

**Case Officer:** Andy Bateson

**Recommendation:** Approve

**Applicant:** Heyford Park Developments Ltd

**Proposal:** Amended front door design (Plot 181); Fenestration amendments to front elevation to provide consistent window opening size (Plot 181); Deletion of velux window from front elevation (Plot 181); Provision of glazed balcony on top of single storey element with associated first floor fenestration amendments (Plot 181); Insertion of first floor window (Plot 173) (proposed as non-material amendment to 10/01642/OUT)

**Expiry Date:** 17 July 2018

**Extension of Time:** 9 June 2023

## **1. APPLICATION SITE AND APPROVED DEVELOPMENT**

- 1.1. The former USAF/RAF Upper Heyford airbase site is located 7km northwest of Bicester, in an isolated rural location, within the parishes of Upper Heyford, Somerton and Ardley.
- 1.2. The former airbase is located at the top of a plateau and is set within otherwise open countryside. Land to the west falls sharply to the Cherwell valley and Oxford Canal (the Canal itself has been designated a Conservation Area). The Grade I listed Rousham Park is located in the valley to the southwest of the site. The Rousham, Lower Heyford and Upper Heyford Conservation Area adjoins the airbase site, whilst the airbase itself has been designated a Conservation Area in view of the international importance of the site and the significant Cold War heritage interest.
- 1.3. There are several designated Scheduled Monuments and listed buildings, and other non-designated heritage assets of national importance on the former airbase site on the north side of Camp Road, as well as other unlisted buildings that make a positive contribution to the character or appearance of the conservation area, and much of the airfield is also of ecological importance including a Local Wildlife Site.
- 1.4. Plots 173 and 181 on Phases 4 and 5B of the Heyford Park development to which this NMA application relates both lie to the south side of Camp Road and have no impact upon the protected heritage and ecological features on the former airbase.

## **2. DESCRIPTION OF PROPOSED AMENDMENT(S)**

- 2.1. This NMA application seeks retrospective consent for minor design amendments to two of the houses constructed in Phases 4 and 5B of the Heyford Park development, i.e., Plot 173 (in Phase 4) and Plot 181 (in Phase 5B). One additional window is proposed in the side elevation of Plot 173 (which has previously been consented as an NMA under approval Ref: 16/00052/NMA, dated 8 November 2016). The amendments proposed to Plot 181 comprise: deletion of a front Velux window; an amended front door design; amended front fenestration details to ensure all windows are of a consistent size (rather than the irregular sizes previously agreed); and the addition of a glazed balcony to the rear, above an approved ground floor projection).

### **3. RELEVANT PLANNING HISTORY**

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

10/01642/OUT – Outline consent granted for a new settlement to the south of the redeveloped former USAF Upper Heyford airbase including 1,075 dwellings. Approved 22 December 2011.

15/01612/REM – Reserved matters granted for Phases 4 and 5B subject to the conditional outline consent 10/01642/OUT. Approved 11 January 2016.

16/00052/NMA – Non-material amendment agreed to Plot 173 in Phase 4 for an additional side window. Approved 8 November 2016.

### **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 changes 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 instance, the proposed retrospective minor design amendments to Plots 173 (in Phase 4) and 181 (in Phase 5B) relate simply to: an additional window in the side elevation of Plot 173, which has already been previously approved under application Ref: 16/00052/NMA, dated 8 November 2016; and the following amendments to Plot 181 – deletion of an approved Velux window in the front roof slope (previously shown on a Rev B drawing); a revised front door design (previously shown on a Rev D drawing); varied fenestration details on the front elevation (previously shown on a Rev D drawing) to ensure consistency in window sizes; and addition of a glazed balcony above a ground floor rear projection, which faces south across open fields.

5.5. The balcony, and all the other proposed minor design changes have now existed for more than four years, so they are immune from any potential enforcement action.

## 6. CONCLUSION

- 6.1. The retrospective proposals are considered non-material and the application is therefore recommended for approval in accordance with the following approved plans:

Plot 173 Phase 4 (House Type SP7A):

Elevations Drawing – Dwg. No. 0521-4/5B-220-1 Rev B.

Plot 181 Phase 5B (House Type HT5):

Elevations Drawing – Dwg. No. 0521-4/5B-229 Rev D;

Ground & First Floor Plans Drawing – Dwg. No. 0521-4/5B-230 Rev F;

Second Floor Plan Drawing – Dwg. No. 0521-4/5B-231 Rev F.

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DATE: 9 June 2023

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