

APPLICATION FOR A NON-MATERIAL AMENDMENT

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/05277
APPLICATION TYPE:	NON-MATERIAL AMENDMENT
SITE ADDRESS:	Land at Rowden Park (Phase 4), SN15 2NU
DEVELOPMENT DESCRIPTION:	Non Material Amendment to PL/2024/08632 (Phase 4) for reduction of screen walls due to buildability and viability across both phases
RECOMMENDATION:	That the non-material amendment be REFUSED

PROPOSAL

The applicant has stated that:

“Since obtaining approval, it has become necessary to make small amendments to the approval for varying reasons.”

“In summary, approval is sought to reduce extent of screen walling along non-key routes due to procurement and practicality.”

“Gives the option to source from local supplier and is considered an appropriate alternative for local sourcing.”

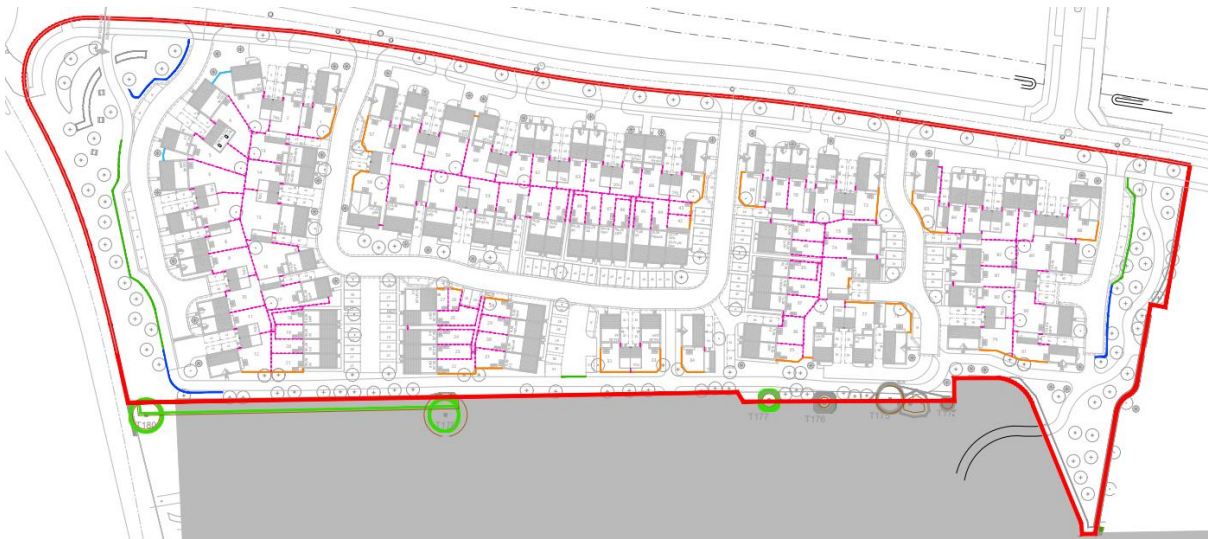


Figure 1: The approved boundary treatment plan for application site



Figure 2: The proposed boundary treatment plan for application site

The following changes have been observed from a review of the consented boundary treatment plan and the new version provided as part of this application:

- Plot 34 brick wall to fence
- Plots 42 / 43 brick wall to fence
- Plots 75 / 77 brick wall to fence
- Plots 79 / 91 brick wall to fence



Figure 3: Plot 34 private amenity space to be enclosed by a fence only unlike other lots on this main active travel route.



Figure 4: Plots 42 and 43 to have a fence to rear of their parking spaces that front road as opposed to side wall of plot 67.

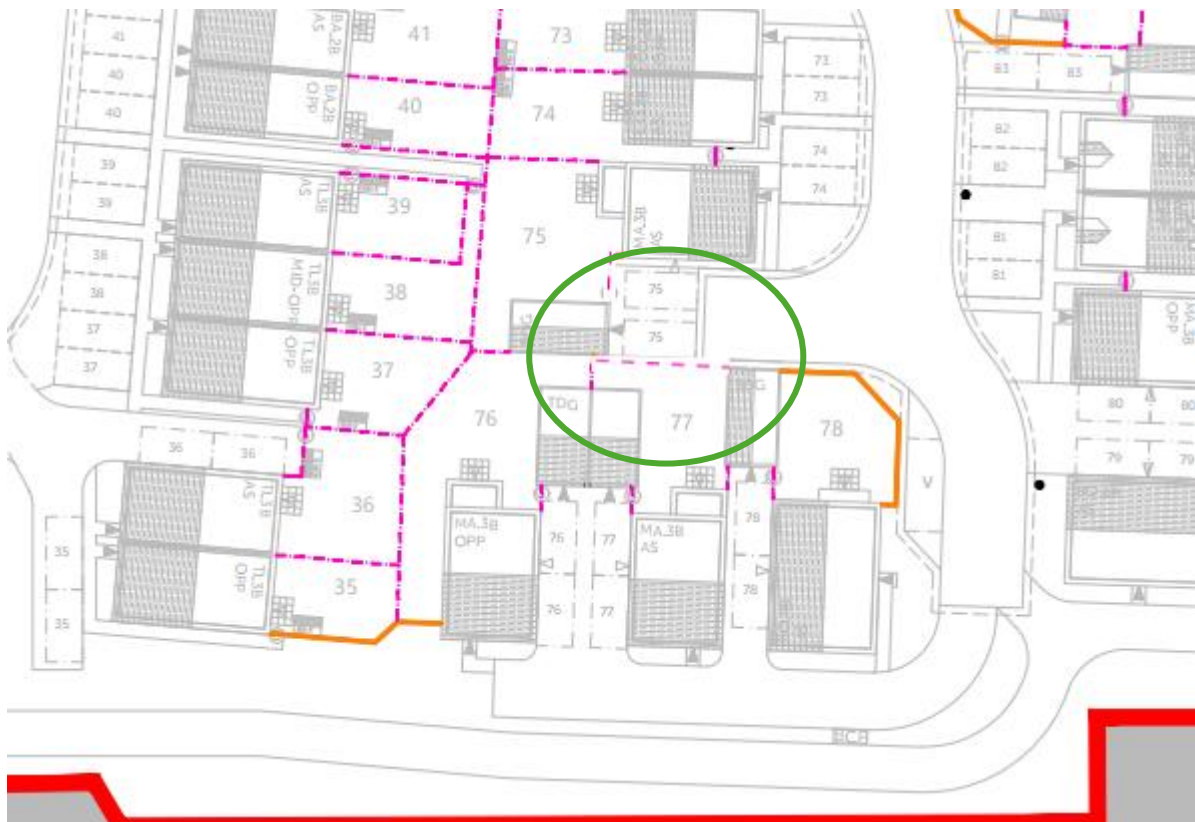


Figure 5: Plot 77 rear wall proposed to be a fence next to parking area for plot 75



Figure 6: Plots 79 and 91 proposed to have a fence fronting onto active travel route and open space.

PLANNING HISTORY

PL/2024/08632 - Variation of Condition 1 of 20/02334/REM Relating to Approved Plans for Phase 4 of Development – Permission on 10 January 2025

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.

NMA often involve alterations to the design (e.g., changes to materials, fenestration, or layout), which should be evaluated in terms of their impact on the development's overall appearance and character. The scale of the change should be proportionate to the original permission. If the proposed change is too significant or could lead to a substantial reworking of the development, it may no longer qualify as non-material and would require a new application.

Consideration has been given on this basis but also noting that the original applications were subject to consultation with the council's urban design officer and they specifically raised objection to similar arrangements to that being proposed now in relation to screen walls facing into the public realm, particularly where they provide enclosure of private amenity space.

The most relevant planning history, starting with the development plan and including other material considerations, namely the adopted Wiltshire Design Guide and the critically important policies of the National Planning Policy Framework sets a clear framework for assessing the proposals

Core Policy 57 of the Wiltshire Core Strategy is the main relevant development plan policy and states:

"A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:

- ii) the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development*
- iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting"*

Furthermore, the Wiltshire Design Guide has been adopted and its primary aim is to elaborate on CP57; it states as far as most relevant:

"9.3.5 *The interface between a private rear plot boundary and an adjacent public or shared space (including highways, public open space (POS) and parking courts) should generally use robust masonry walls or decorative metal/ timber railings, as opposed to close board, feather board or wooden panel fencing. Where secure access prevention is not required (for example a front garden) vertical planting may be considered. The degree of intervisibility through the*

boundary which occupants may desire and wider benefits of creating natural surveillance of the public or shared space should also be accounted for.

9.3.6 *Between private rear gardens, boundaries should provide adequate visual privacy, plot security and some noise attenuation.”*

Finally, since the original decision was made the National Planning Policy Framework has been updated and published. This is of critical importance for decision making in England and states:

Policy DP3:

“To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location

e. Built Form: use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site’s potential, distinguish between public and private areas, create focal points and, where appropriate, enhance views into and out of the scheme;

g. Identity: create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.

Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.”

Furthermore, Policy DP4 states:

“The local planning authority should:

c. Not allow the quality of approved development to be materially diminished between permission and completion, as a result of changes proposed following its initial approval (for example through changes to approved details).”

Taking each of the proposed changes in turn and then considered cumulatively in the context of the development’s overall appearance and character it is considered that:

- Changes to plot 34 would be a clear erosion of the design quality of the development because it would result in inferior quality of materials enclosing a private garden area on 2 sides fronting the public realm. This is likely to be a well trafficked part of the active travel options that permeate the development. It would be strikingly at odds with the prevailing boundary wall materials through this part of the development at a key location that turns a corner within the development.
- Changes to plot 42 and 43 would reduce the quality of the development and result in poorer outcomes compared to the consented scheme. This would be clearly visible when the fronting car parking spaces are not occupied and reduces continuity compared to the consented brick material that as approved runs through from plot 67 to the north.

- Changes to plot 75/77 would again reduce the quality of the development and result in poorer outcomes compared to the consented scheme. Impacts are mitigated by the location at the far end of a cul-de-sac that has no through route for pedestrians. Whilst not an arrangement to be encouraged it is acknowledged to be the least concerning of the changes.
- Plots 79/91 would be a clear erosion of the design quality of the development because it would result in inferior quality of materials along a relatively long length of boundary fronting onto an active travel route and area of open space. It is an important point in the built environment, likely to be a well trafficked part of the active travel options that permeate the development. It would be strikingly at odds with the prevailing boundary wall materials through this part of the development.
- Cumulatively the proposed changes would all have a detrimental impact on the design quality of the scheme. It is acknowledged that the changes impact a relatively small part of the overall development and are spread throughout the scheme. However, each of the proposals would be contrary to the Wiltshire Design Guide. They are similar in nature to the matters negotiated at application stage and resulted in objection from the council's urban design officer. As such the proposed changes should be considered to be material.

The justification provided is vague with unclear and imprecise issues of 'buildability' and 'viability'. Even if these are genuine then it would likely be most appropriate to consider them within any planning balance as material considerations, which need to be clear in order to consider the relative weight of them.

It is also material to note that the scheme has already been through a non-material amendment to alter the housing materials in the development and also the dormer details of one house type. The cumulative impact of those consented changes with these additional alterations is a consideration given that the public should reasonably be able to expect that a development once completed reflects that which they were consulted upon at application stage.

Finally, and related to that, it is also important to be mindful of the critical weight to be attached to Policy DP4 of the NPPF and the need for approved development to not be materially diminished between permission and completion.

CONCLUSION

In conclusion, based on the assessment, it is recommended that the non-material amendment application be refused because the consented scheme has already been subject to other non-material amendments and moreover, the proposed changes would materially diminish the design quality of the approved development without clear factors to outweigh the impact.

SUMMARY OF REASONS FOR RECOMMENDATION:

The proposed changes are considered material for the following reasons:

The consented scheme has already been subject to other non-material amendments and moreover, the proposed changes would materially diminish the design quality of the approved development without clear factors to outweigh the impact.