HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept FAO Amanda Wilkes
REFERENCE:	**DC/24/1512**
LOCATION:	Unit A Oakhurst Business Park Wilberforce Way Southwater
DESCRIPTION:	Removal of Condition 20 of previously approved application DC/18/2506 (Erection of an employment building for use classes B1(c) and B8 with associated access, car parking and landscaping) relating to trading hours.
RECOMMENDATION:	~~Advice / No Objection / Objection / More Information~~ / Modification ~~/ Refusal~~

SUMMARY OF COMMENTS & RECOMMENDATION:

As set out in the consultation response provided on 06/12/24, the proposal to remove condition 20 is not supported due to concerns regarding impacts on the amenity nearby residential properties.

It is considered that in line decisions on other planning permissions for commercial uses on Wilberforce way that there is scope to allow extended hours of operation provide external activities are limited. External activities, operation of external plant and vehicles could be permitted within the following times:

07:00 and 20:00 on Mondays to Fridays,
07:00 to 18:00 of Saturdays
10:00 to 16:00 on Sundays and Bank Holidays.

MAIN COMMENTS:

There are residential dwellings within 80m of the industrial unit and as set out in the NPPF noise is a material planning consideration. Further, the agent of change principle makes clear it is for the applicant to demonstrate that removing condition 20 would not adversely impact the occupiers of these dwellings. Other units on the Wilberforce Way are subject to planning controls on their hours operation where there is a risk that residential properties may be impacted.

In the planning statement the applicant proposes that the hours in condition could be varied as follows:

• 06:00 and 20:00 on Mondays to Fridays, 07:00 to 18:00 of Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays.

There may be scope to permit longer hours of operation, but this would need to be supported by a noise impact assessment where activity may take place late at night or in the early morning. The opening of the premises to patrons at 06:00 infers that staff would need to be on site and the site would need to operational before that time. The period from 06:00-07:00 hours lies within the night-time period as defined in relevant national and international guidance. Activity within this period would still need to be restricted.

Following further correspondence between the applicant and the planning officer it has been established that reason for seeking to remove condition 20 is that the applicant requires the ability occasionally allow vehicles to return to base before 07:00. However, there is no firm guide as to how often and how many vehicles would be involved

This situation is similar to that for the recent application DC/24/0860 where the applicant sought permission for up to 3 vehicles to return before between 05:00 and 07:00 hours. For that application a noise technical note was provided which demonstrated that the very limited number of vehicles proposed would be extremely unlikely to case any adverse impacts, provided the movements were restricted to parking of vehicles with minimal manoeuvring and no other external activity.

Following consultations with colleagues in planning the following condition was proposed:

No lorries (as defined as any vehicle with 2 axles and a weight up to 18 tonnes), and Multi-Axle Lorries (as defined as any vehicle with a weight up to 44 tonnes), shall enter the site except *between the hours of:*

5:00 hours and 19:00 hours Mondays to Fridays; and

7:00 hours until 13:00 hours on Saturday: and

at no time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the neighbouring property to the south in accordance with Policy 33 of the Horsham District Planning Framework (2015).

However, there were concerns over the validity and enforceability of such a condition and the officers report for DC/24/0860 made the following comments:

"The NPPF is clear in that conditions should be applied where they are necessary to make a development acceptable where it may otherwise not be without the imposition of the relevant condition. Discussions have taken place interdepartmentally to attempt to encapsulate through condition an appropriate wording that might protect the residential amenity of nearby properties, however in the case of this retrospective application, alternatively worded conditions may not overcome amenity concern given that the level of impact is not known."

The officers report concluded that

"The proposal is acceptable in principle given that it would contribute to the rural local economy, which is considered neutral in the planning balance. It is acknowledged that

the variation of the conditions (as proposed) has potential to support the existing commercial operations on the site. This benefit is not though considered to outweigh the adverse and unacceptable impacts on neighbouring amenity. For the reasons set out, the proposed variations to conditions 5 and 6 are not considered acceptable and are recommended for refusal."

As set out in the previous consultation response It is considered that there is scope to allow extended hours of operation. However no supporting evidence has been provided to show that activity taking place between 06:00 and 07:00 hours will not cause disturbance to nearby residents.

ANY RECOMMENDED CONDITIONS:

Condition 20 of DC/18/2506 could be varied as set out below:

The premises hereby permitted shall not be open for trade or business (including the receipt and/or dispatch of deliveries, and/or the operation of vehicles, plant/machinery) except between the hours of 07:00 to 18:00 Mondays to Fridays; 07:00 to 18:00 on Saturdays; 10:00 to 16:00 on Sundays, Bank or Public Holidays.

NAME:	Lee Money
DEPARTMENT:	EHL
DATE:	13/08/25