

SECTION '2' – Applications meriting special consideration

**Application No :** 11/00952/AMD

**Ward:**  
**Petts Wood And Knoll**

**Address :** 149 Crofton Lane Orpington BR5 1HB

**OS Grid Ref:** E: 544896 N: 166760

**Applicant :** Vodaphone Ltd

**Objections :** NO

**Description of Development:**

NON MATERIAL AMENDMENT: proposed alterations to the top 1.4m of the approved cable tray on the eastern elevation under the base of the flagpole from 0.3 width to 0.9 width, 75mm depth to 150mm depth, tapering after 0.9m to the approved cable tray.

**Proposal**

This application has been called in to Plans Sub Committee by the local ward Councillor.

The application is for a non-material amendment to an existing planning permission. The Council must determine whether the proposed amendment is non-material.

The proposed amendment includes an increase in the height of 0.27m of the antenna itself although there is no increase in height of the overall structure. The amendment also includes an alteration to the cable tray beneath the replica flag pole to make it wider at the top with small amplifiers to boost the signal.

**Location**

The application site is located to the north of Crofton Lane, on the corner of Crofton Lane and Towncourt Lane. The site is commercial premises at ground floor with residential flats above.

**Consultations**

As this application is for a non-material amendment, no consultation is required. If a proposal impacts upon local residents to the extent that consultation might be appropriate, this can indicate a change being material rather than non-material and should be addressed via a planning application (or minor-material amendment).

**Planning Considerations**

This application is made under section 96A of the Town and Country Planning Act 1990 and requires the Council to assess whether the proposed changes result in a development which is materially different to that previously granted planning permission (at appeal). There is no statutory definition of non-material, and whether a change is material depends on the context of the overall scheme. No publicity is required.

## **Planning History**

There have a number of previous planning applications at this property the latest of which include planning permission in 2009 for a five bedroom detached two storey dwelling with accommodation within the roof space under reference DC/08/03928/FULL1 and a replica flagpole incorporating shrouded antennas to gable end wall measuring 14m from ground level, equipment cabinet and associated works which was granted at appeal under reference DC/11/00952/FULL5.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

In deciding whether proposed changes are acceptable as non-material amendments, careful consideration needs to be given to the following three points:

1. Do the proposed changes differ in substance from the development that was granted planning permission?  
It is considered that the proposed changes do not substantially alter the scheme. The changes to the appearance of the antenna and cable tray are minimal and are not considered to result in a scheme which is substantially different.
2. Would acceptance of the proposed changes as non-material amendments deprive those who should have been consulted from such additional consultation (i.e. if you were dealing with the application and it was amended would you have re-notified the consultees / neighbours, etc)?  
The alterations proposed are not considered to deprive any neighbouring residents or any consultee from commenting given the amendments are minor.
3. Does the cumulative impact of a series of non-material amendments result in a development that is quite different from the original permission?  
It is considered that the alterations do not differ significantly from those originally approved and do not result in a materially different scheme, as no other amendments have been approved.

Therefore given the above it is considered that the alterations indicated are viewed as minor amendments to the original permission.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/00952, excluding exempt information.

**RECOMMENDATION: NON-MATERIAL AMENDMENT APPROVED**

**Application:**11/00952/FULL5

**Address:** 149 Crofton Lane Orpington BR5 1HB

**Proposal:** Replica flagpole incorporating shrouded antennas to gable end wall measuring 14m from ground level. Equipment cabinet and associated works

