Development Management – Delegated Officer Report

Application Number: AWDM/0187/23 Recommendation: Approve

Site: 32 Chartwell Road, Lancing Business Park, Lancing

Proposal: Application for a Non-Material Amendment to previously approved AWDM/1782/15. Amendment: Install Pest Control anti bird mesh over the entire extent of the main building roof.

Date of Site Visit: No material change in circumstances from previous applications

Proposal, Site and Surroundings:

This application seeks a non material amendment to install Pest Control anti bird mesh over the entire extent of the main building roof. The stated reason for the application is *Seagulls seem to find the roof of this building particularly appealing to nest, roost, feed and otherwise gather at all times of day and night. The subsequent mess and smell from accumulated guano, food and nesting material is a health hazard which BFS Ltd wish to avoid especially as there's is a food distribution business.*

The mesh will be up to 2 metres above the height of the building supported by stanchions.

Planning History:

AWDM/1782/15: Replace existing unit with new storage and distribution warehouse with ancillary offices (use class B8) in addition to vehicle wash and fuel island and associated lorry and vehicle parking and new access road.

Consultations:

None

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 15

National Planning Policy Framework (July 2021)

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.

The stated reason for the application is that the existing roof is proving attractive for seagulls which is causing a health hazard for the food distribution business that occupies the unit.

The building is one of the tallest on the estate and therefore the proposed mesh will be visible primarily from the north but the close proximity of buildings within the wider estate itself will limit views from closer to the building. However, given its translucent nature and the nature of the use of the building, it is considered that the non material amendment 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 numbers

Proposed Location Plan DR-A-1124 REV P1 received 7 February 2023

Proposed Elevations DR-A-1110 REV P2 received 7 February 2023

Proposed Roof Plan DR-A-1124 REV P1 received 7 February 2023

Section DR-A-1124 REV P1 received 7 February 2023

…….. existing planning permission AWDM/1782/15 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 numbers

Location Plan 4336 – 104A received 8 December 2015

Proposed Elevations 4336-110A received 8 December 2015

Sections 4336-111A received 8 December 2015

Case Officer: Gary Peck Date: 8 March 2023

Authorised by: James Appleton Date: 8th March 2023