

**Case Officer:** Tom Webster

**Recommendation:** Approval

**Applicant:** Firethorn Developments Limited

**Proposal:** Discharge of Condition 11 (phasing plan) of 21/01630/OUT  
(APP/C3105/W/23/3315849)

**Expiry Date:** 09/10/2023

**Extension of Time:**

## **1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT**

1.1. The application site is situated to the North West of Bicester and comprises land extending to 23.97ha in area split across two separated parcels of land. However this is extended to 24.2594ha to include two construction accesses to the east of the site. The site forms part of the land allocated by Policy Bicester 1 and it is within the Masterplan for NW Bicester. The two separated parcels of land relate to:

- An eastern parcel extending to approximately 4.68ha
- A western parcel extending to approximately 15.962ha

1.2. The red line site area also includes access to the site meaning that the adopted highway of Charlotte Avenue and Braeburn Avenue are also included within the red line which would be utilised as existing accesses. Both roads are currently not adopted.

## **2. CONDITIONS PROPOSED TO BE DISCHARGED**

2.1. The applicants are seeking to discharge Condition 11 (Phasing Plan) of Planning Permission 21/01630/OUT. For completeness, Condition 11 reads as:

*Prior to, or at the same time as the submission of the first reserved matters application, a phasing plan covering the entire site the subject of this application, shall be submitted to the Local Planning Authority and approved prior to the submission of the first reserved matters application. Each reserved matters application shall thereafter refer to a phase, phases or part thereof identified in the approved phasing plan. The development shall be carried out in accordance with the approved phasing plan unless a further phase specific planning application is submitted and approved by the Council in substitution for that part of the approved development.*

## **3. RELEVANT PLANNING HISTORY**

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

21/01630/OUT - Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination – It was appealed on Non Determination Grounds and planning permission was granted by the Planning Inspector on the 25th July 2023 (APP/C3105/W/23/3315849)

#### **4. RESPONSE TO PUBLICITY**

- 4.1 This application has been publicised by way of a Site Notice displayed near the site, expiring **31<sup>st</sup> October 2023** and a Press notice on the **12<sup>th</sup> October 2023** expiring **11<sup>th</sup> November 2023**.
- 4.2 No comments have been raised by third parties.

#### **5. RESPONSE TO CONSULTATION**

Local Lead Flood Authority: No Objections

Environmental Protection: No Objections

OCC Highways: Had objected on the following grounds:

*“The phasing plan does not include the full red line area. This is particularly relevant as it doesn't include the northern part of the site adjoining the layby, where the construction access will be built. The plan also doesn't indicate the order in which the phases will be developed.*

However, subsequently a revised phasing plan was submitted which shows a), the sequence of phases (the parcels of land in number order); and

b) an amended red line to encompass the northern part of the site adjoining the layby

On this basis, and following discussions between the Highways officer and the applicants Highways Consultants (Velocity), OCC Highways revised their consultation response to say:

*“If the planning authority is content with the infrastructure (including construction access haul route) not being shown as a phase, then I can remove my objection because this does at least now show the application boundary including the haul route. “*

The Highways Authority has also initially made the following comments:

*“Infrastructure is not shown separately. However, highways triggers relating to construction and permanent accesses are set out in conditions/obligations, therefore the lack of detail on the phasing plan is not, I believe, an issue for highways.*

#### **6. APPRAISAL**

The original application was EIA development and has only very recently been approved (25<sup>th</sup> July 2023), which means the EIA is still up to date. 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.

The Highways Authority had raised an objection, but, following amendments to the phasing plan, have now withdrawn their objection. The phasing plan now has a sequence of parcels (1,2 & 3), in line with the wording of condition 11. It also

incorporates the northern part of the site adjoining the layby, as requested by the Highways Authority.

It was anticipated that an infrastructure works phase might have been included on the phasing plan. That an infrastructure works phase is not included is acceptable in this instance because construction and permanent access arrangements to the site are already secured through the s.106 agreement and other planning conditions, which stipulate that the western parcel is only accessed from the northern construction access, and the eastern parcel is only accessed from the southern construction access.

The s.106 agreement also secures open space and green infrastructure on each phase/Reserved Matters application.

The original application was EIA development and this submission is a 'subsequent application' under the EIA Regulations. The information submitted pursuant to the discharge of this condition was not included within the Environmental Statement submitted with the application although it will support the development of the site to the satisfaction of the local planning authority in consideration of the environmental impacts. For these reasons, the EIA is considered adequate for the purposes of considering the information provided for this condition and it has been taken into account in considering this subsequent application.

Given the above, the revised phasing plan 021 Revision D is considered to be acceptable, and Condition 11 can be discharged.

**7. RECOMMENDATION**

That Planning Condition 11 of *21/01630/OUT* be discharged based upon the following:

Phasing Plan 021 Revision D

EIA Note

Case Officer: Tom Webster

DATE: 10 November 2023

Checked By: Caroline Ford

DATE: 13 November 2023

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