

**Heyford Park, Camp Road, Upper Heyford,
Bicester, OX25 5HD**

17/00043/NMA

Case Officer: Andrew Lewis

Recommendation: Approve

Applicant: Heyford Park Estates Limited

Proposal: Non-Material amendment to 10/01642/OUT - Alterations to the construction of the estate road along the western side of the residential phase 2 (Parcel D5a)

Expiry Date: 31 July 2022

Extension of Time: Yes

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application site for this proposal is part of the former RAF/USAF Upper Heyford airbase. Located to the north side of Camp Road, the site was occupied by a group of buildings formerly used as a Commissary, and more latterly for storage and other commercial uses, plus their car park and other hard-surfaced open space around the buildings, together with two areas of open space. In total the site measures 1.86 hectares in size, the Heyford base being approximately 505 hectares in total.
- 1.2. The base was designated a conservation area in 2006, its primary architectural and social historic interest being its deterrence role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. This application is within the Technical Area as defined within the Conservation appraisal.
- 1.3. In terms of the uses on site, the military use ceased in 1994. Since 1998 the site has accommodated several uses in existing buildings, first under temporary planning permissions then under a permanent permission granted on appeal and subsequent applications.
- 1.4. Over the last 20 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most significant was application 08/00716/OUT. Following a major public inquiry that commenced in September 2008, the Council received the appeal decision in January 2010 that allowed "*A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).*" This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission.
- 1.5. Subsequent to that consent, reserved matters were approved on 26th November 2014 for 71 dwellings (14/01366/REM). At the time, there are several groups of trees on the east, west and southern boundaries. As groups they are significant but individually less so.

- 1.6. There were several more significant trees in the two areas proposed as open space to the south and to the west and these were to be retained, although subsequently the majority of the boundary trees were approved for removal and in mitigation were replaced by new street trees and other strategic planting.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

- 2.1. The application seeks to increase the width of the estate road by 600mm on the western side of the parcel (furthest from the nearest properties) to make it the equivalent of a secondary road as opposed to its status as a tertiary road, as defined by the approved Design Code. The road will otherwise appear as approved under reserved matters approval 14/01366/RMA and in particular its surface finish, with no loss of residential or POS amenities.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
 - 08/00716/OUT – Outline application for a new settlement of 1,075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08). Initially refused but subsequently allowed at appeal;
 - 10/01642/OUT – Outline proposal for a 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;
 - 17/00663/F – Construction of roads with associated infrastructure within the Heyford Park development. Approved;
 - 17/00434/DISC – Construction of roads with associated infrastructure within the Heyford Park development. Approved;
 - 14/01366/REM – Reserved Matters to 10/01642/OUT – Erection of 71 dwellings with associated car-parking, infrastructure and public open space. Approved;
 - 15/00043/NMA- Non-material amendment to 14/01366/REM - Relocation of proposed substation;
 - 16/00021/NMA- Non-Material Amendment to 10/01642/OUT (Reserved Matters Application Phase 2 ref 14/01366/REM) including revisions and changes to the Driveways, Fences, Parking, Boundary Changes, Windows and Landscaping (see attached letter dated 06th April 2016 from Pegasus for full details).

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. In this case the proposed changes both individually and cumulatively are considered to be non-material and are also considered to not have a detrimental impact on the character or appearance of 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 schemes will not detract from the visual or residential amenities previously approved and will be of a design and proportion which relates to the neighbouring properties on the far eastern side of the road.

6. Conclusion

In summary, having regard to the proposed changes and for the reasons above, the proposed changes are considered to fulfil the criteria for non-material amendments.

7. Recommendation – Approve.

Case Officer: Andrew Lewis

DATE: 14 July 2022

Checked By: Andy Bateson

DATE: 15th July 2022
