

**Planning Application NM/TH/19/0293 - Application for a Non-material amendment to Planning Permission F/TH/18/0265 – 19-21 Warwick Road, Margate**

**Planning Committee – 19 June 2019**

Report Author                      Rosemary Bullivant, *Planning Officer*

Status                                      *For Decision*

Classification:                      Unrestricted

Ward:                                      *Cliftonville West*

**Executive Summary:**

This report concerns an application for non-material amendments to a previous approved planning application F/TH/18/0265 for the change of use to 9 No 2-bed flats, including the demolition of single storey extensions to the front and rear, and reconstruction of bays to the front together with alterations to fenestration to all elevations comprising of timber to front and UPVC to sides and rear, insertion of 2No. rooflights, erection of front boundary wall, erection of wheelchair charging unit, and bike store to rear, ramps to front and rear and painted render finish to front bays. The application is reported to members as the applicant is Thanet District Council. The proposed change is to allow the installation of external wall insulation to the rear elevations. 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/18/0265.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	No implications.
<b>Legal</b>	<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>

	If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.
<b>Corporate</b>	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.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<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 &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; 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 the installation of external wall insulation to the rear elevations of the property. The planning application was for the change of use to 9 No 2-bed flats, including the demolition of single storey extensions to the front and rear, and reconstruction of bays to the front together with alterations to fenestration to all elevations comprising of timber to front and UPVC to sides and rear, insertion of 2No. rooflights, erection of front boundary wall, erection of wheelchair charging unit, and bike store to rear, ramps to front and rear and painted render finish to front bays, under reference F/TH/18/0265, was approved by the Planning Committee.
- 1.2 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 installation of external wall insulation to the rear elevations of the property.
- 1.3 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 seeks to change the external finish of the rear elevation. The rear elevation is currently finished in painted brickwork at ground and first floor level, with facing brickwork at second floor level.
- 3.2 It is proposed to install an external wall insulation system that would cover the whole of the rear elevation including the external walls that face into the site.
- 3.3 The external finish would have a similar appearance to that of render that was previously approved for use on the building and can be seen used on other properties in the vicinity. As the buildings are mid-terrace the elevations onto which the external wall insulation would be installed would not be easily visible from the public realm and would have a neutral impact on the character and appearance of the conservation area.
- 3.4 This proposal is considered to be a non-material change as there will be no tangible impact upon living conditions of surrounding occupiers, the character and appearance of the area and highway safety. Given the minor change to that previously approved it is recommended to Members that this change is acceptable as a non-material amendment.

### **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.

Contact Officer:	Rosemary Bullivant, Planning Officer
Reporting to:	Emma Fibbens, Principal Planning Officer

### **Background Papers**

MHCLG	<a href="https://www.gov.uk/guidance/flexible-options-for-planning-permissions">https://www.gov.uk/guidance/flexible-options-for-planning-permissions</a>
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