

Case Officer: Hansah Iqbal

Recommendation: Approve

Applicant: Oxford University Development Ltd

Proposal: Non-material amendment to 21/03195/F - The Non-Material Amendment proposes the substitution of permeable block paving to parking bay surfacing with a porous bituminous macadam surface.

Expiry Date: 2 September 2022

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 a 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)

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

A previous application was made for similar work and refused. A subsequent application has been made with changes and further information as requested to meet the satisfactory requirement of the local planning authority.

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 up to 12,500m² of B1,a/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 – amendments to 21/03150/REM, granted June 2022;

22/01789/NMA – substitution of permeable block paving to parking bay surfacing with porous bituminous macadam surface (proposed as non – material amendment to 21/03195/F), refused July 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 following comments have been received:

OCC Local Highways – no objections

CDC Land Drainage – 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 proposal seeks to substitute the materials for the parking bays from permeable block paving to surfacing with a porous bituminous macadam surface with white lining. Given the nature of the material proposed and the detailed plans provided, the change would not affect the parking surface nor the drainage of the car park. The Council’s Land Drainage Engineer has confirmed this and the proposed surface water drainage layout shows that the proposal would not change the overall drainage approach. The application is therefore recommended for approval.

6. CONCLUSION

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

Case Officer: Hansah Iqbal

DATE: 26 August 2022

Checked By: Caroline Ford

DATE: 02 September 2022
