

**Case Officer:** Suzanne Taylor

**Recommendation:** Approve

**Applicant:** Tritax Symmetry Oxford North Ltd & Siemens Healthineers

**Proposal:** Discharge of Conditions 15 (Contamination), 16 (Contamination Remediation), 22 (Construction Phasing Plan), 23 (Surface Water Management Strategy), 24 (Flood Exceedance Plan), 25 (Infiltration Testing), 26 (Drainage Layout), 27 (Water Quality), 32 (Permeable Paving) and 33 (SuDS Maintenance and Management Plan) of 22/01144/F

**Expiry Date:** 8 June 2023

**Extension of Time:**

## **1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT**

- 1.1. The application site extends to approximately 19.35 hectares and is located immediately to the north of M40 Junction 9. The main frontage extends along the A41 north towards Bicester. To the east of the A41 is the village of Wendlebury. Immediately to the northwest of the site is the hamlet of Little Chesterton. Bicester is approximately 2km north of the site.
- 1.2. The site is currently in agricultural use, with several buildings in agricultural or commercial use to the northeast of the site. The southern boundary of the site fronts the A41 and extends across several open fields. Generally, ground levels fall gently from north to southeast. The eastern extent of the site is defined by field boundaries and hedgerows, the Grange Farm Industrial Estate, and Lower Grange Farm. The industrial estate comprises a group of former agricultural buildings and some later structures currently in use for employment purposes. The Wendlebury Brook defines the western edge of the site, flowing from north to south towards a small area of woodland, which is a designated ancient woodland, where its course then changes to flow east across the site, before passing under the A41 in culvert towards Wendlebury. Most of the site is in Flood Zone 1 (the lowest risk of flooding) but a very small proportion is located within Flood Zone 2. The area affected follows the existing route of the Brook, which is proposed to be re-routed along the M40/A41 boundaries as part of the approved development proposals.
- 1.3. Footpath 161/4/20 traverses the site and crosses the A41 to the village of Wendlebury, although there are presently no formal crossing points for this PROW across the A41, but there is a pedestrian refuge area provided in the central reservation of the A41.
- 1.4. The approved development is for a high-tech production and research facility for the manufacture of medical equipment (MRI scanners) with ancillary buildings. The new building will have two production halls and a spine, which serves the length of the production hall. From here goods loading, innovation centre, plant and personnel can serve both production spaces. A number of external buildings required to support the production process will be situated on the northwest side of the facility.

- 1.5. The facility, is to be built in two phases and overall, will provide a total floorspace area of approximately 56,162sqm with external loading bays and service yard and landscaped car park with 474 staff and visitor parking spaces.

## 2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. The application seeks to discharge Conditions 15 (Contamination), 16 (Contamination Remediation), 22 (Construction Phasing Plan), 23 (Surface Water Management Strategy), 24 (Flood Exceedance Plan), 25 (Infiltration Testing), 26 (Drainage Layout), 27 (Water Quality), 32 (Permeable Paving) and 33 (SuDS Maintenance and Management Plan) of planning permission 22/01144/F, granted in July 2022.

## 3. RELEVANT PLANNING HISTORY

- 3.1. The only planning history directly relevant to this proposal is 22/01144/F, granted permission in July 2022 for: the erection of a new high quality combined research, development and production facility comprising of Class B2 floorspace and ancillary office floorspace with associated infrastructure including formation of signal-controlled vehicular access to the A41 and repositioning of existing bus stops; ancillary workshops; staff gym and canteen; security gate house; a building for use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yard; waste management area; external plant; vehicle parking; landscaping including permanent landscaped mounds; sustainable drainage details; together with the demolition of existing agricultural buildings within the red line boundary; and the realignment of an existing watercourse.

## 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 **25 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.

## 5. RESPONSE TO CONSULTATION

- 5.1. CDC Land Drainage – **no comments or objections**.
- 5.2. CDC Environmental Protection – **no objection** to the discharge of Conditions 15 and 16.
- 5.3. OCC Local Lead Flood Authority (LLFA) – **no objection** to discharge of Conditions 22, 23, 24, 25, 26, 27, 32 and 33 to 22/01144/F subject to compliance with approved documents/drawings.
- 5.4. Environment Agency – **no objection** to the discharge of Conditions 15 and 16, subject to the imposition of informatives in respect to material disposal, boreholes, infiltration and storage of oils and fuels.

## 6. APPRAISAL

- 6.1. The original application, which was only granted permission two months ago (i.e., Feb' 2023) was EIA development and the appraisal was undertaken and submitted in March 2022, i.e., just 13 months ago. As the appraisal is less than two years old, the EIA is up to date and considered sufficient for the purpose of considering the information provided for these condition discharges and has been taken into account in considering this subsequent application.
- 6.2. All of the statutory consultees have confirmed that they have no objection to the discharge of conditions, subject to adherence to the approved documents and drawings submitted in support of the application. In such circumstances, it is deemed acceptable to discharge conditions 15, 16, 22 - 27, 32 and 33.

## 7. RECOMMENDATION

That Planning Conditions 15 (Contamination), 16 (Contamination Remediation), 22 (Construction Phasing Plan), 23 (Surface Water Management Strategy), 24 (Flood Exceedance Plan), 25 (Infiltration Testing), 26 (Drainage Layout), 27 (Water Quality), 32 (Permeable Paving) and 33 (SuDS Maintenance and Management Plan) of planning permission 22/01144/F be discharged based upon the following:

Condition 15:

Ground Investigation Report V04 and Technical Note Addendum

Condition 16:

Remediation Strategy & Verification Report V1.0

Condition 22:

Construction Phasing Plan – Phase 1 13-222 SGP ZZ ZZ DR A 131020  
Construction Phasing Plan – Phase 2 13-222 SGP ZZ ZZ DR A 131021

Condition 23:

Surface Water Management Strategy V1

Condition 24:

Flood Exceedance Route Plan T/20/2407 51-01 Rev P1

Condition 25:

Infiltration Testing Soakaway Results dated 29 September 2021 & Infiltration Testing Soakaway Results Plan

Condition 26:

Proposed Water Course Sections Plan T/21/2407 60 04 Rev P3  
Pond Section Plan T/20/2407 CIV SK 103 Rev P1  
Drainage Layout Plan T/20/2407 55-1 Rev P5  
Drainage Construction Details Sheet 2 T/21/2407 55-03 Rev T2

Condition 27:

Surface Water Management Strategy V1 (Section 5)

Condition 32:

Impermeable Areas Plan T/20/2407 51-02 Rev P1

Condition 33:

Storm Water/SuDS Maintenance Plan

EA Informatives:

*Material disposal – advice to applicant*

The Tier Environmental Report discusses the need for any materials taken off site to be assessed. Contaminated soil that is (or must be) disposed of as waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

*Boreholes – advice to applicant and Planning Authority*

As part of the investigation multiple boreholes were installed across the site. If these boreholes are not decommissioned correctly, they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because it is very shallow. Once these are no longer required, there must be a factual report documenting the decommissioning of these to prevent any migration of contaminants to depth.

*Infiltration testing (Condition 25) and Infiltration (Condition 6) – advice to applicant and Planning Authority*

Shallow groundwater depths were measured across the site (in October 2021), and infiltration SuDS were also not deemed viable from the infiltration testing data: *None of the soakaway tests demonstrated sufficient reduction in water height to be considered viable.* Therefore, if the applicant seeks to discharge condition 6 (infiltration) in the future, we will not be able to be discharge the condition.

*Storage of oils and fuels – advice to applicant*

Since the groundwater at this site is very shallow and vulnerable, any storage of oils or fuels should be very precautionary, with adequate controls and mitigations in place. More information on oil storage regulations are available at GOV.UK here: <https://www.gov.uk/guidance/storing-oil-at-a-home-or-business>.

Case Officer: Andy Bateson

DATE: 11 April 2023

Checked By: Andy Bateson

DATE: 11<sup>th</sup> April 2023

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