Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0162
Land Parcel at 521897 127416, Sandygate Lane, Lower Beeding, West Sussex,

DESCRIPTION:
Application for Approval of Details Reserved by Conditions 3, 5, 6, 8, 9, 11, 12, 13 and 19 to approved application DC/22/0708

RELEVANT PLANNING HISTORY:

DC/22/0708	Application for the erection of 22 No. dwellings with associated parking, garaging, landscaping, the creation of new access and all ancillary work associated with the proposed development	Application Permitted on 31.08.2023

PLANNING ASSESSMENT
Planning Application DC/22/0708 was granted consent on 31.08.2023. This permission was for the following:

Application for the erection of 22 No. dwellings with associated parking, garaging, landscaping, the creation of new access and all ancillary work associated with the proposed development.

Consent is sought to discharge the details reserved by conditions 3, 5, 6, 8, 9, 11, 12, 13 and 19.

Condition 3 (Construction Environmental Management Plan)

Condition 3 reads as follows:
Pre-Commencement Condition: The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:
i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
ii. Details of how residents will be advised of site management contact details and responsibilities;
iii. Detailed site logistics arrangements (to include details shown on a plan), including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
v. The method of access to and from the construction site;
vi. The arrangements for public consultation and liaison prior to and during the demolition and construction works - newsletters, fliers etc;
vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).
ix. Identification of "biodiversity protection zones".
x. Practical measures to avoid or reduce biodiversity impacts during construction, including the use of protective fences, exclusion barriers and warning signs.
xi. The location and timing of sensitive works to avoid harm to biodiversity features.
xii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of wildlife and biodiversity, nearby occupiers and highway safety during construction and in accordance with Policies 31, 33 and 40 of the Horsham District Planning Framework (2015).

To address the requirements of condition 3, the applicant has submitted a Construction Environmental Management Plan (CEMP). Initially the Ecological Consultant raised concerns with regard to insufficient information on parts ix, x, xi and xii. Following the Ecological Consultant's comments, the applicant submitted an updated CEMP dated July 2024. The CEMP dated July 2024 includes details of the roles and responsibilities of ecologists and site workers; biodiversity protection zones both prior to and during construction; and specific species mitigation for reptiles, nesting birds and hedgehogs.

Following a review of the updated CEMP, the Ecological Consultant has confirmed they are satisfied that the submitted information includes the detail required by this condition. WSCC Highway Authority has assessed the submitted information and confirm they are satisfied with the details provided in regard to condition 3. Officers concur with the WSCC Highway Authority and Ecological Consultant in regard to the updated CEMP.

The requirements of the condition 3 have been satisfied and can be discharged.

Condition 5 (Levels)

Condition 5 reads as follows:
Pre-Commencement Condition: No development shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

To address the requirements of condition 5, the applicant has submitted two drawings ref: 231686-300-01 Setting out layout (Sheet 1 of 2) and ref: 231686-300-02 Setting out layout (Sheet 2 of 2).

Initially, the Landscape Architect raised concerns that earthworks were proposed within the root protection areas of existing trees on the site boundaries. To address this, the applicant submission an updated Setting Out Layout Site Plan (Sheet 1 of 2) Rev B which includes updated contours with a gentler gradient due to the addition of a 300m gravel board. Following a review of this revised drawing, the Landscape Architect confirmed their concerns had been satisfied and that they raise no objection to the discharge of condition 5. Officers concur with the Landscape Architect in regard to the submitted drawings and levels information.

The requirements of the condition 5 have been satisfied and can be discharged.

Condition 6 (Underground services)

Condition 6 reads as follows:
Pre-Commencement Condition: No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Implications Assessment [David Archer Associates, DAA AIR 02, October 2022]. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

To address the requirements of condition 6, the applicant has submitted drawing ref: DEV-U-08-CSL-01 REV B – Combined services plan. The Combined services plan includes a detail key of all the services, including for water and drainage, power, broadband and street lighting.

The HDC Arboriculturist has reviewed the submitted utility connection and layout within the Combined Services plan and confirms this is acceptable in principle in relation to trees, subject to the provisions of the Arboricultural Method Statement submitted in relation to Condition 8.

The Landscape Architect initially raises concerns over the accuracy of the tree on the Services Layout plan. To clarify this, the applicant provided a response to landscape comments document along with an overview plan of the landscape scheme which confirmed that when reviewed together, there are no material conflicts between the proposed services layout and existing or proposed planting. Following a review of this additional information, the Landscape Architect confirmed their concerns had been satisfied and that they raise no objection to the discharge of condition 6.

Officers concur with the HDC Arboriculturist and Landscape Architect in regard to the Services Layout plan.

The requirements of the condition 6 have been satisfied and can be discharged.

Condition 8 (Tree Protection)

Condition 8 reads as follows:
Pre-Commencement Condition: No development shall commence, including any ground remediation, demolition or groundwork preparation, until a detailed, scaled Tree Protection Plan and related Arboricultural Method Statement that addresses the key points of the submitted Arboricultural Implications Assessment [by David Archer Associates, ref DAA AIR 02, dated October 2022] has been submitted to and approved in writing by the Local Planning Authority. The required information shall include details of the pre-start meeting, Arboricultural supervision and monitoring, specification and location of tree protective fencing, ground protection and the phasing and method of all earthworks and construction activity that may take place within the Root Protection Area of trees, including installation of service routings. All works shall be carried out in strict accordance with the approved details.

Reasons: To ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

To address the requirements of condition 8, the applicant has submitted an Arboricultural Method Statement dated June 24 (AMS), which includes a Tree Schedule at Appendix 1 and a Tree Protection Plan at Appendix 2. The AMS also includes details of pre-start requirements, tree removals and pruning, protective fencing, ground protection, supervised evacuations, no dig hard surface construction, underground services, landscaping, and supervision and monitoring.

The HDC Arboriculturist has reviewed the submitted AMS and confirms this is acceptable. Officers concur with the HDC Arboriculturist in regard to the AMS.

The requirements of the condition 8 have been satisfied and can be discharged.

Condition 9 (Biodiversity)

Condition 9 reads as follows:
Pre-Commencement Condition: No development shall commence until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
i. Purpose and conservation objectives for the proposed enhancement measures;
ii. Detailed designs to achieve stated objectives;

iii. Locations of proposed enhancement measures by appropriate maps and plans;
iv. Persons responsible for implementing the enhancement measures;
v. Details of initial aftercare and long-term maintenance (where relevant).
The works shall have regard to the requirements set out within the Horsham District Council 'Biodiversity and Green Infrastructure' Planning Advice Note (October 2022) to seek to achieve a measured 10% net gain in biodiversity. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and 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).

To address the requirements of condition 9, the applicant has submitted a Biodiversity Enhancement Strategy dated June 2024 (BES). The BES includes methods for achieving the conservation objections for the development, a Biodiversity Net Gain (BNG) Metric, and a management plan, including management responsibilities.

The Ecology consultant has reviewed the BES and are satisfied that it includes the detail required by condition 9. Officers concur with the HDC Ecologist and consider the submitted information is sufficient to meet the requirements of condition 9.

The requirements of the condition 9 have been satisfied and can be discharged.

Condition 11 (Lighting)
Condition 11 reads as follows:
Pre-Commencement Condition: No development shall commence until a lighting design scheme for biodiversity has been 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, Isolux 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 be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and 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).

To address the requirements of condition 11, the applicant has submitted two drawings ref: OP238232LD20014 Outdoor Lighting Report and ref: OP238232LD20014 Drawing. The Outdoor Lighting Report includes data on the proposed luminaire and drawing ref: OP238232LD20014 illustrates the horizontal lighting lux and site layout.

The Ecology consultant has reviewed the submitted information for this condition and are satisfied that it includes the detail required by condition 11. Officers concur with the HDC Ecologist and consider the submitted information is sufficient to meet the requirements of condition 11.

The requirements of the condition 11 have been satisfied and can be discharged.

Condition 12 (Drainage Strategy)

Condition 12 reads as follows:
Pre-Commencement Condition: No development shall commence until a Drainage Strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. As part of the details required, a

Surface Water Drainage Scheme should be submitted (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) which should demonstrate how surface water run off would be disposed of, in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained, and to prevent increased risk of flooding, in accordance with Policies 35 and 38 of the Horsham District Planning Framework (2015).

To address the requirements of condition 12, the applicant has submitted a drawing ref: 231686-DC-AG-RS-01 Drainage Strategy. The application cover letter also confirms that a Section 106 consent to connect to exiting foul and surface water sewers has been granted by Southern Water under ref: 11891. Initially the Lead Local Flood Authority (LLFA) raised concerns with regard to the drainage calculations in different event chances and accounting for climate change, greenfield runoff rates, and pump failure and emergency procedures.

Following the LLFA's comments, the applicant submitted a revised Drainage Strategy Rev A, a drainage connectivity plan and drainage connectivity photos. Following a review of the updated Drainage Strategy and drainage connectivity details, the LLFA has confirmed they are satisfied that the submitted information includes the detail required by this condition.

The HDC Arboriculturist has reviewed the submitted utility connection and layout within the Drainage Strategy and confirms this is acceptable in principle in relation to trees, subject to the provisions of the Arboricultural Method Statement submitted in relation to Condition 8. Officers concur with the LLFA and HDC Arboriculturist and consider the submitted information is sufficient to meet the requirements of condition 11.

The requirements of the condition 12 have been satisfied and can be discharged.

Condition 13 (Contamination)

Condition 13 reads as follows:
Pre-Commencement Condition: No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:
(a) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.
The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.
(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.
(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.
The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015)

To address the requirements of condition 13, the applicant has submitted drawing ref:. The Ground Condition Report comprises of a preliminary risk assessment, a summary of fieldwork and the encountered ground conditions, risk assessments, conceptual site model, material properties, foundation and ground engineering, and recommendations.

The Environmental Health Officer (EHO) has assessed the submitted Ground Condition Report and is satisfied that no significant risks from ground contamination have been identified and recommends an informative requesting a copy of the verification plan, including a discovery strategy if required, be provided to the LPA. Officers concur with the EHO, including on the informative, and consider the submitted information is sufficient to meet the requirements of condition 13.

The requirements of the condition 13 have been satisfied and can be discharged.

Condition 19 (Landscaping)

Condition 19 reads as follows:
Pre-Occupation Condition: No part of the development hereby permitted shall be first occupied 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 hard surfacing materials and finishes*
- *Details of all boundary treatments*
- *Details of all external lighting (in accordance with Condition 11)*
- *Details of the attenuation pond (including gradients, planting, etc)*

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. Particular focus shall be made to enhance planting along the western boundary of the site to enable an appropriate transition from built development to rural countryside.

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

To address the requirements of condition 19, the applicant has submitted five drawings ref: m387-201 revP3 Landscape Plan Sheet 1 of 5, ref: m387-202 revP3 Landscape Plan Sheet 2 of 5, ref: m387-203 revP3 Landscape Plan Sheet 3 of 5, ref: m387-204 revP3 Landscape Plan Sheet 4 of 5, and ref: m387-205 revP3 Landscape Plan Sheet 5 of 5.

Initially, the Landscape Architect raised concerns on soft landscaping, SuDS, boundaries and surfacing. To address this, the applicant submission revised Landscape Plan Sheet drawings Rev P4. Following a review of this revised drawings, the Landscape Architect confirmed their concerns had been satisfied and that they raise no objection to the discharge of condition 19. Officers concur with the Landscape Architect in regard to the submitted drawings and levels information.

The requirements of the condition 19 have been satisfied and can be discharged.

Recommendation: Application permitted

NOTE TO APPLICANT

The applicant is requested to notify the Local Planning Authority and provide documentary evidence of remediation if further ground contamination is uncovered during the construction phase.

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/24/0162
(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	Proposed Landscape Masterplan	M387-100 P1	08.10.2024
Plans	Standard Tree Pit Detail	M387-401 P1	08.10.2024
Plans	Landscape Plan Sheet 1 of 5	m387-201 revP4	08.10.2024
Plans	Landscape Plan Sheet 2 of 5	m387-202 revP4	08.10.2024
Plans	Landscape Plan Sheet 3 of 5	m387-203 revP4	08.10.2024
Plans	Landscape Plan Sheet 4 of 5	m387-204 revP4	08.10.2024
Plans	Landscape Plan Sheet 5 of 5.	m387-205 revP4	08.10.2024
Supporting Statement	Ground condition report	J23-016-R03	25.06.2024
Supporting Statement	Drainage Strategy	Rev A	24.09.2024
Plans	Drainage Connectivity Plan	NONE	25.10.2024
Supporting Statement	Drainage Connectivity Photos	NONE	25.10.2024
Supporting Statement	Outdoor Lighting Report	OP238232LD20014	25.06.2024
Plans	Lighting Lux Drawing	OP238232LD20014	25.06.2024
Supporting Statement	Biodiversity Enhancement Strategy	NONE	25.06.2024
Supporting Statement	Arboricultural Method Statement	NONE	25.06.2024
Plans	Combined services plan	DEV-U-08-CSL-01 REV B	25.06.2024
Supporting Statement	Response to Landscape Comments	NONE	08.10.2024
Plans	Setting Out Layout Site Plan (Sheet 1 of 2)	231686-300-01 Rev B	24.09.2024
Plans	Setting out layout (Sheet 2 of 2).	231686-300-02	25.06.2024
Supporting Statement	Construction Environmental Management Plan- Ecology	None	30.07.2024
Supporting Statement	Construction Environmental Management Plan- Main	None	25.06.2024

DELEGATED

Case Officer sign/initial Stephanie Bryant Date: 06/12/2024

Authorising Officer sign/initial Adrian Smith Date: 10/12/2024