Development Management – Delegated Officer Report

Application Number: AWDM/1172/24 Recommendation: Approve

Site: Shoreham Airport, Cecil Pashley Way, Lancing

Proposal: Application for a Non-Material Amendment to update conditions 17 and 18 of the approved Outline planning permission at Shoreham Airport reference AWDM/1093/17 to reflect Planning Permissions granted under AWDM/1906/20 and AWDM/2295/21

Date of Site Visit: Not necessary

Neighbours Checked: N/A

Additional neighbour notification: N/A

Proposal, Site and Surroundings:

The application relates to the site of the new commercial units in the NE corner of Shoreham airfield. Outline planning permission was granted under AWDM/1093/17 for commercial development of up to 25,000sqm. Reserved Matters approval was granted under AWDM/1831/21.

Condition 17 of the outline permission states:

"*The commercial floorspace hereby approved shall not be occupied until the A27 access roundabout shown on drawing VN40408_PL-015-J has been completed to the satisfaction of Highways England and West Sussex County Council as local highway authority*."

Condition 18 states:

"*Prior to bringing any part of the floor space into use of the development hereby permitted in conjunction with Conditions 1 or 2, the shared footway improvements on the northern side of the A27 Old Shoreham Road and to the east of Coombes Road shall be provided in accordance with Vectos Drawing No. VD14260-SK-0101 Rev C (GENERAL ARRANGEMENT OPTION A ¬ 2.5m FOOTWAY/CYCLEWAY) and HED Drawing No. HED-1172-LA-601 Rev 01 (River Adur to Coombes Road NMU Link — Master Plan and Elevation) and opened for use by the public*."

The application included a joint access strategy with the development at New Monks Farm and the highways improvement works at the A27 access roundabout, and the related footway and highway improvements, are currently being delivered in accordance with the approved full planning permission reference AWDM/1906/20 (*Highway works comprising; (1) construction of a highway (a Fourth Arm) from the approved New Monks Farm A27 roundabout to Coombes Road (west) along with associated hard and soft landscaping, and; (2) closure of the existing Coombes*

Road (east) junction with the A27 and its replacement with landscaping. The application is accompanied by an Environmental Statement), and subsequent discharge of condition information reference AWDM/2295/21 (*Application for Approval of Details Reserved by Condition 3(Scheme for Contamination), 4(Potential Contamination), 8 (Surface Water Drainage), 10 (Watercourses, culverts etc.), 11 (Phasing Plan), 12 (Construction Management Plan), 13 (Footway and road construction), 15 (Hard and soft landscaping A27), 18 (Arboricultural Method Statement), 19 (Protection of retained trees), 21 (Lighting framework) and 22 (Badger survey) of previously approved AWDM/1906/20*).

As a result, the plans referenced in conditions 17 and 18 of the Outline planning permission AWDM/1093/17 have been superseded.

This application seeks approval for a non material amendment to Outline planning permission reference AWDM/1093/17 to bring the approved plans and drawings in line with one another across the varying relevant permissions.

The requested revised wording is as follows:

A discrepancy also exists between the dates on the drawings referenced in the decision notice for application AWDM/1906/20 and those uploaded on the Council portal. The decision notice states that the date on drawings HED- 1172- LA- 70 1 (version P0 5) and HED- 1172- LA- 70 2 (version P0 6) is 07.05.2021, however, the dates on the plans are in fact 29.07.2020 and 21.07.2020 respectively. The previous case Officer has confirmed with the applicant that this is an error. The plans have been resubmitted with the current NMA application for clarity.

Planning History:

AWDM/1093/17 – Outline planning permission for the erection of new commercial buildings to provide up to 25000m2 of floorspace for Light Industrial (Use Class B1c), General Industrial (Use Class B2) and Storage and Distribution (Use Class B8) with access, landscaping and associated infrastructure (including a new pumping facility on the River Adur). This application is accompanied by an Environmental Statement (ES).
AWDM/1377/21 - Application for a Non-Material Amendment to previously approved AWDM/1093/17. Amendment: Minor increase to the application site to facilitate access improvement works.

AWDM/1906/20 - Highway works comprising; (1) construction of a highway (a Fourth Arm) from the approved New Monks Farm A27 roundabout to Coombes Road (west) along with associated hard and soft landscaping, and; (2) closure of the existing Coombes Road (east) junction with the A27 and its replacement with landscaping. The application is accompanied by an Environmental Statement.

AWDM/2295/21 - Application for Approval of Details Reserved by Condition 3(Scheme for Contamination), 4(Potential Contamination), 8 (Surface Water

Drainage), 10 (Watercourses, culverts etc.), 11 (Phasing Plan), 12 (Construction Management Plan), 13 (Footway and road construction), 15 (Hard and soft landscaping A27), 18 (Arboricultural Method Statement), 19 (Protection of retained trees), 21 (Lighting framework) and 22 (Badger survey) of previously approved AWDM/1906/20.

AWDM/1831/21 - Application for Approval of Reserved Matters following Outline Approval AWDM/1093/17. Details regarding the appearance, landscaping, layout and scale of the new commercial buildings. The Outline application was subject to an Environmental Statement.

AWDM/2020/22 - Application for a Non-Material Amendment to previously approved AWDM/1093/17. Amendment: regarding service doors and increase in grp roof light provision, ships ladder/roof hatch, internal layout changes, sliding doors added, hard surface changes from tarmac to part concrete with auto acc barriers.

AWDM/1472/23 - Application for Approval of Reserved Matters following Outline Approval AWDM/1093/17. Details regarding the appearance, landscaping, layout and scale of the new commercial buildings. The Outline application was subject to an Environmental Statement. Application to Vary Condition 1 (previously approved under the Reserved Matters application AWDM/1831/21, as amended by AWDM/2020/22) and allow for a change to the approved roof plans, to allow for Solar PV panels to be installed on Units 1-5 at Panettoni Park, Shoreham Airport

AWDM0443/24 - Application for Approval of Reserved Matters following Outline Approval AWDM/1093/17. Details regarding the appearance, landscaping, layout and scale of the new commercial buildings. The Outline application was subject to an Environmental Statement. Application to Vary Condition 1 (previously approved under the Reserved Matters application AWDM/1831/21, as amended by AWDM/2020/22) and allow for a change to the approved roof plans, to allow for Solar PV panels to be installed on Units 1-5 at Panettoni Park, Shoreham Airport. Application to Vary Condition 3 and 4 of previously approved AWDM/1472/23. Amendment: highways and pedestrian infrastructure is finalised within 6 months of decision – STILL UNDER CONSIDERATION

Consultations:

None

Representations

None

Relevant Planning Policies

Adur Local Plan 2017 Policies 1,2,3,4, 5, 7, 13, 14, 15, 16 17, 18, 24, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36
National Planning Policy Framework (2023)

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 application just seeks to update drawing numbers and corrects the date on two of the approved plans for completeness.

Recommendation

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

Drawing numbers HED-1172-LA-701 version V05, HED-1172-LA-702 version PO6, VN201557/PL-03 revision J, VD14260-SK-0101 revision C received 13 September 2024

The decision notice states that the date on drawings HED- 1172- LA- 70 1 (version P0 5) and HED- 1172- LA- 70 2 (version P0 6) is 07.05.2021, however, the dates on the plans are in fact 29.07.2020 and 21.07.2020 respectively

…….. existing planning permissions AWDM/1093/17 and AWDM/1906/20 still stand and that the conditions imposed upon them continue to apply to the development except that the above plans can be substituted for Drawing numbers VN40408_PL-015-J, Vectos Drawing No. VD14260-SK-0101 Rev C (GENERAL ARRANGEMENT OPTION A ¬ 2.5m FOOTWAY/CYCLEWAY) and HED Drawing No. HED-1172-LA-601 Rev 01 (River Adur to Coombes Road NMU Link — Master Plan and Elevation).

In addition, the wording of Conditions 17 and 18 of AWDM/1093/17 is amended to ensure they align with the plans referenced in Full planning permission reference AWDM/1906/20, resulting in the conditions reading as follows:

Condition 17

The commercial floorspace hereby approved shall not be occupied until the A27 access roundabout shown on drawing VN201557/PL-03 Revision J has been completed in accordance with that approved plan.

Condition 18

Prior to bringing any part of the floor space into use of the development hereby permitted in conjunction with Conditions 1 or 2, the shared footway improvements on the northern side of the A27 Old Shoreham Road and to the east of Coombes Road shall be provided in accordance with Vectos Drawing No. VD14260-SK- 0101 Rev C (GENERAL ARRANGEMENT OPTION A ¬ 2.5m FOOTWAY/CYCLEWAY) and HED Drawing Nos. HED-1172-LA-702 (version P06) and HED-1172-LA-701 (version P05) and opened for use by the public.

Case Officer: Peter Barnett Date: 14 November 2024

Authorised by: Gary Peck Date: 14 November 2024