Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0170
Land East of A24, Worthing Road, Horsham, West Sussex,

DESCRIPTION:
Non-Material Amendment to previously approved application DC/15/1702 (Erection of 300 dwellings, 2 x football pitches, MUGA and NEAP with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters)). Re-alignment of Phase 8 Apartment Block to the existing site levels.

RELEVANT PLANNING HISTORY:

DC/15/1702 Erection of 300 dwellings, 2 x football pitches, MUGA and NEAP with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004) (Approval of Reserved Matters). Application Permitted on 23.12.2016

DC/22/0409 Non Material Amendment to previously approved application DC/15/1702 (Erection of 300 dwellings, 2 x football pitches, MUGA and NEAP with associated access, parking and landscape works pursuant to outline planning permission DC/09/2138 (as amended by DC/11/2004)) to update previous house types in order to bring these in line with current building regulations and Nationally Described Space Standards and additional house type changes made to the scheme in order to improve the quality of the area. Application Permitted on 05.05.2022

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (HDPF 2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 9 – Employment Development
Policy 12 - Vitality and Viability of Existing Retail Centres
Policy 13 -Town Centre Uses
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

The Horsham Blueprint Neighbourhood Plan was formally made at Full Council on 14 December 2022.

Relevant Policies include Policy HB3: Character of development.

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

INTERNAL CONSULTATIONS:

None received.

OUTSIDE AGENCIES:

None received.

Parish Comments: None received.

Representations: None received

Member Comments: None received.

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 amendments 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 application has been made in relation to the Apartment Block situated in Phase 8, Southern Site Phase 2. The site is under construction and there are no dwellings in the immediate vicinity that have been built out or are occupied.

The application has been made so as to negate the need for a large retaining wall on the boundary with Network Rail to the rear of the site as originally proposed. The proposed amendment would therefore result in an under build of between 1.1m and 1.8m deep from the east to the west side of the front elevation of the apartment block where existing land levels fall away. From the ground floor up, there has been no change to the finished floor levels. Whilst this will result in an increase in the overall height of elevations from the existing ground level given the topography of the site, it would not raise the original ridge height of the building which would remain at the level previously proposed.

It is advised that additional evergreen landscaping is proposed to soften the built form to the front and the side elevations. These details should be submitted as part of the current Discharge of Conditions Application under DISC/23/0069 which are yet to be determined or alternatively, a separate discharge of

conditions application would need to be submitted at a later stage as an update to any approved landscaping plans in relation to DC/15/1702.

In addition to the above, and given the elevated position of the entrance, a ramp and steps have been incorporated to the front elevation as well as the addition of glazed, Juliet balconies to the ground floor windows.

It is noted that previous non-material amendments have been made to the original proposals approved under DC/09/2138 (as amended by DC/11/2004), with reserved matters as subsequently approved under DC/15/1702. Previous non-material amendments under DC/22/0409 were for the purpose of updating previous house types in order to bring these in line with current building regulations and Nationally Described Space Standards and additional house type changes made to the scheme in order to improve the quality of the area. It is not considered that the proposed non-material amendments as sought would result in any significant changes to the appearance of the development overall or to the apartment block itself and as such is considered acceptable in this respect.

No other amendments are proposed. Whilst other amendments have previously been made, the site is still under construction and in the wider context of the development the amendments are considered to be acceptable. The minor increase in height would not impact upon the amenity of any adjacent properties. These amendments would not be considered to compromise the character or appearance of the site or wider surroundings in accordance with HDPF policies 32, 33 and 40, and is recommended for approval.

As this permission has been made under s.96 A of the Town and Country Planning Act, this decision only relates to the non-material amendments sought and is not a reissue of the original planning permission DC/21/1831 which still stands.

**Water Neutrality**

On 14 September 2021, the Council received a Position Statement from Natural England. Information collected by Natural England shows that water abstraction for drinking water supplies is having a negative impact on the wildlife sites in the Arun Valley. They have advised that any new development that takes place must not add to this negative impact. One way of preventing any further negative impact is to ensure that all new development which takes place is water neutral.

This application seeks a non-material amendment of which the trigger for its implementation is not tied to occupation of the development. The Council as Competent Authority under its duties imposed by the Habitat Regulations has therefore 'screened it out' for water neutrality purposes.

**Recommendation: Application Permitted**

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.

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**Plans list for: DC/24/0170**
(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 |
|---|---|---|---|
| Location plan | | S826/Ph8-SL/01 | 30.01.2024 |

| | | | |
|---|---|---|---|
| Site plan | | S826-Ph8-SL-00 REV B | 30.01.2024 |
| Floor plan | Ground, as proposed | 2138-PL-01-01 | 30.01.2024 |
| Floor plan | First, as proposed | 2138-PL-02-01 | 30.01.2024 |
| Floor plan | Second, as proposed | 2138-PL-03-01 | 30.01.2024 |
| Elevation plan | Front, as proposed | 2138-PL-04-01 | 30.01.2024 |
| Elevation plan | Rear, as proposed | 2138-PL-05-01 | 30.01.2024 |
| Elevation plan | Sides, as proposed | 2138-PL-06-01 | 30.01.2024 |

Schedule of plans/documents **not approved**:

| **Plan Type** | **Description** | **Drawing Number** | **Received Date** |
|---|---|---|---|

**DELEGATED**

Case Officer sign/initial Amanda Wilkes Date: 20/02/2024

Authorising Officer sign/initial J Hawkes Date: 21.02.2024