

Planning Department  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA

**Date:** 16 June 2023

**Our ref:** 62047/01/DL/26663086v6

Dear Sir/Madam

## **Cherwell District Council: Begbroke Science Park - Section 96A Application for Non-Material Amendments to Reserved Matters Approval ref. 21/03150/REM**

On behalf of our client, Begbroke Oxford Limited (BOL), Lichfields has submitted today via Planning Portal (PP-12220159) an application for Non-Material Amendments to Reserved Matters Approval (Ref. 21/03150/REM) (dated 27<sup>th</sup> January 2022) for:

*'Reserved Matters application for 18/00803/OUT – the design, layout, external appearance and landscaping (as required by OPP Condition 1). It also includes the information required by conditions 4, 5 and 21 of the OPP. Submitted scheme also accords with the requirements of conditions 6, 7, 8, 9 and 14 of the OPP'*

### **Application Submission**

- 1 Completed Application form prepared by Lichfields;
- 2 The following application drawings, prepared by NBBJ:
  - i Proposed Ground Floor Plan – Academic Building (Drawing no: BBSP-NBBJ-AB-00-DR-A-501040/C02)
  - ii Proposed First Floor Plan – Academic Building (Drawing no: BBSP-NBBJ-AB-01-DR-A-501041/C02)
  - iii Proposed Roof Plan – Academic Building (Drawing no: BBSP-NBBJ-AB-RF-DR-A-501044/C02)
  - iv Proposed Elevations – Academic Building N-S (Drawing no: BBSP-NBBJ-AB-XX-DR-A-502020/C02)
  - v Proposed Elevations – Academic Building E-W (Drawing no: BBSP-NBBJ-AB-XX-DR-A-502021/C02)

- vi Proposed Sections – Academic Building (Drawing no: BBSP-NBBJ-AB-XX-DR-A-503030/C02)
  - vii Proposed Ground Floor Plan – Commercial Building (Drawing no: BBSP-NBBJ-CB-00-DR-A-501020/C02)
  - viii Proposed Plant Floor Plan – Commercial Building (Drawing no: BBSP-NBBJ-CB-03-DR-A-501023/C02)
  - ix Proposed Roof Plan – Commercial Building (Drawing no: BBSP-NBBJ-CB-RF-DR-A-501024/C02)
  - x Proposed Elevations – Commercial Building N-S (Drawing no: BBSP-NBBJ-CB-XX-DR-A-502010/C02)
  - xi Proposed Elevations – Commercial Building E-W (Drawing no: BBSP-NBBJ-CB-XX-DR-A-502011/C02)
  - xii Proposed Elevations – Commercial Building Typical Gas Stores (Drawing no: BBSP-NBBJ-CB-XX-DR-A-502012/C02)
  - xiii Proposed Sections – Commercial Building (Drawing no: BBSP-NBBJ-CB-XX-DR-A-503020/C02)
  - xiv Proposed Site Plan – Zone C (Drawing no: BBSP-NBBJ-ZZ-XX-DR-A-501011/C02)
  - xv Proposed Site Plan – Zone B (Drawing no: BBSP-NBBJ-ZZ-XX-DR-A-501012/C02)
  - xvi Proposed Elevations & Sections – Academic Building Services Building (Drawing no: BBSP-NBBJ-ZZ-XX-DR-A-502023/C02)
- 3 The following application drawings, prepared by Assemble:
- i Proposed GA (Drawing no: BBSP-ASSE-XX-XX-DR-A-301001/1259\_05\_120)
  - ii Proposed Drainage Plan and Setting Out (Drawing no: BBSP-ASSE-XX-XX-DR-A-301002/1259\_05\_121)
  - iii Proposed Section AA (Drawing no: BBSP-ASSE-XX-XX-DR-A-403001/1259\_05\_140)
  - iv Proposed Section BB (Drawing no: BBSP-ASSE-XX-XX-DR-A-403002/1259\_05\_141)
  - v Proposed Section CC + DD (Drawing no: BBSP-ASSE-XX-XX-DR-A-403003/1259\_05\_142)
  - vi Proposed External Elevations (Drawing no: BBSP-ASSE-XX-XX-DR-A-302001/1259\_05\_150)
  - vii Stone Furniture (Drawing no: BBSP-ASSE-XX-XX-DR-A-725001/1259\_05\_160)
  - viii Stone Sink (Drawing no: BBSP-ASSE-XX-XX-DR-A-725002/1259\_05\_161)
  - ix Details of Creation and Enhancement of Public Art (Begbroke Science Park Public Art Proposal prepared by Assemble – Submission to accompany Reserved Matters Application Revised 15<sup>th</sup> June 2023)
  - x Path Interface Detail (Drawing no: BBSP-ASSE-XX-XX-DR-A-725003/1259\_05\_162)

A payment of £234 has been made to Cherwell District Council in respect of the requisite planning application fee.

## **Background**

Cherwell District Council on 17<sup>th</sup> September 2018 granted 'Outline planning permission, with all matters except for access reserved for subsequent approval, for up to 12,500m<sup>2</sup> of B1a / b / c and ancillary D1 floor space, retention of and improvements to the existing vehicular, public transport, pedestrian and cycle access including internal circulation routes; associated car parking including re-disposition of existing car parking; associated hard and soft landscape works; any necessary demolition (unknown at this stage); and associated drainage, infrastructure and ground re-modelling works.' (ref. 18/00803/OUT) to the site.

Following the granting of the above outline planning permission, a Reserved Matters Application for 'the design, layout, external appearance and landscaping (as required by OPP Condition 1). It also includes the information required by conditions 4, 5 and 21 of the OPP. Submitted scheme also accords with the requirements of conditions 6, 7, 8, 9 and 14 of the OPP' (ref. 21/03150/REM) was submitted and subsequently permitted on 27<sup>th</sup> January 2022.

Since the granting of the outline planning permission and reserved matters approval, a number of discharge of condition and non-material amendment applications have been submitted and approved. Of relevance to this application is the Non-Material Amendment application (ref. 22/01610/NMA) to the Reserved Matters Approval for: 'Change from one single central flue on the academic building to several which would be 300mm higher than those previously approved plus changes to the design of the approved weed garden, including the addition of a ramp, relocation of the sink and events area and a material change of the main access path from Colas Fibredec to stone crazy paving (proposed as non-material amendments to 21/03150/REM)', which was approved on 28<sup>th</sup> June 2022.

## **Proposed Amendments**

As BOL has progressed with the detailed design of the reserved matters approval it has become apparent that there is a need for a few minor changes to the design, as follows:

- 1 Roof cowls are proposed to be added to the Academic Building Services Building. Ventilation Grille cut-outs are to be removed from the perforated metal cladding panels and relocated to within the blockwork walls behind. One single door is to be moved from the West Elevation to East Elevation.
- 2 Enclosed roof plant and lift overrun massing on both buildings revised.
- 3 In respect of the entrance curtain wall of the Commercial Building, horizontal louvres are to be removed from ground floor elevation but retained on upper floors.
- 4 Minor updates to the compound massing and roofscape of the gas compounds of the Commercial Building.
- 5 Minor updates to the landscaping finishes albeit the overall landscape strategy remains unchanged.

The design and setting out of the weed garden<sup>1</sup> has also evolved during the detailed design stage from that approved with the Reserved Matters submission and amended slightly by the June 2022 NMA. The minor changes are reflected on the updated drawings and it is also proposed that the drystone wall will be constructed with lime mortar instead to allow for a more robust wall.

Condition 2 attached to Ref. 21/03150/REM requires that, except where otherwise stipulated by conditions attached to the permission, the development shall be carried out strictly in accordance with the application forms and the plans and documents listed.

As a result of the above it is necessary to substitute/replace the approved plans listed in Table 1 below.

Table 1 Plans to be substituted

Drawing Title	Original drawings/documents submitted alongside the RMA ref. 21/03150/REM	Revised drawings/documents submitted alongside the NMA ref. 22/01610/NMA	Latest drawings/documents superseding the previous ones/New drawings
<b>Academic Building</b>			
Proposed Ground Floor Plan – Academic Building	BBSP-NBBJ-AB-00-DR-A-501040/P4	/	BBSP-NBBJ-AB-00-DR-A-501040/C02
Proposed First Floor Plan – Academic Building	BBSP-NBBJ-AB-01-DR-A-501041/P4	/	BBSP-NBBJ-AB-01-DR-A-501041/C02
Proposed Roof Plan – Academic Building	BBSP-NBBJ-AB-RF-DR-A-501044/P2	BBSP-NBBJ-AB-RF-DR-A-501044/P5	BBSP-NBBJ-AB-RF-DR-A-501044/C02
Proposed Elevations – Academic Building N-S	BBSP-NBBJ-AB-XX-DR-A-502020/P4	BBSP-NBBJ-AB-XX-DR-A-502020/P7	BBSP-NBBJ-AB-XX-DR-A-502020/C02
Proposed Elevations – Academic Building E-W	BBSP-NBBJ-AB-XX-DR-A-502021/P3	BBSP-NBBJ-AB-XX-DR-A-502021/P6	BBSP-NBBJ-AB-XX-DR-A-502021/C02
Proposed Sections – Academic Building	BBSP-NBBJ-AB-XX-DR-A-503030/P3	BBSP-NBBJ-AB-XX-DR-A-503030/P6	BBSP-NBBJ-AB-XX-DR-A-503030/C02
Proposed Elevations & Sections – Academic Building Services Building	BBSP-NBBJ-ZZ-XX-DR-A-502023/P3	BBSP-NBBJ-ZZ-XX-DR-A-502023/P6	BBSP-NBBJ-ZZ-XX-DR-A-502023/C02
Proposed Site Plan – Zone B	BBSP-NBBJ-ZZ-XX-DR-A-501012/P5	/	BBSP-NBBJ-ZZ-XX-DR-A-501012/C02
<b>Commercial Building</b>			
Proposed Ground Floor Plan – Commercial Building	BBSP-NBBJ-CB-00-DR-A-501020/P4	/	BBSP-NBBJ-CB-00-DR-A-501020/C02
Proposed Plant Floor Plan – Commercial Building	BBSP-NBBJ-CB-03-DR-A-501023/P3	/	BBSP-NBBJ-CB-03-DR-A-501023/C02
Proposed Roof Plan – Commercial Building	BBSP-NBBJ-CB-RF-DR-A-501024/P2	/	BBSP-NBBJ-CB-RF-DR-A-501024/C02

<sup>1</sup> Which forms public art for the purposes of condition 21 of outline planning permission ref 18/00803 (specifically the condition requires these proposals to form part of the Reserved Matters Submission – as they do for RM 21/03150/REM as amended)

Drawing Title	Original drawings/documents submitted alongside the RMA ref. 21/03150/REM	Revised drawings/documents submitted alongside the NMA ref. 22/01610/NMA	Latest drawings/documents superseding the previous ones/New drawings
Proposed Elevations – Commercial Building N-S	BBSP-NBBJ-CB-XX-DR-A-502010/P4	/	BBSP-NBBJ-CB-XX-DR-A-502010/C02
Proposed Elevations – Commercial Building E-W	BBSP-NBBJ-CB-XX-DR-A-502011/P3	/	BBSP-NBBJ-CB-XX-DR-A-502011/C02
Proposed Elevations – Commercial Building Typical Gas Stores	BBSP-NBBJ-CB-XX-DR -A-502012/P2	/	BBSP-NBBJ-CB-XX-DR-A-502012/C02
Proposed Sections – Commercial Building	BBSP-NBBJ-CB-XX-DR-A-503020/P3	/	BBSP-NBBJ-CB-XX-DR-A-503020/C02
Proposed Site Plan – Zone C	BBSP-NBBJ-ZZ-XX-DR-A-501011/P4	/	BBSP-NBBJ-ZZ-XX-DR-A-501011/C02
<b>Weed Garden/Public Art</b>			
Proposed GA	/	BBSP-ASSE-XX-XX-DR-A-301001/1259_04_120	BBSP-ASSE-XX-XX-DR-A-301001/1259_05_120
Proposed Drainage Plan and Setting Out	/	BBSP-ASSE-XX-XX-DR-A-301002/1259_04_121	BBSP-ASSE-XX-XX-DR-A-301002/1259_05_121
Proposed External Elevations	/	BBSP-ASSE-XX-XX-DR-A-302001/1259_04_150	BBSP-ASSE-XX-XX-DR-A-302001/1259_05_150
Proposed Section AA	/	BBSP-ASSE-XX-XX-DR-A-403001/1259_04_140	BBSP-ASSE-XX-XX-DR-A-403001/1259_05_140
Proposed Section BB	/	BBSP-ASSE-XX-XX-DR-A-403002/1259_04_141	BBSP-ASSE-XX-XX-DR-A-403002/1259_05_141
Proposed Section CC+DD	/	BBSP-ASSE-XX-XX-DR-A-403003/1259_04_142	BBSP-ASSE-XX-XX-DR-A-403003/1259_05_142
Stone Furniture	/	BBSP-ASSE-XX-XX-DR-A-725001/1259_04_160	BBSP-ASSE-XX-XX-DR-A-725001/1259_05_160
Stone Sink	/	BBSP-ASSE-XX-XX-DR-A-725002/1259_04_161	BBSP-ASSE-XX-XX-DR-A-725002/1259_05_161
Path Interface Detail	/	BBSP-ASSE-XX-XX-DR-A-975001/1259_04_162	BBSP-ASSE-XX-XX-DR-A-725003/1259_05_162
Details of Creation and Enhancement of Public Art	Begbroke Science Park Public Art Proposal by Assemble – Submission to accompany Reserved Matters Application 25 <sup>th</sup> August 2021	/	Begbroke Science Park Public Art Proposal by Assemble – Submission to accompany Reserved Matters Application Revised 15 <sup>th</sup> June 2023

## **Assessment**

Under Section 96A of the Town and Country Planning Act 1990 an application can be made to the local planning authority to make a change to any planning permission. The local planning authority is empowered to make a change under section 96a *“if they are satisfied that the change is not material”*.

The proposed minor changes to the design of buildings and public art (the weed garden) are required for practicality and on health and safety grounds. They will not result in a material change to the form or layout of the overall development. On this basis, it is not considered that the proposed change would modify the development to such an extent as to constitute a material amendment to the scheme.

## **Conclusion**

We trust you have sufficient information to validate and determine this application. In the meantime, if you have any queries, please do not hesitate to contact me or my colleague Sarah Moorhouse.

Yours faithfully



**Florence Leung**  
Planner