



Delegated Report

Non-material Amendment Application

Application no: 20240563

Location: Custom House The Terrace Gravesend Kent

Description: Application for non-material amendment to planning permission reference number 20210757 to allow removal of reference to housing mix from application description.

Applicant: Mr Michael Keckes, Custom House (Gravesend) Limited

Site Visit Date: N/A

Submitted Plans/Documents

The application consists of the following:

- Application form;
- Covering Letter; and
- Drawing no. 001 – Site, Block and Location.

Relevant Planning History

Reference	Description	Decision	Decision Date
20210757	Redevelopment of the site including demolition of the southern part of the workshop building and existing corridor link at first floor level between Custom House and the outbuildings and conversion of Custom House, the coachhouse and outbuildings to include extensions, the Old Boathouse and the Boathouse with external alterations and erection of a new three storey building to provide 27 residential units (6 x 1 bed, 15 x 2 bed and 6 x 3 bed) with associated landscaping and parking.	Permitted	24.11.2023
20210758	Application for Listed Building Consent for the redevelopment of the site including demolition of the southern part of the workshop building and existing corridor link at first floor level between Custom House and the outbuildings and conversion of Custom House, the coachhouse and outbuildings to include extensions, the Old Boathouse and the Boathouse with internal and external alterations and erection of a new three storey building to provide 27 residential units (6 x 1 bed, 15 x 2 bed and 6 x 3 bed) with associated landscaping and parking.	Permitted	24.11.2023

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.

Consultations, Publicity and Representations

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply, and consultations/publicity are therefore at the discretion of the local planning authority. They are not considered necessary in this instance.

Analysis

This is an application for a non-material amendment to planning permission reference 20210757 to allow an amendment to the application description to remove the housing mix.

As set out in paragraph 002 of Flexible Options for Planning Permissions (Options for amending proposals that have planning permission), in determining a non-material amendment, the Local Planning Authority (LPA) must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. In this regard the Council's attention is drawn to the Town and Country Planning Act 1990 where it provides LPAs with the power to 'remove or alter existing conditions' (s96A(3)(b)) under a non-material change to planning approval.

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 proposal seeks to amend the description of the original application which is as follows:

Redevelopment of the site including demolition of the southern part of the workshop building and existing corridor link at first floor level between Custom House and the outbuildings and conversion of Custom House, the coachhouse and outbuildings to include extensions, the Old Boathouse and the Boathouse with external alterations and erection of a new three storey building to provide 27 residential units (6 x 1 bed, 15 x 2 bed and 6 x 3 bed) with associated landscaping and parking.

The proposed change to this application is to remove the reference to the housing mix in the application description which is 6 x 1 bed, 15 x 2 bed and 6 x 3 bed. The proposed description is set out as follows:

Redevelopment of the site including demolition of the southern part of the workshop building and existing corridor link at first floor level between Custom House and the outbuildings and conversion of Custom House, the coachhouse and outbuildings to include extensions, the Old Boathouse and the Boathouse with external alterations and erection of a new three storey building to provide 27 residential units with associated landscaping and parking.

The reasoning for the proposed change given in the covering letter is that the housing mix is not a necessary requirement to understand the proposals, condition 2 is sufficient to control the development to be delivered on site and the approved drawings clearly show the approved housing mix.

The floor plans in planning application ref. 20210757 show the number of bedrooms in each unit and therefore the number of 1, 2 and 3 bedroom units that have been permitted. The development must be carried out in accordance with the approved drawings as listed in condition 2. The housing mix does not specifically need to be stated in the description and removing it from the description does not affect the housing mix at all.

The originally approved plans, conditions and S106 agreement associated with the original application are not being amended under this proposal, and therefore as the proposed amendment solely relates to the description of the development, no development other than what has already been approved could be carried out without further amendments to the original permission. The previous conditions from planning permission 20210757 will remain applicable.

In this case it is considered that the proposed change is minor in the context of the overall development and it can be accepted as being non-material.

The following informative would be required in respect of confirming what the description of the application would be:

Effective of this Decision Notice

The effect of this decision amends the description of the development of planning permission reference 20210757 which shall hereafter read:

Redevelopment of the site including demolition of the southern part of the workshop building and existing corridor link at first floor level between Custom House and the outbuildings and conversion of Custom House, the coachhouse and outbuildings to include extensions, the Old Boathouse and the Boathouse with external alterations and erection of a new three storey building to provide 27 residential units with associated landscaping and parking.

Informatives would also be required for the approved plans, extent of the approval and the positive and proactive approach.

Conclusion

The proposed change to the application description to remove the housing mix would not be a material change to the overall approved scheme and it is therefore considered to be a non-material amendment.

Recommendation:

Approval of non-material amendment

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	19th July 2024	Dated:	22 July 2024