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Date: 7th November 2025

Please ask for: Jessica Riches
Tel: 01903 737852

Your Ref:

Our Ref: P/133/25/NMA

Dear Mrs Henderson,

**Section 96A of the Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015
(as amended) - Article 10**

Non-material amendment following the grant of P/140/16/OUT to allow conditions 4, 5, 10, 11, 12, 13, 15, 17, 24, 25 and 29 to be delivered in phases.

Land South of Summer Lane and West of Pagham Road Pagham

The Council have decided to APPROVE the application for the following reasons.

The main issue for consideration with regard to this application is whether the proposed change is i) 'non-material' and ii) the proposed change is acceptable.

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme, an amendment that is non-material in one context may well be material in another. Arun District Council must be satisfied that the amendment sought is non-material in order to grant a non-material amendment application.

Non-material amendments are considered to be those changes which are insignificant and do not change the intensity, form or description of the original planning permission. They cannot change the intensity of the original planning permission, result in a change to the description of the application or conflict with any conditions of the original permission.

The NMA seeks to amend several conditions and seeks to 1) impose phasing of the application, and 2) change the trigger points of pre-commencement conditions.

The proposed changes relating to phasing are acceptable, as this would allow various parts of the site to function independently.

However, officers have raised concern with the changes to the timing of details to be submitted, for two reasons. Firstly, the changes to several conditions would see the removal of a pre-commencement requirement. The reason for these pre-commencement conditions is justified as going to the heart of the planning permission, and their imposition is fundamental to the developments operation and key delivery outcomes. The removal of this trigger, would not be within the scope of a non-material amendment as this would be a material matter to consider.

Additionally, some proposed conditions reference a pre-commencement requirement, however include exclusions which would constitute commencement. Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be precise and enforceable. The proposed wording would not achieve a clear and precise timeline for submission of details.

The applicant has subsequently agreed to remove the wording related to changing the trigger points, and therefore only the accepted phasing elements are now proposed.

Therefore, the amendments are considered minor and would not materially alter the considerations or the conclusions of the outline application. Therefore, it can be considered under section 96A of the Town and Country Planning Act 1990 and the below condition now reads:

Condition 4

No development shall take place on any phase until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas which includes that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the order of anticipated commencement and completion within each phase of construction.

Condition 5

No development in any phase shall be carried out unless and until a schedule of materials and finishes to be used for that phase, including external walls and roofs of the proposed buildings within that phase has been submitted to and approved by the Local Planning Authority. No development of any building within each phase shall be carried out unless and until a 'statement of detail' for that building or the phase it is within has been submitted to and approved setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Condition 10

Development shall not commence on any phase until full details of the proposed surface water drainage scheme for that phase have been submitted to and approved in writing by the local planning authority, and shall include;

- The design should following the hierarchy of preference for different types of surface water

drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDs Manual Produced by CIRIA. Winter groundwater monitoring to established highest annual ground water levels and percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.

- The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourses on the site. Any discharge of watercourse must be at a rate no greater than the pre-development run off values.

- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

No building shall be occupied until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Condition 11

Development of any phase shall not commence until full details of the maintenance and management of the surface water drainage system within that phase is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Condition 12

Upon completed construction of the surface water drainage system on any phase but prior to occupation of any part of the scheme on that phase, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/ implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Condition 13

Development within any phase shall not commence until details of the proposed foul drainage system for that phase has been submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/ maintenance, if appropriate) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Condition 15

Prior to the commencement of construction works or any preparatory works on any phase of the development, an Ecological Management and Mitigation Plan including a Schedule of Works for that phase shall be submitted to the LPA for approval and will be based on the recommendations within the supporting Ecological Assessment - Dec 2016 5633.EcoAss.vf1. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Condition 17

Prior to the commencement of development on any phase, including any works of demolition, a Construction Management Plan for that phase shall be submitted for approval in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- full details of the construction compound,
- soil resources plan,
- dust mitigation measures,
- noise reduction measures,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works

Condition 24

Prior to the commencement of development of each phase, a scheme identifying the principles to be incorporated into detailed building design as the means of energy conservation, together with on-site energy renewable devices for that phase, shall be submitted to and agreed with the Local Planning Authority. Such scheme as is submitted shall seek as a target the provision of on-site renewable energy which will generate an estimated 10% of annual energy requirements of the buildings granted planning permission. In determining the provision of on-site energy generation account will be taken of the impact on the viability of the development. Such scheme as is approved will be implemented in accordance with the scheme

Condition 25

Prior to the commencement of development of any phase, a strategy for the provision or facilitation of broadband provision to future occupants for that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a

broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Condition 29

Prior to the commencement of development of any phase, an Electric Vehicle Charging Strategy for that phase will be prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details.

I trust this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC' followed by a flourish and a period.

Neil Crowther
Group Head of Planning