

Address: Battle Street

Application No: 240347/NMA

Proposal: Minor amendment to planning permission 221405 for an amendment to the trigger for condition 35 - secured by design principles, from pre- commencement to pre-occupation.

Case Officer: Alison Amoah

Proposal: The non-material amendment sought relates to Condition 35: that details of safety / security measures (as to be informed by secured by design principles) shall be submitted, approved and implemented before occupation of the development, rather than details to be approved before commencement.

To amend the wording FROM:

35. Prior to commencement of any part of the development hereby approved, a scheme of security and safety measures, which accord with the principles of 'Secured by Design' and include the provision of CCTV where feasible, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details before the residential units are occupied and retained at all times thereafter.

REASON: to protect the amenity of future occupants of the proposed development in accordance with Policy CC7, CC8 and CR2.

TO:

35. Prior to ~~occupation commencement~~ of any part of the development hereby approved, a scheme of security and safety measures, which accord with the principles of 'Secured by Design' and include the provision of CCTV where feasible, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details before the residential units are occupied and retained at all times thereafter.

REASON: to protect the amenity of future occupants of the proposed development in accordance with Policy CC7, CC8 and CR2.

The reason provided by the applicant is to allow the Council's chosen delivery partner to commence construction works at the earliest opportunity, at a stage before details of the final safety / security measures would be available.

Objections Received (Summary):

Applications under S96A are not applications for planning permission, so are not covered by the publicity requirements as set out in the DMPO.

Relevant Planning History:

221405/REG3 - Clearance and taking up of existing hardstanding and structures from the site, erection of seven buildings, up to four storeys in height, containing 49 affordable dwellings (Class C3 use), supported living accommodation (Class C2 residential institution use), and older persons day centre (Class E(f)), and associated roadways, car parking, open space and other infrastructure - Approved 7/9/2023

Appraisal:

The proposed change to the trigger for the condition would not affect the purpose, function or effectiveness of the condition and would enable this key development to commence.

Conclusion:

The changes as proposed are considered to be acceptable non-material alterations to the approved scheme.

Recommendation:

Approve non-material amendment subject to conditions. Although Section 96(A) of the Act does not allow for the original decision to be re-issued, it does allow the modification of, or imposition of, conditions. In this respect it is considered appropriate to impose an additional condition:

Amended Condition

35. Prior to occupation of any part of the development hereby approved, a scheme of security and safety measures, which accord with the principles of 'Secured by Design' and include the provision of CCTV where feasible, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details before the residential units are occupied and retained at all times thereafter.

REASON: to protect the amenity of future occupants of the proposed development in accordance with Policy CC7, CC8 and CR2.

INFORMATIVES

1. This notice relates only to the changes to condition 35 of the substantive planning permission (Ref:221405). It shall be read in the context of the substantive planning permission and is bound by all the conditions and obligations attached to those permissions. Those permissions still stand and this notice (and any other notices issued under section 96a for this development) should be read together.
2. In reaching this decision, the local planning authority is satisfied that the changes proposed by this application do not constitute material changes to the approved planning permission.