

DJR/CIR.P20-3199

26th November 2020

Public Protection & Development Management
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

Planning Portal Ref. PP-09292725

For the attention of Mr. Andrew Lewis, Principal Planning Officer – Major Projects

Dear Sir,

**Town and Country Planning Act 1990
Application for Non-Material Amendments to Reserved Matters Approval
19/00441/REM with regards to**

**Dorchester Phase 5R, Heyford Park, Upper Heyford, Bicester, Oxfordshire, OX25
5HD**

Please find enclosed an application submitted on behalf of our client, Heyford Park Developments LTD, for Non-Material Amendments (NMA) to reserved matters approval 19/00441/REM with regards to Dorchester Phase 5R of the development at Heyford Park, Camp Road, Upper Heyford, OX25 5HD.

Application documentation

Forming part of this application, please find enclosed the following documentation:

- Application Forms duly completed;
- Planning Layout - drawing ref: 0521-PH5C-102 Rev.H
- External Works Layout – drawing ref: 0521-PH5C-104 Rev.H
- House Type DL6 Plans & Elevations – drawing ref: 0521-PH5C-200 Rev.B (Plots 864, 865, 869-872)
- House Type DL2 Plans & Elevations – drawing ref: 0521-PH5C-201 Rev.B (Plots 866-868)
- House Type 1 Plans & Elevations – drawing ref: 0521-PH5C-202 Rev.B (Plot 862)
- House Type 1 Plans & Elevations – drawing ref: 0521-PH5C-203 Rev.B (Plot 861, 863)

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | Gloucestershire | GL7 1RT

T 01285 641717 | **F** 01285 642348 | **W** www.pegasusgroup.co.uk

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The application fee of £234 for an application of this type has been paid direct to the Planning Portal in line with the requirements of an online submission.

Background

The mixed-use redevelopment for the New Settlement Area within Heyford Park was granted outline planning permission on 22nd December 2011 (application ref. 10/01642/OUT). Reserved matters (layout, scale, appearance, access and landscaping) pursuant to this consent have been subsequently submitted and approved on a phase-by-phase basis.

In connection with this, an additional outline planning permission for residential development on land and former buildings UH11 442 465 466 467 468 470 471 481 492 493 529 523 and 596 at Dow Street, Upper Heyford was granted under reference 13/01811/OUT on the 31st March 2016 for upto 60 units.

The first reserved matters approval (RMA) for 60 units pursuant to this permission was achieved via approval 16/00627/REM, with a subsequent amended approval for 7 of those units granted under reference 19/00441/REM on the 13th September 2019.

Following submission of relevant applications for the approval of pre-commencement conditions, works started on site in February this year and are on-going.

Purpose of the application

This application seeks to amend Condition 1 of the reserved matters approval (application ref. 19/00441/REM) in so far as the plans and particulars of the RMA for Dorchester Phase 5R to be amended by those drawings hereby submitted. To this end the submitted drawings relate to plots 861-867 only of Phase 5R as indicated on the submitted Planning Layout Drawing 0521-PH5C-102 Rev.H.

As the Authority will be aware, the Court of Appeal, in R (on the Application Of Fulford Parish Council) v City of York Council [2019] EWCA Civ 1359, has confirmed that the statutory power under section 96A of the Town and Country Planning Act 1990 to make non-material changes to a planning permission can be used to make non-material changes to conditional RMAs.

Accordingly, this NMA application seeks to substitute certain drawings approved under the RMA.

In this regard it is highlighted that the residential development proposed on this part of Heyford Park, consists of the three conjoined phases of Phase 5C, Phase 5R and Phase 5D. These phases taken together comprise 31 units in total, within each phase falling under different full permission or reserved matters approvals. In addition since the original permissions were granted, the plots numbers have been amended to take account of the wider development proposals.

In seeking to clarify matters for Officers, the following table sets out the appropriate permissions for each phase as well as the original and amended plot numbers to which they relate:

Phase	Decision Notice	Original Plots	Amended Plots
Phase 5R	19/00441/REM	1 to 7	861 to 867

Phase 5D	19/00446/F	8 to 18	868 to 873 and 887 to 891
Phase 5C	19/00438/REM	19 to 31	874 to 886

Although this NMA relates solely to the details approved for **Phase 5R only**, corresponding NMAs will be submitted to Phase 5C and Phase 5D under references PP-09292716 and PP-09292730 respectively.

For the avoidance of doubt, the table below identifies those drawings that were previously consented under the Phase 5R RMA and those drawings forming the subject of this NMA application. Those drawings greyed-out are proposed to be superseded by this NMA application.

Drawing Title	Consented drawings under 19/00438/REM	Proposed amendments
Planning Layout	0521-PH5(R)-102	0521-PH5C-102 Rev.H
External Works Layout	0521-PH5C-5D-5(R)-104	0521-PH5C-104 Rev.H
House Type DL6 Plans & Elevations	0521-PH5C-5D-5(R)-200	0521-PH5C-200 Rev.B (Plots 864, 865, 869-872)
House Type DL2 Plans & Elevations	0521-PH5C-5D-5(R)-201	0521-PH5C-201 Rev.B (Plots 882, 883, 887 and 866-868)
House Type 1	0521-PH5C-5D-5(R)-202	0521-PH5C-202 Rev.BC (Plot 862)
House Type 1	0521-PH5C-5D-5(R)-203	0521-PH5C-203 Rev.B (Plots 861, 863)

In line with the composite nature of Phases 5C / 5R / 5D, the submitted planning layout and external works drawings indicate the combined extent of all the phases.

The nature of the proposed amendments from the approved drawings relate to the following:

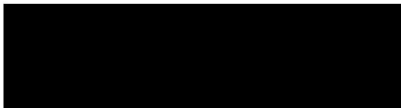
- Amended cill and header materials to match walling brick;
- Adjustment and refinements to rear boundary and landscaping treatments;

Summary

The proposed changes, individually and cumulatively, are considered to be non-material and the resultant development would have no greater impact than that previously approved and would remain in-keeping with the character of the local and wider area.

I trust you find the above and enclosed covers all the relevant and necessary particulars to allow you to validate the application. However, should you have any questions or require any further information, please do not hesitate to contact me.

Yours faithfully,



Darryl J. Rogers
Principal Planner
E-mail: darryl.rogers@pegasusgroup.co.uk