

Case Officer: James Kirkham

Applicant: Cherwell District Council

Proposal: Changes to eaves and windows to the rear elevation and a simplification of the ridge (proposed as non-material amendments to 19/01709/CDC)

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin, Cllr James Macnamara and Cllr Barry Wood

Reason for Referral: The Council is the applicant

Expiry Date: 8 June 2020

Committee Date: 18 June 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of undeveloped land in a small grouping of bungalows located in Bullmarsh Close, which is situated at the western edge of Middleton Stoney. The site is relatively flat and is currently laid to grass with some young trees situated on it. It is accessed from a private road from Heyford Road to the north of the site.

2. CONSTRAINTS

- 2.1. The application site is located adjacent to Middleton Park, which is a Grade II listed Registered Park and Garden. The site is also located in the Mid-Cherwell Neighbourhood Plan Area and within an archaeological notification area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission for 3 bungalows and associated parking at the site was granted by Planning Committee in 2019 (19/01709/CDC refers).
- 3.2. The current application seeks to make minor changes to the design of the buildings. The main changes are:
- The finished floor level (and consequently ridge and eaves level) of the plot in the south-west corner is no longer set at a lower level from the other two approved dwellings and now has a continuation of the same ridge and eaves height.
 - The windows arrangement of the windows/doors on the rear elevation has been changed from a single door and casement window to a set of patio doors with an adjoining full height glazed window.
 - The ridge height of the rear projecting gable element has been raised slightly although it remains subservient to the main ridgeline

- The eaves have been amended with the introduction of a small fascia board. This would be grey to match the rain water goods and the proposed windows.

4. RELEVANT PLANNING HISTORY

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

19/01709/CDC – Erection of 3no wheelchair adaptable bungalows for affordable housing - Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has not been publicised as the Regulations do not require such publicity or consultation

7. RESPONSE TO CONSULTATION

- 7.1. The Planning Practice Guidance makes the following comments with regard to consultation in relation to NMAs:

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. 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 2017.

8. APPRAISAL

- 8.1. The key issue for consideration in this case is whether the changes are non-material.

- 8.2. In relation to what constitutes a non-material amendment the Planning Practice Guidance states: *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* (para 002 Ref ID: 17a-002-20140306).

- 8.3. In this case the changes proposed through this application are minor and would not change the appearance of the building in any significant way, or raise any new issues requiring further assessment or re-consultation. The layout of the site would remain unchanged as would the siting of the dwellings and the overall height of the development. The changes are therefore considered to be non-material in nature.

- 8.4. It is therefore recommended that this application be granted.

<h4>9. RECOMMENDATION</h4>

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY
TO GRANT PERMISSION FOR THE PROPOSED CHANGE AS A NON-MATERIAL
AMENDMENT IN ACCORDANCE WITH DRAWING NUMBERS

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