

**Site Bb Adjoining And East Of F G Alden  
Langford Locks  
Kidlington**

**17/01094/F**

**Applicant:** Glenmore Commercial Estates Ltd

**Proposal:** Erection of a single building containing 14 No. B1(c)/ B8 units, together with parking and associated works

**Ward:** Kidlington West

**Councillors:** Cllr Alan Mackenzie-Wintle  
Cllr Sandra Rhodes  
Cllr Nigel Simpson

**Expiry Date:** 17 August 2017      **Committee Date:** 31 August 2017

**Recommendation:** Approve

**Referral Reason** Major application

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**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located on the Langford Locks Business Park and to the immediate south of the Station Field Industrial Estate. This is the last plot to be developed in the vicinity and is a square shaped plot of approximately 0.3 Ha. Temporary consent was granted under application 14/01199/F for the Change of Use of the land for the storage of containers and cabins.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. Consent is sought for the erection of a two storey building containing 14 light industrial units (B1(c)/B8) along with parking and associated works. Access into the development is via a one-way system. The entrance is to be to the east and the exit to the south.

**3. RELEVANT PLANNING HISTORY**

3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
06/00447/F	Temporary use of land for storage of containers/cabins (retrospective) and construction of vehicular access	Application Permitted
07/02597/F	Erection of two storey building containing 12 units for B1 use together with parking and external works (as amended by plans received 18/02/08 with agents letter dated 15/02/08)	Application Permitted

11/00751/F	Extension of time limit to 07/02597/F - Application Erection of two storey building containing 12 units for B1 use together with parking and external works	Permitted
11/01044/F	Temporary use of land for storage of containers/cabins	Application Permitted
14/00718/F	Erection of two storey building containing 12 No. B1 units, together with parking and external works	Application Permitted
14/01199/F	Change of Use of the land for the temporary storage of containers and cabins	Application Permitted
17/00043/SO	Screening Opinion to 17/01094/F - Erection of a single building containing 14 No. B1(c)/B8 units, together with parking and associated works.	Screening Opinion not requesting EIA

#### 4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

#### 5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 29.06.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties

#### 6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

##### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. KIDLINGTON PARISH COUNCIL: No objections

##### STATUTORY CONSULTEES

6.3. HIGHWAY AUTHORITY (original scheme): **Object** – on the lack of parking for the proposed development and inadequate vehicle tracking of a refuse vehicle and other service vehicles using the site. A s278 Agreement will be required to carry out works in the highway.

6.4. HIGHWAY AUTHORITY (revised scheme): **No objections** subject to conditions relating to:

- Access
- Visibility splay protection
- Turning and car parking
- Service vehicle turning
- Drainage
- Cycle parking
- Travel Plan
- Construction Management Plan
- Delivery and Service Plan

6.5. THAMES WATER: **No objection**

6.6. CANAL AND RIVERS TRUST: **No objection**

6.7. NATURAL ENGLAND: **No objection**

#### NON-STATUTORY CONSULTEES

6.8. PLANNING POLICY: **No comment to date**

6.9. BUILDING CONTROL: **No objection**

6.10. ENVIRONMENTAL PROTECTION: **No objection**

6.11. ECOLOGY: **No comment to date**

6.12. BBOWT: **No comment to date**

6.13. THAMES VALLEY POLICE: **No comment to date**

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment
- SLE1 – Employment development

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1- Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kidlington Master Plan

## **8. APPRAISAL**

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Highway safety

### Principle of development

8.2. The NPPF introduces a presumption in favour of sustainable development. It advises that proposals that accord with the development plan should be approved without delay and proposed development that conflicts should be refused unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out of date, applications should be approved unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

8.3. The proposal would comply with Policy SLE1 of the Cherwell Local Plan 2011- 2031 which seeks to support employment proposals at Kidlington. It is also in compliance with the criteria of Policy SLE1 as it lies in a sustainable location within an existing Business Park, is outside the Green Belt, is of an appropriate scale and design and will not adversely affect the surrounding land uses. This weighs in favour of the proposal insofar as it meets the economic aims of sustainable development.

8.4. In addition when the application was submitted in May of this year the approval under 14/00718/F could still be implemented (it expired on 11.07.2017) and this is a material consideration in the determination of the application.

### Design, and impact on the character of the area

8.5 Government guidance contained within the NPPF requiring good design states that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. Further, “permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions”.

8.6 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

8.7 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that: “New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.” In addition Policy ESD15 states that development should contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness. Furthermore, development should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.

8.8 It is considered that given the location of the proposal it will be not be harmful to the visual amenities of the area. The building will be sited closer to the southern

boundary of the plot than the building immediately to the west which is regrettable however the access and parking arrangements have dictated this siting. Officers have requested amendments to the design of the building to provide a better street frontage and this includes first floor windows and a variation in the brick colour to match the building to the west on the southern and return elevations (east and west) of units 7 and 8.

- 8.9 Given the proximity to the edge of the plot it is not possible to incorporate much in the way of landscaping to mitigate the siting close to the highway/footway edge. However a landscaping plan has been submitted which indicates a variety of small flowering and non-flowering shrubs with some trees to be planted along the boundaries. These will soften the highway boundary slightly but will not add any screening for the building.
- 8.10 The Oxford Canal, close to but not adjacent to this site, was given Conservation Area status in 2012, officers are satisfied that the application site is too far away to have any impact on its setting. Furthermore, an existing building and variations in land levels between the site and conservation will largely obscure the proposal from people travelling along the canal and tow path.

#### Highway safety

- 8.11 The proposal includes a one way system around the building with an anti-clockwise routing and it is to be served by two accesses one on the eastern boundary (entry only) and one on the southern boundary (exit only). The Highway Authority has raised objections to the scheme that the parking is insufficient and the vehicle tracking is inadequate. However the agent has attempted to overcome these issues and has submitted additional information. Comments from the Highway Authority are still to be received and Members will be updated at the meeting.
- 8.12 Notwithstanding these objections the Highway Authority has stated that the one way system proposed is favoured and it is envisaged that with the additional information provided by the agent that the Highway Authority's concerns can be overcome. Conditions are recommended below.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. This is an existing employment site and the creation of business units on the currently vacant site will provide an economic benefit.
- 9.3. Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with accessible local services that reflect the community's need and support its health, social and cultural well-being. The development will provide additional employment floorspace within Kidlington which will be accessible to the residents in the village supporting local services.
- 9.4 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These

issues have been covered in the sections above. The development is considered to be appropriate development in the built-up limits of Kidlington and will not result in harm to the visual amenities of the area.

- 9.5 To conclude the proposal is considered to comply with Policies SLE1 and ESD15 of Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and the guidance contained within the NPPF.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Planning Statement, Design and Access Statement, Transport Statement. Drawing Nos. A\_001\_P1, A\_100\_P2, A\_105\_P3, A\_110\_P3, A\_111\_P1, A\_112\_P3 and 1126/01.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, samples of the brick, cladding and roofing material to be used in the construction of the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. 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, the means of access shall be constructed 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

5. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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 the development hereby approved, full

specification details (including construction, layout, surfacing and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of a refuse vehicle 11.6m in length turning within the site, as well as details for the largest service vehicle using the loading bays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

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

8. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (including details of who will be responsible for maintaining the SUDS & landowner details)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS
- Network drainage calculations
- Phasing
- Exceedance flood routeing

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 Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of

development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Prior to occupation of the development hereby approved, a travel plan statement, which takes into account the mixed uses which make up this planned development, will be submitted to and approved in writing by the Local Planning Authority. Thereafter, it shall be implemented and monitored in accordance with the approved details.

Reason - To provide safe and adequate access to the site in the interests of road safety.

11. Prior to the commencement of the development hereby approved, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

12. Prior to the commencement of the development hereby approved, a delivery and service plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development site shall be managed in accordance with the approved details. Information regarding the following should be included, but is not exhaustive:

- Times of the day when delivery is allowed onto site
- How deliveries onto site are managed between the units
- Identification of where safe and legal loading/unloading can take place
- Details relating to refuse collection times and nature of vehicles used

Reason: In the interests of highway safety and to mitigate the impact of delivery and service vehicles on the surrounding highway network, road infrastructure and users of the site, particularly at morning and afternoon peak traffic times.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **PLANNING NOTES**

1. If works are required to be carried out within the public highway, the applicant is advised not to commence such work before formal approval has been granted by Oxfordshire County Council by way of either:



- a. a Section 184 Notice under the Highways Act 1980 or
- b. a legal agreement Section 278 between the applicant and Oxfordshire County Council

2. It is the responsibility of the developer to ensure proper provision is made for the surface water drainage of the site to ground, watercourse or surface water sewer. To avoid foul sewer flooding, surface water must not be drained to a foul sewer.
3. If the applicant proposes to place gates across the access, they should be aware that they should be set back at least 6m and not open onto the highway.
4. It appears that the site adjoins a strip of land to the north which is within the ownership of the Canal & River Trust. It is important to ensure that the proposals do not impact on this land and the applicant / developer is therefore advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust
5. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

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