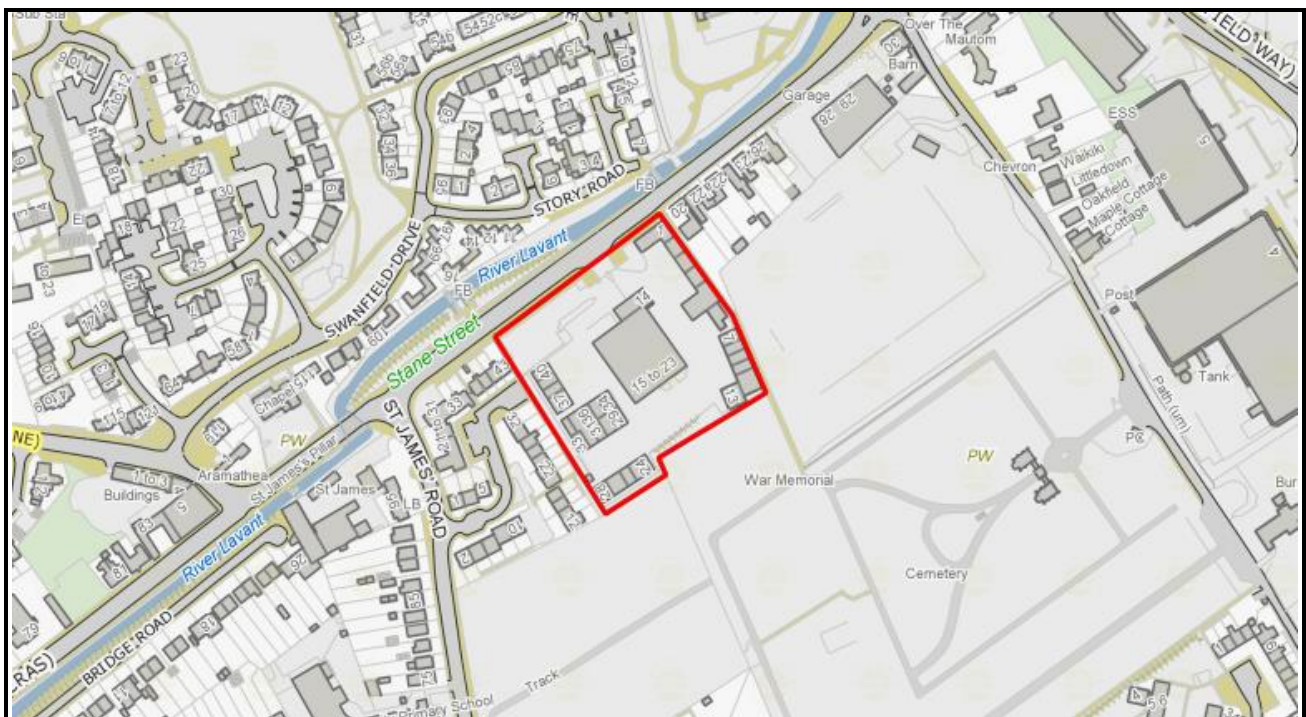



Parish: Chichester	Ward: Chichester East
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CC/22/00020/NMA

Proposal	Non-material amendment to planning permission 21/03391/FUL, to revise elevation drawings detailing the removal of brick plinth walls and canopies and the revision of northern boundary wall design.		
Site	1 St James Industrial Estate, Westhampnett Road, Chichester, West Sussex PO19 7JU		
Map Ref	(E) 487295 (N) 105428		
Applicant	Chichester District Council	Agent	Mildren Construction

RECOMMENDATION TO PERMIT



	NOT TO SCALE	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
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1.0 Reason for Committee Referral

1.1 Chichester District Council is the applicant.

2.0 Site and Surrounds

- 2.1 St James Industrial Estate extends to approximately 1.2ha and is located south-east of Westhampnett Road (A285) and approximately 123m from the roundabout with St James Road to the south-west; within the defined Settlement Boundary of Chichester. The site was previously developed in the early 1980s around the old 1950s Chichester District Council (CDC) depot, to provide accommodation for small start-up businesses. The industrial estate previously comprised 40 no. small industrial units (within B1, B2 and B8 Use Classes) with a total floor space of some 3,753m². Planning permission was granted in January 2022 (ref.21/03391/FUL) for the redevelopment of the existing industrial estate, including demolition of the existing buildings. At the time of the site visit, demolition, clearance, and ground works had commenced.
- 2.2 The site is accessed by the sole entrance/exit point on Westhampnett Road. A mixture of residential and commercial (including large supermarkets) development lies further to the east. Approximately 15 metres to the east lie Nos. 21, 22 and 22a Westhampnett Road, which are designated grade II listed buildings.
- 2.3 The site is predominantly located within Flood Zone 1; with only the very northern edge of the site boundary, partially falling within Flood Zone 2 (all the buildings and the north (front) boundary wall are located within Flood Zone 1). The River Lavant runs in an east-west direction to the northern side of Westhampnett Road and here the land moved into Flood Zones 2 and 3.

3.0 Proposal

- 3.1 The application seeks approval for non-material amendments to planning permission 21/03391/FUL. The amendments comprise:
- a) Brick plinths: Removal of the brick plinths to Blocks 1, 2, 3, 4 and 5. The brick plinths feature on all sides of the blocks and measure approx. 0.3m in height from ground level. The proposal is for the vertical cladding to continue down the elevation to ground level.
 - b) Entrance canopies: Removal of all the entrance canopies to Blocks 1, 2, 3, 4 and 5. The entrance canopies feature over each entrance on every unit on all the blocks and comprise of two supporting metal arms, finished with a thin piece of Perspex approx. 1.2m wide. The proposal is to omit all the entrance canopies.
 - c) Northern (front) boundary wall:
 - i. Western side of access – removal of the brick piers. Instead the approved railings will run uninterrupted.
 - ii. Eastern side of access – re-build section of wall to mirror boundary treatment proposed on the western side. This would include an approx. 1.2m high brick wall finished with approx. 1m high railings, to a maximum height of approximately 2.2m (when viewed from the north i.e. Westhampnett Road).

4.0 History

20/01914/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m ² (47877ft) of lettable industrial space all under B1(b), B1(c) and B8 use classes with 5 no. replacement buildings.
21/01391/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m ² (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings - Variation of Condition 1 of planning permission CC/20/01914/FUL- changes to Block 1 from one single large unit into 10 smaller units and associated works.
21/01701/DOC	PER	Discharge of Condition 3 of planning permission CC/20/01914/FUL - Construction and Environmental Management Plan (CEMP).
21/02090/DOC	SPLIT	Discharge of conditions 11, 12, 15 & 18 to permission 20/01914/FUL.
21/02262/DOC	PER	Discharge of condition 3, 11, 13 and 17 from planning permission CC/21/01391/FUL.
21/02538/DOC	SPLIT	Discharge of conditions 5 (Surface Water Drainage) and 7 (Ground Levels) from Planning Permission CC/21/01391/FUL
21/02840/DOC	PER	Discharge of Conditions 6 (piling/foundation design) and 8 (scheme to deal with contamination) of planning permission CC/21/01391/FUL.
21/02876/DOC	PER	Discharge of condition 14 of permission 21/01391/FUL.
21/03340/DOC	PER	Discharge of condition 5 and 12 form planning permission CC/21/01391/FUL.
21/03469/DOC	PER	Discharge of Conditions 9 (Phase 2 Intrusive Investigation Report) and 10 (Remediation Scheme) of planning permission CC/21/01391/FUL.

21/03391/FUL

PER

Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m² (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings. Variation of Condition 1 of planning permission CC/20/01914/FUL - changes to Block 1 from one single large unit into 10 smaller units and associated works and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

- 6.1 An application to make a non-material amendment is not an application for planning permission. Therefore Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. The National Planning Practice Guidance (NPPG) (Paragraph: 005 Reference ID: 17a-005-20140306) advises that as by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.
- 6.2 Before the application is made, the applicant must notify anyone who is an owner of the land which would be affected by the non-material amendment. In accordance with NPPG Paragraph: 006 Reference ID: 17a-006-20140306 the Local Planning Authority must take into account any representations made by anyone notified, provided they are received within 14 days of notification. Chichester District Council as land owner has not made any representations.
- 6.3 2 letters of objection from local residents have been received concerning:

- a) The vertical cladding has an enormous negative impact on the visual appearance (especially on the centre block).
- b) Development is within the heart of the community and on a central access road into Chichester and as such deserves a better architectural solution.
- c) There can be no reason other than cost saving for this change.
- d) Previously queried why the central block was almost 3 storeys high, as this seems excessive and will be visible from the eastern approach along the A27, potentially impacting the view into Chichester of the Cathedral Spire above the existing roof tops.
- e) For such a high building to be treated as a basic industrial design will have an impact on the neighbourhood for generations to come.
- f) The Trisomet cladding system is a commercial cladding system often used as industrial cladding for roofing.
- g) The vertical cladding will be a significant change to the public/external views.

7.0 Planning Policy

- 7.1 The Local Planning Authority must be satisfied that the amendments sought are non-material in order to grant an application under section 96A of the Town and Country Planning Act (TCPA) 1990.
- 7.2 As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.
- 7.3 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Maintain low levels of unemployment in the district
 - Prepare people of all ages and abilities for the workplace and support the development of life skills
 - Develop a local workforce that meets the needs of local employers
 - Support local businesses to grow and become engaged with local communities
 - Maintain the low levels of crime in the district in the light of reducing resources
 - Support and empower communities and people to help themselves and develop resilience
 - Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
 - Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

Planning Assessment

- 8.1 The determining issue is whether the proposed changes would result in any material change to planning permission 21/03391/FUL. There is no statutory definition of 'non-material'. This is because it is dependent on the context of the overall scheme; what may be non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendments sought are non-material in order to grant an application under s.96A of the TCPA 1990.

- 8.2 The proposed removal of the brick plinths and the extension of the vertical cladding to the ground is considered a minor change which would not materially change the appearance of the approved buildings or the development as a whole, nor would the amended design detail be readily visible from the wider public realm. As such, it is considered the proposal to omit the brick plinths would not result in any material change to the scheme permitted under planning permission 21/03391/FUL.
- 8.3 The removal of the entrance canopies would not adversely or significantly change the design of the buildings and is considered a modest change to the overall scheme, which would also not be readily visible from the public realm. As such, it is considered the proposal to omit the entrance canopies would not result in any material change to planning permission 21/03391/FUL.
- 8.4 Whilst the alterations to the northern (front) boundary wall would be visible from the public realm, the proposal would be set-back from the highway and would provide consistency to the site frontage in terms of boundary treatment. The position of the boundary treatment, its overall height, and use of materials would be similar to the approved boundary treatment. In addition the boundary treatment, for the purposes of assessing an application for a non-material amendment, represents a minor element of the overall development permitted. As such, it is considered that the proposed changes to the northern (front) boundary wall would not result in the provision of a development materially different to the scheme granted planning permission under application reference 21/03391/FUL.
- 8.5 Overall, the proposed changes would not change the siting, height, appearance, overall design or scale of the development such that the proposals would result in a scheme materially different to the one granted planning permission under 21/03391/FUL, nor would it introduce windows that affect other properties or significantly move the external envelope outward. As a result of the above; the proposed alterations are considered to be of limited significance, consequence and importance to the approved scheme. Accordingly, the non-material amendment proposed is considered acceptable in accordance with S.96A of the TCPA 1990.

Other Matters

- 8.6 Representations have been received from third parties, however they are not material to the consideration of the application for a non-material amendment under S. 96A of the TCPA. Notwithstanding this; the materials to be used in the construction of the development is not a consideration under this application and is not relevant to the assessment of the proposed amendments. The final palette of materials was agreed under Condition 14 of 21/01391/FUL (and a condition to secure the approved materials was included on 21/03391/FUL).
- 8.7 It should be noted that an application under S.96A is not standalone permission or an application for planning permission, instead it is read in conjunction with the original permission it is seeking to amend (i.e. 21/03391/FUL in this instance). Planning conditions applied over both decisions (i.e. 21/03391/FUL and the current NMA application 22/00020/NMA) will be relevant to the proposal. Any changes made under s.96A are permanent changes and do not provide an either/or option.

Human Rights

8.8 The Human Rights of all affected parties have been taken into account and the recommendation to permit is considered justified and proportionate.

Conclusion

8.9 For the reasons set out above, the proposed alterations are considered to have no significant effect on the proposal as permitted and as such are capable of being treated as non-material amendments to planning permission 21/03391/FUL, and therefore the recommendation is to permit.

RECOMMENDATION

PERMIT subject to the following condition and informatives:-

1) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Proposed Site Plan	P0867-RHP-CS-XX-PL-A-1010	P12	06.01.2022	Approved
PLAN - Proposed Elevations North and East - Block 1	P0867-RHP-B1-ZZ-EL-A-2150	P2	06.01.2022	Approved
PLAN - Proposed Elevations South and West - Block 1.	P0867-RHP-B1-ZZ-EL-A-2151	P2	06.01.2022	Approved
PLAN - Proposed Plans and Elevations - Block 2	P0867-RHP-CS-ZZ-PL-A-2080	P3	06.01.2022	Approved
PLAN - Proposed Plans and Elevations - Block 3	P0867-RHP-CS-ZZ-PL-A-2081	P3	06.01.2022	Approved
PLAN - Proposed Plans and Elevations - Block 4	P0867-RHP-CS-ZZ-PL-A-2082	P3	06.01.2022	Approved
PLAN - Proposed Plans and Elevations - Block 5	P0867-RHP-CS-ZZ-PL-A-2083	P3	06.01.2022	Approved

PLAN - Side Elevations - North	P0867-RHP-B1-ZZ-EL-A-2160	P6	06.01.2022	Approved
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INFORMATIVES

1) 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 and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) Your attention is also drawn to the conditions imposed on planning permission reference 21/03391/FUL.

For further information on this application please contact Jane Thatcher on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5AN51ER10R00>