



Delegated Report

Non-Material Amendment Application

Application No:	20230894
Location:	Joynes House, New Road, Gravesend, Kent, DA11 0AJ
Description:	Application for non-material amendment to planning permission reference number 20210973 to allow minor amendments to internal layout on fourth floor with no change in number of units.
Applicant:	Mr Greg Kuzdenyi, Joynes House Development Limited

Submitted Documents/Plans

- Application Form - dated 21/08/2023;
- Covering Letter - dated 21/08/2023;
- Drawing no. 003 - Rev. A - Revised Fourth Floor Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221336	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2010 under references 20210974 - 20210962 - 20210973 - 20210958	APPROVAL OF DETAILS	22.06.2023
20220393	Application for non-material amendment to planning permission reference number 20210973 to allow minor amendments to the internal layout.	PERMITTED	20.04.2022
20210973	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of Part First, Second and Fourth Floors from Class E (previously Class B1(a)) (offices) to 22 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL IS REQUIRED AND APPROVED	16.09.2021

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.

Procedural Issues

Paragraph W (Procedure for applications for prior approval under Part 3) states the following:

(12) The development must be carried out—

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
- (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),
unless the local planning authority and the developer agree otherwise in writing.

Section 96A(1) of the Town and Country Planning Act 1990 states:

A Local Planning Authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.

The Permission in respect of Class O Prior Approval schemes is actually granted by the GPDO. This is made clear in Article 3 of the GPDO 2015 which provides that:

(1) Subject to the provisions of this Order....., planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2."

Taking into account the above prior approval decision (202210973) is therefore akin to a normal planning permission (albeit granted through the GPDO), it follows that the ability to amend planning permissions (either by S73 or 96A) should be afforded to such decisions.

It is therefore entirely consistent with both the statutory regime and case law (applicants covering letter provides various examples of case law and similar NMA applications) for s.96A to be applicable to conditions attached to prior approvals.

As such NMA for the prior approval applications is deemed an acceptable route.

Officer's Analysis

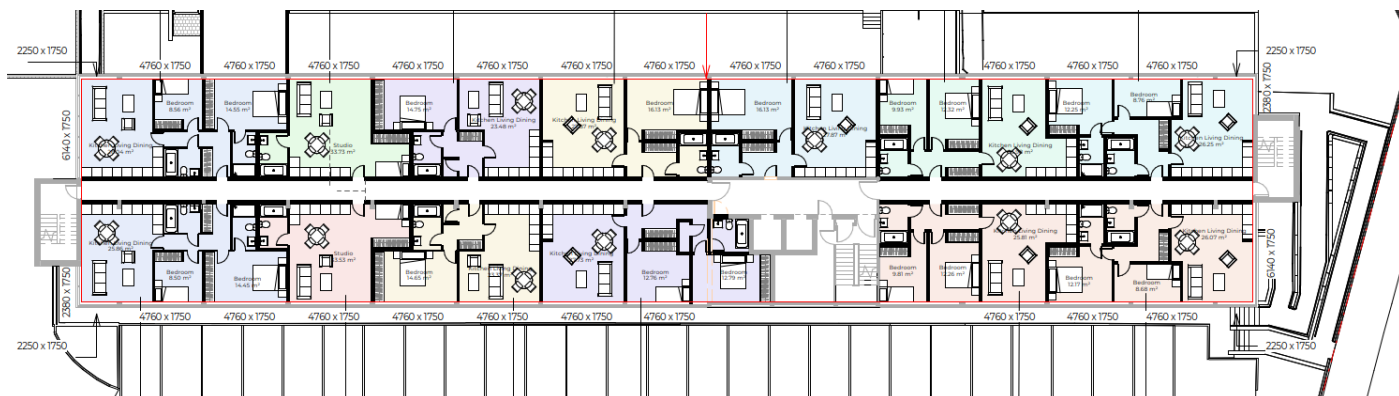
There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

The proposed changes for this application are summarised in the agents covering letter which states that *"the amendments are sought due to an error in the original NMA submission in respect of the fourth floor plan"*.

The amendments are sought in order to provide a more spacious and improved layout of a number of the proposed units. There will be no change in the total number of flats to be created, in this case 13 units. Each flat will meet the Nationally Described Space Standards, as required by Article 3 (9A) of the GPDO. In terms of the prior approval issues, each habitable room of each flat will have access to ample natural daylight.

No external changes are proposed and the revised internal layout will provide an improved internal layout for future occupiers.

Approved Floor Plan (20210973)



Revised Layout (20230894)



It is considered that the above changes are non-material in terms of the size of the development and the application can be supported.

Recommendation

Approval of Non-material amendment

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:	<i>Ethan Bonthron</i>	Signed:	<i>Faye Hobbs</i>
Dated:	18 th September 2023	Dated:	19 September 2023