

Our ref: CW/AF/Q230438
Your ref: 23/504568/FULL
Email: charlotte.williams@quod.com
Date: 4th March 2024



Planning Department
Swale Borough Council
Swale House
East Street
Sittingbourne
ME10 3HT

Submitted via Planning Portal (PP-12860189)

For the Attention of Megan Harris

Dear Sir / Madam,

Town and Country Planning Act 1990 (as amended)
Land at Trinity Trading Estate, Mill Way, Sittingbourne, ME10 2PG
Application for a Non-Material Amendment to planning permission ref.
23/504568/FULL, dated 1st March 2024
On behalf of Batut Property Unit Trust

We are instructed by our client, Batut Property Unit Trust ('the Applicant'), to submit the enclosed Section 96A application which seeks approval for a non-material amendment to planning permission ref. 23/594568/FULL, dated 1st March 2024 at Land at Trinity Trading Estate, Sittingbourne, ME10 2PG ('the Site').

This application specifically relates to the timing trigger in respect of Condition 13.

As Officer's will be aware, an application made under Section 96A is not an application for planning permission. A non-material amendment should be a quick and simple procedure which allows non-material amendments to be approved by the Local Planning Authority within 28 days. Section 38(6) is not relevant for the reasons set out in this covering letter.

The minor nature of the requested amendment can be dealt with by way of a Section 96A non-material amendment application. The following documents have been submitted in support of this application.

- **Completed application form; and**
- **Copy of Decision Notice (ref. 23/504568/FULL).**

In addition, an online payment of £293 has been made to Swale Borough Council on the day of submission, along with the planning portal administration fee.

1 Background

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Full planning permission was granted on the 1st March 2024 for the following development:

“Construction of 1no. warehouse for use within Class E(g)(iii), B2 and B8 including access and servicing arrangements, vehicle parking, refuse storage, landscaping and associated works”.

The permission was subject to 21no. conditions. This non-material amendment application specifically relates to the wording of Condition 13 and a copy of the Decision Notice is enclosed.

Condition 13 requires the approved development to be constructed to a BREEAM ‘good’ standard. It also requires the submission of the relevant BREEAM certificate prior to the operation of the unit. The exact wording of Condition 13 currently states:

“The building hereby approved shall be constructed to BREEAM 'Good' Standard, or an agreed equivalent standard, and prior to the first use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved”.

To confirm, an application to discharge Condition 13 has not yet been made to Swale Borough Council.

2 Non-Material Amendment Proposed

Condition 13 restricts the operation of the unit until the relevant BREEAM certificate - which demonstrates that the unit has been constructed to a ‘good’ standard - has been submitted to and approved by the Local Planning Authority.

The timing trigger currently imposed poses a significant risk for the Applicant, given that the relevant BREEAM certification can take a several months to be issued once development has reached practical completion.

In order to allow the BREEAM certificate to be processed and to ensure that the operation of the unit is not delayed, this non-material amendment application seeks to amend the “trigger” date for Condition 13. It is proposed that the wording of Condition 13 is revised as follows (revisions are underlined in red):

Condition 13: “The buildings hereby approved shall be constructed to BREEAM 'Good' Standard or an equivalent standard. Within 6 months of practical completion and prior to the first use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved unless otherwise agreed in writing by the Local Planning Authority”.

This will ensure that the Applicant can lawfully operate the unit in the event that the processing and issue of the BREEAM certification is delayed.



Given that the requested documentation associated with Condition 13 is not relevant to the construction stage, this should be considered as an acceptable revision to the timing trigger.

3 Conclusion

We are instructed by Magrock Limited to submit the enclosed Section 96A application which seeks consent for a non-material amendment to approved planning permission ref. 23/504568/FULL.

The proposed amendment relates to the timing trigger of Condition 13. Condition 13 currently restricts operation of the development until the relevant BREEAM Certificate has been submitted to Swale Borough Council.

The proposed amendment to the wording of Condition 13 will allow the Applicant to operate the unit approved under planning permission ref. 23/504568/FULL once it is completed and will provide them with three months from completion to receive the necessary BREEAM certificate for submission of the LPA.

Given the non-material nature of the changes sought, we trust that this submission can be approved without delay. We trust that the enclosed information is sufficient to ensure that the application is validated and subsequently registered/. If for any reason this is not the case, please contact us immediately. Otherwise, we look forward to receiving confirmation of registration in due course.

Yours faithfully,

Charlotte Williams
Senior Planner

enc.