



**PLANNING APPEAL BY
HEALEY DEVELOPMENT SOLUTIONS (HAYES) LTD**

RESPONSE TO LPA COMMENTS ON NOISE

**STANFORD HOUSE
9 NESTLES AVENUE, UB3 4SA**

**PLANNING INSPECTORATE REF:
APP/N5090/W/17/3189843**

**LONDON BOROUGH OF HILLINGDON REF:
51175/APP/2018/4260**



the journey is the reward

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Prepared by:	P Gray BSc(Hons) MIOA
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**Planning Appeal by Healey Development Solutions (Hayes) Limited
Refusal of Planning Permission by Tandridge District Council
Response to LPA Comments on Noise**

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APPENDIX A: Results of Additional Noise Monitoring

1 Introduction

- 1.1 This planning appeal relates to the refusal of planning permission by the London Borough of Hillingdon (LBH) for the proposed demolition of an existing building (Stanford House) at 9 Nestles Avenue, UB3 4SA and redevelopment to provide a building up to 10 storeys, with 868 sq.m of commercial or community (Use Class B1 or D1) at ground floor level and 81 residential units to the upper floors, with associated landscaping, access, car parking and cycle parking.
- 1.2 The planning application was appealed for non-determination on 7 June 2019.
- 1.3 The planning application was subsequently presented to Members of the LBH's Major Application Planning Committee on 19 June 2019. Members resolved to refuse planning permission citing eleven reasons for refusal.
- 1.4 The fifth reason for refusal relates to the noise impact of the scheme and states:
- “The development provides a high proportion of single aspect dwellings and dwellings with their sole aspect facing towards Strategic Industrial Land. The development fails to provide sufficient separation from the western boundary of the site to mitigate against a potential noise generating use on the neighbouring site and as such, the proposal fails to take responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive residential development and thereby fails to provide a suitably high quality of residential amenity for future occupiers contrary to Policy BE1 of the Local Plan: Part One (November 2012); Policy OE1 of the Local Plan: Part Two (November 2012) and Policy 7.15 of the London Plan (2016) and Paragraph 182 of the NPPF (2019).”*
- 1.5 In August 2019, Paul Gray BSc(Hons), MIOA prepared a “Public Hearing Statement” which reviewed the reasonableness of the recommendation given to members, content of the Officer’s report and the reasonableness of the Member’s resolution to refuse planning permission.
- 1.6 The hearing statement concluded that Reason for Refusal 5 was not justified.
- 1.7 The reasoning supporting that judgement was:
- The Officer Report incorrectly asserted that the noise impact of the existing use of land to the west of the site had not been assessed, when that is clearly not the case

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- the integration of the proposed development within the locality was fully assessed in the “Noise and Vibration Assessment” which accompanied the application.
 - The reasons for refusal was not supported by any technical evidence or other concern raised by the Council’s specialist noise officer’s when consulted on the scheme.
 - The reason for refusal therefore appeared to be based on a planning judgement made by officers. However, the basis of that judgement appeared to be fundamentally flawed in that it (a) did not consider the existing lawful use of the adjoining land, (b) appeared to be based on a hypothetical future speculative use of the adjoining land, and (c) assumed that any impact will have a “*significant adverse effect*”, without considering whether such effects could be adequately mitigated.
- 1.8 This additional statement responds to the comments made by the LPA on the hearing statement.
- 1.9 This statement has been drafted by Paul Gray BSc(Hons), MIOA, Technical Director of Mayer Brown Limited.

2 The LPA's Comments

2.1 The LPA's comments on the Hearing Statement are set out in an email from Stephen Volley (London Borough of Hillingdon) to Charles Mills (Daniel Watney LLP) on 30 July 2019. This states:

"Our noise specialist has reviewed the technical note by Mayer Brown, which seeks to overcome refusal reason 5. The following points remain contentious or have not been addressed.

- The measurement of noise from the Squirrels Trading Estate took place on one day between 12.00 and 13.45 hours and as such would not have captured noise levels from episodic events from the car body shops and furniture manufacturers on the trading estate*
- No discussion of character penalties of the existing commercial/industrial units is made.*
- Without this it is uncertain what the effect is from the existing operations.*

Moreover, since Mayor Brown commissioned the updated noise report the PPGN has been updated. Of particular relevance is "... In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made". Further assessment is therefore required. The updated PPGN further states "The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring." We acknowledge that mitigation is provided in the blank façade and acoustically treated ventilation. Nevertheless this still leaves the external amenity areas as being above guidance levels."

2.2 As a preliminary matter, it is clear that there is something of a "dis-connect" between the advice provided by the Council's noise specialist and concluding comment made by the LPA. To help explain this, it can be seen that whilst the Council's noise specialist

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criticises various aspects of the assessment work undertaken by Mayer Brown, he advises that without additional information/assessment “....it is uncertain what the effect is from the existing operations”. This does not support the statement made by the LPA which concludes “this still leave the external amenity areas as being above guidance values”. It follows that:

- (a) No technical evidence is presented by the LPA which indicates what noise levels external amenity spaces are alleged to be exposed to;
- (b) Whilst asserting that noise levels will be “above guidance values”, the LPA has not set out what “guidance values” have been adopted in reaching that conclusion;
- (c) The LPA has not considered the ‘significance’ of the alleged exceedance (i.e. whether such noise is above a “Significant Observed Adverse Effect Level” (SOAEL); and
- (d) The LPA’s conclusion relating to potential harm to neighbouring uses does not appear to take account of the context of the site.

2.3 In addition to the above, it is noted that the Reason for Refusal 5 specifically relates to land adjoining the west of the site:

*“.....The development fails to provide sufficient separation from the **western boundary of the site** to mitigate against a potential noise generating use on the neighbouring site and as such, the proposal fails to take responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive residential development and thereby fails to provide a suitably high quality of residential amenity for future occupiers.....” (emphasis added)*

2.4 It can therefore be seen that comments made by the Council’s Noise Specialist in relation to Squirrels Trading Estate actually relate to a matter that is not included within the reason for refusal (which specifically deals with alleged harm to the existing use of land to the west of the site)¹.

2.5 In light of the above, this Statement reviews three principal matters:

- (a) Changes that have been made to the government’s Planning Practice Guidance, with particular regard to the application of the “Agent of Change” principle set out in the NPPF and implications for the appealed development;

¹ This is clarified on Page 59 of the Officer Report for the application.

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- (b) The likely noise impact of neighbouring land (including the Squirrel's Trading Estate, albeit that this land does not fall within the terms of the reason for refusal);
and
- (c) The context of the site (in relation to the Agent of Change principle).

3 Revised Planning Practice Guidance

- 3.1 The LPA correctly note that revisions to the Government's Planning Practice Guidance were made on 22 July 2019 (post submission of my Hearing Statement. This included revisions to guidance regarding the "Agent of Change" principle set out in Paragraph 182 of the NPPF.
- 3.2 The amended guidance is broadly contained in Paragraph 009 (Ref ID. 30-009-20190722) and states:

"How can the risk of conflict between new development and existing businesses or facilities be addressed?"

Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.

In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities [sic] that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.

The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).

It can be helpful for developers to provide information to prospective purchasers or occupants about mitigation measures that have been put in place, to raise awareness and reduce the risk of post-purchase/occupancy complaints.

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The LPA has drawn particular attention to the clarification provided above that “Agent of Change” considerations should relate not only to “*existing uses*” but also “*potential uses that businesses in the vicinity of any noise sensitive use are permitted to carry out*”.

- 3.3 In considering ‘potential uses that businesses are permitted to carry out’, it is clearly important to have appropriate regard not only to the use class of land, but also any restrictions that may be imposed on such use, for example, by extant planning conditions.
- 3.4 The following sections consider such implications for land to the west of the site (as specifically cited in the reason for refusal) and for land to the north (Squirrels Trading Estate) to respond to concerns raised by the Council's Noise Specialist.

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4 7 Nestles Avenue

- 4.1 As noted earlier, Reason for Refusal 5 specifically states that it relates to a failure to provide “*sufficient separation from the western boundary of the site to mitigate against a potential noise generating use on the neighbouring site*”.
- 4.2 Contrary to the assertion made in the Officer Report for the application, an assessment of the potential impact of the land adjoining the site to the west (7 Nestles Avenue) was presented in paragraphs 11.11 to 11.12 of Noise and Vibration Assessment prepared by Mayer Brown which accompanied the application. This assessment concluded that the permitted use of the building and planning conditions relating to that use, the proposed development should not experience any significant noise impact that would create a need for additional noise mitigation (under paragraph 182 of the NPPF).
- 4.3 In light of the recent changes to the PPG and LPA’s comments, a more detailed assessment of the potential impact on land adjoining the site to the west (as specifically set out in Reason for Refusal 5) has been undertaken.
- 4.4 Planning records for 7 Nestles Avenue (which immediately adjoins) the site to the west are presented in **Table 4.1** below.

Reference	Location	Proposal	Received	Status
49059/APP/2017/1086	7 NESTLES AVENUE HAYES	Variation of condition 5 (no other use including within Class D1) of planning permission Ref: 49059/APP/2011/2790 dated 29-05-2012 (use as higher education college) to allow for use of building for primary education	27-03-17	Refusal (P)
49059/APP/2011/2790	7 NESTLES AVENUE HAYES	Part retrospective change of use from Class B8 (Storage and Distribution) to use as a higher educational college.	16-11-11	Appealed
49059/APP/2011/945	7 NESTLES AVENUE HAYES	Part change of use from Class B8 (Storage and Distribution) to Class D1 (Non-Residential Institutions) for use as an educational college (Part Retrospective)	15-04-11	Refusal (P)
49059/APP/2007/428	7 NESTLES AVENUE HAYES	CHANGE OF USE OF PART OF 7 NESTLES AVENUE FROM CLASS B8 TO MOTOR VEHICLE REPAIR AND MOT TESTING (B2) WITH INSTALLATION OF ROLLER SHUTTER DOOR.	19-02-07	Approval
49059/APP/2006/1996	7 NESTLES AVENUE HAYES	CHANGE OF USE FROM WAREHOUSE (CLASS B8) TO MOTOR VEHICLE REPAIR AND MOT TESTING (CLASS B2 - GENERAL INDUSTRIAL) AND INSTALLATION OF ROLLER SHUTTER AND INTERNAL ALTERATIONS.	10-07-06	Withdrawn (P)
49059/APP/2006/1040	7 NESTLES AVENUE HAYES	CHANGE OF USE FROM WAREHOUSE (CLASS B8) TO CONFERENCE AND BANQUETING CENTRE (CLASS D1)	04-04-06	Refusal (P)
49059/B/96/1515	7 NESTLES AVENUE HAYES	Internal alterations to provide enlarged office area and new display area, external alterations to provide new doors and windows, and two new external fire escape staircases and formation of two vehicular crossovers, together with additional car parking provision	30-09-96	Approval

Table 4.1: Planning Register Records for 7 Nestles Avenue

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4.5 The Officer Report for the most recent of these records (49059/APP/2017/1086) confirms that the existing lawful use of the premises is primarily as a higher education college (Use Class D1), i.e. the use permitted on appeal of 49059/APP/2011/2790 (PINS Ref. APP/R5510/A/12/2176941).

4.6 The permitted arrangement of the building is shown in **Figure 4.1** below:

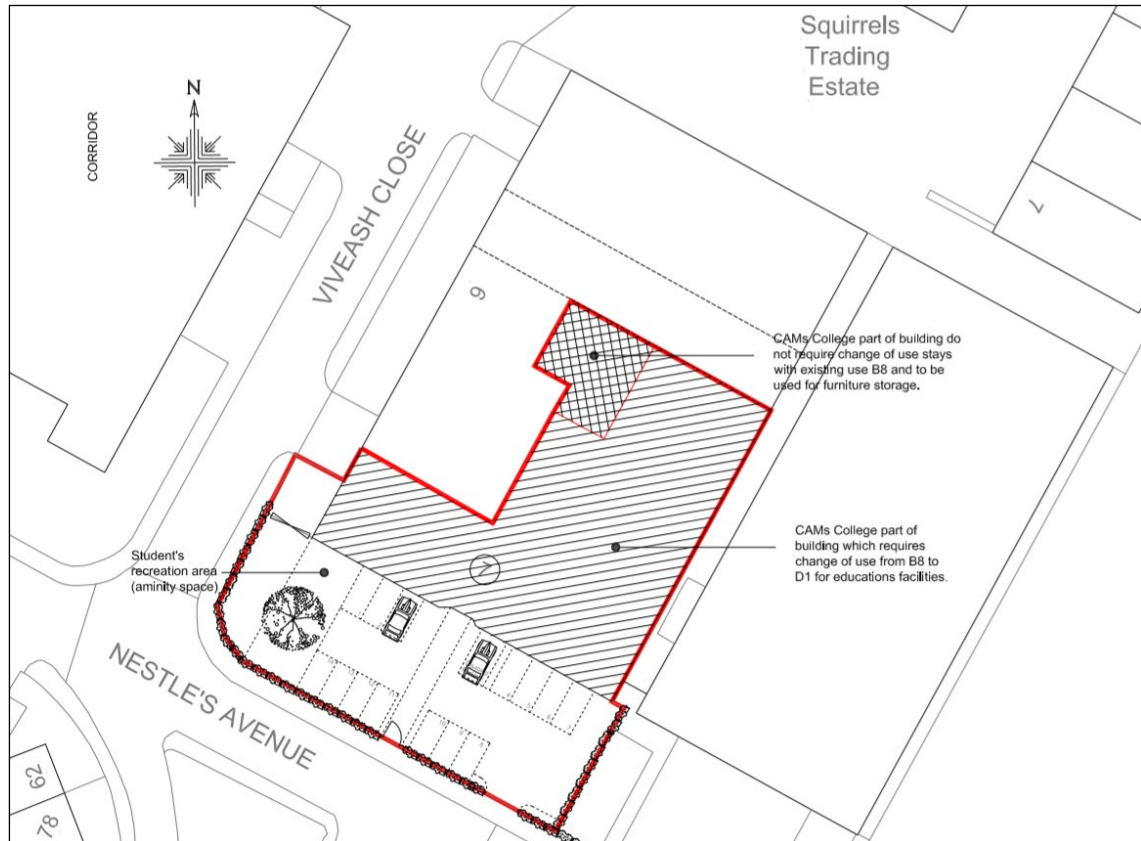


Figure 4.1: Permitted D1 Use of 7 Nestles Avenue

4.7 The existing, lawful D1 use of 7 Nestles Avenue does not therefore raise any concerns in relation to the proposed residential development at Stanford House. That conclusion is also reinforced by planning conditions attached to the appeal decision which:

- Restrict deliveries to between 08.00 to 19.00 hours Monday to Friday; 10.00 to 16.00 hours on Saturdays, with no deliveries permitted at any time on Sundays, Bank or Public Holidays (Condition 7); and
- Restrict the use of the premises to between 08.00 to 19.00 hours Monday to Friday; 10.00 to 16.00 hours on Saturdays, with no use on Sundays, Bank or Public Holidays (Condition 8).

4.8 With regard to the LPA's contention that the consideration should be given not only to the existing use of the premises, but also to *"potential uses that businesses in the vicinity of any noise sensitive use are permitted to carry out"*, it is clearly material to note

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Condition 5 of the Decision Notice for 49059/APP/2011/2790 restricts the use of the site to use as a higher education college only:

“The premises shall be used for a higher educational college and for no other purpose, including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that Order).”

- 4.9 In light of the above restriction, it is clear that any future potential use of the area of 7 Nestles Avenue shown in **Figure 4.1** above would be restricted to that of a higher education college and such use would not result in a significant adverse noise impact on the proposed development which would require additional mitigation to discharge the “Agent of Change” obligation imposed by paragraph 182 of the NPPF.
- 4.10 Following further scrutiny of the planning records, it is clear that the D1 use does not extend to the full extent of 7 Nestles Avenue. In particular, it is noted that the northern end of the building is in separate occupation.
- 4.11 A closer inspection of the planning records for this site indicate that the area of the building shown in **Figure 3.2** below has lawful B2 use as a motor repair and MOT testing centre.

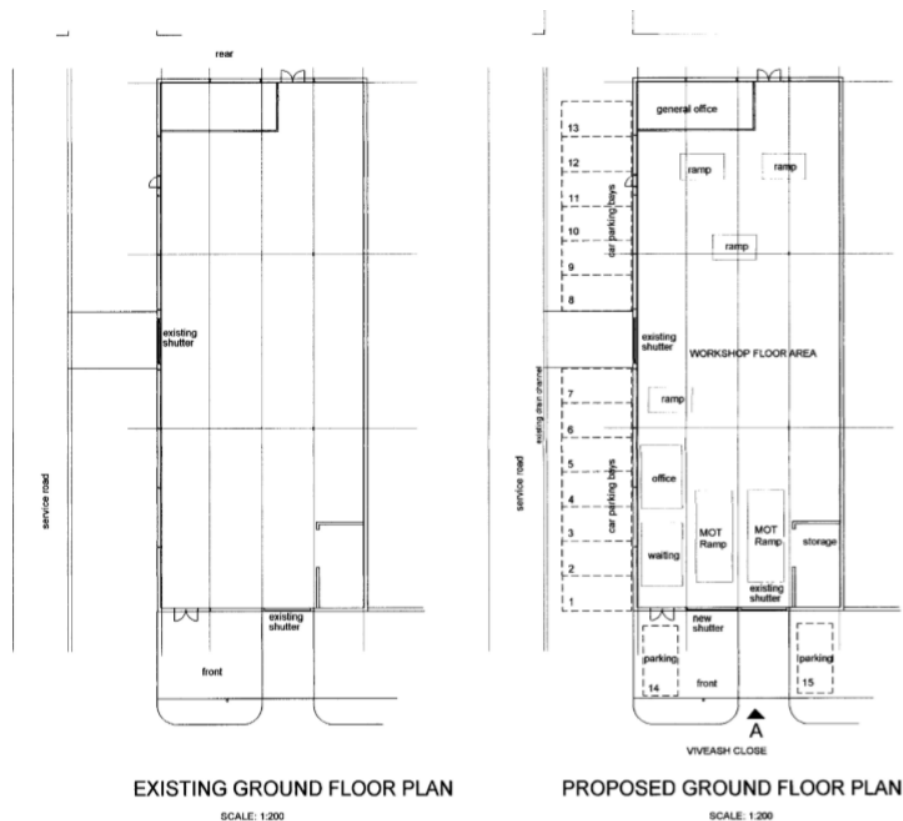


Figure 3.2: General Arrangement of Northern End of 7 Nestles Avenue

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- 4.12 The use shown above was approved by planning permission 49059/APP/2007/428 (granted on 19 February 2007). The permission includes a number of conditions including:
- **Condition 3** – All works and or storage or materials are to take place within the buildings.
 - **Condition 6** – This approval only provides for vehicle repair and MOT testing only. Notwithstanding any other uses within the B2 Use Class, the site shall not be used for any purpose other than those for which permission has been granted.
 - **Condition 7** – No trade or business shall be carried out outside the hours of 08.30 and 18.00 on weekdays and Saturdays; and at no time at all on Sundays or Bank Holidays.
- 4.13 Based on site observations, noise associated with the use of the existing premises was not dominant in the context of the existing noise environment characterising the site and taking account of the extent planning condition set out above, it is my professional judgement that the existing use of the site as an MOT workshop would not have a significant adverse effect on the proposed residential development at Stanford House.
- 4.14 Given that the extant planning permission relating to the northern end of 7 Nestles Avenue restricts the use of the building to for vehicle repair and MOT testing only, this is the only permitted lawful use and the conclusion above remains unchanged.
- 4.15 In order to provide some additional technical evidence to support the above judgement, I have reviewed our in-house database. This indicates that a “worst case” sound level for a busy vehicle repair workshop would be around 74dB $L_{Aeq,1hour}$. The roof of the building appears to be a mix of profiled asbestos sheeting and glazed rooflights which it is estimated would provide a conservative sound reduction of around 20dB(A). Making allowances for distance and directivity losses for the roof, it is expected that noise break-out during a “worst case” 1 hour period would give a specific noise level of around 44 dB $L_{Aeq,1hour}$. In the context of existing environmental noise levels characterising the site and imposed planning restrictions, this initial screening assessment confirms my professional opinion that noise “break-out” from the vehicle repair workshop/MOT centre would not have a significant adverse noise impact on the proposed dwellings.
- 4.16 In light of the above, it is concluded that the Council’s reason for refusal (i.e. that “the development fails to provide sufficient separation from the western boundary of the site to mitigate against a potential noise generating use on the neighbouring site”) is not justified. An analysis of the extant land uses and restrictions imposed on the use of such land by relevant planning permissions does not create an unacceptable co-location of

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uses, which would result in a significant adverse noise impact on the proposed development requiring additional mitigation to discharge Agent of Change obligations imposed by paragraph 182 of the NPPF.

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5 Squirrels Industrial Estate

- 5.1 The LPA raise criticism regarding the duration of the survey work undertaken to characterise the potential noise impacts arising from the Squirrels Industrial Estate and conclusions reached based on that data.
- 5.2 In order to further assist on this matter, additional noise monitoring at the site has been undertaken over a notional five day survey period between Friday 2 August to Tuesday 6 August 2019.
- 5.3 Noise levels were monitored at a location at the north west corner of the Stanford House, directly overlooking the Squirrels Trading Estate. The measurement microphone was positioned approximately 5m above ground level as shown in **Figure 5.1** below:



Figure 5.1: Positioning of Noise Monitoring Equipment

- 5.4 The results of this additional noise survey work are attached at **Appendix A**.
- 5.5 The measurement data shows obvious periods of increased noise level. This is not due to industrial activity but is caused by the operation of a petrol generator used by the food trailer shown in the above image, as shown in more detail in the photograph in **Figure 5.2** below.

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Figure 5.2: Catering Trailer and Associated Generator

- 5.6 **Figure 5.1** on the preceding page also shows the proximity of construction work on the former Nestle factory site. Noise associated with construction activities was also audible and dominant in the context of the otherwise prevailing noise environment.
- 5.7 In light of the above, the noise levels measured during the recent additional noise survey work are elevated by factors un-associated with the industrial activities carried out within the Squirrels Trading Estate and, in practice, specific noise levels associated with such uses will be significantly lower, as confirmed by the “short term” monitoring set out in Mayer Brown Limited’s Noise and Vibration Assessment which accompanied the application (and was not affected by the dominant generator or construction noise sources characterising the more recent survey work).
- 5.8 The noise monitoring does help demonstrate the more modest noise levels that characteristic the site when the current significant sources of noise (generator and construction activity) are not present. As concluded in the Noise and Vibration Assessment and confirmed by more recent site attendances, whilst noise associated with the existing industrial activities is audible (e.g. operation of mechanical plant, noise “break-out” from units, etc.) such noise is not considered to be dominant in the context of the otherwise prevailing noise climate.

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- 5.9 The additional noise monitoring data attached at Appendix A also helps demonstrate the modest noise environment which characterises the locality during the evening, overnight and on Sundays, e.g. times when the amenity value of terraces, balconies, etc, will be most highly prized.
- 5.10 In light of the above, I consider that the original conclusion set out in the Noise and Vibration Assessment report accompanying the application remains valid and that existing uses within the Squirrels Trading Estate will not result in a significant adverse effect on future residents. For clarity, it should be noted that this conclusion is not intended to infer that noise associated with such uses is inaudible – observations during site attendances confirm that noise from existing industrial uses is audible. However, when viewed in context, the extent, character and sources of noise do not fall into the realm of “nuisance noise”.
- 5.11 Notwithstanding the above conclusion, it is critical to note that the Agent of Change principle embodied in Paragraph 182 of the NPPF is specifically introduced to prevent new development placing “unreasonable restrictions” on existing commercial and community uses. Whether a proposed development creates a risk of “*unreasonable restrictions*” must also be considered in the context of the wide locality of the site and other existing land uses.
- 5.12 In that regard, it is clearly material to note that the LPA have granted planning permission for the mixed use development of the former Nestle factory site, which adjoins Stanford House to the east.
- 5.13 The Masterplan proposals for the site are presented in **Figure 5.3** below.

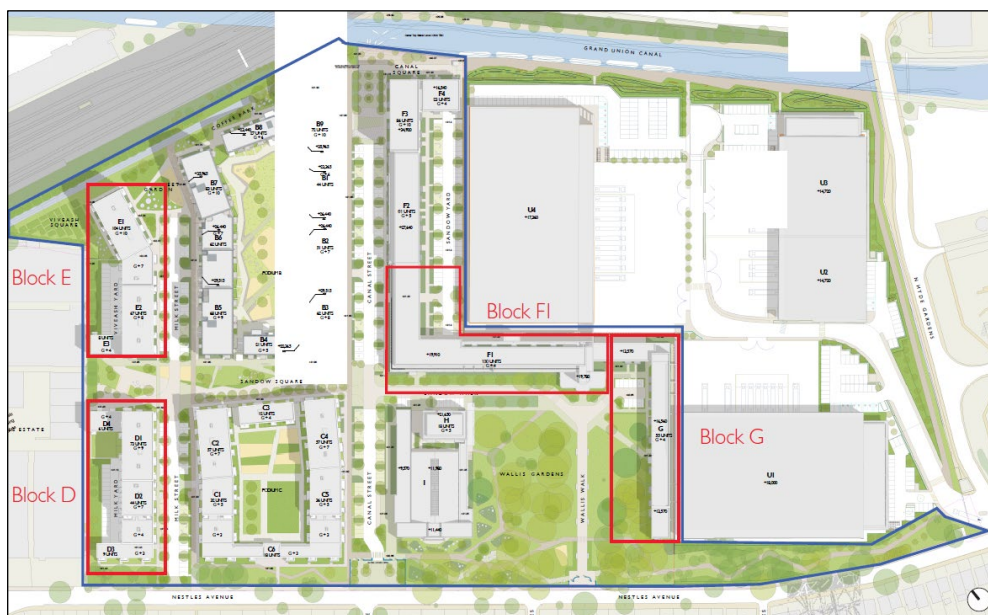


Figure 5.3: Master Planning Proposals for Former Nestle Factory, Hayes

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5.14 It is noteworthy that Block D of the development proposals (providing residential flats) directly adjoin Squirrels Trading Estate.

5.15 The typical internal arrangement of flats within Block D is presented in **Figure 5.4** below.

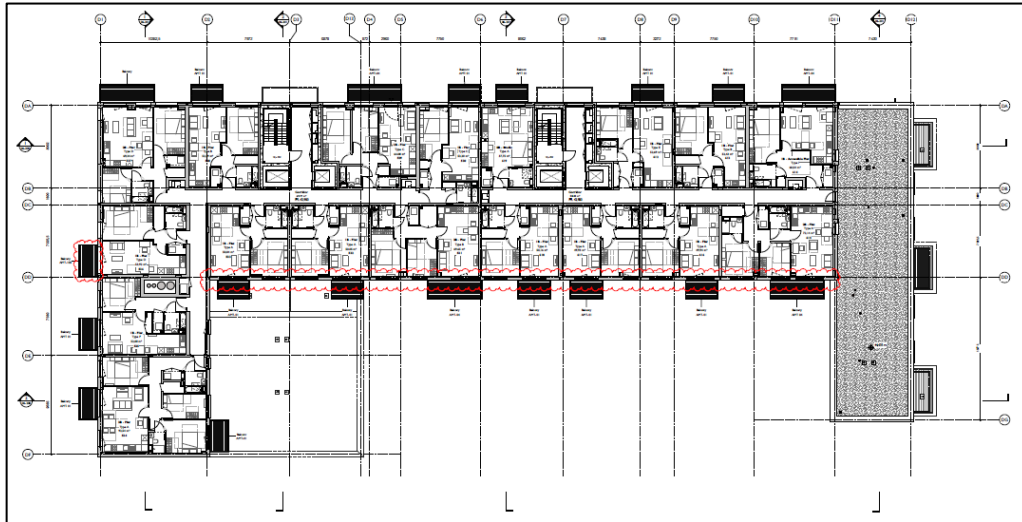


Figure 5.4: Proposed Internal Arrangement of Block D: 4th Floor

5.16 It can be seen that the development proposals include the provision of single aspect dwellings and private balconies with a direct line of sight to the Trading Estate.

5.17 **Figure 5.5** below shows the view from the Trading Estate towards Block D.



Figure 5.5: View from Squirrels Trading Estate to Block D

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- 5.18 The above image has also been annotated to show the structural steel work for the projecting balconies of this block.
- 5.19 As noted earlier, it is my professional opinion that the existing use of the Squirrels Trading Estate does not have a significant adverse impact on the proposed residential development of Stanford House. In my view, that is a conclusion that must also have been reached by the LPA when determining the planning application for the redevelopment of the adjoining (closer) former Nestle factory site, which proposes single aspect dwellings and balconies which directly overlook the trading estate. In such circumstances, it is clearly inconsistent of the LPA to refuse planning permission for development at Stanford House.
- 5.20 Whilst the LPA acknowledge that the redevelopment of Stanford House has been developed in accordance with good acoustic design principles, e.g. (a) the development provides a blank northern elevation which means that no residents face directly onto the industrial area; and (b) all dwellings are provided with appropriate double glazing and alternative means of ventilation (MVHR) to avoid a need for residents to open windows, the Officer Report expresses a residual concern regarding the noise impact on external amenity areas.
- 5.21 In my view, such reasoning serves only to increase the inconsistency with the planning permission granted in relation to former Nestle factory site. To amplify on this, it is clear that the proposed development is arranged with a north-south alignment, with a “blank” north elevation overlooking the Squirrels trading estate. Flats (and associated private amenity areas) are arranged along the east and west elevations of the development (with increasing distance from the Trading Estate).
- 5.22 The proposed massing of the development will create inherent acoustic screening for windows and amenity space along the eastern elevation of the building, which will also provide additional acoustic screening from any activities associated with the use of the Squirrels Trading Estate. This is in contrast to windows and balconies in the western elevation of Block D of the former Nestle Factory site, which have a direct line of sight towards the estate (as clearly shown in **Figure 5.5** above).
- 5.23 Whilst proposed flats, terraces and balconies on the western side of the proposed development will have a more direct line of site to (parts of) the Squirrels Trading Estate, it is my professional judgement that noise associated with existing industrial operations

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will not have a significant adverse effect. As such, it is my view that the proposed amenity spaces do not require additional mitigation.

- 5.24 If, it is the professional opinion of the LPA's noise specialist that a significant adverse noise impact is likely to occur, that should not automatically infer that the LPA should refuse planning permission. The clear guidance set out in the NPPF is that *"suitable mitigation should be required"*.
- 5.25 The reason for refusal states the *"Development fails to provide sufficient separation from the western boundary of the site to mitigate..."*. In my view, this is a rather limited view of mitigation options that could be considered to control noise impacts on external amenity spaces. For example, rather than relying on physical separation, it is possible that additional mitigation could (if considered necessary) be achieved through the provision of acoustic screening (e.g. glazed screens) or even fully enclosed winter gardens.
- 5.26 Whilst it is my view that such measures are not necessary for this development, it is also my view that the effectiveness of such mitigation should be considered by the LPA prior to the refusal of planning permission on noise grounds.

6 Conclusions

- 6.1 A detailed review of potential noise generation associated with the use of 7 Nestles Avenue has been undertaken. It is concluded that extant land uses do not create an unacceptable co-location of uses, which would result in a significant adverse noise impact on the proposed development requiring additional mitigation to discharge 'Agent of Change' obligations imposed by paragraph 182 of the NPPF. The extant planning permissions relating to this building include conditions preventing uses other those currently permitted. As such, recent changes to the government's Planning Practice Guidance (which impose a need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses are permitted to carry out, even if they are not occurring at the time of the application being made) do not alter my conclusion.
- 6.2 Whilst noise impacts from land to the north of the development site do not form part of the reason for refusal, the Council's noise specialist has raised a number of concerns relating to potential noise impacts from the Squirrels Trading Estate. Additional noise monitoring has therefore been undertaken to provide additional information relating to the likely significance of any noise impact arising from the industrial use of this land.
- 6.3 The noise monitoring was adversely affected by noise associated with a temporary generator set serving a catering trailer and noise from construction activities at the former Nestle factory site which also adjoins the Trading Estate. Notwithstanding this and based on site observations, it is concluded that the existing use of the Squirrels Trading Estate would not have a significant adverse impact on the proposed residential development of Stanford House.
- 6.4 Even if that view is not accepted by the LPA, the LPA's reasons for refusal (that the *"Development fails to provide sufficient separation from the western boundary of the site to mitigate..."*), is a rather limited view of mitigation options that could be considered to control noise impacts on external amenity spaces. It does not, for example, countenance whether rather than relying on physical separation, additional mitigation could (if considered necessary) be achieved through the provision of acoustic screening (e.g. glazed screens) or even fully enclosed winter gardens.
- 6.5 It is my view that such measures are not required and weight to that judgment is clearly added by the fact that the LPA has approved planning permission for more extensive residential development on the former Nestle factory site, with Block D of that

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development immediately adjoining the eastern boundary of the Squirrels Trading Estate. It is equally critical to note that that development proposes single aspect dwellings and projecting balconies – design features that are criticised by the LPA when determining the application.

- 6.6 The permitted residential development at the former Nestle factory site also provides important context to the recent changes to the government's Planning Practice Guidance. It is, for example, difficult to contend that new residential development may constrain the **future** activities of industry, when residential development with a more direct exposure has already been permitted in similar proximity.
- 6.7 In light of the above comments, I reaffirm my professional opinion that there is no reason on noise grounds to refuse permission.

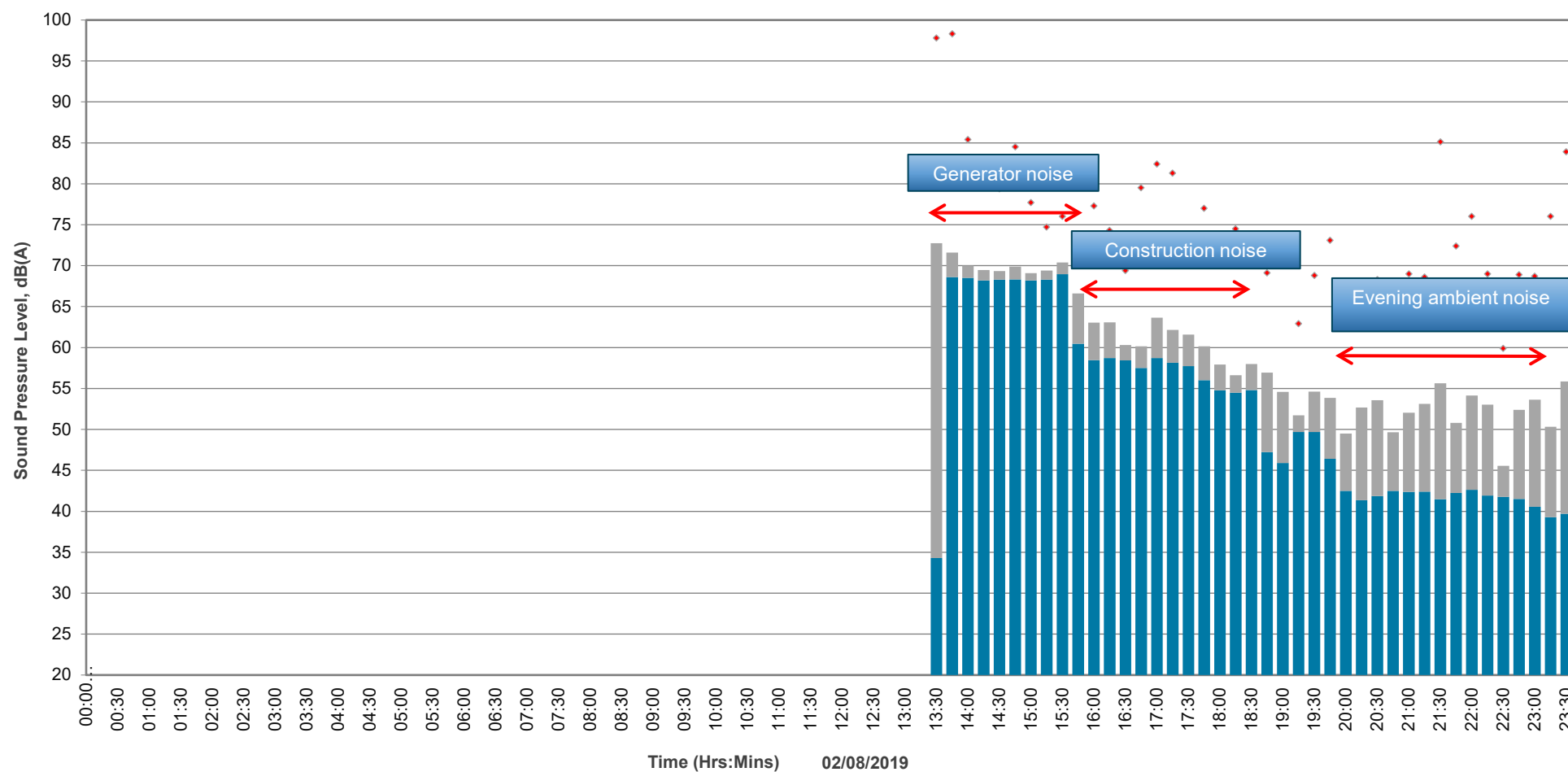
APPENDIX A: Results of Additional Noise Monitoring

Time History Graph A1.1

Project: MRNestlesAvenue(N)2.9

Measurement Location: A1

Survey Period: 02/08/2019



KEY:



$L_{A90,15mins}$



$L_{Aeq,15mins}$

♦ $L_{Amax,fast}$

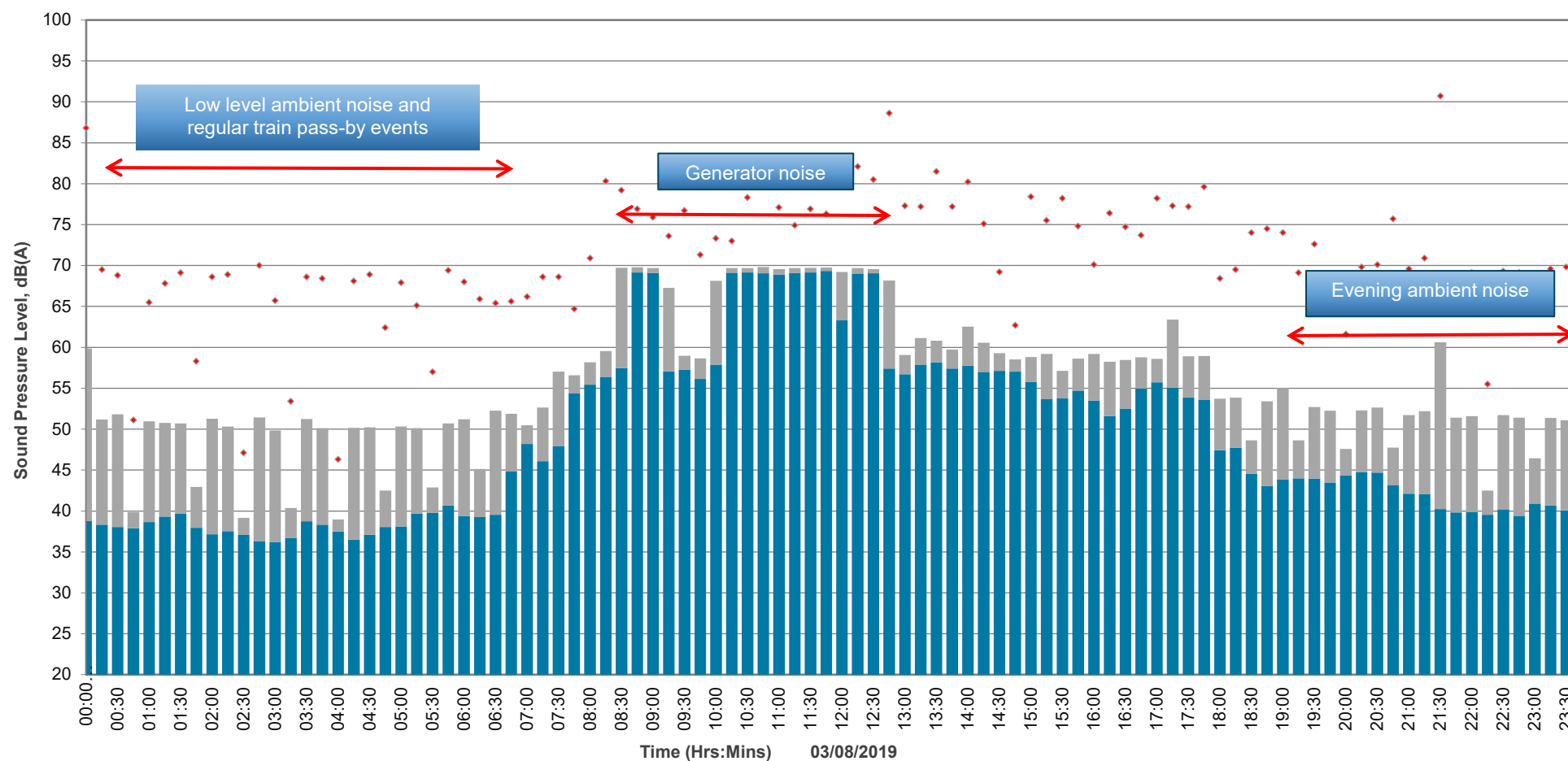
Lion House, Oriental Road, Woking, Surrey GU22 2BR
Telephone: 01483 750508 Fax: 01483 750437

Time History Graph A1.2

Project: MRNestlesAvenue(N)2.9

Measurement Location: A1

Survey Period: 03/08/2019



KEY:



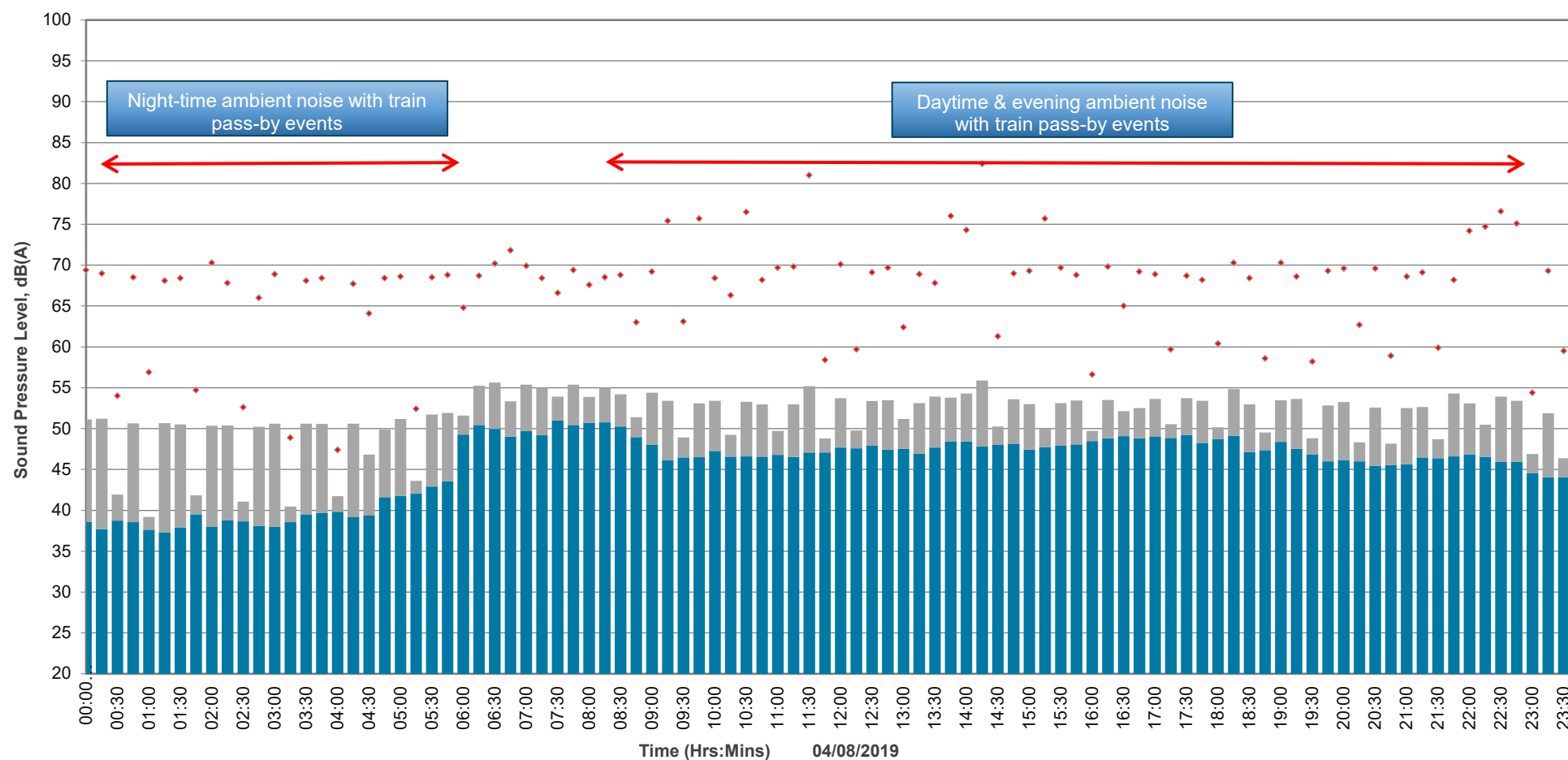
Lion House, Oriental Road, Woking, Surrey GU22 2BR
 Telephone: 01483 750508 Fax: 01483 750437

Time History Graph A1.3

Project: MRNestlesAvenue(N)2.9

Measurement Location: A1

Survey Period: 04/08/2019



KEY:

L_{A90,15mins}
 L_{Aeq,15mins}
♦ L_{Amax,fast}

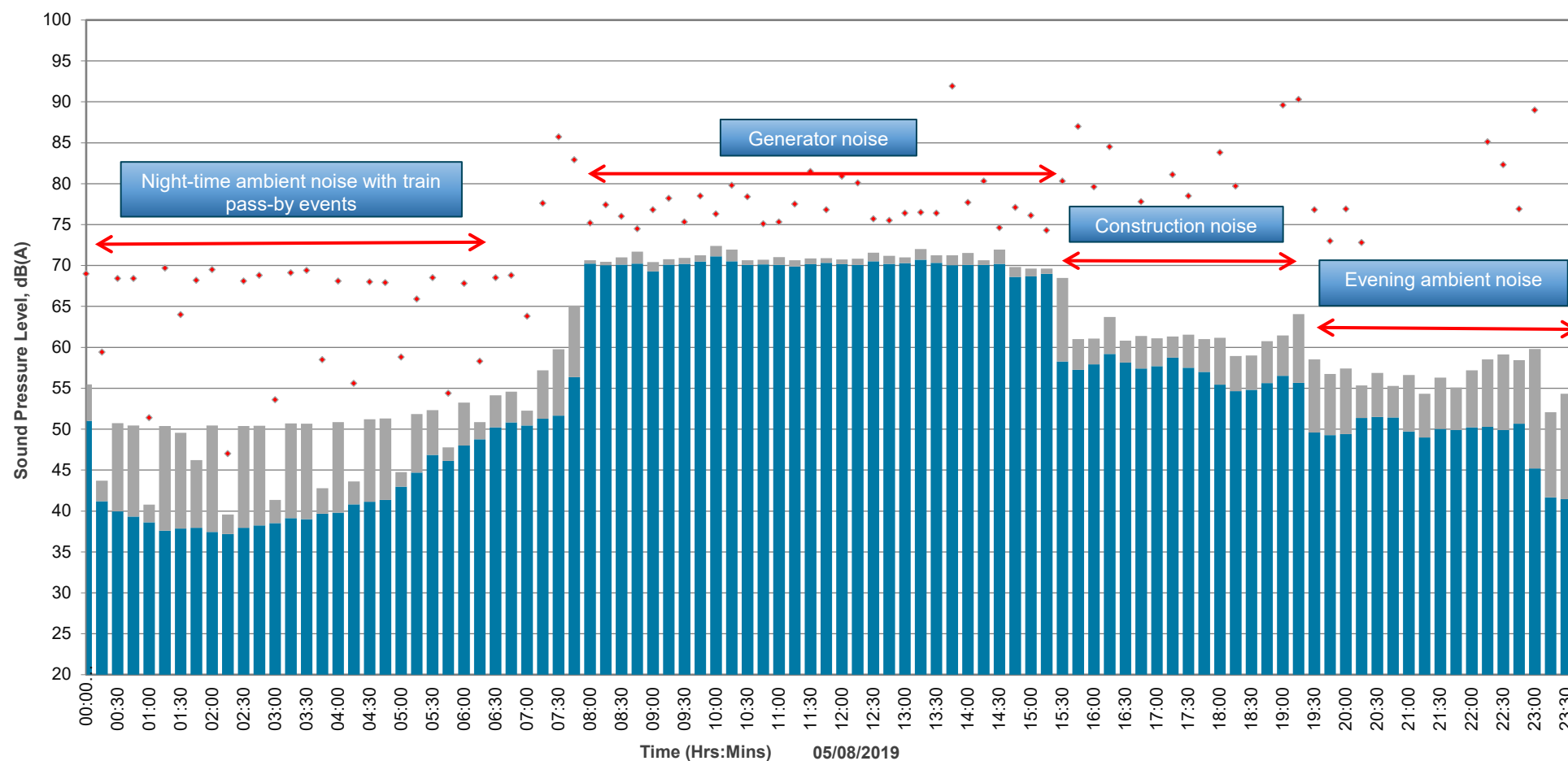
Lion House, Oriental Road, Woking, Surrey GU22 2BR
Telephone: 01483 750508 Fax: 01483 750437

Time History Graph A1.4

Project: MRNestlesAvenue(N)2.9

Measurement Location: A1

Survey Period: 05/08/2019



KEY:



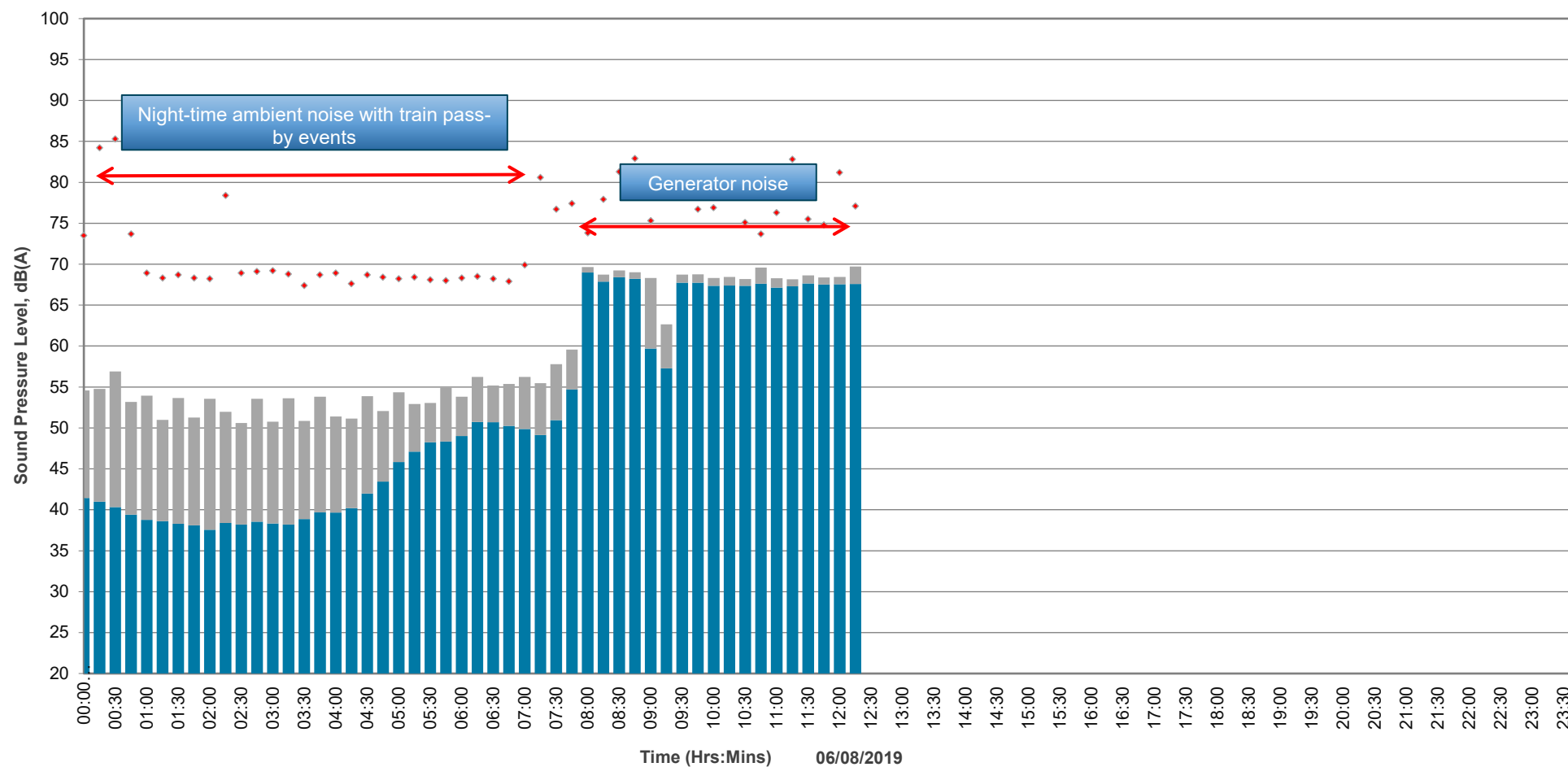
Lion House, Oriental Road, Woking, Surrey GU22 2BR
Telephone: 01483 750508 Fax: 01483 750437

Time History Graph A1.5

Project: MRNestlesAvenue(N)2.9

Measurement Location: A1

Survey Period: 06/08/2019



KEY:



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