HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept **FAO Hannah Darley**
REFERENCE:	**DC/24/0860 and DC/24/0859**
LOCATION:	Bridge Farm Coolham Road Coolham West Sussex RH13 8GP
DESCRIPTION:	Variation of Conditions 5 and 6 of planning DC/22/1986 (Erection of new building over HGV parking area) to allow day drivers to arrive on site from 6am and for 3 no. HGVs to return to site from 5am.
RECOMMENDATION:	~~Advice / No Objection / Objection /~~ More Information ~~/ Modification / Refusal~~

SUMMARY OF COMMENTS & RECOMMENDATION:

As the number of vehicle movements during the 05:00-07:00 hours cannot be limited by condition, it is recommended that a noise impact assessment prepared by a competent person should be provided to ensure that application is properly determined.

MAIN COMMENTS:

The application seeks to permit up to 3 HGV movements onto site between 05:00 and 07:00 hours.

The main concern with the proposal is the potential for sleep disturbance to be caused to neighbouring residents by vehicle movements at a period when both traffic movement and background noise levels along Coolham Road are low. It is considered unlikely that the limited number of vehicle movements proposed by the applicant would cause significant risk of adverse noise impact.

However, the planning officer has advised that the number of HGV movements cannot be restricted by condition. Therefore, there is the potential for an unrestricted number of HGV movements to occur in the period between 05:00 and 07:00. A noise impact assessment should be provided with that evaluates the potential for adverse noise impacts from this unrestricted movement during the early morning period.

Section 180 of the NPPF requires that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

The NPPG advises that noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment and that plan-making and decision making need to take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

The NPPG also advises that the factors to be considered are the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night.

For noise impacts night is generally determined as the period between 23:00 and 07:00. The additional HGV movements will occur in the night-time period.

It is important to note other legal remedies to deal with adverse noise impacts such as statutory nuisance may not be available if planning consent is granted. This is because the test of nuisance is not fixed but relies upon consideration of a range of factors including the character of the locality. The granting of planning permission of any type may change the character of the locality and therefore raise or lower the standard for statutory nuisance in that area. This can have wide implications for the regulatory bodies, local businesses, residents, and new developments.

Nuisance is not intended to secure a high level of amenity but is a basic safeguarding standard intended to deal with excessive emissions. Significant loss of amenity will often occur at lower levels of emission than would constitute a statutory nuisance. It is therefore important for planning decisions to consider properly, loss of amenity from emissions in the planning process in its wider context and not just from the limited perspective of statutory nuisance.

Where statutory nuisance arises from commercial or industrial uses, the defence of best practicable means is available together with reasonable excuse. Therefore, a local authority may not be able to require the complete abatement of a statutory nuisance. Broader amenity issues therefore need to be considered under the planning regime when drawing up development plans and considering individual applications

To ensure the application is properly determined it is recommended that a noise impact assessment prepared by a competent person is provided.

NAME:	Lee Money
DEPARTMENT:	EHL
DATE:	23/08/24