

Permitted Development Class O 10 Southern Ct, South St, Reading, RG1 4QS

Acoustic Assessment

Report ref.

NDT5626/18378/0

Issued to

Wallmer Asset Management

Prepared by

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Principal Consultant

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1. INTRODUCTION

Wallwork Sturmer LLP has previously submitted an application to Reading Borough Council (RBC) (ref 162305) to convert 9 Southern Court, South Street, Reading RG1 4QS, an office building (Class B1a) to residential (Class C3), under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order (as amended).

Statutory Instrument no. 332, (provided in Appendix E of this report), required that applicants apply to the Local Planning Authority (LPA) for determination as to whether the prior approval of the LPA will be required as to “impacts of noise from commercial premises on the intended occupiers of the development”.

Commercial Premises is a tightly defined term in the Regulations. It means “any premises normally used for the purpose of any commercial or industrial undertaking, which existed on the date of application...and includes any premises under the Licensing Act 2003(a) or any other place of public entertainment”.

Spectrum Acoustic Consultants were instructed to conduct a preliminary review of the site, to consider the potential of such premises affecting this site. The preliminary review is attached at Appendix A. The review highlighted the following noise issues as warranting further investigation, under these Regulations:

- Music from The South Street Arts Centre

The review also addressed noise from mechanical plant at the rear of the site, and included a preliminary assessment of this source.

Prior Approval was granted by RBC on 6 February 2017. A condition was attached requiring an assessment of noise to be submitted and approved by RBC before development commences. That condition was subsequently discharged.

Wallwork Sturmer LLP now intends to submitted an application to Reading Borough Council (RBC) (ref 162305) to convert the adjoining property, 10 Southern Court, South Street, Reading RG1 4QS, an office building (Class B1a) to residential (Class C3), again under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order (as amended).

The acoustic impact is considered identical. Therefore, this report sets out details of the work done for 9 Southern Court, and amends it to consider the acoustic issues relating to 10 Southern Court.

The intention is that the report will be used to demonstrate acceptable acoustic conditions.



2. SITE DESCRIPTION

The application is for the creation of new dwellings in existing office accommodation in 10 Southern Court, South St, Reading. 9 Southern Court has been converted from office to residential use, and the intent is that 10 Southern Court will now follow on. At the rear of the site is a large car park, serving Southern Court and other commercial buildings. There is a school beyond the car park.

The rear wall of the site has several condensers. The condensers serve 9 and 10 Southern Court, though those related to No. 9 were removed when it was converted to flats, and those left that relate to 10 Southern Court will be removed as part of these proposals. There are also condenser units for No 8 adjacent. At the rear of the site noise from the condensers, dominated by those serving No 10, was audible, but under this application this noise source will be removed.

South Street Arts Centre is a place of public entertainment and as such noise from the venue also requires consideration under the PD regulations. It describes itself: *"The small-scale programme focuses on critically acclaimed touring theatre, music, comedy & spoken word."*

The site is in a side street, which is largely in office and residential use. South Street Arts Centre is opposite the site.

The site location plan is shown in Appendix B.

3. CONDITIONS AND CRITERIA FOR ACCEPTABILITY

3.1 GENERAL GUIDANCE

3.1.1 National planning policy framework (NPPF)

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and came in to force with immediate effect. It replaced the previous government policy, Planning Policy Guidance Note (PPG) 24. Paragraph 123 of the NPPF requires that planning decisions aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development, and that noise arising from new development be reduced to a minimum (through the use of Conditions where appropriate).

The NPPF states that:

"The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability" (Para 109)"

In addition, paragraph 123 states that planning policies and decisions should aim to:



- *“Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

3.1.2 Planning practice guidance - noise

In March, 2014, new government guidance on the role of noise in the planning process was released. This provides advice on issues such as when noise is relevant to planning, how to determine noise impact, discussion on the context of noise and how the impact of noise can be mitigated.

It summarises a hierarchy of noise exposure based on the likely average response. The noise exposure categories are summarised below.

- No Observed Adverse Effect: noise can be heard but does not cause any change in behaviour or attitude.
- Observed Adverse Effect: noise can be heard and causes small changes in behaviour and/or attitude.
- Significant Observed Adverse Effect: noise causes a material change in behaviour and/or attitude.
- Unacceptable Adverse Effect: extensive and regular changes in behaviour and/or inability to mitigate effect of noise leading to psychological stress or psychological effects.

The guidance advises that where there is no observed adverse effect, no specific measures are required to manage the acoustic environment; where there is an observed adverse effect, consideration needs to be given to mitigating and minimising those effects; where there is significant adverse effects, the planning process should be used to avoid these effects occurring; where there are unacceptable adverse effects, the situation should be prevented.

It further advises that in looking to mitigate and minimise the effects of noise, the economic and social benefits being derived from the activity causing the noise should be taken into account.

No guidance is given on how noise levels might be assessed in terms of the above defined categories. However, it is likely that existing noise standards will be relied upon to assess the acceptability of noise in its various forms and contexts. In particular, there is good evidence within existing standards and guidance, based on social surveys, of the subjective response of people to noise of various types and levels and therefore this will continue to be referred to.



3.2 SPECIFIC GUIDANCE

3.2.1 BS 8233:2014 Guidance on sound insulation and noise reduction for buildings

The NPPF requires that significant adverse impacts do not arise as a result of new development. Previously, PPG24 referred to BS8233:1999 in relation to specifying acceptable indoor and outdoor noise levels. This standard has now been updated (BS8233:2014), but still provides the appropriate methods for assessing the noise impact of new developments.

BS8233 advises that for dwellings, the main considerations are the acoustic effect on sleep in bedrooms, and the acoustic effect on resting, listening and communicating in other rooms.

These guidelines then make recommendations for absolute noise targets inside properties as follows.

Activity	Location	0700-2300	2300-0700
Resting	Living room	35 dB $L_{Aeq,16hour}$	-
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	-
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8hour}$

Table 1: Indoor ambient noise levels for dwellings

It advises that *If relying on closed windows to meet the guide values, there needs to be an appropriate alternative ventilation that does not compromise the facade insulation or the resulting noise level. If applicable, any room should have adequate ventilation (eg trickle ventilators should be open) during assessment.* It also advises that *Where development is considered necessary or desirable...the internal target levels may be relaxed by up to 5 dB and reasonable conditions still achieved.*

The standard also advises that *Regular individual noise events (for example, scheduled aircraft or passing trains) can cause sleep disturbance. A guideline value may be set in terms of SEL of L_{AFmax} depending on the character and number of events per night. Sporadic noise events could require separate values.* It does not give guidance on what might constitute a guideline value. However, as the standard does cross reference Guidelines for Community Noise -World Health Organization, 1999 (WHO), we suggest that the guideline value of L_{AFmax} 45 dB, inside bedrooms, should not be exceeded during the night more than 10-15 times which reflects the WHO position.

These guideline levels apply to noise "without character". Entertainment noise (music) would be regarded as having a "character". However, neither BS8233 nor any other standards give quantifiable noise criteria of this type of noise source.

3.2.2 WHO – Guidelines for community noise

The guideline levels of BS8233 are a reflection of those set out in *Guidelines for Community Noise* - World Health Organization, 1999 (WHO). WHO sets out these values as table 4.1, and lists them as being guideline values for community noise. WHO recommends internal noise levels of 30dB(A) for bedrooms, and 35dB(A) for living-rooms, which is reflected in BS8233.

The preface to WHO states that community noise includes road, rail and air traffic, industries, construction and public work, and the neighbourhood. In relation to maximum night time noise events, WHO defines regular as not more than 10-15 events per night.



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

Where noise from fixed installations (such as external plant serving an adjacent building) affects residential or mixed residential areas, the methods for rating the noise in BS4142 should be applied. This standard uses outdoor sound levels to assess the likely effects of sound in people who might be inside or outside a dwelling. The standard is specifically not intended for the rating and assessing of sound from music and other entertainment.

The approach is that the noise from the specific activity is determined, and compared to the background sound level. The greater the excess of the specific noise level above the background sound level, the greater the impact. Where the excess is +10 dB or more this is likely to be an indication of a significant adverse impact. Where the excess is +5 dB or more this is likely to be an indication of an adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific noise source having a low impact. In all cases, the impact also depends on context.

3.3 LOCAL AUTHORITY REQUIREMENTS

When 9 Southern Court was developed, a planning condition was set that stated:

No development shall take place until a detailed scheme, informed by an assessment of the current noise environment, for protecting the dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014. Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason: To protect the intended occupiers from the impacts of noise from commercial premises, in line with policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015) and Policy RC9 of the Reading Central Area Action Plan 2009.

We anticipate a similar requirement for 10 Southern Court. Mitigation will be the same as for 9 Southern Court, and that is detailed in this report. This means therefore there should be no need to impose a condition for this scheme.

3.4 SUMMARY

In this circumstance, it is appropriate for the guidelines set out in BS8233 to be followed as requested specifically by the RBC. Whilst achieving these criteria do not mean that music or mechanical plant would be inaudible within the dwellings on all occasions, they represent a balance between development and amenity.

As this is a Permitted Development application, the assessment in this report applies to noise from any premises normally used for the purpose of any commercial or industrial undertaking. There is therefore no requirement to include the noise impact of road traffic for example.



4. NOISE MEASUREMENT SURVEY

4.1 SUBJECTIVE OBSERVATIONS

A noise survey was conducted during the evening of Saturday 11th February 2017. This evening was selected as there was an event expected to represent a noisy activity in the arts centre – a Thin Lizzy tribute band. It is noteworthy that during February 2017 there were only 5 such events identified by RBC as representing music events. During November 2018, there are just two events identified as music. This indicates that music events though regular, are not frequent (ie do not happen every night).

The event on 11th February 2017 started at 2040, there was an interval between 2125 and 2150, and the event finished at 2240. During the gig, music was audible outside but not very loud. Inside the property at ground floor, while the window was closed the music was audible but local traffic dominated the measured levels. On the third floor the music was more distinguishable with the window closed (low-mid low frequencies) but not loud.

It appears as though the event did not take place in the part of the arts centre opposite the site, but in the part of the building adjacent to East Street. The part of the building opposite the site appears to be the bar.

4.2 MEASUREMENT PROCEDURE

A fixed position for noise monitoring was selected at first floor level overlooking the venue. The microphone was on an extension pole through the window of 9 Southern Court, and left running throughout the evening. Noise levels measured here are shown graphically in Appendix C. Noise levels at 10 Southern Court will be the same.

Noise Measurements were also taken at manned locations, as described on the record sheets in Appendix C.

The following equipment was used during the surveys:

- Bruel & Kjaer Type 2260 Sound Level Meter s/n 2311704
- Bruel & Kjaer Type 4189 Microphone s/n 2733049
- Bruel & Kjaer Type 4231 Acoustic Calibrator s/n 2688672
- Bruel & Kjaer Type 2250 Sound Level Meter s/n 3000713
- Bruel & Kjaer Type 4189 Microphone s/n 2780512
- Bruel & Kjaer Type 4231 Acoustic Calibrator s/n 3001598

The meters, microphones and field calibrators are laboratory calibrated biennially in accordance with UKAS procedures or to traceable National Standards. Equipment was field calibrated before and after the survey, with a negligible drift.



4.3 RESULTS

The results of the noise measurement surveys are given in Appendix C, and are summarised below.

4.3.1 Fixed Position

Music was audible at various stages throughout the night, but not considered loud. The measured levels do not show any notable variation correlating to the start, interval and end of the concert. Noise levels during the second half of the concert actually appear lower than earlier in the evening, but this is likely due to noise from road traffic, not the concert. There is a short increase after the event, correlating to people leaving and going home from this, and other venues.

The highest $L_{Aeq,5min}$ measured was 61 dB and this shall be used in the evaluation of noise levels.

4.3.2 Manned positions

Noise measurements outside the building show a similar pattern to those at the fixed measurement position. Inside measurements indicate noise levels generally in accordance with BS8233 requirements when windows are closed. In any event, noise levels are controlled by road traffic activity rather than commercial activity (music from the arts centre).

4.3.3 Rear

Noise Measurements at the back of the site were dominated by road traffic activity.



5. ASSESSMENT

Section 3 above sets out the requirements for internal noise levels. BS8233 asks for:

- Internal noise levels in bedrooms and living areas to not exceed $L_{Aeq,16hr}$ 35 dB during the day (0700-2300). Note that though this looks for a 16 hour average, the assessment is based around achieving this as a 5 minute level which is a more onerous approach.
- Internal noise levels in bedrooms at night to not regularly exceed L_{AFmax} 45 dB

As discussed above, only noise from commercial activity, as described in the Permitted Development Regulations is assessed. The commercial activity is largely during the day period (as is finished by 2300), hence a day-time assessment only has been completed.

5.1 MUSIC AFFECTING THE FRONT OF SITE

External noise levels of up to $L_{Aeq,5min}$ 62 dB have been measured with the unmanned logger, which includes road traffic as well as music. Internal noise levels were generally below the LPA's criteria with windows closed, but this would require ventilation to be provided by alternative means.

Appendix D sets out details of a sample intrusive noise calculations. Initial calculations have been based on the retained brick/block residential facade, retained double glazing, and it has been assumed that a two standard hit and miss trickle ventilator with a normalised element weighted level difference $D_{n,e,w}$ (C_{tr}) 33(-1) dB are installed in each room, to provide Building Regulations rates of ventilation. However, guidance in this report relating to ventilation rates must be confirmed, as this is beyond our expertise.

This shows a calculated internal noise level of $L_{Aeq,5min}$ 34 dB from commercial noise and road traffic, meeting the BS8233 guidelines. Whilst it is only necessary to assess noise from commercial activity, this robustly shows acceptable acoustic amenity for future residents will be achieved.

5.2 PLANT AFFECTING THE REAR OF SITE

During this survey, there was no significant noise from mechanical plant at the rear. The assessment set out in our preliminary letter (Appendix A) that applied to 9 Southern Court will in fact be bettered, as condenser units are to be removed.



6. CONCLUSION

Wallwork Sturmer LLP intends submitting an application to Reading Borough Council to convert 10 Southern Court, Reading, an office building (Class B1a) to residential (Class C3), under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order (as amended).

Statutory Instrument no. 332, (provided in Appendix E of this report), requires that applicants apply to the Local Planning Authority (LPA) for determination as to whether the prior approval of the LPA will be required as to “impacts of noise from commercial premises on the intended occupiers of the development”.

Spectrum Acoustic Consultants were instructed to conduct a preliminary review of the adjoining building, 9 Southern Court, to consider the potential of such premises affecting this site. It is considered that the impact on 10 Southern Court is identical.

The review highlighted the following noise issues as warranting investigation, under these Regulations:

- Mechanical Plant at the rear of site (though noise impact to 10 Southern Court will be less than the previous assessment, as plant will be removed)
- Music from South Street Arts Centre

Approval was granted for 9 Southern Court, subject to a condition requiring the applicant to demonstrate noise levels were within acceptable limits. We would anticipate 10 Southern Court being dealt with in the same way, the difference being that the detailed assessment is now included in this report, at application stage. Therefore, a condition requiring additional information is not expected.

A noise survey was conducted on a Saturday night, coinciding with a music event in the arts centre.

Noise from music affects the front of the site (the south and west facades). This can be readily mitigated with the retention of double glazing, and ventilation provided by trickle ventilators so that windows need not be opened during an event.

Mechanical plant at the rear of the site is audible. However, noise levels are within nationally recognised criteria and so specific mitigation is not required.

Therefore, noise affecting the site (10 Southern Court) in future residential use has been assessed as required by the Permitted Development Regulations, and has been shown to comply with the nationally recognised amenity guidelines.

Report Code: E/A/EH

A P P E N D I X A

Initial Review of Commercial Premises Potential Noise Impact to 9 Southern Court (adjoining site)

Ref: NDT5132/16376

Date: 18 October 2016



Mr N Wallwork
Wallmer Asset Management
49 London Street
Reading
RG1 4PS

Dear Mr Wallwork

**PERMITTED DEVELOPMENT - CLASS O
IMPACT OF NOISE FROM COMMERCIAL PREMISES
9 SOUTHERN COURT, SOUTH ST, READING, RG1 4QS**

I understand you intend submitting an application to convert the above office (Class B1a) building to residential (Class C3), under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order (as amended) .

Statutory Instrument, no. 332, requires that applicants apply to the Local Planning Authority (LPA) for determination as to whether the prior approval of the LPA will be required as to *"impacts of noise from commercial premises on the intended occupiers of the development"*.

Commercial Premises is a tightly defined term in the Regulations. It means *"any premises normally used for the purpose of any commercial or industrial undertaking, which existed on the date of application...and includes any premises under the Licensing Act 2003(a) or any other place of public entertainment"*.

Therefore, this means that if a site is affected by industrial noise, noise from air conditioning plant relating to a commercial or industrial undertaking, or music from a venue for example, that the LPA could expect an acoustic assessment as part of the Permitted Development determination process. It is significant that the Regulations do not always require an assessment, as many sites would not be affected by commercial noise. It is also significant that if the noise sources affecting a site are not from commercial premises, as defined, then they need not be considered. This means that noise from transportation sources (road, rail, air etc) do not need to be assessed.

Wallmer Asset Management Ltd has instructed us to visit the above site and advise whether noise from commercial premises should be a material factor in the consideration of this prior approval application.

1. SITE DESCRIPTION

The application is for the creation of new dwellings in existing office accommodation in 9 Southern Court, South St, Reading. The building (9-10 Southern Court) is currently used as offices, and the dwellings will be in number 9 only.

The site is in a side street, which is largely in office and residential use. South Street Arts Centre is opposite the site.

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Spectrum Acoustic Consultants Ltd
Registered in England No. 2378475

At the rear of the site is a large car park, serving Southern Court and other commercial buildings. There is a school beyond the car park.

The rear wall of the site has several condensers. The condensers serve 9 and 10 Southern Court, though I note you will be removing those related to No. 9 as part of these proposals. There are also condenser units for No 8 adjacent.

At the rear of the site noise from the condensers, dominated by those serving No 10, was audible.

South Street Arts Centre is a place of public entertainment and as such noise from the venue also requires consideration under the PD regulations. It describes itself: *"The small-scale programme focuses on critically acclaimed touring theatre, music, comedy & spoken word."*



Fig 1: Site from South St (No 9 on left, No 10 on right)



Fig 2: View of site from the rear. (No 10 on left, No 9 on right)

2. ASSESSMENT

Noise levels at the rear of the site from the mechanical plant were low during the survey, and so difficult to robustly quantify. However, indicative measurements taken when the condensers serving No 10 were running suggest that noise levels outside the property are less than $L_{Aeq,T}$ 48 dB. This means that if residents opened their windows, the internal noise level in their dwelling would be less than $L_{Aeq,T}$ 33 dB from this plant, which is within the desirable standard for living areas during the day ($L_{Aeq,T}$ 35 dB, with $L_{Aeq,T}$ 40 dB considered reasonable). As these condensers serve a commercial property, we would not expect them to operate at night, but if they did, this noise level is within the reasonable standard recommended by BS8233 for bedrooms at night ($L_{Aeq,T}$ 30 is considered good, with 35 dB considered reasonable). Whilst noise levels from these units may vary depending on demand, this does indicate noise levels are within a reasonable range. A detailed survey, with the condensers confirmed as operating at full load would be required to provide a more thorough assessment. However, it would be the dominant source for residents, and so consideration should be given to relocating the wall mounted units for No 10 and No 8, away from the windows and perhaps confirming their time of operation.

It will be necessary, as part of this scheme, to ensure the separating wall between the remaining office use (No 10), and the new dwellings (No 9) meets current Building Regulations, and as such would provide reasonable sound insulation between the office (not expected to be notably noisy) and the dwellings. This is not expected to be a matter for planning.

Noise from South St Arts Centre is difficult to quantify. It is assumed that each production would generate varying levels of noise, and so it would not be possible to robustly quantify any noise emission from the venue. It may be that noise is not audible at all at the proposed development site. As described above, there are existing dwellings in South St, and so arts centre activities cannot generate significant noise levels in any event, even without the PD scheme. The venue also describes its repertoire as small scale, and so

therefore, we would not expect noise from these activities to be significant in relation to the proposed scheme.

It is therefore our opinion that on balance, the likely impacts of noise from commercial premises on the intended occupiers of the development is not sufficient to constitute a material factor in this case. Therefore, we conclude that the use of planning is unnecessary and that the LPA can approve your application accordingly.

Please get in touch if you have any questions.

Yours sincerely

A handwritten signature in blue ink that reads "Nick Treby". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Nick Treby
Principal Consultant

APPENDIX B

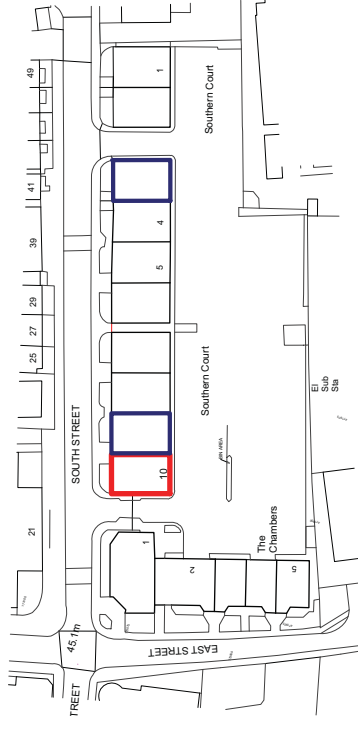
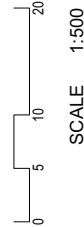
Site Layout



01

BLOCK PLAN

1:500



02

LOCATION PLAN

1:1250



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Recycling L	Waste L	Recycling L
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req. volume	2400	1120
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Revisions
Rev P2: 17/09/18 Revision issue for Planning
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Client
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Job title
10 Southern Court, Reading RG1 4QS

Drawing Title
SITE LOCATION PLAN

Project Status
PLANNING

Scale
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Date
09.18

Drawn
AS

Check
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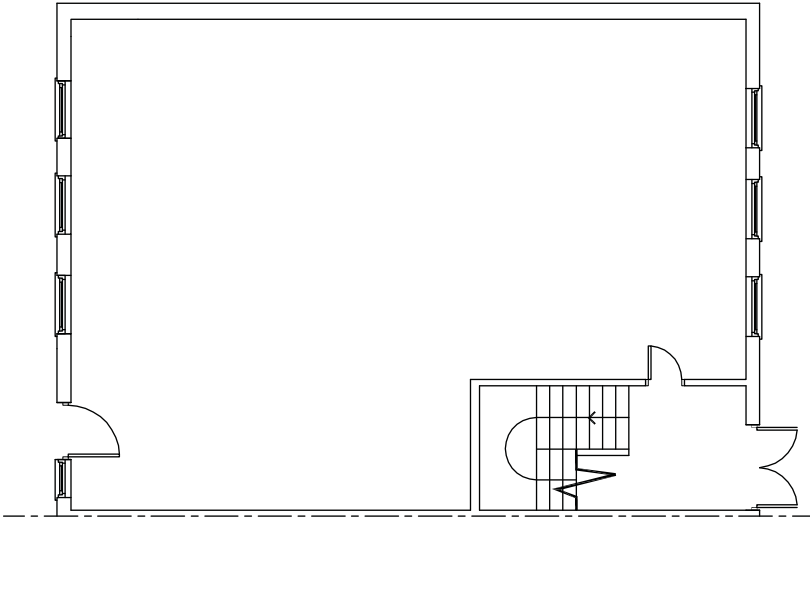
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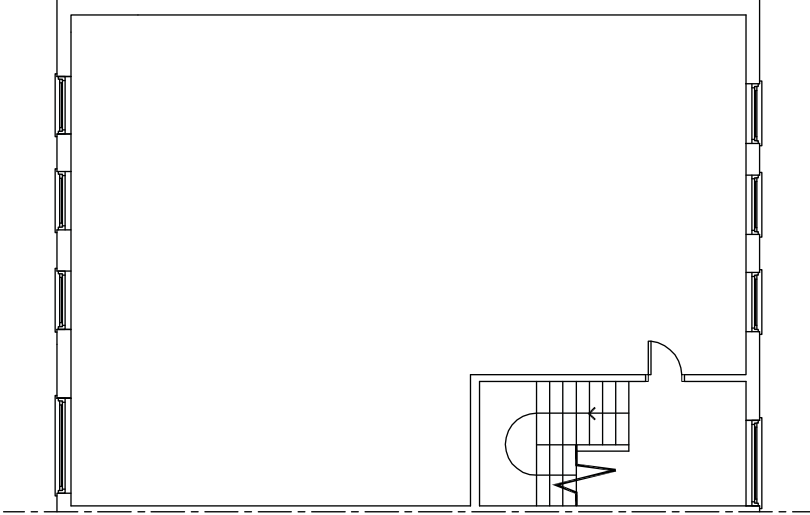
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Hives Architects LLP
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0118 958 7331
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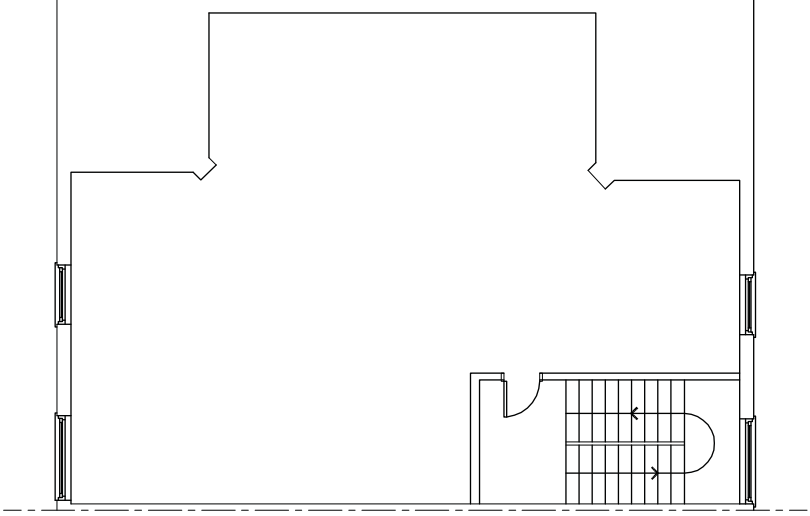




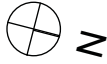
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01 FIRST FLOOR PLAN 1:100



02 SECOND PLAN 1:100



Revisions

Notes

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Client

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Job title

10 Southern Court, Reading RG1 4QS

Drawing Title

EXISTING PLANS

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hivesarchitects

Project	Drawing	Revision
2747	002	P1

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Project Status

PLANNING

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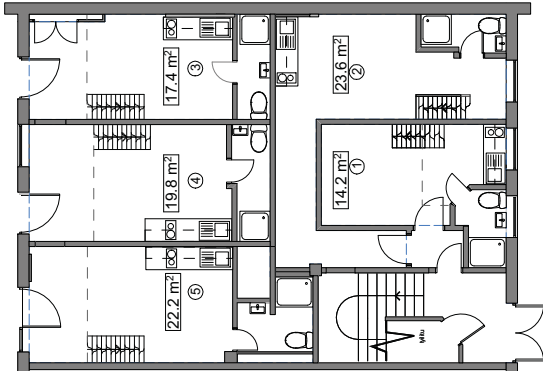
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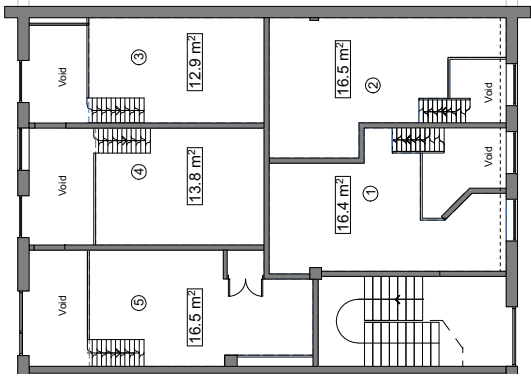
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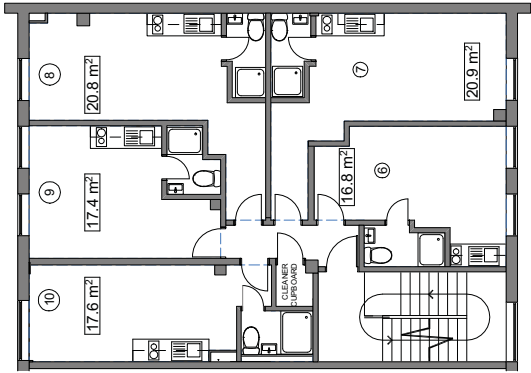
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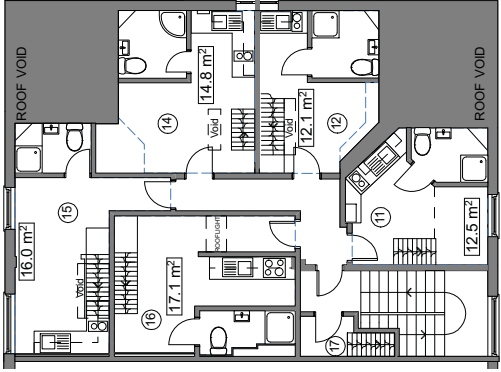
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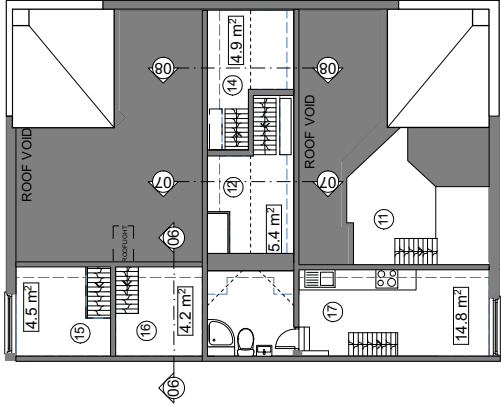
02 GROUND FLOOR MEZZANINE PLAN 1:100



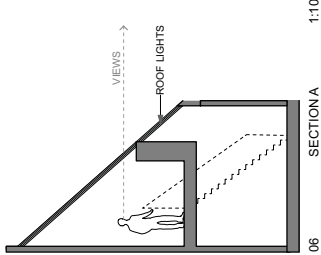
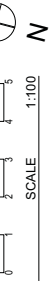
03 FIRST FLOOR PLAN 1:100



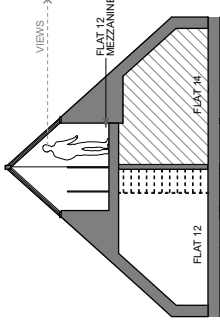
04 SECOND FLOOR PLAN 1:100



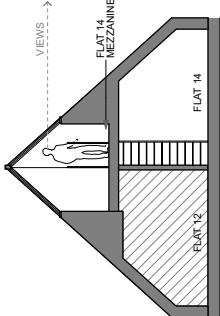
05 SECOND FLOOR MEZZANINE PLAN 1:100



06 SECTION A 1:100



07 SECTION B 1:100



08 SECTION C 1:100

NOTE: THIS DRAWING IS BASED ON DRAWINGS BY OTHER ARCHITECTS AND IS NOT A MEASURED SURVEY DRAWING. IT IS A DESIGN AND PROPOSED REAR ELEVATION, AND EXISTING AND PROPOSED REAR ELEVATIONS.

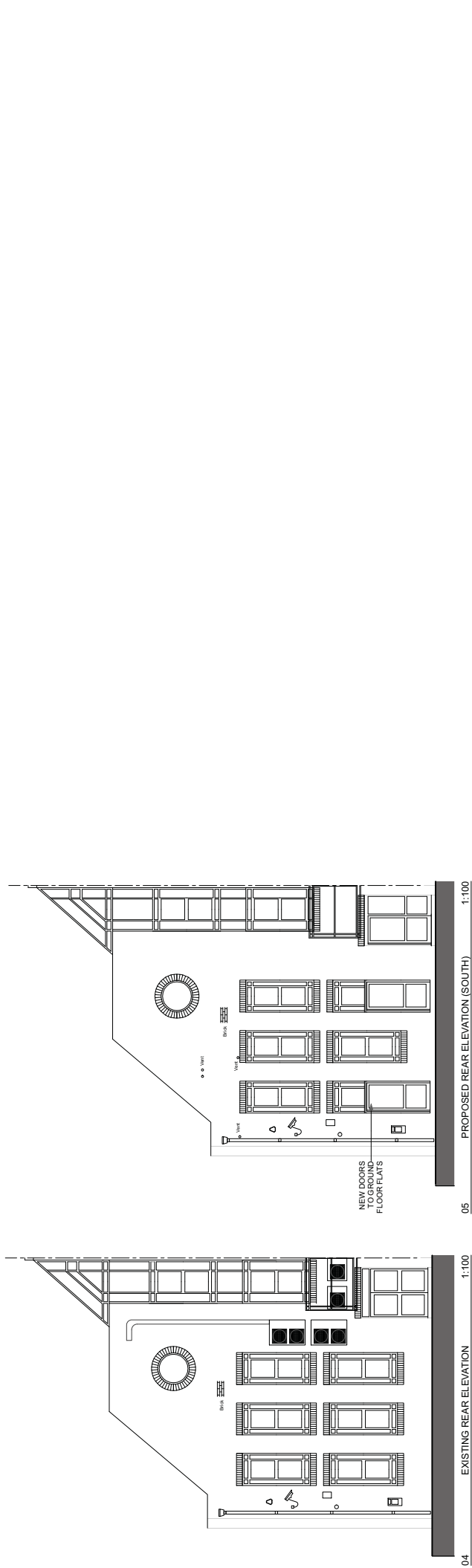
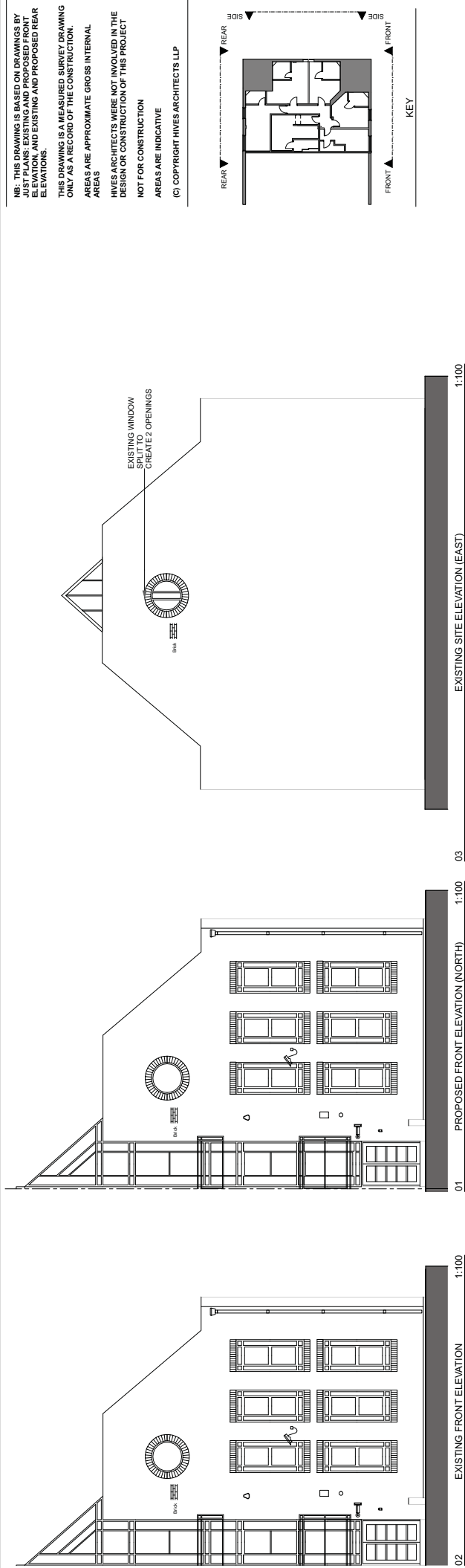
THIS DRAWING IS A MEASURED SURVEY DRAWING ONLY AS A RECORD OF THE CONSTRUCTION.

AREAS ARE APPROXIMATE GROSS INTERNAL AREAS

HIVES ARCHITECTS WERE NOT INVOLVED IN THE DESIGN OR CONSTRUCTION OF THIS PROJECT NOT FOR CONSTRUCTION

AREAS ARE INDICATIVE

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APPENDIX C

Noise Measurements



Existing Floor Plans - 2014-04-25

020 7993 6646
 01273 311 229
 www.turn-keyarchitecture.com
 info@turn-keyarchitecture.com

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1 Southern Ct
 Reading
 West Berkshire
 RG1 4DS
 Scale 1:100
 Paper Size A3
 Dwg No S1

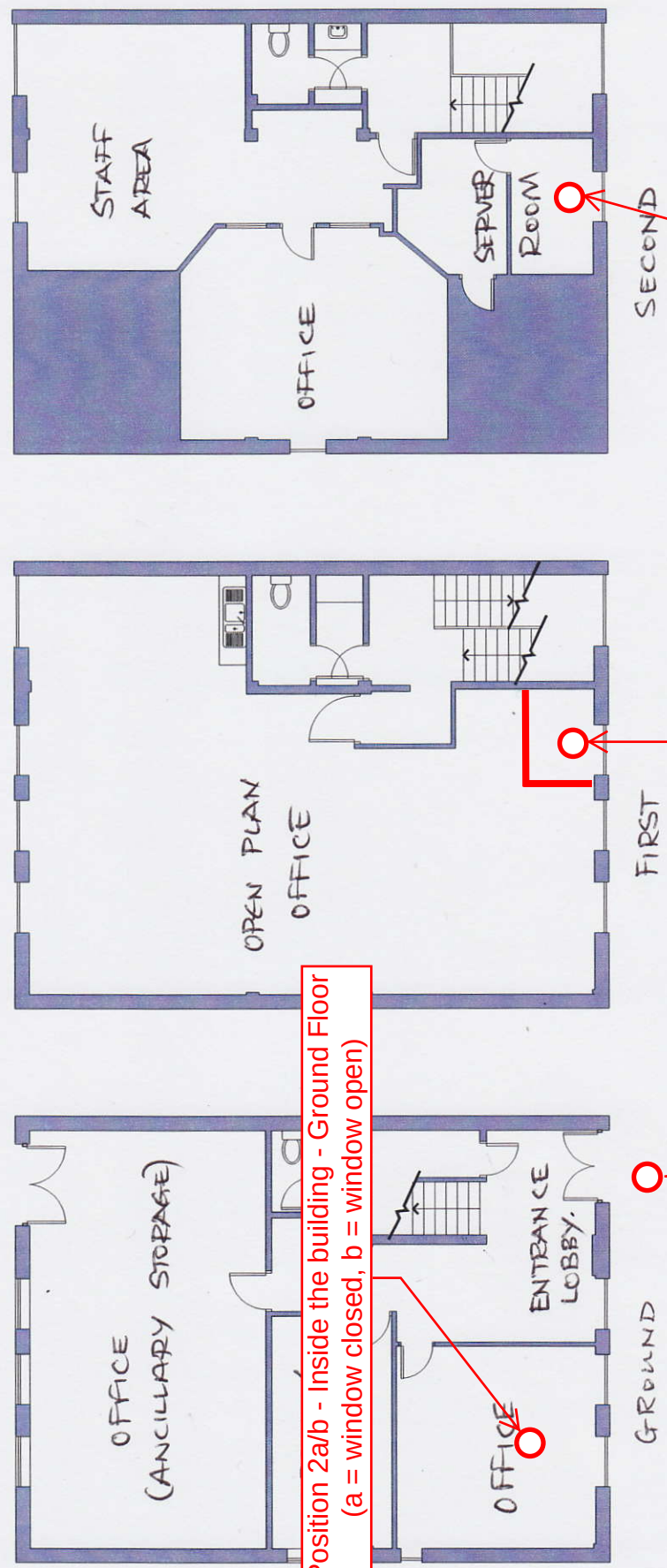
Position 4 - Outside the back of the building

Position 2a/b - Inside the building - Ground Floor
(a = window closed, b = window open)

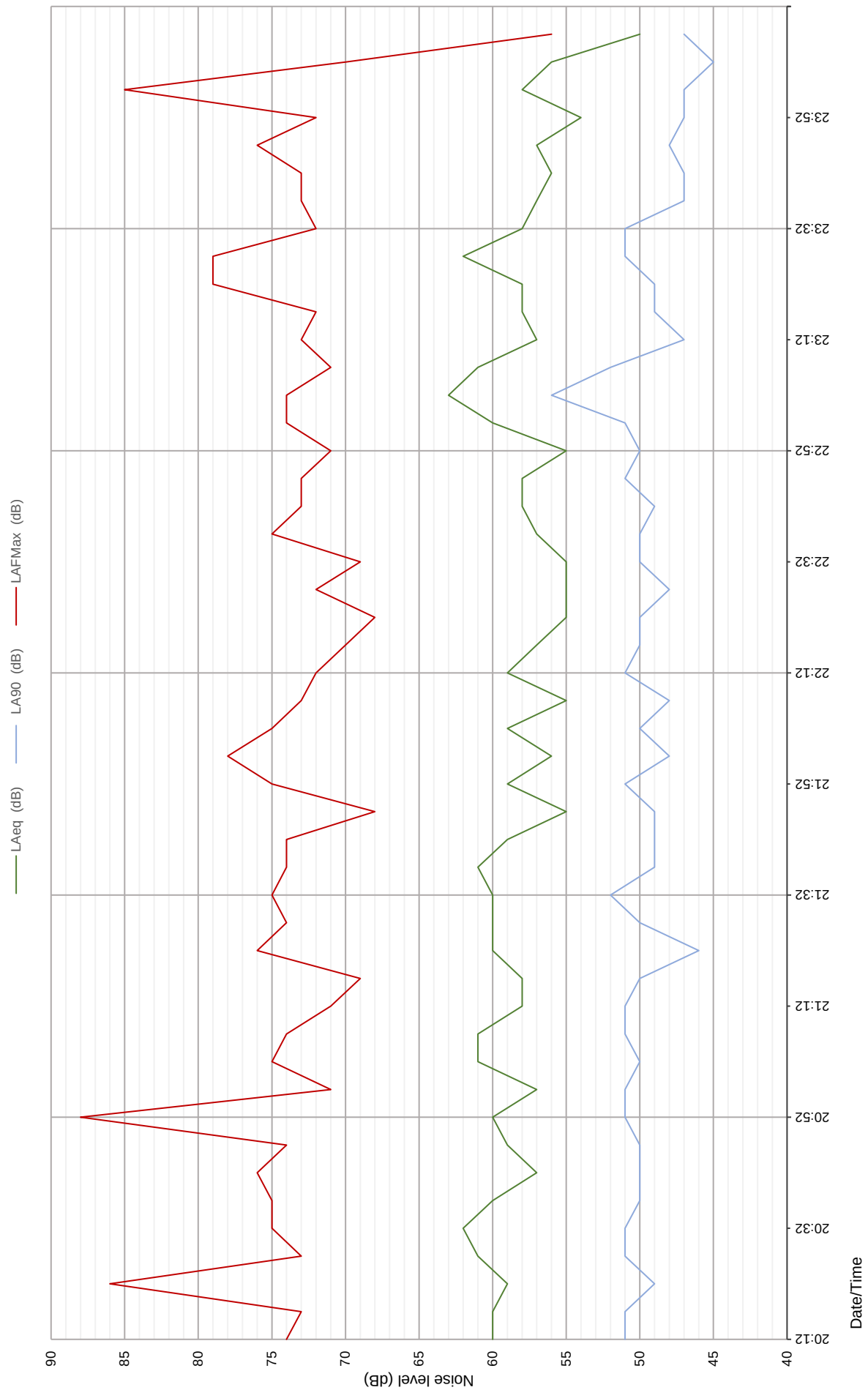
Logger Position - First Floor

Position 1 - Outside the front of the building

Position 3a/b - Inside the building - Second Floor
(a = window closed, b = window open)



Noise levels at 1st floor logger location : (11 to 12 February 2017)





ENVIRONMENTAL NOISE RECORD SHEET

Sheet 1 of 6
DP106/16376

Location: Position 1 – Outside the front of the building

Date: 11/02/2017

Calibration Times: 20:13, 00:12

Project: 16376 – 9 Southern Court, Reading

Instrumentation: Bruel & Kjaer Type 2250 Sound Level Meter

Ambient Noise Survey

Date	Time Start	Time Dur'n (Min)	Wind Speed m/s	Weather		Cloud (%)	Noise Level dB(A)				L _{Aeq}	Comments (Including description of noise (eg whine, hiss, rumble, impact, vehicle rain, vegetation, or animal noise).
				Wind Dir'n			L ₁₀	L ₅₀	L ₉₀	L _{MAX}	L _{MIN}	
11/02/2017	20:18	05:00	1-3	E		100	67	53	49	75	46	62 Light traffic on South Street, voices outside the Arts Centre (people smoking or entering the venue), planes, distant traffic to North, trees rustling.
11/02/2017	20:32	05:00	1-3	E		100	67	54	48	77	45	63 Light traffic on South Street, distant traffic to North, fire alarm inside Arts Centre, music from Arts Centre.
11/02/2017	21:22	02:21	1-3	E		100	64	51	46	72	42	59 Distant traffic, music very loud from the Arts Centre, 1 car passing on South Street.
11/02/2017	21:25	03:01	1-3	E		100	66	51	48	79	46	63 Distant traffic, people speaking outside the Arts Centre, occasional vehicles on South Street.
11/02/2017	22:20	05:00	1-3	E		100	56	51	49	72	47	56 Music from the Arts Centre, distant traffic, occasional vehicles on South Street, train horn from East, train to North-East.
11/02/2017	23:08	03:01	1-3	E		100	64	59	49	72	45	60 People speaking and leaving the Arts Centre, cars leaving, car doors banging.
11/02/2017	23:45	05:00	1-3	E		100	57	48	46	78	43	58 Distant traffic, occasional vehicles on South Street, van being loaded on East Street barely audible in lulls.

Date	Time	L _{Aeq} dB(A)	L _{eq} Octave Band Pressure Level								Comments	
			31	63	125	250	500	1k	2k	4k	8k	
11/02/2017	20:18	62	66	64	60	57	57	59	54	45	37	Light traffic on South Street, voices outside the Arts Centre (people smoking or entering the venue), planes, distant traffic to North, trees rustling.
11/02/2017	20:32	63	72	69	61	58	58	60	56	47	40	Light traffic on South Street, distant traffic to North, fire alarm inside Arts Centre, music from Arts Centre.
11/02/2017	21:22	59	69	66	61	57	55	56	51	43	34	Distant traffic, music very loud from the Arts Centre, 1 car passing on South Street.
11/02/2017	21:25	63	65	67	63	59	59	60	56	47	41	Distant traffic, people speaking outside the Arts Centre, occasional vehicles on South Street.
11/02/2017	22:20	56	65	64	60	54	51	52	48	37	29	Music from the Arts Centre, distant traffic, occasional vehicles on South Street, train horn from East, train to North-East.
11/02/2017	23:08	60	67	63	60	56	56	56	54	46	39	People speaking and leaving the Arts Centre, cars leaving, car doors banging.
11/02/2017	23:45	58	63	59	55	52	52	55	52	43	40	Distant traffic, occasional vehicles on South Street, van being loaded on East Street barely audible in lulls.



ENVIRONMENTAL NOISE RECORD SHEET

Sheet 2 of 6
DP106/16376

Location:	Position 2a – Inside Ground Floor Room – Window Closed	Project:	16376 – 9 Southern Court, Reading
Date:	11/02/2017	Instrumentation:	Brüel & Kjær Type 2250 Sound Level Meter
Calibration Times:	20:13, 00:12	Ambient Noise Survey	

Date	Time Start	Time Dur'n (Min)	Wind Speed m/s	Weather Wind Dir'n	Cloud (%)	Noise Level dB(A)				L _{Aeq}	Comments (Including description of noise (eg whine, hiss, rumble, impact, vehicle rain, vegetation, or animal noise)).
						L10	L50	L90	L _{MAX}	L _{MIN}	
11/02/2017	20:23	03:01	-	-	-	29	23	21	50	20	29 Light traffic on South Street.
11/02/2017	20:39	05:00	-	-	-	28	23	22	46	20	26 Light traffic on South Street, music from the venue barely audible in lulls.
11/02/2017	21:28	05:00	-	-	-	36	26	23	49	21	33 Traffic on South Street, people speaking outside the venue.
11/02/2017	22:07	05:00	-	-	-	26	23	21	49	20	26 Occasional vehicles on South Street, music from the venue barely audible.
11/02/2017	22:34	05:00	-	-	-	27	24	22	48	20	29 Occasional vehicles on South Street, music from the venue barely audible, distant traffic.
11/02/2017	23:00	03:01	-	-	-	33	27	24	44	21	30 People speaking and leaving the venue, cars leaving, car doors closing.
11/02/2017	23:33	05:00	-	-	-	31	24	22	44	20	29 Occasional vehicles on South Street, car parked outside with engine idling, voices.

Date	Time	L _{Aeq} dB(A)	L _{eq} Octave Band Pressure Level								Comments	
			31	63	125	250	500	1k	2k	4k	8k	
11/02/2017	20:23	29	36	38	32	27	23	24	21	17	16	Light traffic on South Street.
11/02/2017	20:39	26	38	41	33	25	20	21	17	17	16	Light traffic on South Street, music from the venue barely audible in lulls.
11/02/2017	21:28	33	37	42	34	29	25	29	25	19	17	Traffic on South Street, people speaking outside the venue.
11/02/2017	22:07	26	34	35	30	24	19	21	19	17	16	Occasional vehicles on South Street, music from the venue barely audible.
11/02/2017	22:34	29	38	38	30	25	22	25	21	17	15	Occasional vehicles on South Street, music from the venue barely audible, distant traffic.
11/02/2017	23:00	30	39	38	31	28	25	26	20	18	16	People speaking and leaving the venue, cars leaving, car doors closing.
11/02/2017	23:33	29	37	38	35	29	23	25	20	16	16	Occasional vehicles on South Street, car parked outside with engine idling, voices.



ENVIRONMENTAL NOISE RECORD SHEET

Sheet 3 of 6
DP.106/16376

Location: Position 2b – Inside Ground Floor Room – Window Open

Date: 11/02/2017

Calibration Times: 20:13, 00:12

Project: 16376 – 9 Southern Court, Reading

Instrumentation: Bruel & Kjaer Type 2250 Sound Level Meter

Ambient Noise Survey

Date	Time		Weather		Cloud (%)	Noise Level dB(A)					L Aeq	Comments (Including description of noise (eg whine, hiss, rumble, impact, vehicle rain, vegetation, or animal noise)).
	Start	Dur'n (Min)	Wind Speed m/s	Wind Dir'n		L10	L50	L90	LMAX	LMIN		
11/02/2017	20:27	03:01	-	-	-	48	34	31	56	30	44	Light traffic on South Street, voices, plane, distant traffic.
11/02/2017	20:44	05:00	-	-	-	44	34	32	60	30	42	Light traffic on South Street, music from the venue audible in lulls, car horn, distant traffic, voices.
11/02/2017	21:35	05:00	-	-	-	44	35	32	57	28	42	People speaking, occasional vehicles on south Street, distant traffic, siren to North.
11/02/2017	22:13	05:00	-	-	-	46	35	32	57	30	43	Occasional vehicles on South Street, distant traffic, music from the venue audible (but not loud).
11/02/2017	22:44	03:34	-	-	-	42	34	32	54	29	40	Occasional vehicles on South Street, distant traffic, music from the venue audible (but not loud).
11/02/2017	23:04	03:01	-	-	-	49	43	39	58	33	46	People speaking and leaving the venue, cars leaving, car doors closing.
11/02/2017	23:39	05:00	-	-	-	37	33	30	61	27	39	Distant traffic, occasional vehicles on South Street, rain.

Date	Time	L _{Aeq} dB(A)	L _{eq} Octave Band Pressure Level								Comments	
			31	63	125	250	500	1k	2k	4k	8k	
11/02/2017	20:27	44	43	51	47	42	36	40	37	30	24	Light traffic on South Street, voices, plane, distant traffic.
11/02/2017	20:44	42	48	49	42	40	36	39	34	25	20	Light traffic on South Street, music from the venue audible in lulls, car horn, distant traffic, voices.
11/02/2017	21:35	42	41	45	39	39	36	39	34	25	20	People speaking, occasional vehicles on south Street, distant traffic, siren to North.
11/02/2017	22:13	43	45	50	42	41	36	40	35	24	19	Occasional vehicles on South Street, distant traffic, music from the venue audible (but not loud).
11/02/2017	22:44	40	46	48	41	39	36	37	32	22	17	Occasional vehicles on South Street, distant traffic, music from the venue audible (but not loud).
11/02/2017	23:04	46	46	48	45	44	42	42	39	30	22	People speaking and leaving the venue, cars leaving, car doors closing.
11/02/2017	23:39	39	36	41	37	36	32	35	32	28	22	Distant traffic, occasional vehicles on South Street, rain.



ENVIRONMENTAL NOISE RECORD SHEET

Sheet 4 of 6
DP106/16376

Location: Position 3a – Inside Second Floor Room – Window Closed

Date: 11/02/2017

Calibration Times: 20:13, 00:12

Project: 16376 – 9 Southern Court, Reading

Instrumentation: Bruel & Kjaer Type 2250 Sound Level Meter

Ambient Noise Survey

Date	Time Start	Time Dur'n (Min)	Wind Speed m/s	Weather Wind Dir'n	Cloud (%)	Noise Level dB(A)					L _{Aeq}	Comments (Including description of noise (eg whine, hiss, rumble, impact, vehicle rain, vegetation, or animal noise)).
						L10	L50	L90	L _{MAX}	L _{MIN}		
11/02/2017	20:56	05:00	-	-	-	37	32	29	46	27	34	Light traffic on South Street, music from the venue audible in lulls, distant traffic, siren.
11/02/2017	21:42	05:00	-	-	-	39	31	29	54	27	36	Light traffic on South Street, voices, distant traffic.
11/02/2017	21:57	05:00	-	-	-	35	30	28	53	27	34	Light traffic on South Street, distant traffic, music from the venue.
11/02/2017	22:50	03:01	-	-	-	40	32	30	49	28	36	Music from the venue, distant traffic, occasional vehicles on South Street.
11/02/2017	23:17	05:00	-	-	-	38	32	29	47	27	34	Light traffic on South Street, distant traffic, voices.
11/02/2017	23:53	05:00	-	-	-	32	30	28	48	25	32	Distant traffic, rain drops hitting the roof, occasional vehicles on South Street.

Date	Time	L _{Aeq} dB(A)	L _{eq} Octave Band Pressure Level								Comments	
			31	63	125	250	500	1k	2k	4k	8k	
11/02/2017	20:56	34	52	40	40	34	27	31	26	19	16	Light traffic on South Street, music from the venue audible in lulls, distant traffic, siren.
11/02/2017	21:42	36	49	37	38	33	29	33	29	25	22	Light traffic on South Street, voices, distant traffic.
11/02/2017	21:57	34	49	39	38	33	27	31	26	22	19	Light traffic on South Street, distant traffic, music from the venue.
11/02/2017	22:50	36	54	41	42	34	29	34	28	20	18	Music from the venue, distant traffic, occasional vehicles on South Street.
11/02/2017	23:17	34	51	40	43	34	27	31	26	19	17	Light traffic on South Street, distant traffic, voices.
11/02/2017	23:53	32	44	36	35	30	25	28	23	19	16	Distant traffic, rain drops hitting the roof, occasional vehicles on South Street.



ENVIRONMENTAL NOISE RECORD SHEET

Sheet 5 of 6
DP106/16376

Location: Position 3b – Inside Second Floor Room – Window Open

Date: 11/02/2017

Calibration Times: 20:13, 00:12

Project: 16376 – 9 Southern Court, Reading

Instrumentation: Bruel & Kjaer Type 2250 Sound Level Meter

Ambient Noise Survey

Date	Time Start	Time Dur'n (Min)	Wind Speed m/s	Weather Wind Dir'n	Cloud (%)	Noise Level dB(A)					L _{Aeq}	Comments (Including description of noise (eg whine, hiss, rumble, impact, vehicle rain, vegetation, or animal noise).
						L10	L50	L90	L _{MAX}	L _{MIN}		
11/02/2017	21:05	05:00	-	-	-	54	47	43	61	39	50	Light traffic on South Street, music audible in lulls, distant traffic, siren to North.
11/02/2017	21:48	02:19	-	-	-	50	45	42	58	40	47	Occasional vehicles on South Street, distant traffic, voices.
11/02/2017	21:52	05:00	-	-	-	53	47	45	62	43	50	Distant traffic, music from the venue, plane, siren to North, light traffic on South Street.
11/02/2017	22:54	03:32	-	-	-	48	45	43	52	41	46	Music from the venue, distant traffic, voices, occasional vehicles on South Street.
11/02/2017	23:24	05:00	-	-	-	52	47	43	63	39	50	Loud voices on South Street, light traffic on South Street, distant traffic.

Date	Time	L _{Aeq} dB(A)	L _{eq} Octave Band Pressure Level								Comments	
			31	63	125	250	500	1k	2k	4k		8k
11/02/2017	21:05	50	56	44	48	47	45	48	42	32	24	Light traffic on South Street, music audible in lulls, distant traffic, siren to North. Occasional vehicles on South Street, distant traffic, voices. Distant traffic, music from the venue, plane, siren to North, light traffic on South Street. Music from the venue, distant traffic, voices, occasional vehicles on South Street. Loud voices on South Street, light traffic on South Street, distant traffic.
11/02/2017	21:48	47	53	41	44	42	42	45	39	30	24	
11/02/2017	21:52	50	56	46	50	48	45	47	42	32	25	
11/02/2017	22:54	46	50	41	44	43	41	44	38	26	19	
11/02/2017	23:24	50	52	39	44	45	46	46	42	32	24	



ENVIRONMENTAL NOISE RECORD SHEET

Sheet 6 of 6
DP:106/16376

Location: Position 4 – Outside the back of the building

Date: 11/02/2017

Calibration Times: 20:13, 00:12

Project: 16376 – 9 Southern Court, Reading

Instrumentation: Bruel & Kjaer Type 2250 Sound Level Meter

Ambient Noise Survey

Date	Time		Wind Speed m/s	Weather		Cloud (%)	Noise Level dB(A)					L _{Aeq}	Comments (Including description of noise (eg whine, hiss, rumble, impact, vehicle rain, vegetation, or animal noise)).
	Start	Dur'n (Min)		Wind Dir'n			L10	L50	L90	L _{MAX}	L _{MIN}		
11/02/2017	22:26	05:00	1-3	E		100	45	43	41	59	40	44	Distant traffic, planes, 1 car parking in the car park. Distant traffic, rain.
12/02/2017	00:04	05:00	1-3	E		100	45	43	41	56	40	44	

Date	Time	L_{Aeq} dB(A)	L_{eq} Octave Band Pressure Level								Comments	
			31	63	125	250	500	1k	2k	4k	8k	
11/02/2017	22:26	44	55	54	47	42	39	40	35	25	20	Distant traffic, planes, 1 car parking in the car park. Distant traffic, rain.
12/02/2017	00:04	44	52	52	44	39	38	41	36	27	21	

APPENDIX D

Noise Ingress Calculations

Date : 02/03/2017

Project No.: 16376

Project: 9 Southern Court

Receiver room for this calculation: Front Facing - Living and Bed Room

Estimated Indoor Ambient Noise Levels

Estimation of the indoor ambient noise level in a room based on the external noise levels and façade sound insulation taken from equations in Section 6.7.2.1 of BS8233:1999

$$L_{\text{internal}} = L_{\text{external}} - \Sigma R + 10 \log S + 10 \log T - 10 \log 0.163V + 3 + C$$

Where: - L_{internal} - estimated indoor reverberant sound pressure level

L_{external} - measured external sound pressure level (L_{Aeq} , 16hr) - i.e. the design external L_{Aeq}

C - correction factor to convert the measured external sound pressure level to 'free field' (6dB for measurements within millimetres of the façade, 3dB for measurements 2m from the façade)

ΣR - overall sound reduction of the facade

T - reverberation time inside the room in question

V - volume of the room in question

External Noise Spectral Data		Octave Band Centre Frequency (Hz)							
	dB(A)	63	125	250	500	1k	2k	4k	8k
L_{Aeq} , 16hr	61.9		59.0	56.0	56.0	59.0	55.0	46.0	39.0
Façade Correction Factor, C		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Reduction of façade elements									
Glazing - Pilkington 4/12/4	Area: 2 m ²								
	R:	18	24	20	25	35	38	35	35
Wall - Brick and block external wall	Area: 8								
	R:	34	40	44	45	51	56	60	63
Doors	Area: 0 m ²								
	R:								
Rooflight	Area: 0 m ²								
	R:								
Ventilators - Greenwood 4000 SBW (Hit and miss)	Number of: 2								
	D_{ne}	0	38	37	34	30	34	37	46
Room Data									
Living Room Reverberation Time		0.6	0.6	0.5	0.5	0.4	0.4	0.4	0.3
Total Façade Area	10 m ²								
Room Volume	50 m ³								
Overall sound reduction of the facade									
Combined sound reduction		24.6	29.2	26.1	28.4	26.8	30.8	33.3	39.4
		Octave Band Centre Frequency (Hz)							
Estimated Indoor Noise Level	dB(A)	63	125	250	500	1k	2k	4k	8k
	34.0	0.0	31.4	30.7	28.5	32.1	24.1	12.6	0.0

APPENDIX E

Statutory Instrument 2016 No. 332

2016 No. 332

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016

<i>Made</i>	- - - -	<i>10th March 2016</i>
<i>Laid before Parliament</i>		<i>11th March 2016</i>
<i>Coming into force</i>	- -	<i>6th April 2016</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(a), makes the following Order.

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 and comes into force on 6th April 2016.

Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015

2. The Town and Country Planning (General Permitted Development) (England) Order 2015(b) (“the General Permitted Development Order”) is amended as follows.

Review

3. After article 7 insert—

“Review

7A.—(1) The Secretary of State must from time to time—

- (a) carry out a review of articles 1 to 7;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by those articles;
- (b) assess the extent to which those objectives are achieved; and

(a) 1990 c.8. Amendments have been made to section 59 which are not relevant to this Order. Section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013 (c. 27).
(b) S.I. 2015/596.

- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) The first report under this article must be published before the end of the period of five years beginning with 6th April 2016.
- (4) Reports under this article are afterwards to be published at intervals not exceeding five years.”.

Amendment in relation to development within the curtilage of a dwellinghouse

4. In Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse), in Class A for paragraph A.1(h)(ii) substitute—

- “(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;”.

Amendment in relation to change of use of shops to financial and professional

5. In Part 3 of Schedule 2 (changes of use), in Class D after “building” insert “and any land”.

Amendments in relation to change of use of launderettes to dwellinghouses

6.—(1) Class M in Part 3 of Schedule 2 is amended as follows.

(2) For paragraph M of Class M substitute—

“Class M – retail and specified sui generis uses to dwellinghouses

Permitted development

M. Development consisting of—

(a) *a change of use of a building from—*

- (i) *a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order,*
 - (ii) *a use as a betting office, pay day loan shop or launderette, or*
 - (iii) *a mixed use combining use as a dwellinghouse with—*
 - (aa) *a use as a betting office, pay day loan shop or launderette, or*
 - (bb) *a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise),*
- to a use falling within Class C3 (dwellinghouses) of that Schedule, and*

(b) *building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*
”.

(3) For paragraph M.2(1)(d)(i) substitute—

- “(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or”.

Amendments in relation to change of use of offices to dwellinghouses

7.—(1) In Part 3 of Schedule 2, in Class O—

(a) for paragraph O.1(a) substitute—

- “(a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;”;
- (b) omit paragraph O.1(c);
- (c) for paragraph O.2 substitute—

“**O.2.**—(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.”;

- (d) after paragraph O.2 insert—

“Interpretation of Class O

O.3. For the purposes of Class O, “commercial premises” means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003(a) or any other place of public entertainment.”.

- (2) With effect from 31st May 2019 omit—

- (i) article 2(5);
- (ii) Part 3 of Schedule 1 (article 2(5) land); and
- (iii) paragraph O.1(a) of Part 3 of Schedule 2 (as substituted by this Order).

Amendments in relation to change of use of light industrial to dwellinghouses

- 8.** In Part 3 of Schedule 2, after Class P insert—

“Class PA – premises in light industrial use to dwellinghouses

Permitted development

PA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

PA.1. Development is not permitted by Class PA if—

- (a) an application under paragraph PA.2(1) in respect of the development is received by the local planning authority on or before 30th September 2017;
- (b) the building was not used solely for a light industrial use on 19th March 2014 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(a) 2003 c.17.

- (c) the prior approval date falls on or after 1st October 2020;
- (d) the gross floor space of the existing building exceeds 500 square metres;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than 1 year before the date the development begins—
 - (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under this Class,
 unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;
- (g) the site is, or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area;
- (h) the building is a listed building or is within the curtilage of a listed building; or
- (i) the site is, or contains, a scheduled monument.

Conditions

PA.2.—(1) Development is permitted by Class PA subject to the condition that before beginning the development, the developer must—

- (a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a light industrial use on the date referred to in paragraph PA.1(b);
- (b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (i) transport and highways impacts of the development,
 - (ii) contamination risks in relation to the building,
 - (iii) flooding risks in relation to the building,
 - (iv) where the authority considers the building to which the development relates is within an area that is important for providing industrial services or storage or distribution services or a mix of those services (which includes, where the development relates to part of a building, services provided from any other part of the building), whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Development under Class PA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class PA

PA.3. For the purposes of Class PA—

“curtilage” (except in paragraph PA.1(h)) means—

- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building in light industrial use, closely associated with and serving the purposes of that building, or

- (b) an area of land immediately beside or around the building in light industrial use no larger than the land area occupied by the building,

whichever is the lesser;

“industrial services” means services provided from premises with a light industrial use or a use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order;

“light industrial use” means a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order;

“storage or distribution services” means services provided from premises with a use falling within Class B8 (storage or distribution) of the Schedule to the Use Classes Order.”.

9. In paragraphs A.1(a), B.1(a), C.1(a), D.1(a), E.1(a), F.1, G.1(a) and H.1(a) of Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse), after “P” insert “, PA”.

Amendment in relation to procedure for applications for prior approval

10. In Part 3 of Schedule 2, after paragraph W(2)(b) insert—

“(ba) in relation to development proposed under Classes M, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);”.

Amendment in relation to temporary use of buildings or land for film-making purposes

11. In Part 4 of Schedule 2 (temporary buildings and uses) omit paragraph B.1(a).

Amendments in relation to minerals permitted development

12. In article 4, in paragraph (1) after “Class K” insert “, KA”.

13. In article 5—

(a) in paragraph (1), after “Class K” insert “, KA”;

(b) after paragraph (2)(a), insert—

“(aa) in the case of development otherwise permitted under Class KA, the land on which the development is to be carried out is within a protected groundwater source area (as defined in Class JA of Part 17 of Schedule 2);”;

(c) in paragraph (2)(b), after “Class K” insert “, KA”.

14. In Part 17 of Schedule 2 (mining and mineral exploration)—

(a) in Class J, in paragraph J.1—

(i) for sub-paragraph (c), substitute—

“(c) any operation would be carried out within a National Park, an area of outstanding national beauty, a site of archaeological interest, a site of special scientific interest or the Broads;”;

(ii) in sub-paragraph (g), for “12” substitute “15”;

(b) after Class J, insert—

Permitted development

JA. *Development on any land during a period not exceeding 28 consecutive days consisting of the drilling of boreholes for the purposes of—*

- (a) carrying out groundwater monitoring;*
- (b) carrying out seismic monitoring; or*
- (c) locating and appraising the condition of mines,*

which is preparatory to potential petroleum exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those drilling, monitoring or locating and appraising operations.

Development not permitted

JA.1. Development is not permitted by Class JA if—

- (a) any operation would be carried out within 50 metres of any part of an occupied residential building or a building occupied as a hospital or school;
- (b) any operation would be carried out within a National Park, an area of outstanding natural beauty, a site of archaeological interest, a site of special scientific interest or the Broads;
- (c) any explosive charge of more than 1 kilogram would be used;
- (d) any structure assembled or provided would exceed 15 metres in height, or, where the structure would be within 3 kilometres of the perimeter of an aerodrome, 3 metres in height;
- (e) in the case of boreholes for locating and appraising the condition of mines, the borehole exceeds 160 metres in depth; or
- (f) drilling would be carried out within a protected groundwater source area.

Conditions

JA.2. Development is permitted by Class JA subject to the following conditions—

- (a) no operations are carried out between 6.00pm and 7.00am;
- (b) no trees on the land are removed, felled, lopped or topped and no other thing is done on the land likely to harm or damage any trees, unless the mineral planning authority have so agreed in writing;
- (c) within a period of 28 days from the cessation of operations unless the mineral planning authority have agreed otherwise in writing—
 - (i) any structure permitted by Class JA and any waste material arising from other development so permitted is removed from the land;
 - (ii) any borehole is adequately sealed;
 - (iii) the surface of the land on which any operations have been carried out is levelled and any topsoil replaced as the uppermost layer, and
 - (iv) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting;
- (d) the developer notifies the Environment Agency and the relevant drinking water supply undertaker in writing of its intention to carry out the development (specifying the nature and location of the development), and no development takes place until 28 days after that notification; and

- (e) in the case of boreholes for locating and appraising the condition of mines, the developer notifies the Coal Authority in writing of its intention to carry out the development (specifying the nature and location of the development), and no development takes place until 28 days after that notification.

Interpretation of Class JA

JA.3.—(1) For the purposes of Class JA, “protected groundwater source area” means any land at a depth of less than 1,200 metres beneath a relevant surface area.

(2) In paragraph (1), “relevant surface area” means any land at the surface that is—

- (a) within 50 metres of a point at the surface at which water is abstracted from underground strata and which is used to supply water for domestic or food production purposes, or
 - (b) within or above a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes.”;
- (c) in Class K, in paragraph K.1(f), for “12” substitute “15”;
- (d) after Class K, insert—

“Class KA – use of land etc in respect of petroleum exploration

Permitted development

KA. *Development on any land consisting of the drilling of boreholes for the purposes of—*

- (a) carrying out groundwater monitoring;*
- (b) carrying out seismic monitoring; or*
- (c) locating and appraising the condition of mines,*

which is preparatory to potential petroleum exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those drilling, monitoring, or locating and appraising operations.

Development not permitted

KA.1. Development is not permitted by Class KA if—

- (a) the developer has not previously notified the mineral planning authority in writing of its intention to carry out the development (specifying the nature and location of the development);
- (b) the relevant period has not elapsed;
- (c) any explosive charge of more than 2 kilograms would be used;
- (d) any structure assembled or provided would exceed 15 metres in height; or
- (e) in the case of boreholes for locating and appraising the condition of mine operations, the borehole exceeds 160 metres in depth.

Conditions

KA.2. Development is permitted by Class KA subject to the following conditions—

- (a) the development is carried out in accordance with the details in the notification referred to in paragraph KA.1(a), unless the mineral planning authority has otherwise agreed in writing;
- (b) no trees on the land are removed, felled, lopped or topped and no other thing is done on the land likely to harm or damage any trees, unless specified in detail in

- the notification referred to in paragraph KA.1(a) or the mineral planning authority has otherwise agreed in writing;
- (c) within a period of 28 days from operations ceasing, unless the mineral planning authority has agreed otherwise in writing—
 - (i) any structure permitted by Class KA and any waste material arising from other development so permitted is removed from the land;
 - (ii) any borehole is adequately sealed;
 - (iii) the surface of the land is levelled and any topsoil replaced as the uppermost layer; and
 - (iv) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting;
 - (d) the developer notifies the Environment Agency and the relevant drinking water supply undertaker in writing of its intention to carry out the development (specifying the nature and location of the development), and no development takes place until 28 days after that notification;
 - (e) in the case of boreholes for locating and appraising the condition of mines, the developer notifies the Coal Authority in writing of its intention to carry out the development (specifying the nature and location of the development), and no development takes place until 28 days after that notification; and
 - (f) the development ceases no later than a date which is—
 - (i) in the case of development involving the drilling of boreholes for groundwater monitoring, 24 months; and
 - (ii) in other cases, 6 months,
 after the elapse of the relevant period, unless the mineral planning authority has otherwise agreed in writing.

Interpretation of Class KA

KA.3. For the purposes of Class KA, “relevant period” means the period elapsing—

- (a) where a direction is not issued under article 5, 28 days after the notification referred to in paragraph KA.1(a) or, if earlier, on the date on which the mineral planning authority notifies the developer in writing that it will not issue such a direction, or
 - (b) where a direction is issued under article 5, 28 days from the date on which notice of that decision is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notifies the developer that the Secretary of State has disallowed the direction.”; and
- (e) in paragraph N.1 (interpretation of Part 17)—
- (i) after the definition of “coal mining operations”, insert—

““groundwater” has the same meaning as in regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2010(a);”;
 - (ii) after the definition of “normal and regular use”, insert—

““relevant drinking water supply undertaker” means any water undertaker in whose area of appointment development will take place and, in the case where the development is likely to affect water resources in the area of appointment of another water undertaker, that undertaker;”.

(a) S.I. 2010/675, to which there are amendments not relevant to these Regulations.

Transitional and saving provisions

15.—(1) The amendment made by article 14(a)(i) of this Order does not apply in relation to development under Class J of Part 17 of Schedule 2 to the General Permitted Development Order where that development has started, but not completed, on the date on which this Order comes into force.

(2) The amendment made by article 10 of this Order does not apply to applications made on or before 5th April 2016 for determination as to whether the prior approval of the authority will be required under Part 3 of Schedule 2 to the General Permitted Development Order.

Signed by authority of the Secretary of State for Communities and Local Government

Brandon Lewis
Minister of State

10th March 2016

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the General Permitted Development Order”) (S.I. 2015/596).

Review

Article 3 requires the Secretary of State to review the operation and effect of articles 1 to 7 of the General Permitted Development Order. This review is required by section 28 of the Small Business, Enterprise and Employment Act 2015 (c.26), in respect of regulatory provisions made after 1st July 2015. The framework set out in the General Permitted Development Order was made before this date. However, since this instrument amends the wider framework of the General Permitted Development Order, the review provisions are extended to the whole of the General Permitted Development Order, as amended by this instrument.

Change of use of buildings to residential use

Article 6 amends Class M of Part 3 of Schedule 2 to allow a building used as a launderette to change to residential use, on the same terms as those which apply to other uses within Class M.

Article 7 makes permanent the existing temporary right to change a building used as an office into residential use (Class O of Part 3 of Schedule 2). Article 7(1)(a) extends until 30th May 2019 the exemption from Class O of areas listed in Part 3 of Schedule 1 of the General Permitted Development Order. A condition allowing the local planning authority to consider noise impacts on the intended occupants of the development from premises in commercial use is included in the extended right. It also allows development under this Class to be completed up to 3 years from the prior approval date (defined in paragraph X of Part 3 of Schedule 2).

Article 8 creates a temporary right (Class PA of Part 3 of Schedule 2) to change a building in light industrial use to residential use, where an application for determination as to whether prior approval is required is made on or after 1 October 2017 and the prior approval date occurs on or before 30th September 2020. It also allows development under Class PA to be completed up to 3 years from the prior approval date (defined in paragraph X of Part 3 of Schedule 2). Article 9 provides that the householder development rights contained in Part 1 of Schedule 2 do not apply to development carried out under Class PA.

Article 10 requires a developer changing a building to residential use to supply to the local authority a statement specifying the net increase in the number of dwellinghouses proposed by the development, alongside its application for determination as to whether prior approval is required. Article 15(2) provides that this does not apply to applications made on or before 5th April 2016.

Amendments in relation to minerals permitted development

Articles 12, 13 and 14 allow, subject to conditions and limitations, the drilling of boreholes for the purposes of: (a) carrying out groundwater monitoring; (b) carrying out seismic monitoring; or (c) locating and appraising the condition of mine operations, which is preparatory to potential petroleum exploration. Under new Class JA of Part 17 of the General Permitted Development Order, such development may take place for a period not exceeding 28 consecutive days. Under new Class KA of Part 17, where a developer has notified the relevant mineral planning authority in writing of its intentions, then such development may take place for a period not exceeding 24 months (in the case of the drilling of boreholes for carrying out groundwater monitoring) or 6 months (in other cases), unless the mineral planning authority has otherwise agreed in writing. Authorities have the power, in certain circumstances, to issue a notice under Article 5 of the General Permitted Development Order restricting the rights otherwise permitted under Class KA.

Minor amendments are also made in respect of existing permitted development rights relating to minerals exploration in Classes J and K of Part 17. The height restriction on any structure assembled or provided in respect of such development is raised from 12 metres to 15 metres, and development under Class J will no longer be permitted in the Broads.

Other amendments

Article 4 clarifies the wording of the General Permitted Development Order, making it clear that the relevant boundary is opposite the rear wall of the dwellinghouse being enlarged.

Article 5 re-inserts the wording ‘and any land’ which was omitted from Class D of Part 3 of Schedule 2.

Article 11 clarifies that land may be used for a temporary period for commercial film-making under Class B of Part 4 of Schedule 2.

Impact assessments in relation to articles 6 to 8, and articles 12 to 14, of this Order and will be published at www.legislation.gov.uk or copies may be inspected at the Planning Directorate, Department for Communities and Local Government, 2 Marsham Street, London SW1P 4DF. An impact assessment has not been produced in respect of other provisions of this instrument as no significant impact on the private or voluntary sector is foreseen.

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