

Fairway Methodist Church
The Fairway
Banbury

17/00010/NMA

Case Officer: Bob Neville

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Applicant: Trustees For Methodist Church Purposes

Proposal: Amendment to application 13/01153/CDC - Area hatched on drawing 007/06 rev E to be 600x600x50mm grey concrete paving slabs with 10mm gap filled with pea shingle for drainage of surface water. There will also be a planted border against the church elevation.

Expiry Date: 15.02.2017 (Extension of time agreed until 20.02.2017)

Ward: Banbury Ruscote
Committee Date: 16.02.2017

Ward Councillors: Cllr Barry Richards
Cllr Sean Woodcock
Cllr Mark Cherry

Reason for Referral: CDC Application

Recommendation: Approval

1 APPLICATION SITE AND LOCALITY

- 1.1 The application relates to a Methodist Church site located within a predominantly residential area in the suburbs of Banbury.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks non-material amendments to a previous consented scheme 13/01153/CDC, for the replacement of the original church building.
- 2.2 The amendments now sought are for an area to the front of the site, previously to be laid to grass, to now be hardstanding, covered by 600 x 600 x 50mm grey concrete paving slabs, with 10mm gap filled with pea shingle for drainage of surface water. There will also be a planted border against the church elevation.
- 2.3 At the time of application the consented scheme had largely been implemented.

3 RELEVANT PLANNING HISTORY

- 3.1 13/01153/CDC - Demolish existing single-storey church facility and provide a new-build two storey church building with a two bedroom residential unit on the first floor. Permitted 07.10.2013.

4 APPLICATION PUBLICITY AND CONSULTATION

- 4.1 Given the nature of the application, a Non-Material Amendment, there is no requirement for the application to be publicised or consulted upon.

5 APPRAISAL

- 5.1 The key issue for consideration in this application is does the proposed change constitute a non-material amendment to the approved development?
- 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'*. Further 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 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 definition of non-material is therefore the responsibility of each planning authority to determine on a case by case basis. 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 a part of it. The benchmark for forming the judgement on materiality is always the original planning permission.
- 5.4 The proposals seek to change an area to the front of the site to be hard landscaped as opposed to the soft landscaping (grassed area) approved under the original consent (13/01153/CDC). No conditions were considered necessary to be applied to the original permission in terms of approval of landscaping details.
- 5.5 The area would sit behind a low brick boundary wall at the front of the new church building. The area of hard-standing would replicate the situation at other residential properties within the Fairway and would not appear out-of-place in the context and had the application originally been submitted with a hard surfaced area to the front it is officer's opinion that planning permission would still have been granted. Whilst a hard-surfaced area to the front would change the general appearance from the public domain, it is considered that that the overall change in appearance in the context of the overall scheme would not be so significant in this instance.
- 5.6 Given the above, it is considered that the changes proposed, in the context of the overall development, are not material ones. They would not raise any new significant planning issues, in terms of highway safety, visual amenity or residential amenity. Therefore, having regard to the circumstances of the proposed changes, and for the reasons above, the proposed amendments are considered to fulfil the criteria for a non-material amendment.

6 RECOMMENDATION

- 6.1 That Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendments described in the application in accordance with drawing numbers: 007/06 E.