

**TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING APPEAL**

**Appeal Reference: APP/CI570/W/22/3296426**

**District Council Reference: UTT/21/2509/OP**

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**Location: Land South of (East of Griffin Place), Radwinter Road, Swards End,  
Saffron Walden, Essex CB10 2NP**

**Appellant: Rosconn Strategic Land & T E Baker and S R Hall, The Executors of Mr  
E C Baker and Mrs J Baker**

**Outline application for the erection of up to 233 residential dwellings including  
affordable housing, with public open space, landscaping, sustainable drainage  
system (SUDS) and associated works, with vehicular access point from Radwinter  
Road. All matters reserved except for means of access.**

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**Expert Statement on Noise**

**Michael Brownstone, Resound Acoustics**

**on behalf of Rosconn Strategic Land**

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**I INTRODUCTION**

- I.1 My name is Michael Stanley Brownstone. I am a member of the Institute of Acoustics and I hold a Bachelor of Engineering Degree (with honours) in Engineering Acoustics and Vibration, which was awarded by the University of Southampton in 1992.
- I.2 I am a Director of Resound Acoustics Limited, an independent acoustic consultancy that I started in the summer of 2008. Prior to setting up Resound Acoustics, I was the Head of Acoustics at SLR Consulting Limited, a multi-disciplinary environmental consultancy, a position I held from May 2005 to August 2008.
- I.3 Prior to joining SLR, I was the Head of Acoustics at Halcrow, a multi-disciplinary engineering and environmental consultancy, a position I held from July 2003. Prior to joining Halcrow, I was employed between 1997 and 2003 at WSP Acoustics, latterly as an Associate.
- I.4 Overall, I have 28 years' experience in the measurement, prediction and assessment of noise and vibration, with particular emphasis on residential development, industrial noise, and environmental and transportation issues.
- I.5 I have been involved in public and planning inquiries and Nationally Significant Infrastructure Projects for a number of residential, commercial, industrial and energy sector developments, proposed landfill sites, and transportation schemes.
- I.6 My company, Resound Acoustics, was appointed by Rosconn Strategic Land in November 2020 to provide an assessment of the suitability of the appeal site for the proposed development and to determine the extent of any noise impacts that the proposed development might give rise to, if permitted.
- I.7 I was instructed by Rosconn Strategic Land in August 2022 to provide an expert view on the points raised by Saffron Walden Town Council and Swards End Parish Council in relation to noise.

## 2 NOISE ASSESSMENTS

2.1 Resound Acoustics has produced the following documents in connection with this appeal:

- A Noise Assessment for Radwinter Road, Saffron Walden (reference RA00693 – Rep 1, Rev 1, dated 18<sup>th</sup> November 2021), referenced in this document as ‘the November 2021 noise report’;
- Chapter 11 of the Environmental Statement (ES) and associated appendices (collated by Bidwells, dated August 2021), referenced in this document as ‘the ES’; and
- Chapter 11 of the ES Addendum and associated appendices (collated by Bidwells, dated January 2022), referenced in this document as ‘the ES Addendum’.

2.2 The November 2021 noise report set out the results of sound surveys at the site, and presented an assessment of the suitability of the site for a residential development, including consideration of commercial uses to the west of the site. The key recommendations were:

- the houses should be set back from Radwinter Road, in the manner suggested by the illustrative masterplan;
- standard thermal double-glazing should be sufficient to control noise levels within the proposed properties to meet the adopted guideline values, if the layout is similar to that set out in the illustrative masterplan;
- where feasible, the final site layout should orient properties along the northern edge of the site, closest to Radwinter Road, so that they screen their gardens from the road; and
- where gardens are not screened from Radwinter Road by buildings, garden fences that act as noise barriers may be required to reduce noise levels in gardens.

2.3 The overall conclusions in the November 2021 noise report were:

- sound levels at the site are broadly acceptable for the residential development;
- providing appropriate mitigation is incorporated into the final design of the site, noise levels within the proposed properties should meet the adopted internal and external noise level guideline values;
- noise from commercial facilities to the west of the site are unlikely to lead to an adverse impact at the site.

2.4 Chapter 11 of the ES set out an assessment of the noise and vibration that might be generated by the construction of the proposed development and of the potential noise effects from traffic generated by the proposed development, once it is complete. The key findings in Chapter 11 of the ES were:

- there is potential for noise and vibration from construction work to give rise to significant adverse effects when the works are close to the site boundaries close to nearby receptors, if undertaken without mitigation. A range of mitigation measures was set out to reduce the effects to a minimum;
- noise from traffic associated with the construction of the development was found to not give rise to any significant effects; and
- noise from traffic generated by the development once it is complete and occupied was also found to not give rise to any significant effects.

- 2.5 Chapter 11 of the ES Addendum was presented as an update of Chapter 11 of the ES, with all changes shown as tracked. In response to the Scoping Opinion from Uttlesford District Council, Chapter 11 of the ES Addendum included an assessment of the potential for traffic generated by the completed and occupied site to give rise to vibration effects.
- 2.6 Chapter 11 of the ES Addendum concluded that:
- vibration from traffic generated by the development once it is complete and occupied was found to not give rise to any significant adverse effects.
- 2.7 Other than the additional assessment of road traffic vibration, Chapter 11 of the ES Addendum contained the same assessment as had been set out in Chapter 11 of the ES.
- 2.8 It is evident from planning officer's report to the Planning Committee (dated 2<sup>nd</sup> March 2022) that the findings of the noise assessments were accepted and deemed satisfactory by the relevant technical officers at Uttlesford District Council.
- 2.9 Draft conditions have been agreed between the appellant and Uttlesford District Council that will secure a site layout with appropriate measures to control noise levels at the site (draft Condition 13), and will put in place appropriate controls for the management of the construction works (draft Condition 11).

### **3 THE SAFFRON WALDEN TOWN COUNCIL AND SEWARDS END PARISH COUNCIL CASE ON NOISE**

- 3.1 The case on noise made by Saffron Walden Town Council (SWTC) and Swards End Parish Council (SEPC) is set out in paragraph 26 of their Rule 6 Statement (dated 25<sup>th</sup> May 2022):

*“The key cause of excessive noise has been identified within the application as being traffic generation. Local Plan Policy ENV 11 states that noise generating development will not be permitted if it would be liable to adversely affect the reasonable occupation of noise sensitive development nearby, which would include existing and proposed houses and their amenity spaces. This is consistent with NPPF 185, and then potentially allows for a balance against need for the development, and the impact should firstly be assessed in order to realistically carry out the balancing exercise. The significant increase in noise is likely to affect both Swards End and Saffron Walden and should take into account area specific causes such as topography, narrow roads and hills, which to date has not been done.”*

- 3.2 Under the heading of ‘Safety’, SWTC and SEPC set out the following at paragraph 34:

*“There is conflict with noise and vibration from Radwinter Road and Cumulative impacts under NPPF 174 and Local Plan Policies ENV 10 and ENV 11.”*

- 3.3 In the conclusion section of their Rule 6 Statement, SWTC and SEPC state that they will provide evidence to support their position; however, this evidence is not yet available.

- 3.4 In addition to their Rule 6 Statement, SWTC and SEPC have commented on the Scott Schedule for the inquiry, under Topic I Noise.

- 3.5 Responding to the Appellant’s initial response, wherein the Appellant identified where in the application road traffic noise was assessed, SWTC and SEPC have stated:

*“The key cause of noise has been identified within the application as being traffic generation.*

*The housing is located where the identified road noise including from vibration is likely to affect amenity.*

*The Rosconn comment of 20/07/2022 does not consider on-site noise.”*

#### 4 RESPONSE TO SWTC AND SEPC

- 4.1 In paragraph 26 of their Rule 6 Statement, SWTC and SEPC refer to Policy ENV11 of the *Uttlesford Local Plan* ('the Local Plan') (adopted in January 2005), which relates to noise-generating development, as follows:

*"Policy ENV11 - Noise Generators*

*Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated."*

- 4.2 By referring to Policy ENV11, I presume that SWTC and SEPC are suggesting that the level of traffic noise generated by the development once it is complete and occupied may be of such magnitude that the development should either not be permitted, or at the very least, road traffic noise should be a material factor in determining the planning balance.

- 4.3 However, the Local Plan text supporting Policy ENV11 suggests that the policy relates to developments that generate noise as a direct result of their function, for example industrial or commercial development, or other such development associated with economic activity.

- 4.4 The supporting text states at paragraph 5.22 of the Local Plan:

*"It is equally important that new development involving noisy activities should if possible be sited away from noise sensitive land uses. Development that generates noise is typically associated with economic activity. A B2 general industrial use, transport infrastructure, or a significant traffic generator are examples. It will be necessary to weigh the benefit of the jobs created, the value of the business supported, the reduction in congestion costs and any other benefits against the degree of annoyance caused by the noise in the case of these developments, taking into account any controls and mitigation measures that could reasonably be imposed by condition."*

- 4.5 The only link provided in paragraph 5.22 of the Local Plan that might support the use of Policy ENV11 in making a point around traffic noise from a residential development is the reference to "a significant traffic generator". I interpret this to mean a commercial development such as a distribution or logistics depot.

- 4.6 Notwithstanding this, for the supporting text to include the appeal site, it would be necessary to demonstrate that the amount of traffic generated is significant. Since this statement deals with noise and not traffic, I will deal with this point in terms of the significance of any traffic noise impacts.

- 4.7 SWTC and SEPC state in paragraph 26 of their Rule 6 Statement that to inform the planning balance test, an assessment of the road traffic noise must be undertaken:

*"...the impact should firstly be assessed in order to realistically carry out the balancing exercise."*

- 4.8 They repeat the point in the final sentence of the same paragraph, highlighting their claimed lack of an assessment:

*“The significant increase in noise is likely to affect both Swards End and Saffron Walden and should take into account area specific causes such as topography, narrow roads and hills, which to date has not been done.”*

- 4.9 The potential impact of noise from road traffic generated by the development was assessed in Chapter 11 of the ES, and repeated in Chapter 11 of the ES Addendum; it is incorrect to state that such an assessment has not been undertaken.
- 4.10 The claim that there will be a significant increase in noise was not borne out by the assessment set out in Chapter 11 of the ES. Key roads in Swards End and Saffron Walden were included in the assessment and no significant adverse effects were found to occur in either location.
- 4.11 In fact, the assessment of road traffic noise in Chapter 11 of the ES demonstrated that the changes in the road traffic noise would amount to negligible increases along all of the road links assessed except one, where a minor benefit (decrease in noise) was predicted.
- 4.12 I understand that this conclusion is not disputed by the relevant technical officers at Uttlesford District Council.
- 4.13 On this basis, it is my professional opinion that traffic generated by the proposed development will not give rise to any significant adverse noise effects.
- 4.14 The conclusions of the road traffic noise assessment also undermine SWTC and SEPC's point in relation to Local Plan Policy ENV11, insofar as in the absence of any identified significant impacts, Local Plan Policy ENV11 is met and the planning balance is not affected.
- 4.15 Under the heading of 'Safety', SWTC and SEPC make the following points in paragraph 34 of their Rule 6 Statement:
- “There is conflict with noise and vibration from Radwinter Road and Cumulative impacts under NPPF174 and Local Plan Policies ENV10 and ENV11.”*
- 4.16 I am not clear why these points are included under the heading of 'safety', as they do not relate to safety matters.
- 4.17 Paragraph 174 of the National Planning Policy Framework (NPPF) relates to preventing new and existing developments:
- “...from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution...” (NPPF para 174(e))*
- 4.18 An 'unacceptable' level of impact is a greater level of impact than a 'significant' level of impact, as is set out in the Government's *Planning Practice Guidance* (PPG) on noise, titled *Noise*, which was originally issued in March 2014 to advise:
- “...on how planning can manage potential noise impacts in new development.”*
- 4.19 The PPG sets out a number of principles in the form of questions and answers, and reinforces the guidance set out in the NPPF and the Noise Policy Statement for England. The most recent version of the PPG was published in July 2019.



- 4.20 The noise PPG provides a helpful summary table to explain how noise exposure relates to human reactions, as replicated in Table 4.1.


**Table 4.1: Planning Practice Guidance summary of noise exposure hierarchy**

Perception	Examples of Outcomes	Increasing Effect Level	Action
No Observed Effect Level			
Not present	No effect	No observed effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude of other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No observed adverse effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed adverse effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep the windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant observed adverse effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable adverse effect	Prevent

- 4.21 It can be seen from Table 4.1 that an ‘unacceptable’ adverse effect is a level of impact above a significant adverse impact.
- 4.22 Since the submitted assessments demonstrate that there are no significant adverse effects on health and quality of life, it follows that there cannot be an unacceptable impact. Paragraph 174(e) of the NPPF therefore does not take effect for the appeal site.
- 4.23 Local Plan Policy ENV10 deals with the suitability of sites for development, in this case, whether the existing acoustic climate at the appeal site is suitable for the proposed residential development. The reference to Local Plan Policy ENV10 ties in with SWTC and SEPC’s comment in the Scott Schedule, where they noted:
- “The housing is located where the identified road noise including from vibration is likely to affect amenity.*
- The Rosconn comment of 20/07/2022 does not consider on-site noise.”*
- 4.24 The assessment of the suitability of the site for residential development was contained in the November 2021 noise report, which concluded that subject to a suitable site layout design, the site met the tests in national planning policy and was considered suitable for residential development.
- 4.25 I understand that this conclusion is not disputed by the relevant technical officers at Uttlesford District Council and a suitable site layout will be secured by agreed draft Condition 13.
- 4.26 SWTC and SEPC also refer to vibration affecting the amenity of the proposed development site. Groundborne vibration from road traffic is very rarely an issue for adjacent houses, unless there is a deficiency with the road, such as a pot hole or other discontinuity.
- 4.27 The assessment method for road traffic noise and vibration, the Design Manual for Roads and Bridges LA111 *Noise and Vibration* specifically excludes groundborne road traffic vibration from road traffic on the basis that a well-maintained road will not give rise to perceptible levels of vibration.
- 4.28 In this instance, the findings of the November 2021 noise report included the recommendation that the proposed properties be set back from Radwinter Road in the manner shown in the illustrative masterplan. By maintaining a separation buffer between the proposed houses and the road, there is no prospect of groundborne traffic vibration adversely affecting the appeal site, providing the road is maintained in a good condition, free from discontinuities.
- 4.29 I have already addressed Local Plan Policy ENV11; in my opinion it relates to noise-generating development in the sense of an industrial, commercial or other economic development, not to residential developments. Even if Local Plan Policy ENV11 did relate to residential developments, the traffic noise effects from the proposed development are not significant, so Local Plan Policy ENV11 is not breached.

**5 CONCLUSION**

- 5.1 The points raised by Saffron Walden Town Council and Swards End Parish Council do not raise new material concerns in terms of noise and vibration. The points that they raise have been assessed in the submitted noise assessments, and it is understood they are not disputed by the relevant technical officers at Uttlesford District Council.
- 5.2 The noise assessments demonstrated that:
- noise and vibration from road traffic generated by the proposed development once it is complete and occupied will not lead to adverse effects; and
  - the acoustic climate at the site is suitable for residential development.
- 5.3 It is understood that neither of these points are disputed by the relevant technical officers at Uttlesford District Council.
- 5.4 Draft conditions have been agreed between the appellant and Uttlesford District Council that will secure a site layout with appropriate measures to control noise levels at the site (draft Condition 13), and will put in place appropriate controls for the management of the construction works (draft Condition 11).

Signed.....

Mr M. Brownstone

Date: 5<sup>th</sup> August 2022