

Application for a Non-material amendment to Planning Permission F/TH/16/1328 – Garage Block, Prince Andrew Road, Broadstairs

Planning Committee – 17th October 2018

Report Author **Annabel Hemmings, Principal Planning Officer**

Status **For Decision**

Classification: Unrestricted

Ward: **Beacon Road**

Executive Summary:

This report concerns an application for non-material amendments to a previous approved planning application F/TH/16/1328 for the erection of 2no. two storey dwellings and one detached bungalow with associated car parking. The application is reported to members as the applicant is Thanet District Council. The proposed changes involve the addition of access ramps to the front elevations of the semi detached properties, reconfiguration of lawn area and garden fencing and the erection of a picket fence to the front of the approved bungalow. The report outlines the non-material procedure and the consideration for this application, concluding that the changes proposed are considered non-material to the original permission.

Recommendation:

Members approve the application for a non-material amendment to planning permission under reference F/TH/16/1328.

CORPORATE IMPLICATIONS

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| Financial and Value for Money | No implications. |
| Legal | <p>The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p> |

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| Corporate | The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and promoting inward investment through setting planning strategies and policies that support growth of the economy. |
| Equalities Act 2010 & Public Sector Equality Duty | <p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p> |

1.0 Background

- 1.1 The site lies at the end the end of a spur off Prince Andrew Road and was previously occupied by garages and associated car parking.
- 1.2 Planning permission was granted in 2014 under reference F/TH/14/0244 for the erection of 2 no. two semi-detached two storey dwellings and one detached bungalow with associated car parking by Planning Committee in June 2014. A variation of the 2014 application was granted in December 2016 under F/TH/16/1328 to allow alterations to fenestration and layout and increase in size of dwellings. This development has been substantially completed on site.
- 1.3 An application has subsequently been made to the Council under Section 96A of the Town and Country Planning Act 1990 to make a non-material amendment to the development as approved in 2016. The proposed changes involve the addition of access ramps to the front elevations of the properties, reconfiguration of lawn area and garden fencing together with the addition of a picket fence to the front elevation of the bungalow.
- 1.4 The application for a non-material amendment is reported to the Planning Committee as the applicant is Thanet District Council.

2.0 Outline of Process

- 2.1 The non-material amendment procedure was introduced in 2009 as an addition to the Planning Act under Section 96A. This provided a mechanism to make non-material changes to existing planning permission through an application with a quicker decision time (28 days), to deal with new issues that may arise after permission has been granted (for example to resolve issues found during construction).

- 2.2 There is no statutory definition for what constitutes a ‘non-material’ change to a planning permission. The National Planning Practice Guidance (NPPG) states that the definition is dependent on the context of the overall scheme and “what may be non-material in one context may be material in another”. Section 96A of the Planning Act states that “in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.”
- 2.3 The decision for the Council is whether the change is non-material or material to the planning permission. If the change is considered ‘material’ then a planning application would need to be submitted under Section 73 of the Planning Act for a variation of the plan condition to make the change (this is also known as a minor material amendment application).
- 2.4 As the application is not an application for planning permission, there is no requirement for public consultation under the non-material amendment procedure.

3.0 Analysis

- 3.1 The applicant has submitted elevations, floor and layout plans showing the amendments to the scheme. The application outlines that the changes are required due to ground level differences and the need to meet Part M Category 1 (Visible dwellings) under Building Regulations and to make the dwellings more accessible.
- 3.2 The proposed ramps would provide access to the front doors of the dwellings and would sit at a height of 0.3m above ground level. Small alterations to the lawned areas and garden fencing previously approved are also proposed in conjunction with the access ramps to improve accessibility to the two semi-detached dwellings.
- 3.3 Whilst the proposed ramps and fences and the reconfiguration of the proposed lawned areas would be a visible addition to the dwellings, given their limited size it is considered that they would be read in connection with the approved dwellings and not as a distinct element in their own right. As such, it is not considered that the change would not significantly alter the design of the properties themselves and there would not be a material impact on the character or appearance of the area from their addition to the scheme.

4.0 Options

- 4.1 Members approve the application in accordance with the officer recommendation.
- 4.2 Members propose an alternative motion.

5.0 Recommendations

- 5.1 Officers recommend Members of the Planning Committee to agree option 4.1.

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Background Papers

MHCLG

<https://www.gov.uk/guidance/flexible-options-for-planning-permissions>