# Development Management – Delegated Officer Report

**Application Number: AWDM/2022/22 Recommendation: Approve**

**Site: Garage Compound 1 To 20 Gardner Road, Southwick**

**Proposal: Application for a non-material amendment to previously approved AWDM/1247/21. Amendment: to allow demolition to occur prior to conditions 4, 5, 9 and 11 being discharged.**

**Date of Site Visit: Seen previously**

**Neighbours Checked: N/A**

**Additional neighbour notification: N/A**

**Proposal, Site and Surroundings:**

This application, submitted by Adur District Council, relates to a block of 20 garages at the junction of Gardner Road and West Road. It is one of a number of garage sites in the District which are being redeveloped for housing by the Council.

Planning permission was granted under AWDM/1247/21 for the demolition of the garages and replacement with a semi-detached pair of two storey, three-bedroomed, hip-roofed dwellings.

This application seeks approval for a non material amendment to the wording of several pre-commencement conditions to enable demolition to occur before the details pursuant to those conditions have been approved.

The relevant conditions are 4 (boundary treatment), 5 (landscaping), 9 (surface water drainage) and 11 (foul drainage). The wording of those conditions would be amended to allow demolition, site clearance, and site set up to take place.

**Planning History:**

AWDM/1247/21 - Demolition of existing garage blocks; erection of 2no. 3 bed semi-detached dwellings with associated works and car parking, including reduction in height and footprint, new pedestrian escape route to north, removal of green roof, provision of air source heat pumps and to approve details reserved by conditions on the previous permission

**Consultations:**

N/A

## Representations

N/A

## Relevant Planning Policies

Adur Local Plan 2017 Policies 2, 3, 15, 18, 20, 22, 28, 34, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

## 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. It will allow for allow for demolition to take place ahead of the conditions being discharged.

There is an urgency to commence development, to show a building control 'meaningful start' to works, before the 14th June 2023, so that the scheme can

proceed as planned under the existing Building Regulations. If there is no meaningful start to development before the 14th June the applicant, the Council, will incur significant additional costs to reassess the scheme.

**Recommendation**

**APPROVE** the non-material amendments to the wording of the conditions of AWDM/1247/21, as follows:

4. No development, aside from demolition, site clearance, and site set up, shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans and details of the positions, design, materials and types of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied. Thereafter the approved boundary treatment shall be retained permanently.

5. No works or development, aside from demolition, site clearance, and site set up, shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

9. Development shall not commence, other than works of site survey and investigation, and demolition, site clearance, and site set up, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity

11. No development, aside from demolition, site clearance, and site set up, shall take place until details of the proposed foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water and the dwellings shall not be occupied until all drainage works have been carried out in accordance with such details as approved by the Local

Planning Authority. There shall be no discharge of contaminated drainage into either ground water or any surface waters whether direct or via soakaways.

Case Officer: Peter Barnett Date: 9 January 2023

Authorised by: Gary Peck Date: 9 January 2023