

**Land Adj To Promised Land Farm Wendlebury
Road Chesterton**

23/00262/DISC

Case Officer: Laura Bell

Recommendation: Approve

Applicant: Albion Land Limited (c/o Quod)

Proposal: Discharge of Condition 19 (potential contaminative uses) of
19/01746/OUT

Expiry Date: 29 March 2023

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

1.1. The application site relates to a parcel of land to the south of Bicester and east of Wendlebury Road comprising an existing chicken farm and associated buildings. The land benefits from outline planning permission for B1 office employment development. Planning permissions were granted under refs: 19/01746/OUT and 19/01740/HYBRID.

2. CONDITIONS PROPOSED TO BE DISCHARGED

2.1. This submission seeks to discharge condition 19 of 19/01746/OUT, which relates to potential contaminative uses.

3. RELEVANT PLANNING HISTORY

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

Application: Permitted 24 September 2020
19/01740/HYBRID

'Hybrid' planning application comprising: - Outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works. - Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping.

Application: 19/01746/OUT Permitted 24 September 2020

Outline planning application (with all matters reserved excluding access) for B1 development (B1a and/or B1b and/or B1c); access and associated landscaping and infrastructure works

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 **16 March 2023**, 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.

RESPONSE TO CONSULTATION

- 5.1. CDC Environmental Health – **No objection**

APPRAISAL

- 6.1. Condition 19 states:

No part of the development hereby permitted shall take place until 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. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

- 6.2. This submission relates to phase 3 of the development. The submission is supported by a ground investigation report by Applied Geology. CDC Environmental Health are satisfied with its conclusions and therefore the condition may be discharged.
- 6.3. The original application was EIA development and this is a subsequent application. The information submitted pursuant to the discharge of this condition was not included within the Environmental Statement submitted with the application although it will support the development of the site to the satisfaction of the local planning authority in consideration of the environmental impacts. For these reasons, the EIA is considered adequate for the purposes of considering the information provided for this condition and it has been taken into account in considering this subsequent application.

5. RECOMMENDATION

That Planning Condition 19 of 19/01746/OUT be discharged based upon the following:

Condition 19

Ground Investigation Report by Applied Geology, dated September 2020, document ref: AG2875A-20-AK72.

Case Officer: Laura Bell

DATE: 16 March 2023

Checked By: Caroline Ford

DATE: 17 March 2023
