

**Case Officer:** Lewis Knox

**Recommendation:** Approve

**Applicant:** David Wilson Homes Mercia

**Proposal:** Omission of 3 no. external doors (proposed as non-material amendment to 19/00895/REM)

**Expiry Date:** 1 February 2024

**Extension of Time:** No

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

- 1.1. This application relates to part of the strategic allocation in the adopted Cherwell Local Plan 2011-2031, Banbury 17 which is being built out by Barratt/David Wilson Homes. Outline planning consent was granted on appeal in December 2017 for up to 280 dwellings and associated infrastructure. Reserved matters consent for 280 dwellings was granted in July 2020. Whilst this is a strategic allocation for Banbury, this part of the site is within Bodicote parish. A new vehicular access into the site has already been constructed from White Post Road.

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

- 2.1. A non-material amendment is sought for the omission of 3no. external doors to the sports pavilion approved within the site.

## **3. RELEVANT PLANNING HISTORY**

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

**Application: 19/00895/REM** Permitted 31 July 2020

Reserved matters to 15/01326/OUT - Layout, scale, appearance and landscaping for the residential development of up to 280 dwellings and 34 space car park.

## **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 include the removal of 3no. external doors which were originally positioned on Elevations 1 & 2 of the approved plans. This has seen a reduction in openings on Elevation 1 from 3 to 1 and a reduction on elevation 2 from 2 to 1. This has allowed for a more workable internal arrangement with amendments to the changing room and shower areas following comments from CDC Recreation and Leisure Officers.
- 5.5. Whilst the omission of the doors would be visible from the public domain, it is unlikely that these alterations would have a material impact on the overall character and appearance of the building or the wider locality. The building would be constructed in materials which have previously been approved and as such the appearance of the building would continue to match the character of the approved development.
- 5.6. Accordingly, the proposed window omissions are deemed a non-material amendment to the approved design and can be confirmed as such.

## **6. CONCLUSION**

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

Case Officer: Lewis Knox

DATE: 2February 2024

Checked By: Andy Bateson

DATE: 29<sup>th</sup> February 2024

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