# Development Management – Delegated Officer Report

**Application Number: AWDM/0447/23 Recommendation: Approve**

**Site: 5 Commerce Way, Lancing Business Park, Sompting**

**Proposal: Non Material Amendment to approved AWDM/0343/22. Amendment: Repositioning of rooflights and photovoltaic panels. Extent of gable brickwork to rear elevation updated**

**Date of Site Visit: Seen previously**

**Neighbours Checked: N/A**

**Additional neighbour notification: N/A**

**Proposal, Site and Surroundings:**

This application relates to the site of a flat-roofed two storey office building with warehousing at the rear, in Commerce Way within the Lancing Business Park. Permission has been granted to demolish the existing buildings and construct a single modern employment unit with approximately 1,160 sq m of new employment floorspace for B8 use (storage and distribution) with ancillary office space.

This application seeks approval for some non material amendments which are:

- Repositioning of rooflights and photovoltaic panels further up roofslope to start from the ridge.
- Increase in extent of gable brickwork to rear elevation to simplify abutment and waterproofing detail with neighbouring building

**Planning History:**

AWDM/0343/22 - Erection of a building for B8 storage and distribution use (with ancillary offices), car parking, service yard areas and associated works.

**Consultations:**

N/A

**Representations**

N/A

**Relevant Planning Policies**

Adur Local Plan 2017 Policies 1, 2, 4, 9, 15, 18, 19, 25, 28, 34, 35, 36
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)

## 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 amenity. The increased brickwork at the gable end abutting the Tara Signs building to the west will be small scale and will not have a significant visual impact. The solar panels will be higher up the roofslope but the roof pitch is very shallow and the visual impact of this change will not be significant.

## Recommendation

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

Drawing Nos. 2346-PO4-A and 2346-PO5-B received 23 March 2023

…….. existing planning permission AWDM/0343/22 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 Nos. 2346-PO4 received 2 March 2022 and 2346-PO5-A received 28 March 2022

Case Officer: Peter Barnett Date: 11 April 2023

Authorised by: Gary Peck Date: 11 April 2023