

**Cotefield Farm, Oxford Road, Bodicote,  
Oxfordshire, OX15 4AQ**

**22/01587/NMA**

**Case Officer:** Will Anstey

**Recommendation:**

**Applicant:** Crest Nicholson Operations Limited

**Proposal:** Tint the bricks in the under build so they match the stonework above, additional planting to screen the tinted brickwork, amend landscaping plan numbered '1908 15 J' with '1908 15 L' and variation of condition 1 to amend the list of approved plans (proposed as non-material amendments to 18/01309/REM)

**Expiry Date:** 24 June 2022

**Extension of Time:** No

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## **1. APPLICATION SITE AND APPROVED DEVELOPMENT**

- 1.1. The application site comprises a residential development of 58 homes granted outline permission under application 14/02156/OUT (95 dwellings total) and reserved matters consent under application 18/01309/REM (58 homes).
- 1.2. This proposed change affects plots 85 and 91 on the development. Plot 85 is a Caldwell house type and plot 91 is a Radley house type. Both plots were approved to be built with stone walls but red brick has been used to the under build below damp proof course level and, as a result of the slope of the site, the under build extends to over a metre in height in places.

## **2. DESCRIPTION OF PROPOSED AMENDMENT(S)**

- 2.1. To address the difference in materials between the stone above damp proof course level and the brick below, it is proposed to tint the brickwork to bring its colour closer to that of the stone work. It is also proposed to add additional planting to screen the brickwork.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 14/02156/OUT - OUTLINE - 95 No new homes - Permitted
- 3.3. 18/01309/REM - Reserved matters application for 14/02156/OUT - appearance, landscaping and layout (including the layout of the internal access roads, footpaths and cycleways) for 58 dwellings - Permitted
- 3.4. 19/00050/DISC - Discharge of Conditions 6 (levels) and 11 (landscaping) of 18/01309/REM - Permitted

## **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.

- 4.2. Responses are available to view in full on the Council's website, via the online Planning Register.

## **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 two plots covered by this application were approved to be finished in ironstone from ground level. As built, red brick has been used from ground level to damp proof course and due to the slope on the site, the extent of brickwork can exceed 1m in height in places. While this situation affects only 2 plots on the scheme and these plots are a significant distance into the development, they front a public open space and are readily visible from this area and from different directions. This change in material is apparent from the public realm and has an adverse effect on the visual amenity of the locality.
- 5.5. The proposed tinting significantly reduces the contrast in colour between the brick and the stone, though it does not change the size and shape of the brickwork which still differs from the stonework. The change in colour as a result of the tinting would significantly soften the effect of the change in materials when both plots are viewed in the wider street scene, though at close quarters the different size and shape of the brick compared to the stone would remain apparent. The additional planting is therefore important in helping to further screen this change and its effects.
- 5.6. As built, Officers consider that the change in material below damp proof course level would result in a material change to the scheme, given the significant contrast between the materials and the visibility from the public realm. However, once tinted, this contrast is reduced and this is further aided by the additional planting proposed. As such, and subject to the additional planting, on a very fine balance Officers consider this change to be non-material.
- 5.7. The application – and decision – relates to the under-build and not to projecting elements, walls, etc. which have also been subject to enforcement team investigations, and which will be required to be changed to natural ironstone.

## 6. CONCLUSION

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

6.2. The plans and documents to be approved are:

- 14752/SLP – Site Location Plan (Plots 85 & 91) Rev A
- 14752/HMA/CALDW/685-PD – Block Plans – Plot 85 Rev P1
- 14752/HMA/RADLEY/691-PD – Block Plans – Plot 91 Rev P1
- 1908 15 Rev L – Detailed Planting Proposals – Phase 2 Sheet 2 of 5
- Photo of brick tinting submitted 7 September 2022

Drawing numbered '1908 15 J' approved under application 19/00050/DISC pursuant to the requirements of Condition 11 of the decision referenced 18/01309/REM is hereby superseded with drawing numbered '1908 15 L'. The development remains subject to the requirements of the conditions of the outline planning permission and the reserved matters consent including Condition 12 of the reserved matters decision.

Condition 1 is amended in the following ways:

Drawing ref. P16-1364\_08 RAD Radley V1 (Stone) now relates to plots 76, 84 and 93

Drawing ref. P16-1364\_08 CALD 2 Caldwell (Stone) now relates to plots 66, 67, 81 and 92

Drawing refs. 14752/HMA/CALDW/685-PD and 14752/HMA/RADLEY/691-PD are hereby added to the list of plans listed in Condition 1

Case Officer: Will Anstey

DATE: 2 March 2023

Checked By: Nathanael Stock

DATE: 07.03.2023

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