

Committee Report – 1st February 2024

Application Number:	1/0059/2023/NMAT
Registration date:	4 December 2023
Expiry date:	1 January 2024
Applicant:	Torrige District Council
Agent:	
Case Officer:	Kristian Evely
Site Address:	Sully House, Clovelly Road Industrial Estate, Bideford, Devon, EX39 3HN,
Proposal:	Non-material amendment to planning approval 1/0969/2022/LA (Repositioning of modular units)
Recommendation:	Grant



Reason for referral:

Torrige District Council is the applicant.

Relevant History:

Application No.	Description	Status	Closed
1/0969/2022/LA	Change of use of existing office building (Class E) to form emergency accommodation (Sui Generis), including installation of solar panels and change of use of adjacent land for the siting of modular housing units, energy centre and bin store	PER	07.12.2022

Site Description & Proposal

Site Description:

The existing site comprises of a hostel/units of emergency accommodation (planning permission approved 07/12/2022 - 1/0969/2022/LA). The site is within the Development Boundary of Bideford on the Clovelly Road Industrial Estate. The site is surrounded to the south, east and west by existing industrial units, and is undeveloped to the north. The site is accessed from the highway to the east and includes pedestrian access in the form of a pavement.

Proposed Development:

This application seeks a 'non-material amendment' to enable the re-orientation of 3 of the approved accommodation modules by 90 degrees. As set out on the application form, this is proposed both for privacy reasons, and for practical reasons (less heat loss for hot water).

A non-material amendment application is not a new application for planning permission. It would enable a substitute plan to be added to the plans schedule of permission 1/0969/2022/LA. In this case, the proposal would result in plan '2231 P04 B' being superseded by 'Modular Units - Location plan - Rev A'.

Consultee representations:

None.

Representations:

Number of neighbours consulted:	0	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

None received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); BID (Bideford Spatial Vision and Development Strategy); ST17 (A Balanced Local Housing Market); DM13 (Safeguarding Employment Land); ST04 (Improving the Quality of Development); DM04 (Design Principles); DM08A (Landscape and Seascape Character); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM08A (Landscape and Seascape Character); ST14 (Enhancing Environmental Assets); ST10 (Transport Strategy); DM05 (Highways); DM06 (Parking Provision); ST03 (Adapting to Climate Change and Strengthening Resilience);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

As detailed above, a non-material amendment application is not a new application for planning permission, and therefore members are not to re-consider the planning merits of the scheme. Instead, members will have to consider if the amendments are 'significant' when compared to the original scheme as approved.

The purpose of a non-material amendment is to enable less than substantial changes to extant/approved applications to be processed in a simple and efficient manner, and without substantial 'red tape'.

This non-material amendment application proposes variations to the plans. The main difference is the re-orientation of 3 of the approved accommodation modules by 90 degrees. This would result in plan '2231 P04 B' being superseded by 'Modular Units - Location plan - Rev A'.

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 and Country Planning Act 1990.

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.

In this instance, the amendments to the plans are considered to be very minor in nature. In particular, the overall site would remain similar in character, with no negative impacts on the street scene. There will be no neighbouring amenity issues, and if anything, there may be minor improvements to the occupiers of the proposed units in terms of privacy. The proposal does not impact on parking/access and there are no other negative impacts or issues which would arise from the amendments.

As a result of the above, it is recommended that the application is approved as 'non-material'

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

GRANT for the following reason:

Accordingly, in pursuance of its powers under Section 96A of the above Act, it is confirmed that this application is approved, and the proposals as submitted are considered to be a non-material amendment to the previous application 1/0969/2022/LA.

Plans Schedule

Reference

'Modular Units - Location plan - Rev A'

Informatives

01. This letter is not a new notice of planning permission. It amends but does not replace planning permission 1/0969/2022/LA, and all the conditions (except where amended) and informatives attached to the original decision notice still apply.