Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0296
Linden Homes Site Office , Illett Way, Faygate, West Sussex, RH12 0AJ,

DESCRIPTION:
Application for Approval of Details Reserved by Condition 5 to approved application DC/18/2227

RELEVANT PLANNING HISTORY:

DC/18/2227	Reserved matters application for the erection of 130 dwellings for Phase 2D, 2E and 2F with associated landscaping and parking following approval of outline application DC/15/2813, relating to layout, appearance, landscaping, scale and access.	Application Permitted on 26.04.2019

PLANNING ASSESSMENT

This application relates to Sub-Phases 2 D, E and F (2DEF) as contained within the Kilnwood Vale strategic housing site. Reserved matters consent for Phase 2DEF was granted on 26.04.2019 and is understood to be complete and substantially occupied. As detailed within the submitted covering letter, the Council's written approval was not sought/received in relation to the provisions of Condition 5, with consent not sought to discharge the requirements of Condition 5 in retrospect.

Condition 5

Condition 5 states:-

> *"**Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of secure (and covered) cycle parking facilities for the occupants of, and visitor to, the development shall have been submitted to and approved in writing by the Local Planning authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.*
>
> *Reason: to ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015)."*

Conditions Precedent:

Condition 5, as drafted, anticipates that the written approval of the Authority be sought, obtained and implemented prior to the occupation of units within Phase 2 DEF. As acknowledged within the submitted covering letter, this process has not been adhered to with Phase 2 complete and substantially occupied.

The details reserved by Condition 5, however, are not considered so fundamental such as to be considered to go to the 'heart of the consent'. It is considered that the Authority could theoretically approve submitted details in retrospect were such details to its satisfaction, or, alternatively, could enforce the requirements of Condition 5 to ensure satisfactory provision. The failure to meet the

requirements of Condition 5 in this regard, therefore, are not considered to influence the integrity of the reserved matters consent provided by ref: DC/18/2227.

Substantive Details:

In support of this application the applicant has provided a covering letter and a set-of three 'engineering drawings'. The submitted covering letter explains that cycle parking is to be provided within garages where plots benefit from the use of a garage and within sheds where plots do not benefit from a garage. Cycle parking to apartment blocks is, further, explained to be provided within dedicated communal stores. This approach is consistent with the previous provision of cycle parking within previous phases of Kilnwood Vale.

The set of engineering drawings provided in support of this application are not considered the clearest to interpret, and are limited in detail. These drawings, however, do show the provision of sheds within rear gardens of sufficient size for cycle parking purposes which are further evident on current aerial photography and seen onsite. Garaging has been completed and is, similarly, available for use by residents for cycle parking purposes.

In respect of approved apartment blocks (Plots 12-20 & 21-30) the approved floor plans (18030 P110 C & 18030 P112 B) show the provision of communal cycle stores, which are evident on both publicly accessible aerial and 'street-view' photography.

Overall, with regard to details available to the Authority, it is considered that there is sufficient information to evidence that the occupiers of Phase 2 DEF have been provided with suitable access to covered and secure cycle parking facilities to satisfy the requirements of Condition 5, which is recommended to be discharged accordingly.

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: DISC/24/0296
(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
Supporting Statement	Covering Letter		26.11.2024
Layout plan	Engineering Layout (sheet 3 of 3)	18-043/202 J	26.11.2024
Layout plan	Engineering Layout (sheet 2 of 3)	18-043/201 Q	26.11.2024
Layout plan	Engineering Layout (Sheet 1 of 3)	18-043/200 P	26.11.2024

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 10.02.2025

Authorising Officer sign/initial	Adrian Smith	Date:	11/02/2025