

From: Monika Somogyi <monika.somogyi@savills.com>
Sent: 21 May 2026 13:54:11 UTC+01:00
To: "Andrew Horrell" <andrew.horrell@midsussex.gov.uk>
Subject: Re: Mid Sussex DC - Online Register - Consultee Comments for Planning Application DM/26/0872

Hi Andrew,

Please see below our response to the EHO comments submitted on 13 May in relation to application reference DM/26/0872. I trust these responses address the points raised, however, should any matters remain outstanding, we would welcome the opportunity to discuss how these might be resolved.

Drive-through and delivery noise

Comment: The assessment concludes that vehicle noise associated with the development would be comparable to existing road traffic. However, the assumption that delivery scooters generate noise equivalent to cars is questionable, as scooters can exhibit different acoustic characteristics (eg greater intermittency, tonal qualities – scooter noise can be particularly annoying-, revving and acceleration noise), particularly during night-time periods.

Response: Vehicles movements and manoeuvres both for customers and deliveries are highly variable, as they depend on the type of vehicle and manufacturer, vehicle condition, maintenance, driving habits and so on. At other store's we have taken measurements where mopeds get up to 91dB sound power level, while recently we measured a diesel SUV getting into a parking space with a sound power of 74dB. Our calculations are based on 91dB measurements allowing for a pessimistic scenario of all the vehicles being similar to the acoustic signature of mopeds (which are of a higher level). The sound level difference in the worst case was 0.2dB (which is considered marginal and negligible impact). We can allow for an intermittency and tonality character with a +6dB penalty to our results. If we adjust that into the results of Table 4 of the report a quick calculation indicates that the change in ambient would still be 0.6dB instead of 0.2dB, which is still negligible in terms of impact (anything below 3dB is not a noticeable change). All this to supports that we've already considered quite a pessimistic scenario, and even allowing for 'out-of-character' penalty corrections, the existing levels are still considerably higher than the acoustic impact that is predicted such that it would be expected to be negligible and would classify as No Observable Adverse Effect Level (NOAEL).

Car door slams

Comment: Predicted internal maximum noise levels (42 dB LAmax) are noted to fall below typical sleep disturbance thresholds. However, these values are relatively close to guideline thresholds (45dB LAmax) and I am concerned that the assessment does not adequately consider the frequency and repetition of such events, which is likely to be a key factor for a 24/7 operation. There is a table of predicted events, but it is not clear where these numbers come from. Could more justification/explanation be given to this please.

Response: Two considerations on the door slams section are that

1) Guidance like ProPG and WHO (end of appendix B) only require considerations of frequency when there is a 60dB or higher outdoor level (ie 45dB indoors), where they indicate as a limit no more than 10 noise events at night with these levels. Below that threshold there is no comment or concern of the frequency of these events. If the concern is about the cumulative of the multiple door slams, then the issue is no longer about L_{Amax} but instead of L_{Aeq} over the night period, which as mentioned in the previous section, ambient levels in the area are so high that vehicles' noise contribution is negligible.

2) The second consideration is that the 42dB level for door slams is only valid for the parking space nearest to the resident's windows (26m). If we moved a couple of parking spots farther away from the residential property, we would be at the 38m range, where door slam L_{Amax} level would be around 38dB. There are other parking positions where the building is screening towards the resident property, so even lower levels would be expected. So again, conditions are highly variable and unpredictable, but if we considered the absolutely (and highly unlikely) scenario of all customers parking at that nearest parking position, it will still be within the guidance limits and target levels. Taken as a combined point the concerns expressed are not founded. Regards the table – could the reference be clarified. If it relates to the predicted numbers this is the stores estimate of the number of customers expected, but these are combined with the observed numbers of customer movements made on site during our survey and we use that as the basis of the prediction.

Plant noise mitigation

Comment: The plant noise assessment indicates a +2 dB (low adverse) rating level, with compliance reliant on manual reduction of plant operation during night-time periods. Mitigation measures dependent on human intervention are not considered sufficiently robust (human error, staff changes etc). Clarification is required as to whether noise control could be secured through engineered or automated measures to ensure consistent compliance.

Response: From correspondence with the store's appointed mechanical ventilation consultant, it is understood that the kitchen extract settings is controlled by a building management system, and an automatic speed setback has been applied for the nighttime hours after 23:00 and before 07:00, so no manual intervention from staff is required to implement this strategy.

Night-time activity and management controls

Comment: The proposed 24-hour operation has the potential to introduce increased night-time activity, for example vehicles arriving, idling and remaining on site for extended periods, including loud exhausts and bassy stereos etc, which is a reasonably foreseeable pattern of use regularly associated with late-night fast-food outlets. This can give rise to additional intermittent and potentially intrusive noise which is not fully captured within the assessment of traffic flows and customer noise. Whilst an ASB management plan is noted and welcomed, this relies on staff intervention and is not considered a fully robust mitigation measure in noise terms. Further clarification is required as to how such activity will be effectively controlled to prevent undue

disturbance to nearby receptors. Is information available on the effectiveness of the ASB plan at other locations?

Response: It is important to recognise that this is a planning application and must therefore be determined based on material planning considerations relating to the use of the land rather than seeking to control human behaviour. Anti-social behaviour (ASB) is not, in itself, a land use planning matter, but is instead controlled through separate regulatory regimes, including licensing and policing. As such, it should not form a basis for refusing planning permission. ASB is only relevant insofar as it relates to the potential for noise impacts to occur to the detriment of residential amenity. As acknowledged by the EHO, the application demonstrates that significant adverse noise impacts will not occur at the site, and provides a management plan (which can be conditioned as part of any permission) to further reduce the potential for noise impact.

As we submit planning applications on behalf of McDonald's across the country, we're well versed in the consideration of ASB as part of a planning application, and would caution the Council's officers against objecting to the proposal on the basis that ASB might occur as a result. The Planning Inspectorate has consistently found that this is not a robust approach. For example, in an appeal at the Founders Arms, 52 Hopton Street, London, SE1 9JH (Appeal Reference: APP/A5840/W/22/3291637), the Inspector clearly stated:

"A variable amount of anti-social behaviour might be indirectly attributable to a public house, depending on how it is managed and the characteristics of its location. Such impacts lie somewhat beyond the breadth of land use planning control. There are separate measures applied through the licensing regime [...]. However, this is not reflected under development plan policy. There are also separate provisions to police and enforce against crime, disorderly behaviour, breaches of traffic regulations and other anti-social occurrences."

Further, in an appeal at 52 Pinderfields Road, Wakefield, West Yorkshire, WF1 3LZ (Appeal Reference APP/X4725/W/21/3287633), the Inspector concluded:

"The issue of crime and antisocial behaviour has been raised by a number of local residents. However, I have no substantive evidence before me to show that the appeal scheme would result in an increase in antisocial behaviour or crime in the area. While I do not doubt that the concerns raised by residents are genuine, without a reasonable evidential basis for this concern, I afford this material consideration little weight."

The same reasoning applies in this instance. In the absence of robust evidence demonstrating a direct link between the proposal and ASB, such concerns cannot reasonably justify refusal, especially where mitigation measures are in place to deal with such events.

Notwithstanding the above, McDonald's has an established and effective national framework for managing ASB. This includes proactive staff management, monitoring procedures, and contact with relevant authorities. These measures are secured through the Premises Noise Management Plan (Appendix C of the NIA).

Overall, the concerns raised regarding ASB and night-time activity are not supported by technical evidence, are speculative in nature, and are not reflected in the findings of the NIA. The NIA clearly demonstrates that noise associated with people and vehicles would fall within the No Observable Adverse Effect Level, and that any potential impacts can be effectively managed.

Accordingly, in the absence of evidence of harm, and given the clear separation between ASB and planning control, it is not considered that the issues raised can reasonably justify withholding planning permission.

Best regards,
Monika

Monika Somogyi
Planner
National Retail Planning



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From: Andrew Horrell <andrew.horrell@midsussex.gov.uk>

Sent: Tuesday, May 19, 2026 2:45 PM

To: Monika Somogyi <monika.somogyi@savills.com>

Subject: RE: Mid Sussex DC - Online Register - Consultee Comments for Planning Application DM/26/0872

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Monika,

Thanks for the update, I look forward to your response in due course.

Kind regards,

Andrew Horrell BA (Hons) MSc Town Planning
Planning Officer
Development Management

andrew.horrell@midsussex.gov.uk (mail to andrew.horrell@midsussex.gov.uk) <http://www.midsussex.gov.uk>

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From: Monika Somogyi <monika.somogyi@savills.com>
Sent: 19 May 2026 14:10
To: Andrew Horrell <andrew.horrell@midsussex.gov.uk>
Subject: Re: Mid Sussex DC - Online Register - Consultee Comments for Planning Application DM/26/0872

Good afternoon,

Thank you for sharing the EHO comments. We will soon be providing a response.

Best regards,
Monika

Monika Somogyi
Planner
National Retail Planning



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From: Andrew Horrell <andrew.horrell@midsussex.gov.uk>
Sent: Wednesday, May 13, 2026 5:05 PM
To: Monika Somogyi <monika.somogyi@savills.com>
Subject: FW: Mid Sussex DC - Online Register - Consultee Comments for Planning Application DM/26/0872

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To Ms Somogyi,

DM/26/0872 – McDonalds, 165 London Road, East Grinstead - Variation of condition no 11 relating to planning application GR/199/96 - to extend the restaurant's opening hours.

I have received the attached from our Environmental health team requesting further clarification on points within the Noise impact report.

If this further information requested could be provided, that would be much appreciated.

Kind regards,

Andrew Horrell BA (Hons) MSc Town Planning
Planning Officer
Development Management

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