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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/Z3825/W/24/3350602

DETAILS OF THE CASE

Appeal Reference	APP/Z3825/W/24/3350602
Appeal By	FREIGHT FORWARDING SOLUTIONS
Site Address	Freight Forwarding Solutions Ltd Unit 1, Horsham Trade Park, Foundry Lane HORSHAM, WEST SUSSEX RH13 5PX

SENDER DETAILS

Name	[redacted]
Address	8 Crawford Gardens HORSHAM West Sussex RH13 5AZ

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

We are submitting our representation as a number of documents in the 'separate documents' section below.
The main document is Appeal_Representation_Nov24. This document makes reference to the following documents: Objection_Submission_Apr24 together with its attachment, Attachment 1 - Residents Review - DC 24 0327 and marked up HDC planning documents, DC-06-1742_Application, DC-06-1742_Permission and DC-07-2492_Refused.
We also enclose a file with pictures illustrating FFS's out-of-hours activities: Photos of Recent Out of Hours Activities by FFS.

[redacted]
8, Crawford Gardens
Horsham
RH13 5AZ
[redacted]

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section:	REPRESENTATION
Document Description:	Your comments on the appeal.
File name:	DC-06-1742_Permission.pdf
File name:	DC-06-1742_Application.pdf
File name:	DC-07-2492_Refused.pdf
File name:	Appeal_Representation_Nov24.pdf
File name:	Attachment 1 - Residents Review - DC 24 0327.pdf
File name:	Photos of Recent Out of Hours Activity by FFS.pdf
File name:	Objection_submission_Apr24.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

INTERESTED PARTY SUBMISSION IN RESPECT OF APPEAL REFERENCE APP/Z3825/W/24/3350602

Further to our previous comments submitted against the original application for DC/24/0327 to Horsham District Council, we would like the following to be noted with regard to both issues raised in the appeal submission raised by the applicants and also, in particular, to the effect on our residential amenity caused by the continued anti-social operational behaviour of Freight Forwarding Solutions (FFS) which has further deteriorated since our previous submission.

COMMENTS ON THE APPEAL SUBMISSION

In regard to the claims made by FFS in their appeal submission, the document claims that the previous occupants of Unit 1, Horsham Car Centre, employed 19 people on this site. We believe this figure is incorrect and was more likely to have been around six as stated in their original planning application (highlighted on penultimate page of DC/06/1742_Application, attached) and that the figure of 19 probably relates to the total number of employees of the Horsham Car Centre across both the Unit 1 site and their main office/showroom at Roffey Corner (RH12 4HG). For a facility dependent on customers leaving their cars for service/MOT, the car parking allocation of 12 spaces would have also been impractical for a staff number of 19.

This employee count would disprove the claim that FFS's water consumption is less than that of the previous occupants on the basis of employing fewer people, a fact further borne out by consideration of the readings in the water bills supplied in their accompanying submission, Appendix 4. These are summarised in the following table for the periods where **ACTUAL** readings were provided:

Unit 1 Occupancy	Period dates	Reading at Start	Reading at End	No of Days	Units Used
Horsham Car Centre	29/3/19 to 27/9/19	6490	6557	182	67
Freight Forwarding Solutions (FFS)	22/9/22 to 23/3/23	7006	7081	182	75
	23/3/23 to 19/9/23	7081	7171	180	90
	19/9/23 to 12/3/24	7171	7290	175	119

As is obvious from these figures, the metered water consumption for the three six month periods of FFS occupation of the site are greater in every case than the six month period for Horsham Car Centre in 2019. It can also be noted that the ratio of consumption between the period in 2019 and the most recent period, during which FFS applied for planning permission stating an occupation by 10 employees, is roughly 6:10, correlating well with the respective employment levels. This is not surprising as their usage needs (bathroom, kitchen etc) would be expected to be very similar. **This clearly seems to contradict any claim by the appellant of meeting water neutrality on the basis of absolute water consumption.**

ADDITIONAL COMMENTS TO OUR ORIGINAL OBJECTION SUBMISSION

We understand that the appointed Planning Inspector for this case will examine **ALL** the documents submitted as responses to the original planning application. We would request that this is thoroughly undertaken, in particular to the responses submitted by ourselves and our neighbours at the southern end of Crawford Gardens (Nos 2 thru 10) whose amenity has been severely adversely impacted by the noise disturbance caused by operational activities of FFS in Unit 1. We believe that the consideration given to this by the LPA Case Officer when processing the original application was totally inadequate as is borne out in their final report and its conclusions.

INTERESTED PARTY SUBMISSION IN RESPECT OF APPEAL REFERENCE APP/Z3825/W/24/3350602

Our objections to the operational disturbance caused by the applicant's business, detailed in our original submission (see Objection_submission_Apr24 and Attachment 1, both attached), remain unchanged and in some cases have been strengthened due to the deterioration in the behaviours of the applicant. As before, these relate in the main to both the hours of operation and the levels of noise produced.

Whilst we have not had sight of the original planning permissions for the two units on the Horsham Trade Park industrial estate that directly neighbour us (Units 1 and 2), we believe that their hours of working have always been restricted by the LPA to 8am to 6pm Monday through Friday and 8am to 1pm on Saturdays, and indeed, a request to extend the weekday opening to 7:30am for Unit 2 was successfully rejected following our objection in 2007. In addition, there have always been strict conditions stated in the planning permissions granted to them regarding the activities that can and cannot be undertaken both during and outside of these operational hours e.g. general noise generation, vehicle movements etc (see highlighted text in DC/06/1742_Permission and DC/07/2492_Refused, both attached) with these being stated to be necessary to preserve the amenity of neighbouring residents. The restrictions have therefore always prohibited any operations on Saturday afternoons, Sundays and Bank Holidays and normal non-working hours providing us, as residents, with respite from such disturbances as are permitted during the normal working week. The application proposed by FFS requests permission to work on Sundays and Bank Holidays which would result in there being no days in the year when we could not be disturbed by activities by the industrial activity on the site. The resultant 365 day per year disturbance would represent a major degradation to our amenity as residential neighbours.

It must also be emphasised that FFS do not even comply currently with the hours that they have requested, with vehicles arriving and departing and frequently loading/unloading at any time of day including in the middle of the night/early hours of the morning. Furthermore, the incidence of these 'out-of-hours' activities, particularly those on Sundays (e.g. they were still unloading articulated lorries at 5:20pm last Sunday (27th Oct)), has increased in the six month period since our earlier submission to the original application. They seem to be of the belief that they can do 'whatever they want, whenever they want' which causes extreme stress to us as residents and the occurrences in the middle of the night cause a loss of sleep, all having a negative effect on our mental well-being.

In both their original application and subsequent appeal, the applicants portray their business as a 'quiet' storage facility with occasional visits by lorries moving goods in/out of the warehouse. We consider this representation to be totally misleading. The core business of Freight Forwarding Solutions, as the name suggests, is heavy-duty freight haulage, receiving freight unloaded generally from large third party articulated lorries, storing it short term before loading it onto its own fleet of vehicles for onward distribution. The loading and unloading of lorries is generally performed outside in the parking area in front of Unit 1 or in the adjacent service road, and generates considerable levels of noise e.g. fork lift trucks rattling over the rough concrete surface of the car park, the banging and crashing of freight pallets being loaded/unloaded and dragged through the lorries etc. Lorry diesel engines are regularly left running ('warming up') for lengthy periods prior to departure and when they've left, we're often left with the sound of the warehouse radio whenever the loading bay door is left open, which is over 90% of the time. All this noise resonates around the concrete bowl formed by the buildings, totally destroying the pleasure that we have the right to enjoy from being in our house and garden. This has obviously been even more annoying during the summer months when we have been unable to enjoy recreational time in our gardens due to the excessive noise being generated and have had to live with our windows closed to reduce the noise levels inside the house.

As we have stated above, such noise creating activities are consistent with those necessary for the functioning of a 24/7 freight haulage business. They do, however, render its current location neighbouring residential housing as totally unsuitable due to the extremely detrimental impact on local amenity caused by both the noise disturbance generated and also the antisocial hours at which it frequently occurs.

In conclusion, Policy 33 para 2 of the Horsham District Planning Framework states that new developments must *'Ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development'.* We feel that it is clear that the activities of Feight Forwarding Solutions manifestly fail to do this with the resultant loss of amenity meaning that we no longer benefit from our right to be able to enjoy our house and garden. **We therefore strongly object to the proposed application and respectfully request that it be rejected.**

[redacted]

8, Crawford Gardens,
Horsham.
RH13 5AZ

[redacted]

[redacted]

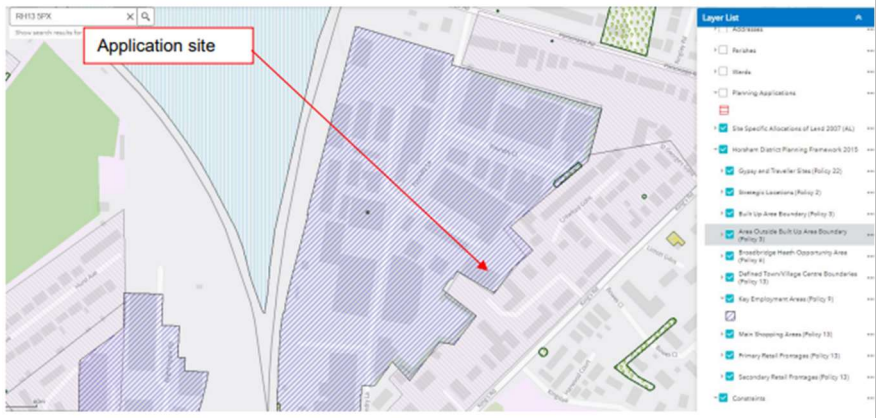
Attachment 1 – Residents' Review of Planning Statement for Application DC/24/0327

	Planning Statement Document Wording	Resident's Response
1	**Introduction**	
1.1	This Statement supports the retrospective planning application for the 'Change of use from Vehicle Servicing and MOT Centre (Class B2) to Storage and Distribution (Use Class B8) together with associated parking' at Unit 1, Horsham Trading Estate, Foundry Lane, Horsham, West Sussex RH13 5PX. This Statement should be read in association with the planning application forms and drawings, which include a site location plan, block plan together with the preexisting and proposed elevations and floor plans of the building.	No Comment
1.2	This Statement sets out the background to the application and need for the development, before summarising the site's planning history and relevant planning policies. It then analyses the proposals against that background before concluding how the development would meet those policies and other material considerations.	No Comment
2	**Site Description and Proposals**	
2.1	The proposal concerns the change of use of Unit 1 to effectively reinstate the former storage use. The vehicle servicing and MOT use was approved under planning application ref DC/06/1742. The applicant has been at the premises since October 2021 and is looking to regularise the use for storage and distribution in order to continue operating his business from there.	No Comment
2.2	Horsham Trading Estate is a large industrial estate and is closely related to Horsham Town Centre. The trading estate is situated to the west of a railway intersection, north of Horsham's Railway Station. Foundry Lane dissects through the trading estate with the application premises being situated down a cul-de-sac of the same name on the western side of the estate.	No Comment

Attachment 1 – Residents' Review of Planning Statement for Application DC/24/0327

	Planning Statement Document Wording	Resident's Response
2.3	Unit 1 forms one of the larger units there and is positioned on the southern side of the cul-de-sac on the edge of the trading estate. There are residential properties to the west with the closest houses located in Abbotsbury Court. It is confirmed that there are no statutory listed buildings or ancient monuments near to the site and so heritage matters do not form a consideration.	There are residential properties to the east (Abbotsbury Court) **and** north-east (Crawford Gardens). The rear of the three houses at the southern end of Crawford Gardens face directly onto the area in front of Unit 1. This is the area where the excessive noise is generated.
2.4	From a planning policy point of view the premises is within an identified Industrial Area of the District, this is identified on the policies map as being a 'Key Employment Area'. An image of the unit is provided below.  *A photograph Unit 1*	The picture below provides an image of the area during Freight Forwarding Solutions actual usage.  **A Typical Day at Unit 1**

Attachment 1 – Residents' Review of Planning Statement for Application DC/24/0327

	Planning Statement Document Wording	Resident's Response
2.5	An extract from the Council's planning policy map is included below which shows that the site being located within the built-up area boundary and Key Employment Area.  Extract taken from Horsham District Interactive Policies Map	No Comment
	The Council's planning records show that that alterations were applied to the building under HU/165/94. A part change of use was approved from warehouse to light industrial use under HU/286/93. Vehicle servicing and MOT centre use was approved under application DC/06/1742.	DC/06/1742 included several conditions imposed to preserve amenity of local residents related to noise generating events and hours of operation. The latter prohibited all vehicular activity outside of the hours of 8am to 6pm, Monday to Friday, and 8am to 1pm on Saturday. We see no justifiable reason why there should be any relaxation in these conditions.
3	**Planning Policy**	
3.1	According to the Horsham District Plan, the site is located in 'Key Employment Area'. Applications for development will be assessed against policies contained within the National Planning Policy Framework (NPPF) and Horsham District Planning Framework.	No Comment
	National Planning Policy Framework 2023	
3.2	The NPPF provides a presumption in favour of sustainable development, defined as development that meets the terms of the NPPF. The document seeks to balance the economic, environmental and social aspects of the planning system.	No Comment

Attachment 1 – Residents' Review of Planning Statement for Application DC/24/0327

	Planning Statement Document Wording	Resident's Response
3.3	Paragraph 20 recognises that sufficient provision should be made for employment alongside retail, leisure and commercial development when setting out strategic policies.	No Comment
3.4	Within Chapter 4 'Decision making', Paragraph 38 states that *"Local planning authorities should approach decisions on proposed development in a positive and creative way... Decision-makers at every level should seek to approve applications for sustainable development where possible".*	Paragraph 38 also states that LPAs should '*work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area'.* Far from improving the social and environmental conditions of the area, approving this proposal will significantly degrade the environmental conditions of the area due to the increased levels of noise associated with introducing a freight conveyancing company to the area.
3.5	Paragraph 56 states that "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects".	Planning conditions must respect the amenity of residential neighbours.
3.6	Section 6. 'Building a strong, competitive economy' and under paragraph 86 states that policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and to enable a rapid response to changes to economic circumstances.	Flexible working practices however should not be accommodated at the detriment of the amenities of neighbouring residents
3.7	Section 7 is entitled 'Ensuring the vitality of town centres' and under paragraph 90 it recognises under part 'e' that planning policies should*: "where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre".*	We do not understand how FFS occupying the proposed location, relatively close to the heart of the town, in any way enhances the vitality of the town centre. Its business involves transporting freight from distant locations, often probably overseas, into the warehouse and then back out to various other locations often also many miles away. The need to be easily connected to the centre of the town seems vague at best in this case. Indeed, bringing heavy freight into a site close to the centre of the town would seem to place unnecessary load and additional wear and tear on a road network that already frequently appears under strain. A far better solution would seem to be an 'edge of town' site with close access to the main road network linking the town to rest of the country.

	Planning Statement Document Wording	Resident's Response
3.8	Section 9 'Promoting sustainable transport' states at paragraph 115 that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*	As above, the introduction of freight traffic towards the centre of the town would seem to introduce unnecessary burden and wear and tear on an already congested road network.
3.9	Section 11 'Making effective use of land' states at Paragraph 124 that decisions should: "d) promote and support the development of under-utilised land and buildings". Paragraph 126 states that "decisions need to reflect changes in the demand for land" with paragraph 127 stating that LPAs "should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans".	No Comment
	Horsham District Planning Framework (November 2015)	
3.10	Policies 1 'Sustainable Development' and 2 'Strategic Development' set out the main spatial policies for the district. They confirm that new development should improve economic, social and environmental conditions in the area and focused on the main settlements. It is advocated that development supports the economy, allowing people to work locally to where they live.	It is understandable that FFS would like to set up their warehouse in Horsham. However, considering the considerable levels of noise generated and the times at which it occurs, the close proximity of the proposed unit on the Horsham Trading Estate site to residential housing makes it a totally unsuitable location due to the disturbance caused and hence the detrimental impact on the amenities of its residential neighbours. A site with greater distance to residential property would be more suitable.
3.11	Policy 7 is a strategic policy and is entitled 'Economic Growth' and it seeks to retain Key Employment Area for employment uses.	As above, FFS should be looking for a local location where the disturbance they cause does not have such an adverse impact on the amenities of their neighbours.
3.12	Policy 9 is entitled 'Employment Development' and under criterion 1 states: *"Redevelopment in the Key Employment Areas must not result in the overall loss of employment floorspace. Proposals for alternative uses within the Key Employment Areas will be allowed where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres of employment."*	We don't understand the significance of this within the context of this application

	Planning Statement Document Wording	Resident's Response
3.13	Policies 32 'The Quality of New Development' and 33 'Development Principles' require significant consideration within development proposals for attractive environments, respect for local character, optimal land uses and maximising design and layout standards to cater for surrounding amenity and accessibility needs.	The appearance of the FFS site does not enhance the appearance and character of trade park. Two containers, a large skip, the stacks of freight pallets frequently piled 15 feet or more high and the rubbish dumped to the Abbotsbury Court side of the building detract from the otherwise tidy appearance of the trade park area. Policy 33 para 2 also states that new developments must *'Ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development'.* The noise disturbance discussed elsewhere in this objection illustrates that the proposed usage of Unit 1 for the activities of FFS business manifestly fails to do this.
3.14	Policy 40 'Sustainable Transport' states that development will be supported when it can be demonstrated that it is appropriate in scale, be safe to all, can maintain and improve the existing transport system with opportunities for sustainable transport which reduce the need for major infrastructure and minimising the distance people need to travel.	An 'outskirts of town location' as suggested would have little effect on the distances that the employees need to travel to work. Keeping lorries, especially the heavy articulated lorries that form part of the company's business operations out of the centre of the town would also reduce the wear and tear on the already heavily used internal roads.
3.15	Policy 41 'Parking' states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users.	Whilst adequate parking spaces seem to be provided for employees, the company's business is based upon handling the lorries that deliver freight to and from the warehouse. Parking these means that employees are sometimes forced to park in car park assigned to unit 2. Note also that in the previous application for this unit (DC/06/1742) it was previously deemed that insufficient space was available for lorries to turn around in under the terms of the previous application and indeed lorries have to use space allocated to unit 2. How can this limitation be deemed any different now?
4	**Analysis**	
	The application proposes a change of use of Unit 1 within Horsham Business Park from a Vehicle Servicing and MOT Centre (Class B2) to Storage and Distribution (Use Class B8) together with associated parking.	No Comment

	Planning Statement Document Wording	Resident's Response
	The unit as a floor area of 850m² which is inclusive of the mezzanine level internally. The building is accessed from the northern side and is served by a parking area to the front that provides 12 parking spaces and a lorry loading are. The unit is served by full height sliding doors with double doors to access a reception area, together with personnel doors on the northern and southern elevations.	No Comment
	It is suggested that the following issues are of most relevance in this case and are addressed in detail below: • Principle of development; • Noise impacts of the development; • Access and parking; • Hours of operation.	No Comment
	Principle of Development	
4.4	The application premises is located within one of the District's Key Employment Areas and the application proposes the reinstatement of the historical storage use under class B8. As such, it is suggested that the use will not conflict with the general requirements set out within Policy 9, which seeks to protect employment floorspace in the interests of meeting the needs of the local economy. Moreover, the aims and aspirations of Policy 7 and the NPPF will also be complied with to retain key employment areas for employment uses such as this in the district.	No Comment
4.5	It is suggested that the principle of development is acceptable given that the area is established for supporting commercial activity with the use in this case being less intensive than the last, which would have employed more staff and attracted greater number of customers whilst also generating more noise.	This is incorrect. The previous usage was less intensive, less noisy and employed fewer staff than the usage proposed. Its effect on the amenity of local residents was far less detrimental than that currently being inflicted on neighbouring residents by the business practices of FFS.
4.6	The change of use of 500m2 B2 floor space to storage and distribution would typically constitute permitted development and not require permission. However, permission is required in this instance as the floorspace of the building is 350m2 above the threshold.	This is the reason why planning permission should have been sought in the first instance – we do not understand how this oversight was allowed to occur.

	Planning Statement Document Wording	Resident's Response
	Noise impacts of the development	
4.7	It is acknowledged that there are residential properties in close proximity to the trading estate. These are located to the east of the buildings in a separate cul-de-sac. It is suggested that the proposed change of use of the building will not have a significant impact as storage uses are typically compatible in residential areas given the low levels of noise and disturbance they tend to attract with access being via the rest of the industrial estate.	It is correct that the noise generated by the 'storage' of the goods in the warehouse is minimal. This statement however takes **NO** account of the disturbance caused by the operation as a distribution hub i.e. the movement of vehicles, including large articulated lorries, and their loading and unloading with goods from and to the warehouse – this is the major element in the company's business as can easily be deduced from the company name.  The disturbing noise sources include: • Whining of forklift trunks and continuous rattling as they move across the concrete surface of the car park and loading bay door • The bangs and crashes that emanate from the lifting and dropping of freight packages • The frequent sound of reversing warning bleeps as lorries arrive, depart and are moved around the outside vehicle area. • The rumble of idling of diesel lorry engines prior to departure. This occurs all year round but is particularly frequent during the colder winter months. When the loading stops, the continuous annoying, tinny sound of the warehouse radio, clearly heard when the warehouse door is open.

Attachment 1 – Residents' Review of Planning Statement for Application DC/24/0327

	Planning Statement Document Wording	Resident's Response
	The former use would have been prone to generating a greater level of noise and activity under a B2 use class. Noise sources would have included beeping horns as part of MOT tests, slamming doors and pneumatic impact wrenches. Conversely the storage use proposed would not generate such sounds.	The claims concerning noise sources in the unit's former use are incorrect. The conditions placed on the previous application specifically prohibited the following: • the testing of car alarm and audio systems outside the building and such work confined to within the premises • the use of power tools outside the premises in the open air Our experience is that the noise disturbance generated by the activities of FFS far exceeds that of the previous occupants of the site to the extent that we are being denied the right to be able to enjoy our property and gardens.
4.8	The main demand for access to the buildings are likely to come from vehicles arriving and departing in a short timeframe having dropped off or collected items together with staff vehicles. The applicant is happy to ensure that vehicles are loaded the day before to ensure that disturbance is not caused during the early hours of the day. The hours of use can be adequately controlled by a standard condition if necessary. The change of use will not have a greater impact.	The phrase '*are likely to come from vehicles arriving and departing in a short timeframe having dropped off or collected items'* in no way reflects the working practices. For '*dropped off'* read 'unloaded' and for *'collected items'* read 'loaded' where these entail the unloading and loading of lorries generating significant noise as detailed elsewhere within this submission.
4.9	The general location would mean that the impacts will remain low, thus conforming to the requirements of policy 33 and the relevant British Standards. It is important to note that there are a range of existing uses within the complex and that a degree of noise would be expected on any industrial estate	This is incorrect. The residential housing on the north-east boundary of the car parking area being used for loading is severely impacted by the noise generated and the hours during which this noise occurs.

	Planning Statement Document Wording	Resident's Response
4.10	The site has a parking area in front which has space for 12 standard sized cars. The arrangement will need to conform to the West Sussex Guidance on Parking at New Developments. It recognises that there should be 1 parking space per 100m² of floorspace. The unit has a floorspace of 850m² and so at least 9 vehicle spaces are required. The cycle parking standards typically require 1 space per 500m² floorspace, which rounds up to 2 cycle spaces plus 1 for visitors and can be secured by condition. The applicant can provide a covered Sheffield stands in the frontage of the building. The trading estate is served by its own road network and this is considered suitable in meeting the needs of the proposed use, to ensure that vehicles and visitors can access the site safely by road and foot. Parking and turning in the area are regarded as being good. Large vehicles would be able to circulate to the west and exit via the cul-de-sac.	Of these 12 marked out spaces, two are dedicated to storage containers and a third as a storage space for used recyclable pallets. The company has a large fleet of lorries and generally there are around 6 or 7 present at any time and sometimes more as shown in the picture below.  **9 FFS Lorries On Site** There are also several employee cars requiring parking space. A total of 12 car parking spaces would therefore clearly seem to be inadequate for the purposes of the business which explains that the fact that employees often need to park their cars in Graham's car parking area. The premises are frequently visited by large articulated lorries from freight partners e.g. Trota, Capitrans who have to turn their vehicles around using the space in Unit 2 (Graham's) car park as that associated with Unit 1 is inadequate as can be deduced from the picture below.

	Planning Statement Document Wording	Resident's Response
		 **Articulated Lorry during turning on site**
4.11	Within the consultation response for the previous application (Application no: DC/06/1742), West Sussex County Council Highways Department raised no concern towards the parking provision to meet the B2.	The previous provision was for 12 parking spaces for standard cars. Spaces for lorries were removed as there was insufficient turning space within the area of the unit boundaries. Current usage by FFS far exceeds this with multiple large lorries that require the use of the shared road and the car park belonging to Unit 2 (Graham's) in order to turn around. Furthermore, the Unit 2 car park has been frequently used as an overnight truck stop for large articulated lorries from the freight partners in 4.10 above, delivering/collecting from FFS.

	Planning Statement Document Wording	Resident's Response
4.12	It is considered that the use would conform to the current parking standards and that there is a greater number of parking spaces than that required by the County Council's guidance. It is submitted that there will be no substantive impact to the highway resulting from the development. The parking arrangement at the site would continue to provide a safe environment.	See response to para 4.10 above
	Hours of Operation	
4.13	In terms of the hours of operation the applicant is asking these to be 0730-1800 on Mondays to Fridays (inclusive) and 0730 to 1300 on Sundays and Public Holidays. The applicant has also confirmed that the business will be closed on Saturday and so this is reflected on the application form. These times are not too dissimilar to the times that already apply to a number of lawful businesses in the trading estate, more notably Grahams Plumbers, Screwfix, Toolstation and Topps Tiles, at least 3 of which open 7 days per week.	Units 1 and 2 on the Horsham Trade Park both directly neighbour residential properties. As such, the hours during which vehicles, plant and machinery are allowed to be operated and deliveries taken or dispatched from the premises have always been limited to between 8am to 6pm on weekdays and 8am to 1pm on Saturday with no allowances outside of these hours. These are understood to be standard for this type of unit in Horsham and proposed extensions of these hours for Unit 2 on the Trade Park successfully rejected in 2007 on the grounds of preserving local amenities of the residential neighbours. Whilst the other units on the same trading estate mentioned are allowed to open on Sundays and Bank Holidays, these operate as customer trade counters **only** which clearly does not involve the major loading/unloading type of operations undertaken by FFS on these days. They are also **not** directly neighbouring residential properties, unlike FFS.
5	**Conclusion**	
5.1	This retrospective application proposes the change of use from Vehicle Servicing and MOT Centre (Class B2) to Storage and Distribution (Use Class B8) together with associated parking at Unit 1, Horsham Trading Estate, Foundry Lane, Horsham, West Sussex RH13 5PX.	No Comment

Attachment 1 – Residents' Review of Planning Statement for Application DC/24/0327

	Planning Statement Document Wording	Resident's Response
5.2	The application will effectively reinstate the historic storage use to the unit. It is suggested that a storage use would be beneficial in terms of it having a lower parking demand and lower levels of activity, with less noise being created when directly compared with the former lawful use (Under use class B2).	This is incorrect. A major part of the company's business is the re-distribution of freight as implied in the company's name. This involves the delivery and unloading of freight from large articulated lorries followed by subsequent reloading onto other lorries/vans for onward delivery. It is these noisy operations, frequently at unsociable hours, that cause the major noise disturbance to neighbouring residents.
5.3	The development will propose no physical changes to the building. The use is appropriate to the trading estate and will ensure that employment uses are retained thus helping the wider local economy.	We consider that the proposed use is not appropriate to this unit on this trading estate and would be better suited to an 'edge of town' site away from residential housing.
5.4	The estate road network is regarded as being suitable for all vehicle types and there are sufficient visibility splays and parking arrangements that exceed the requirements set out in the guidance for new developments.	For the reasons stated against paras 4.10 and 4.11, the parking arrangements within the boundaries of Unit 1 would appear not to be sufficient for the needs of FFS's business.
5.5	For the above reasons, it is respectfully requested that the Local Planning Authority support this planning application and grant planning permission.	**For the reasons stated above that cause major disturbance and are extremely detrimental to our amenity as neighbouring residents, we strongly object to the proposed planning application and respectfully request that it be rejected by the council.**

Horsham District Council

Park House, North Street, Horsham, West Sussex, RH12 1RL
Tel: (01403) 215100 Fax: (01403) 215198 (Calls may be recorded)
www.horsham.gov.uk DX 57609 HORSHAM - 6
e-mail: planning@horsham.gov.uk
Head of Developmentl

Application Number: DC/06/1742

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

David Algar
Chennells Brook House
North Heath Lane
Horsham
West Sussex
RH12 5PJ

On behalf of: Horsham Car Centre

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Change of use from storage to vehicle servicing and MOT centre

Unit 1 Horsham Trading Estate Foundry Lane Horsham West Sussex

to be carried out in accordance with Plan and Application No. DC/06/1742 (as modified by the under-mentioned conditions, if any) submitted to the Council on 10/07/2006, and subject to compliance with the conditions specified hereunder.

HEAD OF DEVELOPMENT

Date: 04/09/2006

1 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.

2 The vehicle servicing unit, hereby approved shall, not be brought into use until the vehicle parking spaces and turning space have been marked out and signed for their specific use in accordance with the approved plan.

Reason: To provide adequate on-site vehicle parking spaces for the vehicle servicing unit in accordance with policy TU5 of the Horsham District Local Plan 1997

3 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:-

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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: In the interests of amenity and in accordance with policy EDC19 of the Horsham District Local Plan 1997.

4 No power tools shall be used outside of the building in the open air.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect and in accordance with policy EDC19 of the Horsham District Local Plan 1997.

5 The installation and testing of car alarm systems and car audio systems shall only be undertaken within the workshop building.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect and in accordance with policy EDC19 of the Horsham District Local Plan 1997.

6 Before the use commences, an assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be undertaken in accordance with BS 4142:1997. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved by the Local Planning Authority shall be fully installed before the use herby permitted commences and shall be operated for as long as the use is continued.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect and in accordance with policy EDC19 of the Horsham District Local Plan 1997.

This decision is based on the following submitted plans/documents:

Location and Block plan Drwg no. 4HTE/435/01A Received 18th August 06
Ground Layout plan Drwg no. 4HTE/435/10 Received 10th July 06
Unnumbered First Floor Layout plan Received 10th July 06

Note to Applicant:
In making this decision the Council has had regard to the following policy(ies) from the Horsham District Local Plan/West Sussex Structure Plan:

DEV4 DEV5 E1 E2 TU5

REASONS FOR GRANTING PLANNING PERMISSION:

1 The proposal is consistent with the provisions of the development plan.

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2 The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality.

N.B. IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ENCLOSED WITH THIS FORM.

Paper certified as sustainable by an independent global forest certification organisation

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DEVELOPMENT CONTROL REPORT

TO: Development Control Committee North

BY: Head of Development

DATE: 8th January 2008

DEVELOPMENT: Change of opening hours from 8.00 am to 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturday, to 7.30 am to 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturday, closed Sunday

SITE: Unit 2, Horsham Trading Estate, Foundry Lane, Horsham

WARD: Roffey South

APPLICATION: DC/07/2492

APPLICANT: Jewson Ltd

REASON FOR INCLUSION ON AGENDA: Local resident request to speak

RECOMMENDATION: To grant planning permission.

1. **THE PURPOSE OF THIS REPORT**

To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.1 This application seeks planning permission for a change of opening hours. The proposed opening hours would be 7.30 am to 6.00 pm Monday to Friday and 8.00 am to 1.00 pm on Saturday, closed on Sundays. The proposed hours would allow the establishment to open half an hour earlier on Mondays to Fridays, than is currently permitted.

DESCRIPTION OF THE SITE

1.2 The application site relates to Graham Plumbers Merchants which is located in Unit 2, Horsham Trading Estate, off Foundry Lane. The site is 'L' shaped with the north western part being occupied by a large building and the eastern part containing car parking, and loading and unloading areas. The site is adjoined to the north, west and south by industrial uses and to the east by residential properties. The land rises to the east and north so that the parking and loading area is set at a lower

level than the adjacent residential properties. Along the north eastern boundary of the car parking area there is a 1.5m block wall with a 2m fence above and then a 4m hedge above the fence. To the south east of the car park there is a grassed bank which is approximately 12m wide and rises approximately 1.5m. Beyond the grassed area, there is a 1.5 - 1.8m high wall along the boundary.

2. **INTRODUCTION**

STATUTORY BACKGROUND

2.1 Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

2.2 PPS1, PPG4 and PPG24.

RELEVANT COUNCIL POLICY

2.3 Policy CP2 (Environmental Quality) of the Core Strategy 2007 is relevant.

2.4 Policies DC7 (Pollution), DC11 (Design) and DC24 (New Employment Development) of the General Development Control Policy Submission Document 2006 of the emerging Local Development Framework are also relevant.

PLANNING HISTORY

2.5 Planning permission was granted on 8th July 1993 for a change of use and alterations to form a builder's merchants with sales counter and showroom entrances (HU/71/93). Condition 05 restricted the hours the premises could be open for trade or business to between 0800 and 1800 Mondays to Fridays, 0800 and 1300 on Saturdays and at no times on Sundays and Public Holidays.

2.6 Planning permission was granted on 6th October 1993 for variation of condition 05 on HU/71/93 relating to opening times (HU/187/93). The permission included two conditions which stated as follows:

"*1. The premises shall not be open for trade or business except between the hours of 0800 to 1800 Mondays to Saturdays. In addition the ground floor showroom shown on plan no. HOR 193/2 approved under reference HU/71/93 may open on Public Holidays between the hours of 0800 to 1800. The premises shall not be open on a Sunday.*

2. There shall be no movement of site vehicles (e.g. forklift trucks) or loading and unloading of vehicles except between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays."

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 The Head of Public Health and Licensing does not object to the variation of hours of opening to 7.30 am Monday to Friday. In light of the proximity of the residential premises in Crawford Gardens and the previous noise complaint it is suggested that all activities are prohibited before 7.30 am Monday to Friday and 8.00 am Saturday (with no activities on Sunday and Bank Holidays).

3.2 The Head of Public Health and Licensing also advises that the noise complaint (reference CI/07/0226 received 4th July 2007) concerned noise from unloading activities from 4.00 am Tuesday to Friday every week somewhere on the industrial estate. This complaint has now been investigated and attributed to another premises, not unit 2. The complaint is now closed.

OUTSIDE AGENCIES

3.3 Forest Neighbourhood Council has no objection.

PUBLIC CONSULTATIONS

3.4 Three objections were received from the residential properties which adjoin the parking and loading area to the north. The following issues were raised:

- There is a current complaint against units 1 and 2, Horsham Trading Estate (ref. CI/07/0226),
- There has been noise associated with vehicle movements, loading and unloading from 7.00 am, and engines are started earlier in winter to warm them up. The noise generated causes considerable disturbance.

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

Article 8 (right to respect of a private and family life) and Article 1 of the First Protocol (protection of property) of the Human Rights Act 1998 are relevant to the application. Consideration of Human Rights forms part of the planning assessment below.

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

It is not considered that there are any implications for crime and disorder arising from this application.

6. PLANNING ASSESSMENT

6.1 The main issue is considered to be the effect on the amenities of the occupiers of adjoining properties.

6.2 The current conditions restricting the hours of opening allow the premises to open from 8.00 am on Monday to Saturday. This application seeks permission for the premises to be able to open half an hour earlier at 7.30 am on Mondays to Fridays.

6.3 The Head of Public Health and Licensing advises that the proposed variation of hours is not unreasonable for an industrial area but in light of the proximity of the residential premises in Crawford Gardens and the previous noise complaint it is recommended that all activities in the external areas of the site are prohibited before 7.30 am on Mondays to Fridays and before 8.00 am on Saturdays with no activities being allowed on Sundays or on Public Holidays. It is considered that the recommended restrictions would ensure that the amenity of adjoining residential occupiers would not be significantly affected.

6.4 It is noted that there has been a noise complaint relating to the Horsham Trading Estate. The Head of Public Health and Licensing advises that the complaint has been investigated and it did not relate to the application site but applied to another premises where vehicles were moving from 4.00 am. Consequently the noise complaint is not directly relevant to the current application.

7. RECOMMENDATION

7.1 It is recommended that planning permission be granted subject to the following conditions:

01 The premises shall not be open for trade or business except between the hours of 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. The premises shall not be open on Sundays or on a Public Holiday.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policies DC7, DC11 and DC24 of the General Development Control Policies Submission Document 2006.

02 There shall be no starting or movement of site vehicles (e.g. forklift trucks) or loading and unloading of vehicles except between the hours of 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays, and not at all on Sundays or on a Public Holiday.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policies DC7, DC11 and DC24 of the General Development Control Policies Submission Document 2006.

8. REASONS

ICAB1 The proposal does not materially affect the amenities of neighbouring occupiers.

Background Papers: DC/07/2492
Contact Officer: Wendy Harris

Horsham District Council

FOR OFFICIAL USE ONLY
App. No. DC/06/1742
Date Received 7/7/06
Fee £265.00
Sheet No. 96/6

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR PLANNING PERMISSION

5 Copies of this form required, together with plans and appropriate fee.

IT IS IMPORTANT THAT YOU READ THE GUIDANCE NOTES AS INCORRECT COMPLETION INVOLVES DELAY.

1. Applicant (in BLOCK CAPITALS).

Name HORSHAM CAR CENTRE
Address CRAWLEY ROAD,
HORSHAM
Home/Work Tel. No. RH12 4HG [redacted]

Agent (if any) to whom correspondence should be sent (in BLOCK CAPITALS).

Name DAVID MAAR
Address CHENNELS BROOK HOUSE
NORTH HEATH LANE, HORSHAM
Tel. No. [redacted]

2. Type of Application (see Note 2)

	State Yes or No
(a) Full planning permission (including changes of use)	YES
(b) Outline planning permission	NO
(c) Renewal of a temporary permission	NO
(d) Permission for retention of building or continuance of use without complying with a condition imposed on a planning permission	NO
(e) Permission to develop land without complying with a condition imposed on a planning permission	NO

If yes, state those matters to which this application relates (tick where appropriate)
- (i) Layout of the site
- (ii) Number and siting of buildings
- (iii) Design and external appearance of buildings
- (iv) The means of access
- (v) Landscaping of the site

If yes, state the date and number of the permission and outline the particular condition.
Date
Application No.
Condition No.

3. (a) Full address or location of the land to which this application relates
UNIT 1 HORSHAM TRADING ESTATE, FOUNDRY LANE, HORSHAM

(b) State whether applicant owns or controls any adjoining land — State Yes or No: NO — If yes, this land must be edged blue on the location plan

(c) Area of site 0.15 / 1500 hectares/sq. metres

Dimensions of the application site and distances from new buildings to boundaries must be clearly indicated on plans.

(d) Description of proposed development.
(If residential development, state no. of units proposed and type if known, e.g. houses, bungalows, flats.)
CHANGE OF USE FROM STORAGE TO VEHICLE SERVICING

(e) State whether the proposal involves:

	State Yes or No
(i) New building(s) or structure(s)	NO
(ii) Alteration or extension of building(s)	NO
(iii) Construction of a new access to a highway — vehicular	NO
(iii) Construction of a new access to a highway — pedestrian	NO
(iv) Alteration of an existing access to a highway — vehicular	NO
(iv) Alteration of an existing access to a highway — pedestrian	NO
(v) Closure of existing access	NO
(vi) Change of use only	YES

DC/06/1742

4. Particulars of Use of Buildings or Land: state (a) Present use INDUSTRIAL STORAGE
(b) If vacant, the last use — " —

5. Additional Information

	State Yes or No	
(a) Is the application for industrial, office, warehousing, storage, shopping, commercial purposes or places of public assembly? (See note 5.)	YES	If yes, complete part 2 of form C.P.1.
(b) Is the application for the winning or working of minerals?	NO	If yes, complete part 4 of form C.P.1.
(c) Is the application for an agricultural dwelling or building?	NO	If yes, complete part 6 of form C.P.1.
(d) Does the proposed development involve the demolition of any residential units?	NO	If yes, how many units? ☐ Please indicate their positions on plans.
(e) Does the proposed development involve the felling of any trees?	NO	If yes, indicate their position on plans.
(f) Does the proposed development involve any public right of way within the site?	NO	If yes, indicate the position on plan.
(g) Does the proposed development involve demolition or alteration of a building of Special Architectural or Historic interest or demolition within a Conservation Area?	NO	If YES a separate application for Listed Building Consent or Conservation Area Consent may be necessary.

		Existing	Proposed
(h) (i) How will surface water be disposed of?	(i)	AS EXISTING	UN-ALTERED
(ii) How will foul sewage be disposed of? (e.g. mains, cesspit, etc.)	(ii)	— " —	— " —

6. Plans (see Note 6). N.B. 7 sets of all drawings required for major applications, e.g. erection of dwellings, offices, factories. 5 sets for all others.
List of drawings and plans submitted — indicate drawing numbers and scales.
DRWG No. 4HTE/435/01a SCALES: 1:1250, 1:500, 1:100
— " — " — /10

7. Fees (see Note 7).
If a fee is submitted please give the amount £[redacted]

8. I/WE APPLY FOR PLANNING PERMISSION AS DETAILED ABOVE.
DATE 6-7-06 SIGNED [redacted]
on behalf of HORSHAM CAR CENTRE
(insert applicant's name if signed by an agent)

9. Certificate under Section 66 and 67 of the Town and Country Planning Act, 1990.
N.B. A signed certificate MUST accompany this application (see Note 9).
If the applicant is the sole owner (a) the following certificate should be completed and signed.

CERTIFICATE A 1. I certify that:

at the beginning of the period of 21 days ending with the day of the accompanying application nobody, except the applicant, was the owner (a) of any part of the land to which the application relates.

(a) *Owner means a person having a freehold interest or a tenancy the unexpired term of which was not less than seven (7) years

*2. None of the land to which the application/appeal relates is or is part of an agricultural holding.

*3. *I have / The applicant has given the required notice to every person other than *myself / himself/herself who, at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding on all or part of the land to which the application relates, as follows

OR

SEE SEPARATE

Name of Tenant Address Date of Service of Notice

*Delete where inappropriate.

Signed .....
On behalf of .....
Date .....

May 1991

Horsham District Council

DC/06/1742

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995

CERTIFICATE UNDER ARTICLE 29
CERTIFICATE UNDER SECTION 66(1)(B)

CERTIFICATE B

I certify that:

1 I have / The applicant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application was the owner (b) of any part of the land to which the application relates, as listed below.

(b) Owner means a person having a freehold interest or a tenancy the unexpired term of which was not less than seven(7) years.

Owner's (b) name	Address at which notice was served	Date on which notice was served
COAL PENSION FUND	C/O STILES, HAROLD WILLIAMS STERLING HOUSE HIGH STREET CRAWLEY RH10 1GE	6-7-06

Whichever is appropriate of the following alternatives (2 and 3 below) must form part of this certificate. If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

DO NOT DELETE UNLESS 3 IS COMPLETED

2 None of the land to which the application relates is, or is part of an agricultural holding.

or

3 I have / The applicant has* given the required notice to every person other than myself / him / her* self who, at the beginning of the period 21 days ending with the date of the application was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served

Signed [redacted]

*On behalf of HORSHAM ONE CENTRE

Date 6-7-06

MAY 1997

* Delete where appropriate

L3_PL03

Horsham District Council

FOR OFFICIAL USE ONLY
Application No. DC/06/1742

PLANNING APPLICATION FORM PART 2

Additional information required in respect of Applications for Industrial, Office, Warehousing, Storage, Shopping, Rest and Nursing Homes, Commercial Purposes or Places of Public Assembly.

5 Copies of this form should be submitted.

N.B. Please use GROSS figures only (external measurement).

1. In the case of industrial development, give a description of the processes to be carried on and of the end products, and the type of plant or machinery to be installed. Please relate your answer to question 5 below.

MOTOR VEHICLE SERVICING

2. Name and present address of proposed occupier and type of business.

(For A3 Uses - detailed information shall be included in the application on ventilation and extraction measures. A guidance note is available on request which clarifies the information required to determine the application).

HORSHAM CAR CENTRE
CHRYSLER DEALERSHIP

3. Is the proposal related to an existing use on or near the site? If so, please explain the relationship.

State Yes or No
YES VEHICLE SERVICING TO BE CEASED AT CRAWLEY ROAD PREMISES

4. Is this proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory?

If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.

State Yes or No
YES VEHICLE SERVICING TO BE TRANSFERRED FROM THE CRAWLEY ROAD PREMISES WHICH WILL BE CONVERTED TO SHOWROOM FOR CAR SALES ONLY

5. Details of floor areas and uses

	Existing floor Space or use (if any)	Proposed New Floor Space or use	Total Floor Space (allow for any space lost)
(a) What is the amount of industrial floor space?	(a) ..... m^2	— m^2	..... m^2
(b) What is the amount of office floor space?	(b) ..... m^2	82 m^2	..... m^2
(c) What is the amount of retail floor space?	(c) ..... m^2	— m^2	..... m^2
(d) What is the amount of storage or warehousing floor space?	(d) ..... m^2	120 m^2	..... m^2
(e) Other uses (please specify) WC's MOTOR VEHICLE SERVICING	(e) ..... m^2	30 m^2	..... m^2
	..... m^2	618 m^2	..... m^2
TOTALS		850	

6. Staff

	Office Male	Office Female	Industrial Male	Industrial Female	Other Staff Male	Other Staff Female
(a) Number of staff in existing premises on the site	(a)		.....		.....	
(b) How many new staff will be employed on the site as a result of the development?	(b)		6		.....	
(c) If you propose to transfer staff from other premises, please give details of the numbers involved and of the premises affected.	(c)		6		.....	

SEE A. ABOVE

P.T.O.

C.P.1(Pt.2)

7. In the case of restaurants, hotels, public houses, theatres, cinemas, meeting halls, Rest and Nursing Homes, etc., please specify
   (a) public floor space (total)
   (b) seating capacity
   (c) bar floor area
   (d) bedrooms
   as appropriate

(a) ..... sq.m.
(b) .....
(c) ..... sq.m.
(d) ..... single
..... double

8. What provisions have been made for the parking, loading and unloading of vehicles within the curtilage on the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes.) State number of spaces

car ..12.. lorry ..2..

9. What is the estimated vehicular traffic flow to the site during a normal working day? (Please include all vehicles except those used by individual employees driving to work.)

50 VEHICLES

10. What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?

MOTOR TRADE

HAZARDOUS MATERIALS

11. Will the proposed use involve the use or storage of any of the materials mentioned below:

State Yes or No

NO

If 'YES' please indicate

NAMED SUBSTANCES

1 Substance	2 Notifiable quantity tonnes
Liquefied petroleum gas such as commercial propane and commercial butane and any mixtures thereof held at a pressure greater than 1.4 bar abeolute	25
Liquefied petroleum gas such as commercial propane and commercial butane, and any mixture thereof held under refrigeration at a pressure of 1.4 bar abeolute or less	50
Phosgene	2
Chlorine	10
Hydrogen fluoride	10
Sulphur tricxide	15
Acrylonitrile	20
Hydrogen cyanide	20
Carbon disulphide	20
Sulphur dioxide	20
Bromine	40
Ammonia (anhydrous or as solution containing more than 50% by weight of ammonia)	100
Hydrogen	2
Ethylene oxide	5
Propylene oxide	5
tert-Butyl peroxyacetate	5
tert-Butyl peroxyisobutyrate	5
tert-Butyl peroxymalate	5
tert-Butyl peroxy isopropl carbonate	5
Dibenzyl peroxydicarbonate	5
2.2-Bis(*tert*-butylperoxy) butane	5
1.1-Bis(*tert*-butylperoxy) cyclohexane	5
Di-sec-butyl peroxydicarbonate	5
2.2-Dihydroperoxypropane	5
Di-n-propyl peroxydicarbonate	5
Menthyl ethyl ketone peroxide	5
Sodium chlorate	25
Cellulose nitrate other than — (a) cellulose ntrate to which the Explosives Act 1875 applies or (b) solutions of cellulose nitrate where the nitrogen content of the cellulose nitrate does not exceed 2.3% by weight and the solution contains not more than 55 parts of cellulose nitrate per 100 parts by weight of solution	50
Ammonium nitrate and mixtures of ammonium nitrate where the nitrogen content derived from the ammonium nitrate exceeds 28% of the mixture by weight other than — (a) mixtures to which the Explosives Act 1875 applies; or (b) ammonium nitrate based products manufactured chemically for use as fertiliser which comply with Council Directive 80/876/EEC(a)	500
Aqueous solutions containing more than 90 parts by weight of ammonium nitrate per 100 parts by weight of solution	500
Liquid oxygen	500

CLASSES OF SUBSTANCES NOT SPECIFICALLY NAMED IN PART I

1 Substances	2 Notifiable quantity tonnes	
1. Gas or any mixture of gases which is flammable in air and is held in the installation as a gas.	15	
2. A substance or any mixture of substances which is flammable in air and is normally held in the installation above its boiling point (measured at 1 bar abeolute) as a liquid or as a mixture or liquid and gas at a pressure of more than 1.4 bar abeolute.	25	being the total quantity of substances above the boiling points whether held singly or in mixtures.
3. A liquefied gas or any mixture of liquefied gases, which is flammable in air, has a boiling point of less than 0°C (measured at 1 bar abeolute) and is normally held in the installation under refrigeration or cooling at a pressure of 1.4 bar abeolute or less.	50	being the total quantity of substances having boiling points below 0°C whether held singly or in mixtures.
4. A liquid or any mixture of liquids not included in items 1 to 3 above which has a flash point of less than 21°C.	10,000	

Photos of Recent Out of Hours Activity by FFS

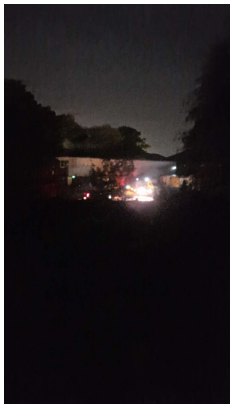

Figure 1 taken Sunday 20th October 2024 03.57

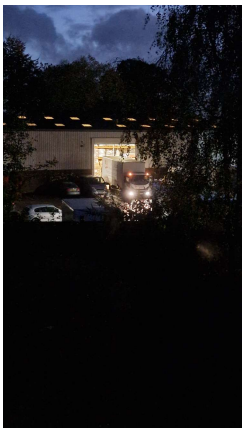

Figure 2 - taken Sunday 20th October 18.41

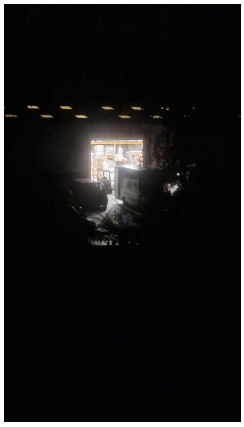

Figure 3 taken Thursday 10th October 1924 05.36



Figure 4 taken Friday 11th October 2024 05.04

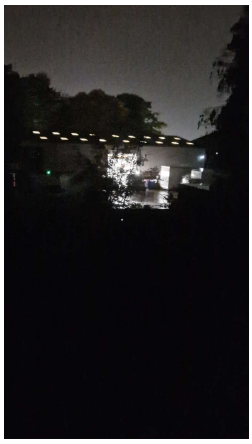

Figure 5 taken Monday 14th October 2024 03.59



Figure 6 taken Sunday 27th October 2024 16.49

DC/24/0327 - OBJECTION SUBMISSION - APRIL 2024

Further to your letter of 7th March relating to the planning application DC/24/0327. As residential neighbours, we would like the following to be noted as our objections to this request. The reasons for these should be considered under the categories 'Loss of General Amenities', 'Privacy Light and Noise' and 'Highway Access and Parking'.

Freight Forwarding Solutions (FFS) have occupied Unit 1, Horsham Trade Park, Foundry Lane, for a little over two years and were allowed to do so without first obtaining the necessary planning permission. Over the course last of last summer, the noise levels generated by FFS's activities and the incidence of these outside normal working hours increased to a level which we and fellow residents at the southern end of Crawford Gardens found intolerable. We registered our complaint to the council and backed this up with disturbance reports covering the three month period from September to December. These were submitted in seven separate emails to the council's Environmental Health department but we will be happy to resend them if required. As a result, the council raised an Enforcement Case (EN/23/0494) and following review by their legal department, ultimately requested that FFS submit a retrospective planning application which has now been done.

We note that the application includes a supporting Planning Statement. We consider that this document contains several false claims, poor justifications and misrepresentations to support the requests that FFS are making. We therefore enclose as an attachment (Attachment 1) our paragraph-by-paragraph review of this document, detailing our comments on the claims and requests with which we disagree from our perspective as residential neighbours.

Our primary objections however arise from the levels of noise that are generated and the times that FFS seeks permission to make that noise and the resulting effect that these have upon our lives.

<u>Requested Opening Hours</u>

We have noted from the previous planning application for this unit (DC/06/1742) and also that for Unit 2 which also neighbours our properties being on the western edge of the car park at the eastern end of the Trade Park (HU/71/03 & HU/187/93) that the opening hours of both these units are limited to 8am to 6pm, Monday to Friday and 8am to 1pm on Saturdays with no outside activity i.e. movements of vehicles and forklifts and loading/unloading of lorries allowed beyond these hours or on Sundays or Bank Holidays. We understand that these are the standard opening hours imposed by the council for industrial units in locations in close proximity to housing. Furthermore, our objection to the application to change the starting time on working days from 8am to 7:30am was upheld by the council in January 2007 on the grounds that it adversely compromised our amenity as neighbouring residents. We see no reason why the restrictions imposed to satisfy amenity should now be relaxed and indeed, given the changes in working practices of recent years, in particular 'Working From Home', the restrictions should if anything be more stringent.

The current application requests not only the earlier starting time of 7:30am previously requested above but also to open in Sundays and Bank Holidays in lieu of Saturdays. This raises the following points:

1. FFS working Sundays in lieu of Saturdays would mean that there is potential for noise generation on the Trading Estate on every day of the week. As residents, we rely on the lack of any noise generation on Saturday afternoons and Sundays/Bank Holidays to provide respite and relaxation from the disturbance generated during the working week.
2. FFS base their justifications (Planning Statement para 4.13) for Sunday and Bank Holiday opening on the fact that other units on the same estate (Screwfix, Toolstation etc) are allowed to open on these days. What is overlooked is that:

   a. the other units only open as customer trade counters on these days. As such, these only create extremely low levels of noise whereas FFS's business is based around the loading and unloading of freight to/from a range of lorry sizes up to and including large articulated lorries – by its very nature a noise intensive activity.
   b. the other units mentioned do not directly face onto residential property, being 'shielded' from these by the southern protrusion of Unit 2. FFS's activities take place in the car park area directly neighbouring the properties at the southern end of Crawford Gardens,
   c. the other units do not open until 9/10am on Sundays and Bank Holidays in the morning whereas FFS wish to start their loading activities at 7:30am.
3. FFS do not currently limit their activities to the hours that they have requested:
   a. Their activities frequently start before 7:30am and on Sundays and Bank Holidays usually continue well after the requested 1pm finishing time
   b. The arrival and departure of their lorries extends on a regular basis late into the evening and on occasions even occurs in the middle of the night. This can be accompanied by reversing warning bleeps, the idling of diesel engines for extended periods and illumination of the car park area that borders our property. These prove stressful to us as residents trying to relax in the evening and the occurrences in the middle of the night cause a loss of sleep.

   The noise generated 'out of hours' causes us considerable disturbance in terms of stress and our associated mental well-being, loss of sleep and the inability to enjoy our house and garden, particularly now that we have joined the not inconsiderable percentage of the population that is retired.

Living adjacent to an industrial area, we accept the need to tolerate some noise from the businesses located there during normal working hours, but also believe that we are entitled to enjoy normal ambient residential sound levels at all other times. We consider that the current permitted standard hours for movement i.e. 8am to 6pm on weekdays and 8am to 1pm on Saturdays should be perfectly adequate for the needs of the applicant's business and it totally defeats the objective of these if one company has different hours on different days to all the others. These hours have been the 'standard' imposed by the council for many years 'in the interests of protecting residential amenities' and we see no reason why this rationale should have changed. Furthermore, we believe that the current licensed hours should be more rigorously enforced.

<u>Noise levels</u>

The current application claims that occupation of Unit 1 by FFS will cause less noise disturbance than was caused by the previous use as a car MOT centre (Planning Statement para 4.7). This is definitely not the case:

1. The application claims that the previous use would have included noise sources such as beeping horns as part of MOT tests, slamming doors and pneumatic impact wrenches. All these activities were expressly prohibited outside the building as conditions of DC/06/1742.
2. It also states that FFS activities would create little noise as it is 'storage'. However, what is overlooked is that FFS's core business is the 'forwarding' of freight as the company's name suggests. This involves the loading and unloading of freight at frequent times during the day to/from a range of lorries including large articulated lorries. This is a noisy activity including:
   a. the whining of forklift truck movements,

b. forklifts and hand pallet trucks rattling as they run over the uneven concrete surface of the FFS car park,
c. the banging and crashing resulting from the lifting and dropping of freight packages,
d. reversing warning bleeps of lorries reversing as they arrive, depart and are moved around the site,
e. lorry engines frequently left idling for extended periods before departure.

Even when the loading stops, we are still left with the annoying, tinny sound of Absolute Radio being broadcast from the warehouse radio system, drifting across our gardens whenever the loading bay door is open.

All of this noise can be clearly heard within our property (especially with windows open as is usual particularly in the warmer months) and garden. Having lived in Crawford Gardens for 25 years, we have always accepted that living adjacent to an industrial area, we need to accept some level of noise during normal working hours from the businesses located there. We believe though that noise generated by FFS's distribution activities exceeds the threshold for acceptability, and as a consequence, that our house and garden in particular have become places that we are no longer able to relax and enjoy or socialise in during any hours that FFS are working.

We also note that Table 2 in the Planning Noise Advice Document for Sussex, dated November 2023, states that a noise report be produced for developments involving changes of business use such as this. We would also consider that this is essential bearing in mind the noise complaints that were submitted last year concerning FFS's activities, as already outlined above. The relevant standard, BS 4142: 2014 + A1: 2019, suggests that representative measurements on the property of affected parties would be appropriate in these circumstances. We believe that such measurements would confirm that the noise generated, particularly by the loading and unloading activities carried out by FFS in their parking area, would be shown to be at levels severely detrimental to the amenity of neighbouring residents.

Concluding Comments

In conclusion, Policy 33 para 2 of the Horsham District Planning Framework states that new developments must *'Ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development'.* We feel that the evidence provided within this objection submission and its attachment clearly illustrates that the proposed change of use of Unit 1 for the activities of the FFS business causes considerable harm to our amenity as neighbouring residents. **We therefore strongly object to the proposed application and respectfully request that it be rejected by the council.**

We would also like the opportunity to discuss the matter further with the Committee should the planning application be recommended for approval.

[redacted]

8, Crawford Gardens,

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[redacted]

[redacted]