Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/24/0284
Bentons Cottage , Bentons Lane, Dial Post, West Sussex, RH13 8NP

DESCRIPTION:

Change of use from office and barn storage to two single storey dwellings, as alternative to permissions DC/23/1069 and DC/23/2158 (resubmission of DC/23/1708).

RELEVANT PLANNING HISTORY:

WG/11/91	Conversion of garage to provide granny annexe & extension Site: Bentons Cottage Bentons La Dial Post	Application Refused on 02.04.1991
WG/46/01	Single-storey 1st floor and 2-storey extensions carport and 2-storey extension with dormer window to garage to form bedsit studio area Site: Bentons Cottage Bentons Lane Dial Post	Application Refused on 26.07.2001
WG/83/01	First-floor & single-storey rear extension,two-storey side extension, 2 bay open-fronted garage Site: Bentons Cottage Bentons Lane Dial Post	Application Permitted on 24.12.2001
WG/5/02	Conversion and extension of existing garage to studio use Site: Bentons Cottage Bentons Lane Dial Post	Application Refused on 21.02.2002
DC/14/1984	Proposed detached triple garage with storage, accomodation over	Application Permitted on 30.12.2014
DC/20/0214	Existing use of building as an office within Use Class B1(a) (Certificate of Lawful Development - Existing)	Application Refused on 17.06.2020
DC/23/1069	Change of Use from Existing Office and Barn to 2no. 1-Bed Holiday Let Units.	Application Permitted on 15.08.2023
DC/23/1708	Change of Use from Office and Barn Storage to 2No. 1-Bed dwellinghouses (alternative to holiday let permission DC/23/1069)	Application Refused on 08.11.2023
DC/23/2158	Prior Notification for 2no Dwellinghouses above a building in use as a single dwellinghouse (Class AD)	Prior Approval Required and PERMITTED on 23.01.2024
HRA/23/0025	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 in respect of Prior Approval consent DC/23/2158	Application Permitted on 28.02.2024

SITE AND SURROUNDS

The application site is located to the north of Bentons Lane, outside of any defined built-up area. The site is therefore located within the countryside in policy terms.

The site comprises 2no. buildings located to the east and west of Bentons Cottage respectively, with the site bound by hedging and fencing to the boundaries. The site benefits from existing access points to Bentons Road, which is also designated as a public bridleway. A ribbon of residential properties are located to the south-east of the site, with the wider surroundings characterised by open countryside and woodland.

DETAILED DESCRIPTION

The application seeks full planning permission for the conversion of the 2no. existing buildings to 2no. residential dwellings, along with associated parking and amenity space.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

West Grinstead Neighbourhood Plan:
Policy 4 – Green Infrastructure: Existing Trees, Hedgerows, Habitats and Wildlife
Policy 9 – Car Parking

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

INTERNAL CONSULTATIONS

HDC Environmental Health: Comment

Commercial or agricultural buildings can be subject to significant contamination risks arising from their use, construction and storage of machinery equipment fuels or other chemicals. Potentially hazardous materials may also be incorporated in structures, made ground, yards and hard standings.

Information is required on these matters and a preliminary risk assessment including a site walkover should be provided to ensure the application is properly determined.

The application proposes to introduce a dwelling within 50m of a Southern Water wastewater treatment plant. An odour risk assessment has been submitted but an assessment of noise from the operation of the plant should also be provided.

Water neutrality requirements are to be met through off-setting measures and no alternative to mains water supply is proposed.

OUTSIDE AGENCIES

WSCC Highways: Comment

The site is located on Bentons Lane, a privately maintained road. Access to the maintained highway is at the junction with Worthing Road, a C-classified road subject to a speed restriction of 30 mph in this location. The proposed development is not anticipated to give rise to a significant material intensification of use of this junction.

The plans demonstrate suitable parking provision for both proposed dwellings in line with WSCC Parking Standards. Cars can utilise the privately maintained road to turn and exit onto Worthing Road in a forward gear. Cycle parking has been demonstrated for Unit 2, but not for Unit 1. The LPA may wish to secure cycle parking for both units if they deem appropriate to do so in this location.

The Local Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

WSCC Fire and Rescue: Comment

The nearest fire hydrant to the proposed properties is 390 metres away from the proposed dwelling to the west of Bentons Cottage and 290 metres from the proposed dwelling to the east of Bentons Cottage. The supply for firefighting for a domestic property should be within 150 metres.

If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document -B (AD-B) Volume 1: B5 section 14 and agreed with West Sussex Fire & Rescue Service.

Evidence will also be required that Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.

Ecology Consultant: Comments

Note from the Preliminary Roost Assessment (Arbtech Ltd, June 2023) that the wooden barn Building (B1) has negligible bat roost potential and that no trees or hedgerows will be removed during the development. Therefore, agree that no further surveys for bats are required.

Are satisfied that there is sufficient ecological information available for determination. We have no objections on ecological matters.

The mitigation measures identified in the Preliminary Roost Assessment (Arbtech Ltd, June 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. Also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Roost Assessment (Arbtech Ltd, June 2023) to avoid impacts from light disturbance.

Southern Water: Comment

The Odour Assessment provides a simple and qualitative assessment of potential odour risks of siting additional residential use buildings within the curtilage of the existing property to the west of the Southern Water operated Dial Post WwTW.

The closest of the two proposed dwellings will be located approximately 45 m to the south-west of the closest odour sources of Dial Post WwTW and would form the closest built dwelling to the works. The existing residential building on the plot is currently the closest residential property, approximately 80 m from the closest odour sources, with no other residences in this general direction or within 100 m.

Southern Water acknowledges that the assessment is of good quality and follows a generally accepted methodology, and the approach was discussed during consultation with Southern Water as an appropriate first phase of assessment.

Hold the opinion that the easternmost property is a marginal case for whether or not an odour risk could be a material consideration; it is arguable on a qualitative basis that the pathway effectiveness could be either moderate or high. This classification would be the determining factor of whether further detailed assessment is required or not.

However, a lack of complaints in the local area since the plant was built in 2013, including from the applicant's existing property, suggests that there is not an established odour issue in the area sufficient to indicate of a potential for statutory nuisance. The proposed development is unlikely to change this situation albeit there may be an elevated risk at the easternmost unit compared to existing receptors.

A proportionate response would be that Southern Water does not object to the development, as a marginal case at one residence is unlikely to have a material effect on operations. However, please note that there is no expectation that any location adjacent to a WwTW would be odour free and only a frequent level of exposure, resulting in complaints from multiple locations would potentially constitute a statutory nuisance.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Natural England: Comment

Concur with the conclusion of the Local Planning Authority's HRA Appropriate Assessment insofar that adverse effects on the integrity of the Arun Valley Designated sites can be ruled out.

No objections subject to the delivery, management and maintenance of measures identified in the Water Neutrality Statement to achieve water neutrality.

Parish Comments: Strongly Opposed

- Unclassified settlement with few or no facilities or social networks and limited accessibility and is reliant on other villages and towns to meet the needs of residents. Contrary to Policies 3 and 4.
- Under the emerging Local Plan, Dial Post would be classed as a Secondary Settlement, but the application site would be outside the boundary.
- Office building has not been authorised for such use.
- The “barn” was erected without consent and it is not clear what it has been used for since erected.
- Approved for holiday-let use
- Water Neutrality Statement required

Representations:

10 letters of objection were received from 6 separate households, and these can be summarised as follows:

- Unclassified settlement with few or no facilities or social networks and limited accessibility and is reliant on other villages and towns to meet the needs of residents. Contrary to Policies 3 and 4.
- Under the emerging Local Plan, Dial Post would be classed as a Secondary Settlement, but the application site would be outside the boundary.
- Office building has not been authorised for such use.
- The “barn” was erected without consent and it is not clear what it has been used for since erected.
- Approved for holiday-let use
- Query Water Neutrality Statement figures
- Additional traffic
- Disruption along the single lane
- Covenant on property
- Required amenities
- Overdevelopment

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

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

Principle of Development:
The application seeks full planning permission for the conversion of 2no. existing buildings to 2no. 1-bed residential dwellings.

As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the Horsham District Planning Framework (HDPF) are of relevance in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built-up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood

Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF

West Grinstead Neighbourhood Plan has not allocated sites for development, with the application site not allocated for development within the Local Plan or made Neighbourhood Plan. The application site does not adjoin a settlement boundary and would therefore be in conflict with Policy 4 of the HDPF.

Paragraph 83 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

Paragraph 84 of the NPPF continues that "planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The term “isolated” is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial context is not considered to be “isolated” in its truest sense, and does not therefore engage the considerations of paragraph 84.

In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. These criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development does not meet any of this criteria, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.

The proposed development would provide 2no. private market dwellings on a site located outside of a built-up area boundary, where such development would be contrary to the overarching spatial strategy as expressed through Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015).

However, it is recognised that the application site benefits from an extant Prior Approval consent under planning reference DC/23/2158 for an upward extension to the dwelling known as Bentons Cottage to create 2no. 1-bed flats. The existing ground floor of the dwelling would also be utilised as 1no. 2-bed flat. The extant permission has the effect of granting permission for a total of 3no. dwellings on the site.

The current proposal seeks an alternative to this extant permission through the conversion of 2no. existing buildings on the site to 2no. 1-bed dwellings, where the principle has been established. This is considered to represent a reasonable fallback.

The Applicant has entered into a s016 Agreement to rescind the previous planning consent for the 2no. dwellings and the planning permission for 2no. holiday-lets. Subject to the terms of this Agreement, the proposed development would result in the same number of units permitted under the previous Prior Approval scheme, where there would be no increase in number.

For the above reasons, and subject to the completion of a Legal Agreement, the principle of development is considered acceptable.

Design and Appearance:

Policy 25 of the HDPF states that the natural environment and landscape character of the District, including landscape, landform and development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance. In addition, policies 32 and 33 of the HDPF promote development that is of a high quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the District. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit. Development should ensure that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.

The application seeks to convert the existing 2no. buildings to 1-bed dwellings. The proposal would retain the proportions and external appearance of the buildings, albeit that the roof of Unit 2 is proposed to be replaced with clay tiles. The proposed works are considered to appropriately reflect the character and appearance of the existing buildings, in accordance with the above policies.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

The application site is located at a distance of approximately 100m from the nearest residential properties located to the east of the site. It is recognised that occupiers of the holiday-lets would likely pass these residences to gain access.

Given the distance from the nearby residential properties, and in consideration of the intended purpose, it is not considered that the proposal would result in a demonstrable increase in activity or a level of noise and disturbance that would detract from the generally residential character of the immediate surroundings. It is not therefore considered that the proposal would result in harm to the amenities of nearby residential properties.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

Policy 9 of the West Grinstead Neighbourhood Plan states that proposals for leisure development should include on site parking provision.

The proposal would utilise the existing accesses, and would accommodate 2no. parking spaces for each unit. No alterations are proposed to the access or track, and as such the proposal is not considered to result in harm to the function or safety of the public highway network, in accordance with Policy 41 of the HDPF.

Ecology:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development,

and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

The Applicant submitted a Preliminary Roost Assessment by Arbtech dated 19.06.2023. This outlines that bats are unlikely to be roosting within the single storey storage barn and it is not anticipated that there would be impacts on roosting bats as a result of the interior works and roof renovations. The proposed development would also not result in the removal of any habitats which could be used by foraging or commuting bats. The Report recommends biodiversity enhancement opportunities including the installation of bat boxes and the planting of native tree, shrub and hedgerows.

Following consultation with the Council's Ecologist, it is considered that sufficient information had been submitted, with the recommendations contained within the Report considered appropriate. It is recommended that the biodiversity enhancement measures be secured by condition, and it is considered that this would be reasonable. Subject to such condition, no concerns are raised with respect to ecology.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The Applicant has submitted a Water Neutrality Statement by DMH Stallard. It is outlined that the water consumption for each holiday-let would be 65.37 litres per day, and this would be achieved through the installation of water efficient fixtures and fittings, including dual flush toilets, flow limited taps, low-flow shower, and water efficient dishwasher and washing machine. The Water Neutrality Statement contains a schedule of these fixtures and fittings.

The existing baseline of the 2no. buildings subject to conversion has been confirmed to be zero (0). The existing baseline of Bentons Cottage (existing dwelling) has been based on water bills over the last 3 years. These water bills vary in consumption per billing period, with an average daily water consumption calculated as 685.97 litres per day. The Water Neutrality Statement confirms that there are 4 individuals occupying Bentons Cottage, with the daily per person consumption being 171.49 litres per person per day.

Table A.2 contained within the Water Neutrality Statement outlines the Water Efficiency Calculator for the proposed residential dwellings. This indicates that water efficiency measures including dual flush toilet, low flow taps and shower, and water efficient dishwasher and washing machine would be installed. Subject to these efficiency measures, it is indicated that the water demand arising from each individual holiday-let would be 65.37 litres per person per day. The average occupancy of 1.32 for a 1-bed dwelling has been applied, with the total daily water use for each residential dwelling calculated to be 86.28 litres per day. The 2no. units would therefore amount to a total water demand of 172.57 litres per day.

The Water Neutrality Statement proposes off-setting through flow restrictors to shower heads within the existing dwelling of Bentons Cottage. The existing showerheads have been surveyed, with the main shower having a flow rate of 17.7 litres per minute and the ensuite shower having a flow rate of 18.4 litres per minute. The flow restrictor or replacement shower head is proposed to be 9 litres per minute, with the Retrofit Calculator contained in Table 4 indicating a saving of 46.12 litres per person per day. Based upon 4 individuals occupying Bentons Cottage, the total saving would be 184.48 litres per day.

The mitigation measures proposed would reduce the water consumption of the proposed residential accommodation, with the off-setting through the installation of rainwater harvesting to accommodate the drinking water and washing of the horses considered to address the water demand. The Local Planning Authority have undertaken an Appropriate Assessment, and this has been reviewed by Natural England, where the findings have been concurred. As such, subject to the water strategy as proposed within the Water Neutrality Statement, along with conditions, the development is considered to be water neutral.

Other Matters:

It is recognised that the application site is located within 60m of the Dial Post Wastewater Treatment Works, where Southern Water have previously indicated potential impact from odour.

Policy 24 of the HDPF states that developments will be expected to minimise exposure to and the emission of pollutants including noise, odour, air, and light pollution, and ensure that they maintain or reduce the number of people exposed to poor air quality including odour.

Paragraph 180 of the NPPF states that decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 191 continues that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 194 outlines that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Planning decisions should assume that these regimes will operate effectively.

The previous application for the conversion of the building to 2no. holiday lets recognised that the site is located within close proximity of a number of other residential properties, where these are located within similar distance to the Wastewater Treatment Works. There was no evidence of any odour complaints from these properties in the past and no objections had been received from the Environmental Health Team in this regard. Given the short-term occupancy of the holiday-lets, it was therefore considered that a reason for refusal on the grounds of amenity impact could not be substantiated.

The current proposal does however now seek the change of use of the buildings to residential dwellings, where the resulting dwellings would be occupied permanently. The previous response from Southern Water outlined that no sensitive development should be located within the 1.5 OdU odour contour of the Waste Water Treatment Plant. It advised that an Odour Assessment should be carried out by a specialist consultant, where it is considered that this is necessary in order to assess whether sufficient safeguards and mitigation had been designed into the development.

The Applicant has submitted an Odour Assessment reference 7501r2 by Redmore Environmental dated 22.01.2024. The Assessment recognises that the development has the potential to expose future residents to odour emissions from the Dial Post Wastewater Treatment Works (WwTWs). The risk of potential impact has been assessed as medium, where the Pathway Effectiveness is defined based upon the separation distance between the development and the WwTWs, the prevailing meteorological conditions, and the emission dispersion arrangements for existing sources. The Pathway Effectiveness was subsequently assessed as moderately effective. The Odour Risk Assessment has therefore concluded that there is a low exposure risk and a high sensitivity, with the effect significance slight.

The IAQM guidance states that only if the impact is moderate or substantial, the effect is considered significant. Potential impacts at the development as a result of emissions from Dial Post WwTWs are considered to be not significant. It is therefore concluded that odour is not considered to represent a constraint to planning consent for the scheme.

Climate Change:

Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

Should the proposed development, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:

- Requirement to provide full fibre broadband site connectivity

- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle parking facilities
- Electric vehicle charging points

Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions:

For the above reasons, the proposed development is considered acceptable in accordance with all relevant local and national planning policies.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	134.07	0	134.07
		Total Gain	
		Total Demolition	

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement by DMH Stallard received 20.02.2024). The dwellings hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that holiday-let has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

4 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the parking, turning and access facilities necessary to serve the dwellings have been implemented in accordance with the approved details as shown on the approved Site Plan and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

6 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with the approved details as shown on the approved Site Plan. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for both holiday-lets has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

8 **Pre-Occupation Condition**: No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

9 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the approved details as shown on the approved Site Plan (Drainage Strategy).

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).

10 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in Preliminary Roost Assessment (Arbtech Consulting Ltd. June 2023).

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).

12 **Regulatory Condition**: The development hereby permitted shall be undertaken in strict accordance with the details contained within the Biodiversity Enhancement Layout Plan dated 19.02.2024.

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).

13 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or reenacting that Order no development falling within Classes A, AA, B, C, D, F, and G of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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: DC/24/0284
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Preliminary Roost Assessment by arbtech dated 10.06.2023	NONE	20.02.2024
Supporting Statement	Water Neutrality Statement by DMH Stallard	NONE	20.02.2024
Supporting Statement	Biodiversity Enhancement Layout Plan dated 19.02.2024	NONE	20.02.2024
Location plan	Location Plan	NONE	20.02.2024
Site plan	Site Plan	NONE	20.02.2024
Elevation & Floor plan	Unit 1 Elevations & Floor Plans	NONE	20.02.2024
Elevation & Floor plan	Unit 2 Elevations & Floor Plans	NONE	20.02.2024
Site plan	Site Plan (Drainage)	NONE	20.02.2024

DELEGATED

Case Officer sign/initial	Tamara Dale	Date:	03.05.2024
Authorising Officer sign/initial	RHERMITAGE	Date:	14.06.2024