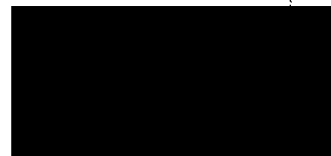


16th September 2019



Michael Eastham
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Linden Homes South
1A Guildford Business Park
Guildford
Surrey
GU2 8XG



PP: 08131357

Dear Sirs,

Town and Country Planning Act 1990

Application for Non-Material Amendment to Condition 1 of planning application ref: WA/95/18/RES

Land East of Tye Lane, Walberton

Please find enclosed an application for a Non-Material Amendment in connection with the above site.

Approval of Reserved Matters was granted (LPA ref: WA/95/18/RES) dated 16th April 2019 for the development of the above site, subject to 5no planning conditions. This application is made pursuant to Section 96a of the Town and Country Planning Act 1990 and relates to the Planning Permission Condition 1 which relates to the list of approved plans.

Forming part of this application please find enclosed the following documentation:-

1. A copy of the planning application proforma duly completed and signed;
2. A cheque for £234 made payable to Arun District Council to cover the relevant application fee will follow directly via the Planning Portal.

Procedure for making changes to the conditions:

Section 96A of the Town and Country Planning Act allows Local Planning Authorities to make non-material changes to Planning Permission, which the legislation states:

S.96a - Power to make non-material changes to planning permission

(1)A local planning authority in England 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.” (my emphasis)

As highlighted in the extract this includes powers for existing conditions to be altered.

Background:

The site benefits from Planning Permission (LPA ref: WA/44/17/OUT). The description of development comprises:

“Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. This application is a Departure from the Development Plan & may affect the character & appearance of the Walberton Village Conservation Area.”

An application for the Approval of Reserved Matters was submitted and approved in March 2019 (LPA reference WA/95/18/RES).

Following the approval of the detailed layout and the discharge of the outline planning conditions, the purpose of this application is to seek a Non-Material Amendment to amendment Condition 1 to reflect the proposals as approved.

Condition 1

Condition 1 provided a list of the approved plans as part of the Reserved Matters. In relation to the landscaping plans, the following were listed as approved;

Drawing No. 3823_101 Rev. E - Soft Landscaping Sheet 1 of 3
Drawing No. 3823_102 Rev. B - Soft Landscaping Sheet 2 of 3
Drawing No. 3823_103 Rev. B - Soft Landscaping Sheet 3 of 3
Drawing No. 3823_104 Rev. E - Hard Landscaping Sheet 1 of 3
Drawing No. 3823_105 Rev. B - Hard Landscaping Sheet 2 of 3
Drawing No. 3823_106 Rev. B - Hard Landscaping Sheet 3 of 3
Drawing No. 3823_107 Rev. E - Public Open Space Design
Drawing No. 3823_109 Rev. C - Public Open Space Design
Drawing No. 3823_110 Rev. B - Public Open Space Design

As a result of the submission for the mitigation of the adjoining Golf Club via condition 5, there is a need to amend the approved landscaping plans to ensure consistency across the approved documents. It is now proposed that the conditions be amended to reflect those submitted under condition 5 so condition 1 is proposed to include reference to the following plans;

Drawing No. 3823-101 Rev H - Soft Landscaping Proposals Sheet 1 of 3
Drawing No. 3823-102 Rev E - Soft Landscaping Proposals Sheet 2 of 3
Drawing No. 3823-103 Rev E - Soft Landscaping Proposals Sheet 3 of 3
Drawing No. 3823-104 Rev H - Hard Landscaping Proposals Sheet 1 of 3
Drawing No. 3823-105 Rev E - Hard Landscaping Proposals Sheet 2 of 3
Drawing No. 3823-106 Rev E - Hard Landscaping Proposals Sheet 3 of 3
Drawing No. 3823-107 Rev G - Public Open Space Proposals Sheet 1 of 4
Drawing No. 3823-108 Rev E - Public Open Space Proposals Sheet 2 of 4
Drawing No. 3823-109 Rev F - Public Open Space Proposals Sheet 3 of 4
Drawing No. 3823-110 Rev E - Public Open Space Proposals Sheet 4 of 4

Planning Considerations:

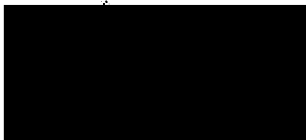
In terms of the considerations associated with this application, the following should be noted;

1. The changes would not materially change the development that has been granted Planning Permission.
2. The proposed amendment to the wording does not affect the basis which supported the application on which the decision was made.
3. The change to the condition does not alter the scheme as approved.
4. Whilst it is the discretion of Council who to consult on this application, there are no changes to the permission which would affect any third parties i.e. neighbouring properties.

In summary, the proposed amendment of Condition 1 to amend the wording in relation to the list of approved landscape plans does not substantially alter or change the approved development, nor the evidence base which supported the original application.

I trust that the enclosed provides you with sufficient information to validate the application and progress towards determination. Should you have any queries please contact me at the above address.

Yours faithfully,



Laura Humphries
Senior Planning Manager

