

**Case Officer:** Andy Bateson

**Applicant:** Oxford Technology Park Limited, c/o agent Savills (UK) Ltd

**Proposal:** Development within Use Classes E (g) (i) and/or (ii), and/or (ii), and/or B2 and/or B8 and associated works including access and parking

**Ward:** Kidlington (West)

**Councillors:** Councillor Conway, Councillor Tyson, and Councillor Walker

**Reason for Referral:** Major development

**Expiry Date:** 21 February 2022

**Committee Date:** 19 May 2022

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**SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION  
SUBJECT TO: (i) TRAVEL PLAN MONITORING FEE; AND (ii) CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the south of Langford Lane and east of Technology Drive, towards the north-western edge of the built-up area of Kidlington. It comprises Plot 4 / Units 5A and 5B on the 8.3ha Oxford Technology Park, which lies south of London Oxford Airport and west of the Motor Park.
- 1.2. The application site is part of a wider area that was allocated for High Value Employment Needs development under Policy Kidlington 1 of the adopted Cherwell Local Plan 2015. Planning permission exists across the Oxford Technology Park site (Ref: 14/02067/OUT) for 40,362m<sup>2</sup> flexible, hi-technology units suitable for office, research and development, laboratory, storage and ancillary purposes. Delivery of approved development on Plots 1, 3 and 4 of the Oxford Technology Park development are currently under construction and a hotel on Plot 2 (now known as Premier Inn Oxford Kidlington Airport) is open and trading.
- 1.3. The Plot 4 / Units 5A & 5B application site comprises a 0.74ha rectangular area of flat serviced land on the east side of Technology Drive, which lies just south of the Plot 3 development on the Langford Lane frontage, opposite the new hotel car park (Plot 2) and the South Central Ambulance Service Resource Centre (Plot 3), with Campsfield House IRC just beyond.

**2. CONSTRAINTS**

- 2.1. The application site lies within the Oxford Green Belt, the London Oxford Airport Height Safeguarding Zone, within 330m of the Rushy Meadows SSSI and is identified as a minor groundwater Aquifer.
- 2.2. Previously before site allocation and remediation works, it had comprised Category 2 best and most versatile agricultural land and had also been identified as potentially contaminated, but those are no longer constraints to development.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposals seek planning permission for the construction of up to two commercial units within use classes E (g) (i) – (iii), B2 and B8 on Plot 4 (Units 5A and 5B) in a new single building measuring 4,078m<sup>2</sup>, including 1,384m<sup>2</sup> at mezzanine first floor level. The Unit(s) will be accompanied by a parking area alongside for 60 cars (including 10 with EV charging points and 6 disabled) and 40 cycle parking spaces. The building will be 10m tall over two stories, with a very shallow pitched roof surrounded by a 1.4m parapet, giving the impression of a flat-roofed structure. It will measure 60m wide to north and south elevations and 47.6m deep to east and west.
- 3.2. The building is described in the application Planning Support and Design & Access Statements as an industrial unit for uses within Use Classes E (g) (i)-(iii), B2 and B8 (consistent with the Local Plan allocation and outline planning consent) and has recently been confirmed for occupation by the Williams F1 team, as an adjunct to their headquarters building at Grove, near Wantage. The building would be configured similarly to the neighbouring building on adjoining Plot 3 fronting Langford Lane. The building would be clad in Equitone Rainscreen Cladding Panels in three-tone grey (light, mid and dark) similar to that previously constructed on Plot 3. Glazing would extend along almost the entire length of all four elevations at both ground and first floor levels.

### **4. RELEVANT PLANNING HISTORY**

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

14/02067/OUT – Outline planning permission granted for the construction of 40,362m<sup>2</sup> of office, research and development, laboratory and storage business space within Use Classes E (g) (i)-(iii), B2 and B8 – Permitted.

16/00533/DISC - Discharge of Conditions 6 (means of access), 10 (surface water drainage scheme), 11 (drainage strategy), 12 (air quality impact assessment), 14 (low emission transport plan), 15 (reptile method statement), 16 (method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds) and 18 (bird control management plan) of 14/02067/OUT – Permitted.

17/00559/F – The above outline permission was subsequently varied (Conditions 1, 2, 3, 5, 7, 9 & 21) by this full planning permission – Permitted.

17/01542/REM – Reserved Matters approval granted for Units 1 and 3 (opposite and alongside) – Permitted.

17/02233/F – Planning permission granted for a new 3,981m<sup>2</sup> hotel at Unit 2, which is now built and occupied as a Premier Inn – Permitted.

21/00690/REM – Slight design amendments were subsequently approved to Unit 3 last year and the development is now virtually complete – Permitted.

22/02278/F – Resolution passed recently to grant planning permission for Unit 4.

- 4.2. Once Units 1, 3 and 4 are completed alongside the approved Premier Inn hotel on Plot 2, the total amount of developed floorspace will be 22,31m<sup>2</sup>.
- 4.3. Construction of this proposed building on Plot 4 / Units 5A/5B will take the overall quantum of development to 26,459m<sup>2</sup> – still 13,903m<sup>2</sup> below the threshold approved under the original outline permission and varied by the 2017 full permission.

## 5. PRE-APPLICATION DISCUSSIONS

5.1. None.

## 6. RESPONSE TO PUBLICITY

- 6.1. The 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 **23 December 2021**.
- 6.2. No comments were received from third parties at the time this report was prepared.

## 7. RESPONSE TO CONSULTATION

7.1. 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

7.2. KIDLINGTON PARISH COUNCIL: **No comments received.**

### CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to conditions relating to car park layout, cycle parking, a travel plan and a construction traffic management plan and a s106 with them over requisite transport contributions. Those contributions amounted to £160k for an on-road segregated cycleway and £15k for a footway along Technology Drive from the application site to Langford Lane.
- 7.4. **Update:** Similar contribution sums were also requested in respect to the commercial developments on neighbouring Plots 1 and 3 for the same proposed works. The sums were subsequently paid, and the required works undertaken. In such circumstances, the applicant challenged the need to pay for those works again, which were considered unreasonable. At the time of writing, no response had been received from OCC Highways.
- 7.5. OCC ARCHAEOLOGY: **No objections.**
- 7.6. ENVIRONMENT AGENCY: **No objections** subject to two drainage conditions (Nos.8 and 9).
- 7.7. OCC DRAINAGE: **Objection** – a standard recent objection was received from the LLFA stating that they expect to see a Surface Water Management Strategy incorporating SuDS associated with any and all new full and outline planning applications for major development, which this application lacks.
- 7.8. CDC BUILDING CONTROL: **No objection.** Comment – a Full Plans Building Regs application will be required for the proposals.
- 7.9. CDC ECOLOGY: **No objections.** Comment – The site has already been cleared. A biodiversity enhancement scheme should be conditioned (unless covered elsewhere) to ensure planting and integrated nesting provisions or similar opportunities for wildlife are included.
- 7.10. CDC POLICY: **No comments received.** Proposals are Development Plan compliant.

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

- 8.1. The Town & Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council in July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced several ‘saved’ policies in 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 2015)

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport & Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – SuDS
- ESD8 – Water Resources
- ESD10 – Biodiversity and the natural environment
- ESD 11 – Conservation Target Areas
- ESD14 – Oxford Green Belt
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Kidlington 1 – Accommodating High Value Employment Needs
- INF1 – Infrastructure Provision

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

- C28 – Layout, design and external appearance of new development
- C30 – Design control over new development
- C32 – Provision of facilities for disabled people
- ENV1 – Development likely to cause detrimental levels of pollution

### 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance (PPG)
- National Design Guidance 2019
- CDC Planning Obligations SPD 2018

## 9. APPRAISAL

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

- Principle of Employment Development
- Transport & Highway Impact
- Design Principles and Layout
- Drainage
- Ecology & Biodiversity
- Energy Efficiency & Sustainability
- Planning Obligation

### Principle of Employment Development

9.2. The application site lies within the Oxford Green Belt where restrictive policies apply at national and local level through the National Planning Policy Framework (NPPF) and the CLP 2015.

9.3. Notwithstanding this, the CLP 2015 does set out a need for small scale review of the Green Belt and refers to the Oxford Technology Park site within policy Kidlington 1 as one of the locations where small-scale review could accommodate high value employment development subject to site specific design and place shaping principles. The intended review and amendments to the Green Belt envisaged through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2015.

9.4. The application of policy (including very special circumstances) and the harm to the Green Belt was however considered through the Outline planning application (14/02067/OUT). Whilst it was concluded at the time that the development at this location would have an adverse impact on the Green Belt, the need to provide sites for high technology industry was considered to outweigh the harm and tipped the planning balance in favour of granting planning consent.

9.5. The site forms part of a larger allocated site in the adopted CLP 2015 under Policy Kidlington 1. This policy brings forward high-value employment needs development on land to the northwest of Kidlington and adjacent London Oxford Airport as a strategic allocation for hi-tech employment development and associated infrastructure. The whole site was granted outline planning permission for the construction of 40,362m<sup>2</sup> of office, research and development, laboratory and storage business space within Use Classes E (g) (i)-(iii), B2 and B8 in 2016 (Ref: 14/02067/OUT) with the consent subsequently varied with a modified full permission in 2017 (Ref: 17/00559/F). Approximately two-thirds of the allocated site has already been developed in a similar manner to that now proposed on this Plot 4.

### *Conclusion*

9.6. Having regard to the above, the proposed development will accord entirely with the Local Plan employment site allocation and given the history of the site and the clear intention of the Council to review the Green Belt at this location, the proposal will not cause significant or demonstrable harm with respect to other Plan policies and is therefore in principle considered acceptable.

### Transport and Highways

#### *Policy Context*

9.7. Policy SLE4 of the CLP 2015 requires new developments to maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway

network to mitigate significant adverse impact of traffic generation resulting from new development.

#### *Assessment*

- 9.8. The Oxford Technology Park site access junction with Langford Lane has quite recently been constructed and includes both a footway on one side of the road and a segregated cycleway on the opposite side of what is now known as Technology Drive. As the junction has been designed to accommodate the total quantum of development permitted by the outline consent (14/02067/OUT), and the quantum of this proposed development (as well as that already permitted and built) does not exceed the parameters of the outline consent, it is considered that the access arrangements into the technology park site are suitable to accommodate the development now proposed.
- 9.9. Total related trip generation is within that which had previously been assessed as acceptable through the outline permission.
- 9.10. Visibility from the plot access junction is suitable, given the linear nature of the spine road and OCC Highway have not objected to the access proposals or its parking and turning arrangements. OCC asked for details of the parking sizes and positions, to be provided through condition, as they were not specified on the submitted Block Plan drawing 2613-01-PL2. However, such details had in fact been included on the Hard Landscaping Plan 2613-05-PL2. Accordingly, the wording recommended by OCC for a condition of approval has been modified to reflect the submitted details.
- 9.11. Car parking has been proposed based on the OCC standard for office use (one space per 30m<sup>2</sup>) plus an additional 9 spaces (60 in all, including 6 disabled spaces). OCC highway officers have highlighted that the application of parking standards for office use where research and development floor space is also proposed would result in an overprovision of car parking which may encourage car travel to the site, although the County Council would not wish to raise an objection on this basis.
- 9.12. Mitigation measures including public transport improvements and footway enhancements were previously secured through the outline consent in order to enhance sustainable transport options to the site.
- 9.13. Electric vehicle charging points are proposed to serve this development, providing 10no. charge points. In order to promote the take up of electric vehicle use, the Council promotes the installation of ducting to allow for future expansion of EV charging rather than retrofitting at a later date. This can be conditioned.
- 9.14. Cycle shelters (for 40 cycles) are shown to the frontage of the proposed buildings but details of the appearance of these shelters has not been submitted and will need to be conditioned.

#### *Conclusion*

- 9.15. The proposals are considered to be in accordance with policies SLE4 of the CLP 2015 as well as national planning policy set out within the NPPF in this regard.

#### Design Principles and Layout

##### *Policy Context*

- 9.16. Policy ESD15 of the CLP 2015 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way it functions. These development plan policies are consistent with national

planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.

- 9.17. 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.

#### *Assessment*

- 9.18. The application site is flat and is not within a sensitive landscape. The site is surrounded on its north, east and west side by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the hangers at Oxford Airport to the north of the site and the new hotel and neighbouring commercial development also to the north and the car showrooms to the east of the site, which are all similar to the current development proposals.
- 9.19. The development comprises a single rectangular building in either one or two connected parts sited perpendicular to the main spine road through the technology park site.
- 9.20. The design of the buildings is consistent with the appearance of the buildings recently constructed on Plots 1 and 3 and typical of a modern commercial development comprising large areas of glazing with grey panelling in varying shades. The buildings are designed to be constructed with a shallow pitched roof behind a low parapet giving the impression of a flat roof.
- 9.21. In terms of scale, the building would be two storey in height, consistent with the commercial buildings on Plots 1 and 3 and the hotel on Plot 2. This creates a uniformity of scale, design and material finish within the Oxford Technology Park site.
- 9.22. The layout, scale and appearance of the proposed buildings are considered acceptable in the context and would be consistent with the design principles established on the Technology Park.
- 9.23. The landscape scheme for the site is also consistent with the principles agreed and approved through the outline consent for the wider technology park including the retention and enhancement of the existing mature hedgerow to the eastern boundary and the planting of street trees along the main spine road. Full details will be required by condition.
- 9.24. Boundary treatment information has not been submitted with the application and will also need to be conditioned.
- 9.25. Areas for recycling (bin storage) are shown in the car park layout but details of the appearance of these areas (structures/boundary treatment) has not been submitted and will need to be conditioned.

#### *Conclusion*

- 9.26. The proposals are in accordance with policies ESD15 of the CLP 2015 and C28 of the CLP 1996 as well as national planning policy within the NPPF.

#### Flood Risk and Drainage

##### *Policy Context*

- 9.27. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek

to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

#### *Assessment*

- 9.28. Flood risk and drainage on this site have been considered and addressed under the original outline consent, which agreed the drainage strategy and principles for the Technology Park site as a whole. The application site lies within Flood Zone 1.
- 9.29. Whilst an objection was raised to the current application by OCC Drainage, the LLFA objection that this particular application is not accompanied by a Surface Water Management Strategy incorporating SuDS is not a material objection since the concerns raised have already been previously addressed and conditions discharged under a separate consent (Para.7.5 above and Para.9.30 below refer). Also, the Environment Agency has raised no drainage objection to the proposals. Conditions are recommended to ensure that the development is carried out satisfactorily.
- 9.30. A Flood Risk Assessment & Drainage Strategy for the whole Oxford Technology Park site was submitted and approved as part of the original outline planning permission (Ref: 14/02067/OUT) with the Environment Agency confirming on 1<sup>st</sup> May 2015 their satisfaction with the proposals detailed in the Baynham Meikle Partnership Ltd report subject to condition discharges (Conditions 10 and 11). Condition 10 (surface water drainage scheme) and condition 11 (drainage strategy) were subsequently discharged on 12<sup>th</sup> April 2017, with confirmation given that the Flood Risk Assessment & Drainage Strategy (Ref: NSB/12076, dated February 2015), the Engineering Appraisal (Ref: 159/017, dated November 2013) and the SuDS Maintenance Plan (Ref: GL/12076, dated February 2017) were all acceptable.

#### *Conclusion*

- 9.31. Notwithstanding the OCC Drainage objection, the proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2015.

#### Ecology & Biodiversity

##### *Legislative context*

- 9.32. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.33. Under the Regulations, competent authorities i.e., any Minister, Government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.34. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or

forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.35. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.36. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

9.37. Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.38. Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.39. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.40. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.41. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.42. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.43. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.44. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all;
  - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').
- 9.45. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the Rushy Meadows SSSI to the east. The ecological impact of the development has already been considered under the original outline consent including the submission of further information by condition.
- 9.46. The site has now been cleared for development and consists of a 'clean' site. The existing mature hedgerow to the eastern boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.
- 9.47. Having considered Natural England's Standing Advice and taking account of the site constraints and history of the site, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. The ecological impact of the development of the technology park site has already been considered and no further formal survey is required. Conditions will be imposed to ensure compliance with details already approved in respect of ecology and biodiversity will be imposed and is considered sufficient to address the risk of any residual harm.

### *Conclusion*

- 9.48. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2031 Part 1 and taking into account Natural England Standing Advice.

### Energy Efficiency and Sustainability

#### *Policy Context*

- 9.49. Policy ESD 5 of the CLP 2015 requires new commercial development of over 1,000m<sup>2</sup> floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2015 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.50. Policy ESD 3 of the CLP 2015 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

#### *Assessment*

- 9.51. The application does not include an Energy or Sustainability Statement to address how the development would seek to comply with Building Regulations and policies ESD1-5 of the CLP 2015 and the achievement of BREEAM 'Very Good' standard. The DAS does however specify that the new build elements will all be designed to achieve BREEAM 'Outstanding' standard and the LEVI Climate Emergency Design Guide standard, which exceed the Local Plan policy standards.
- 9.52. Given the type of development proposed and limited constraints on the site, it is considered that there would be reasonable opportunities for the development to incorporate improvements to the building fabric and the installation of high efficiency equipment to secure environmental improvements to the built form in addition to the utilisation of renewable energy sources such as solar panels and Air Source Heat Pumps, which the application Design & Access Statement confirms will be included in the development.

### *Conclusion*

- 9.53. Subject to the imposition of suitable conditions, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2015.

### Planning Obligations

- 9.54. Policy INF1 of the CLP 2015 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.55. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.56. Contributions towards highway improvements were previously secured through the outline consent including improvements to cycleway infrastructure and bus service provision along Langford Lane.

9.57. In responding to this application, OCC have raised no objection and have not requested any linking agreement, as the highway improvements previously secured through the original outline permission have now been implemented. They have however requested an update of the Framework Travel Plan for the wider site to reflect the details of this development and payment of a Travel Plan Monitoring fee of £1,446 (Index linked).

## **10. BALANCE AND CONCLUSION**

10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.

10.2. The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.

10.3. It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2015 policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of outline planning consent. Development has commenced on the site and the site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.

10.4. The proposals are considered to be acceptable in all other regards and conditional approval is recommended.

## **11. RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND SUITABLE PROVISIONS BEING IN PLACE TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- Travel Plan Monitoring Fee

### **CONDITIONS**

#### **Time Limit**

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.

#### **Compliance with Plans**

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:

2613-01-PL2 – Site Block Plan  
2613-02-PL1 – Site Location Plan  
2613-10-PL2 – Ground Floor Plan  
2613-11-PL2 – First Floor Plan

2613-12-PL1 – Roof Plan  
2613-14-PL1 – South & West Elevations  
2613-15-PL2 – North & East Elevations  
2613-16-PL1 – Sectional Elevations  
2613-100-PL2 – Cycle Locations  
2613-101-PL1 – Bin Storage & Recycling  
2613-1-2-PL2 – Fence Plan  
2613-05-PL2 – Proposed Hard Landscaping Plan  
Planning & Economic Statement by Savills, received by the Local Planning Authority on 22 November 2021  
Design & Access Statement by Garrett McKee Architects, received by the Local Planning Authority on 22 November 2021  
Transport Statement, Ref: 33231058 Rev1, by Stantec, dated November 2021 and received by the Local Planning Authority on 2 December 2021

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. 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 and approved under outline planning permission Ref: 14/02067/OUT.

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

4. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment that construction traffic will not arrive or leave the site through Kidlington and that delivery or construction vehicles will only arrive or leave between 9.30 and 16.30. The CTMP should follow Oxfordshire County Council's template, if possible. This should identify:
  - a) The routing of construction vehicles and management of their movement into and out of the site by a qualified and certified banksman;
  - b) Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network);
  - c) Details of wheel cleaning/wash facilities to prevent mud, etc., from migrating on to the adjacent highway;
  - d) Contact details for the Site Supervisor responsible for on-site works;
  - e) Travel initiatives for site related worker vehicles;
  - f) Parking provision for site related worker vehicles;

- g) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; and
- h) Engagement with local residents.

Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

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

- 6. The vehicle parking layout shown on plans 2613-01-PL2 and 2613-05-PL2 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning and manoeuvring.

Reason: In the interests of highway safety.

- 7. Before the development is occupied details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of parking of cycles.

Reason: To encourage the use of sustainable modes of transport.

- 8. No development shall take place until a detailed 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The drainage strategy should demonstrate:

- Surface water run-off generated up to and including 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 prevent the increased risk of flooding, both on and off site.

- 9. Prior to the first occupation of the development hereby approved, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
  - As built plans in both .pdf and .shp file format;
  - Photographs to document each key stage of the drainage system when installed on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - Photographs to document the completed installation of the drainage structures on site;

- The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2015 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

11. Notwithstanding the hard landscaping proposals submitted, prior to the commencement of any development above slab level, a scheme for soft landscaping the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include: (i) details of proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment, i.e., depth of topsoil, mulch etc.(ii) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and any steps etc. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the adopted Cherwell Local Plan 2015 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

12. Notwithstanding the details of the recycling areas shown on drawing no. 2613-101 PL1 submitted with the application, no development shall commencement until a detailed plan showing the proposed bin and recycling storage to serve the development be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development hereby approved. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the completed development, and to comply with Policy ESD15 of the Cherwell Local Plan 2015, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, a Sustainability and Energy Statement, outlining how sustainability will be built into the approved development including a scheme to allow for the easy expansion of the EV charging shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, these sustainability measures will be implemented in accordance with the approved details.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015.

16. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policy C28 of the Cherwell Local Plan 1996.

17. Prior to first occupation a Framework Travel Plan for the wider site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of sustainable modes of transport.

**Informative:**

1. The top rock levels plotted on Drawing 12076/101 appear to be incorrectly plotted when compared to the level of the rock stated in the ground investigation report. Using the depth stated in the ground investigation supports the statement in the email of 17 April that the cellular storage will not require excavation into the bedrock. As part of the ground investigation limited soakage test have been undertaken. As part of detailed design full soakage tests in accordance with BRE365 should be undertaken to inform the final drainage strategy.