

# SHARPS REDMORE

ACOUSTIC CONSULTANTS ▪ Established 1990



## Report

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**HPH1 Building, Millington  
Road, Hayes**

Change of Use, Office to  
Residential under Permitted  
Development

**Prepared by**  
Martin Court MIOA

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### Head Office

#### Sharps Redmore

The White House, London Road,  
Copdock, Ipswich, IP8 3JH

**T** 01473 730073

**E** [contact@sharpsredmore.co.uk](mailto:contact@sharpsredmore.co.uk)

**W** [sharpsredmore.co.uk](http://sharpsredmore.co.uk)

### Regional Locations

South England (Head Office),  
North England, Wales, Scotland

#### Sharps Redmore Partnership Limited

Registered in England No. 2593855

#### Directors

RD Sullivan BA(Hons), PhD, CEng, MIOA, MAAS, MASA;

KJ Metcalfe BSc(Hons), MIOA;

N Durup BSc(Hons), MSc, PhD, CEng, FIOA, MInstP, MASA, MAES;

GJ King MIOA, MCIEH

#### Company Consultant

TL Redmore BEng, MSc, PhD, MIOA



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## 1.0 Introduction

- 1.1 Sharps Redmore has been instructed with respect to an application for Prior Approval (under Class MA of the Town and Country Planning (General Permitted Development etc) (England) (Amendment) Order 2021 concerning the intended change of use from existing Class E (office) floorspace to Class C3 (residential) use at first to third storey level at 'HPH1' Hyde Park, Hayes (The Site).
- 1.2 The application is submitted to the London Borough of Hillingdon as the local planning authority in this instance. Noise from commercial premises on the intended (residential) occupiers of the premises is now considered in the permitted development process under Class MA of the above-mentioned legislation.
- 1.3 In August 2021, changes to the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 came into force. These amendments included changes to prior approval requirements with respect to the change in use from offices to dwelling houses Class MA – Use Class E to residential – offices, shops, gyms, cafes, restaurants as shown below in italics:

### ***Class MA.2.***

- (1) Development under Class MA is permitted subject to the following conditions.*
- (2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—*
  - (a) transport impacts of the development, particularly to ensure safe site access;*
  - (b) contamination risks in relation to the building;*
  - (c) flooding risks in relation to the building;*
  - (d) impacts of noise from commercial premises on the intended occupiers of the development;***
  - (e) where—*
    - (i) the building is located in a conservation area, and*
    - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;*
  - (f) the provision of adequate natural light in all habitable rooms of the dwelling houses;*
  - (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;*
  - (h) where the development involves the loss of services provided by—*
    - (i) a registered nursery, or*

*(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.*

- 1.4 Further changes to existing permitted development rights came into force on 5th March 2024, in particular, removing two key qualifications under Class MA, which allows the change of use from Class E (commercial, business and service uses) to Class C3 (residential use). This will significantly increase the number of sites which will now be able to benefit from this permitted development right.
- 1.5 The previous restrictions were that the building in question was subject to a 1,500 sqm maximum floorspace limit for the change of use and secondly that the building must have been vacant for a continuous period of at least 3 months immediately prior to the date of an application for prior approval. The changes remove both these requirements, which means that Class MA will now apply to in-use buildings and with no floor space limit.
- 1.6 Sharps Redmore have therefore assessed the site and immediate surrounding area for commercial premises where sound from these sources may need consideration with respect to residential end use, and meeting national and local planning policy objectives and acoustic standards.
- 1.7 This report is supplied with respect to seeking permitted development from Hillingdon Council for the proposed change to residential and specifically with reference to noise from commercial premises.
- 1.8 The relevant assessment criteria for any commercial sound sources identified are broadly set out in Section 2, and the site is described in more detail within Section 3 of this report. Site observations and background sound survey details, results and assessment are presented in Section 4, and the conclusions can be found in Section 5.

## 2.0 Assessment Criteria

- 2.1 The legislative context for this assessment is The Town and Country Planning (General Permitted Development) (England) Order 2015, and more recently The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (*The Order*). The Permitted Development Order, in terms of noise, is restricted to the assessment of impacts of noise from commercial premises on the intended occupiers of the development. Transport sources are not considered under the permitted development process although regard will be taken for local aims further to guidance in the National Planning Practice Guidance.
- 2.2 The permitted development and prior approval requirements are set out in the Introduction of this report. The National Planning Practice Guidance (6th March 2014) provides the following advice with respect to the approach and level of details perhaps needed for prior approval:

*“The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion on what processes they put in place. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.”*

[\(http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/\)](http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/)

- 2.3 In the absence of specific guidance, it is considered that the principles of National Planning Policy and requirements within Local Planning Policies with respect to noise are relevant.

### National Policy

- 2.4 Though the prior approval system is intended as a light touch process and not to replicate the planning system, the aims of national planning policy with respect to noise are relevant and therefore should be considered for new development, although only the impacts of noise from commercial premises on future occupants are assessed for the purposes of the prior approval process.
- 2.5 The National Planning Policy Framework (NPPF), revised in 2023, sets out the Government’s economic, environmental and social planning policies for England and “these policies articulate the Government’s vision of sustainable development.”
- 2.6 The NPPF reinforces the March 2010 DEFRA publication, “Noise Policy Statement for England” (NPSE), which states three policy aims, as follows:

*“Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*

- *avoid significant adverse impacts on health and quality of life;*

- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life.”*

2.7 Together, the first two aims require that no significant adverse impact should occur and that, where a noise level which falls between a level which represents the lowest observable adverse effect and a level which represents a significant observed adverse effect, then according to the explanatory notes in the statement:

*“... all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life whilst also taking into consideration the guiding principles of sustainable development. This does not mean that such effects cannot occur.”*

- 2.8 Whilst there are guidance documents and standards pertaining to noise impacts and effects such as guideline values given in the World Health Organisation (WHO) document “Guidelines for Community Noise” and within British Standard, BS 8233:2014, these are only required in this instance in relation to noise impacts from commercial noise sources on the proposed development.
- 2.9 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. They are, as defined by NPSE, set at the Lowest Observed Adverse Effect Level (LOAEL), but do not define the level above which effects are significant (the SOAEL). Compliance with the LOAEL should, therefore, be seen as a robust aim.
- 2.10 The national interpretation of the WHO guidelines is contained in BS 8233:2014 'Sound Insulation & Noise Reduction for Buildings'. BS 8233 recommends the following desirable guideline values for internal ambient noise:

**Table 4 Indoor ambient noise levels for dwellings**

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB $L_{Aeq,16hour}$	—
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	—
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$

- 2.11 There is no longer a  $L_{Amax}$  standard for bedrooms In BS 8233. However, footnote 4 to Table 4 states that “Regular individual noise events (for example, scheduled aircraft or passing trains) can cause sleep disturbance. A guideline value may be set in terms of SEL or  $L_{Amax,F}$  depending on the character and number of events per night. Sporadic noise events could require separate values.” In this case, it is proposed that the previous BS 8233 internal standard (also referenced in World Health Organisation Guidelines for Community Noise) is applied. This is 45 dB  $L_{Amax}$ , inside bedrooms.
- 2.12 Although prior approval should be a light touch process as described in national Planning Practice Guidance, the national planning policies with respect to noise and relevant

standards should still be applied to the protection of the proposed residential use at the proposal from commercial uses.

- 2.13 The residential criteria within BS 8233:2014 and WHO Guidelines will therefore be considered with respect to noise from commercial premises identified in the vicinity of the development site as per the amendments to the order.

### **3.0 Site Description**

- 3.1 The starting point for this assessment was to identify possible commercial or industrial premises in the immediate area surrounding the proposal. This was then followed by a visit to the site on 10<sup>th</sup> July 2024.
- 3.2 The site is located on Millington Road on Hyde Park within the existing Hyde Park office park location. This is a primarily office space area between established residential areas across the A437 and on Dawley Road and Station Road to the south and east respectively.
- 3.3 In terms of commercial activities in the vicinity; There is a builder's merchants to the south east with daytime use only. A coach park facility is to the east which has daytime operating hours with occasional night time drop offs. An ASDA supermarket is approximately 100m to the east, and a Premier Inn hotel/restaurant to the north at approximately 60m at its closest point to the proposal. There are no other commercial premises in the near vicinity which could impact this proposal. The site is surrounded by existing residential buildings to the north, south, east, and west.
- 3.4 The main A437 is approximately 80m to the north with major railway lines approximately 160m to the north. The transport noise sources best describe the existing noise climate resulting from both road and rail together with local traffic using Hyde Park and for access thorough Hyde Park. These are the dominant feature in the noise climate of the proposal across the site rather than any commercial noise. Given this context, the impact of these noise sources has not been considered in this assessment.



## 4.0 Survey Details and Assessment

- 4.1 The proposal and immediate surroundings were surveyed on the 10th July 2024.
- 4.2 The weather conditions were warm and dry with acceptable conditions throughout the survey period. The temperature was approximately 24°C, with very little breeze.
- 4.3 As identified in the site description, the nearest commercial premises are on Millington Road. Occasional noise events in the coach park and builders' merchants were audible although no greater than traffic movements along Millington Road and through the estate.
- 4.4 Four survey positions were considered for an overview of noise levels to be representative for all elevations of the proposal for the assessment shown below as MP1,2,3, and 4. The locations of the relevant commercial premises outlined in paragraph 3.3 above are also shown.



- 4.5 A RION NL52 type 1 sound level meter was used to carry out the survey. The meter was mounted on a tripod at 1.5m in free field conditions. The meter was calibrated at the start of the survey and checked at the end with no drift noted. The meter logged 5' periods over the survey period  $L_{Aeq}$ ,  $L_{Amax}$  and  $L_{A90}$  parameters. The results are summarised below in table 4.1 (Full Survey data is available if required).

- 4.6 The existing noise climate consisted of local and distant road traffic noise and train movements. No contribution other than occasional events were noted from any of the commercial/retail operations. These operations are generally day time only.

**Table 4.1 Summary of Typical Existing Daytime Ambient and Background levels:**

dB	L <sub>Aeq</sub>	L <sub>Amax</sub>	L <sub>A90</sub>
MP1	57	68	51
MP2	53	63	48
MP3	53	55	52
MP4	51	68	49

- 4.7 Given the distances involved, no plant noise was audible from the office buildings, ASDA supermarket or from the Premier Inn. Any vehicle arrivals/departures to these and other commercial premises were not distinctive above local road traffic on Hyde Park. Other substantial office buildings on Hyde Park provide some screening from the main A437 to the north and local through traffic, providing the relatively quiet environments summarised above.
- 4.8 No sound from any nearby commercial premises in the vicinity was considered likely to cause any disturbance to future residential occupants of the site. As such, noise generated by any nearby commercial premises would not result in the requirement for any mitigation measures to be proposed at the site such as further façade insulation or other mitigation to residential end use.

## 5.0 Conclusions

- 5.1 A sound assessment has been made with respect to commercial premises on future residential occupiers in the proximity of the proposal and a permitted development application to change the use to residential under the Town and Country Planning (General Permitted Development) Order 2016 as amended.
- 5.2 The commercial premises within the immediate vicinity of the proposal have been identified for their potential to emit noise. An assessment has subsequently been made to determine whether these sources are likely to require consideration in terms of noise mitigation measures in any final design of the residential proposals.
- 5.3 Following an attended site survey, it is considered that commercial sources of sound in the vicinity will be very unlikely to give rise to adverse noise impacts on the use of the proposal for residential purposes.
- 5.4 Subjective and quantitative assessments have determined that transport noise describes the existing sound climate around the proposal at all the elevations. However, the impacts from these type of noise sources does not fall within the requirements of Class MA of the GPDO.
- 5.5 As stated in National Planning Practice Guidance, *“prior approval is a light-touch process which applies where the principle of the development has already been established”*. In this case, it is considered that the proposal could be permitted to change to residential end use (Planning Use Class C3) with no mitigation measures being necessary with respect to commercial sound. Noise from existing commercial premises will not cause significant harm from adverse impacts on health and quality of life of future residents in accordance with the policy aims of the National Planning Policy Framework , NPSE and local policy.