

Surface Planning

SM_0204_01

7th February 2024

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA

By Planning Portal submission

Dear Sir or Madam,

Application Under Section 96A of the Town and Country Planning Act 1990

Non-Material Amendment to Planning Permission 19/02350/OUT – Outline Planning Permission for up to 26 Dwellings Including Access – Condition 3 (Access Plan)

I am pleased to enclose via Planning Portal submission an application for a Non-Material Amendment to the above referenced planning permission. The required fee of **£293.00** will be provided alongside the submission.

My clients Minster Property Group are seeking to take the existing planning permission 19/02350/OUT forward as a 100% affordable housing development. Details of the reserved matters are being prepared on this basis. However, an issue has been raised in respect of the wording of outline condition 3:

3. The development shall not be carried out otherwise than in complete accordance with the approved plans Site Plan Proposed 19 24 05 received 23 October 2019 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Our interpretation of this condition and the plan referred to (Enclosure 1) is that it was intended to secure the vehicular, pedestrian and cycle access points for the scheme in accordance Article 6 of The Town and Country Planning (Development Management

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Procedure) (England) Order 2015, as the matter of access was approved in detail. However, the plan also showed plots and other layout details 'greyed out', and highlighted the internal access road in pink, which was also shown in the key. These features fall under the reserved matter of layout and so remain to be determined.

The plan secured by Condition 3 as currently worded poses an obstacle to the developer making the necessary financial commitments in order to move forward to reserved matters on the strength of the outline planning permission. A non-material amendment is proposed to remove reference to plan 19 24 05 and replace it with the amended plan **23021 010-P01** (Enclosure 2). The amended plan retains of the key access points but removes the 'greyed out' development (for the avoidance of doubt given that this relates to a reserved matter) and amends the pink highlighted internal road to a form that will not conflict with the forthcoming proposed reserved matters layout, on the understanding that the acceptability of the internal layout in highways terms will be assessed by the highway authority under the reserved matters application.

Because the proposed amendments relate to details that require to be determined at the reserved matters stage and could not have been determined at outline stage in accordance with the DMPO, they are considered to be non-material and therefore suitable to be determined under Section 96A of the TCPA.

I trust that the above and enclosed will be sufficient to allow the application to be registered and determined promptly. If you require any further information or have any queries regarding the submission documents, please do not hesitate to contact me at your convenience.

Yours faithfully,

Jake Stentiford MSc

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Email: jake@surfaceplanning.co.uk

Enc 1: Drawing 19 24 05 – Access Plan (Condition 3 Approved)

Enc 2: Drawing 23021 010-P01 – Access Plan (Condition 3 proposed)