

Planning and Noise

Economy and Skills Scrutiny Committee
3rd November 2021



Overview

- Policy Position
- GDPO
- Technical Approach

National Policy

■ NPPG:

- Includes consideration of the sensitivity to the prevailing acoustic environment.
- States that 'Good acoustic design needs to be considered early in the planning process'
- Requires plan making to take account of:
 - Whether or not a significant effect is occurring or is likely to occur
 - Whether or not an adverse effect is occurring or likely to occur
 - Whether or not a good standard of amenity can be achieved.
- Sets out the factors where noise will be a concern.
- Sets out how the risk of conflict between new development and existing businesses or facilities can be addressed.

Local Policy

- No specific policy in the Birmingham Development Plan
- Development Management Policies in Birmingham DPD:
 - Due to be adopted late 2021
 - Policy DM6 – Noise and Vibration – requires development to be designed, managed and operated to reduce exposure to noise.
 - Requires background noise to be taken into account
 - Requires that development sensitive to noise must be accompanied by an assessment of the impact of any existing/planned sources of noise and vibration in the vicinity and details of how any adverse noise will be reduced/mitigated.

GPDO – Change of Use to Residential

- Impact of noise from commercial premises largely an issue that is controlled through the prior approval regime however certain PD rights exclude noise from considerations (e.g. Sui Generis uses such as takeaway, launderette or B1(c) to residential).
- Noise was not originally a consideration for office to residential but has been introduced providing greater protection for businesses.
- GDPO only talks about commercial noise, other sources of noise (e.g. traffic) are not in scope
- Subtleties in the drafting of the Order. Most are defined as “impacts of noise from commercial premises on the intended occupiers” but it also uses the phrase “noise impacts of the development” (e.g. B8 and agricultural to residential)

Technical Approach

- In respect of planning applications or prior approvals where noise is in scope the first stage is the provision by the applicants of a Noise Assessment with appropriate methodology and scope that characterises the existing noise environment. The Officer and the EPU will ensure that all suitable noise sources are included and they are representative. An example would be ensuring that a nearby factory was operating noisy equipment or a live music venue had an event on when any surveys were undertaken.
- Covid and lockdowns have complicated matters. Although less of an issue now a combination of modelled and historic data from other sites together with test events helped to provide the information when entertainment uses were not operating.
- The impact of the above is then tested against the development proposals bearing in mind its layout and construction details. Where feasible non-habitable rooms are located in the noise effected parts of the scheme
- There are three potential outcomes 1) the noise is such that it is incapable of mitigation to an acceptable level 2) that with mitigation a suitable residential environment can be created and 3) the existing situation is suitable for residential use.

Technical Approach

- In case of where mitigation is necessary this can take the form of the specification of the external fabric of the building (e.g. wall construction and glazing spec) or in the worst case having non-opening windows at the residential properties and providing alternative means of ventilation. Where windows are sealed this is not an optimum solution and not supported at all by Regulatory Services as a principle. This would therefore be put into the planning balance of the overall scheme.
- Where mitigation at source is feasible without placing unreasonable constraints on the business, and both parties agree to the scope of these works (utilizing the agent of change principle) the developer can fund/undertake works to the business. The benefits of this is that all not just the application being determined benefit from the changes. A recent example of this strategy is at a development at 16 Kent Street where works are proposed to mitigate the impact of the Nightingale Nightclub in the heart of the Gay Village.
- Disadvantages to dealing with the noise at source are a) negotiations to agree (and test) the scope of works can take a long time, b) the cost of the works to the developer reduce the other planning gains that would have been provided such as affordable housing and public open space contributions, and c) the scope of works agreed will only be to mitigate for that specific development – other schemes may necessitate further works.

