Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/23/0270
Grainingfold, Horsham Road, Five Oaks, West Sussex, RH14 9AT

DESCRIPTION:
Application for Approval of Details Reserved by Conditions 1a (b and c if necessary), and 2 to approved application DC/23/1873

RELEVANT PLANNING HISTORY:

DC/23/1873	Prior Notification for Change of Use of Agricultural Building to 2No dwellinghouses (C3 Use class).	Prior Approval Required and PERMITTED on 04.12.2023

PLANNING ASSESSMENT
Planning Application dc/23/1873 was granted consent on 04.12.2023. This permission was for the following:

Prior Notification for Change of Use of Agricultural Building to 2No dwellinghouses (C3 Use class).

Consent is sought to discharge the details reserved by conditions 1a (b and c if necessary), and 2.

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), as recommended by the Desktop Study Report reference YEX4162 by Your Environment dated May 22 has been submitted to and approved, in writing, by the local planning authority:

(a) 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.

(b) 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.

(c) 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 appropriately addressed in accordance with Paragraph Q.2(1)(c) of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in addition to paragraphs 178 and 179 of the National Planning Policy Framework (2021).

The applicant's have submitted an 'Environment Desktop Study' dated May 2022. This was considered by the Council's Environmental Health Team who specialise in Contaminated Land. They stated the following (25.01.2024):

1. We are satisfied with the preliminary assessment of the risks from contamination to future site users.
2. We note the comment in the recommendations '*Based on the information obtained in this report, we would recommend that a Site Investigation (SI) is undertaken to determine the actual pollution linkages and to quantify the risk to the receptors as outlined with the Preliminary Conceptual Site Model'.* Given the moderate risks identified in the preliminary risk assessment Environmental Health are in agreement with this recommendation and request that the applicant proceed to intrusive investigation.

Following this a phase 2 report of site investigation was submitted (Albury S.I. Ltd Phase 2 Report on a Site Investigation February 2024). This has been reviewed and the following comments received (20.06.2024):

1. We note that samples were collected from the made ground at locations BH1 and BH4 and no elevated levels of contaminants were detected at these locations which is welcomed.

2. From reviewing the log for BH3 we note that 0.5m of made ground was detected and samples were collected from a variety of depths – we note however none of the samples from this location appear to have been scheduled for chemical analysis. Given that this trial pit was located in an area of the site likely to become soft landscaped/garden area we would welcome some chemical testing of made ground soils at this location. We note that the nature of the made ground changes between 0.20m and 0.50m, following the principles of BS10175 the samples should therefore be collected from both of these made ground stratas.

3. We note that elevated levels of poly-aromatic hydrocarbons have been detected at 0.10m at location BH6 with the report recommending further testing in this part of the site to delineate the lateral extent of the contamination in this part of the site – we support this recommendation.

Given the Council's Environmental Health Officer requires further information, particularly in relation to trial pits BH3 and BH6 there is considered to be insufficient information to discharge this condition.

Condition 2:

Pre-Commencement Condition: Prior to the commencement of the development hereby permitted a noise impact assessment which quantifies and assesses the impact of road traffic noise on the residential amenity of future occupiers of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include details of a scheme to protect future residents from any adverse noise impacts. The scheme shall be carried out in accordance with the agreed details prior to the occupation of the dwelling and shall be retained as such thereafter.

Reason: To safeguard the amenities of future residents of the development hereby permitted, in accordance with the National Planning Policy Framework (2021).

The applicant's have submitted an Acoustic Assessment, Acoustic Associates Sussex Ltd Road Traffic Noise Assessment for Discharge of Condition dated 08.06.22. This has been considered by the Council's Environmental Health team who specialise in Noise Assessments. They stated the following (25.01.2024):

1. As with previous applications on this site the development is impacted by high levels of road traffic noise levels. With this in mind we note that in order to achieve acceptable internal noise levels windows in certain rooms will not be able to be able to opened. We note that passive ventilation is proposed in these rooms, our concern however is that passive ventilation will not provide sufficient ventilation and prevent overheating. In the event of overheating due to insufficient ventilation windows will be opened which will compromise internal noise levels.

2. We also note the comments in section 6.6:

   '*A noise model was created to assess sound pressure levels predicted within the outdoor amenity space. A privacy fence at 2 meters high was included at the northern boundary of the application site. BS8233:2014 and WHO (Guidelines for Community Noise) provide external amenity space criteria an upper limit of 55dB(A) within a section of the external amenity area. The noise model shown below in figure 8 shows that that the predicted LAeq.16hour sound level in the rear garden of the new dwelling would be below the limit of 55dB(A)'.*

   The points chosen on the model would appear to have been selectively chosen as they are within the narrow areas of the garden where the noise levels are predicted to be below 55dB. Based on the currently proposed mitigation the majority of the garden areas are however predicted to experience noise levels of above 55dB and so above the level stipulated in BS8233:2014.

Given the above, further information was submitted from the applicants and a letter 'Acoustic South East dated 02.02.2024) was provided. Following this the Councils; EH Officer made the following comments (20.06.2024):

1. The additional comments in section 1 are noted and with regards to the overheating risk we note that The Simplified Method as set out in Approved Document O is referenced. It is our interpretation of ADO that the Simplified Method can however only be used where it can be demonstrated that the dwelling has cross-ventilation i.e. it has opening on opposite facades. From reviewing the internal layout it is apparent however that the bedrooms will not have opening on opposite facades and will therefore not allow cross ventilation.

2. The letter report also only considers noise levels at night, as ADO only specifies noise levels for closed windows at night, and does not address what noise levels would necessitate windows being close during the day. With this in mind, we have revisited the noise survey and we note that daytime noise levels in the northern part of the site will be in the region of 60-65dB. With this in mind, allowing for 13dB reduction in these levels for an open window, noise levels in living rooms facing the A264 have the potential to be in the region of 47-52dB and so well above the 35dB level quoted in BS 8233:2014. With windows open noise levels in the living room on the southern façade of the development are also likely to be significantly high.

3. Having operable windows and/or patio doors serving living rooms, in particular the living room facing the A264, is therefore likely to significantly prejudice internal noise levels in living rooms. It is however not clear what the overheating risk to living rooms is and, if rooms are at risk, what ventilation is proposed.

4. Due to road traffic noise levels we also note that with the exception of bedroom 1 to plot 2 none of the bedroom windows can be opened to prevent overheating and ensure that an acceptable level of thermal comfort is maintained.

5. If there is a medium or high risk of overheating in habitable rooms, the applicant may need to conduct an overheating assessment in line with CIBSE's TM59 modelling.

6. We are happy for further overheating assessment to be undertaken as detailed above, however given the scale of the development a way forward may be for all habitable rooms in both plots to be served by mechanical ventilation.

7. Finally, we also note that mitigation in the form of acoustic fencing is proposed along the northern and eastern boundaries of the site which is welcomed. We are however unsure if a 2m high acoustic fence along the northern and eastern boundaries of the site is acceptable to the LPA from a visual perspective. As any proposed fencing along the northern and eastern boundaries would also sit outside of the red boundary line of this application it is also not clear to Environmental Health if the installation of this fencing can be secured through this discharge of condition application.

Given the Council's Environmental Health Officer's continued concern in relation to noise levels both within the property's and within the amenity areas, it is considered that more information and certainty is

required to discharge this condition. It is also noted that the acoustic fencing is outside of the red line boundary for this proposal and the acoustic fencing does not form part of any approved planning permission. Planning permission is likely to be required for the installation of this fencing and the discharge of this condition would not mean that permission is granted for this.

Recommendation:

Reason(s) for Refusal:

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the requirements of conditions 1 and 2 have been fulfilled by the information submitted in support of the application.

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/23/0270
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

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

Plan Type	Description	Drawing Number	Received Date
Block plan	Block Plan	200218_0012 2	13.12.2023
Supporting Statement	Road Traffic Noise Assessment		13.12.2023
Supporting Docs	YEX4162 Appendices		13.12.2023
Supporting Docs	Desktop Study Report May 22		13.12.2023
Supporting Docs	Albury S.I. Ltd Phase 2 Report on a Site Investigation February 2024		07.02.2024
Supporting Docs	Acoustic South East dated 02.02.2024		07.02.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 24/6/24

Authorising Officer sign/initial Adrian Smith Date: 17/09/2024