

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

**Date:** 5 May 2021

**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 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 12,500m<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”.*

**Application Documents**

The application submission comprises this covering letter along with:

- 1 A completed application form; and
- 2 Land at Begbroke – Framework Plan [Drawing No. UNO001/015/PO1].

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

**Proposed Amendments**

OUD seeks to amend Conditions 6 and 7 of OPP 18/00803 to change the maximum height of the approved development from 12.6 metres to 13.2 metres (at their highest point when measured from ground level, excluding point features and plant). We set out the current and the proposed drafting for each condition in turn below.

**Condition 6**

Condition 6 attached to OPP 18/00803 states:

*“Except where otherwise stipulated by conditions the application shall be carried out in accordance with the following plans and documents;*

*Application forms and drawings "UNO001/010", "UNO001-011", "UNO001/015A", "Archaeological Desk Based Assessment:AC00641A", , Heritage Assessment 3934 May 2018", "Begbroke Science Park Phase 1 Desk Top Study" accompanying this application.*

*Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority 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**):

*“Except where otherwise stipulated by conditions the application shall be carried out in accordance with the following plans and documents;*

*Application forms and drawings "UNO001/010", "UNO001-011", "~~UNO001/015A~~ **UNO001/015/P01**", "Archaeological Desk Based Assessment:AC00641A", , Heritage Assessment 3934 May 2018", "Begbroke Science Park Phase 1 Desk Top Study" accompanying this application.*

*Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework”.*

**Condition 7**

Condition 7 attached to OPP 18/00803 states:

*“The buildings constructed as part of the proposed development shall be no higher than 12.6 metres at their highest point when measured from ground level, excluding point features and plant, as shown on approved drawing UNO001/015A.*

*Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and 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**):

*“The buildings constructed as part of the proposed development shall be no higher than ~~12.6~~ **13.2** metres at their highest point when measured from ground level, excluding point features and plant, as shown on approved drawing ~~UNO001/015A~~ **UNO001/015/P01**.*

*Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and 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 96a “if they are satisfied that the change is not material”.

Given that the proposals comprise a negligible increase in height 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.

Recent discussions with Bernadette Owens and Andy Bateson at Cherwell District Council have confirmed that, in principle, Cherwell accept that it is appropriate to seek to address this matter through the NMA route.

The minor change proposed is sought to allow appropriate floor to ceiling heights for the proposed Class B1 uses. Overall, it is not considered that the proposed changes 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