

**Heyford Park, Camp Road, Upper Heyford,
Bicester, OX25 5HD**

20/03628/NMA

Case Officer: Lewis Knox

Recommendation: Approve

Applicant: Elgin Investments LLP

Proposal: Non-material amendment to 16/02446/F - amended plans to allow for Reduction in size and extent of southern attenuation basin; relocation of pumping station and emergency storage tank; associated reconfiguration and repositioning of LEAP with southern area; associated rearrangement of seating area and repositioning of NEAP equipment; realignment of footpath through south eastern LAP; associated repositioning of LAP and trim trail equipment; repositioning of trim trail equipment along southern boundary footpath opposite plot 632; associated amendments to planting and landscaping arrangements; minor renumbering of parking spaces for plots 576-580 and 747-751;

Expiry Date: 23 March 2023

Extension of Time: Yes

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1 The application site forms part of an allocated site for a new settlement in the Local Plan. The site is also within the emerging Mid-Cherwell Neighbourhood Plan area. It is within the RAF Upper Heyford Conservation Area and lies adjacent to the Rousham, Lower Heyford and Upper Heyford Conservation Area.
- 1.2 Full planning permission was granted in 2020 on a parcel of land at the west end of Camp Road for 296 dwellings and associated infrastructure. Vehicular access is from Camp Road with secondary access to Izzard Road. Pedestrian and cycle links are proposed to Kirtlington Road and the existing settlement. The development will constitute Phase 9 of Heyford Park.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. A Non-Material Amendment to 16/02446/F is sought to allow for the reduction in size and extent of a southern attenuation basin; relocation of a pumping station and emergency storage tank; associated reconfiguration and repositioning of LEAP within the southern area of Phase 9; associated rearrangement of a seating area and repositioning of NEAP equipment; realignment of a footpath through the south eastern LAP; associated repositioning of LAP and trim trail equipment; repositioning of trim trail equipment along southern boundary footpath opposite plot 632; plus associated amendments to planting and landscaping arrangements; and minor renumbering of parking spaces for plots 576-580 and 747-751.
- 2.2. The amendments are consequential upon a revised drainage design for the Phase 9 development, which has involved the creation of a second drainage attenuation pond further north within Phase 9, which has been separately approved under 20/03619/F.

3. RELEVANT PLANNING HISTORY

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

Application: 16/02446/F Permitted 7 April 2020

Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works

Application: 20/03619/F Permitted 22 March 2023

Construction of attenuation basin including associated infrastructure and landscaping

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 impact of the reduction in the size and extent of the southern attenuation basin has already been mitigated and assessed through associated planning application 20/03619/F. As such it is not considered that there would be a material impact on flood risk or drainage as a result of this amendment beyond that which has already been assessed and approved.

- 5.5. The associated impact on landscaping and character and appearance of the area; including the alterations to the LAP and LEAP, through the change in scale and extent of this attenuation basin was also taken into account when approving the northern attenuation basin. Given this, it is again considered that there would not be any material change to the development beyond the 20/03619/F approval. Insofar as the area of usable open space, including LAP, LEAP, NEAP and footpath is concerned in the vicinity of the slightly smaller attenuation pond, it is accordingly slightly larger but that has no material impact on the approved development overall.
- 5.6. The alterations to the numbering of the parking spaces would not result in any changes to the available parking in this location, it would just change the plots that each space belong to. Given this it is not considered that there would be any material change to the original permission and would not impact on parking provision or the safety of the local highway network.

6. CONCLUSION

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

Case Officer: Lewis Knox

DATE: 22 March 2023

Checked By: Andy Bateson

DATE: 22nd March 2023
