Development Management – Delegated Officer Report

Application Number: AWDM/1531/24 Recommendation: APPROVE

Site: Land At Former Gas Works Site Park Road Worthing West Sussex

Proposal: Application for a non-material amendment to previously approved AWDM/0083/24 (which varied AWDM/1459/21). Amendment: Relocate the external substation in the southern car parking area from the south-west corner to the south-east corner and associated car park alterations

Planning History

AWDM/0083/24: ORIGINAL DESCRIPTION AWDM/1459/21 (as amended by AWDM/1446/23): FULL PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES, PARTIAL REMOVAL OF BOUNDARY WALLS AND THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT SPREAD ACROSS 5 BLOCKS WITH ASSOCIATED ACCESS, PARKING, OPEN SPACE AND LANDSCAPING

Application to vary Conditions including: Condition 1 (Approved Plans); Conditions 17 & 20 (Foul & Surface Water Drainage); Condition 21 (Energy Strategy); Condition 22 (Landscape); Condition 25 (Balcony Screens); and Conditions 31 & 33 (Noise).

The changes include an additional (eighth) storey to Block B but broadly within the approved massing envelope and including a reduction of building heights, accommodating an additional 19 dwellings. Permitted 11 June 2024

AWDM/1446/23: Non Material Amendment to approved AWDM/1459/21 to change description of works to: Full planning application for the demolition of existing structures, partial removal of boundary walls and the construction of a residential development spread across 5 blocks with associated access, parking, open space and landscaping. Permitted 07 December 2023

AWDM/1459/21: Full Planning Application for the demolition of existing structures, partial removal of boundary walls and the construction of 209 residential apartments spread across 5 blocks ranging in height from 3-7 storeys, associated access, parking, open space and landscaping. Permitted 4 October 2022

Consultations:

Environmental health: Recommended the same condition that is on the existing consent (no. 36)

Tree officer: I think that if you are ok with one less tree it would be preferable for them all to be of a similar size.

Representations:

Letters were sent to residents located to the south and east of the new location for the substation. One comment was received from 83 Park Road that the proposals are supported.

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.

The application proposes moving the substation from the south-west corner of the car park to the south-east. There are some minor changes to the carpark area. The number of car parks along the southern boundary remains the same. Officers requested that the two smaller trees shown in the south-west were replaced with one larger tree to match the others on site. There will therefore be a slight reduction in tree coverage in the carpark but this is considered to be non-material when considering the overall scheme.

The substation moves closer to residents in Kings Hall and 83 Park Road. However, there is an existing condition for an acoustic report for the substation to protect neighbouring residents.

Recommendation:

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

Drawings for approval:

LANDSCAPE MASTERPLAN	-LAN-DWG-001 P10	18/12/2024
LEVEL 00 (GROUND FLOOR) GA PLAN	-001 B	28/11/2024

BLOCK PLAN	-003 B	28/11/2024
SITE PLAN	-002 B	28/11/2024

…….. existing planning permission AWDM/0083/24 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 Nos.

LANDSCAPE MASTERPLAN	-LAN-DWG-010 Rev 02 24.01.2024	
LEVEL 00 (GROUND FLOOR) GA PLAN	PL-20 Rev E	04.03.2024
BLOCK PLAN	PL-02 Rev C	24.01.2024
SITE PLAN	PL-03 Rev C	24.01.2024

Is recommendation contrary to letter(s) of representation? N

Case Officer: Louise Prew Date: 16/01/2025

Authorised by: Peter Barnett Date: 16 January 2025