

**Proposed Secondary School Site SW Bicester,  
Whitelands Way, Bicester**

**20/01588/CNMA**

**Case Officer:** Sarah Willson

**Recommendation:** No objections

**Applicant:** Oxfordshire County Council

**Proposal:** Non-material amendment to 19/00554/OCC - the main site entrance  
(R3.0060/20)

**Expiry Date:** 8 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 alter the main site entrance by widening it to 6m on the west side.

## **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
- 3.3. 18/02168/OCC - Section 73 application to: Update the landscape scheme and parking layout; Change the school access points; Provide parking for 300 cycles; Adjust location of gas meter housing, sprinkler tank and bin store; Adjust fencing layout; Amend tree planting; Extend pavement to the north of the access road; Amend external lighting layout to include lighting to cycle parking; and Changes to drainage layout at Land adjoining Whitelands Way, Kingsmere, Bicester, OX26 1AZ - 18/00154/OCC
- 3.4. 19/00554/OCC - Minor works to the existing vehicle entrance and adjacent footpaths/cycleways to the school site, in order to provide suitable vehicle, cycle and pedestrian access to the new secondary school (R3.0032/19). Approved
- 3.5. 20/01556/CNMA - Non-material amendment to 18/00154/OCC - to allow for the inclusion of a boiler flue and guard rail (R3.0059/20). 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. The site is subject to a design code, which covers the whole site and includes guidance in relations to specific areas. The main vehicular entrance to the site was specified in the design code and masterplan, with provision for up to 6 coaches to pick up and set down.
- 5.6. The principle of widening the access has been established in application 19/00554/OCC. The current application proposes to amend this to the opposite site. 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.

#### **6. CONCLUSION**

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

Case Officer: Sarah Willson

DATE: 8 July 2020

Checked By: Paul Ihringer

DATE: 8/7/20

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