

Noise and Amenity- advice for developers & other planning applicants

This advice has been written to aid developers and others who propose to submit a planning application that has potential noise and other amenity implications. It is designed to give general advice on how to ensure your application is processed quickly and effectively when the Environmental Control and Protection Team are consulted. General queries about the planning process are best directed to Development Services.

Pre-planning application enquiries

Those requiring pre planning application advice are advised to have close regard to the information below and to ensure their applications are accompanied by the appropriate documentation. Failure to provide appropriate assessments may result in delays to processing a planning application and could mean a recommendation to the planning officer to refuse an application on the basis that the information required for us to make a decision has not been provided.

What is Amenity?

Amenity is not specifically defined in planning legislation. It is defined in the Chambers Dictionary as “the experience of a place as pleasant or attractive”. Others⁽¹⁾ have defined it as “the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors”

Environmental Protection Officers day to day deal with issues that amount to ‘statutory nuisance’. This legislation covers issues such as noise, smoke, dust and a range of other situations. Statutory nuisance is specific and has been defined by many years of case law. In some cases the application “statutory nuisance” controls are limited and statutory defences are available, it may therefore not be available as remedy for some problems and even where it is there are circumstances under which those causing a nuisance may be permitted to continue causing a nuisance.

“Amenity” and “Statutory nuisance” are distinct and separate from one another. In examining a planning application Environmental Protection Officers will specifically consider the implications of the application for amenity. This provides a higher standard of protection for future occupiers of a premises and people living near to a prospective development. The Environmental Protection Officers work within the planning system to try to avoid conflicts between adjacent uses and this reduces regulatory burden by preventing or mitigating problems that may otherwise arise.

(1) <http://www.lawsonfairbank.co.uk/planning-glossary.asp>

In this context Environmental Protection Officers will consider a wide range of environmental factors. Including the following:

- **Noise (including vibration)**

From sources including; plant, equipment, machinery, delivery bays, reversing alarms, live & recorded music, hours of use, traffic, railways, aircraft, customer movements

- **Odour/ Gas Fumes**

From boilers, industrial process, slurry tanks and other similar bulk storage, intensive animal husbandry, stables.

- **Smoke**

Particularly wood burning boilers - how close are neighbours' windows and is the chimney of sufficient height to avoid downwash

- **Dust**

From roads, processing material, construction activity, storage of raw materials

- **Light**

Light breakout and impact on nearby premises

- **Insects**

Animal husbandry including some stables, sewage spreading, sewage treatment, chicken farms

- **Air Quality**

We have produced specific Supplementary Planning Guidance which can be accessed at:

<http://www.wiltshire.gov.uk/communityandliving/publicprotection/pollutionandnoise/airandwaterpollution/airqualityreportsandsummaries.htm>

- **Contaminated land**

We have produced specific Supplementary Planning Guidance which can be accessed at:

<http://www.wiltshire.gov.uk/communityandliving/publicprotection/pollutionandnoise/contaminatedland.htm>

Excessive noise or detriment caused by other factors such as those listed above can have significant negative impact on health and wellbeing.

Good planning facilitates economic prosperity, by protecting residents for undue disturbance that can lead to potentially protracted conflicts and allows business to flourish and grow unhampered by bureaucratic restrictions that can result from poor design, and land use planning.

If you are submitting a planning application or seeking pre-planning application advice to the Council, either for change of use or a new development, this advice may help you. It is important consider any potential noise & amenity problems that may arise as a result of your proposed application.

Before submitting an application

Before you submit a planning application consider the impact on amenity. If noise or other environmental factor is likely to be an issue you are strongly advised to provide supporting documentation with the application that quantifies this issue and details how it will be addressed.

Noise Impact Assessments

These are the most common assessments that Environmental Protection Officers will ask for. Application proposals that raise issues of disturbance or are considered to be in a noise sensitive area must be supported by a noise impact assessment prepared by a suitably qualified acoustician. These include proposals for:

- New residential development close to existing industrial or commercial units or vice versa
- New development close to railway, airfields, busy road, motor racing circuits etc
- New development close to pubs, clubs and other businesses that form part of the night time economy or vice versa
- New development close to retail and other premises using air conditioning units, refrigeration and ventilation plant or vice versa.

Sources of guidance and help that is available

Where noise is likely to be a factor in your planning application you need to consider its likely impact on the local community, and if necessary, what controls will be put in place to ensure that the community will not be unduly impacted. There are a number of sources of information;

BS 4142: 2014 Methods for rating and assessing industrial and commercial sound

This British Standard can be used to assess the likelihood of complaints arising from the installation of a new industrial noise source e.g. new air conditioning or refrigeration units. In most cases we will be expecting the “rating Level” of the noisy activity not to exceed the pre-existing background levels.

BS8233: 2014 Guidance on sound insulation and noise reduction for buildings

This British Standard provides information on the design of internal acoustics for buildings. Environmental Health would normally recommend that noise reduction measures are put in place that will achieve internal noise levels in bedrooms and living rooms set out in the standard.

World Health Organisation Community Noise Guidelines 2000

This guidance describes the impacts on health that may arise as a result of exposure to noise and recommends noise levels within residential properties

The Noise Policy Statement for England <https://www.gov.uk/government/publications/noise-policy-statement-for-england>

Acoustic Consultants

Acoustic consultants can be commissioned to conduct an assessment of the existing noise climate, make predictions about noise levels that will arise from the development and/or give expert advice about noise control. The professional bodies for acoustic consultants are the Institute of Acoustics and the Association of Noise Consultants and you can search for registered consultants on their websites.

Noise & Dust during the construction phase

If there are residential properties close to your development, you will need to consider how noise & dust will be controlled during the construction phase. The Council recommends that noisy activities should not be carried out on site, outside the following hours:

Monday to Friday 08:00 - 18:00

Saturday 08:00 - 13:00

Not at all on Sundays or Bank Holidays

Where complaints are received from members of the public about noise from the site, a legal notice may be served under the Control of Pollution Act 1974 to formally restrict the time for noisy works.

Odour

Odour from takeaways and restaurants can be highly intrusive. Your ventilation engineer will be able to provide advice on appropriate methods of odour dispersal and abatement. Guidance can also be found at

www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf

Larger industrial plant such as coating & spraying will need to approach their suppliers for specialist advice. You may also require a permit under the Environmental Permitting regulations and you are therefore advised to contract Environmental protection direct and or visit our webpage at:

<http://www.wiltshire.gov.uk/communityandliving/publicprotection/pollutionandnoise/pollutionpreventionandcontrolppc.htm>

Smoke & fumes

Wood burners are currently very popular and many properties in rural villages are reliant on oil fired central heating. Flues and Chimneys are required to comply with Building Regulations however, it is also important the environment in which they installed is considered carefully; we get a significant number of complaints about newly installed wood burners which have resulted in smoke entering neighbouring properties and some complaints about fumes from oil fired boilers. Chimneys and flues must be located away from neighbours windows. Chimneys must be sufficiently high to allow free dispersal; e.g. if you are on a hillside for example you might need a higher chimney than normal to take the smoke away from an adjoining neighbour higher up the hill.

Large scale boiler operators will need to provide a chimney height calculation in accordance with the appropriate relevant guidance such as D1 or the chimney height memorandum.

Residential Layout

It is possible to “design out” potential noise conflicts in residential developments by carefully and thoughtfully designing the internal layout of a residential development.

Building Regulations Approved Document E states “It is good practice to consider the layout of rooms at the design stage to avoid placing noise sensitive rooms next to rooms in which noise generated.” Accordingly it is good practice to avoid placing bedrooms adjacent to, above or below living rooms, kitchens or utility rooms.

What to submit as part of an application

Some complex or large scale developments may require a full Environmental Impact Assessment (EIA) and such developments are defined in the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. Any EIA must include references to the impact of noise and other environmental related amenity issues associated with the proposal.

Other large and medium scale projects are advised to seek the assistance of professional acoustic consultants to provide advice on noise issues. This will assist both parties and help to ensure the application is processed promptly and efficiently.

Small Scale Projects

Smaller scale projects e.g. a corner shop installing an air conditioning unit, refrigeration plant or other small scale plant/equipment, will need to assess as far as possible any likely impact from noise on the surrounding community. In this example, the following should be considered and included as part of the application:

- hours of operation of the equipment.
- location of the nearest noise sensitive premises
- the noise output of the equipment to be installed (manufacturers will supply this data)
- acoustic treatments to be used, e.g. anti-vibration mounting, acoustic enclosures
- any other relevant information that would help support the application and provide evidence that the project is not going to have a detrimental impact on the surrounding community.

Change of use

If your application involves a change of use for a commercial premises or a change in the hours of operation for a business, you will need to consider the following as part of your application:

- change of use - if in changing the use of the business there is likely to be a change in the noise arising from the business, e.g. a retail unit turning into a bar, you will need to consider this in your application and include details of any potential noise control measures, e.g. improvements to sound insulation, noise limiters, lobby doors, double glazing, noise management plan
- change in the hours of operation - you will need to check with Planning Services whether there are any conditions relating to the hours of operation on the current planning permission. If there are restrictions on the

hours of operation and you plan to open beyond this you will need to submit an application to vary the condition. You should be aware that the community will be more sensitive to noise after 10:00 hrs and before 07:00 hrs and additional control measures may be required if the new business will be producing noise during this time. This needs to be addressed in the planning application.

Extended Permitted Development rights

Permitted development rights have temporarily been extended under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

In accordance with this Order the Environmental & Control Protection Team is no longer consulted on the full range of environment issues which may be caused by or associated with such a change of use.

Those who wish to utilise these new rights are advised that, notwithstanding the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, you have a duty to ensure that:

- i. The occupants of the development are adequately protected against environmental issues or emissions which exist in the area of the development; and
- ii. Those living or working nearby are adequately protected from environmental issues or emissions caused by the development or use thereof.

There are a wide range of environmental issues or emissions which may affect the health or wellbeing of people or otherwise affect the use or enjoyment of land. Including:

- Noise
- Dust
- Air quality
- Odour/ Gasses/ Fumes
- Light
- Contaminated land
- Smoke
- Insects
- Vibration

These issues or emissions can be present in an environment generally or can be caused by specific activities or operations taking place nearby.

Developers are advised to consider whether their development will be affected by, or will cause, any of the issues described above and if so you must take the appropriate steps to ensure that both the future occupants of your development and those living or working nearby are adequately protected. Where it is not possible to take steps to prevent, or protect people from, these issues you should reconsider whether the change of use should take place.

Failure to adequately consider these factors may result in detriment to amenity, possible statutory nuisance and the consequent legal implications.

Informative

This advice is provided without prejudice and all applications will be determined on their individual merits.

