

Case Officer: Andrew Thompson

Applicant: Oxford Technology Park Limited

Proposal: Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective)

Ward: Kidlington West

Councillors: Cllr Conway, Cllr Tyson and Cllr Walker

Reason for Referral: Major development

Expiry Date: 31 January 2023

Committee Date: 12 January 2023

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. REASON FOR REVERSION TO PLANNING COMMITTEE

1.1 Members may recall that a resolution was agreed by Planning Committee on 7 October 2021 That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/02278/F subject to:

- i. The completion of a Linking Agreement to the original Planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991
- ii. The conditions as set out in the agreed minutes.

1.2 The planning permission has not been issued and the application remains 'live' as the s106 has not been completed whilst the applicant has sought confirmation as to the need for the linking agreement given the completion of the highway works and travel plan monitoring contribution being paid.

1.3 The application is being reported back to Committee due to the amendment in the resolution. Further the development has commenced work on site (in advance of the permission being in place) and as such the planning conditions require significant amendment.

2. APPRAISAL

Scope of this report

2.1 The Planning Committee report presented on the 7 October 2021 has been included as Appendix 1 below and an extract of the relevant previous Written Update report as Appendix 2. This previous report sets out the site description, proposed development, consultation responses and it contains the full assessment of the proposal against the relevant Development Plan policies. The purpose of this update report to set out all changes to the application since the previous resolution was granted. Aspects of the assessment of the application which remain unchanged and

do not materially impact upon the planning assessment of the scheme are not included within this update report.

Scope of the Application

- 2.2 Since resolution on 7 October 2021 the applicant has submitted a Drainage Statement and plans of the details and a Sustainability and Energy Statement as well as details of bin and cycle stores.
- 2.3 The applicant submits that the following conditions (anticipated to be imposed on any planning permission issued under the October 2021 resolution of the Planning Committee) require review due to the time elapsed and the status of the development on site and the further information submitted:

Condition 7 – The development is essentially complete, and they request that there is no ongoing need for a Construction Traffic Management Plan.

Condition 8 – A surface water drainage scheme has been submitted

Condition 10 – Oxford Airport has confirmed it has no operational concerns from the proposed development and there is therefore no requirement for a full technical safeguarding study to assess the effects of the development on London Oxford Airport's navigation aids and radar equipment. This is also not a condition replicated for Buildings 5 and 7 and therefore it is also not deemed to be an issue by the Local Planning Authority. Applicant requests that there is no requirement for this condition.

Condition 11 – A lighting scheme has been installed.

Condition 12 – A landscaping scheme has already been installed and accords with the principles of the landscaping scheme approved under the original outline permission for the site. Applicant request that there is no requirement for this condition.

Condition 13 – Applicant suggests this could just be linked to the installed landscaping scheme.

Condition 14 and 15 – The cycle and bin locations and details have been submitted. These correspond to approved details elsewhere on the development and are in the process of being installed.

Condition 17 – A Sustainability and Energy Statement has been submitted

Planning History Update

- 2.4 It should be noted that a separate planning application (Ref. 22/02214/F) is pending consideration concurrently for the proposed variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5. This application is expected to be determined prior to Committee.
- 2.5 Development on Plot 7 (under reference 22/01683/F) and an application for Unit 6 (under reference 22/02647/F) are also under consideration and on this agenda.

Publicity

- 2.6 No further public consultation has been undertaken. This was on not considered necessary due to the previous resolution of the Committee and that the information

now submitted does not amend the application submission detail in terms of the built form.

Consultation

- 2.7 There have been no further consultation responses since the original planning application

Principle of development

- 2.8 There have been no material changes to the Development Plan or National Planning Policy since the resolution of the planning committee.
- 2.9 Whilst the development has commenced, this has been carried in accordance with the agreed details with Construction Management in place (e.g. a guardsman at the site entrance, PPE safety measures and appropriate construction management through a site office). As such there have been no changes in circumstances which would alter the original consideration of the report.
- 2.10 The application is now part retrospective. However, the actions of the Developer to implement the scheme proposed prior to receiving planning permission does not have an impact on the planning merits of the proposed and the application must continue to be considered in the normal way.

Cycle and Bin Stores

- 2.11 The proposed development includes provision for 4 shelters with two on the site frontage and two at the rear of the proposed units on the access road between Units 4a and 4b. Each accommodating 10 cycle stands in a stacking mechanism creating a total provision of 40 spaces. This provision is consistent with the provision provided elsewhere on the Park and maximises the use of the site. Further the proposals would be consistent with national guidance in LTN 1/20. Whilst the County Council in their updated guidance would prefer Sheffield stands, taking account national guidance and the use of stacking systems on the development is considered acceptable and has been considered acceptable elsewhere.
- 2.12 The application plans also show two bin stores (one for each building) located to the rear boundary. These details are easily accessible to service the site and would be also accessible to bin and refuse vehicles.
- 2.13 As such it is considered that the submitted details are considered to be acceptable and in accordance with the aims and objectives of national guidance in LTN 1/20 and consistent with other implemented and approved neighbouring development.

Travel Plan Monitoring Fee

- 2.14 Since the resolution of the original planning permission, Officers have had the opportunity to review the Travel Plan Monitoring fee and the original s106 Agreement to the development under 14/02067/OUT for 40,362sqm of office, research and development, laboratory, storage and ancillary space and the implementation of development under the approved Reserved Matters to the Outline Planning Permission (in particular Unit 3 which is now occupied).
- 2.15 The s106 Agreement to the Original Planning Permission required a contribution of £9,040 towards Travel Plan Monitoring across the whole site alongside the implementation of a number of highway and cycling enhancements which have been implemented. As the Development has been implemented, the s106 is enforceable

across the whole development and therefore further linking agreements are unnecessary.

- 2.16 It is noted that Contributions towards highway improvements were previously secured through the outline consent 14/02067/OUT including improvements to cycleway infrastructure and bus service provision along Langford Lane.
- 2.17 In responding to this application, the original report noted on 7 October 2021 that 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.
- 2.18 As such in reviewing the s106 and the terms of the original planning permission the resolution to require a s106 Agreement to link the Travel Plan payments is not considered necessary to make the development acceptable and as such is no longer sought.

Drainage Strategy

- 2.19 The applicant has submitted a Drainage Strategy and associated plans on 25 November 2022 which shows the wider implementation of Sustainable Drainage Systems which meet the 1 in 100 year event and a 40% buffer for Climate Change (or the equivalent of greenfield run off rates).
- 2.20 It is noted that as part of the Discharge of Conditions to the original outline permission, under reference 16/00533/DISC Conditions 10 (surface water drainage scheme) and 11 (drainage strategy) were discharged on the basis of similar schemes and the same details to Unit 6 have been considered to be acceptable by the Local Lead Flood Authority (LLFA) in particular.
- 2.21 As such the submission of the Drainage Strategy and associated plan are considered acceptable and the conditions require updating to be consistent to the approach taken on the adjoining sites with the details on the implemented scheme being provided to the LLFA.

Sustainability and Energy Strategy

- 2.22 The applicant has submitted a Sustainability and Energy Strategy on 18 December 2022. The submitted strategy highlights that the only renewable energy generation technology that is practical and feasible to operate on this park is solar PV electricity generation. Due to the design of the hybrid units, these panel can be accommodated on the roofs with no impact on visual impact, air quality or increase to traffic generation. In addition, there would be no further planning issue in doing so.
- 2.23 Detailed analysis of potential renewable energy technology and provision has been conducted through-out the BREEAM process. The Applicant has now undertaken Simplified Building and Energy Model (SBEM) analyses, design and strategies.
- 2.24 A scoping exercise is currently on-going with the electricity distribution network with regard the capacity that can be accepted by the grid.
- 2.25 Overall the park has been designed in order to strive for sustainable development in all areas.
- The drainage strategy is fully SUDS compliant, in order that the surface (storm) water drainage is equivalent to green field run-off rates.

- The materials used in the construction of the buildings will be recycled and recyclable where possible.
- The travel plan formed in accordance with the county highways strategy encourages the use of public transport through the bus that links to the park & ride, and parkway train station. This bus will be supported by the park through S106 contributions for the first five years of occupation as a 'pump priming' exercise.
- The travel plan also encourages cycling to the park through suggesting practical routes, and providing plenty of covered cycle parking racks. The park will also provide a cycle path link from the main access road to the A44 and the international cycle route which runs along the A44, as per the county highways S106 requirement.
- Further to the cycle link we will be providing above the park aims to encourage cycling through researching and assisting with the implementation of further cycle routes around the local area.
- During the occupation of the park, recycling will be facilitated on a site wide basis
- Onsite provision of food and drink with an informal meeting space through the provision of an onsite coffee shop, restaurant and bar (part of the current hotel in building 2) will encourage people to meet, eat and socialise onsite during the working day and reduce travel in order to procure food and drinks. As well as a Park Hub space in Building 4B, the 'Innovation Quarter' to create a community within the Park.

2.26 It is anticipated that the development will achieve BREEAM 'Excellent' status which is above the level expected by Policy and the condition agreed on 7 October 2021.

2.27 Overall the Sustainability and Energy Strategy is considered to be acceptable and Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework and would meet the requirements of the previous condition. As such the condition would need to be amended to reflect the submission.

Update to Planning Conditions

2.28 The resolution from October 2021 included a number of pre-commencement conditions:

Condition 7 required a Construction Traffic Management Plan (CTMP),

Condition 8 required a detailed surface water drainage scheme

Condition 10 required a technical safeguarding study to the effects of the development on London Oxford Airport's navigation aids and radar equipment.

Condition 12 required a landscaping scheme

Condition 14 required details of the cycle parking to be implemented

Condition 15 required details of the bin and recycling facilities to be implemented

Condition 17 required the submission of a Sustainability and Energy Statement.

2.29 It is also noted that Condition 16 required details of boundary treatment to be submitted prior to the occupation of the development

2.30 The submission of further amended plans and information and progression of other units on the site have allowed for updated conditions to be proposed and have satisfied several conditions originally proposed.

3. PLANNING BALANCE AND CONCLUSION

3.1 For 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.

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

3.3 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.

3.4 The proposals are considered to be acceptable in all other regards and conditional approval was recommended and agreed by Committee.

4. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION SUBJECT TO THE CONDITIONS SET OUT BELOW

CONDITIONS

1. 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:

- 2612-01 PL2 - Building 4A & 4B Site Location Plan
- 2612-02 PL4 - Proposed Site Plan/Hard landscaping
- 2612-04 PL3 - Cycle and Bin Locations
- 2612-06-PL1 – Proposed Bin Locations
- 2612-10 PL3 - Building 4A Ground Floor Plan
- 2612-11 PL3 - Building 4A First Floor Plan
- 2612-12 PL3 - Building 4A Roof Plan
- 2612-13 PL3 - Building 4B Ground Floor Plan
- 2612-14 PL3 - Building 4B First Floor Plan
- 2612-15 PL3 - Building 4B Roof Plan
- 2612-16 PL3 - Building 4A Elevations
- 2612-17-PL3 - Building 4B Elevations
- D42985/PMU/C – Lighting Plan
- 42985 – Lighting Design Report

- 5269-OTP4-ICS-CO-C-03.003 – Unit 4 – Drainage Statement
- P21-002-101 Rev C4 – Drainage Details/Engineering Layout
- Sustainability and Energy Statement received 18 December 2022

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.

2. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F:
 - Air Quality Impact Assessment dated November 2016 and condition letter ref. 23558/GH/AA dated 8th February 2017;
 - Reptile Method Statement ref. 8939_MS_APPR_12 10 16.docx dated 12th October 2016;
 - Biodiversity Enhancement Measures ref. 8939_EMP_APPR_02 02 2017.docx dated 2nd February 2017;
 - Bird Control Management Plan dated 14th March 2017.

Reason: To ensure that the development is carried out in accordance with details already approved by the Local Planning Authority to achieve a satisfactory development without adverse impact.

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 and by planning permission ref. 17/00559/F.

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 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To encourage occupiers to use sustainable modes of transport as much as possible in line with the Government guidance contained within the National Planning Policy Framework.

6. 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 2011-2031 Part 1 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.

7. Other than the approved lighting hereby permitted, 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.

8. 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 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use of the development, the sustainability measures outlined in the Sustainability and Energy Strategy received by the Local Planning Authority on 18 December 2022 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.

10. 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 2011-2031 Part 1.

11. 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, Saved Policy C28 of the Cherwell Local Plan 1996.