

APPLICATION FOR A NON-MATERIAL AMENDMENT CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/02756
APPLICATION TYPE:	NON-MATERIAL AMENDMENT
SITE ADDRESS:	Rowden Park, Patterdown, Chippenham
DEVELOPMENT DESCRIPTION:	Non material amendment on PL/2025/07732 to correct discrepancy between planning approval and affordable housing contract
RECOMMENDATION:	That the non-material amendment be GRANTED

PROPOSAL

The proposal is to swap the affordable housing tenure types on 4 plots within a development of 191 new homes. No physical alterations are proposed and the application follows from the housing enabling team identifying inconsistencies between the approved planning drawings and the plans used in separate legal contracts. A letter of support from the housing enabling team has been submitted as part of the proposal. The agent has clarified that:

Plots 145-146 have been approved as Affordable Rent. They will be Shared Ownership.

Plots 147-148 have been approved as Shared Ownership. They will be Affordable Rent.



Figure 1: Revised planning drawing showing the impacted plots and that they are all the same house type with only notional differences in the rear gardens.

PLANNING HISTORY

PL/2025/07732 – Variation of Condition 1 of 20/02326/REM (Reserved matters to Phase 3 of outline planning permission 14/12118/OUT) to amend the approved plans including: Relocation of Pumping Station, Realignment of Shared Cycle/Footpath, Provision of Mown Path Through POS Area, Realignment of NEAP & MUGA and Associated changes to landscaping. – Approved.

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, a consultation with the housing enabling team has been carried out prior to noting their support letter formed part of the application.

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 support the application as the registered provider that has taken on the contract for affordable housing associated with this phase of the development.

As explained in the submission 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.

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 swapping the affordable housing tenure between 4 plots. It will not impact the planning use, nor the balance of affordable housing tenures based on house type. No physical alterations are proposed because of the change proposed. This proposed amendment is considered to be non-material.

Condition 1 (amended)

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

Street Elevations D-D, D1-D1 SE.03-02 D

Dwelling Materials Layout Phase 3 DML.03 A

(received 8 November 2023)

Phase 3 Infrastructure Plant Schedule 138-sch-3-001 B

Engineering Layout Sheet Location Plan 210164-RAP-XXXX-DR-C-3000 F

Engineering Layout Sheet 1 of 6 210164-RAP-XX-XX-DR-C-3001 F

Engineering Layout Sheet 2 of 6 210164-RAP-XX-XX-DR-C-3002 F

Engineering Layout Sheet 3 of 6 210164-RAP-XX-XX-DR-C-3003 F

Engineering Layout Sheet 4 of 6 210164-RAP-XX-XX-DR-C-3004 F

Engineering Layout Sheet 5 of 6 210164-RAP-XX-XX-DR-C-3005 F

Engineering Layout Sheet 6 of 6 210164-RAP-XX-XX-DR-C-3006 G

SE.03-04 B Coloured Street Elevations – Sections across Northern Path

SE.03-5 B Coloured Street Elevations L-L (Plot 105 to 107)

(received 18 October 2023)

Refuse Layout – Phase 3 RL.03 G

Parking Plan – Phase 3 PAP.03 G

Highway Sheet Location Plan C100 G

Highway Layout 3 of 6 C103 K

Highway Layout 5 of 6 C105 J

Long Section 8 of 14 C207 G
Long Section 9 of 14 C208 G
Long Section 11 of 14 C210 F
Long Section 13 of 14 C212 F
Drainage Sheet Location Plan C300 G
Drainage Layout 2 of 5 C302 G
Drainage Layout 4 of 5 C304 G
Flow Route Plan C307 G
Exceedance Flow Routes Plan – Phases 3 – 5 C308 D
Adoption Plan Layout Overview C500 F
Adoption Plan 1 of 2 C501 F
Adoption Plan 2 of 2 C502 F
Site Vehicle Tracking 1 of 2 C900 G
Site Vehicle Tracking 1 of 2 C901 G
(received 24 August 2023)

House Type - 5B8P - Elevations HT.5B8P.e D
House Type - 5B8P - Semi Detached -Elevations HT.5B8PSEM.e D
(received 17 July 2023)

Coloured Street Elevations – Phase 3 CSE.03 E
House Type - Axminster - Elevations, Option -3 HT.AXM-3.eB
House Type - Axminster - Floor Plans HT.AXM.p D
House Type - Banbury - Elevations, Option - 1 HT.BAN-1.e c
House Type - Banbury - Floor Plans HT.BAN.p D
House Type - Dyrham - Elevations, Option - 1 HT.DYR-1.Ed
House Type - Dyrham - Floor Plans HT.DYR.p C
House Type - Foxham - Elevations, Option - 1 HT.FOX-1.e C
House Type - Foxham - Floor Plans HT.FOX.p D
House Type – Lowden – Elevations, Option – 3 HT.LOW-3.e C
House Type - Lowden - Floor Plans HT.LOW.p D

House Type - Sherston - Elevations, Option 1 HT.SHER-1.e E

House Type - Sherston - Elevations, Option 3 HT.SHER-3.e E

House Type - Sherston - Floor Plans HT.SHER.p E

House Type - Sherston - Semi Detached Option 3 Elevations HT.SHER-SEM-3.e D

House Type - Sherston-Sem - Floor Plans HT.SHER-SEM.p E

House Type - Wimbourne - Elevations, Option – 1 HT.WIM-1.e D

House Type - Wimbourne - Elevations, Option- 2 HT.WIM-2.e D

House Type - Wimbourne - Floor Plans HT.WIM.p C

House Type - York - Elevations, Option 1 HT.YORK-1.e E

House Type - York - Floor Plans HT.YORK.p E

Two Bed Maisonette Elevations, Option 1 HT.2BM-1.e B

House Type - 2 Bed Maisonette - Floor Plan HT.2BM.p D

Two Bed Maisonette – Variation A Elevations, Option 1 HT.2BMA1.e B

Two Bed Maisonette – Variation A Elevations, Option 2 HT.2BMA2.e B

House Type - 2 Bed Maisonette - Variation A - Floor Plan HT.2BM-A.p D

Two Bed Maisonette – Block Elevations HT.2BMBlk.e B

House Type - 2B4P Option 1 – Elevations HT.2B4P-1.e C

House Type - 2B4P Option 2 – Elevations HT.2B4P-2.e B

House Type - 2B4P - Floor Plans HT.2B4P.p D

House Type – 2B4P – Variation A – Elevations, Option 2 HT.2B4P-A-2.e B

House Type - 2B4P - Variation A - Floor Plans HT.2B4PA.p C

House Type - 3B5P - Option 1 – Elevations HT.3B5P-1.e D

House Type - 3B5P - Option 2 – Elevations HT.3B5P-2.e C

House Type - 3B5P - Floor Plan HT.3B5P.p D

House Type - 3B5P Variation A - Option 2 – Elevations HT.3B5P-A-2.e C

House Type - 3B5P - Variation A - Floor Plans HT.3B5PA.p D

House Type - 4B6P Option 2 – Elevations HT.4B6P-2.e B

House Type - 4B6P Option 3 – Elevations HT.4B6P-3.e C

House Type - 4B6P - Floor Plan HT.4B6P.p C

House Type - 4B6P Variation A – Elevations HT.4B6PA.e C

House Type - 4B6P Variation A - Floor Plans HT.4B6PA.p C

House Type - 5B8P - Semi Detached – Floor Plans HT.5B8PSEM.p B

Highway Layout 1 of 6 C101 G

Highway Layout 2 of 6 C102 G

Highway Layout 4 of 6 C104 G

Highway Layout 6 of 6 C106 F

Long Section 1 of 14 C200 E

Long Section 2 of 14 C201 E

Long Section 3 of 14 C202 E

Long Section 4 of 14 C203 E

Long Section 5 of 14 C204 E

Long Section 6 of 14 C205 E

Long Section 7 of 14 C206 E

Long Section 10 of 14 C209 E

Long Section 12 of 14 C211 E

Long Section 14 of 14 C213 E

Drainage Layout 1 of 5 C301 E

Drainage Layout 3 of 5 C303 E

Drainage Layout 5 of 5 C305 E

Flood Routing Plan C306 E

(received 24 February 2023)

House Type - Axminster - Elevations, Option -1 HT.AXM-1.e C

House Type - Axminster - Elevations, Option -2 HT.AXM-2.e C

House Type - Foxham - Semi Detached – Floor Plans HT.FOX-SEM.p B

House Type - Lowden - Elevations, Option – 1 HT.LOW-1.e C

House Type - Sherston - Semi Detached Option 1 Elevations HT.SHER-SEM-1.e B

Two Bed Maisonette Elevations, Option 2 HT.2BM-2.e A

Phase 3 Plot Landscape Plant Schedule 138-SCH-3-002 C

(received 23 May 2022)

Location Plan – Phase 3 LP.03 B

House Type - Foxham - Semi Detached - Elevations HT.FOXSEM.e A

House Type - 4B6P Option 1 – Elevations HT.4B6P-1.e B

House Type - 5B8P - Floor Plans HT.5B8P.p B

Garage G01 - Floor Plans and Elevations GAR.01.pe B

Garage G02 - Floor Plans and Elevations GAR.02.pe A

Garage G06 - Floor Plans and Elevations GAR.06.pe B

Garage G07 - Floor Plans and Elevations GAR.07.pe B

Garage G08 - Floor Plans and Elevations GAR.08.pe B

Garage G12 - Floor Plans and Elevations GAR.12.pe B

Garage G17 - Floor Plans and Elevations GAR.17.pe A

Garage G18 - Floor Plans and Elevations GAR.18.pe A

Garage G19 - Floor Plans and Elevations GAR.19.pe A

Arboricultural Impact Assessment Report Ref: 211129-1.2-RPP3-AIA-MW

Ecology Compliance Check engain ref: eg13547.014a

(received 16 December 2021)

Phase 3 Infrastructure Landscape Plan 1 of 3 138-3-010 W

Phase 3 Infrastructure Landscape Plan 2 of 3 138-3-011 Y

Phase 3 Infrastructure Landscape Plan 3 of 3 138-3-012 Z

Phase 3 Plot Landscape Plan Sheet 1 of 10 138-3-021 P

Phase 3 Plot Landscape Plan Sheet 2 of 10 138-3-022 R

Phase 3 Plot Landscape Plan Sheet 3 of 10 138-3-023 Q

Phase 3 Plot Landscape Plan Sheet 4 of 10 138-3-024 S

Phase 3 Plot Landscape Plan Sheet 5 of 10 138-3-025 S

Phase 3 Plot Landscape Plan Sheet 6 of 10 138-3-026 Q

Phase 3 Plot Landscape Plan Sheet 7 of 10 138-3-027 T

Phase 3 Plot Landscape Plan Sheet 8 of 10 138-3-028 S

Phase 3 Plot Landscape Plan Sheet 9 of 10 138-3-029 T

Phase 3 Plot Landscape Plan Sheet 10 of 10 138-3-030 T

Phase 3 NEAP and MUGA 138-3-003 H

Location Plan – 01 LP.01 A

Strategic Landscape Plan Phase 3 138-003_N

Drainage Layout 6 of 6 C306 A

S38 Legal Agreement Sheet Layout Plan 210164-RAP-XX-XX-DR-C-5000 H

S38 Legal Agreement Plan Sheet 2 of 3 210164-RAP-XX-XX-DR-C-5002 H

S38 Legal Agreement Plan Sheet 4 of 4 210164-RAP-XX-XX-DR-C-5003 C

(received 25 September 2025)

CSL.03 L Coloured Site Layout – Phase 3

Affordable Housing Layout – Phase 3 AHL.03 K

(received 29 April 2026)

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

Condition 7 (amended):

Notwithstanding the approved drawings, the property boundaries to the north of plots 17, 19, 24, 25, 33, 34, 43 (shown in Coloured Site Layout Phase 3 CSL.03 L) shall be constructed in Bekstone Natural light weathered recon stone.

All stone boundary walls shall be constructed or faced in Bekstone Natural light weathered recon stone.

REASON: In the interests of the character and appearance of the area and residential amenity.

Condition 9 (amended):

No dwelling, without an associated garage, shall be occupied until a wooden shed as shown on approved plan Drg CSL.03 L, or alternative cycle storage provision in the case of maisonette plots 52 to 59 details of which are first submitted to and approved in writing by the Local Planning Authority, has been provided within the rear garden of the dwelling.

REASON: In the interests of providing bicycle storage for all properties to promote sustainable means of transport.