

Case Officer: Caroline Ford

Recommendation: Approve

Applicant: Crest Nicholson Regeneration

Proposal: Non-Material Amendment to 10/01780/HYBRID – Amendments to the wording of Condition 11

Expiry Date: 8 January 2018

1. APPLICATION SITE AND LOCALITY

1.1. Planning condition 11 was imposed on application 10/01780/HYBRID, which granted permission for the Exemplar phase at NW Bicester. It requires that certain, specified plots across the site be constructed with passive ventilation and thermally massive floors to reduce heat gain and loss as set out in the Design and Access Statement accompanying the application and it requires details to be first agreed with the LPA. On Phases 3 and 4, it requires 16 specified plots to be designed to meet this requirement.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Due to a re-design (already approved by a previous NMA), one plot has been lost as an enriched unit – this plot, number 2, is a specified plot by condition 11 to meet the requirement as described above. As this plot is no longer an enriched unit, it is now not suitable to accommodate the passive ventilation system. As such, it is proposed to substitute plot 2 for two other plots on the site (plots 124 and 125) which can accommodate the passive ventilation system. In order to formalise this change, a non-material amendment to the wording of condition 11 is proposed to remove reference to plot 2 and to insert reference to plots 124 and 125 instead.

3. RELEVANT PLANNING HISTORY

3.1. The planning history of the site relates to the original permission for the Exemplar site (10/01780/HYBRID) and then various applications to discharge planning conditions and non-material amendments to each phase of the development.

4. RESPONSE TO PUBLICITY/ CONSULTATION

4.1 The Planning Practice Guidance (2014) makes the following comments with regard to consultation in relation to NMA's;

4.2 *As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.*

4.3 *As by definition the changes sought will be non-material, consultation or publicity is unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.*

4.4 No publicity/ consultation has been undertaken in respect of this application for an NMA.

5. APPRAISAL

5.1 The Design and Access Statement explains that a number of plots were designed to include thermally massive floors and passive ventilation. These plots were the enriched units, designed by a different Architect to other units on the site. Following a review of the site, a number of amendments have been agreed by way of an NMA to phases 3 and 4. As part of this review, one plot has been lost as an enriched unit – plot 2. The applicant therefore wishes to remove this plot from the requirements of condition 11 in terms of meeting the passive ventilation/ thermally massive floors requirement. However, instead of proposing the loss of this unit, it is proposed to substitute two plots to meet the requirement instead. These two units are enriched plots; therefore the design intention around the use of these features in reducing heat gain and loss from the enriched units will remain. In addition they are located adjacent to other plots required to meet the condition 11 requirements, therefore the impact upon the street scene and visual amenity would be very limited. In addition, there is no net loss of plots to be constructed with these features, in fact there would be an addition of one and this is positive.

5.2 Overall and given that this results from a previous decision to amend the proposal, which itself was considered non material, I consider that the change to condition 11 relating to the specific plots that the conditions relates to is therefore non material. The wording set out below reflects the amended plots that shall be subject to the requirements of condition 11.

6. RECOMMENDATION

Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment to planning permission 10/01780/HYBRID with amendments to the wording of planning condition 11 as follows:

Condition 11

Plots 30, 113, 114, 115, 124, 125, 126, 127, 128, 129, 130, 131, 172, 173, 174, 226, 227, 281, 282, 283 and 313 the house designs shall be constructed with passive ventilation and thermally massive floors to reduce heat gain and loss as set out in the Design and Access Statement accompanying the application, in accordance with details that have first been agreed in writing by the Local Planning Authority.

Reason: To test the delivery of innovative energy efficient houses as supported by Planning Policy Statement 1: Eco Towns.

The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of planning permission 10/01780/HYBRID as a whole. These conditions must be adhered to so as to ensure that the development is lawful.

Checked By: Bob Duxbury

DATE: 5.1.18
