

Application No: 11/01732/F	Ward: Kidlington	Date Valid: 16/11/11
Applicant:	Hartwell PLC	
Site Address:	Oxford Office Village, Langford Lane, Kidlington	

Proposal: Three storey structure containing a service area, workshop and car parking area

1. Site Description and Proposal

- 1.1 This application relates to the final undeveloped area of the Oxford Office Village development, accessed from Langford Lane, which was previously home to a Dairy Crest facility. The rectangular site, approximately 60m x 55m, is situated to the south and east of the Oxford Motor Park development (the land to the east occupies an elevated position in respect of the application site), to the west of a group of three storey office blocks and to the north of the industrial units that make up Chancerygate. The land is currently used as an unauthorised car park serving the employees of some of the Motor Park franchises.
- 1.2 Planning permission is sought to erect a three storey, metal clad structure, referred to as the Hartwell Service Centre, and which would form part of the Hartwell Dealership on the Oxford Motor Park. The ground floor (including the large double height section) would be used as a service facility incorporating an MOT testing area. The eastern and southern ends of the building on the first floor, not incorporated into the service facility, would be used for administrative purposes. The open top second floor would be used for parking. Aside from the 51 vehicles that could be accommodated on the roof deck, the applicant is proposing to use the space surrounding the building on the northern and eastern boundaries to cater for a similar number of cars and vans.
- 1.3 The proposed Service Centre would have a footprint of approximately 38m x 38m and a height of 8m. The building would create 2,047m² of floor space. It would be accessed both from the Oxford Motor Park to the west (1st floor level) and the road serving Chancerygate and the Oxford Office Village developments to the south (ground floor level).
- 1.4 The application land was originally going to form part of the Oxford Office Village, a B1 development (04/01852/F refers) that was to have comprised 12 buildings (27 units). Only 5 buildings (11 units) on the eastern side of the site were actually constructed. A later approval (07/02158/F refers), on land comprising just the current application site, gave permission for a revised B1 scheme to that which had been previously permitted under the 2004 application. This consent has been allowed to lapse and as a result there are no extant permissions on the application site.
- 1.5 Of relevance to the current application, Members may recall approving a scheme at the beginning of 2008 (07/02531/F refers) to allow for the erection of a double deck car park in the north western part of the original Oxford Office Village site. The land surrounding the car deck was later given temporary permission, since made

permanent (09/00214/F and 11/00719/F respectively refer), to be used for additional car storage in connection with the Mercedes dealership. Members should also be aware that planning permission was recently given for the refurbishment of the showrooms which form part of the wider the development site (11/01731/F refers).

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 30th December 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 Landscape Officer has commented at the time of writing
- 3.4 The Anti-Social Behaviour Manager raises no objection to the proposed lighting scheme
- 3.5 OCC Highways Liaison Officer raises no objections subject to condition. The Officer and the applicant came to an agreement over an appropriate transport contribution
- 3.6 OCC Drainage Officer raises no objections subject to condition
- 3.7 The Ecology Officer raises no objections subject to condition
- 3.8 London Oxford Airport 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
- 4.2 Policies RE3, NRM5, T4 and T5 of the South East Plan 2009
- 4.3 Policies EMP3, ENV1, ENV12, C2 and C28 of the adopted Cherwell Local Plan

5. Appraisal

- 5.1 The key considerations for this application are the acceptability of the principle, design and highway safety/parking.
- 5.2 As regards the principle, it could be argued that as a large proportion of the space is given over to parking, the proposal does not strictly accord with EMP5 of the

NSCLP which seeks to protect existing employment sites from other uses. However, it would be difficult, in the opinion of the HPP&DM, in the light of the aforementioned approvals on the land to the north to take a firm line as they set a very strong precedent.

- 5.3 When approving the Mercedes application in 2009 it was recognised that the changing nature of car dealerships required that more vehicles for sale were kept on site and that there was a need to support the demand for the lucrative after sales care side of the industry. This current application reflects that trend.
- 5.4 Any policy objection is therefore mitigated by Policy EMP3 of the CLP, which relates specifically to the Kidlington area, and states 'that it is not the intention of this plan to inhibit the continued prosperity of existing firms'. This attitude to economic development in sustainable locations is also reflected in Government guidance contained within PPS4, paragraph EC10.1:
- “Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”
- 5.5 The HPP&DM is therefore satisfied that the planning benefit in securing the future of an existing operation, which will result in additional 29 jobs being created, outweighs the possible conflict with Policy EMP5 of the NSCLP. Further, the planning history appears to demonstrate that there has been limited demand for additional office space in the area, even prior to the downturn in the economy.
- 5.6 Turning to design the absence of a roof structure above the parking floor has helped to limit the height and make the building less conspicuous in the street scene - the surrounding buildings, with the exception of the car deck to the north are all taller than the proposed structure. The metal clad exterior of Service Centre would be very much in keeping with the Chancerygate development and the buildings on the Oxford Motor Park.
- 5.7 The impact on the neighbouring businesses should be minimal and it is unsurprising that there have been no objections. Following clarification from the agent in respect of the proposed lighting scheme, the Council's Anti-Social Behaviour Manager has not raised any objections to the scheme. One of the businesses operating from the adjacent Oxford Office Village reasonably argued, in respect of the Mercedes application, that appropriate planting around the perimeter would soften the impact of the development. Likewise suitable landscaping along the eastern elevation of the current application site would have a similar outcome and is therefore proposed by condition.
- 5.8 The Highways Officer is satisfied with the parking and access arrangement. The parking spaces outside the Service Centre will be used to store cars awaiting repair and or a service. The remainder of the spaces will be used for customer parking and catering for the needs of employees working on site and in the nearby Ford and Vauxhall dealerships. The Highways Officer acknowledges the benefit of removing 8,500 two way trips between the Motor Park and the application site which, as previously mentioned, is currently used as an overflow car park for Motor Park employees. Following negotiations between the County Council and the agent, an appropriate transport contribution (approx. £2,000) was agreed.

- 5.9 The applicant's agent queried, based on comments supplied by their specialist advisor, whether additional contamination investigations are required given the limited risk posed. The Council's Environmental Protection Officer still feels, however, that further on-site testing will be required to ensure that there is no risk to human health. The conditions recommended by the Environmental Protection Officer are therefore set out below in order that the development complies with PPS23: Planning and Pollution Control and Policy ENV12 of the CLP.
- 5.10 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 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 receipt of the completed unilateral undertaking and no objections being raised by London Oxford Airport 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. **Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with plans (55450-105 Rev A & 55450-107 Rev B) hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking of vehicles at all times.**

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in PPG13:

Transport and Policy T4 of the South East Plan 2009.

- 7. Within 4 months of the development's first occupation a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.
Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance Policy T5 of the South East Plan 2009.**
- 8. Prior to commencement of development a construction travel plan is to be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.**
- 9. The external lighting scheme shall be in accordance with the approved plan produced by Holophane and dated 10 November 2011 and the further detail contained within an email from the applicant's agent dated 9 January 2012 unless otherwise approved in writing by the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan.**
- 10. 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.**
- 11. No removal of trees or scrub to take place between the months of March to July inclusive.

Reason - Nesting birds are protected from harm or disturbance under the Wildlife & Countryside Act 1981 (as amended).**
- 12. A potential risk from contamination has been identified in Ground Investigation Specialist Desk Study Investigation (Report no. 1089, dated October 2011). 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.

13. If contamination is found by undertaking the work carried out under condition 12, 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.

14. If remedial works have been identified in condition 13, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition y. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be 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.

15. **6.4AB Commercial: No Extensions**

Planning Note

1. In respect of condition 8 wheel washing facilities will be required to deter debris being carried onto the public highway.

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 area 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 local wildlife. 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 Policies RE3, NRM5, T4 and T5 of the South East Plan 2009 and Policies EMP3, ENV1, ENV12, C2 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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