

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

23/01493/REM

Case Officer: Suzanne Taylor

Recommendation: Approval

Applicant: Cala Homes (Cotswolds) Ltd

Proposal: 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

Expiry Date: 22 February 2024

Extension of Time: 08 July 2024

1. APPLICATION SITE AND LOCALITY

1.1. The application site is situated to the northwest of Bicester, north of Middleton Stoney Road and west of Howes Lane and it forms part of the wider 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 Lovelynych House sits adjacent to the southern site boundary. This reserved matter application concerns only circa 7.1ha of the 90.3ha 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. This application seeks Reserved Matters Approval for access, layout, landscaping and scale for the internal primary and secondary streets for Phase 1B only. This is an infrastructure only phase to facilitate the built development phases and no dwellings or buildings are proposed at this stage (although some are shown indicatively on the plans). The principle of the internal primary and secondary streets was established by the approval of the Outline application which approved a Movement and Access Parameter Plan Dwg. No. 1665/75/04 with the primary street running north to south from the western access point into the site from the Middleton Stoney Road (B4030). Part of the secondary street comes off the eastern access point which is in a similar location to the existing access that currently serves Himley Farm.

2.2. Primary Street North-South – will include a 6.5 wide carriageway which will be wide enough to accommodate buses, bus stops, a 5.0m SUDS swale and a 3.0m wide verge to one side and segregated, 2.0m wide, one-way cycle paths and 2.0m wide footpaths to either side. Priority will also be provided for cyclists and pedestrians crossing the side streets off this spine road.

2.3. Primary Street East-West - will include a 6.5m wide carriageway to accommodate buses, bus stops, a 6.0m wide SUDS swale, a 3.0m wide verge and a segregated 3.0m wide two-way cycle path to one side and 2.0m wide footpaths to either side.

- 2.4. Strategic Secondary Streets – will have 5.5m carriageways with 2.0m wide footpaths either side and 3.0m wide verges and 5.0m to 8.0m wide SUDS swales to at least one side and 3.0m wide cycle paths to one side.
- 2.5. Secondary Streets – will have 5.5m carriageway with 2.0m wide footpaths on either side.
- 2.6. Tertiary Streets – will have 5.5m wide carriageways with 2.0m wide footpaths either side. Parallel parking bays are also provided in some areas.
- 2.7. The red line site area has been very slightly amended in the latest version of submitted plans. The changes are small and are all within Cala's ownership and are merely to ensure that vision splays required by OCC Highways are within the site area. Because the changes have no implications for ownership/certificates and do not prejudice the interests of third parties it is not considered that a re-consultation exercise was required for the red line changes.
- 2.8. This application includes drainage details (including SUDS, attenuation ponds, swales), street lighting details and soft landscaping proposals for associated areas of open/green space and for other green corridors and planting within streets. Details of the shared pedestrian/cycle way along the Middleton Stoney Road, incorporating the connection to join this to the existing footpath/cycle facilities near the Axis J9 employment development, are also part of this reserved matter.
- 2.9. The proposals are also seeking to comply with, or partially discharge, a number of conditions attached to the outline permission 14/02121/OUT. Namely, Conditions 12 (Building for Life 12), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) insofar as they relate to this Phase.

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). APPROVED.
 - 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. APPROVED.
 - 24/01641/NMA - Non-material amendment to 14/02121/OUT - Alterations to the description of development to remove references to former use classes and replace these with the appropriate current use classes. Alterations to the approved Land Use Parameter Plan to remove references to former use

classes and replace these with the appropriate current use classes. Alterations to Condition 5 to update the reference to the latest revision of the 'Land Use - Parameter Plan 4'. Alterations to Condition 8 to update the reference to the latest revision of the 'Land Use - Parameter Plan 4'. Alterations to Condition 9 to update the reference to the latest revision of the 'Land Use - Parameter Plan 4'. Alterations to Condition 44 to remove references to former use classes and replace these with the appropriate current use classes and to update the reference to the latest revision of the 'Land Use - Parameter Plan 4'. Alterations to Condition 45 to remove references to former use classes and replace these with the appropriate current use classes. Under consideration.

- 23/00170/REM and 23/00214/REM – Identical, dual planning applications for the primary and secondary accesses to the Middleton Stoney Road for the outline planning permission 14/02121/OUT. APPROVED.
- 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. WITHDRAWN.
- 23/00207/DISC – Discharge of condition 7 (site wide Phasing Plan) and 11 (full Surface Water Drainage Scheme) and PARTIAL discharge of condition 10 (Bio Diversity Strategy) for Phase 1 of outline permission 14/02121/OUT. APPROVED.
- 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 – Phases 1A, 1B and 2A. 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 2A. Under consideration.
- 23/02029/DISC – PARTIAL DISCHARGE of condition 27 (Arboricultural Method Statement) for Phase 1A (accesses) of 14/02121/OUT. APPROVED.

- 23/03546/DISC – PARTIAL DISCHARGE of condition 29 (Landscape and Habitat Management Plan) of 14/02121/OUT (Phase 2A only). Under consideration.
- 24/00615/DISC – PARTIAL DISCHARGE condition 30 (Construction Environmental Management Plan) of 14/02121/OUT (Phase 2A only). Under consideration.
- 24/01036/DISC - PARTIAL DISCHARGE of Condition 21 (Contamination Desk Study) of 14/02121/OUT (PART of Phases 1 and 2 only). APPROVED.
- 24/01041/DISC - PARTIAL DISCHARGE of Condition 22 (Contamination - Intrusive Investigation) of 14/02121/OUT (PART Phases 1 and 2 only). APPROVED.
- 24/01214/DISC - PARTIAL DISCHARGE of Condition 31 (Soil Resources Plan) of 14/02121/OUT for Phase 2 only. Under consideration.
- 24/01241/DISC - PARTIAL DISCHARGE of Condition 24 (Pollution Prevention Plan) of 14/02121/OUT - for Phases 1 and 2 only. Under consideration.
- 24/01426/DISC - PARTIAL DISCHARGE of Condition 37 (Site Waste Management Plan) for Phases 1A, 1B and 2A only of 14/02121/OUT – Under consideration.
- 24/01603/DISC – PARTIAL DISCHARGE of Condition 25 (Phase Ecological Survey Update) of 14/02121/OUT for Phases 1A, 1B and 2A - Under consideration.
- 24/01604/DISC – Discharge of Condition 26 (Hedgerow Removal Details) of 14/02121/OUT - Under consideration.
- 24/01605/DISC – PARTIAL DISCHARGE of Condition 34 (Foul Drainage Strategy) of 14/02121/OUT for Phases 1A & 1B - Under consideration.
- 24/01668/DISC – PARTIAL DISCHARGE of Condition 29 (Landscape and Habitat Management Plan) of 14/02121/OUT for Phases 1A and 1B only - Under consideration.
- 24/01669/DISC – Discharge of Condition 28 (Great Crested Newt Strategy) of 14/02121/OUT – Under consideration.
- 24/01261/OBL – Discharge/discussion of Schedule 3 (Sports Pitches); Schedule 4 (Community Buildings); Schedule 6 (Community Development); Schedule 7 (Non-Residential Uses including location of health facility site); Schedule 8 (Training and Employment Plan), Schedule 14 (Open Space, Allotments and Drainage); Schedule 17 (County Council Contributions); and Schedule 20 (Strategic Infrastructure) of the S106 agreement attached to outline permission 14/02121/OUT. Under consideration.
- 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.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **21 July 2023**, by advertisement in the local newspaper expiring **13 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 **25 April 2024**.

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: **Object** – welcome the proposed affordable housing but have concerns about the delivery of 500 dwellings prior to the delivery of the realigned Howes Lane. [*Officer Note: These comments are more relevant to applications for the residential phases as this application only concerns the infrastructure to facilitate the provision of dwellings but not the dwellings themselves*]

6.3. CAVERSFIELD PARISH COUNCIL: **No comments** received to date.

6.4. CHESTERTON PARISH COUNCIL: ORIGINAL SUBMISSION - **No comments** received to date.

THIRD AMENDED SUBMISSION – Make the following **comments**: “The changes are better but still do not address the speed and volume of traffic coming 4 way to this site, especially from Howes Lane. Need better crossings for cyclists and pedestrians with speed reductions to 20 miles an hour in these areas.”

6.5. MIDDLETON STONEY PARISH COUNCIL: **No comments** received to date.

6.6. ELMSBROOK COMMUNITY ORGANISATION: **No comments** received to date.

6.7. BICESTER BIKE USERS GROUP: ORIGINAL SUBMISSION – **No comments** received.

AMENDED SUBMISSION - **Object** to the application on the following grounds:

- All of the cycle crossings over minor roads require priority access in accordance with LTN1/20
- Cycle provision should be provided on both sides of the east-west spine road
- Access to the site requires min of 1m horizontal buffers from carriageway and segregation from pedestrians
- The crossing over the B4030 should be replaced with a signalised crossing.

FURTHER AMENDED SUBMISSION – **No comments** received to date.

STATUTORY CONSULTEES

6.8. OCC HIGHWAYS: ORIGINAL SUBMISSION – **Object** to the application on the following grounds:

- Layout does not conform to design code (which we also have objections to).
- Street cross sections are not in accordance with Oxfordshire Street Design Guide and LTN 1/20.
- Layout does not include the details of the link to Middleton Stoney Road in the southeast corner and the path connecting it to the site ped/cycle network.
- Bus stop locations are not shown on the plans.
- Car parking not in accordance with Oxfordshire Parking Standards.

AMENDED SUBMISSION – Make the following **comments**:

- Phase 1B will have to provide temporary turning heads for use until the later Phases come forward;
- A Stage 1 RSA will need to be carried out;
- To help to overcome concerns about the use of the uncontrolled crossing and minimal separation between the footpath/cycle connection into the existing facilities on Middleton Stoney Road and the carriageway the speed limit on this section of road should be reduced from 40mph to 30mph;
- A swept path analysis is needed for refuse vehicles of 11.6m in length;
- Cycle/pedestrian crossing facilities/connection are needed at junction of N-S Spine Rd and E-W Spine Rd;
- More details of the ped/cycle crossing facilities and priorities at side road junctions parallel to the primary street needed;
- The western site access requires cycle priority to maintain continuity across Middleton Stoney cycle route and to join the northbound cycle lane to this route;
- Cycle priority needs to be added at the at the eastern end, where the spine road east-west cycle lane crosses to the off-road route;

FURTHER AMENDED SUBMISSION – **Object** to the application on the following grounds:

- Visibility splays are located outside the red line boundary and outside the highway extent.
- Additional cycle crossings required.
- Temporary bus turning heads not acceptable.

- Visibility needs to be shown at all junctions and needs to be clear of obstructions including trees.

THIRD AMENDED SUBMISSION – **No objection** subject to the imposition of a condition relating to temporary turning heads/raised tables. OCC also agree that an informative is attached to the permission relating to the level of detail required to be submitted to discharge condition 30 of the outline permission (ref: 14/02121/OUT) – Construction Method Statement.

- 6.9. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** and content that sufficient information has been provided to discharge condition 19 (Detailed Surface Water Scheme).
- 6.10. OCC ARCHAEOLOGY: **No objections**
- 6.11. ACTIVE TRAVEL ENGLAND: ORIGINAL SUBMISSION - Makes the following **comments** on the application as originally submitted: Requests that the application is deferred to allow further/amended details to be provided.

A segregated walking and cycling route should be created along the Middleton Stoney Road instead of the shared route proposed [*Officer Note: the width of this is already agreed in the S106 agreement and S278/highways agreements (4m). This is not something that we can require at this stage*];

Recommend that the off-site pedestrian/cycle connection on Middleton Stoney Road is set back by 1.0m [*Officer Note: this is already agreed in the S106 and not something that can be addressed at this stage*];

The design of the site access junctions needs to consider pedestrians and cyclists in relation to the number of vehicle movements;

A signalised crossing should be provided for pedestrian access to the bus stop on Middleton Stoney Road instead of the proposed uncontrolled crossing and refuge;

Lack of provision for active travel at roundabout junction of Howes Lane, Vendee Drive and Middleton Stoney Road [*Officer Note: this should have been addressed at outline stage*]

AMENDED SUBMISSION – Makes the following **comments** on the amended application: Requests that the application is if deferred to allow further/amended details to be provided.

A segregated walking and cycling route should be created along the Middleton Stoney Road instead of the shared route proposed [*Officer Note: a shared pedestrian and cycle way of 4m width is already agreed in the S106 agreement and S278/highways agreement. This is not something that we can require at this stage. OCC agree with the Officer's assessment*];

Recommend that Primary Road access should have the same priority arrangement proposed as for the Secondary Street [*Officer Note: OCC consider that as cycleways are one way only on the Primary Street there does need to be priority crossing for n-s spine road junction. As this needs to be accessible for buses the table will need to be set further into the site (by circa 5m) to allow the bus to approach the table with its wheels facing forward/straight*];

Cycle/pedestrian crossing facilities/connection are needed at junction of N-S Spine Rd and E-W Spine Rd.

Recommend that the off-site pedestrian/cycle connection on Middleton Stoney Road is set back by 1.0m [*Officer Note: this is already agreed in the S106 and not something that can be addressed at this stage. OCC agree with the Officer's assessment*];

A signalised crossing should be provided for pedestrian access to the bus stop on Middleton Stoney Road instead of the proposed uncontrolled crossing and refuge; [*Officer Note: OCC do not agree that the crossing needs to be signalised to support the current application*].

FURTHER AMENDED SUBMISSION – **No objection** subject to conditions to require the submission of general arrangement plans to a scale of 1:200 to show walking/cycling infrastructure prior to commencement and implementation prior to occupation. [*Officer Note: It is not considered that this is necessary because this is not required by the Local Highway Authority and details of the walking and cycling infrastructure would be covered by S278 Highway Agreement with OCC*].

6.12. THAMES WATER: **No objection**. Content that details relating to surface water drainage and waste water conditions are satisfactory.

6.13. ENVIRONMENT AGENCY: ORIGINAL SUBMISSION - **No comments**.

AMENDED SUBMISSION – **No objection** subject to the imposition of a condition to require the submission and approval of a scheme for foul water which should include confirmation of capacity at the receiving Sewage Treatment Works. Information is also provided about Environmental Permits and Other Consents. [*Officer Note: Condition 34 of the outline permission 14/02121/OUT already requires the submission and approval of a foul drainage strategy for the reason of ensuring that there is sufficient capacity to deal with sewage resulting from the development. An application has already been made to discharge this condition (ref: 24/01605/DISC) and Thames Water have confirmed that they are satisfied with the foul drainage details and that there is capacity in the existing network. Therefore, it is not considered necessary to impose this condition on the reserved matter especially as this reserved matter application relates to infrastructure only.*]

6.14. STAGECOACH: **No comments** received to date.

6.15. CDC BICESTER DELIVERY TEAM: **No comments** received to date.

6.16. CDC ECOLOGY: ORIGINAL SUBMISSION – Make the following **comments**:

- A specific and separate CEMP for Biodiversity needs to be provided as referenced in the approved Biodiversity Strategy Report (ref: 23/00207/DISC).
- A Great Crested Newt Licence will be required prior to any works/clearance in the areas confirmed to be used by GCNs and as this isn't covered by the outline permission a condition will need to be added to the reserved matter to require this.
- A condition should be attached to require a badger licence for any works that could result in an offence under the Badger Act (1992).
- More details should be provided about the mitigation for Farmland Birds which will have to be off-site and provided prior to commencement of any phase impacting on locations where birds nest (which would include Phase 1B). [*Officer Note: S106 requires a payment towards off site mitigation (off*

setting scheme for local landowners or for the purchase and management of land for the benefit of farmland birds displaced by the development).]

- More details are requested about lighting, bats and dark corridors.

AMENDED SUBMISSION – **No objections** on the CEMP for Biodiversity but the other matters re: Conditions for licences for GCNs and Badgers and more details on off-site mitigation for farmland birds and lighting/bats need to be addressed. [*Officer Note: Mitigation for farmland birds requires payment of 50% of a financial contribution towards an off-setting scheme prior to implementation under Schedule 10 of the S106 agreement for 14/02/12/OUT*].

6.17. CDC DRAINAGE: **No objection.**

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

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

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
- Layout and impact on highway safety and active travel
- Drainage
- Soft Landscaping
- Ecology
- Conditions being considered for discharge under this reserved matter

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. This application is the second reserved matter for this permission which seeks to agree the details of infrastructure for the first 500 dwellings including the primary and secondary roads along with their associated drainage and landscaping. Duplicate Reserved Matters (identical to each other) for the primary and secondary site accesses from the Middleton Stoney Road were approved in February this year.

8.3 The primary and secondary streets proposed as Phase 1B of the outline permission are generally consistent with the Movement and Access Parameter Plan (ref: 1665/75/04 dated April 2015 and approved as part of the outline permission). The

proposals also include two of the tertiary streets in the centre of the site and give details of the shared foot and cycle path along the Middleton Stoney Road which will connect into existing facilities near the Axis J9 development and are a requirement of the S106 agreement for the outline permission.

- 8.4 The road layout and detailed designs conform with the layout shown in the Framework Development Plan and the Street Hierarchies shown in the Design Code.
- 8.5 The principle of the development has already been established by the extant outline planning permission and the proposed streets, foot and cycle ways and landscaping are all consistent with the parameters and requirements of the permission. The proposed tertiary streets would not prevent the development continuing to come forward in accordance with the outline permission. Therefore, the proposed development is considered to be acceptable 'in principle'.

Layout and impact on highway safety and active travel

- 8.6 The red line boundary was amended to include all visibility splays which are all shown within the highway extent. At a number of locations on the previous plans the visibility splays did not commence in the centre of the side road, and at some locations the visibility splays were missing but this was addressed to the Highway Authority's satisfaction by the most recent plans. Unobstructed visibility is provided at all junctions.
- 8.7 The cycle crossing over the Spine Road North - South to connect to the Spine Road East - West had not been included on the earlier plans but a parallel crossing providing priority to pedestrians and cyclists is now included over the Spine Road North - South to connect to the Spine Road East - West. A raised cycle priority crossing at the eastern end of the Spine Road East - West to access the next phase of the development is also included in the amended layout.
- 8.8 OCC were concerned that the temporary bus turning heads were not acceptable as it would require buses to reverse over the raised cycle crossings but it is agreed that the raised cycle crossings at the northern end of the Spine Road North - South and at the eastern end of the Spine Road East - West will be implemented when OCC have confirmed that the requirement for the use of the temporary bus turning heads has ceased. In addition, the raised crossings at the western end of the strategic secondary streets will be implemented when these roads connect to Phase 3 and OCC have confirmed that the temporary turning heads are no longer required. Insets on the latest submitted Engineering Layout Sheets 1 to 4 include the layout of all the temporary turning head as well as the agreed final layout.
- 8.9 Following some minor changes to the Design Code, the overall layout of the primary and secondary streets reflects the layout shown on the Framework Plan and is consistent with detailed street designs within the Code.
- 8.10 The Design Code identifies two mobility hubs close to the North-South Primary Street and East-West Primary Street which form part of this planning application. Details of the on mobility hubs are to be required by condition as they are not included in support of this application.

Drainage

- 8.11 The application includes details of surface water and foul water drainage for the strategic roads and attenuation ponds within Phase 1B which will serve Phase 2 and facilitate connections to later phases. Cherwell's Drainage Officer has no objections to the proposals although they note that details of the outfall for attenuated off-site

surface water are not correct and that the ditch falls eastwards to an existing piped system under Middleton Stoney Road which will discharge into Pingle stream.

- 8.12 The site wide surface water drainage scheme has been agreed (see discharge of condition 11 ref: 23/00207/DISC) and the LLFA and Thames Water consider that the detailed surface water drainage scheme submitted for condition 19 as part of the Phase 1B application is sufficient to allow this condition to be discharged.
- 8.13 The Environment Agency have requested that details of the foul water drainage scheme are required by a condition along with confirmation that there is capacity in the existing sewerage system. However, details have already been provided under condition 34 of the outline (see 24/01605/DISC) and Thames Water have no objections to the application in respect of the foul water proposals provided. Thames Water have also confirmed that they do not have any network capacity concerns in their response to 24/01605/DISC. Details of the precise location, size and external appearance of the foul water pumping station (located within to the north-east of Phase 1B) are to be conditioned.
- 8.14 The proposed SUDS and swales are proposed in locations which accord with the Framework Plan and are in conformity with the Design Code (Blue Infrastructure) for the site in terms of their design approach and the species of marginal/pond plants to be used.

Soft Landscaping

- 8.15 The soft landscaping details for the streets, swales and attenuation pond areas are all acceptable and are consistent with the Landscape Strategy and Codes and character areas in the Design Code. The street trees are all species which are appropriate for use near roads in terms of having clear lower trunks and canopies high enough to preserve visibility and surveillance of the street.
- 8.16 As far as possible, species have been chosen for their resistance to diseases, pests and climate change. A variety of different species have been incorporated into the scheme to make it more robust and to avoid large losses/failures due to disease/pests and to enhance biodiversity. Plant and tree species have also been chosen for their appearance to help reinforce the hierarchy of streets/legibility and character areas (i.e. CA5 – Water Gardens).

Ecology

- 8.17 The Ecology Officer has requested that conditions are imposed on this permission to require Great Crested Newt and Badger surveys prior to any works taking place in areas which would affect GCNs and Badgers (and their habitats). The applicants also submitted a Construction Environmental Management Plan (CEMP) for Biodiversity to support their application as recommended by the Ecologist.
- 8.18 The street lighting is acceptable to OCC Highways but a concern was raised regarding the lighting within the 'Dark Corridor' area where the strategic secondary streets would terminate on the western edge of Phase 1B. Ultimately, it is expected that these two strategic secondary streets will break-through the 'Dark Corridor' in the future to provide access to later phases of the Himley Village development (to the west of Lovelynych House) in accordance with the outline permission. Further information was also required by the Ecologist on how bats had been considered in the street lighting proposals.
- 8.19 It has been agreed that the street lighting in these two areas (as highlighted on the street lighting design plan), and for the rest of the Phase 1B lighting scheme, will be controlled by a condition to require the submission and approval of a detailed design for the lighting which will seek input from the Ecology Officer and OCC Highways. It

is expected that dimming will be utilised and lights can be directed away from the habitats/hedge buffers to minimise their impact on wildlife whilst still providing safety for highways/foot/cycle path users.

- 8.20 On the basis that the street lighting details are agreed by condition, in liaison with OCC Highways and the Ecology Officer, the proposed scheme accords with the Design Code in terms of Ecology and Biodiversity.

Conditions being considered for discharge under this reserved matter

- 8.21 The application incorporates information to support the discharge of a number of conditions attached to the outline permission; namely, Conditions 12 (Building for Life 12), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) insofar as they relate to this Phase.
- 8.22 Condition 12 (Building for Life) is not relevant to this phase as it does not include any dwellings or buildings to which these standards (or the current equivalent) would apply. Therefore, this condition has been satisfied for Phase 1B under this reserved matter.
- 8.23 Condition 16 (means of vehicular access) forms part of the details submitted for approval under this application and bearing in mind that the accesses and roads are considered to be acceptable (as set out above) this condition has been satisfied for Phase 1B under this reserved matter.
- 8.24 Condition 17 (means of pedestrian/cycle link) forms part of the details submitted for approval under this application and bearing in mind that the cycle/foot ways are considered to be acceptable (as set out above) this condition has been satisfied for Phase 1B under this reserved matter.
- 8.25 Condition 19 (detailed surface water drainage scheme) forms part of the details submitted for approval under this application and bearing in mind that the surface water drainage scheme is considered to be acceptable (as set out above) this condition has been satisfied for Phase 1B under this reserved matter.

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 14/02121/OUT and are in conformity with the Design Code. In light of the above assessment it is considered that the proposed infrastructure (defined as Phase 1B) is acceptable as proposed. There are no matters or concerns raised by consultees which are not either addressed by conditions to be attached to this permission or 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. Except where otherwise stipulated by conditions attached to this permission, the

development shall be carried out in accordance with the application forms and the following plans and documents:

Site Location Plan 27141-HYD-XX-XX-DR-C-3000 P08 received 12 June 2024;
Phase 1B Engineering Layout Sheet 1 of 4 27141-HYD-1B-XX-DR-C-2200 P09 received 12 June 2024;
Phase 1B Engineering Layout Sheet 2 of 4 27141-HYD-1B-XX-DR-C-2201 P10 received 12 June 2024;
Phase 1B Engineering Layout Sheet 3 of 4 27141-HYD-1B-XX-DR-C-2202 P10 received 12 June 2024;
Phase 1B Engineering Layout Sheet 4 of 4 27141-HYD-1B-XX-DR-C-2203 P09 received 12 June 2024;
Phase 1B Drainage Layout Overview 27141-HYD-1B-XX-DR-C-2300 P06 received 12 June 2024;
Phase 1B Drainage Layout Sheet 1 of 4 27141-HYD-1B-XX-DR-C-2301 P06 received 12 June 2024;
Phase 1B Drainage Layout Sheet 2 of 4 27141-HYD-1B-XX-DR-C-2302 P06 received 12 June 2024;
Phase 1B Drainage Layout Sheet 3 of 4 27141-HYD-1B-XX-DR-C-2303 P06 received 12 June 2024;
Phase 1B Drainage Layout Sheet 4 of 4 27141-HYD-1B-XX-DR-C-2304 P06 received 12 June 2024;
S278 Primary Access General Arrangement Sheet 1 27141-HYD-XX-XX-DR-D-0100 P04 received 12 June 2024;
S278 Secondary Access General Arrangement Sheet 2 27141-HYD-XX-XX-DR-D-0101 P03 received 12 June 2024;
S278 Pedestrian Cycle Link Arrangement Sheet 3 27141-HYD-XX-XX-DR-D-0102 P03 received 12 June 2024;
S278 Site Accesses Visibility Splays 27141-HYD-XX-XX-DR-D-0103 P01 received 02 June 2023;
S278 Primary Access Junction Swept Path Analysis Bus Sheet 1 27141-HYD-XX-XX-DR-D-0104 P01 received 02 June 2023;
S278 Primary Access Junction Swept Path Analysis Refuse Vehicle Sheet 2 27141-HYD-XX-XX-DR-D-0104-1 P01 received 02 June 2023;
S278 Secondary Access Junction Swept Path Analysis Refuse Vehicle Sheet 1 27141-HYD-XX-XX-DR-D-0105 P01 received 02 June 2023;
Phase 1B Microdrainage Calcs 2023.05.31 received 02 June 2023;
Phase 1B Drainage Strategy Technical Note 27141-HYD-XX-XX-TN-C-0002 P03 received 02 June 2023;
Phase 1B Bus Tracking Sheet 1 27141-HYD-XX-XX-DR-C-2600 P08 received 12 June 2024;
Phase 1B Bus Tracking Sheet 2 27141-HYD-XX-XX-DR-C-2601 P08 received 12 June 2024;
Phase 1B Refuse Tracking Sheet 3 27141-HYD-XX-XX-DR-C-2602 P08 received 12 June 2024;
Phase 1B Refuse Tracking Sheet 4 27141-HYD-XX-XX-DR-C-2603 P08 received 12 June 2024;
Street Lighting Design 588/001 Rev C received 12 June 2024;
S278 and S38 Infrastructure Lighting Equipment Schedule Rev A dated March 2024;
S278 and S38 Infrastructure Lighting Calculation Report Rev B dated March 2024;
S278 Street Lighting Design Summary 588/401 dated 30th May 2023;
Phase 1B Detailed Infrastructure Landscape Proposals P22-3093_EN_04_D_00 Rev H received 12 June 2024;
Proposed Phase 1B Works Stage 1 Road Safety Audit SG-AA-2024-4431-RSA1 dated May 2024;
Phase 1B Road Safety Audit – Stage 1 Designer’s Response dated May 2024;

S278 Offsite Highway Works Primary Access Junction General Arrangement Sheet 1 27141-HYD-XX-XX-DR-D-0100 P04 received 12 June 2024;
Highway Longitudinal Sections Sheet 1 of 3 27141-HYD-XX-XX-DR-C-2100 P04 received 12 June 2024;
Highway Longitudinal Sections Sheet 2 of 3 27141-HYD-XX-XX-DR-C-2101 P04 received 12 June 2024;
Highway Longitudinal Sections Sheet 3 of 3 27141-HYD-XX-XX-DR-C-2102 P04 received 12 June 2024;
Highway Longitudinal Sections Sheet 4 of 7 27141-HYD-XX-XX-DR-C-2103 P01 received 02 June 2023;
Highway Longitudinal Sections Sheet 5 of 7 27141-HYD-XX-XX-DR-C-2104 P01 received 02 June 2023;
Highway Longitudinal Sections Sheet 6 of 7 27141-HYD-XX-XX-DR-C-2105 P01 received 02 June 2023;
Highway Longitudinal Sections Sheet 7 of 7 27141-HYD-XX-XX-DR-C-2106 P01 received 02 June 2023;
SUDS Sections Sheet 1 of 3 27141-HYD-XX-XX-DR_C-2150 P01 received 02 June 2023;
SUDS Sections Sheet 2 of 3 27141-HYD-XX-XX-DR_C-2151 P01 received 02 June 2023;
SUDS Sections Sheet 3 of 3 27141-HYD-XX-XX-DR_C-2152 P01 received 02 June 2023;
Phase 1B Vehicle and Cycle Visibility Sheet 1 of 4 27141-HYD-1B-XX-DR-C-2050 P02 received 12 June 2024;
Phase 1B Vehicle and Cycle Visibility Sheet 2 of 4 27141-HYD-1B-XX-DR-C-2051 P02 received 12 June 2024;
Phase 1B Vehicle and Cycle Visibility Sheet 3 of 4 27141-HYD-1B-XX-DR-C-2052 P02 received 12 June 2024;
Phase 1B Vehicle and Cycle Visibility Sheet 4 of 4 27141-HYD-1B-XX-DR-C-2053 P02 received 12 June 2024;
Construction Environmental Management Plan – Biodiversity TG Report No. 15525_R05b_JS_RC dated 15 May 2024.

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

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE (CON)

2. Notwithstanding the Street Lighting plans and details submitted in support of this reserved matters, no street lighting shall be installed until (a) fully detailed Street Lighting scheme(s) for all or part of Phase 1B has/have been submitted to and approved in writing by the Local Planning Authority. The Street Lighting shall be provided in accordance with the approved scheme(s) and thereafter retained as such. The scheme(s) shall include details of how the effect of lighting on bats has been considered around retained hedge buffers and the 'Dark Corridor' to the western boundary of Phase 1B with reference to the Bat Conservation Trust's Guidance Note 08/23 'Bats and Artificial Lighting at Night'.

Reason: To ensure that the development does not cause harm to bats 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.

3. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site

clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

4. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Badgers until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

5. In accordance with the approved Phase 1B Engineering Layout Sheets 1 to 4 (dwg nos 27141-HYD-1B-XX-DR-C-2200/P09, 27141-HYD-1B-XX-DR-C-2201/P10, 27141-HYD-1B-XX-DR-C-2202/P10, 27141-HYD-1B-XX-DR-C-2203/P09) works associated with the temporary bus turning heads shall be constructed and remain in place until Oxfordshire County Council have confirmed that the temporary turning heads are no longer required. The final road layout as shown on the approved plans, including raised tables and all road markings, shall be completed within 6 months of the final use of the temporary turning heads unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

6. Prior to commencement of the Foul Water Pumping Station above slab level, full details of the siting, size, external appearance, facing materials and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and thereafter so retained.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION (POS)

7. The proposed roads, accesses, parking and turning facilities shall be provided in accordance with the approved plans and shall be laid out, drained, constructed, surfaced and sealed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority before first occupation of the development served by those facilities. The roads, accesses, parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only except for the temporary turning facilities covered by condition 5 of this permission.

Reason: In the interests of highway safety, to ensure the provision of adequate

access, off-street car parking and turning to comply with Government guidance in Section 12 of the National Planning Policy Framework.

8. Prior to the first operation of the bus service serving the development hereby permitted, Mobility Hubs shall be provided on the Spine Roads/Primary Streets in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The Mobility Hubs so provided shall thereafter be permanently retained and maintained to facilitate active travel in connection with the development.

Reason: In the interests of promoting active travel and sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

PLANNING NOTES

1. **Conditions** – the applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £43 per request for householder development and £145 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. 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.
3. Attention is drawn to a Legal Agreement related to this development under outline planning permission ref: 14/02121/OUT dated 30th 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.
4. Approval of Reserved Matters - Attention is drawn to the conditions imposed on the "outline" permission (App. No. 14/02121/OUT) granted on 30th January 2020 (and amended by App. No. 22/03492/NMA) which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the Local Planning Authority should be particularly noted.
5. Your attention is drawn to condition 30 of the outline planning permission 14/02121/OUT which requires the submission of a Construction Method Statement (CMS) prior to commencement on any phase.

In order to discharge this condition the following details will be required as part of the CMS:

Part a. The parking of vehicles of site operatives and visitors:

Confirmation that all construction related vehicles will be parked on the site and parking areas to be shown on a plan not less than 1:500;

Parts c. and j. Construction Traffic Times and Deliveries:

'Peak Traffic Periods' must include both the network peak and school peak hours;

Part d. Loading and unloading of plant and materials:

Confirmation that an appropriately trained, qualified and certificated banksmen will be used for guiding vehicles/unloading etcetera;

Part e. Storage of plant and materials used in construction:

A layout plan of the site to show structures, roads, storage areas, compounds, amenity areas/site offices, pedestrian routes etc shall be provided.

6. In respect of conditions 3 and 4 (requirement for licences relating to Great Crested Newts and Badgers):

A GCN Licence would be required for all works within 250m buffer of the ponds. A licence isn't needed for the works outside of these buffers.

A badger Licence would be required for all works within 30m buffer of setts. A licence isn't needed for works outside of these buffers.

Case Officer: Suzanne Taylor

DATE: 04/07/2024

Checked By: Caroline Ford

DATE: 08/07/2024
