

BABERGH DISTRICT COUNCIL

From: Head of Economy	Report Number: P121
To: Planning Committee	Date of Meeting: 25 March 2015

PROPOSED NON-MATERIAL AMENDMENT - AMENDMENT TO VILLAGE HALL (APPROVED UNDER B/13/01004/FUL) - CHURCH HILL, MONKS ELEIGH

1. Purpose of Report

- 1.1 To agree non-material amendments to the eaves and ridge heights of the Monks Eleigh Village Hall, approved in November 2013.

2. Recommendation

- 2.1 That the proposed non-material amendments for Planning Permission (B/13/01004/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 13 November 2013, Planning Committee resolved to grant planning permission for the 'Erection of new village hall and associated parking with construction of vehicular access on land at Monks Eleigh recreational ground. Construction of pedestrian access via Church Walk, pathways adjacent to existing village hall site and within the site to the new village hall' (B/13/01004/FUL).

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

- Increase to eaves height of main building from 3m to 3.227m.
- Increase to ridge height of main building from 6m to 6.535m.

- 6.3 The proposed changes have been the subject of a 14 day period of consultation with all consultees and interested parties from the original application being notified.

Consultations

- 6.4 Those consultation responses received are summarised as follows:-
- 6.5 **Suffolk County Council Highway Authority** - No objection.
- 6.6 **Suffolk Constabulary** - No comment.
- 6.7 **English Heritage** - No objection.

Representations

- 6.8 Five letters of representation have been received and their contents are summarised as follows:-
- A variation would enable work to start as soon as possible;
 - Minor changes proposed that do not give cause for concern;
 - I see no reason why such small alterations should not be approved;
 - No evidence has been provided that the Parish Council owns the land relating to Church Walk and no approval has been given.
 - Church Walk is common land and is outside of the application site.

Assessment

- 6.9 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”.
- 6.10 There is no clear or statutory 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:-
- If any proposed amendments are so slight (de minimis) and do not amount to a ‘material’ change from the approved plan, it is likely that the proposed alterations could be considered to be lawful within the scope of the existing planning permission;
 - The question as to whether the development now proposed is the same development as that granted permission;
 - Consideration of whether the description for the development would need to be changed as a result of the amendment; and
 - What external impact the changes now proposed might have – i.e. would the proposed change be contrary to any planning policy of the Council?

- 6.11 Each request will be considered on its merits having regard to all relevant circumstances.
- 6.12 In this case the proposed amendments would not substantially alter the form and appearance of the approved development. The alterations to the building would not harm the residential amenity of any neighbouring properties, would be minimal in terms of the overall appearance of the building and would not offer any impacts materially different to those that were considered in finding the approved scheme acceptable.
- 6.13 The comments relating to land ownership are noted and have been taken into account. This objection falls outside the scope of what is being considered under the non-material amendment application for consideration by Members.
- 6.14 With reference to the original Planning Permission granted under B/13/01004/FUL, a valid, red-lined location plan was provided and a 'Certificate B' ownership certificate was signed by the applicant; this was considered to be adequate.

7. Appendices

- 7.1 None.

8. Background Papers

- 8.1 Relevant papers of Planning File B/13/01004/FUL

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