

**Case Officer:** Bernadette Owens

**Recommendation:** Approve

**Applicant:** Mr Kelvin Pearce

**Proposal:** Non-material amendment to 20/02779/REM comprising installation of additional mezzanine, changes to external elevations and updated description of development

**Expiry Date:** 21 October 2021

**Extension of Time:** 22 October 2021

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

- 1.1. The application site relates to a parcel of land to the south of Bicester and east of Wendlebury Road. The land benefits from outline planning permission for B1 development on the main part of the site with full detailed planning permission for a health club within a smaller parcel, within the north west corner of the site. Planning permission was granted under ref: 19/01740/HYBRID.

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

- 2.1. The application seeks approval for a non-material amendment to the approved Reserved Matters consent 20/02779/REM.
- 2.2. This includes amendments to the design to include additional windows to the side elevations of units 1 – 3 and an increase in the gross floor area from 5,126sqm to 5,490sqm through the addition of additional 364sqm mezzanine floor space.

## **3. RELEVANT PLANNING HISTORY**

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

19/01740/HYBRID

'Hybrid' planning application comprising: - Outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works. - Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping.

19/01746/OUT

Outline planning application (with all matters reserved excluding access) for B1 development (B1a and/or B1b and/or B1c); access and associated landscaping and infrastructure works.

Reserved Matters application to 19/01740/HYBRID - layout, scale, appearance and landscaping details for Phase 1 of the employment development (5,126sqm GIA), enabling works for later phases and SuDS swale delivery, with associated landscaping, utilities and access.

#### **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. However, the following comments have been received:

Chesterton Parish Council – no objection.

- 4.2. Responses are available to view in full on the Council's website, via the online Planning Register.

#### **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 external changes to the buildings including the inclusion of additional windows are considered minor particularly in the context of the overall scheme. The minor changes to the external lighting scheme are also not material.

- 5.5. The additional floor area created by the increased mezzanine provision within the buildings remains within the parameters of the outline planning permission and an updated parking note also confirms that adequate car parking will be provided for the range of uses permitted.

#### **6. CONCLUSION**

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

Case Officer: Bernadette Owens

DATE: 22 October 2021

Checked By: Andy Bateson

DATE: 22<sup>nd</sup> October 2021

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