

Jen Samuelson

From: David Easton [REDACTED]
Sent: 05 June 2018 [REDACTED]
To: Jen Samuelson
Cc: Claire Potts
Subject: RE: Land west of New Barn Lane - non material amendment

Dear Jen,

I have spoken with Neil Crowther (Head of Planning) this morning who has advised, that whilst the proposal fails to accord with the adopted guidelines, we can accept an NMA in this case as the development has not been built and as such will not result in any harm to existing residential properties.

I hope this information is of assistance.

Yours Sincerely,
David Easton

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From: Jen Samuelson [REDACTED]
Sent: 04 June 2018 15:03
To: David Easton [REDACTED]
Cc: Rebecca Horrocks; [REDACTED]
Subject: RE: Land west of New Barn Lane - non material amendment

Dear David,

Thank you for your email.

I note the guidance on NMA's which your Development Control Committee have agreed last year. However, it is relevant that National Guidance sets out that there is no statutory definition of 'non-material', as it is "dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another". The Town and Country Planning Act 1990 requires that the "Local Planning Authority must have regard to the effect of the change ... on the planning permission previously granted". The guidance agreed by the Committee seeks a blanket 'one fits all' approach, which does not allow for a contextual assessment as required by planning legislation and national guidance.

In terms of this scheme, we consider that the replacement of the substation with a garage would not have a material effect on the permission given that the garage would be the same design as those permitted within the scheme and it would replace a consented building on the site. Whilst the garage would be slightly larger than the substation, the permission was granted for 90 homes and we do not believe that the replacement of a substation with a garage would result in a material change to the permission previously granted. Therefore, when considered within its context and against the permission granted, it would be a non-material amendment to the scheme.

My client, Linden Homes, as you may be aware, have commenced on site already and are keen to build the scheme out and contribute to the Council's housing completions. The reasoning for the proposed amendment is due to this being an optimum location for a sales suite, and that it has come to light that there is no requirement for a substation on this site due to sufficient capacity being available in the network. As above, we consider this amendment to be non-material as it would not have a materially effect on the permission granted, but further this route would be the least complicated and most straightforward for achieving a sales suite that could promote efficient build out and sales.

Our client has had a positive relationship with Arun on this site, and are keen continue working with the Council to deliver this site. As such, I respectfully request that the Council take a pragmatic approach to consider whether the proposed amendment could be dealt with through a non-material amendment.

I understand from our telephone call that you are able to discuss this with the Head of Planning, Nick Crowther, tomorrow. I look forward to hearing from you and please feel free to contact me on my details below to discuss this matter.

Kind Regards,

Jen Samuelson
Senior Planner



From: David Easton [REDACTED]
Sent: 04 June 2018 10:43
To: Jen Samuelson <[REDACTED]>
Subject: Land west of New Barn Lane - non material amendment

From: David Easton
Sent: 04 June 2018 10:42
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Land west of New Barn Lane - non material amendment

Dear Jen,

I have looked at the previous reserved matters application under reference BE/113/17/RES and have noted that the proposed double garage (drawing no. 16-1103-070-A) would measure approximately;

Height – 4.4m
Width – 6.5m
Length – 6.7m

I was unable to identify any elevational drawings for the substation but the site plan showed the substation as measuring approximately;

Width – 4.15m
Length – 3.91m

The Council have adopted additional guidance on non-material amendment applications and this states that the Council will not accept any of the following as a non-material amendment;

- The proposal results in an increase in height of the building, of more than 0.3 metres;
- The proposal results in an increase in width/length of more than 1 metre; and
- The development moves more than 1 metre in any direction.

With the dimensions of the proposed garage in comparison to the sub-station as shown on drawing no. 16-1103-009-A I do not believe that the proposed amendment would accord with the Council's guidance and as such could not be considered as a non-material amendment. The Council's guidance in relation to non-material amendment applications can be found [here](#).

I hope this information is of assistance.

Kind regards,
David Easton



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From: Jen Samuelson
Sent: 31 May 2018 16:00
To: Planning
Cc: Claire Potts
Subject: Land west of New Barn Lane - non material amendment

Hello,

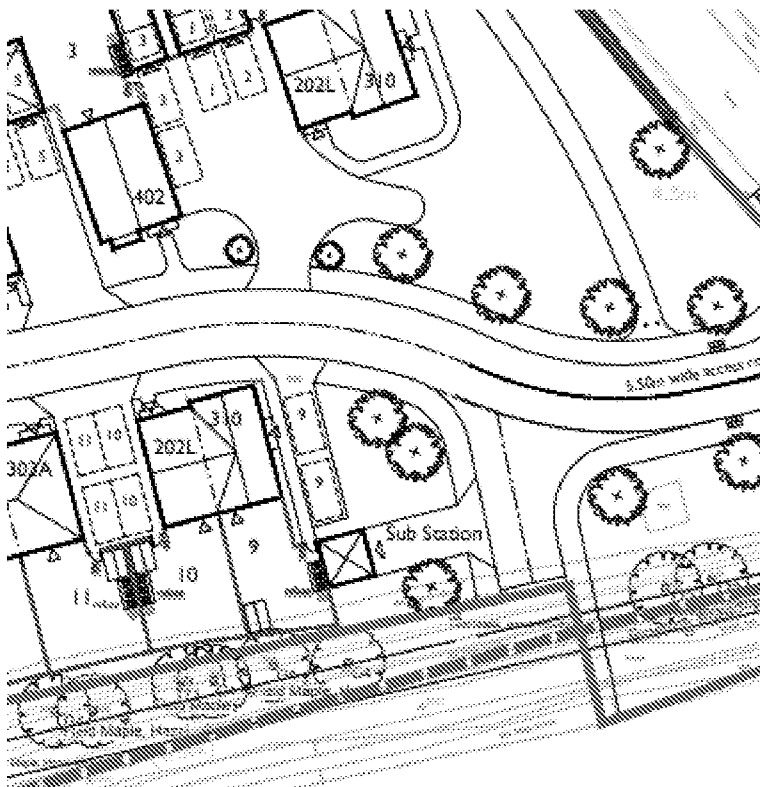
I am writing on behalf of my client, Linden Homes, to understand whether you would be happy for the following to be submitted to the Council through a Non-Material Amendment application.

The proposal relates to Land west of New Barn Lane (RM approved under BE/113/17/RES).

My client would like to replace the substation towards the south of the site with a double garage to serve plot 9 (same design as other garages on the site), to be accessed from the same location as the substation. The land to the east of Plot 9, where the parking is currently shown, would be reverted to landscaping with a footpath from the garage to the front door and the street.

We are of the opinion that the proposed replacement of the substation with a garage would not have a material impact visually, given the existing consent includes built form on this part of the site, and it would not have an impact on neighbours within or near to the site. The view towards Plot 9 from the access point would remain unobscured and it does not lie within proximity to any trees of importance. Therefore, we consider it to be a non-material amendment.

I would appreciate it if you could provide a view as to whether this could be accepted by the Council to be a non-material amendment. If you could provide an initial view at your earliest convenience, that would be much appreciated. An extract of the area is shown below:



Regards,

Jen Samuelson
Senior Planner



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