

Agenda Item - NM/TH/22/0012 - Application for a Non Material Amendment to Planning Permission F/TH/20/1044 - 60 Northumberland Avenue, Margate

Planning Committee – 16th March 2022

Report Author Jenny Suttle, *Planning Officer*

Status *For Decision*

Classification: Unrestricted

Ward: *Cliftonville East*

Executive Summary:

This report concerns an application for non-material amendments to a previously approved planning application reference F/TH/20/1044 for the erection of a two storey 5 bed dwelling following demolition of the existing bungalow. The application is reported to members as the applicant is a Councillor.

The proposed alterations have been amended during the course of the application, and this non-material amendment application now proposes to allow the omission of the chimney stack, the omission of ground floor rear window to snug, and the alteration of the colour of the approved concrete interlocking roof tiles from red/brown to grey.

The report outlines the non-material procedure and the consideration for this application, concluding that the proposed change of the colour of the approved concrete interlocking roof tiles from red/brown to grey is considered to form a material change to the original permission.

Recommendation:

Members refuse the application for a non-material amendment to planning permission under reference F/TH/20/1044.

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.
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 erection of a two storey 5 bed dwelling following the demolition of the existing bungalow under reference F/TH/20/1044. This application was approved by the Planning Committee on 23/06/2021.
- 1.2 This application has 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. This non-material amendment application originally proposed to allow the omission of chimney stack, change roof over pool enclosure to flat retractable glazed roof, omission of small window to ground floor kitchen elevation, omission of ground floor rear window to snug, addition of bi-fold doors to rear of pool enclosure, enclosure of existing porch on ground and first floor to flat roof, main roof to be finished in thermoslate invisible solar thermal natural slate roof tiles.
- 1.3 The non-material amendment application has been amended through the application process, and the majority of proposed changes have been omitted. The amended non-material changes which are now being applied for are to allow the omission of the chimney stack, omission of ground floor rear window to snug and small window to ground floor kitchen elevation, and the alteration of the colour of the approved concrete interlocking roof tiles from red/brown to grey.
- 1.4 The application for a non-material amendment is reported to the Planning Committee as the applicant is a Thanet District Councillor.

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 approved dwelling is a large two storey detached dwelling set under a hipped pitched roof which will address both Northumberland Avenue and Northdown Road, with a two storey gabled front projection to the Northumberland Avenue frontage. The approved material finish of the dwelling was white or cream finished render, red/brown concrete interlocking tiles and grey aluminium windows and doors.
- 3.2 The proposed alteration to omit the chimney will remove a design feature of the dwelling, however this feature is of a relatively modest scale and prominence in the context of the dwelling as a whole, and is predominantly visible from the rear elevation, with limited visibility from the principal elevation. As such, it is considered that the omission of this feature would be a minor alteration which would not materially alter the design and appearance of the dwelling.
- 3.3 The proposed ground floor window to the rear elevation is a modest element of the dwelling, located within the rear elevation, facing the rear boundary treatment, and has very limited visibility from the public realm. As such, the removal of this feature is also considered to constitute a non-material change. The ground floor window to the kitchen is a modest window located to the side elevation of the single storey side projection adjacent to the gable feature, which is considerably set back from the front elevation. The omission of this window, given its very modest size and the position and modest size of the projection to which it would be sited, is considered to form a non material change.
- 3.4 The approved colour of the roof tiles for the approved dwelling is red/brown, which accords with the established colour and appearance of the roof tiles to the properties within the surrounding vicinity of the application site, all of which incorporate red or brown roof tiles.

The proposed change in colour of the roof tiles from red/brown to grey is considered to constitute a marked change in colour which given the size of the roof, its elevated position and the prominent location of the dwelling, would be clearly apparent within the surrounding public realm from a range of viewpoints, and would clearly alter the appearance and design approach of the approved dwelling. The impact and prominence of this change would be heightened given the established red/brown roof tile colour and finish to the roofs of all properties in the surrounding vicinity of the application site.

3.5 It is therefore considered that the proposed colour change of the approved interlocking roof tiles from red/brown to grey within its context would materially alter the design and appearance of the approved scheme and constitute a material change to the original permission. Whether the proposed change is acceptable in regard to the impact on the character and appearance of the area is not a judgement that should be made under the non-material amendment process.. As such, it is recommended to Members that this non-material amendment application is refused and that the applicant submits a Section 73 (variation of condition) planning application if they wish to propose a change in the roof tiles from the approved development.

4.0 Options

4.1 Members refuse 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 to option 4.1.

Contact Officer:	Jenny Suttle, Planning Officer
Reporting to:	Emma Fibbens, Principal Planning Officer

Background Papers

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