

[REDACTED]

From: Sam Sykes [REDACTED]
Sent: 05 July 2018 14:21
To: Anita Gardner; Juan Baeza; Neil Crowther
Cc: Chris Barker
Subject: P1497 - CM/12/18/PL - Rudford Industrial Estate

Anita, Juan,

We have now had a chance to review the committee report and have significant concerns regarding proposed condition 3 which states:

The increased hours shall not commence until the noise mitigation measures in sections 9 and 10 of the Noise Assessment accompanying this application dated 10-04-2018 by Acoustic Associates are fully implemented. The measures so approved shall be retained/provided in perpetuity.

Should this condition be imposed then the impact on the business would be disastrous. The company would no longer be able to carry out the vital welding activity undertaken during the night shift and would be unable to keep pace with agreed contract orders. They would face heavy penalties for missing deadlines and in all likelihood, the business would be forced to cease trading.

As you are aware, the acoustic report accompanying the application identified two sets of mitigation measures – short term and long term measures. The report included both forms of measures specifically to enable the company to continue its operation in the short term whilst the longer term measures (enclosure to the yard and sound insulation) were being constructed on site. This was communicated within our submission and indeed is referred to within the Council's report (page 130):

The proposed longer term measures may take some months to deliver taking into account the planning and construction processes. Subsequently the short term measures are being implemented to help address the current situation and to allow the business to continue operating on a 24 hour basis as it has done since 1993.

The imposition of Condition 3 is incongruous with the wording of the committee report and we ask that it is amended to reasonably allow the continued operation of the business while the longer term measures are implemented.

We are aware that the Council has undertaken a number of its own night time tests to assess the noise and has found there to be no statutory nuisance. We would ask that this is communicated to Members. For noise to count as a statutory nuisance, it must do one of the following:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- injure health or be likely to injure health

Clearly some of the short term measures primarily relating to working practices which have already been implemented are yielding positive results. We request therefore that the condition is reworded to allow for a period for the construction of the longer term measures as set out in Section 10 of the report. We suggest the following wording:

The development of the 'longer term measures' as outlined within section 10 of the Noise Assessment accompanying this application dated 10-04-2018 by Acoustic Associates are fully implemented before the expiration of 1 year from the date of permission.

The noise mitigation measures in section 9 of the Noise Assessment shall continue to be implemented / provided in perpetuity.

Please note that we shall be sending a similar email to members of the Planning Committee.

I trust this is clear yet should you wish to discuss further then please contact me. I look forward to hearing from you.

Kind Regards

Sam Sykes MRTPI
Associate Planner

ECE Planning

Planning permission received for a new residential dwelling outside the built-up area boundary in Horsham District -- click [here](#) to read more



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