

**Case Officer:** Andrew Thompson

**Applicant:** Oxtec Developments Limited

**Proposal:** Planning Application for 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:** 9 January 2023

**Committee Date:** 12 January 2023

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO 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 6 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 identified as an area for a small scale review of the Green Belt to accommodate identified High Value Employment Needs by Policy Kidlington 1 of the adopted Cherwell Local Plan 2011-2031 Part 1.
- 1.3. The application site is part of a larger site which is the subject of outline planning permission for a technology park comprising 40,362sqm of office, research and development and storage and ancillary space, subject to a number of parameters and restrictions as set out in conditions and a planning obligation associated with the consent. Whilst a number of building and elements of the permission have been implemented, the timescale for the submission of further Reserved Matters has expired.
- 1.4. Delivery of approved development on Plots 1, 3, and 5 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. Development on Plot 4 (units 4a and 4b) is awaiting the completion of a S106 agreement) following being resolved to be approved at Planning Committee. These have been submitted as both reserved matter submissions and full applications.
- 1.5. The road and principal access have been constructed and is operational for the Premier Inn and the completed units. Site preparation work has commenced on a number of plots and work has commenced on a number of units.
- 1.6. The application site (Plot 6) comprises a 0.78ha rectangular area of flat serviced land on the east side of Technology Drive, which lies just south of the developments

on the Langford Lane frontage on the western side of the access road into the Technology Park with Campsfield House Immigration Reporting Centre (IRC) just beyond the rear boundary (to the west).

- 1.7. To the north, on the opposite side of Langford Lane, are buildings/hangers serving London Oxford Airport and to the east is the Oxford Motor Park where a number of car dealerships are located. National Cycle Network Route 55 runs adjacent to the A44 Woodstock Road providing a direct connection from its junction with Langford Lane through to Oxford City Centre to the south.
- 1.8. The nearest existing bus stop is located on The Boulevard and currently serves Oxford Spires Business Park and London Oxford Airport. There are further bus stops located along Langford Lane and along the A44 Woodstock Road all of which are within a reasonable walking distance from the site.

## **2. CONSTRAINTS**

- 2.1. The application site lies within the Oxford Green Belt, the London Oxford Airport Height Safeguarding Zone (development over 45m), 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.
- 2.3. The only other notable constraint is a Medium Pressure (MP) Pipeline for Southern Gas Networks running along the western boundary between the application site and the former Immigration Centre.

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

- 3.1. The proposals seek planning permission for the construction of a commercial unit within use classes E (g) (i) – (iii), B2 and B8 (Unit 6 – capable of being subdivided into Units 6a and 6b) in a new single building with an area of 4,396sqm, including 2,804 sq. m at ground floor and 1,592 sq. m at mezzanine floor.
- 3.2. It is noted at Officer's site visit that some work on the site clearance and construction of the foundations and elements of the staircore have occurred. 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.
- 3.3. The proposed building will be 10m tall over two storeys, with a very shallow pitched roof surrounded by a 1.7m parapet, giving the impression of a flat-roofed structure.
- 3.4. The unit will be accompanied by a parking area alongside for 86 cars (including 22 with EV charging points and 6 disabled, 2 of which would have EV charging points). The parking spaces would be split between the front (41 spaces) and the rear of the site (46 spaces) with the disabled parking provision at the front closest to the building entrance. Access from Technology Drive would be from the southern end of the application proposals, potentially to be shared with a future unit, with an access road lead to the rear of the building. The proposals would also include a roller shutter door providing delivery access to the rear of the Units.

- 3.5. The proposals also show two 20 space cycle stores at the front of the building in double height stacking solutions. These have been installed already on the park on building 3.
- 3.6. Refuse and recycling storage are shown in the rear area. These would be contained with two timber boarded enclosures measuring 3.79m by 3.2m and 2.2m in height. Rear fencing would be erected, as per other units around the rear car park and servicing area. This would be a green, wire mesh paladin security fence at 2.4m in height.
- 3.7. 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). The building would be clad in Equitone Rainscreen Cladding Panels in three-tone grey (light, mid and dark) similar to that previously constructed on the remainder of the business park and the units already constructed with Kingspan Quadcore Evolution Cladding Panels providing a degree of contrast with a colour scheme from light grey to dark grey. Glazing would extend along the facades of all four elevations, with windows positioned at both ground and first floor levels.
- 3.8. Vehicular and service access to the site will be taken place from the main access into the site from Langford Lane that has already been constructed and was authorised as part of the outline planning permission and previously approved reserved matters submissions.
- 3.9. In addition to the submitted plans, application forms and covering letter, the application is supported by the following documents:
  - Planning and Economic Statement
  - Design and Access Statement
  - Construction Environmental Management Plan
  - Technical Note – Sustainability and Energy Statement
  - Transport Statement
  - Drainage Statement and SuDS Maintenance Guide

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

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

14/02067/OUT

OUTLINE (all matters reserved) - New build Technology Park comprising 40,362sqm of office, research and development, laboratory, storage and ancillary space

Approved

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

Approved

17/00559/F

Variation of conditions 1, 2, 3, 5, 7, 9 and 21 of 14/02067/OUT to enable proper phasing of the development  
Approved.

17/01542/REM

Phase 1 of Oxford Technology Park including details of siting, design, layout and external appearances of units referred to as 1 and 3  
Approved.

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.  
Approved.

18/00047/DISC

Discharge of conditions 3 (landscaping scheme); 5 (cycle parking) and 6 (sustainability and energy statement) of 17/01542/REM  
Approved.

19/00734/F

Variation of Condition 2 of 17/02233/F - to remove the brise soleil from proposed building and addition of 1 No window/door. Withdraw drawing numbered AP18 Revision A & AP19 Revision A, and replace with new drawings numbered AP26 & AP27  
Approved.

21/00690/REM

Variation of conditions 1 (plans), 2 (materials) 3 (landscaping scheme), 5 (cycle parking), 6 (sustainability and energy statement) of 17/01542/REM - amendments to Units 1 and 3  
Approved

- 4.2 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.
- 4.3 Development on Plot 4 (units 4a and 4b) is awaiting the completion of a S106 agreement) following being resolved to be approved at Planning Committee on 7 October 2021 under reference 21/02148/F.
- 4.4 Under Planning Application Reference 22/01683/F, Planning Committee on 6 October 2022 resolved to grant 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. (Unit 7).

## **5. PRE-APPLICATION DISCUSSIONS**

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

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper. The final date for comments was **10 November 2022**.
- 6.2. No comments have been raised by third parties.

## 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 objection** to the principle of this development; but the submitted plans do not show the provision of a footpath from the south of the site which had previously been agreed and therefore objects on that ground.
- 7.3. BEGBROKE PARISH COUNCIL: **No observations** except that they would like the developer Hill Street to provide a cycle/pedestrian path north-south direction to Begbroke Lane RUPP.

### CONSULTEES

- 7.4. OCC HIGHWAYS: **Object:**

- The provision for Electric Vehicle charging is below minimum standards set out in the Oxfordshire Electric Vehicle Infrastructure Strategy and OCC's adopted Parking Standards. Provision for 25% of all parking spaces is required.

- The use of double-stacked cycle parking is inappropriate in this instance and, in accordance with OCC's adopted Parking Standards and LTN 1/20, easily accessible cycle parking that is level with the street is required

(Officer Note: Amended Plans have been received and the County Council increasing the level of EV Charging Points to 25% and County Officers have agreed that the double stacked parking is not contrary to LTN 1/20 and given its installation elsewhere on the development this is considered to be appropriate).

- 7.5. LEAD LOCAL FLOOD AUTHORITY: No Objection subject to conditions relating to implementation of the drainage details.
- 7.6. OCC ARCHAEOLOGY: The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 7.7. ENVIRONMENTAL PROTECTION –
- General: Satisfied with the contents of the CEMP
- Noise: No comments

Contaminated Land: No comments

Air Quality: No comments

Odour: No comments

Light: No comments

7.8. NATURAL ENGLAND - **No objection**. Based on the plans submitted, the proposed development will not have significant adverse impacts on designated.

7.9. THAMES WATER – No objection

7.10. THAMES VALLEY POLICE - Whilst I do not object to this application, some concerns with the proposals in terms of the potential for crime, and ask that suitable amendments to plans are made.

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

8.1. Planning law 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 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 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
- 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
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR8 - Commercial facilities for the motorist
- TR10 - Heavy Goods vehicles
- ENV1 – Development likely to cause detrimental levels of pollution

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site does not fall within a Neighbourhood Plan.

### 8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- 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 development
- Design, and impact on the character of the area
- Heritage and Archaeology
- Transport and Highways
- Ecology impact
- Flood Risk and Drainage

### Principle of Development

#### *Assessment*

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. Policy ESD14 confirms that proposals within the Green Belt will be assessed in accordance with the NPPF.

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 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 40,362sqm 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). Furthermore, approximately two-thirds of the allocated site has already been developed in a similar manner to that now proposed on this plot. Units 5A & 5B, Oxford Technology Park, being those units most recent approved for similar uses under application (Ref. 21/03913/F), which were considered at committee in May 2022 and subsequently approved, subject to a travel plan monitoring fee and conditions.
- 9.5. It is noted that buildings 1, 3, 5 and Plot 4 are under construction and will provide approximately 22,478 sq. m of floorspace. Plot 7 under Reference 22/01683/F, which will provide 3,455 sq. m. With the 4,396 sq. m proposed under this application the total amount of development at OTP to 34,310 sq. m, well within the quantum of floorspace approved by the Local Planning Authority ('LPA') under the original outline permission (i.e. 40,362 sq. m).

#### *Conclusion*

- 9.6. The proposed development is for a further phase of development of the supported Oxford Technology Park (OTP) that has already significantly commenced. This in itself is also a very special circumstances' justification for supporting further development at the already established OTP that itself remains on Green Belt land.
- 9.7. Having regard to the above rationale, the proposed development will accord entirely with the Local Plan employment site allocation and given the history of the site (inclusive of recent permission) and the clear intention of the Council to review the Green Belt at this location, the proposal in this case will not cause significant or demonstrable harm with respect to other Plan policies and is therefore in principle considered acceptable. The proposal therefore accords with the requirements of the NPPF, Policies ESD14 and Kidlington 1 of the Local Plan Part 1.

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

##### *Legislative and policy context*

- 9.8. The National Planning Policy Framework 2021 confirms that the Government attaches great importance to the design of the built environment, and notes 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.
- 9.9. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially, where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes. Weight should be given to development which reflects local design policies and guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.



- 9.10. At the local level Policy ESD15 of the CLP 2015, states that new development proposals should: be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale, and massing of buildings. Saved Policies C28 and C30 of the CLP 1996 reinforce this.
- 9.11. Policy Kidlington 1 is relevant and advises (inter alia) that key site specific design requirements will include (but are not limited to: Design for buildings that create a gateway with a strong sense of arrival including when arriving from the airport, a well designed approach to the urban edge, which achieves a successful transition between town and country environments, development that respects the landscape setting of the site and a comprehensive landscaping scheme to enhance the setting of buildings onsite and to limit visual intrusion into the wider landscape.

#### *Assessment*

- 9.12. With regard to the existing context, 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. The scale of buildings generally located to the south of London Oxford Airport are similar to the current development proposals as large commercial units.
- 9.13. The proposed development comprises a single rectangular building sited perpendicular to the main spine road through the technology park site. The design of the building 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 building has been designed to be constructed with a shallow pitched roof behind a low parapet giving the impression of a flat roof, which is again consistent with the adopted design approach within the Technology Park.
- 9.14. In terms of scale, the building would be two-storey in height, consistent with the other commercial buildings on Plots 1 and 3 and the hotel on Plot 2 (also similar with the design and scale approved at Unit 5). This creates a uniformity of scale, design, and material finish within the Oxford Technology Park site. The layout, scale and appearance of the proposed building is therefore considered acceptable in the context and would be consistent with the design principles established on the Technology Park.
- 9.15. The applicant, through the course of the development has updated the Roof Plan which now shows a substantial area capable of accommodating PV solar panels.
- 9.16. The comments of Thames Valley Police are noted however many of these elements of the development are covered by Building Regulations. The concerns with regard to the location of cycle parking is noted however it is disagreed that these are not in an appropriate location and these would be overlooked.
- 9.17. 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 rear (western) boundary and the planting of street trees along the main spine road. Full details will be required by planning condition.

- 9.18. Boundary treatment information has been submitted and is considered to be satisfactory and includes (inter alia) provision of security fencing to align with the neighbouring units, with the details needing to be secured by condition. Areas for recycling (bin storage) are also shown in the car park layout but details of the appearance of these areas (structures) have not been submitted and will therefore need to be conditioned.

### Heritage and Archaeology

#### *Policy Context*

- 9.19. The application site is not located next to or near any listed buildings or designated heritage assets. The proposal should be considered against Policy ESD15 of the Development Plan which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset.
- 9.20. The NPPF in that they seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset. In accordance with the NPPF, great weight must be given to the conservation of designated heritage assets and in accordance with s72 of the Planning (Listed Building and Conservation Areas Act) 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There is accordingly a strong presumption, imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, against harmful development.

#### *Assessment*

- 9.21. The comments of OCC's Archaeological Advisor are noted in that there is not considered to be any archaeology assets in the vicinity. As such there is no heritage harm arising from the development.
- 9.22. As such the proposals are considered to be acceptable and the proposals would be in accordance with Policy ESD15 and advice in National Planning Policy and legislative requirements.

### Transport and Highways

#### *Policy Context*

- 9.23. Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. 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*

- 9.24. The Oxford Technology Park is located approximately 9.5km to the north of Oxford City Centre, to the south of Langford Lane, between the A44 and A4260. The A44 provides access to the A34 to the south of the site. National Cycle Network Route 55 runs adjacent to the A44 Woodstock Road providing a direct connection from its junction with Langford Lane through to Oxford City Centre to the south.

- 9.25. The Oxford Technology Park site access junction with Langford Lane has 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 being proposed. For the purpose of clarity, the total related trip generation is within that which had previously been assessed as acceptable through the outline permission (14/02067/OUT), and the number of trips predicted are considered to be a negligible increase on the local road network.
- 9.26. The comments of the two Parish Councils are noted however this is not the most southerly unit on the site and as such whilst noted the delivery of the southern pedestrian link would need to be secured through future phases.
- 9.27. Vehicular and service access to the site will be taken place from the main access into the site from Langford Lane that has already been constructed and was authorised as part of the approved reserved matters. 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 had initially asked for details of the accessible parking sizes. Accordingly, the applicants amended the plans (proposed site plan) to demonstrate that the accessible parking would be policy requirement with regarding to provision of the additional manoeuvring spaces required by the accessible parking spaces, which has been reviewed and found to be acceptable by OCC Highways Officers.
- 9.28. Car parking has been proposed based on the OCC standard for office use (one space per 30m<sup>2</sup>) (86 spaces in all, inclusive of the 6 disabled spaces). OCC highway officers have raised no objections to the quantity or quality of car parking proposed. As noted above, the applicants have amended the designs slightly to demonstrate that the accessible car parking spaces would be adequately sized and meet the design requirements of being 2.9m x 5.5m to be considered a disabled space with space for manoeuvrability.
- 9.29. 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. These have been implemented in full.
- 9.30. Electric vehicle charging points are proposed to serve this development, providing 22 bays including 2 charging points being provided for disabled parking provision. 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. OCC highways have not raised any concerns with regard to the quantum of provision.
- 9.31. Cycle shelters (for 40 cycles) are shown to the frontage of the proposed buildings. The shelters are double-stacked, semi-covered units, which have been found to be acceptable following review by the County Council highways officers in terms of both the quantum and quality of provision. It is noted that the provision of stacked storage systems is acceptable and in accordance with LTN 1/20 and whilst there is a preference in the updated County Guidance towards Sheffield Stands there is no objection in principle to the use of the systems being used. Further it is noted that stacked systems have been installed and are in use on Building 3.

- 9.32. It is noted that Travel Plan Monitoring contributions were delivered in relation to the whole development under 14/02067/OUT which was secured through implementation of the Reserved Matters to Building 3 which has been approved and built. As such it is not necessary to link or require further s106 Agreements as the s106 Agreement remains tied to the development as part of the Unit 3 permission with a contribution towards the whole development.

#### *Conclusion*

- 9.33. 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.

#### Ecology Impact

##### *Legislative context*

- 9.34. 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.
- 9.35. 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.
- 9.36. 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, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

##### *Policy Context*

- 9.37. Paragraph 170 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 175 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 180 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 Cherwell Local Plan 2011-2031 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. 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*

- 9.42. 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')
- 9.43. The site has now been cleared and prepared for development and consists of a 'clean' site. The existing mature hedgerow to the western boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.
- 9.44. 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. The Council's Ecologist has reviewed the application and had raised no objections noting as the site remains cleared and has not re-vegetated, a walkover survey will not be required. In addition, the ponds have been recently surveyed for GCN and they are absent therefore they are unlikely to be impacted by the development. Subject to conditions, no objections are therefore raised.

#### *Conclusion*

- 9.45. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2015 and taking into account the comments of Natural England and their associated Standing Advice.

## Flood Risk and Drainage

### Policy Context

- 9.46. Nationally, Paragraph 167 of the NPPF guides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- i. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - ii. the development is appropriately flood resistant and resilient;
  - iii. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - iv. any residual risk can be safely managed; and
  - v. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.47. National Policy also guides that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 9.48. Policies ESD6 (Flood Risk Management), ESD7 (Sustainable Drainage Systems) and ESD8 (Water Management) of the Development Plan are also important considerations. The policies are in general compliance with National policy guidance and are therefore considered to be up to date.

### *Assessment*

- 9.49. The comments of Thames Water and the County Council, as Lead Local Flood Authority are noted.
- 9.50. The overall sustainable drainage has been proposed to be in line with the principles of the outline planning permission 14/02067/OUT and the objectives of the drainage statement that the surface water drainage system for Unit 6 has been designed to accommodate the flows generated by a 1 in 100-year event, plus an allowance of 40% for climate change.
- 9.51. Thames Water would advise that with regard to foul water and the sewerage network infrastructure capacity, we would not have any objection to the above planning application.
- 9.52. Thames Water also advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning

application. Thames Water recommends an informative be attached to this planning permission.

- 9.53. Overall, it is considered that the submitted information and plans are sufficient to assess the application and determine that the proposals would be appropriate and would not result in flooding elsewhere. The proposals include appropriate sustainable drainage systems. The proposals are therefore in accordance with Policies ESD6, ESD7 and ESD8 of the Development Plan and the aims and objectives of the National Planning Policy Framework.

## **10. PLANNING 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 since commenced on the application 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. It is considered that the proposals assessed within this application would constitute an acceptable form of development. Subject to appropriate conditions it is considered that the proposals would cause no significant harm to highway safety, residential amenity or visual amenity, sustaining the character of the site and its setting whilst providing new commercial floorspace in keeping with that approved for the wider Technology Park.
- 10.5. It is considered that the proposals are broadly consistent with the provisions and aims of the above-mentioned Development Plan policies. The proposals are therefore considered to be acceptable in all other regards and **conditional approval is recommended.**

## **11. RECOMMENDATION**

### **RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW**

#### 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:

2703-01 Rev PL2 – Building 6 Site Location Plan  
2703-02 Rev PL2 – Building 6 Site Location Plan  
2703-05 Rev PL5 – Building 6 Hard Landscaping Plan  
2703-10 Rev PL1 – Building 6A & 6B Proposed Ground Floor Plan  
2703-11 Rev PL1 – Building 6A & 6B Proposed First Floor Plan  
2703-12 Rev PL3 – Building 6A & 6B Proposed Roof Plan  
2703-14 Rev PL2 – Building 6A & 6B Proposed Elevations 1  
2703-15 Rev PL2 – Building 6A & 6B Proposed Elevations 2 & Section  
2703-16 Rev PL1 – Building 6A & 6B Proposed Sectional Elevations  
2703-100 Rev PL5 – Building 6 – Proposed Cycle Locations  
2703-101 Rev PL4 – Building 6A & 6B – Proposed Bin Recycle Storage  
2703-102 Rev PL3 – Building 6 – Proposed Fencing Detail  
5052-OTP6-ICS-01-XX-DR-C-0400-S2-P01 - Typical Drainage Construction Details  
5052-OTP6-ICS-01-XX-DR-C-0200-S2-P02 – Drainage Design  
5052-OTP6-ICS-01-XX-DR-C-0201-S2-P01 – Drainage Catchment Areas  
5052-OTP6-ICS-XX-RP-C-07.001 – SuDS Maintenance Guide

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.

### **Approved Use Class**

3. 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 the building has been designed to meet the employment requirements 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.

### **Travel Plan**

4. 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 the use of sustainable modes of transport



### **EV Charging Points**

5. Prior to first occupation of the building hereby approved all electric vehicle charging points shown on plan 2703-05 Rev PL5 shall be implemented. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. Passive provision for the remaining car parking spaces to allow the installation of further EV charging points shall be ensured as part of the construction process.

Reason: To ensure that the development meets the requirements of Policies ESD4 and ESD5 of the Cherwell Local Plan 2015 and the aims and objectives of the NPPF in mitigating the impact of climate change and the ongoing provision and movement towards electric vehicle provision in new cars by 2030.

### **Parking areas**

6. The vehicle parking area shown on plans 2703-05 Rev PL5 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 or their purpose.

Reason: To ensure satisfactory functioning of the development and in the interests of highway safety and to promote sustainable travel choices in accordance with Saved Policies C30 and C32 of Cherwell Local Plan 1996 and Policy ESD5 of the Cherwell Local Plan 2015

### **External Lighting**

7. Other than lighting shown on the approved plans, 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.

### **BREEAM Sustainability Standard**

8. The development hereby permitted shall be constructed to meet at least BREEAM 'Excellent' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015 and the submitted information in support of the application.

### **No outdoor storage**

9. 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.

### **Noise Emissions**

10. The cumulative plant noise emissions from fixed plant and equipment 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. These being measured at 1m from a residential window shall not exceed:

45dBA (between 07:00 and 23:00 hours)

35dBA (between 23:00 and 07:00hours)

35dBA (for equipment operating over a 24hr period)

Reason: To ensure a satisfactory noise environment to comply with Policy ENV1 of the Cherwell Local Plan 1996

#### **Construction Environmental Management Plan**

11. The Development hereby permitted shall be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP) and the associated Construction Traffic Management Plan (CTMP).

Reason: To ensure satisfactory development and management of the construction process.

#### **Bin and Cycle Storage**

12. Prior to the first occupation all cycle and refuse stores 2703-05 Rev PL5, 2703-100 Rev PL5 and 2703-101 Rev PL4 shall be in place and available for use.

Reason: To encourage the use of sustainable modes of transport and to ensure satisfactory

#### **Total Floorspace**

13. The total floorspace of the approved development shall be 4,396sqm, which including 2,804 sq. m at ground floor and 1,592 sq. m at mezzanine floor.

Reason: To define the permission and having regard to the transport infrastructure installed being created as part of the development to cater for a maximum of total floorspace as part of the previous outline permission.

#### **SuDS Implementation**

14. Prior to first occupation, 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: (a) As built plans in both .pdf and .shp file format; (b) Photographs to document each key stage of the drainage system when installed on site; (c) Photographs to document the completed installation of the drainage structures on site; (d) The name and contact details of any appointed management company information.

Reason: In the interests of satisfactory drainage and functioning of the site and to ensure that the sustainable drainage systems hereby approved are appropriately implemented

#### Informative

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