

EMAIL ONLY

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Dear Rachel

DM/25/0963 - Proposed Class E(g) Use of Commercial Building at Saint Hill Farm

I write further to your Authority's ongoing consideration of the Section 73 planning application to vary Condition 3 of 05/02744/FUL, to enable use of an existing commercial building at Saint Hill Farm for purposes falling within Class E(g) of the Use Classes Order (LPA reference DM/25/0963).

Environmental Health Officer Feedback

As per our recent conversation, I note the comments and feedback of your Authority's Environmental Health Officer. In this, they state that due to the proximity of the site to residential properties, and the wide range of potential future uses sought by the application, that the scheme has the potential to affect residential amenity by way of noise and disturbance from deliveries and operational use. As a result, they seek the imposition of a condition which requires the submission and approval of a Noise Management Plan, prior to occupation of the premises.

Lawful and Proposed Use

As detailed in the application submissions, the existing building benefits from a lawful use for the purposes of bicycle sales, hire and repair.

The application seeks an amendment to this condition to enable use of the building for purposes falling within Class E(g) of the Use Classes Order, as introduced in September 2020.

Compatibility with a Residential Environment

The proposed uses formerly fell within the Use Class B1(a). This comprises uses that include an office to carry out operational administrative functions; research and development of products or processes; or an industrial process, provided that it is a use *'which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smells, fumes, smoke, soot, ash, dust or grit.'*

On this basis, the uses sought can, by definition, take place within a notional residential environment without causing undue adverse impact on residential amenity. Were such adverse impacts to occur, then the use would not be deemed to be a Class E(g) use.

Proximity of Application Site to Nearest Dwelling

This impact test for a E(g) use is by reference to a notional residential environment.

In this instance, the application building is located some way from the nearest dwelling, which is circa 55m to the northeast, on the opposite side of West Hoathly Road.

Access Route to Site

It is also material to note that access to the site (in relation to deliveries) must necessarily be from the south, along a route which is used by a wide variety of other commercial businesses operating from the Saint Hill Farm site, including, but not limited to, Class B2 and B8 Uses immediately to the south and west of the application site.

The access route would be screened from the nearest residential property by both the application building and the adjacent non-residential premises to the north (which comprises part of the Church of Scientology establishment), and separated by the intervening public highway (West Hoathly Road).

Is a Noise Management Plan Required?

In light of the above, it is respectfully submitted that the proposed application works, in comparison to the existing lawful use, in the context of the site characteristics, and proximity to the nearest residential dwelling, would not be likely to give rise to any adverse impact on residential amenity through noise.

For these reasons, it is respectfully submitted that a grant of planning permission for the proposed scheme should not need to be accompanied by a condition that requires the submission and approval of a Noise Management Plan prior to occupation of the building.

I would be grateful if these submissions could be given due consideration in the determination of the application. If you need anything further on this, please do not hesitate to let me know.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dale Mayhew', written in a cursive style.

Dale Mayhew BA (Hons) BTP MRTPI
Director