

Case Officer: Hansah Iqbal

Recommendation: Approval

Applicant: Forseven Limited

Proposal: Incorporation of louvres, metal double doors, colour and finish to match adjacent, extension of external plant area, finish and materials to match existing, two new windows (proposed as non-material amendment to 22/01632/REM)

Expiry Date: 9 April 2024

Extension of Time: No

1. APPLICATION SITE AND APPROVED DEVELOPMENT

The application site relates to a parcel of land to the south of Bicester and east of Wendlebury Road.

Reserved Matters was granted for Phase 2 of the employment development in August 2022.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

Non-material amendment is sought for installation of additional louvres, metal double doors, two new windows and extension of external plant area with finish and colour all to match existing structure.

The extension to the plant area would measure 5.2m length, 4.3m width and a total height of 1.8m.

3. RELEVANT PLANNING HISTORY

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

22/01632/REM - Reserved matters application to 19/01740/HYBRID - layout, scale, appearance and landscaping details for Phase 2 of the employment development (11,309sqm GIA) with associated landscaping and infrastructure works; application permitted.

4. APPRAISAL

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.

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".

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.

The installation of additional louvres would be on two elevations where louvres have already been approved. The additional number would therefore be acceptable. The new door and windows would be on the side elevation, and would be largely screened from the public domain therefore not having a significant impact on the character of the streetscene.

The enlargement of the external plan area would be more than double the size of the existing, however given the overall massing of the unit itself, it is considered to be relatively minor, the position is to the side and it remains an expected feature in a commercial environment such as this therefore would cause no greater harm than already approved.

Overall, the proposed changes are considered to be minor and not significantly affect the character of the development or raise any issues in relation to residential amenity. The proposal is considered to be a non-material amendment.

5. CONCLUSION

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

In accordance with drawing no. 2310-BA-15-E1-DP-A-0200 Revision P1 S1 ‘Existing Building Elevations Alterations’, 23056-CHD-XX-00-DR-M-5102-S1 Rev 01 ‘External Mechanical Plant’ and 2310-BA-10-LZZ-DP-A-0101 Rev P1 S1 ‘Proposed Unit 6 Site Plan’.

Case Officer: Hansah Iqbal

DATE: 2 April 2024

Checked By: Caroline Ford

DATE: 19 April 2024
