

Case Officer: Hansah Iqbal

Recommendation: Approve

Applicant: Vistry West Midlands Ltd

Proposal: Revise the rear entrance door access to the communal areas for apartment block S7 (proposed as non-material amendment to 16/02482/REM)

Expiry Date: 16 May 2023

Extension of Time: No

1. APPLICATION SITE AND APPROVED DEVELOPMENT

The application relates to Kingsmere Phase 1.

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

The application seeks a non-material amendment to provide a new entrance door from the side elevation to rear elevation serving the hall replacing the existing window. Furthermore, the scheme would change the bin store door at the rear elevation from opening outside the rear elevation to opening inside the bin store.

3. RELEVANT PLANNING HISTORY

The following planning history is considered relevant to the current proposal:

16/02482/REM – Reserved matters to 13/00433/OUT – Siting, design, external appearance, landscaping, lap, infrastructure, points of access and associated works for 207 new dwellings; application permitted.

13/00433/OUT – Outline application for construction of up to an additional 100 dwellings above those permitted 06/00967/OUT; application permitted.

06/00967/OUT - Outline - Up to 1585 no. dwellings; health village to include health and employment uses and elderly persons nursing home; B1 and B2 employment uses; local centre comprising of shops, a pub/restaurant, children's day nursery, offices and a community centre; 2 no. primary schools and 1 no. secondary school; a hotel; a sports pavilion; formal and informal open space; a link road between A41 and Middleton Stoney Road/Howes Lane junction; associated new roads, junctions, parking, infrastructure, earthworks and new accesses to agricultural land (as amended by plans and documents received 24.10.06); application permitted.

4. PUBLICITY AND CONSULTATION

There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission.

5. APPRAISAL

The key issue for consideration in this case is whether the proposed change(s) can be accepted as non-material; there is no consideration of the planning merits of the proposed changes.

Section 96A of the Town and Country Planning Act 1990 (as amended) states that: "A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material". It is also stated 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".

The National Planning Practice Guidance states that: "There is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme - an amendment that is 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". The judgement on materiality in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just part of it. The benchmark for forming the judgement on materiality is always the original permission.

The main alteration to the scheme would see changes to the proposed location of hall door and direction of opening to bin store door.

The proposed amendments would change the external appearance to the rear elevation when compared to the previously approved application (reference: 16/02482/REM), but the changes are considered minor and would not significantly affect the character of the development or raise any issues in relation to residential amenity.

6. CONCLUSION

The proposal is considered to be non-material and the application is therefore recommended for approval.

In accordance with drawing no. HTPD_S7-GF-01 Rev C (Proposed GF plan), HTPD_S7-ELEV-06 Rev C (Side/Rear elevations) and HTPD_S7-ELEV-07 Rev C (Side/rear elevations).

Case Officer: Hansah Iqbal

DATE: 3 May 2023

Checked By: Caroline Ford

DATE: 16/05/2023
