YOUR M&S

Marks and Spencer plc
The Point
37 North Wharf Road
London W2 1AF
Tel: 020 7935 4422
www.marksandspencer.com

PLANNING DIVISION COUNCIL

PLAN No.	AOC/0043/09
DATE RECEIVED	02 FEB 2009

Planning Services
Adur District Council
Civic Centre
Ham Road
SHOREHAM-BY-SEA
West Sussex
BN43 6PR

Date: 19 January 2009

Our ref:
Your ref:

Dear Sir or Madam,

APPLICATION UNDER SECTION 73 OF THE TOWN & COUNTRY PLANNING ACT (AS AMENDED) TO ENABLE CONTINUED USE AT THE RETAIL UNIT WITHOUT COMPLYING WITH CONDITION 8 OF PERMISSION SU/4/91 TO PERMIT THE STORE TO EXTEND TRADING HOURS TO 08:00 AM TO 10:00 PM WITH 24 HOUR TRADING ON 30 DAYS PER CALENDAR YEAR (NOT INCLUDING SUNDAYS).

Marks & Spencer plc encloses an application seeking permission for the above. The application comprises four copies of the following:

- Completed application form and relevant signed certificate;
- Site location plan;
- Sharps Redmore Noise Assessment;
- Design and Access Statement; and
- Temporary Consent Decision Notice's 2006 and 2008.

A cheque for £150.00 in respect of the application fee is also enclosed.

Planning History

Outline permission for the development of the store was granted on 12th September 1991 (ref. SU/4/91). Condition 8 stated that trading hours for the store had to be approved. The hours approved by the council were 08:00 hrs to 21:00 hrs Monday to Saturday, with Sunday trading being controlled through separate legislation.

Two application's have been submitted to vary this condition. They were both granted temporarily by the Council on 26 May 2006 (Ref: ADC/0044/06) and on 17 January 2008 (ADC/0724/07) respectively. Marks and Spencer plc were granted permission to extend trading hours from 08:00 hrs to 22:00 hrs with 24 hours trading being permitted on 30 days per calendar year (not including any Sundays).

Noise survey's accompanied these applications and concluded that no adverse effects would be brought about by this application. The findings of which were also supported by the Council's Environmental Health Officer, on both applications, however as there were concerns from local residents relating to noise from the additional usage of the car park, a trial period was suggested in 2006. In 2008 the Council concluded that a temporary period was granted as it appeared to them that M&S had not taken full advantage of the previous 2006 permission as they had never opened the store for a 24 hours period.

However, Marks and Spencer did trade 24 hours in the run up to Christmas 2006 and so has traded 24 hrs following the temporary permission granted in May 2006, although the consent in 2008 was again only granted on a temporary period.

I have contacted Adur District Council by telephone and a planning officer stated that as far as they were aware no complaints from residents had been received as a result of the permitted extension to trading.

Tesco stores gained planning consent for 24 hour opening in 2000 following a trial period agreed in 1999. I am aware that their store is slightly further away from residential properties than the Marks and Spencer store, but as a noise survey has concluded that noise would not cause any adverse impacts and the fact that the council have previously noted 24 hour opening has advantages, as it increases customer convenience and helps to spread the vehicular traffic flow, avoiding peak concentrations and in turn is actually in the interests of sustainability which Marks and Spencer are wholly supportive, we believe that the application would actually benefit the surrounding area.

Application Proposals

This application under section 73 of the Town and Country Planning Act 1990 seeks consent to vary condition 8 of permission SU/4/91. Marks and Spencer plc seek permission to allow extended opening hours on a permanent basis, as the current consent is due to expire on 31 January 2009, for the same proposal.

This application seeks to change the maximum closing time of the store from 09:00 pm to 10:00 pm. In addition, 24 hour opening is sought for 30 days per calendar year.

Sunday trading will not be affected by these proposals and will accord with the planning consent previously approved by the council.

Conclusions

Given that it is not anticipated that there will be an unduly adverse impact on the amenities of local residents, resulting from additional noise and the fact that traffic would be more easily spread throughout the day, we trust that the proposal is considered acceptable.

If you require any further information then please do not hesitate to contact me.

Yours faithfully

Andrea MacGregor

Direct Dial: 02087 182 904
Email: Andrea.Macgregor@marksandspencer.com

Planning Services, Adur District Council

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Ham Road,
Shoreham-by-Sea,
West Sussex,
BN43 6PR

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e-mail : developmentcontrol@adur.gov.uk

ADUR DISTRICT COUNCIL

PLANNING DIVISION

PLAN No. Ad/0043/09

DATE RECEIVED 02 FEB 2009

Application for removal or variation of a condition following grant of planning permission.

Town and Country Planning Act 1990.

Planning (Listed Buildings and Conservation Areas) Act 1990

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.
It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	
First name:	
Last name:	
Company (optional):	MARKS AND SPENCER PLC
Unit:	
House number:	
House suffix:	
House name:	WATERSIDE HOUSE
Address 1:	35 NORTH WHARF ROAD
Address 2:	
Address 3:	
Town:	LONDON
County:	
Country:	
Postcode:	W2 1NW

2. Agent Name and Address

Title:	
First name:	ANDREA
Last name:	MACGREGOR
Company (optional):	MARKS AND SPENCER PLC
Unit:	
House number:	
House suffix:	
House name:	THE POINT
Address 1:	PROPERTY (TP4.1)
Address 2:	37 NORTH WHARF ROAD.
Address 3:	
Town:	LONDON
County:	
Country:	
Postcode:	W2 1AF

3. Site Address Details

Please provide the full postal address of the application site.

Unit:	
House number:	
House suffix:	
House name:	MARKS AND SPENCER
Address 1:	HOLMBUSH CENTRE
Address 2:	UPPER SHOREHAM ROAD
Address 3:	
Town:	SHOREHAM by SEA
County:	
Postcode (optional):	BN43 6TD

Description of location or a grid reference.
(must be completed if postcode is not known):

Easting: Northing:

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☐ Yes ☒ ~~No~~

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Reference:

Date (DD/MM/YYYY):
(must be pre-application submission)

Details of pre-application advice received?

5. Description Of Your Proposal

Please provide a description of the approved development as shown on the decision letter, including the application reference number and date of decision in the sections below:

Application under S.73 of the Town and Country Planning Act (1990) for the use of the Marks and Spencer store without compliance with CONDITION 8 of OUTLINE PERMISSION REF: SU/4/91/TP08 (relating to opening hours).

Reference number: Date of decision (DD/MM/YYYY): (date must be pre-application submission)

Please state the condition number(s) to which this application relates:

1.	CONDITION NO. 8.	6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

Has the development already started? ☐ Yes ☒ ~~No~~

If Yes, please state when the development started (DD/MM/YYYY): (date must be pre-application submission)

Has the development been completed? ☐ Yes ☒ ~~No~~

If Yes, please state when the development was completed (DD/MM/YYYY): (date must be pre-application submission)

6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

TO ALLOW THE STORE TO TRADE LONGER.

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

WE WISH THAT THE TIMES ON THE CONDITION WOULD READ :-

08:00 - 22:00 WITH 24 HOUR TRADING ON 30 DAYS PER CALENDER YEAR (NOT INCLUDING SUNDAYS).

7. Certificates (continued)

CERTIFICATE OF OWNERSHIP - CERTIFICATE D

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner *(owner is a person with a freehold interest or leasehold interest with at least 7 years left to run)* of any part of the land to which this application relates, but I have/ the applicant has been unable to do so.

The steps taken were:

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):	On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:	Or signed - Agent:	Date DD/MM/YYYY:

AGRICULTURAL HOLDINGS CERTIFICATE

Town and Country Planning (General Development Procedure)Order 1995 Certificate under Article 7

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of, an agricultural holding.

Signed - Applicant:	*Or signed - Agent:*	Date DD/MM/YYYY:
Marks and Spencer plc	—	29/01/2009

B) I have/ The applicant has given the requisite notice to every person other than myself/ the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Name of Tenant	Address	Date Notice Served

Signed - Applicant:	Or signed - Agent:	Date DD/MM/YYYY:

8. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a *completed and dated application form:* ☑

The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application: ☑

The correct fee: ☑

The original and 3 copies of the completed, dated Article 7 Certificate (Agricultural Holdings): ☑

The original and 3 copies of the completed, dated Ownership Certificate (A, B, C, or D - as applicable): ☑

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):
Marks and Spencer plc	—	29/01/2009 (date cannot be pre-application)

7. Certificates

One Certificate A, B, C, or D, must be completed with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I ~~certify~~/The applicant certifies that on the day 21 days before the date of this application nobody except ~~myself~~/ the applicant was the owner *(owner is a person with a freehold interest or leasehold interest with at least 7 years left to run)* of any part of the land or building to which the application relates.

Signed - Applicant:	Or signed - Agent:	Date DD/MM/YYYY:
Marks and Spencer plc		29/01/2009

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run)* of any part of the land or building to which this application relates.

Name of Owner	Address	Date Notice Served

Signed - Applicant:	Or signed - Agent:	Date DD/MM/YYYY:

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners *(owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*)of the land or building, or of a part of it , but I have/ the applicant has been unable to do so.

The steps taken were:

Name of Owner	Address	Date Notice Served

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):	On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:	Or signed - Agent:	Date DD/MM/YYYY:

10. Applicant Contact Details

Telephone numbers

Country code:	National number:	Extension number:

Country code:	Mobile number (optional):

Country code:	Fax number (optional):

Email address (optional):

11. Agent Contact Details

Telephone numbers

Country code:	National number:	Extension number:

Country code:	Mobile number (optional):

Country code:	Fax number (optional):

Email address (optional):

12. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☑ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? *(Please select only one)* ☐ Agent ☐ Applicant ☑ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name: [redacted] Telephone number:

Email address:

PLANNING D
PLAN No. AXD0043/09
DATE RECEIVED 02 FEB 2009

Design and Access Statement

Introduction

APPLICATION UNDER SECTION 73 OF THE TOWN & COUNTRY PLANNING ACT (AS AMENDED) TO ENABLE CONTINUED USE AT THE RETAIL UNIT WITHOUT COMPLYING WITH CONDITION 8 OF PERMISSION SU/4/91 TO PERMIT THE STORE TO EXTEND TRADING HOURS TO 08:00 AM TO 10:00 PM WITH 24 HOUR TRADING ON 30 DAYS PER CALENDAR YEAR (NOT INCLUDING SUNDAYS).

This statement will set out the design and access principles that have been applied to the proposed application for the extension of opening hours at Marks and Spencer plc, Shoreham.

Design

The proposal consists of the extension of opening hours to the existing Marks and Spencer store at Holmbush Centre, Upper Shoreham, West Sussex, BN43 6TD. Marks and Spencer plc currently trades Monday to Saturday, 08:00 hrs to 21:00 hrs and it is proposed that this permission is varied to allow the store to trade until 22:00 Monday to Saturday with 24 hour trading 30 days of the year (excluding Sundays).

Sunday trading will not be affected by these proposals and will accord with the planning consent previously granted.

It is proposed to extend the opening hours during the Christmas period to offer the residents of Shoreham more flexible opening hours during this busy period.

Marks and Spencer plc is located adjacent to the Tesco store in the Holmbush Centre, Shoreham. The use is primarily a retail centre, however residential accommodation is also within close proximity to the east boundary of the site and as a result it is acknowledged that we are keen to ensure that the residential amenity of neighbouring residents is protected and thus a noise survey has been carried out.

Access

Marks and Spencer plc is located off of Upper Shoreham Road, Shoreham and has a car park to the south and east of the store which accommodates customers, accessed off of Upper Shoreham Road.

ADUR
DISTRICT COUNCIL

Civic Centre, Ham Road,
Shoreham-by-Sea, West Sussex,
BN43 6PR

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DX 59765 Shoreham-by-Sea
e-mail: developmentcontrol@adur.gov.uk

Development Control

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

APPLICATION NUMBER: ADC/0044/06

Nathaniel Lichfield And Partners
14 Regents Wharf
All Saints Street
London
N1 9RL

PLANNING
PLAN No. Adc0044b09
DATE RECEIVED 02 FEB 2009

Details of Development
VARIATION OF TRADING HOURS APPROVED UNDER CONDITION 8 OF SU/4/91 TO EXTEND HOURS TO 8AM-10PM WITH 24 HOUR TRADING ON 30 DAYS PER CALENDAR YEAR (NOT INCLUDING ANY SUNDAYS)

Location of Development
MARKS AND SPENCER HOLMBUSH CENTRE UPPER SHOREHAM ROAD SHOREHAM-BY-SEA WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 24th April 2006.

This is for reasons stated on the attached schedule and subject to compliance with the conditions specified thereon.

Your copy of the application, determined as above, is returned herewith for your records.

[redacted]
Peter Davies
Head of Planning and Community

Dated this 26th day of May 2006

SCHEDULE

Reasons for Granting Permission

01. Extended opening hours would be likely to help avoid concentrations of traffic as well as giving greater flexibility for customers but, because of the potential risk to the amenities of residents in the area through noise and disturbance at unsocial hours, it is necessary only to grant a temporary permission in order to provide a trial period, retaining planning control and avoiding conflict with the relevant policies of the Adur District Local Plan (AG1, AP7) and West Sussex Structure Plan (NE10, DEV1).

Conditions

01. The use of the premises for the additional hours hereby permitted shall be discontinued permanently, unless otherwise approved in writing by the Local Planning Authority, on or before the expiration of the period ending on 30th June 2007 and thereafter the premises shall be restricted to the trading hours previously approved under condtion 8 of permission ref. no. SU/4/91 .

Reason: *To enable the Local Planning Authority to review the special circumstances under which this permission is granted, paying regard to the policies of the Adur District Local Plan (AG1, AP7) and the West Sussex Structure Plan (NE10, DEV1).*

KM

ADUR
DISTRICT COUNCIL

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Development Control

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

APPLICATION NUMBER: ADC/0724/07

Marks And Spencer Plc
C/O Andrea MacGregor
The Point (TP 4.2)
37 North Wharf Road
London
W2 1AF

PLANNING D... 2N
PLAN No. ADC0724/07
DATE 04 FEB 2009

Details of Development
VARIATION OF TRADING HOURS APPROVED UNDER CONDITION 8 OF SU/4/91 TO EXTEND HOURS TO 8AM-10PM WITH 24 HOUR TRADING ON 30 DAYS PER CALENDAR YEAR (NOT INCLUDING SUNDAYS) (RENEWAL OF ADC/044/06)

Location of Development
MARKS AND SPENCER HOLMBUSH CENTRE UPPER SHOREHAM ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6TD

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 29th November 2007.

This is for reasons stated on the attached schedule and subject to compliance with the conditions specified thereon.

Your copy of the application, determined as above, is returned herewith for your records.

Keith Morgan
Planning Services Manager

17/01/2008

SCHEDULE

Reasons for Granting Permission

01. Extended opening hours would be likely to help avoid concentrations of traffic as well as giving greater flexibility for customers but, because of the potential risk to the amenities of residents in the area through noise and disturbance at unsocial hours, it is necessary only to grant a further temporary permission in order to provide a sufficient trial period, retaining planning control and avoiding conflict with the relevant policies of the Adur District Local Plan (AG1) and West Sussex Structure Plan (NE10, DEV1).

Conditions

01. The use of the premises for the additional hours hereby permitted shall be discontinued permanently, unless otherwise approved in writing by the Local Planning Authority, on or before the expiration of the period ending on 31 January 2009 and thereafter the premises shall be restricted to the trading hours previously approved under condition 8 of permission ref. no.SU/4/91/TP.

Reason: *To enable the Local Planning Authority to review the special circumstances under which this permission is granted, paying regard to the policies of the Adur District Local Plan (AG1) and the West Sussex Structure Plan (NE10, DEV1.*

SHARPS REDMORE PARTNERSHIP

ACOUSTIC CONSULTANTS

ADUR DISTRICT COUNCIL
PLANNING DIVISION
PLAN No. AD/0053/09
DATE RECEIVED 02 FEB 2009

ENVIRONMENTAL NOISE ASSESSMENT OF INCREASED TRADING HOURS AT MARKS & SPENCER, HOLMBUSH CENTRE, SHOREHAM

Prepared by:

K. J. Metcalfe
BSc(Hons). MIOA.

Project No: 056871/R02

10th February 2006

REPORT - M & S Holmbush Centre, Shoreham

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2.0	Assessment methodology and criteria
3.0	Noise survey details
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5.0	Assessment conclusions
Appendix A	Site location plan
Appendix B	[illegible]
Appendix C	Screening calculations
Appendix D	Acoustic terminology

1.0 Introduction

1.1 The Sharps Redmore Partnership (SRP) has been instructed by Marks and Spencer (M&S) to undertake an Environmental Noise Assessment of the noise implications arising from extended trading hours which is the subject of a current planning application. A site location plan is attached as Appendix A.

1.2 The objective of the assessment is to determine how noise associated with increased trading hours (principally car parking activity) would affect the amenities of local residents. It is noted that the adjacent Tesco superstore currently operates with unrestricted trading and delivery hours.

1.3 Section 2.0 of this report contains a discussion of the available methods of assessment and assessment criteria.

1.4 Details of an environmental noise survey undertaken at the site are presented in Section 3.0.

1.5 Predicted noise levels from car parking activity at the nearest noise sensitive receptors are considered in Section 4.0.

1.5 The assessment conclusions are contained in section 5.0 of this report.

1.6 A guide to the acoustic terminology used in this report is shown in Appendix D.

2.0 Assessment methodology and criteria

2.1 The effect produced by the introduction of a certain noise source may be determined by several generic methods, as follows:

i) The effect may be determined by reference to guideline noise values. British Standard (BS) 8233:1999 and World Health Organisation (WHO) *"Guidelines for Community Noise"* contain such levels. This method is well suited to the assessment of noise from activity or equipment that is fixed within a defined boundary (such as car parking).

ii) Alternatively, the impact may be determined by considering the change in noise level that would result from the proposal, in an appropriate noise index for the characteristic of the noise in question. There are various criteria linking change in noise level to effect. This is the method that is suited to, for example, the assessment of noise from road traffic because it is capable of displaying impact to all properties adjacent to a road link irrespective of their distance from the road.

iii) Another method is to compare the resultant noise level against the background noise level (L_{A90}) of the area. This is the method employed by BS 4142:1997 to determine the likelihood of complaint from noise of an industrial nature.

2.2 With these comments in mind, it is proposed to assess car park activity noise against guideline values (method *[i]* above).

Guideline values

2.3 There are a number of guidance documents that contain recommended guideline noise values. These are discussed below.

2.4 In PPG 24 Annex 3, reference is made to BS 8233:1987 (now superseded by BS 8233:1999). This Standard is principally intended to assist in the design of new dwellings; however, the Standard does state that it may be used in the assessment of noise from new sources being brought to existing dwellings.

2.5 BS 8233:1999 was based on the advice contained in a draft of World Health Organisation document "Guidelines for community noise". This document was released in final form in 2000.

2.6 The WHO guideline values are appropriate to what are termed "critical health effects". This means that the limits are at the lowest noise level that would result in any psychological, physiological or sociological effect.

2.7 The National Physical Laboratory document *"Health Effect based noise assessment methods; a review and feasibility study", (September 1998)* contains an "interpretation" of the WHO guidelines (then in draft form) for the DETR. The summary of this section of the NPL report states *"In essence, the WHO guidelines represent a consensus view of international expert opinion on the lowest threshold noise levels below which the occurrence rates of particular effects can be assumed to be negligible. Exceedances of the WHO guideline values do not necessarily imply significant noise impact and indeed, it may be that significant impacts do not occur until much higher degrees of noise exposure are reached"* (paragraph 5.4).

2.8 In an earlier section of the NPL paper entitled *"Practical Noise Criteria - balancing the desirable and affordable"* the authors explain that there is the tendency in the scientific community to assume that the thresholds of unacceptability equate to the WHO thresholds of low or negligible noise effects (page 23). The paper explains that the *"definition of a threshold of unacceptability is essentially a matter of social, economic and political interpretation"* (page 23).

2.9 The NPL advice to the DETR is that no absolute noise limits are available which denote the threshold of unacceptability of a scheme. However, it is felt that compliance with the limits given by WHO and BS8233: 1999 would denote a "good" noise climate in relation to this scheme.

2.10 In this respect the guideline values are robust against the national policy that "significant environmental impacts should be avoided and alternative options which might reduce or eliminate those impacts pursued" (my emphasis) (Ref Planning Policy Statement 1 [PPS 1], paragraph 19).

2.11 The WHO and BS 8233 guideline values are summarised in the following table:

TABLE 1: Guideline noise levels

Document	Limit	Guidance
World Health Organisation "Community Noise 2000"	L_{AeqT} = 55 dB	Serious annoyance, daytime and evening. (Continuous noise, outdoor living areas)
	L_{AeqT} = 50 dB	Moderate annoyance, daytime and evening. (Continuous noise, outdoor living areas).
	L_{AeqT} = 35 dB	Moderate annoyance, daytime and evening. (Continuous noise, dwellings, indoors)
	L_{AeqT} = 45 dB	Sleep disturbance, window open at night. (Continuous noise, outside bedrooms, outdoor values)
	L_{AeqT} = 30 dB	Sleep disturbance at night. (Continuous noise, bedrooms, indoors)
	L_{AMAX} = 60 dB	Sleep disturbance, window open at night. (Noise peaks, outside bedrooms, outdoor values)
	L_{AMAX} = 45 dB	Sleep disturbance at night. (Noise peaks, bedrooms, indoors)
BS 8233 : 1999 "Sound Insulation and noise reduction for buildings"	L_{AeqT} = 55 dB	Upper limit for external steady noise. (Gardens and balconies).
	L_{AeqT} = 30 dB	Good resting/sleeping conditions for living rooms during the day (Internal – steady noise)
	L_{AeqT} = 40 dB	Reasonable resting/sleeping conditions for living rooms during the day. (Internal – steady noise)
	L_{AeqT} = 30 dB	Good resting/sleeping conditions for bedrooms during the night. (Internal – steady noise)
	L_{AeqT} = 35 dB	Reasonable resting/sleeping conditions for bedrooms during the night. (Internal – steady noise)
	L_{AMAX} = 45 dB	Limit for individual noise events for a reasonable standard in bedrooms at night. (Internal)

2.12 For L_{AeqT} criteria the time base (T) given in the documents is 16 hours for daytime limits and 8 hours for night time limits. When assessing impact, this has the tendency to smooth out the hourly variations in noise level. As such, our calculations are carried out to a 1 hour time base, which is a more stringent assessment than is given in the guidance documents.

2.13 For car parking activity noise a criterion based on BS 8233 and the latest WHO guidance has been adopted. The external noise level at the nearest noise sensitive property should not exceed the following:

Daytime	(0700 - 2300 hours)	$L_{Aeq16hr}$ = 55 dB
Night time	(2300 - 0700 hours)	L_{Aeq8hr} = 45 dB
		L_{Amax} = 60 dB

3.0 Noise survey details

3.1 A noise survey was undertaken on 17th and 18th January 2006 to obtain measurements of the existing noise climate. Noise measurements were made at a single location (see Appendix A) at the boundary of the M&S car park with the rear of the properties in Holmbush Close.

3.2 During the site visit, the weather conditions were cloudy, and largely dry and cool (1°C to 8°C) with light westerly winds (<5m/s). From 0420 hours on 18th January 2006 light rain was observed which elevated the measured noise levels for the remainder of the survey. As a result of the adverse weather conditions after 0420 hours, these levels have not been used in this assessment.

3.3 Noise levels were measured using a Norsonic 118 sound level meter type, which was calibrated at the start and end of the measurements. The measurements were taken over 10 minute sample periods. The sound level measurements were undertaken in weather conditions which satisfy the requirements of BS 4142: 1997, with the exception of the measurements taken after 0420 hours, as outlined in 3.2 above.

3.4 The existing noise climate at the site is extensively dominated by road traffic noise on the main A27 trunk road which borders the site to the north.

3.5 The results of the noise survey are summarised in table 1 below and displayed in full in Appendix B:

TABLE 1: Noise levels measured at M&S Holmbush Centre, Shoreham.

Location	Measured noise level dB			
	Evening (2050 to 2300 hours)		Night time (2300 to 0410 hours[1])	
	L_{A90}	$L_{Aeq\,T}$	L_{A90}	$L_{Aeq\,T}$
A	52.0 – 57.4	54.8 – 60.3	41.2 – 53.0	43.9 – 55.8

[1] Noise measurements taken from 0420 hours onwards are not presented in Table 1 because these levels were affected by adverse weather conditions.

4.0 Noise from car parking

4.1 SRP has undertaken hundreds of retail development noise assessment over the past 13 years. These studies have demonstrated that noise associated with retail superstore trading activities is dominated by customer vehicle activity within car parks; including vehicles manoeuvring into parking spaces, movements along access road, noise associated with the closing of car doors/boots, and trolley movements. All of the noise sources outlined above are encompassed in the measurements which from the basis of this assessment.

4.2 Surveys of noise levels at the boundaries of large retail store car parks have shown that levels range from $L_{Aeq,1hr}$ = 43 dB to 48 dB at a distance of 10 metres, depending on the level of usage. The peak level, dictated by door or boot slams is typically L_{Amax} = 66 dB at the same distance.

4.3 For robustness the higher measured noise level of 48 dB $L_{Aeq,1hr}$ has been used as the basis for this assessment; this noise level is based on typical peak hour car parking levels (including simultaneous vehicle movements) in a large car park of comparable size.

4.4 The closest properties to the boundary of the M&S car park are numbers 1, 2 and 3 Holmbush Close (all single storey dwellings). The receiver and barrier heights used in the screening calculations in Appendix C are based on site observations; the ground height at the bungalows is approximately 3.5 metres higher than the M&S car park level.

4.5 Site observations confirm that the car park boundary adjacent to these properties comprises of a retaining wall approximately 3.5 metres high with a 1.8 metre high close boarded fence on top.

4.6 The boundary of the car park is 14 metres away from the façade of 3 Holmbush Close. At this distance, predicted car park noise would be reduced by 3 dB (distance attenuation); screening attenuation (see Appendix C1) would reduce this level by another 15 dB. The resultant predicted noise level from vehicles using the closest car parking spaces at 3 Holmbush Close (1 metre from the façade) would be 33 dB $L_{Aeq\ 1\ hr}$ (48 – 3 – 15 + 3 [façade correction] = 33).

4.6 Predicted peak noise levels from car door slams occurring at the closest parking spaces to 3 Holmbush Close would result in noise levels 1 metre from the façade of 51 dB L_{Amax} (66 – 3 – 15 + 3 = 51).

4.7 As distance increases from the site boundary into the car park the level of screening attenuation diminishes (see Appendix C2). Site observations indicate that at approximately 45 metres from the façade of 3 Holmbush Close the level of screening attenuation starts to diminish as the tops of the windows become visible above the retaining wall/fence. For car parking activity occurring at this mid point within the car park resultant noise levels at 1 metre from the façade of 3 Holmbush Close would be $L_{Aeq,1hr}$ = 31 dB (48 – 13 [distance attenuation]– 7 [screening attenuation] +3 [façade correction] = 31).

4.8 Predicted peak noise levels from car door slams occurring in the middle of the car park at 3 Holmbush Close (1 metre from the façade) would be 51 dB L_{Amax} (66 – 13 – 7 + 3 = 49).

4.9 The predicted noise levels from car parking activity comply with the WHO guideline noise values for daytime and night time noise.

4.10 Furthermore, assuming a worse case approach that the bungalows do not benefit from any screening to a mid point into the car park resultant ambient and peak noise levels from car parking activity would still comply with the guideline values outlined in section 2.13.

4.11 The results of the noise survey undertaken at the site provide a further indication that the predicted noise levels from car parking activity are unlikely to result in disturbance to the occupants of the bungalows in Holmbush Close. Both the existing ambient (L_{Aeq}) and peak noise (L_{Amax}) climates are generally well above the predicted noise levels from car parking activity.

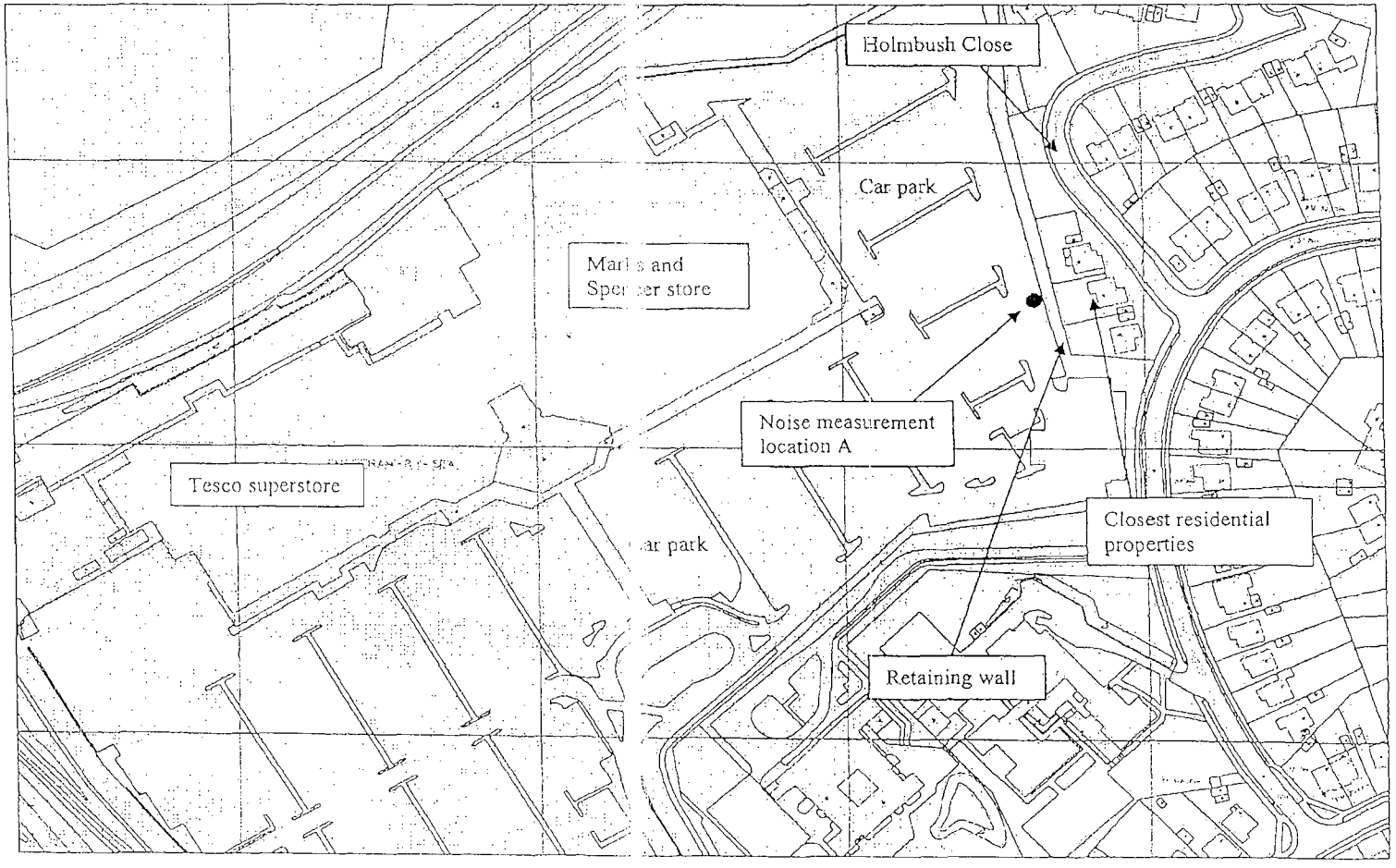
5.0 Assessment conclusions

5.1 This report demonstrates that predicted car park activity noise at Marks and Spencer at the Holmbush Centre, Shoreham, complies with both daytime and night time guideline noise values and is therefore consistent with the requirements of Planning Policy Statement 1 not give rise to 'significant environmental impacts'.

5.2 It is therefore concluded that M&S could trade without any restriction on opening hours on the basis that associated car parking activity noise would not result in disturbance to adjacent residences.

5.3 It is noted that the adjacent Tesco superstore currently benefits from unrestricted trading and delivery hours.

Appendix A: Site location plan showing noise measuremen location



Appendix B: Noise survey results

Appendix B	Title: Noise survey results

Measurement location A - Rear of properties in Holmbush Close

Date	Sample start time	Noise Parameter - dB				
		L_{A10}	L_{A90}	L_{Aeq}	L_{AMAX}	L_{AMIN}
17.01.06	20:50:00	61.6	56.6	59.9	73.2	51.5
	21:00:00	62.7	56.7	60.3	73.0	53.6
	21:10:00	61.6	56.5	59.6	67.6	52.7
	21:20:00	60.8	56.7	59.0	65.7	53.4
	21:30:00	60.7	56.6	58.9	65.3	51.9
	21:40:00	61.3	57.1	59.7	70.0	54.7
	21:50:00	61.3	57.4	59.7	69.3	54.1
	22:00:00	60.4	55.8	58.6	66.8	52.8
	22:10:00	58.4	54.1	56.7	63.4	49.8
	22:20:00	59.4	55.5	57.7	63.4	52.7
	22:30:00	58.6	54.2	56.8	65.1	50.4
	22:40:00	58.1	53.0	56.1	65.0	49.9
	22:50:00	58.3	53.8	56.5	63.2	51.2
	23:00:00	56.8	52.0	54.8	63.1	49.1
	23:10:00	57.9	53.0	55.8	65.6	48.6
	23:20:00	57.4	52.1	55.1	62.1	49.5
	23:30:00	55.2	50.3	53.0	61.4	47.6
	23:40:00	53.4	49.1	51.6	58.7	45.0
	23:50:00	53.6	48.0	51.6	64.5	44.2
18.01.06	00:00:00	54.2	48.4	51.7	59.4	44.9
	00:10:00	53.4	47.5	51.1	60.5	45.1
	00:20:00	51.4	46.4	49.2	56.2	43.6
	00:30:00	52.8	46.7	50.3	58.0	42.9
	00:40:00	52.5	46.8	50.3	56.6	42.9
	00:50:00	52.5	46.3	50.0	57.9	42.1
	01:00:00	52.7	45.7	50.2	60.5	40.7
	01:10:00	52.2	46.6	50.1	66.4	42.4
	01:20:00	52.6	46.9	50.2	56.7	43.2
	01:30:00	50.8	45.9	48.9	61.7	42.8
	01:40:00	50.4	46.0	48.5	59.9	43.6
	01:50:00	49.5	45.2	47.7	57.8	43.0
	02:00:00	51.5	46.0	49.2	59.9	43.2
	02:10:00	51.8	46.7	49.4	55.5	44.7
	02:20:00	51.7	47.2	49.7	57.1	44.9
	02:30:00	51.8	46.0	49.6	57.3	42.6
	02:40:00	52.0	46.7	49.9	57.0	43.5
	02:50:00	51.7	46.7	49.7	57.3	42.6
	03:00:00	51.5	46.3	49.4	63.3	43.5
	03:10:00	51.8	46.2	49.8	59.9	44.0
	03:20:00	50.7	44.0	49.0	66.5	40.6
	03:30:00	51.5	43.3	49.2	64.3	39.6
	03:40:00	46.0	41.2	43.9	50.7	38.4
	03:50:00	47.7	41.4	45.0	56.0	38.7
	04:00:00	49.3	41.2	48.7	68.9	38.0
	04:10:00	48.9	42.1	48.7	70.4	39.8
	04:20:00	52.2	47.2	51.4	73.4	42.4
	04:30:00	53.6	49.2	51.9	60.3	46.6
	04:40:00	53.0	48.4	51.1	61.1	45.6

Appendix B	Title: Noise survey results

Measurement location A - Rear of properties in Holmbush Close

Date	Sample start time	Noise Parameter - dB				
		L_{A10}	L_{A90}	L_{Aeq}	L_{AMAX}	L_{AMIN}
18.01.06	04:50:00	53.8	49.2	52.0	60.6	46.2
	05:00:00	55.6	50.1	53.4	61.3	47.5
	05:10:00	56.1	50.2	53.8	59.8	45.4
	05:20:00	57.5	51.9	55.0	63.0	49.2
	05:30:00	57.3	52.8	55.5	64.7	50.0
	05:40:00	58.0	53.4	56.0	62.3	49.4
	05:50:00	58.4	53.5	56.3	63.2	50.9
	06:00:00	58.9	54.3	56.9	64.9	51.7
	06:10:00	58.7	54.9	57.0	67.9	52.3
	06:20:00	60.0	56.2	58.4	65.5	53.0
	06:30:00	60.2	57.3	58.9	64.7	55.7
	06:40:00	60.4	57.6	59.1	63.3	54.7
	06:50:00	61.6	58.7	60.3	65.8	56.5
	07:00:00	62.4	59.5	61.0	65.7	57.9
	07:10:00	63.7	61.2	62.6	66.2	59.6
	07:20:00	63.9	61.2	62.7	67.4	58.0
	07:30:00	64.0	61.5	63.0	73.0	58.6
	07:40:00	63.7	61.4	62.6	66.6	59.8
	07:50:00	63.8	61.5	62.7	66.1	59.4
	08:00:00	72.6	53.1	67.7	90.8	31.6
	08:10:00	74.4	29.8	69.5	89.5	25.9

Appendix C: Screening Calculations

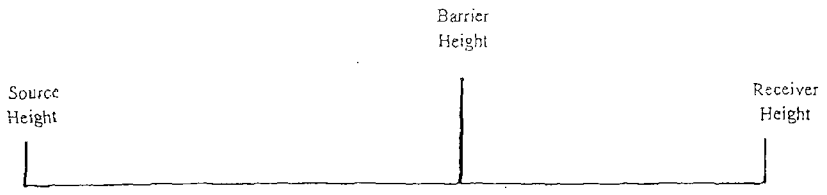
Appendix C1

BASIC BARRIER ATTENUATION

(based on Maekawa or CRTN)

Receptor: 3 Holmbush Close
Project: M&S Homebush Centre, Shoreham

Source: Car parking activity Receiver: 3 Holmbush Close



Source-to-Barrier Distance Receiver-to-Barrier Distance

Source-to-Barrier Distance	6.0 m
Receiver-to-Barrier Distance	8.0 m

Source Height	0.5 m
Receiver Height	5.6 m
Barrier Height	5.3 m

Path difference = 0.789 m

Frequency - Hz	63	125	250	500	1K	2K	4K	8K	CRTN
Attenuation - dB	9.4	11.6	14.2	16.9	19.8	22.7	25.7	28.7	14.6 dBA

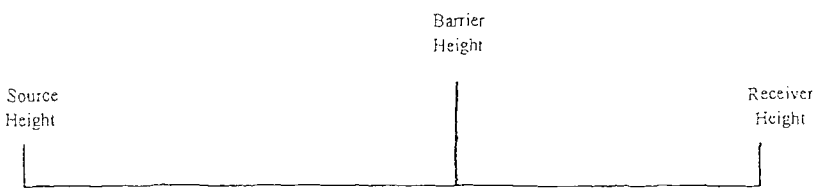
Appendix C2

BASIC BARRIER ATTENUATION

(based on Maekawa or CRTN)

Receptor: 3 Holmbush Close
Project: M&S Homebush Centre, Shoreham

Source: Car parking activity Receiver: 3 Holmbush Close



Source-to-Barrier Distance Receiver-to-Barrier Distance

Source-to-Barrier Distance	37.0 m
Receiver-to-Barrier Distance	8.0 m

Source Height	0.5 m
Receiver Height	5.6 m
Barrier Height	5.3 m

Path difference = 0.028 m

Frequency - Hz	63	125	250	500	1K	2K	4K	8K	CRTN
Attenuation - dB	5.1	5.3	5.8	6.6	7.9	9.7	12.0	14.6	7.5 dBA

Appendix D: Acoustic Terminology

1. Noise, defined as unwanted sound, is measured in units of decibels, dB. The range of audible sound is from 0 dB to 140 dB. Two equal sources of sound, if added together will result in an increase in level of 3 dB, i.e. 50 dB + 50 dB = 53 dB. A 10 dB increase in sound is perceived as a doubling of loudness.

2. Frequency (or pitch) of sound is measured in units of Hertz. 1 Hertz = 1 cycle/second. The range of frequencies audible to the human ear is around 20 Hz to 18000 Hz (or 18 kHz). The capability of a person to hear higher frequencies will reduce with age. The ear is more sensitive to medium frequency than high or low frequencies.

3. To take account of the varying sensitivity of people to different frequencies, a weighting scale has been universally adopted called "A-weighting". The measuring equipment has the ability to automatically weight (or filter) a sound to this A scale, so that the sound level it measures best correlates to the subjective response of a person. The unit of measurement thus becomes dBA (decibel, A-weighted).

4. The second important characteristic of sound is amplitude or level. Two units are used to express level a) sound power level - Lw, and b) sound pressure level - Lp. Sound power level is an inherent property of a source whilst sound pressure level is dependent on surroundings/distance/directivity etc. The sound level that is measured on a meter is the sound pressure level, Lp.

5. External sound levels are rarely steady but rise or fall in response to the activity in the area - cars, voices, planes, birdsong, etc. A person's subjective response to difference noises has been found to vary dependent on its temporal distribution (i.e. its variation with time). For this reason, a set of statistical indices have been developed.

6. There are four main statistical indices in use in the UK:

L_{A90} The sound level (in dBA) exceeded for 90% of the time. This unit gives an indication of the sound level during the quieter periods of time in any given sample. It is used to describe the "background noise level" of an area.

L_{AeqT} The equivalent continuous sound level over a period of time, T. this unit may be described as "the notional steady noise level that would provide, over a period, the same energy as the varying noise in question". In other words, the energy average level. This unit is now used to measure a wide variety of different types of noise of an industrial or commercial nature, as well as road traffic, aircraft and trains.

L_{A10} The sound level (in dBA) exceeded for 10% of the time. This level gives an indication of the sound level during the noisier periods of time in any given sample. It has been used over many years to measure and assess road traffic noise.

L_{AMAX} The maximum level of sound, i.e. the peak level of sound measured in any given period. This unit is used to measure and assess transient noises, i.e. gun shots, individual vehicles, etc.

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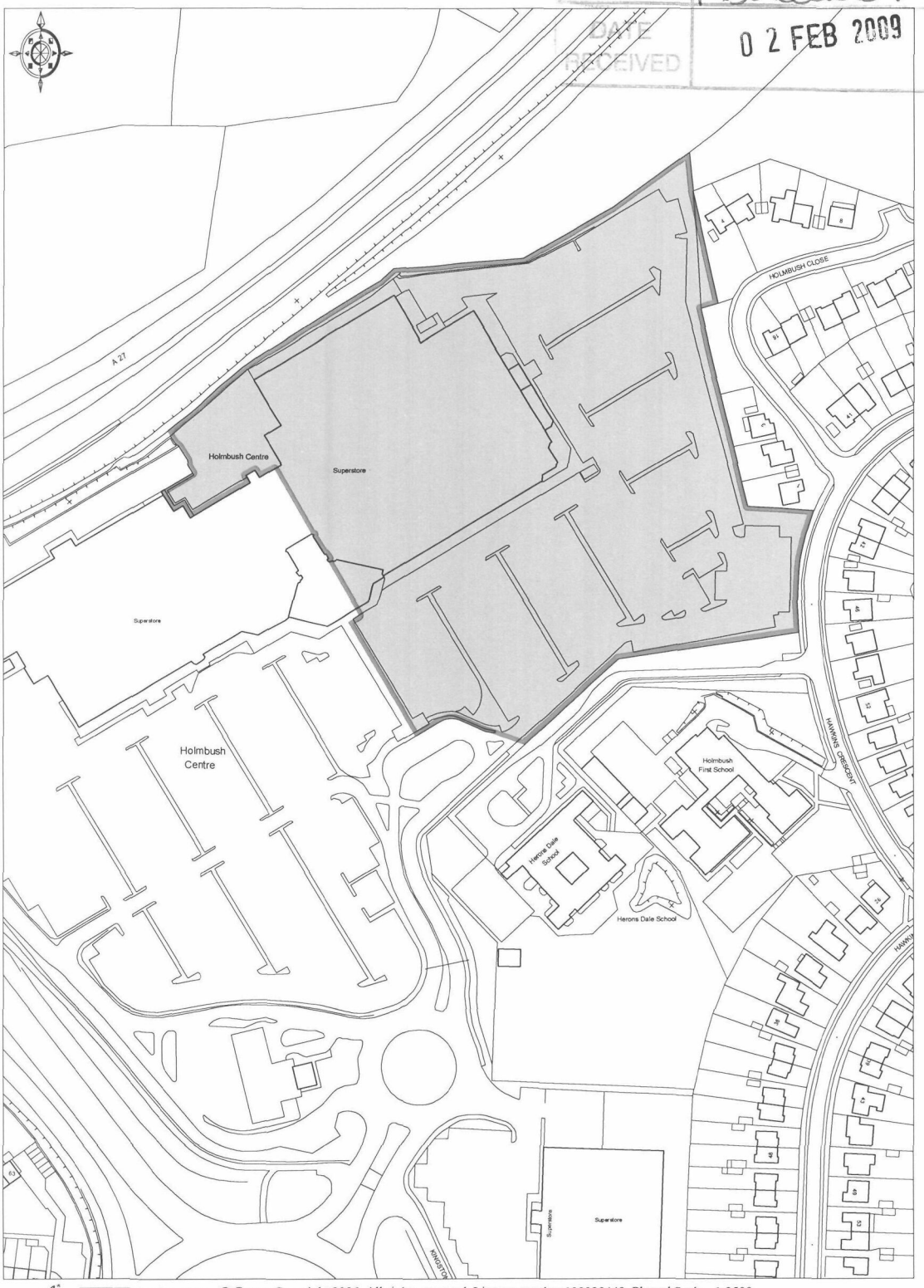

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