Development Management – Delegated Officer Report

Application Number: AWDM/0852/22 Recommendation: Approve

Site: Development At 7 And 9 Albion Street, Southwick

Proposal: Non Material Amendment to approved AWDM/0954/18. Amendment: second floor infill dormer on the front (South) elevation to change from white painted render to tile hung to match the main roof (retrospective).

Date of Site Visit: Seen previously

Neighbours Checked: N/A

Additional neighbour notification: N/A

Proposal, Site and Surroundings:

This application, submitted by Adur District Council, relates to a pair of semi-detached houses which have been converted and refurbished to form 6 flats under AWDM/0954/18.

This application seeks approval for a non material amendment to the external materials for the front dormer from render to matching tile hanging.

Planning History:

AWDM/0954/18 - Demolition of 11-27 Albion Street and redevelopment to provide a total of 55 affordable flats within two blocks of 4-6 storeys in height and the refurbishment of 7-9 Albion Street, with 31 parking spaces.

AWDM/1434/20 - Application for Non Material Amendment to approved AWDM/0954/18. The application relates only to the refurbishment of 7-9 Albion Street within the wider development of 55 flats. Windows- Existing windows are to be replaced and some openings are to be changed in size to the side elevations and obscured and non openable below 1.7m. At the rear 2 existing ground floor windows to be made into patio doors to access the garden and two new windows are to be added to the second floor.
The rooflights are to be reinstated in the scheme, and new flat roof lanterns are to be added to the roof extension.
Roof enlargement- rear extension to 2nd floor accommodation.

Consultations:

N/A

Representations

N/A

Relevant Planning Policies

Adur Local Plan 2017 Policies 2, 3, 15, 18, 20, 22, 28, 34, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

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 change is considered to be non material as it does not result in a material change to the character or appearance of the development or to residential amenity.

Recommendation

APPROVE the non-material amendments in accordance with the application and accompanying plans. For the avoidance of doubt these plans comprise:-
Drawing no. 2014-PL-350-D received 31 March 2023
…….. existing planning permission AWDM/0954/18 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 number 2014-PL-350-C received 6 October 2020

Recommendation

Case Officer: Peter Barnett Date: 6 April 2023

Authorised by: Gary Peck Date: 6 April 2023