

## Delegated Report

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**Application No:** 20230415

**Location:** Seacon Terminals Ltd Tower Wharf Lower Road Northfleet

**Description:** Application for a non material amendment to planning permission reference 20201048 to allow correction to the existing AOD levels.

**Applicant:** James Roth

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### Proposal

Application for a non-material amendment to planning permission reference 20201048 to allow for correction to the existing AOD (Above Ordnance Datum) levels.

The application seeks to rectify the existing site datum levels within the vicinity of the office building only. It does not seek to adjust the building height in any way, amend the approved site layout or adjust the approved plans and elevations.

When the application was submitted the topographical survey information did not cover the whole site but just the site around the jetty. A topographical survey has now been undertaken of the whole site and has highlighted a discrepancy between the site OS levels and the actual site levels.

The application consists of the following:

Application Form;  
Planning Statement  
Drawing no. 196-A-01-120 rev P03  
Drawing no. 196-A-01-120 rev P02  
Drawing no. 196-A-01-115 rev P03  
Drawing no. 196-A-01-115 rev P02

### Relevant Planning History

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |            |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------|
| 20201048 | Construction of replacement river jetty approach (existing landside approach ramp to be demolished - remainder of existing 1950's jetty approach to be retained but retired from use); erection of replacement office/mess facilities to south eastern corner of site and associated re-arrangement of existing employee/guest car park; demolition of existing office, site clearance and works to provide relocated open storage area; and | PER | 10.05.2021 |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------|

other ancillary works.

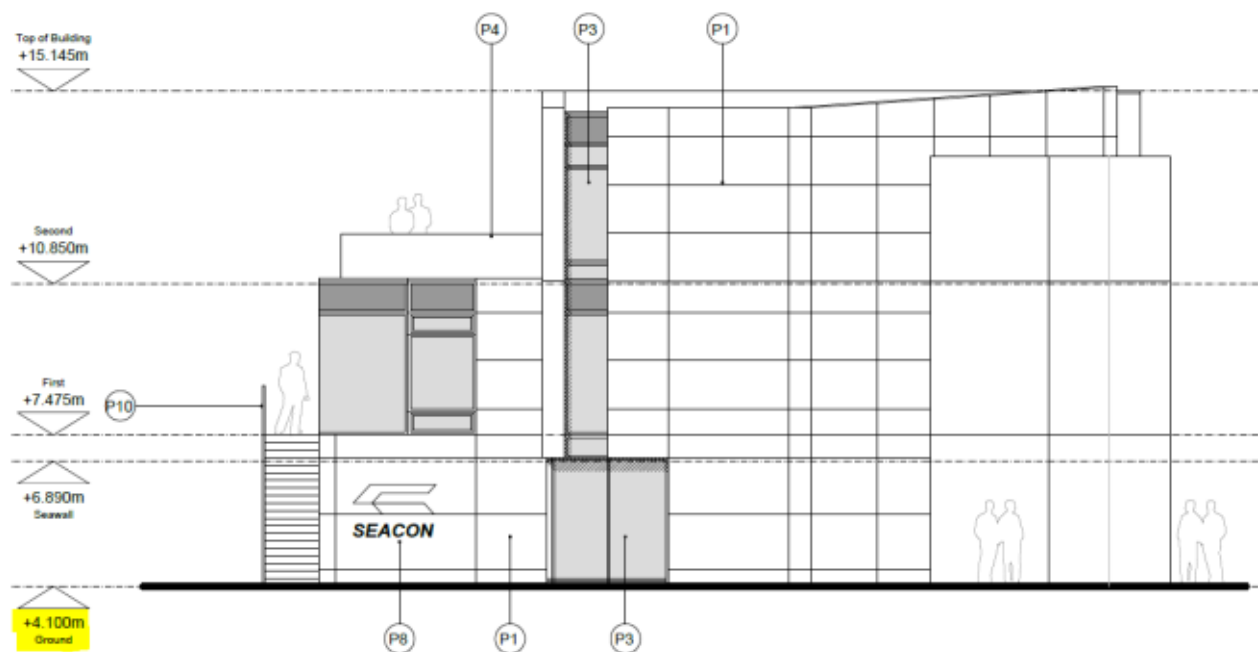
## Development plan

As an application under S.96A of the Town and Country Planning Act the considerations turn to whether the proposals are non-material. The application is not assessed under the development plan.

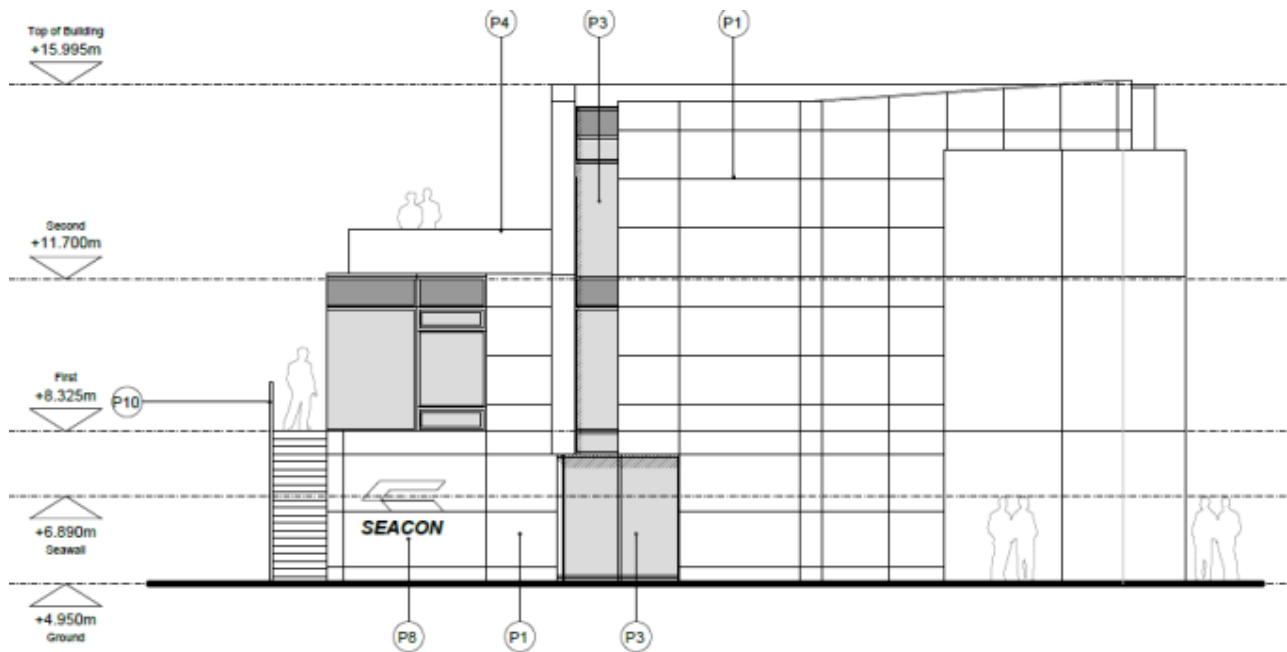
## Analysis

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

The originally approved drawing shows the ground level at +4.1m as seen below:



The actual land levels are shown below:



The plans therefore show an approx. 0.85m difference in land levels.

The design and appearance of the building will remain the same, as will the height and overall size. The land levels are not being altered and the assessment of the application was made by visiting the site as it is. No concerns were raised at the site visit regarding the height of the building.

As the proposal remains the same, the correction in land levels are not considered to result in a material change to the appearance of the development and therefore the above changes are non-material and the application can be supported.

#### Recommendation:

Approval of non-material amendment

#### See draft Decision

|                      |                                                                                     |                     |                                                                                       |
|----------------------|-------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mrs Alison Webster                                                                  | <b>Team Leader:</b> | Miss Faye Hobbs                                                                       |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 17th May 2023                                                                       | <b>Dated:</b>       | 17 May 2023                                                                           |