

Broadacres Phase 4

Minor Material Amendment Application

July 2024

Turley

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Client
Berkeley Homes

Our reference
BERS3014

July 2024

1. Introduction

- 1.1 This Planning Statement has been prepared by Turley on behalf of our client, Berkeley Homes, in support of a Minor Material Amendment application under section 73 of the Town and Country Planning Act 1990 for the Variation of condition 2 of application reference DC/24/0772 (non-material amendment to previously approved application DC/18/1246) to *“The development hereby approved comprises 199 no. residential dwellings including 61 affordable dwellings.”* and variation of plans approved under condition 1 of application reference DC/18/1246. The amendments relate to minor changes to the scheme.
- 1.2 The proposed changes solely relate to the unbuilt Phase 4 with the aim to deliver an alternative housing mix, amend the number of homes (a reduction of 14 compared to the extant consent) and an improved design. The proposed amendments remain in accordance with the approved outline application parameter plans and no changes are proposed to Phase 3.2 and the other completed elements of the development

Background

- 1.3 Outline planning permission was granted for up to 594 dwellings at Southwater in 2015 under application reference DC/14/0590. Reserved Matters approval has subsequently been granted for phases 1, 2, 3 and 4, totalling 514 units. Phases 1, 2 and 3 have now been completed. Phase 3.2 and Phase 4 was consented under application reference DC/18/1246 for 213 homes, with the following description of development:

“Reserved matters approval sought for layout, appearance, landscaping, scale and access for the erection of 214 dwellings (including 61 affordable dwellings) with associated access, parking and landscaping works pursuant to phases 3.2 and 4 of outline planning permission DC/14/0590.”
- 1.4 It should be noted that there is an error within the description of development, which referenced 214 homes, and did not keep pace with the approved layout which was amended during the course of the application to relate to 213 homes.
- 1.5 The Phase 3.2 and Phase 4 reserved matters application has now been implemented in part with Phase 3.2 completed and largely occupied to relate to 56 of the 213 homes (including 6 affordable homes). No work other than an internal access road to base course have been completed within Phase 4.
- 1.6 Phase 5 relating to 80 dwellings was submitted as a separate full standalone planning application in December 2019 (within the parameters of the outline permission, despite the time period for submission of reserved matters applications being lapsed) and received resolution to grant at committee in September 2020 (DC/19/2464). Before the Section 106 Agreement was signed, Natural England issued their position statement (September 2021) requiring all new developments to be water neutral, this also prevented planning condition discharge. The scheme was heard at committee on a further occasion (1st November 2022) to review the water neutrality strategy, again receiving resolution to grant subject to a Section 106 Agreement. However, the lack of agreed water neutrality strategy has prevented the Phase 5 Section 106 Agreement

from being signed, and permission being issued to date. The application therefore remains live.

- 1.7 As set out above, the description of development for the original reserved matters consent (DC/18/1246) specified the number of dwellings to be consented. A non-material amendment was submitted (reference DC/18/1246) to remove the number of dwellings from the description of development and instead include a condition detailing this, and subsequently approved in June 2023. As part of the NMA application, there were no changes to the scheme at that stage and the application was purely a procedural matter.

Description of Development

- 1.8 The current minor material amendment application seeks permission for:
- “Variation of condition 2 of application reference DC/24/0772 (non-material amendment to previously approved application DC/18/1246) to “The development hereby approved comprises 199 no. residential dwellings including 61 affordable dwellings.” Variation of plans approved under condition 1 of application reference DC/18/1246 as detailed in the covering letter.”*
- 1.9 As a result of changing market conditions, Berkeley Homes are proposing some amendments to both Phases 4 and 5 at Broadacres. Amendments are being submitted in parallel with the current full planning application for Phase 5 (Ref: DC/19/2464), pending determination by the Council. The number of homes proposed within Phase 5 is proposed to increase by 14, although the total remains the same across Phase 4 and 5. The proposed changes solely relate to the unbuilt Phase 4 and the proposed amendments will remain in accordance with the approved outline application parameter plans. This will include the same level of community facilities in the form of open space, play areas and access to public rights of way. No changes are proposed to Phase 3.2 or the other completed elements of the development.
- 1.10 The minor changes presented are considered to be consistent with the consented design intent and represent an improvement in terms of scheme deliverability, and viability.
- 1.11 Further details on the amendments sought are outlined in Section 3 of this statement. These changes were discussed during pre-application meetings with Adrian Smith (Major Applications Team Leader) and Matthew Porter (Senior Planning Officer).
- 1.12 The agreed meeting notes from pre-application confirmed that the Council have accepted the approach (NMA followed by a S73 application) is a method available to the applicant to proceed.
- 1.13 The proposed amendments would allow Berkeley Homes to bring the proposed scheme forward in a timely matter and provide much needed housing within Southwater.

Accompanying Documentation

- 1.14 This Statement forms part of a suite of documents and drawings submitted in support of the minor material amendment. Therefore, it should be read in conjunction with the following documents:

Plan / Document	Reference
Application Forms	PP-13131115
Covering Letter	28 June 2024
Planning Statement	June 2024
Energy Statement	June 2024
Ecological Assessment	June 2024
Tree Protection Plan and AIA/AMS	June 2024
Flood Risk Assessment	June 2024
Construction Environmental Management Plan	June 2024
Application Drawings	See separate schedule at Appendix One

Structure of the Planning Statement

- 1.15 This Planning Statement describes the proposed amendments and sets out why these are considered as non-material amendments. The statement is structured as follows:

- Section 1:** Introduction
- Section 2:** Site Context
- Section 3:** Proposed Amendments
- Section 4:** Planning Policy Context
- Section 5:** Planning Assessment
- Section 6:** Conclusions

2. The Site and Context

The Site

- 2.1 The application site lies to the west of Southwater, classified as a Smaller Town/Large Village in the Horsham District Planning Framework (HDPF). It is part of a wider strategic housing allocation site that extends to some 34.6 hectares, and which was originally to be completed in five phases. The current application site covers an area of 7.44 hectares and forms Phases 3.2 and 4 of the wider strategic allocation (although changes are only proposed to the Phase 4 elements).
- 2.2 The site adjoins the built up area boundary of Southwater to the east, along Worthing Road, College Road, Ash Road and Woodlands Way and straddles Church Lane. The western edge of the site is defined by existing field boundaries, mature hedgerows and an open field which will form phase 5 currently pending determination by the Council (DC/19/2464) once approved. An existing Public Right of Way (PROW 1652) crosses the site west-to-east, leading from Ash Road to Shaws Lane.

Context

- 2.3 Outline planning permission was granted for up to 594 dwellings at Southwater in 2015 under application reference DC/14/0590. Reserved matters approval has subsequently been granted for phases 1, 2, 3 and 4, totalling 514 units. Phases 1, 2 and 3 have now been completed.
- 2.4 The Phase 3.2 and Phase 4 reserved matters application has now been implemented in part with Phase 3.2 completed and largely occupied to relate to 56 of the 213 homes (including 6 affordable homes). No works other than an internal access road to base course have been completed within Phase 4.
- 2.5 Phase 5 for 80 dwellings was submitted as a full standalone planning application in December 2019 (within the parameters of the outline permission, however the time period for submission of reserved matters applications had lapsed) and received resolution to grant at committee in September 2020 (DC/19/2464). Before the Section 106 Agreement was signed, Natural England issued their position statement (September 2021) requiring all new developments to be water neutral, this also prevented planning condition discharge. The scheme was heard at committee on a further occasion (1st November 2022) to review the water neutrality strategy, again receiving resolution to grant subject to a s106. However, the lack of an agreed water neutrality strategy has prevented the Phase 5 Section 106 Agreement from being signed, and permission being issued to date. The application therefore remains live.
- 2.6 As a result of changing market conditions, Berkeley Homes are proposing some amendments to Phases 4 and 5 at Broadacres. Amendments to the current live planning application for Phase 5 are submitted in parallel with this planning application submission.
- 2.7 The total number of units is the same, albeit 14 have been moved from phase 4 to phase 5 as three apartment blocks have been removed.

- 2.8 The proposed layouts are similar to the consented, albeit minor amendments have been required to accommodate the unit changes. The areas of the phases remain unchanged and are consistent with the phasing plan approved under Condition 5 of the outline planning permission, and redline plans submitted with each application.
- 2.9 The proposed house types will be broadly comparable with those previously consented for the development, with minor updates to reflect the latest iteration of Berkeley Homes house types.
- 2.10 Pre-commencement conditions 3, 4, 5 and 6 have all previously been discharged. Whilst condition 2 is also a pre-commencement condition and has not been discharged, it is not considered to go to the heart of the permission and as such is not a condition precedent which would prevent the current permission being lawfully implemented. Section 171A(1) of the 1990 Act draws a clear distinction between (a) carrying out development without planning permission and (b) failing to comply with a condition subject to which planning permission was granted. It follows that not every breach of condition can have the result that the development has been carried out without planning permission. Condition 2 of the reserved matters consent purely relates to a revised landscape works strategy for the SuDS Attenuation Basin with integrated natural play area, and as such is not considered to go to the heart of the permission being related to only one element of the wider phase and not having wider implications for the design or delivery of the phase. As such it is considered that the current permission can be lawfully implemented under the existing permission.
- 2.11 Consequently, it is not considered that the proposed Phase 4 Section 73 application and any outstanding conditions would trigger the requirement for a Water Neutrality Statement, as has been agreed through pre-application advice.

S96a to Amend Description of Development

- 2.12 A S96a (NMA) application has been approved by Horsham District Council under application reference DC/24/0772.
- 2.13 The description of development for the current reserved matters phase 4 consent (DC/18/1246) specified the number of dwellings to be consented. The NMA has removed the number of dwellings from the description of development and instead included a condition detailing this. Under the NMA application there were no changes to the scheme made at that stage and the application was purely a procedural matter.
- 2.14 As a result, following the Council's approval of the NMA application on 19th June 2024, this S73 application seeks to vary of condition 2 of application reference DC/24/0772 (non-material amendment to previously approved application DC/18/1246) to *"The development hereby approved comprises 199 no. residential dwellings including 61 affordable dwellings."* and variation of plans approved under condition 1 of application reference DC/18/1246 as detailed in the covering letter

Pre-application Advice

- 2.15 Formal pre-application advice in respect of the proposed changes to Phases 4 and 5 of the Broadacres development at Southwater was submitted in February 2024.

2.16 In lieu of a formal written response, meeting minutes from the meeting held on the 29th April were agreed and circulated. These confirmed that:

- The Council agreed the Final Mix for the market homes as presented on Mix Summary Table 240424 as set out below.

	SHMA compliant across Ph4&5	Consented Scheme Ph 4 & 5	06/03 Pre- App Submission Ph 4 & 5	Emailed Mix Post 06/03 Pre-App Phase 4 & 5	Final Mix for 2 nd Pre-App Ph 4 & 5
1 beds %	5%	10%	0%	5%	5%
2 beds %	30%	27%	5%	20%	23%
3 beds %	40%	16%	55%	26%	26%
4+ beds %	25%	46%	40%	49%	46%
1 beds	9	19	0	9	9
2 beds	54	50	9	36	42
3 beds	73	30	100	48	48
4+ beds	46	83	73	89	83

- The Council had a number of comments on the design and layout submitted as part of the preapplication process (which have been addressed as part of the S73 application where practical and relevant to phase 4).
- The Council confirmed that compliance with the policies of the Southwater Neighbourhood Plan is expected as its policies comprise the Development Plan, however as the Phase 4 S73 would be a revision to the RM permitted prior to the Neighbourhood Plan being 'made', this would be balanced against the fallback position of the RM permission.

2.17 A copy of the agreed meeting minutes are appended to this Planning Statement at **Appendix Two**.

3. Proposed Amendments

Description of Development

- 3.1 The current minor material amendment application seeks permission for:

“Variation of condition 2 of application reference DC/24/0772 (non-material amendment to previously approved application DC/18/1246) to “The development hereby approved comprises 199 no. residential dwellings including 61 affordable dwellings.” Variation of plans approved under condition 1 of application reference DC/18/1246 as detailed in the covering letter.”

- 3.2 As a result of changing market conditions, Berkeley Homes are proposing some amendments to both phases 4 and 5 at Broadacres. The total number of units is the same, albeit a number of homes are proposed to move from Phase 4 to Phase 5. This has resulted in a proposed increase of 14 dwellings in Phase 5 compared to the original planning application submission and a decrease of 14 dwellings in Phase 4 compared to the approved reserved matters application. This application concerns amendments to Phase 4 only.

Housing Mix

- 3.3 The following housing mix for Phase 4 is now proposed:

Market Dwellings:

Types	Number
1 bed apartment	9
2 bed apartment	0
2 bed house	35
3 bed house	31
4 bed house	10
5 bed house	3
Total	88

Affordable Dwellings:

Types	Shared Ownership	Rent
1 bed apartment	1	6
2 bed apartment	5	15
3 bed apartment	1	1
2 bed house	5	9

3 bed house	1	11
Total	13	42

Layout and Density

- 3.4 The proposed layout broadly follows the block layout proposed through the original reserved matters application, with necessary changes to accommodate the loss of 14 homes and revised mix. The layout is consistent with the principles established through the outline planning permission.
- 3.5 The layout has been designed to prevent crime and the fear of crime, by designing out physical features that are likely to encourage crime. The principles of Secured by Design have been adopted.

Access

- 3.6 No changes are proposed to the overall access strategy for Phase 4 and this accords with the principles established at the outline planning application stage. This part of the site is to be accessed via Kensett Avenue in Phase 3.2 and Church Lane, which is to be realigned as part of the legal agreement linked to the outline permission and development approved and implemented through the reserved matters for Phases 1 & 2.
- 3.7 Details of vehicle tracking (including for refuse vehicles) are submitted in support of the planning application.
- 3.8 Pedestrian and cycle access is incorporated in this primary route as well as the existing Public Rights of Way 1652, which crosses the site.

Parking

- 3.9 Vehicle parking will generally be provided on plot with visitor parking spaces provided on-street in key locations.
- 3.10 All one bedroom apartments will be provided with one parking space including either a single parking space or car port. All two and three bedroom apartments will be provided with one parking space.
- 3.11 All two bedrooms houses will be provided with two parking spaces. All three bedroom houses will be provided with either two or three parking spaces including either a parking space, single garage or car port. All four bedroom houses will be provided with three parking spaces either as an integrated garage or single garage. All five bedroom houses will be provided with four parking spaces including a double garage.

Design and Materials

- 3.12 All homes within the phase are a maximum of three storeys in height, which conforms with the parameters of the outline planning permission.

- 3.13 The proposed house types have been updated to reflect the latest Berkeley Homes house types and the changed market conditions since the original planning application submission. A range of high quality materials and features have been selected for the house types in the proposed scheme based on the character of the surrounding area and responding to feedback at the pre-application stage.

Landscaping, Open Space and Ecology

- 3.14 Updated landscaping proposals are submitted in support of the revisions to the planning application to reflect the revised layout now proposed. These have drawn on the principles established through the previous resolution to grant planning permission. Soft landscaping across the Phase has been selected to provide interest and vibrancy to the development, to enhance the specific site conditions, and to increase wildlife benefits.
- 3.15 In regard to particular comments made at pre-application, a link between play spaces across phases 4 and 5 has been introduced. This has increased permeability within the open space and will prevent unwanted desire lines from being introduced in the future.

Flood Risk and Drainage

- 3.16 The development utilises sustainable urban drainage systems (SuDS). The proposals follow the same strategy as the original planning application submission which has been accepted in principle by the Lead Local Flood Authority. The pond has been designed to accommodate a 1 in 100 year plus 40% climate change storm event. For biodiversity and ecology benefits the pond will be excavated a further metre down to maintain a permanently wet area all year round. The pond will be carefully landscaped to provide further water treatment.
- 3.17 Throughout the scheme additional SuDS measuring will be introduced. Where practicable, private driveways will drain to minor swales or conveyed to intermediary swales in open spaces.

4. Planning Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

“Regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

4.2 The relevant Development Plan at the time of submission of the planning application consists of the Horsham District Planning Framework (2015) (HDPFF) and the Southwater Neighbourhood Plan (2021).

4.3 Other material considerations relevant to this application include:

- National Planning Policy Framework (2023)
- National Planning Practice Guidance
- Horsham District Council Planning Obligations and Affordable Housing (2007)
- West Sussex County Parking Standards (2003)
- Southwater Parish Design Statement SPD (2011).

The Development Plan

Horsham District Planning Framework (2015)

4.4 The following policies that are of relevance to the consideration of the minor material amendment are set out below:

4.5 **Policy 1 – Strategic Policy: Sustainable Development**

The Council will take a positive approach that reflects the presumption in favour of sustainable development.

4.6 **Policy 16 - Strategic Policy: Meeting Local Housing Needs**

This policy sets out that development should provide a mix of housing sizes, types and tenures as evidenced in the latest Strategic Housing Market Assessment. 35% of dwellings will be affordable on site.

4.7 **Policy 32 - Strategic Policy: The Quality of New Development**

This policy required high quality and inclusive design for all development in the district that is based on a clear understanding of the local area and policy context for development.

4.8 **Policy 33 - Development Principles**

This policy requires development to conserve and enhance the natural and built environment through various criteria such as making efficient use of land, appropriate scale, massing and appearance in development of a high standard of design and layout,

the retention of existing landscape and natural features, and maximising benefit from sunlight/passive solar energy etc.

4.9 Policy 41 - Parking

This policy sets out that parking provision must ensure a balance between good urban design, highway safety and residential amenity. Adequate parking must be provided within developments to meet the needs of anticipated users alongside consideration of cycle parking, motorcycle parking, charging plug in or low emission vehicles and the mobility impaired.

4.10 Policy SD10 – Strategic Policy: Southwater Strategic Site

Land west of Southwater, comprising the area to the west of Worthing Road and south of Church Lane, is allocated for housing, open space and community facilities to accommodate around 600 homes and associated infrastructure within the area identified on the concept Masterplan Map. Development of this area will be required to deliver the necessary infrastructure, facilities and services to meet the needs of the community. Development shall be designed at an appropriate density and layout which relates to the existing settlement and provides links to existing and new facilities.

Southwater Neighbourhood Plan (2021)

4.11 The following policies that are of relevance to the consideration of the minor material amendment are set out below:

4.12 SNP9 – Home Standards

This policy requires all new dwellings to achieve M4(2) of Building Regulations.

4.13 SNP10 – Residential Space Standards

This policy sets out that new residential units must meet the nationally described space standards (NDSS), with each unit provided with adequate private or shared private outdoor space.

4.14 SNP14 – Adequate Provision of Car Parking

This policy sets out provision for off road parking spaces avoiding car parking dominating the street scene.

4.15 SNP16 – Design

This policy requires all development to be of high quality, including locally sourced materials or equivalent, complementary vernaculars, Secure by Design principles, residential amenity, outdoor storage provision for bins, cycles and recycling.

4.16 SNP18 – A Treed Landscape

This policy sets out that development should produce measurable enhancements to the treed environment to ensure net gains. Major development must provide minimum one new tree per 40m² of floorspace created, either onsite or offsite if nowhere suitable.

Emerging Planning Policy

- 4.17 Horsham District Council have begun preparation of a new Local Plan (Horsham District Local Plan 2023-2040). A Regulation 19 consultation closed on Friday 1st March 2024.
- 4.18 The formal submission of the Local Plan to the Secretary of State was due to take place in June 2024, however due to the General Election this has been delayed and is anticipated to take place as early as possible in July 2024.
- 4.19 Following a review of the emerging Local Plan, it is considered that the following policies would be relevant to the application proposals:
- Strategic Policy 19: Development Quality
 - Strategic Policy 20: Development Principles
 - Policy 25: Parking
 - Strategic Policy 27: Housing Provision
 - Strategic Policy 38: Meeting Local Housing Needs
 - Policy 39: Affordable Housing
 - Policy 40: Improving Housing Standards in the District.
- 4.20 The emerging Local Plan is attributed limited weight given there remain outstanding objections and it has not as yet been subject to independent Examination.

Other Material Considerations

National Planning Policy Framework (2023)

- 4.21 The revised National Planning Policy Framework (the 'NPPF') was published in December 2023. The Framework covers a range of issues to promote sustainable growth and protect the environment. The following paragraphs of the NPPF are considered of particular relevance to the determination of this application.

National Planning Practice Guidance

- 4.22 The National Planning Practice Guidance (NPPG) was launched by DCLG on 6 March 2014 as a web-based resource to bring together planning practice guidance for England in an accessible and usable way.

Horsham District Council Planning Obligations and Affordable Housing (2007)

- 4.23 The Planning Obligations and Affordable Housing Supplementary Planning Document provides details on the provision of affordable housing, services and facilities and the priorities of provision that will be required when land is proposed for development.

West Sussex County Parking Standards (2003)

- 4.24 This SPG provides a framework within which the County Council (as highway authority) can work with District and Borough Councils (as local planning authorities) to manage new development to assist the achievement of transport and environmental objectives.

Southwater Parish Design Statement SPD (2011)

- 4.25 This Parish Design Statement (PDS) aims to set out clear and simple guidelines for the design of all development in the Parish of Southwater, based on its particular Sussex character.

5. Planning Assessment

Housing Mix

- 5.1 Policy 16 of the HDPF requires new residential development to provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessment in order to create sustainable and balanced communities.
- 5.2 As a result of changing market conditions, Berkeley Homes are proposing some amendments to Phases 4 and 5 at Broadacres. The total number of units is the same, albeit 14 have been moved from phase 4 to phase 5 as three apartment blocks have been removed. A minor change is also proposed to the shared ownership affordable mix with a previously proposed 2 bedroom apartment being replaced by a 3 bedroom apartment.
- 5.3 Outline planning permission was originally granted in 2015 with the reserved matters for Phase 4 approved in December 2018 and the full planning application for Phase 5 receiving its original resolution to grant in 2020. It is clear therefore that a significant period of time has elapsed since the Phases were originally designed and that this has coincided with a period of economic, and social change, which has led to the proposed revisions.
- 5.4 The Northern West Sussex Strategic Housing Market Assessment (SHMA) was published in November 2019 and remains the most up to date information, although is itself somewhat out of date and approaching 5 years old. Notably this suggests the following mix of market housing in Horsham:

Type	SHMA
1 bed	5%
2 bed	30%
3 bed	40%
4+ bed	25%

- 5.5 Whilst the proposed mix does not exact match that sought by the SHMA, which itself is becoming somewhat dated, it is considered that it responds more positively to the requirements and reflects the site's location.
- 5.6 As part of pre-application feedback, Case Officer, Matthew Porter confirmed that the Council consider the final mix presented in the Mix Summary Table 240424 (as seen in the preapplication section above) acceptable, and that any further minor changes may be accepted in relation to the larger properties. In addition the Council set out that they would not expect to receive an application that is too different to the private market mix presented at preapplication stage. The mix presented for private dwellings

is presented as it was provided as preapplication, and the agreed meeting noted are based on.

5.7 The proposed affordable mix has also been adjusted by comparison to the mix secured in the existing Reserved Matters application. Following engagement with Registered Providers (RPs) the consented affordable was considered to contain too great a proportion of apartments. Accordingly to ensure the resultant scheme would be palatable to RPs the overall number of affordable houses has been increased. This is considered a beneficial alteration providing a broader mix of affordable homes and a greater proportion of family homes to meet needs.

5.8 A comparison of the proposed private and affordable mix against that approved is set out in the table below:

PHASE 4		Phase 4 - Consented	Current Mix
Tenure	Type	Number	Number
Private	1 bed apartment	19	9
Private	2 bed apartment	25	0
Private	2 bed house	17	35
Private	3 bed house	28	31
Private	4 bed house	11	10
Private	5 bed house	2	3
Total Private		102	88
Shared Ownership	1 bed apartment	1	1
Shared Ownership	2 bed apartment	6	5
Shared Ownership	3 bed apartment	0	1
Shared Ownership	2 bed house	5	5
Shared Ownership	3 bed house	1	1
Total Shared Ownership		13	13
Rent	1 bed apartment	17	6
Rent	2 bed apartment	10	15
Rent	3 bed apartment	0	1
Rent	2 bed house	3	9
Rent	3 bed house	12	11
Total Rent		42	42
Total Private		102	88
Total Affordable		55	55
TOTAL		157	143

5.9 All homes, both private and affordable have been designed to NDSS standards.

5.10 All homes are M4(2) compliant except for the apartments and the 1B private homes on first and second floor. This is due to inability to viably provide level access entrances as we are not providing lift access to these units, which would be required for compliance. The absence of lifts and therefore the partial non-compliance with Neighbourhood Plan Policy X is consistent with the approved Phase 4 reserved matters.

- 5.11 The revised proposals are therefore considered to continue to be compliant with policy 16 of the HDPF, Policies SNP9 and SNP10 of the Neighbourhood Plan, and other material considerations including emerging Policy, national policy and local guidance.

Design

- 5.12 As a result of the proposed unit changes, minor amendments have been required to the layouts to accommodate these changes.
- 5.13 The layout of the proposed development has been informed by the character and appearance of the local area, as well as the constraints of the site itself. The layout is considered to be an effective use of the site that recognises visual amenity in views from around the site, existing biodiversity features and residential amenity.
- 5.14 In addition, the layout incorporates appropriate and adequate manoeuvring space for refuse collection vehicles in accordance with the Council's collection and storage requirements. Further details are shown on the plans submitted with the application.
- 5.15 In regard to particular comments made at pre-application, a link between play spaces across phases 4 and 5 has been introduced. This has increased permeability within the open space and will prevent unwanted desire lines from being introduced in the future. The existing PRow has been appropriately integrated into the development of the development Phase, connecting with both Phase 5 and the surrounding residential areas and countryside.
- 5.16 In addition, the arrangement and building forms of the apartment blocks now located in Phase 4 have been revisited following comments received at the pre-application stage, a review of the affordable mix and responds more positively to the surrounding environment. The proposed development would be of a high-quality traditional design which reflects the surrounding character of the area.
- 5.17 The overall appearance of the scheme seeks to complement the local area, by the use of similar and established high quality materials, details and features. The development will use a unifying palette of materials, but with variations on form, size and style to create a distinctive approach but remaining in keeping with the immediate surrounding area.
- 5.18 Detailed elevations for each proposed dwelling support this application alongside a series of illustrations to showcase the scale and character of the proposed development within context.
- 5.19 The landscape design has included significant tree planting, and a sensitive change to existing ground levels to minimise the deposition of excess material off-site in line with good practice guidance, and create additional interest within the proposed play spaces.
- 5.20 The revised proposals are therefore considered to continue to be compliant with policies 32 and 33 of the Local Plan, and policy SNP16 of the Neighbourhood Plan and other material considerations including emerging Policy, national policy and local guidance.

Residential Amenity

- 5.21 The appropriate separation distances and the size requirements for private amenity space have been considered within the proposed layout. The layout has therefore been designed to ensure each property has a suitable private/communal amenity space that is capable to support household recreational use.
- 5.22 The separation distance incorporated into the layout ensures that the amenities of the future occupiers is protected from overlooking and overbearing impacts. All plots as proposed meet or exceed 14m in distance from the rear elevation of existing homes, as required by policy.
- 5.23 The proposed development respects the character and form of the surrounding vernacular and seeks to preserve the privacy and amenity of future and adjacent residents aligning with the requirements of policy.
- 5.24 The closest residential properties will when built comprise those at the eastern edge of the site. Garden sizes, orientation, boundary treatments and proposed landscaping will ensure there is no adverse risk of overlooking or disturbance that might arise from the proposed dwellings.
- 5.25 The revised proposals are therefore considered to continue to be compliant with Policies 32 and 33 of the HDPF, Policies SNP10 and SNP16 of the Neighbourhood Plan and other material considerations including emerging Policy, national policy and local guidance.

Flooding and Drainage

- 5.26 The submission is accompanied by an updated Flood Risk Assessment, prepared by Patrick Parsons, to reflect the latest drainage requirements and updates to the PPG in respect of the sequential test for flood risk. The proposals follow the same strategy as proposed and accepted in principle previously by the Lead Local Flood Authority (LLFA).
- 5.27 The development utilises sustainable urban drainage systems (SuDS). The proposals follow the same strategy as the original planning application submission which has been accepted in principle by the Lead Local Flood Authority. The pond has been designed to accommodate a 1 in 100 year plus 40% climate change storm event. For biodiversity and ecology benefits the pond will be excavated a further metre down to maintain a permanently wet area all year round. The pond will be carefully landscaped to provide further water treatment.
- 5.28 Throughout the scheme additional SUDS measuring will be introduced. In addition, where practicable, private driveways will drain to minor swales located on the low side of any driveway or conveyed to intermediary swales in open spaces.
- 5.29 The site is within flood zone 1. The site is an allocated development site within the HDPF and benefits from an extant reserved matters permission which has been partially implemented by consequence of the development of Phase 3.2 and the access road. The only section of medium and high-risk surface water flooding is within the central landscaped corridor to the west and southern most landscaped area of Phase 4. These areas will largely remain landscaped areas, with planting, open space, recreation

and pond attenuation proposed only. Residential development is limited in these locations as demonstrated in the Flood Risk Assessment. It should be noted that the risk of surface water flooding will reduce in this area as overland flows will be intercepted by the development proposals. The surface water flooding adjacent to the site does not require a sequential test assessment.

- 5.30 The revised proposals are therefore considered to comply with policy 38 of the HDPF and other material considerations including emerging Policy, national policy and local guidance.

Water Neutrality

- 5.31 Pre-commencement conditions 3, 4, 5 and 6 have all previously been discharged. Whilst condition 2 is also a pre-commencement condition and has not been discharged, it is not considered to go to the heart of the permission and as such is not a condition precedent which would prevent the current permission being lawfully implemented. Section 171A(1) of the 1990 Act draws a clear distinction between (a) carrying out development without planning permission and (b) failing to comply with a condition subject to which planning permission was granted. It follows that not every breach of condition can have the result that the development has been carried out without planning permission. Condition 2 of the reserved matters consent purely relates to a revised landscape works strategy for the SuDS Attenuation Basin with integrated natural play area, and as such is not considered to go to the heart of the permission being related to only one element of the wider phase and not having wider implications for the design or delivery of the phase. As such it is considered that the current permission can be lawfully implemented under the existing permission.
- 5.32 Consequently, it is not considered that the proposed Section 73 application would trigger the requirement for a Water Neutrality Statement as confirmed through pre-application advice.

Arboricultural

- 5.33 An Arboricultural Impact Assessment is submitted as part of the application determination. These have informed the evolution of the proposals for the Phase 5 site, building on the principles established through the outline planning permission.
- 5.34 The revised proposals are therefore considered to continue to be compliant with Policies 32 and 33 of the HDPF, and other material considerations including emerging Policy, national policy and local guidance. Whilst the proposals alone do not comply with the requirements of Policy SNP18 of the Neighbourhood Plan, a total of 688 trees are proposed across Phase 4 and Phase 5 (the subject of a separate application) providing the appropriate quantum of trees across both Phases and mix and balance of habitats across the site.

Biodiversity and Ecology

- 5.35 The outline permission is already subject to conditions that make adequate provision to deal with ecological surveys, both at the construction and operational phase of the development. In accordance with condition 29 of the outline permission, ecological

surveys are required to be updated prior to the commencement of works for each phase.

- 5.36 The 10% biodiversity net gain requirement introduced through the Environment Act (2023) is not applicable to this application. The biodiversity gain planning condition does not apply to any subsequent planning permissions granted on an application made under Section 73 of the Town and Country Planning Act (1990) where the original permission was granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.
- 5.37 The conditions imposed at outline remain valid following reserved matters approval, so will therefore still be required to comply with the requirements of these existing conditions. The proposed scheme retains the same ecological mitigation areas as those consented.
- 5.38 The revised proposals are therefore considered to still continue to be compliant with Policy 33 of the HDPF, and other material considerations including emerging Policy, national policy and local guidance.

6. Summary and Conclusions

- 6.1 This Planning Statement has been prepared by Turley on behalf of our client, Berkeley Homes, in support of a Minor Material Amendment application under section 73 of the Town and Country Planning Act 1990.
- 6.2 The current minor material amendment application seeks permission for:

“Variation of condition 2 of application reference DC/24/0772 (non-material amendment to previously approved application DC/18/1246) to “The development hereby approved comprises 199 no. residential dwellings including 61 affordable dwellings.” Variation of plans approved under condition 1 of application reference DC/18/1246 as detailed in the covering letter”
- 6.3 The proposed changes individually and collectively are considered to be minor-materials amendments to the original planning permission for the reasons set out in section 5 of this Statement. Approval of these amendments will enable Berkeley Homes to deliver development in a highly sustainable location and provide much needed private market and affordable family housing for the area. The changes presented are largely consistent with the consented design intent and the principle of the use of the development remains unchanged.
- 6.4 Based on all of the above and the accompanying plans submitted in support of this application, we respectfully request that Horsham District Council approve the proposed alternations under Section 73, as minor-material amendments.

Appendix 1: Application Drawings Schedule

Appendix 2: Agreed pre-application advice meeting minutes

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