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Adur District Council,
Development Management,
Portland House,
44 Richmond Road,
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23 July 2024

Dear Sirs,

RE: SUNSHINE DAY NURSERY 6 TARMOUNT LANE SHOREHAM-BY-SEA

APPLICATION NUMBER: AWDM/1774/19

This letter is submitted in respect of an application for the variation/removal of condition 21 of planning permission AWDM/1774/19.

The application is made under the Non Material Amendments procedure – as the variation of the conditions does not result in any change to the approved elevations or floor plans, nor to the function of the approved building :

[F1 96A Power to make non-material changes to planning permission [F2 or permission in principle]]

(1) A local planning authority F3 ... may make a change to any planning permission [F4, or any permission in principle (granted following an application to the authority),] 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 [F5 or permission in principle] as originally granted.

(3) The power conferred by subsection (1) includes power [F6 to make a change to a planning permission] —

(a) to impose new conditions;

(b) to remove or alter existing conditions.

Planning permission **AWDM/1774/19** consented the following:

Demolition of existing cottage and garages (8 Tarmount Lane) and construction of part two-storey and part single-storey extension to east, first floor extension over existing flat roof extension at rear and glazed link to existing nursery building (amended resubmission of AWDM/0463/19).

Condition 21 sought to limit the expansion of the nursery by requiring the area on the first floor shown as office, to only be used as ancillary office and not for providing nursery space:

> ***21. The additional floor area created by the first floor rear office extension hereby permitted, shall be used for ancillary office space only, in connection to the nursery and not for any other use including nursery space.***
>
> ***Reason: To limit the further expansion of nursery space at the site in the interests of visual and residential amenity and highway safety having regard to policies 15 and 28 of the Adur Local Plan.***

However, this restriction on child numbers in the approved nursery is already achieved by condition 3:

> ***03. The number of children attending the premises (Nos. 6 and 8 Tarmount Lane) for the purposes hereby permitted, shall at no time exceed a total of 100 without the prior written permission of the Local Planning Authority.***
>
> **Reason:** ***In the interests of highway safety and residential amenity, having regard to policies 15, 17 and 33 of the Adur Local Plan.***

As the number of children that can be accommodated in the building is controlled by condition 3, and the visual appearance, residential amenity of neighbours and highway

safety of the site would in no way be affected by the use of this room either as an office for administration or as space to look after children, this condition is considered to be unnecessary and to not meet the usual tests of reasonableness set out in the Government's Planning Practice Guidance.

As can be seen, condition 21 imposed on this permission is not necessary and its removal from the permission would not be material in terms of its impact on the consented scheme. Consequently we trust that this application can be approved and the condition removed from the decision by way of a S96 NMA as described above.

Please note that as the application is for a change to the conditions only, there are no plans that need to be submitted for the application.

Note that on the Planning Portal, there is no facility to say that amended plans are not required. So we have ticked the box "to follow by post". However, please note that there are no amended plans, and so nothing further will be submitted in respect of the application.

Yours faithfully,

LCP

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