CASE OFFICER'S REPORT

Application Reference:	PL/2023/07507
Application Type:	Non-Material Amendment
Site Inspection:	
Consultation ends:	04 September 2023
Case officer:	Jemma Foster

Site Address:	Land East of Spa Road, Melksham, Wiltshire, SN12 6ZL
Proposal:	Non Material Amendment to 14/10461/OUT (Change condition 28 to replace "No more than 350 dwellings" with "No more than 446 dwellings" and Drawing number 10154-PP-01 Rev A will be replaced by Drawing number 10154-PP-01 Rev E)
Recommendation:	Refuse

Section 96A of the Town and Country Planning Act allows an applicant/agent to amend an existing planning permission if the amendment is very minor and is not a material change to the development as approved.

The Non Material Amendment request is to change condition 28 on application 14/10461/OUT which states: *No more than 350 dwellings hereby permitted shall be occupied until the highway infrastructure identified as Phase 3 on drawing number 10154-PP-01 Rev A has been constructed and completed in accordance with the approved plans.*
REASON: In the interest of highway safety

The reason for this condition was to ensure the new road was open to the general public and residents of the approved housing to reduce traffic pressures on Snowberry Lane and Eastern Way.

The Non Material Amendment requests to change the condition from 350 dwellings to 446 dwellings which is the entirety of the development meaning that all of the approved dwellings could be occupied without the new road being open.

This is considered to be a fundamental material change to the condition and as such is considered not to fall under a non material amendment.

The request for a non material amendment is to change condition 28 of 13/10461/OUT from: No more than 350 dwellings hereby permitted shall be occupied until the highway infrastructure identified as Phase 3 on drawing number 10154-PP-01 Rev A has been constructed and completed in accordance with the approved plans. REASON: In the interest of highway safety.
To: No more than 446 dwellings hereby permitted shall be occupied until the highway infrastructure identified as Phase 3 on drawing number 10154-PP-01 Rev A has been constructed and completed in accordance with the approved plans. REASON: In the interest of highway safety.

This is considered to be a fundamental material change to the condition and as such is considered not to fall under a non material amendment. The request is therefore refused.