Development Management – Delegated Officer Report

Application Number: AWDM/1125/23 Recommendation: Approve

Site: Former 10 Commerce Way, Lancing Business Park, Sompting

Proposal: Application for a non-material amendment to previously approved AWDM/0343/22. Amendments: 1. Substitution of area of tarmac, on southern boundary, for concrete; 2. Boundary treatment schedule updated including new retaining wall to north west, and removal of existing fence and new guarding to Means of Escape on southern boundary; 3. Addition of drainage channels to north and south boundaries; 4. External rainwater pipes removed from GA plans; 5. 2No. Additional EVCPs added to parking area; 6. Parking layout adjusted; 7. Layout of Roof PVs adjusted; 8. Fall restraint system illustrated.
Date of Site Visit: Seen previously

Neighbours Checked: N/A

Additional neighbour notification: N/A

Proposal, Site and Surroundings:

This application relates to a proposed employment unit with approximately 1,160sqm of new employment floorspace for B8 use (storage and distribution) with ancillary office space, approved last year (AWDM/0343/22).

This application seeks approval for some non material amendments which are:

1. Substitution of area of tarmac, on southern boundary, for concrete;
2. Boundary treatment schedule updated including new retaining wall to north west, and removal of existing fence and new guarding to Means of Escape on southern boundary;
3. Addition of drainage channels to north and south boundaries;
4. External rainwater pipes removed from GA plans;
5. 2No. Additional EVCPs added to parking area;
6. Parking layout adjusted;
7. Layout of Roof PVs adjusted;
8. Fall restraint system illustrated.

Planning History:

AWDM/0343/22 - Erection of a building for B8 storage and distribution use (with ancillary offices), car parking, service yard areas and associated works.

Consultations:

N/A

Representations

None

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 2, 4, 9, 15, 18, 19, 25, 28, 34, 35, 36
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)

Planning Assessment

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 local planning authority must be satisfied that the amendments sought are non-material. s96A also allows for changes to conditions:

Power to make non-material changes to planning permission

(1)A local planning authority ... may make a change to any planning permission 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 as originally granted.

(3)The power conferred by subsection (1) includes power—

(a)to impose new conditions;

(b)to remove or alter existing conditions.

In this case, the proposed changes are considered to be non material as they do not result in a material change to the character or appearance of the development or to amenity.

Recommendation

APPROVE the non-material amendments in accordance with the application and accompanying plans. For the avoidance of doubt these plans comprise:-

Drawing Nos 2346-PO1A, PO2A, PO3A, PO4B, PO5C received 9th August 2023

…….. existing planning permission AWDM/0343/22 still stands and that the conditions imposed upon it continue to apply to the development except that the above plans can be substituted for Drawing Nos. Drawing Nos 2346-PO1, PO2, PO3, PO4 received 2nd March 2022 and PO5A received 28th March 2022

Case Officer: Peter Barnett Date: 6 September 2023

Authorised by: Gary Peck Date: 6 September 2023