Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0169
Mill Farm, Mill Lane, Itchingfield, West Sussex, RH13 0NP

DESCRIPTION:
Application for Approval of Details Reserved by Conditions 3 and 4 to approved application DC/23/0460

RELEVANT PLANNING HISTORY:

DC/23/0460	Demolition of an agricultural building and the erection of a two-storey dwelling (as an alternative to prior approval reference DC/21/2075).	Application Permitted on 02.05.2024

PLANNING ASSESSMENT

Planning application ref: DC/23/0460 granted consent for the demolition of an agricultural barn and the erection of a single dwelling on 02.05.2024. Planning permission was granted subject to conditions, with an approval of details reserved by Conditions 3 and 4 to ref: DC/23/0460 now sought.

Condition 3:

Condition 3 states:-

*"**Pre-Commencement (Slab Level) Condition:** No part of the development hereby permitted shall be commenced above ground floor slab level until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:*

- *Details of all existing trees and planting to be retained*
- *Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details*
- *Details of all boundary treatments*
- *Ecological enhancement measures set out at Section 9 to the Preliminary Ecological Appraisal and Preliminary Roost Assessment (aLyne Ecology Ltd, Version 001, dated 30.06.2023)*

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, in the interests of visual amenity and to ensure a proportionate biodiversity net-gain in accordance with Policies 31 and 33 of the Horsham District Planning Framework (2015)."

In response to the above condition the applicant has provided a plan detailing proposed soft/hard landscaping works and ecological enhancement measures.

The submitted details propose the use of post-rail fencing to the perimeter of the approved dwelling, edged by stretches of native hedgerow planting to the west of the approved dwelling and forward of its principal elevation. The development would retain the existing gravel driveway (shared with the existing Mill Farm) with new parking areas and pedestrian accesses proposed to be formed of 10mm shingle. A small area of timber decking would be formed beyond the northern elevation of the approved dwelling.

There is no pre-existing vegetation within the extent of the defined application site, though, 4x bat-bird boxes would be introduced to trees within retained ancient woodland (within the applicant's ownership) adjacent to the site in addition to living roofs to approved cycle store and refuse store structures.

Proposed hedgerow planting would consist of 400x total plants between 80-100cm in size. Proposed planting would be equally divided between 5x native species.

Overall the proposed landscaping scheme is proportionate in detail to a scheme of this scale and would avoid the introduction of overtly suburban elements, with the exception of proposed timber decking. The proposed timber decking, though, is of a limited extent and located directly adjacent to the approved dwelling. Notwithstanding the introduction of proposed decking, therefore, it is considered that the proposed landscaping would prove sympathetic to countryside context of the site in a manner consistent with the requirements of HDPF Policy 33.

The range of ecological enhancements are not extensive however they align with measures recommended to be included within the approved Ecological Appraisal. The Council's consultant ecologists have indicated that the submitted detail is sufficient to discharge the requirements of Condition 3 in ecological terms. It is, therefore, considered that the details are acceptable in relation to the requirements of HDPF Policy 31.

It is recommended that Condition 3 be discharged accordingly.

Condition 4:

Condition 4 states:-

> ***"Pre-Commencement (Slab Level) Condition:*** *Prior to the commencement of development above ground floor-slab level, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, lsolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.*
>
> *All external lighting shall, subsequently, be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.*
>
> *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under no circumstances should any other external lighting be installed without the express prior consent of the Local Planning Authority.*
>
> *Reason: In accordance with the requirements of Policy 31 of the Horsham District Planning Framework (2015), and to enable the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended"*

In response to the above condition the applicant has provided an external lighting design plan. This plan details the expected position and height of bat foraging and commuting, which broadly follows the perimeter of the adjacent ancient woodland, together with the positions of proposed external lighting and measures to limit the ecological effects of lighting.

The submitted details confirm that 5x total external luminaires would be introduced in association with the approved dwelling, all as wall-mounted fittings. The submitted details confirm that proposed luminaires would be positioned at 1.9m above finished floor level, orientated downwards, fitted with hoods and utilise 'warm' coloured LEDs below 2700K. The applicant, further, proposes that lighting will be controlled by motion sensors such that lighting would only be active when motion is recorded. These measures align with the recommendations of the approved Ecological Enhancement and measures assumed within the Council's appropriate assessment in respect of likely impacts upon the Mens and Ebernoe Common SAC.

It is considered that the submitted details are sufficient to maintain the suitability of the site and its surroundings for bats and without detrimental effects upon bat movements of potential significance to the integrity of The Mens designations. It is, therefore, considered that the submitted details can be approved without conflict with the requirements of HDPF Policy 31 and the Authorities duties under the Conservation of Habitats and Species Regulations (2017) (as amended) at Regulation 63.

It is recommended that Condition 4 be discharged accordingly.

Habitat Effects and *Fry* [2023]

The development approved pursuant to ref: DC/23/0460 was approved subsequent to the completion of an 'appropriate assessment' pursuant to Regulation 63 of the Habitats Regulations establishing the absence of adverse effect upon the integrity of European sites, including the Arun Valley SAC, SPA and Ramsar and The Mens and Ebernoe Common SAC.

Where an assessment was conducted in advance of an initial grant of planning permission it is not considered that the judgement of the High Court pursuant to *CG Fry & Son Limited v Secretary of State for Levelling Up Housing and Communities and Somerset Council* [2023] EWHC 1622 (Admin) would prohibit an approval of details reserved by condition in this instance.

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/24/0169
(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	External lighting design for biodiversity		27.06.2024
Plans	Landscaping and ecological enhancements		27.06.2024

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

Plan Type	Description	Drawing Number	Received Date

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 23/07/2024

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