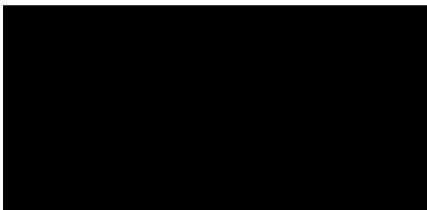




40 Norman Road
Greenwich
London
SE10 9QX

t. 020 8293 5175
bptw.co.uk



03rd July 2023

Our Ref: 23-044

Dear 

RE: LAND AT 270-340 VALLEY DRIVE, GRAVESEND

S96A – APPLICATION FOR NON-MATERIAL AMENDMENT

BPTW are instructed by Gravesham Council (the 'Applicant') to apply for a non-material amendment to planning permission dated 17th September 2019 under LPA Ref 20190155 for the development at 270-340 Valley Drive, Gravesend.

The application comprises:

- > Application Form
- > This covering letter

Payment of the Planning Portal planning application fee is paid separately by the Applicant.

Background

Full planning permission was granted on 17th September 2019 under application LPA REF: 20190155 for:

Demolition of four, two-storey existing flat blocks consisting of 36 bedsits, as well as associated outbuildings, enclosures and garage structure; redevelopment of the site to provide two, two and three storey blocks with ancillary structures, associated car parking, landscaping and new access from Valley Drive. The blocks will contain a total of 48 affordable units including 32 x 1 bedroom rented flats for over 55's, as well as 16 general needs flats.

Condition 16 (Affordable Housing) of this permission requires the approval of details of the numbers, type and tenure of the approved affordable housing as well as the occupancy. Details pursuant to condition 16 (Affordable Housing) were approved by the Council on 8th July 2022 under application LPA Ref: 20220306.

Studios in London & Birmingham

BPTW is the trading name of BPTW LLP, a limited liability partnership, registered in England OC301697 at registered office 40 Norman Road, Greenwich, London SE10 9QX.

Non-material amendment

The proposed non-material amendment to permission LPA Ref: 20190155 is to amend the description of development wording to allow people who are aged over 50 (and not just over 55's) to live in the approved one bed rented units.

Description of Development Change

The age restriction to over 55's is included in the description of development.

It is proposed to amend the description of development as follows (green highlighted text shows change):

Demolition of four, two-storey existing flat blocks consisting of 36 bedsits, as well as associated outbuildings, enclosures and garage structure; redevelopment of the site to provide two, two and three storey blocks with ancillary structures, associated car parking, landscaping and new access from Valley Drive. The blocks will contain a total of 48 affordable units including 32 x 1 bedroom rented flats for over 50's, as well as 16 general needs flats.

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Condition 16 (Affordable Housing) Submission

If the non-material amendment is approved, a revised submission of details application will then be made to discharge condition 16 (Affordable Housing).

s106 Agreement

No change or deed of variation is required to the s106 Agreement supporting the existing permission as the age restriction is not controlled through the Agreement.

Legal Framework and assessment of materiality

Section 96A (added to the 1990 Act by the Planning Act 2008) provides that:

96A Power to make non-material changes to planning permission

- (1) *A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.*
- (2) *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.*
- (3) *The power conferred by subsection (1) includes power;*
 - (a) *To impose new conditions;*
 - (b) *To remove or alter existing conditions.*
- (4) *The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission relates.*
- (5) *An application under subsection (4) must be made in the form and manner prescribed by development order.*

- (6) Subsection (7) applies in relation to an application under subsection (4) made by or on behalf of a person with an interest in some, but not all, of the land to which the planning permission relates.*
- (7) The application may be made only in respect of so much of the planning permission as affects the land in which the person has an interest.*
- (8) A local planning authority must comply with such requirements as may be prescribed by development order as to consultation and publicity in relation to the exercise of the power conferred by subsection (1).*

The key test is that contained within Section 96A(1), the LPA must be satisfied that any proposed change is “not material”.

The Council’s Housing Team have identified a borough wide need for accommodation for people aged over 50. By expanding the age range of the people that the 32 x 1 bed flats can provide accommodation to from over 50’s to over 55’s, more flexibility is provided to the Applicant to offer housing to a wider range of the population.

The change in age range is not material as it does not impact on the number of potential occupiers at the development or significantly change the age group that it is intended for.

Overall, the proposal is considered non-material and falls within the scope of s96a and should be approved.

BPTW look forward to receiving notification that the application is validated and to working with Officers.

Yours sincerely,

Will Philps

Senior Planner

BPTW

t: 020 8312 8806

m: 07971 413 854

e: wphilps@bptw.co.uk