Development Control – Delegated Officer Report

Application Number: AWDM/1282/12 **Recommendation – Approve**

Site: **32 West Lane Lancing West Sussex BN15 9RS**

Proposal: **Add condition to the planning permission L/35/04/TP listing the drawings approved**

Date of site visit: N/A

Neighbours checked: None

Additional neighbour notifications: None

Proposal, Site and Surroundings

Planning permission was granted on 12 April 2005 under L/35/04/TP for the demolition of 2 bungalows and erection of 11 houses with access road and 17 parking spaces. The permission has been partially implemented in respect of the access road and 8 houses in 2 no. terraced blocks at the rear of the site, but the original bungalow (No.32) remains in situ. The permission to implement the remaining terrace of 3 units on the site frontage therefore remains extant.

The applicant intends to implement the terrace of houses in due course, but with some changes to the footprint, height and elevation treatment of the approved scheme. It is understood that the applicant intends to make an application for a minor material amendment to the planning permission granted under L/35/04/TP. However, this procedure introduced in 2009 depends on the existence of a condition listing the approved drawings, or similarly worded condition, of which none was included under L/35/04/TP.

The current application is for a Non Material Amendment to add a condition to the planning permission L/35/04/TP listing the approved drawings as: 0401-220/C, 0401-221/B, 0401-408/B and 401-407/B.

PLANNING ASSESSMENT:

A provision to provide a mechanism to make non-material amendments to planning permissions was introduced in 2009 via Section 190 of the Planning Act 2008, which inserted Section 96A into the Town and Country Planning Act 1990.

As the application is not an application for planning permission, S.38(6) of the Planning Act 2004 does not apply.

The guidance contained within ‘Greater Flexibility for Planning Permissions’ (DCLG 2010) makes it clear that S.96A allows new conditions to be imposed, or existing conditions to be removed or altered.

The discretion to carry out consultations and notifications lies with the local Planning Authority. The current application is essentially a procedural matter to enable the applicant to make an application for a minor material amendment in due course. Consequently in this case, it is not considered necessary or appropriate to carry out any consultations or publicity of the application.

Recommendation

That the application is APPROVED and the following condition be added to the planning permission L/35/04/TP:-

19. The development hereby permitted shall be carried out in accordance with the following approved plans:- : 0401-220/C, 0401-221/B, 0401-408/B and 401-407/B.

Reason: For the avoidance of doubt and in the interests of proper planning.

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

Case Officer: Jo Morin Date: 16 Oct 2012

Authorised by: Gary Peck Date: 19 October 2012