

Officer Report

Application No.	23/1359/FH/NMA
Site Address	Land Rear Rhodes House, Main Road, Sellindge, TN25 6JA
Officer Name	Helena Payne
Proposal	Non Material Amendment to planning permission 21/0279/FH to allow for amendment to wording of condition 1 to update phasing plan.

Recommendation

Report Number	RD-432781
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	04 October 2023

Report

Site

The site is approximately 10 kilometres to the southeast of Ashford (connected by the A20) and 15.5 kilometres to the west of Folkestone. The site sits just outside the defined settlement boundary of Sellindge.

The application site consists of six arable fields located on the south east edge of Sellindge, north of the M20. The site area is of an irregular shape measuring approximately 480m north-south and 680m east-west. The A20 Ashford Road is located to the western boundary with the site road frontage of about 80m, from where the site is currently accessed, comprising a thick belt of trees along this frontage. The west boundary of the site skirts around the rear of the landscaped grounds of the Grade II listed Little Rhodes and Rhodes House buildings and the rear of modern housing development on the east side of Swan Lane (Whitehall Way, Leafield, Forge Close and Lourdes Manor Road).

Proposal

The application seeks a non-material amendment to planning permission 21/0279/FH to allow for amendments to the wording of condition 1 to update the phasing plan.

In accordance with CIL regulation requirements, a CIL liability notice will need to be completed by the individual plot developer or custom builder ahead of a commencement notice being served for each self-build plot forming part of the approved development under Phase 1b of the development.

In order to achieve this each self-build plot needs to therefore form its own phase so as to ensure each plot can be considered independently for CIL qualifying exemption purposes. The approved phasing plan under 21/0279/FH differentiates phases 1a and 1b only. It is now proposed that phases 1a and 1b plots 1-20 form separate phases of the development. No changes are proposed to the development.

History

23/1289/FH/NMA - Non material amendment to planning permission 21/0279/FH to allow for variations to mix of roof materials and elevational treatments and addition of alternative brick to approved materials palette and alterations to approved plans for units 16 and 20 to provide additional window to first floor bedroom. Approved.

23/1324/FH - Full planning application for Phase 2 of Grove Park, comprising 128 homes (including affordable) and 4 Self/Custom Build Plots with associated access, parking, and landscaping. Decision pending.

23/0388/FH/NMA - Non-material amendment to planning permission 21/0279/FH Reserved Matters application to allow for the inclusion of solar panels to the roofs of approved plots 1 – 34. Approved.

23/0214/FH/NMA - Non material amendment to planning permission 21/0279/FH Phase 1 Reserved Matters application to allow for amendment to the approved self build design code. Approved.

23/0189/FH - Approval of reserved matters (landscape, scale, layout and appearance) for proposed SUDS pond to serve phase 1a pursuant to planning permission Y16/1122/SH (Outline planning application for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping). Under consideration.

22/1916/FH/NMA - Non material amendment to planning permission 21/0279/FH Reserved Matters to allow for amendments to tree protection plan and addendum to approved arboricultural method statement 9217_AMS.001 Rev C. Approved

22/1851/FH/NMA - Non material amendment to planning permission 21/0279/FH Reserved Matters application to allow for minor amendments to the kitchen windows of approved plots 1, 9, 16, 20, 27 and 28 in order to marginally reduce their size. Approved

22/1658/FH/CON - Approval of details pursuant to condition 5 (materials) of planning permission Y16/1122/SH. Approved.

22/1657/FH/NMA – Non material amendment to planning permission Y16/1122/SH (outline planning permission) to allow for change to the noise limit from 35db to 42db for condition 13. Approved.

22/1389/FH/NMA - Non material amendment to planning permission 21/0279/FH (Phase 1 Reserved Matters of scale, appearance, layout and landscaping comprising 34 dwellinghouses and 20 self-build plots together with drainage features, wetlands and open space pursuant to outline planning permission Y16/1122/FH) for change Plots 2, 8, 13, 19, 32 from 3 bedroom 1,052 Sq Ft dwellings to 4 bed 1,418 Sq Ft dwellings, together with external material changes to Plots 1, 9, 12, 15, 16 33 & 34. Approved

22/0716/FH – Non-Material Amendment to planning permission Y16/1122/SH Outline planning application for a neighbourhood extension for the creation of up to 162 houses to change the wording to condition 5 to allow the works to commence up to slab level before materials need to be submitted and approved. Approved

22/0053/FH - Phase 2 Reserved Matters of scale, appearance, layout and landscaping comprising 108 dwelling houses and commercial units to outline planning permission Y16/1122/FH. Under consideration.

22/0132/FH/NMA - Non material amendment to planning permission Y16/1122/SH (Outline planning application for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping) for relocation of emergency access to the site. Approved

21/0279/FH -Phase 1 Reserved Matters of scale, appearance, layout and landscaping comprising 34 dwellinghouses and 20 self-build plots together with drainage features, wetlands and open space pursuant to outline planning permission Y16/1122/FH. Approved with conditions.

21/1808/FH/NMA - Non material amendment to planning permission Y16/1122/SH (Outline planning application for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping) for relocation of emergency access to the site. Refused

Y16/1122/SH - Outline planning application for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping. Approved subject to conditions.

Representations

As an application under s.96a is not an application for planning permission, the Development Management Procedure Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, Planning Authorities have discretion in whether and how they chose to inform other interested parties and seek their view. Notwithstanding the small changes proposed, it was considered that there was no need to consult.

Development Plan

The Development Plan for the area comprises the Places and Policies Local Plan (2020) and Core Strategy Review (2022). The National Planning Policy Framework (2023) and National Planning Policy Guidance and are considered to conform.

Planning Appraisal.

The background for non-material amendments is found under section 96a of the Town & Country Planning Act 1990. Reserved Matters of scale, appearance, layout and landscaping comprising 34 dwellings and 20 self-build plots together with drainage features, wetlands and open space pursuant to outline planning permission Y16/1122/SH was granted in 2019. The proposed amendments, subject of this current submission, include for changes to the approved phasing plan as part of 21/0279/FH to include Phases 1b plots 1-20 as individual phases of the development in order to adhere to CIL Regulations as set out in the Proposal section above. There are no other proposed changes to the approved development.

Principle

The National Planning Practice Guidance (NPPG) Flexible options for planning permissions at paragraph 002 states “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 under section 96a of the Town & Country Planning Act 1990”.

Consideration

The proposal would see changes to the proposed phasing plan, identifying each self-build dwelling in Phase 1b as a separate phase in its own right for CIL purposes. This does not include any other change to the approved development.

The proposed amendments would not result in further considerations being required with regard to visual amenity and neighbour amenity beyond those considered in the assessment of the previous Reserved Matters submission.

No other changes are proposed, with no detrimental impact on the visual, neighbour or highway amenities above and beyond that resulting from the approved scheme.

The Local Planning Authority is satisfied that the amendment sought is non-material to the approved scheme and does not result in additional or further required considerations in respect of the Development Plan Policy and other material considerations, beyond those considered under Reserved Matters application 21/0279/FH for Phase 1a and 1b.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

The proposed amendments would not have a material impact upon the external appearance of the development or on neighbouring amenity and therefore the LPA is satisfied that the proposal is non material.

Case Officer: Helena Payne

Recommended Conditions (1)

1

The development hereby permitted shall be carried out in accordance with the following approved plans:

- 20-103-407 Rev M, Received 29 August 2023

Reason:

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

Suggested Informatives (1)

1

You are reminded that the conditions attached to 21/0279/FH still apply and that this decision must be read in conjunction with that original planning approval.

