

Hi Lesley,

The agent's comments regarding the existing noise environment are noted; however, they are based on assumptions rather than objective acoustic evidence. For planning purposes, an assessment must be supported by proportionate, measurable data to robustly address potential noise impacts.

The proposed development constitutes an "agent of change". In accordance with paragraph 187(e) of the NPPF and PPG - Noise (paragraph 009), the responsibility lies with the applicant to ensure the internal noise environment of the dwelling is suitable without reliance on imposing restrictions on existing neighbouring business uses.

The development is directly above a convenience store, which presents a credible risk of noise from external plant (e.g., refrigeration or air handling units) as well as deliveries. No information has been submitted assessing these potential sources.

Building Regulations do not require an environmental noise impact assessment and therefore cannot determine the adequacy of glazing, ventilation performance, or overall internal noise levels arising from external sources.

Additionally, there is insufficient evidence regarding the sound insulation performance of the existing separating floor between the commercial ground floor and the proposed residential accommodation above. For residential use above commercial premises, the separating floor is expected to achieve a minimum performance at least +5 dB above Building Regulations standards, to provide appropriate protection against noise transfer from the commercial use below.

The suggestion of applying an appropriate planning condition is reasonable. Environmental Health would support the application subject to a pre-commencement condition requiring a noise impact assessment. The assessment should evaluate the external noise environment relative to the existing building fabric and identify any mitigation measures necessary to ensure acceptable internal noise levels.

The following conditions are recommended.

Noise mitigation scheme

No development shall commence until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by a suitably qualified acoustic consultant and shall have regard to relevant

guidance including, but not limited to, ProPG: Planning & Noise (2017), BS 4142:2014+A1:2019, BS 8233:2014, and ANC AVO Guidance (2020).

The assessment shall:

1. Measure and assess the external noise climate, including road traffic noise and any relevant commercial noise sources that are capable of materially contributing to the noise climate at the proposed residential unit.
2. Assess whether the existing glazing, façade construction and ventilation arrangements provide sufficient sound insulation to achieve the following internal noise levels within completed residential rooms, with the relevant means of ventilation operating:
 - 35 dB LAeq,16hr (07:00–23:00) in living rooms and bedrooms
 - 30 dB LAeq,8hr (23:00–07:00) in bedrooms
 - 45 dB L_{Amax,F} not exceeded more than 10 times per night (23:00–07:00) in bedrooms
3. Assess the separating floor between the ground-floor commercial use and all first-floor residential units, and determine whether it achieves a minimum performance of 53 DnT,w + Ctr.

Where the approved assessment identifies that any existing building elements or ventilation arrangements are insufficient to meet the above criteria, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority.

The approved Noise Mitigation Scheme shall be implemented in full prior to first occupation of the residential units and shall thereafter be retained and maintained for the lifetime of the development.

Reason: To protect the amenity and living conditions of future occupants of the residential units.

Noise validation testing

A noise validation report, prepared by a suitably qualified acoustic consultant, demonstrating full compliance with the internal noise criteria set out in Condition [X], shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The assessment shall be carried out with the approved ventilation strategy operating (i.e., windows open where relied upon for ventilation, or windows closed with trickle vents open, or windows closed with mechanical ventilation operating, as applicable).

Where compliance is not achieved, additional noise mitigation measures shall be installed and further testing undertaken until the required standards are met. All

approved noise mitigation measures shall thereafter be retained, maintained and operated for the lifetime of the development.

Reason: to protect the amenity of future occupiers of the residential units

Without agreement to the pre-commencement condition and provision of the requested noise information, Environmental Health would recommend the application is refused due to insufficient information to demonstrate that the proposed development shall not result in adverse noise impacts to future occupants.

Kind regards

Craig Milligan

Environmental Health Officer