

**Hempton Gate Land North Of Hempton Road And
West Of Wimborn Close Deddington**

22/02569/DISC

Case Officer: Michael Sackey

Recommendation: Approval

Applicant: Burrington Estates

Proposal: Discharge of Conditions 6 (potential contaminative uses), 7 (comprehensive intrusive investigation), 8 (scheme of remediation) and 9 (verification report) of 20/02083/OUT

Expiry Date: 17 October 2022

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site is part of an agricultural field located to the west of Deddington to the north of the Hempton Road. The site is relatively flat, but the land beyond the northern boundary of the site falls away into a wide valley. To the east of the site is Wimborn Close which consists of a mix of relatively modern two storey properties and has a landscaping belt adjacent to the site. Agricultural field boundaries exist to the west of the site beyond which lies further agricultural fields.
- 1.2. Deddington nursery, The Windmill Centre, recreation ground and sporting facilities exist to the south of the site beyond Hempton Road.

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. The application seeks approval for the details required by the conditions named in the description, which relate to the potential contamination uses of the site, comprehensive intrusive investigation, scheme of remediation and verification report.
- 2.2. The application relates to an email and additional documents received on (29.09.2022) at 14:24hrs reference "BRD3567-OR3-A (March 2021) - Additional Ground Investigation & Remediation Strategy" and (21.10.2022) at 15:30hrs reference "BRD3567-OR6-A (June 2022) - Remediation Verification Report" in support of the application. The assessment and determination of this application is based on the additional documents.

3. RELEVANT PLANNING HISTORY

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

Application: 14/00112/PREAPP	Detailed Pre-App response sent	5 June 2014
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Removal of redundant agricultural building with development as residential site.

Application: 14/00103/SO	Screening Opinion not requesting EIA	19 February 2015
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Screening Opinion - 17.5km pipeline between the Angelinos pumping station (Tackley) and Milton pumping station.

Application: 18/02147/OUT Permitted 6 April 2020

Outline planning application for up to 21 dwellings comprising 1, 2, 3 and 4 bedroom dwellings together with access, garaging and landscaping (all matters reserved except the principal means of access from Hempton Road)

Application: 20/01145/DISC Permitted 27 July 2020

Discharge of Conditions 6 (Contamination Study) and 11 (Means of Access) of 18/02147/OUT

Application: 20/02083/OUT Permitted 16 August 2022

Outline - Erection of 14 two-storey dwellings

Application: 20/03660/REM Permitted 23 August 2021

Reserved matters application to 18/02147/OUT - Erection of 21 dwellings (consideration of Appearance, Landscaping, Layout and Scale)

Application: 21/00479/DISC Permitted 2 September 2021

Discharge of Conditions 5 (finished floor levels), 10 (surface water drainage scheme), 12 (Construction Traffic Management Plan), 14 (Biodiversity Enhancement Scheme) and 15 (Landscape and Ecology Management Plan) of 18/02147/OUT

Application: 21/01226/DISC Permitted 2 June 2021

Discharge of Conditions 7 (Comprehensive Intrusive Investigation Report), 8 (Details of Remediation) and 13 (Energy Report) of 18/02147/OUT

Application: 21/02338/PREAPP Response Sent 30 December 2021

Erection of 14 two-storey dwellings

Application: 21/02462/OBL Response Sent 30 August 2022

Discharge of schedule 2 paragraph 2.1.1 (affordable housing scheme) – of S106 relating to 18/02147/OUT

Application: 21/02988/DISC Permitted 7 December 2021

Discharge of Conditions 3 (stone sample panel) and 4 (brick sample panel) of 20/03660/REM

Application: 21/03546/OBL

Application for approval of 'management company structure scheme' and 'the management plan' for public open space under paragraph 2.1 of the Third Schedule of S106 relating to 18/02147/OUT

Application: 21/03804/DISC Permitted 4 February 2022

Discharge of Conditions 5 (Large Scale Details) and 6 (Boundary Treatment) of 20/03660/REM

Application: 22/00201/DISC Permitted 15 April 2022

Discharge of Conditions 17 (Travel Information Pack), 18 (Water Efficiency Details) & 20 (Electric Vehicle Charging) of 18/02147/OUT

Application: 22/02197/DISC Permitted 14 September 2022

Discharge of condition 16 (lighting strategy) of 18/02147/OUT

Application: 22/02570/REM

Reserved Matters application to 20/02083/OUT for the approval of details of layout (internal access roads and footpaths), scale, appearance and landscaping relating to the erection of 14 dwellings including 5 affordable dwellings, together with the provision of parking, landscaping and other associated details

Application: 22/02757/DISC

Discharge of Conditions 5 (finished floor levels), 10 (detailed surface water drainage scheme), 12 (Construction Traffic Management Plan), 13 (Construction Environmental Management Plan), 14 (sustainability details), 15 (biodiversity details), 16 (Landscape and Ecology Management Plan), 19 (water efficiency details) and 21 (electric vehicle charging plan) of 20/02083/OUT

Application: 22/03230/DISC

Discharge of Condition 9 (remedial works) of 18/02147/OUT

4. RESPONSE TO CONSULTATION

Environmental Health (14.09.2022) - Having read the reports provided I am satisfied that condition 6 can be discharged. However, in the phase 2 report it states that further investigation is required under the existing building and that additional testing is recommended on the ashy ground around TP03 which may lead to a remediation strategy and verification reports. Therefore, at this stage and whilst I am satisfied with the works so far I am unable to recommend the full discharge of condition 7 and unable to recommend discharge of conditions 8 and 9.

Environmental Health (21.10.2022) - Based on this I am happy to discharge conditions 6,7 and 8. I am unable to discharge condition 9 as, as it says in this report, the verification report will be issued after the remediation works are complete.

Environmental Health (02.11.2022) - Having read the [verification] report provided I am satisfied that the condition can be discharged.

5. APPRAISAL

Condition 6 requires that prior to the submission of any reserved matters and prior to the commencement of development a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority.

Phase 1 Geo-Environmental Desk Study and Phase 2 Geo-Environmental Desk Study has been submitted with the application reference "BRD3567-OR1-A (November 2019)" and "BRD3567-OR2-A (January 2020)". Having regards to the comments of the Environmental Protection Officer the submitted document is considered acceptable.

Condition 7 requires that if a potential risk from contamination is identified as a result of the work carried out under condition 6, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority..

Phase 1 Geo-Environmental Desk Study and Phase 2 Geo-Environmental Desk Study has been submitted with the application reference "BRD3567-OR1-A (November 2019)" and BRD3567-OR2-A (January 2020)". Having regards to the comments of the Environmental Protection Officer the submitted document is considered acceptable.

Condition 8 requires that if contamination is found by undertaking the work carried out under condition 7, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority..

Phase 1 Geo-Environmental Desk Study, Phase 2 Geo-Environmental Desk Study and Additional Ground Investigation & Remediation Strategy has been submitted with the application reference "BRD3567-OR1-A (November 2019)", "BRD3567-OR2-A (January 2020)" and "BRD3567-OR3-A (March 2021)". Having regards to the comments of the Environmental Protection Officer, these details are considered acceptable.

Condition 9 requires that if remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Phase 1 Geo-Environmental Desk Study, Phase 2 Geo-Environmental Desk Study, Additional Ground Investigation & Remediation Strategy and Remediation Verification Report has been submitted with the application reference "BRD3567-OR1-A (November 2019)", "BRD3567-OR2-A (January 2020)", "BRD3567-OR3-A (March 2021)" and "BRD3567-OR6-A (June 2022)". Having regards to the

comments of the Environmental Protection Officer, these details are considered acceptable.

6. Conclusion

The Local Planning Authority considers that the details submitted pursuant to Conditions 6, 7 8 and 9 of 20/02083/OUT are acceptable, and as such it is recommended that the said Conditions are discharged.

7. RECOMMENDATION

That Planning Conditions of 20/02083/OUT be discharged based upon the following

Condition 6

Phase 1 Geo-Environmental Desk Study and Phase 2 Geo-Environmental Desk Study "BRD3567-OR1-A (November 2019)" and "BRD3567-OR2-A (January 2020)"

Condition 7

Phase 1 Geo-Environmental Desk Study, Phase 2 Geo-Environmental Desk Study "BRD3567-OR1-A (November 2019)" and "BRD3567-OR2-A (January 2020)"

Condition 8

Phase 1 Geo-Environmental Desk Study, Phase 2 Geo-Environmental Desk Study and Additional Ground Investigation & Remediation Strategy "BRD3567-OR1-A (November 2019)", "BRD3567-OR2-A (January 2020)" and "BRD3567-OR3-A (March 2021)"

Condition 9

Phase 1 Geo-Environmental Desk Study, Phase 2 Geo-Environmental Desk Study, Additional Ground Investigation & Remediation Strategy and Remediation Verification Report "BRD3567-OR1-A (November 2019)", "BRD3567-OR2-A (January 2020)", "BRD3567-OR3-A (March 2021)" and BRD3567-OR6-A (June 2022)

Case Officer: Michael Sackey

DATE: 17 November 2022

Checked By: Nathanael Stock

DATE: 17.11.2022
