Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DISC/24/0200
Land East of Nightingale Farm, Sincox Lane, Shipley, West Sussex,

DESCRIPTION:

Approval of details reserved by conditions 3,4,5,6,7 and 8 to approved application DC/23/2278

RELEVANT PLANNING HISTORY:

DC/23/2278	Erection of 8no. dwellings, with associated parking, drainage, and hard and soft landscaping	Application Permitted on 16.04.2024

PLANNING ASSESSMENT

Planning Application DC/23/2278 was granted consent on 16.04.2024. This permission was for the following:

Erection of 8no. dwellings, with associated parking, drainage, and hard and soft landscaping

Consent is sought to discharge the details reserved by conditions 3, 4, 5, 6, and 7.

Condition 3:

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. 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 comply with Policy 38 of the Horsham District Planning Framework (2015).

The Applicant has submitted a Flood Risk Assessment by Bellamy Roberts reference MT/DE/5969/FRA.6 dated 07 December 2023, along with a Phase II Site Investigation Report reference GWPR6091/SIR/July 2024 by Ground&Water Geotechnical and Environmental Consultants.

Following consultation with the Council's Drainage Consultant, the information submitted is considered insufficient, with further information requested in respect of site drainage patterns, flow and volume rates, water storage capacity volumes, and surface water management strategy.

For the above reasons, it is considered that insufficient information has been provided to address the requirements of the condition.

Condition 4:

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).

The Applicant has submitted a Phase II Site Investigation Report reference GWPR6091/SIR/July 2024 by Ground&Water Geotechnical and Environmental Consultants.

Following consultation with the Council's Environmental Health Team, it is considered that insufficient information has been provided. It is unclear whether all the potential sources of contamination on the site have been targeted by the investigation, with the number of soil samples not considered proportionate to the size of the site. Furthermore, there is some concern that soil sampling at WS3 specifically was not compliant with the relevant British Standard.

For the above reasons, it is considered that insufficient information has been provided to address the requirements of the condition.

Condition 5:

Pre-Commencement Condition*: No development shall commence until a Biodiversity Enhancement Strategy for Protected and Priority species 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: 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).

The Applicant has submitted an Ecological Enhancement Plan by Animal Ecology & Wildlife Consultants dated June 2024.

Following consultation with the Council's Ecology Consultant, the information submitted is considered acceptable. The requirements of the condition have therefore been satisfied.

Condition 6:

Pre-Commencement Condition*: No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.*

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

The Applicant has submitted a Construction Management Plan dated July 2024.

The plan indicates that the areas for parking, loading/unloading, and materials storage would be outside of the red line representing the development site. These would fall outside of the control of the condition, and insufficient information has therefore been provided to address the condition. The requirements of the condition have not therefore been satisfied.

Condition 7:

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).

The Applicant has submitted a Biodiversity Enhancement Lighting Design Strategy dated July 2024.

Following consultation with the Council's Ecology Consultant, insufficient information has been submitted. No plan has been submitted which identified the features on site that are particularly sensitive for bats and which may cause disturbance on foraging routes; nor is there a plan showing where external lighting will be installed.

For the above reasons, it is considered that insufficient information has been provided to address the requirements of the condition.

Condition 8:

Pre-Commencement (Slab Level) Condition*: No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.*

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

The Applicant has submitted a Materials Schedule dated 30.07.2024.

The materials provided are considered acceptable and the requirements of the condition has therefore been satisfied.

Recommendation: Split Decision

Consent is hereby GRANTED pursuant to Conditions 5 and 6.

Consent is hereby REFUSED pursuant to Condition 3, 4, 6, and 7 for the following reason:

1 Insufficient information has been submitted to discharge conditions 3, 4, 6, and 7.

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/24/0200
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Ecological Enhancement Plan by Animal Ecology & Wildlife Consultants dated June 2024		12.08.2024
Materials	Materials Schedule dated 30.07.2024		01.08.2024

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

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Biodiversity Enhancement Lighting Design Strategy dated July 2024		01.08.2024
Plans	Construction Management Plan		01.08.2024
Supporting Statement	Flood Risk Assessment by Bellamy Roberts dated 07 December 2023	MT/DE/5969/FRA.6	01.08.2024
Supporting Statement	Phase II Site Investigation Report by Ground&Water Geotechnical and Environmental Consultants	GWPR6091/SIR/July 2024	12.08.2024

DELEGATED

Case Officer sign/initial	Tamara Dale	Date:	25.09.2024
Authorising Officer sign/initial	RHERMITAGE	Date:	25.09.2024