

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

Date: 09 September 2021
Our ref: 62047/01/DL/SM/SWt/
Your ref: 18/00803/OUT

Dear Ms Owens

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 Outline Planning Permission (OPP) ref. 18/00803 (dated 17 September 2018) for:

“Outline planning permission, with all matters except for access reserved for subsequent approval, for up to 12,500m² 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”.

Application Documents

The application submission comprises this covering letter along with a completed application form.

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

Proposed Amendments

Condition 18 of the OPP requires that, prior to the commencement of the development, full specification details of *“the turning area and 414 parking spaces within the curtilage of the site”* amongst other elements must be submitted to, and approved by CDC. As OUD has progressed with the detailed design of the Reserved Matters Submission (RMS) a review of options to provide the required level of car parking has been undertaken and it has been concluded that this cannot be reasonably or viably achieved solely within the red line area of the OPP. The red line area of the OPP can only accommodate a total of 161 spaces, including 10 accessible spaces.

It is therefore proposed to provide the additional 253 spaces required outside of, but adjacent to, the OPP redline boundary. The additional 253 spaces would bring the total number of spaces across the Science Park to 414 in line with the requirements of Condition 18. The new surface car park to provide the additional 253 spaces is the subject of a full planning application submitted under separate cover.

The applicant recognises that the purpose of Condition 18 is (in part) to provide comfort that 414 car parking spaces will be provided at Begbroke Science Park. The revisions sought through this NMA application and the accompanying planning application for the car park means the required level of car parking is provided, albeit not in the form envisaged within the OPP.

Consequently, OUD seek to amend the wording of Condition 18 so that it refers to the wider science park. We set out the current and the proposed drafting for Condition 18 below.

Condition 18

Condition 18 attached to OPP 18/00803 states:

“Prior to the commencement of the development hereby permitted, full specification details (including construction, layout, surfacing and drainage) of the turning area and 414 parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority. . Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.”

We request that this condition be amended to read (deletions ~~struck through~~ and additions in **bold**):

*“Prior to the commencement of the development hereby permitted, full specification details (including construction, layout, surfacing and drainage) of the turning area and 414 parking spaces within the ~~curtilage of the~~ **wider Begbroke Science Park** site, arranged so that motor vehicles may enter, turn and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.*

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework”.

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”.

Given that the proposals seek a very limited amendment to the wording of OPP Condition 18 so that it relates to the wider Science Park and not just the red line of the OPP and will not result in any material change to the form or appearance of the overall development nor alter the approved description of development we consider that it is appropriate to deal with the proposed changes through a s96a application. The substantive physical works (i.e. the creation of a new car park) are addressed within the corresponding application seeking full planning permission for this.

Recent discussions with planning officers at CDC have confirmed that, in principle, they accept that it is appropriate to seek to address this matter through the NMA route.

The proposed change is essentially to give comfort and to provide clarity that a total of 414 car parking spaces will be provided. Overall, it is not considered that the proposed changes to the wording of Condition 18 can be considered to modify the development to such an extent as to constitute a material amendment to the scheme.

Conclusion

We trust that this letter provides sufficient information for the application to be validated and determined 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