

Case Officer: Rebekah Morgan

Recommendation: Approve

Applicant: Mr John Mullen

Proposal: Non-material amendment to 19/01740/HYBRID - introduction of a Cat Ladder on the south east rear elevation of the consented David Lloyd building and is for the purposes of servicing and maintaining the roof. The enclosed proposed Hoop Ladder elevation drawing (ref. 2018-260-A-PL-05-040) shows the discreet ladder and how it does not materially alter the approved building or its visual effects

Expiry Date: 14 March 2022

Extension of Time: No

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 and racquets 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 a non-material amendment to the full part of the application and seeks to install a Cat ladder to provide access to the roof (for maintenance purposes).

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. Application 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.

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 addition of a Cat ladder on the side of the building would be a minor amendment to the approved development. Access to the roof is required for maintenance purposes to the solar PV panels placed there. The ladder would have very little visual impact when compared to the wider approved development and would not appear out of place on the building.

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: 10 March 2022

Checked By: Andy Bateson

DATE: 11th March 2022
