

**Proposed Secondary School Site SW Bicester,  
Oxford Road, Bicester**

**20/01556/CNMA**

**Case Officer:** Sarah Willson

**Recommendation:** No objections

**Applicant:** Oxfordshire County Council

**Proposal:** Non-material amendment to 18/00154/OCC - to allow for the inclusion of a boiler flue and guard rail (R3.0059/20)

**Expiry Date:** 7 July 2020

**Extension of Time:** No

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

- 1.1. The site sits within the development site at Kingsmere in south west Bicester, which was granted outline permission under 06/00967/OUT for residential development with associated facilities including a secondary school and associated landscaping. Following the approval of the application a design code was agreed for the site, this, along with the Masterplan of the site, has guided the design process of the school.
- 1.2. In terms of constraints the site is roughly triangular between three separate roads – the A41, Whiteland's Way (B4030) and an as yet unnamed road linking the two. The south of the site has a legal covenant ensuring that it is only developed for the purpose of sports grounds; this extends to the west along the B4030, creating a 'green corridor'. Top to the south of the site are two ponds which have been laid out as part of the overall landscaping of the planned development.

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

- 2.1. The application proposes to include a boiler flue and guard rail to the building.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 18/00154/OCC - Planning application by Oxfordshire County Council for planning permission for the new secondary school (Alchester Academy) with associated hard and soft landscaping, car parking, playing fields and infrastructure on land in the Kingsmere Development in South West Bicester. Approved

## **4. PUBLICITY AND CONSULTATION**

- 4.1. There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission.

## **5. APPRAISAL**

- 5.1. 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.
- 5.2. 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".

- 5.3. 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.
- 5.4. The proposal is a County Matter and CDC is a consultee only. The key consideration is whether the proposed changes constitute a non-material amendment, although ultimately the decision on this matter rests with the County
- 5.5. Having considered changes alongside the original and proposed drawings, it is my view that the proposed changes are minor in nature and are generally acceptable. The amendments would not have a materially greater impact upon the visual amenities of the site or area or the residential amenity of neighbouring properties than the approved proposal in my view and the proposal would therefore continue to comply with the above referenced policies of the Cherwell Local Plan Part 1. It is noted that the Environmental Protection department have sent no objections to the inclusion of the boiler flue.
- 5.6. It is therefore considered that the proposal is not a material amendment with regards the interests of the District.

## **6. CONCLUSION**

- 6.1. The proposal is considered to be non-material and the application is therefore recommended Cherwell raises no objections.

Case Officer: Sarah Willson

DATE: 6 July 2020

Checked By: Paul Ihringer

DATE: 7/7/20

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