

MUNICIPAL YEAR 2010/2011 REPORT NO. 77

MEETING TITLE AND DATE:

Planning Committee

28th September 2010

REPORT OF:

Head of Development Services
(Planning and Environmental Protection)

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AGENDA – PART: 1	ITEM:
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SUBJECT:

Proposed Non Material Alteration
re Extant Planning Permission for
Redevelopment of 110 -112
Aldermans Hill

1. Summary

- 1.1 The report deals with a proposed non material amendment to the extant planning permission granted in 2007 for the redevelopment of the site at 110-112 Aldermans Hill. The proposed amendment involves the insertion of an additional condition listing the approved drawing numbers.
- 1.1 The reports sets out the background and considers the materiality of the proposed amendment.

2. Recommendations

- 2.1 That the proposed non material amendment be AGREED and the additional condition specifying the original plan numbers be inserted as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans: 794/PL 002 Rev A, 794/PL 004 Rev B, 794/PL 006 Rev B, 794/PL 007 Rev A, 794/PL 008Rev A, 794/PL 009 Rev A, 794/PL 010 Rev A and 794/PL 011 Rev A

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Background

- 3.1 Planning permission was granted for the demolition of existing nursing home and erection of a 2-storey block of 10 x 2-bed self-contained flats with accommodation in roof space, front, side and rear dormers and parking to rear was granted in October 2007. The permission remains valid until 25th October of this year.

- 3.2 Section 96A of the Town and Country Planning Act 1990 was brought into force on 1 October 2009, via the commencement of s.190 of the Planning Act 2008 and formalised the process by which local planning authorities can agree non material alterations to existing planning permissions.

4. Planning History

- 4.1 TP/07/1560 – planning permission for the demolition of existing nursing home and erection of a 2-storey block of 10 x 2-bed self-contained flats with accommodation in roof space, front, side and rear dormers and parking to rear was granted in October 2007. The permission remains valid until 25th October of this year.
- 4.2 TP/07/1560/DP1 - Details of external finishing materials, surfacing materials, enclosure, parking layout, access roads and junctions, soft landscaping, refuse storage and methodology submitted pursuant to conditions 1, 2, 3, 4, 5, 6, 7 and 9 of approval under ref: TP/07/1560 for demolition of existing nursing home and erection of a 2-storey block of 10 x 2-bed self-contained flats with accommodation in roof space, front, side and rear dormers and parking to rear approved August 2010
- 4.3 TP/07/1560/MM1 – an application for a minor material amendment to permit alterations to the elevation of the extant 2007 planning permission granted under ref: TP/07/1560 is reported elsewhere on this agenda.
- 4.4 CAC/10/0017 - Demolition of existing building (RETROSPECTIVE) in connection with approved redevelopment of site for residential use under Ref:TP/07/1560 (reported elsewhere on this agenda)

5.0 Site and Surroundings

- 5.1 The application site comprises a vacant plot of land situated on the corner of Alderman's Hill and Derwent Road within The Lakes Conservation Area. The surrounding area is residential in character.
- 5.2 Previously, prior to the demolition that has occurred, the site contained a two storey Edwardian style building dating from approx. 1905 which was formerly occupied as a Residential Care Home. The property formed part of group of Edwardian style buildings comprising the application properties and No.'s 114, 116, 118, 120 and 122 Alderman's Hill.
- 5.3 The property consisted of a pair of two-storey semi-detached buildings with a large rear garden. There was a single storey rear extension at 110 Alderman's Hill together with two existing detached garages situated in the rear garden, one of which is shared with the adjoining property at 114 Alderman's Hill; the other being situated at the rear boundary towards 1 Derwent Road. There is an existing cross over and gates to access the latter from Derwent Road.

6.0 Proposal

- 6.1 The application seeks approval to the insertion of an additional condition in the extant 2007 planning permission which would specify the approved drawing numbers.
- 6.2 By inserting this condition, it enables the application for the proposed minor material amendment in respect of the external alterations to be considered. This application is reported elsewhere on this agenda.

7.0 Analysis

- 7.1 The test when assessing such applications is whether the insertion of the additional condition specifying the approved plans against which the scheme would be implemented, is a material change in terms of its impact on the development and its relationship with the surrounding area.
- 7.2 There is no statutory definition of 'non-material'. This is because it is dependent on the context of the overall scheme and what may be non-material in one context may be material in another. However, the local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.
- 7.3 In this instance, it is considered that the insertion of an additional condition is not material to the scheme approved because, as a procedural matter, it would involve no changes in the approved development.
- 7.4 Guidance published by CLG "Greater Flexibility in Planning Permissions" advises that where the change is non-material, this provision allows new conditions to be imposed, or existing conditions to be removed or altered. Furthermore, the guidance acknowledges that it is appropriate to apply to add a condition listing plans under the non-material amendments procedure.
- 7.5 No consultation has been carried out on this application in accordance with the published guidance on this procedure an application for a non material amendment is not an application for planning permission. The existing provisions relating to statutory consultation and publicity do not therefore apply. The CLG advise that by definition "as the changes sought will be non-material, we would not expect consultation or publicity to be necessary in the majority of cases".

8.0 Conclusion

- 8.1 The proposed insertion of a condition listing the plan numbers for the approved scheme in 2007 is considered to represent a non material amendment to this extant planning permission.