

21st June 2022

Development Offices
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Sir/Madam

SECTION 96A APPLICATION: NON-MATERIAL AMENDMENT

Please find enclosed an application for a non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended) to planning permission 21/01227/F.

Description of Application for Non-Material Amendment

The application for a non-material amendment seeks approval for:

“Non-Material Amendment to Planning Application 21/01227/F for the updating of the External Materials Schedule and changes of the wording to condition 18 for plots to be constructed with passive ventilation and thermally massive floors”

Accordingly, please find enclosed the following documentation:

- This covering letter
- Completed Application Form
- External Materials Schedule, produced by Crest Nicholson
- Site Location Plan

Background

This application relates to the Full Planning consent for “57 Dwellings and associated infrastructure”.

This application was consented in December 2021.

This Non-Material Amendment relates to Conditions 2 and 18 of the consent. Condition 2 outlines the plans the development shall accord with, including the External Materials Schedule. Condition 18 refers to which plots are to be delivered with passive ventilation and thermally massive floors. The conditions read as below:

Condition 1:

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

20380/1001 Rev A 'Site Location Plan'
20380/1002 Rev A 'Site Location Plan'
20380/5001 Rev H 'Planning Layout'
20380/6001.1 Rev A 'Romsey Floor Layouts'
20380/6001.2 Rev D 'Romsey Elevations Type 1'
20380/6001.3 Rev D 'Romsey Elevations Type 2'
20380/6001.4 Rev A 'Romsey Elevations Type 3'
20380/6002.1 'Dorking Floor Layouts'
20380/6002.3 Rev A 'Dorking Elevations Type 2'
20380/6003.1 Rev A 'Dartford Floor Layouts'
20380/6003.2 Rev C 'Dartford Elevations Type 1'
20380/6003.3 Rev C 'Dartford Elevations Type 2'
20380/6003.4 Rev C 'Dartford Elevations Type 3'
20380/6004.1 Rev B 'Cromer Floor Layouts'
20380/6004.2 Rev C 'Cromer Elevations Type 1'
20380/6004.3 'Cromer Elevations Type 2'
20380/6005.1 Rev A 'Evesham Floor Layouts'
20380/6005.2 Rev C 'Evesham Elevations Type 1'
20380/6005.3 'Evesham Elevations Type 2'
20380/6006.1 Rev A 'Windsor Floor Layouts'
20380/6006.2 Rev C 'Windsor Elevations Type 1'
20380/6007.1 Rev A 'Roydon Floor Layouts'
20380/6007.3 'Roydon Elevations Type 2'
20380/6007.4 'Roydon Elevations Type 3'
20380/6008.1 Rev B 'Buckingham Floor Layouts'
20380/6008.2 Rev C 'Buckingham Elevations Type 1'
20380/6008.3 Rev C 'Buckingham Elevations Type 2'
20380/6010.1 Rev A 'Marlborough Floor Layouts'
20380/6010.2 Rev D 'Marlborough Elevations Type 1'
20380/6010.3 'Marlborough Elevations Type 2'
AA2699C(3)/2100 Rev A '2B4P Private V1 & V2 House Types and 2B4P Affordable V1 House Types' – Plots 7 and 8 Floorplans and Elevations (now plots 10 and 11)
AA2699C(3)/2103 Rev A '3B5P Private & Affordable – V1 House Types' – Plots 6 and 9 Floor Plans and Elevations (now plots 9 and 12)
AA2699(3)/2004 'Material Locations' – Plots 6-9 (now Plots 9-12)
AA2699(3)/2006 'Roof materials' – Plots 6-9 (now Plots 9-12)
AA2699(3)/2007 Rev A 'Gable window locations' – Plots 6-9 (now Plots 9-12)
20380/6050.1 'Garage Types'
20380/6050.2 'Garage Types'
20380/6051 'Cycle Store'
20380/3175 Rev B 'Street Hierarchy Strategy'
20380/3171 Rev B 'Roof Materials Strategy'
20380/3174 Rev C 'Boundary Materials Strategy'
20380/3173 Rev B 'Storey Heights Strategy'
20380/3177 Rev B 'Refuse Strategy'
20380/3170 Rev B 'Facing Materials Strategy'
20380/3176 Rev B 'Parking & Cycle Strategy'
14790TA-P-3300 Rev P2 'Planning Levels Layout Sheet 1 of 2'
14790TA-P-3303 Rev P2 'Planning Levels Layout Sheet 2 of 2'
13741-1-I 'Horizontal Illuminance – Elmsbrook Bicester Phase 4'
14790TA-P-3260 Rev P3 'Planning Drainage Layout Sheet 1 of 2'
14790TA-P-3263 Rev P3 'Planning Drainage Layout Sheet 2 of 2'

14790TA-3240 Rev P1 'Swale Layout and Typical Construction Detail 2 of 2'

14790TA-3209 Rev C2 'Swale Layout and Typical Construction Detail 1 of 2'

DR-5000 S4-P3 'Landscape Layout'

DR-5001 S4-P3 'Planting Plan 1 of 3'

DR-5002 S4-P3 'Planting Plan 2 of 3'

DR-5003 S4-P3 'Planting Plan 3 of 3'

DR-5004 S4-P3 'Hard Surfaces and Boundary Treatments – 1 of 4'

DR-5005 S4-P3 'Hard Surfaces and Boundary Treatments – 2 of 4'

DR-5006 S4-P3 'Hard Surfaces and Boundary Treatments – 3 of 4'

DR-5008 S4-P3 'Hard Surfaces and Boundary Treatments – 4 of 4'

DR-5007 S4-P3 'Homezone 1 Proposals and LAP'

DR-5500 S4-P1 'Typical Tree Planting Details'

Technical Briefing Note: Faunal Enhancement Scheme dated 8 March 2021 prepared by Aspect Ecology including drawing number 5192/EN1 Rev D and document titled 'Faunal Enhancement Scheme' dated November 2017 prepared by Aspect Ecology.

External Materials Schedule 'Bicester Re-plan' dated 16/03/2021

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Condition 18:

18. Plots 18 and 32 shall be constructed with passive ventilation and thermally massive floors to reduce heat gain and loss in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority prior to the construction of Plots 18 and 32 above slab level. Plots 18 and 32 shall be constructed in accordance with the approved details.

Reason: To test the delivery of innovative energy efficient houses in accordance with Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.

Planning Guidance

On 15 April 2015, the Town and Country Planning (Development Management Procedure) (England) Order 2015 came into effect in England. The Order (as amended) prescribes the application procedure for non-material amendments to planning permissions, which are now permitted under Section 96A of the Town and Country Planning Act 1990. The provisions are intended to provide a quick (decisions are due within 28 days) and simple method for local planning authorities to formally allow non-material changes to extant planning permissions.

Within the guidance set out in the Planning Practice Guidance (2014) under Paragraph 002 Reference ID: 17a-002-20140306, there is no statutory definition of a 'non-material amendment'. It states that the context of the overall scheme is essential when considering whether amendments are 'non-material'.

Section 96A allows new conditions to be imposed, or existing conditions to be removed or altered.

Proposed Changes to the scheme and Planning Considerations

External Materials Schedule:

This application seeks to change the External Materials Schedule 'Bicester Replan' from 'Timber Anthazite (dark grey)' to 'uPVC Anthazite (dark grey)'. The plots within the consented Phase 3 currently being delivered are also the uPVC Anthazite (dark grey), and it is our intention is to continue with the same material on previously phase currently under construction to provide continuity of supply and ensure a consistent design rationale between these plots and those on Phase 3. The

only reference type of material to be used is within the External Materials Schedule 'Bicester Re-Plan' dated 16/03/2021. The proposed materials plan only highlights the colour, which will not change.

Plots to be constructed with passive ventilation and thermally massive floors:

We are proposing that plots 9 and 12 are used instead of the originally proposed plots above of 18 and 32. The ground floor construction make up of NuSpan solid floor and timber frame external wall specification proposed in plots 9 and 12 is better suited to provide thermally massive floors and would likely see better efficiency gains through the passive ventilation system.

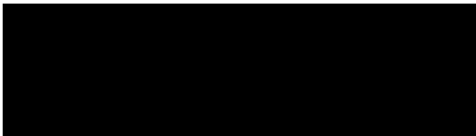
Furthermore, the proposed design of plots 9 and 12 is in keeping with the previous phases of Elmsbrook, where the adaptability of the timber frame and the layout of these units will provide a better fit the Passive system. These house types have been used previously on Phase 3 to meet the passive ventilation and thermally massive floor requirements and can be incorporated to work within plots 9 and 12 instead.

The proposed changes highlighted above do not materially affect the appearance of the dwellings or the overall design approach when compared to the approved scheme. Nor do they affect the original consideration undertaken by the Local Planning Authority in terms of its accordance with relevant planning policy.

In light of the above, the proposed changes are minimal and are not considered to be contentious in any way. We therefore respectfully request that the application be approved accordingly to allow the development to commence in a timely manner.

We trust the enclosed is in order and look forward to receiving acknowledgement of its validation in due course. In the meantime, please do not hesitate to contact me on the above contact details should you have any queries or require any additional information.

Yours sincerely



Tommy Burslem
Land Manager

Enclosures – As listed above