

APPLICATION FOR A NON-MATERIAL AMENDMENT CASE OFFICER REPORT

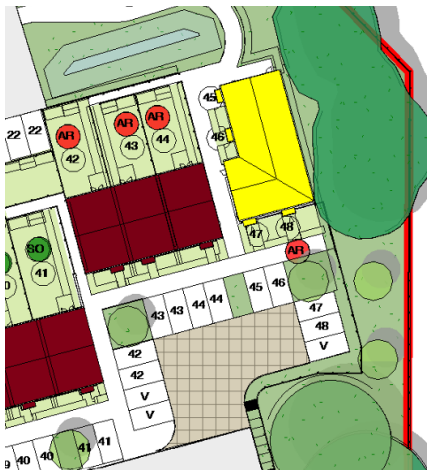
APPLICATION REFERENCE:	PL/2026/02212
APPLICATION TYPE:	NON-MATERIAL AMENDMENT
SITE ADDRESS:	Drummond Park, Ludgershall, SP11 9RT
DEVELOPMENT DESCRIPTION:	NMA Application relating to 21/02122/REM for minor changes to include changing landscaping to front of plot 44 to tarmac to create a path, amend plots 385 - 390 to change the character area elevation to High Street from Farmstead and changes to extend a section of footpath beside the private drive serving plots 194/195 to relocate bin collection points.
RECOMMENDATION:	That the non-material amendment be GRANTED

PROPOSALS:

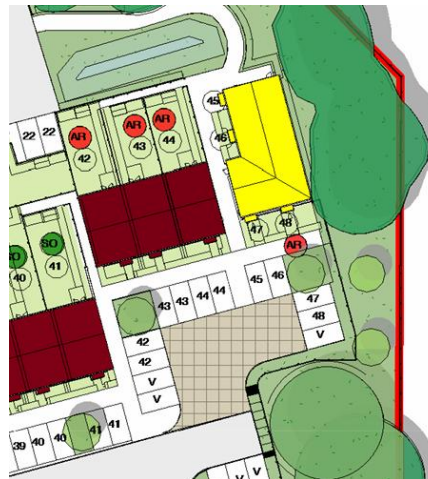
The NMA comprises 3 amendments:

Item 1 - Agent's explanation of proposed NMA:

A change the small section of landscape (between parking spaces 44 and 45) in front of plot 44 to tarmac following liaison with Stonewater. The revision provides a route for pedestrians to access the road and to aid the movement of bin disposal from plots 45-48 to the assigned bin collection point.



Approved plan: 20069_NP_XX_ZZ_DR_A_0002-Proposed Site Plan-P37



Proposed plan: 20069_NP_XX_ZZ_DR_A_0002-Proposed Site Plan-P38

Item 2 - Agent's explanation of proposed NMA:

A change in character area elevation to High Street from Farmstead (Stonewater Plots 385-390). The change has been agreed with Stonewater and does mirror the Stonewater plots opposite, thus presenting a balanced outlook. For avoidance of doubt, there is no change to the boundary treatments.

Approved plans:



- Blue flint with Orange / red bricks with natural mortar
- Russell Grampian Slate Grey Tiles (Farmstead Character)
- Orange/red bricks with natural mortar

Approved plan: 20069_NP_XX_ZZ_DR_A_1008- Proposed External Material Plan-P14, consented 14/03/22 (under NMA application PL/2022/01244)



5 Proposed Street Elevation Plots 383-391 (B)

Approved plan: 20069_NP_XX_ZZ_DR_A_3018- Proposed Street Elevations Plots 373- 399-P9

Proposed NMA changes to materials, windows and porch design (relevant plots highlighted by yellow circle):



- Dark red bricks with natural mortar
- Marley Modern Anthracite Tiles (High Street Character)

Proposed: 20069_NP_XX_ZZ_DR_A_1008- Proposed External Material Plan-P15



20069_NP_XX_ZZ_DR_A_3018- Proposed Street Elevations Plots 373- 399-P11

Item 3 - Agent's explanation of proposed NMA:

Extending a section of managed footpath beside the private drive serving plots 194 and 195 and moving the bin collection points.



20069 NP XX ZZ DR A 0002-Proposed Site Plan-P37



20069 NP XX ZZ DR A 0002-Proposed Site Plan-P38

PLANNING HISTORY:

The proposals are for changes to the approved reserved matters consent under 21/02122/REM (Outline Planning Application E/11/0001/OUT for the redevelopment of the site for a phased residential development (Class C3) with primary access from A342) i.e. layout, scale, appearance and landscaping).

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.

ASSESSMENT:

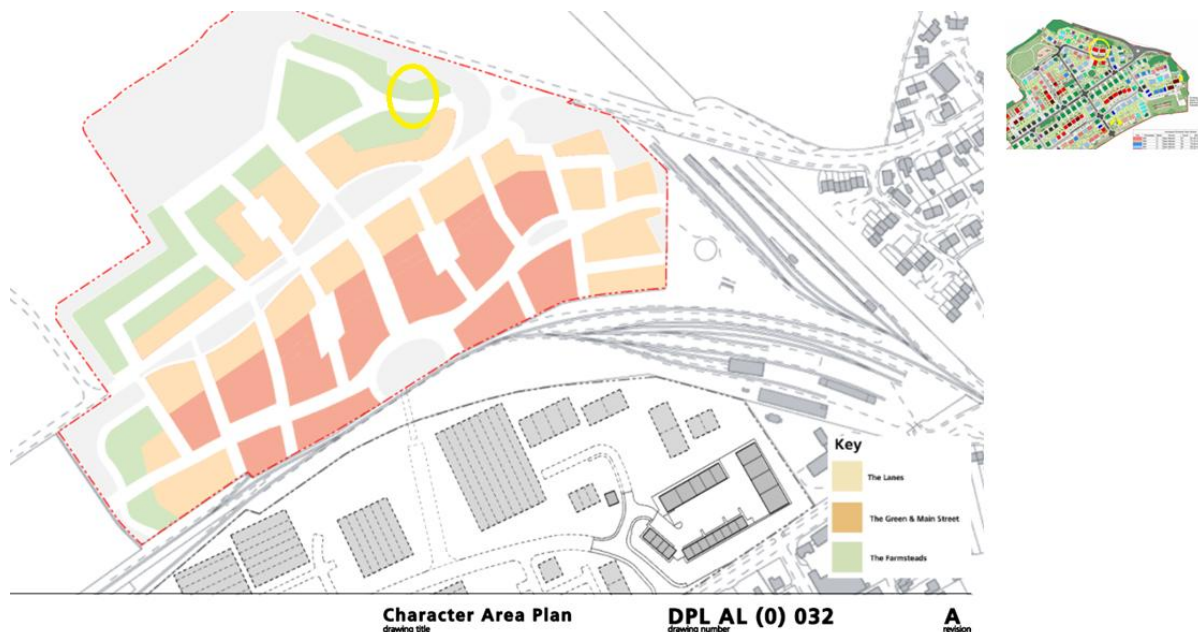
Non-material amendments are changes that do not significantly alter the scheme's overall impact. They can involve minor adjustments to the design or other aspects of the development but should not fundamentally change its character, scale, or overall effect on the surrounding area.

Assessing the Nature of the Amendments, Impact on the Local Area and Neighbours & Consistency with Original Permission:

The proposed changes to the surfacing materials, extension of the footway, and revised bin collection point (Items 1 and 3 as detailed above) are considered to constitute minor amendments to the approved scheme. These alterations would improve pedestrian access and facilitate access to the bin storage facilities, and do not fundamentally alter the nature of the development or necessitate further consultation.

Regarding the proposed changes to materials (Item 2 as set out above), the amendments relate to six of the affordable housing units and include the removal of flintwork detailing at first-floor level, which was approved under the reserved matters consent. The approved flintwork detailing is the use of pre-cast flint faced shaped concrete block with knapped and unknapped field flint.

The original outline consent envisaged a range of dwelling designs to reflect three different character areas across the entire development (*High Street*, *Farmstead* and *Southern Lanes*). This is shown on the extract from the approved masterplan to the outline consent below. The area of site relevant to the proposed NMA is roughly marked with a yellow circle, with both sides of the road in that layout indicatively shown to be in the *Farmstead* character area (with layout, scale, appearance, internal access and landscaping all reserved matters):



However, the Reserved Matters consent approved the layout of the development. The design and access statement to the subsequent Reserved Matters consent explains the differences between the character areas:

6.16 The site is large and it is therefore important that the character of the new neighbourhood has variation. This is achieved through the delivery of three character areas, the High Street running east west at the centre of the site, the Farmsteads to the north of this and the Southern Lanes to the south, in accordance with the Character Area Plan related to the outline planning permission. The design proposals for each of the character areas draws on the local context to create a new contemporary residential neighbourhood informed by the design characteristics of Ludgershall. In addition to variation in character, these areas help to provide a sense of place, legibility and an appropriate relationship to the open countryside to the north and the business park/proposed business premises to the south.

6.17 The proposed materials also draw on local precedents to contribute to the variety and character of the new neighbourhood, with each character area having its own brick and roof tile. Across the development the materials comprise 3 different red based bricks, elements of render and flint in building elevations, red cottage tiles for the Lanes character area, anthracite roof tiles for the High Street character and Grey Slate colour tiles for the Farmstead character area. All dwelling will have white windows with black rainwater goods.

6.18 It is therefore considered that the proposed scale and appearance will create a new residential neighbourhood of high quality design and a strong sense of place, that draws on local character in accordance with the requirements of the NPPF and Core Strategy policy CP 57.

The proposed amendments relate to the design and materials of dwellings within the *High Street* (more contemporary, urban) character area rather than the *Farmstead* character area as originally approved.

It is important that affordable housing achieves a design quality equivalent to that of open market units. Wiltshire Core Strategy Policy 43 requires '*Affordable housing units will be ...designed to a high quality, so as to be indistinguishable from other development.*' The

proposed amendments remain consistent with the agreed palette of materials and reflects those used on the affordable units located opposite.

The approved layout positions the *Farmstead* character area on one side of the road and the *High Street* character area on the other. The agent has advised that the proposed changes would result in these dwellings more closely mirroring those opposite, thereby creating a more balanced and cohesive street scene. This approach is considered to enhance the visual consistency of this part of the development.

It is considered that the proposed amendments are acceptable and would not result in any fundamental change to the character, appearance, or overall quality of the approved development.

Following a request for further clarification as to whether the units subject to the proposed changes are located in proximity to, or are visible from, existing owner-occupied plots within the wider development (in order to determine whether additional consultation would be required), the planning agent has provided a marked-up extract of the site plan. The agent has also confirmed that:

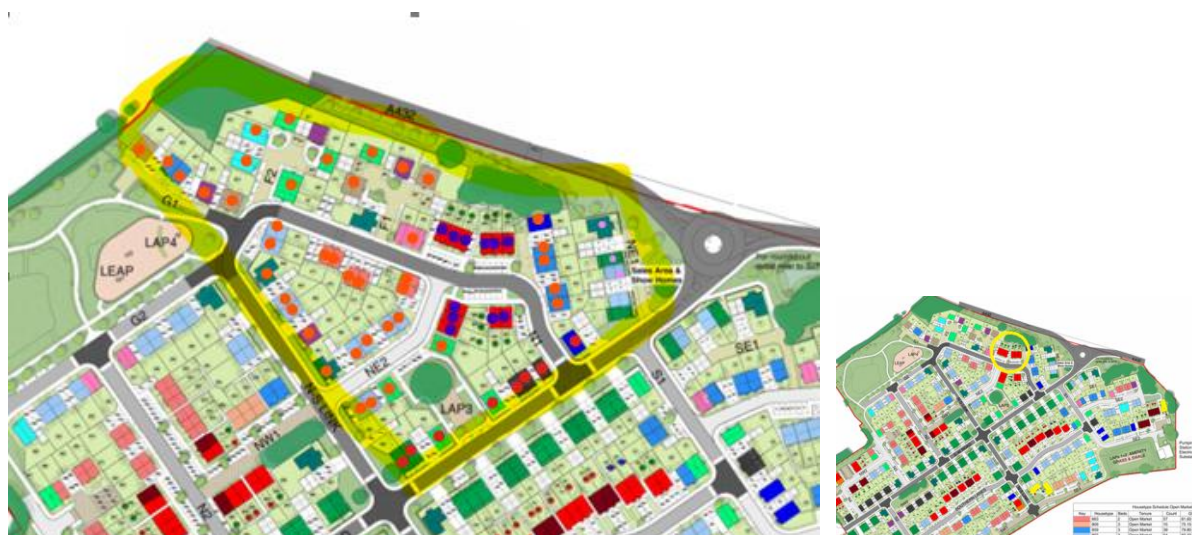
'The units in question, 385-390, are built out, as are those immediately opposite, units 391-395. All other units in the immediate surroundings are either built/unoccupied or up to slab. The closest occupied plots to units 385-390 are at some distance (more than 40 metres) and these also have units 391-395 acting as a buffer in between. Furthermore, in respect of the change in materials, crucially no concerns/issues have been raised by existing occupiers to either the applicant or LPA.'

Red Dots – Lived in

Purple Dots – Built

Orange Dots – up to slab

Pink Dots – Built, used as show houses'



The units subject to the proposed NMA 2 are therefore neither close to nor within visibility of existing owner-occupied plots within the larger development, there are no existing owner/occupiers that would have an expectation that they would be consulted on material changes to the buildings.

The amendments maintain the integrity of the original approved development, align with the original design principles, and the broader objectives of the planning permission remain intact.

Evaluating Compliance with Planning Policy:

The proposed changes do not undermine the principles of sustainable development or other policy objectives, such as design quality, sustainability, and amenity.

Habitat Regulations Assessment: River Test Catchment:

An Appropriate Assessment under the Habitats Regulations was undertaken for the original consent and concluded with a positive outcome, subject to a condition relating to phosphates mitigation and was endorsed by Natural England.

The current Reserved Matters application remains subject to Condition 2, which continues to apply:

(2) The development shall not be occupied until an appropriate legal agreement is entered into to secure a scheme to mitigate the effects of 21.2kg of additional nitrogen arising from surface water run-off from the development, comprising conversion of 0.8ha of land in current agricultural use to natural habitat at Round Barrow Farm, Pitton or an agreed alternative mitigation scheme within the catchment area of the River Test.

REASON: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy.'

A test of likely significance is required to be carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

In this instance, given the nature of the proposed changes, which do not result in any net increase in overnight accommodation, there would be no increase in nutrient loading. Accordingly, there is no pathway for additional adverse effects on designated sites, and further Appropriate Assessment is not required.

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 proposed changes constitute minor adjustments to the design and layout which do not require further consultation or fundamentally change the development.

Having had regard to the effect of the proposed changes, the Council is satisfied that the amendments are not material.

Condition 1 of the REM consent referenced a schedule of approved plans which was attached to that decision notice. The plans submitted with this NMA can be added onto an amended condition 1 as part of the NMA approval.