

Case Officer: Andrew Lewis

Recommendation: Approve

Applicant: Heyford Park Developments LTD

Proposal: Non-material amendment to 19/00441/REM - amended drawings, amended plot numbers

Expiry Date: 14 January 2021

Extension of Time: No

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application site fronts Camp Road just off the village centre of the Heyford Park development and is an island of 31 units consisting of houses and flats, and market and affordable units. Outline planning permission was granted in 2011 (ref 10/01642/OUT) and subsequently two detailed reserved matters submissions were made and approved. However, things got slightly more complicated as the site, together with other parcels at Heyford Park, were subject of a further detailed full application to intensify the scale of development as part of the Oxfordshire Growth deal. Following approval of conditions work started on site last year.
- 1.2. This application relates solely to Phase 5R, plots 861-867, formerly 1 to 7. These plots are to the rear of the site fronting Gordon Road/Dow Street.
- 1.3. The approved schedule of accommodation for the whole site, which does not change, was:

ACCOMMODATION SCHEDULE					
OPEN MARKET					
Name	Stories	Bedrooms	Gross sqft	No. Of Units	
SP2-V3	3 Storey	4 Bed house	1523ft ²	5	
TOTAL				5	
AFFORDABLE HOUSING UNITS - RENTED					
Name	Stories	Bedrooms	sqft	No. Of Units	
SFF9	1BF3	3 Storey	1 Bed flat	490ft ²	1
SFF9	1BF2	3 Storey	1 Bed flat	506ft ²	2
SFF9	1BF1	3 Storey	1 Bed flat	597ft ²	1
SFF9	2BM2	3 Storey	2 Bed maisonette	813ft ²	1
SFF9	2BF (WC)	3 Storey	2 Bed maisonette	829ft ²	1
SFF9	2BF1	3 Storey	2 Bed flat	829ft ²	1
SFF9	2BM3	3 Storey	2 Bed maisonette	831ft ²	1
TOTAL				8	
TOTAL AFFORDABLE UNITS				8	
GRAND TOTAL				13	

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. Following the increase in density, the site is covered by three detailed permissions. The Council is being asked to agree this and one more non-material amendment (a third may follow),. It also means the plots have been renumbered.

2.2. So, this application relates to the reserved matters approval (application ref. 19/00441/REM) in so far as the plans and particulars of the RMA for Dorchester Phase 5R and relate to plots 861 to 867 only of Phase 5R as indicated on the submitted Planning Layout Drawing 0521-PH5C-102 Rev.H.

2.3. The main changes are:

- Cill and header materials changed to match walling brick
- Adjustment and refinements to rear boundary and landscaping treatments

3. RELEVANT PLANNING HISTORY

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

- 08/00716/OUT OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08). REF but permitted at appeal
- 10/01642/OUT Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure
PER
- 10/01619/CAC Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1)
PER
- 13/01811/OUT OUTLINE - Up to 60 dwellings and public open space with associated works
PER
- 13/00153/DISC Discharge of Condition 8 of 10/01642/OUT (Design Codes)
PER
- 16/00627/REM Reserved Matters to 13/01811/OUT -Erection of 60 dwellings and public open space with associated works
PER
- 17/00663/F Construction of roads with associated infrastructure within the Heyford Park Development
Application Permitted
- 17/00973/REM Reserved Matters application to 10/01642/OUT - Dorchester Phase 5C, comprising the provision of 17 residential units of mixed type (dwelling houses and flats) and tenure (open market and affordable) with associated landscaping, car parking, infrastructure and external works
Application Permitted
- 19/00438/REM Reserved matters to 10/01642/OUT -Dorchester Phase 5C, comprising the provision of 13 residential units (5 open market and 8 affordable) with associated landscaping, car parking, infrastructure and external works.
Permitted

- 19/00446/F Erection of up to 57 residential units (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of vehicular and pedestrian accesses, public open space, landscaping, infrastructure and site clearance.
Approved
- 20/03640/NMA- Non-material amendment to 19/00438/REM - amended drawings, amended plot numbers.
Pending consideration

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.

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 proposed changes do not alter the scale, size, use, mix or tenure of the original development. The physical alterations are all minor in nature and would not have an impact beyond what was originally assessed. The proposed alterations to the buildings would not result in a material alteration to their appearance and would be in keeping with their original design and the design code for this part of the development and the surrounding area.

- 5.5. It is therefore considered that the changes would not, individually or cumulatively, be a 'material' amendment.

6. CONCLUSION

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

7. RECOMMENDATION

Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment described to 19/00441/REM in accordance with the application form and drawing numbers:

- Planning Layout 0521-PH5C-102 Rev.H
- External Works Layout 0521-PH5C-104 Rev.H
- Plots 864, 865-House Type DL6 Elevations and Plans:
 - 0521-PH5C-200 Rev.B
- Plots 866-House Type DL2 Elevations and Plans:
 - 0521-PH5C-201 Rev.B
- Plot 862-House Type 1:
 - 0521-PH5C-202 Rev.B
- Plots 861, 863-House Type 1:
 - 0521-PH5C-203 Rev.B

The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of planning permission 19/00441/REM. These conditions must be adhered to so as to ensure that the development is lawful.

Case Officer: Andrew Lewis

DATE: 11 January 2021

Checked By: Caroline Ford

DATE: 14 January 2021
