

Case Officer: Caroline Ford

Recommendation: Refusal

Applicant: London And Regional Properties

Proposal: Non-Material Amendment to 17/02557/REM - 3 no. LPG tanks within the car park and updated hard and soft landscaping.

Expiry Date: 18 July 2019

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a parcel of land to the south of Bicester, which forms part of the allocated site Bicester 10 and which is positioned between the main A41 and the smaller Wendlebury Road. The site, along with a separated parcel to the south were granted planning permission by 16/02586/OUT in 2017 for up to 14,972sqm (GEA) of B1 employment based buildings and a hotel (of up to 149 bedrooms) with associated infrastructure. Reserved matters permission was granted for the hotel by 17/02557/REM in 2018 and this non-material amendment application relates to the hotel development. No reserved matters submission has been made for the office accommodation yet. The rest of the Bicester 10 allocation, to the east of the Wendlebury Road has not yet been the subject of a planning application.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application seeks to make a change to the reserved matters permission for the hotel and for this change to be treated as a non-material amendment. The amendment is for the provision of 3 LPG tanks within the car park, surrounded by 2m high fencing/ gates and for updated hard and soft landscaping to reflect the amended layout. In addition, the proposal seeks to amend some of the hard surfacing within the car parking area.

3. RELEVANT PLANNING HISTORY

3.1. The relevant planning history is summarised above.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. The Planning Practice Guidance makes the following the comments with regard to consultation in relation to NMAs:

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity is unlikely to be necessary and there are unlikely to be effects which would

need to be addressed under the Environmental Impact Assessment Regulations 2017.

6. APPRAISAL

- 6.1. The application proposes to position the 3 LPG tanks within a central area of the approved car park, resulting in the loss of 9 car parking spaces. The LPG tanks would be surrounded by fencing at 2m in height. In addition, the proposal seeks to amend the proposed surfacing materials from predominantly block paving to predominantly a combination of porous and non-porous tarmac.
- 6.2. In my view the changes proposed are material. The addition of the LPG tanks in the car parking area would need consideration through a planning application process to consider issues such as the loss of car parking and the impact of the associated hard and soft landscape changes (such as the use of gravel, which the Highway Authority may have concerns in relation to). In addition, the change to the surfacing material represents a change to the drainage scheme (approved by conditions attached to the outline permission) by reducing the area of porous surface (as more non-porous tarmac is proposed) and this should be assessed further including through a consultation with the Lead Local Flood Authority. In addition, the visual impact of the loss of block paving and its replacement with tarmac would need full consideration. It is also noted that a number of plans proposed to be amended by this application are referred to within various conditions meaning that amendments to the wording of those conditions would also require amendment. A non-material amendment, by its nature, should not require assessment such that it impacts material planning considerations that technical consultees would need to input into.
- 6.3. Furthermore, I do not consider the proposal to be acceptable in any event. The proposed LPG tanks surrounded by 2m high timber fencing will be an unacceptable feature in the middle of the car parking area in visual impact terms in my view. This combined with the loss of block paving in the car parking area and its replacement with more tarmac has the potential to reduce the quality of the car parking area.
- 6.4. Given the above, I consider that the proposal is a material change to the planning permission for the site and this application should therefore be refused.

7. RECOMMENDATION

That the proposed Non-Material amendment application be refused for the following reason:

The proposed addition of 3 no. LPG tanks surrounded by 2m high timber fencing within the middle of the car parking area and the updated hard and soft landscaping proposals are considered to be a material change to the approved development. The proposed amendments cannot therefore be accepted as a non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended).

Case Officer: Caroline Ford

DATE: 18/07/2019

Checked By: Paul Ihringer

DATE: 18/7/19
