

# Planning Committee – Supplementary agenda

**A meeting of the Planning Committee will be held on:**

**Date:** 29 August 2018

**Time:** 6.30pm

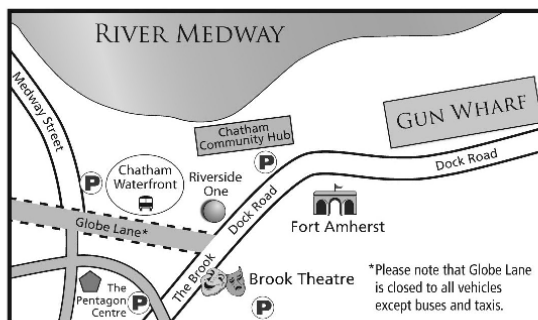
**Venue:** Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

## Items

- 15 Additional Information - Supplementary agenda advice sheet (Pages 3 - 22)

For further information please contact Ellen Wright, Democratic Services Officer on Telephone: 01634 332012 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

**Date: 29 August 2018**



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Medway Council

**PLANNING COMMITTEE – 29 August 2018**

**Supplementary Agenda Advice**

**Page 8      Minute 228      21-23 New Road, Chatham, ME4 4QJ**

Condition 4 does include air quality for lower ground and ground floor.

**Page 68      Minute 231      Builders Yard at 7 Napier Road,  
Gillingham, ME7 4HB**

**The following reasons for refusal were agreed with the Chairman and Opposition Spokes**

- 1      The proposal would result in a cramped form of development which would fail to contribute to the character and appearance of the area and as such would be contrary to Policy BNE1 of the Medway Local Plan 2003 and Paragraph 127 of the National Planning Policy Framework 2018.
  
- 2      The proposal, as submitted, fails to provide an adequate level of secure private amenity space to serve the occupiers of the proposed development and as such would be contrary to Policy BNE2 of the Medway Local Plan 2003 and Paragraph 127 of the National Planning Policy Framework 2018.
  
- 3      The proposal fails to provide adequate parking to serve the occupiers of the proposed flats, thereby increasing competition for limited on street parking and indicating overdevelopment of the site. As such the proposal would be contrary to the provisions of Policies BNE1, BNE2 and T13 of the Medway Local Plan 2003 and Paragraphs 105 and 127 of the National Planning Policy Framework 2018.

**Page 26      MC/17/2324      Chattenden Lane, Chattenden, ME3 8LJ**

**Recommendation**

**Amend** to read as follows:

If the Council had been in a position to determine the application, it would have refused it for the following grounds.

**Delete** words 'and SPA from reason for refusal 5

**Add** reason for refusal as follows:

- 8 The current outline proposal fails to sufficiently demonstrate that surface water flood risk would be adequately managed for the lifetime of the development. This is contrary to Paragraph 163 of the National Planning Policy Framework 2018.

## **Representations**

### **Add representation**

The **RSPB** have commented on the proposed development and have stated that the scheme has the potential to impact negatively upon designated features of the SSSI as a result of urbanising effects, in particular predation of nightingales by cats entering the SSSI from the new dwellings.

The information provided in support of the application does not adequately address this issue. Although cat predation is considered in the supporting Environmental Statement at paragraphs 10.5.12 – 10.5.13, which state that information leaflets will be produced and distributed to all new households within the development, and that a "dense thicket" will be created along the northern and western boundaries to form a barrier to cats, no evidence is provided to demonstrate that such measures would be effective.

In addition the Environmental Statement does not provide quantitative information on the predicted increase in the local cat population, the likely distances that cats will roam from the new dwellings as well as important information such as the dimensions, structure and species composition of the "dense thicket", evidence of the effectiveness of such a thicket as a barrier to cat movements, or details of the monitoring that will be put in place to determine its effectiveness and what additional measures will be taken should it prove not to be so.

In the absence of such information and assessment the RSPB objects to the application as currently framed.

## **Appraisal**

**Delete and Replace** Flood Risk Section with the following:

*Based on submission of FRA Ref 6073/R2 March 2017 (Lees Roxburgh Limited)*

A simplistic sustainable drainage (SuDs) solution is proposed, comprising a piped surface water system, discharging to attenuation ponds with restricted flow via a hydrobrake into the nearby ditch network at the A228 boundary.

Section 5.2.3.3 states that 'allowance will be made in the design for a restricted flow from the school area which will incorporate separate onsite attenuation in a form to be agreed at the appropriate time'. And further at

Section 6 'Flows from the school development will be separately attenuated with a restricted flow to be agreed into the main system'.

However the separate onsite attenuation will still need to be considered as part of the site wide drainage strategy at this outline stage which is the appropriate time to address the drainage needs of the school and further the contributing flows need to be established now to assist further design.

In consideration of the nature and scale of the proposals, any SuDs design should be based on the principles of the SuDs Management Train, in order to manage the flow and quality of runoff in stages, and provide a means of combining other planning objectives relating to urban design, landscaping, biodiversity, amenity and water quality into the design of the scheme. This is not evident in this proposal.

The FRA notes that due to the underlying geology, infiltration would not be possible at the site and proposes an 'end of pipe' solution comprising attenuation ponds which attenuate flows to the appropriate Greenfield runoff rates. However the FRA has not factored in Long Term Storage to account for the increase in runoff volumes.

Industry guidance advises against end of pipe solutions as these systems tend to receive faster runoff flows and therefore higher levels of pollution. Incorporating a management train approach would achieve a more holistic system. This would involve splitting the site into sub catchments, establishing constraints and the development needs of sub catchments (in the context of for example, landscape and open space requirements) and integrating a SuDs scheme that complements those needs. The school site would also need to be considered as part of this.

At a detailed level, this may entail the inclusion of permeable paving, filter strips and swales, each providing a means of conveyance, storage, and attenuation, as well as a means of improving the water quality of eventual discharge. There is no evidence of this approach within the FRA. These measures are imperative to achieve a good SuDs design as well as offering a means of added value to the development.

We would also recommend the use of rainwater harvesting, grey water recycling and water butts where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies.

#### Technical Review

Drawing 01-01 proposes two ponds; one at Site A and another at Site B. The FRA states that flows will be controlled to the appropriate Greenfield runoff rate thereby satisfying Standard S2 of the non statutory Technical Standards for SuDs (Defra). However, the FRA should also demonstrate how Standard S4 (relating to runoff volumes) can also be satisfied. This states that for Greenfield development, the runoff volume for the 1 in 100 year, 6 hour rainfall event should never exceed the Greenfield runoff volume for the same event, and should be dealt with on site via infiltration.

Where infiltration is not possible, as is the case at this site, this volume of Long Term Storage needs to be specifically designed for and discharged at a maximum rate of 2l/s/ha. If this option of direct runoff of the LTS is utilised, the runoff from the attenuation storage to meet the greenfield rate of discharge (based on the critical duration event – which is likely to be significantly longer than the 6 hour event, needs to be reduced by 2l/s/ha.

An alternative approach to managing the extra runoff volumes from extreme events separately from the main drainage system is to release all runoff (above the 1 year event) from the site at a maximum rate of 2l/s/ha or QBAR, whichever is the highest value. For Sites A and B this would be a combined value of 49.3l/s (QBAR). Again, these figures are likely to change when the school site is included within the FRA.

Understanding of this at an outline stage is required to provide an indication of the volumetric requirements of attenuation system, which will inform housing densities/site layout.

Further information regarding SuDs Masterplanning is on the Medway Council's website.

The eventual discharge from the development will outfall into ditch, which flows under the Peninsular Way A228. This ditch system then goes under the Ratcliffe Highway into the ditch system which leads to the Hoo Stream.

The design of the receiving system (i.e. the Ratcliffe Highway pond area) will need to be assessed to establish the suitability of discharging into it with respect to timing of flows and discharge into the eventual Hoo Stream. For example, it would need to be demonstrated that if a 1 in 100 year + 40% event occurs that the release into the Ratcliffe Highway attenuation area will not increase flood risk and consider how flows and volumes will be managed if discharge into continuous drainage network via this route is not possible. It is recommended that the consultants liaise with the Council's Highways Department for further design details relating to the existing attenuation pond.

It is therefore concluded that whilst the application is at Outline stage, the matters outlined above are imperative to demonstrate that a feasible scheme can be designed which appropriately manages surface water to ensure no increase of flooding on or off the site.

In order to remove the objection, some further work needs to be undertaken which explores the following in more detail;

- Consideration of other planning objectives and how these may be met through SuDs design – for example, landscaping, open space, urban design, amenity, biodiversity.
- Consideration of the likely attenuation needs of the school and inclusion of that into the FRA.
- Establish high level volumetric requirements based on current impermeable estimates to give an attenuation of site wide attenuation requirements.

- Address the phased approach to development in relation to surface water design – each drainage sub catchment should be completed prior to occupancy.
- Assessment of the suitability of the existing continuous drainage system.

Page 58      MC/18/0705      Land at Brickfields Darland Farm, Pear Tree Lane, Hempstead

**Recommendation**

Amend re-number condition 20 to be condition 2

**Representations**

One further letter has been received objecting on the following grounds:

- Loss of picturesque landscape and home to diverse species;
- Area attracts visitors;
- Disturbance to local homeowners and businesses;
- Increase noise and visual pollution.

**Planning Appraisal**

**Delete and Replace** Occupier Amenity Section on P.69 as follows:

In terms of occupier amenity, the proposal falls to be assessed against the DCLG’s Nationally Described Space Standard which specifies a minimum Gross Internal Floor Area (GIA) of 115 sq. m. for a 4 bedroom/7 person/2 storey dwelling and 128 sq. m. for a 5 bedroom/8 person/2 storey dwelling. The minimum size for bedrooms is 11.5 sq. m. for a double or twin bedroom and 7.5 sq. m. for a single bedroom.

The GIA for each of the dwelling types is as follows:

House type	DGLG standard	GIA	Bedroom 1	Bedroom 2	Bedroom 3	Bedroom 4	Bedroom 5
PT2	115 sq. m.	141 sq. m.	14.5 sq. m. (double)	13 sq. m. (double)	11.5 sq. m. (double)	7.5 sq. m. (single)	/
PT3	128 sq. m	167 sq. m.	14 sq. m. (double)	11.5 sq. m. (double)	11.5 sq. m. (double)	12 sq. m. (double)	8.75 sq. m. (single)
PT4	128 sq. m.	217 sq. m.	20 sq. m. (double)	18.4 sq. m. (double)	11.8 sq. m. (double)	11.8 sq. m. (double)	9 sq. m. (single)
PT5	128 sq. m.	203 sq. m.	17.5 sq. m. (double)	12.7 sq. m. (double)	12.4 sq. m. (double)	14 sq. m. (double)	9.2 sq. m. (single)
PT6	128 sq. m	172 sq. m.	12.5 sq. m. (double)	11.5 sq. m. (double)	12 sq. m. (double)	12.7 sq. m. (double)	7.7 sq. m. (single)

PT7	128 sq. m.	170 sq. m.	16.2 sq. m. (double)	11.5 sq. m. (double)	11.5 sq. m. (double)	11.6 sq. m. (double)	7.5 sq. m. (single)
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The proposal would, therefore, comply with the Nationally Described Space Standard. Due to the layout and the low density of the proposed development, adequate private garden space would be provided for each of the proposed houses. No objection is, there raised in terms of occupier amenity under Policy BNE2 of the Local Plan and Paragraph 127 of the NPPF 2018.

Page 74 MC/18/0175

Land East of Formby Road (Adjacent and Rear of 1-12 Formby Terrace, Halling

### Recommendation

Add new condition 17 as follows:

17. No development above ground floor slab level on either residential block proposed shall take place until details of measures to mitigate industrial traffic and other road traffic noise have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include acoustically treated ventilation to meet the required internal noise limits without the need to open windows for ventilation and cooking. The assessment to demonstrate compliance must take into consideration the impact of operations and uses taking place and permitted within the adjacent CEMEX site. The approved mitigation measures must be installed prior to first occupation and shall thereafter be retained.

### Representation

As per the last report a copy of CEMEX objection and noise report is appended to this supplementary agenda.

### Conclusions

As per page 86 of the report, the application was deferred from the Committee on 4 July to get additional information on the following areas:

- Street scene information that clearly shows the relationship of the proposed dwellings to the existing Formby Terrace, particularly in relation to height
- More information on how noise from the heavy vehicles using the CEMEX road can be mitigated to ensure a satisfactory internal amenity for residents of the proposed two properties adjacent to the access



- Confirmation that the EA comments regarding flood have been satisfactorily addressed

Street Scene – detailed CGI's and plans have been produced and will be presented to Committee

Noise mitigation –

The agents have responded as follows:

"The road to the remaining parts of the CEMEX works does indeed involve a number of vehicle movements.

These have been fully accounted for in that the noise monitoring position for the survey was located on the site frontage as shown in paragraph 3.3 of the report by MRL acoustics.

This location was chosen on the basis that this would be likely most affected part of the development.

The report demonstrates that with suitable acoustic double glazing with acoustically treated mechanical vents the internal noise environment would meet the relevant standards.

As to the external noise environment, a combination of the screening of the dwellings themselves, and good quality 1.8m acoustic fencing would again ensure the proposal met the appropriate standards as set out in BS 8233."

Notwithstanding this CEMEX are still concerned and their own noise consultants recommend (if the application is to be approved) an additional condition reflecting comments in the applicants own noise report.

Reflecting this an additional condition 17, as set out above is recommended to protect prospective residents amenity.

Environment Agency – as per page 86 of the report, the EA have no objection provided there is no living accommodation on the ground floor. The only accommodation on the ground floor relates to kitchen, utility, wc and store and this does not constitute living (habitable) accommodation in planning terms and on this basis the EA has no objection.

**Page 98      MC/18/1782      311 Station Road, Rainham, Gillingham**

### **Recommendation**

#### **Add Condition**

15. Prior to the occupation of dwellings 5, 6, 7 and 8 as identified on approved drawing number 003 rev C details of privacy screens for

the sides of the balconies of these dwellings shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall thereafter be implemented in accordance with the approved details prior to the occupation of dwellings 5, 6, 7 and 8 and shall thereafter be retained.

Reason: To ensure protection of privacy for existing and future occupiers in accordance with Policy BNE2 of the Medway Local Plan 2003.

**Development Plan**

**Replace 2012 with 2018 in relation to the NPPF.**

**Application Number: MC/18/0175**  
**Holding Objection**

Dear Mr Harouni,

We write on behalf of our client CEMEX to raise a holding objection to the proposed development of construction of 10no. dwelling houses with associated parking, access, infrastructure and landscaping works on Land East of Formby Road (Adjacent and Rear Of 1-12 Formby Terrace), Halling, Rochester, Kent.

CEMEX would like to submit a holding objection whilst the company undertake noise assessments to understand operational impacts for their existing operations on land directly to the north east of the proposed site. CEMEX have significant concerns that the siting of new residential dwellings on the access road to their existing pre-stressed concrete flooring beams factory will undermine the ability of the company to continue to operate from this location as well as limiting the future potential of the wider designated employment location. It is imperative that prior to any decision being made on this site that the Company have the opportunity to assess the noise impact.

In the interim we also wish to make the following comments and policy objections to these proposals.

#### **Impact on the Employment Zone**

The proposed development is within an area allocated as an employment zone, part of the wider ED 1 employment zone, marked on the inset proposals map of Rochester, Strood, Cuxton and Halling, as part of the Adopted Local Plan, 2003. The proposed site is also considered under site reference 21, as part of the Employment Lands Needs Assessment (ELNA), produced in December 2015, as part of the North Kent Strategic Housing and Economic Needs Assessment (SHENA) for Gravesham Borough Council and Medway Council. The Formby Road site (site Ref 21) comprises an area of 28.7 Ha.

As referenced in the paragraph 5.2.4. of the Planning, Design and Access statement, the ELNA earmarked Formby Road as a site of existing employment land, with B2 (general industrial) being identified as the dominant use class. However, not mentioned is the fact that the ELNA advised retaining and encouraging use intensification at site 21, Formby Road, and recommended protecting and enhancing the employment site (page 56, ELNA). The site was also allocated for employment use as part of the hybrid application for the St Andrews Park development (ref 12/1791).

The proposed development made no attempt to market the site for employment use; or prove that the site showed no potential for opportunities of employment. The site is located in close proximity to a large busy industrial site, and is part of a wider employment zone. Therefore, the proposed development is inappropriate.

We note the tangent application (ref MC/18/0121) for construction of a street works facility with workshop, office and store area as well as additional B1 and B8 start-up business units,

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associated access, parking and landscaping on the land to the east of the A228 Formby Road. This application is a more fitting application due to the site location within an employment zone. In reference to this proposal for 10 dwellings, the immediate location of the tangent application makes this proposal even more unsuitable. The residential properties would be located next door to two industrial/ business developments and as such are located in a very inappropriate place.

The proposed site was considered and found to be unsuitable as a potential residential development in the Medway SLAA (February 2017).

Objection 1: The site is a poor and unsuitable location to provide a concentration of new dwellings. The site is located in an employment zone, in close proximity to an industrial site and the land has been recommended for retaining and intensifying the employment use of the area. The site was also found to be unsuitable for residential development (Medway SLAA, 2017). Therefore, the proposal represents inappropriate development.

#### **Access Road**

CEMEX have an established industrial site on land next to the proposed development, with a current configuration of using one access point for their trucks that carry product in and out of the site daily. The access road is the only point of access for the CEMEX site. The new development is suggesting using this same access road for 5 new dwellings to the north of the proposed development.

The current residents of Formby Terrace, and the small development site to the rear currently use this access road. However, the intensification of this land will impact the traffic in the area and increase the use of the access road.

Objection 2: One access point for CEMEX and for the proposed development, that is in constant use by CEMEX. This will intensify the use of the access road, and increase the traffic in the area.

#### **Poor Layout**

The proposed layout is incongruous with its surroundings, considering it is so close to a large industrial site. The siting of the proposed development is limiting the future potential of the wider designated employment location.

The development proposes 4 dwellings directly next to the access road leading to the CEMEX site, and 1 dwelling side on to the access road. Two of these dwellings will affront the access road. This shows poor consideration of the layout for potential future residents, as the windows will have a clear view of the access road and the HGV's that regularly use the road. Also, the amenity space of the proposed dwellings will be of a poor standard considering the close proximity of to a large industrial site, and potentially a new development for a workshop and office spaces.

There is no proposed buffer to minimise the impact of the access road, and protect the dwellings from the impact of the HGV's and continuous use of the access road. This shows poor design and no consideration to the layout.

There is also an active railway siding on land directly to the east of the proposed site. This railway siding has the potential to be used as part of the CEMEX site, and could lead to intensification of the railway line. The land to the east of the proposed site is already part of the CEMEX site, and has been previously used by CEMEX, therefore there is potential to use the railway siding, and the potential development limits the use of the future potential of the wider designated employment location site. As such, the proposed development is poorly located as it is approximately 30 metres from the railway line, and the noise impact on future residents may increase with the intensification of the railway.

Paragraph 3.1.2. of the Planning, Design and Access statement states that "the residential layout is used as a higher quality screen to the proposed employment use beyond and seeks to provide an entrance and edge to the development enclave of the former CEMEX works."

It is clear the application has not considered the screening of the residential properties to the tangent application (ref MC/18/0121) that is directly adjacent, and opposite the proposed developments. The current operational CEMEX site to the north east of the application has also clearly not been considered, as the half of the proposed dwellings front the access road for CEMEX and there is no barrier proposed between the developments and the CEMEX site.

Objection 3: The development shows a lack of consideration for potential future residents due to poor layout and design of the proposed dwellings.

### **Other Considerations**

The NPPF aims to accelerate housing delivery, but by providing high quality housing. This proposal contradicts this statement, as locating housing so close to two industrial business reduces the quality of housing being provided.

The proposed development is not within the designated 800 metre distance to basic services such as educational facilities, as set out in the Medway SLAA (February 2017).

Although paragraph 5.2.7. of the Planning, Design and Access statement comments that there are initial indicators to show that the existing Formby Terrace units, that have not yet been released to the market, are in high demand. However, there is no evidence of this provided.

This property will increase the traffic on the A228, a road that has already been defined, in part, to be beyond capacity. This is contrary to Policy T2 of the Medway Council adopted Local Plan 2003.

Two and a half storey residential buildings opposite St Andrews Park would constitute an infringement of the privacy of those properties which bound the A228 in that area.

We trust that the attached comments will be given due consideration and you will allow CEMEX the opportunity to assess the noise impact prior to any decision being made.

Yours Sincerely,

ShrimplinBrown.

**Paul Cockcroft**  
BEng PhD CEng MIMMM FIOA

**Richard Lyons**  
BEng PhD CEng MIOA MGI BSE

**Rachel Canham**  
BEng MSc CEng FIOA

## Technical Note

Prepared by: **Dr Paul Cockcroft** Date: **21 February 2018**  
Project: **CEMEX Rochester** Ref: **4788**  
For: **Ella Yates at Shrimplin Brown** Page: **1 of 7**  
Subject: **Comments on Noise Assessment Report for Residential Development**  
**MC/18/0175 Land East of Formby Road - Adjacent and Rear of 1-12 Formby Terrace**

This Technical Note comments on the MRL Acoustics Noise Impact Assessment Report dated August 2017 and noise measurements made in August 2017, associated with the planning application MC/18/0175 for residential development adjacent and rear of 1-12 Formby Terrace, Formby Road, Halling, Rochester Kent.

### Description of Interface Between the Sites

Existing dwellings at 1-12 Formby Terrace front directly on the A228 Formby Road, with rear (eastern facades) facing away from Formby Road.

The northernmost existing dwelling, No 1 Formby Terrace, has a side wall facing the access road from the A228 Formby Road to the CEMEX site. The CEMEX site access road drops down from the A228 to allow for the passage of vehicles under the railway line situated east of Formby Road.

Until relatively recently, before August 2017, there was a commercial building immediately adjacent to the CEMEX site access road (see photos in Appendix A & B) that shielded the dwellings on Formby Terrace from noise associated with vehicles on the CEMEX site access road. The nearest (northern facing) façade of No. 1 Formby Terrace is about 10 to 15 m from the edge of the CEMEX site access road.

This former commercial building has been demolished and part of the cleared area is proposed for two dwellings (Block C), with the nearest facades about 5 m from the edge of the CEMEX site access road. These two dwellings will have bedroom windows, on first floor and second floor, overlooking the CEMEX site access road.

Block B is to the east of Formby Terrace and will have living room windows on the eastern façade at first floor level and bedroom windows on the eastern façade at second floor level.

The railway line, running north / south, and a welfare and weighbridge office on the CEMEX site, provide potential barrier effect for some of the noise sources on the CEMEX site for certain receiver locations at Blocks B and C.

### CEMEX Permitted Site Operations

Decision Notice MC/14/1063 dated 04 June 2014 is for a pre-stressed concrete flooring beams factory together with the installation of an ancillary concrete batching plant and associated external storage and checking areas. The site operations are unrestricted in terms of hours of operation and noise levels.

Condition 5 states "No more than 90 Heavy Goods Vehicle (HGV) movements per day shall take place either on entry to or departure from the site in connection with the development herein approved without the prior consent in writing of the Local Planning Authority."

HGV movements from the CEMEX site would generally occur in the period 05:00 to 20:00 and 24 hour flexibility is required for inbound HGV movements to allow for the delivery of raw materials.

It is possible that there could be a larger proportion of HGV movements in the night-time period 23:00 to 07:00 on the CEMEX site access road, than in August 2017, with the nearest facades of the proposed dwellings at about 5 m from the nearest edge of the CEMEX site access road.

### **MRL Acoustics Report**

The MRL Acoustics Noise Impact Assessment, Report No MRL/100/1247.1v1, dated August 2017 mentions the CEMEX site once at paragraph 2.6 "To the rear of the site is a large Cemex cement works site, located approximately 100m distance away. The cement works access road is located adjacent to the northern end of the development site where there is also a civil engineering depot on the other side of the access road."

At paragraph 3.2 it is stated "The noise measurements were taken at the approximate position of the proposed elevations of the new dwellings in order to represent the windows of the proposed dwellings that will be affected by the highest level of environmental noise."

The monitoring location is shown on the plan at paragraph 3.3 as "Noise Measurement Location", at about 10 to 15 m from Rochester Road (Formby Road) and about 5 m to the nearest edge of the CEMEX site access road.

Under the heading "Industrial Noise" on page 12 it is stated at paragraph 5.14 "There was no noticeable industrial noise impact observed at the development site. Noise from road traffic on the A228 Formby Road was the dominant noise source in the area with no significant noise impact from any of the nearby commercial premises."

Paragraph 5.15 states "Therefore it is considered that no assessment of industrial noise to BS4142: 2014 is required for this particular development scheme."

It is not appropriate that the CEMEX site operations and HGV movements on the CEMEX site access road were not assessed at all.

### **Effect of Built Development on Noise Climate**

Windows on the northern façade of the proposed Block C, facing the CEMEX site access road, will be exposed to road traffic noise on the Rochester Road (Formby Road) and vehicles on the CEMEX site access road at a separation distance of about 5 m.

Windows on the eastern façade of the proposed Block B will be about 40 m from the Formby Road and shielded from road traffic noise on the Formby Road by the existing dwellings at 1-12 Formby Terrace and Block B itself. The windows on the eastern façade of the proposed Block B will be exposed to rail traffic noise from trains on the elevated rail line to the east.

It is evident that the road traffic noise levels experienced at the windows on the eastern façade of the proposed Block B will be significant lower than those at the "Noise Measurement Location".



Paragraph 4.18 states "*The detailed results in Appendix II indicate that this level was not exceeded at all throughout the night-time period.*" Clearly there were exceedances of this level during the daytime period.

### **Mitigation Recommended by MRL Acoustics**

Section 5.0 of the MRL Acoustics Report contains a sub-heading "*North, East & West Facing Elevations*". The text at paragraph 5.1 starts "*For all living room, dining room and bedroom windows on the north, south and west facing elevations of the new dwellings, (i.e. those with a line of sight of the A228 Formby Road)...*"

The "*East Facing Elevation*" is specified in the sub-heading but not in the text. The east facing elevation is about 20 m from the railway line, with maximum noise levels generated during both daytime and night-time periods due to train movements.

Paragraph 5.6 states "*For the living room, dining rooms and bedroom windows outlined above, acoustically treated ventilation will be required to meet the required internal noise limits without the need to open the windows for ventilation and cooling.*"

Maximum noise levels measured in August 2017, at about 5 m from the edge of the CEMEX site access road, were in the range 84 to 88 dB  $L_{AFMax}$  for 16 out of 102 15-minute measurement periods.

This means that there were at least 16 events, measured in the period 07:00 to 23:00, with these highest maximum noise levels. This could have represented a greater number of HGV movements on the CEMEX site access road if there had been more than one HGV in a 15-minute period.

If the HGV movements corresponding to these highest maximum noise levels were to occur in the period 23:00 to 07:00 there could be at least 16 events in the night-time period that would exceed the criteria outlined in paragraph 4.16.

In order to achieve the criteria outlined in paragraph 4.16 for night-time, using the highest measured maximum noise levels, the sound insulation would need to be improved by about 5 dB. This would change the sound reduction performance requirement "*of approximately 38 dB Rw*" to a sound reduction performance requirement "*of approximately 43 dB Rw*"

Examples of the "*Weighted Sound Reduction Index, Rw*" are given in Table 3 "*Sound Insulation of Typical Windows*". Secondary glazed windows (6-200-6) with a Weighted Sound Reduction Index, Rw of 40-45 dB are shown on the final line of Table 3.

### **Requirement for Noise Conditions**

For CEMEX, the most critical facades are the north facing elevation of Block C overlooking the CEMEX site access road and the east facing elevation of Block B overlooking the CEMEX site.

Irrespective of any mitigation requirement for road traffic noise on the Formby Road and rail traffic, CEMEX require a noise condition that imposes the paragraphs 5.6 and 5.7 constraints for the north facing elevation of Block C and the east facing elevation of Block B i.e.

*"For the living room, dining rooms and bedroom windows outlined above, acoustically treated ventilation will be required to meet the required internal noise limits without the need to open the windows for ventilation and cooling."*

There are approved calculation methods for road traffic noise levels that allow determination of change in road traffic noise level due to increased separation distance and barrier attenuation.

For increased separation distance, the reduction in road traffic noise level could be of the order of 5 dB(A) and shielding by the buildings could reduce road traffic noise levels by a further 10 dB(A).

The measured daytime (07:00-23:00) road traffic noise level at the "Noise Measurement Location" is presented as "69 dB  $L_{Aeq}$ " in "Table 1: Measured 'Free-Field' Noise Levels". Applying the above corrections, the daytime road traffic noise level at the eastern side of the proposed Block B could therefore be about 54 dB  $L_{Aeq, 16 \text{ hour, free field}}$ .

Background sound levels, dB  $L_{A90, T}$ , would also be lower for both daytime and night-time periods than those presented at the "Noise Measurement Location", but these reductions are more difficult to quantify as the dB  $L_{A90, T}$  does not lend itself to calculation.

Background sound levels for the core daytime period 07:00-19:00 are above 60 dB  $L_{A90, T}$  at the "Noise Measurement Location" and could be about 50 dB  $L_{A90, T}$  at the eastern side of the proposed Block B. Background sound levels would be lower than 40 dB  $L_{A90, T}$  at night-time.

#### **Calculated CEMEX Operational Site Noise Levels**

The MRL Acoustics Report has made no assessment of industrial noise, which is not appropriate.

Check calculations undertaken by WBM indicate that CEMEX site noise levels could be in excess of 50 dB  $L_{Aeq, 1 \text{ hour, free field}}$  at the eastern side of the proposed Block B. This calculated noise level can be compared with a background sound level for daytime of about 50 dB  $L_{A90, T}$  at the eastern side of the proposed Block B.

The noise level at the northern side of the proposed Block C for vehicle movements on the CEMEX site access road could be 60 dB  $L_{Aeq, 1 \text{ hour, free field}}$ , depending on the number of vehicle movements. This calculated noise level can be compared with a background sound level for daytime of above 60 dB  $L_{A90, T}$  at the northern side of the proposed Block C.

#### **CEMEX Access Road HGV Maximum Noise Levels**

Appendix II (pages 17 to 19) of the MRL Acoustics Report presents graphical and tabulated results of the noise level survey from 11:00 on Thursday 24 August to 12:15 on Friday 25 August 2017.

The maximum "Lmax" values are shown as the uppermost line on the graph and in the fourth column in the table of results. The range of "Lmax" values is 74 to 88 dB  $L_{AFmax}$  at this location.

As the "Noise Measurement Location", was about 10 to 15 m from Rochester Road (Formby Road) and about 5 m to the nearest edge of the CEMEX site access road it is obvious that the highest "Lmax" values are likely to have occurred as a result of the passage of HGVs on the CEMEX site access road.

Paragraph 4.16 states "The WHO Guidelines for Community Noise give a specific maximum noise level of 45 dB  $L_{Amax}$  that should not normally be exceeded more than 10 -15 times per night, which will be adopted in this assessment."

Paragraph 4.17 states "External  $L_{Amax}$  levels would need to be in the order of 84 dB(A) at night in order to exceed the above criteria with the acoustic laminated double-glazed units fitted."

For the north facing elevation of Block C, a sound reduction performance requirement "of approximately 43 dB Rw" is required for the movement of CEMEX site vehicles at night.

### **Concluding Comments**

In terms of noise, CEMEX have significant concerns that the siting of new residential dwellings on the access road (Block C) to their existing pre-stressed concrete flooring beams factory will undermine the ability of the company to continue to operate from this location.

The nearest facades of the proposed dwellings are about 5 m from the nearest edge of the CEMEX site access road.

The MRL Acoustics report presents measured noise levels from a 24 hour survey in August 2017.

It is demonstrated above that the mitigation proposed by MRL Acoustics would be inadequate to protect against a larger proportion of HGV movements in the night-time period 23:00 to 07:00 on the CEMEX site access road.

Unless the mitigation proposed is improved and secured by robust conditions, the application should be refused.

This Technical Note sets out the requirement for noise conditions, should the planning authority deem it appropriate to permit the application.

**Dr Paul Cockcroft**  
Partner

(This document has been generated electronically and therefore bears no signature)

Appendix A – CEMEX Site Entrance / Access Road Photo taken January 2014



Appendix B – CEMEX Site Entrance / Access Road Before August 2017

