

Our Ref: NW/PF/10528
(Please reply to Banbury office)

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30th March 2023

Mr Andy Bateson
Team Leader, Major Development
Place and Growth Directorate
Cherwell District Council
Bodicote House
Bodicote
Banbury
OX15 4AA

Dear Andy

**TOWN AND COUNTRY PLANNING ACT 1990
NON-MATERIAL AMENDMENT PLANNING TO APPROVAL 22/01144/F
OS PARCEL 5700 SOUTH WEST OF GRANGE FARM, STREET THROUGH LITTLE CHESTERTON,
CHESTERTON**

'Full planning application for the erection of a new high quality combined research, development and production facility comprising of Class B2 floorspace and ancillary office floorspace with associated infrastructure including: formation of signal-controlled vehicular access to the A41 and repositioning of existing bus stops; ancillary workshops; staff gym and canteen; security gate house; a building for use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yard; waste management area; external plant; vehicle parking; landscaping including permanent landscaped mounds; sustainable drainage details; together with the demolition of existing agricultural buildings within the red line boundary; and the realignment of an existing watercourse.'

The above planning application (LPA Ref: 22/01144/F) for the above site was granted planning consent on the 16th February 2022.

Condition 21 stated:

'No development shall take place until, notwithstanding the details included in Woodland Management Plan EDP2425 R018-b (June 2022), an updated Woodland Management Plan to include a full management and replanting strategy for the ancient woodland has been submitted to and approved in writing by the Local Planning Authority.'

Following further discussions with the Cherwell District Council Tree Officer on the 22nd March 2023, additional surveys have been requested to be undertaken of the existing trees within the ancient woodland to the south of the wider site in order to identify which are to be removed and what will be

replanted. The Tree Officer has now requested that these surveys are undertaken and completed before the condition can be discharged, which is a change from the approach in the submitted WMP.

Tritax Symmetry is committed to undertaking these works, and they are programmed in for April, but waiting for these surveys to be undertaken risks delay to the lawful commencement of development on site.

An amendment is therefore required to the wording of condition 21 in order to vary the trigger point from *'prior to commencement of development'* to *'no development above ground level'*. It is considered that this revised wording will thereby avoid any potential delay to the lawful commencement of development. The revised wording will continue to ensure the ancient woodlands longevity and unique habitat is secured which was the reason for including the condition on the approved scheme.

The revised wording of condition 21 will read as follows:

'No development above ground level shall take place until, notwithstanding the details included in Woodland Management Plan EDP2425 R018-b (June 2022), an updated Woodland Management Plan to include a full management and replanting strategy for the ancient woodland has been submitted to and approved in writing by the Local Planning Authority.'

Reason: To ensure the ancient woodlands longevity, and unique habitat is secured.'

ASSESSMENT

There is no statutory definition for the type of changes that might be considered non-material. The Town and Country Planning Act suggests that in deciding whether a change is material or not, a local planning authority must have regard to the effect of the change, together with any previous changes made on the original grant of planning permission. A non-material amendment might be as follows:

- It is a very small change;
- It does not vary significantly from what was described on the planning permission;
- It does not conflict with any conditions on the planning permission; and
- It does not introduce or move windows or other openings that could affect other properties.

The proposed change to condition 21 as set out above is considered a 'small change' that does not significantly vary the consented scheme as approved under planning approval Ref: 22/01144/F.

The changes constitute non-material amendments under Section 96A of the Town and Country Planning Act 1990. The applicant respectfully requests that the Council consent to these changes.

The Planning Application Fee of £234.00 plus the Planning Portal service charge of £32.20, totalling £266.20, has been paid via the Planning Portal.

If you require any further information, please contact me.

Kind regards



Nick Wyke
Framptons