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TECHNICAL NOTE

Local Authority Ref: 3/2025/0344

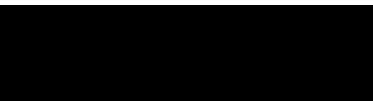
6 Nab View, Whalley BB7 9YG

Date 8th August 2025

Site Visited N/A

Ref. 20250808 9772 Whalley Gym TN

Prepared by: M A Kenyon MSc BSc MIOA



1.0 Introduction

This Technical Note has been prepared in connection with an appeal against the refusal of planning permission to regularise the conversion a garage into a gym for domestic use, and in particular the second reason for refusal which related to the noise impact of the gym.

This document should be read in conjunction with our original report which was submitted with the planning application [20250415 9772 Whalley Gym BS8233].

2.0 “Noise” History of the Planning Process

The appellants, Mr & Mrs Weldon, made a previous application for retrospective planning permission to convert their garage to a domestic gym [Ribble Valley Ref

3/2024/0982] which was refused consent on noise grounds. In the Delegated report for the first application, it was stated that:

"RVBC Environmental Health Officer: In view of noise concerns received, the EH Officer has spoken to the applicant and discussed the mitigation measures put in place, however as the Council have had reports of flanking transmission in the upstairs flat from the use of the gym and have not been able to assess this, they recommend refusal on the loss of amenity grounds for noise for the upstairs flat."

Consent was then refused on the following 'noise' ground:

"Insufficient information is provided within the application for the Council to fully consider the impact on the amenity of nearby residential receptors, notably No. 8 Nab View, by way of excessive noise, contrary to Policy DMG1 of the Ribble Valley Core Strategy."

It is understood that the local authority then stated:

"Notwithstanding paragraph 2.3 of the submitted Planning Statement, the Environmental Health Officer requires a noise assessment to be submitted prior to the determination of the application.

They consider a fully detailed scheme for the sound insulation of the residential buildings against internally and externally generated noise shall be submitted to the Local Planning Authority. The sound insulation works shall be engineered so the dB levels within the residential buildings adhere to the levels shown in Table 4 on page 24 of the publication 'BS8233:2014, Guidance on Sound Insulation and

Noise Reduction for Buildings'. The design criteria for external noise shown in this document also need to be adhered to (see para 7.7.3.2, page 25)."

Prior to the application, which is the subject of this appeal [3/2025/0344] Martec was instructed to prepare an assessment [20250415 9772 Whalley Gym BS8233] with the objective of satisfying the local authority's requirements as set out above; that report was dated **15th April 2025**, and we understand it was submitted to the local authority shortly after.

On **8th May 2025** the Planning Officer consulted the Environmental Health Officer [EHO], Nichola Berry regarding Martec's report.

On **20th May 2025** the EHO responded as follows:

"I've looked at the Martec Report 20250415 977 Whalley Gym dated 15th April 2025.

Can we condition that the gym is not used at night [23:00-07:00hrs] as per the report.

It is frustrating that the occupant of the flat above would not provide access so that the noise could not be properly assessed... Consequently the results are imperfect but suggest that it should not be an issue."

The comments from residents are dated **25th and 26th May 2025** and on **19th June 2025** the Planning Department sent the EHO a link to the submitted documents and asked for the EHO to update their comments.

On **20th June 2025** the EHO then stated:

"Given the fact that the upstairs flat is inferring there is flanking transmission (the noise assessment did not access the upstairs flat, with the operation of the running machines weight lifting machines to assess this) with this in mind the application may be detrimental to the amenity of the upstairs flat and we have insufficient information to assess flanking transmission with the current noise report."

On **23rd June 2025** the planning officer responded to an email from The Planning Consultant, Judith Douglas [See Appendix 1] stating that the application would be determined the following day, and would be recommended for refusal on noise grounds on the basis that:

"The Environmental Health officer does not feel that the noise assessment fully addresses the concerns regarding flanking transmission."

The Planning Consultant, Judith Douglas, immediately requested that time be allowed for Martec to liaise with the Environmental Health Department to address the issue, but this did not happen and consent was refused the following day – **24th June 2025**.

In relation to the refusal on noise grounds, the Planning Officer's delegated report states:

"A Noise Assessment has been submitted as part of this application. The Noise Assessment states that sound levels were taken from the home gym, however arrangements made to take sound levels from the property at no 8 above were withdrawn. One objection has been received in response to this, whereby the

occupier of no. 8 contests this statement but still raises concerns regarding audible 'thudding' at the property.

The Noise Assessment concludes that the gym would not result in detrimental noise levels, taking into consideration the worst-case scenarios in terms of sound levels and building materials used between the lower and upper floors of the building. Notwithstanding this, the Environmental Health Officer has been consulted on the application and raises concerns that the noise assessment does not fully assess the impact of 'flanking transmission' within the report, for which the neighbour has raised as a concern. Without this assessment, there is insufficient information submitted within the application to fully assess whether the development results in harm to the amenity of neighbouring properties, contrary to Policy DMG1 of the Ribble Valley Core Strategy."

I consider a fair summary would be that in relation to the original application the local authority received complaints about the noise impact, they were unable to investigate or substantiate those complaints and refused consent. Our noise report was prepared and demonstrated compliance with the local authority's noise criteria and the EHO on 20th May 2025 clearly accepted the contents of our report. The residents then re-iterated their noise complaints, as per the original application, and the EHO effectively changed their opinion, citing 'flanking'. The applicant was given no opportunity to address or investigate the issue and consent was refused again.

3.0 Flanking Sound Transmission

3.1 Definition

Flanking sound transmission occurs when a sound passes **around** a separating structure; some degree of 'flanking' **always** occurs, but only has any effect, if the level of flanking sound is similar to, or higher than, the level of sound passing **through** the separating structure.

Following on from the above, flanking sound is only important if it leads to unacceptable noise levels, i.e. if the noise levels in the receiving room are acceptable, the issue of flanking sound isn't important.

As an example, a floor dividing first and ground floor rooms, naturally has to be supported by side walls; meaning that sound can pass from one room to the other not only directly through the separating floor [path a-a in Figure 1 below], but also by getting into the side walls, and then passing or 'flanking' around the floor and being re-radiated as sound into the other room [paths c-c, d-d & e-e in Figure 1].

It is important to stress that 'flanking' always occurs to a greater or lesser degree; therefore, the existence of flanking sound does not, of itself, demonstrate that noise levels are unacceptable.

3.2 Flanking Sound Transmission at 6/8 Nab View

I have read through the third-party submissions for both the previous and current applications but have been unable to find any mention of 'flanking'

sound being an issue; albeit that the local authority has very heavily redacted some of the submissions. Consequently, I am firstly unaware of any concerns regarding flanking transmission.

The only mention of sound transmission between the gym and the dwelling above comes from the most recent Planning Officer's delegated report which states "*...the occupier of no. 8... raises concerns regarding audible 'thudding' at the property.*" In response audible thudding does not necessary mean that there is an unacceptable noise impact, nor that 'flanking' sound transmission is a significant contributor to the audibility of the sound.

In our previous report, I used sound insulation measurements of relatively poorly performing floors made elsewhere, but still in a domestic setting, plus source noise measurements from the Gym at No.6, to predict noise levels upstairs at No.8 and thereby demonstrate compliance with the local authority's noise criteria.

As stated above, flanking sound transmission **always** occurs and therefore any on-site sound insulation measurements used in the analysis **included the effects of flanking sound**. Consequently, the effects of flanking sound was included in our analysis.

Similarly, the structure between what was previously a garage [now the gym] and the rooms above, will have had to meet the requirements of Part E of The Building Regulations and in order to comply with the sound insulation performance requirements, flanking sound will need to have been considered and appropriately dealt with.

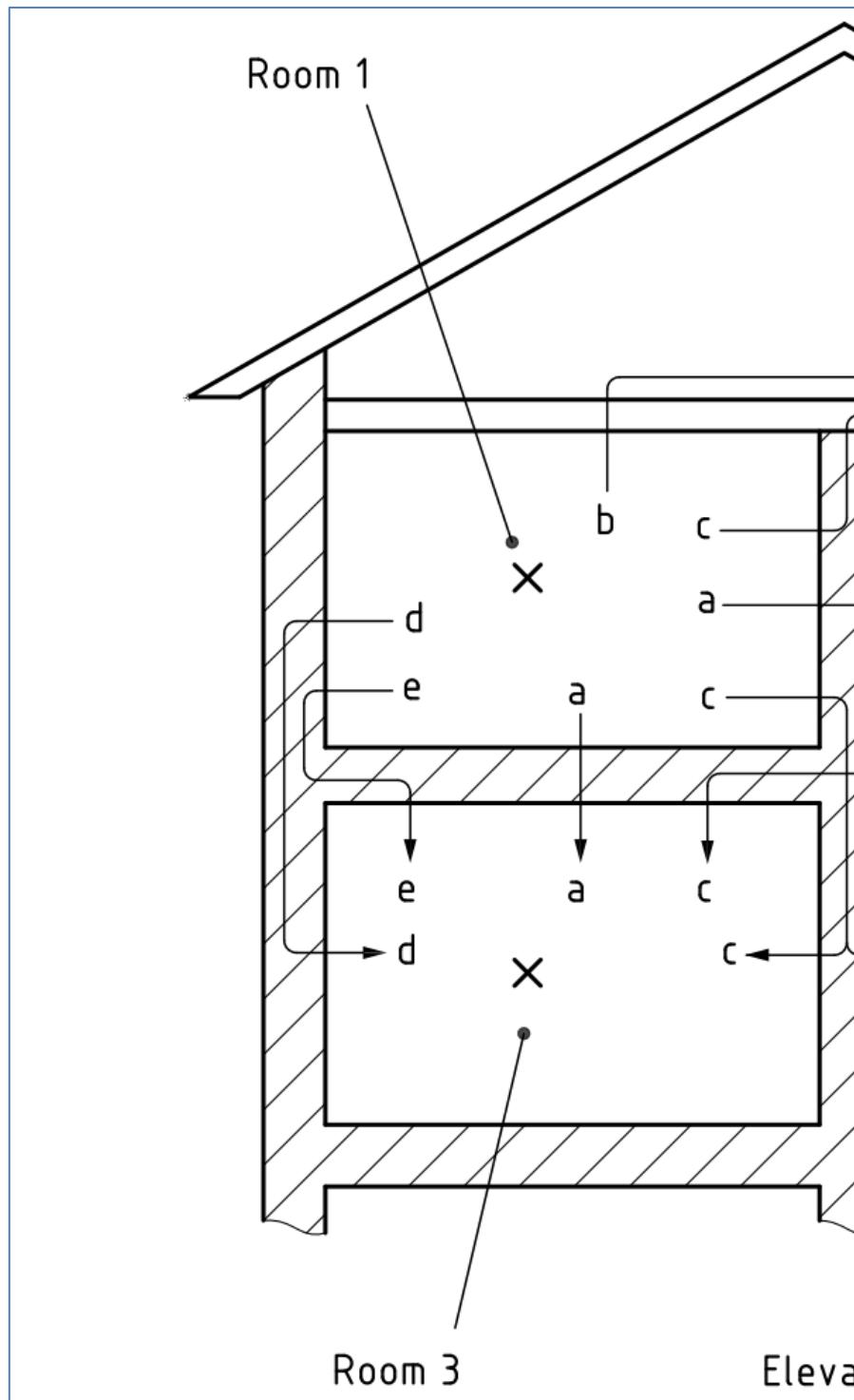


Figure 1: Vertical Sound Transmission Paths [BS8233 Figure E.1]

4.0 Conclusions

The Planning Officer's Delegated Report and the reported comments of the EHO do not directly challenge the methodology or conclusions of our assessment but state that planning consent should be refused on noise grounds solely because the impact of flanking transmission has not been assessed.

In response, it can be seen from my qualifications and experience [Appendix 2] that I am very familiar with measuring and assessing sound transmission and given that flanking transmission occurs in every 'real world' situation, it was taken into account in our assessment, as it was with all such assessments.

For the avoidance of doubt, although the term 'flanking' was not specifically mentioned in our original assessment it was considered, as it always is, and did form part of the assessment and conclusion that the local authority's noise criteria would be met, with a significant safety margin.

Consequently, the local authority's assertion that "*...the noise assessment does not fully assess the impact of 'flanking transmission' within the report*" is factually incorrect; given that our assessment demonstrated compliance with the local authority's criteria, the local authority has no basis for refusing the application on noise grounds.

APPENDIX 1

Subject: RE: 3/2025/0344 6 Nab View, Whalley BB7 9YG

Date: Mon, 23 Jun 2025 08:58:00 +0000

From: Judith Douglas [REDACTED] >

To: Maya Cullen <[REDACTED]>

CC: Lyndsey Hayes <[REDACTED]> AJW884

<[REDACTED]>, Mel Kenyon

<[REDACTED]>

Dear Maya,

Before the decision is issued, I would like the opportunity to address the concern that the Environmental Health Officer has highlighted. Please can you forward to me the comments from Environmental Health so that we can discuss this with our noise consultant.

Kind regards,

Judith Douglas BSc [Hons], Dip TP, MRTPI.

Judith Douglas Town Planning Limited

8 Southfield Drive,
West Bradford,
Clitheroe
Lancs BB7 4TU

[REDACTED]
[REDACTED]

From: Maya Cullen <[REDACTED]>

Sent: 23 June 2025 09:48

To: Judith Douglas [REDACTED] >

Subject: RE: 3/2025/0344 6 Nab View, Whalley BB7 9YG

Dear Judith,

Many thanks for your email.

The application will likely be determined by the determination date tomorrow.

The Environmental Health officer does not feel that the noise assessment fully addresses the concerns regarding flanking transmission. The Council also maintain the view that the development would result in the loss of parking provision to the detriment of pedestrian/highway safety.

The application is recommended for refusal, however this is yet to be signed off by my Head of Service

Kind regards,

Maya Cullen – Senior Planning Officer
Ribble Valley Borough Council, Council Offices,
Church Walk, Clitheroe, Lancashire BB7 2RA
Tel: [REDACTED]
E-mail: [REDACTED]
Web: www.ribblevalley.gov.uk

From: Judith Douglas [REDACTED]
Sent: 23 June 2025 08:15
To: Maya Cullen <[REDACTED]>
Subject: 3/2025/0344 6 Nab View, Whalley BB7 9YG

⚠ External Email

This email originated from outside Ribble Valley Borough Council. Do **NOT** click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

Dear Maya,

The 8-week target date for this application is 24th June. Can you let me know please what your recommendation is and when we might receive a decision.

Kind regards,

Judith Douglas Bsc [Hons], Dip TP, MRTPI.

Judith Douglas Town Planning Limited

8 Southfield Drive,
West Bradford,
Clitheroe
Lancs BB7 4TU

[REDACTED]
[REDACTED]
[REDACTED]

APPENDIX 2
SOUND INSULATION QUALIFICATIONS AND EXPERIENCE
M A KENYON

Since 2004, Approved Document E of The Building Regulations has required that newly constructed or converted dwellings must have sound insulation tests conducted. Persons carrying out such tests need to be accredited.

I have been conducting sound insulation tests for some 40 years and have been an accredited sound insulation tester for 21 years and have personally conducted more than 5,000 sound insulation tests and written some 1,500 reports on sound insulation.

I am a member of the Association of Noise Consultants committee that oversees their Registration Scheme for Accredited Sound Insulation Testers.

A proportion of the tests fail Building Regulations, so that I am familiar with diagnosing the causes of failure which sometimes relate to flanking sound transmission.

I have provided sound insulation advice to many groups of builders, residents and local authoritys.