

Development Management Delegated Decision Report



SUMMARY OF APPLICATION	
Application Reference	B/19/0213/NMA4
Application Type	Non-material Amendments
Proposal	Non material amendment to application B/19/0213 to make changes to include amendment of plot 166 to widen driveway, addition of a path and relocation of tree and driveway finishes to plots 156, 157 & 166 amended to tarmac
Location	Phase 5 - The Quadrant, Land north of Wallace Way, Wyberton, Boston, PE21 7AZ
Applicant:	Mr William Nuttall, Chestnut Homes Ltd
Agent:	
Target Decision Date:	
Statutory Expiry Date:	22-Apr-2021
Extension of Time:	
Recommendation	APPROVE
Report by:	Grant Fixter
Date:	14/04/2021
Proposed amendments relate to:	
<p>The proposal seeks a non-material amendment to:</p> <ul style="list-style-type: none"> • Widen the driveway for plot 166 and the addition of a path to access the meters; • Relocate the tree in front of plot 166 to accommodate the widened drive; • Driveways for plots 156, 157 and 166 to be amended to tarmac. 	
Officer Appraisal / Comments:	
<p>The Government recognises that issues may arise following the grant of a planning permission which may require modification to the proposals. Where such a change is not felt to be significant, this may be through the submission of a Non-Material Amendment application under Section 96A of the Town and Country Planning Act 1990.</p> <p>There is no statutory definition of what is "non-material". It is noted that the Planning Practice Guidance offers only limited advice in respect of such requests, this is in light of the suggested flexibility identified above. There is no right of Appeal in relation to requests made under S96A, there are no requirements for consultation and third parties can only challenge</p>	



the decision by judicial review.

The simple question being asked by the applicants under S96A is, are the proposals non-material when considering the nature and effect of the changes proposed when considered against the nature and effect of the original condition requirements?

In order to determine whether or not the change is material, due regard must be given to the nature of the changes proposed and effect, along with consideration of these changes within the overall context of the application.

Informal discussions were held between the officer and applicant prior to the submission of this scheme. The applicant's outlined whether the proposed works would fall under a non-material amendment and it was concluded that subject to an appropriate scheme being submitted, the works could be viewed as non-material.

The proposed changes relate to three plots which form part of a much wider and larger scheme. The widening of the driveway for plot 166 and amending the surfacing to tarmac for plots 156, 157 and 166 are considered extremely minor in relation to the wider scheme and will not materially change the proposal. Relocating a single tree within the curtilage of the same plot will also be minor and not materially change the wider scheme.

Given the nature and extent of the proposed changes, they are deemed non-material.

NOTES FOR DECISION NOTICE:

CONDITIONS / LIST OF AMENDED PLANS

Q1R5 - 01 Rev H - Site Layout

LIST OF PLANS TO BE SUPERCEDED

Q1R5 - 01 Rev G - Site Layout