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Dear Paul

## **21/00434/HYA - APPLICATION FOR NON-MATERIAL AMENDMENT UNDER S.96A OF THE TOWN AND COUNTRY PLANNING ACT 1990**

Further to our recent conversations in relation to the above application, I enclose with this letter an application for non-material amendment to hybrid planning permission reference 21/00434/HYA, approved on the 19 March 2024, and subsequently amended by non-material amendment application ref. 24/00646/NMA, approved on the 20<sup>th</sup> June 2024.

The application comprises the following documents:

1. Application form
2. Planning statement (this letter)
3. Application drawings :
  - i. Site Location Plan (Drawing No. 19049 S101G)
  - ii. Proposed Site Layout Plan (Drawing No. 19049 P301 D)
  - iii. Illustrative Site Wide Masterplan (Drawing No. 19049 C301 D)
  - iv. Phase 1 Coloured Masterplan (Drawing No. 19049 C302E)
  - v. Phasing Plan (Drawing No. 19049 SK33 R)
  - vi. Surface Materials Plan (Drawing No. 19049 P103G)
  - vii. Boundary Treatment Plan (Drawing No. 19049 P104 G)
  - viii. Coloured Streetscenes (Drawing No. 19049 C105H)
  - ix. Landscape Proposals (Drawing No. 139-002-001-PL Rev G)
  - x. Planting Plan (Drawing No.139-002-002-PL Ref F)

### **Introduction**

Hybrid Planning permission ref. 21/00434/HYA granted permission for the following description of development:

*Hybrid application for a residential development to provide a total of up to 84 dwellings together with associated access from London Road, including provision of a roundabout, associated parking, landscaping, open space and ancillary works comprising: Phase 1 - Application for full planning permission for the erection of 36 dwellings; Subsequent Phases - Application for outline planning*

*permission all matters reserved except for access on the remaining part of the site for the erection of up to 48 dwellings.*

This application is made under 96A of the Town and Country Planning Act 1990 and seeks to amend a number of the approved drawings.

S96A of the Act confers powers upon a local planning authority to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. Subsection 3 of s96A makes clear that the power conferred includes power to make a change to a planning permission to; (a) to impose new conditions; and (b) to remove or alter existing conditions.

## Amendments Sought

### Amended Drawings.

As we have previously discussed, the first phase of the development is now under construction, following the discharge of conditions related to that part of the site. Furthermore, detailed design proposals have been prepared for the remaining Phases 2 and 3 of the development, following pre-application discussions, with a reserved matters application prepared and submitted (application ref. 24/02907/RM).

When preparing the reserved matters proposals it became apparent that despite the description of development on the parent consent being clear that all matters related for Phases 2 and 3 are reserved except for access, the approved drawings on the hybrid consent are potentially confusing, appearing to determine the locations of the houses in the latter two phases, alongside their associated driveways and cross-over points with the spine road. This is particularly apparent where the phasing boundary has been drawn on a number of the approved drawings.

This application, therefore, has been prepared to clarify the extent of the Phase 2 and 3 boundaries, to ensure consistency between the hybrid and reserved matters applications and avoid any ambiguity.

The changes, which in our view are non-material, are summarised in Table 1 below, as follows:

| Approved Drawing Reference | Title                   | Scope of Amendment                                                                                                                                        |
|----------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19049/P103 G               | Surface Materials Plan  | Phasing Boundary illustrated, with notes added to key                                                                                                     |
| 19049/P104 G               | Boundary Treatment Plan | Phasing Boundary illustrated, with notes added to key. Updates to boundaries to Plots 10, 43 and 44 to show brick walls to externally visible boundaries. |
| 19049/C105 H               | Coloured Street Scenes  | Section E-E marked as 'Indicative'                                                                                                                        |
| 19049/SK33 S               | Phasing Plan            | Revised phasing boundary, aligning the boundary with the curb-                                                                                            |

|                         |                                   |                                                                                                                            |
|-------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------|
|                         |                                   | edge of the road, with notes in key                                                                                        |
| <b>19049/C106 H</b>     | Coloured Street Scenes            | To be marked 'indicative'                                                                                                  |
| <b>19049 - C301D</b>    | Illustrative Site Wide Masterplan | Phasing Boundary illustrated, with notes added to key                                                                      |
| <b>19049 - C302E</b>    | Phase 1 Coloured Masterplan       | Drawing updated for the spine road amendments relating to plot co-ordination, phasing boundary inserted, with notes in key |
| <b>19049 - P301D</b>    | Proposed Site Layout Plan         | Phasing Boundary illustrated, with notes added to key                                                                      |
| <b>139-002-001-PL G</b> | Landscape Proposals               | Phasing Boundary adjusted, note added to key to clarify that details outside Phase 1 are indicative                        |
| <b>139-002-002-PL F</b> | Planting Plan                     | Phasing Boundary adjusted, note added to key to clarify that details outside Phase 1 are indicative                        |

Table 1 – summary of changes to the plans

### Whether the change is 'Non-material'

There is no statutory definition of a 'non-material' amendment and any such determination will need to be based on the specific context of any scheme. Clearly the central question however is whether the impacts of the development, as consented, would be materially different in some way as a result of the proposed amendments.

In this instance the proposed amendments would not have any consequential effect upon the impacts of the development as consented. The amendments do not seek to change the scheme or the scope of the planning permission in any way, rather they seek to marginally adjust the illustrated Phase 2 and 3 boundary, to enable co-ordination between the Phase 2 and 3 building designs and the adjacent highway treatments. This does not introduce a departure from the original design philosophy or intent, or prejudice the ability of the Local Planning Authority to determine the Phase 2 and 3 reserved matters application in any way, which still fall within the originally approved design parameters.

In this regard, it respectfully concluded that the proposed amendments are not material.

I trust that you have everything necessary to determine this application. However, should you require anything further then please do not hesitate to get in contact with me by any of the means below.

Yours sincerely,



**Carter Jonas**  
Associate Partner, Planning & Development

