Development Management – Delegated Officer Report

Application Number: AWDM/1425/24 Recommendation: Approve

Site: Land South Of West Street And West Of Loose Lane, Sompting

Proposal: Non material amendment to approved AWDM/0323/19 for proposed minor changes to estate roads, pavements and parking spaces; construction of bunds on open space perimeter along residential edge, extensions of bunds along the sports pitches/public open space and provision of 3m high fencing on the western edge of site adjacent to sports pitches; erection of mesh fence on western boundary adjacent to sports pitches

Date of Site Visit: 16 December 2024

Neighbours Checked: N/A

Additional neighbour notification: N/A

Proposal, Site and Surroundings:

Outline permission has been granted for 469 dwellings with full planning permission for the details of Phase 1 for the first 96 dwellings, including vehicular access from West Street to the north and Loose Lane to the south east, plus two football pitches (youth and junior) also granted.

This application seeks approval for a non material amendment for Phase 1. A previous NMA application was recently approved (AWDM/1131/24) but a number of plans had been inadvertently omitted from the application and this application is therefore a resubmission with the full package of plans for consideration.

The supporting letter submitted with the previous application explained:

The changes largely arise from the s38 process which has sought the adoption of the main estate roads. As a result some minor layout changes have been made to address the requirements of West Sussex County Council engineers.
Further, as a result of the dialogue with Adur District Council engineers / consultants with regards to the discharge of drainage conditions, some minor changes have been required to the drainage and landscape drawings.
A summary of the changes are as follows:
• Adoptable Roads widened to allow for 1m service margin and 2m pedestrian strips
• 2m footpaths extended past raised table
• 1m flexible hardstanding strip around all visitor parking spaces
• 1m service margins included to roads to be adopted
• Trees(s) removed / repositioned to avoid street lighting column(s)
• Planting excluded from S38 service margins
• Visitor parking space adjacent to plot 42 repositioned opposite plot 55 due to adoption requirements and raised table levels.

• Bunds proposed on open space perimeter along residential edge
• Reference to Referee Hut changed to “possible location of Referee Hut” as required by Local Authority as status of transfer may change and no longer be required on site. Path amended to suit.
• Car Park updated to include Disabled parking space and secure gate
• Plots 9 & 11 now have Active EV Charge points provided. Note in legend updated to now say 82 plots (previously stated 80 plots)
• Bunds along the sport pitches / POS has been extended.
• Footpath surface materials have been amended
    - 3m high mesh fence to be erected on the western edge of the open space adjacent to the sports pitches

Planning History:

AWDM/0323/19 - Hybrid planning application for up to and including 469 homes comprising: (1) Outline planning permission (all matters reserved with the exception of access) for the erection of up to and including 373 dwellings, community orchard/growing space, non-vehicular links between the site and Worthing, traffic calming measures, associated landscaping, open space/recreation areas, ecological enhancements including improvements and extension to Cokeham Brooks Local Wildlife Site, and all other associated development works. (2) Full planning permission for 96 dwellings (part of the overall 469 dwellings comprising 2 no. 1-bed, 37 no. 2-bed, 40 no. 3-bed and 17 no. 4-bed homes, including 30% affordable housing) and all other associated development works, provision of formal playing pitches (Phase 1). (3) Change of use of land south of Hamble Recreation Ground to community/education and agricultural/horticultural uses associated with a new Community Farm. (Development site includes Land West of Dankton Lane leading from the East of Upper Brighton Road Sompting)

AWDM/0251/24 - Application for a Non-Material Amendment to previously approved AWDM/0323/19 Phase 1. Amendment: Plots 74-75 to be shared ownership and plots 47-48 become affordable rent.

AWDM/1131/24 - Non material amendment to approved AWDM/0323/19 for proposed minor changes to estate roads, pavements and parking spaces; construction of bunds on open space perimeter along residential edge and extensions of bunds along the sports pitches/public open space - approved

Consultations:

West Sussex County Council: The **Highway Authority** has no objection. The changes reflect those provided to gain s38 technical approval to allow the internal carriageway to be adopted

Adur & Worthing Councils: The **Senior Engineer** has advised that the changes are acceptable

Representations

N/A

Relevant Planning Policies

Adur Local Plan 2017 Policies 2, 3, 15, 18, 20, 22, 28, 34, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (Dec 2023)
Technical Housing Standards – nationally described space standard (DCLG 2015)

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. The new bunds have been requested for security purposes to prevent unauthorised access onto the open space by vehicles. Changes to the road

layout/parking spaces are minor as a result of s38 highway requirements and do not affect overall parking numbers.

The proposed 3m fence is necessary as it will prevent footballs from being kicked into the adjacent field. The western boundary largely comprises hedgerow and new planting is proposed where there are gaps. The green fence will therefore be softened by the vegetation and will not be unduly prominent on this development edge.

Recommendation

APPROVE the non-material amendments in accordance with the application and accompanying plans.

For the avoidance of doubt these plans comprise:-

Drawing numbers

601_PL_NMA_301A
601_PL_NMA_302A
601_PL_NMA_303A
601_PL_NMA_304A
601_PL_NMA_305A
601_PL_NMA_306A
601_PL_NMA_307A
601_PL_NMA_308A
601_PL_NMA_309C
601_PL_NMA_310A
601_PL_NMA_311A
601-130-101 C07
601-130-102 C07
601-130-103 C08
601-130-104 C07
601-150-101 C08
601-150-102 CO7
601-150-103 C08
601-150-104 C09
601-150-105 C04
2134_134_P
2134_135_P
2134_136_O
2134_137_N
2134_141_P

…….. existing planning permission AWDM/0323/19 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

601_PL_100 E
601_PL_101 E
601_PL_102 E
601_PL_103 E
601_PL_104 E
601_PL_105 F
601_PL_106 E
601_PL_107 E
601_PL_108 E
601_PL_109 E
601_PL_110 E
601_PL_111 E
2134_134 K
2134_135 K
2134_136 K
2134_137 K
2134_138 J
2134_139 J
2134_140 J
D1358-SK300 E
D1358-SK301 B
D1358- SK302 A

Case Officer: Peter Barnett Date: 19 December 2024

Authorised by: Louise Prew Date: 20/12/2024