Development Management – Delegated Officer Report

Application Number: AWDM/1734/19 Recommendation: APPROVE

Site: Foreshore North Of Adur Outdoor Activities Centre and East and West of River Adur, Brighton Road, Shoreham-by-Sea

Proposal: Non-material amendment to AWDM/1614/15 (Adur Tidal Walls) to include proposed levels for ground works, design of access features, additional guardrails and handrails and replacement of gabions by reno mattresses.

Date of Site Visit: 22 November and 25 November

Neighbours Checked: N/A – although the application has been amended as a result of a separate representation raised in respect of a property in Riverside Road.

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application seeks a non material amendment to secure the final changes to the now completed Adur Tidal Walls scheme. The supporting information states:

Some of the drawings show very minor changes to the design that we have not specifically referred *in this submission, for example, minor changes to levels, top soil depths and edge marking; this is because we consider such changes to be 'de-minimis'.*

There are also instances where new details have been included on the drawings, for example, additional sections, design details or dimensions. These provide additional detail for construction and do not comprise changes to the scheme design hence, where there are no other design changes, we have not specifically referred to them.

The amendments that form this application have eventuated on site, or as part of ongoing discussions between the Environment Agency and the key stakeholders. Such amendments include instances where;

- *Due to on site ground conditions, amendments have been made to the originally proposed levels for groundworks or footpaths,*
- *Through agreements made with landowners, the design of some access features such as gates, have been amended,*
- *For safety reasons, additional guardrail and handrails have been included in some areas, and;*
- *Gabions have been replaced by reno mattresses*

The application therefore relates to all 10 reaches on either side of the riverbank.

Planning History:

Planning permission was granted for the main scheme under reference AWDM/1614/15. Subsequently, 5 non material amendment applications have been approved, as well as 4 Section 73 applications for amendments to the approved scheme.

Consultations:

No comments received

Representations:

No comments received

Relevant Planning Policies:

Adur Local Plan 2017: 15, 29, 35 & 36

National Planning Policy Framework (CLG 2018)

Planning Practice Guidance (CLG 2014)

Planning Assessment

Government guidance states:

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96a of the Town and Country Planning Act 1990.

The site has been walked in its entirety and as originally submitted, the alterations submitted under the non material amendment application were considered to be acceptable apart from 2 elements.

In reach E3, it was stated that the previously proposed road raising has been descoped from the scheme. As with any planning application, it is only required that the development is commenced not completed and hence there is no necessity to refer to a part of the proposal that will seemingly no longer take place within a non material amendment application. There are no other physical changes in respect of this part of the site and hence reference to this part of the proposal has now been removed from the proposal.

The Council was also made aware that the occupants of 45 Riverside Road had expressed some concerns about the completed works outside of their property. The change log originally submitted stated that: *The access steps have changed to include a landing. And the landward step detail changed to suit the new L shaped wall.* This particular alteration, while potentially acceptable in planning terms, can be considered as a non material change ~~and~~ but, in light of concern from the homeowner, is

not felt appropriate to be dealt with under the non material amendment process. It, too, has therefore been removed from the proposal.

An updated schedule has been submitted reflecting the above amendments and accordingly the application is now considered acceptable.

Recommendation

APPROVE the non-material amendments in accordance with the application and accompanying plans as set out in the revised change log submitted on 19 December 2019

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

Case Officer: [redacted] Date: 23/12/2019

Authorised by: [redacted] Date: 24/12/2019.