

Planning Department
North Herts Council
PO Box 7075
Manchester
M28 8JX

14 April 2026

My Ref: 2026/196

Dear Sir/Madam

RE: NON MATERIAL AMENDMENT APPLICATION TO REMOVE SOLAR PANELS FROM APPROVED PLANS – 23/00563/FP – APPROVED ON 22/4/25 FOR ERECTION OF 43 DWELLINGS, ACCESS FROM LOWER INNINGS, ASSOCIATED INTERNAL ROADS, PARKING, LANDSCAPING, AMENITY SPACE AND OPEN SPACE ON LAND SOUTH OF OUGHTONHEAD LANE, HITCHIN, HERTFORDSHIRE, SG5 2NA

Please find enclosed a non material amendment application in relation to the above planning permission. The application seeks to remove the solar panels shown on the approved plans.

Under section 96A of the Town and Country Planning Act 1990 it is possible to apply for a 'non-material amendment' to a grant of planning permission, so as to agree minor changes with the Local Planning Authority that do not have a material impact in terms of the material planning considerations. The decision in such an application only relates to the non-material amendments sought and it is not a reissue of the original planning permission, which still stands.

The NPPG sets out at paragraph 2 of the section entitled "Flexible options for planning permissions", reference ID 17a-002-20140306, that:

"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 under section 96A of the Town and Country Planning Act 1990."

Furthermore the NPPG states that *"by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary."* There is no statutory requirement for consultation.

The Council's own guidance on non-material amendments sets out

"Non-material amendments must:

- be within the scope of the original planning permission; and*
- not result in a materially different scheme that has a differing impact. The scale and nature of any change will be dependent upon the scale of the original development. For example, for a*

householder application, any change should not be noticeable by a neighbour for it to be non-material. For a large housing scheme, while the number of units may not change, the appearance of the dwellings may change and remain a non-material amendment.

There will be no consultations, publicity or notifications. This is because a non-material amendment is not an application for planning permission."

The advice continues stating:

"Each application will be considered on its merits. The proposed change may be a non-material amendment if:

- 1. There would be no change to the application site boundary and the proposal would be located within it (red line boundary)*
- 2. The amendment would not conflict with development plan policies or other government guidance*
- 3. There would be no conflict with any conditions on the planning permission*
- 4. The proposal would not make worse any concerns raised by third parties when the original planning permission was considered, or have the potential to affect the view of third parties to a proposed development*
- 5. For householder development, the amendments must not be noticeable by neighbours*
- 6. The height/volume of the building or extension would not be increased or significantly reduced*
- 7. The amendments must not result in a fundamental change in the design of the building*
- 8. The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application*
- 9. Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties*
- 10. There would be no change to the description of development in respect of number of proposed units."*

Each of the criteria above are considered in turn:

- 1. There would be no change to the application site boundary and the proposal would be located within it (red line boundary)*

There would be no change to the red line boundary, the site location plan 23 003 010 would remain as approved. The application only seeks to remove the solar panels.

- 2. The amendment would not conflict with development plan policies or other government guidance*

It is not considered that there would be any conflict with local or national planning policy.

North Herts District Council Local Plan policy D1 Sustainable Design states:

“Planning permission will be granted provided that development proposals:

- a) Respond positively to the site’s local context;*
- b) Take all reasonable opportunities, consistent with the nature and scale of the scheme, to:*
 - i. create or enhance public realm;*
 - ii. optimise the potential of the site by incorporating Sustainable Drainage Systems (SuDS);*
 - iii. reduce energy consumption and waste;*
 - iv. retain existing vegetation and propose appropriate new planting;*
 - v. maximise accessibility, legibility and physical and social connectivity both internally and with neighbouring areas;*
 - vi. future proof for changes in technology and lifestyle;*
 - vii. design-out opportunities for crime and anti-social behaviour; and*
 - viii. minimise the visual impact of street furniture and parking provision. . .”*

The committee report for the application set out that the application was supported by a energy statement which confirmed that all 43 dwellings would have air source heat pumps (ASHP).

The energy statement submitted with the application, enclosed with this submission for completeness, explored a range of renewable energy approaches that could be employed on the site. The statement concludes that ASHP were the preferable option because:

“Heat pump systems reduce carbon emissions and have an efficient conversion rate from energy to heat. Being coupled with low temperature radiators or under floor heating improves the heating efficiency.

- Moving away from fossil fuel heating is in line with government policy and the proposed Future Homes Standard*
- Increased generation of grid electricity from renewable sources has reduced the associated carbon costs of electric heating*
- Heat pumps require less maintenance than a combustion heating system. Depending on the size of the units they only require inspection by a professional every 3-5 years*
- Government incentives are available for most types of heat pumps.”*

Solar panels were however discounted for the following reasons:

“PV is not considered to be viable for this site -

- Poor design and installation can lead to lower than expected yields (e.g. from shaded locations)*
- Installation is restricted to favourable orientations*

- *Feed in Tariff scheme no longer offered by government*
- *Safe access must be considered for maintenance and service checks*
- *Inverters require replacing on average every seven years."*

The energy statement clearly sets out that a fabric first approach is taken with detailing to avoid thermal bridging, reducing air leakage and employing passive and active design measures, that alone will secure a saving in CO₂ emissions of 4902 kgCO₂/year, equating to an energy demand reduction of 22910 kWh/year. When the ASHP are also considered the strategy would *"provide a 32.47% carbon reduction over a development built to comply with the CO₂ targets under the latest revision of the Building Regulations, Part L1 2021. This also represents a 45.70% energy demand reduction."* There is therefore no need to include additional measures as the approach set out in the energy statement provides a significant reduction compared to Building Regulation requirements. The scheme will also utilise low energy street lighting.

The removal of the solar panels doesn't alter the conclusions of the energy statement. There is no conflict with planning policy as the dwellings still follow a fabric first approach and have ASHP which are considered to be more effective and less challenging to maintain than solar panels, thus complying with Local Plan policy D1.

3. *There would be no conflict with any conditions on the planning permission*

There would be no conflict with the conditions, in fact the change would result in the development being carried out in accordance with the approved energy statement.

4. *The proposal would not make worse any concerns raised by third parties when the original planning permission was considered, or have the potential to affect the view of third parties to a proposed development*

None of the third party comments summarised in the committee report relate to ASHP or solar panels. It is not considered that the change would impact on any third party due to the distance to the nearest dwellings and intervening landscaping..

5. *For householder development, the amendments must not be noticeable by neighbours*

The scheme is not householder development so this criterion is not applicable.

6. *The height/volume of the building or extension would not be increased or significantly reduced*

There would be no change in the height or volume of any building nor would any building be reduced in height or volume.

7. *The amendments must not result in a fundamental change in the design of the building*

The amendment would not alter the design of the dwellings, only remove the solar panels.

8. *The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application*

The application was not accompanied by an environmental statement, so this criterion is not applicable.

9. *Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties*

There would not be any changes to windows/doors or openings.

10. *There would be no change to the description of development in respect of number of proposed units.*

There would be no change in the number of units.

Overall, when judged against the Council's own criteria for non-material amendments it is clear that the removal of the solar panels would be acceptable as a non-material amendment to the permission. It is also in line with the Council's guidance which states that "*for a larger housing scheme . . . the appearance of the dwellings may change and remain a non-material amendment.*" There is no policy requirement for solar panels, the relevant Local Plan policy just seeks a reduction in energy consumption. The energy statement supporting the application sets out the reasons why solar panels were discounted and ASHP proposed.

Enclosed are amended plans which show the dwellings with the solar panels removed.

Yours sincerely



Vicki Davies BA(Hons), DipEP, MRTPI
Development Planning Manager

Amended plans are indicated in bold (all other plans are as approved). Only the amended plans are provided as part of the application submission.

23-003-010

23-003-011-PL09 – Planning Site Layout

23-003-012-PL03

23-003-015-P04 – Streetscenes A&B

23-003-016-P04 – Streetscenes C&D

23-003-020-P01

23-003-021-P03 – Type A Elevations

23-003-022-P01

23-003-023-P03 – Type B Elevations

23-003-024-P01

23-003-025-P03 – Type C Elevations

23-003-026-P01

23-003-027-P03 – Type D Elevations

23-003-028-P02

23-003-029-P03 – Type E Elevations

23-003-030-P01

23-003-031-P03 – Type F Elevations

23-003-032-P01

23-003-033-P03 – Type G1 Elevations

23-003-034-P01

23-003-035-P03 – Type G2 Elevations

23-003-036-P01

23-003-037-P03 – Type H Elevations

23-003-038-P01

23-003-039-P03 – Type J Elevations

23-003-040-P01

23-003-041-P03 – Type K Elevations

23-003-042-P01

23-003-043-P03 – Type L1 Elevations

23-003-044-P01

23-003-045-P03 – Type L2 Elevations (Plot 9)

23-003-046-P01

23-003-047-P03 – Type L2 Elevations

23-003-060-P01

23-003-061-P01

23-003-062-P01

23-003-063-P01

AEQ-210-C-P-004-P6

CALA-23489-03B

CALA-23489-11B - Soft Landscape - Sheet 1 of 2

CALA-23489-11B - Soft Landscape - Sheet 2 of 2

CALA-23489-12B - Hard Landscape - Sheet 1 of 2

CALA-23489-12B- Hard Landscape - Sheet 2 of 2

CALA-23489-20 - LAP

23-003-070 PL03

23-003-071 PL02

23-003-048 PL01

23-003-049 PL01