

Application reference: 22/3397/NMA HAMPTON WARD

| Date application received | Date made valid | Target report date | 8 Week date |
|---------------------------|-----------------|--------------------|-------------|
| 22.07.2024 | 22.07.2024 | 19.08.2024 | 19.08.2024 |

Site:

33A Milton Road, Hampton, TW12 2LL,

Proposal:

Non material amendment to planning approval 22/3397/GPD26 - No external amendments are proposed and the number of residential dwellings has not changed. Internal amendments to the proposed dwellings are:

1. Move the proposed bathroom and change 'study' room to bedroom.
2. Introduce an ensuite to bedroom
3. Create snug and study area to the rear of the property
4. Create utility area around exiting rear door.

For information, a Sunlight Daylight Report is provided which concludes that all proposed habitable rooms receive adequate natural daylight.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Mr Adam Skinner
33 A Milton Road
Hampton
Richmond Upon Thames
TW12 2LL

AGENT NAME

Mr Michael Hooper
1 Royal Close, Manor Road
Stoke Newington
LONDON (N16 5AA - N16 5ZZ)
N16 5SE
United Kingdom

DC Site Notice: printed on and posted on and due to expire on

Consultations:

Internal/External:
Consultee

Expiry Date

Neighbours:

-

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: GTD

Date:07/09/1983

Application:83/0857

Change of use of existing shop to office use.

Development Management

Status: GTD

Date:15/05/1984

Application:84/0093

Change of use of shop to office, alteration to front elevation; construction of single storey rear extension with flat roof and provision of new pitched roof over existing building. (Amended plans received 23/3/84 and further amended 27/4/84).

| | |
|--|---|
| <u>Development Management</u> Status: GTD Date:24/03/1954 | Application:47/3642 Construction of flat over existing shop. |
| <u>Development Management</u> Status: GTD Date:27/04/1960 | Application:60/0182 Erection of an extension to existing shop. |
| <u>Development Management</u> Status: GTD Date:18/09/1975 | Application:75/0647 Conversion of storage area to provide additional retail floorspace involving alterations to existing front elevation. |
| <u>Development Management</u> Status: WDN Date:27/10/2022 | Application:22/2861/GPD26 Change of use from Office Building (Class E) to Residential (Class C3) to create 2 new residential dwellings. |
| <u>Development Management</u> Status: REC Date: | Application:22/2865/GPD26 |
| <u>Development Management</u> Status: AAPR Date:15/12/2022 | Application:22/3397/GPD26 Change of use of the building from Use Class E (Office) to C3 (Residential) single dwelling. |
| <u>Development Management</u> Status: REF Date:12/07/2023 | Application:23/0261/FUL Demolition of the existing property and the erection of 2 X 2 storey 3-bedroom semi-detached dwellings (Use Class C3) with habitable roof spaces; separate amenity space; bin and cycle stores. |
| <u>Development Management</u> Status: GTD Date:05/06/2024 | Application:24/1022/VRC Removal of condition DV43CParking Permits Restriction - GRAMPIAN, of planning permission 22/3397/GPD26. |
| <u>Development Management</u> Status: PCO Date: | Application:22/3397/NMA Non material amendment to planning approval 22/3397/GPD26 - No external amendments are proposed and the number of residential dwellings has not changed. Internal amendments to the proposed dwellings are: 1. Move the proposed bathroom and change 'study' room to bedroom. 2. Introduce an ensuite to bedroom 3. Create snug and study area to the rear of the property 4. Create utility area around exiting rear door. For information, a Sunlight Daylight Report is provided which concludes that all proposed habitable rooms receive adequate natural daylight. |
| <u>Building Control</u> Deposit Date: 22.01.1997 Reference: 97/0086/FP | New suspended ceiling and internal partitions |

| | |
|----------------------------------|--|
| Application Number | 22/3397/NMA |
| Address | 33A Milton Road, Hampton, TW12 2LL |
| Proposal | <p>Non-material amendment to planning approval 22/3397/GPD26 - No external amendments are proposed, and the number of residential dwellings has not changed. Internal amendments to the proposed dwellings are:</p> <ol style="list-style-type: none"> 1. Move the proposed bathroom and change 'study' room to bedroom. 2. Introduce an ensuite to bedroom. 3. Create snug and study area to the rear of the property. 4. Create utility area around exiting rear door. <p>For information, a Sunlight Daylight Report is provided which concludes that all proposed habitable rooms receive adequate natural daylight.</p> |
| Contact Officer | GAP |
| Target Determination Date | 19/08/2024 |

1. INTRODUCTION

This application is of a nature where the Council's Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The site is a single storey building with a pitched roof on the eastern side of Milton Road. The application site is in Hampton Village, in the Hampton Ward. The site received planning consent for a change of use from a shop to an office in 1984.

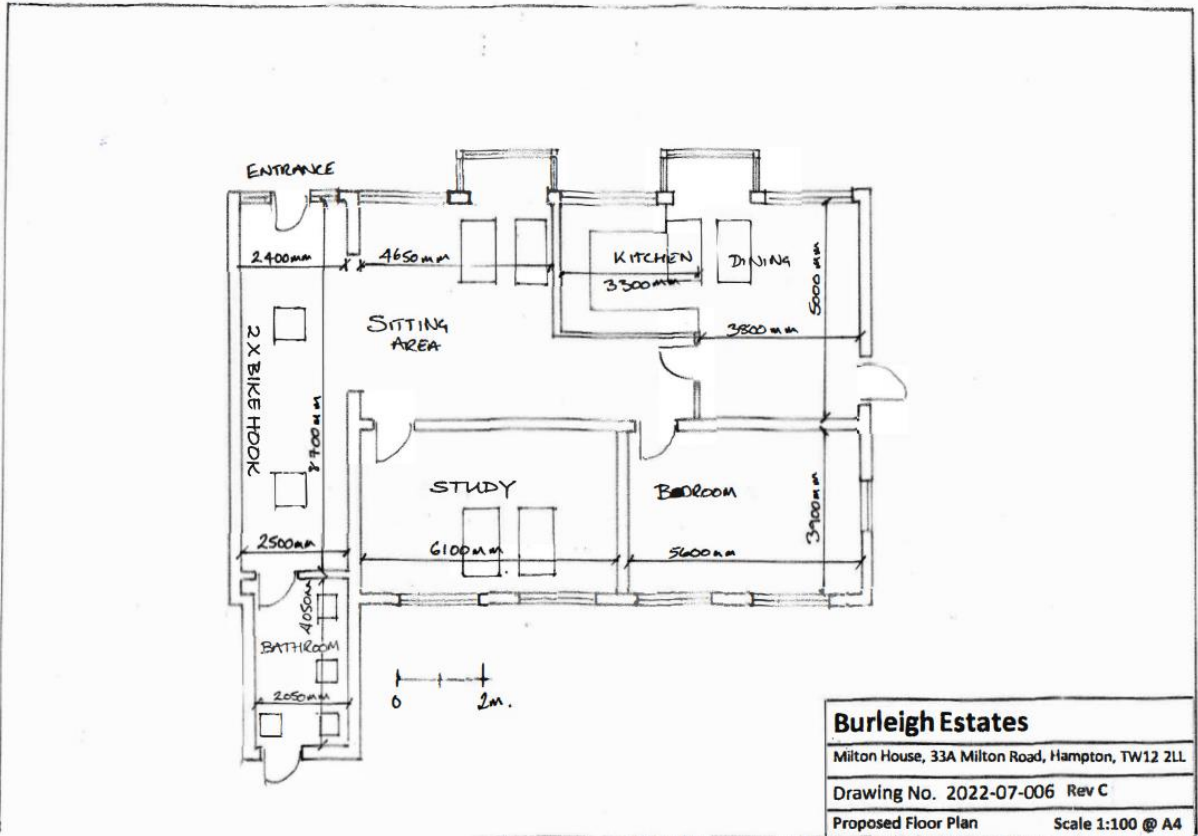
The application site presents the following constraints:

- Area Susceptible to Groundwater Flood - Environment Agency (Superficial Deposits Flooding - $\geq 50\%$).
- Article 4 Direction Basements.
- Take Away Management Zone.

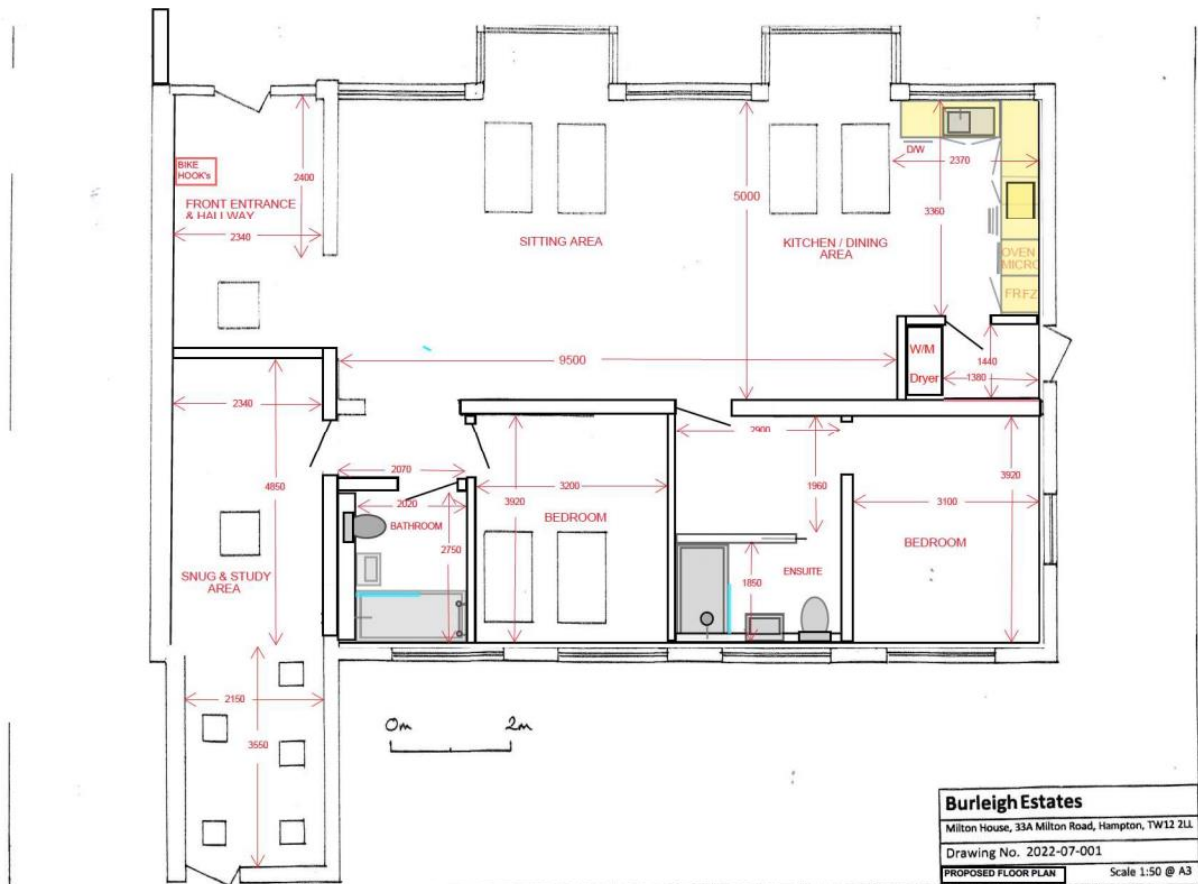
3. ANY RELEVANT PLANNING HISTORY AND DESCRIPTION OF THE PROPOSED AMENDMENTS

The comprehensive list of planning history can be found above however the most relevant planning history is as follows:

22/3397/GPD26 - Change of use of the building from Use Class E (Office) to C3 (Residential) single dwelling - Prior Approval Approved 15/12/2022.



Approved Floor Plan: 22/3397/GPD26



Proposed Floor Plan

The current proposal aims to change the internal layout of the prior approval consent, namely:

1. Move the proposed bathroom and change 'study' room to bedroom.
2. Introduce an ensuite to bedroom.
3. Create snug and study area to the rear of the property.
4. Create utility area around exiting rear door.

4. CONSULTATIONS CARRIED OUT

An application to make a non-material change under s.96A is not an application for planning permission, so the existing Town and Country Planning (Development Management Procedure) Order 2015 provisions relating to statutory consultation and publicity do not apply. Local planning authorities have discretion in determining whether and how they choose to inform other interested parties or seek their views.

5. THE ORDER AND TCPA90

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the **ORDER**) provides that certain classes of development are “permitted development” meaning that no express planning permission is required, instead planning permission is granted by the **ORDER** as per Section 59 Town and Country Planning Act 1990 (**TCPA90**).

Section 59(1) of the **TCPA90** states that:

The Secretary of State shall by order (in this Act referred to as a “development order”) provide for the granting of planning permission.

A number of classes of permitted development require application to be made to the local planning authority (**LPA**) for “prior approval”.

Prior approval means that a developer has to seek approval from the **LPA** that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in the **ORDER**. A **LPA** cannot consider any other matters when determining a prior approval application. (See Paragraph: 026 Reference ID: 13-026-20140306 of the Planning Practice Guidance (PPG): *When is permission required?*).

The application seeks approval under Section 96A(4) of the **TCPA90** for non-material changes to planning permission. Section 96A(1) states: "A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material".

Section 96A(2) states: "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".

S96A was introduced by the Parliament to allow for a degree of flexibility to be introduced into the planning system. Whilst there is no statutory guidance as to what constitutes a non-material amendment, materiality is a matter of judgement and that materiality is to be judged by reference to the overall context including the nature and scale of the permission being altered. Judgement on ‘materiality’ in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgement on materiality is always the original permission however the cumulative effects of any previous amendments would also need to be assessed.

Although what defines a non-material amendment is to the discretion of the local authority concerned and lacking in legal definition, the following key tests could be applied in assessing the acceptability of a change to an approved scheme under the non-material amendment procedure:

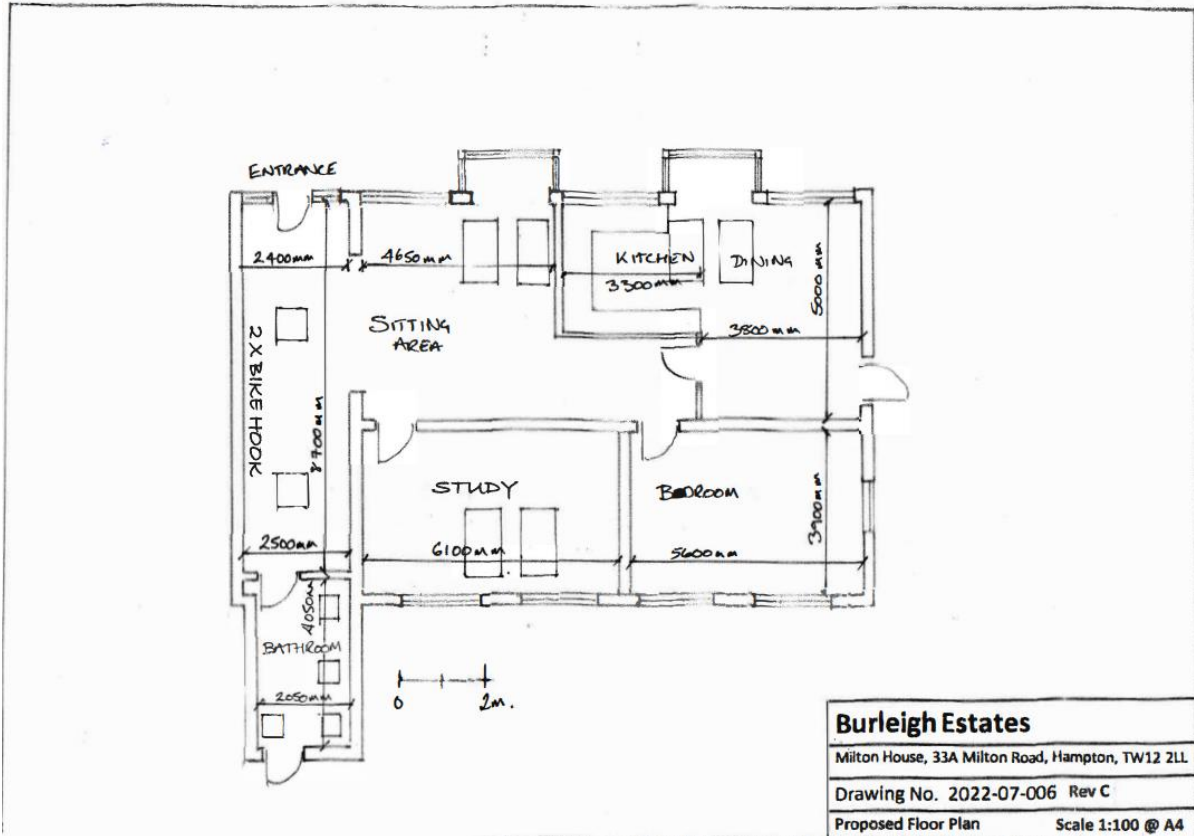
- Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation

to the original approval?

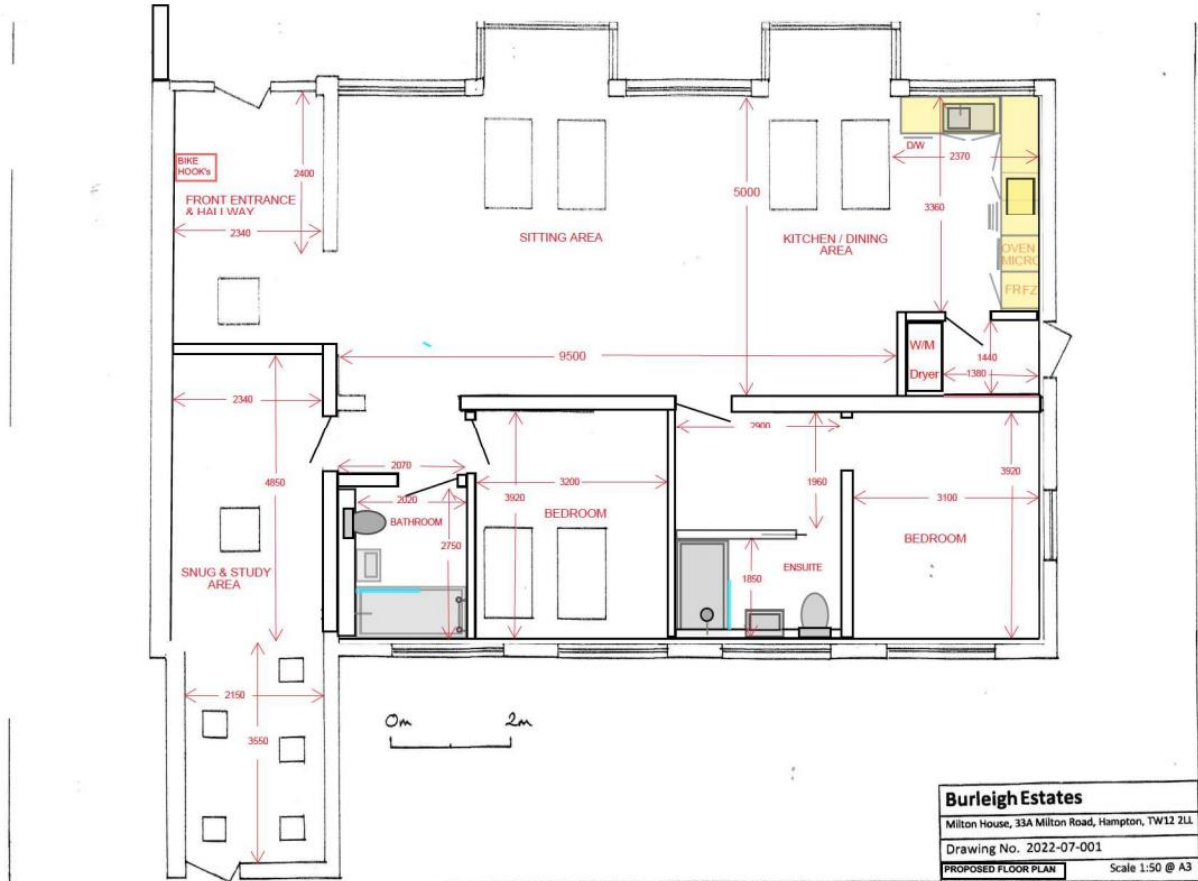
- Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?
- Would the interests of any third party or body who participated in or where informed of the original decision be disadvantaged in any way?
- Would the amendments be contrary to any planning policy of the Council?

If none of these tests are positive then it is considered that the change could be dealt with as a non-material amendment.

6. EXPLANATION OF OFFICER RECOMMENDATION



Approved Floor Plan: 22/3397/GPD26



Proposed Floor Plan

The proposal aims to change the internal layout of the prior approval consent, namely:

1. Move the proposed bathroom and change 'study' room to bedroom.
2. Introduce an ensuite to bedroom.
3. Create snug and study area to the rear of the property.
4. Create utility area around exiting rear door.

Although what defines a non-material amendment is to the discretion of the local authority concerned and lacking in legal definition, the following key tests could be applied in assessing the acceptability of a change to an approved scheme under the non-material amendment procedure:

- *Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?* No, it is not.

The proposal would not include external alterations.

- *Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?* This would not be the case as:

The proposal would not include external alterations and the addition of one bedroom would not result in a significant impact on the amenity of occupiers of adjoining properties, given:

The original prior approval was issued after assessing its scheme against Class MA, Part 3, Schedule 2 of the **ORDER**.

MA.2. of this **ORDER** states that:

- (1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

The Local Plan Policies associated with each of the above prior approvals were satisfied under the submission reference: **22/3397/GPD26**.

Having an additional bedroom could mean that **(2)(a)** the transport impacts of the development and **(2)(f)** the provision of adequate natural light in all habitable rooms of the dwellinghouse could change, with the rest of (2) as a result of this additional bedroom not being significantly affected.

(2)(a)

There is a condition restricting parking permits attached to the original approval and therefore in terms of the parking impacts of the development the additional bedroom would not have a significant impact.

In terms of cycling parking the original report states the following: *“according to Policy T5 and Table 10.2 the site should provide 1.5 cycle spaces. Two internal cycle hooks are to be provided in the hallway. There is no objection to the cycle space provision”*.

| Use Class | | Long-stay (e.g. for residents or employees) | Short-stay (e.g. for visitors or customers) |
|-----------|-------------------|---|---|
| C3-C4 | dwelling (all) | <ul style="list-style-type: none"> • 1 space per studio or 1 person 1 bedroom dwelling • 1.5 spaces per 2 person 1 bedroom dwelling • 2 spaces per all other dwellings | <ul style="list-style-type: none"> • 5 to 40 dwellings: 2 spaces • Thereafter: 1 space per 40 dwellings |
| | Nurseries | 1 space per 8 FTE staff + 1 space per 8 students | |
| | primary schools | | |
| | secondary schools | | |

The above is a capture of Table 10.2 of the London Plan (2021). The original *“Two internal cycle hooks are to be provided in the hallway”*, mentioned in the submitted plan of this NMA, would be suitable for the proposed two-bedroom property.

(2)(f)

Policy LP 8 ‘Amenity and Living Conditions’ of the adopted Local Plan (2018) states that:

“All development will be required to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties”.

The submitted *Daylight & Sunlight Study* in support of this NMA application states that:

“the provision of internal natural light to habitable rooms of the residential dwellings has been found

to be highly satisfactory”.

Therefore, in terms of the provision of adequate natural light in all habitable rooms of the dwellinghouse the additional bedroom would not have a significant impact.

• *Would the interests of any third party or body who participated in or where informed of the original decision be disadvantaged in any way?* This would not be the case as:

The proposal would not include external alterations and the addition of one bedroom would not result in a significant impact on the amenity of occupiers of adjoining properties, as per above.

• Would the amendments be contrary to any planning policy of the Council?

In light of the above, the amendments sought here would not be contrary to any planning policy of the Council.

As such, the proposed changes are non-material.

7. RECOMMENDATION

This recommendation is made following careful consideration of all the issues raised through the process and it is considered the current application satisfies Section 96A of the Town and Country Planning Act (1990) as amended.

Grant

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): GAP

Dated: 14/08/2024

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner - EL

Dated: 14/08/2024.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

| |
|------------------------|
| REASONS: |
| CONDITIONS: |
| INFORMATIVES: |
| UDP POLICIES: |
| OTHER POLICIES: |

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES
