



Delegated Report

Non-Material Amendment Application

Application No:	20231025
Location:	Joynes House, New Road, Gravesend, Kent, DA11 0AJ
Description:	Application for non-material amendment to planning permission reference number 20221183 to allow amendments to elevation facades.
Applicant:	Mr Greg Kuzdenyi, Joynes House Development Ltd

Submitted Documents/Plans

Application for a non-material amendment to planning permission reference 20221183 for amendments to the elevation facades.

The application consists of the following:

- Application Form (dated 02/10/2023)
- Covering Letter (dated 02/10/2023)
- Drawing no. 001 - Rev. C - Proposed South Elevation
- Drawing no. 001 - Rev. C - Proposed South Elevation (existing and proposed context)
- Drawing no. 002 - Rev. D - Proposed North and East Elevations
- Drawing no. 002 - Rev. D - Proposed North and East Elevations (existing and proposed context)
- Drawing no. 012 - Rev. A (pages 1-6) - For Information Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230822	Application for non-material amendment to planning permission reference number 20221183 to allow amendments to elevation facades.	PERMITTED	25.08.2023
20221183	**REVISED DESCRIPTION** Proposed external alterations to existing building facade including new windows, aluminium infill panels and infill glazing to lower ground floor. Relocation of existing entrance and lobby from ground floor to lower ground floor and minor amendments to internal layout of 2 no. ground floor residential units consented under reference 20210958, as amended by non-material amendment ref 20220391.	PERMITTED	03.05.2023

Planning History Note - A non-material amendment application was approved in 2023 (ref. 20230822) for a similar change to the external elevation facades. This current amendment application would supersede the approved plans for the previous non-material amendment

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 decisions (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

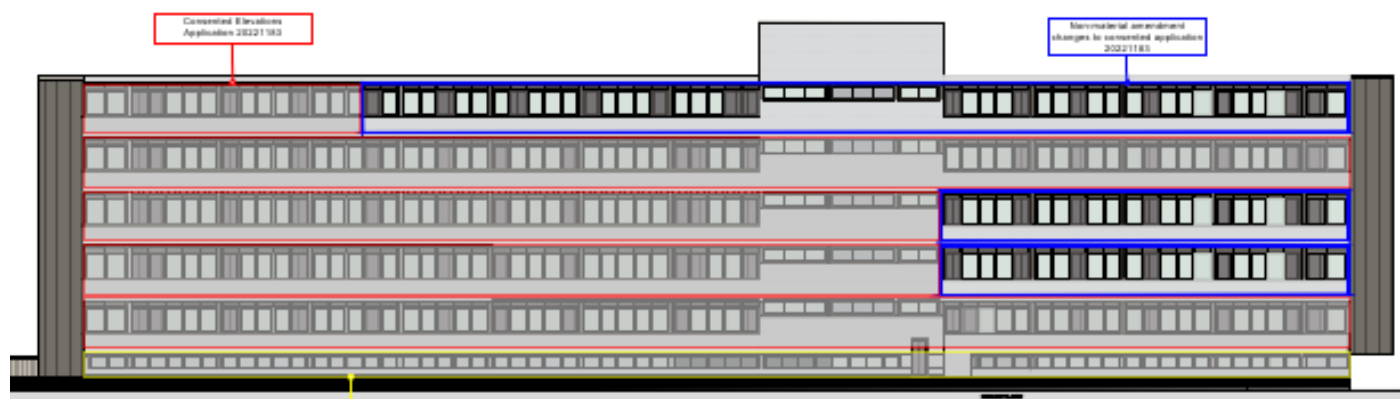
There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant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

The proposed changes for to this application are to the position of the spandrel panels around the windows, to facilities a Class MA application and provide light into rooms. There would be no change to the material of the panels, which would remain as aluminium.

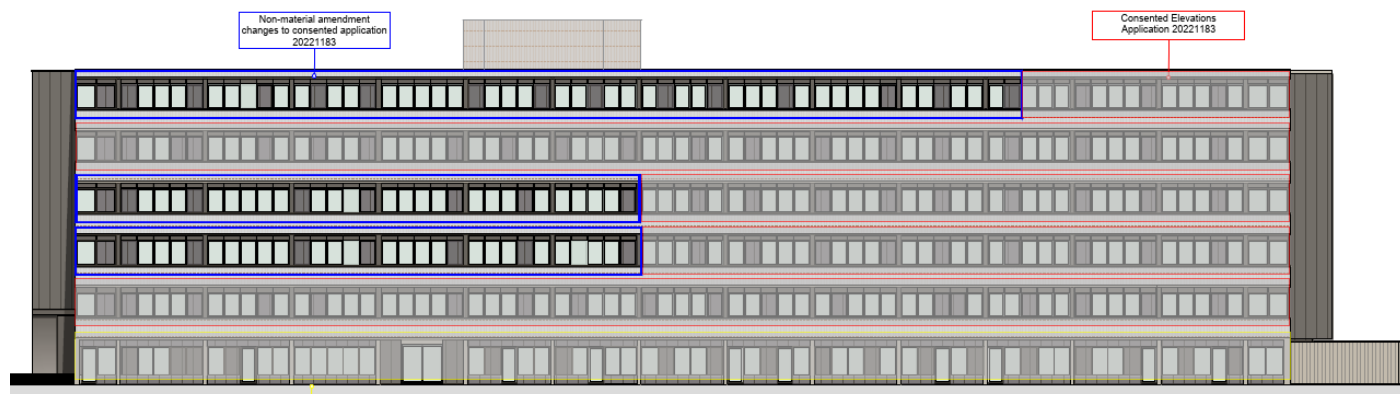
The images below show the parts of the building where the pattern of the panels and windows will be

altered (blue), with the remainder of the building remain unchanged as approved in ref. 20221183.

Proposed South Elevation



Proposed North Elevation



The proposed alterations to the window panels would have no impact on the appearance of the building, with only the pattern of the panels changing. As such, 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 subject to informatives.

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	1 st November 2023	Dated:	02 November 2023