



Delegated Report

Non-Material Amendment Application

Application No:	20240293
Location:	Bridge Bar And Club, 24 Stone Street, Gravesend, Kent, DA11 0NP
Description:	Application for a non-material amendment to planning permission reference number 20211196 to amend the wording of conditions 8 (Highway works) and 16 (Plant equipment) to allow details to be submitted and approved prior to commencement of works above ground.
Applicant:	Stonewater Limited

Submitted Documents/Plans

- Application Form – dated 27 March 2024;
- Covering Letter – dated 27 March 2024;
- Drawing no. 3582/L/01 – Existing Site Location Plan (scale – 1:1250).

Relevant Planning History

Reference	Description	Decision	Decision Date
20211196	Application for a minor material amendment to planning permission reference no. 20191187 for Demolition of outbuildings, excavation of soil to form a lower ground and upper ground floor B1 use, unloading bay and refuse areas with construction floors 1 to 4 providing a total of 3no. one bedroom self-contained flats and 11no. two bedroom self-contained flats and associated external works to allow alterations to the main entrance from Rathmore Road to Athboy Road and amendments and substitution to approved plans.	PERMITTED	14.02.2022

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.

Officer's Analysis

This is a non-material amendment application to vary conditions 8 and 16 attached to planning permission ref. 20240293. Planning permission was granted for:

“a minor material amendment to planning permission reference no. 20191187 for Demolition of outbuildings, excavation of soil to form a lower ground and upper ground floor B1 use, unloading bay and refuse areas with construction floors 1 to 4 providing a total of 3no. one bedroom self-contained flats and

11no. two bedroom self-contained flats and associated external works to allow alterations to the main entrance from Rathmore Road to Athboy Road and amendments and substitution to approved plans.”

This application proposes the wording of the conditions, previously attached as ‘pre-commencement’, to a trigger of ‘prior to above ground works’. The conditions that relate to this application are as follows:

Condition 8 (Highway Works)

- 8. Prior to the commencement of development a detailed highway scheme (to accord substantially with Drawing No. D1.10 Rev E contained shall be submitted to and approved, in writing, by the Local Planning Authority in consultation with the Local Highway Authority. For the avoidance of doubt this shall include details of surface finishes for roads, footpaths, cycle-ways and refuse vehicular access. The development shall only be completed in accordance with the approved details to be delivered through agreement (including timeframe) with the Local Highway Authority.*

Condition 16 (Plant Equipment)

- 16. Prior to the commencement of development details of services and plant systems, including roof top plant, lift overruns and ducting for ventilation systems, shall be submitted to and approved, in writing, by the Local Planning Authority. For commercial uses where the requirement for extraction equipment is likely, the detailed design of the development should include provision for its discreet siting. The details shall include the siting, external appearance and any proposed screening. The works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building/use to which it relates.*

Assessment

As set out in 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 LPA with the power to ‘remove or alter exiting 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 LPA must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

The reasoning for this application is to amend the wording of conditions 8 and 16 to be prior to above ground works. Any further changes sought by the applicant, will need to be considered on their own merits, in line with the adopted Development Plan and material considerations that may exist at the time. It is considered the change to the trigger point of the conditions to be non-material as shown below:

Condition 8

Prior to the commencement of development a detailed highway scheme (to accord substantially with Drawing No. D1.10 Rev E contained shall be submitted to and approved, in writing, by the Local Planning Authority in consultation with the Local Highway Authority. For the avoidance of doubt this shall include details of surface finishes for roads, footpaths, cycle-ways and refuse vehicular access. The development shall only be completed in accordance with the approved details to be delivered through agreement (including timeframe) with the Local Highway Authority.

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consultation with the Local Highway Authority. For the avoidance of doubt this shall include details of surface finishes for roads, footpaths, cycle-ways and refuse vehicular access. The development shall only be completed in accordance with the approved details to be delivered through agreement (including timeframe) with the Local Highway Authority.

Condition 16

Prior to the commencement of development details of services and plant systems, including roof top plant, lift overruns and ducting for ventilation systems, shall be submitted to and approved, in writing, by the Local Planning Authority. For commercial uses where the requirement for extraction equipment is likely, the detailed design of the development should include provision for its discreet siting. The details shall include the siting, external appearance and any proposed screening. The works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building/use to which it relates.

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Paragraph 11 of the NPPG is clear that non-material only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. **The two documents should be read together.**

As such an informative will be included which will state:

Effective of this Decision Notice

The effect of this decision amends conditions 8 (Highway Works) and 16 (Plant Equipment) which shall hereafter read:

Condition 8 (Highway Works)

8. Prior to any above ground works a detailed highway scheme (to accord substantially with Drawing No. D1.10 Rev E contained shall be submitted to and approved, in writing, by the Local Planning Authority in consultation with the Local Highway Authority. For the avoidance of doubt this shall include details of surface finishes for roads, footpaths, cycle-ways and refuse vehicular access. The development shall only be completed in accordance with the approved details to be delivered through agreement (including timeframe) with the Local Highway Authority.

Condition 16 (Plant Equipment)

16. Prior to any above ground works details of services and plant systems, including roof top plant, lift overruns and ducting for ventilation systems, shall be submitted to and approved, in writing, by the Local Planning Authority. For commercial uses where the requirement for extraction equipment is likely, the detailed design of the development should include provision for its discreet siting. The details shall include the siting, external appearance and any proposed screening. The works shall thereafter be carried out in accordance with the approved details, to be completed prior to first occupation of the building/use to which it relates.

Conclusion

The Local Planning Authority are satisfied that the changes to the trigger points of conditions 8 and 16 to 'prior to any above ground works' are non-material. Therefore, approval is granted for the conditions to be altered as set out in s96A(3)(b) of the Town and Country Planning Act 1990.

Recommendation

Approval

See draft Decision

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	19 th April 2024	Dated:	23 April 2024