



Daventry UDA Planning Committee Minutes

5th April 2011

Committee Members present:

Cllr Sandra Barnes (CB) –
Chair

Cllr Tony Woods (TW)

Cllr Richard Church (RC)

Cllr Joy Capstick (JC)

Cllr Wendy Amos (WA)

Cllr Catherine Boardman
(CB)

Cllr Alan Hills (AH)

In attendance:

Eric Owens (EO) –
Development Team Manager

Andrew Smith (AS) –
Development Management
Officer

Ben Ellis (BE) – Daventry
District Council Senior
Environmental Health
Practitioner (EHP)

Suzanne Holmes (SH) -
Committee Secretary

This Public meeting was held on

5th April 2011

At

Council Chambers

Daventry District Council

Daventry

Reference	Minutes	Action
	The Chair opened the meeting at 6.05pm.	
Item 1	<p><u>Item 1: Apologies</u></p> <p>Apologies were received from John Weir Cllr Joy Capstick was appointed as a substitute for him</p>	
Item 2	<p><u>Item 2: Declaration of interests</u></p> <p>None</p>	
Item 3	<p><u>Item 3: Minutes of the meeting held on 21st December 2010</u></p> <p>3.1 IT WAS AGREED: That the minutes of the meeting held on 21st December 2010 were a true and accurate record.</p>	
Item 4	<p><u>Item 4: Units B, C and D, Sopwith Way</u></p> <p>Applicant: The Tannen Group Application No: 10/0150/FULWND Description: Change of use of Units B, C and D from General Industrial Use (Use Class B2) to Storage or Distribution (Use Class B8) and the erection of a 3.5m high acoustic fence Address: Units B, C and D, Daventry Interchange, Sopwith Way, Drayton Fields, Daventry, Northamptonshire, NN11 8PB Ward: Abbey North</p> <p>4.1 AS introduced the application and presented the update report. (Update report attached as Appendix A)</p> <p>4.2 EO advised the committee of the date error on the report as being '2012' instead of '2011'</p> <p>4.3 Cllr Gloria Edwards-Davidson spoke against the application as a Councillor for Abbey North. The points she made are summarised as follows:</p> <ul style="list-style-type: none"> • She has been aware of the long term problems residents in Highlands Drive have experienced due to the close proximity of the Industrial Site and the 	Andrew Smith

	<p>previously unacceptable levels of noise 24 hours a day.</p> <ul style="list-style-type: none"> • Residents continually suffered from sleep deprivation due to the levels of noise and vehicle movement including blowing of horns, reverse alarms, slamming of shutter doors on idling lorries. • Quality of life was diminished and the ability to relax in your own garden during the day was impaired. There was ongoing frustration in achieving acceptable change once the previous conditions planning permission for these units was established. Residents also resisted opening windows during the warm summer periods including bank holidays due to the noise levels. • She appreciates the proposal of a 3.5m high acoustic fence to block the noise but thought this was too high and would not want this to be a visual impact on the surroundings. A question was also raised querying what landscaping would be provided to screen this? • She received a number of phone calls from residents complaining of the noise. She spoke with the Environmental Health Practitioner (EHP) at DDC and they said that they would address the problem. • She welcomes new business to the area but not at the expense of the residents. <p>4.4 Cllr SB asked when the houses were built in the area</p> <p>4.5 Cllr G E-D said that they were built after the site was there.</p> <p>4.6 Cllr TW asked what is intolerable, the site or the noise?</p>	
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	<p>4.7 Cllr G E-D said that it was the noise level that was intolerable.</p> <p>4.8 Cllr TW asked if the situation she was referring to was in the past or the present?</p> <p>4.9 Cllr G E-D replied that it was in the past, she thinks that the problems were from the previous tenant of Unit A.</p> <p>4.10 Tim Coleby a planning consultant for the Applicant spoke for the application. His points are summarised as follows:</p> <ul style="list-style-type: none"> • He stated that he is an agent and not an acoustic expert. The applicant seeks 24 hour use of the site 7 days a week and he is aware of the noise issues and have had meetings with noise experts in order to try and sort this issue out. The noise report sets out clearly why the conditions are satisfactory. • Under PPS4 the local authority should respond positively to economic growth. One unit has been vacant for several years and another one became vacant recently. The application is for B8 use not B2 use and B8 use needs flexibility in terms of operational hours. • The site will create employment in the future and this should be taken into account. <p>4.11 Cllr SB acknowledged the need for economic growth but also stated that this is a speculative application and the applicant does not have a tenant, she asked TC to indicate what kind of use could be on the site and whether soft marketing has been undertaken.</p> <p>4.12 TC replied that it would be marketed for B2 and B8 use</p>	
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	<p>and they would need to look at who would be interested.</p>	
4.13	<p>Cllr JC notes that the report states there are already 150 jobs on site and that an additional 110 jobs would be created, are these figures based on 24 hours use?</p>	
4.14	<p>TC said that yes it was based on 24 hours use and that if it was less than 24 hours there would be fewer jobs.</p>	
4.15	<p>Cllr TW noted that the application includes the use of refrigeration vehicles but that there are no provisions for refrigeration storage. Would you apply for permission to alter the building for refrigeration storage at a later stage?</p>	
4.16	<p>TC said that if refrigeration storage were required and alterations to the building(s) required planning permission then they would submit an application, but at present they are looking for greater flexibility on the site.</p>	
4.17	<p>Cllr TW asked if the vehicles would load and off load in the building or would this be done from the designed area outside.</p>	
4.18	<p>TC replied that loading and off loading would happen in the building.</p>	
4.19	<p>Cllr SB asked hypothetically that once an operator was found, would consideration be given to appealing the time limit condition or submit an application to vary this condition based on the needs of the end user, the same as they could submit an application for alterations to the building.</p>	
4.20	<p>TC said that this would be an option, but notes that there</p>	

	<p>may be concerns on the restriction of hours. If they had a tenant that had a particular pattern and exceeded the hours/vehicles then further noise modelling would be undertaken and this information used to support an application to vary the condition.</p> <p>4.21 Cllr SB said that the application is speculative and that the information on noise, jobs and vehicle movement is made on speculative data. The noise assessment is based on the worst case scenario and it is difficult to grasp due to it being speculative.</p> <p>4.22 Cllr WA realises the problem with houses being built after the site is there. Green landscaping would be advisable as a further shield to the 3.5m high acoustic fence. She asked for clarification on the current legal position on Unit A and time limits imposed. No comments have been received from DDC on the revision to the application and she is aware of the timing issues and concerns of noise levels at the weekend and on public holidays.</p> <p>4.23 Cllr CB said that she was trying to get an idea of the worst case scenario for vehicle movements. She asked what movement would be expected. It is difficult to visualise the access on the site as there is only one access.</p> <p>4.24 TC replied that it would be difficult to say what the vehicle movement would be during the night but I would not expect it to be more than 3-4 vehicles. In the report the worst case scenario is two vehicles arriving at the same time wanting to off load.</p> <p>4.25 Cllr SB stated that several lorries may arrive at any one time due to delays. Is this possible?</p>	
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	<p>4.26 TC replied that it could happen, but that it could also happen now as Unit A has unrestricted use. However, there are no concerns on vehicle parking and space to manoeuvre.</p> <p>4.27 Cllr AH echoed Cllr SB's comments. He would encourage business in the area but regard needs to be given to our residents. Refrigeration vehicles could have trailers attached, have you taken this into account.</p> <p>4.28 TC replied that they had not taken trailers into account and you would need to ask the EHP as he is not an acoustic expert.</p> <p>4.29 Cllr TW stated that it was not clear where the loading docks would be located and how they would be accessed. He asked TC to show him.</p> <p>4.30 AS said that there is a single loading dock located on either side of Unit B, approximately half way down the south eastern and north western elevations. Unit D has loading docks located both within its front elevation facing the Sopwith Way access and on the far end of the eastern side. Unit C is predominantly offices and does not have loading bays.</p> <p>4.31 Cllr SB asked if there would be capacity to increase these bays at a future date?</p> <p>4.32 AS replied yes, but under a new application. There are notable expanses of blank elevation within which to install additional bays.</p> <p>4.33 Tony Gillet (TG) a DDC officer stated that the application was reported to DDC's committee and that there were</p>	
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	<p>concerns on noise and the outcome was that there was insufficient information in terms of noise. Since then an assessment has been submitted and further work done but the revised officers' recommendation has not been taken back to committee.</p> <p>4.34 EO mentioned paragraph 5.1 – DDC Development Control. This summaries DDC's position as outlined above.</p> <p>4.35 Cllr WA mentioned that under paragraph 8.16 the EHP was continuing to raise concerns and objects to the proposal.</p> <p>4.36 Cllr SB asked if whether there was a difference on the noise level at night as opposed to day?</p> <p>4.37 BE replied that noise at night is more concerning for people as they are trying to rest. Permissible levels don't change but how you measure it does e.g. 1hour during the day and only 5minutes at night, this is more conservative.</p> <p>In accordance with BS 4142 anything greater than 10 decibels above background level is likely to give rise to complaints, anything above 5 decibels is a marginal increase and a grey area and anything below 5 decibels is acceptable.</p> <p>In this case, the applicant has undertaken a comprehensive assessment which has included a reasonable assessment of impact, at night more than 7 decibels above background has been estimated with a 5 decibel penalty being added due to irregular noise. This would give 12 decibels above background noise and is likely to lead to complaints from Dennett's Close and</p>	
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	<p>Highlands Drive and also lead to an unacceptable intrusion to residents. This manner could be resolved and made acceptable via a condition to restrict working hours.</p> <p>4.38 Cllr RC asked if there was any further noise attenuation that can be done to help reduce the noise levels?</p> <p>4.39 BE stated that without knowing the specifics of the proposed use it would be difficult at this time. The acoustic fence is an easy solution.</p> <p>4.40 Cllr SB asked if planting of greenery would help or affect the acoustic fence?</p> <p>4.41 BE replied that greenery would hold limited value in respect to noise mitigation; its value is more in its cosmetic appearance. The acoustic fence cannot have any gaps to be effective.</p> <p>4.42 Cllr WA asked about light pollution.</p> <p>4.43 BE stated that the acoustic fence would screen low level light. Flood lighting would be an issue but there are none on the site and he has not seen anything that would cause an issue on the site.</p> <p>4.44 EO asked if the hours of operation would help with the lighting and noise issues?</p> <p>4.45 BE replied yes.</p> <p>4.46 EO asked TC if there were any proposals for lighting within this application. TC replied that there was not.</p> <p>4.47 A discussion took place on the vehicle reversing alarm</p>	
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	<p>systems and whether this could be addressed. There were two alternative suggestions given; a one-way system and a broadband alarm system. EO advised members that the application of a condition relating to the use of specific reversing alarms would not be in accordance with condition Circular advice.</p> <p>4.48 Cllr CB queried the height of the acoustic fence to the height of the buildings.</p> <p>4.49 BE replied that the acoustic fence is designed from ground level up to above the height of the lorry engine and that there is reduced value at the 1st floor and the applicant has taken this into consideration.</p> <p>In relation to noise during weekends and bank holidays, the applicant has done a survey of noise and sampled this on a concentrated period on a Monday and this is comparable with the likely impact during weekends and/or bank holidays. An extra condition would not therefore be required.</p> <p>4.50 Cllr AH asked whether the noise impact related to who was using the building. BE confirmed that the assessment was based on the worst case scenario and it followed the good practice guidance for noise.</p> <p>4.51 Cllr TW asked if Drayton Way was the largest generator of noise in the area and this was confirmed by BE. Cllr TW went on to question whether the background noise level was greater during the week than on weekends. BE replied that he could not say exactly as it is difficult to know whether the road would be quieter at that time and that there has not been any</p>	
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	<p>modelling done.</p> <p>4.52 Operational hours were discussed and 11pm to 7am seemed very late. BE confirmed that these were normal timing hours as the guidance does not differentiate between adults and children.</p> <p>BE continued to clarify the relevance of the appeal decision for Unit A it has to be noted that the receptors and sources of the noise are the same but the associated vehicles would be located elsewhere so this cannot be translated.</p> <p>AS summarised the history of the site and that in 1988 planning permission was granted for comprehensive unrestricted B2 use. Approval for unrestricted B8 use for Unit A was granted in 1996. An application for improvement to Unit A was submitted and approved in 2004. This was subject to a time limit condition restricting the operational hours from 8pm-8am. This condition was appealed and the appeal was dismissed by the Planning Inspectorate, however this permission was never implemented so currently Unit A has an unrestricted B8 use.</p> <p>4.53 Cllr CB asked for clarification on the concerns and complaints received as she wanted to be clear on the acoustics for Unit A.</p> <p>4.54 BE said that he did not have the full details or specifics as he was not the case officer but a number of complaints had been received from residents on Highlands Drive (more than 2no.). These complaints were regarding noise, vibrations and lorries. Monitoring during the night</p>	
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	<p>identified noise levels as a statutory nuisance and a noise abatement notice was served on Unit A.</p> <p>4.55 Cllr AH raised a point on the compliance of Unit A and that we may have the same on Units B, C and D. EO replied that we have done the necessary assessments and if the operation proves to be a nuisance then enforcement through either planning and/or environmental health legislation will be sought. .</p> <p>4.56 The size of the Units were discussed as well as the position and number of doors. It was also concluded that Unit C will be mainly used for offices.</p> <p>4.57 AS was asked to go through the recommendations which he duly did pointing out the revised wording to Condition 5.</p> <p>4.58 A condition to secure the use of alternative reversing alarms was discussed and dismissed as this would not meet the Condition Circular tests.</p> <p>The Chair asked the committee members for their views:</p> <p>4.59 Cllr RC said that he would support the hours of 10pm-7am but for any variation to reduce the hours he would be minded to refuse.</p> <p>4.60 Cllr JC said that the hours of 11pm-7am are too late and that there would be a loss of sleep. She would like to see business return to the site but not at the expense of the residents. The hours of 8pm-8am would be acceptable. Minded to refuse unless the operational hours change.</p> <p>4.61 Cllr TW understands the issue of noise and HGV</p>	
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	<p>movement. He encourages jobs and business coming to the site. He realises that the hours of 11pm-7am are not ideal but he is Minded to approve.</p> <p>4.62 Cllr WA stated that the hours of 10pm-7am would be acceptable. Minded to approve.</p> <p>4.63 Cllr CB stated that the hours of 11pm-7am were unacceptable. Minded to approve if the hours were changed to 8pm-8am.</p> <p>4.64 Cllr AH accepted the hours of 8pm-8am. Minded to approve on this basis.</p> <p>4.65 The reason for the condition restricting the operational hours was discussed. EO pointed out that there would need to be a good sound material planning reason to vary the suggested condition that would hold up in an appeal. Members offered “to minimise the impact on residential amenity” as a sound reason and asked officer’s to finalise the drafting of the revision.</p> <p>Acceptable operational hours were considered as the following:</p> <p>11pm-7am - One member supported (Cllr TW)</p> <p>10pm-7pm - One member supported (Cllr WA)</p> <p>8pm-8am - Four members supported (Cllr’s CB, SB, AH and RC) and One member abstained (Cllr JC)</p> <p>IT WAS RESOLVED:</p> <p>That the application be APPROVED subject to the revision of Condition 3 of the officers report as set out above.</p>	
Item 5	5. Future meeting dates were agreed to be:	

	<ul style="list-style-type: none"> • <i>9th June 2011</i> • <i>28th June 2011</i> • <i>26th July 2011</i> • <i>13th September 2011</i> • <i>11th October 2011</i> • <i>8th November 2011</i> • <i>15th December 2011</i> 	
Item 6	<p>AOB</p> <p>There being no further business, the meeting closed at 7:40pm</p> <p>Suzanne Holmes Committee Assistant</p> <p>Signed by the Chairman</p> <hr style="width: 20%; margin-left: 0;"/>	

Appendix A

COMMITTEE UPDATE

Daventry UDA Planning Committee

5th April 2011

Agenda Item 4:

Application number: 10/0150/FULWND

Applicant: The Tannen Group

Address: Units B, C and D, Daventry Interchange, Sopwith Way, Drayton Fields, Daventry, Northants, NN11 8PB

Description: Change of use of Units B, C and D from General Industrial Use (Use Class B2) to Storage or Distribution (Use Class B8) and the erection of a 3.5m high acoustic fence

Comments received from Cllr Chris Long (31/03/2011), summarised as follows:

Cllr Long is unable to attend the Daventry UDA Planning Committee on 5th April, but submits further written comments upon the application.

Residents in the area have on previous occasions been subjective to unacceptable levels of noise emanating from operators working in and around adjacent warehouses. Daytime noise during the period of 0800 though to 1800 hours, whilst not pleasurable for residents, is at least tolerable. Sleep disturbance during the night, caused by such activities as lorry and fork lift truck movements, is intolerable and unacceptable, as is weekend and bank holiday operations.

Comments received from Cllr Gloria Edwards Davidson (01/04/2011), summarised as follows:

Cllr Edwards Davison shall be attending Committee and has registered an intention to speak.

Residents at Highlands Drive have experienced long term problems associated with unacceptable levels of noise due to the close proximity of industrial operators. These operations were 24 hours a day. Quality of life due to sleep deprivation and the diminished ability to relax in one's own garden during the day was impaired. Residents resisted from opening windows during warm summer periods due to noise. Questions arise in respect to the proposed 3.5m acoustic fence possibly being higher. Due consideration should be given to the concerns of local residents in finding an equitable solution for all parties concerned.

Officer response:

Officers note the sensitivity of the site in the context of potential noise disturbance; hence the subject is covered in detail within the Committee Report. The applicant has produced a comprehensive Noise Report following detailed and complex discussions with a DDC Environmental Health Officer (EHO). The EHO has subsequently confirmed that they are of the opinion that the hours of use of the operation should be restricted to outside of the hours of 2300 to 0700 in the interests of safeguarding residential amenity. This timeframe is noted within PPG24: Planning and Noise as being of particular sensitivity given that these are the hours within which people are normally sleeping.

As is noted within the Committee Report, the site lies within an area allocated for industrial development under Policy EM4 of the Daventry District Local Plan. In addition, national guidance in the form of PPS4: Planning for Sustainable Economic Growth urges Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic growth. In this context Officers consider that any hours restriction over and above the recommendations of the EHO would be unjustified and not in the spirit of the aforementioned planning policy guidance. Officers are satisfied that the recommendations contained within the Committee Report represent a fair and equitable solution for all parties concerned.

Taking the above and the Committee Report into consideration, Officers consider that the contents of the ministerial statement Planning for Growth (23 March 2011) have been satisfactorily dealt with in the consideration of the application.

In addition, it is proposed that the wording of **Condition 5** is revised to the following:

Full details of the approved 3.5m acoustic barrier to be provided including its extension into the area to the north-west of the development adjacent to Unit A shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include, but not be limited too, the design, appearance and means of construction of the acoustic fence. The barrier shall be erected in full accordance with the approved details prior to the first occupation of the development and shall be retained thereafter.

Reason: as set out.

Officers have sought to amend the precise wording of Condition 5. This is in the interests of providing clarity that the entirety of the proposed acoustic barrier is installed in line with barrier details as set out within Appendix 7 of the Noise Report.