

Case Officer: George Smith

Recommendation: Approve

Applicant: Oxford Technology Park Limited

Proposal: 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

Expiry Date: 23 July 2019

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site, on the northern edge of Kidlington, is a 0.81 hectare rectangular piece of relatively flat land, located on the southern side of Langford Lane. The site forms part of a larger agricultural field. To the west of this field are the South Central Ambulance Service Resource Centre and Campsfield House Immigration Removal Centre. 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 which is home to a number of car dealerships. The southern boundary of the agricultural field abuts a large agricultural field which separates the application site and Campsfield House from the northern edge of Begbroke.
- 1.2. The site is part of 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.
- 1.3. The application site lies inside the Oxford Green Belt. The development site is ecologically sensitive with a number of protected species having been identified within the vicinity; it has also been assessed as a possible UKBAP grassland habitat and is within 2km of the Rushy Meadows SSSI. The land falls within a mineral consultation area and is potentially contaminated.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Consent has been granted for a 4 storey building on the site comprising 101 guest rooms as well as a full-service restaurant with 150 covers. The applicant seeks planning consent to vary condition 2, to allow for amendments to the design scheme, including removal of the brise soleil and amended fenestration of the building.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 14/02067/OUT (OUTLINE) - New build Technology Park comprising 40,362 sq.m. of office, research and development, laboratory, storage and ancillary space - APPROVED on 10th October 2016. It was estimated by the applicants at this stage that the technology park would create between 770 and 1,500 jobs. The application was considered to constitute inappropriate development in the Green Belt, however the applicants were able to demonstrate very special circumstances (VSC) that

overcame the harm to the Oxford Green Belt. The applicants' business need focussed VSC case had two principal strands:

- the proposed limited review of the Green Belt boundary as set out in Policy Kidlington 1 of the Cherwell Local Plan Part 1 that would quite possibly result in the application site losing its Green Belt designation (the fact that it is part of the search area also, it was argued, confirms the locational advantages of the site); and
- the economic benefits of releasing land for a high value employment use in this part of the District where there is an acknowledged need, given the proximity to Oxford. It was also argued that there was an immediate need to release the land. It was argued that there was a strong interest from potential occupiers of the site and that delaying the scheme until after the Green Belt Review is ratified through Local Plan Part 2 would risk losing potential occupiers and could jeopardise the confidence of the financial support.

3.3. 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 on 5th June 2017. Permission was granted to revise the wording of the outline planning conditions to enable the development to come forward in phases and details to be submitted relevant to different phases of development rather than applying site wide.

3.4. 17/01542/REM - Reserved Matters to 17/00559/F - Phase 1 of Oxford Technology Park including details of siting, design, layout and external appearances of units referred to as 1 and 3 - APPROVED on 24th November 2017. The reserved matters application related to part of the site to the east of the current application site and involved Units 1 and 3.

3.5. 17/02233/F - Hotel (Class C1) and ancillary restaurant (Class A3) including associated works, comprising the provision of parking spaces and landscaping. APPROVED 11th July 2019

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 and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 07.06.2019, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

6 RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. KIDLINGTON PARISH COUNCIL: **No objection**

OTHER CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections** – but conditions need to be carried forward from previous consent.

7 RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

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
- Residential amenity

Principle

- 8.2. The principle of the development on the site has previously been deemed to be acceptable and the Planning Practice Guidance advises:

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20140306)

- 8.3. Therefore the principle of the development remains acceptable and the main issue to consider is whether the alterations raise any other material considerations which would result in unacceptable impacts.

Design and impact on the character of the area

- 8.4. The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.5. Policy ESD15 of the CLP 2031 Part 1, 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.
- 8.6. Saved Policy C28 of the CLP 1996 further states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.7. The proposed amendments are considered relatively minor in the context of the approved scheme and wider site. The removal of the brise soleil, whilst making an alteration to the visual appearance of the building, is not considered to result in harm. The LPA in the consideration of the original application made no reference to the brise soleil being fundamental to achieve an acceptable design for the building.
- 8.8. The amendments to the fenestration i.e. the addition of a door to the south elevation is considered negligible in the context of the overall scheme and acceptable in design terms.

Amenity of neighbouring land users

- 8.9. Having regard to its nature, scale and siting the proposed development would not result in any significant harm to the functionality or amenity of neighbouring land users.

Other matters

- 8.10. The Local Highway Authority has raised no objections to the application, and officers agree with this assessment. It is considered that the proposals would not have any significant impact on the highway safety of its locality.

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. For the reasons set out in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10 RECOMMENDATION

That permission is granted, subject to the following conditions:

1. Time limit condition

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:

- o Application form submitted with the application;
- o Design and Access Statement submitted with the application;
- o Planning, Economic and Main Town Centre Use Statement by Savills dated November 2017 submitted with the application;
- o BREEAM Pre-Assessment Report by Sustainable Construction Services dated 28th June 2017;
- o Transport Statement by Peter Brett Associates dated August 2017 submitted with the application;
- o Drawing Numbers: AP10 Revision A; AP14 Revision A; AP15 Revision A; AP16 Revision A; AP17 Revision A; AP20 Revision A; AP21 Revision A; AP26 and AP27.
- o Drawing Numbers AP11 Revision C and AP13 Revision B received from the applicant's agent on 4th January 2018; and
- o AP12 Revision C received from the applicant's agent by e-mail on 9th January 2018.

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 development hereby approved shall not be carried out other than in accordance with the recommendations set out in the Bird Control Management Plan prepared by Hill Street Holdings on 14th March 2017 received by the Local Planning Authority in an email from the applicant's agent on 11th December 2017.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and to comply with Government guidance contained within the National Planning Policy Framework.

4. The development hereby approved shall not be carried out other than in accordance with the recommendations and mitigation measures contained in the Construction Environmental Management Plan received by the Local Planning Authority in an email from the applicant's agent on 15th December 2017.

Reason: To ensure the environment is protected during construction in accordance with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The development hereby approved shall not be carried out other than in accordance with the SuDs Maintenance Plan for the Oxford Technology Park (ref: GL12076 dated February 2017) submitted alongside application reference 16/00533/DISC.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. The development hereby approved shall not be carried out other than in accordance with the recommendations contained in Ecological Enhancement and

Management Plan dated 2nd February 2017 received by the Local Planning Authority in an email from the applicant's agent on 9th April 2018. Thereafter, the biodiversity enhancement measures shall be retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and to ensure a net gain to biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. The development hereby approved shall not be carried out other than in accordance with drawing number 14818:SK01 Revision A and Flood Risk Assessment and Drainage Strategy ref. NSB/12076 dated February 2015 submitted with the application.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policies ESD6 ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The development hereby approved shall not be carried out other than in accordance with the Specification for Soft Landscape Works 5 year Maintenance Plan (ref OS 1346-16-Doc1) by Open Space Landscape and Arboricultural Consultants limited dated February 2017 which was received with application reference 16/00533/DISC and Drawing Numbers OS 1346-16.1A Revision C and OS 1346-16.1B Revision C received by the Local Planning Authority in an email from the applicant's agent on 23rd April 2018.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. The construction of the external walls and roof of the development shall not be carried out other than in accordance with the sample details approved under application ref: 19/00053/DISC and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1,

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

11. The external lighting shall be installed and operated in accordance with the details approved under application 19/00053/DISC.

Reason: In order to safeguard the amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of the restaurant hereby approved, a scheme for treating cooking fumes and odours before their emission to the atmosphere shall be submitted to and approved by the Local Planning Authority. Thereafter, and prior to the first occupation of the restaurant, the scheme shall be carried out and retained in accordance with the approved details.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of odour and noise in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. All mechanical plant should be selected and installed so as to comply with the noise levels recommended in Paragraph 7.3 of the 'Report on Existing Noise Climate' by Hoare Lea Acoustics dated 29.08.17 submitted with the application.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

15. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the approved plans. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of highway safety and flood prevention and to comply with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

16. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with the details

shown on the approved plans, and shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policies ESD1, ESD15 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 If cranes are used during construction, there will be a need for the developer to liaise with the London Oxford Airport in accordance with the British Standard Institute Code of Practice for Safe Use of Cranes (BS 7121). Crane permits will be required from London Oxford Airport prior to use.
- 2 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
- 3 Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
- 4 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
- 5 The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.
- 6 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work,

where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

- 7 Consent has been granted subject to conditions. It is the developer's responsibility to ensure that they have read and understood the requirements of the conditions, and that they comply with the conditions when carrying out the development. If you are unclear about what is required, please contact the case officer for further advice.

In some cases conditions require further details to be submitted and approved by the Local Planning Authority. You will need to make a formal application to the Council for approval of these details, and you need to allow up to 8 weeks (following receipt of a valid application) for the Council to make a decision on the acceptability of the details. This is particularly important where a condition requires further details to be approved before any work commences as any work carried out before those details have been approved would be unauthorized and at risk of planning enforcement action.

The conditions application fee is £34 in respect of householder development, and £116 per in any other case. The fee is payable each time a conditions application is made. You can include multiple conditions in one application, and this can be more cost and time effective than submitting details for each condition separately.

Guidance on making an application is available online on the Council's website by going to <http://www.cherwell.gov.uk/index.cfm?articleid=8983>.

Case Officer: George Smith

DATE: 22.07.2019

Checked By: Nathanael Stock

DATE: 23.07.2019
