Development Control – Delegated Officer Report

Application Number: AWDM/0703/15 Recommendation – APPROVE

Site: 26 King Charles Place Emerald Quay Shoreham By sEA

Proposal: Non-material amendment to previously approved AWDM/0322/14. Amendment: internal layout and position of rooflights

Neighbours checked: Y
Additional neighbour notifications: N

Proposal, Site and Surroundings

The proposal is for a reconfigured roof light arrangement (shown on the submitted drawings)

This application relates to a purpose built flat complex situated in an outer suburb of Shoreham, residential in character.

Representations (summarised)
None

Consultations
None

Relevant Planning Policies
National Planning Policy Framework
Adur Saved Local Plan: AH7, AG1

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 and Residential amenity

The roof lights have been installed in an equally sympathetic arrangement to what was previously deemed acceptable. The features are not conspicuously visible when set against the entirety of the building – and not anymore intrusive visually.

The re-arrangement to the roof lights would cause no greater overlooking or loss of privacy compared with what was previously deemed acceptable.

Recommendation

APPROVE

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

Case Officer: Matthew Porter Date: 29-6-2015

Authorised by: Peter Barnett Date: 29 June 2015