Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/25/0033
Land at Duckmoor Farm, East of Billingshurst , Billingshurst, RH14 9DZ,

DESCRIPTION:
Application for Approval of Details Reserved by Conditions 2 (tree protection - construction phase ONLY) and 3 (Arboricultural Method Statement) to approved application DC/24/0768 (Reserved matters for 83 dwellings and associated infrastructure).

DETAILED DESCRIPTION:

Planning Application DC/24/0768 was Permitted on 29th November 2024, for the Reserved Matters following Outline permission DC/20/2607 of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access.

Approval is now sought for details pursuant to conditions 2 (tree protection – construction phase ONLY) and 3 (Arboricultural Method Statement). The details submitted comprise:

- 2266-KC-XX-YTREE-TPP01 REV D Tree Protection Plan
- 2266-KC-XX-YTREE-Method Statement Rev 0 Final Date 22 January 2025 Arboricultural Method Statement by Keen Consultants relating to development at Duckmoor, Wooddale Lane, Billingshurst, RH14 9DZ

RELEVANT PLANNING HISTORY:

DC/20/2607	Outline Application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access.	ALLOWED at appeal 18-01-2023
DC/24/0768	Reserved matters application for the erection of 83No. dwellings, open space and child play provision, residential parking facilities and associated infrastructure, including access arrangements following outline application DC/20/2607, relating to layout, scale, appearance and landscaping.	Permitted 29 Nov 2024

CONSULTATIONS

HDC Tree Officer: *Acceptable in principle in respect of process to enable commencement in respect of tree protection measures.*

HDC Landscapes: *Recommend small extent of path continues no-dig type of construction. While technically outside RPAs, it will lessen impact on fibrous rooting which is critical to health and long-term retention of the existing trees significant to landscape character. Otherwise, no further comments to offer from a landscape point of view.*

REPRESENTATIONS

1 no. Representation received; content summarised below:

We respectfully ask that the scrub labelled as trees G1, G2 and G3 are left untouched, as the removal or trimming of these will have a direct impact on the privacy of the houses at the East and South-East side of Dadswell Drive.

When the Dadswell Drive development was approved in 2018 (ref DC/18/2509), The Horsham District Council Landscape Consultant advised "Reconsider replacing closed board fence of all back gardens facing the existing landscape belt with an alternative solution that will allow the landscape feature outlook to be enjoyed".
So because of this, all of our gardens were fitted with green "invisible" metal fencing. We're now losing this landscape feature with the addition of 83 homes and they are trying to invade on our privacy too.

For my household in particular, the scrub labelled as Trees G2 and G3 in TREE PROTECTION PLAN 2266-KC-XX-YTREE-TPP01 REV B is the only thing giving us some privacy and protection from this new 83 home development.

If G2 and G3 were to be removed, the new homes directly behind my house and the proposed boundary footpath will have a direct line of sight into my living room, as the tree line is approximately just 10 meters away from the back of my house.

We residents of Dadswell Drive have already had to accept an enormous increase of traffic and pollution with vehicular access for this giant new development having to squeeze through our little cul-de-sac, but please at least let us retain some of our privacy.

Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

The application seeks to discharge the details submitted pursuant to conditions 2 (construction phase ONLY) and 3 only.

Condition 2 reads:

Pre-Commencement Condition: *No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:*
• All trees on the site shown for retention on approved drawing number 2266-KC-XXYTREETPP01 Rev A Tree Protection Plan, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
• Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
• Areas so fenced off shall be treated as zones of prohibited access and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. Any trees or hedges on the site which die or become damaged during the construction

process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy BILL 2 of the Billingshurst Neighbourhood Plan (2021).

Condition 3 reads:

Pre-Commencement Condition: *Notwithstanding Condition No. 19 of outline planning permission DC/20/2607, no development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be informed by the submitted 2266- KC-XX-YTREE-Impact Assessment Rev B Arboricultural Impact Assessment October 2024 by Keen Consultants. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.*

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy BILL 2 of the Billingshurst Neighbourhood Plan (2021)

Assessment

The applicants have submitted a TREE PROTECTION PLAN (TPP) 2266-KC-XX-YTREE-TPP01 REV D (updated following consultation comments) and 2266-KC-XX-YTREE-Method Statement Rev 0 Final Date 22 January 2025 Arboricultural Method Statement (AMS) by Keen Consultants Ltd.

These documents have been prepared by Tree Consultants and, since being updated at request of the planning officer, the tree protection work now includes all trees on the site shown for retention on the previously approved drawing number 2266-KC-XXYTREETPP01 Rev A Tree Protection Plan, as well as those off-site whose root protection areas ingress into the site (the partial retention of G1 to the northwest corner of site as secured in negotiations at Reserved Matters stage was erroneously shown removed)

The Council's Tree Officer is satisfied the submitted details, which includes the submitted AMS detailing fencing maintained during the development works and zones of prohibited access with other protection measures, are acceptable in principle in respect of process to enable commencement in respect of tree protection measures. In the Council's Tree Officer's opinion, the submitted AMS contains detail of the relevant issues to be broached and how they will be undertaken to limit potential impacts on the retained trees, particularly in respect of their roots and key rooting areas.

The Council's Tree Officer raises no significant concerns subject to strict compliance with the AMS and TPP and particularly the site monitoring/arboricultural supervision of areas of transgression of tree protection barriers. The site monitoring and reporting requires details of each supervisory/monitoring visit by the arboriculturist to be detailed and sent to the Council. On the completion of the development, when the tree protection is removed, the Council's Tree Officer will be able to confirm whether the conditions have been satisfactorily met for the duration of the development and if so, agree to their discharge. The applicant would be advised of this by way of an informative.

The applicant has agreed to the Council's Landscape team request for additional no-dig construction on an extent of the path to lessen impact on fibrous rooting on trees forming screening to the west site boundary. The TPP has been updated to show this.

Regarding the neighbour representation, the condition reason requires compliance with all the trees on the site shown for retention on the drawing approved at application (Reserved Matters) stage; the loss and partial loss of G1; G2, and G3 was considered and judged acceptable in approval of Reserved Matters. However, at the Council's request, the applicant has considered the neighbour's request for less removal of G2 and G3 than approved at application stage, and responds below:

A section of G2 still needs to be removed to accommodate the path that needs to pass by the substation. G2 is a collection of small, scrubby trees and the majority will be retained in-situ and continue to provide a foil between the site and the areas beyond. The loss of this small section would not appear to be material and is offset by the new planting proposed.

The area of G3 that needs to be removed has been reduced slightly by moving the protective barriers closer to the proposed drain run. Working room is required to install the drain hence we cannot reduce the losses further. As with G2, these are small scrubby trees and the larger part of the group will be retained as part of the landscape.

Condition 2 imposes no requirement upon the applicant to shown further retention than that shown on approved drawing at application stage. With the amendment to the TPP to show the partial retention of G1 secured at application stage, this has been done.

Conclusion

The submitted details regarding Condition 2 Tree Protection for construction phase ONLY and Condition 3 (Arboricultural Method Statement) are therefore acceptable, pursuant to the reason to the imposing of these conditions, which is to ensure the successful and satisfactory protection of important trees and hedgerows on the site (and not safeguard neighbour amenity).

Water Neutrality Note: No further Habitat Regulations Appropriate Assessment (HRA) is required at conditions discharge stage if a scheme has already undertaken HRA for Water Neutrality prior to being granted. The permitted scheme (DC/24/0768) was judged water neutral under the Habitat Regulations and the details pursuant to conditions 2 and 3 will not require re-assessment of that outcome as there is no change in water usage previous assessed arising from the details pursuant.

Recommendation: Application Permitted

NOTE TO APPLICANT

The site monitoring and reporting requires details of each supervisory/monitoring visit by the arboriculturist to be detailed and this correspondence sent to the Local Planning Authority, via the Tree team e-mail address (trees@horsham.gov.uk).

On the completion of the development, when the tree protection is removed, the Council's Tree Officer will be able to confirm whether the conditions have been satisfactorily met for the duration of the development and if so, agree to their discharge.

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/25/0033
(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	TREE PROTECTION PLAN	2266-KC-XX-YTREE-TPP01 REV D	25.03.2025
Supporting Docs	2266-KC-XX-YTREE-Method Statement Rev 0 Final Date 22 January 2025 Arboricultural Method Statement by Keen Consultants relating to development at Duckmoor, Wooddale Lane, Billingshurst, RH14 9DZ		07.02.2025

DELEGATED

Case Officer sign/initial Matthew Porter Date: 26-03-2025

Authorising Officer sign/initial J Hawkes Date: 27.03.2025