

Case Officer: Hansah Iqbal

Recommendation: Refuse

Applicant: Oxford University Development Ltd

Proposal: Substitution of permeable block paving to parking bay surfacing with a porous bituminous macadam surface (proposed as non-material amendment to 21/03195/F)

Expiry Date: 14 July 2022

1. APPLICATION SITE AND APPROVED DEVELOPMENT

The application site is situated within the Begbroke Science Park approximately 3miles north of Oxford, to the west of Kidlington, east of the A44 and approximately 0.5miles south of Begbroke village. The landscape is generally flat and land immediately to the north and east forms part of the strategic development.

The site includes an academic building and a commercial research building.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

The applicant seeks for non-material amendment to 21/03195/F for the substitution of permeable block paving to parking bay surfacing with porous bituminous macadam surface.

3. RELEVANT PLANNING HISTORY

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

18/00803/OUT – outline planning permission granted September 2018 for upto 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;

22/01610/NMA – amendment to 21/03150/REM, granted June 2022.

4. PUBLICITY AND CONSULTATION

There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission. However, the Building Control Department at CDC was consulted and provided the following comment:

The change from permeable paving to a porous asphalt surface will entail a change in surface water drainage strategy. Therefore revised car-parking drainage details will be required.

5. APPRAISAL

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.

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".

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.

The proposals seek to substitute the materials for the surface car park from porous paving with tarmac finish block paving to parking bay with bituminous macadam surface. Given the nature of the material proposed, the change would affect the drainage of the parking surface. It is therefore considered that control should therefore be exercised, and planning permission sought. It is therefore concluded that the application should therefore be resisted.

6. CONCLUSION

The proposal is considered to be a material change to the approved scheme because the change in material would impact the drainage of the car park. The application is therefore recommended for refusal.

Case Officer: Hansah Iqbal

DATE: 12 July 2022

Checked By: Paul Ihringer

DATE: 14/7/22
