

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

Date: 28 July 2022

Our ref: 62047/01/DL/SM/SWt/

Your ref: 18/00803/OUT

Dear Sir/Madam

Cherwell District Council: Begbroke Science Park, Begbroke Hill, Begbroke, Kidlington, OX5 1PF

On behalf of our client, Oxford University Development Ltd (OUD), please find enclosed an application for a Non-Material Amendment (NMA) to full planning application (Ref. 21/03195/F) (dated 4 February 2022) for:

“Formation of surface car park and service building (including substation, sprinkler tanks and EV charging infrastructure)”.

This application effectively comprises a resubmission of application Ref. 22/01789/NMA which was submitted on 16 June 2022 and subsequently refused by the Council on 14 July 2022. It contains additional information to address the queries that they raised following the determination of this (see background section overleaf for more details).

Application Documents

The following accompany this covering letter and application submission:

- 1 Completed application form, prepared by Lichfields;
- 2 The following application drawings, prepared by Fira/ Ramboll:
 - Landscape Masterplan [Drawing no. LP2264-FIR-00-ZZ-DR-L-0001/08];
 - Car Park Landscape General Arrangement [Drawing no. LP2264-FIR-00-ZZ-DR-L-0002/05];
 - Construction Details [Drawing no. BBSP-RAMB-CP-XX-DR-C-000510/P04];
 - Zone C Proposed Surface Water Drainage Layout [Drawing no. BBSP-RAMB-ZC-XX-DR-C-000103/P04];

- Pavements Plan [Drawing no. BBSP-RAMB-ZZ-XX-DR-C-00500/PO4].¹

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

Background

This application effectively comprises a resubmission of application Ref. 22/01789/NMA which was submitted on 16 June 2022 and subsequently refused by the Council on 14 July 2022 for the following reason: *“The proposal is considered to be a material change to the approved scheme because the change in material would impact the drainage strategy for the car park”*. Following subsequent discussions with the case officer the applicant has confirmed that:

“The porous block paving previously proposed for the parking bays in the surface car park was replaced with a porous asphalt material in the current design proposal. The proposed pavement build-up in the surface car park aisles are unchanged and comprises an impermeable asphalt concrete pavement build-up.

The car parking bays include a porous/permeable pavement build-up with a sub-base drainage layer made up of coarse graded material. The permeable pavement build-up in the parking bays allow for surface water infiltration to ground, however, for the parking bays nearest the ancillary buildings (to the north of the Commercial Building) the sub-base drainage layer is used to attenuate surface water run-off which is carried in a perforated pipe (in the sub-base layer) to the soakaway tank.

Surface water run-off from the surface car park aisles are collected in linear drainage channels and conveyed by pipe network to the nearby soakaway tank.

The proposed drainage strategy in the surface car park is unchanged from the surface water drainage strategy previously developed for planning”.

On this basis, given that there is no change to the approved drainage strategy as a result of the proposed change in surface material of the parking bays and that the change will not alter the construction layers and the volume of attenuation will remain the same the Council have informally confirmed that it is appropriate to seek to address this matter through the NMA route and thus the scope of this application remains unchanged to that of Ref. 22/01789/NMA.

Proposed Amendments

As OUD has progressed with the detailed design of approved application 21/03195/F it has become apparent that there is a need to change the permeable block paving to parking bay surfacing with a porous bituminous macadam surface.

Condition 2 attached to Ref. 21/03195/F 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 changes, it is necessary to substitute/replace the approved plans listed in Table 1 in respect of the proposed surface change.

¹ This did not accompany application Ref. 22/01789/NMA

Table 1 Plans to be substituted

Drawing title	Original drawing number	Superseded/ New drawing number
Landscape Masterplan	LP2264-FIR-00-ZZ-DR-L-0001/05	LP2264-FIR-00-ZZ-DR-L-0001/08
Car Park Landscape General Arrangement	LP2264-FIR-00-ZZ-DR-L-0002/03	LP2264-FIR-00-ZZ-DR-L-0002/05
Construction Details	BBSP-RAMB-CP-XX-DR-C-000510/P01	BBSP-RAMB-CP-XX-DR-C-000510/P04
Car Park Foul and Surface Water Drainage Layout	BBSP-RAMB-CP-XX-DR-C-000110/P02	BBSP-RAMB-CP-XX-DR-C-000103/P04
Pavements Plan	N/A	BBSP-RAMB-ZZ-XX-DR-C-00500/P04

Assessment of the Proposed Amendments

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 Non-Material Amendment proposes the substitution of permeable block paving to parking bay surfacing with a porous bituminous macadam surface. This design change is in response to design and technical constraints which have become apparent during the design stages following the planning submission. There have been frequent failures using permeable block paving which also has high maintenance requirements therefore porous bituminous macadam surface is considered a more appropriate solution.

Overall, the proposed new surface material to the parking bays will ensure that an alteration to the surface material will have minimal impact on the proposed development’s water management and drainage strategy.

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 the application within the statutory period. In the meantime, if you have any queries regarding this application, please do not hesitate to contact me or my colleague Sarah Moorhouse.

Yours sincerely



Daniel Lampard
Senior Director