

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

23/00781/DISC

Case Officer: Suzanne Taylor

Recommendation: Approval

Applicant: Cala Homes (Cotswolds) Ltd

Proposal: 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

Expiry Date: 12 July 2023

Extension of Time:

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 area covered by the archaeological Written Scheme of Investigation (WSI) concerns the south-eastern part of this outline permission and its accesses onto the Middleton Stoney Road. The WSI site is defined as Phases 1, 2 and a small part of Phase 3 of the outline in the Phasing Plan P22-3093_DE_5_B_1 dated 09/01/2023 which itself is submitted and pending consideration as part of a discharge of condition application ref: 23/00207/DISC. The site is mainly comprised of agricultural land and native species field hedgerows.

1.2. The first reserved matters applications for the site accesses off the Middleton Stoney Road/B4030 have been submitted and are under consideration and the applicants are working up a Design Code and Masterplan for the site.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1. This application seeks to partially discharge condition 32 of 14/02121/OUT which requires the submission and approval of a first stage, archaeological, Written Scheme of Investigation (WSI) prior to any demolition or commencement for the areas of the site specified. A WSI was submitted in support of the application and an amended WSI was subsequently provided in response to comments by the County Archaeologist.

3. RELEVANT PLANNING HISTORY

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

- 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.

- 23/00183/DISC – Partial discharge of conditions 20 (carbon emissions) and 30 (CEMP) of outline permission 14/02121/OUT currently under consideration.
- 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 currently under consideration.
- 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.

4. RESPONSE TO PUBLICITY

- 4.1 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 **15 May 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 4.2 No comments have been raised by third parties.

5. RESPONSE TO CONSULTATION

- 5.1. OCC Archaeology: The County Archaeologist has confirmed that the amended WSI is acceptable and that this condition can be discharged.

6. APPRAISAL

- 6.1. The most recent version of the WSI has been deemed acceptable by OCC Archaeology and they recommend that this condition discharge application can be approved.
- 6.2. Whilst the wording of the condition does not explicitly allow for phased discharge of the first stage WSI there is some ambiguity in the wording which could allow for this possibility. The condition states:

“Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written

Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.” (My underlining).

This could be interpreted as meaning the entire site area for the outline or the site area of each reserved matter. Whilst I think that this was more likely intended to refer to the entirety of the outline site area the wording is not specific enough to be sure. Crucially, the County Archaeologist is content with the WSI and has not expressed any concerns that it does not cover the full extent of the outline site. On the basis that this is clearly defined as a PARTIAL discharge only the Archaeologist and I are happy that this would not prejudice further archaeological work on the remaining phases/parts of the site.

- 6.3. 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 archaeology. 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.

7. RECOMMENDATION

That Planning Condition 32 of 14/02121/OUT be discharged based upon the following:

Condition 32 – Written Scheme of Investigation for Archaeological Investigation (ref: PN2906/RMA 2023/v.2) by Orion Heritage and dated April 2023

Case Officer: Suzanne Taylor

DATE: 18 May 2023

Checked By: Caroline Ford

DATE: 19 May 2023
