

Case Officer: Andrew Lewis

Recommendation: Permit

Applicant: Elgin Investments LLP

Proposal: Non-material amendment to 16/02446/F (Phase 9) - amended plans

Expiry Date: 16 August 2021

Extension of Time: 17th June 2022

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. RELEVANT PLANNING HISTORY

- 2.1. The following planning history is considered relevant to the current proposal

07/02350/CAC Demolition of existing structures as part of lasting arrangement of Heyford Park - Allowed at appeal.

08/00716/OUT Outline application for new settlement of 1,075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical & social infrastructure - Allowed at appeal.

10/01642/OUT Proposed new settlement of 1,075 dwellings including the retention and change of use of 267 existing military dwellings 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 - Approved.

10/01619/CAC Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1) - Approved.

16/02446/F

Erection of 296 residential dwellings 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 - Approved.

18/00825/HYBRID

Demolition of buildings and structures as listed ; Outline planning permission for up to 1,175 new dwellings; 60 close care dwellings; 929m² of retail; 670m² comprising a new medical centre; 35,175m² of new employment buildings, (comprising up to

6,330m² Class B1a, 13,635m² B1b/c, 9,250m² Class B2, and 5,960m² B8); 2.4 ha site for a new school; 925m² of community use buildings; and 515m² of indoor sports, if provided on-site ; 30m in height observation tower with zip-wire with ancillary visitor facilities; energy facility/infrastructure with a stack height of up to 24m; additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use; creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; Change of Use of buildings and areas: 20.3ha of hardstanding for car processing; and 76.6ha for filming activities ; the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, associated infrastructure works including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road - Resolution to Approve subject to securing s106 agreement.

21/02299/DISC

Discharge of condition 22 (verification report for the relevant phase or sub-phase) of 16/02446/F - Phase 9a - Approved.

21/03858/DISC Discharge of condition 10 (Remediation Strategy) of 16/02446/F- Phases 9C, 9D, 9E, 9F and 9G - Approved.

21/00918/NMA Non-material amendment to plots 500-508 - Pending.

3. DESCRIPTION OF PROPOSED AMENDMENT(S)

3.1 The proposed changes are summarised below:

- AF3 units 546-551 changed to render. Previously 4 of the 6 were in brick. Windows to the side have also been removed to deal with the notional boundary Part B issue that was raised by Building Control following the grant of planning permission.
- SP7a/b units 557, 558, 595, 596 now in brick, previously in render. Roof profile amended to include hip and dormers have gained a matching pitch roof.
- All garages are now in brick.
- Rendered units have had brick band to low level increased to 600mm.
- Rendered units have brick corbel detail with single visible course of brick to high level gable/front/rear elevations as per phase 1.
- Rendered units to have tiled cills with bell mouth heads where stone is not implemented.
- Windows elongated to 1350mm where applicable, 900mm to bathrooms to allow for vanity install and 1200mm where kitchen countertops are present internally.
- Windows have been pushed up towards ceiling line to avoid the need for internal restraint bars where applicable.
- Overall depth of GRP and timber porches to be reduced (when flat top) to reduce impact on façade.
- Stone window surrounds to be introduced to front/side facades along key elevations and major arteries through the phase. Secondary road facing elevations have maintained a mix of splayed brick arches and solid course detailing to heads/tiled cills.
- SP8 floor plan amendments made based on a modified version of the phase 8b house type with the garage pulled forward, living room moved downstairs and en-suite removed to allow for more efficient stacking. Elevation changed drastically from original preliminary set to accommodate for the garage being pulled forward. Dormer removal, change of roof profile and loss of chimneys, windows to the side have also been removed to deal with the notional boundary Part B issue that was raised by building control.
- SP9 floor plan amendments made based on a modified version of the phase 8b house type. First floor shower room cut back to WC to provide a more usable bedroom space, en-suite removed from 2nd floor and additional storage shared between bedroom 1 and 4. Elevation changed drastically from original preliminary

drawings including - dormer removal, change of roof profile and loss of chimneys, windows to the side have also been removed to deal with the notional boundary Part B issue that was raised by building control.

- DL2 design replaced by DL2v2 and elevational treatments updated to site location. Key elevations with stone detailing.

4. APPRAISAL

- 4.1. 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.
- 4.2. 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”*.
- 4.3. 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.
- 4.4. The proposed changes both individually and cumulatively are considered non-material and are also considered to not have a detrimental impact on the area, the Conservation Area or the overall general scheme. The proposals are considered to remain in keeping with the character of the local and wider area. The changes will not detract from the visual or residential amenity previously approved and will be of a design and proportion which relates to the neighbouring properties.
- 4.5. The applicant argues these changes are consistent with the original permission and will have no greater impact than that previously approved and will be more cohesive with the development already approved and being undertaken elsewhere on Heyford Park. That conclusion is agreed.

5. CONCLUSION

- 5.1 In summary, having regards to the proposed changes and for the reasons above, the changes are considered to fulfil the criteria for non-material amendments and are considered non-material in themselves and the application is therefore recommended for approval.

Case Officer: Andrew Lewis

DATE: 9 June 2022

Checked By: Andy Bateson

DATE: 10th June 2022
