

Case Officer: Andrew Thompson

Recommendation: Approval

Applicant: Begbroke Oxford Limited

Proposal: Amended wording of condition 17 to allow very minor changes to the approved permissive pedestrian and cycle route (proposed as non-material amendment to 18/00803/OUT)

Expiry Date: 15 August 2023

Extension of Time: No

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application site is situated within the Begbroke Science Park site approximately 3 miles north of Oxford, to the west of Kidlington, east of the A44 and approximately ½ a mile south of the settlement of Begbroke. The settlement of Yarnton is situated approximately ¼ of a mile south of the 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. The landscape is generally flat. Land immediately to the north and east forms part of the strategic development allocation PR8 in the adopted Development Plan.
- 1.3. The existing Begbroke Science Park is bound by existing mature and established vegetation. The site comprises a mixture of buildings of varying age, predominantly used for research purposes. The two development plots are currently vacant and used as temporary car parking zones.
- 1.4. Within the Science Park 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.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. The current wording of Condition 17 states:

“A permissive pedestrian and cycle route between Begbroke Science Park and the restricted byway at Roundham Bridge that is suitable for use year-round, shall be provided in accordance with details and a programme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The details shall include timing for delivery of the permissive pedestrian and cycle route, the location and routing of the connection and design details including the minimum width and surfacing details. The permissive pedestrian and cycle route shall be provided in accordance with the approved details and programme.”

Details have been approved to satisfy this condition (22/00217/DISC).

The proposed post and rail fence from the permissive pedestrian and cycle route is proposed to be removed. This NMA application seeks to vary the wording of the above condition to allow work to be carried out in accordance with the details agreed on site.

2.2. The applicant proposes the following amended wording for condition 17:

“A permissive pedestrian and cycle route between Begbroke Science Park and the restricted byway at Roundham Bridge that is suitable for use year-round, shall be provided in accordance with the following plans:

- LP2264-FIR-00-ZZ-DR-L-0009 P02

- LP2264-FIR-00-ZZ-L-0010 P02”

2.3. The revised drawings remove the fence on either side of the permissive cycle path and footpath other than over the bridge but include two new bollards, one on the internal side of the bridge and another by Begbroke Campus, to deter vehicle access.

2.4. This amendment follows a site meeting with Councillors and Parish Councils on 13 June 2023. At the site meeting the footpath/cycleway was largely installed however other elements such as the fencing had not been installed.

3. RELEVANT PLANNING HISTORY

3.1. Begbroke Science Park has a long history with a significant number of planning applications of varying types over a significant period of time. The majority of the proposals have been to increase the number and scale of buildings on the site and to complement and expand the existing research and development as well as other uses within the site.

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

23/01674/NMA – Roof cowls are proposed to be added to the Academic Building Services Building. Ventilation Grille cut-outs are to be removed from the perforated metal cladding panels and relocated to within the blockwork walls behind. One single door is to be moved from the west elevation to east elevation; enclosed roof plant and lift overrun massing on both buildings revised; in respect of the entrance curtain wall of the Commercial Building, horizontal louvres are to be removed from ground floor elevation but retained on upper floors; minor updates to the compound massing and roofscape of the gas compounds of the Commercial Building and minor updates to the landscaping finishes albeit the overall landscape strategy remains unchanged (proposed as non-material amendment to 21/03150/REM) – Approved

22/03355/NMA – Updates to the chosen brick from grey blend to buff/ grey blend and an update to the shading fins from ‘brass’ colour to ‘champagne’ colour (proposed as non-material amendment to 21/03150/REM). Granted 17th November 2022

22/01610/NMA – amendments to 21/03150/REM, Granted June 2022.

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 the OPP. Approved 27 January 2022.

21/01699/NMA – Non-Material Amendment to 18/00803/OUT to raise the height of the approved buildings by 60cm from 12.6m to 13.2m. Granted 8th June 2021

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. Granted 17th September 2018.

3.3. Other planning permissions relevant to this application:

23/01168/NMA – Several design changes to the services building (proposed as non-material amendment to 21/03195/F) – Approved 18/05/2023

22/02372/NMA – 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. Approved 02/09/2022

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.

21/03195/F – Formation of surface car park and service building (including substation, sprinkler tanks and EV charging infrastructure). Granted 02/02/2022.

4. PRE-APPLICATION DISCUSSIONS

The applicant entered into pre-application discussions (ref.21/03477/PREAPP)

5. 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. As members of the Parish Council and local Ward Councillors were at a site meeting on the topic. These members have been informed of the submission by email.

Responses are available to view in full on the Council's website, via the online Planning Register.

6. 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 revised drawings remove the fence on either side of the permissive cycle path and footpath other than over the bridge but include two new bollards, one on the internal side of the bridge and another by Begbroke Campus, to deter vehicle access. These changes remove unnecessary pieces of infrastructure which would need to be removed as part of the wider redevelopment under PR8 and is not required as part of the wider allocation and would not compromise the current footpath objectives.

Condition 6 (Approved Framework Documents) is noted but is not required to be amended as the approved plans do not feature in this condition and the proposals would be in accordance with the overall framework documents.

7. CONCLUSION

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

Having considered all relevant matters, including the requirements of legislation in s96A, the proposed changes are considered to be non-material to the planning permission when considered individually and cumulatively and would not affect the scope of the planning permission including the associated conditions. For the avoidance of doubt, only Condition 17 of 18/00803/OUT is amended to state:

Condition 17

A permissive pedestrian and cycle route between Begbroke Science Park and the restricted byway at Roundham Bridge that is suitable for use year-round, shall be provided in accordance with the following plans:

- LP2264-FIR-00-ZZ-DR-L-0009 P02

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Reason- This requirement is in line with the Kidlington Masterplan SPD and Policy SLE 4 of the Cherwell Local Plan 2011-2031 which supports the delivery of new sustainable transport connections and requires development to make the fullest possible use of public transport, walking and cycling.

Case Officer: Andrew Thompson

DATE: 2 August 2023

Checked By: Caroline Ford

DATE: 14 August 2023
