

Application for a Non-material amendment to Planning Permission F/TH/16/1705 – Garages adjacent to Pike Lane Ramsgate

Planning Committee – 18th March 2020

Report Author **Duncan Fitt, Planning Officer**

Status **For Decision**

Classification: Unrestricted

Ward: **Eastcliff**

Executive Summary:

This report concerns an application for non-material amendments to a previous approved planning application F/TH/16/1705 Variation of conditions 2 and 4 of planning permission F/TH/14/0092 for erection of 2No. 3 storey buildings to accommodate 6No. 2 bed flats and erection of 2No. 2 Storey houses together with associated parking to allow alterations to design and layout together with amended parking.

The application is reported to members as the applicant is Thanet District Council.

The proposed changes involve alterations to the design, fenestrations and the landscaping, and the relocation of the bike store and alteration to the approved materials. 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/16/1705.

CORPORATE IMPLICATIONS

Financial and Value for Money

No implications.

Legal

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.

The reasons for any decision must be formally recorded in the minutes and a copy placed on file.

	If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.
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 is located on the east and west side of Pike Lane fronting Sussex Street and was most recently occupied by garages and hard standing.
- 1.2 Planning permission was originally granted in 2014 under reference F/TH/16/0092 for the erection of 2No. 3 storey buildings to accommodate 6No. 2 bed flats and erection of 2No. 2 Storey houses together with associated parking by Planning Committee in March 2014. This application was subsequently varied under application reference F/TH/16/1705 to allow alterations to design and layout together with amended parking by Planning Committee in February 2017.
- 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 alterations to the design, fenestrations and footprint of the buildings, the location of the bike store and the landscaping.
- 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.

Flats

- 3.2 Flat roof canopies have been added to the main entrance doors of the proposed flats. The proposed canopies are limited in size and due to their flat design would not be a prominent or visible feature in the street scene.
- 3.3 First and second floor windows in the central section of the western block of flats serving bedroom 2 have been altered from double to single windows and moved away from the return wall. This alteration is considered to be limited in scale, and given that a window has already been approved in this location, and that the size of the proposed window is of the same proportion as other windows within this elevation, the change is considered to be non-material.
- 3.4 The proposed bike store doors have been removed from the front elevation of the flats as it was not possible to accommodate the bikes under the internal stairs. This section of the buildings has been approved with cladding and the approved doors had a louvered appearance similar to the surrounding cladding. The omitted doors are to be replaced with cladding to match the remainder of the elevation, which will be similar in appearance to the omitted doors. Given the similarity in materials between the approved and proposed elevation to this section of the building, the alterations are considered to be non-material.
- 3.5 The approved bin store has been altered from a mono-pitch roof running from the front to the rear, to two pitched roofs running along the side elevations of the store to allow for the bike store to be accommodated at the rear. There are no alterations to the overall scale of the bin store as larger communal bins would be used instead of individual bins for each unit. The bin and bike store would be located behind a high level fence similar to the previously approved fence and would therefore have limited

visibility from the street scene. The gates at the rear of the flats have been replaced with fencing leaving a single access to the bin and bike store on the front elevation.

- 3.6 There have been minor changes to the internal layout of the flats however these alterations have not significantly altered the size of the rooms and have not changed the composition of the units.
- 3.7 The steps at the front of the property would be moved closer to the eastern block increasing the flat area between the blocks and reducing the number of steps. The soft landscaping around the flats has been moved closer to the buildings improving the defensible space adjacent to the flats and increasing the areas of soft landscaping. The approved knee rail fencing would be continued around the edge of the site. Soft landscaping is not considered to form development in this instance, and therefore these alterations are acceptable through this non-material application.
- 3.8 The design of the railings around the roof of the flats has been altered from rounded to more angular. This is considered to be a minor change to the design and extent of these railings, and given their limited view, the proposed change is considered to be non-material.
- 3.9 The bricks approved for sections of the ground floor of the proposed flats would be altered from Lansdown Multi Gold to Coleridge Multi Yellow. These bricks are considered to have a similar visual appearance and are therefore this considered to be a non-material change to the materials.

Houses

- 3.10 Soft landscaping has been added around the proposed houses and the rear gate has been moved closer to the parking area preventing an open alleyway across the rear of these dwellings. These alterations are considered to be minor in nature.

Conclusion

- 3.11 Whilst there are a number of alterations proposed they are all minor in nature and given the overall scale of the proposed scheme, the proposed changes are not considered to significantly alter the design of the development or result in any other material changes to the scheme. As such the proposed changes to both the flats and houses are considered to be non-material.

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:	<i>Duncan Fitt, Planning Officer</i>
Reporting to:	<i>Annabel Hemmings, Principal Planning Officer</i>

Background Papers

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