Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0164
Eatons Farm, The Village, Ashurst, Steyning, West Sussex, BN44 3AP

DESCRIPTION:
Approval of details reserved by condition 3,4 and 7 to approved application DC/21/2599

RELEVANT PLANNING HISTORY:

DC/21/2599	Change of use of agricultural building to an events venue (Full Application).	Application Permitted on 27.11.2023

PLANNING ASSESSMENT
Planning Application re: DC/21/2599 was granted consent on 27/11/2023. This permission was for the following:

Change of use of agricultural building to an events venue (Full Application).

Consent is sought to discharge the details reserved by conditions 3, 4, and 7: -

Condition 3:
Pre-Commencement Condition: No development shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The approved sound attenuation works shall be completed before the proposed use commences and be retained thereafter.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development.

It is noted that the submitted details refer to the building being curtilage listed, and so no noise attenuation measures are considered possible owing to the likely impact on the heritage setting, and character and appearance. To this end, it is suggested that the separating distance of some 400m to the nearest sensitive receptor (dwelling), along with keeping the doors shut when music is playing, should be effective at containing any noise, along with the installation of a sound limiter on site.

The Council's Environmental Health Officer (EHO) has reviewed the submitted details and the following is noted:

- The property has been used for events and noise complaints of statutory nuisance have been received from properties in the surrounding area.
- Concern is that there is no control for numbers attending. Noise surveys are also required for increased traffic and from amplified and non-amplified music.

The Council's EHO has requested these details form the applicant in July 2024. A response received from the agent queried the need for the details being requested, which they consider to go beyond the scope of the requirements set by the condition. Further to this, a second response has been received from the agent, reiterating the earlier considerations and suggesting that any (Environmental Health) complaints the Council has received originate from another property in the area and not the application

site, which is stated to not have hosted events for some 12 years during the time the applicant has owned the building. It is also stated that attending numbers are limited by condition to no more than 75 (condition 14), the number of events per calendar year is limited to 10 (condition 12) and the hours of use to between 08:00 - 23:30 hours (condition 13).

The submitted details and correspondence have been reviewed as part of this assessment. The condition was imposed to protect the amenities of nearby occupants, noting that several residential properties are part of the wider landholding, with other residential properties in the vicinity. Furthermore, the landscape setting in this location has an open rural character where noise events are likely to carry further distances on account of the lack of intervening landscape features and topography which might otherwise act to absorb, deflect or reduce noise events. These factors were noted during consideration of the original planning application and the underlying reasons for the condition are clear. Therefore, at the current time, the submitted details cannot be approved.

Condition 4:
Pre-Use Condition: The events venue hereby permitted shall not be brought into use until a Traffic Management (TM) Plan has been submitted to and approved in writing by the Local Planning authority. The TM Plan shall include measures to reduce the risk of conflict between staff and visitors to the development and users of the Public Right Of Way (PROW), and shall include the following measures:-

- *The provision of passing places to reduce and mitigate potential conflict.*
- *Erecting and maintaining signage to make vehicular users aware of the presence of pedestrians and of the need for vehicular users to give way to walkers. This information should be made clear to those booking events at the proposed venue and this should be disseminated to the guests.*
- *Implementing and maintaining an appropriate speed limit along the shared access road / footpath.*

The TM Plan shall be implemented in accordance with the agreed measures, which shall be retained as such thereafter.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

The Local Highways Authority have reviewed the submitted details in relation to Condition 4, and consider the details acceptable to discharge the condition. There are no reasons to take a different view and the submitted details are therefore considered acceptable.

Condition 7:
Pre-Use Condition: The events venue hereby permitted shall not be brought into use until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Bat Roost Assessment (JWK Wildlife Surveys, May 2022), has been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

The Council's Ecological Consultant has reviewed the submitted details and considers the details submitted are acceptable. There are no reasons to take a different view and the submitted details are therefore considered acceptable.

Other Matters:
Whilst the Council's EHO has raised a concern over the details of potable water, officers note that these matters are to be addressed under Pre-Use Condition 5 of DC/21/2599. Therefore,

notwithstanding the comments raised in relation the water source and any treatment thereof, these matters are not being considered under this application.

Recommendation: Split Decision

Consent is hereby GRANTED pursuant to Conditions 4 and 7.

Consent is hereby REFUSED pursuant to condition 3 for the following reason:

1 The submitted details fail to provide the required information that is considered necessary and proportionate to enable an assessment to be carried out in relation to the potential noise impact generated by the site and the efficacy of any remediation measures that might be proposed, as required under Condition 3. The Local Planning Authority are therefore unable to discharge this condition at the present time.

NOTE TO APPLICANT
The applicant is advised that in order to satisfy the requirements of Condition 3 the following details should be prepared and submitted as part of a further approval of details application: -

- A noise survey is required for increased traffic arriving and departing the venue. This survey needs to consider the nearest habitable property and any properties that are near the exit of the venue onto the highway.
- A noise survey is required for amplified and non-amplified music, this needs to include the noise levels at the nearest habitable property to the venue.

It should be noted that a noise limiter would not fulfil the above requirement for a noise survey(s) to be carried out by a competent person.

Plans list for: DISC/24/0164
(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
Location plan		2108-11-PL07 B	20.06.2024
Block plan	Existing and Proposed Block Plan	2108-11-PL08 B	20.06.2024
Plans	Biodiversity Enhancement Plan		20.06.2024
Supporting Docs	Crevice bat box		20.06.2024
Supporting Docs	Beaumaris bat box		20.06.2024
Supporting Docs	Beware of pedestrians sign		20.06.2024

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

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Portable stand alone noise pollution sound limiter		20.06.2024

DELEGATED

Case Officer sign/initial Nic Pettifer Date: 17/09/2024

Authorising Officer sign/initial Guy Everest Date: 17.09.2024