filter lanes and signalisation will be an improvement on the existing situation.

Revised Recommendation –

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

1. EXPIRY OF THE ONGOING PUBLIC CONSULTATION EXERCISE ON 30 JULY 2025 AND NO NEW OR MATERIALLY DIFFERENT MATTERS BEING RAISED;
2. THAT THE LAND COLLABORATION AGREEMENT BETWEEN ALBION LAND AND TRITAX BIG BOX HAS BEEN REVIEWED AND AGREED BY OCC AND CDC (SO THAT THE HIGHWAY IMPROVEMENTS CAN BE PROVIDED)
3. THE CONDITIONS SET OUT IN THE OFFICER REPORT/APPENDIX 1 AND THE ADDITIONAL AMENDMENTS TO THE CONDITIONS AS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)
4. THE ENTERING INTO A S106 TO INCLUDE THE CONTRIBUTIONS SET OUT AT PARA 9.149 OF THE OFFICERS REPORT (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY);

Additional/Amended Conditions

Approved Plans

1. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:
 - 20005-TP-008 Revision C Parameter Plan Land Use
 - 20005-TP-003 Parameter Plan 009 B Building Heights
 - 20005-TP-004 Parameter Plan 10 A Vegetation Retention and Removal
 - 14047_P16 Rev A Landscape Parameter Plan
 - 17213 –35 – GA – PO – Eastern Access Arrangements
 - Lighting Assessment (prepared by Light Pad)
 - Air Quality Assessment (prepared by part of the Logika Group)
 - Site Specific Flood Risk Assessment & Drainage Strategy - Issue 4 September 2024

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

Energy

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

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

Landscaping Strategy and Management

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

- Identification of existing trees, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- Details of street furniture including bins, seating, dog bins, and boundary treatment
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme
- A colour study and photomontages to inform the selection of colours, cladding, fenestration, signage and roof appearance;
- Detailed landscape design proposals that reflect the landscape strategy and include integration of car parking and employee amenity areas;
- Full details of drainage features to be designed in accordance with the landscape strategy to provide multiple benefits – wildlife, amenity, seasonal cooling and drainage; and
- Full details of all auxiliary buildings and structures including boundary treatments gatehouse, bin and bike stores.

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

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

Ecology updated surveys

4. The submission of any Reserved Matters application must be accompanied by the following information:

- Updated breeding bird surveys (minimum of six, including at least one at twilight) in accordance with CIEEM guidance (pre-commencement)

- Dormouse surveys and, if surveys find evidence of dormice, a full mitigation strategy to be submitted pre-commencement of development
- An EPS Dormice licence for any works likely to impact this European Protected Species

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

CTMP

5. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A43 and the local highways network. This shall include details of phasing of the highway works. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022

This following condition can be **deleted**:

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

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

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

Additional representations from residents

A letter of objection has been received from a resident of Aynho, West Northants (this relates to agenda items 8, 9 and 10).. They consider that the developments could cause serious problems for local communities, especially along the B4100 and in villages like Aynho. (this relates to agenda items 8, 9 and 10). The main concerns are summarised below:

- **Air Pollution** – More diesel lorries (HGVs) will increase harmful air pollution, especially near busy roads and villages.
- **Noise Pollution** – Constant lorry traffic, day and night, will raise noise levels, affecting sleep and mental health.
- **Traffic & Safety** – Local roads are already busy and narrow. More HGVs will make congestion worse and increase the risk of accidents.

The objector considers that the following needs to happen (If Approved):

- **Upgrade Roads** – Improve M40 J10 and Baynards Green Roundabout to handle more traffic safely.
- **Limit HGVs in Villages** – Ban or restrict lorries from using village roads, especially during the night.
- **Monitor Air Quality** – Install air pollution monitors and take action if levels get too high.
- **Reduce Noise** - Build noise barriers and limit night-time lorry traffic.
- **Manage Worker Travel** – Use shuttle buses and encourage car-sharing to reduce car use.
- **Control Construction Traffic** – Set strict rules for construction traffic routes, times, and noise.

The objector concludes that:

- The development should not go ahead unless these protections are guaranteed. The council must put residents' health, safety, and quality of life first.

***Officer comment:** A lot of the above suggestions will be secured through conditions. The car share scenario is something that could be explored further through the approved Travel Plan at the Reserved Matters stage. The applicants will be paying a contribution to increase the existing 500 hourly bus service to a half hour service and will be providing a cycle lane that connects the site with Bicester. I'd also add that there are no objections to the proposal from National Highways, OCC Highways and the Council's Environmental Protection officer.*

A second letter from a resident of Aynho, West Northants objected on the following grounds:

- The traffic on the B4100 is relatively normal. However, there are some difficulties when the B4100 cuts right through the village of Aynho. To introduce more traffic, particularly in the form of lorries, would be very detrimental to this historical village

Additional Letters of objection have been received from a Stoke Lyne resident (nb: this objection relates to items 9,10 and 11 as well), summary of comment:

- The small village of Stoke Lyne will be swamped by the increase in traffic. Junction 10 of the M40 and Baynard's Green are already at capacity.

- There are plenty of warehouses at Banbury and Bicester which are not full.
- Farmland is needed for farming

Officer comment: This is addressed in the committee report

One neighbour, who lives directly opposite the site, has written in with the following comments:

- Lone Barn is a converted Barn purchased by myself in 1996 to save these barns planning permission is granted so that future generations can see the example of a natural Stone barn in a rural countryside setting.
- The Warehousing affecting Lone Barn will have severe impact to a residential home . Noise and light pollution 24hrs day and night
- Wild life will suffer tremendously
- I propose that a 30 meter bank be erected with a planting scheme of trees on the peak be implemented along the Hardwick single track road to screen the warehouses so that the habitat of the natural species can continue to enjoy the environment together with this being a noise and sound deterrent for The Lone Barn

Officer comment: Subject to appropriate conditions and planning obligations, the impacts raised here will be mitigated. No objection has been received from the Council's Environmental Protection Officer re: Noise & Light pollution.

There will be a bund that is 7m deep and will amount to more than 30m long, along the eastern boundary.

Additional Comments from OCC Highways

Paragraphs 7.22 and 9.72 make reference to the requirement of National Highways for the delivery of the improvements to the Baynards Green junction. The scheme has been revised slightly, with NH approval, since this response, and the drawing is now on revision B, which is reflected in the proposed condition.

Paragraph 9.73 refers to the Land Collaboration Agreement between Albion Land and Tritax Big Box that has been provided. Since the Baynards Green scheme would require small amounts of land within both the Albion Land East and Tritax application sites, this agreement is required to ensure that the scheme can come forward prior to the first occupation of any of the application sites. Paragraph 9.73 also states that at the time of writing, the agreement was still under review by OCC, and it should be noted that this is still the case – the review has not yet been completed.

Paragraph 9.15 sets out the requested planning obligations. The 'NOTE' paragraph underneath the list no longer applies, as it relates to an earlier version of this list, and states that the figures in the list represent the overall contributions and that Highway Works 1 and 2, and PRoW contributions could be split proportionately, which is not now the case.

Appendix 1, proposed condition requiring a construction traffic management plan (CTMP). The wording should be changed to make it relevant to the local highway network as well as the A43.

Paragraph 3.7 outlines an offer by the applicant of an additional sum of money towards public transport, as an alternative to delivering a safe cycle route between the site and Bicester. This additional sum of money would bring the bus service up to a 15 minute

frequency for a period of 8 years. Paragraph 3.7 goes on to suggest that pinch points along the route could prevent implementation of the cycle route in those areas to full design compliance standard.

It is the case that the width of highway land available alongside the B4100 means that parts of the cycle route would not be in accordance with the design guidance contained in LTN 1/20. This is often the case where cycle facilities need to be retro-fitted into the existing highway layout. Nevertheless, OCC has considered the proposed plans carefully and is satisfied that, given the location and likely low level of use by pedestrians, a safe route could be provided, avoiding the need for cyclists to use the carriageway of the B4100. I consider this provision to be necessary to make the development acceptable, given the relatively easy cycling distance of the sites from Bicester. I have previously set out a detailed justification of this position.

Further, on the advice of my public transport colleagues, I consider that the enhancement of the bus service to 15 minute frequency is very unlikely to be financially self-sustaining after the end of the 8-year period, given the likely level of demand. Therefore it is likely that the service would fall back to 30 minute frequency after that. On the other hand, the cycle facility would leave a lasting means of safe access to the site from Bicester.

The following Member representation has been received

Cllr Broad has written in. He noted that during the Local Plan 2011-2031 an 'exception site' was submitted at the 'last minute'. The Inspector, in his Report (dated 9 June 2015) on the Examination into the Local Plan, addressed this 'exception site' suggestion and Cllr Broad would like Members to read it. The most pertinent paragraph within that was 41, which, as requested, is set out in full below:

"However, despite the Council's willingness to include a reference to "examining options for the release of land at motorway junctions in the district for very large scale logistics buildings in the Part 2 LP", it is not necessary or appropriate to include this commitment in the policy. This is because the existence of such a need, specifically in this district, is as yet largely unproven and appears to be essentially reliant on speculative enquiries only at present. Moreover, such schemes would be road based and likely to prove visually intrusive in the open countryside due to the size of buildings, as well as potentially difficult and/or expensive to cater for satisfactorily at the M40 junctions in highway capacity terms."

Additional Information / Representation from the Applicant

The applicants have written to say that they would accept the following condition, if Members would prefer the logistics units to be XXL units to help meet national need:

"No more than 300,000sqm GEA of employment floor space (excluding the energy centre) shall be provided across the site as demonstrated on the 'Parameters Plans' and the minimum floorspace size of each unit shall be not less than 32,500sqm GIA unless otherwise approved in writing by the Local Planning Authority."

Officer comment: *My view is that this condition would not be necessary because the applicants could deliver XXL units on site, under the proposed parameters, in any event. Moreover, my view would be that it would be better for there to be greater flexibility to allow large and small units on site.*

Additional comments from the CDC Ecology Officer:

The Council's Ecologist has stated that for all of the applications, 22/01340/OUT, 21/03267/OUT, 21/03266/F and 21/03268/OUT, she would usually want a condition for updated surveys to be submitted with any REM applications. This is to ensure updated surveys are submitted. Ecology surveys expire after 18m-3years, so REM applications will need to be supported with updated surveys if the survey reports are older than 18m-3yrs (depending on species). This isn't the same as the pre-commencement check – this is to ensure the ecological baseline of the site hasn't changed between OUT and REM stage, in line with CIEEM guidelines.

Mitigation for farmland birds and BNG is being secured off-site. For 22/01340/OUT it is not clear where off-site mitigation is happening. CDC would usually want this information up front and would expect these details to be submitted with the Outline app. However, if this is not possible, we will need to secure the following pre-commencement, through a s.106:

- Baseline surveys of the off-site area being used for mitigation (pre-commencement, to inform the FBMS and BNG strategies)
- Farmland Bird Mitigation Strategy (FBMS) (pre-commencement)
- Biodiversity Net Gain (BNG) metric and strategy demonstrating measurable gains in habitats and hedgerows off-site (metric and strategy submitted pre-commencement)
- Habitat Management and Monitoring Plan for the off-site areas, ensuring effective delivery of the identified gains and covering long-term monitoring and any associated fees (pre-commencement)

Note: As outlined in the EDP ecology Response (March 2025) securing a FBMS through s.106 is an approach that we have used for applications in the past:

2.15 This approach has been deemed suitable for other projects within the Local Planning Authority, including application 23/00753/OUT. In that case, the Section 106 agreement required the submission of a Farmland Bird Mitigation Scheme to the District Council before development commenced, with the Section 106 agreement stating that the Scheme was to include full details of the programme for implementation, management and monitoring for skylark mitigation plots, or a similar scheme as may be approved between the two parties in writing. It is entirely appropriate to take the same approach in respect of this application.

Officer Comment: the heads of terms should now include the above.

For this site, we also need updated on-site surveys for breeding birds – which will need to include 6 surveys. I don't believe the proposed conditions cover this sufficiently. I'm also concerned that the applicants haven't done dormice surveys on this site – even though dormice were found on the adjacent site and there is an enormous amount of hedgerow loss. Destruction of dormouse habitat is an offence under the Wildlife and Countryside Act 1981 and requires a licence. As such, we should condition dormouse surveys and a licence if needed - this is usually required pre-decision (in line with the circular 2005/06). Can we please include a condition for the following:

- Updated breeding bird surveys (minimum of six, including at least one at twilight) in accordance with CIEEM guidance (pre-commencement)
- Dormouse surveys and, if surveys find evidence of dormice, a full mitigation strategy to be submitted pre-commencement

- An EPS Dormice licence for any works likely to impact this European Protected Species

Officer comment: *The conditions will be amended to capture these requirements*

Officer Update:

Following receipt of updated parameter plans, traffic modelling appendices, Road safety audit, updated ecology info and LSH final socio economic review, we carried out further public consultation in June, this expires on the 30th July. The recommendation is therefore an approval subject to the expiry of this consultation period and no new material matters being raised.

To provide clarity to the conclusion of the Officer's report to committee, and the planning balance (Section 10 of the report), Officers advise that:

- whilst there are partial areas of conflict, the proposals, with their significant material considerations/benefits, are considered to comply with the development plan as a whole and the National Planning Policy Framework.
- Furthermore, officers, on reflection, consider that the benefits provided by the proposed Baynards Green roundabout improvement works should be given 'modest weight' in the planning balance rather than 'neutral weight', as stated in the report. This is because, whilst the works are a clear and necessary requirement to mitigate the impacts of the development, Officer's view is that the additional lanes, filter lanes and signalisation will be an improvement on the existing situation.

Revised Recommendation –

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

1. EXPIRY OF THE ONGOING PUBLIC CONSULTATION EXERCISE ON 30 JULY 2025 AND NO NEW OR MATERIALLY DIFFERENT MATTERS BEING RAISED;
2. THAT THE LAND COLLABORATION AGREEMENT BETWEEN ALBION LAND AND TRITAX BIG BOX HAS BEEN REVIEWED AND AGREED BY OCC AND CDC (SO THAT THE HIGHWAY IMPROVEMENTS CAN BE PROVIDED)
3. THE CONDITIONS SET OUT IN THE OFFICER REPORT/APPENDIX 1 AND THE ADDITIONAL AMENDMENTS TO THE CONDITIONS AS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)
4. THE ENTERING INTO A S106 TO INCLUDE THE CONTRIBUTIONS SET OUT AT PARA 9.160 OF THE OFFICERS REPORT (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY);

Additional/Amended conditions

1. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:
 - Location Plan ref. 14-019-SGP-XX-XX-DR-A-13100 Rev P2
 - Site Access Plan ref. 216285_PD12 Rev A
 - Parameters Plan ref. 14-019-SGP-XX-XX-DR-A-131003 Rev P14

- Road Safety Audit June 2025
- Baynards Green General Arrangement 216285-A-14B
- The Air Quality assessment submitted with the revised ES
- The Drainage Strategy submitted with the revised ES

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

Energy

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

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

Landscaping Strategy and Management

3. As part of the Reserved Matters submission, for each phase, a scheme of hard and soft landscaping works in that Development Parcel will be submitted for the approval of the Local Planning Authority. The submitted detail will set out how this supports, enhances, and is complimentary to the Illustrative Strategy (Landscape). These details will include the following in relation to the submission:
 - Identification of existing trees, shrubs and other vegetation to be retained
 - Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
 - The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
 - Details of street furniture including bins, seating, dog bins, and boundary treatment
 - The eradication of Japanese knotweed or other invasive species on the site, if applicable.
 - The replacement of trees proposed to be lost in site clearance works.
 - Details of the future management of the landscape scheme.
 - Ground preparation measures to be adopted.
 - Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
 - Existing and proposed levels.
 - Programme for delivery of the approved scheme

- A colour study and photomontages to inform the selection of colours, cladding, fenestration, signage and roof appearance;
- Detailed landscape design proposals that reflect the landscape strategy and include integration of car parking and employee amenity areas;
- Full details of drainage features to be designed in accordance with the landscape strategy to provide multiple benefits – wildlife, amenity, seasonal cooling and drainage; and
- Full details of all auxiliary buildings and structures including boundary treatments gatehouse, bin and bike stores.

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

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

Ecology updated surveys

4. The submission of any Reserved Matters application must be accompanied by the following information:
 - Updated breeding bird surveys (minimum of six, including at least one at twilight) in accordance with CIEEM guidance (pre-commencement)
 - Dormouse surveys and, if surveys find evidence of dormice, a full mitigation strategy to be submitted pre-commencement of development
 - An EPS Dormice licence for any works likely to impact this European Protected Species

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

CTMP

5. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A43 and the local highways network. This shall include details of phasing of the highway works. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework and to mitigate any adverse impact from the development on the A43 in accordance with DfT Circular 01/2022

**Agenda item 11 - OS Parcel 0006 South East Of Baynards House Adjoining A43
Baynards Green – 21/03266/F**

Officer Update:

Following receipt of updated plans showing an improved access rout into the site providing safer pedestrian crossing, we carried out further public consultation in June, this expires on the 30th July. The recommendation is therefore an approval subject to the expiry of this consultation period and no new material matters being raised.

The following amendments/corrections/clarification to the Committee Report are proposed, following additional information/clarification received from the agent and further review:

- **Para 2.1** – For avoidance of doubt, the application site is “the western site”.
- **Para 3.5** – Paragraphs 3.1 – 3.4 describe the proposed development. Paragraph 3.5 describes an unrelated development proposed by others and should be disregarded.
- **Para 4.1** – Application 22/01340/OUT is submitted by Tritax Big Box, not Albion Land.
- **Para 9.16 and 9.50** – The agent has clarified that the off-site public rights of way improvements are necessitated by, and will be secured in connection with, the logistics development that is proposed by the other application for the site which is before the Planning Committee for consideration.
- **Para 9.55 – 9.59** – These comments relate to the off-site cycleway proposals which will be brought forward in connection with the logistics development itself and are not relevant to this application for the enabling works.

Revised Recommendation –

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:

- 1. EXPIRY OF THE ONGOING PUBLIC CONSULTATION EXERCISE ON 30 JULY 2025 AND NO NEW OR MATERIALLY DIFFERENT MATTERS BEING RAISED;**
- 2. THE CONDITIONS SET OUT IN THE OFFICER REPORT/APPENDIX 1 AND THE ADDITIONAL AMENDMENTS TO THE CONDITIONS AS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**
- 3. THE ENTERING INTO A S106 TO INCLUDE THE CONTRIBUTIONS SET OUT AT PARA 9.50 OF THE OFFICERS REPORT (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY)**

Additional/Amended conditions

Approved Plans

1. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:
 - 20005 - T P - 0 01 Site Location Plan

- S1299- P- 01 – Existing Layout
- S1299- P- 02 – Proposed Layout
- S1299- P- 02 – Proposed Site Sections
- S1299- P- 04 – Infiltration Drainage Basin Details
- S1299- P- 05 – Drainage Spur Details
- 1717-ESC-00-ZZ-SK-Z-0002 – Services Layout – Electricity
- 717-ESC-00-ZZ-SK-Z-0003 – Services Layout – Fibre
- 717-ESC-00-ZZ-SK-Z-0004 –Services Layout - BT Openreach
- 717-ESC-00-ZZ-SK-Z-0005 – Services Layout – Water
- 717-ESC-00-ZZ-SK-Z-0006 – Services Layout – Existing Utilities Layout
- 17213-13 Revision O – Western General Access with Parallel Crossing
- Lighting Assessment (prepared by Light Pad)
- Air Quality Assessment (prepared by part of the Logika Group)
- Site Specific Flood Risk Assessment & Drainage Strategy - Issue 4
September 2024

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

Ecology updated surveys

2. Prior to the commencement of development, the following information must be submitted to and improved in writing by the local planning authority:

- Updated breeding bird surveys (minimum of six, including at least one at twilight) in accordance with CIEEM guidance (pre-commencement)
- Dormouse surveys and, if surveys find evidence of dormice, a full mitigation strategy to be submitted pre-commencement of development
- An EPS Dormice licence for any works likely to impact this European Protected Species

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

Agenda Item 12 – Land West of the Old Piggeries Bloxham Road, Milcombe
(24/03399/OUT)

Amendment to report. Paragraph 3.1 states the proposal includes land for a new village hall and new retail. The current planning application does not include these elements i.e. they do not form part of the proposals.

Agenda Item 13 - Land to the rear of Mole End Main Street Great Bourton (24/01885/F)

Additional Representations received

A close neighbour to the site has submitted a further objection to the application regarding the impact that the development would have on their property and their enjoyment of it by reason of the proximity of the proposed houses, loss of privacy within their rear garden, noise and disturbance and light pollution. They consider that the development is too close to existing dwellings, too dense, incompatible with the existing character of the area and lacks additional parking.

Officer response: The issues raised have been raised in earlier representations which are addressed in the report to Planning Committee.

Additional response from The Bourtons Parish Council

An email has been received from The Bourtons Parish Council in response to the committee report raising concerns regarding:

1. The condition required by Thames Water – seeking clarification that the reference within the report to water treatment infrastructure capacity relates specifically to surface water drainage as it is important that there is no possibility for the responsibility of either the developer or Thames Water to avoid their responsibilities for managing waste water and continuing the frequent and illegal discharge of untreated effluent from the Cropredy works.

Officer's response Thames Water has stated that the sewage treatment works (STW) capacity constraint with respect to the new development relates to foul flows not surface water. They have said that "while all STWs are influenced by surface water infiltration, the surface water drainage strategy should be implemented in accordance with their (the applicant's) revised strategy with infiltration into the ground which is more sustainable than discharging to the sewer and consistent with the SuDS hierarchy".

The Lead Local Flood Authority has raised no objections to the proposed surface water drainage strategy.

2. Impact on 6 Manor Close due to the proximity of Plot 7:
 - space standards aren't met as there is only 8.475m between the dwellings
 - The impact of the actual proposal should be considered not a previous one
 - impact on No 6 by reason of closeness, overlooking and potential for visual intrusion into the windows and garden of 6 Manor Close
 - Clarification sought on the minimum distances between neighbouring properties and how the revised layout meets these
 - Additional planting within the garden of Plot 7 would create a further visual intrusion for 6 Manor Close and be unacceptable. This concern requires further investigation and clarity regarding the suggest additional planting.

Officer's response

- *There are no habitable room windows within either No 6 Manor Close of Plot 7 that are facing each other. The 22m is a guide as to what is normally considered to be an acceptable relationship and relates to distances between two habitable room windows.*

- *The consent granted under 23/01929/PIP is a material consideration in the determination of this application. The principle of development in the southern part of the site has been agreed. However, the current proposal needs to ensure that adequate living amenities are provided for the existing and proposed occupiers. As set out in the committee report it is considered that the current scheme now satisfies this requirement.*
 - *Plot 7 has been repositioned and moved further from the shared boundary with No.6 Manor Close. There are no minimum standards between non-habitable rooms at ground floor level, and first floor habitable room windows must not be within 7m of neighbouring property. The adopted Residential Design Guide sets out that there should be a distance of 14m between a rear elevation and a two storey side elevation. This is a guide to what is considered to be acceptable; however, each development is considered on its individual circumstances. In this instance, Plot 7 and No. 6 Manor Close only intersect for less than half of the rear elevation of No.6 and the first floor windows facing Plot 7 serve a bathroom and landing.*
 - *The retention of the hedge between the dwellings is considered to be sufficient in providing the necessary screening to the rear garden of Plot 7, but there is sufficient space available for planting within the rear garden on Plot 7 should the occupier wish for additional screening.*
3. Seeks clarification that the proposal that a s106 funding contribution of £50,000 be included for the creation of bus stops and supporting infrastructure on the A423 would be sufficient to provide the required laybys, bus stops and crossing places. Also seeks confirmation that OCC is happy with this sum and would proceed even if the costs prove to be higher.

Officer Response: *OCC has reconsidered the requirement for the provision of bus laybys and footways on the A423 as it was not considered to be reasonable or justifiable for a development of 19 dwellings to provide these elements. OCC has agreed by way of compromise that a contribution of £50,000 should be made towards the bus stop infrastructure, in hope that should any other development around this area that would benefit from the same service would also be tasked to contribute to the same and the infrastructure could be funded in this way. The developer would, however, be required to provide a footway on Main Street with an appropriate crossing to link with the existing footways.*

Additional Information / Representation from the Applicant

The applicant's agent has submitted an email stating that "at Paragraph 7.5 (of the committee report) The Bourtons Parish Council response incorrectly states that "*The visual intrusion and proximity caused by Plot 7 has NOT been addressed in any way*". This is categorically untrue, and we are pleased that the committee report addresses this point in Paragraph 8.27."

A summary of the most up to date responses from professional / technical consultees, confirming no objections or comments to the updated proposals was included with the representation from the agent. This sets out that the following consultees:

- a) Have raised no objections to the amended proposals subject to conditions or s106 contributions:
 - OCC Highways

- Lead Local Flood Authority (OCC)
- CDC Arboricultural Officer
- CDC Ecologist
- CDC Environmental Protection
- CDC Planning Policy
- Thames Water
- CDC Recreation and Leisure
- OCC Archaeology
- CDC Building Control

a) Support the application in principle

- CDC Strategic Housing – support the application proposal in principle but comments that the affordable housing needs to be better integrated with the market housing and the sizes and tenures need to correspond with the following mix - Social Rent (total 5 units) 2 x 2-bed, 4-person houses: 25-30% 2 x 3-bed, 5-person houses: 30-35% 1 x 4-bed, 7- person house: 15-20% Intermediate/First Homes (total 2 units) 1 x 2-bed 4- person house 1 x 3-bed 5-person house

c) Have made no comment to date on the application

- CDC Waste and Recycling
- Thames Valley Police
- CDC Landscape Services

The applicant also confirms their agreement to the following pre-commencement conditions as set out in the report:

- 3 – Construction Environment Management Plan
- 4 – Remediation
- 5 and 6 – Archaeology
- 7 – Drainage
- 9 – Arboricultural Method Statement

Updated Recommendation:

Comments from the NHS Buckingham, Oxfordshire and Berkshire West Integrated Care Board have been received raising an objection on lack of any primary care mitigations to be secured in the proposed development. They are seeking a financial contribution of £16,416 towards either the potential extension project to reconfigure or to extend the premise of Woodlands Surgery or the proposed GP facility of Cropredy Surgery.

The applicant was asked to comment on this and responded as follows: *“I can confirm we accept the financial contribution as listed below; we are happy for this to be reported to members tomorrow.”*

It is proposed to update the recommendation as follows:

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- 1. THE CONDITIONS SET OUT IN THE COMMITTEE REPORT (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND;**

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

- a) Provision of 7 affordable dwellings on site**
- b) Payment of a financial contribution (index linked) towards Community Hall facilities (£20,948.08), Outdoor sport provision (£38,323.57), Indoor sport provision (£15,290.59) and Public realm/art (£4,256.00)**
- c) Payment of a financial contribution towards public transport provision (50,000.00) (index linked)**
- d) S278 Agreement for carrying out works within the public highway**
- e) Payment of the Council's and Oxfordshire County Council's monitoring costs to be confirmed**
- f) Payment of a financial contribution of £16,416 (index linked) towards primary care.**

FURTHER RECOMMENDATION:

THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 18.07.2025. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY THIS DATE AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

- 1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure or mitigation required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework**
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Agenda Item 14 – Land North Of A4221 Bicester Road Fringford (24/02167/F)

Additional Representations received

Additional public comments have been received. These reiterate concerns raised in previous comments relating to highway safety concerns, flooding and landscaping. Additional concerns have been raised relating to the cost of highways and other infrastructure associated with the development, a view that public comments have not been considered and concerns about social integration.

Officer comment: Any infrastructure costs such as the provision of the new access and utilities to the site are a cost to the applicant. Concerns about social integration appear to be based on biased views about the applicant and are not a material planning consideration.

As set out in the officer report, all of the public comments have been carefully considered before a recommendation was reached. These concerns have been addressed within the report.

Officer Update

Correction of address: A small error in the road number within the address has been highlighted and this has now been corrected, the road number is A4421, not A4221

An amended Landscape Design Statement has been submitted to reflect the correct site plan and the new access. This has been reviewed by the Council's Landscape Officer who advised the necessary removal of the hedgerow for the new access is acceptable.

Agenda Item 15 - Hanwell Fields Community Centre Rotary Way Banbury Oxfordshire OX16 1ER (25/01191/CDC)

No Updates

Agenda Item 16 – Appeals Progress Report

No Updates