

**Applicant:** Cherwell District Council

**Proposal:** Non-Material Amendment to 16/00043/F - Alterations to external Door ED.A.06 and Window W.A.16 swapped positions as indicated on elevation G to Building A and External cupboards added to courtyard elevations E and F to Building B.

**Ward:** Bicester South And Ambrosden

**Councillors:** Cllr David Anderson  
Cllr Nick Cotter  
Cllr Dan Sames

**Reason for Referral:** The Council is the applicant

**Expiry Date:** 8 November 2017      **Committee Date:** 23 November 2017

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application sites are located immediately to the south of Bicester town centre. They comprise two sites to the west (Site A) and east (Site B) of the library, and following demolition of the buildings that were previously on the sites, are currently vacant.
- 1.2 Immediately adjacent to the western-most site (Site A) is a Grade II listed dovecote. The sites are also within the setting of the Grade I listed St Edberg's Church and the Grade II\* listed building known as The Old Priory. The boundary wall to the east of the site, forming part of the boundary with Priory Lane, is listed. The sites lie outside but adjacent to the Bicester Conservation Area. The site lies within an area of significant archaeological interest, being the site of Bicester Priory, and is currently being considered for scheduling by Historic England.
- 1.3 There is an adopted footway running along the eastern boundary of Site A.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application seeks approval for amendments to application 16/0043/F which was granted on 13th June 2016 for the erection of 11 self-contained single storey units for adults with physical disabilities, learning disabilities and autistic spectrum conditions. 5 units are to be constructed on Site A and 6 units on Site B. Site A is to have a communal garden and the units within Site B are to have individual gardens as well as a communal garden. Both sites are to have car parking allocated to the units and Site B is to have a gated entrance to the units from the car park area.

- 2.2 The application seeks to swap the positions of a door and window in the east elevation of the staff accommodation at Site A to provide an acceptable fire escape. This change is as a result of the Building Regulations. The application also seeks to amend the elevations to the shared courtyard at Site B with the introduction of doors to serve boiler cupboards which are to be made external to the individual units in the interests of safety of the residents.

### **3. APPRAISAL**

- 3.1 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."
- 3.2 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 a part of it. The benchmark for forming the judgement on materiality is always the original planning permission.
- 3.3. The amendments proposed to the elevations of the buildings are not considered to result in a significant change to the appearance of the development. The alteration to the position of the window and door in the east elevation of Site A would not result in any additional overlooking of surrounding dwellings and would not increase the number of openings on this elevation. The addition of the cupboard doors at Site B would not give rise to additional overlooking as they are to serve external boiler cupboards and due to their location on the elevations facing the shared courtyard they would not be readily visible outside the site. Therefore it is considered that these amendments would not raise any new issues or constitute a material change to the permission.

### **4. RECOMMENDATION**

- 4.1 The alterations to the elevations of the buildings on Site A and Site B do not materially alter the appearance of the approved scheme, or raise any new issues that have not previously been considered, and so can be accepted as non-material amendments under Section 96A of the Town and Country Planning Act 1990 (as amended).

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