

11 December 2023



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Dear Mrs Coppock,

SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AMENDMENT APPLICATION PURSUANT TO PLANNING PERMISSION 22/02168/FUL AT PLOTS 23-26, OXFORD SCIENCE PARK, GRENOBLE ROAD, OX4 4GE.

I am instructed by The Oxford Science Park (Properties) Limited ('the Applicant'), to submit an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 2 (Approved Drawings), Condition 14 (Landscaping Plans), Condition 20 (Underground Services – Tree Roots) and Condition 35 (Swept Path Analysis) pursuant to planning application ref: 22/02168/FUL.

Background and Proposal

This S.73 application relates to application reference 22/02168/FUL, which was granted planning permission on 24 October 2023 for the following development:

"Erection of 3no. laboratory and office buildings with ancillary commercial uses (all within Use Class E). Provision of associated landscaping, car parking, cycle parking and creation of new accesses."

Since planning permission was granted, it has become clear that the consented design requires a water abstraction licence from the Environment Agency. This process could take circa 12 months, which would create an unacceptable delay. As a consequence of this, the design of the building has changed to remove one level of the undercroft and to create a single undercroft level that extends further below the development. The design of the building above ground level does not alter, other than consequential changes to the landscape arising from the creation of a new egress point below Building 3. The following table summarises the amendments sought under this application:

Item	Description of Change
Single Storey Undercroft	The removal of Level -2 undercroft and extension of Level -1 under Buildings 1, 2 and 3.
Amended shower block in Building 3	Building 3 shower block relocated from ground floor level to Level -1. This change is internal to the building and does not require planning consent, but is included to demonstrate there is no loss of shower provision for cyclists.
Amended Landscaping	Minor changes to approved landscaping to enable a ramped access to Level -1 under Building 3
Reduced Car Parking Numbers	Reduction in total car-parking provision from 892 car parking spaces to 861 car parking spaces. There is no change to cycle numbers.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS.

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Sensitive

The application has been submitted via the Planning Portal (ref: PP-12636914) and comprises the following information:

- Application Form and Certificates (Savills);
- This Cover Letter (Savills);
- S.73 Amendment Application Design Report (Scott Brownrigg);
- Drainage Technical Note (Campbell Reith);
- Drawings, as follows:

Old Drawing Numbers	New Drawing Number	Title	Scale	Author	Relevant Condition
83300-Rev 2	83300-Rev 4	Proposed Ground Floor Plan Building 3	1:200	Scott Brownrigg	2
80102-Rev 1	80102-Rev 3	Site Section	1:500	Scott Brownrigg	2
85101-Rev 2	85101-Rev 4	Building 1 Section CC	1:200	Scott Brownrigg	2
85100-Rev 2	85100-Rev 4	Building 1 Sections AA and BB	1:200	Scott Brownrigg	2
85200-Rev 2	85200-Rev 4	Building 2 Sections AA and BB	1:200	Scott Brownrigg	2
85201-Rev 2	85201-Rev 4	Building 2 Section CC	1:200	Scott Brownrigg	2
85300-Rev 2	85300-Rev 4	Building 3 Sections AA and BB	1:200	Scott Brownrigg	2
85301-Rev 2	85301-Rev 4	Building 3 Sections CC and DD	1:200	Scott Brownrigg	2
84100-Rev 2	84100-Rev 5	Proposed Building 1 - North East And North West Elevations	1:200	Scott Brownrigg	2
84101-Rev 3	84101-Rev 5	Proposed Building 1 - South East And South West Elevations	1:200	Scott Brownrigg	2
84200-Rev 4	84200-Rev 6	Proposed Building 2 - North East And North West Elevations	1:200	Scott Brownrigg	2
84300-Rev 3	84300-Rev 5	Proposed Building 3 - North East And North West Elevations	1:200	Scott Brownrigg	2
84201-Rev 3	84201-Rev 5	Proposed Building 2 - South East And South West Elevations	1:200	Scott Brownrigg	2
84301-Rev 3	84301-Rev 5	Proposed Building 3 - South	1:200	Scott Brownrigg	2

Old Drawing Numbers	New Drawing Number	Title	Scale	Author	Relevant Condition
		East And South West Elevations			
83099-Rev 2	83099-Rev 5	Proposed Building 1 & 2 - Below Podium Car Park - Level - 1 Floor Plan	1:200	Scott Brownrigg	2
80101-Rev 2	80101-Rev 4	Proposed Site Plan	1:750	Scott Brownrigg	2
80107- Rev 4	80107-Rev 5	Car Parking Reduction Plan	1:1250	Scott Brownrigg	2
3241.MA.1000	3241.MA.1000-Rev C	Landscape general arrangement Plan, site-wide	1:1000	Macfarlane Associates	14
3241.MA.1001-Rev A	3241.MA.1001-Rev C	Landscape general arrangement plan, sheet 1 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.1002	3241.MA.1002-Rev C	Landscape general arrangement plan, sheet 2 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.1003-Rev A	3241.MA.1003-Rev C	Landscape general arrangement plan, sheet 3 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.1004	3241.MA.1004-Rev C	Landscape general arrangement plan, sheet 4 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.1005	3241.MA.1005-Rev C	Landscape general arrangement plan, sheet 5 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.1010-Rev A	3241.MA.1010-Rev C	Landscape plan	1:600	Macfarlane Associates	14
3241.MA.2000-Rev A	3241.MA.2000-Rev C	Planting plan, site-wide	1:1000	Macfarlane Associates	2 and 14
3241.MA.2001-Rev A	3241.MA.2001-Rev C	Planting plan, sheet 1 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.2002-Rev A	3241.MA.2002-Rev C	Planting plan, sheet 2 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.2003-Rev A	3241.MA.2003-Rev C	Planting plan, sheet 3 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.2004-Rev A	3241.MA.2004-Rev C	Planting plan, sheet 4 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.2005-Rev A	3241.MA.2005-Rev C	Planting plan, sheet 5 of 5	1:250	Macfarlane Associates	2 and 14
3241.MA.2006	3241.MA.2006-Rev C	Plant schedule	N/A	Macfarlane Associates	2 and 14

Old Drawing Numbers	New Drawing Number	Title	Scale	Author	Relevant Condition
5400 P1	5400 P2	Root Protection Zone overlaid with Drainage Layout Sheet 1 of 2	1:500	Campbell Reith	20
205401 P1	5400 P2	Root Protection Zone overlaid with Drainage Layout Sheet 2 of 2	1:500	Campbell Reith	20
33211/5500/SK001 P03	33211/5500/SK001 P04	Vehicle Swept Path Analysis 7.5 Tonne Rigid Vehicle	1:500	Stantec	35
33211/5500/SK002 P03	33211/5500/SK002 P04	Vehicle Swept Path Analysis Articulated Vehicle	1:500	Stantec	35
33211/5500/SK003 P03	33211/5500/SK003 P04	Vehicle Swept Path Analysis Refuse Vehicle	1:500	Stantec	35
33211/5500/SK004 P03	33211/5500/SK004 P04	Vehicle Swept Path Analysis Fire Tender	1:500	Stantec	35

Planning Assessment

Planning law requires that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise¹. In assessing and determining development proposals, the National Planning Policy Framework (NPPF) (September 2023) states that local planning authorities should apply a presumption in favour of sustainable development. Where development proposals accord with up-to date development plan policies they should be approved without delay.

Much of the national and local planning policy necessary for the determination of the Proposed Development remains the same as when the original application was submitted. The NPPF was last revised on 5 September 2023 however it is considered that the revisions are not relevant to the proposed development. The Oxford Local Plan 2036 was adopted on 8 June 2020 for the period 2016-2036. It envisions Oxford as a global centre for the knowledge-based economy. Growth will be associated with a liveable and sustainable environment that balances economic, social and environmental needs, ensuring that the city remains a highly desirable place to live, work and visit. The Local Plan and policies map remains unchanged since the original planning submission

It is noted that the new revised version of the “*Car Park Design Guide*” (June 2023) from the Institution of Structural Engineers has superseded the “*Design Recommendations for multi storey and underground car parks.*” This does not form part of the development plan, rather forms guidance on car-parking design. To conclude, there has been no material change in national or local planning policy.

Material amendments can be made to planning permissions to vary or remove conditions associated with a planning permission through the use of Section 73 of the Town and Country Planning Act 1990. Whilst there is no statutory definition of ‘material amendment’, Planning Practice Guidance (PPG) notes the change must only relate to conditions and not to the operative part of the permission. Pre-application advice from Officers has

¹ Section 38(6) of the Planning & Compulsory Purchase Act and Section 70(2) of the Town and Country Planning Act 1990

confirmed that the changes proposed in this application are greater than Non-Material changes, but are capable of being assessed as Minor Material Amendments to the original planning permission, in that they are not so significant to be deemed as material changes.

1. Building Design

The change to the design is a response to detailed analysis of groundwater levels of the site. Water level surveys have shown that the water table levels are higher than was understood at the planning application stage. It has become clear that the consented design requires a water abstraction licence from the Environment Agency. This process could take circa 12 months, which would create an unacceptable delay. As a result, it is proposed to remove level -2 and extend level -1 under all three buildings, rather than solely Buildings 1 and 2 as previously approved. The single storey undercroft will reduce depth of excavation, improve buildability and reduce the impact on flooding, which are considered to be acceptable and overall to improve the scheme. It is considered this accords with Policy RE3 (Flood Risk Management) which states proposed development should not increase flood risk on site or off site

There are no proposed changes to the building design above ground level, other than consequential changes to the landscape arising from the creation of a new egress point below Building 3. The new access ramp to level -1 under Building 3 has resulted in minor changes to landscaping surrounding this new ramp. It is considered that this change is minor in the context of the wider landscaping scheme

2. Undercroft Design

The new undercroft design changes vehicle circulation and a new ramp is proposed to provide access from ground level to level -1 below Building 3. Swept path analysis drawings have been submitted under application ref: 23/02168/CND to discharge condition 35 (Swept Path Analysis). At the time of writing this letter, the swept path analysis drawings have been assessed as acceptable, informally discharged and a formal decision notice has yet to be issued. Revised swept path analysis drawings have been submitted under this application to reflect the revised undercroft layout and supersede the drawings previously submitted to the Council. These drawings are listed in the table earlier in this letter.

As a result of the changes to the undercroft, the number of car-parking spaces delivered as part of the overall scheme will decrease by 31 car-parking spaces from 892 to 861. Local Plan Policy M3 supports car park reduction and the reduction is not considered to be material considering the total quantum of car-parking approved for the development. Cycle parking provision will remain the same as previously approved and the location of shower block facilities in Building 3 have been relocated from ground floor to Level -1 to consolidate all shower facilities on the same level. It is considered this is a benefit from the scheme amendments and is not considered to be material considering the total quantum of car-parking and no change in the number of shower facilities.

3. Other Consequential Changes

A discharge of condition application for Condition 40 (FRA and Drainage Strategy) has been submitted alongside this S.73 application for approval by Oxford City Council. The change to the undercroft design means there is a need to re-submit revised drawings to reflect the new drainage design. No update is required to the Flood Risk Assessment as the proposed amendments do not have any effect on offsite flood risk as the proposed changes are within the footprint of the building and do not alter the proposed drainage catchments or offsite discharge rates.

Root protection area drawings overlaid with drainage layout drawings have been informally approved by the Council under discharge of condition application ref. no.: 23/02168/CND to discharge condition 20 (Underground Services – Tree Roots). Revised root protection areas overlaid with the amended drainage layout and are submitted under this application. These drawings reflect the revised undercroft layout and show that the revised drainage layout will not result in any drainage impacting root protection areas.

4. Summary

In our view the proposed design change to the undercroft and its consequential impacts are considered minor material changes when viewed in the context of the planning permission. In summary they:

- Do not alter or result in a development that is of a scale or nature substantially different from that already been approved by the Council.
- Do not alter the description of the development, nor do they alter the application site boundary.
- Do not alter the operative part of the permission.
- Do not adversely impact on the design of the development and there is only minor change to the size and massing of the undercroft.
- The proposed amendments are wholly acceptable and improve flood risk.
- The amendments are minor material changes and are not contrary to any development plan policies.

Attached at Appendix 1 to this letter, I have repeated the wording of conditions 2 (Approved Drawings), 14 (Landscaping Plans), 20 (Underground Services – Tree Roots) and 35 (Swept Path Analysis), to identify the changes required and to provide updated drawing numbers.

Conclusion

Overall, our opinion is that the proposed changes are minor when viewed in the context of the overall permission for Plots 23-26, do not impact the operative part of the permission and can therefore be considered as a S.73 amendment. In accordance with NPPF paragraph 11, this application should be determined without delay. I recognise that this application will be classed as major planning application and be subject to a target 13-week determination, but my client requests the application is determined as quickly as possible to help support their construction programme and the delivery of this much-needed R&D space in Oxford.

I trust you have sufficient information to register, validate and determine the application and look forward to hearing from you in due course. Please do not hesitate to contact me or my colleague Emma Andrews, should you have any queries.

Yours sincerely



Ben Tattersall
Planner

Appendix 1 – Revised Condition Wording

Condition 2 (Approved Plans) will need to be updated to reference the following drawings, with changes indicated in red:

“Subject to other conditions requiring updated or revised documents submitted with the application, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

APPROVED PLANS

Reference Number	Version	Description
3241.MA.1000	Rev C	Other
3241.MA.1001	Rev C	Other
3241.MA.1002	Rev C	Other
3241.MA.1003	Rev C	Other
3241.MA.1004	Rev C	Other
3241.MA.1005	Rev C	Other
3241.MA.2000	Rev C	Other
3241.MA.2001	Rev C	Other
3241.MA.2002	Rev C	Other
3241.MA.2003	Rev C	Other
3241.MA.2004	Rev C	Other
3241.MA.2005	Rev C	Other
3241.MA.2006	Rev C	Other
80101	Rev 4	Site Plan Proposed
80102	Rev 3	Section
83098	Rev 2	Floor plans
83099	Rev 5	Floor plans
83100	Rev 2	Floor plans
83101	Rev 2	Floor plans
83102	Rev 2	Floor plans
83103	Rev 2	Floor plans
83104	Rev 2	Roof Plan
83200	Rev 2	Floor plans
83201	Rev 2	Floor plans
83202	Rev 2	Floor plans
83203	Rev 2	Floor plans
83204	Rev 2	Roof plan
83300	Rev 4	Floor plans
83301	Rev 2	Floor plans
83302	Rev 2	Floor plans
83303	Rev 2	Floor plans
83304	Rev 2	Roof plan
85100	Rev 2	Section
85101	Rev 2	Section
83102	Rev 2	Floor plans
83103	Rev 2	Floor plans
83104	Rev 2	Roof plan
83200	Rev 2	Floor plans
83201	Rev 2	Floor plans
83202	Rev 2	Floor plans
83203	Rev 2	Floor plans
83204	Rev 2	Roof plan

Reference Number	Version	Description
83300	Rev 2	Floor plans
83301	Rev 2	Floor plans
83302	Rev 2	Floor plans
83303	Rev 2	Floor plans
83304	Rev 2	Roof plan
85100	Rev 4	Section
85101	Rev 4	Section
85200	Rev 4	Section
85201	Rev 4	Section
85300	Rev 4	Section
85301	Rev 4	Section
3241.MA.1009		Details/Freetext (e.g. Advs, LBs)
84100	Rev 5	Elevations
84101	Rev 5	Elevations
84200	Rev 6	Elevations
84201	Rev 5	Elevations
84300	Rev 5	Elevations
84301	Rev 5	Elevations
83102	Rev 2	Floor plans
83103	Rev 2	Floor plans
83104	Rev 2	Roof plan
83200	Rev 2	Floor plans
83201	Rev 2	Floor plans
83202	Rev 2	Floor plans

Condition 14 (Landscape Plans) will need to be updated to reference the following drawings, with changes indicated in red:

“The development, hereby approved, shall be carried out in complete accordance with the following plans and documents:

- Landscape general arrangement plan, site-wide (dwg. no. 3241.MA.1000 Rev C)
- Landscape general arrangement plan, sheet 1 of 5 (dwg. no. 3241.MA.1001 Rev C)
- Landscape general arrangement plan, sheet 2 of 5 (dwg. no. 3241.MA.1002 Rev C)
- Landscape general arrangement plan, sheet 3 of 5 (dwg. no. 3241.MA.1003 Rev C)
- Landscape general arrangement plan, sheet 4 of 5 (dwg. no. 3241.MA.1004 Rev C)
- Landscape general arrangement plan, sheet 5 of 5 (dwg. no. 3241.MA.1005 Rev C)
- Landscape Detail Areas – B1 & B2 Amenity Space (dwg. no. 3241.MA.1006)
- Landscape Detail Areas – B2 & B3 Entrance Plaza (dwg. no. 3241.MA.1008)
- Landscape Detail Areas – Southern Boundary Trees (dwg. no. 3241.MA.1009)
- Landscape Elevation - Southern Boundary Trees (dwg. no. 3241.MA.4002)
- Landscape Plan (dwg. No. 3241.MA.1010 Rev C)
- Planting Plan, site-wide (dwg. no. 3241.MA.2000 Rev C)
- Planting Plan, sheet 1 of 5 (dwg. no. 3241.MA.2001 Rev C)
- Planting Plan, sheet 2 of 5 (dwg. no. 3241.MA.2002 Rev C)
- Planting Plan, sheet 3 of 5 (dwg. no. 3241.MA.2003 Rev C)
- Planting Plan, sheet 4 of 5 (dwg. no. 3241.MA.2004 Rev C)
- Planting Plan, sheet 5 of 5 (dwg. no. 3241.MA.2005 Rev C)
- Plant Schedule (dwg. no. 3241.MA.2006 Rev C)”

Condition 20 (Underground Services – Tree Roots) will need to be updated to become a compliance condition following submission of revised root protection drawings overlaid with drainage drawings. The listed drawings below reflects those assessed under this S.73 application and those which have received informal approval relating to electrical utilities and services submitted under application ref: 23/02168/CND:

“The development hereby approved shall be carried out in complete accordance with the following submitted documents unless otherwise approved in writing by the Local Planning Authority:

Root Protection Zone Overlaid on Drainage Layout Sheet 1 of 2, Campbell Reith. Ref no: 13886-CRH-ZZ-XX-DR-C-5400-P2

Root Protection Zone Overlaid on Drainage Layout Sheet 1 of 2, Campbell Reith. Ref no: 13886-CRH-ZZ-XX-DR-C-5401-P2

Electrical Services Layout Sheet 1 of 2, prepared by Hoare Lea. Ref no:TOSP-HLE-XX-XX-DR-E-100001

Electrical Services Layout Sheet 2 of 2, prepared by Hoare Lea. Ref no:TOSP-HLE-XX-XX-DR-E-100002

Electrical Utilities External Services Layout Sheet 1 of 3, prepared by Hoare Lea. Ref no:TOSP-HLE-XX-XX-DR-E-100003

Electrical Utilities External Services Layout Sheet 2 of 3, prepared by Hoare Lea. Ref no:TOSP-HLE-XX-XX-DR-E-100004

Electrical Utilities External Services Layout Sheet 3 of 3, prepared by Hoare Lea. Ref no:TOSP-HLE-XX-XX-DR-E-100005

External Services Sheet 1 of 2, prepared by Hoare Lea. Ref no:TOSPHLE-XX-XX-DR-M-100001

External Services Sheet 2 of 2, prepared by Hoare Lea. Ref no:TOSPHLE-XX-XX-DR-M-100002”

Condition 35 (Swept Path Analysis) will need to be updated to become a compliance condition following submission of revised swept path drawings:

“The development hereby approved shall be carried out in complete accordance with the following submitted documents unless otherwise approved in writing by the Local Planning Authority:

Vehicle Swept Path Analysis 7.5 Tonne Rigid Vehicle (Stantec, ref no: 33211/5500/SK001 Rev P04)

Vehicle Swept Path Analysis Articulated Vehicle (Stantec ref no: 33211/5500/SK002 Rev P04)

Vehicle Swept Path Analysis Refuse Vehicle (Stantec, ref no: 33211/5500/SK003 Rev P04)

Vehicle Swept Path Analysis Fire Tender(Stantec, ref no: 33211/5500/SK004 Rev P04)”