

**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
CHIEF EXECUTIVE**

**to
CENTRAL AREA PLANNING COMMITTEE
13 DECEMBER 2017**

MEMBERS' UPDATE

AGENDA ITEM NO. 6

Application Number	FUL/MAL/17/01161
Location	Workshop Former Hunters Garage, The Square, Heybridge, Essex
Proposal	Erection of 9 No. dwellings and two commercial units (Class A2) and layout parking to rear.
Applicant	Salmar Properties Ltd
Agent	Mr Phillip McIntosh - Melville Dunbar Associates
Target Decision Date	07.12.2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Member Call In

3. SUMMARY

3.1 Proposal/brief overview, including any relevant background information

3.1.3 Typographical error in the officer report

The building to the north of the application site is no longer known as 'The Anchor Public House'. The name of this building is now 'New Pavilion' / 'Azalea's'

Additional information submitted by the Applicant dated 8 December 2017 (letter) and 11 December 2017 (email correspondence) in relation to the above site.

The summary of the letter dated 8 December 2017 is bullet pointed below:-

- The comments from Environmental Health Services (EHS) was incorrect and incomplete as a detailed Noise Impact Assessment Report prepared by a qualified Acoustic Consultant was submitted by the Applicant
- All bedrooms have a secondary window, facing away from the road, which can be opened at night for ventilation. Main windows can be shut to prevent noise disturbance

- Amenity balconies now located to the rear
- The noise assessment cannot make measurements for the A2 use as the specific nature is not known. This can be dealt with by conditions
- The site is in a prominent location within the Central Area Masterplan
- This resubmission has met all the concerns raised by the planning officers

The summary of the email correspondence dated 11 December 2017 is bullet pointed below:-

- The Environmental Health Services (EHS) has made an incorrect assessment on internal noise levels
- The internal layout of the development has been redesigned to address the noise issue and can be secured by conditions
- Appropriate mitigation has been provided within the design of the layout to mitigate the concerns in relation to traffic noise to meet World Health Organisation (WHO) criteria
- The EHS has not read the revised noise report
- There are a numerous of mixed use commercial properties and residential properties in the immediate locality
- Noise transmission between properties can be addressed by planning conditions

The officer has forward both the letter and email correspondence to Environmental Health Services (EHS) for further comment. In an email correspondence dated 11 December 2017 from EHS. The following comment has been made:-

Environmental Health Service (EHS) has advised officers to refer to their comments in the second paragraph of the letter dated 3rd May 2017 from Loven Acoustics where it states that *“Whilst I wouldn’t agree that internal levels with windows open would mean that the WHO guidance would be exceeded. I believe that this is a matter of choice for the occupant.”* EHS has advised that the word "choice" has been removed and that the occupant must close the windows in order to maintain a healthy lifestyle.

The letter also states *“The issue raised regarding excessive noise levels on the balconies is more passing reasonable. It’s down to whether these spaces are regarded as genuine outdoor living / amenity areas or whether they may potentially be used for other purposes (e.g. clothes drying and bike storage.”* Amenity balconies are regarded as living / amenity spaces so it is inferred and therefore they are not suitable for use.