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Your Ref: PL/2024/02541
Our ref: SL/8208

10th July 2026

Dear Sir/Madam,

Re: Application made under Section 96A of the Town and Country Planning Act 1990 for Non-Material Amendment to Outline Planning Permission PL/2024/02541 at Land at Pauls Dene House, 213 Castle Road, Salisbury, SP1 3RY

The following letter has been prepared in support of an application made on behalf of my client, Bayview Developments (Wessex) Ltd, under s96A of the Town and Country Planning Act 1990 as amended (herein 'the Act') seeking consent for a non-material amendment following the approval of outline planning permission under application reference PL/2024/02541 for the erection of nine dwellings and associated works (all matters reserved except for access) at Land at Pauls Dene House, 213 Castle Road, Salisbury SP1 3RY (hereafter referred to as 'the site').

Section 96A allows for the determination of applications seeking to make changes to an existing planning permission further to the earlier grant of consent on the basis that the Local Planning Authority considers them not to be material. An application made under s96A does not comprise a new planning permission, but rather amendments to the existing consent. The powers conferred under this section of the Act allow for the imposition of new conditions and the removal or variation of existing conditions. The Council need however only consider the details submitted.

As part of the approval of outline planning permission, the Council imposed a total of twenty-one conditions, with Condition No.5 stipulating the list of approved plans and documents that the development shall be carried out in accordance with. The full wording of Condition No.5 reads as follows:

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

Site Location Plan and Existing Site Plan ref 427-02-001 Rev A dated Dec 2023 received 4/12/24

Site Location Plan and Site Plan ref 427-02-003 Rev B dated Dec 2023 received 4/12/24

Proposed Site Plan ref 427-02-004 Rev B dated Feb 2024 received 4/12/24

Proposed Landscape Plan ref 427-02-003 Rev A dated Feb 2024 received 4/12/24

Design and Access Statement ref 0437-02-001 dated Feb 2023 received 12/6/2024

Transport Statement dated Feb 2024 received 12/6/2024

Planning Statement ref R19-018 received 12/6/2024

Arboricultural Impact Assessment re 2219 dated 28/2/24
 Preliminary Tree Protection Plan ref 2219-01 dated Feb 2024 (copied in AIA)
 Ecological Assessment dated March 2024
 Response to Ecology comments dated 18/9/24
 Response to Highway comments dated 15/4/24

REASON: For the avoidance of doubt and in the interests of proper planning”.

Whilst it is acknowledged that the plans and documents listed within this condition were submitted with the outline planning application, given that it only sought approval for the principle of the proposed development and the detailed matter of access, with all other detailed matters including layout and landscaping reserved for later consideration, it is our contention that the Council were not therefore empowered to approve the development against a number of the plans and documents that have been referenced in the above condition.

The application before the Council therefore seeks to make amendments to the approved plans list condition (Condition No.5). In this respect, this non-material amendment application simply seeks to vary the wording of Condition No.5 so that it only references those plans and documents that are of direct relevance to the approval of the principle of the development and the detailed matter of access and removes reference to those plans and documents that are not pertinent to those considerations, including those plans that reflected the potential layout and landscaping of the site and which were intended to serve for illustrative purposes only.

The Application thus seeks for the Council to approve the requested non-material amendment and to vary the wording of the plans list condition to read as follows:

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

*Site Location Plan and Existing Site Plan ref 427-02-001 Rev A dated Dec 2023 received 4/12/24;
 Transport Statement dated Feb 2024 received 12/6/2024 Planning Statement ref R19-018 received 12/6/2024; and
 Ecological Assessment dated March 2024 Response to Ecology comments dated 18/9/24.*

REASON: For the avoidance of doubt and in the interests of proper planning”.

In advance of the submission of this Non-Material Amendment application, the Applicant has entered into informal discussions with the Council seeking its confirmation in principle that the proposed variation to the plans list condition could reasonably be dealt with by way of a non-material amendment and indeed that the changes were not considered to instead be material.

For clarity, it should be noted that the Transport Statement includes the Access and Visibility Arrangements on Drawing No. NJC-001 at Appendix 4, as well as Access and Tracking and Swept Path Tracking on Drawing Nos. NJC-002 and NJC-003 at Appendices 3 and 6 respectively. Notwithstanding the fact that these plans are essentially already covered by Condition No.5 as the whole of the Transport Statement is already referenced on the list of approved plans and documents, should the Local Planning Authority consider it necessary, we would be content that those drawings are also specifically referenced within the revised plans list condition.

Since the outline planning permission was approved on 15 January 2025, the local planning policy context has changed following the 'making' of the Salisbury Neighbourhood Development Plan in March 2025 which now forms part of the Development Plan for Wiltshire. However, at the time of the determination of the outline planning application, this Neighbourhood Plan was already at an advanced stage (referendum stage) and the policies would have carried weight when assessing the outline planning application and have not been altered subsequently.

The application as submitted is accompanied by the following plan:

- Location Plan 1:1250

Conclusion

The amendments proposed by this non-material amendment application simply seek to vary the wording of Condition No.5 (plans list condition) to outline planning permission PL/2024/02541) to reduce the number of referenced plans and documents and to limit those that are referenced within this condition to only those that are pertinent to the determination of those issues that were before the Council at the outline application stage, namely the principle of the development and the detailed matter of access.

The proposed amendment that is sought by this non-material amendment application does not alter in any way whatsoever the quantum or type of development that has previously been approved by the earlier outline planning permission, or indeed the proposed access arrangements which the Council has previously determined to be acceptable. As such, the principle of development and the detailed proposals relating to the matter of access remain acceptable.

The proposed reduction in the list of plans and documents set out within the existing condition would not give rise to any material planning consequences. The changes proposed are considered to be minor and non-material in nature, and there is no conflict with the Development Plan or the Framework. Therefore, it is considered that there is no reason why the proposed amendment to Condition No.5 of outline planning permission cannot be dealt with positively through the submission of this Non-Material Amendment application and for the Council to grant planning permission for the development.

I trust that the information provided is sufficient to allow for this application to be validated and determined positively. However, should any queries arise regarding the submission details of the proposal, or any other matter, please do not hesitate to contact me directly to discuss.

Yours faithfully,



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