

DM.26.1067 57 The Broadway, Haywards Heath. West Sussex. RH16 3AS

Proposal Change of use from former restaurant / takeaway on ground floor to flexible commercial / retail use (Class E) alongside extensions and alterations to upper floors to form residential accommodation totalling five dwellings (Class C3).

This premises is located in a town, close to a busy road and to a railway line, in a mixed residential/commercial area.

The acoustic report submitted by Acoustic South East project ref: J4113 and dated 21 April 2026 states that good acoustic design has been considered to ensure that the placement of sensitive living spaces such as bedrooms are located at quieter facades.

The report acknowledges the requirement for enhanced sound insulation between commercial and residential spaces and proposes various solutions to ensure that future occupants remain protected from adverse noise levels. Without knowing what the commercial space will be used for it isn't possible to determine the level of sound insulation required however, given the clients willingness to restrict use of the commercial unit to use classes E(a),(c),(e) and (g), options given in section 7.6 of the acoustic report would seem suitable. A condition has therefore been recommended to ensure that sufficient sound insulation will be provided between the commercial and residential units.

The report states that no plant is proposed at the site and that the existing plant serving the building will be removed. However, the design and access statement indicates that air source heat pumps will be installed to provide space heating and hot water. Mechanical ventilation may also be required and I therefore recommend a condition to ensure that noise from plant will not adversely affect the amenity of existing and proposed future residents.

Assessment of the two terraces situated to the rear of the building indicates that noise here will be below the upper limit described in BS8233:2014 for external amenity areas. The agent has confirmed that the Juliet balcony to flat 5 at the front of the building has not been assessed as this is not meant to be a usable external space.

Bedrooms are proposed on the quieter rear façade of the building but will not be able to achieve accepted internal noise levels with open windows. The report highlights that further measures will be required to mitigate overheating.

Living rooms proposed on the noisier front elevation will not be able to meet accepted internal noise levels with open windows.

The report has therefore proposed that habitable rooms be provided with enhanced glazing and ventilators (both through frame and through wall) to achieve acceptable internal noise levels but has indicated that the developer may opt for mechanical ventilation in due course.

The acoustic assessment demonstrates that the development is technically capable of meeting the internal noise criteria outlined in BS 8233:2014 and the proposal is therefore acceptable. However, the developer will need to decide how sufficient ventilation will be provided to the build, consider the noise implications of providing mechanical ventilation rather than relying on passive ventilators and how suitable sound insulation between

residential and commercial areas will be delivered. I therefore recommend the Council's standard condition to ensure that future residents of the development will be protected from environmental noise.

Standard conditions are also recommended to protect existing residents from noise and dust during the construction phase, and future/existing residents from noise during the operational phase.

Conditions:

Sound insulation environmental noise: No development shall commence until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority.

Good acoustic design shall be fully integrated into the scheme. The hierarchy of good acoustic design (GAD) shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS).

The scheme shall a) outline the level of noise exposure for each property and how the noise level within any domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and b) outline how the noise level within any domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

And, unless otherwise agreed in writing by the Local Planning Authority, where windows must remain closed to achieve acceptable internal noise levels, an overheating assessment must be undertaken with accordance with CIBSE. The cooling hierarchy shall be applied to the scheme.

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If as a last resort mechanical ventilation is to be used, it must be demonstrated that it still complies with internal noise levels while providing sufficient ventilation.

Construction hours: Works of demolition/construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday to Friday 08:00 - 18:00 hours

Saturday 09:00 - 13:00 hours

Sundays and Bank/Public Holidays: no work permitted.

Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phases shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank holidays: None permitted.

Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Noise from plant: The use hereby permitted shall not come into operation until a scheme has been submitted to the LPA demonstrating that the noise rating level (L_{Ar},Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019.

The results of any assessment and details of any mitigation measures shall be submitted to the Local Planning Authority upon request. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Vibration: Before any plant and/or machinery is used on the premises, it shall be mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the local planning authority. The approved details shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Sound insulation: The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that any sound attenuation measures between commercial and

residential units are effective and achieve a minimum airborne sound insulation value of at least 55dB (DnTw+Ctr dB). Post completion testing shall be required to show this has been achieved. This shall be submitted to the LPA and approved in writing. The approved details shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Hours of commercial operation: The premises shall not be open for trade or business except between the hours of 09:00 to 18:00 Monday to Saturday.

Deliveries (Operational): No commercial goods or commercial waste shall be loaded or unloaded onto or from a delivery or collection vehicle except between the hours of 07:00 - 18:00 hours Monday to Friday, between the hours of 09:00 - 13:00 hours on Saturdays, Sundays and Bank holidays, none permitted.

Permitted commercial use: Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for the following purposes and for no other purpose:

E(a) Display or retail sale of goods, other than hot food

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(g) Uses which can be carried out in a residential area without detriment to its amenity

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes, or

E(g)(iii) Industrial processes

Jane Cooper

Senior Environmental Health Officer

11 June 2026