

BABERGH DISTRICT COUNCIL

<u>FROM:</u> Chief Planning Control Officer	<u>REPORT NUMBER:</u> L21
<u>TO:</u> DEVELOPMENT COMMITTEE	<u>DATE OF MEETING:</u> 15 June 2011

PROPOSED NON MATERIAL AMENDMENT – AMENDMENTS TO HADLEIGH LEISURE FACILITY BUILDING – STONEHOUSE ROAD, HADLEIGH

1. PURPOSE OF REPORT

- 1.1 To agree non-material amendments to the design and appearance of the Hadleigh Leisure Facility building approved in January 2009.

2. RECOMMENDATIONS

- 2.1 That the proposed non material amendment to Planning Permission B/08/01760/FUL be approved.

The Committee is able to resolve this matter.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising directly from this report.

4. RISK MANAGEMENT

- 4.1 There are no significant risks arising directly from this report.

5. EQUALITY AND DIVERSITY IMPACT

- 5.1 There are no Equality and Diversity implications arising directly from this report.

6. KEY INFORMATION

- 6.1 On 14 January 2009, Development Committee resolved to grant planning permission for the “Erection of a new Hadleigh Leisure Centre Facility and associated site works” (Ref B/08/01760/FUL).

- 6.2 The proposed non material amendments to the approved plans are as follows:-

- Alteration to entrance to allow for shared reception area with Hadleigh Swimming Pool and windows at first floor level (north east elevation).
- Removal of railings around first floor ‘terrace’ area (south west and north west elevation).

- Alteration to fenestration at first floor and ground floor level (including door) on south west elevation.
 - Alteration to fenestration (north west elevation).
 - Alteration to fenestration (south east elevation).
- 6.3 The proposed changes have been subject of consultation with the Town Council and the occupiers of neighbouring properties. Any responses received will be reported to Development Committee.

Assessment

- 6.4 S96a of the Town and Country Planning Act 1990 (as amended) sets out the following when considering an application for a non-material amendment:-

“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 originally granted”.

- 6.5 There is no clear definition of what can or cannot be considered as a non material amendment as each case should be judged on its own merits. However, to assist Members, the tests are that normally applied when considering a proposal for an amendment are whether:

- the proposed amendments are so slight (de minimis) and as such do not amount to a ‘material’ change from the approved plan, to the extent that the proposed alterations could be considered to be lawful within the scope of the existing planning permission;
- the development now proposed is the same development as that granted permission;
- the description for the development would need to be changed as a result of the amendment; and,
- the external impact of the changes now proposed would be contrary to any planning policy of the Council.

- 6.6 Each request must be considered on its merits having regard to all relevant circumstances.

- 6.7 In this case the proposed amendments would not substantially alter the form and appearance of the approved development. The alterations stem from changes in the end user’s operational requirements which have led to the reconfiguration of the internal layout, including the proposal to have a shared access and reception area between the swimming pool and the leisure building.

- 6.8 The alterations to the building will not harm the residential amenity of any neighbouring properties and will be minimal in terms of the overall appearance of the building.

7. **APPENDICES**

7.1 None

8. **BACKGROUND PAPERS**

8.1 Relevant papers of Planning File B/08/01760/FUL

Authorship:

Name Stuart McAdam
Job Title Principal Planner

Tel. 01473 825865
Email: stuart.mcadam@babbergh.gov.uk