Development Management – Delegated Officer Report

Application Number: AWDM/0639/25 Recommendation: Approve

Site: Land South Of Buckingham Park Including South Pavilion And Cafe And Public Conveniences, Upper Shoreham Road, Shoreham-by-sea

Proposal: Application for a Non-Material Amendment to previously approved AWDM/0407/24. Amendment: Proposed Air Source Heat Pump at east end of building within new enclosure

Date of Site Visit: Seen previously

Neighbours Checked: N/A

Additional neighbour notification: N/A

Proposal, Site and Surroundings:

This application relates to the existing single storey pavilion and café building at the southern end of Buckingham Park. Permission was granted for its replacement with a new building to contain a larger cafe, sports club room, changing facility and public toilets under application AWDM/0407/24.

This application seeks approval for a non-material amendment to provide an Air Source Heat Pump (ASHP) externally at the eastern end of the building to be located within a security enclosure. The ASHP will provide hot water for the new changing facilities. It is to be located within the approved building envelope below a roof overhang. The screen enclosure will be constructed with the same laser cut pattern as the approved screen at the western end.

Planning History:

AWDM/0407/24 - Phased development for the demolition of existing building and erection of new pavilion building (with cafe, toilets and sports changing facilities), associated pedestrian paths and landscaped areas – approved

AWDM/0154/25 - Approval of Details Reserved by Conditions 7 (landscaping), 8 (surface water drainage), 9 (surface water drainage maintenance), 10 (foul sewerage), 12 (sustainability), 13 (ecological enhancementss) and 16 (details of alternative accommodation) of Application AWDM/0407/24.

Consultations:

Public Health – No objections

Representations

N/A

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 15, 18, 19, 28, 30, 31, 32, 33, 34, 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 (December 2024)

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.

There are no objections to the location of the ASHP which is some distance from neighbouring dwellings due to its parkland location. The design and appearance of the enclosure is in keeping with the overall building design and is acceptable.

Recommendation

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

Drawing Nos PL-04 P4, PL-05 P5, PL-07 P3 received 20 May 2025

…….. existing planning permission AWDM/0407/24 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. PL-04 P2, PL-05 P3, PL-07 P2

Case Officer: Peter Barnett Date: 9 June 2025

Authorised by: Louise Prew Date: 9/06/2025