

Ms. J. Holmes
Assistant Chief Executive
Development Management
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

10 August 2026

Our Ref: J004696

Dear Ms. Holmes,

**APPLICATION FOR THE DISCHARGE OF CONDITION 3 (MATERIALS);
CONDITION 4 (HARD & SOFT LANDSCAPING); CONDITION 5 (FOUL
DRAINAGE); CONDITION 6 (BIODIVERSITY); CONDITION 7 (CONTAMINATION);
8 (SUSTAINABILITY); CONDITION 9 (GCN); AND CONDITION 12 (CYCLE
STORAGE) OF PLANNING PERMISSION REF: DM/24/2409 GRANTED AT
SLAUGHAM GARDEN NURSERIES, STAPLEFIELD ROAD, SLAUGHAM,
HAYWARDS HEATH RH17 6AG**

I refer to the above. WS Planning & Architecture have been instructed by Mr. L. Nugent to submit an application for the discharge of Condition 3 (Materials); Condition 4 (Hard & Soft Landscaping); Condition 5 (Foul Drainage); Condition 6 (Biodiversity); Condition 7 (Contamination); Condition 8 (Sustainability); Condition 9 (GCN); and Condition 12 (Cycle Storage) of planning permission ref: DM/24/2409 granted at Slaugham Garden Nurseries, Staplefield Road, Slaugham, Haywards Heath RH17 6AG.

A series of documents have been submitted alongside this cover letter, which will be referenced as necessary when referring to each condition.

Preliminary Matter – The Details themselves

Whilst the details submitted are considered to be favourable to the LPA, it is important to remind the LPA that the necessary tests to be applied on such matters (whether such conditions details should be discharged, or further information requested, or refused due to being insufficient) was re-emphasised by the courts on 12 August 2022 in **R. (on the application of Cathie) v Cheshire West and Chester BC**, Bird J held at [65] that the relevant test was,

WS Planning & Architecture
enquiries@wspace.co.uk | wspace.co.uk

Reg Office: 5 Pool House, Bancroft Road, Reigate
Surrey, RH2 7RP

Company No. GB3763487 | WS Planning & Architecture
is a trading name of Woods, Sanders & Co Ltd

Chairman & Founder: Mr B Woods | BA (TP) MRTPI

Managing Director: Mr S Copping | BA (Hons) DIP TP MRTPI

Planning Director: Mrs E Munro | BA (Hons) MSc MRTPI

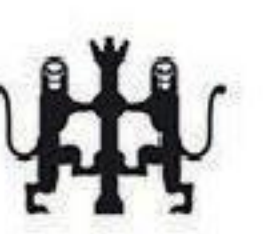
Architectural Director: Mr J Jaramillo | BA (Hons) MArch RIBA

Surrey Office
5 Pool House
Bancroft Road
Reigate
Surrey
RH2 7RP
01737 225 711

London Office
TBXH@
Sunley House
4 Bedford Park
Croydon
CR0 2AP
020 3828 1180

Kent Office
Brouard Architects
1 Bromley Lane
Chislehurst
Kent
BR7 6LH
01689 857 253



RIBA 
Chartered Practice

“... I am satisfied that the test for discharge in the present case is whether the OMP proposed a “satisfactory” solution to the impact of the farming operations on residential amenity at the House. It is plain that a satisfactory solution does not need to be an ideal solution...” (Emphasis added)

Therefore, whilst it is recognised that comments in response to the details supplied may be forthcoming, and amendments may be requested, the test to be applied is whether or not the details are **satisfactory**, i.e. a workable solution and meeting the requirements of the conditions as they are worded. There can be no requirement to provide more detail for matters which are not covered by the condition as it is worded.

As such, as a summary of the content hereby submitted, whilst amendments or additional information may be deemed by the LPA necessary to be sought, the details are considered to meet the requirements of the condition as worded on the four corners of the page, and do present to the LPA a fully workable solution, which is also considered to be a satisfactory solution.

That is not to say however, that where the provision of such information, or where amendment deemed necessary, is determined by the LPA that such requests shall be refused, simply that on the basis of the scheme advanced, and the small scale of the proposal granted planning permission, it is considered the detail is satisfactory.

Condition 3 - Materials

Condition 3 states that:

No development shall be carried out unless and until details of materials and finishes to be used for external facing and roofing have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

This condition requires approval of these details prior to the commencement of any development.

The Details provided

The LPA are directed to consider drawing reference **DE1238/20-P1** (File Reference COND3 - DE1238-20-P1 Proposed Materials). This drawing contains the relevant specification of materials provided for approval by the LPA.

It is submitted that the details are satisfactory for this condition to be discharged.

Condition 4 - Hard & Soft Landscaping

Condition 4 states that:

No development shall take place unless and until there full details of both hard and soft landscaping, to include details of proposed replacement trees and fencing, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development,

die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

This condition requires approval of these details prior to the commencement of any development.

The Details provided

The LPA are directed to consider drawing reference DE1238/06-P7. This plan denotes the location of all planting works to be progressed, and hard landscaping measures to be installed/retained.

The red line boundary of the site is to be provided post & rail fencing, which is wildlife friendly, but serves to divide the application site from the wider land ownership.

The existing hardstanding surrounding the approved residential use shall either be retained, or replaced like for like. The hardstanding area comprises a type 2 permeable surface.

The existing hard landscaped (hardstanding) areas shown to be removed, will have all hardstanding removed and appropriately disposed of from the site. The surface shall then be reduced to a fine, firm tilth with good crumb structure, and raked to a true even surface, friable, and lightly firmed but not compacted state. Those areas shall then be seeded, as shown, with Emorsgate EM1 mix, or similar.

The existing line of Conifer Trees shall remain, with new planting to the left hand side of the access drive to be undertaken, comprising Silver Birch and Common Oak, as per the specifications provided on the plan. All other vegetation is to be retained, as per the submitted plan.

It is submitted that the details are satisfactory for this condition to be discharged.

Condition 5 - Foul Drainage

Condition 5 states that:

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied or brought into use, until all the approved drainage works have been carried out in accordance with the agreed details.

This condition requires approval of these details prior to the commencement of any development.

The Details Provided

The LPA are directed to consider the drawing provided (Ref: DE1238/06-P7). This plan confirms the location of the foul drainage measures.

Specifications of the Foul System and measures for Surface Water Drainage are set out within the reporting working provided by Greg Nicholson of Marsh Industries. The reporting work provided demonstrates the suitability of the drainage systems proposed.

It is submitted that the details are satisfactory for this condition to be discharged.

Condition 6 - Biodiversity

Condition 6 states that:

Prior to commencement of works a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Impact Assessment (ACD Environmental, August 2023), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- o detailed designs or product descriptions for biodiversity enhancements; and*
- o locations, orientations and heights for biodiversity enhancements on appropriate drawings.*

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

This condition requires approval of these details prior to the commencement of any development.

The Details Provided

The LPA are directed to consider the documentation prepared by Elite Ecology (the Biodiversity Enhancement Plan – Written Statement and Plan).

The written report provided sets out in Section 2 the recommendations for biodiversity, providing details and product specifications for biodiversity enhancements. This section of the report also specifies orientations and heights, whilst the associated Plan details the locations.

It is submitted that the details are satisfactory for this condition to be discharged.

Condition 7 - Contamination

Condition 7 states that:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:*
 - o all previous uses*

- o *potential contaminants associated with those uses*
 - o *a conceptual model of the site indicating sources, pathways and receptors*
 - o *potentially unacceptable risks arising from contamination at the site.*
- b) *A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
 - c) *Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
 - d) *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

This condition requires approval of these details prior to the commencement of any development.

The Details Provided

The LPA are directed to consider the Phase 1 assessment undertaken and prepared by Castledine Environmental.

The report concludes that, in the opinion of the assessors, the site represents an estimated Low level of risk, and recommends a watching brief be followed.

It is submitted that the details are satisfactory for this condition to be discharged.

Condition 8 - Sustainability

Condition 8 states that:

No development shall commence until a Sustainability Statement, demonstrating how the development will be efficient in its use of energy, water and drainage has been submitted to and approved by the local Planning Authority. The works shall then be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

This condition requires approval of these details prior to the commencement of any development.

The Details Provided

The LPA are directed to the document prepared by Falcon Energy Limited, within which the requirements of this condition have been addressed, through establishing the energy efficiency measures to be implemented, the water harvesting, recycling, and saving measures to be delivered, and sustainable drainage measures.

It is submitted that the details are satisfactory for this condition to be discharged.

Condition 9 - GCN

Condition 9 states that:

Prior to the commencement of the development a precautionary working method statement in respect of Great Crested Newts is required to be submitted to and approved in writing by the Local Planning Authority.

This statement should be written by a suitably qualified ecologist and it is recommended that this statement include ecology supervision, vegetation removal measures, correct materials storage and what to do in the event a Great Crested Newt is discovered.

This condition requires approval of these details prior to the commencement of any development.

The Details Provided

The LPA are directed to consider the additional documentation provided by Elite Ecology, the Amphibian Method Statement, which details the required precautionary method statement.

It is submitted that the details are satisfactory for this condition to be discharged.

Condition 12 - Cycle Storage

Condition 12 states that:

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

This condition requires approval of these details prior to the occupation of the development.

The Details Provided

The LPA are directed to consider drawing reference DE1238/06- P7, which contains within the left hand corner a specification of the proposed cycle storage, with labelling indicating the location it would be provided on site (within the garden of the dwelling proposed).

It is submitted that the details are satisfactory for this condition to be discharged.

Summary

In summary, it is considered that the details submitted as part of the Site Development Scheme are acceptable, and that Conditions 3 (Materials); Conditions 4 (Hard & Soft Landscaping); Conditions 5 (Foul Drainage); Conditions 6 (Biodiversity); Conditions 7 (Contamination); Conditions 8 (Sustainability); Conditions 9 (GCN); and Conditions 12 (Cycle Storage) can be discharged, such that the applicant can commence implementation of the planning permission and the required works.

The applicant remains content to discuss further amendments and alterations as may be required, but considers the details provided sufficient to discharge the condition.

If you have any queries regarding the above, or require clarification on any matters please do not hesitate to contact me..

Yours sincerely,

