PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	3rd February 2026
DEVELOPMENT:	Change of use from Vehicle Servicing and MOT centre (Use Class B2) to Storage and Distribution (Use Class B8) together with associated parking. (Retrospective).
SITE:	Unit 1, Horsham Trade Park, Foundry Lane, Horsham, West Sussex RH13 5PX
WARD:	Horsham Town
APPLICATION:	DC/25/0561
APPLICANT:	**Name:** Mr Simon Elkins-Green **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: Members deferred the application at the 22nd July 2025 committee meeting for a noise assessment to be carried out.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 This application was considered by Planning Committee on 22nd July 2025, where it was resolved that the application be deferred for a noise assessment of the current operation at the site.

1.2 A Noise Impact Assessment (RF Environmental- received 30/09/2025) has since been submitted and the Council's Environmental Health team have consulted on it.

1.3 In addition, this report provides an update on new representations received since the 22nd July committee meeting, additional comments from Environmental Health and provides an update following the withdrawal of the Natural England Position Statement.

1.4 **A copy of the 22nd July Committee Report is attached at Appendix A.**

Further representations received

1.5 A further 7 letters of objection from 5 different addresses have been received since the application was considered at the 22nd July committee meeting. The objections raise concerns of noise and amenity impact following the Noise Impact Assessment submitted, as follows:

- The noise report gives a very limited and inaccurate assessment of noise levels experienced.
- The noise report was not independently commissioned and therefore is not impartial
- The noise report fails to include Sundays which are often the busiest day for the site and when disturbance is most invasive. Other units do not operate intensively on Sundays as they are trade counters
- The measurements only include the unloading of lighter vehicles, not the reality of frequents HGVs
- Current operations far outweigh any previous impacts
- Noise measurements were not undertaken at the impacted properties, therefore makes assumptions
- Correct assessment leads to a 'significant adverse impact', not a 'low impact' as set out in the noise report
- Need to keep our windows and doors shut and only venture into garden when necessary during working hours given noise impact.
- Noise report contains false claims, poor justifications or misrepresentations:
    - Other nearby units have restricted hours not permitting Sundays or Bank Holidays, or are only allowed to open as trade counters
    - Previous use of the site as an MOT centre was not as noisy as claimed due to planning conditions
    - The vast majority of current activity takes place in the yard, not in the unit as claimed
- Business has a severe adverse impact on neighbours due to noise

Noise Impact Assessment

1.6 The Council's Environmental Health Officers had previously advised:

"*There are residential properties in close location to this site. This department has record of some historical complaints from neighbouring residents to this site. These relate to noise from vehicle movements and the loading/unloading of vehicles, although nothing has been recorded since September 2023.*

Large vehicles, roller doors, cage movement and dispatch do have potential to disturb the nearby residents and hours of use should be restricted to protect their amenity.
I note that the Planning Statement has offered the following operational hours:

- *0730-1800 on Mondays to Fridays (inclusive)*
- *0730 to 1300 on Sundays and Public Holidays.*
- *The business will be closed on Saturdays*

To protect the amenity of residential neighbours, this department recommends that the applicant's proposed hours of operation are conditioned".

1.7 The committee considered this consultation comment to have been provided based on limited information. Accordingly, consideration of this application was deferred until a noise assessment could be submitted.

1.8 The Council's Environmental Heath Officers have reviewed the submitted Noise Impact Assessment and, subsequent to a noise complaint by a member of the public, have made their own investigations into the noise impacts of the proposal. They have made a secondary comment (dated 03/12/2025):

"I have revisited the Noise Impact Assessment following the confirmation that there was a restriction on Sunday working for the vehicle servicing and MOT centre use as approved under DC/06/1742.

The measurement periods in the Noise Impact Assessment did not include Sundays. Local residents have commented that many of the other units on the industrial estate do not operate on Sundays. This is likely to alter the noise climate and may increase the impact of Sunday working proposed by the applicant.

No information is provided regarding the activities at the site during the unattended noise survey. It is therefore unclear if the pattern of activity is representative of typical operations. The location of the unattended monitoring position also appears to have to have been partly screened from the loading area. This may mean that the measurements do not fully capture the noise from the activity, whereas first floor windows to the neighbouring dwellings would not benefit from this screening and have direct line of sight to the loading bay.

For the attended site measurements undertaken between 09:43 and 10:38 the report makes the following observations:

> *"From 09:43hrs to 10:06hrs an electric forklift is unloading pallets from small lorry. Tonal alarm is audible and bangs. From 10:10hrs forklift is moving pallets around in external space. At 10:18 hrs another lorry arrives, and loading starts and ends at 10:41hrs."*

This comment illustrates how the distinctive character of noise such as reversing alarms together with the sporadic and unpredictable nature of bangs and impact noise from the site activities, can increase the intrusive nature of the noise. The duration of loading activity for each of these vehicles was just over 20 minutes. The measurements provided for this period give a cumulative Lmax of 82dBA which is significantly above the measured average noise level of 54.4dBA and the background noise level of 41.8 dBA for the same period. The BS4142 rating methodology is based on averaged noise levels during the one hour daytime rating period and so this can underrate the impacts of loud but short duration noise events.

Local residents have made representation to the local authority that large articulated vehicles regularly visit the site with the consequence increase vehicle loading and unloading noise, vehicle manoeuvring etc. If this is correct this may result in noise levels higher than those measured during the attended monitoring period.

The report notes that;

> *"…the former use would have generated noise and activity under a B2 use class. Noise sources would have beeping horns as part of MOT tests, slamming doors and mechanical tools such as impact wrenches. These types of noise source are no longer present at the site."*

However these activities were not permitted on Sundays or Bank holidays under DC/06/1742. The Noise Impact Assessment has concluded that there is a minor adverse impact for site activities during the week but it is considered that this conclusion cannot be safely extended to periods outside the normal working week which have not been monitored.

Given the proximity of the residential dwellings to the application site, it is also important to consider that that some respite is afforded to the occupiers of these dwellings.

Noise monitoring equipment installed at a resident's house overlooking the yard serving Unit 1 identified incidents late night noise and extended noisy working on Sundays. The recordings made between 29/10/25 and 12/11/25 were characteristic of noise from loading and unloading operations including pallet trolleys, roll cages, vehicle reversing alarms, raised voices, LGV and HGV engine noise.

The recordings support the evidence of disturbance from late night and Sunday working provided by residents.

Having regard to the matters outlined above it is recommended that the restriction on Sunday and Bank Holiday working as applied under DC/06/1742 is maintained.

Condition 3 of DC/06/1742 should be applied to protect the amenity of neighbouring residents as set out below:

1. *No vehicles, plant or machinery shall be operated and no process carried out and no deliveries taken or dispatched from the site outside the following times:*

   0800 hours and 1800 hours on Mondays to Fridays inclusive,
   0800 hours and 1300 hours on Saturdays,
   and not on Sundays and Bank and Public Holidays."

1.9 The consultation response highlights that the noise assessment submitted does not appear to fully account for the nature and number of the vehicles which are seen within the site and the accuracy of the noise impact made within the site. The nature of the business is such that large HGV vehicles are frequently loading and unloading, potentially causing excessive noise impacts if uncontrolled. Whilst some businesses within the locality (such as Toolstation) are open on Sundays between 9am-4pm, they have a different relationship with the residential neighbouring properties and a comparatively less intensive use in terms of the impact of the development on the locality. This reflects similar comments made in neighbour representations.

1.10 Separate to the Noise Impact Assessment, Environmental Health officers have undertaken noise level investigations from a neighbouring resident's property that have shown that the business is operating during night-time hours and during Sundays. Environmental Health officers have assessed the recordings and consider that there is disturbance arising from the operations of the business at these times.

1.11 Having regard to the findings of the Noise Impact Assessment, the updated Environmental Health comments following their own investigations, the previous land use of the site, and considering the location of the site within a designated Key Employment Area where some commercial noise is expected, Officers maintain that use of the site for B8 storage and distribution purposes is appropriate. Nevertheless, it is agreed that the nature of the B8 uses being carried out means that unacceptable early morning, evening and Sunday and bank holiday disturbance to residents has, and would continue to, occur. Accordingly, it is agreed that the recommended condition 3 should be amended in line with the advice from the Environmental Health team.

1.12 The condition recommended by the Environmental Health team reflects exactly the 2006 planning permission on the site for B2 operations. For greater clarity Officers recommend retaining the original wording used in the July committee report related to the relevant activities as it is more precise, with only the hours to be updated. The updated condition 3 is now recommended to read:

***"Regulatory* Condition**: No deliveries, dispatches, external operations, trade or other activities (including the operation of plant, roller shutter doors or machinery), shall take place except between the hours of:

- 0800 hours and 1800 hours on Mondays to Fridays inclusive,
- 0800 hours and 1300 hours on Saturdays, and
- not on Sundays and Bank and Public Holidays.

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

1.13 If the application were to be approved, the applicant would be required to operate within the hours outlined within this condition. If the business operates outside of these stated hours, then the matter would be referred to Planning Compliance Team for investigation.

Water Neutrality:

1.14 As considered at the 22 July committee meeting, this application had demonstrated water neutrality through improved fixtures and fittings which had been evidenced to reduce water consumption to below that of the previous occupier. Condition 7 sought to secure this mitigation, whilst condition 5 sought to restrict the washing of vehicles in order to maintain a water neutral development.

1.15 On 31st October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

1.16 To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching. Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

1.17 Officers have undertaken an updated Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development, alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day.

1.18 Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF. Conditions 5 and 7 as set out in the 22 July committee report are therefore no longer necessary to attach to any grant of planning permission.

2 **Recommendation**

2.1 To approve planning permission subject to the following conditions. Note condition 2 has been updated in accordance with the latest best practice to clarify in absolute terms that the permitted use is limited to B8 storage and distribution only, and would not benefit from permitted changes to other uses without an application for planning permission.

Conditions:

1 **Approved plans list**

2 **Regulatory Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes)

(Amendment) (England) Regulations 2020) (or any order amending or revoking and/or re-enacting these Orders), the premises hereby permitted shall be used for B8 use only and for no other purposes whatsoever, 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 to safeguard the amenities of neighbouring properties under Policy 33 of the Horsham District Planning Framework (2015).

3 **Regulatory Condition**: No deliveries, dispatches, external operations, trade or other activities (including the operation of plant, roller shutter doors or machinery), shall take place except between the hours of:

- 0800 hours and 1800 hours on Mondays to Fridays inclusive,
- 0800 hours and 1300 hours on Saturdays, and
- not on Sundays and Bank and Public Holidays.

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

4 **Regulatory Condition**: No new external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: No power tools or mobile hand tools shall be used in external areas.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition:** Within 3 months of the granting of this permission, secure covered cycle parking shall have been provided in accordance with details that have been submitted in plan CBP-01 received 01/07/2025. The cycle parking facilities shall thereafter 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).

Appendix – 22nd July 2025 Planning committee report for DC/25/0561