

East Area Planning Committee

16<sup>th</sup> April 2013

**Application Number:** 12/03115/FUL

**Decision Due by:** 24th April 2013

**Proposal:** Construction of motor vehicle dealership comprising two storey building housing workshops, MOT bays, storage plus single storey Valet building. Formation of new access plus 177 car parking spaces for customers, staff, workshops and car sales (amended address)

**Site Address:** Plot 8600 and Part of Plot 8400, Alec Issigonis Way (**site plan: appendix 1**)

**Ward:** Lye Valley Ward

**Agent:** George Vasdekys

**Applicant:** Ridgeway Garages  
(Newbury) Ltd And  
Volkswagen Group (UK)

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## Recommendation:

The East Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion for the following reasons:

1. The proposed development would make an efficient use of land within a key protected employment site in a manner that would meet the aims of the National Planning Policy Framework in supporting sustainable economic growth. The proposed dealership would be a sui generis use that would not strictly satisfy the requirements of Policy SP42 of the Sites and Housing Plan which allocates the Oxford Business Park for B1 and B2 uses. However, officers consider that there are material considerations which justify an exception being made in this case. These being the fact that the dealership would include B1 and B2 uses which are supported by the policy and provide a comparable level of employment to that which could be achieved through Policy SP42. At the same time, the proposed development would not result in a significant loss of land from the park which would prevent the level of employment approved under the outline permission for the park being provided on the undeveloped plots. The siting, layout, external appearance and landscaping of the proposed development would create an

appropriate visual relationship with the surrounding area without having a significant impact upon adjoining properties, biodiversity, sustainability, and contaminated land. The proposal would also provide appropriate access and parking arrangements so as not to have an adverse impact upon the local highway and any impact could be mitigated by appropriate financial contributions. The proposal would therefore accord with the aims of the National Planning Policy Framework, Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and Sites and Housing Plan

2. In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
3. The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

#### Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Landscape plan required
- 5 Landscape plan carried out by completion
- 6 Landscape Management Plan
- 7 Details of mapping and relocation of Bee Orchids
- 8 Details of external lighting
- 9 Details of Secure by Design Measures
- 10 Noise Restrictions
- 11 NRIA measures implemented
- 12 Sustainable Urban Drainage Strategy
- 13 Parking areas laid out as approved
- 14 Cycle parking provision
- 15 Travel Plan
- 16 Signage Strategy
- 17 Construction Traffic Management Plan
- 18 Contaminated Land Watching Brief

#### Legal Agreement

- £22,500 towards transport infrastructure improvements
- £60,034 towards Affordable Housing Provision
- £18,876.00 towards public art
- £2,000 towards biodiversity compensation

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals  
**CP6** - Efficient Use of Land & Density  
**CP8** - Design Development to Relate to its Context  
**CP9** - Creating Successful New Places  
**CP10** - Siting Development to Meet Functional Needs  
**CP11** - Landscape Design  
**CP13** - Accessibility  
**CP14** - Public Art  
**CP18** - Natural Resource Impact Analysis  
**CP19** - Nuisance  
**CP20** - Lighting  
**CP21** - Noise  
**CP22** - Contaminated Land  
**TR1** - Transport Assessment  
**TR2** - Travel Plans  
**TR3** - Car Parking Standards  
**TR4** - Pedestrian & Cycle Facilities  
**TR14** - Servicing Arrangements  
**NE14** - Water and Sewerage Infrastructure  
**EC1** - Sustainable Employment

### **Core Strategy**

**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy and natural resources  
**CS10\_** - Waste and recycling  
**CS11\_** - Flooding  
**CS12\_** - Biodiversity  
**CS13\_** - Supporting access to new development  
**CS17\_** - Infrastructure and developer contributions  
**CS18\_** - Urban design, town character, historic environment  
**CS19\_** - Community safety  
**CS24** – Affordable Housing  
**CS27\_** - Sustainable economy  
**CS28\_** - Employment sites

### **Sites and Housing Plan - Submission**

**MP1** - Model Policy  
**SP42\_** - Oxford Business Park

### **Other Material Considerations:**

- National Planning Policy Framework
- Affordable Housing Supplementary Planning Document
- Planning Obligations Supplementary Planning Document

### **Relevant Site History:**

There are no specific planning applications for this individual plot. However the most

relevant applications relating to the Business Park are as follows

91/01303/NO - Demolition of all buildings. Construction of buildings for B1 business use (125,023 square metres) & a hotel (10,451 square metres) incl. new roads, car parking, infrastructure & landscaping (Amended Plans) (Oxford Business Park, Garsington Road): Approved

93/00706/NR - Details of access and landscaping on Garsington Road and some internal site roads. Details of landscaping on Eastern By-pass (part reserved matters of outline approval NO/1303/91): Approved

99/01351/VF - Variation of condition 1 on permission NO/1303/91 to allow submission of reserved matters application until 26.11.2004: Approved

02/00730/RES - Extension of access road (part of reserved matters of outline approval NO/1303/91): Approved

04/00215/VAR - Variation of condition 1 on permission 99/01351/VF to allow submission of reserved matters application until 30.11.2012: Approved

12/01424/EXT: Extension to the outline planning permission 91/01303/NO for Class B1 business use, hotel, associated roads, car parking, infrastructure and landscaping: Approved

### **Representations Received:**

#### Oxfam, 2700 John Smith Drive

- Objection
- Effect on adjoining properties
- Effect on traffic
- Public transport provision/accessibility
- Oxfam oppose this application for reasons of the lack of sustainable travel options in this Business Park. As a car dealership the purpose and method of transportation is essentially by car, especially for customers, for which we already have significant congestion in this area.

#### Wiley, 9600 Garsington Road

- We have raised concerns with the Council and Managing Agents of the business park over traffic congestion and that current traffic management in place was not adequate to cope with the increased traffic that would result from Centrica taking up occupation on the park
- From the proposed plans, there is nothing to indicate that this has been considered or any proposals put forward to ease congestion that will result and only exacerbate the problems that already existed prior to Centrica occupation of its new premises
- Without real and effective traffic management being part of the proposal, Wiley would oppose any plans for development.

#### 163 Hollow Way

- Objection

- Effect on traffic
- The travel plan and transport plan is impressive but that is not surprising given the applicant is a global company
- The traffic on Garsington Road is horrendous at certain times of the day (i.e. rush hour) and no amount of written evidence can show this. The conclusion of their statements unsurprisingly sees no material impact on local roads.
- The car emissions in this area would be high and so air quality surveys should be carried out
- A prolonged transport assessment of the area should also be carried out, and include a feasibility study into the direct ingress and egress onto the eastern bypass
- The development is for a car dealership, how many people walk, cycle or take public transport to and from car dealerships/garages

Local Resident (via Cllr Kennedy)

- The business park is causing congestion in the area. It can take half an hour to travel between the Tesco roundabout and Hollow Way junction.
- The traffic lights at the roundabout do not assist in this regard.
- The developments in the park MAY bring some employment prospects to the local population but some consideration needs to be given to people who travel on this route.

**Statutory Consultees:**

Oxfordshire County Council Highways Authority:

- No objection subject to conditions and financial contributions towards highway safety improvements.

Oxfordshire County Council Drainage Team:

- A full Sustainable Urban Drainage System should be designed with flood storage and corridors

Thames Valley Police:

- The proposal should implement Secure by Design Principles in order to design our crime.

Thames Water Utilities Limited: No objection

**Officers Assessment:**

**Site Location and Description:**

1. The application site is located within the Oxford Business Park which was formed from the former Cowley Motor Works. The park is bordered to the north, south, and east by residential properties, and the Eastern Bypass (A4142) to the east. The park is separated in two by the Garsington Road (**appendix 1**).
2. The application site comprises an area of undeveloped land (2.07 acres) in the north-east corner of the Oxford Business Park. It is bordered by the residential

properties of Fern Hill Road to the north, Eastern Bypass (A4142) to the east, the David Lloyd Centre (Plot 900) to the south, and the undeveloped Plot 8400 to the west.

## **Proposal**

3. The proposal is seeking permission for a motor vehicle dealership which would provide a total floorspace of 3,065m<sup>2</sup>. This would include a two-storey building that would accommodate a showroom (700m<sup>2</sup>), B1 offices (725m<sup>2</sup>), B2 and B8 Workshop and Parts Storage (1,050m<sup>2</sup>), and plant and ancillary space (590m<sup>2</sup>) and a single storey valet building.
4. The proposal would also include the formation of a new access from Alec Issigonis Way, and 177 car parking spaces for customers, staff, workshops, and the car sales area.
5. Officers consider that the principle determining issues with regards to the proposal are as follows:
  - Principle of Development
  - Employment Use
  - Form and Appearance
  - Impact upon Adjoining Properties
  - Highway Matters
  - Sustainability
  - Biodiversity
  - Archaeology
  - S106 contributions
  - Drainage
  - Contaminated Land

## **Principle of Development**

6. The National Planning Policy Framework [NPPF] seeks to promote sustainable development and identifies three roles which the planning system needs to achieve this; economic, social, and environmental. The economic role is defined as 'contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation'.
7. The NPPF has a core principle to proactively drive and support sustainable economic development, and make every effort to identify business needs for an area and respond positively to wider opportunities for growth. The first priority should be to build a strong, competitive economy. Local Authorities should set out a clear vision and strategy for their area, which positively and proactively encourages sustainable economic growth; supports existing business sectors; and plans positively for the location, promotion, and expansion of clusters or networks of knowledge driven, creative or high technology industries. It also encourages the efficient use of previously developed land.
8. The general principle of development would therefore accord with the aims of national advice to support economic development. However, the NPPF

recognises that the starting point for decision making is the development plan, and therefore proposals which accord with up-to-date local planning policies should be approved while proposals that conflict should be refused, unless material considerations state otherwise.

## **Employment Use**

9. At a local level, the Oxford Core Strategy sets out Oxford's employment strategy to promote a policy of 'managed economic growth'. This seeks to secure the long-term future of its key sectors, whilst taking account of land supply constraints, and the need to improve the balance between jobs and housing supply. Policy CS27 therefore promotes the support of Oxford's key employment sectors and clusters, whilst maintaining the necessary infrastructure in order to establish a sustainable economy. It requires proposals to show how they maintain, strengthen, modernise or diversify Oxford's economy.
10. The existing supply of employment sites is safeguarded through the application of Policy CS28, which aims to resist the loss of key protected employment sites, such as the Oxford Business Park. This policy recognises that these sites ensure a sustainable distribution of business premises and employment land to maintain a range of potential job opportunities throughout Oxford and therefore will resist any proposals that result in their loss. In land use terms the Core Strategy states that key protected employment sites relate to land and premises in Class B or employment-generating sui generis uses. However, the Oxford Business Park is subject to Policy SP42 of the Sites and Housing Plan which supports the development of the park for B1 and B2 employment uses rather than any other uses. The proposed showroom would represent a departure from this policy as it would be considered a sui generis use.
11. The proposed dealership is for The Ridgeway Group the franchisee of Oxford Audi who will be relocating from their current base in Kidlington. The total floorspace would be 3,065m<sup>2</sup>, with a showroom (700m<sup>2</sup>), B1 offices (725m<sup>2</sup>), B2 and B8 Workshop and Parts Storage (1,050m<sup>2</sup>), and plant and ancillary space (590m<sup>2</sup>) and a single storey valet building. It is considered that when operational the dealership will employ a total of 72 people which as a regional hub will comprise a diverse range of roles from workshop technicians, sales, administrators and managers. The Ridgeway group have also confirmed that they will actively seek to recruit new employees from the local area, with at least 3 apprentices completing a Modern Apprentices to NVQ Level 3 qualification. The company have also agreed to liaise with local training providers such as Oxford and Cherwell Valley College, to discuss joint partnership working on training, recruitment and work experience. The company has already established a training programme for all employees to access a range of training and development opportunities that will improve their accreditation in their particular roles.
12. The Oxford Strategic Partnership, of which the Council is a partner, has developed an Economic Growth Strategy which sets out key priorities to assist with managed growth. While this is not an adopted development plan document, one of the key recommendations that emerged was the importance of supporting

the growth of existing employers, including large global companies, high value small and medium sized businesses. In terms of a sustainable economy, Policy CS27 supports Oxford's key employment sectors. There is recognition that car manufacturing remains important, principally BMW (Mini) at Cowley. While the dealership is not a car manufacturing use the Ridgeway Group is a local business based in Kidlington and so its relocation to the Oxford Business Park would retain the employer within central Oxfordshire and support its growth into a regional hub. The dealership would be classed as a sui generis but it does have a significant element (some 77% of its total floorspace) devoted to offices, workshop, and storage which are Class B activities (B1 Offices, and B2 general industrial) supported by Policy SP42 of the Sites and Housing Plan. Therefore while this policy does suggest that other uses, such as sui generis activities should not be granted, the proposal would provide comparable uses consistent with the policy albeit under a sui generis use.

13. In terms of the wider context of the Oxford Business Park the proposed dealership would not have a material impact upon the available employment land within the park. In December 2012 an extension to the original outline planning permission for the Business Park was granted under 12/01424/EXT. The planning statement prepared by Goodmans, the landowners for the park, identified that of the original outline permission, approximately 21,053m<sup>2</sup> of B1 space over 3.77ha on Plots 2000, 2300 (part of), 8400, 8600, and 9200 is left undeveloped which could generate 1,500 jobs. The figures excluded the Centrica Headquarters development which has provided approx. 9,000m<sup>2</sup> of office space generating approx. 800 jobs. The statement made clear that an application for the dealership was likely to be forthcoming on this plot and that the remaining undeveloped plots would be developed for further office (B1) related uses up to the level approved under the outline permission and generating the predicted level of employment. The redevelopment of the application site for a B1 use could result in greater floorspace than proposed in this scheme and therefore potentially more jobs, but it could also be developed for a B2 use which would be likely to create an estimated 90 jobs which would not be too dissimilar to the 72 generated by the dealership. Therefore the proposed dealership would not result in a significant loss of employment land from the park or a significant reduction in potential jobs.

14. Therefore having regards to the above-mentioned factors, officers accept that the proposed dealership would not strictly satisfy the requirements of Policy SP42 which does not support Sui Generis uses on the Business Park. However, there would be overriding reasons to allow an exception in this particular case. The range of uses within the scheme include B1 and B2 uses which are closely related to those supported by the policy and would normally be considered appropriate for a key protected employment site. Similarly, whilst the take up rate of the undeveloped plots within the park has been relatively slow over the past two years, recent developments such as Centrica have increased the amount of office floorspace and it has been demonstrated that the remaining plots are intended to be developed for office related uses. Furthermore the proposal would generate a comparable number of jobs to a Class B2 use which would be supported within the park. Therefore whilst not strictly meeting the requirements of Policy SP42 the development would accord with the aims of Policies CS27 and

CS28 of the Oxford Core Strategy and the National Planning Policy Framework in supporting sustainable economic growth.

## **Form and Appearance**

15. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; attractive public realm; and high quality architecture. The Oxford Local Plan 2001-2016 requires development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP6 emphasises the need to make an efficient use of land, in a manner where the built form and site layout suits the sites capacity and surrounding area. Policy CP8 states that the siting, massing, and design of new development should create an appropriate visual relationship with the built form of the surrounding area.
16. The existing site is undeveloped. In terms of site layout the main building would be sited towards the rear of the plot which enables the showroom to face onto the main external sales and parking area. This establishes a clear front and back of house relationship between the sales and servicing area, and maximises natural surveillance. The main building would be two storeys high with a maximum height of 8m, and a smaller service building with a height of 7m. The size and scale of the building would be considered appropriate in the context of the Business Park. The building would be of a steel frame construction with a perforated rain screen cladding and glazing for the main building and cladding for the remainder. A condition should be attached requiring samples of the materials to be approved.
17. Therefore officers consider that the overall size, scale, design and siting of the proposed development would suit the sites capacity and the character and appearance of the Business Park in accordance with the above-mentioned policies. The Thames Valley Policy has requested that the development is designed to Secure by Design standards. This could be secured by condition.

## **Impact upon Adjoining Properties**

18. Policy CP10 of the Local Plan requires development proposals to be sited in a manner which meets functional need, but also in a manner that safeguards the amenities of other properties.
19. The Fern Hill Road properties to the north of the site would stand to be most affected by the proposal. The rear gardens of these properties are 30m in length and terminate at the boundary with the site, but they are set approximately 3.5m above the site ground level and have 1.9-2m boundary fences at their ground level. There is an access road that leads to garages at the rear of these properties which separates most of the rear gardens from the actual boundary with the business park. The main building would be sited approximately 10.9m at its closest point and 20m at its furthest. The building would have heights of 7m and 8.3m. Having regards to the separation distance between the proposed building and the Fern Hill Road properties, the change in land level and height of

the proposed buildings, officers consider that the proposal would not have an adverse impact upon the residential amenities of these adjoining properties in terms of loss of light, outlook, and overbearing impact.

20. The main point of concern would relate to potential noise and disturbance from the proposed use and light pollution from any lighting in accordance with Policies CP19 and CP20 of the Oxford Local Plan 2001-2016. Environmental Development colleagues recommend conditions which would deal with any such environmental problems. As such a noise condition should be attached restricting plant noise from the development as recommended in the submitted Environmental Noise Survey Report. Similarly a condition should be attached requiring a lighting scheme for the lighting on site to ensure it is designed and installed so as not to cause a nuisance on residential properties.

### **Highway Matters**

21. Policy SP24 of the Sites and Housing Plan requires development proposals for the site to demonstrate how the development mitigates against traffic impacts and maximise access by alternative means of transport. It also expects developments to minimise car parking spaces on site. A Transport Statement has been included with the application in accordance with Policy TR1 of the Oxford Local Plan 2001-2016. The statement identifies that access to the site would be via the roundabout on the Garsington Road (B480) which forms the junction of the private roads on the south and north side of the site forming the Business Park. The access to the site is taken from Alec Issigonis Way and roundabout that currently serves the David Lloyd leisure centre immediately to the south of the site. A pedestrian / cycle link continues from the roundabout to the slip road of the Eastern Bypass (A4142) which links to the extensive cycle / footway network in the area. The site is also considered to be well served by bus services. The proposal would provide a ground floor showroom for 17 new cars with associated service areas, 14 service bays, and other general bays. The external forecourt would accommodate space for 64 pre-owned vehicles, 24 customer parking spaces, 2 disabled spaces, 70 workshop spaces and 17 staff parking spaces at the rear of the building. 20 secure cycle parking places would be provided on site.
22. The transport statement has included an analysis of accident data which has not identified any specific cause for concern bearing in mind the volume of traffic and potential conflict points within the area. In terms of traffic generation, traffic counts have been conducted at the roundabout junction of Garsington Road, the access roads to the Business Park, and the ground level roundabout at the grade separated junction of the Eastern Bypass. The predicted traffic generation from the proposed development in the morning peak hour is 42 arrivals and 12 departures and in the evening 6 arrivals and 22 departures. The statement assumes 90% new trips to the showroom and 10% pass by or diverted trips. In terms of servicing it is anticipated that 5 service vehicles per day would visit the site and 4 other service vehicles per week. The new vehicles for the show room would be delivered by non-articulated car transporter but this would be in ones or twos in terms of trips. The pre-owned cars will be delivered by articulated car transporter once a week on average. The layout has been designed to enable

sufficient space within the site for delivery vehicles to manoeuvre. The percentage increase in flows on the access road and wider road network is not considered significant and therefore detailed analysis of the junction performances was not considered necessary.

23. The Local Highways Authority has not raised any objection to the conclusions of the Transport Statement. They acknowledge that there are currently traffic delays within the area, particularly during the peak hour when leaving the Business Park at the roundabout on the Garsington Road (B480) and at the ground level roundabout to the Eastern Bypass. However, it is important to recognise that the site has outline planning permission for a B1 use which would also generate traffic. The estimated traffic generation from the proposal would be less in the morning and evening peak hour than that traffic generated from an all B1 use occupying the site whilst the daily volumes would be similar. Therefore despite concerns raised during the consultation process that the proposal would increase traffic generation within the area, it is considered that no objection could be raised on these grounds.
24. In accordance with the Planning Obligations Supplementary Planning Document, the proposed development would attract a contribution of £22,500 towards transport infrastructure improvements within the surrounding area in order to mitigate any potential impact upon the highway network. The applicant has agreed to meet this obligation. In addition the Local Highways Authority has requested the development of a 'signage strategy' within park to/from the Barns Road corridor together with signing to the cycle track on the ring road to be approved and implemented before occupation. A Travel Plan has also been included with the application in accordance with Policy TR2 of the Oxford Local Plan 2001-2016 which sets out how the applicant will promote sustainable transport measures for staff and visitors to the site. These measures should be secured by condition.
25. At the consultation stage concerns have been raised that the proposal will increase traffic problems in the area and that appropriate traffic management proposals should be sought if permission was granted. The above-mentioned financial contributions and signage strategy are designed to improve the local highway network and need to be considered in the context of the more recent permissions within the Business Park. In December 2012, permission was granted for an extension to the original outline planning permission for the Business Park under 12/01424/EXT. As part of this permission a number of measures were secured to improve the transport infrastructure in the area. This included the development of a site wide Travel Plan, and the appointment of a Travel Plan co-ordinator to oversee the whole Business Park; the provision of notice boards within plots to alert staff to public transport information together with cycling and walking routes, and also contributions of £25,000 towards providing real-time information at the bus stops on Garsington Road; improved signage on the approaches to Barns Road/Bartholomew Road junction; and improved footpath access to bus stops on Barns Road. In addition the recent development of the Centrica Headquarters (11/00707/RES) was granted permission subject to a condition requiring a Travel Plan for the development which sets out how the occupants would promote sustainable travel to and from

the development and set out realistic targets for achieving these aims. This document has recently been approved and was developed in conjunction with the Local Highways Authority. Therefore officers would make clear that the traffic management measures sought as part of this current proposal form part of a suite of measures that have recently been secured from other developments in order to improve the existing transport infrastructure within the park.

26. The Local Highways Authority has raised no objection to the level of vehicle and cycle parking within the site under Policy TR3 and TR4 of the Local Plan. The layout of these areas is also considered acceptable and should be subject to a condition requiring them to be laid out as shown on the plan. In addition conditions should also be attached for the development of a Lighting Scheme so as to not impact on the adjacent ring-road

### **Sustainability**

27. An Energy and Resource Impact Statement has been submitted as required by Policy CP18 of the Local Plan, and the NRIA Supplementary Planning Document.
28. Overall the statement is very good. The NRIA scores 8/11 and exceeds the requirements for 20% on-site renewable or low carbon energy through the provision of a combination of heat pump technology and biofuel Combined Heat and Power. The total predicted renewable energy contribution to the scheme is 21.5%. The scheme also proposes high insulation levels reducing the actual heating energy required. The proposed solution results in a 12.5% improvement on the 2010 Building Regulations which surpasses the maximum requirements of the NRIA. Therefore officers consider that the proposed development would accord with the aims and objectives of Policy CP18 of the Local Plan.

### **Biodiversity**

29. Policy SP42 states that a biodiversity survey will be expected to ensure that any development would have no adverse impact upon UKBAP habitat. In addition Policy CS12 recognises that developments will not be permitted that result in the net loss of sites and species of ecological value and where there is opportunity development is expected to enhance Oxford's biodiversity.
30. The application has not included a biodiversity survey however officers have conducted a site visit and consider that the proposed development will not have an adverse impact upon UKBAP habitat. The site is made up of dry grassland with typical roadside plants and grasses. It appears to be on a calcareous substrate but there is no evidence of any calcareous grass species. Therefore there is no evidence that a further survey is required to ascertain if it is a priority habitat.
31. The main interest in the site is as a habitat for Sky Larks and Bee Orchids. There was evidence of both of these species on site and Sky Larks are a designated as a national priority species. While the presence of these species should not represent a constraint on developing the site, suitable conditions should be attached to manage. A condition should be attached requiring the mapping of the

bee orchids, and either translocation on site or to a suitable receptor site. The current landscaping plan shows soil import and planting that would not be compatible to retaining the bee orchids on site. Therefore a condition should be attached requiring a revised landscape plan.

32. In terms of the Sky Larks, these are a priority species, and the proposed development would have an impact. However it is considered that it would be appropriate to secure a financial payment of £2,000 towards off-site compensation which would be spent on improving Sky Lark habitats on sites within Oxford.

33. As such officers consider that subject to appropriate conditions the proposal would accord with Policy S42 of the Sites and Housing Plan and Policy CS12 of the Oxford Core Strategy 2026.

### **Archaeology**

34. An archaeological desk based assessment has been submitted for this site by Museum of London Archaeology (2012). The report notes the potential for Roman archaeology in this location and that whilst the site is located some distance from the known centres of settlement, there remains potential for Roman features (pottery kilns, and/or settlement or agriculture associated with the Roman road to the east) to extend into the site. Furthermore the report notes that the site was formerly occupied by a building belonging to the 20th century Morris Car Works. Any early remains that may contribute to our understanding of the car plant layout would be of local interest. Therefore a condition should be attached requiring a written scheme of investigation to be carried out.

### **S106 Contributions**

35. Policy CS24 of the Core Strategy and the Affordable Housing SPD recognises that commercial development can put pressure on the housing market in Oxford by encouraging new employees to move to Oxford who may otherwise have not done so. The Planning Obligations and Affordable Housing SPD set the mechanisms from seeking such a contribution. In this case, the applicant has agreed to provide £60,034 towards Affordable Housing Provision which is considered acceptable under the terms of the policy.

36. The Planning Obligations Supplementary Planning Document also states that a commercial scheme of this size would be required to provide public art, either within the site or the design of the building or through a contribution. The applicant has agreed to a contribution of £18,876.00 towards public art.

### **Drainage**

37. Having regards to the extent of hard surfacing proposed within the development, the Oxfordshire County Council Drainage Team have recommended that a Sustainable Urban Drainage scheme should be developed with appropriate flood storage and corridors. This should be secured by condition.

## **Contaminated Land**

38. A Geo-Environmental Investigation and Phase 1 Desk Study have been included with the application to assess the potential land contamination impacts. The site is located on the former motor works and is one of the remaining undeveloped plots. The works were decommissioned and contamination remediation was undertaken in a number of locations across the former car factory in the 1990s in preparation for the redevelopment as a business park. The Phase 1 Study makes reference to the fact that the site formerly housed part of the motor works but there is no information on what part of the factory was located here and the processes likely to have been carried out in this location. Furthermore there is no information on the decommissioning of the site and any previous remediation.

39. It is the developer's responsibility to ensure that the site is suitable for use and therefore any risk assessment should provide sufficient information to adequately assess the risks at the site. The Phase 1 and 2 studies do not provide enough information in this regard. However, Environmental Development Officers accept the results of the site investigations which show only minor exceedences of contamination on site. The lack of contamination (and amount of made ground) could be a result of the material imported onto the site as part of the decommissioning of the car factory and remediation works undertaken in the 1990s. As the proposal is for commercial development where the entire site is proposed to be covered in hardstanding, the recorded exceedences of contamination are not considered significant and the risk to end users, groundwater and building services is low. Therefore it is recommended that any permission is subject to condition requiring a watching brief to be kept on ground conditions throughout the development works so that in the event any contamination is discovered that this is dealt with appropriately. The watching brief should also include assurances that site workers are adequately protected in the event that asbestos is discovered on site.

## **Conclusion:**

40. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and National Planning Policy Framework and therefore officer's recommendation to the Members of the East Area Planning Committee is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contributions as set out above.

## **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

**Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 3<sup>rd</sup> April 2013

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