

# Development Management Delegated Decision Report



SUMMARY OF APPLICATION	
<b>Application Reference</b>	B/14/0165/NMA3
<b>Application Type</b>	Non-material Amendment
<b>Proposal</b>	Application under s96A for a non-material amendment to approval B/14/0165 to alter wording of Condition 7 to exclude 'bus layby'
<b>Location</b>	Land either side of the A16, south of Tytton Lane East, Wyberton, Boston
<b>Applicant:</b>	Mr William Nuttall, Chestnut Homes Limited
<b>Agent:</b>	Mrs Rebecca Archer, Chestnut Homes Limited
<b>Target Decision Date:</b>	17 <sup>th</sup> September 2020
<b>Statutory Expiry Date:</b>	17-Sep-2020
<b>Extension of Time:</b>	n/a
<b>Recommendation</b>	APPROVE
<b>Report by:</b>	Trevor Thompson
<b>Date:</b>	28 <sup>th</sup> September 2020
<b>Proposed amendments relate to:</b>	
Removal of the 'bus layby' from the condition to accord with Deed of Variation	
<b>Officer Appraisal / Comments:</b>	
<p>Condition 7 attached to permission B/14/0165 states:</p> <p><i>No part of the Stadium Site development hereby approved shall be commenced until such time as detailed engineering drawings for:</i></p> <ul style="list-style-type: none"> <li><i>i. the construction of the four-armed roundabout;</i></li> <li><i>ii. a traffic signal controlled 'Toucan' crossing on the A16 north of the roundabout (i. above), and</i></li> <li><i>iii. a new bus lay-by with footway widening on the A16.</i></li> </ul> <p><i>have all been submitted to and approved in writing by the local planning authority (such details to be generally in accordance with that shown on the submitted drawing number 7283 010 Rev P7, dated 29 April 2014).</i></p> <p>This current application seeks to amend this condition, omitting the bus lay-by and removing part (iii) which forms part of this condition.</p>	



The s106 that forms part of this permission originally included the delivery of the bus layby in conjunction with the requirements of condition 7. This condition was also subject to a condition discharge application (i.e.CD 4) which included detailed drawings of the roundabout junction omitting the layby. These plans were considered by this Council to be acceptable but at that time, the condition could not be fully discharged because the provision of the lay-by still formed part of the s106 and the condition. The status of the condition was defined as 'ongoing'.

The provision of the bus layby as part of the s106 was removed via a Deed of Variation which was completed earlier this year. This means that the requirement for the bus layby that forms part of condition 7 is now redundant and can be removed and the condition re-worded.

The CHA has been consulted and has made the following comments:

*'I did respond to B/14/0165CD4 16 April 2018 with no objections and confirming the HA's preference for busses to stop within the Stadium site – see attachment.  
I do agree that the reference to the bus lay-by can therefore be removed from Condition 7 and that the remaining requirements of Condition 7 are discharged'.*

This also means that condition 7 can be discharged as part of CD4 which will be dealt with separately.

Amended condition should now read as follows.

No part of the Stadium Site development hereby approved shall be commenced until such time as detailed engineering drawings for:

- i. the construction of the four-armed roundabout
- ii. a traffic signal controlled 'Toucan' crossing on the A16 north of the roundabout (i. above)

have all been submitted to and approved in writing by the local planning authority (such details to be generally in accordance with that shown on the submitted drawing number 7283 010 Rev P7, dated 29 April 2014).

<b>NOTES FOR DECISION NOTICE:</b>
CONDITIONS / LIST OF AMENDED PLANS
N/A
LIST OF PLANS TO BE SUPERSEDED
N/A