

**Land South Of Blackwood Place And Molyneux  
Drive And North West Of Cotefield Farm, Oxford  
Road, Bodicote**

**19/02369/NMA**

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** CALA Homes

**Proposal:** Non-material amendment to 11/00617/OUT, 12/01802/REM and 16/01599/F - Retrospective amendments to the equipment in the play area on the development.

**Expiry Date:** 21 November 2019

**Extension of Time:** No

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**1. APPLICATION SITE AND APPROVED DEVELOPMENT**

1.1. The application site lies just to the south eastern side of the village of Bodicote and is accessed via the Oxford Road and relates to a development for 86 dwellings. The development itself is now complete and all the houses are occupied.

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

2.1. The application seeks retrospective consent to amend the play equipment provision to that previously approved within the children's play space within the development. The location of the play space is not changed.

**3. RELEVANT PLANNING HISTORY**

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

Application Ref.      Proposal

10/00558/OUT: Outline application for residential development of 86 No. dwellings

11/00617/OUT: Outline application for residential development of 82 No. dwellings

12/01802/REM: Reserved Matters Application - (Outline Application 11/00617/OUT) - Layout, appearance, scale and landscaping of a scheme of 82 dwellings

13/00357/DISC: Discharge of conditions 4, 5, 6, 8, 9, 10 and 11 of 11/00617/OUT

13/00358/DISC: Discharge of Conditions 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17 & 18 of 12/01802/REM

13/00105/NMA: Non Material Amendment to 12/01802/REM - To remove and/or reduce the height of planting where there is planting within the vision splays in order to improve both driver and pedestrian safety

16/00067/SO: Screening opinion to 16/01599/F - Amendments to planning permission reference 11/00617/OUT (and reserved matters approval 12/01802/REM) to create an additional 4 dwellings and replacing a number of the existing approved dwellings with new house types. A total of 86 dwellings to be provided on site

16/00048/NMA: Elevation changes to plots 32, 33, 37, 38, 40, 41, 54, 61, 70, 71, 72 and 73 (proposed non-material amendments to 11/00617/OUT and 12/01802/REM)

16/01599/F: Amendments to planning permission reference 11/00617/OUT (and reserved matters approval 12/01802/REM) to create an additional 4 dwellings and replacing a number of the existing approved dwellings with new house types.

16/00107/NMA: Elevational changes to plots 62, 63, 69, 74, 81 and 82 (Proposed Non-Material Amendment to application 11/00617/OUT and 12/01802/REM)

17/01225/F: Application for engineering operations including drainage outfall to reed bed to serve consented residential development (Ref. 11/00617/OUT, 12/01802/REM)

17/00330/OUT: Variation of Condition 5 (Drainage) of 11/00617/OUT

17/00247/DISC: Discharge of condition 10 (surface treatment and street lighting) of 12/01802/REM

17/00008/SO: Variation of Condition 5 (Drainage) of 11/00617/OUT

17/00316/F: Application for engineering operations to include the creation of pond through associated bunding to serve consented residential development (ref. 11/00617/OUT, 12/01802/REM)

#### **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. No consultation has therefore been carried out in this case.

#### **5. RESPONSE TO CONSULTATION**

- 5.1. No formal consultation has been carried out, however, verbal discussions with the Landscape Officer and the Monitoring Officer confirmed that these changes have already been agreed in writing previously with the Developer and are acceptable.

#### **6. APPRAISAL**

- 6.1. 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.
- 6.2. 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".
- 6.3. 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.

- 6.4. The proposed changes relate to the type of equipment only that has been installed on the site and does not change its location, size or play value. The proposed revisions are acceptable to the Council's Landscape Officer who had already agreed the changes with the Developer prior to their installation. This application seeks to regularise the situation.

## **7. CONCLUSION**

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

Case Officer: Linda Griffiths

DATE: 13.11.2019

Checked By: Alex Keen

DATE: 19.11.2019

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