

Case Officer: Bernadette Owens **Recommendation:** Approve

Applicant: Oxford University Development Ltd

Proposal: Change to the wording of condition 18 (car parking spaces) (proposed as non-material amendment to 18/00803/OUT)

Expiry Date: 19 November 2021 **Extension of Time:** 17 December 2021

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. Condition 18 of the outline consent requires that full specification and details of the provision of 414 parking spaces within the Science Park site be submitted and approved prior to the commencement of development. Thereafter, the car parking spaces shall be provided prior to the occupation of the building.
- 2.2. The development proposals for the reserved matters consent and the provision of the approved 12,500m² of floorspace have been progressed by the applicant which has included a review of options to provide the required level of car parking. This review has found that the required 414 car parking spaces cannot be viably achieved within the red line area of the outline consent.
- 2.3. A separate full planning application (21/03195/F) has been submitted concurrently with the current reserved matters application (21/03150/REM) and it is proposed that 161 spaces will be accommodated within the red line area and that the further

253 spaces within a surface level car park on land outside the red line area of the outline consent but within the Science Park boundary.

- 2.4. This application therefore seeks a non-material amendment to vary the wording on condition 18 as follows:

“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”.

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 12,500m² 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 - 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*”.

- 5.4. 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.
- 5.5. The proposed revised condition wording allows the applicant to achieve the requirements of the outline consent and meet the needs of the site wide need for car parking within the boundary of the Begbroke Science Park site thus securing and supporting the future development of the Science Park site.
- 5.6. It is considered that the revised condition wording would be non-material.
- 5.7. The merits of planning application 21//03195/F will be assessed separately.

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: 6th December 2021

Checked By: Andy Bateson

DATE: 17th December 2021
