

**Case Officer:** Richard Greig

**Recommendation:** Approve

**Applicant:** Bovis Homes Limited

**Proposal:** Variation of condition 1 (plans) of 13/00711/REM - Condition 1 reference to drawing Materials Plan - B0285 49B should be removed and replaced with drawing UH-B1-02-004\_Materials Plan B1

**Expiry Date:** 6 June 2020

**Extension of Time:** 6 June 2020

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## 1. APPLICATION SITE AND LOCALITY

1.1. This application relates to a parcel of land forming the western gateway to the Heyford Park development, consisting of 9no dwelling houses (permitted under application reference 13/00711/REM), situated on the southern side of Camp Road, and located within the RAF Upper Heyford Conservation Area.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. This application, as set out on the applicants completed application form, seeks permission under section 73 (Town and Country Planning Act 1990) to vary Condition no1 (approved plans) to substitute approved drawing 'Materials Plan-B0285 49B' with revised 'Materials Plan Parcel B1 UH-B1-02-004'.

2.2. The amended plan (Materials Plan Parcel B1 UH-B1-02-004) seeks to regularise the changes to plot no2, no3 and no6 wherein the external walls of the respective dwelling houses have been constructed in an 'Ibstock brick type Mercia Antique'.

## 3. RELEVANT PLANNING HISTORY

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

Application Reference: 13/00711/REM

- Erection of nine dwellings with associated parking, swale, public open space and associated landscaping.
- 19 February 2014.

## 4. PRE-APPLICATION DISCUSSIONS

4.1. The following pre-application discussions have taken place with regard to this proposal:  
– applicant advised via email to submit an application to vary condition no1 to planning reference 13/00711/REM.

## 5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **2 June 2020**, by advertisement in the local newspaper expiring **18 April 2020** and by letters sent to properties adjoining the application site that the Council has been able to identify from it's records. The overall final date for comments was **2 June 2020**.

## **6. RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. No comments received.

### NON-STATUTORY CONSULTEES

- 6.3. CDC Conservation:

*'I have concerns with the proposed alteration of materials (which I understand is retrospective).*

*The development which formed part of the original application (13/00711/REM) was subject to a significant amount of discussion and negotiation as it forms a gateway into the Heyford Park development 'This proposal is for the Bovis Show Home complex at Upper Heyford. The development will form the western gateway to this strategic development site and therefore the design and layout needs to be carefully considered' and The site is in a prominent location and will form a gateway as you enter the area from the west and form part of the setting for Camp Road'*

*The development of 9 houses was carefully considered and designed as a 'set piece' 'The main façade consists of five detached units which sit closely together. These have been configured with a clear geometry which is reflected in a simple building line'.*

*The materials were carefully considered and the buildings along the frontage were designed as three brick buildings flanked by rendered buildings. The use of the wrong brick with two of the three houses in one brick type and the other in another significantly erodes the quality of development in this key location. This causes harm to the setting of the RAF Heyford Conservation Area.'*

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15: The Character of the Built and Historic Environment
- Policy Villages 5: Former RAF Upper Heyford

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23: Retention of features contributing to character or appearance of a conservation area
- C28: Layout, design and external appearance of new development

## MID CHERWELL NEIGHBOURHOOD PLAN

- PD3: Development Adjacent to Heyford Park
- PD4: Protection of Important Views and Vistas

### 7.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- RAF Upper Heyford Conservation Area Appraisal (April 2006)

## **8. APPRAISAL**

8.1. Section 73 of the Town and Country Planning Act 1990 makes provision to remove or change a condition(s) to a grant of planning permission by making an application to the local planning authority – as is the case in this instance.

8.2. As directed by PPG (Use of Planning Conditions) – *‘In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.’*

8.3. The condition relevant to this submission, as referred to under section 2.1 of this report, is condition no1 (approved plans).

8.4. This application now seeks to vary condition no1 to substitute approved drawing ‘Materials Plan-B0285 49B’ with ‘Materials Plan Parcel B1 UH-B1-02-004’, illustrating a revised (retrospective) palette of materials to plot no2, no3 and no6 wherein the external walls of the respective dwelling houses have been constructed in an ‘lbstock brick type Mercia Antique’.

8.5. In considering the variation of condition no1, it is important to understand the reasoning for the original condition.

8.6. Condition no1 was imposed *‘For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.’*

8.7. The approved plan (Materials Plan-B0285 49B) to be substituted defined, in part, the permitted layout and architectural form and detailing, inclusive of the external materials.

8.8. The comments raised by CDC Conservation are duly noted. With that in mind it is important to consider the background to the parent permission and the design approach therein.

8.9. As referenced within the Planning Committee report to the parent permission, *‘of particular interest is the developments relationship with Camp Road. This existing route forms an important structuring element to the site’*. In short, the site,

comprising the 9no permitted dwellings forms a gateway to the Heyford Park development, wherein the *'main façade consists of five detached units which sit closely together. These have been configured with a clear geometry which is reflected in a simple building line.'*

8.10. It is noted that the palette of materials was carefully considered to the original scheme. It is also recognised that the 6 different house types were permitted, comprising a mix of materials and a *'wealth of detailing'*, which had been designed to reflect the *'arts and crafts character'* of the RAF Upper Heyford Conservation Area. Moreover, the arts and crafts theme, by its very nature, is not uniform in character, as such the mixed palette of materials (i.e. render and brick) permitted under the parent permission and the varied brick type now proposed under this submission are considered to be consistent with the permitted design approach and its *'arts and crafts'* context.

## 9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

9.2. The substitution of an approved plan to the parent permission is considered to be consistent with the limitations of the development permitted under the parent permission and is deemed to be acceptable in this specific context.

## 10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered:

Site Location Plan-B0285 10 1C  
Site Layout Plan-B0285 05 1k  
Materials Plan Parcel B1 UH-B1-02-004  
House Types P502-Plot 1 and 5-- B0285 08 1E  
House Types P404A-Plot 2 and 4-- B0285 09 1E  
House Types SW4038A-Plot 3-- B0285 45 1A  
House Types P502-Plot 1 and 5-- B0285 08 1E  
House Types 404A-Plot 6-- B0285 09 2E  
House Types 404A-Plot 6-Floorplan-- B0285 09 3E  
House Types P502-Plot 7-- B0285 07 2E  
House Types 302A 303A-Plot 8 and 9-- B0285 32 1A  
Street Elevation- House B0285 03 1M  
Garage D plot1 B0285 11 3B  
Garage Block plot 2 3 4 5 B0285 11 5B  
Garage T plot 6 B0285 11 4B  
Garage S plot 71 B0285 11 1B  
Garage D plot 8 and 9 B0285 11 2B  
Enclosure details B0285 53  
Drainage Details-HEYF 5 602f  
Engineering Details-HEYF 5 600L  
Soft Landscape Plan- BIR 4372 05C  
Rootball/Soft Landscape Plan- BIR 4372 06A  
Tree Pit Details B0285 06 D

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

Case Officer: Richard Greig

DATE: 12 April 2023

Checked By: Andy Bateson

DATE: 12<sup>th</sup> April 2023

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