

Application reference: 22/2070/NMA2 KEW WARD

Date application received	Date made valid	Target report date	8 Week date
23.09.2024	27.09.2024	25.10.2024	24.10.2024

Site:

Salem Baptist Church, Windsor Road, Richmond,

Proposal:

Non material amendment to planning approval 22/2070/FUL to allow for Change to external layout of car parking spaces, bike parking racks, and buggy parking shelters.

APPLICANT NAME

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Dawson
C/O Agent
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24 Ormond Road
TW10 6TH
United Kingdom

AGENT NAME

Mr James Lloyd
First Floor, 24 Ormond Road
London
TW10 6TH
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History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: GTD

Date:26/04/1989

Application:89/0530/FUL

Single Storey Extension To Link Chapel With 216 Sandycombe Road.self Containment Of First Floor And Change Of Use Of Ground Floor Rear Room Of No 216 To Ministers Study

Development Management

Status: GTD

Date:26/06/1978

Application:77/0606/DD01

Demolition of existing store, alterations to the existing Church, and erection of a single storey side and rear extension to provide vestries, hall/cloakroom, toilet and kitchen accommodation to be used for Church activities. (Conditions 71 and 21. Detailed drawings of landscaping scheme, details of materials for external surfaces of the building). Condition No. 71 and 21 of planning permission 77/0606 dated 9.8.77.

Development Management

Status: GTD

Date:09/08/1977

Application:77/0606

Demolition of existing store, alterations to the existing Church, and erection of a single storey side and rear extension to provide vestries, hall/classroom, toilet and kitchen accommodation to be used for Church activities.

Development Management

Status: REF

Date:18/05/2022

Application:22/0965/PS192

Proposed use of Church as a Swimming School (Use Class F1(a)).

Development Management

Status: GTD

Date:06/12/2022

Application:22/2070/FUL

Proposed Change of Use of Church (Use Class F.1) to provide a Flexible Community Facility (Use Class F.1) and a Swimming School Use (Use Class F.2) and associated bin/cycle storage and parking layout. Construction of a new swimming pool.

Development Management

Status: GTD

Date:04/09/2023

Application:22/2070/NMA

Non-material amendment to planning permission 22/2070/FUL - Re-arrange the use of some of the internal rooms; namely 1. switch use of the former plant room to become a changing room, 2. switch use of the former changing room to become a plant room, 3. move the showers from an area in the former changing room to an area at the side of the pool 4. amend the former staff entrance and wc to create flexibility to become an alternative customer

entrance.

Development Management

Status: REF
Date:09/05/2024

Application:22/2070/NMA1
Non-material amendment to planning permission 22/2070/FUL - Change to external layout of car parking spaces, bike parking racks, and buggy parking shelters

Development Management

Status: GTD
Date:20/06/2024

Application:24/1117/ADV
1 x non illuminated Acrylic Panel Signage

Development Management

Status: PCO
Date:

Application:22/2070/NMA2
Non material amendment to planning approval 22/2070/FUL to allow for Change to external layout of car parking spaces, bike parking racks, and buggy parking shelters.

Building Control

Deposit Date: 25.04.2014 Installed a Gas Boiler
Reference: 14/FEN01485/GASAFE

Building Control

Deposit Date: 09.08.2023 Construction of a swimming pool
Reference: 23/1213/IN

Enforcement

Opened Date: 15.04.2024 Enforcement Enquiry
Reference: 24/0203/EN/ADV

Application Number	22/2070/NMA2
Address	Salem Baptist Church, Windsor Road, Richmond
Proposal	Non material amendment to planning approval 22/2070/FUL to allow for Change to external layout of car parking spaces, bike parking racks, and buggy parking shelters.
Contact Officer	Izabela Moorhouse
Target Determination Date	24/10/2024

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 application site is located on a predominantly residential location on the western side of Windsor Road close to the junction with Sandycombe Road. The property is a single storey building, as the main church hall, and a rear/side extension. The site is not located within a Conservation Area nor has it been identified as a Building of Townscape Merit (BTM). The site is also subject to the following site designations:

- Area Susceptible to Groundwater Flooding (>=75%)
- Article 4 Direction restricting basement development
- Area Less Susceptible to Surface Water Flooding
- Throughflow Catchment Area (Throughflow and Groundwater Policy Zone)
- Kew Village
- Alexandra Road and Winchester Road Village Character Area (Area 7).

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

Planning permission 22/2070/FUL was approved by Council for '*Proposed Change of Use of Church (Use Class F.1) to provide a Flexible Community Facility (Use Class F.1) and a Swimming School Use (Use Class F.2) and associated bin/cycle storage and parking layout. Construction of a new swimming pool*'.

The application seeks approval for a non-material amendment to planning approval 22/2070/FUL in order to change to external layout of car parking spaces, bike parking racks, and buggy parking shelters.

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

22/2070/FUL - Proposed Change of Use of Church (Use Class F.1) to provide a Flexible Community Facility (Use Class F.1) and a Swimming School Use (Use Class F.2) and associated bin/cycle storage and parking layout. Construction of a new swimming pool – **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 to constitute a material change to the approved scheme. The proposals include a new pedestrian entrance gate which were not included in the proposals for 22/20270/FUL. Therefore, they would result in an obvious and material change to the original permission.

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?

In terms of adjoining properties, it is considered that the proposed changes to the car parking spaces, bike parking racks and buggy parking shelters, would not result in an adverse impact to the neighbouring properties as the amount of car parking spaces and bike parking racks would not be increased, and therefore would only be 1 additional buggy parking shelter.

However, the introduction of a new entrance gate would be noticeably different when compared to the original scheme. Further elevations would need to be submitted for the entrance gate for its design impacts to be assessed. The proposed changes are therefore considered to be a material change as they would appear noticeably different to the original permission and the design and amenity impacts of the fence would need to be assessed.

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

Considering that the changes to the external layout of the car parking spaces, bike parking racks, and buggy parking shelters and new entrance gate, would not result in any new parking spaces or bike parking racks and would only result in 1 extra buggy parking shelter, the proposed changes would not have any further detrimental impact on the amenity of surrounding occupiers or to the general character and appearance of the area, to the point where any third party who participated in the original decision would be prejudiced or disadvantaged in any way.

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

It is considered that the that the changes to the external layout of the car parking spaces, bike parking racks, and buggy parking shelters, would not have an impact on the character and appearance of the existing building and surrounding area compared to that of the proposed. Overall, given the non-intrusive and minor nature of the changes, it is considered that the amendments are not contrary to any planning policy.

However, the proposed changes to introduce a new pedestrian entrance gate would materially alter the permission 22/2070/FUL which was subject to consultation and assessed against the Local Plan (2018) and relevant supporting Guidance. This proposal is not acceptable as a non-material amendment to 22/2070/FUL as it could give rise to adverse design impacts, contrary to LP1 Local Character and Design Quality and a planning application would need to be submitted to assess these potential impacts.

Overall, the above alterations are 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:17/10/2024.....

I agree the recommendation:



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

Dated: ...17/10/2024.....

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: