

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

**24/01036/DISC**

**Case Officer:** Suzanne Taylor

**Recommendation:** Approval

**Applicant:** Cala Homes (Cotswolds) Ltd

**Proposal:** PARTIAL DISCHARGE of Condition 21 (Contamination Desk Study) of 14/02121/OUT (PART of Phases 1 and 2 only)

**Expiry Date:** 12 June 2024

**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 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 approved and Phase 1B (infrastructure for the first 500 dwellings) and Phase 2A (first 123 dwellings) have been submitted and are under consideration. The Design Code and Masterplan for the site have also been submitted and are still under consideration along with numerous other condition discharge applications and S106 clause discharges.

**2. CONDITIONS PROPOSED TO BE DISCHARGED**

- 2.1. This application seeks to partially discharge condition 21 of 14/02121/OUT which requires the submission of a desk study and site walk over on a phase by phase basis prior to commencement on the relevant phase.

**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)

- 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 - 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 - 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 - 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.
- 23/01496/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.

- 23/02029/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 – Recommended for APPROVAL.
- 24/00615/DISC - PARTIAL DISCHARGE condition 30 (CEMP) for Phase 2 only – Under consideration.
- 24/01041/DISC – PARTIAL DISCHARGE condition 22 (Contamination intrusive study) for Part Phase 1 and 2 only – Recommended for APPROVAL.
- 24/01214/DISC – PARTIAL DISCHARGE condition 31 (Soil Resources) for Phase 2 only. Under consideration.
- 24/01241/DISC – PARTIAL DISCHARGE condition 24 (Pollution Prevention) for Phases 1 and 2 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. RESPONSE TO PUBLICITY**

- 4.1 As an application subsequent to an application requiring an EIA this application has been publicised by way of site notices displayed near the site and by advertisement in the local newspaper. The final date for comments was **01 June 2024**, 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. WARD COUNCILLORS – No comments received to date.
- 5.2. ENVIRONMENTAL HEALTH – No objections.

#### **6. APPRAISAL**

- 6.1. The area covered by the Desk Based Contamination Study includes most of Phases 1 and 2 but excludes a small area to the north-west of Lovelynch House and the

pedestrian and cycle paths along the Middleton Stoney Road and along the eastern boundary with the Axis J9 development. On the basis that this is a 'partial discharge' only as set out in the description the Environmental Health Officer is "satisfied that the condition can be discharged".

- 6.2. 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 the desk based study and site walk over for contamination. 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 21 of 14/02121/OUT be PARTIALLY discharged for PART of Phases 1 and 2 based upon the following:

Condition 21 – Contamination Desk Study ref: 27141-HYD-XX-XX-RP-GE-1001-S2-P01 dated 14 April 2024

EIA Informative

Case Officer: Suzanne Taylor

DATE: 11 June 2024

Checked By: Caroline Ford

DATE: 12 June 2024

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