HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Development Control
FROM:	Environmental Health and Licensing
REFERENCE:	DC/23/1843
LOCATION:	Southwater Business Park, Sony DADC UK Limited Worthing Road Southwater RH13 9YT
DESCRIPTION:	Demolition of existing warehouse buildings. Erection of new single-storey buildings to provide employment units for a flexible range of employment uses (Use Classes E(g)(iii), B2 and/or B8) with ancillary offices, together with associated access road, hard and soft landscaping, cycle parking, car parking, EV charging, service yard, loading bays, site infrastructure and associated works.
RECOMMENDATION:	Objection to unrestricted 24 hour use – conditions recommended.

MAIN COMMENTS:

Noise Comments

Environmental Health have reviewed the TRC Technical Note, dated 18.04.24, and we have the following comments to make.

1. We note the comment on page 3 of the above-mentioned document '*It can be seen from the table above that the addition of unloading noise results in a slight increase in rating level noise at NSR2 and NSR4. However, all rating levels are at or below 35 dB LAr,T and are therefore considered to be 'low' (ref. ANC BS 4142:2014+A1:2019 Technical Note and BS 4142:1997'.* Given the low background noise levels in this part of the District, as detailed in previous noise assessments, concerns remain that the rating level in the region of 35dB still has the potential to have impact on residential amenity.
2. The outcome of the BS 4142 in the technical note is also based on a particular pattern of activity that may or may not be representative of actual activities on the site. Our concern is that if activities were to increase from those modelled in the assessment, which in our view is entirely possible, then noise levels would also increase.
3. We note that the existing night-time traffic data for the junction between Worthing Road and Southwater Business Road has been presented in Table 3 with 31 and 35 HGV movements recorded. Given our knowledge of this part of the District and the lack of commercial floorspace this number of HGV movements does seem abnormally high.
4. Further to the above it is our understanding that there are two classes of HGVs – OGV 1 (Ordinary Goods Vehicle 1), which covers larger rigid vehicles with two or three axles, and OGV 2 (Ordinary Good Vehicle 2) which covers articulated vehicles and all rigid vehicles with four or more axles. From a noise perspective our concern is with OGV 2, if the numbers of HGV movements in the transport assessment are based on OGV 1 movements and the proposals result in a significant number of OGV 2 movements this, in our view, is an entirely different noise profile and therefore likely to result in significant noise impact to residential amenity.
5. Further to the above it is also important to state that noise from HGVs manoeuvring as they enter of leave Southwater Business Road will also have a different noise profile to HGVs moving freely on Worthing Road.
6. We note the following comments on page 8 *When windows are open (i.e. to provide relief from overheating), noise levels inside dwellings have been predicted to be approximately 52 dB LAFmax. This is more than the 45 dB LAFmax criteria of the ProPG. However, it is important to note that PRoPG criteria are based on long term noise levels (e.g. year long averages) and that the internal levels predicted above will only occur when windows are open. Therefore, the level of impact will depend partly on the internal noise levels, but also on how often windows need to be opened i.e. to avoid overheating*. The comments then go onto to discuss the results in the context of the ADO.
7. We appreciate that the 52dB LAFmax is below the 55dB quoted in the Approved Document O (ADO), in our view the decibel levels in ADO are not suitably protective of sleep disturbance. Given that the LAmax levels are likely to be 52 LAmax in the bedroom of the nearest NSR to Southwater Business Park Road, and therefore above the 45dB LAmax level as detailed in the WHO guidance, and taking account the fact that there is the potential for over 10 vehicles a night is clear indication to Environmental Health that allowing 24/7 use of this site will have a significant impact on residential amenity.
8. We note the comment '*Notwithstanding the above, although not considered absolutely necessary (especially as the extant planning permission for the site does not impose limits on HGV movements), it may be appropriate to include some form of limit on the number of HGVs that can access the site at night'.* Such

restrictions would be acceptable to mitigate noise impacts along with a management plan, we have however been previously advised by colleagues that such restrictions are not enforceable under planning.

9. We also note the comment '*Based on anticipated operation of the proposed units, it is considered that the smaller units that form part of the Proposed Development (units 1 to 6) are unlikely to require night-time HGV movements and any HGV movements are likely to be associated with the larger Unit 7. This would result in the following requirements for night-time HGV movements'*. We have raised this in previous comments but given that only 1 of the 7 units is likely to require 24/7 use it is still not clear what the justification is for 24/7 commercial use at this site.

In summary – we are not against the principle of development of this site, the unrestricted commercial use as proposed is however not a matter that we can support.

Land Contamination

Environmental Health have reviewed the TRC Companies Ltd (TRC) Letter Report, dated 26.10.23, and we have the following comments to make:

1. We note the comment '*The additional monitoring should be considered supplementary to the vast amount of data that has been obtained with regards to ground gas risk, we have undertaken several monitoring visits during*
2. *periods of falling pressure'*. In order for Environmental Health to form a view as to whether sufficient ground gas monitoring has been undertaken we would be grateful for the raw data, along with atmospheric pressures for the monitoring period, to be provided.
3. If there is an opportunity for this information to be provided prior to determination then this would be welcomed. If not then we happy to request this information through conditions and we therefore recommend the below.

Air Quality Comments

Environmental Health have reviewed the TRC Technical Note – Damage Costs and Emissions Mitigation Plan, dated 04.04.24 and we have no further comments to make.

ANY RECOMMENDED CONDITIONS:

Noise

No dispatch or receipt of deliveries shall take place from the site except between 07:00hrs– 20.00hrs Monday – Friday, 07:00 – 18:00hrs Saturdays, and not at all on Sundays, Bank Holidays or Public Holidays

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

And

The use hereby permitted shall not commence until a noise management plan has been submitted and approved in writing by the local planning authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment plant, or building services) and minimising noise from vehicles, deliveries and servicing. The noise management plan shall be regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority the noise management plan shall be reviewed. Any changes to the noise management plan necessary to address these concerns shall implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

And

No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

Land Contamination

The development hereby permitted shall not commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) An intrusive site investigation to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority. **Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).**	
NAME:	Kevin Beer
DEPARTMENT:	Environmental Health and Licensing
DATE:	09/05/24