

Application No: 11/01484/F	Ward: Kidlington North	Date Valid: 19/10/11
Applicant:	Oxford University Press	
Site Address:	Phase 3, Oxford Spires Business Park	

Proposal: Three storey office building and associated parking

1. Site Description and Proposal

- 1.1 This application relates to the final undeveloped area of Oxford Spires Business Park to the east of the Elsevier building and to the north and north-east of Thames Valley Police offices. Although the main body of the site is located behind the police headquarters, part of the site does abut Langford Lane. Surrounding the Business Park to the north and east are fields and to the south and west are London Oxford Airport, Oxford Motor Park and Oxonian Business Park. Part of the field to the east, which unlike the application site is inside the Oxford Green Belt, will be used for the recently approved waste recycling centre.
- 1.2 The 6 hectare site which comprises all three *Phases* was originally granted outline planning permission for a science park in 1988 (CHS.12/87 refers). A successful appeal relaxed the condition on the permission which had limited the type of companies that could operate from the Business Park. It was established that the land could be used for unrestricted B1 purposes (i.e. offices, light industry and research and development).
- 1.3 As regards the planning history specifically relating to the Phase 3 land, in October 1994, outline permission was granted for a two/three storey B1 office building with a floor area of 4,000m². In January 1998, full planning permission was granted for a three storey office building, which would have provided 5,100m² of floor space (97/01887/F refers). In 2002, a revised application for a three storey office building (4,393m²) received approval. That permission was renewed five years later (02/00405/F and 07/00500/F refer). The 2007 permission lapsed last year.
- 1.4 Planning permission is now sought for a more contemporary office building than previously approved. Although occupying roughly the same position within the site, the proposed structure will be much more linear in design, comprising four linked office blocks (4,017m² of floor space). This arrangement allows greater flexibility; the owners are contemplating the possibility of letting one of more of the four units.
- 1.5 The exterior of the building would be very different in appearance to the previous approvals, with the southern, eastern and western elevations predominantly glazed to promote passive solar gain. The applicant has proposed to clad the northern elevation with terracotta tiling. A brise soleil canopy would project out from the roof of the southern elevation over a 'reflecting pool' which runs the length of the building. The canopy would prevent the building from overheating during the summer months. As with the previous permission, the parking area would be to the south of the proposed

building with the principal entry to the site being taken from the Boulevard. This new scheme has however dispensed with the emergency exit on to Langford Lane.

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 25th November 2011. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Kidlington Parish Council raises no objections to the application
- 3.2 The Environmental Protection Officer raises no objections subject to condition
- 3.3 The Ecology Officer raises no objections subject to condition
- 3.4 The Arboricultural Officer agrees with the categorisation of the trees in report accompanying this application and raises no objections subject to condition
- 3.5 The Landscape Officer raises no objections subject to condition
- 3.6 The Design and Conservation Team Leader is happy with the proposed design with the exception of the northern elevation which she describes as *uncompromising in its unrelieved use of terracotta tiles and the rigid pattern of small openings*
- 3.7 OCC Highways Liaison Officer raises no objections subject to condition. The Officer and the applicant came to an agreement over an appropriate transport contribution
- 3.8 OCC Minerals Planning Officer raises no objections
- 3.9 OCC Drainage Officer raises no objections subject to condition
- 3.10 London Oxford Airport raises no objections
- 3.11 Thames Water observes that the applicant should contact them if the new building is within 3 metres of a sewer. The applicant should factor in minimum water pressure into the design
- 3.12 The Environment Agency has commented at the time of writing

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPS23: Planning and Pollution Control
PPS25: Development and Flood Risk
- 4.2 Policies RE3, NRM4, NRM5, T4 and T5 of the South East Plan 2009

- 4.3 Policies EMP1, EMP3, ENV1, ENV12, C2, C4 and C28 of the adopted Cherwell Local Plan

5. Appraisal

- 5.1 The site is designated for employment generating development in both the adopted and Non-Statutory Cherwell Local Plans (Policy EMP1 of both plans). Changes in Government guidance most notably the introduction of PPS4: Planning for Sustainable Economic Growth and the replacement of the Oxfordshire Structure Plan 2016 with the South East Plan 2009, since the most recent previous approval on this site, are not considered to compromise the principle of development already established.
- 5.2 The previous permissions and indeed Phases 1 and 2 of the Oxford Spires development (the Thames Valley Police and Elsevier buildings) have also established the acceptability of a three storey structure in this location. The proposed building is very different in appearance to the Thames Valley Police and Elsevier buildings which were erected during the 1990s.
- 5.3 The glazed element of the build is nonetheless considered to be acceptable in design terms and will resonate with other more modern office development in the Langford Lane area. The more contemporary eco design is in part justified by the need to comply with Building Regulations legislation relating to the CO₂ emissions. The Council's Design and Conservation Team Leader has however raised doubts over the appropriateness of the proposed northern elevation which was considered to be *uncompromising in its unrelieved use of terracotta tiles and the rigid pattern of small openings*. Notwithstanding this objection, the HPP&DM concludes that, on balance, the design is not so incongruous that it compromises the overall acceptability of the scheme, particularly as this elevation will be partially screened by a number of TPO'd trees and is not readily visible from the public domain.
- 5.4 Given that the position of the proposed building remains little changed to that approved previously, it is unsurprising that the Council's Arboriculturalist has not raised any objections. The Arboriculturalist has however recommended a number of conditions to ensure the future wellbeing of TPO'd trees on site. The Landscape Officer has similar concerns and would also like to see the strengthening of the planting on certain of the site's boundaries.
- 5.5 The applicant entered into negotiations with the County Council directly in respect of contributions sought for improvements to the local highway infrastructure (there are no parking or highway safety issues). As a result of these discussions, a sum of approximately £7,000 was agreed to part finance, amongst other things, bus priority signals at the junction of Langford Lane and Banbury Road. As regards a public art contribution, as the site is not publically prominent, the HPP&DM is satisfied that the proposed reflecting pool will be sufficient to discharge this requirement.
- 5.6 Based on the assessment above, the HPP&DM concludes that the proposed development complies with Government guidance contained within PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPG13: Transport and PPS23: Planning and Pollution Control and Policies RE3, NRM4, T4 and T5 of the South East Plan 2009 and Policies EMP3, ENV1,

ENV12, C2, C4 and C28 of the adopted Cherwell Local Plan and therefore recommends that the application is approved subject to appropriate conditions.

6. Recommendation

Approval, subject to the Environment Agency comments, the receipt of the completed unilateral undertaking and 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: 97119 P01; 97119 P02; 97119 P03 A; 97119 P04 A; 97119 P05 A; 97119 P06 A; 97119 P07 A; MCA002/01/B; and MCA002/02B and the following approved documents: Interim Travel Plan produced by Castledine Associates and dated 26 September 2011; Tree Survey produced by MCA and dated 20 July 2011; Ecological Appraisal produced by Bioscan and dated 11 August 2011.**

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. That prior to commencement of any development on the site, notwithstanding the details submitted, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), undertaken in accordance with BS5837:2005 sections (Please specify if relevant) shall be submitted and approved in writing by the Local Planning Authority. All works then to be undertaken in accordance with the agreed document.**

Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, and to comply with Policy C4 of the South east Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 7. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and should include details of:**
 - a) Induction and personnel awareness of arboricultural matters**
 - b) Identification of individual responsibilities and key personnel.**
 - c) Timing and methods of scheduled arboricultural site monitoring, record keeping, and the subsequent submission of information to the LPA.**
 - d) Procedures for dealing with variations and incidents.**

Please note, the Local Planning Authority may require the scheme of supervision to be administered by a qualified arboriculturist approved by the Local Planning Authority but instructed by the applicant.

Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan.

8. Prior to the commencement of any works on site or the carrying out of any operation relating to the provision of services, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason - To ensure that the existing trees are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

9. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees – Volume 4 and all subsequent revisions and amendments of.

Reason – To ensure that the trees are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

10. That prior to commencement of any development on the site, notwithstanding the details submitted, full details, specifications and construction methods for all purpose built tree pits and associated ground level surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority. Details must also include specifications for the installation of associated below ground, load-bearing root trenches and appropriate soils required to accommodate the planting and development of the proposed trees.

Reason – To ensure that the trees are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

11. No removal of trees, scrub or hedgerows to take place between the months of March to August inclusive.

Reason - To ensure that the development will not cause harm to any protected species or its habitat in accordance with Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan).

12. **4.13CD Parking and Manoeuvring Area**
13. **4.14DD Green Travel Plan**
14. **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.**
15. **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.**
16. **If a potential risk from contamination is identified as a result of the work carried out under condition 15, 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.**
17. **If contamination is found by undertaking the work carried out under condition 16, 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.

18. If remedial works have been identified in condition 17, the remedial works shall be carried out in accordance with the scheme approved under condition 17. 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.

19. Details of any external lighting to be erected around or within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting scheme shall be carried out in accordance with the details so approved.

Reason - In the interests of the visual amenities of the area, to ensure a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

20. 6.4AB Commercial: No Extensions

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is within an employment generating site and does not harm the visual amenities of the locality or compromise highway safety and public health. The development will also not adversely affect the protected trees or the local wildlife on site and will not pose a flood risk. As such the proposal is in accordance with Government guidance contained within PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPS9: Biodiversity and Geological Conservation, PPG13: Transport, PPS23: Planning and Pollution Control and PPS25: Development and Flood Risk and Policies RE3, NRM4, NRM5, T4 and T5 of the South East Plan 2009 and Policies EMP1, EMP3, ENV1, ENV12, C2, C4 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all

other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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