Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0876
Mowbray Development Site, Horsham, West Sussex, RH12 4TW

DESCRIPTION:
Non Material Amendment to previously approved application DC/16/1677 (Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m2), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure) to amend the parameter plans to exclude Squirrels Bungalow curtilage from the Green Infrastructure Parameter Plan.

RELEVANT PLANNING HISTORY:

DC/16/1677	Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m2), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure	Application Permitted on 01.03.2018
DC/19/0984	Non material amendments to approved application DC/16/1677 (the North Horsham Development site) for amendments to the wording of conditions 5,7,8,9,11,12,13,14,16,17,18,19,22,28, 31 & 54 and the introduction of a new condition to enable the Principal Access Works to come forward	Application Permitted on 12.06.2019
DC/21/0181	Non Material Amendment to condition 2 of DC/16/1677 (Outline planning permission for Land North of Horsham strategic site) to amend all parameter plans.	Application Permitted 12.03.2021
DC/22/1883	Non-material amendment to previously approved application DC/16/1677 (Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m2), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure) Amendment to the Building Height Parameter Plan as listed on Condition 2	Application Permitted 01.11.2022
DC/24/0427	Non Material Amendment to previously approved application DC/21/2440 (Demolition of existing bungalow and erection of a replacement three bedroom bungalow with basement) Relocation of the garage and bungalow and amendments to the property boundary.	Application Permitted on 14.05.2024

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy SD1 - Strategic Policy: Land North of Horsham
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

Neighbourhood Plan:
The North of Horsham strategic site is within Rusper and North Horsham Parish. Rusper Parish Neighbourhood Plan has now been formally made. North Horsham Parish voluntarily withdrew their parish from the Neighbourhood Development Plan process on 30 July 2018. This application is mainly with the North Horsham Parish. Relevant Rusper Neighbourhood Plan policy is as follows:

- Policy RUS3: Design

Parish Design Statement: None

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:
WSCC Fire Services: Comment. Conditions recommended in relation to the provision of fire hydrants.

NB: these comments are not relevant to this proposal for amendments to the parameter plans.

Parish Comments:
None received

Representations:
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.

Recently under DC/24/0427, non-material amendments were approved to an extant permission for the a replacement bungalow at The Squirrels granted under application DC/21/2440. This dwelling is within Phase 3 of the Mowbray Development site. Under this non-material amendment application, permission was granted to relocate the garage and amend the design of the replacement bungalow.

With the relocation of the garage, the area to the north of the bungalow would not include any structures.

The curtilage of the existing bungalow is identified as natural greenspace on the approved parameter plans under DC/16/1677 for the wider Mowbray strategic development site. The approved Movement and Access Parameter plan shows a cycle and pedestrian connection between Phase 1 and 3, which goes through the existing and approved replacement bungalow.

Under the current application, the applicants are seeking to amend the approved parameter plans to resolve this conflict. The amendments would allow the implementation of the approved bungalow and relocate the cycle and pedestrian access to the area to the north of the bungalow. This would still allow a substantial curtilage and garden for the bungalow. The amendments sought are summarised as follows:

- Land Use Parameter Plan (2153A-100): Updated to show the existing/replacement Squirrels Bungalow as existing commercial/residential land.
- Movement and Access Parameter Plan (2153A-103): Realignment of the proposed cycle and pedestrian path between Phase 1 and Phase 3.
- Green Infrastructure Parameter Plan (2153A-104): Updated to reflect the extent of the existing/replacement Squirrels Bungalow and exclusion of its curtilage and garden from Green Infrastructure.

The changes do not materially alter the location of uses proposed across the site and a pedestrian/cycle connection continues to be provided in a broadly similar location. In addition, the amendment does not conflict with the approval for a replacement bungalow at the Squirrels. The proposal does not raise any concerns in relation to water neutrality. The amendments are therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation: Application Permitted

NOTE TO APPLICANT

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/24/0876
(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
Layout plan	Land Use	2153A - 100Q	10.06.2024
Layout plan	Movement and Access	2153A - 103S	10.06.2024
Layout plan	Green Infrastructure	2153A – 105R	18.06.2024

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 27.06.2024

Authorising Officer sign/initial Adrian Smith Date: 27/06/2024