

**Case Officer:** Linda Griffiths

**Recommendation:** Approve

**Applicant:** Persimmon Homes South Midlands Ltd

**Proposal:** Non-Material Amendment to 22/02068/REM- Removal of parking bay from road adjacent to Plot 139. Change surface material of vehicle bays located within parking courts from block paving to tarmac (parking court itself remains as block paving)

**Expiry Date:** 24 January 2024

**Extension of Time:** No

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

1.1. The application site comprises Parcels 1 and 3 of the larger part of the Wykham Park or Banbury 17 allocation in the adopted Cherwell Local Plan 2011-2031 for up to 1,000 residential dwellings and associated infrastructure. Parcels 1 and 3 will comprise 237 of the approved 1,000 dwellings, on the north side of the new spine road and extending east from Bloxham Road. Development has commenced on site with construction of the first 70 units in Parcel 1.

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

2.1. The application seeks to remove one of the visitor parking bays from the road adjacent to Plot 139, as this is currently within the visibility splay and is therefore not acceptable to OCC as local highway authority if the road is to be adopted, as intended. The second amendment relates to the parking courts, which were to be entirely surfaced using brick paviours. However, the developer Persimmon have requested that the parking bays themselves within the parking courts are surfaced using tarmac, which is harder wearing.

## **3. RELEVANT PLANNING HISTORY**

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

14/01932/OUT – outline planning permission granted for up to 1,000 dwellings and associated infrastructure.

20/03702/REM – reserved matters consent for the spine road.

22/02068/REM – reserved matters consent for parcels 1 and 3 for 237 dwellings.

## **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 changes 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 removal of a single visitor space adjacent to plot 139 will have minimal impact in terms of on-street parking overall and is not significant in terms of its visual impact.
- 5.5. The surfacing of the parking spaces within the parking courts will not have any overall significant impact on the development and is considered acceptable.
- 5.6. It is considered therefore that the proposed amendments are insignificant when considered within the whole and are acceptable.

## 6. CONCLUSION

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

Case Officer: Linda Griffiths

DATE: 10 January 2024

Checked By: Andy Bateson

DATE: 10<sup>th</sup> January 2024

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