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Ocean House  
50 Kingston Road  
New Malden  
KT3 3LZ

Date: 10th August 2021

Please ask for: Michael Eastham

Tel: 01903 737772

Your Ref:

Our Ref: BE/117/21/NMA

Dear Mr Whitwell,

**Section 96A of the Town & Country Planning Act 1990 (as amended)  
Town and Country Planning (Development Management Procedure) (England) Order 2015  
(as amended) - Article 10**

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Non material amendment following the grant of BE/135/18/PL for the substitution of the construction management plan submitted as part of the original application BE/135/18/PL, with that submitted and approved to discharge condition 7 of the first application BE/102/17/OUT, to maintain consistency across the applications.

Land At Salt Box West Of Shripney Road Bognor Regis PO22 9NW

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I refer to your recent application for a Non Material Minor Amendment. I note that you propose to substitute the Construction Management Plan submitted as part of BE/135/18/PL and listed in the approved plans in Full Condition 2, with that approved to discharge Condition 7 of BE/102/17/OUT, to maintain consistency across the two hybrid permissions.

Non-material amendments are considered to be those changes which are insignificant and do not change the intensity, form or description of the original planning permission. They cannot breach adopted planning policy, conflict with any conditions of the original permission, result in changes to the external details that would materially alter the appearance of the building or be such that consultation/publicity is required.

The reason that this proposal has not been accepted as a Non-Material Amendment is because the proposal clearly affects a condition (Full Condition 2) imposed on BE/135/18/PL which lists an approved Construction Management Plan which was required in the interests of highway safety and the amenities of the area. It is our view that the change is material and it constitutes an amendment that could have a material impact on neighbouring residents and would warrant re-consultation either of neighbours, council departments (i.e. Environmental Health) or statutory bodies. Therefore, it cannot be considered under section 96A of the Town

and Country Planning Act 1990.

From the information submitted, I am not prepared to take the proposal to substitute the Construction Management Plan (CMP) submitted and approved under Condition 2 of BE/135/18/PL, with the CMP approved to discharge Condition 7 of BE/102/17/OUT as a Non-Material Amendment at Salt Box.

The proposal to vary a condition (i.e. Full Condition 2 of BE/135/18/PL) can only be achieved by means of a Section 73 application, not by means of a Section 96A application.

I trust this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC' followed by a flourish and a period.

Neil Crowther  
Group Head of Planning