

Crossway
156 Great Charles Street Queensway
Birmingham
B3 3HN

eilidh.mccallum@carneysweeney.co.uk

16th August 2023

Mr Thomas Webster
Cherwell District Council
Development Management
Place and Growth Directorate
Bodicote House
Banbury
OX15 4AA

Dear Thomas,

SUBMISSION OF A DISCHARGE OF CONDITION APPLICATION ATTACHED TO PLANNING PERMISSION REFERENCE: 17/02534/OUT AT LAND NORTH OF BICESTER AVENUE GARDEN CENTRE, OXFORD ROAD, BICESTER

PLANNING PORTAL REFERENCE: PP-12393438

CarneySweeney have been instructed by Peveril Securities (the Applicant) to submit an application to seek the discharge of Conditions 9, 13 and 15 – 17 attached to Planning Permission Reference: 17/02534/OUT in respect of the Bicester Arc development.

It should be noted that a s73 application (ref: 23/01080/OUT) to vary Conditions 4, 30 and 34 of Planning Permission Reference 17/02534/OUT is currently being considered by Cherwell District Council. As no decision has yet been made on this application, this discharge application is being submitted against the original outline permission.

Following any grant of approval for the s73 application, further discharge of condition application(s) will be submitted to seek discharge of the submitted details against the s73 approval. Where the details submitted with this discharge application are approved prior to any s73 approval, and where they apply site wide, the Local Planning Authority may be minded to amend the relevant conditions to compliance conditions to avoid the need for re-discharge to take place.

Condition 9: Surface Water Drainage Strategy

Condition 9 states as follows:

“Prior to the submission of or to accompany the first application for approval of reserved matters, full details of a surface water drainage strategy (including phasing) for the entire site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy and phasing.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National



Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme."

To discharge Condition 9 for the Bicester Arc development, please find enclosed the following document for approval:

- Drawing Reference: 082005-CUR-XX-XX-DR-C-92010_P04 - Site Wide Drainage Strategy Plan

Condition 13: Phasing Plan

Condition 13 states as follows:

"No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority identifying the phases by which development will take place. Thereafter the development shall be carried out in accordance with the approved phasing plan and applications for approval of reserved matters shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) to which they relate.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies ESD15, Bicester 4 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme."

To discharge Condition 13 for the Bicester Arc development, please find enclosed the following document for approval:

- Drawing Reference: 05935-5PA-MP-00-DR-A-9011 - Phasing Plan

Condition 15: Contaminated Land – Desk Study, Site Walk Over and Conceptual Site Model

Condition 15 states as follows:

"No development shall take place within each phase until a desk study and site walk over to identify all potential contaminative uses within the phase, and to inform the conceptual site model that shall be 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', has been submitted to and approved in writing by the Local Planning Authority. No development shall take place within a phase 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme."



Condition 16: Contaminated Land – Intrusive Investigation Report

Condition 16 states as follows:

“If a potential risk from contamination is identified within a phase as a result of the work carried out under condition 15, then no development shall take place within that phase until a comprehensive intrusive investigation of the ground within the phase in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals which 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' has been submitted to and approved in writing by the Local Planning Authority. No development shall take place within the phase unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.”

Condition 17: Contaminated Land – Remediation Scheme

Condition 17 states as follows:

“If contamination is found within a phase by undertaking the work carried out under condition 16, then no development shall take place within that phase until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been 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 which has been submitted to and approved in writing by the Local Planning Authority. No development shall take place within the phase until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.”

To discharge Conditions 15, 16 and 17 for the Bicester Arc development, please find enclosed the following document for approval:

- Document Reference: BWB Sladen Estates Ltd, Lakeview Drive, Bicester, Oxfordshire Phase 1 Geo-Environmental Assessment. Document Ref: LDB-BWB-00-XX-RP-EN-0001-DS_P1. Dated August 2017
- Document Reference: BWB Peveril Securities Ltd, Lakeview Drive, Bicester, Oxfordshire Phase 2 Geo-Environmental Assessment. Document Ref: LDB-BWB-00-XX-EN-RP-0001_PH2_P1. Dated September 2017



We trust the submitted details are satisfactory to enable the registration of this application and look forward to receiving confirmation on this matter. However, should you have any queries please do not hesitate to contact me via the above email address.

Yours sincerely,



Eilidh McCallum
Senior Planner
CarneySweeney

