Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0025
Leonardslee Gardens Brighton Road Lower Beeding West Sussex RH13 6PP

DESCRIPTION:
Non-Material Amendment to previously approved application DC/22/2229 (Construction of enlarged and rationalised car park overflow car parking) relating to condition 12, to amend the timing and location for the provision of the electric vehicle charging points for the redesigned car park.

DETAILED DESCRIPTION:

This application seeks approval for amendments to Condition 12 (Electric Vehicle Charging) of DC/22/2229 for changes to the timing and location of the provision of the electric vehicle charging for the redesigned car park, namely:

The amendments sought are identified in a cover letter (Donald Insall Associates Issue Date: 06/01/2025), detailed below.

The current wording of Condition 12 is as follows:

Pre-Occupation Condition: *No part of the development hereby permitted shall be used or brought into use until the provision of electrical vehicle charging points has been completed in accordance with approved plan drawing CP 2000 REV 10 and shall thereafter remain as such*.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

The applicant's proposed wording of condition is as follows:

Pre-Occupation Condition: *No part of the main car park (north) hereby permitted shall be used or brought into use until details (including the specification and location) of the provision of electrical vehicle charging points has been completed on site and shall thereafter remain as such.*

It is explained that this change moves the trigger point for the approval of the EV charging from the pre-construction stage, to after the completion of the works of the main car park (north).

The reason given for this alteration is that the design and location of the EV chargers is reliant on the energy provider and cannot be given or confirmed to be in accordance with the approved plan drawing CP 2000 REV 10 at this stage, due to supply chain issues. A provider is being sought and once engaged will be able to give clarity of the location and specification of the chargers, however, to facilitate the approved works to the car parks, the applicant is seeking a non-material amendment to Condition 12.

RELEVANT PLANNING HISTORY:

DC/18/0689	Change of use, restoration and extension of existing green house for use as a ticket office/gift shop, extension of toilet block, external works to existing car park to create a formalised parking arrangement, upgrade works to two of the existing access points and associated works and landscaping associated with the opening of Leonardslee House and Gardens to the public.	Permitted 10-10-2018

DC/22/2229	Construction of enlarged and rationalised existing car park and grassed enclosure for overflow car parking, with tree planting. Installation of new children's play area. Relocation of chicken enclosure. Amendments to road layout within the site, with associated enlarged and enhanced landscape buffer and reinstatement of hedge to A281 boundary. (Part-retrospective).	Permitted 10-07-2023

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 35 - Strategic Policy: Climate Change
Policy 41 - Parking

WSCC Parking Standards (2019).

Neighbourhood Plan: Lower Beeding Parish have produced a neighbourhood plan which have been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations.

To unlock the Lower Beeding Neighbourhood Plan, further work has been commissioned to address the issue of water neutrality. This work and the modifications made to the Lower Beeding Neighbourhood Plan was subject to a focussed consultation. The consultation ran from 2 September 2024 to the 14 October 2024 for 6 weeks. The consultation has now concluded. The Council has considered the representations it received during the focussed consultation on Water Neutrality. The Council has completed a Decision Statement recommending the plan proceed to Referendum and published on 8 November 2024. Further details on the Referendum will be announced shortly.

Lower Beeding Neighbourhood Plan 2014-2031
Policy 4: Sustainability

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
HDC Landscapes: *No concerns with the proposed change of the wording to condition 12 provided the landscape works are still delivered in accordance with the approved plans.*

Parish Comments:
None received.

Representations:
Objection received from 1 property address, raising the matters below:

Applicant is suggesting a change to the wording to allow the scheme to be approved once it is installed. There is an approved plan which has passed through the planning process and this should be adhered to or altered through the planning process accordingly.

It should be noted (and it forms part of this objection) that despite being a non-occupation condition, the car park was in full use during Illuminated 2023 (November and December) and Illuminated 2024 (November and December). This was even raised as a compliance breach so it highlights that the applicant does not adhere to requirements or conditions and allowing the applicant to build and then show you what they have done gives no chance of recourse if they have strayed from the approved plans.

The decision notice for the original car park application (which in itself was retrospective) clearly lists

Condition 12. The date of issue of the decision notice was 10th July 2023 so the applicant has had 18 months to sort out a suitable supplier and agree a scheme that meets with the requirement of Condition 12 and the layout plan mentioned within that condition - or alter and get approved accordingly.

The application makes mention of the north car park. This on the plans is the main car park as opposed to the overspill car park to which the Condition relates. Does this mean that the applicant is going to close the main car park until such time as the EV Chargers have been installed?

The applicant is making a play against not being able to get hold of a suitable supplier. As noted above, the applicant has had 18 months but irrespective of that fact, there is no supplier uncertainty in this area of work. Could give you a list of 6 or more EV charger suppliers and a list of contractors as long as your arm that would be able to source the required products, establish the required works and complete a suitable plan and specification within a few weeks. In fact, as a practicing M&E Consultant could actually do that for them this month - for a fee of course but this highlights that the applicants statement is without substance.

The statement 'design remains in flux' is utter rubbish. The applicant and any chosen consultant / contractor can establish a fixed plan with no difficulty at all.

Condition 12 should not be allowed to be changed to an 'as installed' version on the basis of the points listed above. The applicant should be made to comply with the original Condition and submit a plan and specification for approval accordingly.

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT
The main consideration of this application is whether the proposed alterations can be considered as non-material amendment to the approved scheme in accordance with Section 96A of the Town and Country Planning Act 1990 (as inserted by S190 of the Planning Act 2008). The discretion rests with the Council to decide to whether the revisions would constitute a non-material amendment to a planning permission, which would not take it outside the scope of the original permission.

The amendments sought relate to the timing and location of the provision of the electric vehicle charging infrastructure serving the redesigned visitor car park (north).

Timing

The electric car charging infrastructure was approved in the 2022 visitor car park redesign in a location to serve users of the main visitor car park (north) as redesigned (DC/22/2229 refers). This comprised the 5 no. charging stations as approved in the 2018 planning permission for the garden re-opening (in the accompanying Transport Statement). The 2022 approved location of the 5 no. stations was in the main visitor car park (north), and not the overflow car park.

The current wording of condition 12 means the EV charging infrastructure had to be provided before use of any part of the development, including the overflow car park.

Since the approved location of the charging points would not have been accessible for use to vehicles parked in the overflow car park, it is not necessary to tie the timing of the provision of the charging

points to before use of the overflow car park. Rather, the timing of their provision should be aligned with before use of the completed redesigned main visitor car park (north).

Location

The applicant (Leonardslee Lakes and Gardens) confirmed in December 2024 that they had been in talks with Eon drive for EV charging but Eon withdrew citing budget restraints as a reason. The Eon proposal took almost 18 months to reach the point when Eon withdrew. Leonardslee are now looking to find a new partner for the charging stations, with a provider. There is also some additional underground infrastructure needed to enable charges to be installed that needs to be done via UK power.

The REV 17 drawing version submitted with this application shows the charging stations in the same location as shown on REV 10, reflecting the current knowns. As there are potential unknowns to the requirements of the new partner on the technical specifications of the charging infrastructure involving final location /grouping within the redesigned main visitor car park (north), reference in condition 12 to the outdated approved site plan drawing CP 2000 REV 10 (now superseded, with the latest working drawing being version REV 17), should be replaced with details of the location to be submitted to and agreed by the Council.

Water Neutrality

The original permission DC/22/2229 has already demonstrated water neutrality, and the proposed amendment would not alter the water consumption of the approved development, therefore no further water neutrality measures are required.

Overall Conclusions

Condition 12 as currently worded:

Pre-Occupation Condition: *No part of the development hereby permitted shall be used or brought into use until the provision of electrical vehicle charging points has been completed in accordance with approved plan drawing CP 2000 REV 10 and shall thereafter remain as such*.

The applicant's proposed reworded Condition 12 set out in the Insall cover letter 06/01/2025:

Pre-Occupation Condition: *No part of the main car park (north) hereby permitted shall be used or brought into use until details (including the specification and location) of the provision of electrical vehicle charging points has been completed on site and shall thereafter remain as such.*

The Council's proposed Condition 12 as reworded:

Pre-Occupation Condition: *Notwithstanding the submitted details*, *no part of the main car park (north) hereby permitted shall be used or brought into use until the provision of 5 no. electrical vehicle charging points has been completed on site in accordance with details of their location submitted to and approved in writing by the Local Planning Authority and shall thereafter remain as such.*

The Council's reworded condition will continue to secure the approved provision of electric charging infrastructure (which comprises 5 no. charging points as in the 2018 and 2022 planning permissions, located in the main visitor car park (north)). The applicant has agreed to this amended wording and to consider the application submission on this basis.

The amendment to condition 12 as worded by the Council above, is therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation: Application Permitted

As approved under this Non-Material Amendment, Condition 12 of DC/22/2229:

Pre-Occupation Condition: Notwithstanding the submitted details, no part of the main car park (north) hereby permitted shall be used or brought into use until the provision of 5 no. electrical vehicle charging points has been completed on site in accordance with details of their location submitted to and approved in writing by the Local Planning Authority and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0025

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Car Park Site Plan as Proposed	CP 2000 REV 17	08.01.2025

DELEGATED

Case Officer sign/initial Matthew Porter Date: 29-01-2025

Authorising Officer sign/initial Adrian Smith Date: 30/01/2025