PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	4th November 2025
DEVELOPMENT:	Variation 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.
SITE:	Unit A Oakhurst Business Park, Wilberforce Way, Southwater, Horsham, West Sussex, RH13 9RT
WARD:	Southwater North
APPLICATION:	DC/24/1702
APPLICANT:	**Name:** Mr Lucky Gohler **Address:** C/O CC Town Planning, Thistledown Barn, Holcot Lane, Sywell, Northampton, Northamptonshire, NN6 0BG

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions, with authority delegated to the Head of Development and Building Control to remove and/or replace any the conditions which become unnecessary as a result of the potential incoming position change on Water Neutrality.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 The application seeks to vary Condition 20 (Hours of operation) of planning permission DC/18/2506, which was for the erection of an employment building for use classes B1(c) and B8, with associated access, car parking and landscaping. The applicant originally sought to remove condition 20, however, the applicants have since clarified that they are seeking the variation of this condition.

1.2 In essence, the application seeks to extend the operational hours of the premises by one hour in the weekday mornings (from 6am), two hours in the weekday evenings (to 8pm), and by five hours on Saturday afternoons (to 6pm).

1.3 Condition 20 currently states:

Regulatory Condition: 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 13:00 on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

1.4 The proposal seeks the following amendment to Condition 20:

'With the exception of administrative tasks (Falling within Class E (i)) within the ancillary office floorspace, 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, machinery) except between following times:
- *0600 hours and 2000 hours Mondays to Fridays inclusive;*
- *0700 hours and 1800 hours on Saturdays;*

And not at any time on Sundays, Bank or Public Holidays.

Furthermore, within these permitted hours, no external plant shall be utilised at the site between the hours of:
- *0600 hours and 0700 hours Mondays to Fridays inclusive;*
- *1800 hours and 2000 hours Mondays to Fridays inclusive;*
- *1600 hours and 1800 hours on Saturdays;*

And not at any time on Sundays, Bank or Public Holidays. '

1.5 No amendments are sought to any other plans or conditions attached to planning permission DC/18/2506.

DESCRIPTION OF THE SITE

1.6 The site is located in Oakhurst Business Park which is an established business facility in Southwater and is within the defined Built-Up Area Boundary of the village. The site is occupied as headquarters for The Perfect Group (Nationwide) Ltd, a removals, storage and furniture services business. This site is located within the southwestern corner of the wider Oakhurst Business Park development, adjacent to a group of commercial buildings to the east and south of the site. To the west of the site there are a number of residential dwellings fronting Worthing Road and Roberts Close, the rear garden areas of these dwellings are separated from the application site by a woodland and bund buffer, the majority of which is approx. 40m in width (32m at its narrowest point).

1.7 The site is also located within a designated Key Employment Area as described in Policy 9 of the HDPF. The site is located approximately 4km to the south of Horsham and is classified as a Small Town/Larger Village in Policy 3 of the Horsham District Planning Framework (HDPF) which means it is a 'settlement with a good range of services and facilities, strong community networks and local employment provision'. The existing business park is a well-established site comprising several large business units.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

2.2 **National Planning Policy Framework**

2.3 **Horsham District Planning Framework (HDPF 2015):**
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.4 **Southwater Neighbourhood Plan (2021):**
SNP 1 Core Principles
SNP 4 Keeping our Roads Moving
SNP 15 Driving in the 21st Century
SNP21 A Growing Economy

2.5 **Horsham District Local Plan (2023-40) (Regulation 19):**
Policy 1: Sustainable Development
Policy 9: Water Neutrality
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 24: Sustainable Transport
Policy 25: Parking

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/18/2506	Erection of an employment building for use classes B1(c) and B8 with associated access, car parking and landscaping.	Application Permitted on 12.04.2019

2.7 The following enforcement cases are also relevant in this instance:

EN/20/0476 – Working hours – isolated event delays in cross channel crossing and delays outside of applicant's control. Closed 04/12/2020.

EN/22/0086 - External lighting and working hours – lighting was found to be installed in accordance with the approved plans under reference DC/18/2506 - Closed 14/07/2022.

EN/23/0041 – Working Hours – isolated event delays in cross channel crossing and delays outside of applicant's control - management team were carrying out a meeting and

administrative functions in the premises office area. This is a low intensity use that would not have had any impact, let alone adverse impact, on neighbouring occupiers or residents. Closed 23/02/2023.

EN/24/0103 – Working Hours – Closed 25/07/24.
The Council's Enforcement Team followed up complaints received, but found no significant breach had occurred and is has not been considered expedient to take Enforcement Action.

3. OUTCOME OF CONSULTATIONS

3.1 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.

INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health:** No Objection (subject to imposition of condition)
[Summary] 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.

The Officer raised concerns regarding activity taking place between 06:00 and 07:00 hours, noting that activity within this period would still need to be restricted.

OUTSIDE AGENCIES

3.3 **WSCC Highways:** No Objection
[Summary] The proposed variation to this condition would not have any undue highways or transport impacts.

PUBLIC CONSULTATIONS

3.4 Representations:
15 letters of **Objection** (5 from 2 separate addresses) have been received from 13 addresses, objecting to the application on the following grounds:

- Already have noise from the industrial units pre 6am during the week. Our weekends are sacred, no problem having an industrial estate but not to the detriment of the local residents.
- Condition 20 was put in place for the protection of those living in the existing residential properties which back onto the Business Park. as long as there are houses here, condition 20 need in the colder months there is limited protection from any light or noise to be upheld and respected.
- The Business Park has been built too close to houses, The removal of condition 20 will set a concerning precedent that would weaken the planning authority's ability to manage similar applications and would show failure to address the original justification for the condition.

- The noise and disturbance over any period is challenging but to even consider extending the hours and days to those shown is untenable and also goes against what we as residents were promised many years ago.
- Not only will it destroy the small window of respite we currently have but would also be setting a vastly unsavoury precedent - something we would continue to strongly object to.
- Do not consider the existing working hours "unreasonably" restrictive.
- The aerial extract only shows its proximity to neighbouring commercial premises on the business park, but does not show its proximity to neighbouring residential properties. It also states that it "demonstrates the significant separation distance that exists between the application site and those nearest residential properties"..... "there will be no adverse impact on those neighbouring premises". I would just like to state that sound and light travels.
- Albeit no enforcement action was taken, the very fact that people have felt it necessary to raise non compliance complaints, just shows that if they can't abide by the conditions, what's to say they will abide by the new conditions if granted. The goalposts will be moved until they have 24/7 operations.
- If this application is approved it would set a precedent for all other commercial operations on the business park to submit similar applications.
- When this company took over these premises they would of known the hours of work, if they wanted longer hours they should be looking at different business parks which allow this.

3.5 1 letter of **Support** has been received, supporting the application on the following grounds:

- The estate provides a lot of local trades and provides employment and income to so many local people. I live in Southwater and have done for over 20 years, I have never witnessed excessive noise though the village at any time of day or from the estate throughout the day whilst the businesses are open.

3.6 Parish Comments:
Southwater Parish Council: Objection
The proposed intensified use of the site is likely to increase congestion on adjacent roads due to the overflow parking, contrary to Policy 40 of the Horsham District Planning Framework (2015) and increased noise pollution. It offers no long-term benefit and would negatively impact local residents near Oakhurst Business Park and the wider Southwater community. Approval could set harmful precedent affecting longstanding residential areas such as Southwater Street. SPC request that the application be referred to the HDC Planning Committee (North).

3.7 Member Comments:
None received

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 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.

4.2 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.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The National Planning Policy Framework 2024 and relevant Planning Practice Guidance (updated) states within the Flexible Options for Planning Permissions (March 2014), that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.

6.2 The main matters for consideration arising from this application under section 73 of the Town and Country Planning Act is the effect of removing or varying Condition 20 which relates to hours of operation. No physical works are proposed, and no amendments are sought to any other plans or conditions previously imposed in respect of DC/18/2506.

Principle of Development:

6.3 The principle of the development in respect of the commercial building for B1(c) and B8 uses has already been established by virtue of the planning permission granted under DC/18/2506. The commercial building has been erected and is in operation as company headquarters for The Perfect Group (Nationwide) Ltd, a removals, storage and furniture services business.

6.4 Since the determination of the application to which this s73 application relates, the Southwater Neighbourhood Development Plan (2019-2031) has passed through referendum and now forms part of the development plan for the district. There are no policies within the Neighbourhood Plan that affect the principle of development on this site whilst the HDPF remains unchanged since the initial application determination. There has not been any change to the local planning policy framework since the determination of the previous application that would warrant reconsideration of the principle of development as currently established.

6.5 The main issues arising from this application is the effect of removing or varying condition 20 on the private amenity of nearby occupiers or residential dwellings, particularly those closest to the site along Worthing Road, Roberts Close and Southwater Street. This report also considers associated highways impacts, water neutrality and an assessment of the need for statutory Biodiversity Net Gain (BNG).

6.6 All other material planning considerations, including Design and Appearance, Trees and Landscaping, Heritage and Archaeology, Ecology and Flood Risk, have previously been assessed within the existing planning permission (DC/18/2506). This assessment remains valid and should be referred to.

Proposal Justification / Need for the Variation of Hours of Operation

6.7 The application site is currently occupied by The Perfect Group (Nationwide) Ltd, a removals company which operates nationally and internationally providing removal, packing and transportation services. The application site on Wilberforce Way operates a section of the company's removal function, providing 'an end to end service of wrapping / packing / boxing through to unloading and unpacking', and provides employment for 50 people.

6.8 Condition 20 currently limits the site operation for trade or business (including the receipt and / or dispatch of deliveries, and/or the operation of vehicles, plant/machinery) to be only between the hours of 07:00 to 18:00 Mondays to Fridays, 07:00 to 13:00 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

6.9 The applicants have outlined that they believe these hours to be unreasonably restrictive and are therefore seeking to amend the hours of operation to allow some flexibility. Specific flexibility is sought to allow ad hoc vehicle movements to take place, and for work related to business operations, such as administration and packing, to continue within the commercial unit outside of the permitted hours of operation.

6.10 The submitted planning statement sets out a business case and examples of where additional flexibility is required. For example, the applicant has advised that it is occasionally necessary to operate vehicles outside of the currently approved operating hours. In the covering letter, the applicant mentioned that there have been instances where lorries returned to the site outside of the specified hours due to unforeseeable delays, such as cross-channel delays. In these instances, it is acknowledged by the applicant that vehicles have entered the site to unload within the unit outside of permitted hours. The applicant emphasised that, according to condition 20, if a driver arrives shortly after 6pm, they would technically be required to sleep in the truck outside the site until they can pull into the site in the morning. The applicants wish to ensure that vehicles can be parked on their premises rather than on the public highway.

6.11 It has additionally been outlined that it is occasion needed to dispatch vehicles from the site between 6am and 7am, for employees to enter to site in preparation for trading prior to 7am and for flexibility to allow some work such as packing to take place within the building outside of the existing trade hours.

6.12 Regarding administrative functions and office-based work, it is argued the business is occasionally required to be undertake office work outside of core business hours. These administrative functions are limited to '*those which require the use of a computer (i.e. data entry and general administration works) and also for the occasional meeting between board members when staff have departed*.' The planning statement provides a historic example whereby management staff stopped late to complete certain business matters within the office area. Due to the wording of Condition 20, this has resulted in requests being made to the Council's Compliance team to investigate breaches on conditions.

6.13 As set out above, it is proposed to vary Condition 20 to extend the operational hours of the premises by one hour in the weekday mornings (from 6pm), two hours in the weekday evenings (to 8pm), and by five hours on Saturday afternoons (to 6pm). The proposed wording of Condition 20 is as follows:

'With the exception of administrative tasks (Falling within Class E (i)) within the ancillary office floorspace, 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, machinery) except between following times:

- *0600 hours and 2000 hours Mondays to Fridays inclusive;*
- *0700 hours and 1800 hours on Saturdays;*

And not at any time on Sundays, Bank or Public Holidays.

Furthermore, within these permitted hours, no external plant shall be utilised at the site between the hours of:

- *0600 hours and 0700 hours Mondays to Fridays inclusive;*
- *1800 hours and 2000 hours Mondays to Fridays inclusive;*
- *1600 hours and 1800 hours on Saturdays;*

And not at any time on Sundays, Bank or Public Holidays. '

6.14 The proposed wording would allow extended hours of operation while also restricting the use of external plant between 6am to 7am and 6pm to 8pm Monday to Friday and from 4pm to 6pm on Saturdays. The site would remain closed on Sundays and bank holidays, as existing. It is important to note that administrative tasks would no longer be restricted by this condition.

6.15 A summary of the additional hours of daily operation as follows:

Days	Existing Hours	Proposed Hours	Overall Daily Increase (AM)	Overall Daily Increase (PM)	Overall Daily Increase Total
Monday – Fridays	07:00-18:00	06:00-20:00	1hr	2hrs	3hrs
Saturdays	07:00-13:00	07:00-18:00	No change	5hrs	5hrs
Sundays	None	None	No change	No change	None

6.16 HDPF Strategic Policy 7 (Economic Growth) sets out the need for sustainable employment development, including through the redevelopment, regeneration, intensification and smart growth of existing employment sites. This policy is consistent with NPPF (2024) paragraphs 85 and 86 which outline that planning decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be given to the need to support economic growth and productivity.

6.17 The application site is an existing commercial unit sited with a Key Employment Area, as defined by HDPF Policy 9. The applicant is an established local business, who have outlined a number of areas where the proposed variation of hours would provide the flexibility needed to operate effectively and respond to unforeseen circumstances. The proposal is therefore considered consistent with HDPF Policies 7 & 9, and NPPF Paragraphs 85 and 86.

Amenity Impacts

6.18 Policies 32 and 33 of the HDPF seek to ensure an attractive, functional, accessible, safe and adaptable environment avoiding unacceptable harm to the amenity of occupiers/users of nearby property and land through overlooking or noise.

6.19 The nearest residential dwellings to the application site fall along Worthing Road, Roberts Close and Southwater Street. The distance between the commercial unit and the closest residential garden boundaries is approximately 40 meters for dwellings along Worthing Road and approximately 25 meters for dwellings along Roberts Close. However, due to the length of residential gardens, the dwellings themselves are set further back. As such there is approximately 80-90 meters between the unit and dwellings along Worthing Road and 50-60 meters along Roberts Close. There is also established intervening woodland and bund which separates the commercial and residential area.

<u>Noise</u>

6.20 Concerns regarding potential noise levels was a reason for the imposition of Condition 20 of DC/18/2506, which the current application seeks to vary. The impact of noise on the amenities of nearby occupiers is a key material consideration in light of the representations received.

6.21 The Council's Environmental Health Department have been consulted on this application and have reviewed the proposal alongside the original Noise Report submitted under DC/18/2506. This report demonstrates that that the overall noise levels from the (proposed) development were particularly low in relation to the general ambient noise level. The assessment concluded that the development would be unlikely to give rise to any detrimental noise disturbance.

6.22 Environmental Health have considered this report within the context of the current proposal to extend the operational hours, and the proximity of neighbouring dwellings, concluding that whilst a removal of Condition 20 would not be appropriate, a variation of condition 20 to extend opening hours could be supported.

6.23 Environmental Health Officers have therefore advised that 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.

6.24 It is highlighted that the period from 06:00-07:00 hours lies within the night-time period as defined in relevant national and international guidance, and as such any extension of hours /activity within this period would still need to be restricted. This is considered by officers to be reasonable.

6.25 Following the above assessment, the applicants have agreed to the new condition wording, as set out above in paragraph 6.13. The proposed condition wording would permit the extension of operation hours, whilst placing the necessary additional restrictions to external plant during all additional hours Monday -Friday; including nighttime hours. It is noted that the only additional hours where external plant would be permitted would be Saturdays between 13:00 and 16:00. This is considered a pragmatic solution, whereby the operational needs of the business can be met, without permitting operation that would be potentially harmful to residential amenity.

6.26 It is noted that a comparable application to amend the operational hours of another unit on Wilberforce Way (at the northern end, adjacent to properties on Martindales) was submitted under DC/21/1607. Being with the same business estate, this appeal scheme has a comparable relationship to dwellings, however, the unit was significantly closer with a buffer of 15m between the commercial unit and residential gardens and 30m from unit to the rear extent of dwellings. This application similarly sought the extend operational hours to *7am to 8pm Mondays to Fridays, and 7am -6pm on Saturdays.* Whilst this application was refused, and later dismissed at appeal, the appeal decision was taken solely on the grounds of water neutrality, with the inspector otherwise satisfied that the extended hours would not unduly impact on residential amenity, stating that the revised opening hours would "not be sufficient to result in an unacceptable impact upon the living conditions of occupiers of the nearest neighbouring properties."

6.27 In this appeal case, the applicants also undertook a Noise Impact Assessment which considered break out noise, the impact from HGV movements and the impact from HGV reversing alarms. Noise levels for break out sounds were considered to be 'particularly low' and 'significantly below' the existing daytime ambient noise levels and that HGV movements at the nearest dwelling would result in BS4142 rating of 'low impact' at all times during the proposed operational hours.

6.28 It is further noted that officers of the Council have visited the site at various times of the day and evening in response to historic reports of breaches of Condition 20. On these occasions, Officers have not experienced noise levels that have raised concern. As previously advised the Council's Environmental Health Department have advised that they have not received any complaints over the past 4 years. Whilst the Council's Compliance Team have received a number of complaints that have led to further investigation into alleged breaches, there has been no substantial evidence to support these breaches and it was not considered expedient to take further action.

6.29 Regard should also be had to two complimentary conditions already secured within the existing planning permission that would continue to take effect:

Condition 10 – Compliance with Noise Assessment

No building services plant shall be operated until full details, including the location of the plant to be installed and any noise mitigation measures, have been submitted to and been approved in writing by the Local Planning Authority. This plant shall demonstrate accordance with the measures set out in Chapter 10 of the Noise Impact Assessment [Hoare Lea, 28th September 2018, Rev 01] to mitigate any adverse impacts on neighbouring amenity. These measures shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

Reason: To safeguard the amenities of adjacent residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6.30 Condition 21 states that:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall only be used for uses falling with Classes B1(c) and B8, and for no other purposes (including those falling within Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the unknown and potentially harmful impacts on local amenity under Policy 33 of the Horsham District Planning Framework (2015).

6.31 In summary, Officers are of the view that the proposed variation in hours of operation as set out in paragraph 6.13, would not result in any significant or harmful impacts of noise on the private amenity of nearby residential dwellings. This is based on the distance and woodland between the unit and the closest dwellings, the conclusions of the original Noise Assessment Report (Hoare Lee dated 2018), the Inspector's findings of the similar application considered under DC/21/1607, and the comments received by the Council Environmental Health Officers.

Light

6.32 It has been raised within neighbour representation that the proposal presents the potential for increased light impacting neighbour amenity. Such light could be from vehicles, windows and the forecourt.

6.33 An external lighting scheme is currently secured within Condition 12. Whilst this condition primary seeks to secure an ecologically sensitive external lighting scheme, the Council's Environmental Health Officers were consulted on the approved scheme and considered it satisfactory. The site's accordance with this approved lighting scheme has previously been confirmed by Compliance officers, and the details and lighting within this scheme would remain secured via condition and would not be altered by the proposed amendment to Condition 20. Given the latest hours of operations outside the building would be 8pm, it is not considered that any light impacts would be so significant as to warrant refusal given the distance and vegetated separation between the site and nearest properties.

6.34 It is acknowledged the proposal would permit un-restricted administrative working. This may result in light from windows on an occasional basis, however, this is not considered to result in any significant loss of neighbouring amenity, particularly when screened by the existing woodland buffer.

Highways Impacts:

6.35 Policy 40 of the HDPF states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport. Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users.

6.36 WSCC Highways have raised no objection on highway grounds, noting that the proposal would not have any undue highways or transport impacts. It is therefore considered that the proposals continue to comply with Policy 40 of the HDPF subject to the retention of the current highways-related conditions.

Water Neutrality:

6.37 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

6.38 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.

6.39 The requirements of Section 70(3) are reflected in paragraph 186 of the NPPF, which states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'. The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 186 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making. In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley.

6.40 Whilst the existing unit pre-dates the introduction of Water Neutrality, Section 73 applications are not exempt from the requirement of demonstrating water neutrality.

6.41 The applicant has submitted a Water Bill as an example of their water consumption in order to demonstrate water demand use. The bill features estimated water use based on the meter reading on the 18th March 2024 which states that the applicant uses 166 litres per day. With

this evidence, the increased water consumption from the site can be calculated on a proportionate basis.

6.42 The applicant's existing operating hours are 61 hours per week, comprising 11 hours on weekdays and 6 hours on Saturdays.

6.43 The applicant's proposed operating hours are 81 hours per week, comprising 14 hours on weekdays and 11 hours on Saturdays.

6.44 Assuming that the water usage is proportional to operating hours: Water per week currently = 166 litres/day × 6 days = 996 litres/week and therefore water use per hour would be equal to 996 litres ÷ 61 hours = 16.34 litres/hour.

6.45 Therefore, the estimate new water usage based on new hours for new water usage per week = 16.34 litres/hour × 81 hours = 1,322 litres/week. This is an increase of 326 litres per week. On a rolling 7 day basis this equates to an extra 46.6 litres per day.

6.46 Based on the above, it is estimated that the new operating hours would result in an average water demand increase of an additional 1/3rd above the existing water demand. Given the increased daily water use which amounts to a difference between the existing and proposed hours of operation of 46.6 litres per day.

6.47 In order for the proposed development to achieve water neutrality it is necessary for any consumption to be offset. As confirmed within the Council's guidance, development where the principle is in accordance with an adopted local plan would be deemed eligible for access to purchasing SNWCS water credits.

6.48 A condition (no.23) is therefore recommended which gives the applicant the option of addressing water neutrality through either SNWCS or through their own bespoke solution. The Council has completed the HRA exercise, and its Appropriate Assessment concludes that subject to conditions and obligations to be secured in a legal agreement, the project will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects. Natural England has been consulted and raises no objection to this strategy and form of mitigation. On this basis the development complies with s.70 of the Conservation of Habitats and Species Regulations 2017 as well as with HDPF Policy 31 and paragraph 193 of the NPPF.

Potential withdrawal of Natural England's Position Statement

6.49 On the 8th October 2025, the Government issued a press release setting out that 'a landmark agreement' has been reached between government, regulators and the water industry to resolve the water supply issues in the Arun Valley, enabling building work to 'begin from 1 November'. In essence this press release foresees that water neutrality will no longer be a material planning consideration from 1 November as a strategic-level solution has been agreed to ensure adverse impacts on the Arun Valley habitat sites, as identified in the Natural England Position Statement of September 2021, will be avoided.

6.50 The press release states that 'Under the agreement by Defra, Natural England, the Environment Agency and Southern Water, the water company will change its water abstraction permits to limit the amount of water taken from local rivers and wetlands, as well as provide funding to restore habitats.' The press release goes on to state that 'New homes will also be built to higher water efficiency standards in line with the building regulation guidance for water scarce areas, reducing daily water use and easing pressure on local watercourses.'

6.51 At the time of writing this report, however, the Natural England Position Statement of September 2021 still officially remains in place and until such time that it is formally

withdrawn, and the Council agrees that the evidence supports its withdrawal, all developments will continue to need to demonstrate water neutrality.

6.52 It is though recognised that the Position Statement is likely to be withdrawn by the end of October, and this may mean that water neutrality is no longer a constraint on development. The withdrawal of the Position Statement, and the potential removal of water neutrality as a constraint, will not impact on the balance of material considerations for this development, however it will mean that the newly recommended Condition 23 is no longer necessary.

Biodiversity Net Gain (BNG):

6.53 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

6.54 In this instance, the application seeks to vary a condition on an application which was made or granted before 12th February 2024 (in respect of major development), or before 2nd April 2024 (in respect of non-major development) under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. As such, a statutory 10% net gain in BNG is not required in this instance.

Conclusions and Planning Balance:

6.55 Based on the assessment above officers are satisfied that the proposed amended hours of operation would not give rise to any unacceptable loss of neighbour amenity, either from noise or light. Whilst concerns have been raised regarding extending hours of working, the proposed condition wording to restrict the use of external plant is considered to help address this. The proposed variation of Condition 20 is therefore considered acceptable from a neighbouring amenity perspective.

6.56 The proposal would result in an increase in overall water consumption which have been quantified by officers. This increase is capable of being offset within the SNWCS. Subject to a Grampian condition the proposal will achieve water neutrality.

6.57 In addition, the proposal is not required to provide a statutory net gain in biodiversity (BNG), and the proposal raises no unacceptable impacts to highways safety.

6.58 It is therefore recommended that the application be approved subject to the conditions set out below.

7. RECOMMENDATIONS

7.1 To approve planning permission subject to appropriate conditions with authority delegated to the Head of Development and Building Control to remove and/or replace any the conditions which become unnecessary as a result of the potential incoming position change on Water Neutrality.

Conditions:

1. **Approved Plans Condition**

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun 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-Commencement Condition:** Notwithstanding the details submitted, no development shall commence until precise details of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition** The development hereby approved shall be carried out in accordance with the details submitted within application DISC/19/0283 and the measures approved in the Construction Management Plan (Goodrich Consulting LLP dated September 2019).

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition:** The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy ref: 62473 rev B (PRP UK Limited for Tungsten Properties) submitted within DISC/19/0283.

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).

6 **Pre-Commencement Condition:** No development shall commence pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing P404 Rev E, Received 28.11.2018, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition** The development herby approved shall be carried out strictly in accordance with the Biodiversity Method Statement BG18.200.3 (Brindle & Green, May 2019) approved within DC/24/1702 and shall be retained in that manner thereafter.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species).

8 **Regulatory Condition** The development hereby permitted shall take place strictly in accordance with the details approved within application DISC/20/0190. All materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 **Pre-Occupation Condition:** Prior to the first occupation or use of any part of the development hereby permitted, the mitigation measures set out in Chapter 6 of the approved Air Quality Assessment [Tungsten Properties Ltd, 12th November 2018, Rev 02] shall have been implemented. These mitigation measures shall be retained as such thereafter.

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).

10 **Pre-Occupation Condition:** No building services plant shall be operated until full details, including the location of the plant to be installed and any noise mitigation measures, have been submitted to and been approved in writing by the Local Planning Authority. This plant shall demonstrate accordance with the measures set out in Chapter 10 of the Noise Impact Assessment [Hoare Lea, 28th September 2018, Rev 01] to mitigate any adverse impacts on neighbouring amenity. These measures shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

Reason: To safeguard the amenities of adjacent residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Regulatory Condition** The development herby approved shall be implemented in accordance strictly in accordance with Ecological Management Plan (LEMP) BG18.200.4 (Brindle and Green) (dated May 2019) approved within DC/24/1702.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

12 **Regulatory Condition** All external lighting shall be installed in accordance with the Outdoor Lighting Report and Street Lighting - Private Drawing LL1092/001 (both Loveday Lighting Ltd, Sept 2019), the Detailed Soft Landscaping Proposal (Kova Landscape Ltd, March 2020), and Environmental Design Report reference LL1092 dated 19/09/19 approved within DISC/20/0065. All external lighting shall be maintained thereafter in accordance with these approved documents. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority

habitats & species) and to protect neighbouring amenity in accordance with Policy 33 of the HDPF.

13 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access and car parking spaces serving the development have been constructed in accordance with the details shown on the drawing titled Proposed Site Plan and numbered P400 rev H. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: In the interests of road safety and in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

14 **Regulatory Condition** The approved landscaping scheme shall be fully implemented in accordance with the details approved within DISC/20/0065 (Detailed Soft Landscaping Proposals Plan KL-441-001 Rev P1 submitted on the 4 May 2020) within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance and to protect the amenities of nearby residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15 **Pre-Occupation Condition:** Prior to the first occupation of the unit, the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection shall be provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policies 10 and 37 of the Horsham District Planning Framework (2015).

16 **Regulatory Condition** The cycle parking as shown on DOC16 - Cycle Parking and approved within DISC/20/0065 shall be retained for use at all times.

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).

17 **Regulatory Condition:** The Travel Plan, submitted and approved within application DISC/20/0065 shall be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

18 **Regulatory Condition:** The provision for the storage of refuse/recycling has as approved within application DISC/20/0065 shall be installed as per the approved plans (DOC18 - Bin Store) and 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).

19 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays
Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

20 **Regulatory Condition:** 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 13:00 on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

21 **Regulatory Condition:**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall only be used for uses falling with Classes B1(c) and B8, and for no other purposes (including those falling within Class B2 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the unknown and potentially harmful impacts on local amenity under Policy 33 of the Horsham District Planning Framework (2015).

22 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: 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).

23 **Pre-Commencement Condition:** The increased hours of operation hereby approved shall not commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme;

or

ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and

iii) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme pursuant to part ii) has been fully

implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Local Plan, Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).