Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0544
Mowbray Development Site, Horsham, West Sussex

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 retain No.2 Bensons Farm Cottage.

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

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:
None received

Parish Comments:
No comment

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.

This proposal relates to Benson Farm Cottages located to the eastern boundary of the site within Phase 2. Bensons Farm Cottages comprise of two semi-detached dwellings along Wimland Road. Whilst No. 2 Bensons Farm Cottage is located within the red line boundary of the outline planning permission within Sub Phase 2C, the adjoining property (No.1) sits outside of the red line boundary of the outline planning permission.

No. 2 Bensons Farm Cottage is identified as natural green space in the approved Parameter Plans and the proposed east-west cycle and pedestrian path also connects to Wimland Road where the cottage is

located. The applicant has stated that rather than losing an existing dwellinghouse in this location and the challenges of demolishing half of a pair of semi-detached cottages), they wish to retain No.2 Bensons Farm Cottage. The Parameter Plans have therefore been updated to allow the retention of the existing dwelling at No.2 Bensons Farm Cottage. The Cottage is identified as 'existing residential' on an amended Land Use Parameter Plan and excluded from the green infrastructure. To enable the retention of the existing dwelling, the alignment of the east-west pedestrian cycle route to Wimland Road has also been amended to follow the existing driveway south of Bensons Farm Cottages as this would result in less intrusive works and reduce the need for additional hedgerow removals. The realigned pedestrian and cycle route would not result in any impacts to the approved Wimland Road Emergency Access (drawing ref. 25216/5505/012 Rev B) located south of the proposed pedestrian/cycle connection on Wimland Road.

The resulting changes, considered in combination with previous non-material amendments to the outline consent, are considered would not appreciably impact on the objectives or overall layout of the outline planning permission. With this amendment, the proposal would still retain a suitable amount of green infrastructure. With the retention of the dwelling, the amendment would also result in significantly less impact on the amenity of the occupiers of this pair of semi-detached dwellings, and would give rise to no other material impacts. The amendments are therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation: Application Permitted

Updated Planning Condition:

2 **Plans Condition**: The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out on the following parameter plans and supporting documents:

Plan Type	Description	Drawing Number	Received Date
Layout plan	Land Use	2153A - 100P	08.04.2024
Layout plan	Density	2153A - 101P	08.04.2024
Layout plan	Building Heights	2153A - 102S	08.04.2024
Layout plan	Movement and Access	2153A - 103R	08.04.2024
Layout plan	Green Infrastructure	2153A - 105P	08.04.2024

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.

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 29.04.2024

Authorising Officer sign/initial Adrian Smith Date: 29/04/2024