

DM.25.0196 Thai Crystal, 45 The Broadway, Haywards Heath. West Sussex. RH16 3AS

Demolition of existing redundant single storey buildings to the rear. Erection of a four-storey rear extension and re-configuration work to convert existing commercial use to Use Class E a-c, e and g and 4 No. residential flats together with associated refuse and cycle storage. (Amended plans and description 06.06.2025)

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

I recommend conditions be applied to any permission granted to protect existing residents from noise during the demolition/construction phase, and future/existing residents from noise and odour 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.

Commercial noise: 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},T_r) 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.

Commercial noise - 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 55dB (D_{nTw}+C_{tr} 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 07:00 to 23:00.

Commercial noise - end user unknown: No phase of the development shall be occupied until a Management Plan for that phase, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in full on occupation of each phase and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

Odour: The development hereby permitted shall not operate catering activities until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

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(b) Sale of food and drink for consumption (mostly) on the premises

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

Informative: Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the Environmental Protection team receive a complaint once the site is operational, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

Jane Cooper
Environmental Protection
15 July 2025