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TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

APPLICATION FOR DISCHARGE OF CONDITIONS

REFERENCE: DM/25/1194

DESCRIPTION: DISCHARGE OF PLANNING CONDITIONS 15, 19, 20, 24, 29, 30, 31, 32, 33 AND 34 RELATING PLANNING APPLICATION DM/22/0640.

LOCATION: LYNDON, REEDS LANE, SAYERS COMMON, WEST SUSSEX

DATE: 30 JUN 2025

Thank you for your application for approval of details reserved by condition received 7th May 2025

Unfortunately, I am unable to formally discharge the condition(s) for the following reasons:

- 15 Condition 15 relates to hard and soft landscaping and requires full details of a hard and soft landscaping scheme including all boundary treatments and indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development to be submitted. The soft landscaping details have been submitted in drwgs DD556L03 Rev B; DD556L04 Rev B; DD556L05 Rev B and DD556L06 Rev B with a Landscape Management Plan (Ref DD556B Rev B) to accompany the plans.

The details provided in respect of the soft landscaping is considered acceptable in principle. However, it is noted that plot 38 to the front of the site is to have a fence to the front entrance facing the access road and a boundary fence to enclose the garden. Due to the siting of dwelling and its prominence at its entrance, it is queried whether the fence around the front door could be amended to a low hedge similar to that for plots 1 and 2 which also front the site and also whether suitable climbers could be in front of the boundary fence to the garden to also soften this within the street scene. It is also queried whether climbing plants can be to the boundary fence to plot 24 where it faces the path.

Within the Landscape Management Plan whilst details have been submitted on the maintenance of the landscaping outside of private gardens, no details have been provided on the management company who will be responsible for this. In addition, there is no specific mention to the management of the open space between plots 3 and 35. Is this covered in general within the grassland area? Are there specific details on the aftercare/management of this open space as I cannot see that it has been specifically addressed within this management plan. Can you also clarify whether the formal hedging to the front of the properties would be maintained by residents or the management company?

The detailed planting plans refer to Drawing: 1636 / P / 10.03 Boundary Treatment Plan in relation to the boundary treatment for each plot. I cannot see that this has been submitted for consideration. In addition, the site layout plan drwg TSP.01 Rev P3 shows the location of patios to all the plots except plots 1 and 2 and states that the patio layout is to the external materials specification, however the materials have been submitted under a separate discharge condition application and the hard surfacing details needs to also be provided in relation to this condition. Can you also clarify if there is to be any external hard surfacing for plots 1 and 2 and if so provide details showing the location of this.

Finally, hard surfacing finishes is shown on drwg 23-130-013 Rev C4, however, the finishes key of the plan refers to another plan (23-130-015) for construction Detail. This has not been submitted and no details have been provided on the actual materials / colours / appearance of these finishes. Can this be provided?

In light of this, I am currently **unable** to discharge condition 15 attached to planning reference DM/22/0640.

- 19 I am awaiting the comments from the Council's Ecology Consultant. Once I have received these I will be in contact with you in respect of condition 19.

I am therefore currently **unable** to discharge this condition.

- 20 I am awaiting the comments from the Council's Ecology Consultant. Once I have received these I will be in contact with you in respect of condition 20.

I am therefore currently **unable** to discharge this condition.

- 24 This application seeks to discharge condition 24 which states:

'Notwithstanding the details shown on submitted site layout plan (drwg 1636/P/10.02 Rev B), no part of any concrete foundations or boundary treatments, and no construction activities shall be within 5 metres of any drain, watercourse, or pond, unless details of the proposed works have been submitted to and approved in writing by the local planning authority.'

Reason: In the interests of protecting the natural environment and to accord with Policies DP26 and DP41 of the Mid Sussex District Plan 2014 - 2031.'

However, this condition has recently been discharged under planning reference DM/25/0075 (dated 22nd May 2025). Therefore, it is queried whether the information submitted for this application is different to that which has recently been discharged. Can this be clarified? If it is the same information, I would suggest that reference to this condition in the description of this application is removed and not considered. If it

is different information, please clarify what is different so that this can be considered further. I look forward to hearing on how to proceed on this condition.

- 29 Whilst the principle of the details in relation to the cycle parking as shown in the site layout plan drwg TSP.01 Rev P3 and the secure bike shed specification appear acceptable, there appears to be no cycle parking shown for plots 1 and 2 .

In addition, whilst I note that details for cycle parking are shown in relation to plots 10 and 11, these dwellings are subject to a separate permission under reference DM/25/0292 and such details are required under condition 7 of that permission which needs to be discharged separately. Details for these two plots should therefore be removed as it cannot be taken into consideration for this application.

I am therefore currently unable to discharge condition 29 attached to planning reference DM/22/0640.

- 30 Whilst the principle of the details in relation to the facilities for charging plug-in and other ultra-low emission vehicles as shown in the site layout plan drwg TSP.01 Rev P3 and the Zaptec Go home charging document appears acceptable, there appears to be no details shown for plots 1 and 2.

In addition, whilst I note that details for facilities for charging plug-in and other ultra-low emission vehicles are shown in relation to plots 10 and 11, these dwellings are subject to a separate permission under reference DM/25/0292 and such details for these two plots cannot be taken into consideration for this application.

I am therefore currently **unable** to discharge condition 30 attached to planning reference DM/22/0640.

- 31 The Council's Contaminated land Officer has provided the following comments:

'I have reviewed the Earthworks Verification Report undertaken by Cognition Land and Water, dated 26th July 2024 (ref: CLW0457), which appears to be of a good standard. However, it is important to note that the report makes it clear that Cognition was only employed to deal with remediation related to the earthworks.

Having reviewed DM/22/0640 and the Remediation Method Statement Report, Issue 2, by Leap, dated 9th June 2023 (ref: LP3085/RMS/3), I can see that the further works required include:

- *Installation of ground gas membranes in Zone C properties, based on inspections and verification monitoring.*
- *Provision of a clean cover system with depths of 600mm in private gardens and 300mm in soft landscaping areas.*
- *Verification of the effectiveness of the clean cover systems.*

As such, I cannot recommend Condition 31 for discharge at this stage, as remediation on site is not complete.

Additionally, for completeness, could the applicant please ensure that the appendices for the current verification report are submitted so that I can review these in conjunction with the report.'

In light of this I am currently **unable** to discharge condition 31 attached to planning reference DM/22/0640 and a final remediation report is required to be submitted as well as the requested appendices.

- 32 The West Sussex Water and Access Manager has considered the details submitted. He has provided the following comments:

'Providing the fire hydrants indicated on the site layout plan are installed in these locations, ready for use prior to the occupation of any new build dwelling houses on the site, and our office is informed they are ready for use as a fire hydrant the condition will have been met.'

'Unfortunately, this has not happened on too many occasions regarding new developments recently, leaving properties with no protection in the event of a fire. That is why we are reluctant to discharge a fire hydrant condition before the fire hydrants are in place and ready for use, they get forgotten about and we are not informed they are ready for use.'

Have you also got confirmation from the water supplier that there is agreement to the water supply for the hydrants?

Therefore, I am currently **unable** to fully discharge the condition until confirmation has been provided that the fire hydrants have been installed and adopted. Once the fire hydrants have been installed and adopted, this condition can be considered further.

- 33 Condition 33 states:

'Prior to the occupation of any dwelling, details of the external appearance and the scale of the pump station located to the north of the site shall be submitted to and approved by the Local Planning Authority. The pump station shall be carried out in accordance with the approved details.'

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.'

Plans have been submitted (drwg A 68XX 01 and A 68XX 02) which shows that the pumping station will be underground. However, no precise details have been provided showing what exactly would be above ground (i.e. the appearance of the opening to the chamber, how far it would protrude from the ground and its colour, and also if there would be hard standing around the opening). Please can you provide a plan providing details of what will be seen above ground in respect of the pump station and further information on its colour and surrounding surfacing.

In light of the above I am currently **unable** to discharge condition 33 attached to planning reference DM/22/0640.

- 34 Condition 34 of planning reference DM/22/0640 states:

'A minimum of 20% of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.'

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.'

A sit layout plan (drwg TSP.01 Rev P2) has been provided in relation to the location of the M4(3) dwellings which are the plots 6 and 14. I am unsure what condition this plan relates to as they are not in relation to the M4(2) dwellings. The wider site layout plan (drwg TSP.01 Rev P3) appears to identify the M4(2) dwellings to be plots 3, 4, 5, 16, 17, 18, 19 and 20 which are the other affordable units. It is disappointing that plots 1 and 2 which are chalet bungalows for market housing which could be adaptable and accessible are not incorporated into this minimum 20% for this condition.

Notwithstanding this, other than a site layout plan identifying the M4(2) dwellings, there does not appear to be a verification report confirming how these dwellings comply with this condition. This can only be provided once these dwellings have been constructed. Please can you advise whether the dwellings which are to be M4(2) compliant have been constructed and consider plots 1 and 2 to also be included. This condition cannot be discharged until the relevant houses have been constructed and a verification report for each dwelling identifying the measures which have been undertaken to show compliance has been submitted.

In light of this I am currently **unable** to discharge condition 34 attached to planning reference DM/22/0640.

I would appreciate your attention to the above matter, please submit the outstanding requirements within 14 working days from the date of this letter, in order that this matter can be given further consideration. Failure to do so may result in the refusal of your application.



Ann Biggs
Assistant Director Planning and Sustainable Economy

RQDCOZ