

**Philip Isbell – Acting Chief Planning Officer**  
**Growth & Sustainable Planning**

**Babergh District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.babergh.gov.uk](http://www.babergh.gov.uk)



Wincer Kievenaar Architects Ltd  
2 Market Place  
Hadleigh  
IP7 5DN

**Please ask for:** Gemma Pannell  
**Your reference:**  
**Our reference:** DC/19/01076  
**E-mail:** [planninggreen@baberghmidsuffolk.gov.uk](mailto:planninggreen@baberghmidsuffolk.gov.uk)  
**Date:** 15th March 2019

Dear Mr Western

**NON MATERIAL AMENDMENT**  
**TOWN AND COUNTRY PLANNING ACT 1990**

**Proposal:** Non Material Amendment to B/03/00074 - Installation of underground LPG tanks for heating of development. Removal of commercial units 13-16, to be replaced with green communal space. Addition of 2no bin stores. Additional plot parking provision. Erection of low level engineering brick wall to surround site. Confirmation of approved plans.

**Location:** Former Peninsula Boatyard, King Edward VII Drive, Shotley, Suffolk IP9 1PT

I write to confirm that the following amendments to the above proposal have been determined to be approved as listed below.

**Amendment Details Approved:**

Submitted Drawing and Document Issue Sheet (5292 - 1) received on 5th March 2019 or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission and the original permission B/03/00074.

An alteration to the approved plans in this respect, engages the test of 'fact and degree'. Cases which require a 'fact and degree' judgement must be considered upon sound planning reason(s). Such judgement is considered 'on balance' in full view of all material planning considerations. As a matter of fact, the alteration in the north side elevation and materials must be assessed with regard to the degree of public harm caused by the proposed amendment in relation to the approved planning application B/03/00074. The principle of development approved under planning permission B/03/00074 has been considered in full view of all material considerations.

The following amendments are sought:

- Installation of underground LPG tanks for heating of development.
- Removal of commercial units 13-16, to be replaced with green communal space.
- Addition of 2no bin stores. Additional plot parking provision.
- Erection of low level engineering brick wall to surround site.

The amendments listed above are considered with regard to design and layout within B/03/00074 planning permission. The test here is whether such change in the is considered material through the 'fact and degree' approach. The material nature and extent of the proposed change is considered acceptable, as the works would not result in a materially different development having regard to the overall scale of the development.

The LPA is satisfied that the change is not 'material', as set out in Section 96A of The Town and Country Planning Act 1990. The NMA hereby submitted is considered acceptable.

If you consider that a particular amendment you have sought is not covered by the description of the amendment(s) above, you should not assume that it has been agreed. Written confirmation of approval of all amendments must be obtained before any such works take place on site.

This decision only relates to the non material amendment(s) listed above. It is not a reissue of the original decision which still stands. This document should therefore be read in conjunction with the original applications decision notice referenced above.

It is emphasised that this decision is in relation to Planning Legislation only and that separate written approval of any approved amendments must be obtained under the Building Regulations Legislation or any other relevant Legislation.

Yours sincerely

**Philip Isbell**

*Acting Chief Planning Officer – Growth & Sustainable Planning*