

Case Officer: Andrew Lewis

Recommendation: Approve

Applicant: Elgin Investments LLP

Proposal: Discharge of condition 10 (Remediation Strategy) of 16/02446/F

Expiry Date: 11 January 2022

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site forms part of an allocated site for a new settlement in the Local Plan. The site is also allocated within the emerging Mid-Cherwell Neighbourhood Plan. It is within the RAF Upper Heyford Conservation Area and lies adjacent to the Rousham Conservation Area.
- 1.2. Full planning permission was granted in 2020 on a parcel of land at the west end of Camp Road for 296 dwellings (and associated infrastructure) of which 89 of the dwellings will be affordable (30%). Vehicular access is from Camp Road with secondary access to Izzard Road. Pedestrian and cycle links are proposed to Kirtlington Road and the existing settlement. The development will constitute Phase 9 of Heyford Park of which this application seeks approval for use of materials on the first two sub-phases of seven.
- 1.3. It is understood groundwork has commenced, although on this occasion a formal site visit was considered inappropriate and unnecessary during the pandemic lockdown.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. Condition 10 states:

“No development shall take place within a phase or sub-phase hereby approved until a remediation strategy that includes the following components to deal with the risks associated with contamination of that phase or sub-phase has been submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous use*
- potential contaminants associated with those uses*
- a conceptual model of the site indicating sources, pathways and receptors*
- potentially unacceptable risks arising from contamination affecting that phase or subphase*

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved."

3. RELEVANT PLANNING HISTORY

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

07/02350/CAC – Demolition of existing structures as part of lasting arrangement of Heyford Park – Allowed at appeal;

08/00716/OUT – Outline application for new settlement of 1,075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure – Allowed at appeal;

10/01642/OUT – Outline proposal for a new settlement of 1,075 dwellings including the retention and change of use of 267 existing military dwellings to residential use (Class C3) and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure – Approved;

10/01619/CAC – Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1) – Approved;

16/02446/F – Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works – Approved; and

18/00825/HYBRID – A hybrid proposal including demolition of buildings and structures as listed; Outline planning permission for up to 1,175 new dwellings; 60 close care dwellings; 929m² of retail; 670m² comprising a new medical centre; 35,175m² of new employment buildings, (comprising up to 6,330m² Class B1a, 13,635m² B1b/c, 9,250m² Class B2, and 5,960m² B8); 2.4ha site for a new school; 925m² of community use buildings; and 515m² of indoor sports, if provided on-site; 30m in height observation tower with zip-wire and ancillary visitor facilities; energy facility/infrastructure with a stack height of up to 24m; additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use; creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; Change of Use of buildings and areas: 20.3ha of hardstanding for car processing; and 76.6ha for filming activities; the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, associated infrastructure works including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road – Resolution to approve subject to securing s106 agreement, which is currently still outstanding.

4. RESPONSE TO CONSULTATION

- 4.1 The final date for comments was **9 December 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 4.2 The comments raised by third parties are summarised as follows:
- CDC - Environmental Health Officer: the condition can be discharged provided that all recommendations in the reports are followed;
 - Environment Agency - recommend condition can be discharged.
- 4.3 The comments received can be viewed in full on the Council's website, via the online Planning Register.

5. APPRAISAL

- 5.1. The original application was EIA development. 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.
- 5.2. The Environment Agency commented that the two supplementary investigations carried out were a response to the targeted investigations proposed in Section 6.2 of the remediation strategy. From the perspective of groundwater quality, the absence of any detection of hydrocarbons in the Jomas investigation coupled with relatively small amount of hydrocarbon impacted soils around TP4 from the pipeline study indicates relatively low impact from previous activities. The Agency noted that underground storage tank removal from the boiler house and removal of the pipeline are proposed and concluded that the condition could be satisfactorily discharged.
- 5.3. The CDC Environmental Health Officer also recommended that the condition could be discharged.
- 5.4. It is considered the submitted documents are acceptable and should be approved in accordance with the relevant condition.

6. RECOMMENDATION

That Planning Condition 10 (Remediation Strategy) of application reference 16/02446/F be discharged based upon the following documents:

- Heyford Park Phase 9 – Remediation Strategy R1742d-R03-v1
- Heyford Park Phase 9 – POL Pipeline supplementary site investigation R1742b-R21-v1
- Supplementary Geo-Environmental Assessment (Ground Investigation) Report Phase 9, Upper Heyford, OX25 5BS P2087J2052b-Upper Heyford - CWRA

Case Officer: Andrew Lewis

DATE: 10 January 2022

Checked By: Andy Bateson

DATE: 10th January 2022
