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Planning
Boston Borough Council
Municipal Buildings
West Street
Boston
Lincolnshire
PE21 8QR

14th March 2024

Our Ref: 22/6631

Dear Sir/ Madam,

Land south east of McDonalds, Swineshead Road, Boston, PE21 7JF– Section 96A of the Town and Country Planning Act 1990 (as amended)

Application for a Non-Material Amendment to vary Condition 2 of Planning Permission ref. B/23/0084 dated 7th November 2023 to accommodate non-material amendments to the approved drawings

As you are aware, Planning Potential act on behalf of Carta Real Estate (Boston) Ltd in relation to their development at Swineshead Road, Boston. We have been instructed to submit an application under Section 96A of The Town and Country Planning Act 1990 (as amended) to amend the condition 2 of Planning Permission ref. B/23/0084.

Section 96A of the above Act enables Local Planning Authorities (LPA) to make a change to any planning permission relating to land within their jurisdiction where they are satisfied the change is not material. The National Planning Practice Guide (NPPG) makes it clear that the Section 96A procedure is appropriate for dealing with non-material amendments to planning conditions, whilst Section 73 should be used for material amendments. Although there is no statutory definition of ‘non-material’, as this is dependent on the context of the overall scheme, we are sure that you will agree that the amendments requested below are negligible and non-material as per our email exchange prior to submission of this application.

Please find enclosed the following documentation submitted with this application:

- Completed Planning Application Forms;
- Proposed drawings to substitute those listed under the Approved Details Schedule of Condition 2 of Planning Permission B/23/0084:

Managing Director
Helen Cuthbert

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- Drawing 266-100 - General Arrangement Plan replacing 1800(SIDE)-01F Costa 1800 Sq Ft Standard Building (Side Entrance) G.A Plan
- Drawing 266-101 Rev C Costa Boston Elevations replacing Drawing 0060-P3 Elevations

The Site & Planning History

In November 2023, full planning permission was granted for the “construction of a drive-thru coffee shop (Use Class E) alongside car parking, landscaping, and associated works” (LPA Ref. B/23/0084). This permission established the principle as well as the location, scale, type, access and amount of development to be delivered of the application site.

The consented drive-thru coffee shop development represents the full and efficient use of this plot as part of the wider commercial development underway in the vicinity of the site. The application site comprises a prominent development site in a sustainable and accessible location to the west of Boston. The site represents an appropriate location for a drive-thru operator, which will be well placed to offer refreshments to passing customers and those in the surrounding area.

Proposed Non-Material Amendment

This application submitted under Section 96A of the above Act seeks a non-material amendment to the Approved Drawing Schedule (Condition 2). For the avoidance of doubt, the description of development remains the same. The approved position of the building (i.e. the physical form of the development) remains unaffected by the changes with the proposed changes representing marginally changes as the development has evolved during the technical design and construction stages.

This application is to cover elevation changes, and can be summarised as such:

- Proposed Side Elevation (Main Entrance):
 - External Walls changed to Red (Pantone 209C) render.
 - Enlarged main entrance with additional glazing panel above.
 - Amended shop front windows.

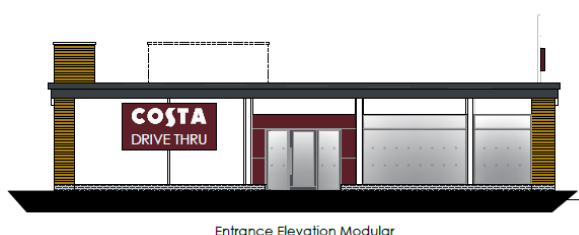


Figure 1: Consented Side Elevation



Figure 2: Proposed Side Elevation

- Proposed Front Elevation:
 - Additional cladding to roof of kiosk module.

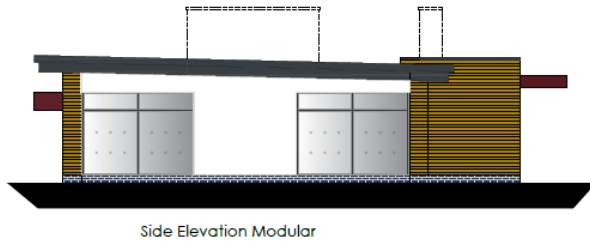
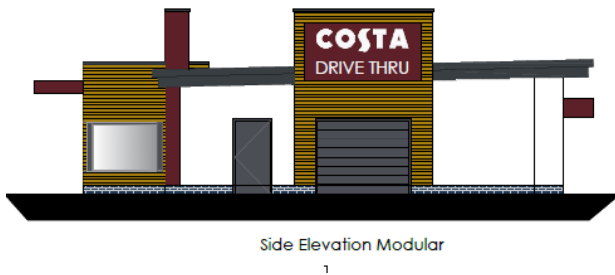


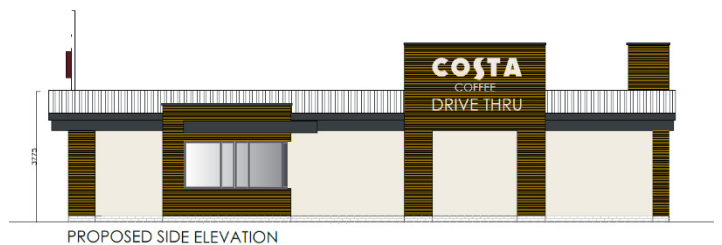
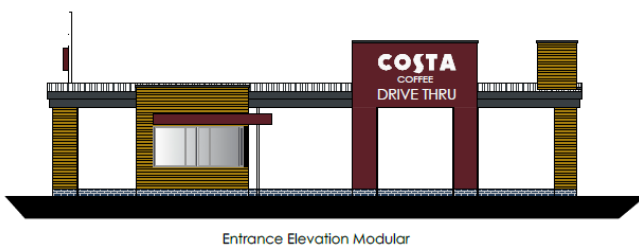
Figure 3: Consented Front Elevation

Figure 4: Proposed Front Elevation

- Proposed Rear Elevation:
 - Additional cladding to roof of kiosk module.
 - External panel changed within the timber arch feature changed from Anthracite to White (RAL 9010).



- Proposed Side Elevation (Kiosk):
 - The arch feature has changed from Red to Red Cedar timber cladding.
 - Canopy on the kiosk module changed from Red to Anthracite.
 - Additional cladding to roof of kiosk module.



The proposed changes have come about due to a few non-material changes, however, they have resulted in numerous knock off effects. The amendments do not go to the heart of the original permission.

Conclusion

For the reasons outlined above, we consider that the proposed amendments to Condition 2 are de minimis and therefore not constitute a material alteration to the 2023 Permission. For the avoidance of doubt, the description of the development contained within the Decision Notice does not change.

If you have any queries please do not hesitate to contact me at this office.

We trust that the application can be now validated and await confirmation of this. Should you have any queries please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'CPerry', written in a cursive style.

Charlotte Perry

Associate

Planning Potential

Harrogate

Enc.