Development Management – Delegated Officer Report

Application Number: **AWDM/1081/25** **Recommendation: APPROVE**

Site: Free Wharf, Brighton Road, Shoreham

Proposal: Rewording of Planning Condition 32 as below:

Prior to the commencement of Phase 3, details of the facilities to maintain Humphries Gap as a Public Hard shall be submitted to the Council for approval. The facilities shall include a ladder (with suitable access through the riverside railings) providing access from Humphreys Gap to the river and a cleat for mooring purposes. Details of any signage to be provided relating to the use of said facilities shall also be provided. The facilities shall be provided prior to occupation of 75% of dwellings in Phase 3. The facilities will be maintained and made available for public use at all times thereafter.

Date of Site Visit: N/A

Neighbours Checked: Yes

Additional neighbour notification: None

Proposal, Site and Surroundings:

Planning History:

Most relevant:

AWDM/1497/17/ 540 dwellings & Commercial Space etc. **Approved August 2018**

AWDM/1315/22/ S.73 Minor Material Amendment increasing dwellings to 587no and amended commercial floorspace etc. **Approved March 2024**

Consultations: None

Representations: None (weekly list 27th October)

Relevant Planning Policies: National Planning Policy Framework (December 2023)

Adur Local Plan, 2017:

Shoreham Harbour Joint Area Action Plan, 2019

National Planning Policy Framework (CLG 2024)

Planning Practice Guidance (CLG 2024)

Planning Assessment

Section 96A of the Act allows a non-material amendment to be made via application. There is no statutory definition of 'non-material', which depends on the nature and context of a particular development. There is no definition of non-material; the Local Planning Authority must be satisfied that the definition is not material. The NPPG advises that regard should be had to the effect of the change. 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.

Although it is not an application for planning permission and therefore s.38 (6) of the Planning Act 2004 does not apply it is material to consider the extent to which the proposed amendments comply with the Development Plan policies.

This provision enables a condition to be amended if the change is considered to be non-material.

The application seeks to change the timing of condition 32 so that details of riverside access from the site via Humphreys Gap would be submitted and approved prior to the commencement of phase 3 rather than prior to the occupation of phase 2.

Riverside Access

> Prior to first occupation of Phase 2, details of the facilities to maintain Humphries Gap as a Public Hard shall be submitted to the Council for approval. The facilities shall include a ladder (with suitable access through the riverside railings) providing access from Humphreys Gap to the river and a cleat for mooring purposes. Details of any signage to be provided relating to the use of said facilities shall also be provided. The facilities shall be provided prior to occupation of 75% of dwellings in phase 3. The facilities will be maintained and made available for public use at all times thereafter.
> **Reason**: *To enhance access and recreation value of the river and riverside.*

The proposed wording change to the first line would read: Prior to the commencement of Phase 3…

The applicant has explained that the reason for the requested change, is to allow the design work for this access to be undertaken as p[art of the detailed design work for Phase 3. This will happen prior to commencement of phase 3, not the earlier time of *prior to occupation of phase 2*

Importantly the timing of the provision of access (75% occupancy of phase 3), does not change and those who wish to use it will not have to wait longer than already stated in the condition. Given the duration of construction works for this major development the shortening of the elapse of time between the submission of details and the reaching of the 75% occupancy trigger is extremely unlikely to have a bearing on the

approval process for the access details, and their delivery. As such the proposed wording change is considered to be non-material.

Recommendation: Approval of Non Material Amendment to Condition 32

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

Case Officer: Stephen Cantwell Date: 11th November 2025

Authorised by: Gary Peck Date: 11 November 2025