

**Proposed Roundabout Access To Graven Hill
And Wretchwick Green, London Road, Bicester**

21/01420/NMA

Case Officer: Rebekah Morgan

Recommendation: Approve

Applicant: Graven Hill Village Development Co.

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application site comprises of a section of the A41 (and surrounding land) adjacent to the Graven Hill Development site in Bicester. The land within the red line boundary is a combination of adopted highway and land owned/controlled by the Graven Hill Village Development Company.
- 1.2. The section of road forms an existing T-junction at the A41 and Pioneer Road, providing an access to Graven Hill and the MOD barracks. The land is relatively flat across the site. Within the verge to the northwest and southeast of the existing Pioneer Road junction are a number of mature trees.
- 1.3. Consent was previously granted for major junction improvement works at the Pioneer Road junction on the A41 (also known as the Aylesbury Road) in the form of a new roundabout.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

2.1. The application seeks consent for the following amendments:

- **General Arrangement:** The western pedestrian crossing on the A41 has been relocated from its original position shown on the Rev A02 drawing. The crossing will now be located some 35m back from the roundabout to allow for the provision of MOVA traffic control systems. Reason: The relocation is made on the grounds of highway safety.
- **General Arrangement:** A central island / refuge has been included on the eastern arm approach to the roundabout to segregate the left and ahead movements at the roundabout. The amendment is to ensure the appropriate entry path radius for straight ahead movements is achieved. Reason: on the grounds of highway safety.
- **Drainage:** The previous drainage strategy included surface water attenuation within the central island of the roundabout. The attenuation has been removed and the proposals now include:
 - I. A swale within the central island to allow conveyance of surface water from the circulatory carriageway.
 - II. Oversized pipes (600mm diameter) to provide below ground storage in high rainfall events.
 - III. Provision of a hydrobrake to control surface water discharge to the ditch north of the A41 at agreed rates with Oxfordshire County Council.

3. RELEVANT PLANNING HISTORY

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

11/01494/OUT – Outline scheme for the redevelopment of MOD Bicester (sites C, D and E) to provide a mixed-use development including up to 1900 homes, local centre, primary school, community hall, pub/restaurant/hotel, employment uses, and associated open space and infrastructure improvement works: APPROVED subject to a legal agreement on 8 August 2014.

15/02159/OUT – Variation of Conditions 2 (approved plans), 26 (masterplan and design code), 27 (reserved matters first phase), 32, 33 (building heights), 39, 40 (construction standards), 41, 42 (housing mix), 51, 52 (highways works), 56 (lighting scheme), 58 (internal access), 68 (approved drainage strategy) of 11/01494/OUT: APPROVED 3 June 2016.

15/02266/REM - Reserved matters (access, landscape and layout) in respect of the demonstrator plots (phases 01-A and 01-B) pursuant to 11/01494/OUT: APPROVED 4 March 2016.

16/01802/OUT – Variation of Condition 30 of 15/02159/OUT - Revised Design Code & Master Plan & Removal of Condition 35 - Housing Mix. APPROVED 21 June 2017

16/01807/REM - Reserved matters to 16/01802/OUT - in respect of public areas in Phase 1a and part of phase 1b. APPROVED 6 October 2017 17/02352/REM - Reserved Matters to application 16/01802/OUT - layout, scale, appearance and landscaping in respect of public areas in Phase 1b. APPROVED 8th March 2019.

18/00325/OUT - Variation of conditions 2 (plans), 28 (Phasing), 30 (building heights), 32 (Residential Construction Standards), 33 (Non-Residential Construction Standards), 38 (Landscape Habitat Management Strategy), 46 (Archaeology), 57 (Entrance works), 63 (Phase 0 Masterplan), and 71 (Phase 1 Masterplan) and removal of condition 58 (Pioneer Junction works) of 16/01802/OUT APPROVED 3rd August 2018.

19/01998/NMA – Non Material Amendment to application 18/00325/OUT – Amended levels on parameter plans as set out in the attached list. APPROVED 24th October 2019.

19/00937/OUT - Variation of Conditions 2 (plans), 28 (Phasing) and 29 (Masterplan and design code) of 18/00325/OUT - to amend the site wide phasing plan and to include proposed earlier phasing for the employment land. (Original outline reference 11/01494/OUT, amended by 15/02159/OUT, 16/01802/OUT. Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floor space comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas). APPROVED 3rd January 2020.

20/01830/F – Proposed roundabout junction. APPROVED 18th November 2020.

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 proposed changes are required following a safety audit carried out by the Oxfordshire County Council road agreements team. They have advised that to enable the County Council to adopt the road in future, minor amendments would be required, including the re-positioning of two of the pedestrian crossings. The proposed roundabout will be located on a major road and will be adopted as part of the public highway; therefore it is vital that provision meets the requirements on the Local Highway Authority.
- 5.5. The overall design, size, position and capacity of the roundabout will remain unchanged. Although the crossings are being re-positioned, they type of pedestrian crossings will remain unchanged. Overall, the proposed changes are minor and do not materially alter the piece of infrastructure that has consent.

6. CONCLUSION

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

Case Officer: Rebekah Morgan

DATE: 20 May 2021

Checked By: Andy Bateson

DATE: 21st May 2021
