

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

23/01586/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 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), 14 (noise assessment), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) at Phase 2A

Expiry Date: 20 November 2024

Extension of Time: 20 November 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 3.5ha of the 90.3ha of the land covered by the outline planning permission and is currently comprised of agricultural land and field hedgerows.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The proposals are for the first residential Phase of the circa 1,700 dwelling outline permission. The application seeks detailed permission for 123 dwellings which is made up of 70% market housing and a policy compliant 30% affordable units. The market housing is comprised of 19 No.2 beds, 51 No. 3 beds, 14 No. 4 beds and 2 No. 5 beds (total 86). The affordable housing is comprised of a split of 70% affordable rent and 30% intermediate housing with 8 No. 1 bed maisonettes, 4 No. 2 bed maisonettes, 14 No. 2 bed houses, 9 No. 3 bed houses and 2 No. 4 bed houses (total 37).

2.2. The site is divided across two parcels which will be served by the primary and secondary accesses (approved under refs: 23/00170/REM and 23/00214/REM as Phase 1A) and the north-south and east-west spine roads and other infrastructure (approved under ref: 23/01493/REM as Phase 1B). The submitted layouts cover the materials, parking proposals, surfaces and boundary treatments, the on-plot landscaping elements, fire engine and refuse vehicle tracking and street lighting. Elevation and floorplans for all house types have been supplied as well as details of solar photovoltaic layouts and street scenes.

2.3. The application is also seeking to establish partial compliance with conditions 12 (Building for Life 12), 14 (noise assessment), 16 (means of vehicular access), 17

(means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) for Phase 2A.

- 2.4. Furthermore, sample bricks have been supplied for Plots 1 to 8 for approval 'up-front' with materials for other plots to be dealt with by a condition.

3. RELEVANT PLANNING HISTORY

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

Application: 14/02121/OUT Permitted 30 January 2020

OUTLINE - Development to provide 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). Such development 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)

Also relevant are:

- 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.
- 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.
- 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 - APPROVED.
- 24/01671/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.

- 24/02249/NMA - Non-material amendment to 23/01493/REM - rewording of condition 3 (Great Crested Newt Licence) – APPROVED.
- 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.
- 23/01502/DISC - PARTIAL DISCHARGE of Condition 20 (Carbon Emissions) of 14/02121/OUT - Phase 2 - APPROVED
- 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 - APPROVED.
- 23/02029/DISC – PARTIAL DISCHARGE Condition 27 (Arboricultural Method Statement) for Phase 1A (accesses) – APPROVED.
- 23/03546/DISC – PARTIAL DISCHARGE condition 29 (Landscape and Habitat Management Plan) for Phase 2A only – APPROVED.
- 24/00615/DISC - PARTIAL Discharge of Condition 30 (Construction Environmental Management Plan) of 14/02121/OUT (Phase 2 only). Recommended for APPROVED.
- 24/01036/DISC – PARTIAL DISCHARGE condition 21 (Contamination Desk Study) for Part Phase 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 – APPROVED.
- 24/01241/DISC – PARTIAL DISCHARGE condition 24 (Pollution Prevention) for Phases 1 and 2 only – APPROVED.
- 24/01426/DISC - PARTIAL DISCHARGE of Condition 37 (Site Waste Management Plan) for Phases 1A, 1B and 2A only of 14/02121/OUT – APPROVED.
- 23/01496/DISC - Discharge of Condition 8 (Site Wide Masterplan and

Design Code) of 14/02121/OUT. APPROVED.

- 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 - APPROVED.
- 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 – APPROVED.
- 24/01801/DISC - PARTIAL DISCHARGE of condition 27 (Arboricultural Method Statement) of 14/02121/OUT for Phase 1B only – 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.
- 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) – Under consideration.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

23/00266/PREAPP - Pre-Application Request for a meeting and written advice for the first residential phase. Recommendations for ensuring that blocks were outward facing with active frontages towards open spaces and back-to-back with existing development and other detailed advice provided by Strategic Housing and by Urban Design consultant. The proposals were also appraised separately by a Design Review Panel.

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** and by advertisement in the local newspaper expiring **13 July 2023**. The overall final date for comments was **30 October 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

- 6.1. BICESTER TOWN COUNCIL: **No comments.**
- 6.2. BUCKNELL PARISH COUNCIL: No comments received to date.
- 6.3. CAVERSFIELD PARISH COUNCIL: No comments received to date.
- 6.4. CHESTERTON PARISH COUNCIL: Make the following **comments**:

"1. Agree with the police on the parking and security issues [*Officer Note: see comments on TVP response*]

2. Traffic surveys are pointless at present as no account seems to have been taken with regard to the noise levels that will be suffered by houses parallel to the Middleton Stoney road with the volume of vehicles when all phases are built and occupied. Also the train line to the rear has not been taken into consideration as a noise factor.

3. The vendee drive / Middleton Stoney road roundabout is already a busy roundabout and will not cope in its present format with the proposed amount of additional traffic forced on it by the new phases of the proposed Himley Village.

4. Don't feel the increased volume of traffic on Howes Lane / Lords Lane has been taken into account.

5. The extra traffic heading from the proposed Himley Village heading towards the motorway using Vendee Drive will make the current Chesterton / Vendee Drive junction impossible to navigate. Villagers from Chesterton already struggle to turn right onto Vendee Drive from the A4095. This needs to be addressed now before the houses are built."

[Officer Note: Traffic issues and transport assessments were considered at the outline planning stage and there are covered by existing planning conditions and the S106 agreement for planning permission 14/02121/OUT].

- 6.5. MIDDLETON STONEY PARISH COUNCIL: Make the following **comments**:

"1. The traffic infrastructure has not been adequately planned for the number of dwellings that will be in this area. This will have an impact on Middleton Stoney and in particular the cross roads of the B430 and B4030 which is already above capacity. The application should set out how it will deal with this, for example by encouraging traffic to turn left from the new estate.

2. We are also surprised to see the lack of sustainability in the buildings. For example, why haven't solar panels been included to generate electricity? Why aren't recycled materials being used in the construction of the houses? And why aren't environmentally friendly materials being used more generally? We would expect to see a full sustainability assessment before approval is granted."

[Officer Note: Traffic issues were considered at the outline planning stage and these are covered by existing planning conditions and the S106 agreement for planning

permission 14/02121/OUT. The zero carbon matters are also being dealt with via conditions and S106 agreement on the planning permission. Additional details have also now been provided for this phase on the use of solar pv].

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

STATUTORY CONSULTEES

- 6.7. ENVIRONMENT AGENCY: **Object** to the discharge of condition 24 for the following reasons:

“Condition 24 requires a pollution prevention scheme to dispose of contaminated surface water. It is our view that whilst the drainage technical note (and drawing sheets 1 and 2) show the proposed SuDS schemes, we have not seen detailed information regarding the **hydrological and hydro-geological context** of the development. This is important because groundwater at this site may be very shallow and could interact with the proposed SuDS features, and there could be impacts to shallow groundwater. It is also not stated if the SuDS features are to be lined to prevent seepage to ground and/or to prevent groundwater ingress.

The Surface Water Drainage Strategy and Flood Risk Assessment 2014 states: *A site investigation will need to be carried out as part of the detailed design and this could give further consideration to whether any significant groundwater flooding risk to the site exists and to identify where any risk mitigation measures are potentially required as part of the detailed design.*

Information regarding these site investigation details and hydrological and hydro-geological data should be submitted, along with information regarding how the SuDS designs are related to this information, to enable us to comment further.”

[Officer Note: Consideration of condition 24 has since been removed from this RM application for separate determination. This comment is therefore no longer relevant to this application].

- 6.8. OCC SINGLE RESPONSE:

TRANSPORT – **No objection.** Previous concerns about active travel connectivity, vehicle and cycle parking and the layout have been satisfactorily addressed.

LEAD LOCAL FLOOD AUTHORITY – **No objection.**

ARCHAEOLOGY – **No comments.**

- 6.9. THAMES WATER: **No objection.** Consider that conditions 19 and 34 (relating to foul water and surface water) have been satisfied and can be discharged. *[Officer Note: Consideration of conditions 19 and 34 have since been removed from the RM application for separate determination].*

OTHER CONSULTEES

- 6.10. WARD COUNCILLORS: No comments received to date.

- 6.11. CDC ARBORICULTURE: No comments received to date.

- 6.12. BBO WILDLIFE TRUST: No comments received to date.

- 6.13. CDC BUILDING CONTROL: **No objection.** Observes that a full plans building regulations application is required.

- 6.14. CDC ECOLOGY: No comments received to date.
- 6.15. CDC ENVIRONMENTAL HEALTH: **No objections.** Satisfied with the Noise Report and consider that Condition 14 can be discharged provided the recommendations for mitigation are followed.
- 6.16. NATIONAL PLANNING CASEWORK UNIT: No comments received to date.
- 6.17. STAGECOACH BUSES: No comments received to date.
- 6.18. CDC STRATEGIC HOUSING: **No objection** subject to Plots 56 and 57 being swapped with Plots 98 and 99 to create acceptable sized clusters of the different tenures (affordable rented and shared ownership). Previous comments on the use of apartments and the mix of units in terms of tenure and size (no. of beds) have been satisfactorily addressed.
- 6.19. THAMES VALLEY POLICE: **No objection** subject to the imposition of a condition requiring approval of an external lighting scheme and revisions to rear access routes and side windows from active rooms to all plots to provide surveillance over parking areas/drives. *[Officer Note: See the paragraphs on Street Lighting in the Appraisal section below].*
- 6.20. CDC WASTE AND RECYCLING: No comments received to date.
- 6.21. CDC BICESTER DELIVERY TEAM: No comments received to date.
- 6.22. BICESTER BIKE USERS GROUP (BBUG): Make the following **comments**:
- “Bicester Bike Users' Group supports the street design code and the access and movement plan for phase 2A. we would like to comment that although images of Sheffield style bicycle stands are featured in the street furniture section for Himley Village there is no reference to cycle parking facilities in public spaces for visitors etc in phase 2A. There should be adequate visitor bike parking throughout the development. Also, good active travel infrastructure within the development will only lead to less car use if good connections to other parts of Bicester, particularly along Middleton Stoney Rd, are created soon.”
- 6.23. CDC DRAINAGE: **No comments.**
- 6.24. ACTIVE TRAVEL ENGLAND: **No objection.**
- 6.25. CDC URBAN DESIGN: Previously objected to the proposed scheme on detailed design grounds relating to landscaping/parking layout and elevational treatments and building types. Following amendments to the scheme and the approval of the Himley Village Design Code **support** the application subject to:
- “A Condition to ensure that perpendicular frontage parking and associated landscaping sits within the public realm (as required by the Code) to help ensure no ‘left over spaces’; a consistent street scene appearance; and appropriate long-term management and maintenance.
 - A condition to ensure appropriate public realm landscape edge treatments to prevent irregular parking and damage to planting/verges.”
- [Officer Note: Whilst a condition can be applied relating to the treatment of the edges of the landscaped areas within the public realm it is not considered that a condition would be appropriate to require the frontage parking/garden areas to be*

part of the public realm. These areas would not be adoptable by the Highway Authority and would therefore potentially be the responsibility of the Council or a ManCo thereby increasing the maintenance costs either for the developer or future residents. It is noted that the majority of perpendicular frontage parking serves the affordable units and would therefore come under the management of the Registered Provider who would provide a consistency of approach to their maintenance. It is not considered that a refusal on the basis of not including these areas within the publicly maintained space/adoptable areas would be justified. It should also be noted that a Landscape Management Plan will be required which may provide further detail on this and adjoining areas]

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)
- Draft Cherwell Local Plan Review 2042 (Regulation 19 stage - to be afforded limited weight)

8. APPRAISAL

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

- Compliance of the detailed design and layout with the approved Himley Village Design Code;
- Matters not covered by the Design Code;
- Partial compliance with conditions;

Compliance of the detailed design and layout with the approved Himley Village Design Code

8.2. Himley Village Design Code (DC) was recently approved and this sets out the coding rules and objectives for the detailed design and layout of all subsequent reserved matters applications. It covers most aspects of how the scheme should come forward. Amongst other things, it includes the street layout and design (typology), the layout of buildings and their detailed design and it defines building characteristics (materials, form, architecture) in order to create distinctiveness and aid legibility.

8.3. **Layout:** The street layout and the form of the residential blocks are consistent with the DC showing a hierarchy of secondary roads, tertiary streets and private drives leading off the spine roads and primary streets approved under ref: 23/01493/REM. The blocks are all outward facing perimeter types with active frontages overlooking the public realm in accordance with the DC.

- 8.4. **Streets:** The size of the carriageways, footpaths, cycleways, swales and other features (e.g. street trees) proposed in Phase 2A accord with the DC Street Typologies. The Local Highway Authority are satisfied with the road design taking account of matters such as forward visibility, tracking and manoeuvrability for large vehicles (buses, refuse vehicles and fire engines), street lighting, provision of cycle and footways and pedestrian and cycle priorities at junctions
- 8.5. **Parking:** The scheme complies with OCC maximum car parking standards and minimum bicycle parking requirements; which also covers the provision of visitor car and bicycle parking. Parking for motorcycles has also been accommodated within the site in accordance with the Parking SPD.
- 8.6. **Refuse:** A refuse vehicle tracking plan has been provided to demonstrate that adequate access has been provided for bin lorries. Where properties are accessed via private drives (which are not wide enough and/or do not have sufficient turning space for refuse vehicles) Bin Collection Points are proposed. The proposed BCPs are generally consistent with the DC (which is based on Cherwell's Residential Design Guide) with the majority sited so as to minimise the distance residents will need to move their bins (no more than 25m) and all are within the maximum 20m distance from the adoptable highway for operatives to collect them. It is noted that circa 12 plots would need to move their bins further than 25m to the collection point but as this represents only a comparatively small number of dwellings this is considered to be acceptable.
- 8.7. **Surface Treatments:** The proposals indicate that the carriageways will be asphalt on the secondary streets, block paved on shared surface streets and permeable surfacing on private drives. This is consistent with the DC but the specific surface/construction details will need to be agreed by a condition and meet OCC Highways' requirements.
- 8.8. **Street Lighting:** 13 No. 6m high street lighting columns are proposed for the secondary streets and shared surface streets in accordance with the DC. TVP have expressed concerns about a lack of street lighting for the private drives and requested the imposition of a condition to require a lighting scheme to be submitted for approval.
- 8.9. The Local Highway Authority is satisfied with the proposals and CDC's Residential Design Guide indicates that the focus should be on minimising light pollution and harmful impacts on ecology. The westernmost private drive is adjacent to the identified dark corridor which is required to mitigate impacts upon wildlife and therefore illumination in this area could not be supported.
- 8.10. Lighting within private drives would have to be maintained and operated by private individuals and therefore it would be problematic to enforce. There is evidence to suggest that reducing or turning off street lighting has no effect on crime rates or traffic collisions and may actually help to reduce certain types of crime.

See <https://www.ncbi.nlm.nih.gov/books/NBK316511/>;

https://cambridgeshireinsight.org.uk/wp-content/uploads/2017/08/Street-Lighting-Policy-Note_Final.pdf; and

NIHR: <https://www.nihr.ac.uk/news/street-lighting-may-help-rather-hinder-vehicle-crime#:~:text=%E2%80%9COur%20previous%20research%20showed%20that,nigh t%20does%20not%20increase%20crime> for more on this.

It is also noted that it is currently standard policy in some local authority areas to dim or turn-off street lights.

- 8.11. Having considered TVP's concern about crime and weighing this against the need to reduce light pollution, minimise impacts on wildlife and the problems of ongoing maintenance and operation of lighting by private individuals it is considered that the street lighting proposals submitted with this application are acceptable and a condition for a further scheme is therefore unjustified.
- 8.12. **Boundary enclosures:** The scheme proposes 1.8m high closeboard fencing between rear gardens and to separate public and private spaces and create privacy for residents. Side garden boundaries which are within the public realm and the rear/side garden boundaries around the parking courtyard for Units 90-97 are proposed to be 1.8m high brick walls in order to create a good quality appearance within the street scene. A low, timber knee railing is to be utilised adjacent to the public open space to create a degree of separation between the street and open space whilst maintaining surveillance/openness and having a more sympathetic rural appearance against the green space. Hedge planting is also proposed for frontages along the spine road (see Paragraphs 8.24-8.26 re: On-Plot Landscaping below for more details).
- 8.13. TVP requested a number of small amendments to boundary fences for Plots 1-4, 90 and 99 to 106 reduce accessibility. Having considered the suggested amendments it is considered that they are not significant enough to justify a refusal of permission. It is also observed that in the case of Plots 99-106 the suggestion of moving the garden gates to the front building line would result in neighbours having to share an access which could be problematic and mean that gates are more likely to be left unlocked or removed. A gate between Plot 90 and the adjoining garage would have to be shared between neighbours and make accessing their parking spaces less convenient.
- 8.14. **Building Heights:** The proposed dwellings range from 2 storeys to 2.5 storeys in accordance with the DC. The 2.5 storey buildings are utilised primarily along the spine roads where a stronger building frontage is required. Garages and garden sheds will be single storey only across the whole phase.
- 8.15. **Distinctiveness and Legibility:** Important frontages, key corners and Landmark Buildings identified in the DC have been brought forward into Phase 2A through the use of distinctive house types, detailing and materials. For example, a unique version of the Lancewood house type with a distinctive first floor fenestration detail will terminate the vista at the end of the east-west spine road where the Regulating Plan indicates that a Landmark Building should be utilised.
- 8.16. **Neighbourhood and Character Types and House Types:** Phase 2 lies primarily within the Spine Road and the Himley Park Neighbourhoods to the south of Himley Village. The easternmost part of the site lies within the Central Green Neighbourhood.
- 8.17. The Spine Road Character Type should have a formal and consistent building line with a strong built presence which is to be created by the use of buildings with height. The dwellings proposed along the spine road are predominantly the taller, 2.5 storey house types and they are arranged with a consistent building line as set out in the DC. The Spine Road is also where the majority of the larger detached and semi-detached dwellings are located which is consistent with the DC. Dark grey colour fenestration with a vertical emphasis is proposed to create distinctiveness as set out in the Code.

- 8.18. The Himley Edge character type applies to the dwellings on the westernmost edge of the site. Here an informal and varied building line should be utilised with larger detached and semi-detached house types being used to create a lower density, less formal feel against the rural edge. Green tone cladding is to be used to make this area distinctive. The proposed dwellings on the western edge of the scheme accord with these guidelines.
- 8.19. The Core Housing South Character Type advocates the use of smaller, 2 storey house types arranged more often in terraces and as semi-detached units. The building lines should be consistent within groups but variation can be used between each group. Lighter coloured fenestration should be used here to make it distinctive along with a greater use of shared surface streets in this area. The proposed dwellings within the Core Housing South area adhere to the guidelines in the DC.
- 8.20. The easternmost part of the site lies within the Central Green Neighbourhood/Character Type. The Code requires a semi-formal building line with larger house types (detached and semi-detached) with larger set-backs and variety of eaves and ridge heights to create a less formal appearance. Fenestration to be dark brown or grey and mix of brick and render facing materials used for distinctiveness. The proposed house types within the Central Green are consistent with the DC principles.
- 8.21. **Solar PV:** The application includes a detailed plan to show the location of solar photovoltaic panels across the site. As is set out in the DC and the Site Wide Energy Strategy, one of the key components of achieving Zero Carbon for this scheme relies on the use of solar pv. Solar pv is a significant feature of the Elmsbrook exemplar phase of NW Bicester Eco Town and this is an element which has been brought through into this part of the wider allocation. Some sample elevations have been provided to show the appearance of the panels on frontage elevations for key buildings in the public realm (i.e. in Himley Edge to the east and on the Spine Road). It is acknowledged that the solar panels will detract from the appearance of the dwellings to some extent but this is balanced against the need for the development to be Zero Carbon. It has also been agreed that darker/grey roof finishes will be used in order to reduce the visual prominence of the panels.
- 8.22. The proposals for solar panels are therefore considered to be acceptable and accord with the DC.
- 8.23. **Materials:** A plan giving a general materials schedule has been provided but this excludes specific, named materials, manufacturers and colours. It does incorporate a schedule of window colours (dark grey, green and beige). The general materials and colours indicated on the plan follow the materials pallets set out for the different Character Types in the DC. The applicants have also provided a sample of the Forterra Malvern Village Mix Brick to be used for Plots 1 to 8 of Phase 2A which is considered to be acceptable (subject to adequate mixing of batches). Whilst, the Materials Plan and brick sample provided are acceptable, as far as they go, a condition will be required to agree the specific type, manufacturer and colours for all other materials.
- 8.24. **On-Plot Landscaping:** Detailed landscape principles are set out in the DC for each of the various Character Types to reinforce the distinctive character being sought. This gives guidance on the colour pallet, species and type of plants (e.g. native/ornamental) and form of planting (e.g. formal/naturalistic).
- 8.25. One aspect of particular note is the requirement for formal hedge planting along the spine road. Concern was originally expressed about the use of Laurel hedging along the spine road as this can have a 'looser' and less formal appearance due to

larger leaves. The latest landscaping proposals now utilise privet species with smaller leaves which should help to produce the 'tighter' and more formal appearance needed in the Spine Road Neighbourhood.

- 8.26. The proposed on-plot landscaping scheme is considered to be appropriate and consistent with the DC.

Matters not covered by the Design Code

- 8.27. **Garden sizes:** A plan has been provided to show the area in sqm of all private amenity spaces, excluding front gardens/driveways. The smallest private gardens are those provided for the maisonettes with the smallest measuring under 6m long and having an area of 24sqm. However, the vast majority of dwellings have gardens of between 50sqm and 100sqm and are at least 11m long. Although some gardens are on the small side it is noted that every dwelling would benefit from some private outdoor space and the size of those amenity spaces is adequate and would provide residents with room for cycle storage, bin storage and drying washing etcetera.
- 8.28. **Residential amenity (privacy, overshadowing, outlook):** Taking account of the size of gardens (see previous paragraph) it is observed that though some private amenity spaces are smaller than the ideal 11m minimum length the arrangement of the various house types and window openings means that there would be no harmful level of overlooking between the proposed dwellings. Separation distances throughout the scheme achieve the minimums of 22m back-to-back and 14m between facing windows and a blank 2 storey gable set out in CDC's Residential Design Guide. In light of this it is contended that future occupiers would enjoy an acceptable level of privacy and outlook and would not experience harmful levels of overshadowing.
- 8.29. The separation distances between the development and the existing, neighbouring residential dwelling (Lovelynych House) far exceed the minimum distances required to ensure that residential amenity is preserved.
- 8.30. **Noise:** A Noise Impact Assessment has been submitted in support of the Phase 2A reserved matter application. The assessment concludes that the use of imperforate closeboard fencing will be adequate to deal with noise in private external amenity spaces. Acceptable internal noise levels can be achieved with façade insulation as detailed in their report and alternative strategies for ventilation will need to be provided for those plots that will need to keep windows shut to achieve acceptable noise limits. Environmental Protection are satisfied with the Noise Assessment and its findings. The recommended mitigations must be implemented and this can be secured by a condition.
- 8.31. **Drainage:** A Drainage Strategy was provided with the application which concerns both surface water and foul water. The Lead Local Flood Authority (OCC) and Thames Water are content with the details in respect of condition 19 (surface water drainage) but consideration of condition 34 (foul drainage strategy) of the outline permission has been removed from consideration as part of this reserved matters application. Consequently, foul drainage is to be dealt with separately.
- 8.32. **Affordable Housing:** A policy compliant 30% of the dwellings would be affordable. The mix of houses in terms of their type, size, number of bedrooms and tenures are agreed by the Strategic Housing Officer who is also content with the design, layout and cluster sizes. The proposals accord with the planning permission (ref: pgs 50/51 of S106) and therefore the affordable housing element of Phase 2A is acceptable.

Partial compliance with conditions

- 8.33. Noise (condition 14) has been dealt with in paragraph 8.30 above and Surface Water Drainage Strategy (condition 19) has been dealt with in paragraph 8.31 above. Conditions 13 (future climate impacts), Condition 18 (Travel Plan), 20 (carbon emissions), 24 (pollution prevention/surface water), 25 (updated ecology survey), 26 (hedgerows), 27 Arboricultural Method Statement), 29 Landscape and Habitat Management Plan), 30 Construction Method Statement), 31 (Soil Resources Plan), 34 (foul drainage), 36 (water neutrality) and 37 (Waste Management Plan) have been removed from this application and no longer need to be assessed at this stage.
- 8.34. Therefore, consideration is still required as to whether conditions 12 (Building for Life 12), 16 (Means of Vehicular Access) and 17 (means of pedestrian/cycle links) have been partially satisfied.
- 8.35. Condition 12: Building for Life 12 has been replaced by Building for a Healthy Life (BHL). The application complies with the Himley Village Design Code which is based on the principles set out in BHL and Section 5 of the Design Compliance Statement submitted with this application is an assessment of how well the development meets the 12 key considerations: Natural Connections; Walking, Cycling and Public Transport; Facilities and Services; Homes for Everyone; Making the Most of What's There; Memorable Character; Well Defined Streets and Spaces; Easy to Find Your Way Around; Healthy Streets; Cycle and Car Parking, Green and Blue Infrastructure and Back of Pavement; Front of Home. The scheme is rated red, amber or green for each criteria depending on how well it achieves the good design principles in BHL. The assessment finds that the development achieves green ratings for all measures and it is considered that this is a reasonable and fair conclusion. Therefore, condition 12 has been satisfied and can be discharged in respect of Phase 2A.
- 8.36. Condition 16 requires that each reserved matters application includes full details of the means of vehicular access between the land and the highway. Phase 2A will connect into the primary and secondary accesses and highways infrastructure already approved under reserved matters permissions for Phases 1A and 1B (see Relevant Planning History above for details). As such it is considered that condition 16 has been satisfied and can be discharged for Phase 2A.
- 8.37. Condition 17 requires that each reserved matters application includes full details of the means of foot and cycle way links between the land and the local highway network/adjacent parcels. Phase 2A will connect into the primary and secondary accesses and highways infrastructure already approved under reserved matters permissions for Phases 1A and 1B (see Relevant Planning History above for details). This includes pedestrian and cycle links (such as the connection adjacent to the Middleton Stoney Road) and as such it is considered that condition 17 has been satisfied and can be discharged for Phase 2A.

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 (as amended by 22/03492/NMA) and are in conformity with the approved Himley Village Design Code. In light of the above appraisal, it is considered that the proposed development (defined as Phase 2A) is acceptable as proposed. The scheme would deliver the first 123 dwellings of 1,700 on a site allocated in the adopted local plan. Crucially, the development would also provide 37 (30%) affordable dwellings for which there is a pressing need. 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, documents and materials samples:

Phase 2A Design Statement ref: P22-3093_GD_F_04 dated October 2024;
Site Location Plan ref: P22-3093-DE-101_F_02 dated 11 July 2024;
Phase 2A Site Layout ref: P22-3093-DE-101_Y_01 dated 17 October 2024;
Illustrative Street Scenes ref: P22-3093-DE-102_I_12 dated 21 October 2024;
Phase 2A Parking Strategy ref: P22-3093-DE-101_I_03 dated 18 October 2024;
Phase 2A Tenure Plan ref: P22-3093-DE-101_I_04 dated 18 October 2024;
Phase 2A Garden Areas Plan ref: P22-3093-DE-101_G_05 dated 18 October 2024;
Phase 2A Materials Plan ref: P22-3093-DE-101_J_06 dated 21 October 2024;
Forterra Malvern Village Mix brick sample for use on Plots 1 to 8;
Phase 2A Boundary Treatments Plan ref: P22-3093-DE-101_H_07 dated 18 October 2024;
Unit & Tenure Plan ref: P22-3093-DE-101_G_08 dated 18 October 2024;
External Works Plan (Solar PV Layout) ref: P22-3093-DE-101_D_15 dated 18 October 2024;
Spine Road PV Layout ref: P22-3093-DE-102_A_13 dated 16 October 2024;
Himley Edge PV Layout ref: P22-3093-DE-102_A_16 dated 16 October 2024;
House Type Pack (including floor plans and elevations of all residential buildings, garages and the substation) ref: P22-3093-DE-102_Q_01 received 31 October 2024;
Phase 2A Concept on Plot Landscaping ref: P22-3093-EN-03-M dated 18 October 2024;
Phase 2A Drainage Strategy 27141-HYD-XX-XX-TN-C-0004 Rev P02 dated 02 June 2023;
Phase 2A LLFA Drainage Response ref: 27141-HYD-2A-XX-TN-C-0006 Rev P01 dated 20 August 2024;
Phase 2A Drainage Strategy ref: 27141-HYD-PH2A-XX-DR-C-2310 Rev P06 dated 18 October 2024;
Micro Drainage (Storm Drainage Calcs) dated 17 October 2024;
Phase 2A Lighting Equipment Schedule ref:589/101B (Drawing 589/001B) dated 06 October 2024;
Phase 2A Outdoor Lighting Report ref: 589 Rev B dated 06 October 2024;
Phase 2A Street Light Design Summary ref: 588/401 dated 30 May 2023;
Phase 2A Street Lighting Layout ref: 589/001 Rev B dated 06 October 2024;
Highway Longitudinal Sections Phase 2A ref: 21741-HYD-PH2A-XX-DR-C-2107 Rev P05 dated 08 October 2024;

Phase 2A Engineering Strategy Sheet ref: 27141-HYD-PH2A-XX-DR-C-2210 Rev P06 dated 18 October 2024;
Fire Tracking ref: 27141-HYD-PH2A-XX-DR-C-2610 Rev P06 dated 18 October 2024;
Refuse Tracking ref: 27141-HYD-PH2A-XX-DR-C-2620 Rev P07 dated 18 October 2024;
Phase 2A Noise Impact Assessment ref: 27141-HYD-XX-XX-Y-RP-1001 Rev P02 dated 11 June 2024;
Heritage Statement dated 01 June 2023.

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 approved Phase 2A Materials Plan ref: P22-3093-DE-101_J_06 dated 21 October 2024 (and excluding the Forterra Malvern Village Mix brick sample approved for use on Plots 1 to 8), no plot or building shall be constructed above slab level until full details of the facing and roofing materials for that plot or building have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

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

3. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the buildings, including the windows and doors (and their surrounds), the decorative brick panels and porches together with the eaves and verge treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details.

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 [C18] of the Cherwell Local Plan 1996.

4. Full details of the siting, appearance and colour of any air source or ground source heat pumps to be located on the public facing external elevations of dwellings shall be submitted to and approved by the Local Planning Authority prior to the construction of that dwelling above slab level. The development shall thereafter be carried out in accordance with the approved details

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.

5. Notwithstanding the approved Phase 2A Concept on Plot Landscaping ref: P22-3093-EN-03-M dated 18 October 2024 details of a scheme for landscape edge treatments to prevent irregular parking and damage to planting/verges in the public realm shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of dwellings above slab level. The development shall be

carried out in accordance with the approved scheme.

Reason : To ensure that the agreed landscaping scheme is protected to permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION (POS)

6. 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.

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.

7. For the avoidance of doubt, mitigation measures required by the approved Phase 2A Noise Impact Assessment ref: 27141-HYD-XX-XX-Y-RP-1001 Rev P02 dated 11 June 2024 shall be completed in accordance with the approved details for identified dwellings before that dwelling is occupied. The measures include the provision of 1.8m high closeboard fencing around the plot, facade insulation and alternative ventilation solutions.

Reason : To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with advice in the NPPF (section 15) and Saved Policy ENV1 of the Cherwell Local Plan 1996

8. The approved means of enclosure shown on Phase 2A Boundary Treatments Plan ref: P22-3093-DE-101_H_07 dated 18 October 2024 shall be erected at the boundary of each dwelling prior to the first occupation of that dwelling.

Reason : To ensure the creation of a satisfactory environment free from intrusive levels of noise, to ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies ENV1, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

10. Prior to the occupation of each individual dwelling, the dwelling shall be provided with solar PV in accordance with the approved External Works Plan (Solar PV Layout) ref: P22-3093-DE-101_D_15 dated 18 October 2024.

Reason : To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES (R)

11. Any electricity or gas supply meter housings to be located on the external elevations of the buildings hereby approved shall be sited on the side or rear elevations of the buildings and shall be coloured to match the facing material against which it will be sited unless otherwise approved in writing by the Local Planning Authority.

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.

12. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the front wall of any dwelling and the highway or the flank wall of a dwelling at the junction of two roads, at any time, without the prior express planning permission of the Local Planning Authority.

Reason : In order to retain the open character of the development and area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

PLANNING NOTES

1. 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. 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.
3. 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.

Case Officer: Suzanne Taylor

DATE: 20 November 2024

Checked By: Caroline Ford

DATE: 20 November 2024
