

**Agenda Item - NM/TH/21/1964 - Application for a
Non-material amendment to Planning Permission
F/TH/20/1471 – Foy House, 27-29 High Street, Margate**

Planning Committee –

Report Author Emma Fibbens, *Principal Planning Officer*

Status ***For Decision***

Classification: Unrestricted

Ward: ***Margate Central***

Executive Summary:

This report concerns an application for non-material amendments to a previous approved planning application F/TH/20/1471 for the replacement of existing windows from timber, UPVC and metal to powder coated aluminium, extension of fascia to High Street elevation, replacement of existing doors and installation of Louvre panels to bin store, changes to render together with alterations to fenestration. The application is reported to members as the applicant is Thanet District Council. The proposed change is to allow alterations to window frame and glazing size. 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/20/1471.

CORPORATE IMPLICATIONS

Financial and Value for Money	Potential implications for Council as the applicant from delay to programme, however this should be treated independently from any determination on the planning merits of the case.
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.
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 original planning application was for the replacement of existing windows from timber, UPVC and metal to powder coated aluminium, extension of fascia to High Street elevation, replacement of existing doors and installation of Louvre panels to bin store, changes to render together with alterations to fenestration, under reference F/TH/20/1471, and was approved by the Planning Committee (20.01.2021).
- 1.2 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 proposal is to amend the glazing proportions of the first and second floor windows within the front elevation of the building. The overall window opening remains the same in terms of height and width, the difference is solely the depth of each of the three window frames within each opening.

3.2 The first floor windows have been altered so that the top frame is 8cm deeper, the middle frame is 17.4cm smaller and the bottom frame is 3.9cm deeper.

3.3 The second floor windows have been altered so that the top frame is 2.4cm smaller, the middle frame is 7cm smaller and the bottom frame is 3.5cm deeper.

3.4 The reason for the change in window proportion is that concerns were raised with the size of the central window pane, and it was decided that a smaller central window pane would make the top openers easier to reach; the enlargement of the bottom and top panels would help in the achievement of ventilation requirements; and a smaller central section would limit risk of misuse/damage to window openers and mitigate health and safety risks associated with larger opening sections/panels.

3.5 Whilst the proportions of the three window frames differs through this proposal, the overall window design and opening size remains the same. Furthermore, the proposed change in size to each frame is extremely modest, with the largest change being a difference of 17.4cm in depth, and the remainder of the changes varying between 2.4cm and 8cm in depth. When considering the overall design of the front elevation, these limited changes to the window proportions are unlikely to have a material impact.

3.6 The proposed amendments are therefore 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 Conservation 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:	Emma Fibbens, Principal Planning Officer
Reporting to:	Iain Livingston, Planning Applications Manager

Background Papers

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