

Case Officer: Andrew Thompson

Recommendation: Approval

Applicant: Oxtec Developments Limited

Proposal: Variation of Conditions 2 (Plans) & 13 (Total Floor Space) of 22/02647/F
- Permission for additional floor space at mezzanine level within Unit 6A.

Expiry Date: 15 May 2023

Extension of Time:

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 was 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) has been approved. 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 west 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.
- 1.9. The application site lies within the Oxford Green Belt, the London Oxford Airport Height Safeguarding Zone (development over 45m), within 330m of the Rushey Meadows SSSI and is identified as a minor groundwater Aquifer.
- 1.10. 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.
- 1.11. 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.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Outline planning permission for Oxford Technology Park ('OTP') was granted on 16 October 2016 under Reference 14/02067/OUT and subsequently varied under Reference 17/00559/F. The outline permission permitted the construction of 40,362 sq. m1 (GIA) of office, research and development, laboratory and storage business space within Use Classes B12, B2 and B8 and reserved matters were approved for Units 1 and 3 under Reference 17/01542/REM on 24 November 2017, which provides 7,971 sq. m of floorspace with those units now constructed. Planning permission for a hotel development was also granted on 11 July 2018 under Reference 17/02233/F (Unit 2). The hotel has been constructed and is operated by Premier Inn and provides approximately 3,981 sq. m of floorspace. Buildings 5, 6, 7 and Plot 4 have also been granted permission and have largely been constructed and provide approximately 18,376.6 sq. m of floorspace.
- 2.2. The application seeks permission to amend conditions 2 and 13 of planning permission 22/02647/F to extend the mezzanine from 764sqm to 1,401sqm. Increasing the total floorspace to 5,001sqm (2,804sqm at the ground floor and 2,197sqm at mezzanine level)
- 2.3. The applicant highlights that the additional 605sqm continues to be within the overall floorspace of the original application (i.e. 30,326.6sqm) with the alterations occurring internally and no external changes being required.
- 2.4. The applicant highlights that the additional floorspace is required for an end user.

3. RELEVANT PLANNING HISTORY

- 3.1. 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 3,981m² 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 1No 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

22/02148/F

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) (Units 4a and 4b). Approved.

22/02214/F

Variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5. Approved

22/01683/F

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) (Unit 7). Approved

22/02647/F

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). Approved

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **5 April 2023**, by advertisement in the local newspaper expiring **13 May 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **13 May 2023**.
- 5.2. No comments have been raised by third parties

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 6.2. OCC HIGHWAYS: The additional floorspace is unlikely to lead to a perceptible increase in vehicle trips to the site as a whole and therefore I do not object to the application, subject to the application of the same planning conditions as applied to ref: 22/02647/F.
- 6.3. LLFA: No objection
- 6.4. NATURAL ENGLAND: No comment – standing advice applies.
- 6.5. THAMES WATER – No comments
- 6.6. ENVIRONMENTAL PROTECTION:
- Noise: No comments
- Contaminated Land: No comments
- Air Quality: No comments
- Odour: No comments
- Light: No comments

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Transport
- Other matters

Principle of Development

8.2. 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.

8.3. Having regard to the above rationale, the proposed development will accord entirely with the Local Plan employment site identification 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 proposed increased mezzanine would be within the level of floorspace that the original outline permission granted for the wider OTP and would therefore not raise any in principle issues over and above those considered through the previously granted permission for Unit 6. 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

- 8.4. The proposals include no external alterations from the approved details. As such the proposals are considered to be acceptable.

Transport

- 8.5. It is noted that highways officers state that the additional floorspace is unlikely to lead to a perceptible increase in vehicle trips to the site as a whole and subject to the application of the same planning conditions as applied to ref: 22/02647/F raise no objection.
- 8.6. The additional floorspace would reduce the ratio of car parking and cycle parking to floorspace. It is considered that the provision of the parking would be appropriate and whilst ideally more cycle parking would be beneficial, taking on board the comments of the highways officers it is considered appropriate in this instance.

Other matters

- 8.7. The application is a s73 application and variation to condition and therefore the time cannot be extended. As such Condition 1 is therefore amended to reflect the timescale of 22/02647/F.
- 8.8. The proposals are considered under s73, and whilst they amend the internal floorspace they do not affect the development description and as such the "Finney" case (which related to amendments to the development description through a s73) is not engaged in this instance.
- 8.9. All other matters of the original planning permission have been considered and are considered unaffected by the amended mezzanine provision.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 9.3. 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 and then full 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.
- 9.4. 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.

- 9.5. 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.

10. RECOMMENDATION

That permission is granted, subject to the following conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years from the date of planning permission 22/02647/F (i.e. by 13 January 2026).

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

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 PL3 – 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.

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.

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

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.

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

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

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.

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.

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

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.

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 provision for the parking of bicycles.

13. The total floorspace of the approved development shall be 5,001sq. m, which including 2,804 sq. m at ground floor and 2,197 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.

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

15. Prior to first occupation of the development hereby approved, details of the timetable for implementation of the cycleway to Langford Lane, approved under planning permission 14/02067/OUT, shall be submitted to and agreed in writing by Local Planning Authority. The cycleway shall be implemented in accordance with the agreed timescale.

Reason: To encourage the use of sustainable modes of transport and to ensure appropriate infrastructure is delivered in accordance with Policy INF1 of the Cherwell Local Plan 2011 - 2031 Part 1 and Policy TR1 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Case Officer: Andrew Thompson

DATE: 13 May 2023

Checked By: Caroline Ford

DATE: 15 May 2023
