Site BB, Langford Locks, Kidlington 14/00718/F

Ward: Kidlington North

District Councillor: Cllr Rose
Cllr Williamson

Case Officer: Paul Ihringer

Recommendation: Approval

Applicant: T.H. Kingerlee and Sons Ltd

Application Description: Two storey building accommodating twelve units for B1 purposes and associated works

Committee Referral: Major

Committee Date: 10th July 2014

1. Site Description and Proposed Development

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 just under 0.3 hectares and is principally being used at this time to store some of the applicant's containers and cabins. The temporary permission (11/01044/F refers) for this purpose will need to be renewed in the near future.

1.2 Planning permission was granted in 2008 (07/02597/F refers) 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 permission was subsequently renewed in 2011 (11/00751/F refers). The current application effectively seeks to renew the permission for a further period of three years (the only minor modification to the scheme is the introduction of a bin store).

2. Application Publicity

2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 4th July 2014. No correspondence has been received as a result of this consultation process at the time of writing.

3. Consultations

3.1 **Kidlington Parish Council:** No objections

Cherwell District Council Consultees

3.2 **Environmental Protection Officer:** No objections

3.3 **Ecology Officer:** No objections

Oxfordshire County Council Consultees

3.4 **Highways Liaison Officer:** Comments as follows:

1.0 Introduction
The application has previous consent (07/02597/F and 11/00751/F). This proposal is identical to the previous proposal/s save that a bin store is now added.

2.0 Access
A new vehicular and pedestrian access is proposed, which must be constructed to OCC specification and will require a separate consent from OCC's Road Agreements Team under S278 of the Highways Act.

The Design & Access Statement refers to the provision of gates at the site access. Please ensure that any gates are set back at least six metres from the carriageway and that the gates do not open outwards over the public highway.

3.0 Parking
49 car parking spaces are proposed, including eight disabled parking spaces. These spaces must be constructed, laid out, maintained and drained to OCC specification.

Six cycle parking spaces are proposed, under cover of a balcony. I recommend that Sheffield stands (or similar) are used as these are safer, more likely to be used by cyclists and less likely to damage bicycle wheels than butterfly hoops. Ideally the number of cycle parking spaces should be raised to 25 spaces in line with OCC adopted cycle parking standards.

4.0 Drainage
Surface water is proposed to discharge to main sewer, which is not acceptable. The developer needs to be aware of the requirements of the Flood and Water Management Act 2010 when putting together a surface water drainage strategy for new developments. A suitable drainage scheme will need to be submitted to OCC for consideration and approval in the interests of highway safety and flood reduction.

5.0 Sustainable Travel
Due to the likely increase in vehicle trips and car parking provision, a Travel Plan Statement must be provided as a condition of the application, to increase the use of sustainable travel modes to/from the site. A revised car park plan is recommended, featuring provision for pedestrians and cyclists as currently this is not shown.

3.5 **Ecology Officer:** Refer to CDC Ecology Officer advice

Other Consultees

3.6 **Natural England:** No objections

3.7 **Environment Agency:** No objections subject to condition

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

EMP3: Employment generating development at Kidlington, Yarnton and Begbroke (East)
C28: Layout, design and external appearance of new development
ENV1: Development likely to cause detrimental levels of pollution
ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)

The Proposed Submission Local Plan was published for public consultation in August 2012. A further consultation on Proposed Changes to the draft plan was undertaken from March to May 2013. On 7 October 2013, the Draft Submission Plan was approved by the Council's Executive. The Plan was endorsed at Full Council on 21 October 2013 as the Submission Local Plan.

The Plan has now been formally 'Submitted' to the Secretary of State for Communities and Local Government for Examination, and therefore carries more weight than has been previously attributed that can be attached to the Plan will increase. However, it will not form part of the statutory Development Plan until the Examination process is complete and the Plan is formally adopted by the Council. The following Policies are considered to be relevant:

Policy SLE 1: Employment Development

5. Appraisal

5.1 The original report for this proposal reads 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 a 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 The two stumbling blocks referred to in the report above (layout and S106 contributions) were satisfactorily addressed by the time the application went to Committee. When the permission was renewed in 2011, OCC were forced to concede that they could no longer justify a transport contribution given a change in strategy and because local transport improvement projects had not been costed. No request for a financial contribution was made by the County in respect of the current application.

5.3 There have obviously been significant changes in Government guidance since both the original and subsequent renewed applications received approval. However the thrust of the advice is little changed, current Government guidance contained within the NPPF, set out in the chapter entitled *Building a strong competitive economy*, reiterates the commitment to promoting sustainable economic growth. As this is an allocated employment site in a sustainable location, officers are satisfied that the principle of the development remains acceptable, and that aside from complying with Government guidance the development adheres to Policy EMP3 of the adopted Cherwell Local Plan (CLP) and Policy SLE1 of the Submission Cherwell Local Plan (SCLP).

5.4 The built environment is little changed since 2007, the proposed design and layout is still considered to comply with Policy C28 of the CLP therefore. The Council will however look to impose an updated schedule of conditions to reflect changes in the way that which the various consultees assess applications e.g. OCC's Highways Department now require a travel plan statement.

5.5 Although the Oxford Canal was given conservation area status in 2012, officers are satisfied that the application site is too far away to have any impact on its setting. Furthermore, an existing building and variations in land levels between the site and conservation will largely obscure the proposal from people travelling along the canal and tow path.

5.6 Good communications were maintained with the agent to ensure that the issues that arose during the application process were successfully dealt with.

5.7 Based on the assessment above, officers conclude that the development complies with Government guidance contained within the NPPF and Policies EMP3, ENV1, ENV12 and C28 of the adopted Cherwell Local Plan as well as Policy SLE1 of the Submission Cherwell Local Plan and therefore recommends that the application is approved.

6. Recommendation

Approval, subject to the following conditions:

1 That 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 approved plans: 14092 200A; 14092 400D; 14092 401C; 14092 402E; and 14092 403C.

Reason - For the avoidance of doubt, to ensure that the development is

carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

3 That the external walls and roof(s) of the building shall be constructed not in accordance with the submitted details but that revised details of materials and finishes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

4 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) 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,

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

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 C28 of the adopted Cherwell Local Plan.

5 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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 C28 of the adopted Cherwell Local Plan.

6 That all the means of access between the land and the highway shall be formed, laid out, constructed and drained in such position(s) and with such vision splays as shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety and to comply with Government

advice contained within the National Planning Policy Framework.

7 That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan 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 and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government advice contained within the National Planning Policy Framework.

8 Prior to the first occupation of the development hereby approved, a Travel Plan Statement, prepared in accordance with OCC's 'Transport for New Developments: Transport Assessments and Travel Plans' (March 2014), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - This site is underlain by the Summertown-Radley Sand and Gravel Member (Secondary A Aquifer) over Kellaways Clay Member (Unproductive Stratum). The planning history for this parcel of land suggests that over the years this site has been used on a temporary basis for the storage of containers/cabins. This activity would have involved many vehicle movements and may have resulted in fuel contaminating the soil and groundwater. In order to protect the aquifer under the site, any olfactory or visual evidence of contamination detected during enabling works should be dealt with in an appropriate manner in accordance with the National Planning Policy Framework.

10 Piling or any other foundation designs using penetrative methods shall 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 - The site is underlain by sands and gravels there is a possibility that piling will be required for this two storey building. We do not know the depth of the Kellaways Clay in this location and hence piling might

hypothetically connect the Summertown-Radley Sand and Gravel Member with the Cornbrash Limestone stratum (in geological sequence under the Kellaways Clay). We therefore need to ensure that foundation design does not form pathways for residual surface contamination to migrate into the top of the Cornbrash Limestone. To this end we need to review the foundation design for this development that should ensure that piling terminates within the Kellaways Clay Member.

Planning Notes

1 No gates will be permitted to open outwards over the public highway.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.