



SUMMARY REPORT

Application Ref:	20230640
Site Address:	Land At 270-340 Valley Drive Gravesend Kent
Application Description:	Application for a non-material amendment to planning permission reference number 20190155 to allow the change to the description of development wording to allow people who are aged over 50 to live in the approved one bed rented units.
Applicant:	Sarah Holmes, Gravesham Borough Council
Agent:	Mr Will Philps, BPTW
Ward:	Singlewell
Parish:	Non-Parish Area
Decision due date:	13 July 2023
Publicity expiry date:	Not Applicable
Decision Level:	Planning Committee – 26 th July 2023
Reason for referral:	Gravesham Borough Council is the applicant
Recommendation:	Permission of Non-Material Amendment

Summary of Reasons for Recommendations

The Local Planning Authority considers the amendment to the development description to allow people who are aged over 50 to live in the one bed rented units would not be a material change to the overall approved scheme and would not result in an amendment to the number of potential occupiers. The proposal therefore is considered to be a non-material amendment to the description and acceptable.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is known as land at 270-340 Valley Drive, in the urban area of Gravesend.
- 1.2. The applicant obtained planning permission for the following development in September 2019:

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.

- 1.3. The site has been developed in accordance with the planning permission to provide two, two and three storey blocks with ancillary structures, associated car parking, landscaping and new access from Valley Drive; containing a total of 48 affordable units including 32 x 1 bedroom rented flats, as well as 16 general needs flats.
- 1.4. To the north of the site is 1980's sheltered accommodation known as Mike Spring Court and 1960's sheltered accommodation of Chichester Rise to the west. East of the site is Valley Drive which is a mix of post war two storey dwellings. South of the site is the shopping parade of Livingstone Road with flats above and parking to the side and rear of shops.

2. Relevant Planning History

Reference	Description	Decision	Decision Date
20190155	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.	Permission	17.09.2019

3. Proposal

The applicant, has submitted a planning application, to vary the description of the development, as permitted under planning permission reference 20190155, to (the change is highlighted in bold):

*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.*

- 3.1. The only change is for the occupation of the one bedroom rented flats to be reduced from over 55s to over 50s. The over 55's units consist of sheltered accommodation within Block A, with Block B being for general needs housing.

4. Planning Policy, Development Plan and other Material Considerations

- 4.1. 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.

5. Consultations and Publicity Responses

Consultations

GBC Environmental Protection

- 5.1. Having looked at the application there isn't anything for us to comment on. Any comments we previously provided for the original application would still be applicable with or without these amendments.

GBC Highways

- 5.2. By reducing the age limit from 55 to 50, there is a higher probability that people will be in gainful employment and given the distance to the railway station and facilities, are more likely to require a car for travel than a town centre location. However, it may be possible to set a limit on the number of units that may be occupied in attempt to control car parking demand. This would allow for future applications to increase the number of units that can be let to 50-year-olds should there be a need and it can be demonstrated that there is adequate car parking capacity.

It is noted the original application was for 38 single bedroom units, so I would suggest no more than 13 flats (a third) should be available to the under 55's until car parking capacity/demand can be determined by a survey of the residents and the car parks and this would appear to be a reasonable compromise.

6. Head of Planning Comments

- 6.1. The non-material amendment procedure was introduced in 2009 as an addition to the Planning Act under Section 96A. This provided a mechanism to make non-material changes to existing planning permissions and to deal with new issues that may arise after permission has been granted.
- 6.2. There is no statutory definition for what constitutes a 'non-material' change to a planning permission. The National Planning Practice Guidance (NPPG) states that the definition is dependent on the context of the overall scheme and "what may be non-material in one context may be material in another". Section 96A of the Planning Act states that "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."
- 6.3. The decision for the Council is whether the change is non-material or material to the planning permission. If the change is considered 'material' then a planning application would need to be submitted under Section 73 of the Planning Act for a variation of the plan condition to make the change (this is also known as a minor material amendment application).
- 6.4. As the application is not an application for planning permission, there is no requirement for public consultation under the non-material amendment procedure.
- 6.5. The amendment sought makes no changes to the development under construction, what the applicant is seeking to do, is to lower the age threshold from over 55's to over 50's. This would allow the applicant to increase the age range of residents who can qualify for residing in Block A.

- 6.6. Whilst sheltered accommodation is traditionally delivered for residents over the age of 55, it is noted that some specialist accommodation providers deliver sheltered accommodation for residents over the age of 50.
- 6.7. In this instance, whilst concerns have been raised regarding potential parking impacts, it is noted that the original permission does not control whether or not residents over the age of 55 will be in active employment or not, as such the potential parking impacts do not differ from the original permission. The change in profile of residents, will not have any impacts above and beyond those already considered for the original application, as such it is considered that the proposed change is non-material in nature.
- 6.8. As such an informative will be included which will state:

Effective of this Decision Notice

The effect of this decision notice to amend the description of the development of planning permission 20190155 which shall hereafter read:

*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.*

7. Conclusion

- 7.1. The Local Planning Authority considers the amendment to the development description to allow people who are aged over 50 to live in the approved one bed rented units would not be a material change to the overall approved scheme and would not result in an amendment to the number of potential occupiers and is therefore considered non-material and acceptable amendment to the description.

Recommendation

Permission of Non-Material Amendment

INFORMATIVES:-

1. EFFECTIVE OF THIS DECISION NOTICE

The effect of this decision notice to amend the description of the development of planning permission 20190155 which shall hereafter read:

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.

2. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.