

Case Officer: Katherine Daniels

Recommendation: Approval

Applicant: Mr Tommy Burslem

Proposal: Non-material amendment to 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

Expiry Date: 21 October 2022

Extension of Time: Yes

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The site forms part of the Policy Bicester 1 area, which is designated as an Eco Town. The policy seeks development to achieve true zero carbon. The original application was for 57 dwellings and associated infrastructure as a re-plan to part of the scheme originally granted by 10/01780/HYBRID and the inclusion of 3 additional dwellings.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. The applicants seek to change Condition 2, and the material schedule. They propose to use UPVC rather than timber for the windows as per the agreed submission. In addition, they propose to change plots 18 and 32 as passive ventilation and thermally massive floor requirements to plots 9 and 12 instead.

3. RELEVANT PLANNING HISTORY

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

21/01227/F – A full planning application for 57 dwellings and associated infrastructure. Approved

10/01780/HYBRID- Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined. Approved

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.

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. With regard to the changes in plots for the passive ventilation and thermally massive floors to Plots 9 and 12. The original wording for condition 11 (of 10/01780/HYBRID) required a specific number of plots of the development to be built including passive ventilation and thermally massive floors. Those same number of plots were required in a similar position through the re-design (21/01227/F) for this phase. The proposal seeks to essentially swap the plots to which two particular of the required dwellings relates to (from plots 18 and 32 to plots 9 and 12) albeit the size of the units 9 and 12 is smaller than plots 18 and 32. The reason for these plots was to test the delivery of energy efficient innovative houses and therefore the number of plots being retained is the same to achieve this. Further information will be submitted via the DISC process as is required and therefore this proposal can be classed as an NMA, and is considered to be appropriate.
- 5.5. The UPVC windows now proposed, are different to what's been approved on previous phases which were understood to be the Rational Aura timber windows. It is noted that the applicants consider that the changes would respond to Phase 3, as they have used these windows there. In addition, they have provided additional information about the width. These are similar to wooden windows, and this plus the colour means they will look very similar and so the visual impact will be acceptable.

CONCLUSION

- 6.1. The proposal is considered to be non-material and the application is therefore recommended for approval
- 6.2. The following plans/details are for approval:
 - The windows used in the construction shall be Munster UPVC in anthracite grey as confirmed in an email dated 3rd August 2022.
 - Condition 18 is altered to the following:

Plots 9 and 12 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 9 and 12 above slab level. Plots 9 and 12 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.

Case Officer: Katherine Daniels

DATE: 6 October 2022

Checked By: Caroline Ford

DATE: 21 October 2022
