

Application No: 11/00751/F	Ward: Kidlington	Date Valid: 11/05/11
Applicant:	Kingerlee Homes	
Site Address:	Site BB, Langford Locks, Kidlington	

Proposal: Two storey building accommodating twelve units for B1 purposes.

1. Site Description and Proposal

- 1.1 The application site is located on the Langford Locks business park and to the immediate south of the Station Field Industrial Estate. The last plot to be developed in the vicinity, the roughly square shaped plot occupies an area of 0.3 hectares and is currently being used to store some of the applicant's containers and cabins. The applicant has recently been reminded that they need to renew their permission for this temporary use.
- 1.2 Planning permission was granted in 2008 (planning permission 07/02597/F) for the erection of a two storey building comprising twelve B1 units in the north east corner of the site. The business units would be served by a parking area comprising 49 spaces that is accessed via the site's southern boundary. This current application seeks to renew this permission.

2. Application Publicity

- 2.1 The application has been advertised by way of press notice and site notice. The final date for comment was the 10th June 2011. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Kidlington Parish Council raises no objection to the application.
- 3.2 Environmental Protection Officer raises no objection subject to condition
- 3.3 The Local Highways Officer raises no objections subject to condition. Although seeking a S106 contribution it was ultimately recognised that it would be difficult to justify given the current status of Planning Obligation SPD.

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth

PPG13: Transport
PPS23: Planning and Pollution Control

- 4.2 Policies RE3, NRM4 and T4 of the South East Plan 2009
- 4.3 Policies EMP3, ENV1, ENV12 and C28 of the adopted Cherwell Local Plan

5. Appraisal

- 5.1 Some Members may recall that this scheme (07/02597/F) was originally approved at Committee in February 2008. The case officer report for this application read as follows:

Planning permission is sought for the erection of a two-storey building containing 12 units which have a combined footprint of 1450 square metres on a corner site of 0.3 hectares within the Langford Lock business park. This plot of land is the last to be developed within the immediate area.

As the site is designated for employment generating development in both the adopted and non-statutory Cherwell Local Plans there are no objections to this proposal in principle.

The building, with a maximum height of 8.5m, is made up of two main parallel blocks linked at both ends to form an open access courtyard within the development. The applicants are proposing to employ smooth silver cladding panels with dark colour coated aluminium windows.

Planning permission was refused in 2003 for the erection of a pair of two-storey office buildings. The siting of one of the two office blocks, on the southern extremity of the site, was considered to be visually incompatible within the existing streetscene. Following discussions with the applicant, approval was given in 2004 for a three-storey building on the site's northern boundary. This permission was never implemented.

It is arguable that this current design represents an improvement on this earlier incarnation as the reduction in height will lessen the impact on the neighbouring units which are of a similar stature to that being proposed.

There are, however, two stumbling blocks with this proposal which have yet to be resolved at the time of writing this report. The first problem relates to the siting of the building which is on the site's western boundary. This location has obvious implications in terms of loss of privacy and light in respect of the neighbouring unit. A revised scheme failed to address the concerns of the HDC & MD as the building was still only a maximum of six metres from this neighbour. Following clarification from the Highways Authority that they wouldn't object to an access on the southern boundary, the applicant has agreed to reposition the building on the eastern boundary and rotate it through 90 degrees.

A sketch plan, submitted prior to the receipt of detailed drawings, illustrated the new location and was considered to overcome this objection. This plan also shows the number of parking spaces reduced from 58 spaces on the original drawings to 49

spaces. This complies with the Highway Authority's expectations of promoting, where possible, the use of public transport.

The second obstacle is the applicants' apparent reluctance to accept the principle of providing a financial contribution to improvements to the local transport infrastructure. Discussions were ongoing at the time of writing, it is hoped that a compromise can be reached with the County Council, and a verbal update on this will be given at the Meeting.

Assuming that the revised plans largely replicate the aforementioned sketch plan and a contribution can be agreed then, the HDC & MD concludes that this development complies with Policies EMP1 and C28 of the adopted Cherwell Local Plan and therefore recommends that this application be approved subject to the conditions set out above.

- 5.2 Following an inspection of the area, it was evident that there have been no changes to the immediate environment that would compromise the decision previously reached.
- 5.3 There have, however, been significant changes to policy and Government guidance in the intervening period. The Oxfordshire Structure Plan 2016 has been superseded by the South East Plan 2009. Although the South East Plan 2009 was rescinded by the Coalition Government it has since been reinstated following a legal challenge and therefore still has to be considered as a material consideration. As regards Government guidance the most notable change, in the intervening time since the original permission was granted, is that PPS4: Planning for Sustainable Economic Growth replaced PPG4, PPG5, PPG6 and the relevant sections of PPS7 in December 2009. Notwithstanding these changes, the general thrust of the new policy and guidance, which is supportive of business growth in appropriate locations, does not, in the opinion of the SDPHE, affect the decision previously reached.
- 5.4 Oxfordshire County Council had previously sought and agreed a S106 contribution for the proposed Kidlington Railway Station. This station, however, no longer forms part of the new Local Transport Plan; Kidlington will now be served by the Parkway Station at Gosford and Water Eaton at the opposite end of the settlement. Notwithstanding this change in strategy, the County Council still sought a contribution for other transport projects identified in their Transport Plan. However, given the status of both Cherwell's Planning Obligations SPD and the County Council's Local Transport Plan, which has not yet costed Kidlington's future infrastructure requirements, it was not considered appropriate to pursue a revised S106 agreement.
- 5.5 Based on the assessment above, the SDPHE concludes that the proposed development complies with PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPG13: Transport and PPS23: Planning and Pollution Control and Policies RE3, NRM4 and T4 of the South East Plan 2009 and Policies EMP3, ENV1, ENV12 and C28 of the adopted Cherwell Local Plan and therefore recommends that it is approved.

6. Recommendation

Approved, subject to the following conditions:

- 1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with approved plans: 99057 400C; 99057 400C; 99057 401A; 99057 402C; and 99057 403A.**

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.

- 3. 2.1A Details of Materials and External Finishes – (RC4A)**
- 4. 3.0A - Submit Landscaping Details (RC10A)**
- 5. 3.1A - Carry Out Landscaping Scheme and Replacements (RC10A)**
- 6. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.**

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 Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

- 7. If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.**

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 Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

8. If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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 Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

9. If remedial works have been identified in condition 18, the remedial works shall be carried out in accordance with the scheme approved under condition 18. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

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 Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

10. 4.31AA Soakaways (Contaminated Ground)

11. Piling or any other foundation using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason - To protect the groundwater quality of the area and to comply with Government guidance contained within PPS23: Planning for Pollution Control.

12. The construction of the surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before works are commenced.

Reason - To prevent pollution of the water and to comply with Government guidance contained within PPS23: Planning for Pollution Control.

13. 4.3AA Access Details for Approval (RC13BB)

14. 4.13CD Parking and Manoeuvring Area Retained (RC13BB)

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