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17th November 2023

Dear Sir/Madam,

Non-Material Amendment to Phase 2B of approved development at Faversham Lakes, Oare Gravel Works, Faversham, Kent, ME13 7TS

Swale Borough Council Reference: 21/502357/REM

Section 96A - Town and Country Planning Act 1990

On behalf of Anderson O&U Ltd., please find enclosed an application (Reference PP-12611617) proposing a Non-Material Amendment (NMA) with regard to the above site and in respect of planning application ref: 14/02155/OUTM for Phase 2B of the wider Faversham Lakes development, dated 28th June 2022.

The basis for the amendment is to allow for an additional roof tile option to be used on the approved scheme, as set out below. Due to manufacturing and supply issues, a near identical 'clay heritage tile' of comparable quality, cost and appearance has been sourced, and this application therefore seeks to amend Condition 1 of the approved application, allowing the following replacement drawing to be used:

| Approved Drawing | Revised Drawing |
|---|---|
| AG071c-PL-2b-06 Rev J – Colour of Materials | AG071c-PL-2b-06 Rev K – Colour of Materials |

Justification

Section 96A (3) states that the power conferred by subsection (1) includes power to make a change to a planning permission:

- (a) to impose new conditions;
- (b) to remove or alter existing conditions.

The process of applying the provision of Section 96A in the context of Reserved Matters Approvals has recently been considered by the Court of Appeal in R (Fulford Parish Council) v York City Council [2019].

This 'NMA' application proposes to amend Condition 1 and confirm AG071c-PL-2b-06 Rev K to be used as an approved drawing relating to material specifications and colours. This change is required to allow the use of the Sandtoft 20/20 Tile in 'Flanders' as a proposed roof tile option for plots 192, 193, 208, 209 and 212, alongside the Imery Clay Tile (in Burnt Red).

This change is required to allow the use of a suitable, alternative options for roof tiles to be used in while there are supply and procurement issues with the other types. The tile itself, the *Sandtoft 20/20 in Flanders*, is considered a suitable alternative due to its colour and specification. A data sheet from the manufacturer and some photos of the slate are included with this submission, and the image from the product website is included below;

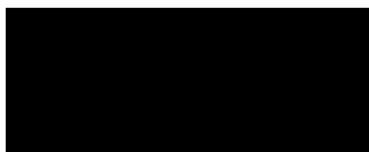


Figure 1: Sandtoft 20/20 Tile in 'Flanders'

It should be noted that this NMA Application follows a recently approved NMA to the same plan, approved under ref: 23/502870/NMAMD in July 2023.

The application fee has been paid directly to the Council via online payment. We trust that the enclosures are in order and sufficient for the application to be registered and determined. If you have any queries, please do not hesitate to contact me (a.sherry@andersongroup.co.uk – 07973 132832).

Yours faithfully,



Alasdair Sherry MRTPI MPlan MInstRE
Senior Planning Coordinator

Enc. 'Sandtoft 20/20 Tile datasheet from Weinerberger
Photographs showing example 'Sandtoft 20/20 Tile in 'Flanders'