

Case Officer: Tom Webster

Recommendation: Approval

Applicant: Peveril Securities Ltd

Proposal: Discharge of Conditions 9 (Surface Water Drainage Strategy), 13 (Phasing Plan), 15 (Contaminated Land – Desk Study), 16 (Contaminated Land – Intrusive Investigation Report) and 17 (Contaminated Land – Remediation Scheme) of 17/02534/OUT

Expiry Date: 12 October 2023

Extension of Time:

1. APPLICATION SITE AND DESCRIPTION OF APPROVED DEVELOPMENT

- 1.1. The application site relates to 13.1 hectares of predominantly arable land that surrounds the existing Tesco superstore adjacent to the A41 in Bicester. The application site forms the majority of the land strategically allocated as Bicester 4 through the Cherwell Local Plan 2011-2031 Part 1 (CLPP1) for the creation of a new office park. The site is generally flat and features a predominantly open boundary to Lakeview Drive, separated by only a line of newly planted trees planted along the verge.
- 1.2. A combination of trees, hedgerows and woodland form the western, southern and eastern boundaries together with a network of drainage ditches. An existing ditch passes through the site from Lakeview Drive and feeds a pond just beyond the southern boundary of the site.
- 1.3. To the east of the site lies Langford Brook and beyond this the sewage treatment works. To the south lies Bicester Avenue garden/retail centre. The land between the eastern boundary of the site and Langford Brook is all within the floodplain. With the exception of that there are no relevant statutory or planning policy constraints/designations affecting the site

2. CONDITIONS PROPOSED TO BE DISCHARGED

- 2.1. The applicants are seeking to discharge Conditions 9 (Surface Water Drainage Strategy), 13 (Phasing Plan), 15 (Contaminated Land - Desk Study, Site Walk Over and Conceptual Site Model), 16 (Contaminated Land -Intrusive Investigation Report), 17 (Contaminated Land – Remediation Scheme) of Planning Permission 17/02534/OUT.
- 2.2. For completeness, Conditions 9, 13, 15, 16 and 17 reads as:

Condition 9:

“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

Condition 13:

"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."

Condition 15:

"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:

"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:

“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.”

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 17/02534/OUT -- “The erection of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; associated vehicle parking, landscaping, highways, infrastructure and earthworks” – *Granted 6 May 2020*
- 3.3. 07/01106/OUT - Outline - Construction of a 60000 sqm business park incorporating offices (B1) and hotel (C1), parking for up to 1837 cars, associated highway, infrastructure and earthworks (as amplified by additional information received 15.08.07, addendum to the Flood Risk Assessment received 07.09.07, additional information received 18.10.07 and Archaeological Trench Evaluation received 04.12.07). *Granted 26 October 2010*
- 3.4. 12/01193/F - Proposed foodstore with associated car parking, petrol filling station with car wash/jet wash, recycling facilities, ancillary plant and equipment, landscaping, access and highway works. *Granted 12 November 2013*

RESPONSE TO PUBLICITY

- 4.1 This application has been publicised by way of a Site Notice on the **3 October 2023** displayed near the site, expiring **2 November 2023** and a Press notice on the **21 September 2023** expiring **21 October 2023**.
- 4.2 No comments have been raised by third parties.

RESPONSE TO CONSULTATION

- 5.1. OCC Drainage: *No Objection to discharge of condition 9 (surface water drainage strategy)*
- 5.2. Environmental Protection: *Conditions 15, 16 and 17 can be discharged..*
- 5.3. Environment Agency: *No comments to make.*

APPRAISAL

- 6.1. The original application was EIA development and has only very recently been approved (6th May 2020), which means the EIA is still up to date. Therefore, the EIA is considered sufficient for the purpose of considering the information provided for this condition discharge application and it has been taken into account in considering this subsequent application.
- 6.2. The applicants have submitted a Site Wide Drainage Plan (Drawing 082005-CUR-00-XX-DR-C-92010_P04) which depicts the broad proposals for each zone and the water discharge rates for each. OCC Lead Local Flood Authority are satisfied with the Site Wide Drainage Strategy. During the course of the application, I also spoke with Cherwell District Council's flood officer. He advised me that he was satisfied that each phase of the development, as shown on the Site Wide Drainage Strategy, has to provide its own attenuation/SuD's drainage system. On this basis, all future drainage works will need to be carried out in accordance with this strategy, and condition 9 can be discharged.
- 6.3. Initially, a phasing plan was submitted which contained a plan showing phases 1, 2, 3 and 4. However, the phasing plan did not reflect the actual phases because three Reserved Matters applications were submitted which means there would be more than 4, but smaller, phases than on that plan.
- 6.4. However, a revised phasing plan (F141 Rev B) was submitted on the 6th February 2024 which correctly shows the number of parcels (1a, 1b ,2, 3, 4, 5, and 6) and now reflects the sequence in which the reserved matters applications have been submitted. Therefore, condition 13 can now be discharged.
- 6.5. The Council's Environmental Protection officer is satisfied with the Contaminated Land reports LDB-BWB-00-XX-RP-EN-0001-DS_P1 & LDB-BWB-00-XX-EN-RP-0001_PH2_P1, which means Conditions 15 and 16 can now be discharged
- 6.6. The Council's Environmental Protection Officer, during the course of the application, requested a 'remediation strategy'. The applicants subsequently submitted a remediation strategy (prepared by Curtins, dated 7th November 2023). The Environmental Health officer, on the 20th November 2023, concluded that he was now satisfied that condition 17 (Remediation scheme) could be discharged. This strategy relates to Plot A so that is specified within the decision notice for clarity.

- 6.7. The original application was EIA development and this submission is a 'subsequent application' under the EIA Regulations. The information submitted pursuant to the discharge of these conditions were 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.
- 6.8. Given the above, the written scheme of investigation is considered to be acceptable, and Conditions 9, 13, 15, 16, and 17 can be discharged.

RECOMMENDATION

That Planning Conditions 9, 13, 15, 16 and 17 of 23/02299/DISC be discharged based upon the following:

Condition 9

Drawing 082005-CUR-00-XX-DR-C-92010_P04 - Site Wide Surface Water Drainage Strategy Plan

Condition 13

Drawing F141 Rev B – Phasing Plan

Conditions 15, 16 and 17

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

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

Remediation Strategy (Curtins), Document Ref: 082005-CUR-00-XX-RP-Z-00001 P02 dated 7 November 2023 relating to 'Plot A' as shown on the included site location plan within the Strategy.

Case Officer: Tom Webster

DATE: 15 February 2024

Checked By: Caroline Ford

DATE: 22 February 2024
