

Planning Application NM/TH/19/0199 - Application for a Non-material amendment to Planning Permission F/TH/16/1716 – Garage Block, 108 & 110 Clements Road, Ramsgate

Planning Committee – 20th March 2019

Report Author Gill Richardson, *Senior Planning Officer*

Status ***For Decision***

Classification: Unrestricted

Ward: ***Northwood***

Executive Summary:

This report concerns an application for non-material amendments to a previous approved planning application F/TH/16/1716 for the erection of 1no. 2 bed detached houses and 1no. 1 bed detached bungalow. The application is reported to members as the applicant is Thanet District Council. The proposed changes involve the alteration of materials to be used in the construction of the residential units (change in bricks from Ibstock weathered multi red and Ibstock Leicester Red with Wienerberger Lingfield Red Multi brick and Ibstock Alford Red). 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/16/1716.

CORPORATE IMPLICATIONS

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>

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 proposal relates to a parking area between 108 and 110 Clements Road. The planning application was for the erection of a detached two storey dwelling and a detached bungalow, under reference F/TH/16/1716, was approved by the Planning Committee.
- 1.2 Following the approval of the application, the original approved planning application detailed materials to be used in the construction of the dwellings.
- 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 approved development. The proposed changes involve the alteration of materials to be used in the construction of the residential units (from Ibstock weathered multi red and Ibstock Leicester Red with Wienerberger Lingfield Red Multi brick and Ibstock Alford Red).
- 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). Further information on the differences between the procedures is outlined at Annex 2 which was produced by the Government under the NPPG.
- 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 application has submitted a full set of elevations and floor plans, with a site plan. The application outlines that the changes are required due to the availability of the original bricks selected.
- 3.2 The proposal is to alter the materials of the proposed development. The proposal now includes all three dwellings utilising Wienerberger Lingfield Red Multi brick and brick soldier and cill courses and detail courses to be Ibstock Alford Red brick.
- 3.3 Previously the two bricks to be used in the construction of the dwellings were red in colour. It was considered that a range of materials, in this case two brick colours is necessary in order for the development to appear in keeping with the character and appearance of the area, (development within the area mostly utilising at least two/three types of materials within the main elevation, and add visual interest to the development. Substituting two red bricks with the two previously approved red bricks is considered to be acceptable and would not materially change the planning permission in officer’s view.

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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Annex List

Annex 1	Guidance note on Procedure

Background Papers

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