

Consultants in Noise and Vibration

	Name	Company	Fax No.
To:	Philip Matthews	Rock Garden	By email

Copy:

From: David Philip

Date: 31 October 2003

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Reference: 02009-019

Subject: The International – Comments on Inaudibility

As discussed last week I have put together some information for you on the issue of audibility/inaudibility as a measure of noise ingress into residential properties from bars/restaurants.

Whilst at first this might seem an appropriate restriction, I recommend that use of terms such as *not audible* or *inaudible* should not be used for planning or licensing or lease agreement. This is not because I am recommending operators should be allowed to have loud music and disturb residents but because there are several factors that affect whether noise is audible that operators would not have any control over. Because of these it would not be possible for operators to strictly comply with this type of term. The factors and reasons why this type of term should not be used are provided below:

- Whether or not noise is audible is extremely subjective and dependant upon an individuals hearing. I have been involved in several situations where 4 or 5 people have sat in a resident's property late at night trying to decide for several hours whether or not noise from a nearby A3 use is actually audible.
- Whilst for the majority of the time noise might not be generally audible, there may be isolated occasions when a loud shout or cheer might be audible for a few seconds either from customers inside or outside. We can fit a music volume limiter to control music noise but operators have no control on the volume or timing of an individuals shout.
- Operators have no control of the background noise inside a resident's property. The lower the background level the more likely noise ingress may be audible. There may be odd occasions during lulls in traffic and when all TVs and/or radios are turned off that means background levels dip to be very low for a few seconds. This would increase the possibility of noise being heard, however faintly.
- It is possible that residents may alter the layouts and/or floor finishes etc of their property. Such work might alter the sound insulation between the properties.

In the acoustics industry it is well documented that there is no technically agreed quantified level for "not audible", particularly with regard to noise from A3 use affecting residential properties (Institute of Acoustics: Good Practice Guide on the Control of Noise from Pubs and Clubs – March 2003). Without a technical fixed limit to work to it is not possible to exactly design sound insulation of a building.

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Several Local Authorities, including some in Central London, have responded to this by developing technical fixed noise limits for situations where A3 use developments adjoin or are very near to residential dwellings. London Borough of Camden, Islington and Hackney are 3 that I am familiar with that have spent considerable time developing such limits. I think this was partly because these Boroughs have considerable amount of A3 - residential overlap and needed a technical limit to assist checking compliance with planning issues, PEL issues and complaint/noise abatement issues.

The limits developed by these 3 Boroughs are very similar and are considered to represent a reasonable technical qualification of noise from A3 not being sufficient to cause disturbance or loss of amenity to residents in mixed use areas. Note that the limits are onerous and do include severe restriction on the amount of bass energy of music in the A3 space so that there is not any loud and disturbing bass "thud thud thud" within the residential dwellings. An operator would not be trying to "get away with anything" by using these limits rather than "inaudibility".

I therefore have often recommended that if there is to be a noise limit, either for licensing or a paragraph in a landlord lease agreement about operational noise from the A3 use to residential dwellings then wording of this be in line with limits developed by the Boroughs mentioned above. I have provided example text below that would typically be used (this is taken from London Borough of Hackney):

At all times, the operational noise from the A3 premises within adjoining non-associated residential premises shall not cause any increase in the existing equivalent LA90 (5 min) (without the premises in operation).

Whilst at the same times, the operational noise from the A3 premises within adjoining non-associated residential premises shall not cause any increase in the real time simultaneous Leq (5min) (fast) 1/1 Octave band SPLs centred on the frequencies 63 Hz and 125 KHz over the existing equivalent real time simultaneous Leq (5min) (fast) 1/1 Octave band SPLs (without the premises in operation).

I hope that the details provided above are of assistance. If you have any questions or would like any further information on this please call me. If I am out of the office you can contact me on my mobile, the number is 07736 031967.

Regards

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Director

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