



Date: 15th June 2026

Our Ref: 13.103

Alice Johnson
Development Management
Albery House
Springfield Road
Horsham
RH12 2GB

Dear Alice,

THE TOWN AND COUNTRY PLANNING ACT 1990

S73 APPLICATION TO VARY THE WORDING OF CONDITIONS GRANTED BY PLANNING PERMISSION REF. DC/13/1048 IN RESPECT OF PART B OF THE IMPLEMENTED SCHEME

BROOMERS HILL INDUSTRIAL ESTATE, CODMORE HILL, PULBOROUGH

On behalf of our clients, WT Lamb Holdings Ltd please find enclosed a s73 application to vary conditions associated with planning permission reference DC/13/1048.

Planning application DC/13/1048 was granted a hybrid planning permission on 24th September 2013 for the expansion of the existing business park, it comprised:

"Proposed development of 10 No. B1/B8 units with 55 parking spaces, 2 disabled spaces & 10 LGV parking spaces and outline consent for a further B1/B8 unit with 10 car parking spaces."

The decision notice splits the relevant conditions into an outline component and a detailed component for which reserved matters were included within the outline submission, lawfully therefore the planning permission comprises an outline planning permission with detail provided for part of the site. The Authority issued a Certificate of Lawful Development on 19th December 2025 confirming that the application had been implemented.

The s73 application seeks to vary a number of the conditions approved. Accordingly, I enclose at appendix 1 a list of the submitted documentation.

SITE DESCRIPTION

The site measures approximately 0.71 hectares and forms phase 2 of the Broomers Hill Industrial Estate which lies to the west. To the east is the Bognor Regis to London Victoria rail line and to the north is Broomers Hill Lane. To the south of the site is phase 3 of the industrial estate which is proposed to be allocated in the emerging Pulborough Neighbourhood Plan.

The site currently comprises an informal gravel car park that serves the existing industrial estate along with scrub. An access spur has been laid in tarmac as part of the implementation works.

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Broomers Hill Industrial Estate is owned by WTLP Ltd (a sister company of WTLH) and comprises 14 units of B1 (light industrial) and B8 employment uses within 3 terraces and one stand alone building incorporating mezzanine floorspace that are accessed via Broomers Hill Lane. The Estate itself is well screened with a line of trees / hedgerow to the north and west.

To the south lies land allocated for further expansion of the industrial estate, beyond which lies Codmore Hill. This predominantly comprises residential properties (including a relatively recent housing estate) and facilities including several bus stops, equestrian activities, the Sainsbury's supermarket, restaurant, car showroom and other facilities.

To the east and north of the site lies countryside and sporadic development.

PROPOSED CHANGES UNDER S73

Whilst the description will remain the same, and the scheme has been implemented, it is proposed to limit the scope of the s73 to Part B of application reference DC/13/1048 which was granted in full.

The updated proposals are shown on the following plans prepared by Place By Design;

- 1749_2100 Broomers Hill Park Proposed Site Plan; and
- 1749_2200 Broomers Hill Park Units 1-10 Plans and Elevations.

The description of development remains:

“Proposed development of 10 No. 81/88 units with 55 parking spaces, 2 disabled spaces & 10 LGV parking spaces and outline consent for a further 81/88 unit with 10 car parking spaces.”

The proposed s73 would solely relate to Part B of the site which was granted permission in Full. The proposed changes seek to combine the previously consented (and extant) two blocks of Part B, into one single block with associated updates to approved infrastructure, landscape and associated plans.

The updated Part B layout does have a number of benefits by grouping all 10 units into one building rather than 2, I note:

- there will no longer be a need to culvert the stream at the southern end of the site which is a benefit;
- by moving the building from the eastern edge, it enables the retention of the trees along the boundary. 9 trees that were previously identified for removal are now retained;
- it enables a range of ecological enhancements that were not included in the extant permission including provision of bird and bat boxes, low level lighting and improved landscape features;
- the drainage design is improved to meet modern requirements; and
- it would Spellman's future in the area in an expedient way for all.

As a result of the change to the layout, it is necessary to vary a number of conditions to update the approved plans accordingly. It is proposed that the variation to conditions would require compliance with the updated plans and reports. The following table sets out a summary of the proposed variations (over page):

CONDITION NUMBER(S)	CONDITION RELATING TO	APPROVED PLANS & DOCUMENTS	PROPOSED S.73 VARIATION (NEW PLANS AND REPORTS FOR COMPLIANCE BASED CONDITIONS)
20	Approval of Materials	Materials Schedule and accompanying manufacturer's specifications (walls, windows, roller shutters and roof) (by Place By Design)	Materials Schedule (prepared by Place by Design)
22 & 23	Landscape Management and Maintenance	Soft & Hard Landscape Proposals ref. 2250/107 Landscape Management Plan ref. 2250/01 Topsoil Depths to Soft Landscape Areas Plan ref. 2250/109 A Tree Pit Details ref. 2250/110-112 (all by CSA Environmental)	Hard and Soft Landscape Proposals ref. 1810-L90-200D Detailed Planting Plan ref. 1810-L90-300A Top Soil Depths ref. 1810-L90-301A Tree Pit Details 1 of 3 ref. 1810-L90-302 Tree Pit Details 2 of 3 ref. 810-L90-303 Tree Pit Details 3 of 3 1810-L90-304 Trees and Services ref. 1810-L90-305A Lighting Plan ref. 1810-L90-306B Landscape management plan Rev A Tree images Landscape management plan Rev A Tree images (all by Landscape Perspective Ltd)
30 & 39	Surface water drainage & Finished Floor Levels	Planning Stage Engineering Details & Drainage Strategy Layout ref. 4528/SK100 rev. A (by Cole Easdon Consultants)	4528 - 502(B) Proposed Surface Water Drainage Layout Flood Risk and Drainage Strategy (both by Cole Easdon)

31	Travel Plan Statement	Travel Plan Statement (by White Young Green)	Travel Plan Statement (By Miles White Transport)
36	Cycling Provision	Proposed Site Plan ref. 1749/1210 Cycle Storage ref. 1749/600 (both by Place By Design)	1749_3600_Cycle Store Plans and Elevations_Broomers Hill Park (by Place By Design)
38	Construction Phasing Plan	Phased Construction Plan ref. PCP-01 (by Philips Surveyors)	Construction Phasing Plan not required as development will proceed firstly within part B then part A.
40	Laying out and retention of car parking		To be amended to "No part of the development on the approved plan shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use."
43	BREEAM certification	BREEAM UK New Construction 2014 Preassessment report (by Melin Consultants)	Energy Statement and Sustainability Statement (by Sol Environmental)
19	Commencement of development	Layout plan CSA/2250/113 22.07.2016 Roof plan 1202 22.07.2016 Layout plan 4528/SK100 A 22.07.2016 Site plan 1210 22.07.2016 Floor plan 1201 22.07.2016 Elevation plan 1200 22.07.2016 Elevation plan 600 22.07.2016 Supporting Statement Planning Method Statement NONE 22.07.2016 Supporting Statement Travel Plan Statement	1749_2000B_Broomers Hill Park_Location Plan 1749_2100B_Proposed Site Plan_Broomers Hill Park 1749_3170_Proposed Streetscene & Section_Broomers Hill Park 1749_3200_Unit Plans and Elevations_Broomers Hill Park 1749_3300A_Perspective Renders_Broomers Hill Park Design and Access Statement (June 2026) Hard and Soft Landscape Proposals ref. 1810-L90-200D

		NONE 22.07.2016 Supporting Statement Planning Stage Method Statement NONE 22.07.2016 Supporting Docs NONE 22.07.2016	Detailed Planting Plan ref. 1810-L90-300A Other LARGE VEHICLE STRATEGY Received: 09.08.2013
24	Details of underground services in relation to landscaping scheme	Plan showing trees in relation to services ref. 2250/113 (by CSA Environmental)	Trees and Services ref. 1810-L90-305A
42	Construction Management Plan	Construction Management Plan (by Philips Surveyors)	Updated Construction Management Plan (by Philips Surveyors)
A	Approved Plans	Design & Access Statement Drwg no. REV E Received: 09.08.2013 Location plan Drwg no. 0001 P4 Received: 05.06.2013 Site plan Drwg no. 0002 PS Received: 09.08.2013 Proposed Floor & Elevations plan Drwg no. 0100 P2 Received: 05.06.2013 Proposed Floor & Elevations plan Drwg no. 0200 P2 Received: 05.06.2013 Street Scene plan Drwg no. 0500 P3 Received: 09.08.2013 Supporting Documents Drwg no. NONE Received: 05.06.2013 Other LARGE VEHICLE STRATEGY Received: 09.08.2013 Other ARTICULATED HGV PLAN Received: 09.08.2013 Other LANDSCAPE STRATEGY PLAN Received: 15.08.2013	1749_2000B_Broomers Hill Park_Location Plan 1749_2100B_Proposed Site Plan_Broomers Hill Park 1749_3170_Proposed Streetscene & Section_Broomers Hill Park 1749_3200_Unit Plans and Elevations_Broomers Hill Park 1749_3300A_Perspective Renders_Broomers Hill Park Design and Access Statement (June 2026) Hard and Soft Landscape Proposals ref. 1810-L90-200D Detailed Planting Plan ref. 1810-L90-300A Other LARGE VEHICLE STRATEGY Received: 09.08.2013

LEGISLATIVE CONTEXT

National Planning Policy Guidance (Paragraph: 013 Reference ID: 17a-013-20230726) is clear that

“an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.

Provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.”

Further the only restrictions on what a s73 application can be used for are clearly stated (Paragraph: 014 Reference ID: 17a-014-20140306);

“Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of the development.”

The result of a s73 application is that (Paragraph: 015 Reference ID: 17a-015-20140306):

“Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect. Further information about conditions can be found in the guidance for use of planning conditions.”

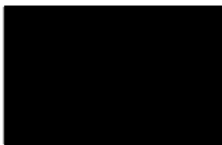
Conclusion

It is clear that s73 allows a great deal of scope for amendments to be made to conditions, there is no statutory time limit on the degree of change permissible and the proposed s73 would bring a major benefit to the local area in terms of economic benefits. In this regard our clients WTLH and Spellman UK would welcome an early meeting with the Council in order to discuss the proposals.

I look forward to acknowledgement of its receipt and registration of the application in due course.

Please do not hesitate to contact me should you wish to discuss any of the above or require any further information.

Yours sincerely



Michael Rees
Director

Appendix 1 List of s73 application documents

Document/Plan	Prepared by	Reference
Covering Letter	LRM Planning	N/A
Site Location Plan	Place by Design	1749_2000B
Planning Statement	LRM Planning	N/A
Design and Access Statement	LRM Planning	N/A
Proposed Site Plan	Place by Design	1749_2100B
Proposed Plans and Elevations	Place by Design	1749_3200
Perspective Renders	Place by Design	1749_3300A
Proposed Street Scene and Sections	Place by Design	1749_3170
Cycle store plans and elevations	Place by Design	1749_3600
Materials Schedule	Place by Design	1749_Condition 20
Ecology Report	Greenlink	N/A
Proposed Surface Water Drainage Layout	Cole Easdon	4528 - 502(B)
Drainage Strategy & Flood Risk Assessment	Cole Easedon	N/A
Arboricultural Implications Report	SJA	N/A
Travel Plan Statement	Miles White Transport	N?A
Tracking 10m Rigid SPA	Miles White Transport	25048-SPA03
Energy Statement	Sol Environmental	N/A
Sustainability Statement	Sol Environmental	N/A
Construction Management Plan	Phillips Surveyors	N/A

Hard and Soft Landscape Proposals	Landscape Perspective Ltd	1810-L90-200D
Detailed Planting Plan	Landscape Perspective Ltd	1810-L90-300A
Top Soil Depths	Landscape Perspective Ltd	1810-L90-301A
Tree Pit Details 1 of 3	Landscape Perspective Ltd	1810-L90 302
Tree Pit Details 2 of 3	Landscape Perspective Ltd	810-L90-303
Tree Pit Details 3 of 3	Landscape Perspective Ltd	1810-L90-304
Trees and Services	Landscape Perspective Ltd	1810-L90-305A
Lighting Plan	Landscape Perspective Ltd	1810-L90-306C
Lighting Strategy	Landscape Perspective Ltd	N/A
Landscape management plan	Landscape Perspective Ltd	N/A
Tree images	Landscape Perspective Ltd	N/A