



RODWAY PLANNING
CONSULTANCY LIMITED

Arun District Council
Planning Department
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

17th February 2022

**Section 96A Application for Non-Material Minor Amendments (NMA) to Planning Permission
WA/39/18/PL
New dwelling adjacent to No.48 The Meadows, Walberton, West Sussex BN18 0PB**

I refer to the above project, which was granted planning permission by Arun District Council on 30th July 2018. This letter accompanies a submission via Section 96A of the Town & Country Planning Act (as amended) for 'non-material minor amendments' to the above planning permission.

In this respect, the National Planning Policy Guidance (NPPG) sets out the following:

"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 be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990...

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply...

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be to be necessary...

As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply...

The time period for determination is 28 days...

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply."

It is understood development approved under Planning Application WA/39/18/PL commenced in 2021, and is now advanced. However, it was brought to our Client's attention that the build is not in accordance with the only plans shown on the portal. This seems to be because the revised drawings that were sent to the Council on 12th July 2018 (as requested by the Planning Officer, Andrew Wood), were not available to view on the online file. In addition, it is noted that the WA/39/18/PL Decision Notice does not specify what the approved drawings are.

Essentially during his consideration of Planning Application WA/39/18/PL, Mr Wood requested revisions to the originally submitted drawings so as to provide an enlarged space for car parking to





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the front of the site. The result was that the front elevation of the new dwelling is set back by 300mm, and the ridge line of the roof is also slightly reduced as a consequence. This is detailed on the following drawings:

- 181260/ 02 Revision A 'Proposed Plans and Elevations'
- 181260/03 Revision B 'Location & Block Plans'

Our Client's understanding is that the Planning Permission was granted on the basis of these revised drawings, and the development is now being constructed in accordance with these details. This was confirmed to be the case by Arun District Council in email correspondence sent to my Client on 10th November 2021.

However, the submission of this NMA application follows a request by Arun District Council. My Client agrees to this request in good faith in order to provide the Council and any interested parties with clarity; however this submission is made without prejudice as the Client's position is that WA/19/18/PL was approved on the basis of these plans (as set out above) - and not those originally submitted with that planning application. It is on this basis that the Client considers that the plans attached to this NMA submission do already comprise the 'approved drawings'.

Notwithstanding our Client's position, I consider the amendments proposed by these previously submitted revised plans (and which are included within this NMA submission) represent only very minor alterations to the original design, which do not upset the balance and rhythm of the terraced dwellings to which the new property will adjoin. In our opinion, these are very minor changes to the original drawings, and we consider they comprise 'non-material minor amendments'.

The description of the development is not proposed to be altered, and the scale and/or nature of the proposed amendments does not result in a development which is materially different from the originally submitted drawings. The S96A application therefore accords with the guidance set out in the NPPG. As the proposal meets all the necessary requirements, and will cause no harm to any matter of identified acknowledged importance, it is our opinion the overwhelming weight of evidence supports the approval of this application.

In correspondence from Tracey Headley-Smith of Arun Council she confirmed that *"It has been agreed by Karl Roberts (Director) that, in this instance, there will be no fee for the submission"*.

We trust that this information is of assistance, and will aid your consideration of the application proposals. However, should you require any clarification or further information, then please do not hesitate to contact me.

Yours sincerely,



Tim Rodway
Director

c.c. Mrs C Henderson



RTPI 2
Chartered Town Planner