

**Case Officer:** Chris Wentworth

**Applicant:** DCS Group Ltd

**Proposal:** The proposals comprise the following changes:-

\_The area immediately in front of the warehouse has been simplified to reflect the need for more manoeuvring space for the lorries, and the need to separate further the circulation of cars from lorries on the site;

\_The "future parking extension area" of the previous application has been designed and built out;

\_There is a new extension to the east elevation of the proposed warehouse (420m<sup>2</sup>), which will house fork lift chargers;

\_Two mezzanine levels have been added within the latest warehouse extension, to provide 2,000m<sup>2</sup> of additional floorspace;

\_A new entrance canopy and an additional area of second floor offices has been added to the proposals. No change in staff numbers is forecast, with the additional space providing meetings rooms, an executive office suite allowing relief to more cramped office conditions elsewhere;

\_New "over-cladding" has been introduced along the north elevation; and

\_A replacement lorry drivers cafe.

**Ward:** Banbury Hardwick

**Councillors:** Cllr Besmira Brasha, Cllr Andrew Crichton, Cllr John Donaldson

**Reason for Referral:** Major development

**Expiry Date:** 5 February 2024

**Committee Date:** 21<sup>st</sup> March 2024

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**SUMMARY RECOMMENDATION:**

**GRANT DELEGATED AUTHORITY TO THE ASSISTANT DIRECTOR TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AS DEEMED APPROPRIATE AND SUBJECT TO THE PRIOR COMPLETION OF A S106 LEGAL AGREEMENT TO SECURE NECESSARY MITIGATION**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is a parcel of land on the DCS Group site. The site is located in the north of the town of Banbury, at the end of Noral Way.

- 1.2. The application site is located to the east and north of the existing building at Ocean's House and is currently occupied by the existing lorry park and an area of grassland.
- 1.3. The wider site of Ocean's House is bounded by the M40 to the north-east, Hardwick Farm and the new Southam Road development to the north, the Banbury to Birmingham Chiltern railway line to the east, the Oxford Canal to the south and the former SAPA works site to the west, now redeveloped as large employment units.

## **2. CONSTRAINTS**

- 2.1. The application site is within the Radon (Class 4) notification area, used to comprise best and most versatile agricultural land prior to its commercial development, now is designated an area of potential contamination, contains eutrophic standing water in parts such that Thames Water should be notified of proposals, contains non-native invasive species – orange balsam, and lies within a NATS windfarm development consultation zone. None of these constraints are particularly relevant to this application proposal.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Planning consent is sought for the following works at Ocean's House, DCS Group site, Noral Way following the grant of planning permission for the erection of a warehouse extension, relocation of lorry park and driver's amenity building, together with associated external works (approved under 19/00010/F).
  - Revised manoeuvring space for lorries to the front of the warehouse;
  - Retrospective consent is sought for the provision of a parking area extension that has been designed and built out and provides 54 no. staff car parking spaces;
  - A new extension to the east elevation of the proposed warehouse, which will house fork lift chargers. This extension would measure 49.5m x 8.3m x 9.7m (approx 420m<sup>2</sup>);
  - Two mezzanine levels are proposed within the warehouse extension area with each level (1<sup>st</sup> and 2<sup>nd</sup> floor) providing 1,000m<sup>2</sup> of internal floorspace at each level (approx 2,000m<sup>2</sup> total);
  - A new glazed entrance canopy;
  - Additional area of second floor office space is proposed. The office area would provide approx 740m<sup>2</sup> of additional internal floorspace although would not increase staff numbers;
  - New "over-cladding" to be introduced along the north elevation of the warehouse building. The cladding would be a combination of Kingspan basalt grey and metal light grey silver; and
  - A replacement lorry drivers cafe. This would be a standalone building positioned to the north of the main warehouse building and would measure 16.2m x 8.2m x 3.9m high (at its highest point) with a monopitch roof and finished in Kingspan flat insulated panels.

#### **4. RELEVANT PLANNING HISTORY**

4.1. The following planning history is considered relevant to the current proposal:

21/00427/F - Variation of Condition 2 (plans) of 19/00010/F - Minor changes are proposed to the approved scheme: new roof profile direction (same overall volume), changes to the elevations of the warehouse – PERMITTED.

19/01254/F - Relocation of existing loading canopy and replacement with "infill" warehouse between existing warehouses – PERMITTED.

19/00010/F - Erection of warehouse extension, and relocation of lorry park and drivers' amenity building, together with associated external works – PERMITTED.

*Officer comment: This application relates to land to the north of this application site and permits an extension to the existing warehouse measuring up to 15.6m in height.*

17/00484/F – Installation of proprietary bunded helicopter refuelling tank to rear of existing warehouse – PERMITTED.

16/01745/F - Erection of single storey maintenance building to rear of existing warehouse – PERMITTED.

16/01610/F - Erection of dual helicopter hanger, formation of access roadway, path, helipads and fencing/gates – PERMITTED.

*Officer comment: This consent permitted the adjacent helicopter hangar and includes the car park on to which the new building will be sited. The hangar was approved with a total height of approximately 7m.*

16/01720/F – Construction of lorry park to rear of existing warehouse – PERMITTED.

16/00927/F - Change of use of existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a) – PERMITTED.

11/01868/F - Refurbishment of premises to include changes to external appearance of the building, and new entrance and gatehouse totalling 175sqm. External changes involving new car parking, hard standing, landscaping, footpaths and amenity areas – PERMITTED.

09/00097/F - Change of use of existing buildings from class B2 and ancillary B1(A) to flexible uses: use class B2 and/or B8 and ancillary B1(A). – PERMITTED.

04/01491/F - Extension to provide extended Finished Goods Store, New Components Store and by-pass road to allow continuation of one-way site traffic – PERMITTED.

01/00781/F - Erection of extension to contain and sort finished goods prior to despatch – PERMITTED.

#### **5. PRE-APPLICATION DISCUSSIONS**

5.1. No formal pre-application discussions have taken place however guidance was given to the applicant in respect of the correct application process to follow to secure the changes sought to the originally approved scheme (19/00010/F).

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **11 May 2022**, by advertisement in the local newspaper expiring 1 July 2021 and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **19 December 2023**.
- 6.2. The comments raised by third parties are summarised as follows:
- Comments received on behalf Bellway Homes (developer of the adjacent residential development) expressing concern about the proposed work and nature of activity on site. Requests further details of the proposed relocated staff car park (54 spaces) including proposed ground levels. Notes that this part of the site is used for storage of materials at a higher level than the nearby parking. Asks that application is not determined until these details have been provided and consulted on. Concerns also expressed in respect of hours of operation and notes a fence with wire top has been erected and asks if this is part of the current application.
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. BANBURY TOWN COUNCIL: No objection.
- 7.3. CDC ENVIRONMENTAL PROTECTION: Comments received.

Noise and Odour: We would like to see more details for the Drivers Café so as to be sure that any noise and odour from the extraction system does not cause a nuisance for nearby residents, therefore I would propose the following condition:

*'Prior to the installation of any commercial kitchen exhaust system to be installed to serve A5 uses within the approved development a noise and odour impact assessment shall be submitted for the prior written approval of the local planning authority. The noise and odour assessment shall include details of a scheme for minimising emissions of noise and of cooking odour/grease from the proposed kitchen exhaust system. The noise assessment shall be undertaken in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound whilst the cooking fume odour/grease assessment will be undertaken in accordance with the EMAQ Update to the 2014 report on Control of Odour and Noise from Commercial Kitchen Exhaust Systems prepared by NETCEN for the Department for Environment Food and Rural Affairs The scheme shall be implemented in strict accordance with the approved details and shall thereafter be retained, serviced and maintained as such.*

*Reason: To safeguard the amenities of the occupiers of nearby properties from the adverse effects of noise/odour and grease from commercial kitchen exhaust systems installed and meet the aims of the National Planning Policy Framework.*

Air Quality: Unless I have missed it, I see no provision for EV charge points, therefore I propose the following condition:

'Prior to the occupation of the development there should be measures in place to encourage the uptake of low emission transport including the provision of Electric Vehicle (EV) charging infrastructure. We would like to see EV charge points to allow for the future uptake of EV's by staff and visitors to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework'.

Light: Details of the lighting scheme should be provided and approved by the LPA prior to installation.

Contaminated Land: No comments.

7.4. OCC HIGHWAYS: S106 Contributions as summarised below:

- £1,240 to provide for monitoring of a workplace travel plan.
- £3,120 to cover the cost of administering a Traffic Regulation Order to remove on-street parking on Noral Way and the introduction of double yellow line.

The revised proposals are acceptable to the local Highway Authority. A contribution will be required towards the control of parking on Noral Way. A Travel Plan and Travel Information Pack will be required. Conditions requested relating to cycle parking provision, workplace travel plan, travel information pack.

7.5. OCC - LEAD LOCAL FLOOD AUTHORITY: Objection.

- Detailed drainage strategy drawing to be provided.
- Provide flood exceedance plan with flood arrows.

7.6. OCC ARCHAEOLOGY: The proposals outlined would not appear to have an invasive impact upon any known archaeology.

7.7. CANAL AND RIVER TRUST: No requirement for you to consult us in our capacity as a Statutory Consultee.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015):

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigation and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – Oxford Canal
- INF1 - Infrastructure

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996):

- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Potentially contaminated land

#### 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Developer Contributions SPD 2018

## **9. APPRAISAL**

#### 9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Heritage Impacts
- Neighbour amenity
- Flooding and Drainage
- Ecology

#### *Principle of Development*

9.2. The application site is identified in the Cherwell Local Plan 2011 – 2031 Part 1 as an existing strategic employment site. Policy SLE1 of the Cherwell Local Plan 2011- 2031 Part 1 states, in part, that: *on existing operational or vacant employment sites at Banbury...employment development, including intensification, will be permitted subject to compliance with other Policies in the Plan and other material considerations.*

9.3. The use of Ocean's House falls within Class B8 warehousing with ancillary B1(a) offices. The new warehousing and offices would be ancillary to the main building on the site and be in the same use. The development would not extend outside the existing site and there would be no change of use. Therefore, the principle of development of increasing operational floorspace with ancillary alterations to parking

and elevational details is acceptable subject to the other material considerations discussed below.

#### *Design, Character & Heritage Impacts*

- 9.4. Government guidance contained within the NPPF requiring good design states that: *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.*
- 9.5. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 reflects this advice and states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Development should respect the traditional pattern of spaces, blocks and plots and the form, scale and massing of buildings.
- 9.6. Policy ESD16 of the Cherwell Local Plan 2011 – 2031 Part 1 states that proposals which would be detrimental to the character and appearance of the Oxford Canal will not be permitted.
- 9.7. Saved Policy C28 of the Cherwell Local Plan 1996 states that control will be exercised over all new development to ensure that the standards of layout, design and external appearance, including the choice of materials, are sympathetic to the character of the context of that development.
- 9.8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.9. The proposed warehouse extension would be of a design form and constructed from materials to match those of the existing warehouse on the site.
- 9.10. The site is well screened from the public domain by nearby buildings and vegetation and would not be clearly visible from the Oxford Canal or from the M40 motorway. The extensions may be visible from the Southam Road development to the north of the site. However, it would be seen in the context of the existing industrial site and would be visually contained within the existing site.
- 9.11. The site is located in close proximity to the Oxford Canal Conservation Area and under this proposal, the buildings would be extending closer to the heritage asset. However, the site is well screened from the Oxford Canal and is in an industrial use which would not change under this application.
- 9.12. It is considered that the development would not cause harm to the character and appearance of the Oxford Canal Conservation Area or the visual amenities of the wider area and that the development is therefore acceptable in this regard.

### *Neighbour Amenity*

- 9.13. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.14. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 9.15. Saved Policy ENV12 of the Cherwell Local Plan 1996 states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site, the development is not likely to result in contamination of surface or underground water resources or the proposed use does not conflict with the other policies in the plan.
- 9.16. The proposal would not extend the industrial use on the site in closer proximity to the Southam Road residential development. However, the staff car parking area in particular would be further north, moving towards the M40 motorway and closer to some neighbouring properties.
- 9.17. The Environmental Protection Officer has raised no objections to the scheme, subject to a few conditions. The first condition relates to the provision of EV charging points at the site. Whilst the northern staff parking area has been completed, the site already benefits from EV charging points at the site closer to the buildings entrance. Also, given that staff numbers are not increasing, this condition is not considered necessary or reasonable in this case. Furthermore, such matters are now addressed through the Building Regulations process.
- 9.18. The second condition requested relates to Noise and Odour whereby details for the extraction system for the Drivers Café (should hot food be cooked in the building) so as to be sure that any noise and odour from the extraction system does not cause a nuisance for nearby residents. Such a condition is considered reasonable and necessary in this case.
- 9.19. The third condition requests details of an external lighting scheme. Given the sites location near to sensitive receptors, it is considered appropriate to secure such details, including lighting for the car park areas.
- 9.20. The use of the lorry park and warehouse would be restricted by the operating hours approved under 16/00927/F, which limited the use from 6am to 8pm Monday to Friday. Whilst staff parking will be closer to some neighbouring properties, there will be no increase in staff numbers and the noise from vehicle movements and the opening and closing of doors would be perceived against the backdrop of the industrial activities across the site. It is considered that with the imposed conditions and the operating hours of the site, that the development would not cause harm to the amenities of near neighbours.

### *Highway Matters*

- 9.21. Policy SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. New development in the district will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.



- 9.22. Government guidance contained within the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Development should first give priority to pedestrian and cycle movements and second to facilitating access to high quality public transport.
- 9.23. The current proposal does not seek to revise any access arrangements and seeks retrospective consent for the construction of the surface level northern staff car park containing 54 no. spaces.
- 9.24. OCC Highways have been consulted on the proposals and have sought the following S106 contribution obligations:
- £1,240 to monitor the Travel Plan;
  - £3,120 to administer a Traffic Regulation Order and an additional £1,000 towards lining and signage if the Order is successful.
- 9.25. The Traffic Regulation Order is sought to remove the parking facility along Noral Way. OCC Highways explain that HGVs have been using the car parking bays on Noral Way which has on occasion impeded traffic movement. Officers have no reason to doubt that this has been an issue. Whilst the current application does not propose an increase in HGV parking facilities, the proposal does result in a significant increase in the internal storage space on site such that a change in HGV movements could well arise from the development. As such, officers consider the request for money towards a TRO to be justified in this case.
- 9.26. In addition, OCC Highways are also seeking a contribution towards the monitoring of a travel plan for staff on site. However, the proposal does not seek to increase staff numbers and has been put forward purely to improve existing facilities/operations for existing employees. Furthermore, the previous approval (16/00927/F and 19/00010/F) imposed a condition to secure the monitoring of a travel plan. As such Officers do not consider the request for money towards further travel plan monitoring to be justified in this case.
- 9.27. Finally, OCC Highways have requested the imposition of a condition to secure revised cycle storage provision on site. Such a request is considered appropriate in this case.

#### *Flooding and Drainage*

- 9.28. The LLFA have been consulted on the proposal and have objected to the proposal on several points that the applicant has sought to address during the assessment of the application. The remaining points outstanding relate to the provision of a detailed drainage strategy drawing along with the provision of a flood exceedance plan with flood arrows.
- 9.29. The LLFA has provided further clarity on what is needed in those regards and has stated that the proposed drainage works, and existing drainage are not shown clearly, and that existing infrastructure can be shown in different colours to aid comparison to the proposed additional infrastructure. In addition, the outfall manhole shows no information and there is no pipe shown connecting to the discharge location (Oxford Canal), the drainage strategy drawing should be detailed, proposed drainage pipes and manholes should be clearly keyed up on the drawing, pipe gradients, invert and cover levels should be provided for all infrastructure and that parts of the site are existing, therefore [measures should] clearly demonstrate the extent of the proposals with another colour boundary.

- 9.30. The local planning authority is content that ongoing discussions on this matter have addressed many/most of the LLFA's original concerns and are confident that an appropriate drainage strategy can be secured by planning condition.
- 9.31. It is noted that Bellway Homes have requested that further details of the proposed relocated staff car park (54 spaces) including proposed ground levels are sought and notes that this part of the site was used for the storage of materials at a higher level than the nearby parking. The applicant has subsequently provided existing and proposed site levels which the authority has assessed and will inform the drainage strategy condition for the site.

#### *Ecology Matters*

- 9.32. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- Present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

It also states that LPA's can also ask for:

- A scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is/are present, if at all.
- An extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').

- 9.33. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains a large area of grassland, is adjacent to the Oxford Canal and there are several mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for reptiles, otters, great crested newts and badgers.
- 9.34. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017, when considering a planning application where ecological protected species (EPS) are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing, the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.35. In respect of planning applications and Councils discharging their legal duties, case law has shown that if it is clear/ very likely that Natural England would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant a licence then the Council may grant planning permission.
- 9.36. The application is supported by a detailed protected species survey which concluded that the development would not result in significant harm to biodiversity nor harm to protected species and would instead provide some new biodiversity benefits and the Council's Ecologist has offered no comments to the scheme.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The proposed development would help support the local economy by providing improved facilities for an existing business that employs nearly 300 local people on a strategic employment site that is recognised in the Local Plan. The development would provide a development that – through conditions – would ensure that the amenities of neighbouring occupiers are protected. It is therefore considered that the development would comply with the provisions of Paragraph 8 of the NPPF and is acceptable subject to the conditions set out below.

## **11. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- a) Payment of £3,120 to administer a Traffic Regulation Order along Noral Way.
- b) Payment of £1,000 towards lining and signage if the Traffic Regulation Order is successful.

**OR, IF AGREEMENT CANNOT BE REACHED, THEN REFUSED:**

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority and Highway Authority are not satisfied that the proposed development provides for appropriate highway safety mitigation measures required as a result of the development and necessary to make the impacts of the development acceptable in planning terms and would therefore be contrary to Cherwell Local Plan (Part 1) 2011-2031 policy INF1 and Government guidance contained within the National Planning Policy Framework.

### CONDITIONS

#### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:

- Location Plan – 0707/008\_-[-]
- Proposed Site Plan – 0707/009\_[B]
- Proposed Ground Floor Plan – 0707/010\_[B]
- Proposed First Floor Plan – 0707/011\_[B]
- Proposed Second Floor Plan – 0707/012\_[B]
- Truck Stop Café Plans and Elevations – 0711/001 [D]
- Proposed Elevations – 0707/016\_[A]

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

### **Cycle Storage Provision**

3. Prior to the first use or occupation of the warehouse extension hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

### **Extraction Ventilation Equipment**

4. Prior to the installation of any commercial kitchen exhaust system to be installed to serve the truck drivers cafe within the approved development, a noise and odour impact assessment shall be submitted for the prior written approval of the local planning authority. The noise and odour assessment shall include details of a scheme for minimising emissions of noise and of cooking odour/grease from the proposed kitchen exhaust system. The noise assessment shall be undertaken in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound whilst the cooking fume odour/grease assessment will be undertaken in accordance with the EMAQ Update to the 2014 report on Control of Odour and Noise from Commercial Kitchen Exhaust Systems prepared by NETCEN for the Department for Environment Food and Rural Affairs The scheme shall be implemented in strict accordance with the approved details and shall thereafter be retained, serviced and maintained as such.

Reason: To safeguard the amenities of the occupiers of nearby properties from the adverse effects of noise/odour and grease from commercial kitchen exhaust'. systems installed and meet the aims of the National Planning Policy Framework.

### **Unexpected Land Contamination**

5. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance

with the approved details.

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.

#### **Drainage Strategy**

6. Notwithstanding the previously submitted drainage strategy, before any above ground works commence, a scheme for the provision and implementation of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the extensions hereby approved and thereafter retained as such.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

#### **Provision of Parking, Turning and Loading/Unloading Area**

7. The proposed HGV parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first use of the warehouse extension hereby permitted. The parking, turning, loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street parking and turning/loading/unloading to comply with Government guidance in Section 12 of the National Planning Policy Framework.

#### **External Lighting**

8. Details of the external lighting, 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 commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

CASE OFFICER: Chris Wentworth