Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0177
Land at Sumners Ponds, Chapel Road, Barns Green, West Sussex,

DESCRIPTION:
Approval of details reserved by conditions 13 and 14 to approved application DC/21/2697

RELEVANT PLANNING HISTORY:

DC/21/2697	Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable drainage system.	Application Permitted on 06.10.2023.

PLANNING ASSESSMENT
Planning Application DC/21/2697 was granted consent on 06.10.2023. This permission was for the following:

Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable drainage system

Consent is sought to discharge the details reserved by conditions 13 and 14.

Condition 13: Biodiversity Enhancement Strategy

Pre-Commencement (Slab Level) Condition: No building above ground floor slab level of any part of any phase of the development hereby permitted shall commence until a Biodiversity Enhancement Strategy for protected and Priority species for that phase has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
a) Purpose and conservation objectives for the proposed enhancement measures;
b) detailed designs to achieve stated objectives;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures;
e) details of initial aftercare and long-term maintenance (where relevant).
The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

The Applicants have submitted a Biodiversity Enhancements Strategy dated January 2024 (Issue 1), which recommends the following biodiversity enhancements for the site as set out in Paragraph 2.1 including:

'The Preliminary Ecological Appraisal by EAS Ltd, dated September 2021 recommended the following biodiversity enhancements for the site:
- *Retaining and enhancing existing hedgerows;*
- *Inclusion of wildlife-friendly/ nectar-rich planting into landscaping plans to benefit bats, nesting birds and invertebrates;*
- *Wetlands (swales and ponds) planted with aquatic species;*
- *Provision of integrated bat boxes within proposed buildings (away from artificial light) or the provision of traditional bat boxes that could be hung on retained trees/new buildings;*
- *Provision of bird boxes that could be hung on retained trees/new buildings;*
- *Provision of hedgehog highways throughout the development;'*

It is advised that the strategy has been designed to maximise the ecological value of the retained and created habitats including high value boundary habitats and wildflower grasslands which provide foraging and breeding habitats for a range of protected and notable species including bats, birds, and reptiles.

Existing hedgerows on the eastern, northern, and western boundaries of the northern parcel are proposed to be retained, with supplementary planting of a native species and infill where required. Proposed species include hawthorn Crataegus monogyna, blackthorn, Prunus spinosa and hazel Corylus avellana. A full species list is to be provided with the landscaping details (to be submitted in relation to condition 18).

It is advised that wildflower grassland mix will be sown to the open space areas of the site as well as bordering the proposed hedgerows to compensate for loss of habitat and enhance the site for biodiversity. Proposed wildflower species include WFG8 Hedgerows and Shaded Areas mix and WFG18 Butterfly and Honeybee mix. A full species list is provided in the detailed landscape proposal (to be submitted in relation to condition 18).

The inclusion of hedgerows and wildflower grassland is considered to benefit a range of protected and notable species including foraging/commuting bats, nesting birds, invertebrates, hedgehogs, and reptiles.

The Biodiversity Enhancement Strategy (January 2024) sets out provision for 3 bat boxes on the new buildings, locations as shown on the Enhancement Plan (Appendix 3). It is advised that they will be installed high on the gable ends and will preferably be south facing.

Provision of 9 bird nesting boxes designed for woodland and garden birds include '*3 boxes with a 28 mm diameter hole; 3 boxes with a 32 mm diameter hole; 3 open fronted bird boxes. Proposed locations are shown on the Ecological Enhancement Plan in Appendix 2'*.

Enhancement of the site for reptiles includes '*the retention of the existing hedgerows and the drainage ditch along the western boundary of the northern field, and creation of new sections of hedgerows within the site to provide cover, foraging potential and connectivity (dispersal routes) across the site.'*

Two new surface water features comprising a pond to the northern part of the site and a swale within the southern part of the site are also provided as part of the enhancement measures proposed.

Hedgerows along the boundaries of the northern field are to be retained and maintained to support hedgehogs (and other species) in the long-term. It is advised that '*gaps (measuring 100 mm x 100 mm) are to be provided within all new fencing gravel boards to permit access across and around the site for hedgehogs. In addition, new sections of mixed, native species hedgerows have been included within the site layout to improve connectivity along the western and southern boundaries of the southern section of the site. As part of the proposed soft landscaping proposals new shrub planting is included across the site, increasing shelter and foraging potential for this species.'*

The Biodiversity Enhancement Strategy (January 2024) states that *'a suitably qualified ecologist will ensure the delivery of the Biodiversity Enhancement Strategy and that this will be achieved through the provision of on-site and off-site advice to deliver ecological mitigation and enhancements, as necessary'* and that *'a biodiversity champion will be nominated by the main contractor and will be the onsite initial point of contact for wildlife related matters'.*

Detailed landscape proposals propose planting of trees, hedgerows, and wildflower grassland as part of the development and will be subject to a separate discharge of conditions application and consideration of a soft landscaping scheme under Condition 18.

The Council's Ecologist have reviewed the Biodiversity Construction and Environmental Management Plan (CEMP) (JBA Consulting, June 2024), and have advised that they are satisfied that the submitted information includes the detail required by condition 13.

The requirements of the condition have been satisfied.

Condition 14: Landscape and Ecological Management Plan (LEMP)

Pre-Commencement (Slab Level) Condition: No building above ground floor slab level of any part of any phase of the development hereby permitted shall commence until a Landscape and Ecological Management Plan (LEMP) for that phase has been submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g) Details of the body or organisation responsible for implementation of the plan.
h) Ongoing monitoring and remedial measures.
The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

The Applicants have submitted a Landscape and Ecological Management Plan (LEMP) (dated December 2023). The LEMP informs the ongoing landscape management and maintenance operations for the site. The LEMP describes the range of proposed landscape mitigation, biodiversity planting and amenity planting, as well as its objectives and post construction aftercare required to safeguard future establishment.

It is advised that '*the landscape planting strategy accords with the recommendations made by the projects Ecologist, EAS Ltd, as set out in the Ecological Mitigation and Enhancement Plan document appended to the LEMP report.'* The key mitigations that have been integrated into the landscape planting design are summarised below:

Protection of existing tree and hedgerows proposed to be retained.

Clearance of any hedges, trees, and scrubs to be carried out outside of the bird nesting season.

Provisions for hedgehogs.

The LEMP sets out that ecological monitoring will be undertaken of the new habitats, new tree planting, bat, and bird boxes for three years post development to ensure that the habitats develop successfully. The LEMP Plan is intended to cover the first five years of the site's establishment.

The Management Plan ensures that the landscape vision is delivered through a programme of regular maintenance that will deliver the following objectives which include:

- *'The successful establishment of the planting design using best horticultural practices to maintain healthy growth, seasonal interest, and legibility for the future enjoyment of residents.*
- *Protection, conservation and enhancement of existing trees, vegetation, and associated habitats to achieve ecology value in both biodiversity terms and human amenity – bringing, for example, the benefits of bird song, butterflies, and the restorative effects of natural environments to residents and visitors.*
- *To achieve and maintain a high standard of cleanliness, appearance and repair using sustainable management techniques as far as possible.'*

Section 3 of the LEMP includes details relating to soft landscape maintenance (general) and identifies areas of land ownership and responsibilities (management company unless adopted by local authority); as well as identifying biodiversity enhancements and habitat corridors. The LEMP supports the use of native species to support existing flora and fauna, and the retention and enhancement of boundary vegetation to create a green swathe around the development. It supports opportunities to create an enhanced habitat corridor for forging birds and insects as well as the creation of the wildflower meadows and grasslands to support wildlife. The LEMP also includes details relating to management of existing vegetation (trees) as well as native field hedgerows and grassland areas (including mowing regimes).

The LEMP addresses residential amenity planting in regard to tree planting and management responsibilities; it also includes details of watering responsibilities as well as details relating to native hedge / shrub planting / and wildflower edges round the development; herbaceous planting / ornamental grasses / grassland and seeded areas as well as responsibilities in regard to amenity grass/ mown areas / and private garden and related their management. Section 5 of the LEMP includes a maintenance schedule in relation to the specific activities and plant typologies; Section 6 of the LEMP includes details of maintenance operations; Section 7 relates to ongoing monitoring and review responsibilities.

The Council's Ecologists have reviewed the Landscape and Ecological Management Plan (December 2023) which has been submitted in order to discharge Condition 14.

The Council's Ecologists have confirmed that they are satisfied that the submitted information includes the detail required by condition 14.

The requirements of the condition have been satisfied.

Recommendation: Application Permitted

NOTE 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/24/0177

(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	Biodiversity Enhancement Strategy		08.07.2024
Supporting Statement	Landscape and Ecological Management Plan		08.07.2024
Supporting Statement	Planning		08.07.2024

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

Plan Type	Description	Drawing Number	Received Date

DELEGATED

Case Officer sign/initial Amanda Wilkes Date: 23/07/2024

Authorising Officer sign/initial Adrian Smith Date: 24/07/2024