

Case Officer: Katherine Daniels

Recommendation: Approve

Applicant: Heyford Park Developments Ltd

Proposal: Substitution of the Composite Parameter Plan numbered P16-0631_08 Sheet No.01 rev AM, referenced in Condition 4 of the planning permission, with the updated Composite Parameter Plan numbered P16-0631_08 Sheet No.01 rev AS (proposed as non-material amendment of 18/00825/HYBRID)

Expiry Date: 20 January 2023

Extension of Time: 17 February 2023

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The proposal relates to Phase 10 of residential development at Heyford Park, which comprises the first phase of development allowed under the Hybrid Planning Application (18/0825/HYBRID). The site is located to the west of the Bovis B3 site, on the north side of Camp Road and at the far western end of the Heyford Park development. The site is closest to the avionics building to the west.
- 1.2. The approved hybrid development is for a mixed-use development including the construction of 1,175 dwellings, retail facilities, medical centre, school, employment, etc. The proposal also included a change of use of areas of the old air force base, which is referred to as the 'Flying Field'. The parameters plan for the hybrid development indicates a total of 130 dwellings accommodated within the Phase 10 development area.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. The proposal is to alter slightly the land use area for Phase 10 indicated in the approved masterplan/parameters plan (Drawing Ref: P16-0631_08 Sheet No.01_Rev AM). The design of the public space has been amended to allow for a swale to be installed to facilitate drainage on site. The Strategic Landscape Buffer to the western and northern boundaries of phase 10 have been amended to provide further landscaped mitigation to the neighbouring avionics building and Flying Field. The buffer has been made larger to the western boundary. The landscape buffer to the northern and eastern boundaries have been moved further away from adjacent building 292, immediately to the northeast, within the Flying Field. All the changes are shown on revised masterplan/parameters plan drawing P16-0631_08 Sheet No.01_Rev AS.

3. RELEVANT PLANNING HISTORY

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

Application:

Permitted

9 September 2022

18/00825/HYBRID

A hybrid planning application consisting of:

- demolition of buildings and structures as listed in Schedule 1;
- outline planning permission for up to:
 - > 1,175 new dwellings (Class C3);
 - > 60 close-care dwellings (Class C2/C3);
 - > 929m² of retail (Class A1);
 - > 670m² comprising a new medical centre (Class D1);
 - > 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);
 - > new primary school building on 2.33ha site (Class D1);
 - > 925m² of community use buildings (Class D2); and 515m² of indoor sports, if provided on-site (Class D2);
 - > 30m in height observation tower with zip-wire with ancillary visitor facilities of up of 100m² (Class D1/A1/A3);
 - > 1,000m² energy facility/infrastructure (sui generis);
 - > 2,520m² additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 & 583 for education (Class D1);
 - > creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure.

Plus,

- the change of use of the following buildings and areas:
 - > Buildings 3036, 3037, 3038, 3039, 3040, 3041, and 3042 for employment use (Classes B1b/c, B2, B8);
 - > Buildings 217, 3052, 3053, 3054, 3055, 3102, and 3136 for employment use (Class B8);
 - > Buildings 2010 and 3009 for filming and heritage activities (Sui Generis/Class D1);
 - > Buildings 73 and 2004 (Class D1);
 - > Buildings 391, 1368, 1443, 2005, 2006, 2007, 2008 and 2009 (Class D1/D2 with ancillary A1-A5 use);
 - > Building 340 (Class D1, D2, A3);
 - > 20.3ha of hardstanding for car processing (Sui Generis); and
 - > 76.6ha for filming activities, including 2.1ha for filming set construction and event parking (Sui Generis);
- the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, as specified in Schedule 2.
- associated infrastructure works, including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road.

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.

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 original application was an EIA development, to which the applicants have provided an EIA compliance statement. The proposed alterations to the parameter plan offer an overall betterment to the original plan by increasing strategic landscaping around the northern perimeters of the site to protect nearby heritage assets within the Flying Field and accord with guidance previously issued by Historic England. The alterations are not material to the overall development, given the proposed changes to the development do not introduce built form beyond the previously agreed perimeters of the phase 10 site and do not permit any more dwellings to be constructed within Phase 10. The impact of the proposal is similar to the original plan. The development is not altered as a result of the proposed changes.
- 5.5. In order to reflect the modification proposed by the NMA and shown on revised drawing P16-0631_08 Sheet No.01_Rev AS, Condition 4 needs amending to the following:

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:

Plans:

- P16-0631_33 rev P Pegasus Application Boundary (submitted 12th March 2020);
- P16-0631_94 rev A Pegasus Existing Site Plan (original submission);
- P16-0631_34 rev Demolition & Change of Use Plan Q Pegasus (submitted 12th March 2020);
- P16-0631_65 rev G Pegasus Existing & Proposed Fence Plan (submitted 30th July 2020);

- P16-0631_08 Sheet No. 01 Rev AS Pegasus Composite Parameter Plan (received 17th January 2023);
- P16-0631_08 Sheet No. 02 Rev J Pegasus Building Heights Parameter Plan (submitted 1st July 2020);
- P16-0631_113-01 Filming Areas Plan;

Documents:

- Environmental Statement (with Arboricultural survey, Transport Assessment and Flood Risk Assessment); April 2018;
- Environmental Statement Supplementary Environmental Information (standalone document) March 2020;
- Environmental Statement Non-Technical Summary -(standalone document) P16-0631_97B-March 2020;
- Odour Assessment Avon Water Consulting Ltd – Version 2.1 – 26th January 2018;
- Sustainability and Energy Statement PBA – Version 2 – 12th April 2018;
- Report of Community Engagement– April 2018;
- Planning Application Summary Pegasus Group – P16- 0631_96A. May 2018;
- Biodiversity Technical Note-15.07.2020;
- Planning Statement (incl. Affordable Housing and S.106 Heads of Terms) March 2020;
- Heritage Impact Assessment;
- Heritage Impact Assessments 10.03.2020;
- The Heritage Offer at Heyford Park Dorchester Living Revision B -March 2020;
- Heritage Management Plan Pegasus Group Version 2.1 22nd July 2022;
- Filming Management Plan Version 1.0, 05.03.2020;
- Design and Access Statement (standalone document) P16-0631_81G- March 2020;
- Green Infrastructure Strategy (standalone document) P16-0631_83A, March 2020.

6. CONCLUSION

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

Case Officer: Katherine Daniels

DATE: 10 February 2023

Checked By: Andy Bateson

DATE: 16th February 2023
