10 January 2024
Delivered via the Planning Portal

FAO Steve Tapscott
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
BA14 8JN

Ref: TIMS3006

Dear Mr Trapscott,

SECTION 73 (MINOR-MATERIAL AMENDMENT) APPLICATION
LAND AT PRY FARM, THE PRY, PURTON, SWINDON, SN5 2JP

On behalf of our client, we are pleased to submit an application for a Minor-Material Amendment (MMA) to full planning permission ref. PL/2023/03931 at Pry Farm, The Pry, Purton, Swindon, SN5 2JP. This application is submitted under Section 73 of the Town and Country Planning Act 1990.

BACKGROUND

Full planning permission for the change of use and conversion of agricultural buildings was approved by Wiltshire Council on 8th December 2023 (ref. PL/2023/03931). The full wording of the permission is outlined below for reference:

"Change of use of former agricultural buildings to provide two warehouses (Use Class B8), one of which to include a ground-floor ancillary reception and trade counter, with upper-floor office space (E(g)(i)); two business start-up units (Use Class E(g)(i)); repositioned access; and associated car and cycle parking, drainage works and landscaping"

The permission includes 25 planning conditions, with Condition 2 listing the plans in which the development should be in accordance with.

SECTION 73 PROPOSED CHANGES

This Section 73 application seeks to update and replace '*Warehouse 2 elevations and floorplans ref. 22102-111-C'* currently listed in Condition 2.

The updated Warehouse 2 Plan submitted with this Section 73 application includes amendments to the materials proposed for the elevations of the Warehouse 2 building. It is proposed that the walls of the Warehouse 2 building comprise coated steel profiled sheet cladding. The colour of the cladding is identified on the submitted plan, and will be Goosewing Grey (10A05).

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It is therefore proposed to amend the wording of Condition 2 by updating the plan reference to reflect the plan submitted.

At present the wording of Condition 2 states:

"The development hereby permitted shall be carried out in accordance with the following approved plans:

- *Location plan ref. 22102-100-C.*
- *Topographical survey ref. 24955-200-01 Rev A.*
- *Existing site block plan ref. 22102.101.*
- *Existing floorplans sheet 1 of 3 ref. 24955-100-03FP Rev A.*
- *Existing floorplans sheet 2 of 3 ref. 24955-100-03FP Rev A.*
- *Existing floorplans sheet 3 of 3 ref. 24955-100-03FP Rev A.*
- *Existing building elevations ref. 24955-100-02E.*
- *Proposed site layout ref. 22102-109-G.*
- *Warehouse 1 existing and proposed roof plans ref. 22102-115-A.*
- *Warehouse 1 proposed elevations and floorplan ref. 22102.110-D.*
- *Warehouse 2 elevations and floorplans ref. 22102-111-C.*
- *Office and business units existing and proposed roof plans ref. 22102-117.*
- *Office proposed floorplans ref. 22102.102-A.*
- *Office proposed elevations ref. 22102.103-B.*
- *Business starter units proposed elevations and floorplan ref. 22102.112-B.*
- *Construction Management Plan and Waste Audit ref. 9107 Issue 2.*
- *Transport Statement ref. 9107 issue 2.*
- *Surface water drainage strategy ref. 9107 issue 2.*
- *Warehouse 2 existing and proposed roof plans ref. 22102-116.*
- *Landscape plan ref. C406-P-01.*
- *Ecological Impact Assessment ref. PRI24166_EcIA_C rev C.*
- *Ecological enhancement plan ref. PRI24166.*
- *Biodiversity metric calculator dated 13/03/23 and received 31/10/23.*
- *Swept path analysis estate car ref. 9107-204 rev A.*
- *Swept path analysis articulated HGV ref. 9107-203 rev A.*

REASON: for the avoidance of doubt and in the interests of proper planning."

The proposed amendments to the condition wording under this Section 73 application, underlined below, would mean the amended condition would read as follows:

"The development hereby permitted shall be carried out in accordance with the following approved plans:

- *Location plan ref. 22102-100-C.*
- *Topographical survey ref. 24955-200-01 Rev A.*
- *Existing site block plan ref. 22102.101.*
- *Existing floorplans sheet 1 of 3 ref. 24955-100-03FP Rev A.*
- *Existing floorplans sheet 2 of 3 ref. 24955-100-03FP Rev A.*
- *Existing floorplans sheet 3 of 3 ref. 24955-100-03FP Rev A.*
- *Existing building elevations ref. 24955-100-02E.*
- *Proposed site layout ref. 22102-109-G.*
- *Warehouse 1 existing and proposed roof plans ref. 22102-115-A.*
- *Warehouse 1 proposed elevations and floorplan ref. 22102.110-D.*

- *Warehouse 2 elevations and floorplans ~~ref. 22102-111-C.~~ **ref. 22102.111-D.***
- *Office and business units existing and proposed roof plans ref. 22102-117.*
- *Office proposed floorplans ref. 22102.102-A.*
- *Office proposed elevations ref. 22102.103-B.*
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REASON: for the avoidance of doubt and in the interests of proper planning."

It is worth noting that following the amendment to the wording of Condition 2 above, the development proposal as approved will remain in accordance with the requirements set in Condition 12 which is a compliance condition relating to external materials.

SECTION 73 POLICY OVERVIEW

As you are aware, Section 73 of the Town and Country Planning Act 1990 enables local planning authorities in England to make a change to any planning permission relating to land in their area if they are satisfied that the change is not substantially different to that approved. No definition of what constitutes a minor-material change is provided in the legislation nor in the National Planning Practice Guidance, instead it states:

"There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved"

It is up to the Council, and their discretion, to confirm whether they consider Section 73 applications to be minor-material or not.

In this case, the proposed change to the condition wording, and the amendment to the consented scheme, is considered to be minor and does not materially change or alter the scheme from what was previously approved.

The key parameters established by the planning permissions are fully respected within this proposal and remain as originally approved. This includes retaining the location of the warehouse units, retaining the landscaping scheme/strategy, the retention of all the existing trees, and retaining the same access. The use, scale, and mass of the proposed development also reflects that approved in the full planning permission.

The design of the development will also remain of a high quality, in accordance with Core Policy 57 of the adopted Core Strategy. The proposed elevational materials at Warehouse 2 reflects the surrounding rural and agricultural context, providing a positive contribution to the character of the area. The materials proposed are also of a high quality, in accordance with section xii) of Policy 57.

Consequently, in this case, the application can be considered a Minor-Material Amendment and an acceptable amendment. This Section 73 application follows discussions with the case officer, where in an email from January 2024 the case officer supported the procedural approach to submit a Section 73 application to amend the wording of Condition 2.

INFORMATION SUBMITTED

To enable the Council to consider the application, please find enclosed the following information, which has been submitted via the Planning Portal under reference PP-12720615:

- Application Forms
- This Covering Letter
- Warehouse 2 Elevations and Floorplans (ref. 22102.111-D)

The requisite planning application fee of £293 has been paid via the Planning Portal.

I trust that there is sufficient information for both the validation and determination of this application. However, if you require any further information, please do not hesitate to contact me. In the meantime, I look forward to receiving confirmation that this application has been validated.

Yours sincerely,



Sarah Hockin
Senior Planner

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