

Case Officer: Andrew Thompson

Applicant: Oxtec Developments Limited

Proposal: Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective)

Ward: Kidlington West

Councillors: Cllr Conway, Cllr Tyson and Cllr Walker

Reason for Referral: Major development

Expiry Date: 31 January 2023

Committee Date: 12 January 2023

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. REASON FOR REVERSION TO PLANNING COMMITTEE

1.1 Members may recall that a resolution was agreed by Planning Committee on 6 October 2022 that Authority be delegated to the Assistant Director of Planning and Development to grant permission for application 22/01683/F subject to:

- i. The Conditions set out conditions as set out in the agreed minutes; and
- ii. Suitable provisions to secure a travel plan monitoring fee.

1.2 The planning permission has not been issued and the application remains 'live' as the s106 has not been completed whilst the applicant sought clarity on the need for the linking agreement considering the implementation of the scheme.

1.3 The application is being reported back to Committee due to alterations to the resolution of the planning committee. Further the development has commenced work on site (in advance of the permission being in place) and further information has been submitted to address previously proposed conditions.

2. APPRAISAL

Scope of this report

2.1 The Planning Committee report presented on the 6 October 2022 has been included as Appendix 1 below and an extract of the relevant previous Written Update report as Appendix 2. This previous report sets out the site description, proposed development, consultation responses and it contains the full assessment of the proposal against the relevant Development Plan policies. The purpose of this update report to set out all changes to the application since the previous resolution was granted. Aspects of the assessment of the application which remain unchanged and do not materially impact upon the planning assessment of the scheme are not included within this update report.

Scope of the Application

- 2.2 Since resolution on 6 October 2022 the applicant has submitted a Drainage Statement and plans of the details and a Sustainability and Energy Statement
- 2.3 The applicant submits that the following conditions of the resolution require review due to the further information now submitted and the status of the development:
- Condition 5 – The development is essentially complete and they request that there is no ongoing need for a Construction Traffic Management Plan.
- Condition 7 and 16 – A surface water drainage scheme is submitted.
- Condition 10 – The landscaping has been implemented which accords with the principles of the landscaping scheme approved under the original outline permission for the site.
- Condition 11 – A Sustainability and Energy Statement has been submitted.
- Condition 15 – The development is essentially complete and it had already been agreed that there were no biodiversity features on site. There is no requirement for the CEMP: Biodiversity and Applicant requests that there is no requirement for this condition.

Planning History Update

- 2.4 It should be noted that a separate planning application (Ref. 22/02214/F) is pending consideration concurrently for the proposed variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5. This application is expected to be determined prior to Committee.
- 2.5 It should be noted that a separate planning application (Ref. 22/02214/F) is pending consideration concurrently for the proposed variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5. This application is expected to be determined prior to Committee.
- 2.6 Development on Plot 4 (units 4a and 4b) under reference 21/02148/F is also on this agenda.
- 2.7 Under Planning Application Reference 22/02647/F an application for Unit 6 is also under consideration and on this agenda.

Publicity

- 2.8 No further public consultation has been undertaken. This was not considered necessary due to the further information being submitted not altering the built form and there being no responses to the original consultation.

Consultation

- 2.9 There have been no further consultation responses since the original planning application

Principle of Development

- 2.10 There have been no material changes to the Development Plan or National Planning Policy since the resolution of the planning committee.
- 2.11 Whilst the development has commenced, this has been carried in accordance with the agreed details with Construction Management in place (e.g. a guardsman at the site entrance, PPE safety measures and appropriate construction management through a site office). As such there have been no changes in circumstances which would alter the original consideration of the report.
- 2.12 The application is now part retrospective. However, the actions of the Developer to implement the scheme proposed prior to receiving planning permission does not have an impact on the planning merits of the proposal and the application must continue to be considered in the normal way.

Travel Plan Monitoring Fee

- 2.13 Since the resolution of the original planning permission, Officers have had the opportunity to review the Travel Plan Monitoring fee and the original s106 Agreement to the development under 14/02067/OUT for 40,362sqm of office, research and development, laboratory, storage and ancillary space and the implementation of development under the approved Reserved Matters to the Outline Planning Permission (in particular Unit 3 which is now occupied).
- 2.14 The s106 Agreement to the Original Planning Permission required a contribution of £9,040 towards Travel Plan Monitoring across the whole site alongside the implementation of a number of highway and cycling enhancements which have been implemented. As the Development has been implemented, the s106 is enforceable across the whole development and therefore further linking agreements are unnecessary.
- 2.15 It is noted that Contributions towards highway improvements were previously secured through the outline consent 14/02067/OUT including improvements to cycleway infrastructure and bus service provision along Langford Lane.
- 2.16 In responding to this application, the original report noted on 6 October 2022 that OCC have raised no objection and have not requested any linking agreement, as the highway improvements previously secured through the original outline permission have now been implemented.
- 2.17 As such in reviewing the s106 and the terms of the original planning permission the resolution to require a s106 Agreement to link the Travel Plan payments is not considered necessary to make the development acceptable and as such is no longer sought.

Drainage Strategy

- 2.18 The applicant has submitted a Drainage Strategy and associated plans on 25 November 2022 which shows the wider implementation of Sustainable Drainage Systems which meet the 1 in 100 year event and a 40% buffer for Climate Change (or the equivalent of greenfield run off rates).
- 2.19 It is noted that as part of the Discharge of Conditions to the original outline permission, under reference 16/00533/DISC Conditions 10 (surface water drainage

scheme) and 11 (drainage strategy) were discharged on the basis of similar schemes and the same details to Unit 6 have been considered to be acceptable by the LLFA in particular.

2.20 As such the submission of the Drainage Strategy and associated plans are considered acceptable and the conditions require updating.

Sustainability and Energy Strategy

2.21 The applicant has submitted a Sustainability and Energy Strategy on 18 December 2022. The submitted strategy highlights that the only renewable energy generation technology that is practical and feasible to operate on this park is solar PV electricity generation. Due to the design of the hybrid units, these panel can be accommodated on the roofs with no impact on visual impact, air quality or increase to traffic generation. In addition, there would be no further planning issue in doing so.

2.22 Detailed analysis of potential renewable energy technology and provision has been conducted through-out the BREEAM process thus far, as we have moved forward from the pre-assessment previously submitted, and conducted SBEM analyses, designs and strategies.

2.23 A scoping exercise is currently on-going with the electricity distribution network with regard the capacity that can be accepted by the grid

2.24 Overall the park has been designed in order to strive for sustainable development in all areas.

- The drainage strategy is fully SUDS compliant, in order that the surface (storm) water drainage is equivalent to green field run-off rates.
- The materials used in the construction of the buildings will be recycled and recyclable where possible.
- The travel plan formed in accordance with the county highways strategy encourages the use of public transport through the bus that links to the park & ride, and parkway train station. This bus will be supported by the park through S106 contributions for the first five years of occupation as a 'pump priming' exercise.
- The travel plan also encourages cycling to the park through suggesting practical routes, and providing plenty of covered cycle parking racks. The park will also provide a cycle path link from the main access road to the A44 and the international cycle route which runs along the A44, as per the county highways S106 requirement.
- Further to the cycle link we will be providing above the park aims to encourage cycling through researching and assisting with the implementation of further cycle routes around the local area.
- During the occupation of the park, recycling will be facilitated on a site wide basis
- Onsite provision of food and drink with an informal meeting space through the provision of an onsite coffee shop, restaurant and bar (part of the current hotel in building 2) will encourage people to meet, eat and socialise onsite during the working day and reduce travel in order to procure food and drinks. As well as a Park Hub space in Building 4B, the 'Innovation Quarter' to create a community within the Park.

- 2.25 It is anticipated that the development will achieve BREEAM 'Excellent' status which is above the level expected by Policy and the condition agreed on 6 October 2022.
- 2.26 Overall the Sustainability and Energy Strategy is considered to be acceptable and Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework and would meet the requirements of the previous condition. As such the condition would need to be amended to reflect the submission.

Update to Planning Conditions

- 2.27 As the development has commenced it is no longer necessary to add a commencement or time limit requirement to the development. The plans and other conditions are updated to reflect the updated plans and information submitted since the resolution of the Committee on 6 October 2022 and the further submissions by the applicant.
- 2.29 The following conditions were pre-commencement conditions as part of the previous resolution in October 2022:
- Condition 5 required the submission of a Construction Transport Management Plan (CTMP)
- Condition 7 required the submission of a surface water drainage scheme
- Condition 10 required the submission of landscaping details
- Condition 11 required the submission of a Sustainability and Energy Statement
- Condition 15 required the submission of a Construction Environmental Management Plan (CEMP: Biodiversity)
- Condition 16 also required the submission of a surface water drainage scheme (duplicating condition 7)
- 2.30 The submission of further amended plans and information and progression of other units on the site have allowed for updated conditions to be proposed and have satisfied several conditions originally proposed.
- 2.31 It is noted that in the Original Report (appended at Appendix 1) that at paragraph 9.42 it was stated that the site has now been cleared and prepared for development and consists of a 'clean' site. The existing mature hedgerow to the eastern boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.

3. PLANNING BALANCE AND CONCLUSION

- 3.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 3.2 The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 3.3 It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2015 policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of outline planning consent. Development has since commenced on the application

site and the site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.

- 3.4 It is considered that the proposals assessed within this application would constitute an acceptable form of development. Subject to appropriate conditions it is considered that the proposals would cause no significant harm to highway safety, residential amenity or visual amenity, sustaining the character of the site and its setting whilst providing new commercial floorspace in keeping with that approved for the wider Technology Park.
- 3.5 It is considered that the proposals are broadly consistent with the provisions and aims of the above-mentioned Development Plan policies. The proposals are therefore considered to be acceptable in all other regards and conditional approval is recommended.

4. RECOMMENDATION

RECOMMENDATION –GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

CONDITIONS

1. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents:
 - 2732-01-PL3 – Location Plan Proposed
 - 2732-02-PL2 – Location Plan
 - 2732-03-PL5 – Proposed Site Plan
 - 2732-10-PL4 – Ground Floor Plan
 - 2732-11-PL5 – First Floor Plan
 - 2732-12-PL1 – Roof Plan
 - 2732-14-PL4 – West & South Elevations
 - 2732-15-PL4 – North & East Elevations
 - 2732-100-PL2 – Cycle Locations
 - 2732-101-PL2 – Bin Storage & Recycling
 - 2732-102-PL3 – Fence Plan
 - 2732-05-PL4 – Proposed Hard Landscaping Plan
 - 4929-OPT7-ICS-01-XX-DR-C-0400-S2-P02 – Typical Construction Details
 - 4929-OTP7 – Front Car Park - 100yr event plus 40% CC.
 - 4929-OTP7 – Rear Car Park – 100yr event plus 40% CC.
 - 4929-OPT7-ICS-01-XX-DR-C-0200-S2-P06 – Drainage Design
 - 4929-OPT7-ICS-01-XX-DR-C-0201-S2-P01 – Catchment Areas

Planning & Economic Statement by Savills, received by the Local Planning Authority in May 2022

Design & Access Statement by Savills, received by the Local Planning Authority in May 2022

Transport Statement, by Vectos, dated May 2022

Sustainability and Energy Strategy, received by the Local Planning Authority on 18 December 2022

Drainage Strategy, REF: 4929-OTP7-ICS-CO-C-03.003, by Infrastruct CS Ltd, received by the Local Planning Authority on 25 November 2022

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.

2. The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission Ref: 14/02067/OUT.

Reason: In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

3. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

4. The vehicle parking layout shown on plans 2732-03 PL5 and 2732-05 PL4 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning, and manoeuvring.

Reason: In the interests of highway safety.

5. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

6. Prior to the first use of the development, the sustainability measures outlined in the Sustainability and Energy Strategy received by the Local Planning Authority on 18 December 2022 will be implemented in accordance with the approved details.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

7. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015.

8. No goods, materials, plant, or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policy C28 of the Cherwell Local Plan 1996.

9. Prior to first occupation a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Travel Plan thereafter.

Reason: To encourage the use of sustainable modes of transport.