Proposed Himley Village North West Bicester Middleton Stoney Road Bicester **24/01801/DISC**

Case Officer: Suzanne Taylor **Recommendation:** Approval

Applicant: Cala Homes (Cotswolds) Ltd

Proposal: PARTIAL DISCHARGE of condition 27 (Arboricultural Method Statement) of 14/02121/OUT for Phase 1B only

Expiry Date: 30 November 2024 **Extension of Time:** 30 November 2024

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1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

1.1. This 90.3ha 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 Lovelynch 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. Works have commenced on the Phase 1A and 1B reserved matters for the accesses and infrastructure to serve the site and the first 500 dwellings (including the 123 dwellings permitted by 23/01586/REM). The Design Code for the site has been approved and there are numerous other condition discharge applications and S106 clause discharges which have been agreed or are currently under consideration.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1. The application seeks to partially discharge condition 27 of 14/02121/OUT insofar as it relates to Phase 1B which requires the submission and approval of an Arboricultural Method Statement (AMS) prior to commencement. The applicants have submitted an AMS in support of the application.

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)

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.

- 23/01586/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), 14 (noise assessment), 16 (means of vehicular access), 17 (means of pedestrian/cycle links) 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.

- 24/03016/REM - Reserved Matters Application including appearance, landscaping, layout and scale pursuant to Outline Planning Permission

14/02121/OUT for the installation of an electrical substation at Himley Village, Bicester – Under consideration.

- 24/03156/NMA - Non-material amendment to 23/01586/REM - Plot 1 – gate location moved to other side of house and a path has been added to the front garden for access to the rear gate. Plot 4 – gate location moved to other side of house and the path that was in the front garden has now been removed and put back to grass as the gate opens on to the driveway meaning there is now no need for this path. Plot 81 – gate location is now shown as was not shown on previous revisions. Plots 82 and 83 – parking space and twin garage label has been swapped. – APPROVED

- 24/03328/SCOP - EIA Scoping Request to support a Section 73 application to vary conditions attached to the extant planning permission for the Himley Development (ref 14/02121/OUT) – OPINION ISSUED

- 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.

- 23/01502/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 - WITHDRAWN.

- 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.

- 23/01496/DISC - Discharge of Condition 8 (Site Wide Masterplan and Design Code) 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 - APPROVED.

- 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.

- 24/02273/DISC - PARTIAL DISCHARGE of Condition 27 (Phase Arboricultural Method Statement) of 14/02121/OUT for Phase 2A – Under consideration.

- 24/03062/DISC - PARTIAL DISCHARGE of Condition 34 (foul drainage strategy) of 14/02121/OUT for Phase 2A – Under consideration.

- 24/03110/DISC - PARTIAL DISCHARGE of Condition 18 (Travel Plan) of 14/02121/OUT for Phase 2A – Under consideration.

- 24/03189/DISC - PARTIAL DISCHARGE of Condition 2 (facing and roofing materials) of 23/01586/REM - roofing materials only – APPROVED.

- 24/03309/DISC - PARTIAL DISCHARGE of Condition 2 (facing and roofing materials) of 23/01586/REM (bricks, render, cladding and substation roof only) – Under consideration.

- 24/03351/DISC - Discharge of Condition 4 (air source heat pump details) of 23/01586/REM – Under consideration.

- 24/03364/DISC - Discharge of Condition 9 (EV Charging Points) of 23/01586/REM – Under consideration.

- 24/03369/DISC - PARTIAL DISCHARGE of Condition 3 (doors, windows, eaves and verge treatments only) of 23/01586/REM – Under consideration.

- 25/00095/DISC - Discharge of Condition 5 (Landscape Edge Treatments) of 23/01586/REM – Under consideration.

- 25/00107/DISC - Discharge of Condition 10 part 2 (Phased Biodiversity Strategy Statement and Net Biodiversity Gain) of 14/02121/OUT (as amended by 22/03492/NMA) – Under consideration.

- 25/00108/DISC - PARTIAL DISCHARGE of Condition 10 (Phased Biodiversity Strategy Statement and Net Biodiversity Gain) of 14/02121/OUT (as amended by 22/03492/NMA) – Under consideration.

- 25/000149/DISC - Discharge of Condition 6 (Laying out of Roads) of 23/01586/REM – 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/M106 – 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.

- 24/03010/M106 - Modification of Section 106 (14/02121/OUT): To amend the Mortgagee in Possession clause to ensure the Affordable Housing Units can be charged at MVST; to insert an enforceability clause which removes liability from the RP and RP Mortgagee in respect of the non-AH obligations; amend the exclusions clause so that the Affordable housing provisions will not apply to mortgagees, successors in title (and their mortgagees and successors in title) of the protected parties; to insert a provision which would allow the rents on Affordable Rented Units to be increased by CPI + 1% per annum; to insert a provision which would allow the rents on Shared Ownership Units to be increased by RPI + 0.5% per annum – Under consideration.

- 24/03392/M106 - Modification of Section 106 (14/02121/OUT): modification to Schedule 9 of the signed Section 106 Agreement relating to affordable housing, specifically the various clauses and definitions that require a 30% provision to a reduced level to be agreed under this application – Under consideration.

- 25/00155/M106 - Modification of Section 106 (14/02121/OUT): Modification to vary Schedule 7 (Non Residential Uses) relating to Planning Obligation dated 20th January 2020 pursuant to Outline Planning Permission 14/02121/OUT – 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 **17 August 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 MEMBERS: No comments received to date.

5.2. ARBORICULTURAL OFFICER: No comments received to date.

6. APPRAISAL

6.1. The applicants have submitted an AMS which accords with BS:5837:2012 and I am satisfied that the statement will adequately protect trees on site during the implementation of the development if implemented as required.

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 AMS. 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 27 of 14/02121/OUT be discharged based upon the following:

Condition 27
Arboricultural Method Statement ref: TG Report No. 15525_R09_JJ dated 04 July 2024.

Case Officer: Suzanne Taylor DATE: 23 January 2025

Checked By: Caroline Ford DATE: 24 January 2025