



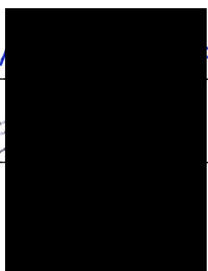
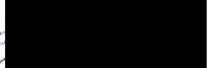
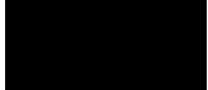
Proposed Residential Development at Blossom Fields, Cotefield Farm, Bodicote

Noise Assessment

For Mr R. Bratt



Quality Management

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1 Introduction

- 1.1 RPS Planning and Development Limited has been appointed by Mr R. Bratt to carry out a noise assessment for a proposed residential development at Blossom Fields, Cotefield Farm, Bodicote, which lies within the administrative area of Cherwell District Council (CDC).
- 1.2 The proposed development site is currently in farming use, as arable land. There is existing residential development to the north-west and the south-east of the site, and open fields to west. Light industrial units forming Cotefield Business Park and a garden centre (Cotefield Nurseries) are located directly to the east of the proposed development site with the A4260 Oxford Road lying approximately 160 m to the east and the M40 motorway, a further 1 km to the east. The site is located 3.5 km south of Banbury town centre.
- 1.3 The assessment has been undertaken based upon appropriate information on the proposed development provided by the project team. The assessment has been undertaken with integrity, objectivity and honesty in accordance with the Code of Conduct of the Institute of Acoustics.
- 1.4 This report contains: a description of the baseline surveys which were undertaken in order to determine the existing noise climate at the site and a presentation of the results thereof; the assessment methodology used to assess internal and external noise levels; a summary of the standards, guidance & policy upon which the assessments are based; the results of the assessments undertaken; and a summary and conclusions section which summarises the findings of the report.

2 Assessment Methodology

Planning Guidance

- 2.1 This assessment has been carried out with reference to the National Planning Policy Framework (NPPF) [1], Noise policy Statement for England (NPSE) [2] and Planning Practice Guidance (Noise) (PPG) [3] and other appropriate guidance. Full details of legislation and guidance that has been considered in this assessment is provided in Appendix A. The NPPF, published in March 2012, sets out the Governments planning policies for England. The document does not contain any specific noise policy or noise limits, but it provides a framework for local people and local authorities to produce their own local and neighbourhood plans, which reflect the needs and priorities of their communities.
- 2.2 The NPSE, published in March 2010 by Defra, aims to provide clarity regarding current policies and practices, to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion. The NPSE was the first planning guidance document to introduce categorisation of adverse noise effects in terms of effect levels.

PPG on Noise

- 2.3 The guidance contained within the PPG (paragraph Reference ID: 30-001-20140306) provides advice on how to deliver the policies of the NPPF. The PPG reiterates general guidance on noise policy and assessment methods provided in the NPPF, NPSE and British Standards (BSs) and contains examples of acoustic environments commensurate with various effect levels. Paragraph 005 (Reference ID: 30-005-20140306) of the PPG describes the different effect levels which are defined and briefly outlined below.
- No Observable Effect Level (NOEL);
 - Lowest Observable Adverse Effect Level (LOAEL); and
 - Significant Observed Adverse Effect Level (SOAEL).
- 2.4 The PPG describes noise that is not noticeable to be at levels below the NOEL. Noise exposures in this range are below the LOAEL and need no mitigation. The PPG suggests that noise exposures above the LOAEL cause small changes in behaviour. An example of noise exposures above the LOAEL provided in the PPG is having to turn up the volume on the television; needing to speak more loudly to be heard; or, where there is no alternative ventilation, closing windows for some of the time because of the noise. In line with the NPPF and NPSE, PPG states that consideration needs to be given to mitigating and minimising effects above the LOAEL but also to taking account of the economic and social benefits being derived from the activity causing the noise. The PPG suggests that noise exposures above the SOAEL cause material changes in behaviour. An example of noise exposures above the SOAEL provided in the PPG are, where

there is no alternative ventilation, keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. In line with the NPPF and NPSE, the PPG states that effects above the SOAEL should be avoided and that whilst the economic and social benefits derived from the activity causing the noise must be taken into account, such exposures are undesirable.

Summary of Relevant Guidance Documents

2.5 The key policies and standards against which assessment is made are:

- NPPF;
- NPSE;
- PPG;
- British Standard (BS) 8233:2014 ‘Guidance on sound insulation and noise reduction for buildings’ [4]; and
- Cherwell Adopted Local Plan 1996 – Saved Policies (CLP) [5].

Consultation

2.6 The assessment methodology is based upon national planning policy, local planning policy and the relevant British Standards (BSs) which are outlined above and summarised in Appendix A.

2.7 On 16th September 2014, prior to undertaking the baseline survey and carrying out the assessment, Patrick Hoyle, Acoustic Consultant for RPS, contacted Rob Lowther, Environmental Health Officer (EHO) at CDC, , via telephone to seek agreement on the proposed assessment methodology and criteria.

2.8 The following points were discussed and agreed:

- The residential suitability assessment will refer to the following levels from BS 8233:2014 ‘Guidance on sound insulation and noise reduction for buildings’ [6] for the internal and external noise level criteria for residential buildings:
 - Internal noise level of 35 dB $L_{Aeq,16h}$ during the daytime (BS 8233:2014 Table 4);
 - Internal noise level of 30 dB $L_{Aeq,8h}$ during the night-time (BS 8233:2014 Table 4); and
 - External noise level of 55 dB $L_{Aeq,16h}$ during the daytime (BS 8233:2014 Paragraph 7.7.3.2).
- The proposal layout will be marked up into areas which correspond to the required façade treatments which will satisfy the BS 8233:2014 criteria.
- Noise from fixed or stationary plant in the neighbouring industrial/ commercial uses will be assessed following the guidance contained within BS 4142:1997 ‘Method for Rating industrial noise affecting mixed residential and industrial areas’ [7].

- The baseline survey will consist of one unattended long term survey supported by short-term attended surveys.

2.9 The internal noise levels detailed above would be regarded as being at LOAEL. Noise levels below the LOAEL may still be above the NOEL. In this case, the noise levels are described in the PPG as being 'Noticeable and not intrusive'. The PPG provides the following example of resultant outcomes:

'Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.'

PPG paragraph 005, reference ID: 30-005-20140306

2.10 During the pre-application consultation, noise from the Cotefield Business Park, which adjoins the proposal site, was raised as an issue which should be addressed, particularly as CDC Environmental Health officers were aware of a potential noise conflict relating to a public service vehicle operation which was known to have operated at Cotefield Business Park in the past. Following discussions with the landowner, it was confirmed that the public service vehicle operation is no longer operating at Cotefield Business Park and that there is a storage and engineering works currently operating in the largest of the existing buildings on Cotefield Business Park which is close to the boundary of the proposal site. It was agreed with the EHO that attended measurements and observations of the existing operations in this building (identified in Figure 1) would be undertaken to allow for assessment, following the guidance contained within BS 4142:1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'. The summary e-mail stating the points agreed through consultation with CDC is provided in Appendix B.

2.11 Noise levels at the proposed residential properties which would be in closest proximity to the light industrial units and the garden centre have been assessed in accordance with BS 4142:1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'. At the time of drafting the final version of this report, BS 4142:1997 has been superseded by BS 4142:2014 'Methods for rating and assessing industrial and commercial sound' [8]. However, as our consultations and assessment relate to the old version of the standard, this report should be read with reference to BS 4142:1997.

2.12 It is considered that, if proposed façades of the residential properties can be designed to ensure that appropriate internal noise levels are achieved, then a commensurate level of protection will be provided against maximum levels from individual noise events (i.e. the protection provided to ensure $L_{Aeq,T}$ levels will not be exceeded will ensure that appropriate L_{Amax} levels will also not be exceeded).

Establishing Baseline Conditions

- 2.13 To establish the baseline conditions at the proposal site, an unattended noise survey was installed on site in order to monitor existing noise levels. Additional short-term surveys were carried out in several locations in order to establish how noise levels varied across the site and to determine the influence Cotefield Nurseries and Cotefield Business Park had on the overall noise environment. Baseline surveys are discussed in detail in the following section. The reporting of the environmental conditions during the survey period were undertaken with reference to BS 7445-1:2003 and BS 7445-2:1991 [9 & 10].

3 Baseline Survey

Site Description

- 3.1 The application site is currently in farming use as arable land. There are existing residential areas to the north-west and the south-east of the site, and open fields to the west. Light industrial units forming Cotefield Business Park and Cotefield Nurseries are located directly to the east of the proposed development site with the A4260 'Oxford Road' lying approximately 160 m to the east and the M40 motorway, a further 1 km to the east. The site is located 3.5 km south of Banbury town centre.
- 3.2 The main source of noise affecting the site is road traffic on the A4260 and the more distant M40. Dwellings on the Banner Homes development, which adjoins the application site immediately to the north, will also be potentially subject to noise from Cotefield Nurseries and Cotefield Business Park, once completed and occupied.

Baseline Noise Survey

- 3.3 Baseline noise monitoring was carried out in order to determine the existing noise climate on site. One long term unattended noise survey, LT_1, was set up primarily to monitor noise from road traffic on the A4260 on 18th September 2014 at 07:30 hours and collected on 24th September 2014 at 14:35 hours.
- 3.4 Short-term measurements were made at six different locations: ST_1, ST_2, ST_3, ST_4, ST_5 and ST_6 during the daytime on 18th September 2014. Locations ST_1 and ST_2 were selected to measure noise levels closer to the industrial area and garden centre respectively and the remaining four to measure noise levels on site further from the A4260. All survey locations are identified in Figure 1.
- 3.5 Unattended long term measurements (LT_1) were made using a Rion NL-32 sound level meter (SLM), a Type 1 meter with one of the best performing environmental windshields. BS 7445-2:1991 recommends that sound level meters used for the acquisition of data pertinent to land use be preferably Type 1. Data were logged of the A-weighted sound pressure level in 100 ms periods as the A-weighting is used for environmental noise assessment and 100 ms periods enable the data to be post-processed into any suitable time period.
- 3.6 LT_1 was positioned on an area of grassland to the east of the site at a distance of approximately 160 m from the edge of the A4260, with the microphone mounted on a tripod at 2.0 m above local ground level in a free-field location. The land between the microphone and the A4260 was primarily grassland, with some hard road surface. At the time of setting up and collecting the surveys, the main noise source was observed to be traffic on the A4260 and more distant traffic noise, presumed to be from the M40. In addition, some cars entering and leaving Cotefield Business Park and some activities at Cotefield Nurseries (trolley movements etc.) were audible.

Other sources of noise included birds singing, light aircraft passing overhead, some loud impulsive bangs (presumed to be rook scarers) and the ringing of church bells.

- 3.7 Short-term measurements were carried out to try to ascertain noise emissions from the garden centre and Cotefield Business Park to help understand how those noise emissions affect the general noise climate on the site. Also, measurements were made at four other locations away from the road, to understand how noise levels vary across the site. The measurements were carried out using a Rion NA-28 sound level meter, as this is a Type 1 meter. At all short-term measurement locations, the microphone was mounted on a tripod at 1.5 m above the local ground level in free field conditions. Data were recorded of the A-weighted sound pressure level over seven 15-minute periods and one 5-minute period. It was observed during the short-term surveys that noise originating from Cotefield Nurseries, such as vehicles arriving/leaving and the movement of trolleys, was only occasionally audible and that no specific noise was considered to originate from the industrial area.
- 3.8 All instrumentation was checked for calibration prior to and following the measurements using a Rion NC-74 calibrator and there was no significant drift within the survey period. All equipment was within the two year BS 4142 advisory calibration period at the time of the measurements. Calibration certificates are available on request.
- 3.9 Wind conditions during the survey period were recorded using a nearby meteorology station¹ approximately 5.5 km south of the site. Weather conditions during the survey period were dry with no periods of measured rainfall. Wind speeds were low (ranging between 0.0 and 3.1 m/s) and did not appear to influence the measurements. Therefore, no data have been excluded from the dataset due to wind or rainfall.
- 3.10 The L_{Aeq} , L_{A90} and L_{A10} indices have been derived from the 100 ms data for each full period (i.e. 16 hours during the daytime and 8 hours during the night-time), which have then been arithmetically averaged to provide a representative level. The L_{AFmax} has been expressed as a range of the 5 minute data over the specified period.
- 3.11 A summary of the baseline survey results are presented in Tables 3.1 and 3.2 below. All baseline survey results are reproduced for reference in Appendix C and graphical plots of the long term data are provided in Figures 2 and 3.

Table 3.1 Baseline Noise Survey Results – Long Term Survey

Location	Period	$L_{Aeq,T}$ (dB)	$L_{A90,T}$ (dB)	$L_{A10,T}$ (dB)	Range of $L_{AFmax,5min}$ (dB)
LT_1	Daytime (07:00 – 23:00)	50	44	52	44 – 99*
	Night-time (23:00 – 07:00)	43	35	47	31 - 67

The 5-minute period with a L_{AFmax} level of 99 dB occurred during the period 08:20 – 08:25 hours on 23rd September 2014 and is considered to be an anomalous result. Removal of this 5-minute period alters the range to 44 dBA to 83 dBA.

¹ <http://www.wunderground.com/personal-weather-station/dashboard?ID=IOXONDED2#history>

Table 3.2 Baseline Noise Survey Results – Short-term Surveys

Location	L_{Aeq,T} (dB)	L_{A90,T} (dB)	L_{AFmax} (dB)
ST_1	47	66	44
ST_2	52	64	49
ST_3	48	46	62
ST_4	49	47	71
ST_5	49	47	70
ST_6	49	46	70

4 Assessment

Representative Noise Levels in the Context of the Locality

- 4.1 The main noise source on site was observed to be road traffic, in particular the A4260. Based on the current plans, properties on the western boundary that have line-of-sight to the A4260 are, at the closest point, approximately 160 m from the A4260. Survey LT_1 (see Figure 1) was positioned in a similar location of the nearest proposed houses to the A4260 and is therefore considered to be representative of the closest residential properties to the road.

Façade Attenuation

- 4.2 It is generally accepted that the windows of any dwelling are the weakest point of the building fabric with regards to sound transmission, especially when windows are opened to provide natural, rapid ventilation. The assessment of internal noise levels has therefore been undertaken with respect to establishing the minimum required sound insulation performance for all proposed windows and ventilation units, where required. The total façade sound attenuation has been calculated and the result is provided in Table 4.1 below. For the purposes of the assessment, it is assumed that a partially open window provides 12 dB of attenuation.

Table 4.1 Calculated Façade Reduction of Façades with various Façade Elements

Level of Mitigation Required	External Wall	Window	Ventilation	Total Façade Sound Attenuation
	$R_w + C_{tr}$ dB	$R_w + C_{tr}$ dB	$D_{n,ew}$ dB	$R_w + C_{tr}$ dB
Treatment 1 (windows closed)	45 ¹	31 ³	27 ⁴	26
No Treatment (partially open windows)	-	12 ²	-	12

Notes:
¹ Standard wall construction (based on BS 8233)
² Attenuation provided by a partially open window (based on Defra report NANR116 [11])
³ Standard thermal double glazed window unit (based on BS EN 12758:2011 [12])
⁴ Acoustic trickle vents (based on manufacturer's data)
 Calculations have been carried out following the guidance contained within BS 8233 and are based on a typical receiver room.

- 4.3 When specifying the required façade sound attenuation and any required mitigation, an additional robustness factor of 3 dB is used which has the effect of upgrading the façade sound reduction requirements for those assessment locations which are approaching the boundary between treatment levels. This approach yields a robust worst case assessment which serves to protect the amenity of future residents.

Assessment of Required Façade Attenuation

- 4.4 The assessment of required façade insulation and mitigation has been carried out in accordance with BS 8233:2014. The assessment uses the arithmetic average of the 16-hour daytime $L_{Aeq,16h}$ and 8-hour night-time $L_{Aeq,8h}$ periods provided in Table 3.1.
- 4.5 The results of the assessment of the minimum required façade sound insulation, based on the representative external noise levels provided in Table 3.1, are presented in Table 4.2 below.

Table 4.2 Assessment of Required Façade Sound Insulation: Daytime Noise

Location	Assessment Period	Daytime Noise Level $L_{Aeq,16h}$ (dB)	Daytime Noise Level Criteria $L_{Aeq,16h}$ (dB)	Minimum Required Façade Sound Insulation R_w (dB)*
LT_1	Daytime (07:00 – 23:00 hours)	50	35	15
	Night-time (23:00 – :00 hours)	43	30	13

- 4.6 The results in Table 4.2 indicate that, at the assessment location LT_1, assuming an attenuation of 12 dB from a partially open window as detailed in Table 4.1, windows will be required to be closed to achieve acceptable internal noise environments during both daytime and night-time periods. Therefore an alternative means of ventilation, either passive or mechanical, will be required which does not compromise the acoustic performance of the building envelope. Notwithstanding the above, there is no reason why windows should not be openable, at the residents' discretion, in order to provide rapid natural ventilation as long as the openable windows, when closed, provide the required attenuation.
- 4.7 Ventilation can be in the form of trickle ventilation or mechanical ventilation systems. It should also be noted that these requirements are for habitable rooms only (i.e. kitchens (unless part of a lounge/diner/living room), bathrooms, hallways, landings, utility rooms etc. have no specific requirements with respect to internal noise levels).
- 4.8 It should also be noted that noise levels going into site, beyond the first row of houses, will be reduced due to the attenuation provided by those properties closer to the road. Noise levels may be up to 10 dB lower as a result and therefore, in these cases, partially open windows will be suitable to provide the ventilation requirements. It is therefore recommended that those dwellings adjacent to the north western, north eastern and south eastern boundaries be provided with an alternative means of ventilation to negate the need to open windows. All treatment requirements are identified in Figure 3.

External Amenity Areas

- 4.9 The representative daytime noise level at the most sensitive location, LT_1, is 50 dB $L_{Aeq,16h}$ which, from BS 8233:2014, is 5 dB below the upper limit for noise levels in external amenity areas of 55 dB $L_{Aeq,T}$ and is therefore acceptable.
- 4.10 In addition, survey LT_1 was set up in free field conditions with direct line of sight to the A4260. In practice external amenity areas will be separated with fencing etc. which will provide screening and attenuation. Taking into account the screening that will be provided by fencing, the noise levels in external amenity areas would be reduced to a level well below the desirable limit and are therefore acceptable.

Industrial Noise

- 4.11 During the pre-survey consultation (see Paragraphs 2.2 – 2.3 for details), noise associated with activities at Cotefield Business Park was identified as a possible concern and should be considered in any noise assessment.
- 4.12 However, whilst on site carrying out the short-term surveys between the hours of 07:45 to 10:19 on the 18th September 2014, noise from Cotefield Business Park was not audible and only a very short period of noise originating from Cotefield Nurseries was just noticeable (a customer with a trolley and an HGV reversing alarm). In addition, when collecting the long term survey on 25th September 2014 at 14:40 hours activities were not audible from Cotefield Nurseries or Cotefield Business Park.
- 4.13 A reason for the lack of noise noticed from Cotefield Business Park is the orientation of openings into the unit in closest proximity to the proposed houses which face towards the A4260 and away from the proposed dwellings. With the openings off the unit facing away from the application site, and with the light activities taking place in the unit, noise breakout affecting the site is negligible.
- 4.14 On this basis, it is not considered that noise from these two areas significantly contributes to the noise environment in the area and it has not been possible, nor considered necessary, to carry out a quantitative assessment in accordance with BS 4142:1997.
- 4.15 It is known that there are restrictions in place on the units on Cotefield Business Park, restricting the hours and days of use and stating that noise arising from activities in the CBP will not exceed 5 dBA below background, or 10 dBA below background if the specific noise contains tonal qualities, at a point one meter external to the nearest noise sensitive premises. Copies of the planning consents detailing the conditions described above are provided in Appendix D.
- 4.16 Therefore, it is considered that the specific noise level due to activities at Cotefield Business Park will be at least 10 dB below the criteria for marginal significance and 5 dB above the criteria which states 'a positive indication that complaints are unlikely. On this basis, the specific noise from Cotefield Business Park is unlikely to give rise to complaints, and in terms of the PPG, it is considered that adverse effects due to noise from Cotefield Business Park would likely be around the LOAEL. The PPG states that noise levels below the LOAEL have:

'...no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. The noise can slightly affect the acoustic character of an area but not to the extent there is a perceived change in quality of life.'

PPG paragraph 005, reference ID: 30-005-20140306

When noise levels are around the LOAEL it may be that the noise is noticeable but would most likely not be intrusive and not cause a material change in behaviour.

Assessment Summary

- 4.17 The results of the noise assessment show that, with the basic mitigation outlined, acceptable internal and external noise environments will be achieved in accordance with the guidance contained within BS 8233:2014. The basic mitigation requirements have been determined as follows: provision of an alternative means of ventilation for the first rows of houses on all boundaries of the development except the south west facing boundary. Therefore, with the basic mitigation outlined, the proposal is acceptable in terms of accepted national standards.
- 4.18 The results of the baseline noise survey indicate that the measured baseline noise levels are such that the proposed development accords with policy ENV3 of CLP [13]. The proposal is therefore acceptable in terms of local planning policy. With regard to national planning policy, namely the NPPF, the PPG and the NPSE, it is considered that, with the basic mitigation outlined, residual impacts on proposed receptors will be below the LOAEL and hence it is considered that the proposal is acceptable with regard to national planning policy.
- 4.19 The above assessment relates to the existing baseline situation and as such does not include any assessment of the likely future baseline noise levels on site due to the consented Banner Homes development to the north-west. It is likely that the Banner Homes development will provide screening from traffic noise from the A4260 at residential properties to the north-west of the development. Assuming this is the case, there should be no requirement for additional mitigation measures to be employed at some properties where mitigation is recommended for the baseline situation. As such, should this application be approved, the need for the additional mitigation measures should be reviewed prior to construction to determine whether the screening provided by the adjacent development is sufficient to obviate the need for the mitigation.

5 Summary & Conclusions

- 5.1 RPS Planning and Development Limited has been appointed by Mr. R Bratt to provide a noise assessment for a proposed residential development at Blossom Fields, Cotefield Farm, Bodicote. This assessment has been undertaken to ascertain the suitability of the site for the development and any mitigation measures that may be required to ensure suitable internal and external environments.
- 5.2 The results of this noise assessment have indicated that, with the mitigation outlined, acceptable internal noise environments will be achieved. Mitigation should be provided in the form of an alternative means of ventilation to proposed houses which form the first row on all boundaries of the development with the exception of the south-west facing boundary. However, should the application be successful, the need for the mitigation measures outlined in this report should be reviewed to take into account the beneficial, screening effect of the Banner Homes development.
- 5.3 External noise environments are acceptable without any mitigation. In addition, industrial noise from Cotefield Business Park was not found to be noticeable on site and existing conditions are such that noise levels will continue to be of an acceptable level.
- 5.4 Based on the above, the proposed development is in accordance with local planning policy ENV3. It has also been demonstrated that the proposal is acceptable with regards to the NPPF, the related PPG and the NPSE.
- 5.5 It is therefore considered that the proposed development, with the inclusion of appropriate mitigation, is acceptable with regards to noise both in terms of national and local policy and British Standards.

References

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- 11 Defra. NANR116: 'Open/ Closed Window Research – Sound Insulation through Ventilated Domestic open Windows' 2007.
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- 13 Adopted Cherwell Local Plan 1996, Paragraph 10.6. Cherwell District Council. November 1996.

Figures



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Notes

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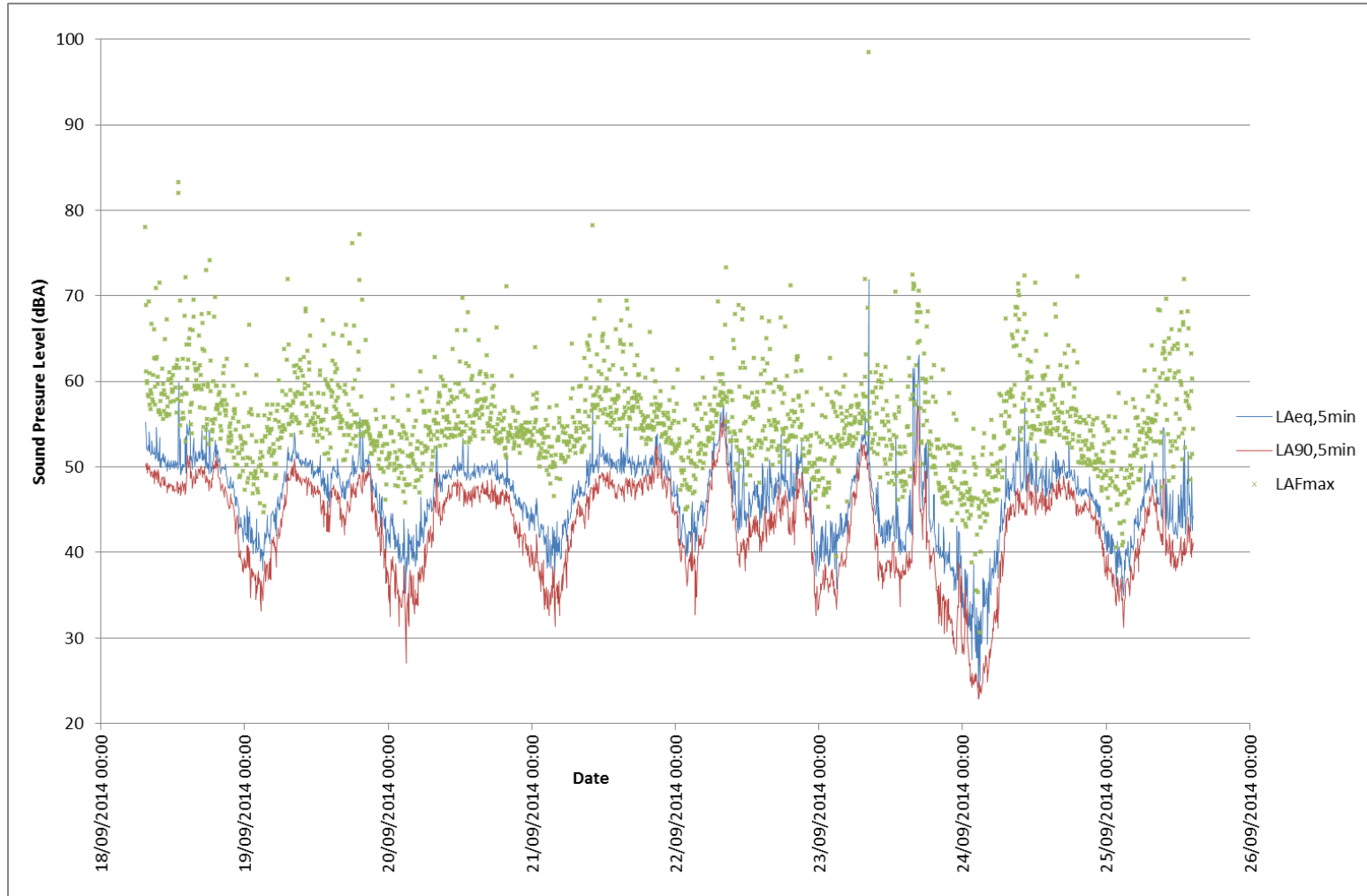
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Title: Baseline Survey Locations

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Notes

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6-7 Lovers Walk
Brighton East Sussex BN1 6AH

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E rpsbn@rpsgroup.com W rpsgroup.com

Client: Rowland Bratt

Project: Cotefield Farm – Proposed Residential Development

Job Ref: JAE 8184

File location:

Date: September 2014

Rev: 0

Drawn: PB

Checked: PH

Figure Number:2

Title: LT_1 Measured Noise Levels

NOT TO SCALE

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Legend

- Treatment 1
- No Treatment

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File location:

Date: September 2014

Rev: 0

Drawn: PB

Checked: PH

Figure Number: 3

Title: Façade Treatment Areas

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Appendices

Appendix A: Policy, Standards and Guidance

National Planning Policy Framework

- A.1 The National Planning Policy Framework (NPPF)², published in March 2012, sets out the Governments planning policies for England.
- A.2 The document does not contain any specific noise policy or noise limits, but it provides a framework for local people and local authorities to produce their own local and neighbourhood plans, which reflect the needs and priorities of their communities.
- A.3 In Section 11, ‘Conserving and enhancing the natural environment’, paragraph 123 relates to noise and states:

‘123. Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts²⁷ on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impact²⁸ 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;²⁸ 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.’*

27 See Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural Affairs).

28 Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.’

- A.4 In addition to the NPPF and the Noise Policy Statement for England (NPSE) described below, the Department for Communities & Local Government released Planning Practice Guidance (PPG) on noise in March 2014. The PPG provides guidance on determining the significance of noise effects to support the requirements of the NPPF.

Noise Policy Statement for England

- A.5 The Noise Policy Statement for England (NPSE)³, published in March 2010 by Defra, aims to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion.
- A.6 Paragraph 1.6 of the NPSE sets out the long-term vision and aims of Government noise policy:

² Department for Communities and Local Government. National Planning Policy Framework: HMSO. March 2012.

³ Department for Environment, Food and Rural Affairs. Noise Policy Statement for England. Defra. 2010.

“Noise Policy Vision

Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.”

“Noise Policy Aims

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- *avoid significant adverse impacts on health and quality of life;*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life.”*

A.7 The aims require that all reasonable steps should be taken to avoid, mitigate and minimise adverse effects on health and quality of life whilst also taking into account the guiding principles of sustainable development, which include social, economic, environmental and health considerations.

A.8 With regard to the terms ‘significant adverse’ and ‘adverse’ included in the ‘Noise Policy Aims’, these are explained further in the ‘Explanatory Note’ as relating to established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation which are:

‘NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on human health and quality of life due to noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.’

Defra has then extended these concepts for the purpose of the NPSE to introduce the concept of:

‘SOAEL – Significant Observed Adverse Effect Level’

A.9 This is the level above which significant adverse effects on health and quality of life occur. The accompanying explanation states:

‘It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available’.

- A.10 With regard to ‘further evidence’, Defra has commissioned research to try and identify the levels at which the above effects occur but this is not yet in the public domain. However, early indications are that this research has been largely inconclusive. On this basis, and until further guidance becomes available, and given that there is no specific guidance in the NPPF on noise, there is no justification to vary assessment methods and criteria from those previously adopted from British Standards etc.

Planning Practice Guidance (PPG)

- A.11 The Government has published Planning Practice Guidance on a range of subjects including noise (paragraph Reference ID: 30-001-20140306)⁴. The guidance provides advice on how to deliver its policies. The PPG reiterates general guidance on noise policy and assessment methods provided in the NPPF, NPSE and British Standards (BSs) and contains examples of acoustic environments commensurate with various effect levels.
- A.12 The PPG describes noise that is not noticeable to be at levels below the NOEL. It describes a range of noise exposure that is noticeable but not to the extent there is a perceived change in quality of life. Noise exposures in this range are below the LOAEL and need no mitigation. On this basis, the audibility of noise from a development is not, in itself, a criterion to judge noise effects that is commensurate with national planning policy.
- A.13 The PPG suggests that noise exposures above the LOAEL cause small changes in behaviour. An example of noise exposures above the LOAEL provided in the PPG is having to turn up the volume on the television; needing to speak more loudly to be heard; or, where there is no alternative ventilation, closing windows for some of the time because of the noise. In line with the NPPF and NPSE, the PPG states that consideration needs to be given to mitigating and minimising effects above the LOAEL but taking account of the economic and social benefits being derived from the activity causing the noise.
- A.14 The PPG suggests that noise exposures above the SOAEL cause material changes in behaviour. An example of noise exposures above the SOAEL provided in the PPG are, where there is no alternative ventilation, keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. In line with the NPPF and NPSE, the PPG states that effects above the SOAEL should be avoided and that whilst the economic and social benefits being derived from the activity causing the noise must be taken into account, such exposures are undesirable.
- A.15 The PPG suggests that a noise impact may be partially offset if the residents of affected dwellings have access to a relatively quiet part of their dwelling, private external amenity area and/or external public or private amenity space nearby.

⁴ Department for Communities and Local Government (2014) National Planning Practice Guidance

British Standard 8233 ‘Guidance on sound insulation and noise reduction for buildings’, 2014

- A.16 British Standard (BS) 8233 ‘Guidance on sound insulation and noise reduction for buildings’⁵ draws on the results of research and experience to provide information on the design of buildings to provide internal acoustic environments appropriate to their functions. It deals with control of noise from outside the building, noise from plant and services within it, and room acoustics in non-critical situations.
- A.17 BS 8233:2014 defines a range of indoor ambient noise levels for spaces when they are unoccupied. A summary of the levels recommended in BS 8233:2014 Table 4 for rooms used for resting and sleeping is provided in Table B.1 below. The levels are for sources without a specific acoustic character.
- A.18 The noise levels defined within BS 8233:2014 are based on guidance published by the World Health Organisation (WHO).

Table A.1: BS 8233:2014 Indoor Ambient Noise Levels in Unoccupied Spaces

Activity	Location	07:00 to 23:00	23:00 to 07:00
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}

- A.19 BS 8233:2014 provides the following guidance with regard to acceptable noise levels in external amenity areas:

‘7.7.3.2 Design criteria for external noise

For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB L_{Aeq,T}, with an upper guideline value of 55 dB L_{Aeq,T} which would be acceptable in noisier environments. However, it is also recognised that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.’

⁵ British Standards Institution. British Standard 8233: Guidance on sound insulation and noise reduction for buildings. 2014.

British Standard 4142 ‘Method for Rating industrial noise affecting mixed residential and industrial areas’, 1997

- A.20 British Standard (BS) 4142 ‘Method for Rating industrial noise affecting mixed residential and industrial areas’⁶ is used to assess noise from industrial and commercial developments. The Standard provides a method for rating industrial noise affecting mixed residential and industrial areas and has been extensively used by local authorities and consultants to rate noise from fixed installations, such as plant noise.
- A.21 The Standard advocates the use of L_{Aeq} , a level that is directly measurable. The L_{Aeq} is either measured or calculated at a receptor location and this is termed the ‘specific noise level’. The specific noise level may then be corrected for the character of the noise, if appropriate, and it is then termed the ‘rating level’, whether or not a correction is applied. A correction of +5 dB is made if the noise contains distinguishable, discrete and continuous tones (e.g. hums, whistles or whines); distinct impulses (e.g. bangs, clicks, clatters or thumps) or if the noise is irregular enough in character to attract attention.
- A.22 When used to rate the likelihood of complaints, the rating level is determined and the L_{A90} background noise level is subtracted from it. Where positive differences occur, the greater the difference between the two levels, the greater the likelihood of complaints. Where negative differences occur, the greater the difference between the two levels, the lesser the likelihood of complaints. A difference of around +10 dB or higher indicates that complaints are likely; a difference of around +5 dB is of marginal significance; and a difference of -10 dB is a positive indication that complaints are unlikely. These descriptions are summarised in Table B.2.

Table A.2: BS 4142:1997 Rating Descriptions

BS 4142:1997 Assessment Level dB(A) (Rating level relative to background level)	BS 4142:1997 Semantic (as described in BS 4142:1997)
< - 10	<i>‘If the rating level is more than 10 dB below the measured background level then this is a positive indication that complaints are unlikely’</i>
- 10 to + 5	No BS 4142 description but the more negative the difference, the less the likelihood of complaints.
+ 5	<i>‘A difference of aroundⁱ +5 dB is of marginal significance’</i>
+ 5 to + 10	No BS 4142 description but the more positive the difference, the greater the likelihood of complaints.
> + 10	<i>‘A difference of aroundⁱⁱ 10 dB or more indicates that complaints are likely’</i>

i‘around +5 dB’ is taken as between 3 dB and 7 dB

ii‘around 10 dB’ is taken as 8 dB or greater

⁶ British Standards Institution. British Standard 4142: Method for Rating industrial noise affecting mixed residential and industrial areas. 1997.

- A.23 BS 4142:1997 states that measurement positions should be outside buildings in free-field conditions, where the microphone is at least 3.5 m from any reflecting surfaces other than the ground and at a preferred height of between 1.2 m and 1.5 m above ground level. However, where it is necessary to make measurements above ground floor level, the measurement position, height and distance from reflecting surfaces should be reported, ideally measurements should be made at a position 1 m from the façade of the relevant floor.
- A.24 BS 4142:1997 states that the night period should cover the times when the general adult population are preparing for sleep or are actually sleeping. When assessing the noise from night-time operations the period of 23:00 to 07:00 hours is commonly adopted. Whilst BS 4142:1997 may be used to assess the likelihood of night-time noise complaints, it is generally accepted that other appropriate criteria should be adopted for assessing sleep disturbance during night-time periods, such as BS 8233:2014 or the NNGL.
- A.25 In situations where the L_{A90} background and the rating noise levels are both ‘very low’ (less than 30 dB(A) and 35 dB(A), respectively) the Standard states that the rating method of BS 4142:1997 is not suitable. In these circumstances, for the night-time period (i.e. it is rare for this situation to occur during the day), it is usually more appropriate to assess the noise impact by considering sleep disturbance criteria and other aspects such as noise change. It should be noted that this is not a BS 4142:1997 or British Standards Institution (BSI) recommendation, as there is no advice given as to an acceptable approach in these circumstances but it is accepted practice for situations of this type.
- A.26 BS 4142:1997 requires a ‘representative background noise level’ to be adopted for the assessment. There is no Government or BS guidance that states what is considered to constitute ‘representative’ and the night-time period is particularly difficult as it can be subject to a wide variation in noise level between the shoulder night periods.
- A.27 BS 4142:1997 implies that measurements can be taken in wind speeds up to 5 m/s, i.e. it states ‘For the purposes of this standard, windshields are generally effective up to wind speeds of 5 m/s’. It is considered that, by only using data obtained when wind speeds are at or less than 5 m/s, data will be obtained that is valid in accordance with BS 4142:1997.

Adopted Cherwell Local Plan 1996 – Saved Policies

- A.28 The saved policies of the Adopted Cherwell Local Plan 1996⁷ (CLP) set out the requirements which guide appropriate development in the area.
- A.29 Policy ENV3 of the CLP defines ranges of external noise levels and the likely planning outcomes for proposed dwellings which are sensitive to noise generated by road traffic:

“ENV3 DEVELOPMENT SENSITIVE TO NOISE GENERATED BY ROAD TRAFFIC WILL BE:

⁷ Cherwell Adopted Local Plan 1996 – Saved Policies. Cherwell District Council. November 1996.

(i) REFUSED WHERE EXTERNAL NOISE LEVELS EXCEED LAeq, 16hr = 72dB AND LAeq 8hr = 66dB BETWEEN 07:00-23:00 hrs AND 23:00-7:00 hrs RESPECTIVELY.

(ii) GENERALLY RESISTED WHERE EXTERNAL NOISE LEVELS BETWEEN 07:00-23:00 hrs AND 23:00-07:00 hrs FALL INTO THE RANGES LAeq16hr = 63 to 72dB AND LAeq 8 hr = 57 to 66dB RESPECTIVELY.

(iii) EXPECTED TO ACHIEVE A SPECIFIED INTERNAL ACOUSTIC ENVIRONMENT WHEN THE EXTERNAL NOISE LEVELS BETWEEN 07:00-23:00 hrs AND 23:00-07:00 hrs FALL INTO THE RANGES LAeq 16 hr = 55 TO 63dB AND LAeq 8 hr = 45 to 57dB RESPECTIVELY.”

Appendix B: Consultation E-mails

Patrick Hoyle

From: Patrick Hoyle
Sent: 18 September 2014 15:00
To: 'Rob Lowther'
Cc: Barry O'Donnell; Phil Evans; Susan Hirst (Susan.Hirst@rpsgroup.com)
Subject: RE: Cotefield Farm Residential development - Consultation regarding noise assessment

Rob

Thanks for reviewing our proposal and confirming it's acceptable.

Best regards
Patrick

From: Rob Lowther [<mailto:Rob.Lowther@Cherwell-DC.gov.uk>]
Sent: 18 September 2014 14:57
To: Patrick Hoyle
Subject: RE: Cotefield Farm Residential development - Consultation regarding noise assessment

Patrick,

I can confirm that your proposal would be acceptable

Rob Lowther
ASB Manager

From: Patrick Hoyle [<mailto:patrick.hoyle@rpsgroup.com>]
Sent: 18 September 2014 14:33
To: Rob Lowther
Cc: Phil Evans; Susan Hirst; Barry O'Donnell
Subject: RE: Cotefield Farm Residential development - Consultation regarding noise assessment

Hi Rob

Regarding the baseline survey I would like your opinion on the required duration.

My colleague attended site this morning and observed that the operations in the building nearest to the proposed houses was inaudible. Given that the public service vehicle operation is no longer on site, and that operations in the nearby building give little cause for concern, would you consider a duration of approximately 5 days suitable? If so we would plan to collect the unattended equipment on Tuesday giving full data for Friday, Saturday, Sunday and Monday, with partial data for today and Tuesday.

Please can you advise if you consider the duration outlined above to be suitable for the assessment?

Best regards
Patrick

From: Rob Lowther [<mailto:Rob.Lowther@Cherwell-DC.gov.uk>]
Sent: 17 September 2014 12:06
To: Patrick Hoyle
Subject: RE: Cotefield Farm Residential development - Consultation regarding noise assessment

Patrick,

I can confirm that I would find your proposal acceptable and look forward to reviewing the assessment prior to submission if you would find that helpful

Rob Lowther
ASB Manager

From: Patrick Hoyle [<mailto:patrick.hoyle@rpsgroup.com>]
Sent: 16 September 2014 17:19
To: Rob Lowther
Cc: Susan Hirst; Phil Evans; Barry O'Donnell
Subject: Cotefield Farm Residential development - Consultation regarding noise assessment

Dear Rob

Following our telephone conversation regarding the noise assessment for the proposed residential development at Cotefield Farm consisting of approximately 95 houses, I outline below the points which we discussed and agreed. I also attach an outline layout for your information (which is for information only and subject to change) and I have also provide some additional information regarding the operations in the neighbouring commercial/ industrial area.

- The residential suitability assessment will refer to the following levels from BS8233:2014 for the internal and external noise level criteria:
 - Internal noise level of 35 dB $L_{Aeq,16h}$ during the daytime (BS8233:2014 table 4),
 - Internal noise level of 30 dB $L_{Aeq,8h}$ during the night-time (BS8233:2014 table 4),
 - External noise level of 55 dB $L_{Aeq,16h}$ during the daytime (BS8233:2014 paragraph 7.7.3.2);
- The proposal layout will be marked up into areas which correspond to the required façade treatments which will satisfy the BS8233:2014 criteria;
- Noise from fixed or stationary plant in the neighbouring industrial/ commercial uses will be assessed following the guidance contained within BS4142:1997; and,
- The baseline survey will consist of one unattended long term survey supported by short term attended measurements.

Having spoken to our client, who manages the site neighbouring the proposal site, it is noted that the public transport vehicle operation is no longer operated at this site (the lease for the site of the vehicle operation expired over 12 months ago and has not been renewed). There are engineering and storage activities ongoing in the larger existing building which borders with the east border of the proposal site: operations begin at 8AM with no operations during evenings or weekends. Therefore, when undertaking the baseline surveys, we will make every effort to ensure that our consultant attends site at such a time that they may witness and measure the early morning operations at the site.

On the basis of the above and our previous discussion I trust that you are satisfied with the scope of the noise assessment. Notwithstanding this I welcome any additional comments you may have regarding the scope of the noise assessment.

Kind regards
Patrick

Patrick Hoyle BSc (Hons)
Acoustic Consultant - RPS Planning & Development
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United Kingdom
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Appendix C: Baseline Noise Survey Data

Long Term Surveys

Daytime Noise Levels

Start	Duration (hours)	L _{Aeq,T} (dB)	L _{AFmax} (dB)	L _{A10,T} (dB)	L _{A90,T} (dB)
19/09/2014 07:00	16	50	77	52	46
20/09/2014 07:00	16	49	71	51	45
21/09/2014 07:00	16	51	78	52	47
22/09/2014 07:00	16	50	73	53	43
23/09/2014 07:00	16	53	99	53	37
24/09/2014 07:00	16	49	72	51	45

Night-time Noise Levels

Start	Duration (hours)	L _{Aeq,T} (dB)	L _{AFmax} (dB)	L _{A10,T} (dB)	L _{A90,T} (dB)
18/09/2014 23:00	8	44	67	47	38
19/09/2014 23:00	8	42	61	45	36
20/09/2014 23:00	8	43	64	47	36
21/09/2014 23:00	8	47	63	51	40
22/09/2014 23:00	8	45	63	50	36
23/09/2014 23:00	8	38	59	43	26
24/09/2014 23:00	8	43	61	46	36

Short-Term Surveys

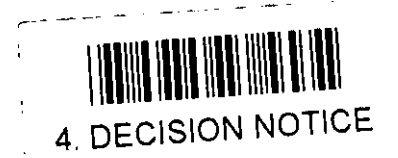
Location	General Observations on Sound	Start Time	Duration (min)	L _{Aeq,T} (dB)	L _{AFmax} (dB)	L _{A90,T} (dB)
ST_1	Road noise / Bird song / Dog walkers / Aircraft / Distant strimmer	08:00	15	46	62	44
ST_2	Road noise / Bird song	08:17	15	52	64	50
ST_1	Road noise / Bird song / Impulsive bangs	08:34	15	48	66	44
ST_3	Road noise / Bird song / Dog walkers	08:51	15	48	62	46
ST_4	Road noise / Bird song / Wind rustle	09:09	15	49	71	47
ST_5	Road noise / Bird song / Wind rustle	09:28	15	49	70	47
ST_6	Road noise / Bird song / Impulsive bangs / Aircraft / Garden nursery	09:45	15	49	70	46
ST_2	Road noise / Bird song / Impulsive bangs / Aircraft / Garden nursery	10:04	5	51	56	49

Appendix D: Planning Conditions



DISTRICT COUNCIL
North Oxfordshire

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)



Name and Address of Agent/Applicant :

R P Bratt
c/o Brian Cornley
308 Broughton Road
Banbury
Oxon
OX16 9QW

Date Registered : 2nd April 2002

Proposal : Change of use of potato storage building No.2 to use for B1 (Business) and B8 (Storage and Distribution)

Location : Cotefield Farm Oxford Road Bodicote Banbury

Parish : Bodicote

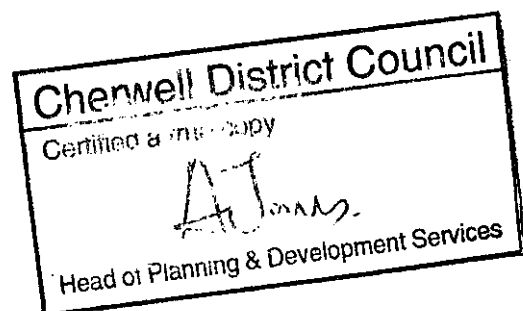
UPRN : 13890/2004/2/000

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA



Date of Decision : 22nd July 2002

Head of Planning & Development Services

SCHEDULE OF CONDITIONS

- 1 That the development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2 That no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area.

- 3 That the operational use of the premises shall be restricted to the following times: Monday-Friday - 8.00 a.m. to 6.00 p.m. Saturday - 8.00 a.m. to 1.00 p.m. Sunday and Public Holidays - No time.

Reason - In order to safeguard the amenities of the area.

- 4 That noise resulting from the use of plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background noise (or 10dB(A) below if there is a particular tonal quality to the noise) when measured in accordance with British Standard BS4142: 1990 at a point one metre to the nearest sensitive premises.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise.

- 5 That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety.

- 6 There shall be no vehicular access to the development hereby permitted other than via the access and driveway included with the application site edged red on the 1:2500 scale site plan (Drawing No. BNC/CF/2) hereby approved.

Reason - In the interests of highway safety.

- 7 Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no mezzanine floor shall be constructed, assembled or inserted in the building hereby permitted without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain a satisfactory overall level of parking provision and servicing on the site and in the interest of highway safety.

- 8 That, notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, the approved building shall not be extended without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site and in the interest of highway safety.

- 9 Before any works commence, the existing trees on the land to the north east shall be preserved, fenced around and properly maintained in accordance with the advice contained in the attached tree protection schedule and none of the trees shall be felled, topped, lopped or uprooted without the prior consent of the Local Planning Authority unless such tree has become dangerous. In the event of any tree dying or being seriously damaged or destroyed within five years from the completion of the development, a new tree of a species first approved in writing by the Local Planning Authority shall be planted and properly maintained in a position or positions first approved by the said Authority.

Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development.

- 10 Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, The development shall be carried out in accordance with the details so approved.

Reason - To ensure that the existing tree(s) and/or hedgerows is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun either within 5 years from the date of the grant of the outline permission or within 2 years from the final approval of all the matters reserved, whichever is the later.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 5 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with The Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under The Building Regulations can be obtained by contacting the Building Control Manager on 01295 221597, fax 01295 253153 or E-mail at building.control@cherwell-dc.gov.uk

- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1SD.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the Secretary of State for the Environment, Transport and the Regions in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice, using a form which you can obtain from the **Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel: (0117) 372 8000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and the Regions grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

SCHEDULE

RETENTION AND PROTECTION OF TREES ON DEVELOPMENT SITES

These conditions shall apply to all trees, shrubs and hedgerows, either included in the schedule of trees for retention or indicated as being retained on the submitted site plan. For the purposes of this schedule the term "tree" may also apply to all shrubs and hedgerows included for retention.

"Unless otherwise stated, British Standard BS 5837 1980 shall apply in respect of protection of vegetation at the constructional stage."

1. FENCING

Prior to the start of any works on site the trees to be retained shall be protected with stout fencing. This shall be erected around the tree or tree group and placed to correspond to the outermost spread of the branches.* This distance shall be further in the case of fastigate or upright trees such as the Lombardy poplar or cypress.

The fence shall be a minimum of 1.2 metres high post-and-rail or chesspale fencing.* It shall be securely erected and shall not be removed, or taken down in part, until the completion of site works.*

2. LOPPING, TOPPING, ETC

No tree shall be damaged, felled, lopped, topped or uprooted without written consent from the Local Planning Authority. The developer shall, however, be responsible for carrying out any necessary tree surgery prior to either the sale of the land or the occupation of the adjacent buildings/dwellings. All tree surgery should be entrusted to a specialist firm of tree surgeons and carried out in accordance with British Standard 3998 (1966) Recommendations for Tree Works.

3. STORAGE OF MACHINERY, MATERIALS, ETC

No machinery, building materials, topsoil or debris shall be stored below the spread of the tree, or within 5 metres of the trunk in the case of fastigate trees.

4. PASSAGE OF MACHINERY

No machinery shall be allowed to pass below the spread of the tree (or within 5 metres of the trunk in the case of fastigate trees) unless otherwise agreed in writing by the Local Planning Authority for the purposes of landscape works.

5. EXCAVATION AND ALTERATION TO SITE LEVELS

No excavation or increase in site levels will be allowed within the distances given in table 1.*

6. LIGHTING OF FIRES, STORAGE OF FUEL AND CHEMICALS

No fires, storage of fuel, oils or chemicals shall be allowed within 20 metres of the trees.

* *Unless otherwise agreed in writing by the Local Planning Authority.*

A guide to the minimum distance which should be left between the face of the trunk of the tree at ground level and the nearest edge of the excavation is shown in table 1.

Tree Type	Tree Height	Min distance between tree and excavation	
		Depth of dig 300mm	Depth of dig 600mm
		<u>Metres</u>	<u>Metres</u>
Conifers	Up to 9m	2.5	3
	9m to 16m	5	6
	Over 16m	7	7
Broad leaf species	Up to 9m	4	5
	9m to 16m	8	8
	Over 16m	12	12

WL/JS
May 1994



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :

R P Bratt
c/o Brian Cornley
308 Broughton Road
Banbury
OX16 9QW



4. DECISION NOTICE

Date Registered : 30th August 2000

Proposal : Change of use of potato storage building to use for B1 (Business) and B8 (Storage and Distribution)

Location : Cotefield Farm Oxford Road Bodicote

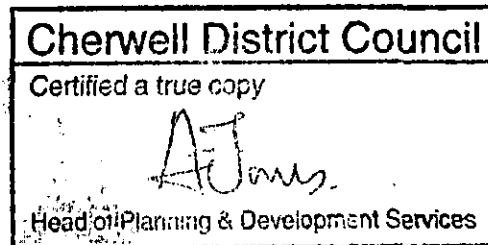
Parish : Bodicote

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA



Date of Decision : 30th October 2000

Head of Planning & Development Services

SCHEDULE OF CONDITIONS

- 1 That the development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2 That no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area.

- 3 That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety.

- 4 Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - to ensure satisfactory drainage of the site in the interests of public health and to avoid flooding of adjacent land and property.

- 5 That the operational use of the premises shall be restricted to the following times: Monday - Friday - 8.30 a.m. to 8.00 p.m. Saturday 08.00 to 13.00 p.m. Sunday and public holiday - No time.

Reason - In order to safeguard the amenities of the area.

- 6 That noise resulting from the use of plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background noise (10dB(A) below if there is a particular tonal quality to the noise) when measured in accordance with British Standard 13S4142:1990- at a point one metre external to the nearest noise sensitive premises.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise.

7 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, pavements, pedestrian areas, crossing points, steps etc.

Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development.

8 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area and to ensure the creation of a pleasant environment for the development.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

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Contact

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