

APPLICATION FOR A NON-MATERIAL AMENDMENT CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09160
APPLICATION TYPE:	NON-MATERIAL AMENDMENT
SITE ADDRESS:	Rowden Park, Patterdown Road, Chippenham
DEVELOPMENT DESCRIPTION:	Non Material Amendment (Minor Amendments) application relating to application PL/2023/01773.
RECOMMENDATION:	That the non-material amendment be GRANTED

PROPOSAL

As set out succinctly in the covering letter:

"In short, this application seeks to regularise discrepancies on the consented plans, to ensure that the internal layouts of the units that have not yet been constructed achieve the intended occupancy levels, and to regularise approval for the seven 3B4P units already constructed. No changes to the scale, massing or external layout of the development are proposed."

PLANNING HISTORY

PL/2023/01773 - Variation of condition 1 (approved plans) on 18/ 01383/REM (Crest Nicholson Phase 1) to allow for minor material amendments to the approved plans mainly layout and design orientated – Approve with condition 10/10/2023

18/01383/REM - Application for the Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) for the Erection of 152 dwellings (Crest Nicholson Phase 1), Public Open Space, Play Space and Associated Infrastructure in Relation to Outline Planning Permission 14/12118/OUT. – Approve with conditions 20/12/2018

14/12118/OUT - Mixed Use Urban Extension Comprising Residential (Class C3), Local Centre (Classes A1-A5) and (Classes D1 and D2), Primary School, Public Open Space Including Riverside Park and Allotments, Landscaping, 4 Vehicular Accesses, Site Roads and Associated Infrastructure. – Approve with condition 24/03/2017

RELEVANT LEGISLATION AND GUIDANCE

Town and Country Planning Act 1990 (as amended):

- Section 96A: This section provides the legal basis for non-material amendments to an existing planning permission. It allows Local Planning Authorities (LPAs) to make changes to a planning permission without the need for a new application, provided that the changes are considered to be "non-material."

- The Act does not define "non-material," and it is at the discretion of the LPA to determine whether a proposed amendment qualifies as such, considering the specific context of the development and its impacts.

CONSULTATION

As an application for a non-material amendment is not a full planning application, the provisions under the Town and Country Planning (Development Management Procedure) (England) Order 2015 relating to statutory consultation and publicity do not apply. Consequently, local planning authorities have discretion regarding whether and how to inform interested parties or seek their views.

Given that the changes proposed are by definition non-material, consultation or publicity are typically not required. Additionally, as the proposed amendments are minor in nature, there are generally no significant effects that would necessitate consideration under the Environmental Impact Assessment Regulations 2011. In this instance, it has not been considered necessary to consult.

Given that this raises a matter that is of specific relevance to affordable housing provision, unusually, the application has been passed to housing enabling colleagues for comment.

Wiltshire Council housing:

"Thank you for consulting the Housing Enabling Team.

I have reviewed the proposed non-material amendment application, taking into consideration PL/2023/01173, and note that the Affordable Housing layout, tenure types, and unit sizes (not considering bedspaces) remain policy compliant with Core Policies 43 and 45, the signed S106 Agreement (2017) and Deed of Variation (2022).

The revised floorplans (13246/6050.1E – 2B4P, 13246/6051.3- 3B5P and 13246/6052.1E-4B6P) ensure consistency with the signed S106 Agreement (2017) and Deed of Variation (2022), meeting the required bedspace requirements for the affected plots (32 plots; 99-100, 120-127, 142,143, 147-150, 157-164, 177- 184).

I note the proposed request for plots 96–98 and 191–194 to remain as 3B4P units, in line with the existing approved floorplans. Given that these homes are currently occupied, I support retaining the present configuration to avoid unnecessary disruption to the existing tenants and owners.

I also acknowledge the recently submitted floorplan (Ref: 13246/6051.1D) for the occupied units, as well as the proposed amendments shown on the updated Planning Layout. The proposed amendments are acceptable from a Housing Enabling perspective."

ASSESSMENT

Non-material amendments are changes that do not significantly alter the scheme's overall impact. They can involve minor adjustments to the design or other aspects of the development but should not fundamentally change its character, scale, or overall effect on the surrounding area.

The applicant has provided a clear explanation within the covering letter and this matter has been considered by colleagues in housing enabling and they have no objections. Furthermore, the specific housing association that has taken on the contract for affordable housing associated with this phase of the development is stated to have no issue with the proposed amendments.

The proposals will have an impact on bed spaces set out within the submission. However, as explained in the submission and consultation responses this will not impact on the built environment nor on the affordable housing layout, tenure types or unit sizes. As such the proposals are considered to accord with the relevant planning policy and there is no requirement to update the s106 agreements that cover this development.

Effectively this NMA is intended to formalise what has already been agreed between the impacted parties and avoids impacts on those that have already occupied affordable homes at the development.

The proposals involve amending approved internal layouts on a number of plots that have not yet been constructed to increase the number of bedspaces so as to match the annotated provision at those units. This change is considered to be non-material.

CONCLUSION

In conclusion, based on the assessment, it is recommended that the non-material amendment application be granted.

SUMMARY OF REASONS FOR RECOMMENDATION:

The proposed changes are considered to be minor and non-material in nature for the following reasons:

The proposals involve amending approved internal layouts on a number of plots that have not yet been constructed to increase the number of bedspaces so as to match the annotated provision at those units. This change is considered to be non-material.

AMENDMENT TO CONDITIONS:

Current condition 1 on PL/2023/01773:

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Condition details relating to 14/12118/OUT

Condition 10 – Construction and Environmental Management Plan

- Construction and Environmental Management Plan (20399/CEMP (CNSW Phase 1) Rev. A) submitted under separate DOC application 02/07/2018.

Condition 12 & 29 Arboriculture and Landscaping

Landscaping Plans for the residential development –

- 2571-5-2-DR-5001-P13
- 2571-5-2-DR-5002-P16

- 2571-5-2-DR-5003-P13
 - 2571-5-2-DR-5004-P13
 - 2571-5-2-DR-5005-P13
 - 2571-5-2-DR-5006-P12
 - 2571-5-2-DR-5007-P14
- (received 11 September 2023)

Together with following documents submitted with original application 18/01383/REM -

- Arboricultural Method Statement by Treework Environmental Practice Report
Reference Number: 171010-1.0-SWLCP-AMS-MW
- Arboricultural Impact Assessment by Treework Environmental Practice Report
Reference Number: 171010-1.0-SWLCP-AIA-MW
- Tree Protection Plans, Drg. Nos. 180918-1.9-RP-TPP-LA Sheet 1 of 2 and 180918-1.9-RP-TPP-LA Sheet 2 of 2.

Condition 15 and 28 Ecology Mitigation and Lighting

- Ecology Compliance Check by Engain REF: eg13547.019 Revision:02 dated 1 March 2023 (received 3 March 2023)
- Lighting by DW Windsor 14057-1-I (received 11 September 2023)

Condition 3 & 4 Drainage

- Drainage Layout ROW-HYD-XX-XX-DR-C-2200 P18 (received 30 June 2023)
- In combination with details for wider infrastructure scheme submitted and approved under DOC application ref: PL/2021/09066

Submitted Plans

Layouts

Location Plan 13264/1000
(received 1 March 2023)

Planning Layout 13264/5030M
Street Elevations 13264/3613B
(received 11 September 2023)

Boundary Strategy 3278M
(received 19 September 2023)

Roof Materials Strategy 3270G
Facing Materials Strategy 3271G
Movement Strategy 3272G
Affordable Strategy 3273G
Refuse Strategy 3274G
Building Height Strategy 3275G
Adoptable Strategy 3276G
Parking Strategy 3277G
Meters Strategy 3279G
(received 29 June 2023)

House Types

Lulworth Floor Plans 6030.1D

Lulworth Elevations 6030.2E

Hatfield Floor Plans 6031.1F

Hatfield Elevations 6031.2E

Chesham Elevations 6033.2C

Romsey Floor Plans 6034.1F

Romsey Elevations 6034.2E

Filey Floor Plans 6040.1B

Filey Elevations 6040.2B

Marlborough Floor Plans 6041.1A

Marlborough Elevations 6041.2B

Winkfield Floor Plans 6042.1C

Winkfield Elevations 6042.2C

Buckingham Floor Plans 6043.1D

Buckingham Elevations 6043.2C

Windsor Floor Plans 6044.1C

Windsor Elevations 6044.2B

AH 2B4P Floor Plans 6050.1C

AH 2B4P Elevations 6050.2C

AH 3B5P Floor Plans 6051.1C

AH 3B5P Elevations 6051.2C

AH 4B6P Floor Plans 6052.1C

AH 4B6P Elevations 6052.2C

1B2P APT Floor Plans 6053.1C

1B2P APT Elevations 6053.2C

(received 11 September 2023)

Chesham Floor Plans 6033.1B

1B2P APT Floor Plans 6039.1A

1B2P APT Elevations 6039.2A

Bin and Cycle Stores 6070A

Garage Types 6210A

(received 1 March 2023)

Landscaping Plans

Soft Landscaping Proposals 2571-5-2-DR-5001-P13

Soft Landscaping Proposals P15 2571-5-2-DR-5002-P16

Soft Landscaping Proposals 2571-5-2-DR-5003-P13

Soft Landscaping Proposals 2571-5-2-DR-5004-P13

Soft Landscaping Proposals 2571-5-2-DR-5005-P13

Soft Landscaping Proposals 2571-5-2-DR-5006-P12

Soft Landscaping Proposals 2571-5-2-DR-5007-P14

Hard Landscaping Strategy 2571-5-2-DR-5101-P18

General Arrangement 2571-5-2-DR-5701-P19

(received 11 September 2023)

Engineering Plans

Engineering Levels ROW-HYD-XX-XX-DR-C-2000 P17

Drainage Layout ROW-HYD-XX-XX-DR-C-2200 P18

Swept Path Analysis ROW-HYD-XX-XX-DR-C-2300 P18

Fire Tender Tracking ROW-HYD_XX-XX-DR-C-2350 P09

(received 29 June 2023)

Lighting 14057-1-I

(received 11 September 2023)

REASON: For the avoidance of doubt and in the interests of proper planning.

Revised condition 1 on PL/2023/01773 (Deleted items strikethrough and red. Revised/additional bold and green):

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

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(received 19 November 2025)

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Swept Path Analysis ROW-HYD-XX-XX-DR-C-2300 P18
Fire Tender Tracking ROW-HYD_XX-XX-DR-C-2350 P09
(received 29 June 2023)

Lighting 14057-1-I
(received 11 September 2023)

Planning Layout 13264/5030P
Affordable Strategy 3273H
AH 2B4P Floor Plans 6050.1E
AH 3B4P Floor Plans 6051.1D
AH 3B5P Floor Plans 6051.3
AH 3B4P Elevations 6051.2D
AH 3B5P Elevations 6051.4
AH 4B6P Floor Plans 6052.1E
(received 19 November 2025)

REASON: For the avoidance of doubt and in the interests of proper planning.