



Delegated Report

Application No:	20220390, 20220391, 20220392, 20220393,
Location:	Joynes House New Road Gravesend Kent
Description:	(20220390) - Application for non-material amendment to planning permission reference number 20210974 to allow minor amendments to the internal layout. (20220391) - Application for non-material amendment to planning permission reference number 20210958 to allow minor amendments to the internal layout. (20220392) - Application for non-material amendment to planning permission reference number 20210962 to allow minor amendments to the internal layout. (20220393) - Application for non-material amendment to planning permission reference number 20220973 to allow minor amendments to the internal layout.
Applicant:	Mr Greg Kuzdenyi, Joynes House Development Limited

Proposal

Applications for a non-material amendments for the following applications:

(20220390) - Application for non-material amendment to planning permission reference number 20210974 to allow minor amendments to the internal layout.

The application consists of the following

- Application Form;
- Covering Letter -6th April 2022
- Drawing No.001 Rev A – Ground Floor Plan (Proposed)
- Drawing No.002 Rev A – First Floor Plan (Proposed)
- Drawing No.003 Rev A – Second Floor Plan (Proposed)

(20220391) - Application for non-material amendment to planning permission reference number 20210958 to allow minor amendments to the internal layout.

The application consists of the following

- Application Form;
- Covering Letter -6th April 2022
- Drawing No.001 Rev A – Ground Floor Plan (Proposed)

(20220392) - Application for non-material amendment to planning permission reference number 20210962 to allow minor amendments to the internal layout.

The application consists of the following

- Application Form;
- Covering Letter -6th April 2022
- Drawing No.003 Rev A – Third Floor Plan (Proposed)

(20220393) - Application for non-material amendment to planning permission reference number 20210973 to allow minor amendments to the internal layout.

- Application Form;
- Covering Letter -6th April 2022
- Drawing No.001 Rev A – First Floor Plan (Proposed)
- Drawing No.002 Rev A – Second Floor Plan (Proposed)
- Drawing No.003 Rev A – Fourth Floor Plan (Proposed)

Procedural Issues

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

(12) The development must be carried out—

- where prior approval is required, in accordance with the details approved by the local planning authority;
- 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 decisions (20220390, 20220391, 20220392, 20220393) 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.

Relevant Planning History

20210958 - 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 Ground Floor from Class E (previously Class B1(a)) (offices) to 4 residential units (Class C3 (dwellinghouses)). **Prior Approval Required and Approved 16/09/2021**

20210962 - 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 third floor from Class E (previously Class B1(a)) (offices) to 13 residential units (Class C3 (dwellinghouses)). **Prior Approval Required and Approved 16/09/2021**

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 Required and Approved 16/09/2021**

20210974 - 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 Ground, First and Second Floors from Class E (previously Class B1(a)) (offices) to 26 residential units (Class C3 (dwellinghouses)). **Prior Approval 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.

Analysis

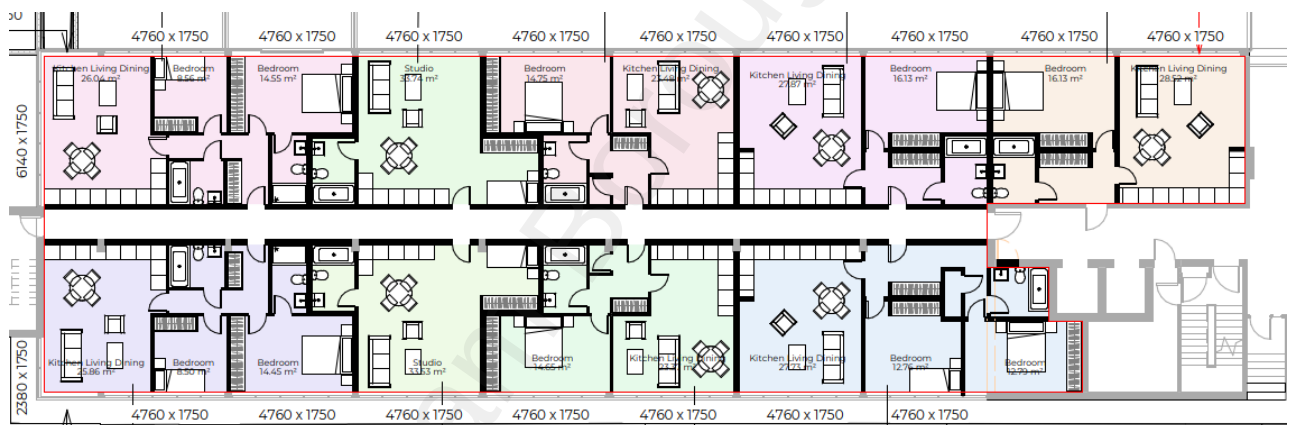
There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant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

The proposed changes for each application are summarised in the agents covering letter which states

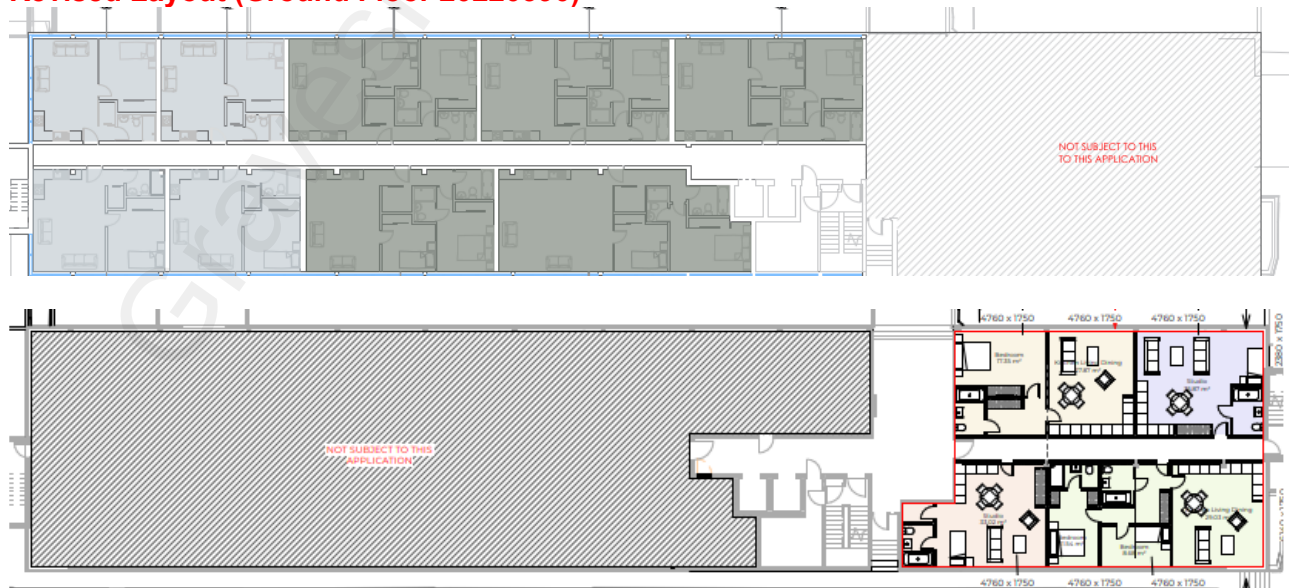
The amendments are sought in order to provide a more spacious and improved layout of a number of the proposed units. There will be no change in the total number of flats to be created, in this case 26 units. Each flat will meet the Nationally Described Space Standards, as required by Article 3 (9A) of 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.

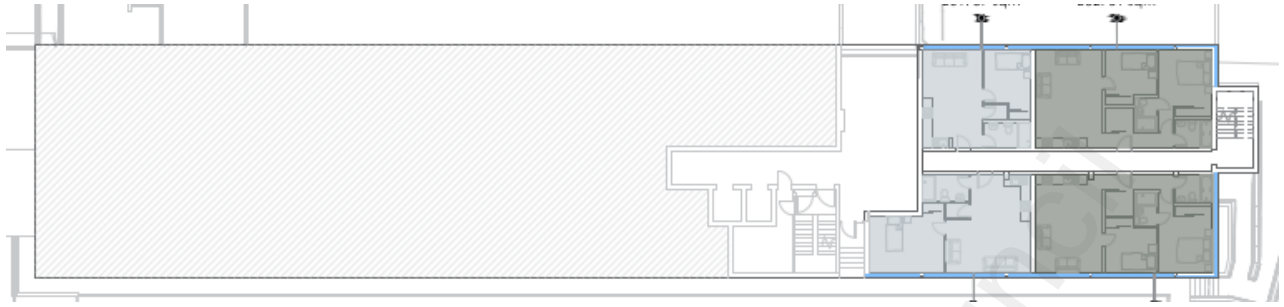
Approved Ground Floor Plan (20210958 & 20210974)



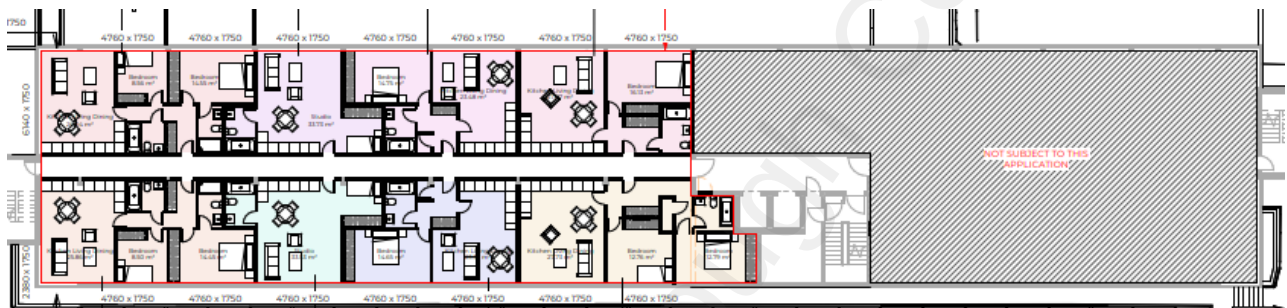
Revised Layout (Ground Floor 20220390)



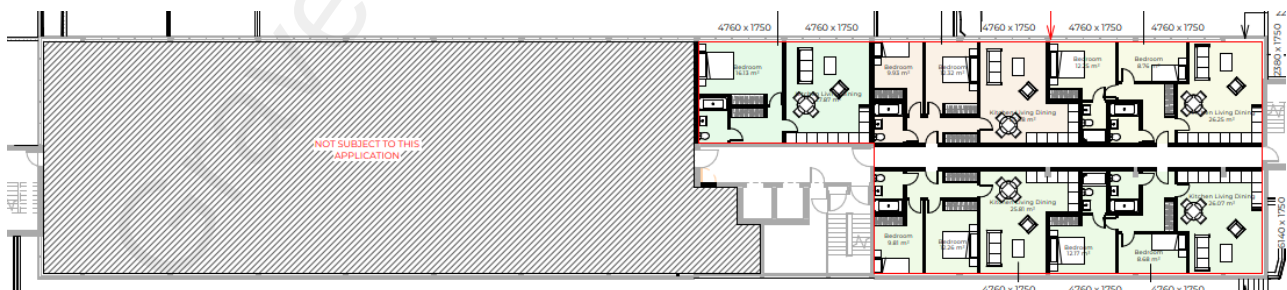
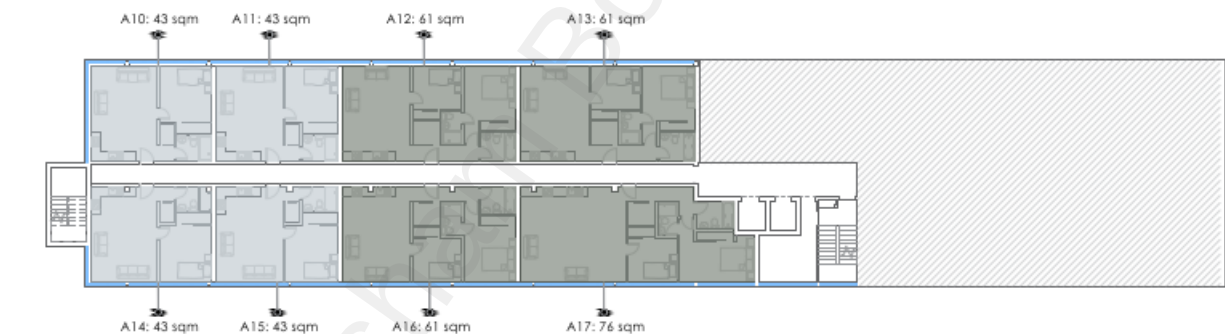
Revised Layout (20220391)



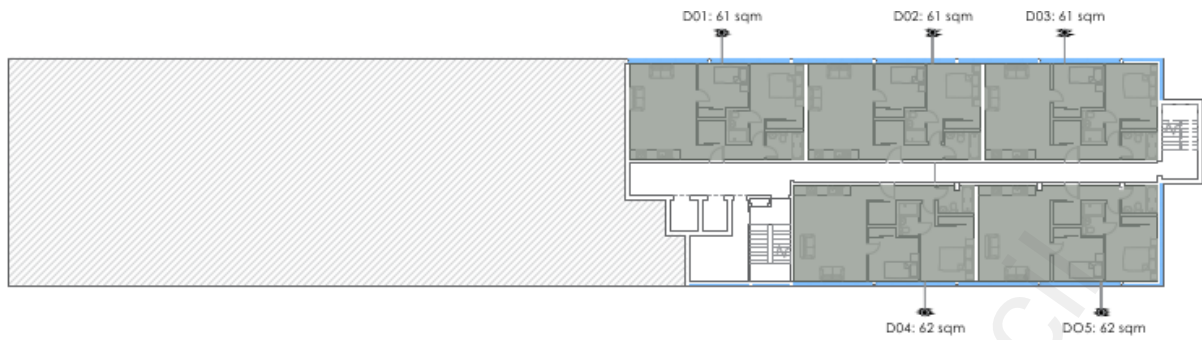
Approved 1st Floor (20210973 & 20210974)



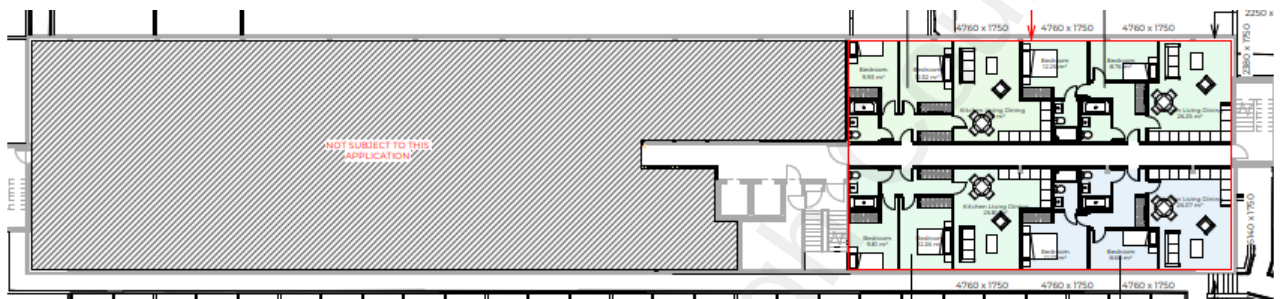
Revised Layout (20220390)



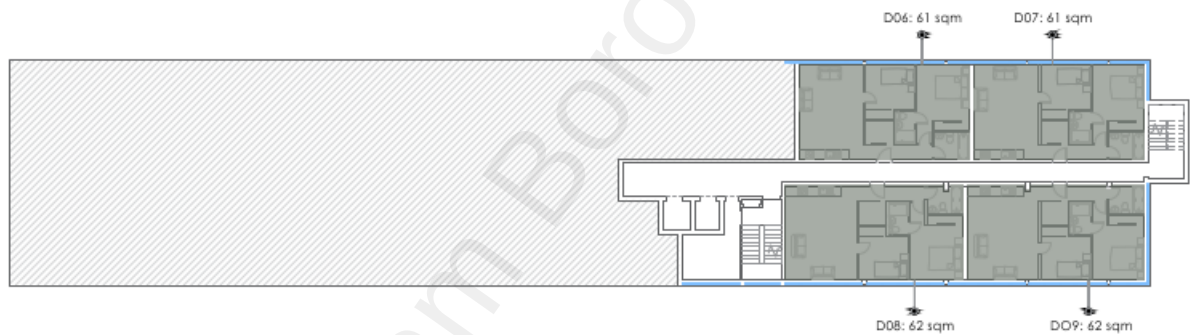
Revised Layout (20220393)



Approved 2nd Floor (20210973 & 20210974)



Revised Layout (20220393)



Revised Layout (20220390)



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:

Permission

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mr Richard Hart	Team Leader:	Miss Faye Hobbs
Signed:	<i>R Hart</i>	Signed:	
Dated:	19th April 2022	Dated:	20 April 2022