Development Management – Delegated Officer Report

Application Number: AWDM/1795/22 Recommendation: Approve

Site: Former Nautical Training Corps, Riverside, Southwick

Proposal: Application for non material amendments to previously approved AWDM/0945/22. Amendments: rotation of building by 500mm to the South from the South West corner; change to window design; lift to be a free standing structure panelled the same colour and similar style to the main building; amendments to stairs and walkways and floor areas of individual units; addition of power infrastructure enclosure; provision of additional bike storage

Date of Site Visit: Seen previously

Neighbours Checked: N/A

Additional neighbour notification: N/A

Proposal, Site and Surroundings:

The application relates to the site of the former Nautical Training Corps building which was recently demolished. It lies within Shoreham Port on the south side of the A259 to the east of the Schooner Inn but at the lower canal side level. Behind the site to the north the land steeply banks up to the A259 positioned at an elevated level. A hedge separates the top of the bank with the footpath that runs along the A259. Directly to the west of the site is a set of steps which runs alongside the site and directly to the east of the Schooner Inn.

The site is accessed via Riverside to the west. The collection of buildings to the west adjacent to the site form the Southwick (Riverside) Conservation area. The Royal Sussex Yacht Club Boat Store is a Grade II listed heritage asset located to the west. Lady Bee Marina moorings are located directly to the south of the site within the eastern canal of the Port. The site itself is not within the Conservation Area.

Planning permission was granted under AWDM/1000/21 for the construction of a two storey commercial building for a flexible B8 and E use class. This was subsequently amended under AWDM/0945/22.

This application seeks approval for a number of non material amendments comprising (as summarised in the applicant's supporting letter):

- Footprint Orientation- The building has been rotated by 500mm to the South from the South West corner. This is due to the error in topographical survey bank marking.
- Windows- Instead of 3 windows, windows have been split into 2. This is largely due to hitting DDA requirements and clear widths on the doors.

- Lift- The lift will be a free standing structure panelled the same colour and similar style to the building.
- Stairs- Slight changes on the number of steps on the stairs and minor changes to the walkway depths due to the lift size change.
- Smaller Units- Minor amendments to floor areas of units following detailed design of internal wall build up.
- Power Infrastructure Enclosure- Additional enclosure is proposed for new electrical distribution.
- Bikes- Further bike storage provision provided on site.

The application also proposes to amend the wording of three conditions.

The wording of Condition 5 (Cycle Spaces) is currently as follows: "*No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with approved drawing no.21089-C-103 received 14 July 2022.*"

In order to relate to the plans submitted with this application, it is proposed to amend the condition to the following wording: "*No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with approved drawing no 21089-C-103- R_Proposed E & W & Turning Head Plan received 4th November 2022*."

The wording for Condition 15 (Materials) is currently as follows: "*The development shall be completed using the external materials and finishes as set out in the approved materials schedule received 31 May 2022.*"

This application seeks to amend the wording as the material which was previously approved for the lift has subsequently changed. Therefore, in order to relate to the plans submitted with this application, it is proposed to amend the condition to the following wording: "*The development shall be completed using the external materials and finishes as set out in the approved materials schedule received 4th November 2022.*"

Finally, the wording for Condition 16 (Refuse and Waste) is currently as follows: "*The building shall not be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with approved drawing no. 21089-C-103 received 14 July 2022*."

Although no amendments have been made to the associated facilities for storing refuse and waste the drawing previously referenced has been amended to include additional cycle storage and a new enclosure. It is proposed to amend the condition to the following wording: "*The building shall not be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have*

been provided in accordance with approved drawing no. 21089-C-103-R_Proposed E & W & Turning Head Plan received 4th November 2022".

Planning History:

NOTICE/0009/21 - Application to determine if prior approval is required for the proposed demolition of the single storey Nautical Training Corps Building

AWDM/1000/21 - Proposed 11no. commercial units (Use Class E and B8) in a single two-storey building with external stairwells and infilling of part of the canal to provide vehicle access and turning, with associated cycle storage and landscaping.

AWDM/0945/22 - Proposed 11no. commercial units (Use Class E and B8) in a single two-storey building with external stairwells and infilling of part of the canal to provide vehicle access and turning, with associated cycle storage and landscaping. Application to vary condition 1 (approved plans) of previously approved AWDM/1000/21 to amend design and method of construction of proposed building, including reduction in height and footprint, new pedestrian escape route to north, removal of green roof, provision of air source heat pumps and to approve details reserved by conditions on the previous permission

Consultations:

None

Representations

None

Relevant Planning Policies

Adur Local Plan 2017 Policies 1,2 ,4, 8, 15, 17, 18, 25, 28, 29, 30, 33, 34, 35, 36
Shoreham Harbour Joint Area Action Plan 2017 Policies CA5, SH1, SH3, SH5, SH6, SH7, SH8, SH9
National Planning Policy Framework (2019)
WSCC Guidance on Parking at New Developments (Sept 2020).
Southwick Conservation Area Character Appraisal and Management Strategy (2009)

Planning Assessment

Section 96A of the Act allows a non-material amendment to be made to an existing planning permission via an application procedure. There is no statutory definition of 'non-material'. This is because it is so dependent on the context of a particular scheme – what may be non-material in one context may be material in another. In order to grant an application a local planning authority must be satisfied that the amendments sought are non-material. s96A also allows for changes to conditions:

Power to make non-material changes to planning permission

(1)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.

(2)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.

(3)The power conferred by subsection (1) includes power—

(a)to impose new conditions;

(b)to remove or alter existing conditions.

In this case, the proposed changes are considered to be non material as they do not result in a material change to the character or appearance of the development or to residential amenity.

Recommendation

APPROVE the non-material amendments in accordance with the application and accompanying plans. For the avoidance of doubt these plans comprise:-

Drawing numbers 21089-C-103-R, 21089-C-100-N, 21089-C-101-M, 21089-C-102-J, 21089-C-104-F, 21089 - External Material Schedule Rev 08, 21089-C-110-G, 21089-C-111-D, 21089-C-112- C received 4 November 2022

…….. existing planning permission AWDM/0945/22 still stands and that the conditions imposed upon it continue to apply to the development except that the above plans can be substituted for Drawing numbers 21089-C-103 received 14 July 2022, and 21089-C-100, 21089-C-101, 21089-C102, External Material Schedule Rev 05 received 31 May 2022

The wording of conditions 5, 15 and 16 are also amended to refer to the latest drawings, as follows:

5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with approved drawing no 21089-C-103- R_Proposed E & W & Turning Head Plan received 4th November 2022

15. The development shall be completed using the external materials and finishes as set out in the approved materials schedule received 4th November 2022

16. The building shall not be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have been provided in

accordance with approved drawing no. 21089-C-103-R_Proposed E & W & Turning Head Plan received 4th November 2022

Case Officer: Peter Barnett Date: 28 November 2022

Authorised by: Gary Peck Date: 28 November 2022