

**Case Officer:** Rebekah Morgan

**Recommendation:** Approve

**Applicant:** David Lloyd Leisure Ltd

**Proposal:** Non-material amendment to 19/01740/HYBRID - introduce a roof mounted Solar PV system to the roof of the consented David Lloyd Club building. Local Plan Policies ESD1, ESD2 and ESD5 (Renewable Energy) cover renewable and low carbon energy and encourage applications for renewable energy developments provided there are no unacceptable adverse impacts

**Expiry Date:** 14 March 2022

**Extension of Time:** No

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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 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 solar PV panels on the health club building, in accordance with Local Plan policy EDS5. The submitted drawings show that the PV panels would cover the majority of the roof.

## **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. However, the following comment has 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 addition of solar panels to the roof of the health club is considered to be a minor addition in the context of the overall approved scheme and one that is in full accordance with adopted Local Plan policy ESD5. This element of the scheme was granted full detailed planning permission including design details. The addition of the PV panels would not alter the overall design approach or general appearance of the building. Furthermore, when viewed from ground level, they would not be intrusive, overly prominent or appear out of place in the context of this development.

## **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: 11<sup>th</sup> March 2022

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