

Our ref: Q210286
Your ref: PP-12314344
Email: johnathan.welton@quod.com
Date: 17 July



Laura Bell
Cherwell District Council
Development Management
Bodicote House
Bodicote
Banbury
OX15 4AA

By Planning Portal (PP-12314344)

Dear Planning Officer

Non Material Amendment application to Condition 8 of permission 21/03177/F to reflect the updated landscaping requirements

On behalf of Albion Land (“the Applicant”), please find enclosed an application for a non-material amendment to planning permission 21/03177/F at Axis J9 (“the Site”).

The application seeks to vary the approved documents referenced in Condition 8 (Tree Protection) to reflect the latest proposals for the Site and are consistent with the details which have been approved via discharge of conditions and the Section 278 process.

The following information has been submitted via the Planning Portal:

- 0897-RFM-XX-00-DR-L-0005 P05 Tree Retention and Protection Plan
- 10706_R12_Aboricultural Technical Note_JP06072023

The approved Tree Protection Plan drawing number 10706_P08 Rev A is to be replaced in the condition by the above mentioned Tree Retention and Protection Plan.

Proposed Non-Material Amendment

The National Planning Practice Guidance accepts that new issues may arise after planning permission has been granted which require modification to the approved plans (Paragraph 001 Reference ID: 17a-001-20140306). Where less than substantial changes are proposed, it confirms it is appropriate to pursue these through an application for either non-material or minor-material amendments.

Rationale for the Changes

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Through the S278 (highway works) process, the local highways authority (OCC) has greater visibility for pedestrians at the pedestrian crossing on Howes Lane. To adhere to this request, there is a small amount of hedgerow, around 6 metres, which requires removal along Howes Lane. Consequently, this Non Material Amendment Application is made to ensure the Tree Retention and Protection Plan reflects the proposals for the crossing and the works can be carried out without conflict with condition 8.

Planning Considerations

The proposed changes are minimal and are sought to ensure compliance with OCC Highways requirements. The proposed amendments affect a small area of the Site and does not impact the principle of development, the overall design or nature of the scheme.

Changes will ensure pedestrian safety and enhance visibility for pedestrians to and from the Site. The Tree Retention and Protection Plan enclosed reflects the changes. Also enclosed is an Aboricultural Technical Note which confirms the original conclusions and protections measures of the Aboricultural Impact Assessment remain the same due to the minimal scale of the proposed changes.

Summary

The proposed amendments are non-material in nature and remain consistent with the approved scheme. This application seeks to address the necessary changes requested by OCC to ensure pedestrian safety on Howes Lane and to encourage sustainable journeys to and from the Site.

The development will continue to accord with relevant policies in the adopted development plan, the National Planning Policy Framework and other government guidance.

I trust the above is acceptable and look forward to receiving confirmation of formal validation shortly. Please do not hesitate to contact me should you require any further information.

Yours sincerely

Johnathan Welton
Assistant Planner

enc. As noted
cc.