



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1152
Unit 2, Redkiln Close, Horsham, West Sussex, RH13 5QL

DESCRIPTION:

Variation of Condition 2 of previously approved application reference HU/206/02 (Change of use from light industrial to storage and distribution) to extend the current operating hours.

RELEVANT PLANNING HISTORY:

HU/206/02	Change of use from light industrial to storage and distribution Site: Unit 2 Redkiln Close Horsham	Application 04.10.2002	Permitted	on
DC/26/0753	Retention of existing flue	Application 06.07.2026	Permitted	on

DESCRIPTION OF THE SITE

The application site is located within the industrial and commercial estate at Redkiln Close. Unit 2 is currently occupied by Safeguard, which has operated continuously from Redkiln Close since 1983. Safeguard manufactures and supplies building protection products to the UK, Europe and the World. Safeguard operates as a storage and distribution use (B8 use class).

The application site currently comprises of a single building of industrial scale and appearance and an outside uncovered yard area. The external open yard area is shared by Safeguard and Brewers (Unit 1) located to the east of the application site. The application site is within the defined built-up area boundary of Horsham, and the Unit is located in the 'Key Employment Area' of Blachford Road. The application site benefits from vehicular access onto Redkiln Close which leads to Redkiln Way. No changes are proposed to the existing access arrangement or layout.

DESCRIPTION OF THE APPLICATION

The application seeks to vary Condition 2 of planning application HU/206/02, which permitted the change of use from light industrial to storage and distribution, to extend the current operating hours. Condition 2 states:

No vehicles, plant or machinery shall be operated on the premises except between the hours of: 08:00-18:00 on Mondays to Fridays inclusive,

08:00 hours – 13:00 hours on Saturdays,

and no working shall take place on Sundays or Public Holidays.

Reason: in the interest of amenity.

The condition was attached to protect nearby residential amenity from noise impacts of the use. There would be no changes proposed to the existing layout of the yard or unit and the type of the work taking

place on site would remain as existing. The proposal therefore seeks to amend the wording of condition 2 to read:

No vehicles, plant or machinery shall be operated within the Unit except between the hours of:

06:00-18:00

No vehicles, plant or machinery shall be operated within the external yard area except between the hours of:

08:00 – 18:00 on Mondays to Fridays

08:00 – 17:00 on Saturdays.

No working shall take place on Sundays or Public Holidays

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

Neighbourhood Plan:

North Horsham Neighbourhood Plan area was designated, then the area voluntarily withdrew the designation.

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 1: Sustainable Development

Strategic Policy 2: Development Hierarchy

Strategic Policy 4: Horsham Town

Strategic Policy 19: Development Quality

Strategic Policy 20: Development Principles

Strategic Policy 24: Sustainable Transport

Policy 25: Parking

Strategic Policy 29: New Employment

Strategic Policy 30: Enhancing Existing Employment

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

INTERNAL CONSULTATIONS

HDC Environmental Health: Objection

The report provides detail on the internal noise monitoring survey and then when modelled with roller shutter doors open and closed the report concludes that the noise from internal activities will not have having a detrimental impact on nearby residential amenity which is welcomed.

The concern we have however is that, in our view, the main source of the above mentioned noise complaints are HGV/LGV, mobile plant and pallet truck movements in the yard area closest to the off-site receptors (Manton Court).

With the above comments in mind, the fact that a noise impact assessment has been provided in support of the application is welcomed, given the close proximity of the offsite receptors to the yard area and the fact that the main cause of complaints are activities associated with the yard we would however expect an element of the noise assessment to include an assessment in accordance with BS4142 (Method for rating and assessing industrial and commercial sound). An assessment in accordance with BS4142 does not however appear to have formed part of the noise assessment.

We appreciate that side of the yard closest to Brewers currently have permission to operate until 1700 hours on Saturday's with the side of the yard closest to Safeguard currently having permission to operate until 1300 hours on Saturdays and that the planning permission and construction of Manton Court development postdates the construction of the commercial units. However, in our view the pattern of activity of the yard has changed since these permissions were granted with a much more intensive use, including a large proportion of HGV's movements, now operating. We are of the view therefore that extending the hours of the yard area to 1700 hours on Saturday's would be the agent of change and should be assessed accordingly.

Giving the findings of the noise assessment we are not against the principle of the change in hours for internal use, in order to protect nearby residential amenity (Manton Court) unfortunately we do not support the increase in hours of the yard area to 1700 hours on Saturday's.

PUBLIC CONSULTATIONS:

Representations:

5 letters of Objection has been received from 5 address, objecting to the application on the following grounds:

- Current planning permission and restrictions on hours of operation should be maintained
- Noise impacts on residents from HGV lorries and general activity within the external yard
- Noise and disturbance to nearby amenity
- Business operating 7 days a week
- In breach of existing planning conditions
- Misleading description of operations
- Contrary to planning policy
- Affect nearby residents / loss of residential amenity
- Cause permanent and unacceptable harm to the quality of life to Manton Court residents
- Operational yard not set back or screened from residential home

Parish Comments:

None received

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Policy 32 of the Horsham District Planning Framework (HDPF) states that development should provide an attractive, functional, accessible, safe and adaptable environment and contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings and the historic landscape in which they sit. Policy 33 of the HDPF states that development should ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking and noise, whilst having regard to the sensitivities of surrounding development.

Policy P3 of the NPPF (2026) states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site and its intended occupiers and users, as well as that of the environment and population in the surrounding area. Within this context, development proposals should provide healthy living conditions for occupiers and users by avoiding exposure to levels of air, noise, or other sources of pollution which could have an unacceptable adverse effect on health and quality of life. Development proposals should not give rise to, or contribute to, an unacceptable level of air, noise, or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible or else mitigated to an acceptable degree. Development proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise, nor result in levels of noise exposure which would have a significant observed adverse effect, and maintain the character of tranquil areas.

The application seeks planning permission for the variation of Condition 2 attached to planning permission HU/206/02 to allow extended operating hours at Unit 2, Redkiln Close. The existing condition restricts the operation of vehicles, plant and machinery to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays, with no working on Sundays or Bank Holidays. The applicant proposes to extend the operation hours inside the unit to 06:00-18:00 Monday-Sunday and externally, outside the unit, 08:00-18:00 Monday to Friday and 08:00-17:00 on Saturdays, with no working on Sundays or Public Holidays.

The site forms part of an established key employment area, comprising a number of commercial units, with lawful B1, B2 and B8 uses. In the planning statement, the applicant advises that there has been a need to increase working hours by implementing 4-on 4-off shift pattern, with shifts operating between the hours of 06:00-18:00. The proposal therefore seeks to provide greater flexibility for existing and future occupiers, and to support the continued economic use of the site. In this regard, the proposal attracts some weight in support having regard to Policies 7 and 9 of the HDPF which seek to support sustainable economic growth.

Notwithstanding these benefits, the application must also be assessed against the impact upon neighbouring residential amenity. The original restriction was imposed under planning permission HU/206/02 specifically in the interests of residential amenity and reflects the close relationship between the commercial units and neighbouring residential properties. While it is acknowledged that Manton

Court was erected after the commercial units, it is considered that the location of the industrial site within Horsham Town, has always been surrounded by residential properties and as such, the condition was attached to protect neighbouring occupiers. The nearest residential property, Manton Court, sits close to the boundary with the application building, and therefore will be most impacted by any noise and disturbance from daily activity. It is noted that five letters of objection have been received from neighbouring occupiers. The concerns raised principally relate to increased noise and disturbance and the impact upon residential amenity. The locality is also characterised by relatively low background noise levels during evenings, weekend and Sundays, when residential can reasonably expect a greater degree of tranquillity.

In support of the application, the applicant has submitted a Planning Noise Assessment. The assessment concludes that noise generated by the existing commercial activities inside the building during the proposed extended hours would not have a detrimental impact on nearby residents. Environmental Health, however, noted that an assessment in accordance with BS4142 does not appear to have formed part of the noise assessment, with the assessment excluding noise generated from the external yard.

Environmental Health Officers have reviewed the submitted acoustic assessment and acknowledged that there may be scope for a limited extension of operating hours inside the unit. However, they do not support the full extent of the hours sought and raise concerns regarding the extension to Saturday working hours externally within the yard. Environmental Health note that the main concern relates to the external yard, and many noise complaints they have received primarily relate to the external movement of HGVs and LGVs, mobile plant and other yard activities which occur close to residential properties in Manton Court. While it is acknowledged that the commercial units existed before Manton Court was built, the nature and intensity of operations has increased significantly since the original permission was granted, with the proposed variation seeking to extend these hours of operation further into weekend hours. There is also limited mitigation along the boundary with Manton Court to alleviate any potential noise and disruption. Environmental Health therefore conclude that whilst an extension of operating hours to 06:00-18:00 Monday-Sunday including bank holidays inside the building may be acceptable, no working outside in the yard should take place for the additional hours proposed on Saturday (13:00-17:00), to preserve adequate respite for neighbouring residents.

On balance, whilst the economic benefits associated with the extended operating hours are acknowledged, these benefits are outweighed by the potential harm to neighbouring residential amenity. The proposal has failed to demonstrate that the proposed operating hours, particularly the extension to Saturday working hours in the external yard, would not result in unacceptable impacts arising from noise, disturbance, and commercial activity. It is considered that allowing an extension to Saturday hours within the external yard area would facilitate additional noise and disturbance in close proximity to residents, where there is no sound mitigation and attenuation in place. Allowing the proposed hours of operation would allow limited respite for the neighbouring residents. The proposal is therefore contrary to Policies 32 and 33 of the HDPF, which seek to ensure that development does not result in unacceptable harm to the living conditions of neighbouring occupiers.

Biodiversity Net Gain (BNG):

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

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

- The application is retrospective made under Section 73(A) of the Town and Country Planning Act.