

SOUTHERN PLANNING COMMITTEE – 6TH FEBRUARY 2019

UPDATE TO AGENDA

APPLICATION NO.

18/4879N

LOCATION

NORTHERN DAIRIES, GROBY ROAD, CREWE, CW1 4PE

UPDATE PREPARED

4th Feb2019

FURTHER REPRESENTATION FROM THE APPLICANT

The Applicant, in addition to accepting the EHO's requirements for compliance with the submitted Noise Management Plan (NMP), has suggested an absolute noise level condition in response to Officer concerns about the enforceability of conditions requiring compliance with the measures put forward in the Noise Management Plan. The suggested condition is -

'The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 40 dBA L90 [35 dBA L90 on Saturdays] by more than 5 dB between 08:00hrs and 18:00hrs Monday to Saturday. The noise levels shall be determined at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS 4142:2014.'

FURTHER REPRESENTATION FROM THE OBJECTORS

Another Noise Consultant has disputed the enforceability and achievability of the suggested absolute condition at all times. This Consultant re-iterates comments made by the EHO in the previous refused application concerning the enforceability of the NMP. As they consider the NMP to be unimplementable and the noise levels limit to be unachievable, they consider the suggested condition to be unreasonable.

The Noise Consultant retained by the neighbours considers that the noise data submitted by the applicant is not reliable, is erroneous, only measured for 1 hour at a time (0.816-09.16) when traffic noise was high and makes no allowance for the tonality/impulsivity and random nature of the noise at the site.

The Noise Consultant has reviewed the noise assessment of the Applicant and extrapolates as follows -

Table 1 Comparison of SBM Assessment and REC Assessment

BS4142:2014 Assessment	SBM Simultaneous Level – All Equipment	REC Simultaneous Level – All Equipment
$L_{Aeq,T}$ dB Levels	42	42
Tonality Correction	2	2



BS4142:2014 Assessment	SBM Simultaneous Level – All Equipment	REC Simultaneous Level – All Equipment
Impulsivity Correction	0	3
Intermittency Correction	0	3
Other Sound Characteristics	0	0
Rating Level, $L_{A,r}$	44	50
Background Sound Level, L_{A90}	40	35
Difference, +/-	+4	+15
Outcome	Likely Indication of Adverse Impact	Significant Adverse Impact

OFFICER COMMENT

The Environmental Health Officer has considered the noise condition suggested by the Applicant and advises that this will be achievable within the context of the satisfactory implementation of the mitigation measures stipulated in the Noise Management Plan and that BS4142:2014 is the appropriate standard to apply.

She also advises that the level of 5dB above background is the noise level which the (BS) standard states anything above 5db above background there may be the potential for noise complaints.

It is considered that an absolute noise level condition would be enforceable and would safeguard the amenity of neighbouring residential uses, including the residential use at the adjacent menage. This would address Officer Concern concerning the amenity of neighbours as detailed in the main report.

The Environmental Health has considered the Objectors appointed noise consultants critique of the noise data in this case and does not change her opinion of the noise issues or her recommendation of temporary approval. She remains of the view that the measures indicated in the NMP will satisfactorily address her previous concerns. She also considers that the suggested 12 month temporary condition is a further safeguard.

On this basis, it is considered that temporary permission should be granted in this case. The onus is on the Applicant to comply with the suggested conditions.

RECOMMENDATION

Approve subject to the following conditions:

1. The rating level of the noise emitted from the site shall not exceed the existing background noise level [determined to be 40 dBA L90 [35 dBA L90 on Saturdays] by more than 5 dB between 08:00hrs and 18:00hrs Monday to Saturday. The noise levels shall be determined at the site boundary. The measurements and assessment shall be made according to BS 4142:2014.

Reason: To safeguard the amenity of neighbours having specific regard to noise and disturbance

2 The premises shall operate, including deliveries to and goods being despatched from the premises, only between the hours 08.00 hrs to 18.00 hours on Monday to Saturday. The premises shall not operate at all on Sundays and Bank Holidays for the use hereby granted.

Reason: To safeguard the amenity of neighbours having specific regard to noise

3. The use hereby permitted is temporary. It shall discontinue on or before 5 February 2020 unless in the meantime a further application has been submitted to and approved by the Local Planning Authority. Any future application shall be supported by a noise survey at the boundary, the durations, location and timings of which shall be agreed with the Council Environmental Health Officer prior to submission

Reason: To enable continued control and appraisal of the development proposed having regard to the particular circumstances and nature of the development.

4. The recommendations of the Noise Management Plan submitted with regard to the operational practises of the Applicant shall be implemented immediately upon the grant of permission. The recommendations requiring the filing of holes, the installation of cladding to the premises and use of acoustic screens shall be fully implemented with 2 months of the date of this permission, in accordance with a scheme of improvements to be submitted and approved within 14 days of the date of this permission

Reason: To safeguard the amenity of neighbours having specific regard to noise and to define the permission