

# Appendix 1

**Oxford Technology Park Langford Lane Kidlington**

**21/02278/F**

**Case Officer:** Bernadette Owens

**Applicant:** Oxford Technology Park 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

**Ward:** Kidlington West

**Councillors:** Cllr Copeland, Cllr Tyson and Cllr Walker

**Reason for Referral:** Major development

**Expiry Date:** 14 October 2021

**Committee Date:** 7 October 2021

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## **SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND LEGAL AGREEMENT (IF DEEMED NECESSARY)**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is on the northern edge of Kidlington and comprises a relatively flat rectangular site of 1.225 hectares. The application site forms part of the larger 8.3 hectare Oxford Technology Park site on the southern side of Langford Lane. The wider site is bound to the west by the South Central Ambulance Service and Kidlington Ambulance Station and to the east by the Oxford Motor Park. To the north of Langford Lane is the Oxford Spires Business Park and London Oxford Airport and to the south of the site is agricultural fields.
- 1.2. Outline planning consent has already been granted under planning permission ref. 14/02067/OUT for the development of the wider Oxford Technology Park site for 40,362sqm of office, research and development, laboratory and storage space within use classes B1, B2 and B8. The construction of Units 1 and 3 (approved under ref. 17/01542/REM) at the top of the site are currently underway. A further planning permission was also granted for a Premier Inn hotel development which has also been constructed on the frontage of the site.
- 1.3. The application site lies to the rear of the hotel development and is accessed from the main spine road that runs through the centre of the technology park development site.
- 1.4. The current application represents the next phase of the development of the Oxford Technology Park site.

### **2. CONSTRAINTS**

- 2.1. The application site lies within the Oxford Green Belt and in close proximity to the Rushy Meadows SSSI to the east.

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

- 3.1. The application seeks detailed planning consent for the construction of 11no. commercial units within 2no. buildings comprising a total of 6,448sqm of commercial floorspace within use classes E (g) (i) – (iii), B2 and B8. This is consistent with the

outline consent for the site which permits development within class B1 and B2 with ancillary B8 use.

- 3.2. The proposed development is for an 'Innovation Centre' that is envisaged by the applicant to meet the needs of small to medium sized enterprises looking for a base to start or enhance operations to build a platform for economic growth that supports the local economy.
- 3.3. The units have been designed within two linear buildings of a scale and appearance consistent with the existing development at plots 1 and 3.
- 3.4. Access is to be taken from the main spine road into the Technology Park and parking is proposed to the front and rear of the buildings including electric vehicle charging points and cycle parking.

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

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

- 4.1. 14/02067/OUT - OUTLINE (all matters reserved) - New build Technology Park comprising 40,362sqm of office, research and development, laboratory, storage and ancillary space – APPROVED
- 4.2. 16/00533/DISC - Discharge of Conditions 6 (means of access), 10 (surface water drainage scheme), 11 (drainage strategy), 12 (air quality impact assessment), 14 (low emission transport plan), 15 (reptile method statement), 16 (method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds) and 18 (bird control management plan) of 14/02067/OUT – APPROVED
- 4.3. 17/00559/F - Variation of conditions 1, 2, 3, 5, 7, 9 and 21 of 14/02067/OUT to enable proper phasing of the development – APPROVED
- 4.4. 17/01542/REM - Phase 1 of Oxford Technology Park including details of siting, design, layout and external appearances of units referred to as 1 and 3 – APPROVED
- 4.5. 18/00047/DISC – Discharge of conditions 3 (landscaping scheme); 5 (cycle parking) and 6 (sustainability and energy statement) of 17/01542/REM – APPROVED.
- 4.6. 21/00690/REM – Variation of conditions 1 (plans), 2 (materials) 3 (landscaping scheme), 5 (cycle parking), 6 (sustainability and energy statement) of 17/01542/REM - amendments to Units 1 and 3 - APPROVED

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

- 5.1. No pre-application discussions have taken place with regard to this proposal.

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

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **17 August 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

## **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.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. KIDLINGTON PARISH COUNCIL: **No comments received.**

### CONSULTEES

7.3. CDC ARBORICULTURE: **No comments received.**

7.4. CDC BUILDING CONTROL: **No comments received.**

7.5. CDC ECOLOGY: **No comments received.**

7.6. CDC ECONOMIC DEVELOPMENT: **No comments received.**

7.7. CDC ENVIRONMENTAL HEALTH: **No comments** in respect of noise, contaminated land, air quality odour or light. Although it is noted that whilst there is provision for EV charging points, ducting for future expansion should also be installed as part of the development.

7.8. CDC LANDSCAPE SERVICES: **No objection.**

7.9. CDC PLANNING POLICY: **No comments received.**

7.10. OCC HIGHWAYS: **No objection** subject to S106 linking agreement and conditions.

7.11. OCC DRAINAGE: **No objection.**

7.12. BBO WILDLIFE TRUST: **No comments received.**

7.13. NATURAL ENGLAND: **No objection** based on the plans submitted the proposed development will not have a significant impact on protected nature conservation sites or landscapes.

7.14. ENVIRONMENT AGENCY: **No comments** refer to EA standing advice.

7.15. THAMES WATER: **No objection.**

7.16. THAMES VALLEY POLICE: **No comments received.**

7.17. LONDON OXFORD AIRPORT: **No comments received.**

## **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 2031 Part 1)

- SLE1 - Employment Development
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 11 – Conservation Target Areas
- ESD13 - Local Landscape Protection and Enhancement
- ESD 14 – Oxford Green Belt
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- KIDLINGTON 1 – Accommodating High Value Employment Needs
- INF1 - Infrastructure

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

- C15 – Prevention of coalescence of settlements
- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **9. APPRAISAL**

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

- Principle of Development
- Transport and highway impact
- Design, and impact on the character of the area
- Residential Amenity
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

#### Principle of Development

9.2. The application site lies within the Oxford Green Belt where restrictive policies apply at national and local level through the National Planning Policy Framework (NPPF) and the CLP 2031 Part 1.

9.3. Notwithstanding this, the CLP 2031 Part 1 does set out a need for small scale review of the Green Belt as a result of the 2012 Employment Land Review which identified a

need for additional employment land in the Kidlington area. It is recognised that Kidlington has a very different economic role from the other villages in the District due to its location on the hi-tech corridor between London and Oxford and the proximity to Oxford University and Begbroke Science Park offering unique opportunities to attract and accommodate high value employment uses in the research and development sector. It is not anticipated that this need can be accommodated on sites within the built-up limits of Kidlington. A specific need has also identified at the Langford Lane area and the Science Park at Begbroke and exceptional circumstances are considered to exist to justify small scale review of the Green Belt to meet employment need.

- 9.4. Subsequently, policy Kidlington 1 refers to the Oxford Technology Park site as one of the locations where small scale review could accommodate high value employment development subject to site specific design and place shaping principles.
- 9.5. Unfortunately, the intended review and amendments to the Green Belt envisaged through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2031 Part 1 in July 2015.
- 9.6. The application of policy (including very special circumstances) and the harm to the Green Belt was however considered through the Outline planning application (14/02067/OUT). Whilst it was concluded at the time that the development at this location would have an adverse impact on the Green Belt, the need to provide sites for high technology industry was considered to outweigh the harm and tipped the planning balance in favour of granting planning consent.
- 9.7. The site now comprises a ready development site where commercial development is already consented and under construction and the main spine road and access to the site have been constructed to facilitate the further development of the site.
- 9.8. In the meantime, the Outline planning consent (14/02067/OUT) has lapsed and the current application is for detailed consent, rather than reserved matters pursuant to the Outline consent and must be determined accordingly. Notwithstanding this, the proposals are considered to accord with the parameters set out at the Outline stage for the delivery of a technology park at this location and some of the information submitted and approved under the original Outline consent will be applicable to the development of the application site. The arguments put forward for very special circumstances in the consideration of the Outline application are also considered to remain valid and are given further weight through the adoption of the CLP 2031 Part 1 and policy Kidlington 1 which sets out a commitment to review the Green Belt at this location.
- 9.9. As such, given the history of the site and the clear intention of the Council to review the Green Belt at this location, the principle of the proposed development is considered acceptable.

#### Transport and Highway Impact

##### *Policy Context*

- 9.10. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development

## *Assessment*

- 9.11. The Oxford Technology Park site access junction with Langford Lane has recently been constructed. As the junction has been designed to accommodate the total quantum of development permitted by the Outline consent (14/02067/OUT), and the quantum of the proposed development (as well as development already permitted) does not exceed the parameters of the Outline consent, it is considered that the access arrangements into the technology park site are suitable to accommodate the development proposed.
- 9.12. The total quantum of development, and related trip generation, is also within that which has previously been assessed through the Outline application.
- 9.13. Visibility from the plot access junction is suitable, given the linear nature of the spine road. However, OCC highway officers have noted that the access junction between the application site and the internal spine road is wide in radius and the Transport Statement states that HGVs are not likely to require access to this site. There is no objection to the application on this basis and it is not considered necessary to require revised plans to address this. Whilst the use of the technology park site is for E (g) (i) – (iii) and B2 uses with ancillary B8 use, it can be reasonably assumed that large delivery vehicles may need to access the site to service the proposed units.
- 9.14. Car parking has been proposed based on the OCC standard for office use (one space per 30sqm) plus an additional 9 spaces. OCC highway officers have highlighted that the application of parking standards for office use where research and development floor space is also proposed would result in an overprovision of car parking which may encourage car travel to the site, although the County Council would not wish to raise an objection on this basis. A Travel Plan and Travel Plan Monitoring fee will be required to ensure that the use of sustainable modes of transport is encouraged and to reduce car travel to the site, the site is also sustainably located and offers realistic opportunities for modal shift.
- 9.15. Mitigation measures including public transport improvements and footway enhancements were also secured through the Outline consent in order to enhance sustainable transport options to the site.
- 9.16. Electric vehicle charging points are proposed to serve both buildings, providing 10no. charge points. In order to promote the take up of electric vehicle use, the Council promotes the installation of ducting to allow for future expansion of EV charging rather than retrofitting at a later date. This can be conditioned.
- 9.17. Cycle shelters are shown to the frontage of the proposed buildings but details of the appearance of these shelters has not been submitted and will need to be conditioned.
- 9.18. In addition to the highway impact of the development, the impact on the adjacent London Oxford Airport also needs to be considered. The original Outline consent required the submission of a full technical safeguarding study to assess the effects of the development on London Oxford Airport's navigation. This condition should be imposed again to ensure that there is no adverse impact to the airport navigation system as a result of the proposals.

## *Conclusion*

- 9.19. The proposals are considered to be in accordance with policies SLE4 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF in this regard.

## Design, and Impact on the Character of the Area

### *Policy Context*

- 9.20. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way it functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.
- 9.21. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

### *Assessment*

- 9.22. The application site is largely flat and is not within a sensitive landscape. The site is surrounded on its north, east and west side by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the hangers at Oxford Airport to the north of the site and the car showrooms to the east of the site.
- 9.23. The development comprises two rectangular buildings sited perpendicular to the main spine road through the technology park site. The buildings are sited either side of a central access road with parking surrounding.
- 9.24. The design of the buildings is consistent with the appearance of the buildings currently under construction at plots 1 and 3 and typical of a modern commercial development comprising large areas of glazing with grey panelling in varying shades. The buildings are designed to be constructed with a flat roof with roof top plant being screened by light grey walling.
- 9.25. In terms of scale, the buildings would be two storey in height, lower than the existing buildings on the frontage of the technology park site but in line with the two storey building at plot 3. This reduced scale creates a step down to the existing built form to the west and creates a uniformity within the Oxford Technology Park site.
- 9.26. The layout, scale and appearance of the proposed buildings are considered acceptable in the context and would be consistent with the design principles established on the technology park through the approval and construction at plots 1 and 3.
- 9.27. The landscape scheme for the site is also consistent with the principles agreed and approved through the Outline consent for the wider technology park including the retention and enhancement of the existing mature hedgerow to the western boundary and the planting of street trees along the main spine road. Full details will be required by condition.
- 9.28. Boundary treatment information has not been submitted with the application and will also need to be conditioned.
- 9.29. Areas for recycling (bin storage) are shown in the car park layout but details of the appearance of these areas (structures/boundary treatment) has not been submitted and will need to be conditioned.

### *Conclusion*

- 9.30. The proposals are considered to be in accordance with policies ESD15 of the CLP 2031 Part 1 and C28 of the CLP 1996 as well as national planning policy set out within the NPPF in this regard.

### Residential Amenity

#### *Policy Context*

- 9.31. Policy ESD15 of the CLP 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.32. 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.

#### *Assessment*

- 9.33. The nearest residential properties are located at Evenlode Crescent to the west and the hotel to the north would also be a sensitive receptor. There is significant physical separation between the proposed development and these existing receptors so that there would be no undue harm by way of loss of light, overlooking/loss of privacy or overbearing impact as a result of the proposed development.
- 9.34. B1 and B2 uses have already been considered acceptable on this site under the original Outline consent and a condition was attached to the consent to control noise originating from the site. A similar condition will be imposed on this consent to ensure that the proposals would not cause nuisance or disturbance to a detrimental degree.

### *Conclusion*

- 9.35. The proposals are considered to be in accordance with policies ESD15 of the CLP 2031 Part 1 and ENV1 of the CLP 1996 as well as national planning policy set out within the NPPF in this regard.

### Ecology Impact

#### *Legislative context*

- 9.36. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.37. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.38. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the



integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.39. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.40. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

9.41. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.42. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.43. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.44. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.45. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.46. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.47. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.48. 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 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')
- 9.49. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the Rushy Meadows SSSI to the east. The ecological impact of the development has already been considered under the original Outline consent including the submission of further information by condition.
- 9.50. The site has now been cleared for development and consists of a 'clean' site. The existing mature hedgerow to the western boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.
- 9.51. Having considered Natural England's Standing Advice and taking account of the site constraints and history of the site, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. The ecological impact of the development of the technology park site has already been considered and no further formal survey is required. Conditions will be imposed to ensure compliance with details already

approved in respect of ecology and biodiversity will be imposed and is considered sufficient to address the risk of any residual harm.

#### *Conclusion*

- 9.52. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2031 Part 1 and taking into account Natural England Standing Advice.

#### Flood Risk and Drainage

##### *Policy Context*

- 9.53. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

##### *Assessment*

- 9.54. Flood risk and drainage on this site have been considered and addressed under the original Outline consent which agreed the drainage strategy and principles for the technology site as a whole.
- 9.55. Whilst an initial objection was raised to the current application by OCC Drainage, further clarification has been provided by the applicant and OCC have now removed their objection on drainage grounds. Conditions are recommended to ensure that the development is carried out to the satisfaction of the LLFA.

#### *Conclusion*

- 9.56. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1.

#### Energy Efficiency and Sustainability

##### *Policy Context*

- 9.57. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 1,000 sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.58. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

##### *Assessment*

- 9.59. The application does not include an Energy or Sustainability Statement to address how the development will seek to comply with Building Regulations and Policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good' standard.
- 9.60. Given the type of development proposed and limited constraints on the site, it is considered that there would be reasonable opportunities for the development to incorporate improvements to the building fabric and the installation of high efficiency equipment to secure environmental improvements to the built form in addition to the

utilisation of renewable energy sources such as solar panels and Air Source Heat Pumps.

- 9.61. A condition will be imposed to secure the submission of an Energy Strategy for the proposed buildings and the achievement of BREEAM 'Very Good' standard.

#### *Conclusion*

- 9.62. Subject to the imposition of suitable conditions requiring the submission of an Energy Strategy, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1

#### Planning Obligations

- 9.63. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.64. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.65. Contributions towards highway improvements were secured through the Outline consent including improvements to cycleway infrastructure and bus service provision along Langford Lane.
- 9.66. In responding to this application, OCC have suggested that a linking agreement will be required to link the development to the obligations attached to the Outline consent. This has been queried by the applicant based on the agreed trigger points for contributions and the current stage of the development. OCC are reviewing further, and a further update will be provided.

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

- 10.1. 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.
- 10.2. The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 10.3. It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2031 Part 1 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 commenced on the 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.
- 10.4. The proposals are considered to be acceptable in all other regards and approval is recommended.

## 11. RECOMMENDATION

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 (IF DEEMED NECESSARY) 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.

### CONDITIONS

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.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 2612-01 PL2; 2612-02 PL4; 2612-10 PL3; 2612-11 PL3; 2612-12 PL3; 2612-16 PL3; 2612-13 PL3; 2612-14 PL3; 2612-15 PL3; P21-002 101 C1

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.

3. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F:
  - Air Quality Impact Assessment dated November 2016 and condition letter ref. 23558/GH/AA dated 8<sup>th</sup> February 2017;
  - Reptile Method Statement ref. 8939\_MS\_APPR\_12 10 16.docx dated 12<sup>th</sup> October 2016;
  - Biodiversity Enhancement Measures ref. 8939\_EMP\_APPR\_02 02 2017.docx dated 2<sup>nd</sup> February 2017;
  - Bird Control Management Plan dated 14<sup>th</sup> March 2017

Reason – To ensure that the development is carried out in accordance with details already approved by the Local Planning Authority to achieve a satisfactory development without adverse impact.

4. 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 and by planning permission ref. 17/00559/F.

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

5. 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 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – To encourage occupiers to use sustainable modes of transport as much as possible in line with the Government guidance contained within the National Planning Policy Framework

7. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment that construction traffic will not arrive or leave the site through Kidlington and that delivery or construction vehicles will only arrive or leave between 9.30 and 16.30. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason – In the interests of highway safety and the residential amenity of neighbouring occupiers.

8. No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan; • Comprehensive infiltration testing across the site to BRE DG 365;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;

- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems

Reason – To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 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 the development as it is fundamental to the acceptability of the scheme.

9. Prior to the first occupation of the development hereby approved, a record of the installed SuDs and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in both .pdf and .shp file format;
  - Photographs to document each key stage of the drainage system when installed on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - The name and contact details of any appointed management company information.

Reason – To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 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 the development as it is fundamental to the acceptability of the scheme.

10. No development shall commence until a full technical safeguarding study has been submitted to and approved in writing by the Local Planning Authority to assess the effects of the development on London Oxford Airport's navigation aids and radar equipment.

Reason: To ensure that the development does not unduly affect navigation and radar equipment at London Oxford Airport and to comply with Government guidance contained within the National Planning Policy Framework.

11. 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.

12. No development shall commencement until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:
- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and

- the nearest edge of any excavation,
- details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the details of the cycle parking shown on drawing no. 2612-02 PL4 submitted with the application, no development shall commencement until a detailed plan showing the proposed cycle parking to serve the development be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

Reason - In the interests of maximising the opportunities for sustainable travel in accordance with Policies ESD1 and SLE4 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the details of the recycling areas shown on drawing no. 2612-02 PL4 submitted with the application, no development shall commencement until a detailed plan showing the proposed bin and recycling storage to serve the development be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

Reason - In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development hereby approved. Thereafter, the development shall be carried out in strict accordance with the approved plans.



Reason - To ensure the satisfactory appearance of the completed development, and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development hereby approved, a Sustainability and Energy Statement, outlining how sustainability will be built into the approved development including a scheme to allow for the easy expansion of the EV charging shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, these sustainability measures 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.

18. 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 2011-2031 Part 1.

19. 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, Saved Policy C28 of the Cherwell Local Plan 1996.

## **PLANNING NOTES**

1. Any trees planted must not be of a species not likely to attract large numbers of birds, including berry-bearing species and those likely to grow over 15m in height which may encourage a rookery.
2. If cranes are used during construction, there will be a need for the developer to liaise with the London Oxford Airport in accordance with the British Standard Institute Code of Practice for Safe Use of Cranes (BS 7121). Crane permits will be required from London Oxford Airport prior to use.
3. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.