

**Case Officer:** Hansah Iqbal

**Recommendation:** Approval

**Applicant:** Oxford University Development Ltd

**Proposal:** Change to the wording of condition 4 (contamination) (proposed as non-material amendment to 21/03150/REM)

**Expiry Date:** 12 August 2022

**Extension of Time:** No

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

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. The Yarnton village lies approximately ¼ mile south of development site. The landscape is generally flat and land immediately surrounding the Science Park forms part of land allocated for strategic development.

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

Amendments to the wording of condition 4 (contamination) of the permission are proposed as set out below:

### **Original Condition:**

If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

### **Proposed Condition:**

If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out **in that area of the site** until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

## **3. RELEVANT PLANNING HISTORY**

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 B1/a/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 Permitted.

21/03150/REM – Reserved Matters application for 18/00803/OUT – the design, layout, external appearance and landscaping (as required by OPP Condition 1). It also includes the information required by conditions 4,5 and 21 of the OPP. Submitted scheme also accords with the requirements of conditions 6,7,8,9 and 14 of OPP. Application Permitted.

#### **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 following comments have been received:

Environmental Health: No objections

#### **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 proposed revised condition wording is considered acceptable as it would ensure that if contamination were found, the applicant would be stopped only where the contamination is found (where a scheme for remediation would then be needed) and would enable them to continue development otherwise. This would enable the applicant to continue development and achieve the requirements of the outline consent and meet the needs of the site within the boundary of Begbroke Science Park site hence supporting and securing future developments of the site. The Environmental Protection Team have raised no concerns with this proposed amended wording and given the proposal is in an area where contamination is unexpected, this seems a proportionate and acceptable amendment.

It is considered that the revised condition wording would be non-material and is therefore acceptable.

## **6. CONCLUSION**

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

Case Officer: Hansah Iqbal

DATE: 5 August 2022

Checked By: Caroline Ford

DATE: 11 August 2022

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