



Delegated Report

Non-Material Amendment Application

Planning Application No: 20240282

Location: 17 Lynton Road South Gravesend Kent DA11 7NF

Description: Application for a non-material amendment to planning permission reference number 20230683 to allow for a 5 bedroom 7 person HMO Class C4.

Applicant: Goldwyn Knight Property Group Limited

Site Visit Date: 14 May 2024

Submitted Documents/Plans

Application form for a non-material amendment; and
Drawing no. 2403_PL02 Existing and proposed layouts and location plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230683	Change of use from Class C4 six bedroom house of multiple occupation (HMO) to Sui Generis seven bedroom HMO.	Permitted	07.12.2023

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 a non-material amendment application there is no statutory requirement to undertake publicity or consultation. However, in this instance the following consultations have been undertaken;

GBC Environmental Protection Team (Regulatory Services)

No objection to this application or adverse comments to make.

GBC - Service Manager (Housing Options)

Initial response:

Thank you for your recent consultation request regarding the above-mentioned proposal with associated plan 2403_PL02.

Observations:

There is no provision for a communal living space identified. The bedrooms do not achieve the required sizes to be classed as "bedroom with living space".

1 Occupant to achieve 10m²

2 Occupant to achieve 14m²

If a communal living area is incorporated within the communal kitchen diner, we can use our discretionary powers on this requirement. The property would then comfortably achieve 7 occupants, 5 households for HMO licencing purposes.

Where the HMO is the applicants preferred option, the team welcomes a conversation or site visit to the premises to discuss licencing requirements.

In addition, we welcome and support suitable site redevelopment, and for the premises to be brought back into residential use within our capacity as the Empty Homes service function.

Second response:

Many thanks for your update and the photos.

I think we're almost there with this one. Happy with the seating area provided for dining space.

If the second kitchen remains then the two kitchens should achieve the required amenities for 7 occupants.

No requirement for the plan annotations to be updated, going forward we can work off of the room sizes alone.

Officer's 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 proposed amendment would comprise of alterations to the internal layout of the application property to facilitate it being used as a five bedroom, seven person, House of Multiple Occupation (HMO). Planning permission reference 20230683 was granted for the application property to be laid out as a seven bedroom, seven person HMO.

It is noted that the proposed amendment would not alter the description of the original planning permission and that it would not breach condition 6 of planning permission 20230683 (which requires the number of bedrooms and occupants of the HMO to be no more than seven).

No objection has been raised by the GBC - Service Manager (Housing Options) and the proposal would provide appropriate facilities for a five bedroom, seven person HMO. There would be no alteration to the exterior of the property. Therefore, the proposal would be acceptable in terms of design and layout would not detract from the residential amenity of existing or future occupiers.

The proposal would not alter the approved waste or cycle parking facilities (which are in situ) and would not lead to an increase in the number of occupiers overall. Therefore, the proposal would be acceptable in highway safety, biodiversity and refuse management terms.

Conclusion & Recommendation

Overall, it is considered that the proposed amendments would be non-material in the context of the approved development and are acceptable.

The non-material amendment should be permitted.

(For detailed informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	11 June 2024	Dated:	12 th June 2024