

Arun District Council
Planning Services
Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

03 December 2025

Dear Sir/Madam

Applicant: Chalcroft Associates LLP

Site: Chalcroft Nursery Chalcroft Lane Bersted PO21 5TS

Proposal: Application under S96A for a non-material amendment to BE/26/24/RES to revise the window and roller shutter doors locations on the units and adjust the parking layout to suit.

Planning permission was granted on 23 March 2021 for *'Outline application with all matters, except for access, reserved for the development of up to 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b) B1(c) and B8), landscaping, access, parking and associated infrastructure'* under planning approval reference BE/81/20/OUT.

Reserved matters were approved in December 2024 for the commercial part of the outline approval which included the layout, scale and appearance of the commercial units along with landscaping and areas for biodiversity net gain (BE/26/24/RES).

Since the application was approved, detailed drawings have been prepared for the discharge of conditions and building regulations approval. It has become apparent that the external personnel doors have to be relocated to allow for an appropriate relationship with the internal staircase to comply with building regulations. It is therefore necessary to swap the personnel door with the roller shutter doors on each unit and relocate the fenestration as a result. It is also necessary to reposition the parking spaces to allow access to the relocated roller shutter doors. The number of parking spaces remains the same.

New drawings of the units have been prepared to show the elevational changes along with a layout plan showing the repositioned parking spaces. A table setting out the approved and proposed amended drawings is set out below:

Approved Plan	Proposed Plans
Site Location Plan – 02 01304_S_08 Rev P2	CND40_116 Site Plan
421/02 Units 1 & 2 Proposed Floor Plans	CND40_104A Units 1 and 2 ground floor plan CND40_105A Units 1 and 2 first floor plan
421/03 Units 3-6 floor plans	CND40_100C Units 3-6 ground floor plan CND40_101C Units 3-6 first floor plan
421/04 Units 7 and 8 floor plans	CND40_111A Units 7 and 8 elevations
421/05 Units 1 and 2 elevations	CND40_107A Units 1 and 2 elevations
421/06 06 Units 3-6 elevations	CND40_103C Units 3-6 elevations
421/07 Units 7 and 8 elevations	CND40_108A Units 7 and 8 ground floor plan CND40_109A Units 7 and 8 first floor plan

It is submitted that a non-material amendment (S96A) is the appropriate mechanism for dealing with the proposed changes. Section 96A(1) of the Town and Country Planning Act 1990 provides the power to make a change to any planning permission if the Council is satisfied that the change is not material. Section 96A (3) includes a power to “impose new conditions” and “to remove or alter existing conditions” of a planning permission.

In this case, the alterations to the location of the windows and doors are not material in the context of the overall scheme, nor is the minor repositioning of the parking spaces to align with the roller shutter doors. The amendments do not cause conflict with the description of development, any of the other conditions or materially affect the amenities of any existing residential occupier. It is therefore submitted that this application will not materially change the approved development and as such S96A is a suitable and appropriate mechanism for achieving the proposed amendments. Furthermore, the advice of the original case officer was sought and it was confirmed that the non-material amendment process would be appropriate for the changes proposed.

I trust that the proposed amendments are acceptable for the reasons set out above. However, should you require any further information please do not hesitate to contact me.

Yours faithfully,



Dawn Appleton MRTPI
Senior Planner
Henry Adams LLP