Development Management - Delegated Officer Report

Application Number: **Recommendation – Approve**
AWDM/0893/12

Site: **115 Grinstead Lane Lancing BN15 9DR**

Proposal: **Application for Non-Material Amendment to approved application AWDM/0515/12 to amend height of wall and gates from those originally approved by planning condition**

Date of site visit: 25.04.12 (AWDM/0515/12)

Proposal, Site and Surroundings

Application for non-material amendments comprising the retention of the original height wall of 1m – 1.3m (between reduced height piers as approved), with the loss of the infill panelled railings, and the retention of the iron gate at the original height of 2.3m.

Relevant Planning History
AWDM/0515/12 – Retrospective application for new front boundary wall up to 2.3 metres high and proposed new porch. Permitted with a condition requiring modifications to reduce the wall and gates height within two months.

Consultations

West Sussex County Council: West Sussex County Council was consulted previously on Highway Matters for this location under planning application AWDM/515/12 to which an Objection was raised to the retention of a front boundary wall up to 2.3 metres in height. These plans were modified so that a degree of pedestrian visibility was available through railing between the piers. This proposal was deemed an improvement by the Highways Authority and No Objection was raised. A site visit was conducted as part of the AWDM/515/12 consultation.

This latest proposal seeks to amend the wall whereby it will measure 1.3 metres at its lowest point with no railings present. This design does not incorporate any form of pedestrian visibility whereby an area 2 x 2 metres each side of the access remains free from obstruction in excess of 0.6 metres in height.

In the interest of road safety I would request that the design of the wall is changed to once again include a degree of pedestrian visibility such as that seen in the approved plan for AWDM/515/12 dated 29/06/2012.

Sompting Parish Council: The Parish Council will abide by what the regulations permit in this instance.

Relevant Planning Policies
N/A

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.

Condition 04 of AWDM/0652/12 requires that the development be commenced in accordance with the approved plans. The amendments sought are for the retention of the existing wall height (with the piers to be reduced to that as approved), and the gates to be retained at their original height.

The proposed amendments to the scheme have resulted in the reduction of pedestrian visibility from that which was approved, and this consequently has gained an objection from the Highways Authority.

Visually the retention of the original gate without it being reduced in height would result in a jarring incongruous relationship with the wall.

It is therefore considered that both of the above are material factors that should be considered as part of a full planning application, rather than under the provisions of s.96A of the Act.

Recommendation

That the application for the non-material amendment be REFUSED.

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

Case Officer: C. Hone Date: 12.09.12

Authorised by: Gary Peck Date: 18 September 2012