

# Himley Village, Bicester

## Suggested Non-Material Amendments

18-11-22

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### **Condition 2**

In the case of the reserved matters, application for approval shall be made for the first ~~residential~~ phase of development not later than the expiration of three years beginning with the date of this permission.

### **Reasoning**

- a. There is no requirement in legislation that an outline planning condition must specify the nature of the first RM application.
- b. To simplify matters and to bring the site forward more quickly we would propose to delete reference to “residential” development. This could allow for an infrastructure only first phase application.

### **Condition 4**

The development to which this permission relates shall be begun not later than the expiration of two years from the approval of the first ~~residential~~ phase reserved matter and for all subsequent phases two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for that phase.

### **Reasoning**

- a. To be consistent with the amendment to condition 2.

### **Condition 7 (as amended already by NMA)**

Prior to or alongside the submission of ~~the first~~ any application for approval of reserved matters for the first phase of development, a phasing plan covering the entire site the subject of this application, shall be submitted to and approved in writing by the Local Planning Authority prior to the determination of the ~~first~~ reserved matters application for the first phase. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the approved phasing plan and development shall proceed in accordance with the approved phasing. Any variations to the approved phasing plan shall be submitted to and approved in writing by the LPA.

### **Reasoning**

- a. The condition does not allow for any alternative phasing plan to now be submitted and approved.

- b. That is because it had to be submitted prior to or alongside the 1st RM application. That trigger point passed when Countryside made their submissions.
- c. The proposed changes remove the tie between submission of the phasing plan and the first RM.
- d. The amendment would allow a phasing plan to be submitted alongside any application for phase 1. Cala could then submit this prior to or alongside their 1st phase application.
- e. It would also be desirable for all parties for there to be the provision for future amendments recognising the timescales for the complete delivery of this scheme. The amendment would not change the requirement for submission and approval in writing and it would not change the process by which the phasing was always to be approved. It would not therefore fall foul of case law relating to the use of “unless otherwise agreed” type tailpieces in conditions.
- f. The changes are simply procedural/temporal and the LPA still has full control over the substance of the phasing of development.

**Condition 8 (as amended already by NMA)**

Prior to or alongside the submission of ~~the first~~any application for approval of reserved matters for the first phase of the development that includes the construction of any new buildings (and other than on the area annotated as ‘Other Uses’ on Land Use Parameter Plan 4 drawing number 592-PL- 103 Rev K where a Masterplan has been approved for that area pursuant to condition 9), a site wide Masterplan and Design Code shall be submitted to and approved in writing by the Local Planning Authority prior to the determination of ~~the first~~any reserved matters application for the first phase of the development that includes the construction of any new buildings. The Masterplan and Design Code shall set out the urban design approach for the site to include a regulating plan and supporting information to include:

- Details to provide continuity with adjacent development
- A detailed masterplan for the area fronting the Middleton Stoney Road annotated as ‘Other Uses’ on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev K showing the location of each of the land uses
- Key approaches to deliver sustainable development that as a minimum meets the Eco Town PPS standards
- The identification of Character areas and for each, the built form and green spaces to include their key features, density, block layout and principles, structure and permeability
- Movement network and principles of streetscape including access locations, hierarchy, street type, form and design, cross sections, surface materials and landscaping, cycleways, footways, crossing points, street furniture, bus routes and stop locations
- Parking strategy including car and cycle parking standards and approach for residential and non-residential uses
- Public realm

- Building heights, scale, form, design features materials, architectural details and frontages
- Boundary treatments
- Key views, vistas, landmarks
- Landscape character, landscape types, green infrastructure, amenity spaces, public open space, play areas including their distribution, existing trees and retained hedges and biodiversity measures
- Provision and details of buffers to retained hedgerows and dark corridors for biodiversity
- Legibility and diversity of built form and landscape
- Landscape and boundary treatment principles for the buffer surrounding Himley Farm
- Drainage including sustainable urban drainage features
- Adaptability

All reserved matters applications and the development shall thereafter be carried out in accordance with the principles of the approved Masterplan and Design Code.

### **Reasoning**

- a. As with condition 7 the time period for submission passed when the Countryside applications were made and so there needs to be an amendment to allow further submissions.
- b. Moreover, Cala wish to explore whether there is an opportunity to deliver an “infrastructure only” application in order to meet the time limits in condition 2. The logic being that an access in to the development does not need to be held back whilst the parties agree detailed residential layout and architectural principles.
- c. If the condition could be amended to only trigger on submission of an RM which includes the construction of buildings this would enable there to be an infrastructure application that can proceed ahead of the approval of the Design Code and to get the development up and running.
- d. We are mindful that the Design Code and Masterplan will go further than just buildings and it will include the treatment of spaces between them etc. To that end Cala would obviously need to appreciate that there would have to be agreement about the extent of the infrastructure application so as to ensure that it did not prejudice the treatment of extensive tracts of land.
- e. The extent of the first phase application would need to be agreed through condition 7 in any event and so the LPA would retain full control in deciding the appropriate extent of phase 1 and subsequent phases. If the area is too large then the LPA will no doubt refuse to discharge the phasing condition.
- f. Cala would also fully appreciate that the LPA would have the ultimate sanction of refusing any RM application for the infrastructure that did meet the required standards. i.e. it coming in before the design code does not in any way dilute what might be expected in the application.

**Condition 9 (as amended already by NMA)**

Prior to or alongside the submission of ~~the first~~any application for approval of reserved matters for the first phase of the development that includes the construction of any new buildings—and in the event that the Design Code has not been approved, a detailed masterplan for the area fronting the Middleton Stoney Road annotated as ‘Other Uses’ on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev K, shall be submitted to and approved in writing by the Local Planning Authority prior to the determination of ~~the any first~~reserved matters application for the first phase of the development that includes the construction of any new buildings. The masterplan shall show the location of each of the land uses, access and parking locations, key frontage and public space conditions and landscape principles. All reserved matter applications for the area covered by the Masterplan approved by this condition 9 shall be made and the development shall thereafter be carried out in accordance with the principles of the approved Masterplan.

**Reasoning**

- a. As with above.

**Condition 10 (as amended already by NMA)**

Prior to or alongside the submission of ~~the first~~any application for approval of reserved matters for phase 1, a Bio Diversity Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the determination of the ~~first~~ reserved matters application for phase 1. Each reserved matter application shall be accompanied by a statement setting out how the proposed development will contribute to achieving the Bio Diversity Strategy and net biodiversity gain. The development shall be carried out in accordance with the approved Bio Diversity Strategy.

**Reasoning**

- b. As with condition 7 the time period for submission passed when the Countryside applications were made and so there needs to be an amendment to allow further submissions.
- c. If a discreet first phase infrastructure application can be agreed then perhaps we can exclude that element of the scheme from the initial trigger.

**Condition 11 (as amended already by NMA)**

Prior to or alongside the submission of ~~the first~~any application for approval of reserved matters for phase 1, a full surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall have been submitted to and approved in writing by the local planning authority prior to the determination of ~~any the first~~reserved matters application for phase 1. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers

- SUDS - Swales, Ponds, Permeable Paving, Filter Strips, Rain Gardens
- Network drainage calculations
- Phasing

### **Reasoning**

- a. As with condition 7 the time period for submission passed when the Countryside applications were made and so there needs to be an amendment to allow further submissions.

### **Other conditions**

There are other conditions which only need to be triggered if the phase includes new buildings (as per condition 12 as originally drafted). The following conditions would benefit from the same exclusion.

### **Condition 13**

Each reserved matters application that includes the construction of any new buildings shall be accompanied by a statement setting out how the design of buildings and the layout has taken account of future climate impacts, as identified in TSB research 'Future Climate Change Risks for NW Bicester', or any more recent assessment that has been published, and how the proposed development will be resilient to overheating, changing rainfall patterns and higher intensity storm events.

### **Condition 14**

Each reserved matters application for a phase that includes the construction of any new buildings shall consider whether any area of that phase is subject to elevated levels of noise, principally from road traffic sources as set out in the Environmental Statement. Any dwellings that are to be constructed in any affected area within that phase shall be identified and confirmation provided that they will be designed and constructed in such a manner that they will contain elements of sound insulation that will ensure that the internal noise levels contained within BS 8233:2014 Table 4 can be achieved.

### **Condition 18**

Each reserved matters application for a phase that includes the construction of any new buildings shall be accompanied by a Travel Plan setting out how the development will enable at least 50 per cent of trips originating within the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent, in accordance with the Eco Towns PPS ET 11.2 (a). The Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any occupations within the relevant phase and the actions of the Travel Plan shall thereafter be delivered in accordance with the Travel Plan.

### **Condition 36**

Prior to the commencement of ~~the~~any development in a phase that includes the construction of any new buildings, details of the strategy to work towards water neutrality, in accordance with the Eco Towns PPS shall be submitted to and approved in writing by the Local Planning Authority. Each reserved matters application that includes the construction of any new buildings shall demonstrate how it contributes to and is in accordance with the approved strategy.

