Development Control – Delegated Officer Report

Application Number: AWDM/0057/15 Recommendation – APPROVE

Site: 29 High Street, Shoreham-By-Sea, West Sussex BN43 5DD

Proposal: Non-material amendment to AWDM/0268/13 for change of design to rear extension to 'square off' side walls and incorporate flat roof at first floor.

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site comprises nos. 29 and 31 High Street which form part of a terrace within the main shopping street in the built up area of Shoreham town centre. The site also lies within the Conservation Area.

Planning permission was granted in 2009 for the conversion of the premises to form 4no. 2-bed flats (ADC/0142/09). There then followed an application to amend this consent to enable the conversion to form 3no. 1-bed flats, 1no. 2-bed flat and 1no. studio flat (AWDM/1000/11). That application was refused for the reason that it resulted in substandard accommodation and an overdevelopment of the site. A subsequent appeal was dismissed. However, the work had already been carried out to form the 5 flats and in fact exceeded the details shown on the plans by including a 6th flat on the lower ground floor.

Permission was then granted to retrospectively retain the flats but to improve the standard of the two smallest flats by extending at the rear in the form of bay extensions on the ground and first floor (AWDM/0268/13). Following discussions with the Environment Agency about flood risk to the lower ground floor flat, that flat was reinstated into an office/storage use.

This application seeks approval for a non-material amendment to the scheme to square off the bay extension and to add a flat roof to match the existing roof rather than introduce a curved roof.

Consultations:

ADCAG: Approve

Representations: No neighbour notification was considered to be necessary on this occasion.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB4, AH2 and Appendix 11 'Supplementary Planning Guidance' comprising:
Development Control Standard No.4 'Flat Conversions'
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

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 LPA must be satisfied that the amendments sought are non-material.

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2010 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be to be necessary.

In assessing applications for a non-material amendment the Government's National Planning Practice Guidance states that the LPA must have regard to the effect of the change, together with any previous changes made under s.96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. In this case no consultations were deemed to be necessary. As this is not an application for planning permission s.38(6) of the Planning Act 2004 does not apply. However, the extent to which the proposed amendments comply with the saved Local Plan policies is a material consideration.

Visual amenity

The squaring off at the rear and provision of a flat roof will not have a significant visual impact. It is at the rear of the building and, while visible from across the river and footbridge, the proposal is simply a modest extension to an existing flat-roofed outrigger.

Residential amenity

The amendment will not harm the amenities of neighbouring flats and dwellings. There will be a slight increase in bulk due to its square form rather than curved bay but the resulting impact on light and outlook will not be so significant as to warrant refusal.

Recommendation

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

Drawing number 02 received 16 January 2015

…….. existing planning permission AWDM/0268/13 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 1730/P1 Rev A and 1730/P6 received 24 June 2013

Is recommendation contrary to letter(s) of representation? N

Case Officer: Peter Barnett Date: 6 February 2015

Authorised by: Gary Peck Date: 6 February 2015