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Proposal:	Application under Section 73 for removal of condition 14 of planning permission TM/96/00238/FL (seven industrial units) to allow the 24 hour movement of heavy goods vehicles
Location:	Priory Park Ditton Court Quarry Mills Road Quarry Wood Aylesford Kent
Applicant:	Indigo

1. Description:

- 1.1 Members will recall that this application was originally reported to APC3 on 26 May 2005 where the item was deferred for Part 2 Solicitor's Report as Members were minded to refuse on grounds of detrimental impact on the residential amenity of neighbouring properties. A copy of my earlier report is annexed to this report (Annex 1). The situation has changed since last reported as the applicants have completely revised their approach to the noise impact from HGV's.
- 1.2 The applicants have since revised the application to seek a replacement condition setting an HGV noise limit in line with World Health Organisation (WHO) guidelines on the site rather than just the removal of the HGV movement condition.
- 1.3 The applicant states that the WHO set limits on external night time noise levels to minimise sleep disturbance within bedrooms. The WHO guidelines define external guideline night-time noise limits as $L_{Aeq,T}$ 45dB for steady, continuous noise and $L_{Amax, FAST}$ 60dB for individual noisy events, to minimise sleep disturbance within bedrooms. It also states that noise levels inside bedrooms should not exceed L_{Aeq} 30dB and L_{Amax} 45dB.
- 1.4 On the basis of the WHO guideline noise levels it is now proposed to replace the current condition with one that sets a noise level quieter than the WHO guidelines. The wording of such a condition would be:
 - *The level of noise emitted from Heavy Goods Vehicles on the service roads and manoeuvring in the service yards shall not exceed $L_{Aeq, 1hour}$ 41dB or $L_{AmaxFAST}$ 58dB between 22:00 and 06:00 as a façade level at the residential properties, based on measurements at the specific monitoring points shown on the plans received 08.08.05.*

Reason: In the interests of residential amenity.

This would result in internal noise levels being approximately L_{Aeq} 25-30 dB and L_{Amax} 40-45dB, which are quieter than those of the WHO guidelines and equate to a better than "Good" standard under BS8233:1999 'Sound insulation and noise reduction for buildings – Code of practice'.

2. Planning History:

- 2.1 In addition to the planning history listed on the original report there has been an additional application on the site of relevance.
- 2.2 TM/91/0201/FL Application withdrawn prior to completion of legal agreement. Distribution depot plus light industrial units

3. Consultees:

- 3.1 Ditton PC: Strongly object for the same reasons previously stated that to allow 24 hour movement of heavy goods vehicles would be detrimental to local residents. The businesses were aware of the restrictions when they occupied this site and therefore this Council does not agree with changing the restrictions. Monitoring points position noted.
- 3.2 Aylesford PC: Strong objection. Whilst Aylesford Parish Council recognises the proposed measures are designed to reduce noise levels, condition 14 was put in place to protect residents from any noise at night.
- 3.3 KCC (Highways): No objections.
- 3.4 DHH: The objective in this case is to secure an appropriate night-time noise climate at the houses adjoining the Priory Park Industrial Estate. The existing condition (14) seeks to protect residential amenity by a numerical limit on the number of HGV movements at night (22.00 – 06.00). The condition now proposed takes the approach of directly controlling the level of noise from HGVs at the site and is thus more closely related to the objective.

The noise to which this condition applies shall include:

- Noise from HGVs travelling along the roads within Priory Park and manoeuvring within the service yards. At speeds below about 40 mph engine noise exceeds that generated by the interaction between tyres and the road surface.
- Noise from ancillary equipment on HGV's/trailers e.g. refrigeration plant.
- HGV reversing alarms.
- HGV cab radios.
- HGV doors opening and closing.

The proposed condition limits the noise from HGVs at the façade of dwellings to 41 dB LA_{eq 1 hour} or 58 dB LA_{max fast}. These limits need to be considered in the context of the relevant guidance [the World Health Organisation Guidelines for

Community Noise (1999)] which says that in order to avoid sleep disturbance the noise level “*at the outside facades of living spaces should not exceed 45 dB LA_{eq} and 60 dB LA_{max fast}, so that people may sleep with bedroom windows open*”.

The proposed limits on noise from HGVs at the site are within the WHO guidelines and should secure an appropriate level of residential amenity.

3.5 Private Reps: 132/0X/1R/0S: 2 letters of objection received commenting on the following grounds:

- Current noise levels need to be determined.
- No petrol driven forklifts or reversing alarms should be allowed on site overnight and vehicle radios switched off overnight.
- Noise restrictions should not be self-regulated.
- Noise levels do not account for the rise in noise from fixed plant installed at Kent Frozen Foods.
- WHO noise guidelines are for moving vehicles, manoeuvring vehicles are noisier.
- Noise measurements should be taken at first floor levels as noise disruption is at its greatest in the bedroom.
- Numbers of vehicles should be limited as well as noise, even 150 is unreasonable as this is one every three minutes.
- Acoustic screen should be put in place prior to permission becoming active.

4. Determining Issues:

4.1 Following the report of this application to the May APC3 the applicants have revised the proposal to propose limits on HGV noise in line with WHO guidelines in place of the existing condition limiting HGV movements. The principal consideration with this application is therefore whether the proposed noise limit would protect the residential amenity of the surrounding residential properties.

4.2 There are existing conditions on the site controlling or limiting:-

- noise levels of fixed plant and machinery;
- operating tannoy on the site and;
- requiring that only electric fork lift trucks may be used.

The proposed HGV noise limit would apply to vehicles travelling on the service road and also manoeuvring within the site.

- 4.3 The site itself has planning permission for unrestricted 24-hour operation. By imposing a condition that specifies noise levels at receptor sites (the dwellings to be protected) this would ensure that the impact was such that no mitigation measures would be required. As the rest of the site is built out the buildings will act as a physical barrier for the houses behind, thus reducing the impact of the estate as a whole.
- 4.4 Although this proposal would not include any control of the actual number of HGVs, the imposition of a noise limit would ensure that there would be no additional impact on residential amenity and indeed would ensure the WHO standards are met in an enforceable fashion. As the limit on HGV vehicle movements was imposed to protect residential amenity it is considered that the replacement condition would continue to ensure that there is no greater impact on amenity.
- 4.5 A further condition is required for the provision, approval and implementation of a method statement that would set out how the noise levels set will be monitored to ensure compliance. A draft of this method statement has been provided by the applicant. This statement provides details of the position and height of the monitoring points. These points have been selected to be close to the surrounding residential properties and to also be at a height that would enable noise levels to be calculated at bedroom level.
- 4.6 The proposal is therefore considered to be acceptable.

5. Recommendation:

5.1 Grant Planning Permission, subject to the following conditions:

- 1 The level of noise emitted from Heavy Goods Vehicles on the service roads and manoeuvring in the service yards shall not exceed $L_{Aeq, 1hour}$ 41dB or $L_{AMaxFAST}$ 58dB between 22:00 and 06:00 as a façade level at the residential properties, based on measurements at the specific monitoring points shown on the plans received 08.08.05

Reason: In the interests of residential amenity.

- 2 Prior to the implementation of this permission a Method Statement indicating the methodology for measurement and calculation the noise levels set in condition 1 shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of condition 14 on planning permission TM/96/00238/FL

Reason: In the interests of residential amenity.

- 3 All conditions imposed on planning permission TM/96/00238/FL, other than condition 14, are also imposed on this permission, in so far as they are still subsisting and capable of taking effect.

Reason: For the reasons originally cited.

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