Development Management – Delegated Officer Report

Application Number: AWDM/0251/24 Recommendation: Approve

Site: Land South Of West Street And West Of Loose Lane, Sompting

Proposal: Application for a Non-Material Amendment to previously approved AWDM/023/19 Phase 1. Amendment: Plots 74-75 to be shared ownership and plots 47-48 become affordable rent.

Date of Site Visit: Seen previously

Neighbours Checked: N/A

Additional neighbour notification: N/A

Proposal, Site and Surroundings:

Outline permission has been granted for 469 dwellings with full planning permission for the details of Phase 1 for the first 96 dwellings, including vehicular access from West Street to the north and Loose Lane to the south east, plus two football pitches (youth and junior) also granted.

This application seeks approval for a non material amendment in relation to plots 74 & 75 and 47 & 48 within Phase 1.

The supporting letter submitted with the application explains:

"*The current layout and s106 approved tenure plan has 4 x 4 bed houses, two for affordable rent (plots 74 & 75) and two for intermediate / shared ownership (plots 91 & 92). However, our affordable housing provider, Worthing Homes, cannot support the delivery of the two 4 bed affordable rented units (Nos 74 & 75). This is because typically the nominated family from Adur DC will be in receipt of universal credit and the higher rent capped at LHA is £287.67. This means the family will quickly be in arrears as the rent is unaffordable due to rising utility, food and living costs.*
As such Worthing Homes would like to switch plots 74-75 to shared ownership and plots 47-48 (currently 2 x 2bed shared ownership houses) become affordable rent instead. The overall tenure split remains unchanged.
Worthing Homes is confident it can sell the 4 bed for shared ownership units and they regularly seek this change across West Sussex due to affordability concerns on the higher rents.
With regards to the S106 no deed of variation is required as at schedule 7 clause 1.1 it does acknowledge that an alternative mix can be agreed in writing subject to the overall affordable provision on the phase being 30%, spilt 75% affordable rent and 25% intermediate housing. As the number of units and overall tenure mix would remain unchanged as a result of this minor variation this is complied with."

Planning History:

AWDM/0323/19 - Hybrid planning application for up to and including 469 homes comprising: (1) Outline planning permission (all matters reserved with the exception of access) for the erection of up to and including 373 dwellings, community orchard/growing space, non-vehicular links between the site and Worthing, traffic calming measures, associated landscaping, open space/recreation areas, ecological enhancements including improvements and extension to Cokeham Brooks Local Wildlife Site, and all other associated development works. (2) Full planning permission for 96 dwellings (part of the overall 469 dwellings comprising 2 no. 1-bed, 37 no. 2-bed, 40 no. 3-bed and 17 no. 4-bed homes, including 30% affordable housing) and all other associated development works, provision of formal playing pitches (Phase 1). (3) Change of use of land south of Hamble Recreation Ground to community/education and agricultural/horticultural uses associated with a new Community Farm. (Development site includes Land West of Dankton Lane leading from the East of Upper Brighton Road Sompting)

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 (Dec 2023)
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.

The switching of tenure types on the specified plots is acceptable as the quantum and mix of affordable housing remains the same as originally approved.

Recommendation

APPROVE the non-material amendment

Case Officer: Peter Barnett Date: 18 March 2024

Authorised by: Gary Peck Date: 18 March 2024