Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/25/0019
The Cobblers, Hayes Lane, Slinfold West Sussex

DESCRIPTION:
Application for Approval of Details Reserved by Condition 8 (contamination verification) to planning permission DC/22/2197 (Variation of condition 1 of DC/20/2578 Demolition and construction of 12 No. flats with car parking and landscaping and replacement scout hut).

RELEVANT PLANNING HISTORY:

DC/20/2578	Hybrid application for Demolition of existing retirement scheme and the construction of 12No. flats with associated car parking and landscaping (full planning) and replacement scout hut (outline)	Permitted 14-03-2022
DISC/22/0295	Approval of details reserved by conditions 5 (Construction Environmental Management Plan) and 8 parts a), b), c) ONLY (contamination) to approved application DC/20/2578 (demolition of existing and construction of 12No. flats with associated car park and landscaping (full) and replacement scout hut (outline)	Permitted 03-02-2023
DC/22/2197	Variation of condition 1 of approved application DC/20/2578 (Demolition of existing retirement housing and construction of 12No. flats with associated car parking and landscaping and replacement scout hut). Variation sought for repositioning of units 1-4 and 9-12, alongside details pursuant to discharge of conditions 6 (foul and surface water disposal), 7 (surface water drainage statement), 8 (contamination), 9 (finished floor levels), 10 (underground services), and 11 (materials and finishes).	Permitted 30-03-2023
DISC/23/0095	Approval of details reserved by condition 8 (contamination verification) to approved application DC/22/2197 (Variation of condition 1 of DC/20/2578 (Demolition of existing housing and construction of 12No. flats and replacement scout hut) alongside details pursuant to discharge of conditions), to consent the recommendations and remediation strategy in the Phase II Site Investigation Report by Ground and Water Limited (Reference: GWPR5303/SIR/April 2023 Status: Final Issue v.1.01) alongside that of Southern Testing Laboratories Ltd.	Withdrawn 29-02-2024

REPRESENTATIONS

HDC Environmental Protection:

11th Feb - *Reviewed Remediation Strategy and Verification Plan prepared by Southern Testing Laboratories Limited, reference V0978 dated 30 January 2025. Proposals for remediation works and verification plan are satisfactory. Report notes that a verification report will be produced by Southern Testing Laboratories Limited at the end of the remediation works. Accordingly suggest the condition is not discharged until the verification report is submitted.*

25th March - *Looked through verification report and satisfied with the information provided. Condition 8 can be discharged.*

Other Considerations

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

Planning Application DC/20/2578 was permitted on 14-03-2022. This permitted a hybrid application for demolition of existing retirement scheme and the construction of 12No. flats with associated car parking and landscaping (full planning) and replacement scout hut (outline). This permission was subject to a condition to address contamination (no. 8), comprising of a four-stage approval; parts a), b), c), and d).

Subsequent details (desk study and preliminary site investigation report) were submitted pursuant to approval of parts a), b), and c) ONLY of condition 8 (DISC/22/0295 refers). These were agreed and approved. The details comprised a desk study and preliminary site investigation report by Southern Testing Laboratories Ltd Report Issue 1 Date 23 October 2019 Project ID: J4185.

DC/22/2197 permitted a variation to condition 1 (approved plans) of DC/20/2578, to allow for repositioning of units 1-4 and 9-12 of the DC/20/2578 scheme, alongside details pursuant to discharge of condition 8. The details submitted for this purpose duplicated the evidence submitted under DISC/22/0295. In permitting DC/22/2197, condition 8 was re-worded to reflect this, with works to be undertaken in accordance with the submitted Southern Testing Report (Oct 2019) and with part d) requiring a verification plan left outstanding.

After this, Ground and Water Limited were instructed to conduct a Contamination Assessment of the site, the conclusions of which are contained in a submitted Phase II Site Investigation Report (Report Reference: GWPR5303/SIR/April 2023 Status: Final Issue v.1.01). This report set out a Recommendations and Remediation Strategy which was subject to informal advice from the Council's Environmental Protection team.

Subsequently, as condition 8 of DC/22/2197 was precise to works having to be undertaken in accordance with the Southern Testing Laboratories report (Oct 2019), the applicant has reinstructed Southern Testing and formally submitted:

Date Received	Plan / Document
29/01/2025	untitled REMEDIATION STRATEGY
31/01/2025	Remediation Strategy and Verification Plan Report Issue: 2 Date 30 January 2025 by Southern Testing Project ID: VO0978 Project Name: The Cobblers
25/03/2025	Verification Report by Southern Testing and ST Report Date: 25 March 2025 Report Issue: 1 Consult Project Name: The Cobblers Location: Slinfold, West Sussex. RH13 0SA Client: Sunninghill Construction Co. Limited Project ID: V0978

The Verification Report 25 March 2025 summarises:

A single phase of intrusive investigation was carried out by Southern Testing, in October 2019. Relevant pollutant linkages were identified in respect of PAH compounds in the Made Ground in one location. The potential for petroleum fuel hydrocarbon contamination to be present in the vicinity of the above ground tank (and to a lesser extent, the domestic garages), and the potential for asbestos containing materials beneath the buildings and in the Made Ground, was also identified. A Remediation Strategy comprising the removal or capping (within tree root protection zones) of the Made Ground from all private garden and soft landscaped areas was carried out. No additional contamination was discovered during construction. Verification testing carried out demonstrates that the remedial works have been successful.

Approval is now sought for the above details pursuant to condition 8 of DC/22/2197.

Condition 8:

Pre-Commencement Condition: *No development within each Phase shall take place, including any works of demolition, until 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 where required.*

Development within a Phase approved by this planning permission shall be implemented as approved in accordance with the verification plan as approved and in accordance with and informed by DESK STUDY AND PRELIMINARY SITE INVESTIGATION REPORT by Southern Testing Laboratories Ltd Report Issue 1 Date 23 October 2019 Project ID: J4185 approved by the local planning authority under DISC/22/0295 to deal with the risks associated with contamination, including asbestos contamination, of that Phase and extant structures approved:

Any changes to these components require the express consent of 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 Council's Environmental Health Officer has reviewed the Remediation Strategy and Verification Plan prepared by Southern Testing Laboratories Limited, reference V0978 dated 30 January 2025. Proposals for the remediation strategy and verification plan are satisfactory and align with the DESK STUDY AND PRELIMINARY SITE INVESTIGATION REPORT by Southern Testing Laboratories Ltd Report Issue 1 Date 23 October 2019.

The Jan 2025 report noted a verification report would be produced by Southern Testing Laboratories Limited at the end of the remediation works. The Council's Environmental Health Officer (11 Feb) recommended the condition not be discharged until the verification report is submitted.

That verification report has now been submitted (Verification Report by Southern Testing and ST Report Date: 25 March 2025 Report Issue: 1), which the Council's Environmental Health Officer has reviewed and is satisfied with the information provided.

In this regard, the Council's Environmental Health Officer is now satisfied with the details submitted pursuant to the condition, and it is recommended condition 8 be discharged as it has been evidenced no unacceptable risks are caused to humans, controlled waters or wider environment.

Water Neutrality Note: The Council's updated advice (Nov 2023) since its initial advice (July 2023) on the CG Fry High Court decision (30th June 2023) in relation to whether conditions are subject to the Habitats Regulation Assessment, is that no further Habitat Regulations Assessment (HRA) is required

at conditions discharge stage if a scheme is already subject to favourable HRA for the Arun Valley Sites prior to being granted. The permitted scheme (DC/20/2578) has already demonstrated Water Neutrality being subject of a favourable HRA in January 2022.

Recommendation: Application Permitted

NOTES 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: DISC/25/0019
(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
Plans	untitled REMEDIATION STRATEGY		29.01.2025
Supporting Docs	Verification Report by Southern Testing and ST Report Date: 25 March 2025 Report Issue: 1 Consult Project Name: The Cobblers Location: Slinfold, West Sussex. RH13 0SA Client: Sunninghill Construction Co. Limited Project ID: V0978		25.03.2025
Supporting Docs	Remediation Strategy and Verification Plan Report Issue: 2 Date 30 January 2025 by Southern Testing Project ID: VO0978 Project Name: The Cobblers		31.01.2025

DELEGATED

Case Officer sign/initial Matthew Porter Date: 26-03-2025

Authorising Officer sign/initial J Hawkes Date: 27.03.2025