Development Management - Delegated Officer Report

Application Number: AWDM/0089/14 Recommendation – Approve

Site: 79 - 81 Brighton Road, Shoreham-By-Sea, West Sussex BN43 6RE

Proposal: Non-material amendment to description of AWDM/0501/12 to amend floor area of the foodstore (use class A1) from 1265 sqm to 1348 sqm in order to be consistent with approved drawings.

Date of site visit: N/A

Neighbours checked: N/A

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

Planning permission was granted last October under application reference AWDM/0501/12 for the redevelopment of the former Parcelforce site in Brighton Road as described below:

"Demolition of existing warehouse to facilitate new mixed-use development of 132 dwellings (Use Class C3) (comprising 32 x 1-bed flats, 87 x 2-bed flats and 13 x 3-bed flats of which 27% are affordable units), a 1265sqm foodstore (Use Class A1) and 121sqm of ancillary commercial floorspace (Use Classes A1, A2, A3, A5 and B1) in a 5-7 storey building with 150 parking spaces plus cycle spaces at basement level and at the front of the site, new vehicular access to serve the foodstore from Brighton Road, access to residential units via Surry Hard, improvements to the existing river wall, public hard and boathouse and new landscaping."

The approved included a ground floor plan which showed the foodstore with a floor area of 1348sqm, and not 1265sqm as referred to in the description. This application seeks to amend the description of the approved development to be consistent with the development as shown on the approved plans.

Relevant site history

As above.

Consultations

None

Representations

None

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AG3, AP4, AB1, AB3-4, AB16, AB23, AB25-27, AB30, AB32, AT1, AT10, AH2-3, AH5, AR16 and Appendix 11 'Supplementary Planning Guidance' comprising:-
Development Control Standard No.2 "Space Around New Dwellings and Flats"
'Good Practice Guidance Note: Internal Space Standards for New Homes' (ADC 2010)
Interim Supplementary Planning Guidance on Affordable Housing (ADC 2004)
Revised West Sussex Parking Standards & Transport Contributions Methodology (WSCC 2003, amended 2010)
'The Provision of Service Infrastructure related to New Development in West Sussex – Part 1' (WSCC 1999)
Design Bulletin 'Trees and Landscaping' (ADC 1996)
National Planning Policy Framework (DCLG 2012)
Shoreham Harbour Interim Planning Guidance (2011)
Draft Development Brief for Western Harbour Arm (2013)
Adur Retail Study (2009)
Retail Report for Adur's Town Centres (2012)

Planning Assessment

Principle

A provision to provide a mechanism to make non-material amendments to planning permissions was introduced via Section 190 of the Planning Act 2008, which inserts Section 96A into the town and Country Planning Act 1990.

There is no statutory definition of what 'non-material' is. This is because it is so dependent on the context of the particular scheme, what may be non-material in one context may be material in another. In order to grant an application an LPA must be satisfied that the amendment sought is non-material.

In assessing an application for a non-material amendment the Government's guidance in 'Greater Flexibility for Planning Permissions' states that the LPA must have regard to the effect of the change, together with any previous changes made under s96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. No such neighbour consultations were undertaken in this case due to the circumstances of the case and the minor nature of the change proposed.

Assessment

The proposed change to the description is not considered to be a material change to the development as approved. The approved plans show the floor area as being 1348sqm and these plans were subject of public scrutiny when they were advertised in September 2012 and February 2013. The September 2012 plans were accompanied by a covering letter from consultants CBRE which explicitly referred to the floor area of the foodstore as being 1348sqm

and this was publicly available along with the plans when they were advertised and consulted upon. Responses received, including those from NJL Consulting on behalf of the Co-Op, would have been written based on the latest plans and information.

The report to Planning Committee did unfortunately not refer to the revised floorspace in error. However, the retail impact was fully assessed as per the following extract from the Officer's report:

"There have been objections to the food retail element of the proposal, including from the Co-Op, challenging the retail assessment carried out by the applicant. However, your Officers are satisfied that there are no sequentially preferable sites in Shoreham and given the size of the store proposed below the threshold requiring a retail impact assessment, it is not considered that there are any sustainable reasons for refusal based on retail impact. The concerns of the Co-Op are appreciated as the size of the store proposed is likely to be a 'top up' convenience store which would compete more directly with the Co-Op stores than other town centre shops. However, the applicant argues that the lack of any alternatives to the Co-Op creates a 'qualitative deficiency in the town centre and that the proposed development would enhance consumer choice and enhance further the town centre's vitality and viability by creating competition'.

Whilst, there would be potentially an impact on the Co-Op town centre stores it is not considered that this would be so significant that a refusal of permission could be justified. In addition, although there may be some concerns about the increase in retail floorspace on the site, the viability assessment demonstrates its importance to the overall viability of the scheme and the regeneration benefits of the scheme would override any residual retail concerns."

The change in floor area of 83sqm does not materially alter this assessment or the conclusions of the Officer's report. The main changes arose from the realigining of the footprint of the building, removing a curved frontage and replacing it with a more linear form, together with other minor internal alterations.

The amendment of the description will provide consistency with the approved plans, which clearly show a 1348sqm floor area for the foodstore, and for the reasons outlined above, this amendment is not considered to materially alter the character of the development and can be approved.

Recommendation

APPROVE the non material amendment in accordance with the application. For the avoidance of doubt this comprises revising the description to read as follows:-

"Demolition of existing warehouse to facilitate new mixed-use development of 132 dwellings (Use Class C3) (comprising 32 x 1-bed flats, 87 x 2-bed flats and 13 x 3-bed flats of which 27% are affordable units), a 1348sqm foodstore (Use Class A1) and 121sqm of ancillary commercial floorspace (Use Classes A1, A2, A3, A5 and B1) in a 5-7

storey building with 150 parking spaces plus cycle spaces at basement level and at the front of the site, new vehicular access to serve the foodstore from Brighton Road, access to residential units via Surry Hard, improvements to the existing river wall, public hard and boathouse and new landscaping."

The existing planning permission AWDM/0501/12 still stands and the conditions imposed upon it continue to apply to the development.

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

Case Officer: Peter Barnett Date: 7 February 2014

Authorised by: James Appleton Date: 7th February 2014