

12 March 2024

Gravesham Borough Council
Planning Department
Civic Centre
Gravesend
DA12 1AU

Dear Sir / Madam

**ADRIAN SCRIPPS LTD
PARSONAGE FARM, THE BARN, COBHAM
SECTION 96A NON-MATERIAL AMENDMENT APPLICATION TO AMEND PLANNING
CONDITIONS ATTACHED TO PLANNING PERMISSION REF. 20230584
PLANNING PORTAL REFERENCE: PP-12807805**

On behalf of our client, Adrian Scripps Ltd, please find enclosed an application for a non-material amendment to amend the approved drawings list and pre-commencement condition attached to planning permission 20230584 relating to Parsonage Farm, The Barn, Cobham.

As the Council will be aware, full planning permission was approved on 1 August 2023 for the conversion of the barn to provide 2 dwellings consisting of a three bed dwelling and a one bed dwelling.

The non-material amendment application seeks to ensure that works relating to limited engineering works (the digging of a trench) can be carried out without triggering the pre-commencement planning condition requirements, thereby allowing the partial implementation and safeguarding of the planning permission before it expires.

Accordingly, the application comprises the following documents and drawings in addition to this covering letter:

- Completed application form
- Proposed Location of Trench (as shown on the Proposed Roof and Site Plan (drawing no. 1038972/P 101A Rev A)
- A copy of the original decision notice

Proposed Non-Material Amendment

The application seeks a non-material amendment to Condition 2 and Condition 6 attached to planning permission 20230584. Condition 1 of the permission requires that the development should be begun not later than 3 years following the date of the decision. The proposed non-material amendment is required to facilitate partial implement and safeguard the planning permission which should be begun not later than 1 August 2026.

Three planning applications have been submitted to the Council relating to the same development (including the application this NMA refers to), the other two applications are set out below:

- 20140557: Planning application for the conversion of existing barn into one, three bedroomed dwelling and one, one bedroomed dwelling incorporating the erection of a single storey extension on the west elevation and alterations to the existing lean-to on the east elevation to provide carport with associated parking and amenity space. Approved on 12 August 2014.
- 20170919: Planning application for the conversion of the existing barn to provide 1no. three bedroom dwelling and 1no. one bed dwelling. Approved on 4 May 2018.

At the present time, associated build costs (materials and labour) present a challenge to viability, and the scheme is unlikely to be able to proceed in the immediate future. Our client would therefore like to partly implement and safeguard the planning permission to save repeated planning applications for the same development. In doing so, our client would be able to wait for a time that the development is viable to commence. The most time efficient and effective way to do this, by avoiding the need to submit details to discharge the pre-commencement condition attached to the planning permission, is through a non-material amendment application to vary the wording of the pre-commencement condition and approved drawing list. Part implementation of a development is, of course, a legitimate and integral feature of the planning system.

Section 96A of the Town and Country Planning Act 1990 sets out that a local planning authority may make a change to any planning permission, relating to land in their area if they are satisfied that the change is not material. It also states that Section 96A confers a power on the local planning authority *“to remove or alter existing conditions”* (Section 96A(3)(b)).

As set out in the Planning Practice Guidance (PPG), there is no statutory definition of ‘non-material’ as it is dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another (Paragraph: 002; Reference ID: 17a-002-20140306).

As it currently stands, the existing planning permission requires the discharge of Condition 6 prior to any works commencing on the site. The proposal therefore seeks to vary this pre-commencement condition so that some minor works can be carried out prior to the conditions having to be discharged, whilst still constituting implementation of the planning permission.

It is proposed to add an additional drawing to the approved drawing list and to amend the wording of the pre-commencement condition. It is proposed to amend Condition 6 as follows (amendments in bold):

*“Before the commencement of development, **other than limited engineering operations shown on Plan 1038972/P 101A A**, a scheme for the whole site to provide for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be implemented in accordance with the details approved pursuant to this condition and shall be completed prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme submitted pursuant to this condition shall include the following, as appropriate:*

- a) *A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas.*
- b) *Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run-off.*
- c) *Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required)."*

A full schedule of the proposed non-material amendments is attached as Appendix 1.

Conclusions

The proposed non-material amendment application complies with national guidance which advocates flexibility and pragmatism when applicants seek to secure minor amendments to approved schemes.

The non-material amendment seeks to ensure that limited engineering works relating to the digging of a trench, can be carried out without triggering pre-commencement planning condition requirements, thereby allowing the partial implementation, and therefore safeguarding, of the planning permission before it expires and to save repeated planning applications of the same. This would allow for the client to partly implement and safeguard the planning permission to save repeated planning applications. In doing so, our client would be able to wait for a time that the development is viable to commence.

Given the non-material nature of the amendments and the provisions of the Section 96A of the Town and Country Planning Act 1990 as amended, which allows for the local planning authority to "*remove or alter existing conditions*", we request this non-material amendment application to be approved.

We trust the above is clear to ensure swift validation and agreement of this application. Should you have any queries please do not hesitate to contact us.

Yours faithfully

A handwritten signature in black ink that reads 'E. Johnson'.

EMILY JOHNSON
Senior Planner

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direct dial: 0117 317 1000

Appendix 1: Full schedule of proposed non-material amendments

Condition no.	Original Wording	Proposed Wording
2	The development hereby permitted shall be carried out in accordance with the following schedule of approved plans: • Application Form • Site Location Plan; • P101 Rev A - Proposed Roof and Site Plans; • P110 Rev A - Proposed Plans and Elevations; • P102 Rev A - Proposed Ground Floor Plans; • P103 Rev A - Proposed First Floor Plans; • P300 - Proposed Section 1-1 – Details; • Cover Letter ; • Bat Survey Report; • 3D Visualisations; • Planning, Heritage and Design Statement; • Environmental Assessment; • 3D Visualisations; • Heritage Statement; and • Email confirmation of facts.	The development hereby permitted shall be carried out in accordance with the following schedule of approved plans: • Application Form • Site Location Plan; • P101 Rev A - Proposed Roof and Site Plans; • P110 Rev A - Proposed Plans and Elevations; • P102 Rev A - Proposed Ground Floor Plans; • P103 Rev A - Proposed First Floor Plans; • P300 - Proposed Section 1-1 – Details; • Cover Letter ; • Bat Survey Report; • 3D Visualisations; • Planning, Heritage and Design Statement; • Environmental Assessment; • 3D Visualisations; • Heritage Statement • Email confirmation of facts; and • P101A Rev A - Proposed Location of Trench (Proposed Roof and Site Plans)
6	Before the commencement of development, a scheme for the whole site to provide for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be implemented in accordance with the details approved pursuant to this condition and shall be completed prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme submitted pursuant to this condition shall include the following, as appropriate: a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas.	Before the commencement of development, <i>other than the limited engineering operations shown on Plan 1038972/P 101A A</i>, a scheme for the whole site to provide for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be implemented in accordance with the details approved pursuant to this condition and shall be completed prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme submitted pursuant to this condition shall include the following, as appropriate:

Condition no.	Original Wording	Proposed Wording
	b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run-off. c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).	a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas. b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run-off. c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).