Tuesday, 27 October 2026

[redacted]

Sam Whitehouse
Planning Department
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Dear Sam,

APPLICATION UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990

Land North of Shermanbury Road, Partridge Green, RH13 8EU.

On behalf of CALA Management Ltd ("CALA"), please find an application pursuant to Section 96A (S96A) of the Town and Country Planning Act 1990 (as amended) to amend condition 3 of Outline Planning Permission (OPP) DC/24/0428.

Background

Outline Planning Permission was granted on Land North of Shermanbury Road, Partridge Green on the 5th November 2025 for *Outline planning application for the erection of up to 120 dwellings with public open space, landscaping, and sustainable drainage system (SuDS) with vehicular access point with all matters to be reserved except access.*

Condition 3 on the OPP states:

> *The development hereby approved shall not commence unless and until a detailed surface water drainage. The surface water drainage scheme shall take account of the recommendations of the Flood Risk Assessment with Outline Drainage Strategy (Lees Roxburgh Consulting Engineers, ref: 6177/R5, Dated February 2024) in addition to the published response to the Lead Local Flood Authority (Lees Roxburgh, no reference, received 20th June 2024). The drainage scheme shall include technical specifications, calculations and drawings of the drainage network supporting the approved development demonstrating the intended management of surface water within the development site. The approved scheme shall be implemented in full prior to the first occupation of any dwelling.*

Legislative Context

Section 96A of the Town and Country Planning Act 1990 (as amended) ('S96A') provides for 'non-material amendments' to be made to planning permissions. There is no statutory definition of 'non-material' with the Planning Practice Guidance advising that 'an amendment that is non-material in one context may be material in another'.

In determining whether a change is non-material, the Local Planning Authority must take in to account the effect of the change and whether it materially alters the development. However, the merit of the change does not fall to be considered, nor should it be assessed against adopted or emerging planning policy.

Under the provisions of Section 96A of the Town and Country Planning Act 1990, a Local Planning has the power to make changes to planning permission which can include imposing new conditions or to remove or alter existing conditions if they are satisfied that the change is not material. When considered against the approved development, the changes proposed are not material.

Non-Material Amendment Sought

It is proposed to amend the wording of condition 3 of OPP DC/24/0428 to correct a drafting error. As set out above the current wording of the condition is incomplete as the first sentence ends prematurely, the wrong reference number to the drainage strategy has been included and finally, the condition does not contain specific details of how subsequent Surface Water drainage strategies should come forward.

The LLFA on the 3rd July 2024 provided their final comments on the OPP and confirmed that they had no objection to the application subject to appropriate conditions being added to the consent. In total three conditions were proposed by the LLFA but only one (condition 1) was carried forward to OPP, albeit not it in its full wording. It is unclear why only one of the recommended conditions by the LLFA was taken forward on the OPP consent. However, notwithstanding, this NMA only seeks to amend the drafting error on the condition that was included on the OPP.

The full wording of condition 1 recommended by the LLFA is as follows:

> *Prior to commencement of development, in accordance with the submitted Flood Risk Assessment with Outline Drainage Strategy by Lees Roxburgh Consulting Engineers, February 2024 and their additional comments submitted on 20th June 2024, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:*
>
> *I. Surface water runoff rates will be attenuated to 8.16 l/s/ha as stated within section 4.3 of the FRA / Drainage Strategy.*
>
> *II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).*
>
> *III. Detailed designs including source control SuDS features, modelling calculations and plans of the of the drainage conveyance network in the:*
>
> *a. 50% AEP rainfall event does not surcharge in the drainage network.*
>
> *b. 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.*
>
> *c. 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage*

network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. *The design of the attenuation basin will incorporate an emergency spillway, and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.*

V. *Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.*

VI. *Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.*

VII. *A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.*

The LLFA's proposed condition makes sense as the first sentence does not end prematurely and clearly sets out that a drainage strategy needs to be submitted to and approved by the LPA, unlike the current wording. Secondly the LLFA's proposed conditions sets out the specific details/standards of which the subsequent drainage strategy needs to accord with.

However, reference to the correct drainage strategy and date when the additional information was prepared should be added to the condition. It is therefore concluded that condition 3 on the OPP should be amended to say:

Prior to commencement of development, in accordance with the submitted Flood Risk Assessment with Outline Drainage Strategy by Lees Roxburgh Consulting Engineers, February 2024 (reference: 6117/R5 and the Planning Application Technical Response by Less Roxburgh Consulting Engineers (22nd April 2024) received on 20th June 2024, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. *Surface water runoff rates will be attenuated to 8.16 l/s/ha as stated within section 4.3 of the FRA / Drainage Strategy.*

II. *Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).*

III. *Detailed designs including source control SuDS features, modelling calculations and plans of the of the drainage conveyance network in the:*
   a. *50% AEP rainfall event does not surcharge in the drainage network.*
   b. *3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.*
   c. *1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility*

plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. *The design of the attenuation basin will incorporate an emergency spillway, and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.*

V. *Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.*

VI. *Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.*

VII. *A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.*

The proposed change is very minor in nature and does not materially alter the approved scheme in anyway and just corrects a drafting error on a condition and includes additional wording which should have been in the condition in the first place. It is therefore considered that officers can approve the alteration as non-material pursuant to S96A.

Submission Documents

The application comprises the following documents:

- Application form
- Covering Letter
- LLFA's comments from 3rd July 2024

The application fee of £408 (includes Planning Portals service charge) has been paid via the Planning Portal (Reference: PP- 15324680)

I would be grateful if you could confirm receipt of this application and I look forward to receiving formal notification of validation in due course.

Thank you

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