

Case Officer: Samantha Taylor

Recommendation: Approve

Applicant: Mrs Lorna Juarez

Proposal: Non-material amendment to condition 1 of 14/01833/REM - Alterations to proposed species within landscape specification.

Expiry Date: 20 March 2019

Extension of Time: No

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application relates to the country park, a fundamental part of the open space and recreation strategy at Longford Park, a large-scale residential development which functions as an urban extension to the south of Banbury.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. The application seeks to make minor amendments to the proposed species within the previously approved landscape specification for the country park. The approved species are detailed on the approved landscaping plans as listed under condition 1 of the reserved matters consent. This non-material amendment application seeks to update these plans to reflect the new species.

3. RELEVANT PLANNING HISTORY

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

14/01833/REM – Reserved matters approval for the community park adjacent to Bankside, including play, recreation, education and biodiversity features, a footpath and cycle network and other public amenities – Approved 1 August 2018.

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.
- 4.2. Informal conversations with the Landscape Officer have confirmed that following the receipt of the latest amendments, the non-material amendments sought are acceptable.
- 4.3. 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 proposal seeks to amend the planting species within the previously agreed planting specification. The Landscape Officer has negotiated a series of amendments to the planting specification and is now content that the amendments sought are acceptable.
- 5.5. Given the scale of the approved reserved matters application, and that the amendments sought are minor variations to parts of the planting specification, the application is considered not to introduce any new material planning considerations. As such, it is reasonable for the variations to be accepted as a non-material application to the earlier reserved matters application.

6. CONCLUSION

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

Case Officer: Samantha Taylor

DATE: 11 August 2020

Checked By: Alex Keen

DATE: 23 August 2020
