Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0917
Mowbray Development Site, Land North of Horsham, West Sussex,

DESCRIPTION:
Non Material Amendment to previously approved application DC/22/1026 (Application for approval of Reserved Matters Application for the provision of a Sports Hub including access, a substation, landscaping, foot/cycle paths, car and cycle parking, and drainage including drainage basins, realignment of Chennells Brooks and a foul pump station, pursuant to Condition 5 of approved outline application DC/16/1677 (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) regarding a number of minor changes including amendments to the approved landscaping and to ensure consistency with the recommendations of the approved Ecological Mitigation and Management Plan (EMMP).

RELEVANT PLANNING HISTORY:

DC/23/1980	Application for approval of Reserved Matters pursuant to Condition 5 of Outline Planning Permission reference DC/16/1677 for the Sports Pavilion.	Permitted on 24.04.2024

RELEVANT PLANNING POLICIES

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 4 - Strategic Policy: Settlement Expansion
Policy SD1 - Strategic Policy: Land North of Horsham
Policy SD5 – Open Space, Sport and Recreation
Policy SD7 - Design
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 – Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 43 – Community Facilities, Leisure and Recreation

Neighbourhood Plan:
The Mowbray Development site covers the parishes of North Horsham and Rusper. North Horsham Parish has withdrawn its neighbourhood plan designation.

Rusper Parish Neighbourhood Plan has been through examination and has been approved through a referendum. The relevant policies are as follows:

- Policy RUS3: Design
- Policy RUS4: Local Heritage Assets
- Policy RUS5: Green Infrastructure and Biodiversity

- Policy RUS10: Dark Skies

Parish Design Statement:
None

Planning Advice Notes:
Biodiversity and Green Infrastructure

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:
HDC Arboricultural Officer: No objection (summarised)

HDC Ecology: Support (summarised)

HDC Landscape: No objection (summarised)

WSCC Highways: No comments (summarised)

Parish Comments:
North Horsham Parish: No objection

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.

Legal & General are currently undergoing a review of the detailed design of the Sports Hub within Phase 2. The details for the Sports Hub were approved under DC/22/1026. L&G are looking at the design of the Sports Hub in conjunction with the separate approval for the Sports Pavilion (DC/23/1980). This includes ensuring consistency with the recommendations under the approved Ecological Mitigation and Management Plan (EMMP).

As such, non-material amendments are sought under this application to the Sports Hub, which are as follows:

- Parking bays opposite Pavilion to be changed from reinforced gravel to tarmac to match the carriageway and adjacent minibus parking bays;
- Ball stop bund added to south of natural grass pitches;

- Ball stop fence added to the north and south of natural grass pitches;
- Amendments to gate positions and lighting column around the Multi Use Games Areas ('MUGAs') and Artificial Grass Pitches (AGP);
- Addition of dormice planting to the east of the natural turf pitches;
- Changes to landscaping southwest of the mountain bike track to avoid services/landscape clashes.

In relation to the parking bays, the change to the materials is considered appropriate. WSCC Highways have stated that the have no comment on the changes. The Council's Ecologist and Arboriculturist have also commented that they have no objection overall to the amendments.

The HDC Landscape team originally commented they required clarification and some modifications in relation to changes to the hard and soft landscaping amendments. The requested amendments included the following:

- The spaces in between parking rows should be soft landscaped as per planting plans, however appear as tarmac in hard surfacing plans. Amend to soft landscape.
- Reinstate reinforced gravel to parking spaces adjacent to minibus parking spaces.
- Add materials for bike track to legend.
- Areas of planting have been removed from within the bike track area. In addition, 6no. trees have been removed and 2no. trees reinstated. Reinstate the remaining 4no. trees as well as the areas of planting, using the native palette as seen in the three areas to the south of the track.
- An area of path to the north of the site should be surfaced in self binding gravel or similar to existing surface of the bridleway. This is due to its location within the 15m Ancient Woodland (AW) buffer zone which should be undisturbed and protected from effects of development and construction.

The above comments were consequently addressed with amendments to the satisfaction of the Landscape Team. The remaining comments from the HDC Landscape Team relate to the submission of a Landscape and Ecological Management Plan, drainage details and further details regarding hard and soft landscaping.

The applicant has responded that the submission of further details regarding drainage, hard and soft landscaping is not applicable to the amendments proposed under this application. Full details of proposed drainage and landscaping were submitted and approved under the reserved matters application DC/22/1026. It is felt that the applicant has suitably addressed the comments of the HDC Landscape Team in relation to the amendments proposed under this application and that further details are not required for this submission. In addition, the submission of a Landscape and Ecological Management Plan is required by condition 35 of the outline permission. Therefore, a LEMP is not required to be submitted under this application.

Overall, the proposed amendments to DC/22/1026 are considered minor and would not appreciably impact on the appearance of the Sports Hub or amenities of adjacent occupiers, 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.

Water Neutrality

On 14 September 2021, the Council received a Position Statement from Natural England. Information collected by Natural England shows that water abstraction for drinking water supplies is having a negative impact on the wildlife sites in the Arun Valley. They have advised that any new development that takes place must not add to this negative impact.

This application seeks to approve non-material amendments, none of which relate to water usage. The original proposal was assessed and considered water neutral taking into account the nature of the proposal. This proposal does not alter the original proposal in relation to any proposed water need. The Council as Competent Authority under its duties imposed by the Habitat Regulations has therefore

'screened out' this application for water neutrality purposes. No adverse effects on the Arun Valley habitat sites will therefore occur.

Recommendation: Application Permitted

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.

Plans list for: DC/24/0917
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Details plan	Landscape General Arrangement	DR-2001 S4-P18	14.08.2024
Details plan	Illustrative Landscape Sections	DR-2018 S4-P4	14.08.2024
Details plan	Planting 1 of 3	DR-2002 S4-P14	14.08.2024
Details plan	Planting 2 of 3	DR-2003 S4-P14	14.08.2024
Details plan	Planting 3 of 3	DR-2004 S4-P12	14.08.2024
Details plan	Hard Surfaces furniture and Boundary Treatments 1 of 3	DR-2005 S4-P14	14.08.2024
Details plan	Hard Surfaces furniture and Boundary Treatments 2 of 3	DR-2006 S4-P16	14.08.2024
Details plan	Hard Surfaces furniture and Boundary Treatments 3 of 3	DR-2007 S4-P15	14.08.2024

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 03.09.2024

Authorising Officer sign/initial Adrian Smith Date: 05/09/2024