

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

24/03351/DISC

Case Officer: Suzanne Taylor

Recommendation: Approval

Applicant: Cala Homes (Cotswolds) Ltd

Proposal: Discharge of Condition 4 (air source heat pump details) of
23/01586/REM

Expiry Date: 11 February 2025

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. This 90.3ha application site is situated to the north west of Bicester, north of Middleton Stoney Road and west of Howes Lane and it forms part of the wider NW Bicester Eco Town area within the extent of the site allocated by Policy Bicester 1. The land sits detached from the Western extent of the town and is separated from it by Howes Lane and the Axis J9 employment site (which also forms part of the wider NW Bicester allocation). A private residence called Lovelynych House lies adjacent to the southern site boundary. Outline permission ref: 14/02121/OUT is for up to 1,700 residential dwellings with associated facilities including a retirement village, commercial floorspace, community facilities and primary school. The site is mainly comprised of agricultural land and native species field hedgerows.
- 1.2. Works have commenced on the Phase 1A and 1B reserved matters for the accesses and infrastructure to serve the site and the first 500 dwellings (including the 123 dwellings permitted by 23/01586/REM). The Design Code for the site has been approved and there are numerous other condition discharge applications and S106 clause discharges which have been agreed or are currently under consideration.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. This application seeks to discharge condition 4 of 23/01586/REM which requires the submission of 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.

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.
- 23/01586/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), 14 (noise assessment), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) at Phase 2A – APPROVED.
- 24/01670/OUT - Variation of Condition 44 (Land Uses and maximum floor areas of buildings in 'Other Uses' parcels) and Removal of Condition 45 (restriction on maximum floor areas for retail uses in 'Other Uses' parcels) of 14/02121/OUT to allow provision of a discount foodstore of up to 2,500sqm, a larger pub/community use (additional 500sqm) and nursery use (additional 500sqm) and reduced floorspace for a veterinary surgery, hotel, other retail uses and health facility. Floor areas for all other uses would remain as approved (e.g. retirement village, offices, energy centre and water treatment plant) – Under consideration.
- 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.
- 24/03016/REM - Reserved Matters Application including appearance, landscaping, layout and scale pursuant to Outline Planning Permission 14/02121/OUT for the installation of an electrical substation at Himley Village, Bicester – Under consideration.
- 24/03156/NMA - Non-material amendment to 23/01586/REM - Plot 1 – gate location moved to other side of house and a path has been added to the front garden for access to the rear gate. Plot 4 – gate location moved to other side of house and the path that was in the front garden has now been removed and put back to grass as the gate opens on to the driveway meaning there is now no need for this path. Plot 81 – gate location is now shown as was not shown on previous revisions. Plots 82 and 83 – parking space and twin garage label has been swapped. – APPROVED
- 24/03328/SCOP - EIA Scoping Request to support a Section 73 application to vary conditions attached to the extant planning permission for the Himley Development (ref 14/02121/OUT) – OPINION ISSUED
- 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 - WITHDRAWN.
- 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 - APPROVED.
- 24/01604/DISC – Discharge of Condition 26 (Hedgerow Removal Details) of 14/02121/OUT – APPROVED.
- 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 - APPROVED.
- 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 – APPROVED.
- 24/02273/DISC - PARTIAL DISCHARGE of Condition 27 (Phase Arboricultural Method Statement) of 14/02121/OUT for Phase 2A – APPROVED.
- 24/02981/DISC - Discharge of Condition 6 (Foul Water Pumping Station Details) of 23/01493/REM – APPROVED.
- 24/03062/DISC - PARTIAL DISCHARGE of Condition 34 (foul drainage strategy) of 14/02121/OUT for Phase 2A – APPROVED.
- 24/03110/DISC - PARTIAL DISCHARGE of Condition 18 (Travel Plan) of

14/02121/OUT for Phase 2A – Under consideration.

- 24/03189/DISC - PARTIAL DISCHARGE of Condition 2 (facing and roofing materials) of 23/01586/REM - roofing materials only – APPROVED.
- 24/03309/DISC - PARTIAL DISCHARGE of Condition 2 (facing and roofing materials) of 23/01586/REM (bricks, render, cladding and substation roof only) – APPROVED.
- 24/03364/DISC - Discharge of Condition 9 (EV Charging Points) of 23/01586/REM – Under consideration.
- 24/03369/DISC - PARTIAL DISCHARGE of Condition 3 (doors, windows, eaves and verge treatments only) of 23/01586/REM – Under consideration.
- 24/03379/DISC - PARTIAL DISCHARGE of Condition 33 (Programme of Archaeological Investigation) (For first 500 dwellings only) of 14/02121/OUT – Under consideration.
- 25/00095/DISC - Discharge of Condition 5 (Landscape Edge Treatments) of 23/01586/REM – Under consideration.
- 25/00107/DISC - Discharge of Condition 10 part 2 (Phased Biodiversity Strategy Statement and Net Biodiversity Gain) of 14/02121/OUT (as amended by 22/03492/NMA) – Under consideration.
- 25/00108/DISC - PARTIAL DISCHARGE of Condition 10 (Phased Biodiversity Strategy Statement and Net Biodiversity Gain) of 14/02121/OUT (as amended by 22/03492/NMA) – Under consideration.
- 25/000149/DISC - Discharge of Condition 6 (Laying out of Roads) of 23/01586/REM – Under consideration.
- 25/00277/DISC - PARTIAL DISCHARGE of Condition 20 (carbon emissions) of 14/02121/OUT - Phase 2B Part 1 only – Under consideration.
- 25/00278/DISC - PARTIAL DISCHARGE of Condition 13 (Future Climate Change Risks Statement) of 14/02121/OUT (as amended by 22/03492/NMA) - Phase 2B Part 1 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/M106 – 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.
- 24/03010/M106 - Modification of Section 106 (14/02121/OUT): To amend the Mortgagee in Possession clause to ensure the Affordable Housing Units

can be charged at MVST; to insert an enforceability clause which removes liability from the RP and RP Mortgagee in respect of the non-AH obligations; amend the exclusions clause so that the Affordable housing provisions will not apply to mortgagees, successors in title (and their mortgagees and successors in title) of the protected parties; to insert a provision which would allow the rents on Affordable Rented Units to be increased by CPI + 1% per annum; to insert a provision which would allow the rents on Shared Ownership Units to be increased by RPI + 0.5% per annum – Under consideration.

- 24/03392/M106 - Modification of Section 106 (14/02121/OUT): modification to Schedule 9 of the signed Section 106 Agreement relating to affordable housing, specifically the various clauses and definitions that require a 30% provision to a reduced level to be agreed under this application – Under consideration.
- 25/00155/M106 - Modification of Section 106 (14/02121/OUT): Modification to vary Schedule 7 (Non Residential Uses) relating to Planning Obligation dated 20th January 2020 pursuant to Outline Planning Permission 14/02121/OUT – Under consideration.

4. RESPONSE TO CONSULTATION

4.1. WARD MEMBERS: No comments received to date.

4.2. ENVIRONMENTAL PROTECTION: No objection but highlights the need to comply with S8.4 to s8.6 & s9.1 of The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2011 No. 2056 (i.e. 42 dB LAeq, 5 min noise limit, as measured 1 metre from the window of a habitable room in the facade of any neighbouring residential property. The applicant should therefore be required to provide a copy of an appropriate certificate issued upon installation which demonstrates that whichever heat pump model is installed that it satisfies standards specified in Microgeneration Certificate Scheme MCS 020(b) in terms of the noise limit stipulated in the Explanatory Memorandum to Permitted Development Order 2011 No. 2056. [*Officer Note: It is not possible to add a condition to a condition discharge and the reason for attaching this condition was related to visual amenity only and not residential amenity/noise. EP were consulted in error.*]

5. APPRAISAL

5.1. This condition only required details of heat pumps which were to be installed on public facing elevations of the approved dwellings in the interests of visual amenity. Looking at the submitted layout plan it is clear that no heat pumps are proposed to be installed on publicly visible elevations. Therefore, the proposals will not be seriously harmful to the character and appearance of the scheme and the submitted details are acceptable.

6. RECOMMENDATION

That Planning Condition 4 of 23/01586/REM be discharged based upon the following:

Condition 4

Phase 2A Site Layout Plan DRWG: P22-3093_DE_101_AA_01 dated 29 October 2024; AND

Daikin Altherma 3 Low Capacity Monobloc brochure received 17 December 2024.

Case Officer: Suzanne Taylor

DATE: 10 February 2025

Checked By: Caroline Ford

DATE: 10 February 2025
