

**Applicant:** Glancy Nicholls Architects

**Proposal:** Non-material amendment to 16/00043/F - To change the approved roof tile and window sill tile on Building B (St Edburges) from Marley plain clay 'Smooth red' to Marley plain clay 'Smooth Blue' to match Building A (Old Place Yard).

**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:** 1 December 2017      **Committee Date:** 23 November 2017

**Recommendation:** Approve

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

- 1.1 The application site is located immediately to the south of Bicester town centre and comprises one of two sites to the west (Site A) and east (Site B) of the library. The application relates to Site B.
- 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.

## **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. Members agreed to delegate authority for the approval of two different tiles for the roofs of the buildings on both sites (A and B) on 18 May 2017 and it was subsequently approved on 6 June 2017.
- 2.2 The current application seeks to amend the approved tile on Site B only. The proposal is to use the same tile as that approved for Site A, MarleyEternit clay plain tile in Blue Smooth in lieu of a MarleyEternit clay plain tile in Red Smooth.

### **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 change to the approved roofing tile is not considered to result in a significant change to the appearance of the development, or to raise any new issues. Therefore it is considered that this proposed amendment would not constitute a material change to the permission. It is considered that the proposed tile is appropriate for the development and is compatible with the surrounding development.

### **4. RECOMMENDATION**

- 4.1 The change to the approved roofing tile on Site B does 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 a non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended).

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