

LDF

Building on Success

Noise

Supplementary Planning Document - Adopted May 2009
Local Development Framework



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1: Introduction

1.1 This guide describes and details the requirements of The Royal Borough of Kensington and Chelsea (“the Planning Authority”) with regard to planning and noise. This Supplementary Planning Document (SPD) supports the Unitary Development Plan (UDP) policies and provides detailed guidance on how to implement them. The UDP is in the process of being replaced by the Local Development Framework (LDF) which is a portfolio of documents. This SPD may be updated to reflect the new policy framework once it is adopted, however much of the information provided in this guidance will remain relevant.

1.2 This guidance is particular to the Royal Borough of Kensington and Chelsea and is not intended for generic use. Developers and their agents should use this SPD to help identify the issues to be addressed in any application for development in which noise and/or vibration will be a material consideration when assessing that application.

1.3 The SPD sets out the criteria adopted to protect occupiers of new or existing noise sensitive buildings from existing or introduced noise sources and the residential amenity of the borough.

1.4 Section 5 addresses sound insulation between dwellings both for new build and conversions. It also addresses the important issue, in this borough, of proposals for sound insulation between commercial and entertainment uses and adjoining residential dwellings when either is submitted as an application for change of use.

1.5 Section 8 of this SPD addresses noise emanating from places of entertainment such as pubs, clubs and bars.

1.6 In order to assist the registration of planning applications by the Planning Authority an application should contain a noise survey and report to support the proposal. This will ensure quick registration of applications and will help to assist the Planning Authority and the Directorate of Environmental Health in assessing the application. Further information on the requirements for a noise survey is set out in Section 3.0 of this SPD.

1.7 Officers of the Directorate of Environmental Health will be available to discuss and clarify this Guidance in regard to specific proposed development.

2: Policy Context

Local Government Policy

2.1 The Royal Borough of Kensington and Chelsea is committed to the protection of residential amenity from any development where noise is generated by the proposed use or activity where it would cause material disturbance to occupiers of surrounding properties. The Planning Authority is keen to ensure that such developments give adequate protection from noise to surrounding properties. Objective 1 of the Council's Strategic Environmental Assessment/Sustainability Appraisal is to conserve and enhance the natural environment and biodiversity. Objective 13 aims to ensure that the housing needs of the Royal Borough are met. The control of noise comes within the aims of these two objectives.

2.2 The control of noise is an important consideration when determining applications for planning permission. In this regard, the UDP (soon to be replaced with the LDF) requires that any development deals effectively with the control of noise and vibration. This SPD supplements the following policies relating to noise within the UDP:-

UDP Policy CD40 states:

"To resist proposals where the noise generated by the use or activity would cause material disturbance to occupiers of surrounding properties."

UDP Policy CD41 states:

"To ensure that residential developments include adequate protection of the internal environment from the effects of noise."

UDP Policy CD52 states:

"To resist the installation of plant and equipment, where:-

- a. *they would cause material harm to the appearance of the building or the character of the area, or*
- b. *noise or vibration generated would cause material disturbance or nuisance to occupiers of surrounding properties, or*
- c. *odours would cause material disturbance or nuisance to occupiers of surrounding property."*

UDP Policy H2 states:

"To seek the development of land and buildings for residential use unless:-

- a. *A satisfactory residential environment cannot be reasonably achieved by reason of excessive noise, inappropriate location or ground contamination; or*
- b. *The land is required for the provision of social or community facilities to meet local needs; or*
- c. *The development is for the replacement on the same site of existing commercial floorspace which has not given rise to environmental or traffic problems."*

UDP Policy H4 states:

"To resist the encroachment into residential areas of commercial activities which would be inappropriate by virtue of size, scale, hours of operation, traffic generation or nature of use."

Metropolitan Policy

2.3 The Mayor of London's Ambient Noise Strategy ⁽¹⁾ sets out London wide policy aims for the control of noise.

2.4 London Plan Policy 4A.20 seeks to reduce noise and enhance soundscapes:

"The Mayor will and boroughs in DPDs should reduce noise by:

- *minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals*
- *separating new noise sensitive development from major noise sources wherever practicable*
- *supporting new technologies and improved practices to reduce noise at source, especially in road, rail and air transport*
- *reducing the impact of traffic noise through highway management and transport policies (see Chapter 3C)*
- *containing noise from late night entertainment and other 24-hour activities, and where appropriate promoting well-managed designated locations (see Chapter 3D)*
- *identifying areas of relative tranquillity, which it is intended should be protected or enhanced.*

1 <http://www.london.gov.uk/mayor/strategies/noise/index.jsp>

The Mayor will work with strategic partners to ensure that the transport, spatial and design policies of this plan support the objectives, policies and proposals set out in the London Ambient Noise Strategy.

National Government Policy

2.5 Planning Policy Guidance Note 24: Planning and Noise is the current national guidance on the assessment of noise and vibration of development. The document refers to other documents which should also be taken into consideration when submitting proposals for development i.e:-

- BS 8233: 1999 - Sound Insulation and Noise Reduction for Buildings – Code of Practice; used for the design of sound insulation of building facades.
- BS 6472:2008(revised): Evaluation of human exposure to vibration in buildings (1Hz to 80Hz); used for the design of structures to control vibration in buildings.

PPG24 is under review and may be replaced with new guidance in the near future.

2.6 National policies on noise derive to some extent from publications of the World Health Organisation. The latest being: 'Guidelines for Community Noise 1999'.

2.7 The Environmental Noise (England) Regulations 2006 give effect to EU Directive 2002/49/E, relating to the assessment and management of environmental noise. The Environmental Noise (England) Regulations 2006 will assist in the formulation of a National Ambient Noise Strategy; work on this is currently under way.

3: General Requirements

3.1 Applications for residential and commercial developments including places of entertainment and all applications where external plant and equipment is proposed should be submitted with a noise survey and report prepared by a competent acoustician who shall be a member of the Institute of Acoustics ⁽²⁾.

3.2 This report should contain results of noise surveys to determine the range of ambient and background noise levels. This report should also contain time periods and parameters measured in accordance with this SPD. It should also contain details of noise assessments, predictions and calculations.

3.3 The report should give recommendations and specifications of works, where necessary, that are required in order for the development to comply with this SPD. Any works necessary to control noise should be detailed on the planning application drawings. Where external noise attenuation equipment is proposed, such as acoustic enclosures or acoustic screens, the noise survey report should demonstrate the location, size and visual impact of such equipment on the host building. This is especially important with regard to historical buildings or buildings situated in conservation areas.

3.4 Noise measurement surveys undertaken to establish ambient and background noise levels should be undertaken in accordance with the recommendations of BS 7445-1:2003

3.5 Noise surveys and reports will generally be required for developments including:

1. Building services and other external plant
2. Residential and noise sensitive developments
3. Subterranean developments
4. New places of entertainment
5. Where there are increases in road traffic

3.6 However if you are unsure please seek pre-application advice from the Environmental Health Line on 0207 361 3002 or email environmentalhealth@rbkc.gov.uk.

3.7 Should you not submit a noise survey and report with the application as required above or seek the advice of Council Officers your application may be refused or conditions imposed to limit the impact of noise as appropriate. However, any condition may not be discharged where compliance requires external noise attenuation, such as acoustic enclosures, acoustic screens or plant equipment, which have an unacceptable visual impact on the host building.

2 For advice on the preparation of a noise impact assessment report: The Institute of Acoustics: www.ioa.org.uk; The Association of Noise Consultants: www.association-of-noise-consultants.co.uk, and the Noise and Nuisance Technical Team within Environmental Health at RBKC

4: Planning and Noise

4.1 There are two main scenarios:

- a. **Firstly, development sensitive to existing noise such as new residential dwellings, schools and hospitals:** The main existing environmental noise sources within the Royal Borough are road and rail traffic and to a lesser extent aircraft noise and existing building services plants. Industrial noise within the borough is minimal. An assessment of the impact of existing noise on occupiers of these proposed developments will be required.
- b. **Secondly, development which generates noise:** Applications for development that have the potential to generate noise include those associated with building services plant and equipment, such as air-conditioning plant. Noise associated with vehicle deliveries or collections and increases in traffic as a consequence of development can also result in increases in noise. Applications associated with pubs, clubs and places of entertainment are dealt with later. An assessment of the impact of noise from these developments on existing residential occupiers will be required.

4.2 These scenarios are explored further in the following sections.

5: Noise Sensitive Development

5.1 New residential dwellings Including Residential Dwellings exposed to noise from existing sources should be assessed in accordance with Planning Policy Guidance Note 24: Planning and Noise: 1994, (PPG24), and BS 8233: 1999: Sound Insulation and Noise Reduction for Buildings - Code of Practice.

5.2 Wherever possible and practicable, noise sensitive and residential development shall be separated from existing sources of noise. Separation can be achieved for example by the location of habitable rooms on quieter facades and the use of adequate sound insulation.

5.3 The approach of PPG24 is to assess sites according to various noise exposure categories. The approach is set out in Annex 1 of PPG24. This SPD guidance takes account of PPG24 and local circumstances. When assessing a proposal for residential development exposed to existing environmental noise, the Directorate of Planning and Borough Development will use **Table 1** to determine which of the four Noise Exposure Categories (NECs) A to D the proposed development site falls into, taking account of both day and night-time noise levels. Values in Table 1 refer to average noise levels determined for an open site at the position of the proposed dwellings, situated away from any existing buildings. Noise levels should be determined at a height of 1.2m to 1.5m above ground level at the position of the proposed dwelling. Noise levels at upper or lower floor levels should also be established if significant differences in noise exposure are anticipated at different floor levels. Where the average is on the boundary between NEC's B and C, it will be for the local planning authority to determine the more appropriate NEC for the proposal. Where sites are affected by existing buildings, bunds or screens, or where pre-application advice is required, contact the Environmental Health Line on 0207 361 3002 or email environmentalhealth@rbkc.gov.uk.

Table 1: NEC's for New Dwellings Near Existing Noise Sources

| NEC | Time hours | LAeqT Road traffic | LAeqT Rail traffic | LAeqT Aircraft | LAeqT Mixed Sources | Advice |
|-----|---------------|--------------------|--------------------|----------------|---------------------|---|
| A | 07.00 - 23.00 | <55dB | <55dB | <57dB | <55dB | Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category will be regarded as less desirable. |
| | 23.00 - 07.00 | <45dB | <45dB | <48dB | <45dB | |
| B | 07.00 - 23.00 | 55-63dB | 55-66dB | 57-66dB | 55-63dB | Noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection against noise to meet the Council's recommended outdoor and indoor noise levels. |
| | 23.00 - 07.00 | 45-57dB | 45-59dB | 48-57dB | 45-57dB | |
| C | 07.00 - 23.00 | 63-72dB | 66-74dB | 63-72dB | 63-72dB | Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise to meet the Council's indoor noise level. |
| | 23.00 - 07.00 | 57-66dB | 59-66dB | 57-66dB | 57-66dB | |
| D | 07.00 - 23.00 | >72dB | >74dB | >72dB | >72dB | Planning permission is likely to be refused. |
| | 23.00 - 07.00 | >66dB | >66dB | >66dB | >66dB | |

- i. Values in the table above refer to noise levels at the position of the proposed dwelling.
- ii. The noise levels used should be representative of typical conditions. This may include predictions of noise. This could include predictions about various operating conditions but also the effect of proposed buildings adjoining the site.
- iii. Sites where night time noise events (23.00 - 07.00) regularly exceed $82 \text{ dB}_{L_{A_{\text{max,Slow}}}}$ several times in any hour should be treated as being in category C (except where the $L_{A_{\text{eq}}}$ level already puts the site in category D).
- iv. For aircraft noise, daytime values accord with contour values which relate to levels measured 1.2m above ground.
- v. $L_{A_{\text{eq,T}}}$ the equivalent continuous sound level - the sound level of a notionally steady sound having the same energy as a fluctuating sound over a specified measurement period (T).
- vi. $L_{A_{\text{eq,T}}}$ is used to describe many types of noise and can be measured directly with an integrating sound level meter.

5.4 It is likely, after following the PPG24 procedure that many sites within the borough, suitable for new housing, will be exposed to existing noise levels contained within, or on the boundary of, NEC B or C of Annex 1 PPG24. The application will therefore require recommendations and proposals to achieve the following internal noise levels:

Bedrooms ⁽³⁾ (23.00-07.00) - 30 to 35dB_{L_{Aeq(8hour)}} and 45dB_{L_{Amax}}

Living Rooms ⁽⁴⁾ (07.00-23.00) - 30 to 40dB_{L_{Aeq(16hour)}}

5.5 Ideally, to achieve these internal levels windows would be open. However, on those potential sites exposed to high levels of traffic noise, windows would need to be acoustically glazed and tightly closed. Alternative means of ventilation would be required. Ventilation systems must include adequate noise attenuation, outside to inside. Consideration should also be given to through the wall or window passive vents and whole building passive stack or mechanical systems. Rapid ventilation and purge could still be achieved by opening windows for short periods when appropriate.

5.6 All schemes for ventilation shall comply with Document F1 'Ventilation' The Building Regulations 2000.

5.7 Sites falling into NEC D shall be subject to early discussion with the appropriate Officer within the Directorate of Environmental Health (tel: 0207 361 3002). The guidance in PPG24 is that such sites should normally be refused planning permission. However, sites within the Royal Borough for new residential dwellings are scarce. PPG24 does allow measured noise levels to be reduced by 3dBA (see Para 9 PPG24). This can be appropriate, for example, as there is a need to utilise all potential residential development sites within the borough and this may allow for residential development on sites within NEC D, albeit with appropriate room layout, façade sound insulation and ventilation to achieve internal levels given in paragraph 5.4 above.

5.8 Outside amenity areas should also be assessed and should, ideally, not be above the range 50 - 55dB_{L_{Aeq(16hour)}} at ground level. In order

to achieve this level of exposure to existing noise consideration should be given to providing amenity areas carefully sited away from noise-exposed facades and/or the provision of acoustic screening. Current UDP Policy H7 seeks... 'where appropriate, the provision of some outdoors space in all new development and, in particular, the provision of open space and play facilities in developments of over ten units.' The assessment of the noise exposure of outdoor amenity space where this is provided at ground level should be included in a noise survey report

5.9 PPG24 refers to the method of BS 4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas' when new residential development would be exposed to existing industrial noise (**Para 19 Annex 3**). The Royal Borough contains very little space that could be defined as a mixed residential and industrial area. However, noise sources of this type could generally be building services plant but not exclusively. The assessment method of Para 9 of BS 4142:1997(revised) shall indicate, where the existing source would attract the +5dB correction as per paragraph 8 of BS 4142:1997, a difference in rating level to background noise (L_{A90}) of -15dB. Where the existing source would not attract the +5dB correction the difference in rating level to L_{A90} background level shall be -10dB.

5.10 Where a predictive BS 4142 assessment indicates that complaints from occupiers of new residential dwellings would be likely as a result of noise from existing industrial/commercial noise sources, the application is likely to be refused. The applicant would need to otherwise demonstrate that they are in negotiation with the owners of the industrial/commercial facilities to control and reduce noise sufficiently such that complaints are unlikely, as defined in Para 9 of BS 4142:1997(revised). However, it is not possible to impose conditions outside the application site.

5.11 Internal noise levels for other types of development should be as follows ⁽⁵⁾:

- a. **Classroom:**
35dB_{L_{Aeq(16hour)}} to 40dB_{L_{Aeq(16hour)}}
- b. **Lecture Theatre:**
30dB_{L_{Aeq(16hour)}} to 35dB_{L_{Aeq(16hour)}}

3 These recommended levels are from Table 5 of BS 8233 'Sound Insulation and Noise Reduction for Buildings CofP'

4 These recommended levels are from Table 5 of BS 8233 'Sound Insulation and Noise Reduction for Buildings CofP'.

5 Note: The acoustical requirements for indoor noise levels for all occupied spaces in schools are as specified by DfES Building Bulletin 93 "Acoustic Design of Schools" 2003

- c. **Libraries, Museums etc:**
40dB_{L_{Aeq} (16hour)} to 50dB_{L_{Aeq} (16hour)}
- d. **Cellular Offices:**
40dB_{L_{Aeq} (16hour)} to 50dB_{L_{Aeq} (16hour)}
- e. **Open Plan Offices:**
45dB_{L_{Aeq} (16hour)} to 50dB_{L_{Aeq} (16hour)}
- f. **Meeting Rooms:**
35dB_{L_{Aeq} (16hour)} to 40dB_{L_{Aeq} (16hour)}

(derived from BS 8233:1999 'Sound insulation and noise reduction for buildings' C of P)

6: Noise Generating Development

6.1 All noise generating development such as building services plant and equipment will be subject to the imposition of the following condition, where considered appropriate, in order to protect residential amenity. The Environmental Health Directorate will seek to attach planning condition:

“Noise emitted by external building services plant and equipment shall not increase the existing concurrent measured lowest LA90(15min) background noise level at any time when the plant is operating. The noise emitted shall be measured or predicted at 1.0m from the façade of the nearest residential window or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant and equipment shall be serviced regularly in accordance with manufacturer’s instructions and as necessary to ensure that the requirements of the condition are maintained.”

The actual wording may change to reflect the specific site circumstances.

6.2 PPG24 Para 19 advises that proposals which generate noise can be assessed using the procedure of BS4142: 1997. In terms of the requirements of BS 4142:1997 and the assessment method (see Para 9 of BS4142) the requirements are as follows:

“When the new source does not attract the +5dB correction of Para 8 of BS4142 the rating level shall be 10dBA below the measured background noise level LA90. Where the new source would attract the +5dB correction the difference shall be -15dB. These requirements will be a positive indication that complaints are unlikely. It should be recognised that the planning system is a proactive means of controlling the increase in ambient background noise within the Borough and these requirements will assist in these aims.”

6.3 The impacts of traffic and public transport on noise as a result of proposed major developments will need to be assessed. The Transport SPD, in particular section 5: ‘Transport Assessments’ provides information on how developments should be assessed in terms of their transport impact and this will form the basis of assessing changes in traffic and public transport noise likely as a result of development. It will be expected that an assessment and prediction of any changes in

existing traffic volume will be assessed in the Noise Impact Assessment report as required in 3.5. The traffic noise assessment should include a noise impact of individual HGV’s where these are associated with a proposed commercial development. Conditions will be imposed limiting HGV movements as appropriate. In this context you should also be mindful of UDP policies TR36 and TR39. Encouragement for cycling and walking should be incorporated within a development proposal where appropriate as a means of minimising noise impacts of development.

7: Vibration

7.1 Significant vibration within the borough (apart from temporary construction works) is only likely to be generated by surface trains running on track owned by Network Rail and trains using sub surface and deep bored tunnels of the underground network. Ideally, track form and wheel/rail interface would be in the optimum condition to minimise vibration generation. Road traffic is unlikely to generate any significant vibration where the road wearing surface is in reasonable repair. A vibration assessment should be undertaken where railways either surface or underground, are within 75m of a proposed development site. Call Environmental Health Line on 0207 361 3002 or email environmentalhealth@rbkc.gov.uk for pre-application advice and guidance on particular sites.

7.2 Any site affected by vibration will require assessment of the impacts of that vibration. Vibration acceleration (m/sec^2_{rms}) shall be measured at foundation level in each of the three orthogonal directions x, y and z ⁽⁶⁾, as necessary.

7.3 The Vibration Dose Values (VDV) should be calculated and assessed from the measured acceleration levels in accordance with BS 6472-1:2008 (revised). For residential development, the VDV ($m/s^{1.75}$) should not exceed those in Table 2, abstracted from Table 1 of BS 6472-1:2008 (revised).

Table 2: Residential Development Vibration Dose Values ($m/sec^{1.75}$)

| 07:00 - 23:00 16 hours day | 23:00 to 07:00 8 hours day |
|-------------------------------|-------------------------------|
| 0.2 to 0.4 | 0.1 to 0.2 |

7.4 The VDV's given in **(Table 2)** are for in-property levels of exposure. Measurements made on an undeveloped site may not allow for transfer functions from the ground into foundations, normally taken as a multiplication factor of 0.5. In addition, amplification of vertical vibration magnitudes in suspended floors, due to resonance, may increase vertical vibration magnitude by a factor of 2 but this will be dependant on type of floor construction, span and depth. Where a site

has existing buildings, vibration should, if possible, be measured on the foundations, ground beams or pile caps. Measurements made within existing buildings need to be corrected to derive VDV which would apply to the new buildings on the same site.

7.5 Human response to vibration varies with the duration of exposure, the magnitude of the acceleration and the frequency.

7.6 Where VDV exceed those of Table 2, proposals shall be submitted to mitigate vibration to acceptable levels.

7.7 Re-radiated noise, within habitable residential rooms, as a result of vibration from adjacent railways and other sources, should not exceed 35dBLA_{max}(s). Where it is predicted that noise from this source, after allowing for predictive uncertainty, is likely to exceed 35dBLA_{max}(s), proposals to mitigate re-radiated noise to acceptable levels shall be submitted to and approved in writing by the Executive Director, Planning and Borough Development, in consultation with the Director of Environmental Health. However, due to the high cost of mitigating vibration effects, this should be subject to early discussion. Please contact the Environmental Health Line on 0207 361 3002 or email environmentalhealth@rbkc.gov.uk.

7.8 All building services plant and equipment, including air conditioning and air handling plant can generate vibration and in turn, can re-radiate as noise within buildings. All building services plant and equipment shall be supported on proprietary anti-vibration mounts. Any permission granted for the installation of services and equipment plant will normally contain a condition necessary to control plant vibration as follows:

"The plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter"

7.8 The content of a vibration assessment report shall follow the format suggested in Annex A (informative) of BS 6472-1:2008.

⁶ x and y are horizontal vectors of vibration acceleration at right angles, z is the perpendicular vector to x and y

8: Clubs, Pubs, Bars and Places of Entertainment

8.1 Important advice contained within paragraph 20 of PPG24 is as follows:

“Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated.”

8.2 All applications of this type will be guided to the most appropriate locations and separated from noise sensitive and residential uses. However some restaurants and cafes when correctly proposed can add to the attractiveness of a mixed residential and retail area.

8.3 All proposals for development of these types, including where proposed activities on-site are likely to result in a development being a venue for patrons with the potential to generate noise, shall be required to submit a noise impact assessment ⁽⁷⁾. This should include a prediction of the potential noise impact to occupiers of surrounding and structurally attached residential properties, and other noise sensitive uses, including schools and nursing homes.

8.4 The premises should be constructed with adequate provision for sound insulation ensuring that music noise and the general ‘hubhub’ created by patrons does not materially impact on the amenity of occupiers of surrounding properties. There should be adequate control of amplified and live music by the use of noise limiters and other electronic devices set at levels agreed by the Director of Environmental Health.

8.5 Consideration in any scheme should be given to the likely noise impact of patrons arriving and departing the venue and assessment of the

following should be made in this regard both in the early evening, late evening and early hours of the morning and after the venues close:

- a. Additional private vehicles, taxis and mini cabs, both parking and driving away. Predicted increase in traffic volumes in 30 minute and 1 hour periods especially late at night on local roads after the venue closes; noise impact assessment should be made of these activities. The development submission should identify and present mitigation proposals of noise impact as a result of the assessment ⁽⁸⁾.
- b. Patrons on the street departing when the venue closes, likely routes patrons will take to public or private transport and duration of patrons on the street. A noise impact assessment should be made of these activities. The development submission should identify and present mitigation proposals of noise impact as a result of the assessment.

8.6 Where the proposed development does not share the same building or is not structurally attached to any residential or noise sensitive premises then:

- a. Between 07:00 to 23:00 hrs during the day noise from within the proposed development, including music and sounds of patrons shall cause no increase in the $L_{Aeq5min}$ or more than a 2dBA increase in the L_{eq5min} both in the 63Hz and 125Hz octave bands measured or predicted 1.0m from the nearest noise sensitive or residential façade or at 1.2m above any adjacent garden, terrace, balcony or patio. For all other octave bands there shall be no increase.
- b. Between 23:00 to 07:00 hrs, during the night, noise from within the proposed development, including music and sounds of patrons should cause no increase in the $L_{Aeq5min}$ or L_{eq5min} in all third octave frequency bands measured or predicted at 1.0m from the nearest noise sensitive or residential façade.

7 For advice on the preparation of a noise impact assessment report: The Institute of Acoustics: www.ioa.org.uk; The Association of Noise Consultants: www.association-of-noise-consultants.co.uk, and the Noise and Nuisance Technical Team within Environmental Health at RBKC can advise.

8 For advice on the preparation of a noise impact assessment report: The Institute of Acoustics: www.ioa.org.uk; The Association of Noise Consultants: www.association-of-noise-consultants.co.uk, and the Noise and Nuisance Technical Team within Environmental Health at RBKC can advise.

8.7 Where the proposed development shares a party wall or floor or is structurally connected to adjoining noise sensitive or residential dwellings then:

"Noise from within the proposed development including music and sounds of patrons should cause no increase in the existing $L_{Aeq5min}$ or L_{eq5min} in all the 1/3 octave frequency bands measured or predicted at any time during the proposed hours of opening for the venue within the adjoining premises. Adequate precautions should be taken to avoid influence of extraneous noise sources."

8.8 The Royal Borough of Kensington and Chelsea is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices, in respect of the provision of licensable activities, and personal licences in the Borough. The borough's Statement of Licensing Policy - January 2008- December 2010 shall also be followed where the development proposed includes licensable activities.

9: Sound Insulation: Residential Dwellings

9.1 The requirements of Approved Document E of the Building Regulations (2003 edition incorporating 2004 amendments) are deemed adequate for the sound insulation transmission loss between floors and walls of adjoining residential dwellings. No planning conditions are necessary as they are part of Building Regulations (2003 edition incorporating 2004 amendments). A defect in workmanship during the installation of sound insulation systems is primarily the cause of complaints both in conversions and new builds from subsequent occupiers. The contemporary fashion for hard surface finishes such as hardwood floors make the necessity for adequate impact sound insulation in floors in apartment blocks essential. The requirements of Approved Document E with regard to impact sound insulation apply to the constructed floor without carpet and underlay.

9.2 Adequate site control of the installation of sound insulation systems are important. Ideally specialist operatives approved by the system supplier/designer would undertake installation.

Sound Insulation between Commercial/Residential Dwellings

9.3 The requirements of Document E of the Building Regulations specify sound insulation transmission loss between the floors and walls of adjoining dwellings. The requirements of Document E may not be adequate where commercial use adjoins or attaches to residential use.

9.4 If an application proposes a situation where residential use and commercial use will share a separating floor or wall an assessment of the required sound insulation performance of the floor or wall should be submitted together with construction details of any proposed sound insulation system.

10: Statutory Powers and Codes of Practice

10.1 The Council has the following statutory powers to control noise existing outside the planning system. The granting of planning permission does not remove the need to comply with these controls:

Environmental Protection Act: 1990

10.2 Part III (as amended by the Noise and Statutory Nuisance Act 1993) requires local authorities to serve abatement notices where the noise emitted from any premises, or from vehicles, machinery and equipment in the street, constitutes a statutory nuisance.

Control of Pollution Act: 1974

10.3 Part III gives local authorities powers to control noise from construction sites. It also introduced the concept of the Noise Abatement Zone (NAZ).

Noise Act: 1996

London Local Authorities Act: 2004

10.4 Fixed penalty for nuisance.

British Standards Institution Codes of Practice

10.5 Reference should be made to:

- British Standard 8233:1999 'Sound insulation and noise reduction for buildings' – Code of practice".
- British Standard 6472-1:2008.