

## Andy Bateson

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**From:** Neil Whitton  
**Sent:** 12 December 2022 09:25  
**To:** Andy Bateson  
**Cc:** DC Support  
**Subject:** 22/03452/F - Os Parcel 6920 East Of Oxford Road And Adjoining And South Of, Canal Lane, Bodicote, Oxfordshire

Dear Andy,

Environmental Protection has the following response to this application as presented:

### General:

Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP. This CEMP should include the dust mitigation measures laid out in table 22 of the Air Quality report (ref 22-9316, dated October 2022, Syntegra Consulting) provided by the applicant.

### Noise:

Having read the noise report I am satisfied with its findings and agree that a condition should be placed on any permission granted to ensure that the cumulative noise levels from any plant at the site do not exceed the levels in table 4 of the report. However it should be confirmed with the applicant where these rating levels should be measured (for example - 1m from the nearest from existing residences) and what time the measurements should be taken over (T in dB LAr,T) so the condition is enforceable.

Suggested Condition: Cumulative noise levels from fixed plant at the development must not exceed 44dB LAr,T between 07.00 - 19.00, 40dB LAr,T between 19.00 - 23.00 and 36dB LAr,T between 23.00-07.00 when measured (confirm where measured with applicant).

### Contaminated Land:

Having read the phase 1 report provided I agree with its findings that further investigative work is required and that therefore a phase 2 ground investigation should take place. I would therefore recommend that the following conditions be placed on a y permission granted:

As a potential risk from contamination was identified in the phase 1 report provided with the application prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals 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' and submitted to and approved in writing by the Local Planning Authority. No development shall take place 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.

If contamination is found by undertaking the work carried out under condition [\*\*], prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be 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 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 of the scheme of remediation and/or monitoring required by this condition.

If remedial works have been identified in condition [\*\*], the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [\*\*]. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

**Air Quality:**

Having read the report provided I am satisfied by the contents and have no further comments except for the those regarding dust mitigation in the CEMP.

**Odour:**

A scheme for the ventilation and extraction of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. Noise levels shall be included in the cumulative noise levels for the site (see condition ???) and an odour assessment shall be undertaken in accordance with the requirements Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2022 EMAQ 2nd Edition (or subsequent updates). The approved system shall be installed and operated in accordance with the approved scheme at all times the building is in use for the purposes hereby permitted.

**Light:**

Prior to the first use of the development hereby approved details of the external [lighting/security lighting/floodlighting] including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

If you wish to deviate from the suggested conditions then this should be discussed with the officer making these comments to ensure the meaning of the condition remains and that the condition is enforceable and reasonable.

Please note my working pattern below, I will only respond on the days appropriate to the email content Mon – Weds: Environmental Protection, Thurs – Fri: Health Protection and Compliance

Kind Regards

Neil Whitton BSC, MCIEH  
Environmental Health Officer  
Environmental Health and Licensing  
Cherwell District Council  
Tel - 01295 221623  
Email - Neil.Whitton@cherwell-dc.gov.uk

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