

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

24/01603/DISC

Case Officer: Suzanne Taylor

Recommendation: Approval

Applicant: Cala Homes (Cotswolds) Ltd

Proposal: PARTIAL DISCHARGE of Condition 25 (Phase Ecological Survey Update) of 14/02121/OUT for Phases 1A, 1B and 2A

Expiry Date: 30 November 2024

Extension of Time: 30 November 2024

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site is situated to the northwest 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 sits adjacent to the southern site boundary. The land extends to approximately 90.3ha and is currently agricultural land divided by field hedgerows.
- 1.2. Outline planning permission was granted by 14/02121/OUT for 1,700 houses, including affordable housing, supporting infrastructure including a primary school, non-residential uses and open space. The development is proposed to meet true zero carbon standards. All matters are reserved. Previous NMAs (refs: 22/02375/NMA and 22/03492/NMA) have also been approved which allowed the rewording of conditions 2, 4, 7, 8, 9, 10, 11, 13, 14, 18, 19 and 36 to change the timing of the submission of details. Reserved matters applications for Phase 1A (site accesses) refs: 23/00170/REM & 23/00214/REM, Phase 1B (infrastructure to serve the first 500 dwellings) ref: 23/01493/REM and Phase 2A (123 dwellings) ref: 23/01586/REM have also been approved.
- 1.3. Work has commenced on the Phase 1B infrastructure and Phase 1A site accesses.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. This application seeks to discharge condition 25 of the outline permission which requires the submission of an up-to date ecological survey for each phase.
- 2.2. Condition 25 of 14/02121/OUT states that: *"No development shall commence on any phase unless or until an up to date ecological survey has been undertaken to establish changes in the presence, abundance and impact on bio diversity within that phase. The survey results, together with an updated biodiversity mitigation plan and method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development of the phase shall be carried out in accordance with the approved Mitigation Plan and Method Statement."*

3. RELEVANT PLANNING HISTORY

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

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.
- 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 - APPROVED.
- 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.
- 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.
- 23/01496/DISC - Discharge of Condition 8 (Site Wide Masterplan and Design Code) of 14/02121/OUT (as amended by 22/03492/NMA) – 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 - 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 - 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.

- 24/01603/DISC – PARTIAL DISCHARGE of Condition 25 (Phase Ecological Survey Update) of 14/02121/OUT for Phases 1A, 1B and 2A - Under consideration.
- 24/01604/DISC – Discharge of Condition 26 (Hedgerow Removal Details) of 14/02121/OUT - Under consideration.
- 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 - Under consideration.
- 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 – 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 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 July 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. CDC ECOLOGY: **No objection**. They are satisfied with the updated ecology surveys.

6. APPRAISAL

- 6.1. The applicants have provided an updated Biodiversity Strategy which incorporates data from ecology surveys undertaken in 2023. The Ecology Officer is satisfied with the submitted information and considers that the updated surveys are valid. It is therefore considered that Condition 25 of 14/02121/REM 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 ecology, particularly as this concerns updates to the ecology surveys. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this condition as it complies with the parameter plans (which is the development tested in the EIA) and it has been taken into account in considering this subsequent application.

7. RECOMMENDATION

That Planning Condition 25 of 14/02121/REM be discharged based upon the following:

Condition 25

Biodiversity Strategy Report Ref: 15525_R03d_JS_RC Rev D dated 18 January 2024; AND

Email from Cala to Cherwell DC containing additional Ecology information dated 18 January 2024

Case Officer: Suzanne Taylor

DATE: 25 November 2024

Checked By: Caroline Ford

DATE: 25 November 2024
