

Case Officer: Matthew Chadwick

Applicant: Cherwell District Council

Proposal: Discharge of Condition 12 (contamination) of 13/01882/CDC

Expiry Date: 3rd February 2017

Ward: Launton and Otmoor **Committee Date:** 19th January 2017

Ward Councillors: Cllrs Hallchurch, Holland and Hughes

Reason for Referral: CDC application

Recommendation: Delegate authority to officers to determine the application

1. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

- 1.1 The application site is located in the east of the village of Upper Arcnott. The site is situated to the south side of Woodpiece Road between numbers 32 and 34. The site previously accommodated a playground. The site is surrounded by residential properties. The site is located within an area of potentially contaminated land.
- 1.2 Planning permission was granted on 7th February 2014 (13/01882/CDC) for the erection of 3 new terraced dwellings on the site. The current application is seeking approval of the details required by condition 12 of that permission.

2. APPRAISAL

- 2.1 Condition 12 of the planning permission requires a desk study and site walk over to identify all potential contaminative uses on site and to inform the conceptual site model which will be used to decide any mitigation that is required. The condition requires this information to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The reason for condition 12 is 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.
- 2.2 The approval of the details submitted to discharge the condition is dependent upon the response of Cherwell's Environmental Protection department to the formal consultation procedure, as they have the necessary expertise to comment on these matters and requested the condition be attached to the permission. This response has not been received to date.
- 2.3 The discharge of conditions relating to land contamination issues is normally delegated to officers on the recommendation of the Environmental Protection department and it is purely

because Cherwell Council is the applicant that this application is before Members. It therefore seems prudent to seek delegated authority to officers to determine the application, in accordance with the advice received from the Environmental Protection department. Should any comments be received and matters resolved before Committee, this will be reported to Committee and an amended recommendation will be made.

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| <p>3. RECOMMENDATION – Delegate authority to officers to determine the application once comments have been received from the Environmental Protection department.</p> |
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