Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0107
Development at Threals Farm, Threals Lane, West Chiltington, West Sussex,

DESCRIPTION:
Application for Approval of Details Reserved by Condition 21 to approved application DC/22/1690

RELEVANT PLANNING HISTORY:

DC/22/1690	Variation of Condition 1 of previously approved application DC/20/0837 (Demolition of agricultural buildings and erection of 5no. dwellings with associated landscaping) to allow for minor material amendments to the approved scheme.	Application Permitted on 17.04.2023

PLANNING ASSESSMENT

Planning Application DC/22/1690 was granted consent on 17.4.2023. This permission was for the following:

Variation of Condition 1 of previously approved application DC/20/0837 (Demolition of agricultural buildings and erection of 5no. dwellings with associated landscaping) to allow for minor material amendments to the approved scheme.

Consent is sought to discharge the details reserved by condition 21.

Condition 21:

Regulatory Condition*: No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by the Local Planning Authority.*

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

The developer has submitted top soil analysis reports (23-1055-SS- Tim O'Hare Bs3882 Sandy Loam Report and GL8452 Topsoil Batch No 5.

The Council's Environmental Health Officer has been consulted on the information provided, and have stated the following:

- *To ensure that the testing is representative, and as detailed in current technical guidance, testing of imported soils needs to be undertaken once the material has been imported onto the site and stockpiled. It is however not clear from the submitted information if the samples were collected*

from the site. If they were collected from the site we would be grateful for the details for the environmental consultant who collected the samples.

- *It is also not clear how much topsoil has been imported onto the site and the source of the material i.e. greenfield, brownfield, other etc. So that we can ensure the testing frequency is appropriate we would also be grateful for this information.*

In the absence of the information above, the Council are not in a position to recommend that the condition is discharged. No reply to this request of further information has been forthcoming, despite attempts to contact the applicant. As such, the submitted detail is insufficient pursuant to condition 21.

Recommendation: Application Refused

Reason for Refusal:

1 Insufficient information has been submitted with regards to condition 21 (imported soils), thus the Local Planning Authority are unable to discharge this condition.

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: DISC/24/0107

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Top Soil Analysis		13.05.2024
Supporting Docs	Top Soil Report Batch no.8		13.05.2024
Supporting Statement	Covering Letter		13.05.2024
Supporting Docs	Top Soil Report Batch no. 5		13.05.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 09.07.2024

Authorising Officer sign/initial RHERMITAGE Date: 31.07.2024