

5 DCCW2005/0376/F - VARIATION OF EXISTING CONDITION 4 OF CW03/0620/F TO ALLOW A VARIATION IN NOISE LEVELS AT GELPACK EXCELSIOR LTD, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NT

For: Gelpack Excelsior Ltd. per Mr. A.W. Morris, 20 Ferndale Road, Kings Acre, Hereford, HR4 0RW

Date Received: 3rd February, 2005 Ward: Three Elms Grid Ref: 50193, 41151
Expiry Date: 31st March, 2005

Local Members: Councillors Mrs. P.A. Andrews, Mrs. S.P.A. Daniels and Ms. A.M. Toon

Introduction

Members will recall that this planning application was deferred from the May Central Area Planning Sub-Committee to enable the Environmental Health and Trading Standards Officer's report to be updated and for an Officer to be in attendance at this meeting.

The previous report has been updated.

1. Site Description and Proposal

- 1.1 Gelpack Excelsior is located on the north side of Red Barn Drive at its junction with Faraday Road and the Westfields Trading Estate. The site backs onto residential property that fronts Grandstand Road
- 1.2 Planning permission is sought to amend Condition No. 4 attached to previous planning permission (CW2003/0620/F). This condition limits the noise level of six silos erected under that permission.

The condition in full states:

"The rating level of the noise emitted from the feed pipes and associated machinery/plant serving the six silos shall not exceed the existing background noise level of 45 dB LA90 by more than 3 dB. The noise level shall be determined at 1m from the rear facade of 99 Grandstand Road (including measurements at first floor level as close to 1m from the facade as possible) and all readings shall be taken in accordance with BS 4142:1997.

Reason: To protect the residential amenity of properties adjoining the northern site boundary."

- 1.3 The application seeks to increase the nighttime noise level to 51dB and the maximum daytime level of 58dB.

2. Policies

2.1 National:

PPG1	-	General Principles
PPG4	-	Industrial and Commercial Development and Small Firms
PPG24	-	Planning and Noise

2.2 Hereford Local Plan:

Policy E2	-	Established Employment Areas
Policy E7	-	Development Proposals for Employment Purposes
Policy H12	-	Established Residential Areas
Policy H21	-	Compatibility of Non-Residential Uses
Policy H22	-	Existing Non-Residential Uses

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
Policy DR13	-	Noise
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites

3. Planning History

- 3.1 CW2003/0620/F Erection of 6 no. storage silos on concrete base. Approved 03/09/03.
- CW2000/0356/F Roof alterations to allow internal alterations to production area. Approved 23/03/00.
- CW2000/0357/F Change of use to provide parking for 23 cars - subject to a Section 106 Agreement - not yet completed.
- CW2002/1767/F Erection of six storage silos. Withdrawn 02/008/02.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager - no objection.
- 4.3 Head of Environmental Health and Trading Standards - I can now confirm that I have considered this application and have also taken independent night time noise measurements to ensure that the condition is as accurate as possible. I therefore comment as follows:

1. The background noise level at night in the nearest garden on the other side of Gelpack's fence was originally measured by Gelpack's consultant in January

2003 to be in the region of 48 dBLA90,(5 minutes). From discussions at that time, it was apparent that the measurements had not been taken at the location that I had requested (i.e. 1m from the rear facade) and therefore I took this into account and recalculated the the background level to be 45 dBLA90,(5 minutes). This was the basis behind the recommended noise condition in my memorandum of 2nd April 2003, which allowed the new silos/plant no more than 3dB above the recalculated background of 45dB, i.e. no more than 48dBLAeq at the facade of 99 Grandstand Road.

2. I understand that Gelpack's consultant then measured the noise originating from the newly installed silos / plant in July 2004 and found that Gelpack could not comply with the condition, as the measured noise level at 2.30 am was found to be 50dBLAeq (exceeding the planning condition by 2dB).
3. In order to substantiate this, I took independent noise measurements at the facade of 99 Grandstand Road at 0030 - 0045 on Friday 25th March 2005 and found the background level to be in the region of 47 dBLA90, (5 minutes) and representative noise from the factory and silos/plant to be in the region of 50dBLAeq. However, the noise from the factory appeared to be coming from the existing operations (i.e. extrusion and printing) and not from the screw auger feed system from the new silos.
4. Therefore, given that the noise at the facade of 99 Grandstand Road is unlikely to get below the existing noise of 50dBLAeq from the factory's extrusion and printing operations and as 47dB background + 3dB allowance = 50dB, it would be sensible to allow a variation of the condition to:

"The noise emitted from the feed pipes and associated machinery / plant serving the six silos shall not exceed 50dBLAeq. The noise level shall be determined at a location of 3.5 m from the rear facade of 99 Grandstand Road or 1m from the facade at first floor level. All readings shall be taken in accordance with BS 4142:1997".

If you wished to increase 50dBLAeq to 51dBLAeq in line with the applicant's request, I would have no objection, as this is negligible in terms of noise measurement and perception. However, the condition as offered above would allow Gelpack's immediate compliance, whilst ensuring that the performance of the noise attenuation work to the silos / feed system is always retained.

5. The daytime noise levels resulting from deliveries to the silos would stay protected as condition 3 would remain unchanged, i.e. no blowing of plastic beads/resin into silos between 1700 - 0830, nor on weekends and bank holidays. This is the noisiest activity associated with the silos. Likewise, the daytime noise levels resulting from the general operation of the screw auger feeds and motors serving the silos would also be regulated as the the noise attenuation design criteria for this plant would be the same at day as at night time.

The following additional information has been submitted by the Head of Environmental Health and Trading Standards:

"Further to my memorandum to you of 1st April 2005 I understand that you wish to seek clarification on a number of issues which were raised at the last committee

meeting when this application was deferred. I therefore would like to comment as follows:

- As stated in my last memorandum, the noise measurement on which the original condition was based was undertaken by Gelpack's consultant in January 2003, but was not taken at the location requested, i.e. not at 1m from the façade of the first floor rear bedroom window overlooking the factory. Calculations therefore had to be made to predict the level at this point and that is why 45 rather than 48 dB_{LA90} was favoured as a probable background noise level in the original proposed planning condition in 2003. However, predictions are never as accurate as measurements.
- It was for this reason that I undertook an independent noise reading on 25th March 2005. This was taken at a location about 1.2m above ground level in the driveway serving 99 Grandstand Road at a location as close as possible to the rear façade of this property. If you prefer, this measurement point could be used as the reference point for future measurement and therefore the proposed planning condition could be slightly amended to read:

"The noise emitted from the feed pipes and associated machinery / plant serving the six silos shall not exceed 50dB_{LAeq}. The noise level shall be determined at a location in the driveway of 99 Grandstand Road adjacent to the rear façade as marked on the attached plan. All readings shall be taken in accordance with BS 4142:1997".

- I confirm that since the new silos were constructed and commissioned in 2003/4 there have been no noise complaints received by Environmental Health & Trading Standards relating to their operation. When I spoke to the occupant at 99 Grandstand Road, I understood that his perception was that the night-time noise had not increased since the installation of the silos. I have also spoken to another nearby householder who concurs with this.
- The objection letters received by Planning seem to refer to day-time noise, i.e. tanker deliveries of resin, blowing of resin pellets into the silos and forklift truck movements. All these are daytime noises and existing planning conditions will continue to prohibit these activities at night.
- From my experience at Gelpack and similar sites elsewhere, I understand that any night-time noise from the silos will typically result from:
 - i. the settling of plastic pellets in the silos (as they are depleted and fed to the extrusion area)
 - ii. the movement of pellets along attenuated ground level ductwork
 - iii. attenuated electric motors powering the screw augers.

From my experience, all of the above noises are relatively quiet and this was substantiated by my non-detection of this noise above the constant printing and extrusion activities on 25th March 2005.

- As stated in my last memorandum, the only noise from Gelpack on the night I visited came from the area of the printing and extrusion process at Gelpack and

not from the silos and feed-pipes to which this application relates. This new condition therefore seeks to restrict noise to a level that is realistic to the current noise climate, being dominated by the existing printing/extrusion process. The condition does not allow an increase in the noise from the silos to which this application relates.

I hope these comments clarify the situation at Gelpack and the reasoning behind the proposed amended condition in my earlier memorandum.”

5. Representations

5.1 Hereford City Council - Hereford City Council has considered this planning application and recommends refusal as it cannot see that an application is warranted in terms of environment acceptability.

5.2 Eight letters of objection have been received, the main points raised are:

1. We have put up with increasing noise levels over a number of years and this should now stop.
2. This is a trading estate and not industrial where manufacturing should not take place.
3. The silos were to reduce deliveries to the factory, in fact what has happened is that the material now arrives in tankers which creates more noise when they unload.
4. Since the silos have been erected we have had to endure extra volume of noise similar to hailstones on a tin roof.
5. The factory operates 24/7.
6. The constant noise impacts upon the amenities of residents not only in the houses but in the gardens.
7. Forklift trucks are a constant nuisance going back and forth from the old MEB Club car park. Material now arrives in tankers which creates more noise when the unload.

The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 This planning application seeks to vary Condition No. 4 which limits the noise levels on the planning permission granted for the six silos on the Gelpack Excelsior site.

6.2 Members will note that the proposal has been extensively examined by the Council's Environmental Health and Trading Standard's Principal Environmental Health Officer (Air & Water) and his detailed conclusions are included within this report which has been updated since the May meeting with a further memorandum. This memorandum identifies the method and position of the calculations that were previously undertaken. This includes details relating to the calculations undertaken where the exact

measurements were not achieved. This has created the discrepancies as predications are never as accurate as actual measurements. However the Environmental Health and Trading Standards is satisfied any noise from the silos is from:-

- i. the setting of plastic pellets in the silos (as they are depleted and fed to the extrusion area)
- ii. the movement of pellets along attenuated ground level ductwork
- iii. attenuated electric motors powering the screw augers

and these are relatively quiet. Therefore the noise at night generally comes from the printing and extrusion process not controlled by this condition. The new condition therefore seeks to restrict noise to a level that is realistic to the current noise climate which is dominated by the printing and extrusion process and not the silos.

6.3 Members will note that the daytime noise is still protected by Condition No. 3 attached to the previous permission.

6.4 The residents' concerns are noted, however this proposal has been extensively examined by the Environmental Health and Trading Standards Officer who has visited the site and taken independent noise readings and considers that the proposal is acceptable.

6.5 Finally, it should be noted that this proposal is not to increase the existing noise emanating from the silos but to regularise the situation as they are currently operating above the noise level set by the previous condition.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The noise emitted from the feed pipes and associated machinery/plant serving the six silos shall not exceed 51dBLAeq. The noise level shall be determined at the location in the driveway of 99 Grandstand Road adjacent to the rear façade as marked on the plan attached to this decision notice. All readings shall be taken in accordance with BS 4142:1997.**

Reason: In the interests of residential amenity.

- 2. The permission hereby granted is an amendment to planning permission CW2003/0620/F dated 3rd September 2003 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

Reason: For the avoidance of doubt.

Informative:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.