

**sharps acoustics**

**Burley Appliances, Oakham**

Change of Use, Office to Residential under Permitted  
Development

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**Appendix A:** Location plan

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## 1.0 Introduction

- 1.1 Sharps Acoustics LLP (SAL) has been instructed by Burley Appliances Limited with respect to a change of use under permitted development at 2 Lands' End Road, Oakham, from offices to residential end use. The proposal is to convert two existing office buildings into self-contained flats. SAL have been instructed to advise on sound impacts (if any) from neighbouring commercial sites and activity.
- 1.2 The relevant assessment criteria for the assessment of sound impacts from 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.
- 1.3 An aerial photo of the site and surroundings is shown in Figure A1 and Appendix A.

## 2.0 Assessment Criteria

- 2.1 The site is currently used as offices; with, it is understood from the applicants, existing planning use class B1 (new Use Class E) consent. Under general permitted development rights, no planning application is necessary in order to change the use of the building between Use Class B1 – Business, and Planning Use Class C3 – Dwelling houses.

- 2.2 In relation to the new use classes introduced in 2020, advice on the Government's Planning Portal states:

*"From 1 September 2020, for purposes of Use Class, A1/2/3 & B1 to be treated as Class E*

*For any planning applications submitted before 1 September 2020, the Use Classes in effect when the application was submitted will be used to determine the application.*

*For any reference to Permitted Development rights, and for restrictions to them or applications for Prior Approval, the Use Classes in effect prior to 1 September 2020 will be the ones used until the end of July 2021 (this is defined as the 'material period' in legislation so may be referred to as such)."*

- 2.3 The development would be within the description for "Prior Approval" under Part MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2.4 A noise assessment is required under Schedule 2, Part 3, Class MA of the Permitted Development Order Regulations. The provisions of the order require that the assessment of "impacts of noise from commercial premises on the intended occupiers of the development".
- 2.5 SAL 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.

- 2.6 This report is supplied with respect to seeking permitted development without the need for prior approval from the local authority for the proposed change to residential and specifically with reference to noise from commercial premises.
- 2.7 The relevant assessment criteria for any commercial sound sources identified are broadly set out below, 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.
- 2.8 The legislative context for this assessment is [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015, as amended.](#)
- 2.9 The permitted development and prior approval requirements are set out in the Introduction of this report. The National Planning Practice Guidance provides the following advice with respect to the approach and level of details 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."*

Paragraph: 028 Reference ID: 13-028-20140306 <https://www.gov.uk/guidance/when-is-permission-required#What-are-permitted-development-rights>

- 2.10 In the absence of any further 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 (NPPF)**

- 2.11 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.
- 2.12 The Government's overarching policy in relation to planned development is contained in the National Planning Policy Framework (NPPF).
- 2.13 Paragraph 185 of the NPPF states that Planning policies and decisions should ensure that:

*"... new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life ...”*

2.14 The NPPF does not provide prescriptive advice on how to avoid noise from giving rise to significant adverse impacts on health and quality of life. Therefore, it is necessary to consider advice in other guidance documents. This advice is discussed below.

2.15 In relation to the statement in sub para a) about significance, there is a footnote stating:

*“See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010)” (NPSE – discussed below).*

2.16 The Noise Policy Statement for England was prepared by DEFRA and is dated March 2010.

2.17 Paragraph 1.5 of the NPSE states that the advice within the document applies to all forms of noise including environmental noise, neighbour noise and neighbourhood noise.

2.18 The Noise Policy Aims of the NPSE (NPSE paragraphs 2.22 to 2.24) can be summarised as follows:

- 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.

2.19 All three of these aims are to be considered in the context of Government policy on sustainable development.

2.20 The first two aims require that no significant adverse impact should occur and, where noise falls between a level representing the lowest observable adverse effect (LOAEL) and a level representing a significant observed adverse effect (SOAEL), then according to the NPSE:

*“... 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.”*

2.21 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.

### **Relevant Guidance and Standards**

2.22 It is possible to apply objective standards to the assessment of noise and the design of new dwellings should seek to achieve these objective standards. Such guideline values are given in the World Health Organisation (WHO) document “Guidelines for Community Noise” (partially superseded, but still valid in relation to night time maximum levels which could lead to sleep disturbance from certain noise sources)

and within British Standard, BS 8233:2014 which is principally intended to assist in the design of new dwellings.

2.23 Guideline values in BS8233 are described as “desirable” and, as such can be considered to represent a robust level below which there would be no adverse effect (so below the LOAEL). Likewise, the maximum level recommended by the WHO guidance is an internal level required to avoid critical health effects and, thus would result in levels below the LOAEL.

2.24 Table 2.1 below contains a summary of the recommended internal noise guideline levels to achieve levels below LOAEL.

**Table 2.1: Internal design guideline for noise from WHO / BS8233: 2014**

Activity	Location	Period		
		Day (0700 to 2300 hours)	Night (2300 to 0700 hours)	
Resting	Living Room	35 dB LAeq, 16hr	-	-
Dining	Dining Room	40 dB LAeq, 16hr		
Sleeping	Bedroom	35 dB LAeq, 16hr	30 dB LAeq, 8hr	45 dB LAmax

2.25 This is considered a robust but balanced view in the context of current policy towards supporting residential development. Where a development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal targets may be relaxed by up to 5 dB and reasonable internal conditions still achieved.

### Sound character

2.26 It should be noted that, where a commercial noise source has a tonal, impulsive or intermittent character which would be noticeable, a penalty can be added (such as those set out in British Standard BS4142:2014+A1:2019) to account for the fact that such acoustic features would be more annoying than a more “anonymous sound at the same level.

2.27 Where the commercial sound is entertainment noise, other suitable noise criteria would need to be considered, as the effect of such noise would need to be considered differently, taking account of the existing noise levels in the absence of the sound; the number of times it occurs in a given period; its duration; and the times at which it occurs. This is not relevant in this case.

## 3.0 Site description

3.1 Burley Appliances occupy a site comprising office buildings and a factory at 2 Lands’ End Road, Oakham. The office buildings comprise: one single storey and two interlinked two storey buildings surrounded by grassed areas. The buildings are separate from the factory, the closest part of which is approximately 30m due south. It is also understood that the factory will be demolished prior to residential occupation.

- 3.2 To the west of the site is Lands' End Road, a main road along which new houses have been built in a residential development known as "Farriers Reach".
- 3.3 To the north of the site, the closest commercial business is "Sentura", a specialist company supplying fire safety and infection control products. This site comprises a two-storey office block at the front of a large warehouse. The site opening hours are Monday to Friday between 07:00 and 18:00 hours, closed on Saturday and Sunday. The warehouse appears to be for storage only and there are no processes or machinery, designated for B8 use as per approved Plan ref AP/2012/0501, Rutland County Council.
- 3.4 Beyond this neighbour is an industrial estate on Pilling Road which comprises small commercial units most of which are occupied by commercial traders, vehicle repair services and building material suppliers
- 3.5 The east of the site is bounded by a railway line with playing fields and Oakham cemetery beyond that.
- 3.6 To the south of the site is a large open space for local garden allotment holders (Oakham Home and Garden Allotments).

## 4.0 Noise Survey

- 4.1 An assessment of commercial noise sources was carried out on the 22 March 2022.
- 4.2 At approximately 06:30 hours commercial premises in Pillings Road were observed and found to be closed with no apparent activity or discernible noisy activity.
- 4.3 From 07:00 hours, noise level measurements were taken near to the Burley office buildings corresponding to the façade facing Lands End Road and façade facing Sentura. The sound level measurement locations are shown in Figure A1 in Appendix A.
- 4.4 Measurements were made at a height of 1.5m in free field conditions. All sound level measurements were made using a 01dB Fusion Type 1 sound level meter which was checked for calibration before and after use. No significant drift was noted.
- 4.5 For information purposes it can be noted:
- Measurements of sound level were all made with the A-weighting, which is a filter applied to the sound level meter to simulate the frequency response of the human ear, which is more sensitive to high frequency sound than low.
  - $L_{Aeq}$  is the equivalent continuous noise level which is a method of averaging the varying noise level over the time period into a single figure value. The  $L_{Aeq}$  has the same sound energy as the fluctuating level over that period.
  - $L_{A90}$  is the noise level exceeded for 90% of the time and is referred to as the background noise level.
  - $L_{Amax}$  is the highest level within the measurement period.

4.6 Noise survey results are summarised in Table 4.1 below.

**Table 4.1: Summary of noise survey results**

Measured Parameter	Location 1	Location 2
	0700-1300 hours	0700-1300 hours
Typical $L_{Aeq,T}$ , dB	56	48
Typical $L_{A90}$ , dB	45	44
Typical $L_{Amax}$ , dB	71	70

4.7 Noise at location 1 was predominantly from motor vehicle traffic passing along Lands End Road. Sound from commercial activity was not present. At location 1, a forklift truck was observed in the distance (approximately 100m) at the storage yard serving Jackson Building Centre unloading an HGV and stacking materials. The sound from this was barely discernible when road traffic noise was absent but was too low to be measurable.

4.8 Noise at location 2 was predominantly distant road traffic and occasionally from trains passing along the railway, 140m distant. Sound from commercial activity was not present. At location 2, a forklift truck was observed in the distance at the storage yard serving William Hercock Building Materials Supplier (approximately 160m). The sound from this activity was not discernible.

## 5.0 Conclusions

5.1 An assessment was carried out of the potential adverse effects which might arise from noise from all sources in the vicinity on proposals to convert two office buildings at Burley Appliances, 2 Lands' End Road Oakham for residential use.

5.2 Based on the results of an attended noise survey at the site, it is considered that commercial sources of sound would be very unlikely to give rise to adverse noise impacts on the proposed conversion to use for residential purposes.

5.3 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 commercial premises would not cause significant harm from adverse impacts on health and quality of life of future residents in accordance with the national planning and noise policy aims.



## Appendix A: Site Location

**Figure A1: Site plus noise monitoring locations:**

