

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

23/00207/DISC

Case Officer: Suzanne Taylor

Recommendation: Approve

Applicant: Cala Homes (Cotswolds) Ltd

Proposal: Discharge of Conditions 7 (site wide Phasing Plan), 11 (full surface Water Drainage Scheme) and 10 (Site Wide Biodiversity Strategy) of 14/02121/OUT (as amended by 22/03492/NMA)

Expiry Date: 21 December 2023

Extension of Time: 21 December 2023

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site is situated to the north west of Bicester, north of Middleton Stoney Road and west of Howes Lane and it forms part of the wider NW Bicester Eco Town area within the extent of the site allocated by Policy Bicester 1. The land sits detached from the Western extent of the town and is separated from it by Howes Lane and the Axis J9 employment site (which also forms part of the wider NW Bicester allocation). A private residence called 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. The first reserved matters applications submitted for the site are for Phase 1A (the accesses off the Middleton Stoney Road/B4030), Phase 1B (infrastructure for the first 500 dwellings) and Phase 2A (first 123 dwellings) are all under consideration along with an application to discharge condition 8 of the outline which requires a Design Code and Masterplan for the site.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. This application seeks to discharge condition 7 (Site Wide Phasing Plan), condition 11 (Site Wide full surface water drainage scheme) and condition 10 (Site Wide Biodiversity Strategy). A Phasing Plan, Surface Water Drainage Strategy and Site Wide Biodiversity Strategy have been submitted in support of the application.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
 - 14/02121/OUT – Proposed Himley Village, North West Bicester, Middleton Stoney Road – outline permission granted for up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, C1 and D1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1) and to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road).

- 22/03492/NMA – Non-material amendment to conditions of permission 14/02121/OUT - Due to time constraints the applicants sought to meet the deadline for submitting a reserved matter application whilst not triggering the need to provide the masterplan and design code. It was agreed that the first reserved matter could be made for a discrete piece of infrastructure only (e.g. the site accesses) which would not necessitate wider site design details or prejudice the future layout/design. This NMA was granted to allow the rewording of conditions to provide this flexibility/distinction.
- 23/00170/REM and 23/00214/REM – Identical, dual planning applications currently under consideration for the primary and secondary accesses to the Middleton Stoney Road for the outline planning permission 14/02121/OUT.
- 23/01493/REM - Reserved Matters Application including access, layout, landscaping and scale pursuant to outline planning permission 14/02121/OUT for internal primary and secondary streets along with the partial discharge of conditions 12 (Building for Life 12), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) and 19 (detailed surface water drainage scheme) for Phase 1B. Under consideration.
- 22/01586/REM - Reserved Matters Application pursuant to Outline planning permission 14/02121/OUT for the erection of 123 dwellings (including 37 affordable dwellings), parking, landscaping and other associated infrastructure including the part compliance of conditions 12 (Building for Life 12), 13 (future climate risks statement), 14 (noise assessment), 16 (means of vehicular access), 17 (means of pedestrian/cycle links), 18 (Travel Plan) and 19 (detailed surface water drainage scheme) at Phase 2A. Under consideration.
- 23/00183/DISC – Partial discharge of conditions 20 (carbon emissions) and 30 (CEMP) of outline permission 14/02121/OUT currently under consideration.
- 23/00781/DISC – Partial discharge of Condition 32 (Written Scheme of Investigation) of 14/02121/OUT for Phases 1, 2 and a small part of Phase 3 as per Phasing Plan P22-3093_DE_5_B_1. Approved.
- 23/01496/DISC - Discharge of Condition 8 (Site Wide Masterplan and Design Code) of 14/02121/OUT. Under consideration.
- 23/01502/DISC - PARTIAL DISCHARGE of Condition 20 (Carbon Emissions) of 14/02121/OUT - Phase 2. Under consideration.
- 23/01558/DISC - Discharge of Condition 9 (other uses area masterplan) of 14/02121/OUT. Under consideration.
- 23/01608/DISC - PARTIAL DISCHARGE of Conditions 13 (Future Climate Change Risks Statement) and 36 (Water Neutrality Statement) of 14/02121/OUT (as amended by 22/03492/NMA) for Phase 2. Under consideration.
- 23/02786/OBL - Submission of a Zero Carbon Strategy in accordance with paragraph 1.1 of Schedule 11 of the Section 106 agreement dated 30th January 2020 relating to planning permission 14/02121/OUT. Under consideration.

- 23/03546/DISC - PARTIAL Discharge of Condition 29 (Landscape and Habitat Management Plan) of 14/02121/OUT (Phase 2A Only). Under consideration.

RESPONSE TO PUBLICITY

As an application subsequent to an application requiring an EIA this application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments was **27 November 2023**, although comments received after this date and before finalising this report have also been taken into account.

No comments have been raised by third parties.

4. RESPONSE TO CONSULTATION

WARD COUNCILLORS: No comments to date.

LEAD LOCAL FLOOD AUTHORITY: No objection to discharging condition 11. After an initial objection to the application on the basis of insufficient information the applicants submitted further details in the form of a Technical Note, 2 x plans to show drainage details in the vicinity of the accesses (Phase 1A) and confirmation of the outfall location and ditch capacity. The LLFA observe that detailed design drawings will still need to be provided with each reserved matters application (as per the Phasing Plan P22-3093_DE_05_D_01 and in accordance with condition 19 of the outline) in respect of Sizing of features; Detailed drainage with pipe numbers; Swales, Ponds, Permeable Paving, Filter Strips, Rain Gardens; Network drainage calculations.

CDC ECOLOGY: The Ecologist is satisfied that condition 10 can be discharged. After initial concerns that the Biodiversity Strategy did not cover the entire outline site area the applicant submitted an amended BDS which was site wide and provided additional information to address concerns raised about off-site mitigation, mitigation for hedgerows, how ditches had been accounted for in the metric and reference to how the strategy referred back to the Masterplan Biodiversity Strategy and the NW Bicester SPD.

CDC DRAINAGE: No objection subject to LLFA being content with the details and clarification of the outfall to the south of the site.

5. APPRAISAL

Phasing Plan – Condition 7. The applicants have submitted a revised version of the phasing plan to include sub-phases and indicative dates for implementation. Whilst it would be helpful to have more detail of timescales and numbers of dwellings per phase (e.g. with a Gantt Chart or similar) to help us to assess the various phases/reserved matters coming forward and what amenities they may require it is noted that the wording of the condition only requires a 'Phasing Plan' and is not specific about the amount of detail needed. It is also recognised that projects of this scale are extremely difficult to provide accurate timescales for.

Therefore, it is conceded that the level of detail shown on the plan is adequate at this stage to understand how the development is likely to be implemented. The plan gives details of the key phases currently anticipated along with indicative start dates. This can be read in conjunction with the reserved matters and details provided in support of the other applications which show that Phase 2A is for 123 dwellings and that the entirety of Phase 2 (i.e. 2A, 2B and 2C) will be for circa 500 dwellings.

Updated Phasing Plans can be submitted for subsequent approval as the project progresses and more accurate information becomes available.

Site Wide Biodiversity Strategy – Condition 10. As discussed under the Ecology response section above, the applicants responded to initial concerns raised and provided an amended version of the SWBDS and clarifications which have satisfied the Ecology Officer. Each subsequent reserved matter application will need to provide a statement to demonstrate how it accords with the SWBDS and achieves biodiversity net gain (BNG). It is therefore considered that condition 10 can be discharged.

Surface Water Drainage – Condition 11. As described in the LLFA and CDC Drainage responses above both consultees are content with the information provided which set out the basis for subsequent detailed SWD schemes required to be submitted for each reserved matter/phase to accord with condition 19 of the outline. It is therefore considered that condition 11 can be discharged.

The original application was EIA development. The outline permission was granted in 2020 and is therefore considered to be recent enough and adequate to consider this DISC concerning phasing, ecology and surface water drainage. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this condition and it has been taken into account in considering this subsequent application.

6. RECOMMENDATION

That Planning Condition(s) 7, 10 and 11 of 14/02121/OUT (as amended by 22/03492/NMA) be discharged based upon the following:

Condition 7

Phasing Plan Dwg No. P22-3093_DE_05_E_01 dated 16 10 2023;

Condition 10

Biodiversity Strategy ref: TG Report No. 15525_R03c_JS_RC Rev C dated 14 12 23;

Email from Becky Pull at Cala containing additional information from their Ecologist at Tyler Grange dated 18 01 24;

Condition 11

Site Wide Drainage Strategy ref: 27141-HYD-XX-XX-TN-C-0002 P02 dated 23 01 2023;

S278 Offsite Highway Works Street Accesses Legal Plan Dwg No: 27141-HYD-XX-XX-DR-D-0160 P01 dated 15 09 2023;

Technical Design Note ref: 27141-HYD-XX-XX-TN-C-0005 P01 dated 27 10 2023;

Case Officer: Suzanne Taylor

DATE: 19 February 2024

Checked By: Caroline Ford

DATE: 21 February 2024
