Development Management – Delegated Officer Report

Application Number: AWDM/0298/23 Recommendation: Approve

Site: Land At 10 John Street, Shoreham-by-sea

Proposal: Application for a Non-Material Amendment of previously approved AWDM/1746/22 to replace the kitchen door in east elevation of Unit 3 with a window.

Date of Site Visit: Seen previously

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

The application relates to an L-shaped site within the Shoreham Conservation Area located between John Street and Middle Street. It previously contained 16 lock-up type rented garages that were used for parking and storage purposes. These have now been demolished. To the south there are two houses, 6 and 8 John Street; No.8 is a three storey building set back from the road, behind the front of the westernmost garage block.

The rear of the site is surrounded by development. To the north lies the Middle Street public car park while to the east there is a terrace of 2 storey dwellings, at the north end of which is the Royal Sovereign Pub. To the south there is a commercial yard/parking area.

Planning permission was granted for the demolition of all of the garages and the construction of 3no. dwellings (AWDM/0331/17), later amended by AWDM/0741/18 and AWDM/1746/22. The approved plans showed two dwellings will face John Street and will take the form of a pair of staggered, gable-fronted three storey semi-detached houses, each with a parking space in front. The third dwelling will be located at the rear of the chapel in John Street and will be a part two storey/part single storey building.

This application seeks approval for a non material amendment to the smaller dwelling at the rear of the site, namely replacing a full height window and door on the rear elevation with a 3 pane standard window. The affected room is a kitchen.

Planning History:

AWDM/1746/22 - Demolition of existing garages and erection of pair of semi-detached three-storey dwellings to frontage facing John Street and one part single and part two-storey detached dwelling to rear with associated parking and landscaping. Variation of Condition 1 (Approved Plans) of previously approved AWDM/0741/18 to allow Unit C to be re-sited further south - approved

AWDM/1580/22 - Demolition of existing garages and erection of pair of semi-detached three-storey dwellings to frontage facing John Street and one part single and part two-storey detached dwelling to rear with associated parking and landscaping. Application for Variation of Conditions 1 (Approved Plans) and 3 (External materials) of AWDM/0741/18 to change roof material to PVC single ply membrane in place of previously approved zinc - approved.

AWDM/0741/18 - Demolition of existing garages and erection of pair of semi-detached three-storey dwellings to frontage facing John Street and one part single and part two-storey detached dwelling to rear with associated parking and landscaping - approved.

AWDM/0331/17 - Demolition of existing garages and erection of pair of semi-detached three-storey dwellings to frontage facing John Street and one single-storey detached dwelling to rear with associated parking and landscaping - approved.

Consultations:

None

Representations

None

Relevant Planning Policies

Adur Local Plan 2017 policies 1, 2, 3, 15, 16, 17, 18, 20, 28
Shoreham by Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

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 change is considered to be non material as it does not result in a material change to the character or appearance of the development or to residential amenity. The window is at ground floor and the removal of the door will result in less activity and disturbance at the rear of the building, to the benefit of neighbouring properties to the east.

Recommendation

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

Drawing number NMA.01 received 24 February 2023

…….. existing planning permission AWDM/1746/22 still stands and that the conditions imposed upon it continue to apply to the development except that the above plan can be substituted for Drawing numbers A100A and A200A received 24 November 2022

Case Officer: Peter Barnett Date: 10 March 2023

Authorised by: Gary Peck Date: 13 March 2023