

Land East Evenlode Crescent and South Langford Lane, Kidlington

14/02067/OUT

Ward: Kidlington North

District Councillor: Cllr Rhodes
Cllr Williamson

Case Officer: Paul Ihringer

Recommendation: Approval

Applicant: Hill Street Holdings/Bloombridge

Application Description: Technology Park – 40,362 sqm office, R&D, laboratories, storage and ancillary space

Committee Referral: Major and Departure from Policy

Committee Date: 26th November 2015

1. Site Description and Proposed Development

- 1.1 The application site, on the northern edge of Kidlington, is an 8.3 hectare rectangular piece of relatively flat land located on the southern side of Langford Lane. To the immediate west are the South Central Ambulance Service Resource Centre and Campsfield House Immigration Removal Centre. To the north, on the opposite side of Langford Lane, are buildings/hangers serving London Oxford Airport and to the west is the Oxford Motor Park which is home to a number of car dealerships. The southern boundary abuts a large agricultural field which separates the application site and Campsfield House from the northern edge of Begbroke.
- 1.2 The application site lies inside the Oxford Green Belt. The development site is ecologically sensitive with a number of protected species having been identified within the vicinity; it has also been assessed as a possible UKBAP grassland habitat and is within 2km of the Rushy Meadows SSSI. The only other notable constraints are that the land falls within a mineral consultation area and is potentially contaminated.
- 1.3 The land, which was formerly home to the Gosford All Blacks Rugby Club, has not been put to an alternative use since the rugby club relocated to Stratfield Brake (just to the south of Kidlington) in the late 1990s. By relocating the rugby club ended its 40 year association with its Langford Lane base. The former pavilion (see planning history) which was in the north eastern corner of the plot was removed shortly after from the site was vacated. The land is now classified as being agricultural.
- 1.4 Outline planning permission (all matters reserved) is being sought to use the land to create a technology park comprising just over 40,000 square metres of floor space, illustrated as a mixture of two and three storey buildings on the indicative plans. Although the applicants cannot be certain at this stage of the final mix, they envisage that it would predominantly comprise of B1(b) and B2/B1(c) with the focus being on production, laboratory, storage, office and ancillary space. It is estimated that the technology park would create between 770 and 1,500 jobs – the developers are confident that the final total would be to the upper end of this range.
- 1.5 It is argued that the development would fill a much needed hole in local demand which wouldn't be met at either Oxford's Northern Gateway, which targets B1(a) companies and is developed at a reasonably high density or Begbroke Science Park which caters for start-up businesses which invariably require limited space for offices and laboratories.

2. Issues Considered

All matters reserved

3. Application Publicity

- 3.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 16th January 2015.

27 letters of objection have been received. The following issues were raised

Material planning comments:

- Support the development – providing that there are improved cycle links to the development
- Inappropriate location in heavily developed area
- Large development that would exacerbate existing traffic problems
- Contrary to Green Belt policy
- Land around airport with access to either A44 or A4095 would be preferable
- Would result in increased pressure to develop Green Belt for housing
- Impact on traffic when combined with the ‘Northern Gateway’ development and new railway station
- Local service would be further strained (water, sewage and health)
- Jobs wouldn’t be taken by local residents where unemployment is low and would therefore result in increased traffic movements
- Further delays in getting to the John Radcliffe could put lives at risk
- ‘Northern Gateway’ will provide 8,000 jobs - is this development needed?
- Too large scale for Kidlington – smaller development would be acceptable
- Gradual erosion of the Green Belt defeats its purpose
- Although land has no natural beauty it is in the Green Belt and should be preserved
- Impact combined with other potential housing development Woodstock 1,500, Hanborough 400 and land behind The Moors 300
- No compelling VSC case presented in respect of Green Belt
- Green Belt can only be really controlled in the Green Belt given current planning climate – approving would set a precedent
- The application is premature
- Technology Park should be located outside the Green Belt
- Oxford Science Park already meets the need identified
- Visual landscape assessment not fit for purpose – there will be a significant impact on the surrounding land
- Reserved matters could promote more obtrusive warehousing
- Development should wait for Green Belt review to be undertaken
- Green Belt review policy only identifies an area of search this application pre-empted this process and is therefore premature – review could conclude that the site should remain in the Green Belt
- Questionable demand – significant R&D space at the Oxford Science Park remains undeveloped.
- How can it be considered Hi-tech given the breakdown of the likely use classes (projections indicate that only 15% would be used as R&D)
- Traffic using Langford Lane travels faster than the speed limit
- No significant advantage for R&D to be physically based near Oxford – contact maintained by electronic communication
- Existing residential development on Langford Lane would become more isolated
- Increase the pressure of expanding Kidlington to meet housing demand

Kidlington Master Plan yet to be completed
Future employees unlikely to cycle or use public transport
Area already being served by Begbroke Science Park

Non material comments:

Same developer has land behind the Moors they are looking to develop for housing
Impact of the development off the Moors on surrounding countryside

Aside from correspondence from the members of the public the scheme has also been opposed by two environmental pressure groups:

The Oxford Green Belt Network argues that the proposal is contrary to Green Belt policy. It also states that Kidlington has little unemployment and that any future demand would be met by the Northern Gateway. The final point made relates to prematurity as it asserted that approval would prejudice the findings of the independent review body.

The CPRE (Bicester) also flag the fact that the development is contrary to Green Belt policy but go on to assert that there are no very special circumstances – unemployment is low and any demand would be met by the Northern Gateway. Even if there were a demand it could be met elsewhere in the district. The Inspector (examining the Local Plan) will either conclude that the site should not be dismissed or that a Green Belt review should take place in which case *‘the review should not be pre-empted by determining this individual application in isolation.’*

In addition to the opposition there were three letters of support from local business/groups. The following points were made:

Unicol Engineering is a Company based in Oxford for 50 years. They argue that whilst Oxford has been good at providing space for start up innovative seed companies (R&D/engineering/ bio science) but has not met the needs of facilitating second and third phase expansions. Langford Lane will provide an important well located base for further expansion in a sector that underpin the future growth of the city and district

OBN (UK) Ltd *“is the Membership organisation supporting and bringing together the UK’s emerging life sciences companies, corporate partners and investors”*. OBN argues that demand outstrips supply and that there is a short-medium term risk that R&D companies may be forced to look outside Oxfordshire. The risk of diffusing the R&D cluster would risk inward investment into the area. The number of enquiries about potential sites has risen in the last 12 months. It is concluded that R&D businesses see the advantages of locating to globally recognised clusters. To remain competitive such growth potential has to be catered for.

Oxfordshire Local Enterprise Partnership states that the proposal compliments economic strategy to promote R&D which has been carried out in association with The Skills Board and OCC’s Economic Development Team.

Oxford Innovation is a leading business and innovation and operator centre. This organisation supports the Technology Park and are interested in taking on one of the units to help starter companies in their first 3-5 years of operation.

4. Consultations

4.1 Kidlington Parish Council: Comments as follows:

KPC – wishes to support the principle of a longer term objective of a high value technology park in this location but wishes to OBJECT to this application on the following grounds:

1) The application is premature in these terms:

The Inspector has not yet reported on the local plan inquiry
The limited Green Belt review (in accordance with Emerging Local Plan ESD14) for this area has not yet commenced
The Kidlington Master Plan process has yet to be completed

2) Emerging Planning Policy Kidlington 1 of the Submitted Local Plan requires “creation of a technology park for high value employment” on this site. As the application expands the uses to include general industrial uses and storage this is not in conformity with the policy.

4.2 Begbroke Parish Council: No objections and make the following observations:

- a) Begbroke is particularly concerned about increased traffic on the A44. Pedestrians have difficulty crossing the A44 without Campsfield expansion, 1500 proposed houses at Woodstock, 400 at Long Hanborough and the Northern gateway with more homes and industry. This development will add to the traffic burden. The village is divided by the A44 dual carriageway with only an uncontrolled crossing and OCC will not provide one such as those in Yarnton. Undoubtedly traffic using this development will use the A44 and not be routed through Kidlington. The parish council request that Section 106 monies be allocated to the provision of a signalised crossing across the A44 in Begbroke.
- b) The parish council also comment that improved cycle routes should be provided in Langford Lane with a connection to Begbroke Lane - including pedestrians.

4.3 Oxford City Council: No comments received

Cherwell District Council Consultees

4.4 Planning Policy Officer: Comments as follows:

“The application proposal is contrary to adopted Development Plan policies for the protection of the Green Belt, employment generating development at Kidlington, development in the countryside and the coalescence of settlements. It would comprise inappropriate development in the Green Belt outside the built up limits of Kidlington for which very special circumstances would need to be demonstrated. Impacts in relation to transport and landscape should be assessed and the loss of open space and the design of the proposal should also be considered.

“It is noted that the application proposal is for high value employment uses in an accessible location near existing employment uses on the edge of the urban area of Kidlington, that development would be ‘contained’ between two existing developed areas and where it could reinforce and strengthen the emerging cluster of higher value industries in this area near London-Oxford Airport and Begbroke Science Park. The proposal is likely to generate significant economic and employment benefits but these, together with any other positive impacts, would need to be considered alongside the

harm to the Green Belt, to the countryside and to preserving the identity of individual settlements, having regard to the scope for mitigation. The impact on coalescence should be considered with a view to avoiding incremental encroachment, strategic consequences for the Green Belt and in the interest of securing a long-lasting approach to protecting the identity of settlements.

“The NPPF places great importance on maintaining the Green Belts but also seeks to proactively drive and support sustainable economic development. The Submission Local Plan seeks to reconcile these objectives in planning for employment needs at Kidlington. It explains that there are exceptional circumstances to justify a small scale review in this area of the Green Belt to meet employment needs. The application proposal would help meet Strategic Objective 1 of the new Local Plan, would be in accordance with the type of employment development sought under Policy Kidlington 1 and with the economic objectives for Kidlington. Part of a very special circumstances case, relating to the provision of high value employment uses at Kidlington, has therefore been established and is reinforced by evidence. Nevertheless, the Local Plan is not completed. It has some weight at this stage but this remains limited as the Council has yet to receive the Inspector’s report, which may lead to alterations to the Plan.

“The application site falls within the area of search identified for a small-scale Green Belt review in Submission Local Plan. However the review has yet to be completed and the site is in the Green Belt, in the countryside outside the built up limits of Kidlington. The review will consider exactly how, where and to what extent the Green Belt boundary will be changed to accommodate employment uses. The NPPF states that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. It is considered that for a review to be undertaken comprehensively including with effective public involvement, Local Plan Part 2 should be produced and the process set out in the Council’s LDS should be followed.

“The application is therefore considered to be premature and the case for it is limited due to the fact that these plan-making processes have not yet been completed. While the proposal is consistent with the objectives for employment at Kidlington, great emphasis must be placed on protecting the Green Belt and ensuring that land identified as part of the review is carefully and appropriately defined and planned.

“Even though the application is considered premature, the application should be considered on its own merits with regard to the test of ‘very special circumstances’ as set out in the NPPF and the adopted Local Plan. It will need to be considered as to whether the application is adequately supported by details of i) the reasons for the choice of location; ii) unambiguous demonstration that the site identified is the appropriate one (including whether redevelopment or consolidation could be achieved elsewhere within the Local Plan’s area of search), and iii) the short and long term economic and employment benefits of developing this site including the specific types of employment and number of jobs that would be created, the operations on the site, how high value employment activities would be secured and maintained, and the wider benefits for the local economy over the short and longer term.

“When considering this planning application, substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

Following the adoption of the Cherwell Local Plan 2011-2031 Part 1 the Policy Team provided updated advice, which reads as follows:

“The planning policy team provided a consultation response for this planning application in February 2015. This memorandum is provided to inform consideration of how adoption of the Local Plan 2011-2031, which has occurred since this time, and other matters affect the consideration of the application. The memorandum should be read in conjunction with the original planning policy response.

“On the 20 July 2015 the Council adopted the Local Plan 2011-2031 - Part 1 as part of the statutory development plan. Adoption confirms the principle of high value employment development at Kidlington as set out in Policy Kidlington 1 subject to the undertaking of a small scale, local Green Belt Review (through Local Plan Part 2). The Plan provides for identified high value employment needs to be met in two locations: (A) Langford Lane/Oxford Technology Park/London-Oxford Airport, and (B) Begbroke Science Park. The addition of the reference to ‘Oxford Technology Park’ was endorsed by the Local Plan Inspector (IR para. 238) for clarity (Main Modification 127) following a proposed modification put forward by the Council. The policy’s key site specific design and place shaping principles include reference to creating a ‘Technology Park’.

“The proposed development is therefore in keeping with the economic objectives and purpose of Policy Kidlington 1, providing the opportunity to meet employment needs during the Plan period as evidenced through the Local Plan Part 1 process. It would also help meet Strategic Objective 1 of the Local Plan.

“The Local Plan Inspector also provides commentary on impact (described further below) which supports the two indicative areas of search identified on the policies map for policy Kidlington 1. The application site lies within area of search 1A and comprises the main undeveloped area of land within that area. In this location, the proposed development would be ‘contained’ between two existing developed areas and would reinforce and strengthen the emerging cluster of higher value industries in this area near London Oxford Airport and Begbroke Science Park. A further small area of undeveloped land lies to the east of Oxford Spires Business Park. The area of search includes the technical area of London-Oxford Airport, Oxford Spires Business Park, existing employment areas to the south of Langford Lane, land and buildings in the vicinity of Campsfield House and adjoining residential development. The Inspector’s Report at paragraph 236 on page 40 states “..... the locations [the areas of search] do not directly affect the important “Kidlington Gap” part of the OGB and the limited changes envisaged should be capable of providing new long term defensible boundaries so that no form of precedent for any other schemes will arise’.

“Adoption of Local Plan Part 1 has established that the small scale review of the Green Belt should be undertaken through Local Plan Part 2 (para. C.231). At the Local Plan examination hearing on 12 December 2014, the site promoter, having informed the Local Plan Inspector that the application for planning permission had just been submitted to the Council, argued that there were ‘very special circumstances’ for the proposed development, in addition to exceptional circumstances for the small scale Green Belt review. The Local Plan Inspector did not recommend allocation of this site to meet employment needs, but as highlighted above he endorsed the additional reference to ‘Oxford Technology Park’ in the description of area of search 1A. The Inspector concluded:

“238. In my judgement, this specific combination of factors amounts to the exceptional circumstances necessary to justify the very limited changes to the OGB boundary presaged in the policy and that it would be consistent with the guidance in paras 83-85 of the NPPF, including regarding the definition of boundaries. Given its small scale and defined extent in the areas of search

thus likely minimal overall impact on the purposes of the OGB, this element of policy Kid 1 is therefore sound. But these exceptional circumstances do not also apply elsewhere in the locality and thus there is no necessity or imperative to conduct a more wide ranging review of the OGB at Kidlington or nearby for economic/employment reasons at present. The detailed design and development criteria set out in policy Kid 1 are all reasonable, realistic and appropriate for the locations and therefore, subject to the addition of "Oxford Technology Park" in part a) for clarity (MM 127), the policy is sound with other text amendments for clarity (MMs 125/126)."

"Release of land in advance of completion of the Green Belt review would potentially enable earlier realisation of a Technology Park and economic benefits (in accordance with the NPPF) arising from high value employment generation. As an undeveloped area, with existing development to the east and west, the application site would undoubtedly be a central focus of the review. However, it would be contrary to very recently adopted Local Plan policy to undertake the review. Work on Local Plan Part 2 has commenced and the Green Belt review will consider exactly how, where and to what extent the Green Belt boundary should be altered to accommodate the planned employment uses, having regard to stakeholder and community consultation and NPPF objectives and policy for the Green Belt. It will need to consider the area of employment land that needs to be released and balance this against the purposes of the Green Belt.

"This will involve exploring in detail areas in the vicinity of Langford Lane to establish the extent of land that would be appropriate to release and how a new permanent boundary could be established so that it endures beyond the plan period. There will be a need to be mindful of NPPF advice that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (NPPF para. 81).

"In the context of Local Plan policy ESD14 and NPPF policy for the Green Belt, the proposals would comprise inappropriate development in the Green Belt outside the built up limits of Kidlington for which 'very special circumstances' would need to be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy ESD14 states that development within the Green Belt will only be permitted if [inter alia] it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities. It also cross-refers to Policy Kidlington 1. In assessing the visual impact of development, Policy ESD13 will also need to be considered.

"The Local Plan 2011-2031 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. These are set out in Appendix 7 of the Local Plan 2011-2031. Some saved policies from the 1996 Local Plan are retained. The application proposals will need to be considered against relevant policies in the 1996 Local Plan, particularly those relating to the protection of the countryside and the coalescence of settlements.

"Transport impacts will require detailed assessment. At paragraph 237 of the Local Plan Inspector's Report the Inspector states that the fact that the two 'areas of search' are restricted in scale also means that the likely growth in traffic movements from new employment development should be safely accommodated on the strategic and local road networks without adding to congestion or delays. The report states that this is also reinforced by the generally good bus services that exist and the significant public transport improvements taking place.

“New Local Plan policy BSC10 seeks to protect existing open space, outdoor sport and recreation sites but it is understood that the application sites did not contribute to the supply of pitches in the Local Plan’s evidence base.

“It is considered that the proposed development would be in a relatively accessible location near existing employment uses on the edge of the urban area of Kidlington.
Policy

Recommendation

“While it is recognised that from a Local Plan perspective the high-value employment need is demonstrated and that the proposed development would result in significant economic benefits and the requisite Technology Park, national and local green belt policy is of very significant weight and, in that context, recently adopted Local Plan policy requires a small scale Green Belt review to be undertaken. The Local Plan is unquestionably up-to-date and the release of land ahead of that review would be contrary to the specific requirements of policy Kidlington 1. Consideration of whether there are ‘very special circumstances’ is nevertheless required. The Inspector’s decision not to recommend allocation of the application site in Local Plan Part 1 points to a conclusion that a Green Belt review is required. Therefore, whilst the aims of the proposed development are recognised, the recommendation from a planning policy perspective is that the precise location and extent of Green Belt release and the establishment of a new permanent boundary needs to be considered through a small scale review of the Green Belt before proposals for this location are permitted. Not to do so, would obviate this central requirement of Policy Kidlington 1.

“The advice of the Council’s Economic Development Officer on the detailed benefits that could arise from this proposed development should also be taken.”

4.5 Economic Development Officer: Comments as follows:

“The proposed Oxford Technology Park will provide valuable additional facilities to support the implementation of the Council’s economic development strategy.

“The site is strategically located close to Oxford, the airport and Begbroke Science Park. In recent years, Begbroke Science Park has very successfully nurtured a range of high technology companies linked to the University of Oxford. Its success, however, has been limited by the physical capacity of the innovation centre which has seen some of the more successful business having to leave Cherwell and relocate jobs elsewhere. The innovation centre is currently in the process of being doubled in size and this additional capacity will provide further opportunities for science-related enterprises to flourish. Given the latent demand, the additional capacity created is likely to be soon filled.

“The proposed development of Oxford Technology Park will add additional capacity beyond the University’s own facilities to house a wider range of ‘high growth’ businesses close to a skilled workforce, transportation and support facilities. The applicant’s market research appears sound and evident discussions with potential providers of business incubation space suggest that any detailed planning application that follows could be adjusted to the needs of the end users.

“The risk in not having the Technology Park in the ‘development pipeline’ at this stage, ahead of review of the Green Belt, is that development finance might not be available in the medium term if a period of further cyclical recession is experienced, leading to delays in such capital investment. By creating such a valuable asset in the very near

future to support the type of jobs expected to flourish in the future economy, the resilience of Cherwell and the wider economy will be enhanced.

“Furthermore, this proposal is particularly timely with the opening of the nearby Oxford Parkway railway station in October 2015 likely to lead to increasing numbers of people commuting out of Cherwell. The Oxford Technology Park could provide a reason to work and live in Cherwell and could therefore be considered to offer balance and opportunity, thereby contributing to sustainable development.

“I therefore offer my full support to this proposal being considered and approved ahead of the review of the Green Belt.”

4.6 Urban Design Officer: No comments received

4.7 Anti-Social Behaviour Manager: Comments as follows:

“Further to your consultation of 18/12/14 I can confirm that I would not object to the granting of this planning application. I would however recommend that a condition be imposed setting a noise target for the levels of noise emitted by fixed plant and equipment operated on the site. This approach is recommended in the Peter Brett Associates LLP in their noise report. The recommended sound pressure levels can be found in table 7.1 at page 16”

4.8 Environmental Protection Officer: Comments as follows:

Land Contamination

I recommend applying informative ZZ in case there is any unsuspected contamination encountered during the development. The Haydn Evans Consulting Engineering Appraisal Report (ref: 159/017, dated November 2013) submitted with the application includes some preliminary site investigation work into the risk from land contamination and hasn't identified a risk to the development from land contamination. It does note that concentrations of some topsoils on site wouldn't be suitable for use elsewhere for residential land use.

The report hasn't identified a risk from land contamination to the development and I recommend an informative to allow for the developer to notify the LPA of any contamination identified during the development and deal with it appropriately.

Air Quality

I've reviewed the Peter Brett Air quality screening assessment, dated December 2014. This report has concluded that an air quality assessment is not required. This development will be having a negative impact on air quality given the traffic generation and I would like to see the impact of this on local air quality quantified and works to facilitate low emission vehicle transport and sustainability included in the development proposals. Given the size of this development, the traffic generation and EPUK guidance on triggers for an air quality assessment, I require an air quality assessment to be submitted.

I recommend conditions are applied which require the submission of an air quality assessment report and low emission strategy.

4.9 **Landscape Officer:** Comments as follows:

“Further to consideration of the LDA Design’s Landscape and Visual Appraisal and a recent site visit I confirm agreement with the conclusions of this report, page 19. From Begbroke residences (Evenlode Crescent) and the PRow to the south and the development will be experienced in context with the existing developments: car show rooms/servicing to the east and fire station to the west.

“The site is well contained, especially on the western boundary, with semi-mature trees, including, Pines and visually distinctive Lombardy Poplars. It is important to retain this vegetation for the purpose of mitigation of visual impact of the development from the adjacent fire station site, and in this respect of tree and hedgerow survey, and root zone protection area are to be defined in accordance with BS 5837: 2012. The proposal are to take full account of this boundary vegetation and RPA’s. Arboricultural method statements may be required for the installation of hard standing and boundary fencing.

“I support the ideas that a high quality setting to the frontage of the development is necessary to replace the rather poor hedgerow fronting Langford Lane. It is important that landscaped buffer is implemented along the southern boundary with the retention of the existing hedgerow at a minimum height of 3 m. The hedgerow is to be augmented with native trees.

“The landscape diversity and experience for users should be enhanced. This is an opportunity to incorporate landscaped outdoor seating or picnicking areas for the welfare and benefit of staff at break times.” (Conditions recommended)

4.10 **Arboricultural Officer:** Comments as follows:

“No arboricultural survey, in accordance with BS5837 has been submitted with this outline application.

“Due to lack of management, the existing hedgerow to the north of the site has become sparse with individual trees of poor amenity value. This hedgerow should not prove to be a constraint to the proposal however its loss must be mitigated for by the replacement planting of a native hedgerow in the same location.

“The main landscaping priorities within the red-line boundary of the site should be to:

- a) provide a suitable planting scheme to compliment and soften the architecture.
- b) reduce the potential impact of the urban heat island effect by providing further areas of shade adjacent to hard surface areas such as vehicular access, parking bays and buildings.
- c) Provide additional open space areas for the enjoyment of employees.
- d) Provide screening from residential areas

“Whilst the outline proposal provides 5.0m verge/planting areas to the frontages of each unit there is still a considerable quantity of hard-surface areas such as parking bays and service yards which will require a significant increase in tree planting sites to reduce localised urban heating. Tree planting within the wide verge areas should consist of a suitable mix of medium sized trees (7.0 – 15.0m) selected for species diversity and complimentary form.

“Tree planting in hard surface areas will require the installation of engineered, structured cell planting pits capable of accommodating sufficient volumes of non-compacted soil to allow for the full natural development of the tree species selected.

“Wide expansive car parking areas must incorporate hard surface tree planting at regular intervals between proposed parking bays. This will provide valuable shade, wildlife habitat and reduce localised heat islands.

“Access roads to the ‘service yards’ and the service yards themselves appear practical yet quite bland in aesthetics and attempts should be made to provide some level of effective soft landscaping. The wide hard surface areas to the front of the buildings and adjacent to the junctions for the Service Yards provide an opportunity for prominent tree planting providing an aesthetic focal point without compromising space or access.

“The minimum width of the southern boundary should be increased from 6.0m to 15.0m in order to provide a suitable allocation of space for a landscaping scheme capable of screening the development from residential dwellings in Begbroke and Yarnton. Tree species for this area should be of a large species type capable, upon maturity, of breaking-up the outline of the adjacent buildings.

“Boundary planting to re-enforce and rejuvenate hedgerows should be undertaken with details shown within an agreed Landscaping Scheme.

“To ensure existing and retained hedgerows / trees are suitably protected during construction it will be necessary for the applicant to provide an Arboricultural Method Statement (AMS) which may be subject to Condition should consent for the development be granted.”

4.11 Ecology Officer: Comments as follows:

“With regard to the above application I have a couple of concerns about the ecological information submitted to support it.

“Namely the submitted report by SES states that the site may be suitable terrestrial habitat for great crested newts but that ‘the site and wider landscape does not contain aquatic habitat’. There is however clearly at least two large water bodies immediately to the South East and a probable smaller one to the West. It is my opinion that these water bodies should at least be checked for suitability for GCN (i.e. an HSI should be submitted) to ensure we are clear that they are not a constraint on site. It may be that they are entirely unsuitable for GCN but at present I have no information to assess this. An HSI can be carried out at any time of year and would be the best starting point. Unless comment is made on this aspect I’d be inclined to object on these grounds as we must be clear on the presence or otherwise of an European Protected Species.

“Beyond this the main ecological factors to be considered are the retention of hedgerows on site (and enhancement where possible), avoidance of the bird nesting season when removing hedgerow, shrubs or trees, retention where possible of the black poplar tree with bat potential or where removal is necessary the tree needs to be resurveyed and appropriate mitigation carried out. In addition the ecological report states that reptiles are unlikely however the site has not been surveyed for them and has some suitable features - rough grassland, areas of bare ground, brush and debris piles etc.. therefore I think it would be advisable for a reptile method statement to be submitted pre-commencement and adhered to in order to avoid any harm to any reptiles present.

“The illustrative layout does not appear to leave much room to retain or enhance habitat on site and therefore it seems likely there will be a net loss of biodiversity as a result of this development unless measures to enhance biodiversity are taken in the form of tree or shrub planting, areas of species rich grassland, habitat boxes for birds etc.. A biodiversity enhancement scheme should be conditioned.

Following the receipt of additional information the Ecology Officer retracted their objection relating to Great Crested Newts

I have had a look at this report for this adjacent application. The survey is recent enough and is fine to evidence that Great Crested Newts are unlikely to be a constraint on site. I am happy therefore to retract my concerns on this point and appreciate your efforts to supply this information.

Oxfordshire County Council Consultees

Overall view of Oxfordshire County Council:

“Oxford Technology Park is identified in Policy Kidlington 1 of the emerging Cherwell Local Plan as being in an area that will be subject to a small scale local review of the Green Belt (as part of Local Plan Part 2) to accommodate high value employment need. This review has not yet taken place.”

4.12 Highways Liaison Officer: Comments as follows:

Revised comments received 11th November 2015

“I confirm that information and mitigation proposals received from the applicant have satisfied me that the Transport Development Control objection to the proposal can be removed.

“Our reasons for objection were summarised in our original consultation response as below:

1. *The submitted transport assessment does not demonstrate that traffic arising from the site can be accommodated safely and efficiently on the transport network, contrary to Policy SD1 of Oxfordshire Local Transport Plan 3 and the National Planning Policy Framework. In particular:*
 - a. *The Transport Assessment gives no consideration to HGV traffic when this will clearly be an important factor in the development.*
 - b. *The modelling of the site access shows unacceptable delay to traffic leaving the site, likely to result in unsafe manoeuvres.*
2. *The proposals are not considered adequate to meet the requirement under the NPPF and LTP3 Policy SD1 to promote access by sustainable means. In particular, the proposed modal share targets are too low for non-car modes, and no off-site mitigation for pedestrian and cycle access is proposed.*

“Addressing point 1a regarding HGV traffic, the applicant provided a technical note TN004 which quantified the HGV traffic associated with the development and explained how HGVs had been taken into account in the assessment of the site access junction and the nearby roundabout. Whilst significant, the impact of HGV traffic from this development could not be considered severe at this location. Regarding 1b, it is fair to say that traffic exiting the site at peak times would experience significant delays, but given the relatively low risk of collisions caused by impatience leading to failure to give

way, and the fact that there is not a significant record of accidents at the location, this is not considered sufficient grounds for objection.

“Addressing point 2, suitable transport mitigation proposals have now been agreed to promote sustainable access to the development, by bicycle and bus, and to mitigate traffic impact. These are:

1. S106 contribution of £469,000 to the County Council before more than 3,587 sqm of B1(a) floorspace (GFA) (or the equivalent B1(b), B2 or B8 floorspace in traffic generation terms, considering the two-way traffic generated in the AM peak hour) is occupied towards the provision of cycle infrastructure improvements on Langford Lane to improve access to Oxford Technology Park. *NOTE: this differs from the developer’s proposed S106 clause which gives flexibility for the developer to choose whether to carry out works or pay a contribution. Also to note that the detail of the trigger mechanism (which is as proposed by the developer) needs to be developed – for example what are the parameters on which the comparative trip generation should be based.*
2. S106 contribution of £50,000 per annum for the first five years from first occupation on site towards the improvement of bus services serving Langford Lane.
3. A contribution of £1,000 to OCC for installing pole and flag at proposed new bus stop – payable prior to first occupation
4. A contribution of £9,040 towards Travel Plan monitoring – payable prior to implementation
5. A contribution of £12,000 towards CCTV provision at the A4260/Langford Lane junction. Payment of this contribution would be triggered by the occupation of a development akin to 10,385sqm B1(a) plus 2,923sqm B1(b) plus 11,804 sqm B8 (or equivalent in traffic generation terms considering the two-way traffic generated in the AM peak hour). *As with 1 above the mechanism for this needs to be developed.*
6. Off-site highway works to be secured in the S106 and agreed via S278 agreement, to be carried out prior to first occupation:
 - A 2.5m wide shared footway/cycleway along the frontage of the development on Langford Lane
 - A bus stop on the northbound carriageway of The Boulevard

“The conditions proposed by the developer in the attached document numbers 2, 3, 4 and 5 are acceptable. However, please note this document does not include all the requested contributions, which should be as above.

4.13 Economic Development Strategy Officer: Comments as follows:

The developers will be required to prepare and implement, with local agencies and providers, an Employment & Skills Plan (ESP) that will ensure, as far as possible, that local people have access to training (including apprenticeships) and employment opportunities available at the construction and end user phases of this proposed development.

Recent policy initiatives relating to skills development are contained in:

- The Oxfordshire City Deal
- Oxfordshire European Structural Investment Fund (ESIF) Strategy
- Strategic Economic Plan

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The recently launched Oxfordshire Skills Strategy has five strategic priorities:

- SP1: To meet the needs of local employers through a more integrated and responsive approach to education and training: developed in partnership with our provider network, to encourage more training provision in priority sectors - both current and projected - to meet the needs of employers or to train future entrepreneurs, particularly in science, technology, engineering and mathematics (STEM).
- SP2: Creating the 'skills continuum' to support young people through their learning journey: the ambition is to develop integrated, seamless services that support young people through school and on into training, further education, employment or business, where they understand the full breadth of career options, including local demand, and the training path to succeed in that career.
- SP3: Up-skilling and improving the chances of young people and adults marginalised or disadvantaged from work, based on moving them closer to the labour market.
- SP4: To increase the number of apprenticeship opportunities, particularly those offered by small to medium sized businesses.
- SP5: To explore how we can better retain graduates within Oxfordshire to meet the demand for the higher level skills our businesses need.

Employment and skills planning justification

"A better, appropriately skilled local workforce can provide a pool of talent to both developers and end occupiers. This will reduce the need to import skills, and in doing so reduce congestion and unsustainable travel to work modes, reduce carbon emissions and the pressure on the local housing infrastructure.

"Seeking skills and training planning obligations or conditions to maximise the potential of the existing population to compete for the jobs being created, whether during the construction phase or end user phase, through improving their skills levels, is necessary to ensure that future development is economically and socially sustainable, and that barriers to employment for those marginalised from the workforce are removed.

"Developers often identify projected training and employment outcomes as part of the justification for development. It is important therefore that the impacts of economic development are mitigated and the economic benefits of new development in terms of improved local skills and employment outcomes are realised.

"Not only is it clear that skills levels are a key determinant of a sustainable local economy, but they also have an impact on employment opportunities and thus an individual's economic prosperity. Up-skilling the area's labour force will be key to maintaining economic competitiveness.. Securing obligations for skills development and employment of local people will be necessary to enhance social inclusion by reducing the potential for economic and social disparity, another key policy driver at the local level.

Other Consultees

4.14 Thames Water: Comments as follows:

Waste Comments

"Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been

submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments

"Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

4.15 **Natural England:** Comments as follows:

Statutory nature conservation sites – no objection

"This application is in close proximity to the Rushy Meadows Site of Special Scientific Interest (SSSI).

"Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species

"We have not assessed this application and associated documents for impacts on protected species.

"Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

"You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

"The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

“If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Local sites

“If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

“This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

Impact Risk Zones for Sites of Special Scientific Interest

“Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

4.16 Environment Agency: As a result of a couple of revisions to the submitted FRA they comment as follows:

“We have re-reviewed the Flood Risk Assessment and consulted further with our Groundwater and Contaminated Land Team to determine the likely viability of infiltration on this site. We are now satisfied that the proposed cellular storage for surface water is feasible.

“We have no objection to the application as submitted, subject to the inclusion of two conditions, detailed under the headings below, to any subsequent planning permission granted.

Without the inclusion of these conditions we consider the development to pose an unacceptable risk to the Environment.” (Included in the list of recommended conditions)”

5. Relevant National and Local Policy and Guidance

5.1 Development Plan Policy

Cherwell Local Plan 1996 (Saved Policies)
C15: Prevention of coalescence of settlements

C28: Layout, design and external appearance of new development
C30: Design of new residential development
C31: Compatibility of proposals in residential areas
ENV1: Development likely to cause detrimental levels of pollution
ENV12: Contaminated land
TR1: Transportation funding

Cherwell Local Plan 2011-2031 Part 1

SLE1: Employment Development
BSC10: Open Space, Outdoor Sport and Recreation Provision
PSD1: Presumption in Favour of Sustainable Development
ESD1: Mitigating and Adapting to Climate Change
ESD2: Energy Hierarchy and Allowable Solutions
ESD3: Sustainable Construction
ESD4: Decentralised Energy Systems
ESD5: Renewable Energy
ESD 7: Sustainable Drainage Systems
ESD 13: Local Landscape Protection and Enhancement
ESD 14: Oxford Green Belt
ESD15: The Character of the Built and Historic Environment
Kidlington 1: Accommodating High Value Employment Need
INF1: Infrastructure

5.2 Other Material Policy and Guidance

National Planning Policy Framework
Planning Practice Guidance
Cherwell Economic Analysis Study
Cherwell District Council Employment Land Study 2012

6. Appraisal

6.1 The key issues for consideration in this application are:

- Planning History
- The Principle
- Highway Safety
- Impact on the Landscape and Built Environment
- Other Matters
- Contributions
- The Planning Balance

Planning History

CHS.508/82 - Outline planning permission was refused for an industrial development on four grounds:

1. Contrary to Green Belt policy
2. Contrary to employment policy
3. Would result in the loss of an established playing field
4. Road network would not be able to cope with the vehicular and pedestrian movements

CHS.466/79 - Outline planning permission refused for 50,000 sq. ft. industrial development on three grounds:

1. Contrary to Green Belt policy
2. Contrary to employment policy

3. Conflicts with the 'town' map for Kidlington

NE.154/68 - Temporary (expiring same time as NE.154.66) planning permission approved for an extension to the sports pavilion. Approval also given for a new access and parking area.

NE.103/66 - Temporary (5 years) planning permission for the retention of the sports pavilion approved under M.1367/60

M.1367/60 - Temporary (5 years) planning permission granted for a new sports pavilion

M.376/56 - Planning permission approved for the continued use of land as a sports field.

The Principle

- 6.2 Unlike a large proportion of the business related development accessed off the southern side of Langford Lane, the application site lies inside the Oxford Green Belt. The principle of the proposed development therefore has to be assessed against Policy ESD14 of the Cherwell Local Plan 2011-2031 Part 1 (CLP-2031) and Government guidance contained within the National Planning Policy Framework (NPPF).
- 6.3 The thrust of Policy ESD14 reflects the section in the NPPF relating specifically to development in the Green Belt. Paragraph 89 of the NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they comply with one of a limited number of exceptions. The proposed technology park, which would be sited on an agricultural field, does not accord with any of the exceptions identified.
- 6.4 On the basis of this assessment, it is therefore concluded that the proposal would compromise the openness of the Green Belt and therefore run contrary to Policy ESD14 and NPPF guidance contained within paragraphs 79 and 80. Although the applicants contend that the Inspector only identifies *minimal* harm, this is in the context of the limited search area. There can be no question that this proposal runs contrary to paragraph 79 which states that *the essential characteristics of Green Belts are their openness and their permanence*.
- 6.5 In the opinion of the Development Services Manager (DSM), this harm does not extend to the promotion of the coalescence of settlements (paragraph 80), namely Kidlington and Begbroke. Whilst the Planning Policy Officer questions whether this would be the case, it is concluded that as the technology park would not extend any closer to the boundary with Begbroke than any of the surrounding development (Campsfield House and the Oxford Motor Park) it would be difficult to justify such a position. Furthermore, there would remain a buffer, in the form of a large field, between the development and the north eastern edge of Begbroke.
- 6.6 Although the Government remains steadfast in severely restricting development in the Green Belt (indeed the DCLG has recently indicated in a letter to the Chief Planner that a forthcoming Ministerial Statement will re-emphasise this point); as with previous Government guidance, the NPPF affords an applicant the opportunity to overcome a Green Belt objection if they can demonstrate a compelling *very special circumstances* (VSC) case (in accordance with paragraphs 87 and 88 of the NPPF). As the applicants accept that their scheme is contrary to Green Belt policy a VSC case was included as part of their Planning Statement and has been elaborated upon, with the submission of further evidence as part of on-going discussions.
- 6.7 The applicants' VSC case has two principal strands: the proposed limited review of the Green Belt boundary as set out in Policy Kidlington 1 of the CLP-2031 that will quite

possibly result in the application site losing its Green Belt designation; and the economic benefits of releasing land for a high value employment use in this part of the District where there is an acknowledged need, given the proximity to Oxford.

- 6.8 Although the application was submitted at the end of 2014 to coincide with the Examination in Public of the recent adopted CLP-2031, the applicants conceded that until Inspector had made his findings known, significantly less weight could be attributed to Policy Kidlington 1. It was further accepted that, notwithstanding the adoption of the CLP-2031 on the 20th July 2015, until the period available to legally challenge the CLP-2031 had elapsed it would not be prudent to rely on Policy Kidlington 1, particularly given the contentious nature of a policy which requires a review of the Green Belt. No challenge to Policy Kidlington 1 materialised (the cut-off point was at the beginning of September).
- 6.9 Policy Kidlington 1 of the CLP-2031 identifies two relatively small strategic tracts of land (off the Langford Lane and surrounding the Begbroke Science Park) which it is proposed, subject to a Green Belt Review to establish the extent of land required, should be taken out of the Green Belt. The justification supporting this policy is the need to accommodate Kidlington's *high value employment needs*. The application site forms a large part of the land identified for review.
- 6.10 The paragraphs supporting Policy Kidlington 1 read as follows:

C.193 Progressive improvements to the Langford Lane employment area will be encouraged to accommodate higher value employment uses such as high technology industries. This will reinforce and strengthen the emerging cluster of such industries in this area adjoining London-Oxford Airport. All proposals will need to be considered against Policy SLE1.

C.194 The Employment Land Review identified a need for additional land to be allocated for employment use at Kidlington. It is recognised that Kidlington has a very different economic role from the other villages in the District, and accordingly, the need for more employment land is likely to be higher. However there is insufficient land available within the village (on non-green belt land) to meet this need. The need for employment land to accommodate higher value employment uses in the research and development sector demonstrates exceptional circumstances leading to the need for a small scale review of the Green Belt.

- 6.11 The Inspector, in what was affirming assessment of Policy Kidlington 1, made the following observations when concluding that the policy was sound:

234. Taking into account the results of the Cherwell Economic Analysis Study (ECO 01) and the 2012 Employment Land Review update (ECO 06), including that there is a constrained supply but a continuing demand locally, as well as the Oxford/Oxfordshire City Deal, the Council has concluded that there are exceptional circumstances justifying a "limited, small scale," review of the OGB boundary at both Begbroke Science Park and at Langford Lane in Kidlington. This would relate to the two "areas of search" shown on the Policies Map and be carried out through the LP Part 2 process.

235. It would aim to meet particular local employment needs arising from the present cluster of high tech and knowledge economy firms based at the two locations, with strong links to the city and university, and take advantage of a strategic opportunity to provide sustainable economic growth locally. Some occupiers are university "spin out" companies carrying out nationally and

internationally important scientific research, with very good prospects for growth in the short to medium term.

236. *As a result, new firms would be able to take advantage of the synergies with existing companies that should encourage economic growth through the effects of clustering and the proximity to the airport, which is, of course, an important but fixed infrastructure facility. Accordingly, sites at Banbury and Bicester are less likely to be realistic alternatives for some of these prospective occupiers. Moreover, the locations do not directly affect the important “Kidlington Gap” part of the OGB and the limited changes envisaged should be capable of providing new long term defensible boundaries so that no form of precedent for any other schemes need arise.*
237. *The fact that the extent of the land in the two “areas of search” is restricted in scale also means that the likely growth in traffic movements from new employment development should be safely accommodated on the strategic and local road networks without adding materially to congestion or delays. This is reflected in the initial transport assessment work carried out and accepted by OCC as the local highway authority and the absence of objection from the HA. It is also reinforced by the generally good bus services that exist and the significant public transport improvements taking place, including the new rail station at Water Eaton. For similar reasons, the total number of new jobs arising is not likely to add significantly to existing housing pressures in Kidlington itself, bearing in mind that it also forms part of a wider market area, including Oxford city.*
238. *In my judgement, this specific combination of factors amounts to the exceptional circumstances necessary to justify the very limited changes to the OGB boundary presaged in the policy and that it would be consistent with the guidance in paras 83-85 of the NPPF, including regarding the definition of boundaries. Given its small scale and defined extent in the areas of search thus likely minimal overall impact on the purposes of the OGB, this element of policy Kid 1 is therefore sound. But these exceptional circumstances do not also apply elsewhere in the locality and thus there is no necessity or imperative to conduct a more wide ranging review of the OGB at Kidlington or nearby for economic/employment reasons at present. The detailed design and development criteria set out in policy Kid 1 are all reasonable, realistic and appropriate for the locations and therefore, subject to the addition of “Oxford Technology Park” in part a) for clarity (**MM 127**), the policy is sound with other text amendments for clarity (**MMs 125/126**).*
- 6.12 Despite this positivity, the Planning Policy Officer is correct to assert that the applicants should not infer that they have been given a green light to develop the site. As the Planning Policy Officer concludes, granting planning permission would *obviate* one of the central requirements of Kidlington Policy 1 by partially circumventing the remit of the Green Belt Review in effectively establishing one of the revised Green Belt boundaries. Also, whilst it has been recognised that additional employment land is required in Kidlington, the Green Belt Review could conclude that new employment land should be restricted to other parts of the identified search area or perhaps it may be reasoned that only part of the site should come forward.
- 6.13 However, without trying to prejudge the Green Belt Review, it should be noted that the search area, in respect of Langford Lane, does not include much land, outside the application site that is not already in use (e.g. London Oxford Airport) or that has the realistic short-term prospect of being redeveloped. The level of need identified in the *CDC Employment Land Study 2012* suggests that in order to meet projected demand in 2026, for the Kidlington area, 11.3 hectares of land, for B1 uses alone, would have to be released. It is improbable that this demand could be met unless either at least

part of the application site is developed or another tract of land within the Oxford Green Belt, abutting Kidlington, came forward for economic development.

- 6.14 As alternative sites have already been discounted as part of the Local Plan process, if part of the application site was required to provide for this added capacity, the Green Belt Review would have to be mindful of the Inspector's directive at the end of paragraph 236, where he states that the search areas *should be capable of providing new long term defensible boundaries*. The point the Inspector is making reflects the final bullet point of paragraph 85 of the NPPF which advises that local authorities *should "define (Green Belt) boundaries clearly, using physical features that are readily recognisable and likely to be permanent"*.
- 6.15 It could be reasonably argued that the application site achieves this objective in that it is surrounded on all but one side by development, and crucially its southern boundary abuts the same field boundary as Campsfield House to the immediate west and also shares a similar boundary line of the Oxford Motor Park to the east. Furthermore, there are no obvious alternative features within the site that would readily demarcate a reduced site area. It is worth noting at this point that whilst the logic of such an approach is self evident, any further extension to the Begbroke Science Park, based on the area of search, will perhaps have to be carried out in a more arbitrary manner given that the resultant expansion could be made up of only parts of the surrounding fields.
- 6.16 Whilst the adoption of Policy Kidlington 1 and a pragmatic interpretation of the current situation would appear to suggest that it is highly probable that the Oxford Technology Park will ultimately occupy the application site, officers nonetheless felt that in order for the VSC case to be compelling, the applicant had to establish the urgency of the application i.e. why couldn't they wait until after the Green Belt Review had taken place – why now?
- 6.17 Although the Planning Statement provides useful background material much of the information is historic (dating from 2009 and 2012) and provides a commentary of the lengthy process involved in bringing the site forward. In order to answer the question posed, the applicant had to clearly set out the economic harm that would result from a delay in releasing the land.
- 6.18 To this end, the applicants were able to provide details of hi-tech companies, appearing in the original Planning Statement (Compelling Case Part 2 (2012)), who, rather than wait for the Oxford Technology Park to be built, had found alternative sites, mainly in other neighbouring authorities. The applicants estimate that the potential cumulative loss to the Cherwell economy is in the region of almost 33,000 square metres. Of those businesses that retain a possible interest, their requirements total just over 39,000 square metres. Obviously, not all this past and present potential would or will be realised. Given the length of time the companies with a continuing interest have already waited, it is perhaps questionable as to the time sensitivity the need for the additional space is for some of these organisations.
- 6.19 In respect of current negotiations, the developers have identified five hi-tech companies with a need of between 900 square metres and 3,700 square metres each, who have expressed a strong interest in the site. Unsurprisingly, these businesses are unwilling to make public their interest at this stage, given the commercial sensitivity of some of their requirements and the fact that their staff may not yet be aware of a possible relocation.
- 6.20 In addition, the applicants are close to reaching an agreement, in the first phase of a future development, for an innovation centre to be built at the front of the site. This part of the development would take up approximately 10% of the available space. The

applicants, during discussions, argued that an innovation centre would be a key driver in promoting the occupation of the rest of the site. This assessment was supported by the Council's Economic Development Officer who, when asked to comment on the innovation centre, concluded:

For OTP, an innovation centre designed as an integral part of the initial phase, should therefore be welcomed as it provides the basis for a sustainable business community, nurturing from within the high value start-ups sought by the council's economic development strategy with potential to grow further into space provided elsewhere at OTP.

- 6.21 More generally, the NPPF (and Policy SLE1 of CLP-2031) is very supportive of economic development in sustainable locations such as Kidlington. Paragraph 19 makes it very clear as to the weight that local authorities should be attributing to such proposals:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

- 6.22 The *Building a strong, competitive economy* section of the NPPF goes on to identify the importance of the high technology sector (paragraph 21) by encouraging local planning authorities to:

- *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries*

- 6.23 The applicants point out that a key part of the VSC case required to overcome the Green Belt objection when the Begbroke Science Park came forward was based on this long standing Government support for high technology industry. Whilst drawing on the parallels between the two operations, the applicants go on to argue that the prospect of the Begbroke Science Park being taken out of Oxford Green Belt will only become a reality following the Green Belt Review (approx. 14 years after permission was granted). Although accepting that the policy position was less favourable, the VSC case was perhaps more clear-cut; with Members at the time accepting the argument that there was a recognised need to provide sufficient space to support the emerging nanotechnology industry that could not be readily met elsewhere.

- 6.24 Notwithstanding the merits of this VSC case, officers also have to take into account other materials planning considerations, set out below, which could have a bearing on the ultimate planning balance.

Highway Safety

- 6.25 Other than the principle of development, the main issue raised by objectors was the impact approving the scheme would have on the surrounding road network. It is argued that the local roads are already heavily congested with the situation likely to be exacerbated, irrespective of this application, by the newly opened Oxford Parkway railway station and the recently approved Northern Gateway (500 dwellings, 90,000 square metres of business space and a hotel). Concerns raised in respect of proposed extensions to Woodstock (1,500 houses) and Long Hanborough (400 houses) have not yet realised as the applications relating to these sites have been resisted (although they could be, and in the case of Long Hanborough are, the subject of an appeal).

- 6.26 Indeed, against this backdrop, one of the two holding objections raised by the Highways Liaison Officer (HLO), when the application was first submitted, related to the absence of any analysis of HGV movements and possible delays for traffic leaving the site which could result in unsafe manoeuvres. To address these issues the HLO and the developer's consultant have been involved in protracted. The HLO was ultimately satisfied, following the submission of a technical note, that whilst the HGV traffic generated would be 'significant' it could not be described as 'severe' i.e. it would be unreasonable to resist the application on these grounds.
- 6.27 Likewise, although it was accepted that traffic may have to wait some time to exit the site at peak times, the HLO did not consider that the available evidence would support a reason for refusal based on the impatience of drivers resulting in a significant increased risk of collisions, particularly given that Langford Lane does not have a notable history of road traffic accidents.
- 6.28 In order to help alleviate the adverse transport implications, the HLO required suitable mitigation to promote sustainable access (by bicycle and bus) to and from the site. To this end they have been able to negotiate a contribution (£469,000) for new cycle lanes and £250,000, payable in equal instalments over a five year period, to fund improvements to the existing bus service running down Langford Lane. Other more minor contributions sought by the HLO are set out in the Planning Contributions section below.
- 6.29 Based on this assessment Officers are satisfied that any additional pressure on the local highway network would be not be so significant, particularly in the light of the agreed mitigation measures, to bring the acceptability of the scheme into question. The development therefore accords with Government guidance contained within the NPPF in respect of highway safety.

Impact on the Landscape and Built Environment

- 6.30 Notwithstanding its Green Belt status, the application site is not in a sensitive landscape (largely flat and as already discussed surround on three sides by other development). The Council's Landscape Officer therefore agreed with the applicant's consultant that although the development would '*give rise to a fundamental change to the character of the site*' – its '*effects upon the character of the wider area*' would be '*minimal*'. The proposal therefore accords with Policy ESD10 of the CLP-2031.
- 6.31 Although all matters are reserved, and it is likely that the design and layout out of the buildings will be modified before a reserved matters application is submitted, so as to reflect the requirements of the future occupiers, it is worth flagging the Landscape Officer's comments about the proximity of the built form to the southern boundary. More of a buffer, to accommodate planting, may be required than is shown on the indicative plans to ensure that the visual impact of the development, when viewed from Begbroke, is minimised.
- 6.32 It is also worth noting that there are no heritage constraints to take into account when assessing the surrounding built environment. Furthermore, although all matters are reserved, the distances to the nearest residential properties are relatively significant (minimum 340m). As a result these neighbours should not have their amenities compromised and a condition is recommended, to limit any noise originating from the site to acceptable levels. The proposal therefore complies with Policies saved Policies ENV1 and C31 of the Cherwell local Plan 1996.

Other Matters

- 6.33 Following further clarification from the applicant's ecological consultant, the Council's Ecology Officer withdrew their concern about the absence of any information relating to great crested newts. This was on the grounds that a recent assessment, conducted in respect of another nearby development, had established that there was limited likelihood or there being any great crested newts in the vicinity. The Ecology Officer has however recommended a condition requiring a reptile survey as well as one seeking ecological enhancements in line with local plan policy and Government guidance contained within the NPPF.
- 6.34 The Environmental Protection Officer accepts the finding of the submitted contaminated land report and concludes that that a planning note rather than the full set of conditions is require in this instance. A change in the legislation earlier this year, however, means that although the Air Quality Screening Assessment's recommends that no further action is required, there is now a requirement to provide an air quality assessment report and low emission strategy.
- 6.35 As part of the drive to promote sustainability Policy ESD3 of the CLP-2031 requires that all new development reaches a minimum BREEAM standard of 'very good'. The applicants are however taking a more positive approach committing to achieving BREEAM 'outstanding' based on the indicative drawings.
- 6.36 There is currently insufficient capacity in the local sewage system to meet the additional demand that would be created. As with the other approved schemes, this issue can be successfully addressed by condition. The onus would be on the applicants to identify and fund appropriate remedial works before the proposed facility could be occupied. Obviously, if it were discovered that it was impossible to rectify the situation, or the cost proved to be too prohibitive, then this proposal could not be implemented.
- 6.37 Following an update to the FRA, the Environment Agency withdrew their holding objection to the proposal subject to the imposition of appropriate conditions. The development therefore accords with Government guidance contained within the NPPF.
- 6.38 One criticism of the scheme that has not been previously addressed is that the description of development would not restrict other non hi-technology businesses from occupying the site. However, as the applicant argues, the target market would have functions that fall within the B1, B2 and B8 use classes i.e. the technology park would house all a business's office, manufacturing and storage needs. Whilst the operators of the site would unquestionably seek to protect their USP resulting in a degree of self-regulation, officers nonetheless feel that it is prudent to require a condition preventing distribution companies from occupying the site.

Planning Contributions

- 6.39 The only financial contributions sought in respect of this development relate to highway improvements. These contributions, which have been accepted by the applicant, are as follows (see OCC response for full details):
- £469,000 towards the provision of cycle infrastructure improvements on Langford Lane.
 - £50,000 per annum for the first five years from first occupation on site towards the improvement of bus services serving Langford Lane.
 - £1,000 for installing pole and flag at proposed new bus stop
 - £9,040 towards Travel Plan monitoring – payable prior to implementation
 - £12,000 towards CCTV provision at the A4260/Langford Lane junction.

- Off-site highway works to be secured in the S106 and agreed via S278 agreement for:
 - A 2.5m wide shared footway/cycleway along the frontage of the development on Langford Lane
 - A bus stop on the northbound carriageway of The Boulevard

Planning Balance

- 6.40 Given the work that underpins the new Local Plan, it would have been surprising if any of the consultees had, following any further negotiation, brought the scheme into question. Although the increase in traffic that would result from the development remains contentious, this would quite probably have been the case no matter where the additional employment land for Kidlington had been allocated.
- 6.41 When assessing the VSC case itself, although Officers would have preferred to have had more certainty in respect of the take-up of the space available, it is accepted that until permission is in place, it is difficult to get anything much more than strong expressions of interest. It is perhaps telling that the applicants have already got the financial backing to deliver the site, which is perhaps the clearest indicator that the applicants' will not have too many problems finding sufficient suitable occupiers.
- 6.42 Delaying the scheme until after the Green Belt Review would risks losing future potential occupiers, most notably the innovation centre, but it could also jeopardise the confidence of the financial support, particularly if there is a downturn in the economy. Although officers still believe that it is quite probable that the technology park would be a success even if it has to wait until after the Green Belt Review, there is still sufficient justification, following the adoption of Policy Kidlington 1, to bring the site forward now to avoid risking any further haemorrhaging of Oxford's high-technology industry to locations outside the area.
- 6.43 It is concluded, therefore, that although this development would have an adverse impact on the Green Belt, the business need focused VSC case (which is not compromised by any other material consideration) tips the planning balance in favour of approving this application and satisfies the requirements of paragraph 88 of the NPPF.

Consultation with applicant

- 6.44 Good communications were maintained throughout the application process with the developer in order to address the issues that arose in respect of the principle of the development, highway safety and planning contributions. Officers have therefore discharged their duty in respect of paragraphs 186 and 187 of the NPPF.

7. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 6.39;
- b) referral to the Secretary of State to ratify the decision to approve;
- c) the following conditions:

- 1 That no development shall be started until full details of the siting, design, layout and external appearance of all buildings, landscaping and all means of access (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 2 In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 3 The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 4 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Site Location Plan (13045 1001) and the following documents:

Oxford Technology Park – The Compelling Case (Parts 1 & 2)
Transport Assessment produced by Peter Brett (December 2014)
Transport Note TN004 produced by Peter Brett (31/03/15)
Framework Travel Plan produced by Peter Brett (September 2014)
Updated Phase 1 Habitat Survey produced by Southern Ecological Solutions (December 2014)
Engineering Appraisal produced by Haydn Evans Consulting (November 2013)
Flood Risk Assessment and Drainage Strategy produced by Baynham Meike partnership (October 2012) updated by an email dated 17 April 2015.
Noise Impact Assessment produced by Peter Brett (December 2014)
Air Quality Screening Assessment produced by Peter Brett (December 2014)

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.

- 5 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to commencement on site, the means of access shall be constructed to base course and used as such during the initial construction phase. Prior to first occupation on site, the access scheme will be completed and retained in accordance with the approved details.

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

- 6 Prior to the commencement of each phase of the development hereby approved, detailed access and circulation specifications for that phase of development shall be submitted and approved in writing by the Local Planning Authority as part of the Reserved Matters Application for that phase. Thereafter, and prior to the first occupation of the phase of development considered, the access, and circulation, parking and manoeuvring areas shall be provided on the site in accordance with the approved details. Parking and manoeuvring areas 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 guidance contained within the National Planning Policy Framework.

- 7 Prior to the first occupation of the development hereby approved, a Framework Travel Plan, prepared in accordance with Oxfordshire County Council's Guidance on Transport Assessment and Travel Plans, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Framework Travel Plan shall be implemented and operated in accordance with the approved details.

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

- 8 Prior to commencement on site a Construction Traffic Management Plan must be submitted to and approved in writing by the Local Planning Authority.

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

- 9 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development including appropriate infiltration testing in accordance with BRE 365, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate:

- surface water run-off generated up to and including the 1 in 100 year (including a 30% allowance for climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
- surface water runoff will be managed so that it does not contaminate controlled waters

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

- 10 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 11 Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality 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 the impact of the development on air quality has been adequately quantified.

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

- 12 Prior to the commencement of the development hereby permitted, measures to encourage the uptake of low emission transport, 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 measures are in place which mitigate the impact of the development on local air quality and support the uptake of low emission technologies now and in the future.

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

- 13 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.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

- 14 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and minimise the risk of pollution in accordance with Government guidance contained within the National Planning Policy Framework.

- 15 Prior to the commencement of the development hereby approved, a reptile method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

- 16 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

- 17 A full technical safeguarding study shall be undertaken, to assess the effects of the development on London Oxford Airport's navigations aids and radar equipment and shall be submitted as part of the reserved matters application(s).

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.

- 18 Prior to the commencement of development a Bird Control Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be carried out in accordance with the approved details.

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

- 19 The development hereby permitted shall be constructed to meet at least the BREEAM 'Very Good' standard.

Reason - In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2011-2031 Part 1.

- 20 The primary function of all businesses occupying the site should not be as a distribution centre. All B8 space should be ancillary to the either a B1 or B2 use.

Reason - This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning permission and to comply with Policies Kidlington 1 and ESD14 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Planning Notes

- 1 In respect of condition 5, the following detail will be required:
- Means of vehicular access to the phase of development considered
 - Circulation of vehicles within the phase of development considered
 - Means of access and circulation of pedestrians and cyclists to, from and within the phase of development considered
 - The provision of vehicle and cycle parking for the phase of development considered in accordance with the local parking standards in force at the time of granting of the outline planning permission for the Oxford Technology Park (14/020267/OUT). This will include consideration of provision for car sharers to support the Travel Plan for the development.
 - Full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas for the phase of development considered.
- 2 In respect of condition 6, the car parking standards to be used across all phases of development on site are:

- B1 uses: Car parking to be provided at a ratio of 1 space per 30 sqm GFA
- B2 uses: Car parking to be provided at a ratio of 1 space per 50 sqm GFA
- B8 use: Car parking to be provided at a ratio of 1 space per 200 sqm GFA.

Cycle parking is to be provided across the development according to the following standards:

- B1 uses: Long stay/employees at 1 stand per 150 sqm GFA, visitors at 1 stand per 500 sqm GFA,
 - B2 uses: Long stay/employees at 1 stand per 350 sqm GFA, visitors at 1 stand per 500 sqm GFA,
 - B8 use: Long stay/employees at 1 stand per 500 sqm, visitors at 1 stand per 1,000 sqm GFA.
- 3 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.
 - 4 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.

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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.