

<b>Application Number</b>	11/0288/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	16th March 2011	<b>Officer</b>	Miss Amy Lack
<b>Target Date</b>	11th May 2011		
<b>Ward</b>	Abbey		
<b>Site</b>	15 Swann's Road Cambridge Cambridgeshire		
<b>Proposal</b>	Change of use to car hire business and erection of associated office and wash down canopy on land off Swann's Road.		
<b>Applicant</b>	Roundwood Restorations Ltd. Unit 9 Martells Quarry Slough Lane Ardleigh Colchester Essex CO7 7RU		

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## **INTRODUCTION**

- 0.1 This matter is being brought back to Committee because in the interval between your resolution to accept the officer recommendation to approve and issuing the decision notice a letter was received from solicitors acting for an objector which threatened judicial review.
- 0.2 In summary this letter argued that the Council had failed to:
- carry out a comprehensive screening assessment
  - publish the screening questionnaire which it had carried out .
  - consider the project cumulatively with other operations on the rest of the area.
- 0.3 Officers did not and do not think it necessary to carry out a comprehensive screening exercise as the preliminary exercise (the screening questionnaire) led to the conclusion that the application project did not fall within the relevant statutory criteria which would trigger a screening. At their last meeting the Committee did not address the other operations (i.e. the scrap metal storage and sorting ) on the rest of the area (“the Area”) because it was not thought to be material.

- 0.4 However in the light of this letter and further information supplied since 18<sup>th</sup> August, the Committee has the opportunity to consider the following matters and if necessary review their earlier resolution. Officers have also looked at this additional material but remain of the opinion that this application does not present the risk of any significant environmental impact either alone or in conjunction with the current lawful activities on the remainder of the site.

Further information.

- 0.5 The Area is shown on the attached plan (Appendix A). The red line denotes the application site ("the Site") which together with the blue line comprises the Area which the objector's solicitors maintain is the area in respect of which the Council should consider whether there is the likelihood of a significant environmental impact.
- 0.6 Land to the northern part of the Area is used (under a Certificate of Lawful Use or Development 1994) for a scrap metal yard for non-ferrous metals and materials. The southern part of the Area has planning permission from the City Council (planning permission C/81/0033 dated March 1981) for storing of scrap metal, waste skips and heavy goods vehicles, shearing and baling of scrap metal. This application to the City Council is on 0.18 hectares of land adjacent to the scrap yard and would share access with it.
- 0.7 There is a history of civil litigation on the Area .In 2010 Objectors/Claimants brought an action for nuisance arising from the level of noise emanating from the scrap yard .The decision of the High Court judge was that Nationwide Metal Recycling Ltd had been committing a noise nuisance but this discontinued when they erected acoustic barriers along the boundary. In July 2011 the Objectors appealed to the Court of Appeal on a point of law which failed .As part of this action a Noise Impact Report and Synopsis on barrier effects were commissioned by the Claimants, which were sent to this Council on 11 November 2011 (Appendix B).
- 0.8 Subsequently a retrospective planning application was made, in December 2010, to the County Council to retain the noise barriers :48m length of 5m high fence and 42m length of 5.1m high stacked shipping containers. Prior to deciding the

application, the objectors required the County Council to make a Screening Opinion but the County was of the opinion that this was not needed as it did not reach the statutory trigger points under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. The objectors went to the Secretary of State to challenge the County decision .The Secretary of State decided (his letter of 22 September 2011) that the erection of the barriers was not likely to have a significant environmental impact. In reaching his view the Secretary of State considered the location of the development .He was not persuaded that the barriers when considered cumulatively with the scrap yard would result in significant environmental effects .He directed that the County planning application could proceed without the submission of an environmental statement. The objectors asked the Secretary of State to review his screening direction by letter dated 25 October 2011, but the Secretary of State declined by letter dated 9 November 2011. The County application for the retention of the barriers is yet to be decided.

- 0.9 We understand that the scrap metal yard operates under the terms of a license issued and monitored by the Environment Agency.
- 0.10 In summary, the objector's solicitors say that in deciding this application the Council should take into account the cumulative impact of the change of use from car sales to car hire (and associated development) on the whole Area and whether all the activities together would give rise to a likely significant environmental impact.
- 0.11 In the light of the above officers remain of the view that the application should be supported for the reasons set out in this report. The contents of the report and the recommendation set out a paragraph 10 remain unchanged

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 Swann's Road is accessed off the northern side of Newmarket Road, immediately west of railway sidings and the bridge of Newmarket Road which passes over the railway line. Swann's Road joins Mercers Row to the northwest.

- 1.2 The application site shares access off the east of Swann's Road with Nationwide Metal Recycling Limited (NMR). This recycling scrapyards currently operates from two defined areas linked by a private road. In a similar way the application site is comprised of two separate areas which use the same private road to link the two. This has resulted in an elongated site, a significant proportion of it along the shared boundary with the railway sidings to the east because the irregular shape stretches from Newmarket Road northwards between the sidings and the scrapyards.
- 1.3 The site falls within a wider area which includes development along Mercers Row and Swann's Road that is allocated as a Protected Industrial Site under policy 7/3 in the Cambridge Local Plan (2006).

## **2.0 THE PROPOSAL**

- 2.1 This application seeks permission for a change of use from car sales, to use by a car hire company. Ancillary provisions to the use are proposed which include an office, a canopy over a car washing area and car parking for the hire fleet and staff.
- 2.2 The submitted plans separate the application site into Area A and Area B. Area A is the parcel of land which sits closest to Newmarket Road. Area B is the parcel of land which sits furthest from the road, to the north of the NMR scrapyards.
- 2.3 Under the proposal, Area A will accommodate the office, canopy and 8 car parking spaces, inclusive of one disabled car parking space. The proposed office is a single storey building. This has a flat roof with a very shallow mono-pitch to the south and south-west elevations which slopes towards Newmarket Road with an eaves height of 3.6 metres. The building has a maximum height of 4.4 metres. It is 'L' shaped, with each length of the building 5.5 metres in depth and a maximum length of 10.4 metres. It will be constructed of white facing brick and blue semi-engineering brick with metal sheet roof.
- 2.4 To the east of the office building a 3.1 metre high canopy is proposed, 5metres in width and 5.5metres in depth, constructed of galvanised steel with a fabric roof coloured grey. This will provide a washing facility for the car hire fleet.

- 2.5 Area B is designated for car parking for staff and the car fleet. This makes provision for the parking of 18 vehicles. 2.1 metre high palisade fencing and gates demarcate the boundary and secure this area.
- 2.6 The application is accompanied by the following supporting information:
1. Design and Access Statement;
  2. Trip data.

### 3.0 SITE HISTORY

Reference	Description	Outcome
C/80/0445	Use of land for display and sale of motor vehicles	A/C

### 4.0 PUBLICITY

4.1 Advertisement:	No
Adjoining Owners:	Yes
Site Notice Displayed:	No

### 5.0 POLICY

#### 5.1 Central Government Advice

5.2 **Planning Policy Statement 1: Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **Planning Policy Statement 23: Planning and Pollution Control (2004):** States that 'any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable

of being a material planning consideration, in so far as it arises or may arise from or may affect any land use'. It highlights the fact that the planning system has a key role in determining the location of development which may give rise to pollution. Appendix A sets out those matters which may be material in taking decisions on individual planning applications including the environmental benefits of reducing the need for travel and the existence of Air Quality Management Areas.

**5.4 Planning Policy Guidance 24 - Planning and Noise (1994):**

States at paragraph 12, that planning authorities should consider carefully whether new noise-sensitive development would be incompatible with existing activities. At paragraph 13, a number of mitigation measures are suggested which could be introduced to control the source of, or limit exposure to, noise.

**5.5 Circular 11/95 – The Use of Conditions in Planning Permissions:**

Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

**5.6 East of England Plan 2008**

SS1: Achieving Sustainable Development

T1: Regional Transport Strategy Objectives and Outcomes

T9: Walking, Cycling and other Non-Motorised Transport

T14 Parking

ENV7: Quality in the Built Environment

WM6: Waste Management in Development

**5.7 Cambridge Local Plan 2006**

3/1 Sustainable development

3/4 Responding to context

3/7 Creating successful places

3/12 The design of new buildings

4/13 Pollution and amenity

4/15 Lighting

- 7/2 Selective management of the economy
- 7/3 Protection of industrial and storage space

- 8/2 Transport impact
- 8/6 Cycle parking
- 8/10 Off-street car parking

## 5.8 **Supplementary Planning Documents**

**Cambridge City Council (May 2007) – Sustainable Design and Construction:** Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

## 5.9 **Material Considerations**

### **Central Government Guidance**

#### 5.10 **Letter from Secretary of State for Communities and Local Government (27 May 2010)**

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

#### 5.11 **Written Ministerial Statement: Planning for Growth (23 March 2011)**

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

## **6.0 CONSULTATIONS**

### **Cambridgeshire County Council (Engineering)**

31 March 2011



- 6.1 It is unclear from the submission how the site will operate. Will customers be able to park their own vehicles on site whilst hiring a vehicle, and if so, is the customer parking and vehicle storage adequate for the number of customers? Details are required of the vehicle classes that are available for hire and details of the trip generation of all modes for a 24 hour day, existing and proposed use.

21 June 2011

- 6.2 From the trip generation data supplied the proposal would not trigger the requirement for payments under ECATP.

### **Head of Environmental Services**

- 6.3 Environmental Health have investigated complaints of lighting and noise from this area. Whilst this is a largely commercial area bordering a busy road and railway line there are domestic properties close to the site. Their amenity should be protected by the imposition of conditions.
- 6.4 The wash down area is assumed to be for washing cars down with detergent. Paragraphs 4.05 and 6.02 of the Design and Access Statement state areas A and B of the application site will be covered in loose chippings and self-drain, the Environment Agency should be consulted.
- 6.5 There is no objection to the principle of the application but it is advised that conditions to: restrict the hours of construction and demolition; provide details of commercial waste; provide details of lighting; and assess land contamination should be imposed.

### **Environment Agency**

- 6.6 A narrow strip along the site's eastern boundary is identified as being with flood zones 2 (medium) and 3 (high risk). The agent has satisfactorily demonstrated that the site is not at risk of flooding and confirmed that in any event no raising and confirmed no raising of the ground level will be carried out by this proposal.
- 6.7 In terms of pollution control, wash water and parking specifically are acceptable in principle. In view of the site's previous commercial usage and its proximity to the railway it is

recommended that either conditions be imposed to satisfy the requirements of PPS23, or a desktop study prior to the determination of the application.

- 6.8 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations:

- Station House and Station Lodge, Barnwell Junction, Cambridge c/o Richard Buxton, Environmental & Public Law, 19B Victoria Street, Cambridge CB1 1JP.

- 7.2 The representations can be summarised as follows:

Noise nuisance and disturbance

- It is understood that there are currently extensive building-type operations taking place in an area close to the application site and on land adjacent to the scrapyard. This requires the use of heavy building and moving equipment and the movement of considerable amounts of earth and gravel. These operations are causing considerable noise and disturbance to occupiers of Station House and Station Lodge. These operations appear to be carried out without planning permission. These operations and those proposed by this application will cumulatively have a significant impact;
- There is a history of seeking to prevent noise and nuisance from the scrapyard. High court judgements in 2009 and 2010, both of which have recognised a nuisance, have failed to remedy this and the matter is now before the Court of Appeal. On balance a car hire business would be preferable to the scrapyard use but this is for a car hire in addition to the scrapyard;
- The car hire will operate up until 18:00 and on Saturday mornings. The scrapyard operates Monday to Friday until 16:30. The proposed use will therefore reduce the quiet time which is so important to these nearby occupiers;
- The proposed use will result in additional vehicular movements directly opposite Station House and Station

Lodge, some vehicles may also have automated warning messages or beep when reversing. On a gravel surface this is made noisier and generates dust;

- Potential sources of noise from loud radios, security alarms, pressure washers, vacuum cleaners and car alarms;

#### Lighting

- Light intrusion from powerful security lights, left on throughout the night at the scrapyards (which has been raised with the City Council's Environmental Health Department) is likely to be made worse by the car hire business with additional security lighting and vehicle headlights

#### Signage

- The excessive amount of signage on the junction of Swann's Road and Newmarket Road, of which it is likely some do not have permission, is likely to be added to by another company operating from this site.

#### Privacy

- The elevated position on the site and the glazing on the entrance elevation is likely to result in a loss of privacy for the occupiers of Station House and Station Lodge;

#### Visual impact

- The proposed new building is likely to reflect glare back towards the occupiers of Station House and Station Lodge.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces

3. Disabled access
4. Residential amenity
5. Refuse arrangements
6. Highway safety
7. Third party representations

### **Principle of Development**

- 8.2 The application site is allocated as a Protected Industrial Site. Therefore policy 7/3 of the Cambridge Local Plan (2006) applies. This seeks to retain floorspace within Use Classes B1(c), B2 and B8. The current car sales use which operates from the site and the proposed vehicle hire use are both *sui generis* uses, which do not fall within these classifications. The proposed change of use from car sales to vehicle hire will therefore not result in the loss of any Class B1, B2 or B8 floorspace, and will not be in conflict with Cambridge Local Plan (2006) policy 7/3.
- 8.3 Policy 7/2 of the Cambridge Local Plan (2006) sets limits on the type of employment development proposals which are appropriate to ensure a balanced economy. This proposal would increase employment at the site from three full-time equivalent to six full-time equivalent, and it is therefore an employment development proposal albeit a very limited one. Subsection (c) of policy 7/2 supports employment development within Use Classes B1(c), B2 and B8 where it would contribute to a greater range of local employment opportunities. The use here proposed does not fall within these specific use classes, but in my view, it is comparable, and the increase in employment proposed here would be in line with the objectives of Policy 7/2.
- 8.4 I consider the proposal acceptable in principle, and in accordance with policies 7/2 and 7/3 of the Cambridge Local Plan (2006).

### **Context of site, design and external spaces**

- 8.5 The application site sits within a protected industrial estate. This accommodates commercial and industrial uses and includes existing vehicle hire businesses similar to that proposed. As such, I consider the proposed use in keeping with

its immediate context and the character of Swann's Road and Mercer's Row.

- 8.6 Area A of the application site, positioned adjacent to Newmarket Road, is more visible to the higher footfall and vehicular movement along this main arterial road than the other units along Swann's Road but despite the utilitarian, industrial form of the proposed office building I consider it a significant improvement upon the existing building on the site. This is a single storey semi-permanent structure, finished in white, which appears tired and requires maintenance. This existing building is detrimental to the character of the surrounding area. The proposed building is designed for purpose and whilst rather uninspired it is appropriate to its context.
- 8.7 Whilst it is located on a corner plot, 2.1-metre-high paladin fencing demarcates the shared boundary between the site and the footpath along this section of Newmarket Road which screens the site to a greater extent than might be expected. The ground level of the site also falls away from Newmarket Road, which means the proposed building is unlikely to rise much above the existing fencing when viewed from Newmarket Road. When I conducted my site visit, nine cars were parked in this location of the application site. The proposed use proposes the parking of eight vehicles in this area, the single storey office building and canopy. As such, I believe the character of the site will be improved by the new building but on the whole largely appear as existing.
- 8.8 In my opinion the proposal is in keeping with the character of the context and the function of the proposed use. I therefore consider it compliant with East of England Plan (2008) policies SS1 and ENV7 and Cambridge Local Plan (2006) policies 3/1, 3/4, 3/7 and 3/12.

### **Disabled access**

- 8.9 The proposed single storey building is orientated on 'Area A' so the entrance would be clearly visible. It is likely that this will be emphasised by corporate signage but this will be subject to the consideration of an application for Advertisement Consent, submitted independently of this application for planning permission. The entrance door has an opening width of 0.90 metres compliant with the requirements of Approved Document

M of the Building Regulations (Access to and Use of Buildings). A dedicated customer car parking space for disabled people is allocated adjacent to the building entrance. I am satisfied that the proposal has satisfactorily given consideration to inclusive access for all and the requirements for disabled access and is therefore compliant with East of England (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/7 and 3/12.

## **Residential Amenity**

### Impact on amenity of neighbouring occupiers

- 8.10 The buildings in the immediate surrounding area are occupied by commercial uses, extending along Swann's Road and Mercer's Row to the north and west. To the east are the railway sidings which run the length of the eastern boundary of the site; and to the south is Newmarket Road, a busy arterial road. In view of these surroundings the application site sits within an active and relatively noisy context. Given this setting and the character of the protected industrial site, my view when visiting the site was that the proposed use and number of staff and vehicles proposed was well suited to this location, and I am satisfied that the proposal is unlikely to have any significant impact upon any neighbouring residential occupiers.
- 8.11 A third party representation has been received from occupiers of two residential properties to the east of the site objecting to the proposal. They are of the view that in principle the proposal is acceptable and would be preferable to the existing metal recycling scrapyards use, but if implemented in addition to the scrapyards use, would have a cumulative impact upon the residential amenity of the occupiers at Station Lodge and Station House in terms of noise and disturbance.
- 8.12 I acknowledge that these nearby residents currently suffer from noise and disturbance from the scrapyards. However, I do not consider that the proposed use would have any significant impact in this respect in the context of the busy Newmarket Road to the south, the industrial nature of Swann's Road/Mercer's Row to the north and west and the railway to the east. I appreciate the cumulative impact which developments can have. However, the residential site concerned is in excess of 30 metres from Area B, which will serve only as a parking area, and almost 150 metres from Area A, where the

majority of the operator's activity will be. Furthermore, I do not consider that the proposed car hire use is likely to generate significantly more noise and disturbance from headlights, alarms, security lighting, and movement across gravel than the existing car sales use.

- 8.13 The representation received considered an Environmental Impact Assessment (EIA) necessary. I have undertaken an EIA screening questionnaire and am satisfied that that the proposed use does not require an EIA.
- 8.14 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site. Conditions to restrict the hours of construction and demolition (condition 2) and to provide details of any external lighting (condition 3) should be imposed to safeguard the nearby occupiers from any unreasonable nuisance. Subject to such conditions, I consider that it is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policies 3/4 and 3/7.

Amenity for future occupiers of the site

- 8.15 Given a number of different commercial uses on this site it has been recommended by the Environmental Health Officer and the Environment Agency that conditions be imposed (conditions 4 and 5) in order to safeguard future customers and staff at the site from any ground contamination, and to protect the water environment. Subject to these conditions, I am satisfied that the proposed use on this site will provide an appropriate level of amenity for these users and consider in this respect it is compliant with East of England (2008) policy ENV7 and Cambridge Local Plan (2006) policy 3/12.

### **Refuse Arrangements**

- 8.16 No refuse provision has been indicated on the submitted plans. I am satisfied that there is ample room on site to find a successful location to position a dedicated refuse and recycling store and that this can be secured by a condition (condition 7). Subject to agreeing these details by condition I am satisfied that the proposal is compliant with East of England Plan (2008) policies ENV7 and WM6 and Cambridge Local Plan (2006) policy 3/12.

## **Highway Safety and trip generation.**

- 8.17 The highway authority has raised no objection to the proposal on highway safety grounds, and I consider the proposal is compliant with East of England Plan (2008) policy ENV7 and Cambridge Local Plan (2006) policy 8/2.
- 8.18 The highway engineer consulted on the proposal requested further information with regard to the proposed vehicle fleet and the number of trips generated as to whether or not the proposed use would require contributions towards the Eastern Area Corridor Transport Plan. Further information has been submitted and the highway authority has now confirmed that no contributions are required for this proposal.

## **Third Party Representations**

- 8.19 I have addressed the concerns raised by the third party representation received under the heading 'Residential Amenity' above, from paragraph 8.7.
- 8.20 I have also consulted with the planning enforcement team with regard to any possible ongoing unlawful development as implied in the third party representation received. It is our understanding that the clearance works referred to in the representation as being 'an area close to the application site and on land adjacent to the scrapyards' were enabling works in conjunction with this current application in 'Area B'. We are satisfied that this has ceased pending the outcome of this application. With regard to the various banner advertisement signs that have been attached to the boundary fencing fronting Newmarket Road, the planning enforcement team have been made aware and are assessing the situation.

## **9.0 CONCLUSION**

- 9.1 The proposed use is acceptable in principle and in keeping with the industrial use on the wider Mercer's Row industrial estate. I believe it will result in a visual improvement relative to the existing use of the site and subject to conditions will not have any significant adverse impact upon any nearby residential occupiers. I recommend the application be approved.



## 10.0 RECOMMENDATION

### **APPROVE subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except with the prior written agreement of the local planning authority in writing no construction work or demolition shall be carried out or plant operated other than between the following hours: 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties. (Cambridge Local Plan 2006 policy 4/13)

3. Details of any proposed floodlighting or external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity. (Cambridge Local Plan 2006 policies 3/11 and 4/15)

4. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the local planning authority for approval.

(a) The contaminated land assessment shall include a desk study to be submitted to the local planning authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the local planning authority prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the local planning authority. The local planning authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the local planning authority.

(f) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site.

Reason: To avoid adverse effects of pollution. (Cambridge Local Plan (2006) policy 4/13)

5. No development shall commence until such time as full details of a scheme for the provision and implementation of pollution control to the water environment which shall include foul and surface water drainage has been submitted to, and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment (Cambridge Local Plan 2006 policy 4/13).

6. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheelie bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. (East of England Plan 2008 policies ENV7 and WM6, and Cambridge Local Plan 2006 policy 3/12)

### **Reasons for Approval**

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: Policies SS1, T1, T9, T14, ENV7 and WM6

Cambridge Local Plan (2006): Policies 3/1, 3/4, 3/7, 3/12, 4/13, 4/15, 8/2, 8/6 and 8/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

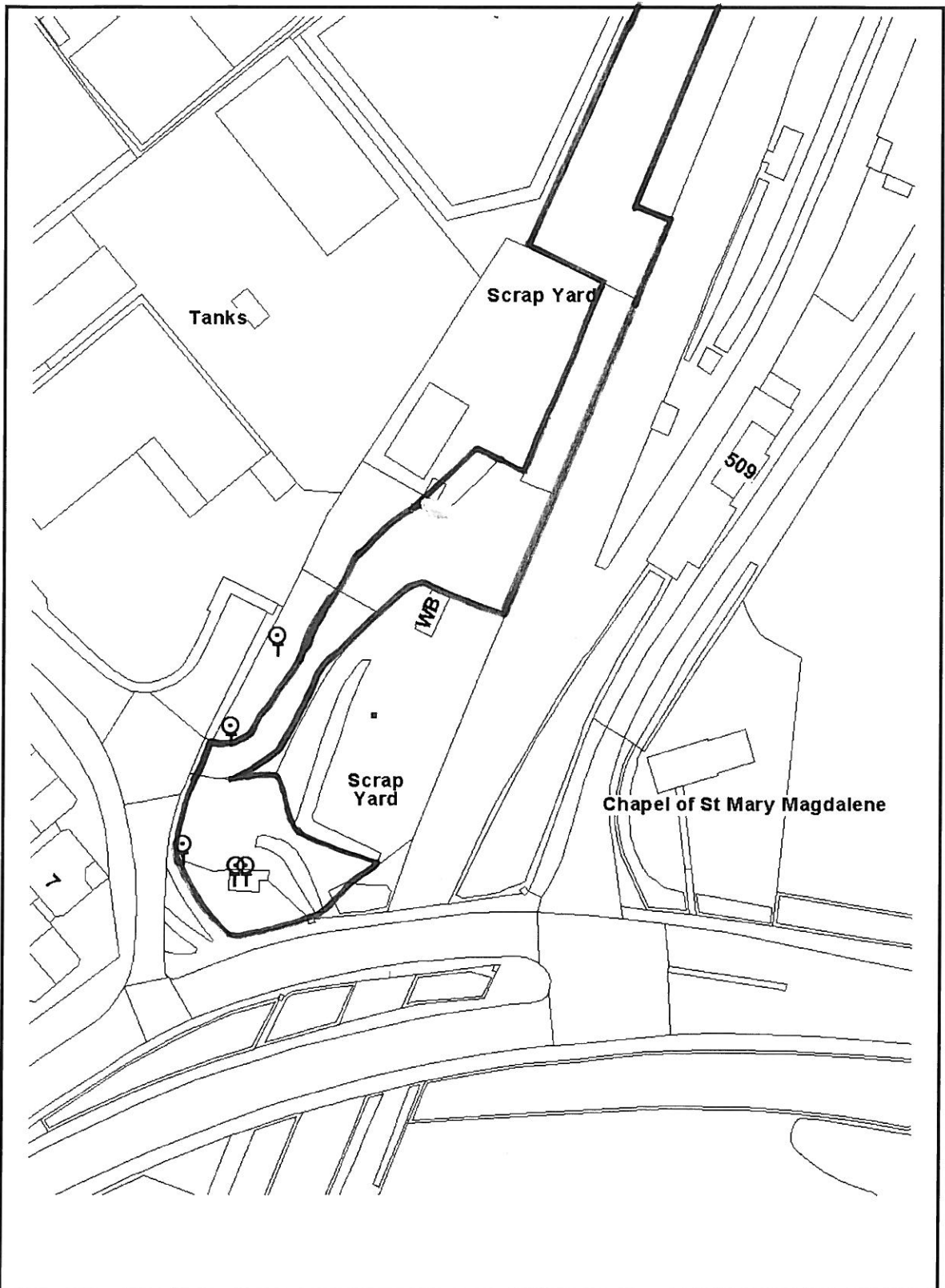
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at [www.cambridge.gov.uk/planningpublicaccess](http://www.cambridge.gov.uk/planningpublicaccess) or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

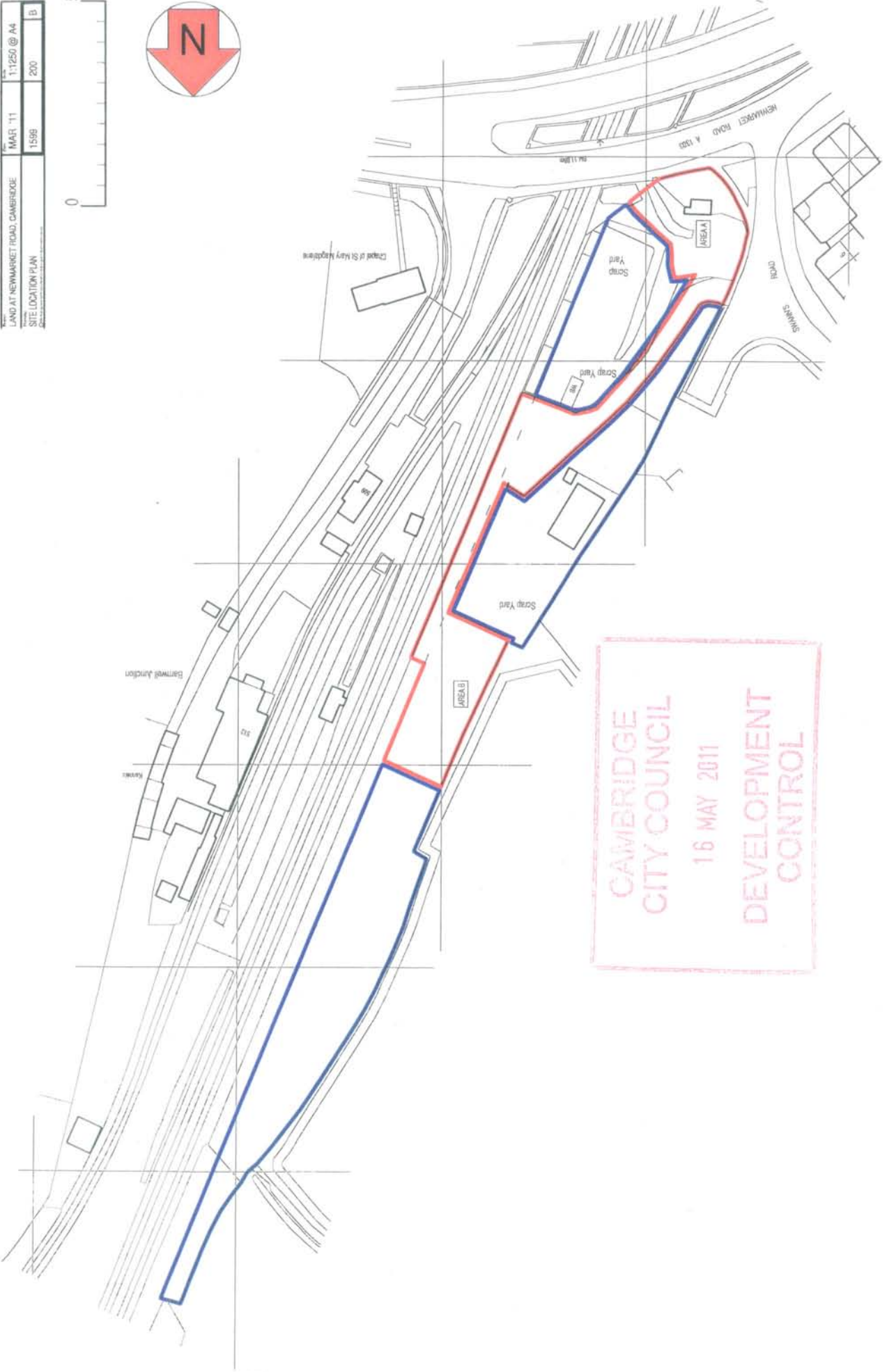
1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



**11/0288/FUL**  
**15 Swann's Road Cambridge**

DATE	1:1250 @ A4
DATE	MAR '11
DATE	1598
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CAMBRIDGE  
CITY COUNCIL  
16 MAY 2011  
DEVELOPMENT  
CONTROL



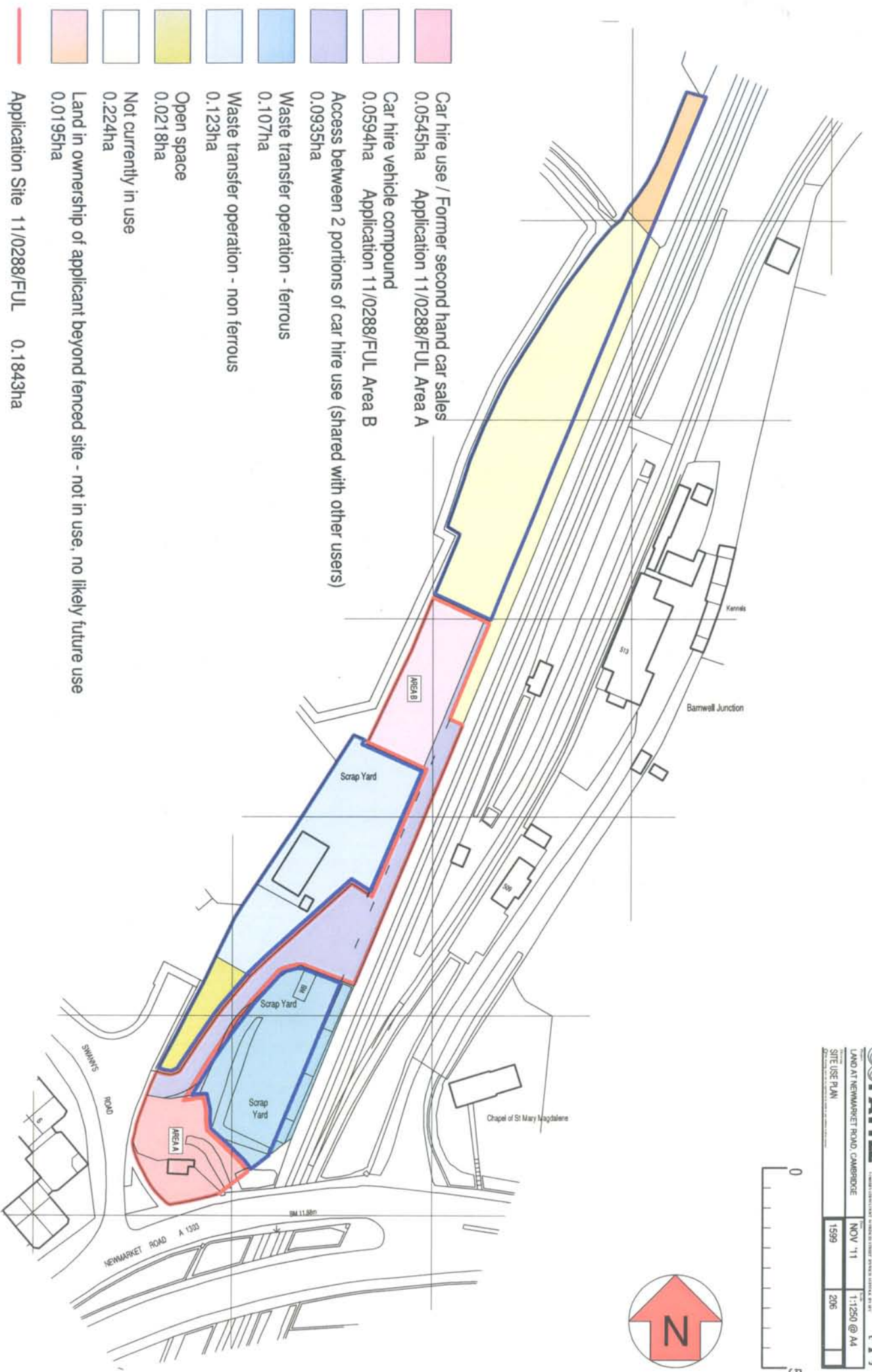
15th December 2012

**POOLE & PATLLE** chartered architects

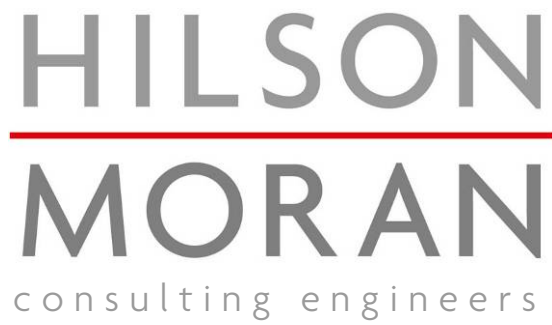
LAND AT NEWMARKET ROAD, CAMBRIDGE

NOV '11	1:1250 @ A4
1599	206

SITE USE PLAN



- Car hire use / Former second hand car sales  
0.0545ha Application 11/0288/FUL Area A
- Car hire vehicle compound  
0.0594ha Application 11/0288/FUL Area B
- Access between 2 portions of car hire use (shared with other users)  
0.09335ha
- Waste transfer operation - ferrous  
0.107ha
- Waste transfer operation - non ferrous  
0.123ha
- Open space  
0.0218ha
- Not currently in use  
0.224ha
- Land in ownership of applicant beyond fenced site - not in use, no likely future use  
0.0195ha
- Application Site 11/0288/FUL 0.1843ha
- Land in same ownership as application site



Richard Buxton Environmental & Public Law

Station Lodge, Barnwell Junction, Cambridge  
Noise Impact Assessment Report

Issue	Date
1.0	7 July 2011

HILSON MORAN  
ONE DISCOVERY PLACE  
COLUMBUS DRIVE  
SOUTHWOOD WEST  
FARNBOROUGH  
HAMPSHIRE GU14 0NZ

engineering the future  
for the built environment



**Richard Buxton Environmental & Public Law**  
**Station Lodge, Barnwell Junction, Cambridge**  
**Noise Impact Assessment Report**

Project:	12384.02.02
Issue:	1.0
Status:	Final
Date:	7 July 2011

Originator:	Mark Brightwell Principal Acoustic Consultant
Approved:	Nicholas Jones Head of Acoustics
Copies to:	Richard Buxton Environmental & Public Law  hmp104 – Acoustics

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## 1 EXECUTIVE SUMMARY

Hilson Moran has been instructed to assess the noise impact associated with activities at the NMR Ltd scrap metal site, Swanns Road, Cambridge (referred to hereafter as NMR Ltd) .

Station Lodge is a residential property located on the western side of Barnwell Junction, a private residential road accessed off Newmarket Road in Cambridge. The NMR Ltd site is located to the west of Station Lodge beyond a railway line.

Hilson Moran has undertaken a fully manned noise survey at the site and subsequent assessment of the noise impact of noise from activities on the NMR Ltd site.

Throughout the survey period, the noise climate was generally dominated by activities at the NMR Ltd site.

The majority of noisy events noted are due to one, or a combination of the following:

- Crane operations in southern scrap yard (moving/crushing and loading scrap metal onto trucks)
- Forklift loading scrap metal onto trucks
- Vehicle (trucks and forklift) movements.

Noise impact assessment criteria have been proposed based on BS 4142 guidance.

The results of the noise levels measurements and assessment indicate that during key periods of activity on the NMR site, the noise impact was greater than the BS 4142 “*complaints are likely*” threshold a positive indication of a noise nuisance.

## 2 INTRODUCTION

### 2.1 Background

Hilson Moran has been instructed to assess the noise impact associated with activities at the NMR Ltd scrap metal site, Swanns Road, Cambridge (referred to hereafter as NMR Ltd).

Station Lodge is a residential property located on the western side of Barnwell Junction, a private residential road accessed off Newmarket Road in Cambridge. The NMR Ltd site is located to the west of Station Lodge beyond a railway line.

Noise measurements and subjective observations have therefore been made in order to quantify the noise levels from NMR Ltd, so as to assess the extent of any noise nuisance.

### 2.2 Content

Following this introductory section, a description of the area around Station Lodge, including the NMR Ltd site, is given in Section 3. Section 4 gives a description of the environmental noise survey methodology, with results presented in Section 5 and Appendix B. Section 6 proposes noise impact assessment criteria whilst Section 7 analyses in detail the measured noise levels in conjunction with noted observations.

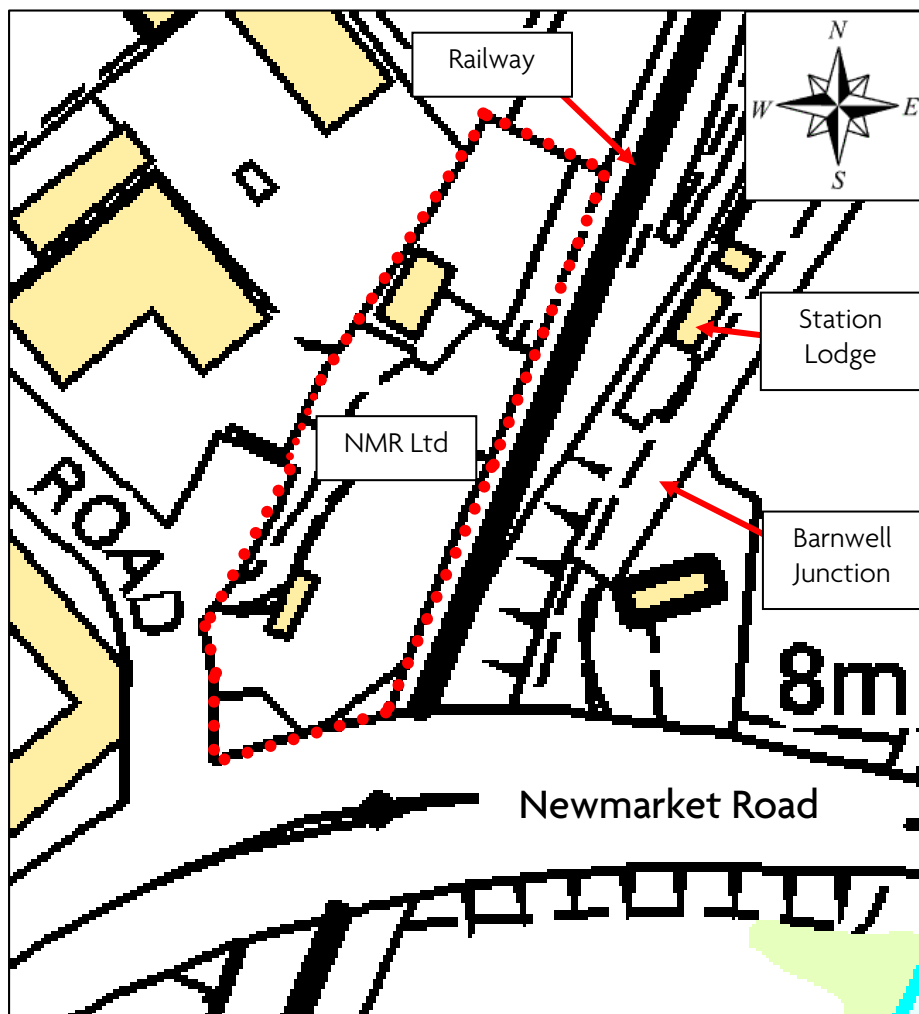
Appendix A presents an explanation of the acoustic terminology used in this report.

### 3 SITE DESCRIPTION

Station Lodge is a residential property located on the western side of Barnwell Junction, a private residential road accessed off Newmarket Road in Cambridge. The NMR Ltd site is located to the west of Station Lodge, beyond the railway line.

Figure 3.1 shows the locations of Station Lodge and the NMR Ltd site.

Figure 3.1 Site Plan



## 4 ENVIRONMENTAL NOISE SURVEY

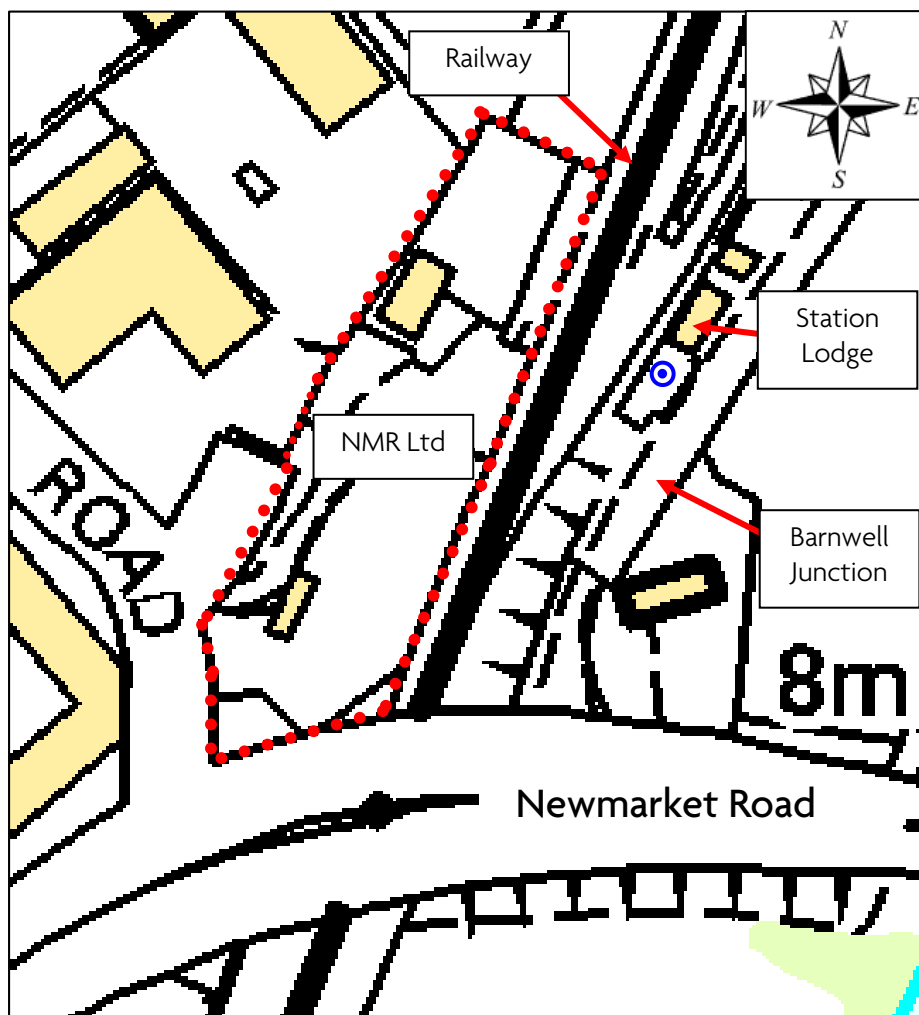
A fully manned environmental noise survey was undertaken by Hilson Moran between approximately 08:00 hours and 12:30 hours on Monday 4<sup>th</sup> July 2011.

$L_{Amax}$ ,  $L_{Aeq}$  and  $L_{A90}$  (dB) noise levels were measured throughout the environmental noise survey. The measurements were undertaken over contiguous 100 millisecond intervals.

The noise measurements were undertaken with the measurement sound level meter and microphone attached to a tripod in the rear garden of Station Lodge, to the south of the house. The microphone was mounted approximately 1.4m above the level of the ground towards the centre of the garden, approximately 5m from the house façade.

The measurement position is indicated on Figure 4.1 by the symbol .

Figure 4.1 Site Plan Indicating Measurement Position



The measurement position was selected as being the most appropriate position that would be representative of noise levels affecting Station Lodge.

The equipment used for the noise survey is summarised in Table 4.2.

**Table 4.2 Description of Equipment used for Noise Survey**

Equipment	Description	Quantity	Serial Number
01 dB Solo	Type 1 automated logging sound level meter	1	60673
01 dB PRE 21	Type 1 ½" microphone and pre-amplifier	1	103452/14979
01 dB CAL 21	Calibrator	1	35183004

There was only light wind during the noise survey (less than 3m/s) generally from a southerly direction, the sky was generally clear with patchy cloud. There was no rainfall during the survey and the roads were dry.

The noise monitoring equipment used was calibrated before and after the noise survey. No significant change was found.

## 5 SURVEY RESULTS & OBSERVATIONS

### 5.1 Noise Survey Results

Appendix B presents time history graphs showing the  $L_{Amax}$ ,  $L_{Aeq}$  and  $L_{A90}$  (dB) noise levels measured by Hilson Moran throughout the noise survey. Noise levels have been measured in 100 millisecond intervals, but are shown as 10 second periods for presentation purposes.

### 5.2 Observations

Observations of significant events throughout the survey are annotated on the time history graphs in Appendix B.

Throughout the survey period, the noise climate was generally dominated by activities at the NMR Ltd site, including vehicle movements (trucks and forklift truck), crane activities (moving/crushing scrap metal, as well as loading trucks with scrap metal), as well as forklift operations also (moving/crushing scrap metal, as well as loading trucks with scrap metal).

In addition to the key periods of activity noted on the time history graphs, intermittent noises were noted to emanate from the NMR Ltd site throughout the entire survey period. These included noise from occasional vehicle movements (trucks and forklift) as well as occasional “crashes” of materials being moved around site.

During periods when noise from the NMR Ltd scrap yard was not audible, the background noise level was noted to be dominated by noise from traffic movements on surrounding roads (predominantly Newmarket Road), as well as bird noise and occasional planes and trains passing by.



## 6 NOISE IMPACT ASSESSMENT CRITERIA

For noise sources of an industrial nature (such as those associated with the activities at the NMR Ltd scrap yard), it is typical to assess the noise impact in accordance with the methodology and guidance given in British Standard (BS) 4142: 1997 “*Rating Industrial Noise affecting Mixed Residential and Industrial Areas*”.

BS 4142 presents a method for assessing the likelihood of complaints due to a current or future noise source, based on a comparison of the noise levels due to the source and the existing background noise level, both of which are measured/predicted at a noise sensitive receiver e.g. a residential property.

The specific noise level due to the source is determined as an  $L_{Aeq,T}$  (the noise level due specifically to the source in question, in the absence of ambient levels) and a correction added if the source is tonal, intermittent or emits distinguishable rattles, clicks, bangs, etc. The specific noise level plus the correction gives the rating level. The rating level is then compared to the background noise level ( $L_{A90,T}$ ) and the likelihood of complaints determined in accordance with BS 4142 advice as follows:

- if the rating noise level is 10 dB greater than the background noise level, this indicates that “*complaints are likely*”
- if the rating noise level is 5 dB greater the background noise level, then this is of “*marginal significance*”
- if the rating noise level is 10 dB less than the background noise level, then this is a positive indication that “*complaints are unlikely*”.

BS 4142 advises that the reference time period, T, should be 1 hour for daytime periods (07:00 – 23:00 hours).

## 7 ANALYSIS OF MEASURED NOISE LEVELS AND RECORDED OBSERVATIONS

Appendix B presents time history graphs showing the  $L_{Amax}$ ,  $L_{Aeq}$  and  $L_{A90}$  (dB) noise levels measured by Hilson Moran throughout the noise survey.

The graphs also describe the noise sources that were noted to affect the measured noise levels.

The significant periods of activity observed and the associated measured noise levels are summarised in Table 7.1.

**Table 7.1 Summary of Significant Activities**

Time Period, T	Observations	Measured Total Noise Level $L_{Aeq, T}$ (dB)	Corrected Total Noise Level $L_{Aeq}$ (1 hour) (dB)
08:24 – 09:34	Trucks arriving and manoeuvring. Crane operating in southern yard (moving/crushing materials and loading trucks)	54	54
09:45 – 10:57	Truck manoeuvring near boundary, forklift operating and loading truck	55	54
11:26 – 12:26	Trucks manoeuvring. Crane operating in southern yard (moving/crushing materials and loading trucks). Forklift operating	54	54

The  $L_{Aeq}$  noise levels presented in Table 7.1 are the total  $L_{Aeq}$  noise levels for each measurement period, with noise from train movements excluded.

During periods of little or no activity at the NMR Ltd site the  $L_{A90}$  background noise level (excluding noise from train movements) was noted to be approximately 46dBA.

In addition to the key periods of activities described in Table 7.1, intermittent noises were noted to emanate from the NMR Ltd site throughout the entire survey period. These included noise from occasional vehicle movements (trucks and forklift) as well as occasional “crashes” of materials being moved around site.

The following sections present a BS 4142 assessment for each of the key periods of activity presented in Table 7.1.

### 7.1.1 08:24 – 09:34 hours

Activities observed at the NMR Ltd site during this period included trucks arriving and manoeuvring as well as crane operations in the southern yard (moving/crushing materials and loading trucks).

The  $L_{Aeq}$  (1 hour) measured during this period was 54 dB. As noted above, during periods of little or no activity at the NMR Ltd site the  $L_{A90}$  background noise level (excluding noise from train movements) was noted to be approximately 46 dB. The Specific Noise Level during this hour can therefore be calculated to be 53 dB.

Given the nature of the noise, i.e. containing distinct, impulses (bangs, clicks, clatters, or thumps), the BS 4142 feature correction (+5 dB) would apply, resulting in a Rating Level of 58 dB.

Using the Background Noise Level of 46dB it can be seen that the difference is + 12 dB.

According to BS 4142 guidance, this would indicate that “*complaints are likely*”.

#### 7.1.2 09:45 – 10:57 hours

Activities observed at the NMR Ltd site during this period included trucks manoeuvring as well as forklift operations (loading truck parked close to eastern boundary of NMR site).

The  $L_{Aeq}(1\text{ hour})$  measured during this period was 54 dB. As noted above during periods of little or no activity at the NMR Ltd site the  $L_{A90}$  background noise level (excluding noise from train movements) was noted to be approximately 46 dB. The Specific Noise Level during this hour can therefore be calculated to be 53 dB.

Given the nature of the noise, i.e. containing distinct, impulses (bangs, clicks, clatters, or thumps), the BS 4142 feature correction (+5 dB) would apply, resulting in a Rating Level of 58 dB.

Using the Background Noise Level of 46 dB it can be seen that the difference is + 12 dB.

According to BS 4142 guidance, this would indicate that “*complaints are likely*”.

#### 7.1.3 11:26 – 12:26 hours

Activities observed at the NMR Ltd site during this period included trucks arriving and manoeuvring, crane operations in the southern yard (moving/crushing materials and loading trucks) and forklift operations.

The  $L_{Aeq}(1\text{ hour})$  measured during this period was 54 dB. As noted above during periods of little or no activity at the NMR Ltd site the  $L_{A90}$  background noise level (excluding noise from train movements) was noted to be approximately 46 dB. The Specific Noise Level during this hour can therefore be calculated to be 53 dB.

Given the nature of the noise, i.e. containing distinct, impulses (bangs, clicks, clatters, or thumps), the BS 4142 feature correction (+5 dB) would apply, resulting in a Rating Level of 58 dB.

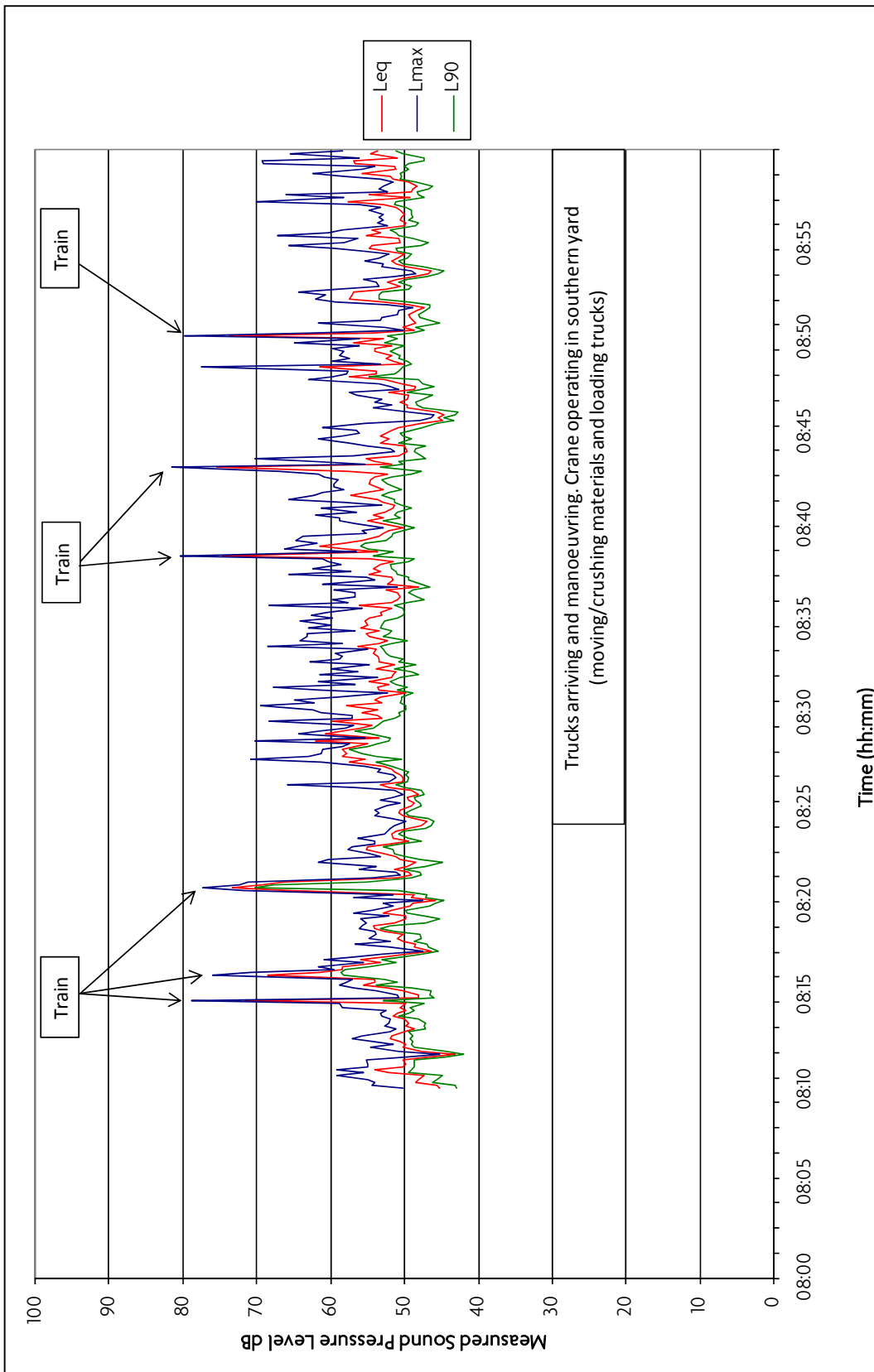
Using the Background Noise Level of 46 dB it can be seen that the difference is + 12 dB.

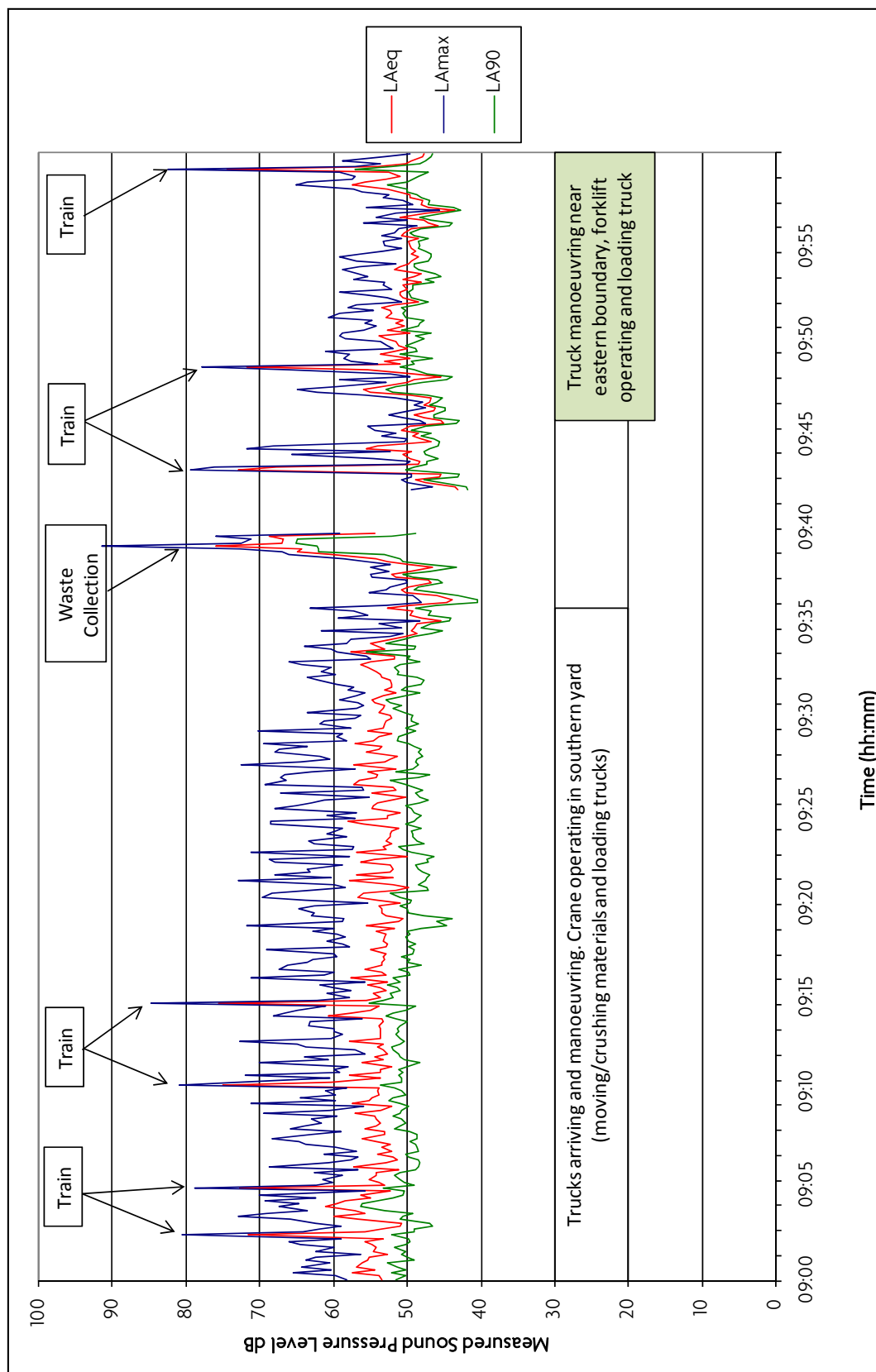
According to BS 4142 guidance, this would indicate that “*complaints are likely*”.

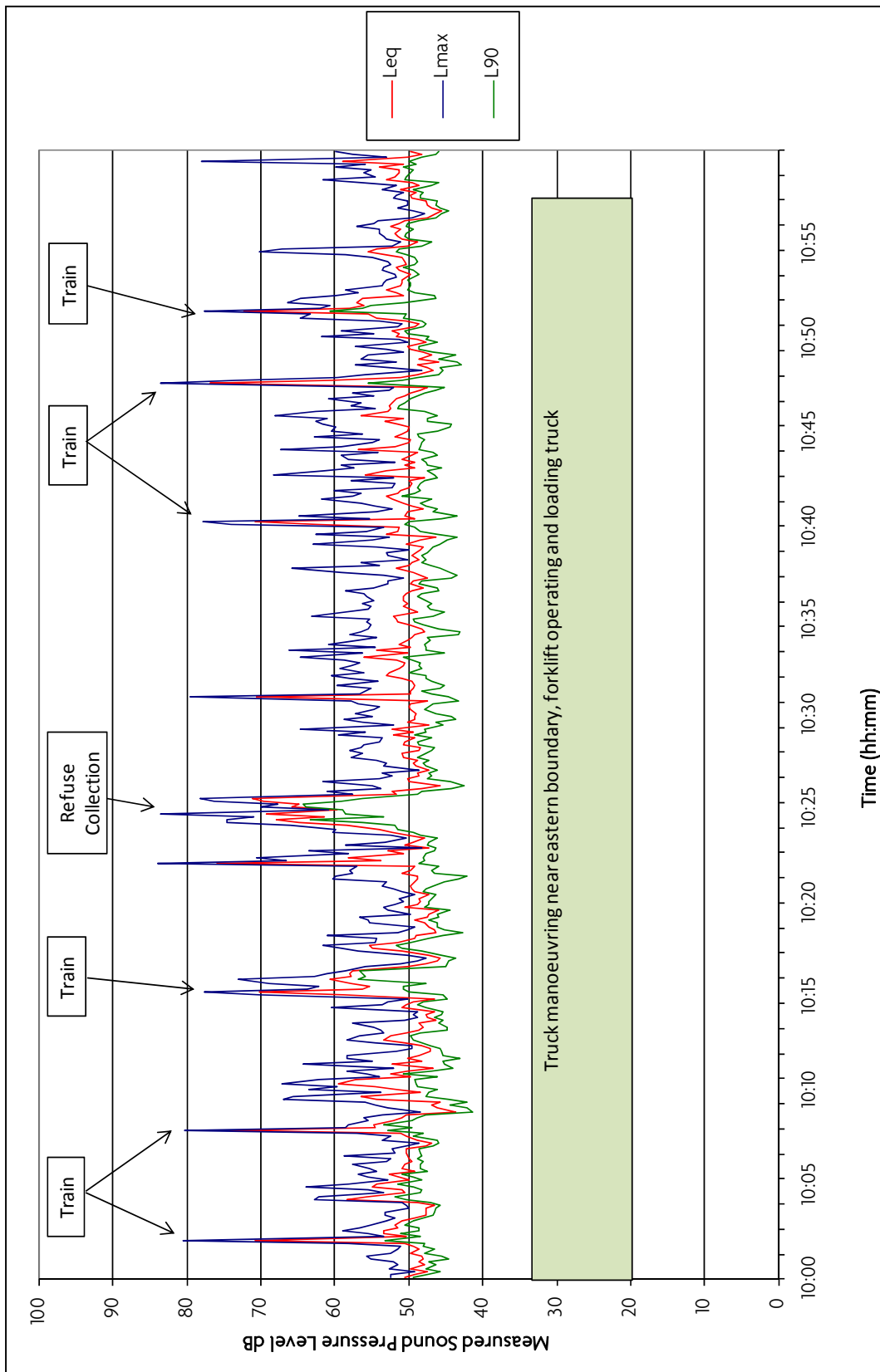
## APPENDIX A: ACOUSTIC TERMINOLOGY

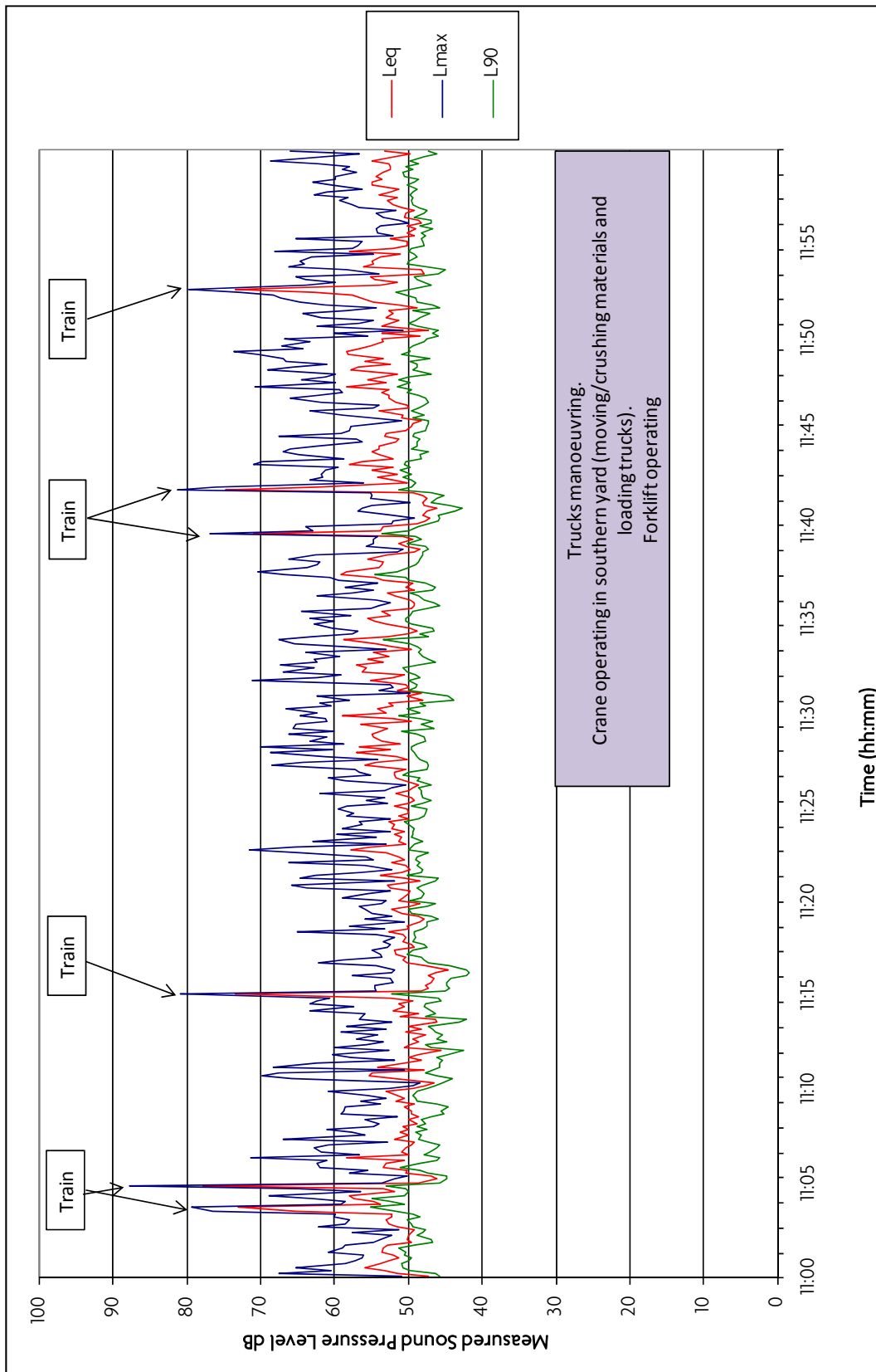
Parameter	Description
Decibel (dB)	A logarithmic scale representing the sound pressure or power level relative to the threshold of hearing ( $20 \times 10^{-6}$ Pascals).
Sound Pressure Level ( $L_p$ )	The sound pressure level is the sound pressure fluctuation caused by vibrating objects relative to the threshold of hearing.
A-weighting ( $L_A$ or dBA)	The sound level in dB with a filter applied to increase certain frequencies and decrease others to correspond with the average human response to sound.
$L_{n,T}$	The noise level exceeded for n% of the time over a given period T.  e.g. $L_{90}$ , the noise level exceeded for 90% of the time (background noise level).
$L_{Aeq,T}$	The A-weighted equivalent continuous noise level over the time period T. This is the sound level that is equivalent to the average energy of noise recorded over a given period.
$L_{Amax}$	The A-weighted maximum noise level measured during the measurement period.

**APPENDIX B: NOISE MONITORING RESULTS**

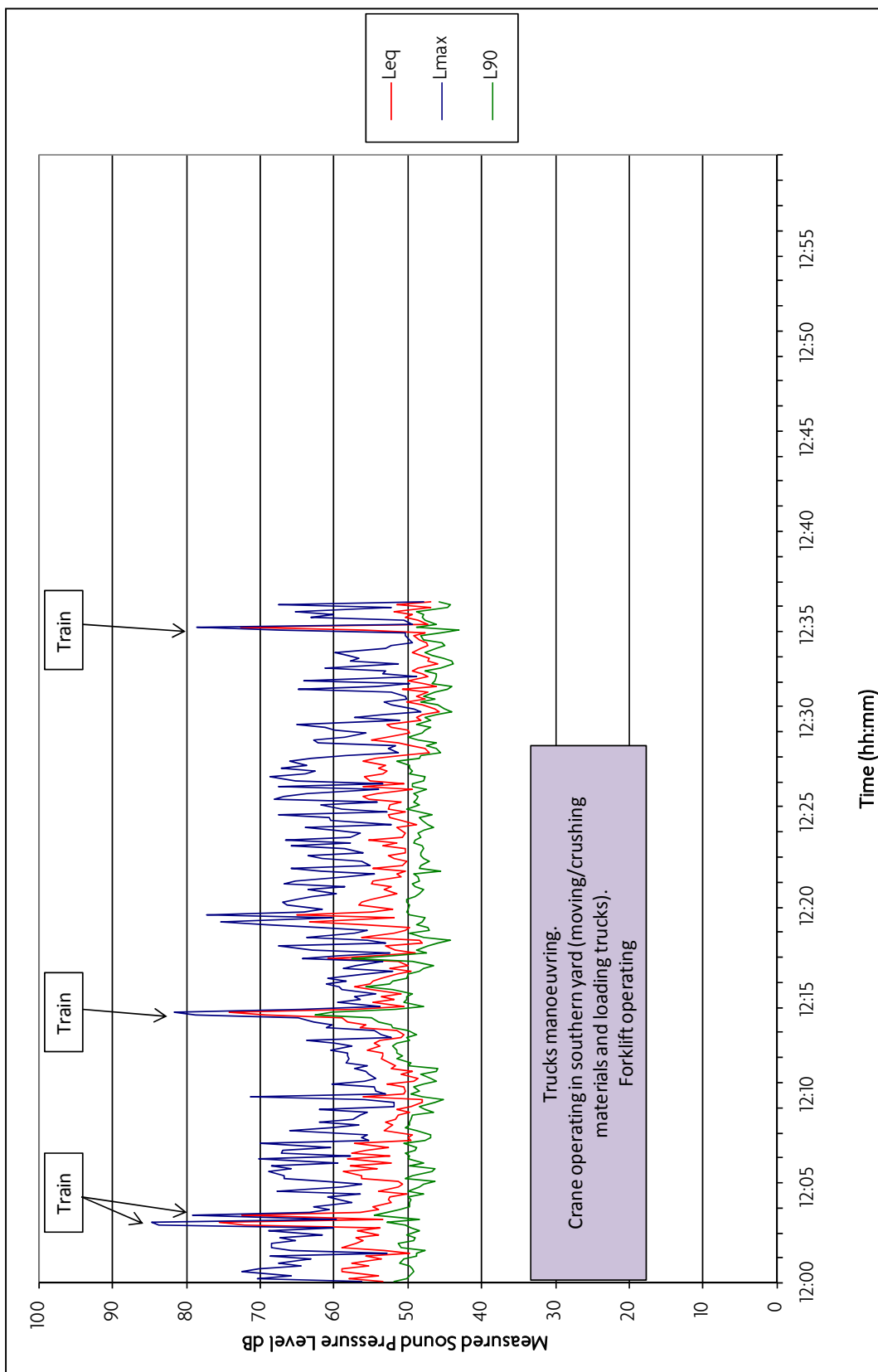












## DOCUMENT CONTROL & REFERENCES

Hilson Moran Partnership Limited, One Discovery Place, Columbus Drive, Southwood West, Farnborough, Hampshire GU14 0NZ

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### Change History

Issue 0.1	6 July 2011	Document prepared by Mark Brightwell and forwarded to Nicholas Jones for review.
Issue 0.2	7 July 2011	Document reviewed by Nicholas Jones and returned to Mark Brightwell with some minor comments and amendments.
Issue 1.0	7 July 2011	Document issued.

### Changes Forecast

None.

**Synopsis on barrier effects****Station Lodge, Barnwell Junction****Monitoring of metals handling noise****arising from NMR site****Swanns Road Cambridge****Monitoring 8 September 2010****and 4 October 2010****Mike Stigwood, MAS Environmental**Report date 11<sup>th</sup> January 2011**1.0 Purpose of this synopsis**

- 1.1 This synopsis report has been prepared following a request by Richard Buxton Solicitors, the legal representatives of residents of Barnwell Junction. It reports on the assessment of noise levels received at Station Lodge following the installation of two barriers at the NMR Ltd scrap metal site Swanns Road, Cambridge. This analysis follows nuisance proceedings in the High Court in 2010 where the installation and apparent benefit of the barriers were an important aspect of the findings of the court.

## **2.0 Discussion on noise impact**

- 2.1 Just prior to the hearing in relation to the nuisance proceedings, two barriers were erected on the NMR site which the Defendant intended would help to mitigate the noise nuisance. Joint monitoring was undertaken by Sharps Redmore and MAS Environmental to assess the resulting mitigation provided by these barriers. I expressed concern during the nuisance proceedings that any finding using the measurements at the joint monitoring in relation to the effectiveness of the barriers was preliminary. This concern arose because: (i) the post construction measurements were undertaken with full knowledge of the operators, (ii) the materials which generate worst-case noise were not handled, and (iii) the atmospheric conditions did not reflect worst-case propagation. Consequently, the joint post-barrier monitoring exercise did not allow a like-with-like comparison of noise levels before and after the installation of the barriers. The joint measurements were also conducted on a day when nearby traffic flow was high and so background noise levels were at their highest.
- 2.2 At the joint assessment, the experts had agreed a typical or average noise level emanating from the ferrous (southern yard) during crane operations was about 61dB LAeq without the barriers, for the duration of an operation / event, when measured in the south garden of Station Lodge. It was generally considered the event duration was about 40 minutes. This gave an hourly value of 59dB LAeq. Subsequent measurements on 8<sup>th</sup> September 2010 and 4<sup>th</sup> October 2010 have produced an hourly value of 56dB LAeq (1hour). This is only a 3dB improvement.
- 2.3 In my report to the court of 21<sup>st</sup> March 2010 I addressed in detail noise attenuation predictions and the limited measurements. The predictions suggested a reduction in the range of 5-7dB was probable but I identified this could be lower, especially when taking downwind effects into account as was required for comparison. The monitoring results

obtained from the three separate periods, assessed since the construction of the barriers and without any knowledge of monitoring by the operators indicate a reduction of only 3dB compared to the existing / previous screens / fences. This supports my analysis that any noise attenuation benefits may be relatively small and insufficient to render noise what was otherwise accepted to be a nuisance not to be a nuisance. The main reason the benefits are nominal are because there was existing screening at two separate points; there was reduction due to the garden fencing and also the site fencing, the joint monitoring assessment was not originally undertaken under downwind conditions and the operators were aware of the tests and handled materials which generate less noise.

- 2.4 To ensure correct comparison of results the procedures set out in BS7445 2003 need to be followed.
- 2.5 BS7445 2003 effectively provides two measurement procedures; one addresses long term values averaged over a prolonged period, typically of several months or seasons. This is not used in the UK. The second is for short-term noise measurements typically of a day or less. In this case measurements are used for comparison with the complaint prediction levels provided in BS4142 1997 which looks at short duration noise levels of an hour for daytime noise. In these circumstances, to compare with the guidance in BS4142 1997 and meet BS7445 2003, the receiver needs to be downwind of the source. Where this does not arise the levels determined need to be increased to reflect the difference. The joint test undertaken before the hearing was not under downwind conditions and thus reduction in noise was partly due to wind.
- 2.6 The data obtained from the joint monitoring procedure identified a complaint prediction level, determined using BS4142 1997 prior to the construction of the barriers of 18dB and post the barrier a reduction in

the southernmost garden of Station Lodge to a complaint prediction value of 16dB.<sup>1</sup>

2.7 In order to check the resulting noise impact arising post the decision of the court visits were undertaken on Wednesday 8<sup>th</sup> September 2010 and Monday 4<sup>th</sup> October 2010. The measurements and data analysis is set out below but the outcome of the assessment is that the resulting complaint prediction level obtained is consistently at about 16dB, which indicates an improvement of only 2dB and source noise reduction of only 3dB. This is 4dB less than identified in the judgement and a very positive indication of complaints remains.

### **3.0 Summary of findings**

3.1 Noise measurements were undertaken at Station Lodge in the garden on three occasions.

3.2 On 8<sup>th</sup> September 2010 measurements were made between 9.25-10:00 hours. On 4<sup>th</sup> October 2010 measurements were between 09:54-11:00 hours and again between 11:54-12:45 hours. On 8<sup>th</sup> September and the first occasion on 4<sup>th</sup> October scrap metals were being handled by the crane in the area marked in blue below. This is the area screened by the shipping containers. The corresponding noise monitoring location is marked by the blue square and is representative of the noise levels in the main garden and the position used for joint monitoring undertaken by Sharps Redmore and MAS Environmental for the nuisance proceedings. These measurements are therefore directly comparable.

3.3 The second measurement period on 4<sup>th</sup> October 2010 recorded scrap metals being handled by the crane in the area marked in red below. The corresponding noise monitoring location is marked by the red

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<sup>1</sup> This is only a 2dB reduction compared to a 3dB reduction in source noise. This arises as background noise varies and complaint prediction depends on which background noise value is used.

square and is representative of noise levels at the kitchen patio of Station Lodge. It should be noted that as the barrier for this area is open to its southern end then noise levels are likely to be higher in the southern garden of Station Lodge than at this location. The complaint prediction analysis is therefore conservative.



- 3.4 Although there was no rainfall during the monitoring periods there had been heavy rainfall in the night prior to 4th October 2010. The roads were still wet and traffic noise is expected to be higher than under dry conditions<sup>2</sup>.
- 3.5 On 8<sup>th</sup> September 2010 the wind was northerly. On 4<sup>th</sup> October 2010 it was south-westerly but not strong (less than 5m/s) during both assessments. Thus, the September values will be higher under downwind conditions. The downwind criterion for October are met.

<sup>2</sup> Tyre noise interaction with a wet road leads to increased noise emission.

3.6 The noise from the scrap yard dominated the noise environment on all occasions, when the scrap yard noise did cease briefly, road traffic noise was the main contributor to the ambient noise environment. There was some noise from the occasional plane and wildlife noise from birds although there was no significant contribution from these sources to the average noise level (LAeq). Trains passing by were infrequent but did significantly impact the LAeq; as a result all train-affected noise has been removed from calculations along with the road traffic noise.

3.7 **Noise monitoring 9.25-10:00, 8<sup>th</sup> September 2010.** The noise was operating some time before I started recording. The event continued in excess of 50 minutes. The background noise level was obtained after crane operations ceased at 45dB LA90.

Total noise from all sources	60.1dB(A)
Specific noise level LAeq(60min) – excl trains and ambient	56dB(A)
Acoustic feature correction:	5dB
Rating level (57 +5):	61dB(A)
Background level LA90 (23min)	45dB(A)
Excess of rating level over background level:	<b>16dB</b>

3.8 Adjustment for wind direction would increase the source noise and background noise levels. The increased source should be higher than any increased background noise as the latter is a result of noise from a wider range of directions. Assessment indicates complaints are likely and resulting noise impact is significantly higher than identified in the court proceedings.

3.9 **Noise monitoring 09:54-11:00 4<sup>th</sup> October 2010.** An hourly LAeq was calculated for the period 09:53 - 10:53. Background noise levels were also determined for this hourly period but are not considered truly representative due to the impact on noise levels from the whine of the crane whilst operating. Background noise levels were therefore



determined from shorter periods, during the hour measurement period, when the crane was not operating.

Total noise from all sources	58.4dB(A)
Specific noise level LAeq(60min) excl trains & ambient	56dB(A)
Acoustic feature correction:	5dB
Rating level (56 +5):	61dB(A)
Background level LA90 (23min)	45dB(A)
Excess of rating level over background level:	<b>16dB</b>

3.10 Assessment indicates complaints are likely and the level is only 2dB lower than the original complaint prediction value of 18dB relied upon by the experts. This is a minor reduction in noise and indicates excessive noise impact continues greater than identified in the court proceedings. The reduction is consistently less than indicated to the court from the joint monitoring of March 2010.

3.11 **Noise monitoring 11:54-12:45.** Activity was noted by the residents as having been present for at least 10 minutes before the commencement of the measurement period. An hourly average noise level (LAeq) was calculated using data for the 50 minutes measured and taking a 10 minute average (LAeq) estimated using the 10 minute period from the beginning of the measurements. Background noise levels were also determined for this hour but are not considered truly representative due to the impact on noise levels from the whine of the crane whilst operating and the scrap handling. As a consequence background noise levels were taken for a period during the measurements when the crane was not operating and handling / site noise had subsided to some extent.

Total noise from all sources	60dB(A)
Specific noise level LAeq(60min):	57dB(A)
Acoustic feature correction:	5dB
Rating level (57+5):	62dB(A)

Background level LA90 (10min)	46dB(A)
Excess of rating level over background level:	<b>16dB</b>

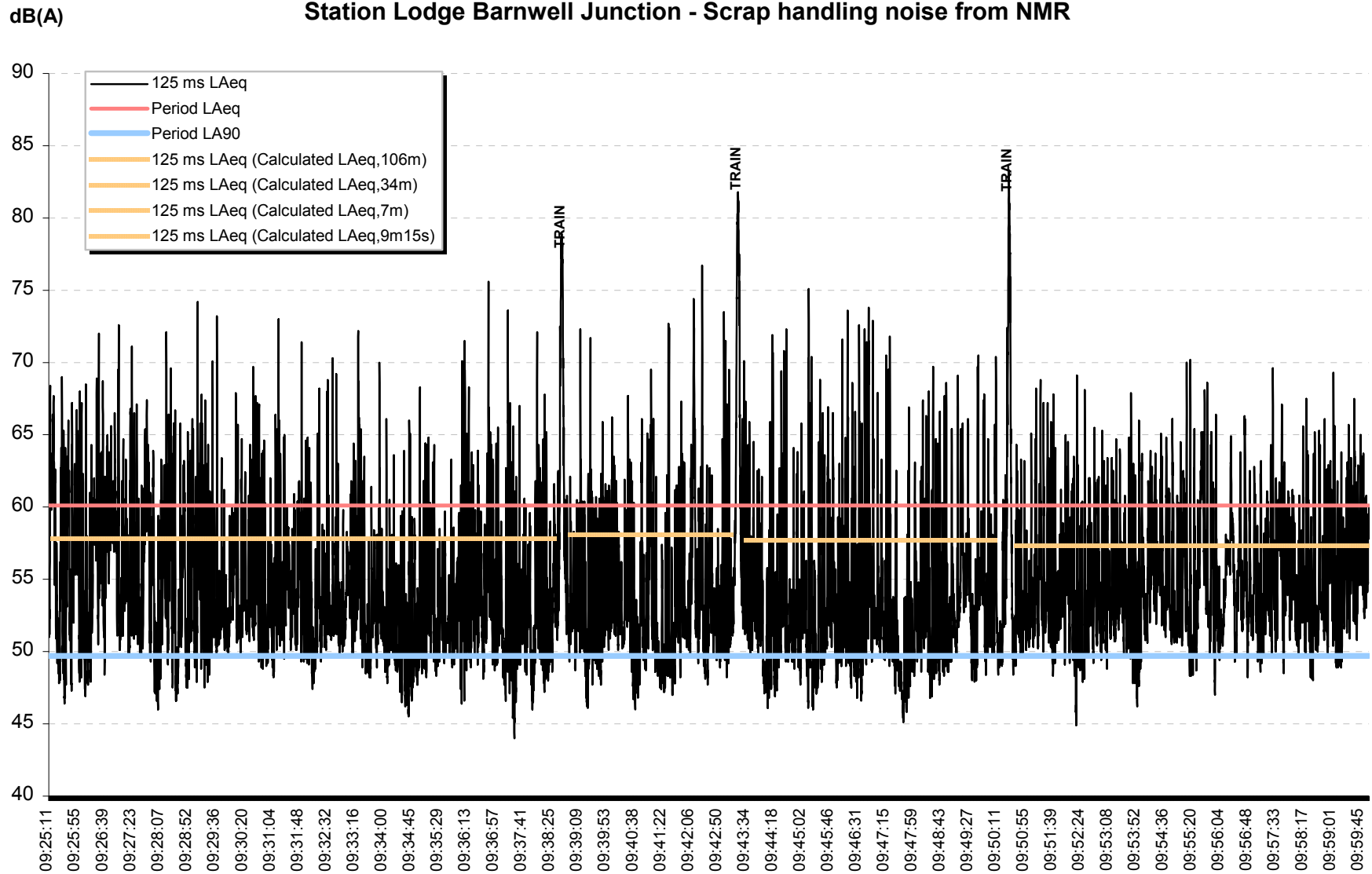
- 3.12 These results are consistent and in agreement with the findings on each occasion monitoring has taken place post the decision. The benefit of the barriers over the previous screening features is identified as about 3dB and provides only minor and insignificant improvements over the situation found to constitute a nuisance. The greater reductions believed to have occurred from the installation of the barriers have not materialised in practice. The barriers need to be increased substantially in height to achieve any expected reductions. Further, the large gaps in the barriers in the central area would need to be infilled if the alleged reductions previously indicated are to be achieved.
- 3.13 The complaint prediction values of 16dB should be compared to the criterion usually applied by local planning authorities or the Environment Agency which look for values of 3-5dB to avoid the likelihood of excessive harm to amenity. There is substantial disparity.

#### **4.0 Conclusions**

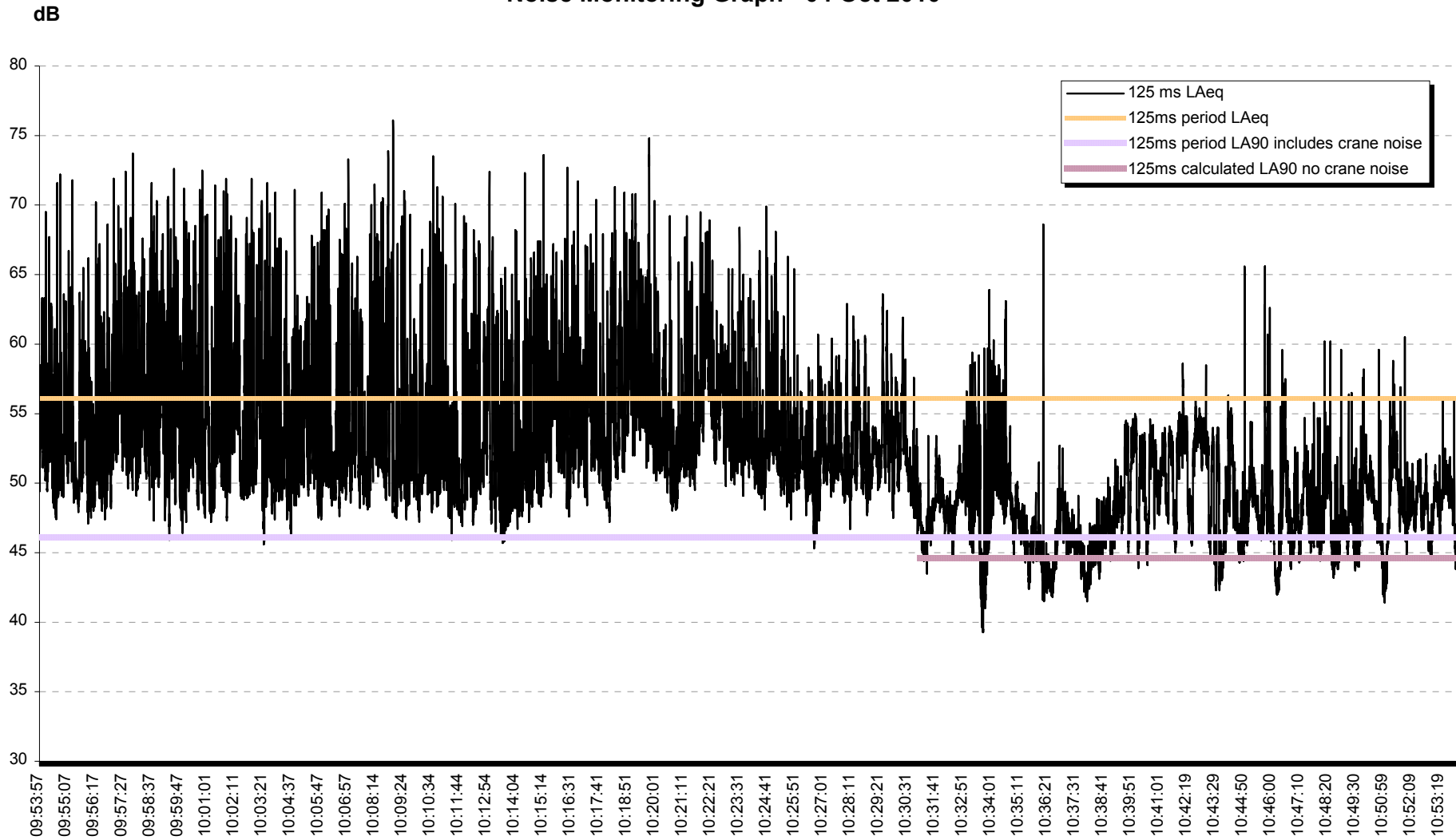
- 4.1 The measurement evidence obtained since the installation of the barriers and without prior knowledge of the operators is consistent.
- 4.2 The barriers have provided minimal improvement in noise levels, and far less than predicted. This possible outcome was identified in the nuisance proceedings.
- 4.3 The lower attenuation of noise arises as there was previously attenuation due to solid fencing and test conditions did not reflect typical operations / conditions.

- 4.4 Substantial increases in barrier height are required over those currently provided to attempt to achieve the resultant levels perceived to have occurred in the court proceedings.
- 4.5 The post proceedings assessment indicates noise complaints are likely and the complaint prediction values are substantially in excess of the normal criterion of acceptability applied under the Town and Country Planning Acts.
- 4.6 In my opinion, the level of noise experienced at Station Lodge continues to be unacceptable. If it is experienced for the periods and duration permitted further to the Defendant's undertaking to the Court (i.e. for periods of up to 2.5 hours in any one day and for up to 10 hours in any week), which is not untypical according to the Defendant's evidence before the court, then this constitutes significant interference with the Claimants' use and enjoyment of their home.

**Noise Monitoring Graph - 08 Sep 2010**  
**Station Lodge Barnwell Junction - Scrap handling noise from NMR**



### Noise Monitoring Graph - 04 Oct 2010



### Noise Monitoring Graph - 04 Oct 2010

