

Application reference: 07/3170/NMA BARNES WARD

Date application received	Date made valid	Target report date	8 Week date
09.09.2024	09.09.2024	07.10.2024	07.10.2024

Site:

Lowther County Primary School, Stillingfleet Road, Barnes, London

Proposal:

Non Material Amendment to approved application 07/3170/FUL - Removal of sedum layer and single-ply EPDM waterproof covering, and insulation to deck level, and replacement with new insulation and new felt waterproof membrane.

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

APPLICANT NAME

Riaz Anwar
Civic Centre
44 York Street
Twickenham
Middlesex
TW1 3BZ
United Kingdom

AGENT NAME

- Benson
Sandford House
1b Claremont Road
Teddington
Middlesex
TW11 8DH

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: PCO Application:89/1246/FUL
Date:27/07/1989 Siting Of Mobile Office Two Days Each Week Expiring 30th May 1990.

Development Management

Status: GTD Application:89/1247/FUL
Date:19/01/1990 Continuation Of Siting Of Mobile Office One Day Each Week Expiring On 30th May 1990.

Development Management

Status: PCO Application:90/0010/DD01
Date:22/05/1990 Siting Of Mobile Office For One Day Each Week.details Pursuant To Condition Bu01 Of Planning Permission 90/0010 Dated 12/3/90

Development Management

Status: GTD Application:90/0010/FUL
Date:12/03/1990 Siting Of Mobile Office For One Day Each Week. (this Is An Alternative To The Present Siting Of The Mobile Office)

Development Management

Status: GTD Application:91/2033/FUL
Date:14/01/1992 Provision Of Nursery Unit.

<u>Development Management</u> Status: WDN Date:29/11/1991	Application:91/1853/FUL Erection Of Single Storey Unit To Provide Nursery School Accommodation.
<u>Development Management</u> Status: GTD Date:21/12/1995	Application:95/3443/FUL Extension To Administrative Area And Provision Of New Reception And Entrance
<u>Development Management</u> Status: GTD Date:21/02/1996	Application:95/3443/DD01 Details Pursuant To Condition Bd12 (materials) Of Planning Permission 95/3443/ful Dated 21/12/95
<u>Development Management</u> Status: GTD Date:18/01/2000	Application:99/2504 Temporary Erection Of Meteorological Mast To Roof Of School.
<u>Development Management</u> Status: GTD Date:23/07/1990	Application:90/0010/DD1 Siting of mobile office for one day each week. Details pursuant to condition BU01 of planning permission 90/0010/FUL dated 12th March 1990.
<u>Development Management</u> Status: GTD Date:13/12/1984	Application:84/1212 Siting of mobile office for one day per week.
<u>Development Management</u> Status: GTD Date:23/10/1985	Application:85/1042 Continuation of siting of temporary mobile office for one day each week expiring 30th May 1986.
<u>Development Management</u> Status: GTD Date:25/06/1986	Application:86/0349 Continuation of siting of mobile office one day each week expiring on 30 May 1987.
<u>Development Management</u> Status: GTD Date:23/07/1987	Application:87/0579 Continuation of siting of mobile office one day each week expiring on 30th May 1988.
<u>Development Management</u> Status: GTD Date:26/04/1988	Application:88/0568 Continuation of siting of temporary mobile office one day each week expiring on 30th May 1989.
<u>Development Management</u> Status: GTD Date:29/03/1972	Application:72/0279 Erection of single-storey extension to existing building to provide lavatories.
<u>Development Management</u> Status: GTD Date:05/11/2007	Application:07/3170/FUL Construction of a new single storey children's centre adjoining the existing school building, enlargement of the existing boiler room, new rooflights to the existing roof, demolition of existing storage shed, refurbishment of existing entrance and administration area and new associated landscaping.
<u>Development Management</u> Status: GTD Date:06/03/2008	Application:07/3170/DD01 Submission of details pursuant to conditions LA01A (Location of Trees) and LA11A (Landscaping Required- Hard and Soft) of planning permission 07/3170/FUL
<u>Development Management</u> Status: WNA Date:06/01/2012	Application:07/3170/DD02 Submission of details pursuant to condition, LA07A (tree planting scheme, LA32 (replacement tree planting) and partially discharge of BD05 (Materials) of planning permission 07/3170/FUL.
<u>Development Management</u> Status: WNA Date:06/01/2012	Application:07/3170/DD03 Submission of details pursuant to condition BD05 (Materials - in part), U17641 (Tree Protection) and LA04B (Protect Trees Shown on Plan) of planning permission 07/3170/FUL.
<u>Development Management</u> Status: GTD Date:25/09/2009	Application:09/1185/FUL Erection of a new building to accommodate police safer neighbourhood team

<u>Development Management</u> Status: GTD Date:06/05/2010	Application:09/2430/FUL External alterations to the ground and first floor of the new Safer Neighbourhoods Unit to include the installation of a new shopfront; new windows and doors; new security lights, new secure external cycle storage at front of property; and 2 AC units at side of property, being a modification of planning permission 09/1185/FUL granted on 25 September 2009 for the erection of a new building to accommodate Police Safer Neighbourhood Team.
<u>Development Management</u> Status: GTD Date:11/11/2009	Application:09/2431/ADV Installation of signage comprising of a new fascia board and illuminated signage including: illuminated identity sign, LED lighting strip and internal LCD information screen in association with other signage that benefits from deemed consent.
<u>Development Management</u> Status: WNA Date:27/01/2010	Application:09/1185/DD01 Details pursuant to conditions U28146 Matching Materials and U28147 Tree Protection
<u>Development Management</u> Status: GTD Date:09/04/2010	Application:09/1185/DD02 Details of sustainable construction and renewable energy pursuant to condition U28151 of planning permission 09/1185/FUL, granted on 25 September 2009, for the erection of a new building to accommodate police safer neighbourhood team
<u>Development Management</u> Status: GTD Date:25/07/2011	Application:11/0798/FUL A new build 2 storey extension to enable the school to expand to 2 form entry. Refurbishment works and minor extension to the existing administration area of the school. Upgrading the landscaping around the new building. Demolition of the existing kitchen/dining hall and old nursery building.
<u>Development Management</u> Status: GTD Date:05/12/2011	Application:11/0798/DD01 Details pursuant to conditions BD12 (Materials) and U41917 (Tree Protection Method Statement) of planning permission 11/0798/FUL.
<u>Development Management</u> Status: GTD Date:18/09/2012	Application:11/0798/DD02 Details pursuant to conditions DV40A (Travel Plan), U41914 (Photovoltaic panels) and U41928 (Boundary Fencing) of planning permission 11/0798/FUL.
<u>Development Management</u> Status: GTD Date:29/11/2022	Application:22/2984/FUL Installation of new air source heat pump located at ground level and the re-location of an existing cycle shelter and stands
<u>Development Management</u> Status: PCO Date:	Application:07/3170/NMA Non Material Amendment to approved application 07/3170/FUL - Removal of sedum layer and single-ply EPDM waterproof covering, and insulation to deck level, and replacement with new insulation and new felt waterproof membrane.

Building Control
Deposit Date: 13.02.1996 Single storey extension
Reference: 96/0164/FP

Building Control
Deposit Date: 30.07.2008 Single storey extension to school, and extension and fit-out of boiler room
Reference: 08/1563/FP

Building Control
Deposit Date: 25.02.2009 Single storey extension to school, and extension and fit-out of boiler room
Reference: 08/1563/FP/1

Building Control

Deposit Date: 21.08.2009 Attached two storey police neighbourhood team building (shell only)
Reference: 09/1409/FP

Building Control

Deposit Date: 27.11.2009 Attached two storey police neighbourhood team building (shell only)
Reference: 09/1409/FP/1

Building Control

Deposit Date: 07.09.2011 Two storey linked extension to school building
Reference: 11/1731/FP

Building Control

Deposit Date: 17.01.2012 Two storey linked extension to school building
Reference: 11/1731/FP/1

Building Control

Deposit Date: 14.07.2017 Replacement of two rooflights
Reference: 17/1432/BN

Enforcement

Opened Date: 17.11.2008 Enforcement Enquiry
Reference: 08/0685/EN/UBW

Application Number	07/3170/NMA
Address	Lowther County Primary School, Stillingfleet Road, Barnes, London, SW13 9AE
Proposal	Non-Material Amendment to approved application 07/3170/FUL - Removal of sedum layer and single-ply EPDM waterproof covering, and insulation to deck level, and replacement with new insulation and new felt waterproof membrane.
Contact Officer	Izabela Moorhouse
Target Determination Date	07/10/2024

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 subject site comprises a two-storey flat roofed building which is used as a primary school and two other separate nursery and kitchen/dining hall blocks. To the north of the site is Stillingfleet Road and to the south, east and west residential dwellings and gardens. The frontage along Stillingfleet Road is bounded by railings and trees and so the building is relatively viewable from the road. The site is also subject to the following designations:

- Article 4 Direction – restricting basement development
- Area Susceptible to Groundwater Flooding $\geq 75\%$
- Area benefiting flood defence
- Floodzone 2 and 3
- Increased Potential Elevated Groundwater
- Other Open Land of Townscape Importance
- Barnes Village
- West of Boileau Road/Lowther Estate

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

Planning permission 07/3170/FUL was approved by Council for '*Construction of a new single storey children's centre adjoining the existing school building, enlargement of the existing boiler room, new rooflights to the existing roof, demolition of existing storage shed, refurbishment of existing entrance and administration area and new associated landscaping*'.

The application seeks approval for a non-material amendment to planning approval 07/3170/FUL in order to remove the sedum layer and single-ply EPDM waterproof covering and insulation to deck level, and replacement with new insulation and new felt waterproof membrane.

The comprehensive list of planning history can be found above. Of relevance:

07/3170/FUL - Construction of a new single storey children's centre adjoining the existing school building, enlargement of the existing boiler room, new rooflights to the existing roof, demolition of existing storage shed, refurbishment of existing entrance and administration area and new associated landscaping – **Granted**.

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. TOWN AND COUNTRY PLANNING ACT 1990

The application seeks approval under s.96A(4) of the Act 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

Is the proposed change material/significant in terms of its scale (magnitude, degree etc) in relation to the original approval?

The proposed amendments are considered modest and overall would not result in a change to the siting or scale and are not considered to constitute a material change to the approved scheme. The changes would not be seen from the ground and would therefore not be a visible change to the appearance of the building compared to the approved scheme.

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?

The proposal would not appear noticeably different and would not result in an impact on the amenity of occupiers of surrounding neighbours and would not appear noticeably different from the ground floor.

Would the interests of any third party or body who participated in or where informed of the original decision be disadvantaged in any way?

Given the modest differences between the approved scheme and the current proposal, it is not considered that the surrounding neighbours would wish to consider and make representations on the proposed scheme. The alterations would not have any further detrimental impact on the general character and appearance of the area.

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

It is considered that the proposal would have a neutral impact on the character and appearance of the existing building and surrounding area. Overall, given the non-intrusive and modest nature of the changes, it is considered that the new roof materials would unlikely be contrary to any planning policy.

Overall, the above alterations are not considered to warrant the submission of a new application.

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.

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / ~~NO~~

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):I.ZM.....

Dated:01/10/2024.....

I agree the recommendation:



~~Team Leader~~/Head of Development Management/Principal Planner

Dated: ...01/10/2024.....

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: