Development Management – Delegated Officer Report

Application Number: AWDM/2025/22 Recommendation: Approve

Site: Land Between 38 And 40 And South Of 32 To 44 St Giles Close Shoreham-by-Sea

Proposal: Application for a Non-Material Amendment of previously approved AWDM/1272/21. Amendment to allow demolition to occur prior to the Conditions 3, 4, 8 and 15 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 garages centrally located and surrounded by existing housing in St Giles Close. 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/1272/21 for the demolition of existing garage blocks and construction of 2no. 2 bed 2 storey dwellings and 2no. 1 bed single storey 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 3 and 4 (both relating to drainage), 8 (protection of sewers) and 15 (boundary walls and fences). The wording of those conditions would be amended to allow demolition, site clearance, and site set up to take place.

Planning History:

AWDM/1272/21: Demolition of existing garage blocks and construction of 2no. 2 bed 2 storey dwellings and 2no. 1 bed single storey dwellings - approved

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/1272/21, as follows:

03. No development, aside from demolition, site clearance, and site set up, shall take place 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.

Reason: *To ensure the site is adequately drained.*

04. No development, aside from demolition, site clearance, and site set up, shall take place until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure adequate maintenance and management of the surface water drainage system.*

08 No development, aside from demolition, site clearance, and site set up, shall take until the developer has agreed with Southern Water the measures to be taken to protect the public sewers.

Reason: *To ensure adequate protection of the public sewers.* the measures to be taken to protect the public sewers.

15 No development, aside from demolition, site clearance, and site set up, shall take place until details of walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be occupied until such walls and/or fences have been erected and they shall thereafter be retained permanently.

Reason: *In the interests of amenity and to comply with policy 15 of the Adur Local Plan.*

Case Officer: Gary Peck Date: 12 January 2023

Authorised by: Peter Barnett Date: 13 January 2023