



Daventry UDA Planning Committee Minutes

11th October 2011

Committee Members present:

Cllr Richard Church (RC) –
Chair

John Weir (JW)

Deirdre Newham (DN)

Cllr Joy Capstick (JC)

Cllr Deanna Eddon (DE)

Cllr Alan Hills (AH)

Cllr Pamela Booker (PB)

In attendance:

Adrian Arnold (AA) – Director
of Planning Services

Andrew Smith (AS) –
Development Management
Officer

Amy Sales (ALS) - Committee
Secretary

Suzanne Holmes (SH) –
Committee Secretary

This Public meeting was held on

11th October 2011

At

Council Chambers

Daventry District Council

Daventry

Reference	Minutes	Action
	The Chair opened the meeting at 6.00pm.	
Item 1	<p><u>Item 1: Apologies</u></p> <p>Apologies were received from Cllr Wendy Amos Cllr Pamela Booker was appointed as a substitute</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 26th July 2011</u></p> <p>3.1 IT WAS AGREED: That the minutes of the meeting held on 26th July 2011, were a true and accurate record subject to point 6.12 being amended from 'approval' to 'approach'</p>	
Item 4	<p><u>Item 4: Sopwith Way, Units B, C and D</u></p> <p>Applicant: The Tannen Group Application No: 11/0049/S73WND Description: Application to vary Condition 3 attached to planning permission 10/0150/FULWND dated 21/04/2010 (for 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), to restrict vehicle movements and deliveries to and from the building between the hours of 23:00 and 07:00. Address: Units B, C and D, Daventry Interchange Sopwith Way Drayton Fields Daventry NN11 8PB Ward: Abbey North</p> <p>4.1 AS introduced the application and presented the update report (attached as Appendix A) and delivered a summary of the key issues</p> <p>4.2 Steve Loades (SL) spoke against the application. The comments he made are summarised as follows:</p>	Andrew Smith

	<ul style="list-style-type: none"> • He is a resident of the nearby site Weatherspoons Factory and has experienced extreme noise disturbance over a long period of time particularly at night. • The noise is neither constant nor regular therefore you do not know when you will be woken, causing prevention of sleep. • He supports the retention of condition 3 (as previously worded) and asked that the hours remain as they are, 8am till 8pm. • He is concerned for the residents of Highland Drive and would not want them to experience what he has experienced over the last 5 years. <p>4.3 Cllr Gloria Edwards-Davidson (Cllr GE-D) spoke against the application and made the following comments:</p> <ul style="list-style-type: none"> • She has been a councillor for 8 years and is aware that the noise issues are ongoing and is a bone of contention. • Residents pay their council tax and mortgages and should be allowed to enjoy quality of life and sleep. Commercial noise and changing the hours will bring more stress and invasion to residents homes. <p>4.4 Cllr PB asked if the acoustic fencing would help.</p> <p>4.5 Cllr GE-D said that it may only detract slightly.</p> <p>4.6 Cllr Chris Long (Cllr CL) spoke against the application and the comments he made are as follows:</p> <ul style="list-style-type: none"> • He stated that the objection he made previously remains unchanged. • He mentioned that the committee saw fit to approve the application in April and applied planning conditions to protect residents from noise disturbance. He felt that 	
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	<p>nothing has changed since then and asked why this application is back at committee seeking to vary condition 3.</p> <ul style="list-style-type: none"> • He said that residents at another site have had to move out of their bedrooms due to the noise levels and asked that the residents of Highland Drive be protected from the same and rejected the variation of this condition. <p>4.7 Cllr PB asked if the railway line could provide attenuation.</p> <p>4.8 Cllr CL replied no, that the acoustic fencing needs to be erected a considerable distance away and that the fencing to be provided at this site is being erected too close to have any benefit.</p> <p>4.9 JW asked Cllr CL if he thought the Environmental Health Officers (EHO) report was incorrect.</p> <p>4.10 Cllr CL said that he did think this and that noise will vary. A long debate was sought to put the conditions into place and he does not see that anything has changed.</p> <p>4.11 Cllr AH stated that it would have been beneficial to have had the Environmental Health Officer present and asked when had the noise level tests been taken, day and night.</p> <p>4.12 AS said that the submitted Noise Report contains background noise level modelling during the day and night. This report then calculates the cumulative noise source of all potential noise events (including HGV movements and impulsive noise events) and assesses the acceptability against background levels. It concludes that noise would only be an issue during night time hours but not daytime hours – hence the recommended hours restriction of 23:00 to 07:00 hours.</p> <p>4.13 Cllr PB asked who did the sound report.</p> <p>4.14 AS replied that a professional noise consultant undertook the report on behalf of the applicant; they have compiled a comprehensive and accurate report.</p>	
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	<p>4.15 Cllr PB asked how the report differs from the original application.</p> <p>4.16 AS stated that there was no difference between the Noise Report and associated mitigation measures for both applications.</p> <p>4.17 AA said that the acoustic fence is of specialist construction and that it is not a general fence. He asked AS to find the specifications within the report for the members.</p> <p>4.18 AS read out the specifications for the acoustic fencing from the report – it will have a minimum density of 18kg per sqm.</p> <p>4.19 Cllr RC asked the committee members for their comments.</p> <p>4.20 JW said that there are material differences and he can see no reason to refuse as it fills all the requirements under planning guidance. The EHO has reaffirmed his acceptance to the proposals.</p> <p>4.21 DN could see no reason to refuse.</p> <p>4.22 Cllr PB said that she is concerned that the fence would not be sustainable due to the height and distance.</p> <p>4.23 Cllr AH felt that he would have problems with supporting the recommendations as he was one of the original advocates of a 08:00 to 20:00 hours restriction. He was not convinced that noise levels would be sufficiently reduced. He requested that the application be deferred in order to have the EHO present.</p> <p>4.24 Cllr JC was sympathetic with the noise issues regarding the other sites but was confident that the noise issues under this application have been satisfied with the erection of the acoustic fence and the designated area for refrigerated vehicles.</p> <p>4.25 Cllr DE also sympathised with the issues on the other sites but stated that you cannot compare Weatherspoons which is located on a hill to Sopwith Way which sits within a dip. She felt that with the erection of the acoustic fence the</p>	
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	<p>noise levels would be acceptable.</p> <p>4.26 Cllr RC thanked the committee members for their comments and asked the members to vote.</p> <ul style="list-style-type: none"> • 5 members voted in favour of the application • 2 members voted against the application <p>IT WAS RESOLVED:</p> <p>That the application be APPROVED as per the recommendations set out in the officers report and the update sheet.</p>	
Item 7	<p>7. Future meeting dates were agreed to be:</p> <ul style="list-style-type: none"> • <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 6:35pm</p> <p>Amy Sales Committee Assistant</p> <p>Signed by the Chairman</p> <hr style="width: 20%; margin-left: 0;"/>	

Appendix A

COMMITTEE UPDATE

Daventry UDA Planning Committee

11th October 2011

Agenda Item 4:

Application Number: 11/0049/S73WND

Unit B, C and D, Daventry Interchange, Sopwith Way, Daventry, NN11 8PB

Applicant: The Tannen Group

Additional objection received from local resident (33 Highlands Drive) 06/10/2011, summarised as follows:

Strong objection due to the increase in pollution levels from the site – noise or otherwise. Commercial considerations should not be put before the wellbeing of local residents.

Officer Response:

These comments raise no new material planning considerations that haven't been covered within the Committee Report. Paragraph 6.1 of the report refers to 21no. responses having been received from local residents – there has now been 22no.

Officer update:

Having reviewed the Committee Report and associated recommended conditions, it is felt that Condition 5 (Acoustic Barrier) could be strengthened by amending its reference to approved details. It is felt that there should be specific reference within the condition to the relevant plan detailing the barrier position in full; this plan is contained within the Noise Report.

The reason for this is because part of the proposed barrier, adjacent to Unit A (outside the application site), already has planning consent under a separate freestanding permission (DA/2009/0220). The proposed amendment to the condition would ensure that the barrier shall be implemented in full and removes any possibility of the condition being interpreted to cover only the newly consented part of the barrier, i.e. adjacent to Unit B.

Members should note that should the application be approved and implemented it would bring forward an already consented stretch of barrier that is aligned with Unit A (approximately 120m in

length). There are presently no guarantees that this acoustic feature would come forward on its own without being associated to this new application for the change of use of Units B, C and D.

Proposed amended **Condition 5** as follows:

'Full details of the approved 3.5m acoustic barrier including its design, appearance and means of construction shall be submitted to and approved in writing by the Local Planning Authority; the barrier shall be erected in its entirety in full accordance with the Proposed Barrier Plan contained within Appendix 7 of the approved Noise Report (B6414/ENV/A1) prior to the first occupation of the development and shall be retained at all times thereafter.

Reason: *In the interests of safeguarding both visual and residential amenity and to avoid any negative affects occurring upon the designated County Wildlife Site located to the north of the application site.'*

It can also be updated that the agent for the applicant has confirmed that the present occupiers of Unit A (Cummins) operate from 11pm on a Sunday night through until 7pm on a Friday evening. Further, the DDC Environmental Health Officer has confirmed in a phone conversation today that they have received no noise complaints relating to this use.