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Planning Department
Horsham District Council
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9th April 2024

Dear Jason

RE: MOWBRAY, HORSHAM, WEST SUSSEX APPLICATION PURSUANT TO S96A OF THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) – CONDITION 2 (PARAMETER PLANS)

Please find an application pursuant to Section 96A ('S96A') of the Town and Country Planning Act 1990 (as amended) for non-material amendments to the Parameter Plans approved pursuant to Condition 2 of Outline Planning Permission (LPA reference DC/16/1677, dated 1 March 2018, 'the OPP' and subsequently amended through S96A LPA reference DC/21/0181 and DC/22/1883) for the strategic development of the Site.

Context

The OPP is parameter based with all matters reserved for future approval with the exception of the principal accesses.

Since acquiring the Site, we have progressed the discharge of site-wide and phase-wide conditions pursuant to the OPP along with detailed proposals for which Reserved Matters approval ('RMA') have been/are to be sought. Proposals have been developed to 'broadly accord' with the approved Parameter Plans as required by Condition 2 of the OPP.

Further to the approval of the OPP, an application pursuant to S96A of the Town and Country Planning Act 1990 (as amended), seeking a number of non-material changes to the parameter plans was approved by the Council on 12 March 2021 (reference DC/21/0181). This included refinement of the residential density banding, correcting of key errors and regularisation of parcel boundaries between plans.

In September 2022, a further application pursuant to S96A of the Town and Country Planning Act 1990 (as amended) seeking to amend the Building Height Parameter Plan to provide certainty to future commercial and mixed-use developments in the Employment Land was approved by the Council on 20 October 2022 (reference DC/22/1883).

Legal & General (Strategic Land North Horsham) Limited
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We are authorised and regulated by the Financial Conduct Authority.

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 OPP within Sub Phase 2C, the adjoining property (No.1) sits outside of the red line boundary of the OPP.

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. Rather than losing an existing dwellinghouse in this location (and the challenges of demolishing half of a pair of semi-detached cottages), We (L&G) wish to retain No.2 Bensons Farm Cottage and the Parameter Plans have been updated to allow the retention of the existing dwelling. The Cottage is identified as 'existing residential' on the 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 to the Parameter Plans are minimal, to ensure future detailed proposals continue to 'broadly accord', we are seeking to regularise the changes through this S96A application.

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.

Non-material Amendments

The amendments sought can be summarised as:

- Land Use (2153A-100)
  - Updated to show the retained Bensons Farm Cottage as existing commercial/residential land.

- Density Parameter Plan (2153A-101)
  - Updated to reflect the outline of Bensons Farm Cottage.

- Building Heights Parameter Plan (2153A-102)
  - Updated to reflect the outline of Bensons Farm Cottage.

- Movement and Access Parameter Plan (2153A-103)
  - Realignment of the proposed east-west cycle and pedestrian path to Wimland Road.

- Green Infrastructure Parameter Plan (2153A-104)
  - Updated to reflect the outline of Bensons Farm Cottage and exclusion of the Cottage 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 on Wimland Road. It is therefore considered that officers can approve the changes as non-material pursuant to S96A.

Application Submission

- Application Forms (dated 9th April 2024)
- Covering letter (dated 9th April 2024)
- Amended Parameter Plan updated by Broadway Malyan:
  - Parameter Plan: Land Use (drawing reference 2153A-100 Rev P)
  - Parameter Plan: Density (drawing reference 2153A-101 Rev P)

- Parameter Plan: Building Heights (drawing reference 2153A-102 Rev S)
- Parameter Plan: Movement and Access (drawing reference 2153A-103 Rev R)
- Parameter Plan: Green Infrastructure (drawing reference 2153A-105 Rev P)

The application has been submitted electronically via the Planning Portal and credit card payment of £293 (plus Planning Portal servicing charge) has been paid.

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

Should you require further information or have any further queries, please do not hesitate to contact me.

Thank you

Your Sincerely

Tom Davies MRTPI
Planning Manager
Legal & General Strategic Land and Major Projects