

DJR/CIR.P20-3199

18th December 2020

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

Planning Portal Ref. PP-09360579

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
19/00440/REM with regards to**

**Dorchester Phase 8A, 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 19/00440/REM with regards to Dorchester Phase 8A 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 0521-PH8C-102 Rev.E
- House Type SPF2(A) Plans & Elevations – drawing ref: 0521-PH8A-200 Rev. B
- House Type SPF3 Plans and Elevations – drawing ref: 0521-PH8C-201 Rev.B

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)

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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pursuant to this consent have been subsequently submitted and approved on a phase-by-phase basis.

The application for Reserved Matters Approval (RMA) for Dorchester Phase 8A was granted approval on 7th October 2019 (application ref. 19/00440/REM). Following submission of relevant applications for the approval of pre-commencement conditions, works are expected to start on site early in the new year.

Purpose of the application

This application seeks to amend Condition 1 of the reserved matters approval (application ref. 19/00440/REM) in so far as the plans and particulars of the RMA for Dorchester Phase 8A to be amended by those drawings hereby submitted. To this end the submitted drawings relate to plots 419-433 only of Phase 8A 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 8A, 8B and 8C. These phases fall under different full permission or reserved matters approvals.

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

Phase	Decision Notice	Plots
Phase 8A	19/00440/REM	419 to 433 and 440 to 448
Phase 8B	16/00864/REM	361 to 409
Phase 8C	19/00446/F	410 to 418 and 434 to 439

Although this NMA relates solely to the details approved for **Phase 8A only**, a corresponding NMA will be submitted to Phase 8C under references PP-09292730. Phase 8B remains unchanged at this time.

For the avoidance of doubt, the table below identifies those drawings that were previously consented under the Phase 8A 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 19/00440/REM	Proposed amendments
Planning Layout	0521-PH8C-102 Rev.A	0521-PH8C-102 Rev.ED
	Housetype Booklet – 0521-PH8C-HTB-Issue 2 Containing:	
SPF2(A) – Plans & Elevations	0521-PH8A-200 Rev.A-	0521-PH8A-200 Rev.B
SPF3 – Plans & Elevations	0521-PH8C-201 Rev.A	0521-PH8C-201 Rev.B

In terms of the amendment proposed these are:

- Amended roof design to apartment type SPF2(A) via introduction of additional roof gables to add interest;
- Amended roof design to apartment type SPF3 via introduction of additional roof gables to key elevations;
- Enlarged lobby area to apartment SPF3 and associated elevational changes;
- Substitution of cladding for grey render on elevations;

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.

In enabling the overall development to advance, we would be grateful if that application, and this submission could be progressed to a favourable determination as soon as possible.

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

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