

**Case Officer:** Bernadette Owens

**Recommendation:** Approve

**Applicant:** Oxford University Development Ltd

**Proposal:** Non-material amendment to 18/00803/OUT - change in maximum height of the development from 12.6 metres to 13.2 metres (at their highest point when measured from ground level, excluding point features and plant)

**Expiry Date:** 9 June 2021

**Extension of Time:** No

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## **1. APPLICATION SITE AND APPROVED DEVELOPMENT**

- 1.1. The application site is situated approximately 3 miles north of Oxford, to the west of Kidlington and is within the Oxford Green Belt, east of the A44 and approximately ½ a mile south of Begbroke. The village of Yarnton is situated approximately ¼ of a mile south of the development site.
- 1.2. The site is surrounded by agricultural land. Parker Farm lies to the east, Yarnton garden centre to the south, with Woodstock Road to the west.
- 1.3. The application site comprises approximately 5.54ha of the existing Begbroke Science Park including the existing vehicular access. The site contains a mixture of buildings of varying age, which are predominantly used for research purposes.
- 1.4. Within the site is a Grade II Listed building referred to as Begbroke Hill Farmhouse. This is located south of the proposed development site. The building lies within its own grounds and is used for office and conference purposes relating to the main use of the Science Park. The site generally is enclosed by a mature and established hedgerow and sporadic tree planting which enclose the overall site on all sides.
- 1.5. The application site is allocated for employment development through Policy Kidlington 1 of the Cherwell Local Plan 2011-2031 Part 1 and benefits from outline planning consent for up to 12,500sqm of B1 (a), (b) and (c) and ancillary D1 floorspace with associated car parking and landscape works.

## **2. DESCRIPTION OF PROPOSED AMENDMENT(S)**

- 2.1. The outline planning consent imposed a maximum height restriction through condition so that development should be no higher than 12.6 metres at its highest point, as indicated on the approved Framework Plan UNO001/015A.
- 2.2. The application seeks a non-material amendment to the approved plans to allow for the maximum height of the development to be increased to 13.2 metres at its highest point, which would enable appropriate floor to ceiling heights to be included to accommodate the R&D B1 uses permitted through the outline consent.
- 2.3. A revised Framework Plan UNO001/015/P01 has been submitted and would supersede the approved Framework Plan referenced in conditions 6 and 7 attached to the outline consent.

### **3. RELEVANT PLANNING HISTORY**

3.1. The following planning history is considered relevant to the current proposal:

18/00803/OUT – 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. APPROVED.

### **4. PUBLICITY AND CONSULTATION**

4.1. There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission.

### **5. APPRAISAL**

5.1. The key issue for consideration in this case is whether the proposed change(s) can be accepted as non-material; there is no consideration of the planning merits of the proposed changes.

5.2. Section 96A of the Town and Country Planning Act 1990 (as amended) states that: “A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material”. It is also stated that: “In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted”.

5.3. The National Planning Practice Guidance states that: “There is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme - an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application”. The judgement on materiality in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just part of it. The benchmark for forming the judgement on materiality is always the original permission.

5.4. The development proposed and consented under planning permission 18/00803/OUT is situated on the northern side of the existing Begbroke Science Park and forms an extension to the existing built form at this location. The Framework Plan submitted and approved set a maximum building height of 12.6 metres. Officers imposed a condition to secure this.

5.5. When considering the impact of the development (of up to 12.6m in height) at the outline stage, the landscape and visual impact of the proposals was considered within the context of the existing built form and the mature trees and landscaping to the boundary of the site, supported by a Design and Access Statement and a Landscape and Visual Appraisal submitted with the application. The officer report concluded that the proposals would have a negligible impact and that there would likely be a limited landscape impact as a result of the development.

- 5.6. Notwithstanding this, it was considered that the visual impact of the development should be further assessed at the detailed reserved matters stage and a further condition was imposed to secure the submission of a Landscape Impact Assessment to support any reserved matter application in order to further assess the impact of the proposed buildings.
- 5.7. The proposed increase in height from 12.6m to 13.2m (an increase of just 60cm or 5%) is considered to be a small increase when viewed in the context of the wider development and its surroundings. As set out above, the site is already well developed, comprising a number of buildings of comparable scale and mass surrounded by an established and mature boundary vegetation and trees and it is against that background and context that this minor height increase will be viewed.
- 5.8. Since the consideration of the outline consent, the Cherwell Local Plan 2011-201 (Part 1) Partial Review – Oxford’s Unmet Housing Need has now been adopted (September 2020) which allocates some 190 hectares of land east of the A44, which surrounds the existing Begbroke Science Park and reserves land to the north for significant employment development. This will ultimately alter the wider context within which the Science Park is situated as well as the wider landscape.
- 5.9. On this basis, it is considered that the proposed increase in the height restriction for development on this site would be non-material. In addition, any detailed proposals coming forward through reserved matter applications would also be supported by an up to date Landscape Impact Assessment, as required by the outline consent.

## **6. CONCLUSION**

- 6.1. The proposal is considered to be non-material and the application is therefore recommended for approval.

Case Officer: Bernadette Owens

DATE: 8 June 2021

Checked By: Andy Bateson

DATE: 8<sup>th</sup> June 2021

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