Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0193
Swains Farm, Brighton Road, Henfield, West Sussex, BN5 9RP

DESCRIPTION:
Application for Approval of Details Reserved by Condition 1(a) to approved application DC/22/2118.

RELEVANT PLANNING HISTORY:

DC/22/2118	Prior Notification for Change of Use of an Agricultural Building to residential (Use Class C3) to form 4no dwellinghouses.	Prior Approval Required and PERMITTED on 04.01.2023

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:

Environmental Health: 20th of September 2024

I have reviewed the Phase 2 Report on a site investigation prepared by Albury S I Limited.

The report is limited to investigation the soils beneath the building to be converted and analytical results provided only relate to near surface soils at 0.3m depth.
The reported results have confirmed the presence of significantly elevated levels of lead and arsenic. However, the report concludes that:

"...the entirety of the site will be covered by the existing building floor slabs and hardstanding, hence specific remedial measures are not necessary as part of the development. The hardstanding will break the pathways between the identified contaminant sources and the receptors or end-users. "

Accordingly the provision of soft landscaping and planting is not discussed in the report.

The block plan provided with application DC/22/2118 shows that areas of planting are to be provided and that existing concrete hardstanding's are to be removed and replaced by permeable surfaces. A permeable surface is also to be provided around the perimeter of the building. These works imply disturbance and removal of soils that have not been assessed, together with exposure of future occupiers when planting is renewed. Given the high levels of lead and arsenic that have been recorded, a further assessment of the risks associated with these works should be provided.

As noted above the analytical results provided only relate to near surface soils at 0.3m depth. The presence of contamination at greater depths may impact the provision of buried services and this also requires further commentary. As mains water is to be provided the new dwellings the applicant should

provide written confirmation that the statutory undertake is satisfied that use of barrier pipe is not required.

Environmental Health: 30th of August 2024

The Phase 1 Desk Study report provided by Albury S.I. has recommended that an intrusive site investigation is carried out:

"A number of potential sources of contamination have been identified on and in within the immediate vicinity of the site which may pose a risk to the proposed development. Hence, an intrusive ground investigation should be carried out to assess the identified risks. This work could be combined with a geotechnical investigation in order to provide suitable parameters to enable foundation design. The proposed scope of investigation should be agreed with the Local Authority Contaminated Land Officer and, if necessary, the warranty provider in order to ensure that it meets with their approval.

Accordingly, I would recommend that only part a) of Condition 1 to approved application DC/22/2118 is discharged."

PLANNING ASSESSMENT

Planning Application DC/22/2118 was granted consent on 04.01.2023. This permission was for the following:

Prior Notification for Change of Use of an Agricultural Building to residential (Use Class C3) to form 4no dwellinghouses.

Consent is sought to discharge the details reserved by condition 1.

Condition 1:

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 submitted documents have been considered by the Council's Environmental Health team as the specialists in relation to contamination and contaminated land. The Officer notes that the Phase 1 Desk Study states that:

"A number of potential sources of contamination have been identified on and in within the immediate vicinity of the site which may pose a risk to the proposed development. Hence, an intrusive ground investigation should be carried out to assess the identified risks. This work could be combined with a geotechnical investigation in order to provide suitable parameters to enable foundation design. The proposed scope of investigation should be agreed with the Local Authority Contaminated Land Officer and, if necessary, the warranty provider in order to ensure that it meets with their approval"

The phase 2 report is limited to investigation the soils beneath the building to be converted and analytical results provided only relate to near surface soils at 0.3m depth.

The reported results have confirmed the presence of significantly elevated levels of lead and arsenic. However, the report concludes that:

"...*the entirety of the site will be covered by the existing building floor slabs and hardstanding, hence specific remedial measures are not necessary as part of the development. The hardstanding will break the pathways between the identified contaminant sources and the receptors or end-users*. "

Accordingly, the provision of soft landscaping and planting is not discussed in the report.

The block plan provided with application DC/22/2118 shows that areas of planting are to be provided and that existing concrete hardstanding's are to be removed and replaced by permeable surfaces. A permeable surface is also to be provided around the perimeter of the building. These works imply disturbance and removal of soils that have not been assessed, together with exposure of future occupiers when planting is renewed. Given the high levels of lead and arsenic that have been recorded, a further assessment of the risks associated with these works should be provided.

As noted above the analytical results provided only relate to near surface soils at 0.3m depth. The presence of contamination at greater depths may impact the provision of buried services and this also requires further commentary. As mains water is to be provided the new dwellings the applicant should provide written confirmation that the statutory undertake is satisfied that use of barrier pipe is not required.

In view of these findings, it is considered that it is only appropriate to discharge part A of the condition until further information is provided. At this stage further information is required to clarify the risk from the works external to the building, the planting and buried services.

This is to ensure that the applicants comply with the recommendations of their own technical report and 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 the National Planning Policy Framework.

The description of the condition to be discharged for this application has therefore been amended to refer to only 1(a) of the condition.

Recommendation: Application Permitted

NOTE TO APPLICANT
The details submitted hereby approved are only suitable in relation to part 1(a). Further information is required as to discharge the remaining parts of the condition.

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/24/0193
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement		PHASE 2 SITE INVESTIGATION REPORT	04.09.2024
Supporting Statement		PHASE 1 DESK STUDY REPORT	29.07.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 24/09/2024

Authorising Officer sign/initial RHERMITAGE Date: 27.09.2024