

Case Officer: Linda Griffiths

Recommendation: Approve

Applicant: Oxford University Development Ltd

Proposal: Change from one single central flue on the academic building to several which would be 300 mm higher than those previously approved plus changes to the design of the approved weed garden, including the addition of a ramp, relocation of the sink and events area and a material change of the main access path from Colas Fibredec to stone crazy paving (proposed as non-material amendments to 21/03150/REM)

Expiry Date: 27 June 2022

Extension of Time: 28 June 2022

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application site is situated within the Begbroke Science Park approximately 3 miles north of Oxford, to the west of Kidlington, east of the A44 and approximately ½ mile south of Begbroke village. The village of Yarnton is situated approximately ¼ of a mile south of the site. The landscape is generally flat and land immediately to the north and east forms part of the strategic development allocation PR8 in the adopted Development Plan.
- 1.2. The approved development consists of two buildings (an academic building and a commercial research building) totalling 12,500sqm to develop the Begbroke Science Park campus and create new research facilities and high-quality workspaces.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. The applicant's agent advises that as the detailed design has progressed, it has become apparent that there is an operational need for several flues on the roof of the academic building rather than one single central flue and these would also need to be 300mm higher than previously approved.
- 2.2. In addition, the design of the Weed Garden has changed as a consequence of responding to the wider Begbroke scheme. Due to an identified level change of 280mm on the eastern side of the site, a gentle ramp from the east into the site is now required.
- 2.3. The main access path through the centre of the site has changed from Colas Fibredec to stone crazy paving, a material which can be locally sourced.

3. RELEVANT PLANNING HISTORY

- 3.1. Begbroke Science Park has a long planning history with a significant number of applications of varying types over a significant period of time. The majority of proposals have been to increase the number and scale of buildings on the site and to complement and extend the existing R and D facilities as well as other complementary uses within the site.
- 3.2. The following planning history is considered relevant to the current proposal:

18/00803/OUT – outline planning permission granted September 2018 for up to 12,500m² of B1a/b/c buildings;

21/01699/NMA – amendment to 18/00803/OUT to raise height of approved buildings, granted June 2021;

21/03150/REM – reserved matters consent to 18/00803/OUT, granted January 2022.

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 application is accompanied by a Landscape and Visual Addendum that concludes that the proposed alternative flues would be inconsequential in nature and the level of effects of landscape and visual receptors would remain unchanged from the approved scheme. There is no reason to disagree with this conclusion.

- 5.5. In addition, the proposed changes to the weed garden are needed for practicality and accessibility and do not materially affect the use, accessibility or appearance of the scheme.

- 5.6. Having regard to the above, it is not considered that the proposed changes would materially impact the approved development and are therefore acceptable as non-material amendments.

6. CONCLUSION

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

Case Officer: Linda Griffiths

DATE: 23 June 2022

Checked By: Andy Bateson

DATE: 28th June 2022
