

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

**23/00170/REM and
23/00214/REM**

Case Officer: Suzanne Taylor

Recommendation: Approval

Applicant: Cala Homes (Cotswolds) Ltd

Proposal: Reserved Matters Application pursuant to outline planning permission 14/02121/OUT for Phase 1A (infrastructure comprising two junctions to provide vehicular and pedestrian access into the site from Middleton Stoney Road and two initial sections of internal road) along with the partial compliance of conditions 12 (Building for Life 12), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) for Phase 1A.

Expiry Date: 29 February 2024

Extension of Time: 29 February 2024

1. APPLICATION SITE AND LOCALITY

1.1. The application site is situated to the north west of Bicester, north of Middleton Stoney Road and west of Howes Lane and it forms part of the wider NW 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). A private residence called Lovelynch House sits adjacent to the southern site boundary. These reserved matter applications concern only 0.1047ha of the 09.3ha of the land covered by the outline planning permission and is currently comprised of agricultural land, highway verge and field hedgerows.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. These identical, dual reserved matters seek approval for two accesses and the initial sections of internal roads into the development from the Middleton Stoney Road which is situated on the southern boundary of the wider residential led site. They represent the first reserved matters applications related to the outline permission and concern only infrastructure.

2.2. The principle of the two access points was established by the outline permission for which the approved Movement and Access Parameter Plan (ref. 1665/75/04) shows two points of access onto the Middleton Stoney Road (B4030). The western access point is to provide access, which will in time, lead to a Primary Street and will then pass through the site and provide access to land to the north. The eastern access point is shown as a secondary vehicle access point and will lead to the internal roads serving the development and is in a similar location to an existing access serving Himley Farm.

2.3. The primary access would need to act as a movement corridor for pedestrians, cyclists, buses and private motor vehicles and therefore needs to be sufficiently wide to allow free and safe movement for multiple user types. The overall carriageway width would be 6.5m with new 2.0m wide footway links to the proposed west and east bound bus stops on Middleton Stoney Road on either side. The

secondary access would be 5.5m wide and would serve pedestrians, cyclists and private motor vehicles.

- 2.4. The applications also include partial compliance with conditions 12 (Building for Life 12), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) for Phase 1A.

3. RELEVANT PLANNING HISTORY

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

- 14/02121/OUT – Proposed Himley Village, North West Bicester, Middleton Stoney Road – outline permission granted for up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, C1 and D1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1) and to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road).
- 22/03492/NMA – Non-material amendment to conditions of permission 14/02121/OUT - Due to time constraints the applicants sought to meet the deadline for submitting a reserved matter application whilst not triggering the need to provide the masterplan and design code. It was agreed that the first reserved matter could be made for a discrete piece of infrastructure only (e.g. the site accesses) which would not necessitate wider site design details or prejudice the future layout/design. This NMA was granted to allow the rewording of conditions to provide this flexibility/distinction.
- 23/00207/DISC - Conditions 7 (site wide Phasing Plan), 11 (full surface Water Drainage Scheme) and 10 (Site Wide Biodiversity Strategy) of 14/02121/OUT (as amended by 22/03492/NMA) have now been discharged thereby facilitating the determination of reserved matter applications related to this outline permission.
- 23/01493/REM - Reserved Matters Application including access, layout, landscaping and scale pursuant to outline planning permission 14/02121/OUT for internal primary and secondary streets along with the partial discharge of conditions 12 (Building for Life 12), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) for Phase 1B. Under consideration.
- 22/01586/REM - Reserved Matters Application pursuant to Outline planning permission 14/02121/OUT for the erection of 123 dwellings (including 37 affordable dwellings), parking, landscaping and other associated infrastructure including the part compliance of conditions 12 (Building for Life 12), 13 (future climate risks statement), 14 (noise assessment), 16 (means of vehicular access), 17 (means of pedestrian/cycle links), 18 (Travel Plan) and 19 (detailed surface water drainage scheme) at Phase 2A. Under consideration.
- 23/00183/DISC – Partial discharge of conditions 20 (carbon emissions) and 30 (CEMP) of outline permission 14/02121/OUT currently under consideration.

- 23/00781/DISC – Partial discharge of Condition 32 (Written Scheme of Investigation) of 14/02121/OUT for Phases 1, 2 and a small part of Phase 3 as per Phasing Plan P22-3093_DE_5_B_1. Approved.
- 23/01496/DISC - Discharge of Condition 8 (Site Wide Masterplan and Design Code) of 14/02121/OUT. Under consideration.
- 23/01502/DISC - PARTIAL DISCHARGE of Condition 20 (Carbon Emissions) of 14/02121/OUT - Phase 2. Under consideration.
- 23/01558/DISC - Discharge of Condition 9 (other uses area masterplan) of 14/02121/OUT. Under consideration.
- 23/01608/DISC - PARTIAL DISCHARGE of Conditions 13 (Future Climate Change Risks Statement) and 36 (Water Neutrality Statement) of 14/02121/OUT (as amended by 22/03492/NMA) for Phase 2. Under consideration.
- 23/02029/DISC - PARTIAL Discharge of Condition 27 (Arboricultural Method Statement) for Phase 1A (accesses) of 14/02121/OUT. Approved.
- 23/02786/OBL - Submission of a Zero Carbon Strategy in accordance with paragraph 1.1 of Schedule 11 of the Section 106 agreement dated 30th January 2020 relating to planning permission 14/02121/OUT. Under consideration.
- 23/03546/DISC - PARTIAL Discharge of Condition 29 (Landscape and Habitat Management Plan) of 14/02121/OUT (Phase 2A Only). Under consideration.

3.2. There is also planning history relating to the wider land at NW Bicester following the identification of the land as one of four locations nationally for an Eco Town in the Eco Town Supplement to PPS1 and then its allocation by Policy Bicester 1 in the Cherwell Local Plan Part 1 (2011-2031). The application sites are at various stages:

- 10/01780/HYBRID – The Exemplar Site, now known as Elmsbrook to the north-east of the Policy Bicester 1 allocation for 393 dwellings in full and non-residential uses in outline was approved and the majority of the development has been completed.
- 21/01630/OUT – Home Farm/Lower Farm application from Firethorn for up to 530 dwellings and associated development is currently at appeal and the committee resolved on 09 March 2023 that they would have refused the application had it come to them for determination.
- 21/04275/OUT – Land to the North of the Railway Line (Hawkwell Farm) for up to 3,100 dwellings and associated development – the application is currently under consideration.
- 14/01641/OUT – Land to the South of the Railway Line for 900 dwellings and associated development – the application benefits from a resolution for approval subject to conditions and the completion of a S106 made at Committee in October 2015. Now withdrawn
- 14/01968/F – New road infrastructure to realign Howes Lane and to provide a new railway underbridge – granted in August 2019.

- 14/01675/OUT (as varied by 19/00347/OUT and reserved matters granted by 19/00349/REM and 20/2454/REM) – Land to south-east of the Policy Bicester 1 allocation for a commercial development of up to 53,000sqm of B2 and B8 floorspace, 150 homes and associated infrastructure. Planning permission granted in outline and reserved matters and development commenced in September 2019 AND 21/03177/F 5 commercial units within 3 buildings allowed on appeal 14 February 2023.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. There have been no relevant pre-application discussions in respect of this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. These applications have been publicised by way of Site Notices displayed near the site, expiring **21 July 2023**, by advertisements in the local newspaper expiring **29 July 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **12 December 2023**.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Bicester Town Council

Comments – concern that the application is going ahead before the completion of the realignment of Howes Lane.

6.3. Bucknell Parish Council

No comments received to date.

6.4. Caversfield Parish Council

No comments received to date.

6.5. Chesterton Parish Council

No comments received to date.

6.6. Middleton Stoney Parish Council

No comments received to date in respect of 23/00170/REM but in response to the identical 23/00214/REM the Parish Council make the following response:

Objection on the grounds that:

- 1) No construction traffic should come from the west and a routing agreement is requested to this effect;

- 2) The proposed cycleway and footpath from Middleton Stoney to Bicester (required as part of the Heyford development) should be represented on the plans; AND
- 3) Traffic from the development should not be allowed to turn right towards Middleton Stoney due to overcapacity at the B4030/B430 junction in the village.

[Officer Note: Condition 30 of the outline requires the submission and approval of a routing agreement for construction traffic. The plans only need to detail provision within the red line site area and to demonstrate that the proposals can meet the S106 requirements of the outline permission. The traffic generation for the operational period has been assessed and considered acceptable as part of the outline permission and with no objections from OCC Highways there is no justification for routing restrictions for non-construction traffic leaving the site.]

STATUTORY CONSULTEES

6.7. National Planning Casework Unit

No comments received to date.

6.8. OCC Single Response

Local Highways – No objection. They originally objected to the application on the grounds that the secondary access was not sufficiently wide to allow 2 buses to pass. They have subsequently removed this objection on the grounds that the bus service would not need to use the secondary road/access even for a temporary period and that adequate public transport provision could be achieved for an interim period from the service on Middleton Stoney Road prior to buses entering the site via the primary access road and the adjoining Axis J9 development. Confirm that they have no objections relating to partial compliance with conditions 16 and 17.

Lead Local Flood Authority – No comments but observe that condition 11 of the outline permission will need to be discharged. They confirm that they are content with the submitted Phase 1 drainage strategy which relates to the partial compliance with condition 19 *[Officer Note: Condition 11 was discharged under ref: 23/00207/DISC]*.

NON-STATUTORY CONSULTEES

6.9. CDC Arboricultural Officer

No objection. Recommends replacement planting or improvement of retained hedges elsewhere within the wider site to mitigate the loss of hedges to create the accesses. *[Officer Note: Condition 26 requires details of hedge removals to be submitted and compensatory hedge planting to be provided.]*

6.10. CDC Ecology Officer

No comments received to date.

6.11. Bicester Bike Users Group (BBUG)

Make the following comments: Concern that the junctions show a cycle path on only one side of the spine road in conflict with OCC standards and uncontrolled crossings for cyclists and pedestrians at the junctions will not prioritise them as highway users. *[Officer Note: The outline planning permission was granted prior to LTN1/20 and the foot/cycle paths on the Middleton Stoney Road were agreed as part of the S106]*

agreement. The cycle and pedestrian paths along the spine road and the crossing facilities are all outside of these reserved matters applications (beyond the red line) and therefore subject to consideration under future reserved matters but additional information provided by the applicant demonstrates that they can comply with the current standards (i.e. segregated and on both sides).]

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 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)

Sustainable communities

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC7: Meeting education needs
- BSC8: Securing health and well being
- BSC9: Public services and utilities
- BSC10: Open space, sport and recreation provision
- BSC11: Local standards of provision – outdoor recreation
- BSC12: Indoor sport, recreation and community facilities

Sustainable development

- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy and Allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure

Strategic Development

- Policy Bicester 1 North West Bicester Eco Town
- Policy Bicester 7 Open Space
- Policy Bicester 9 Burial Ground

Infrastructure Delivery

INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- S28: Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington
- TR1: Transportation funding
- TR10: Heavy Goods Vehicles
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design Control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Eco Towns Supplement to PPS1 (2009)
- Cherwell Residential Design Guide (2018)
- Developer Contributions (2018)
- North West Bicester Masterplan (2014)
- North West Bicester Supplementary Planning Document (2016)
- One Shared Vision (2010)

8. APPRAISAL

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

- Principle of development
- Highways
- Implications for the design and layout of the development
- Loss of trees and hedges and associated ecological impacts
- Surface water drainage

Principle of development

8.2. Outline planning permission (ref: 14/02121/OUT) has been approved for up to 1,700 dwellings and associated development on this site which forms the southern part of land allocated for an eco-town/residential-led scheme in Policy Bicester 1 of the adopted Cherwell Local Plan. These applications are the first reserved matters for this permission which seek to agree the details of the siting and dimensions for the main site accesses from Middleton Stoney Road.

8.3. The approved Movement and Access Plan 1665/75/04 April 2015 states that the primary street will be 6.5m wide carriageway with 3.0m wide shared cycle/pedestrian path on both sides and secondary street will be 5.5m wide with 3.0m wide shared pedestrian/cycle path one side and 2.0m wide footway on one side. An amended plan was submitted to show that segregated cycle and pedestrian paths, each of 2.0M wide (i.e. 4.0M total), can be provided on either side of the spine road and segregated footpaths of 2.0M wide can be provided on either side of the secondary access road along with a segregated cycle path of 3.0M on one side (in accordance with Department for Transport 'Cycle Infrastructure Design' Local Transport Note 1/20 (LTN1/20) and OCC requirements). These lie outside of the red line sites for these applications but it confirms that paths within the site can be provided in accordance with current standards. The footpath and cycle connections on Middleton Stoney Road to public transport services are in accordance with requirements stipulated by the S106 agreement.

- 8.4. Bearing in mind that the size of the proposed accesses would still allow for the provision of the primary street and a secondary street in accordance with the Movement and Access Parameter Plan (ref: 1665/75/04 dated April 2015 and approved as part of the outline permission) it is considered that the proposals are acceptable in principle.

Highways

- 8.5. Whilst the Local Highway Authority have no objections to the applications Middleton Stoney Parish Council have raised concerns about a number of highways matters. Firstly, they have stated that no construction traffic should be routed through Middleton Stoney and that this should be established with a routeing agreement. Condition 30 of the outline permission requires that a Construction Method Statement (CMS) is submitted and agreed in writing prior to the commencement of any development and this includes providing details of the routeing of HGVs to and from the site. This means that there are already controls over the routeing of construction traffic and addresses this concern.
- 8.6. Secondly, they state that the proposed cycleway and footpath from Middleton Stoney to Bicester (required as part of the Heyford development) should be represented on the plans. A more detailed plan has been provided by the applicants to show that footpath and cycle paths will be provided for this development along the Middleton Stoney Road to connect it to proposed and existing bus stops in accordance with Schedule 18 of the S106 for the outline permission. This is considered to be appropriate for these planning applications and requirements of other planning permissions schemes cannot reasonably be applied to this proposal.
- 8.7. Finally, they state that traffic should not be allowed to turn right out of the development onto the Middleton Stoney Road. The traffic impacts of the development were already considered under the outline permission and no such requirement was found to be necessary. Therefore, it would not be possible or reasonable to apply such a condition at this stage.
- 8.8. Condition 16 – means of vehicular access and condition 17 – means of pedestrian and cycle links are adequately covered by the details submitted with these applications and OCC Highways confirmed that they have no objections to accepting that these applications partially comply with these conditions.

Implications for the design and layout of the development

- 8.9. The proposed primary and secondary accesses to Middleton Stoney Road are located in accordance with the Movement and Access Parameter Plan for the outline planning permission. The pedestrian and cycle facilities are not included at this stage within the site but the proposals would not prevent the required paths coming forward as approved and as required in the S106 agreement in future reserved matters covering those parts of the site. The carriageway widths accord with those on the approved plans and the Local Highway Authority have raised no objections to the proposals.
- 8.10. Bearing in mind that the siting and dimensions of the proposed accesses comply with the approved plans it is considered that the proposals are acceptable in highway safety terms and will not compromise the delivery of the wider scheme.
- 8.11. Compliance with condition 12 requires each reserved matter submission for built development to be accompanied by details showing how Building for Life 12 has been used to inform the design process and that the scheme achieves Built for Life™. In this case the applications are only for access points and a small section of the internal roads and so it is not considered that a Building for Life 12 submission would be relevant to these applications. The location of the accesses and internal

roads complies with the parameter plans for access and movement agreed as part of the Outline permission.

Loss of trees and hedges and associated ecological impacts

- 8.12. An arboricultural report has been provided with the applications to address the removal of several sections of the existing hedge along the Middleton Stoney Road necessitated by the formation of the accesses and a pedestrian link. The principle of creating accesses in these locations has already been assessed as part of the outline permission/Environmental Statement. The report states that all of the trees within the removal area are of Category C – Trees of low quality and value.
- 8.13. The proposed removal is to be undertaken with various safeguards to avoid damage to adjoining retained trees and to prevent harm to wildlife or habitats including grinding out stumps of removed trees rather than mechanical extraction, removal only to be carried out outside of the bird nesting season and taking advice from an ecologist prior to removal.
- 8.14. The Arboricultural Officer has no objections to these applications and no comments have been received from Ecology. Conditions 26 and 27 of the outline permission require compensatory hedgerow to be created to mitigate any losses and for an Arboricultural Method Statement to be approved prior to commencement on any phase. Similarly, the outline permission includes a number of pre-commencement conditions to safeguard ecology.

Surface Water Drainage

- 8.15. The LLFA have not raised any concerns about these applications but observe that Condition 11 (Site Wide Surface Drainage Scheme) would need to be discharged. However, in addition to the SWDS, Condition 19 requires each reserved matters for a phase to be accompanied by a detailed surface water drainage scheme for that phase, to meet the flood risk, water quality, green infrastructure and biodiversity requirements of the site. The detailed surface water drainage scheme should be in compliance with the approved Flood Risk Assessment, Surface Water Drainage Strategy and the Masterplan Surface Water Drainage Strategy and the approved site wide detailed surface water drainage strategy required under condition 11. The LLFA are satisfied with the detailed Phase 1 drainage strategy as set out in the Tech Note provided 22 March 2023.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposals accord with the principles and parameters of the outline planning permission. In light of the above assessment it is considered that the proposed accesses (defined as Phase 1A) are acceptable as proposed. OCC Highways, the Lead Local Flood Authority and the Arboricultural Officer have no objections to the proposals and there are no other matters or concerns raised by other consultees which are not either addressed by conditions or S106 clauses attached to the outline planning permission or that would justify a refusal of permission.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS (TL)

1. The development shall not be carried out otherwise than in complete accordance with the approved plans:

Phase 1 Location Plan Dwg No. P22-3093_DE_06__1 dated 17 01 23;
Spine Road Junction Dwg No. 27141-HYD-XX-XX-DR-D-0001 P02 dated 17 11 23;
Secondary Road Junction Dwg No. 27141-HYD-XX-XX-DR-D-0002 P02 dated 17 11 23;
Spine Road Junction Bus Swept Path Dwg No. 27141-HYD-XX-XX-DR-D-0003 P01 dated 19 01 23;
Spine Road Junction Refuse Vehicle Swept Path Dwg No. 27141-HYD-XX-XX-DR-D-0004 P01 dated 19 01 23;
Secondary Road Junction Refuse Vehicle Swept Path Dwg No. 27141-HYD-XX-XX-DR-D-0005 P01 dated 19 01 23;
Pedestrian and Cycle Link Dwg No. 27141-HYD-XX-XX-DR-D-0006 P03 dated 17 11 23;

AND other details:

Planning Statement ref: P22-2886 V2 dated 20 01 23;
Phase 1 - Site Access Drainage Strategy ref: 27141-HYD-XX-XX-TN-C-0001 P01 dated 19 01 23;
Technical Design Note (Response to LLFA Comments) ref: 27141-HYD-XX-XX-TN-C-0002 P01 dated 22 03 23 which incorporates Main Spine Road Junction Proposed Drainage Sheet 1 Dwg No. 27141-HYD-XX-XX-DR-C-0001 P01 AND Secondary Road Junction Proposed Drainage Sheet 2 Dwg No. 27141-HYD-XX-XX-DR-C-0002 P01 both dated 27 01 23;
Arboricultural Method Statement ref: 15525_R02_JJ dated 19 01 23;

unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason : To clarify the permission and for the avoidance of doubt.

PLANNING NOTES

1. **EIA** - In accordance with Regulations 3 and 9 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), Cherwell District Council as Local Planning Authority in this case, is satisfied that the environmental information already before it remains adequate to assess the environmental effects of the development and has taken that information into consideration in determining this application.
2. **Legal Agreement** - Attention is drawn to a Legal Agreement related to this development dated 30 January 2020 which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. **Approval of Reserved Matters** - Attention is drawn to the conditions imposed on the "outline" permission (App. No 14/02121/OUT as amended by 22/03492/NMA) granted on 30 January 2020 (and 19 December 2022) which should be read together with this approval. Any outstanding requirements of the conditions to submit details for approval by the Local Planning Authority should be particularly noted; especially those that are required prior to commencement.

Case Officer: Suzanne Taylor

DATE: 27/02/2024

Checked By: Caroline Ford

DATE: 27/02/2024
