Horsham District Council

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Our ref:	DISC/23/0240
Your ref:	Elm Grove Lane
Email:	planning@horsham.gov.uk
Direct Line:	01403 215436
If Calling Please ask for:	Giles Holbrook
Date:	23rd April 2024

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure England) Order 2015

Application for approval of details reserved by conditions 3, 4, 6A, 14 and 17 to approved application DC/20/0789

Grove House, Elm Grove Lane, Steyning, West Sussex

The Authority has considered your application, and I can confirm that the submitted information is **NOT** acceptable pursuant to the following condition(s):

Condition 3:
No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

i) the parking of vehicles of site operatives and visitors;
ii) loading and unloading of plant and materials;
iii) storage of plant and materials used in constructing the development;
iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
v) wheel washing facilities; and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
vi) details of public engagement both prior to and during construction works.
vii) measures to control the emission of dust and dirt during construction;
viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
ix) details of access through the site during the construction period
x) delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Condition 4:
No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment

must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

i) a survey of the extent, scale and nature of contamination;

ii) the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- ground waters and surface waters;
- ecological systems; and
- archaeological sites and ancient monuments

Condition 6:

No development (including demolition) shall commence until the following components of a scheme to deal with the risks associated with asbestos, have been submitted to and approved in writing by the Local Planning Authority:

(a) an intrusive pre-demolition and refurbishment asbestos survey (in accordance with HSG264);

(b) a verification report prepared by a competent person which confirms all asbestos or suspected asbestos containing materials have been removed.

Condition 14:

No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Condition 17:

No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

For the following reasons:

1. It is not considered that the 'Phase 1' ground contamination survey submitted in response to the requirements of Condition 3 is sufficient to enable a full understanding of contamination risk. In the absence of sufficient detail an appropriate remediation strategy cannot be designed and assessed. The details submitted pursuant to Condition 6, therefore, are unacceptable.

2. It is not considered that sufficient detail accompanies the submitted arboricultural method statement to establish the efficacy of recommended mitigation measures, and that such measures can be successfully implemented in the context of the approved development. Insufficient detail, therefore, is available to satisfy the requirements of Condition 17, and to establish the successful retention of existing trees.

3. Conditions 3, 4, 6, 14 and 17 are considered to form a conditions precedent. Following the determination of the High Court in *CG Fry & Son Limited v Secretary of State for Levelling Up Housing and Communities and Somerset Council* [2023] EWHC 1622 (Admin), the approval of details submitted pursuant to these conditions would constitute an implementing consent that would enable development to be delivered without a prior demonstration of water-neutrality.

The development would consequently contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased demand for public mains-water resources, contrary to Policy 31 of the Horsham District Planning Framework (2015) and Paragraphs 185 and 186 of the National Planning Policy Framework (2023). The Local Planning Authority, therefore, is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

This letter constitutes a legal document which should be regarded as an addendum to the original planning application.

If you have any queries or require further information, please do not hesitate to contact the Case Officer.

Yours faithfully



Emma Parkes
Head of Development and Building Control

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at

least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.