

Agenda Item - NM/TH/24/1203 - Application for a Non-material amendment to Planning Permission F/TH/24/0435 – Newington Community Centre Princess Margaret Avenue Ramsgate

Meeting	Planning Committee – 18 December 2024
Report Author:	Duncan Fitt
Planning Reference:	NM/TH/24/1203
Site Address:	Newington Community Centre Princess Margaret Avenue Ramsgate
Agent:	Gabriel Warshafsky
Applicant:	Thanet District Council
Status	For Decision
Classification:	Unrestricted
Previously Considered by	Planning Committee 19 June 2024
Ward:	Newington

Executive Summary:

This report concerns an application for non-material amendments to a previous approved planning application F/TH/24/0435 for the Erection of a single storey side and rear extension following demolition of existing rear extension, together with erection of boundary wall and gate, installation of new double glazed windows and doors, 2No Air Source Heat Pumps and access ramp. The application is reported to members as the applicant is Thanet District Council.

The proposed change is to allow removal of timber refuse store, relocation of disabled parking space, removal of timber entrance ramp, changes to boundary treatment to open space to provide 1 metre high metal railings and landscaping. 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 NM/TH/24/1203.

Corporate Implications

Financial and Value for Money

The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.

The advice from Central Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.

The advice outlined is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority. There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.

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

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.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.

1.0 Background

- 1.1 The original planning application was for the erection of a single storey side and rear extension following demolition of existing rear extension, together with erection of boundary wall and gate, installation of new double glazed windows and doors, 2No Air Source Heat Pumps and access ramp This was approved by the Planning Committee on the 19 June 2024.
- 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 removal of a timber refuse store, relocation of disabled parking space, removal of timber entrance ramp, changes to boundary treatment to open space to provide 1 metre high metal railings and landscaping.
- 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, 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 It is proposed to remove the proposed bin store and retain the bin storage within the existing fenced area on the northern side of the building. As this would remove a bin store and retain the storage in an existing location this change is considered to be non-material.
- 3.2 The disabled parking spaces would be relocated from the southern end of the car park to the northern end. As this alteration only relates to markings within the car park this change is considered to be non-material.

- 3.3 A timber ramp on the southern side of the building would be replaced with a sloped path. Whilst this change would be visible it would still result in a sloped structure in this location. This alteration is therefore considered to be non-material.
- 3.4 It is proposed to replace the 1.2m high brick wall approved around the southern part of the site with 1m high bow topped metal railings. This alteration would be visible from the public realm and such a significant change in materials would not normally be considered non-material, however the proposed railings would fall within permitted development rights set out under Schedule 2 Part 2 Class A and, therefore, planning permission would not be required for the installation of these railings. This change is therefore, in this instance, considered to be non-material.
- 3.5 The proposed amendments are 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 agree option 4.1.

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