Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0953
Southwater Kebab, Worthing Road, Southwater, West Sussex, RH13 9HE

DESCRIPTION:
Non Material Amendment to previously approved application DC/17/2058 (Demolition of fire damaged redundant bakery and the construction of 4x one bedroom flats) External alterations to materials, walling and roof and frontage (retrospective).

RELEVANT PLANNING HISTORY:

DC/17/2058	Demolition of fire damaged redundant bakery and the construction of 4x one bedroom flats	Application 24.11.2017	Permitted	on
DISC/19/0316	Approval of details reserved by conditions 3, 4, 5, 6, 7 and 8 on DC/17/2058	Application 10.03.2020	Permitted	on

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25- Strategic Policy: The Natural Environment and Landscape Character
Policy 26- Strategic Policy: Countryside Protection
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles
Policy 34- Cultural and Heritage Assets

Southwater Neighbourhood Development Plan (SNDP) 2019 - 2031:
SNP9 – Home Standards
SNP14 – Adequate Supply of Car Parking
SNP16 – Design

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
None received

Parish Comments:
None received

Representations:
None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

The main consideration of this application is whether the proposed alterations can be considered as non-material amendments to the approved scheme in accordance with Section 96A of the Town and Country Planning Act 1990 (as inserted by S190 of the Planning Act 2008). The discretion rests with the Council to decide to whether the revisions would constitute a non-material amendment to a planning permission, which would not take it outside the scope of the original permission.

A retrospective non-material amendment is sought to the approved scheme DC/17/2058 (Demolition of fire damaged redundant bakery and the construction of 4x one bedroom flats) to allow for amendments to the roof design, the removal of the pitched dormers and timber cladding to the front elevation as well as some fenestration alterations. However, these design changes, particularly the roof design, timber cladding and pitched dormers would not be constituted as non-material as the works materially change the appearance of the unit from what was previously approved. The alterations enacted would go beyond what would be considered as non-material.

Recommendation: Application Refused

Reason for Refusal:

1. The proposed alterations to the previously approved development represent a level of change greater than can be considered as a non-material amendment under Section 96A of the Town and County Planning Act 1990.

NOTE TO APPLICANT

As the changes proposed go beyond the scope of a non-material amendment, it is recommended that a full planning application is submitted urgently to rectify the breach of planning.

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0953
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received

			Date
Elevation & Floor plan	Proposed	21	21.06.2024

DELEGATED

Case Officer sign/initial J.Burrowes Date: 18/07/2024

Authorising Officer sign/initial RHERMITAGE Date: 19.07.2024