Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/18/0002
Barratts and David Wilson Development Site, West End Lane, Henfield, West Sussex,

DESCRIPTION:
Application for approval of details pursuant to Schedule 4, Part 1 (Landscaped Areas), Schedule 4, Part 2 (Estate Roads) and Schedule 4, Part 3 (Off Road Cycle Path) of the S106 Agreement of DC/17/1140.

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| DC/17/1140 | Proposed re-plan of northern parcel to provide 75 dwellings (increase of 12 dwellings from previously approved development), together with associated car parking, landscaping and access. | Application Permitted on 28.09.2017 |

PLANNING ASSESSMENT
Planning Application DC/17/1140 was granted consent on 28 September 2017. This permission was for the following:

**Proposed re-plan of northern parcel to provide 75 dwellings (increase of 12 dwellings from previously approved development), together with associated car parking, landscaping and access.**

Consent is sought to discharge the details reserved by Schedule 4 (Parts 1, 2 and 3) of the S106 agreement.

**Schedule 4, Part 1**:

*The Owner hereby covenants and agreed with the Council:*

1. *Not to Commence the Development or cause or allow the Commencement of the Development until the Landscaped Areas Specification and the Landscaping Management Plan has been submitted and approved in writing by the Council (such approval not to be unreasonably withheld and to be provided within 21 days otherwise approval shall be deemed granted).*

2. *To provide the Landscaped Areas in accordance with the approved Landscaped Areas Specification and the Landscaping Management Plan to the Council's reasonable satisfaction.*

3. *Not to Occupy or cause or allow to be Occupied more than the relevant number of Dwellings referred to as the trigger for provision of any given area in the Landscaped Areas Specification until the Landscaped Areas have been provided to the Council's reasonable satisfaction in accordance with the Landscaped Areas Specification and the Landscaping Management Plan.*

4. *Upon completion of any of the Landscaped Areas to maintain the relevant areas thereafter in accordance with the Landscaped Areas Specification and the Landscaping Management Plan and to serve a written notice on the Council:*

a) *Confirming that the area (or areas) in question is complete and inviting the Council to inspect the area of the Landscaped Areas;*
b) *Confirming that should the Owner intend, to procure the future management and maintenance of the Landscaped Areas by the Management Company; and*
c) *Providing the name and contact details of the Management Company (if the Owner does not intend to maintain and manage the Landscaped Areas itself).*

5. *Within twenty-one (21) days after receipt of such a notice the Council will inspect the Landscaped Areas and in the event that the Landscaped Areas have been constructed, provided and equipped to its reasonable satisfaction in accordance with the Landscaped Areas Specification and the Landscaping Management Plan, the Council will within twenty-one (21) days of said inspection notify the Owners in writing that this is the case.*

6. *The Owner shall thereafter ensure that the Landscaped Areas are transferred to and or managed and maintained thereafter in accordance with the Landscaped Areas Specification and the Landscaping Management plan by the Management Company.*

7. *To use all reasonable endeavours to ensure that the Management Company to which the Landscaped Areas are transferred to and/or managed by are obligated to maintain them thereafter to the standard set out in the Landscaped Areas Specification and the Landscaping Management Plan.*

To satisfy the requirements of Schedule 4, Part 1 the applicant has submitted the following documents:

- Planting Plan Overview: 5822/ASPD001 REV O
- Planting Plan 1 of 7: 5822/ASPD001.1 REV O
- Planting Plan 2 of 7: 5822/ASPD001.2 REV O
- Planting Plan 3 of 7: 5822/ASPD001.3 REV O
- Planting Plan 4 of 7: 5822/ASPD001.4 REV O
- Planting Plan 5 of 7: 5822/ASPD001.5 REV O
- Planting Plan 6 of 7: 5822/ASPD001.6 REV O
- Planting Plan 7 of 7: 5822/ASPD001.7 REV O
- Landscape Management Plan: 5822/LMP

The most recent comments from the Council's Landscape Architect confirm that the planting plans are acceptable on landscape grounds, however they note various discrepancies between these and other plans (i.e. differing foot/cycle path layouts) and raised concerns around the significant dilution of tree planting on site compared with what has been proposed as well as a number of dead / failing trees. In line with the submitted Landscape Management Plan these should be removed and replaced with the same or similar species, which the Landscape Architect has recommended prior to the discharge of this Schedule.

However, it should be noted that the soft landscape condition attached to the permission (C13) only requires plants to be replaced within a period of 5 years. Given the length of time that has passed and the fact that the site was built out between 2018 and 2020, this replanting period has long since passed. It is therefore not considered necessary for the works recommended by the Council's Landscape Architect to be carried out. From the site visit the site otherwise appears suitably planted with those plants in place appearing alive and providing good greenery despite the very hot and dry summer.

It is therefore considered that the requirements of Schedule 4, Part 1 of the s106 agreement have been satisfied and may be discharged.

**Schedule 4, Part 2**:

*The Owner hereby covenants and agrees with the County Council:*

1. *Prior to the Commencement of the Development to submit to the County Council for approval a plan showing the intended status of the Estate Roads and associated footways, footpaths and cycleways (to the avoidance of doubt those roads, footways, footpaths and cycleways that will be offered for adopted under section 38 of the Highways Act 1980 and those to remain private). Any plan should also include details of surfacing, materials and construction of the Estate Roads.*

2. *Prior to the First Occupation of any Dwelling within the Development to submit to the County Council:*

*2.1. The name and contact details of the Management Company; and*
*2.2. A schedule for approval of the street furniture that the Management Company will be responsible for maintaining and a regime of maintenance.*

3. *It is agreed with the County Council that all Estate Roads that are stated to be privately maintained by the Owner or the Management Company shall be:*

*3.1. Constructed to a standard that is suitably for its intended use;*
*3.2. Maintained by the Owner or the Management Company at their own expense in good and substantial repair and condition; and*
*3.3. Shall not be dedicated by the Owner or the Management Company as a public highway or become a private street (as defined in the New Roads and Street Works Act 1991).*

4. *Upon completion of the construction of the Estate Roads not being adopted under an agreement pursuant to Section 38 of the Highways Act 1980, the Owner will private a report to be prepared and signed by a Chartered Engineer at their own expense to confirm that the construction of the privately maintained Estate Roads have been designed and built to a suitable standard for their intended use.*

5. *The Owner covenants with the County Council:*

*5.1. That the privately maintained Estate Roads shall remain open and unobstructed at all times and available for use by both residents of the Development and members of the public in the latter case without charge; and*
*5.2. To erect and maintain signs in positions agreed with the County Council advising the public that they are permitted to use the privately maintained Estate Roads on foot and by bicycle but that it is not a public highway so as to prevent the dedication of the privately maintained Estate Roads and to prevent any presumption of dedication (whether arising under Section 31 of the Highways Act 1980 or otherwise).*

To satisfy the requirements of Schedule 4, Part 2 the applicant has submitted a S106 Construction Make Up Plan (ref. 15-161/191 REV M) which includes details of materials, surfacing and construction as required by Clause 1. It has not been confirmed on the plan whether the highways will be adopted or whether they will be retained under private maintenance, however it is noted that 'Private Estate' signs have been erected at the entrance of the development and it is therefore presumed to be retained under private maintenance. WSCC Highways provided comment on the application advising that they had no objection to the discharge of Schedule 4, Part 2.

It is therefore considered that the requirements of Schedule 4, Part 2 of the s106 agreement have been satisfied and may be discharged.

**Schedule 4, Part 3**:

*The Owner hereby covenants and agrees with the County Council:*

1. *Prior to the Commencement of Development to agree the Off Road Cycle Path Specification with the County Council*

2. *Prior to Occupation of [50%] of the Dwellings forming part of the Development to provide Off Road Cycle Path in accordance with the Off Road Cycle Specification.*

To satisfy the requirements of Schedule 4, Part 3 the applicant has submitted a S106 Construction Make Up Plan (ref. 15-161/191 REV M) which shows the Off-Road Cycle Path running from the north-east corner of the site to the northern parcel where it adjoins the road. According to the specification, the cycle path will be topped with dense turf with EF edging on both sides. WSCC's PRoW team provided a consultation response, recommending that the cycle path be extended to join with the Downs Link (Bridleway 3514) and that confirmation should be given as to whether it would be adopted as a public highway, Public Bridleway or a permissive route privately maintained by the Estate Management Company.

It is unclear what the PRoW Officer meant by extending the cycle path, as the route proposed in the submitted plan already adjoins the Downs Link. In any case, the cycle path has already been constructed in line with the submitted plan and, although it is noted that the materials used differ slightly from what has been proposed, this is not considered to be a reason to refuse the discharge of this Schedule given that the path has been available to the residents / people living in Henfield for a number of years without complaint.

It is therefore considered that the requirements of Schedule 4, Part 3 of the s106 agreement have been satisfied and may now be discharged.

**Recommendation: Application Permitted**

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: S106/18/0002**
(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 | Planting Plan Overview | 5822/ASPD001 REV O | 06.02.2020 |
| Plans | Planting Plan 1 of 7 | 5822/ASPD001.1 REV O | 06.02.2026 |
| Plans | Planting Plan 2 of 7 | 5822/ASPD001.2 REV O | 06.02.2026 |
| Plans | Planting Plan 3 of 7 | 5822/ASPD001.3 REV O | 06.02.2026 |
| Plans | Planting Plan 4 of 7 | 5822/ASPD001.4 REV O | 06.02.2026 |
| Plans | Planting Plan 5 of 7 | 5822/ASPD001.5 REV O | 06.02.2026 |
| Plans | Planting Plan 6 of 7 | 5822/ASPD001.6 | 06.02.2026 |

| | | | |
|---|---|---|---|
| | | REV O | |
| Plans | Planting Plan 7 of 7 | 5822/ASPD001.7 REV O | 06.02.2026 |
| Plans | Landscape Management Plan | 5822/LMP | 31.07.2018 |
| Plans | Construction Makeup Layout Plan | 15-161/191 REV M | 05.03.2020 |

**DELEGATED**

Case Officer sign/initial Sophie Moore Date: 16/11/2026

Authorising Officer sign/initial Adrian Smith Date: 16/11/2026