

19 DCNC2007/0952/F - RETENTION OF TWO COLD STORAGE UNITS AND SOUND REDUCING SCREEN AT TROUGHLES FINE FOOD LTD, UNIT 12 CLINTON ROAD, LEOMINSTER, HEREFORDSHIRE HR6 0RJ

For: Troughles Fine Foods Ltd per Mr Morris, Stocks Tree Cottage, Kings Pyon, Hereford, HR4 8PT

Date Received:
21st March 2007

Ward: Leominster South

Grid Ref:
50038, 58312

Expiry Date:
16th May 2007

Local Members: Councillor RBA Burke and Councillor RC Hunt

1. Site Description and Proposal

- 1.1 The site lies on allocated employment land and is bounded to the west by residential development, particularly properties on Caradoc Drive and Silurian Close.
- 1.2 The application is retrospective and seeks to retain two refrigerated lorry units to be used as cold storage facilities. These are required by the user of the building immediately adjacent who is involved in the distribution of speciality foods.
- 1.3 The application also includes the retention of an acoustic barrier between the units and the dwellings behind. This has been erected following complaints from local residents and has been constructed using sound attenuating material.

2. Policies

Herefordshire Unitary Development Plan

E8 – Design standards for employment sites

3. Planning History

NC2006/2747/F - Retrospective application for the retention of two former refrigerated vehicle bodies with noise alleviation screens, to be used as temporary cold stores. Refused 6.10.06 for the following reason:

Noise assessment of the proposal demonstrates that it creates a rating over the background level of at least 11.2dB. At this level it is likely to be detrimental to the amenity of local residents and therefore it is considered to be contrary to Policy E8 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Consultations

- 4.2 Transport Manager - No objections.
- 4.3 Environmental Health and Trading Standards Manager - Comments as follows:

I am aware of at least eight residences in close proximity of the site who have raised objection to the planning application and I have spoken to a number of residents about their concerns, which are primarily related to noise. I believe many of these objections to be historical in nature and relating to noise emitted prior to the acoustic barrier being erected and improvements made to the refrigeration equipment. Although at the time the refrigerated units were first installed I believe the noise emitted was at a level that was unacceptable and likely to disturb nearby residents within their properties, I no longer believe this to be the case and I think there is a concern from residents that should this planning consent be granted that levels will return to those that were first emitted.

The site was visited by two of my colleagues on 25/2/2007 at approximately 22:30, and although the units were audible, this was only at the site boundary and they were satisfied it would not constitute a Statutory Nuisance. During my first visit on 17/4/2007 at 21:24, the refrigeration unit appeared to be operating on a cycle of approximately 5 minutes at one setting followed by 2 minutes at another, which was continuously repeated. During the 5 minute period the units were barely audible above background levels, but during the 2 minute period the level was audible from the facade of the nearest property. The levels measured during this 2 minute period were approximately 42dB, with background levels measured at approximately 39 dB, which would indicate a marginal result and that the noise is unlikely to give rise to complaints, particularly considering that the measurements were taken at an exterior location.

I conducted a second visit to the site on 26/4/2007 at 20:00 to carry out an assessment within the property of a nearby resident (43 Caradoc Drive). At the time of my visit work was being undertaken at another unit, however when this ceased, I was unable to hear the units operating without moving to the boundary of the site and they were not audible at the footpath behind Silurian Close or at 43 Caradoc Drive.

The noise assessment was carried out during a relatively cool evening and I would raise concerns regarding the potential for the units to increase the noise level emitted during warmer weather. If the units are run using a thermostat, during periods of high temperatures it is likely that the unit will be operating using a greater number of fans and therefore higher noise levels may be witnessed, this is particularly noticeable when people have windows open. However, I believe with suitable conditions, this site can operate the two units without giving rise to further complaints.

5. Representations

- 5.1 Leominster Town Council - Recommend approval.

5.2 Seven letters of objection have been received from the following:

Mrs S Matthews, 43 Caradoc Drive, Leominster
Mr & Mrs McKay, 7 Silurian Close, Leominster
Mr & Mrs Fish, 4 Silurian Close, Leominster
The Owner/Occupier, 8 Silurian Close, Leominster
Mr & Mrs Davies, 11 Silurian Close, Leominster
Mr & Mrs Healey, 45 Caradoc Drive, Leominster
C J Sergeant, 2 Silurian Close, Leominster

All of the letters concentrate on the issue of noise nuisance associated with the development.

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

6. Officers Appraisal

6.1 The principal issue as far as this application is concerned is that of noise nuisance. This is covered in some detail by the comments of by the Environmental Health Officer who has concluded that the site can operate the two units without giving rise to further complaint, subject to the imposition of conditions. These would relate to the submission of a further scheme of sound attenuation and a restriction on noise levels and that these should not exceed the background level of 40dB by 5 dB between the hours of 9pm to 7am.

6.2 As a secondary matter, the original proposal suggested that the retention of the units was required as a temporary expedient. The current application does not make reference to this but it is your officer's opinion that the retention of the units should only be accepted as a temporary measure in order that a permanent solution can be found.

6.3 It is therefore recommended that planning permission be granted for a temporary period of three years in order that a properly planned solution can be found.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - E20 (Temporary permission) (29 May 2010)

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

2 - F01 (Scheme of noise attenuating measures)

Reason: To safeguard the amenity of the area.

3 - F03 (Restriction on specified activities)

Reason: To protect the amenities of nearby properties.

Informatives:

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

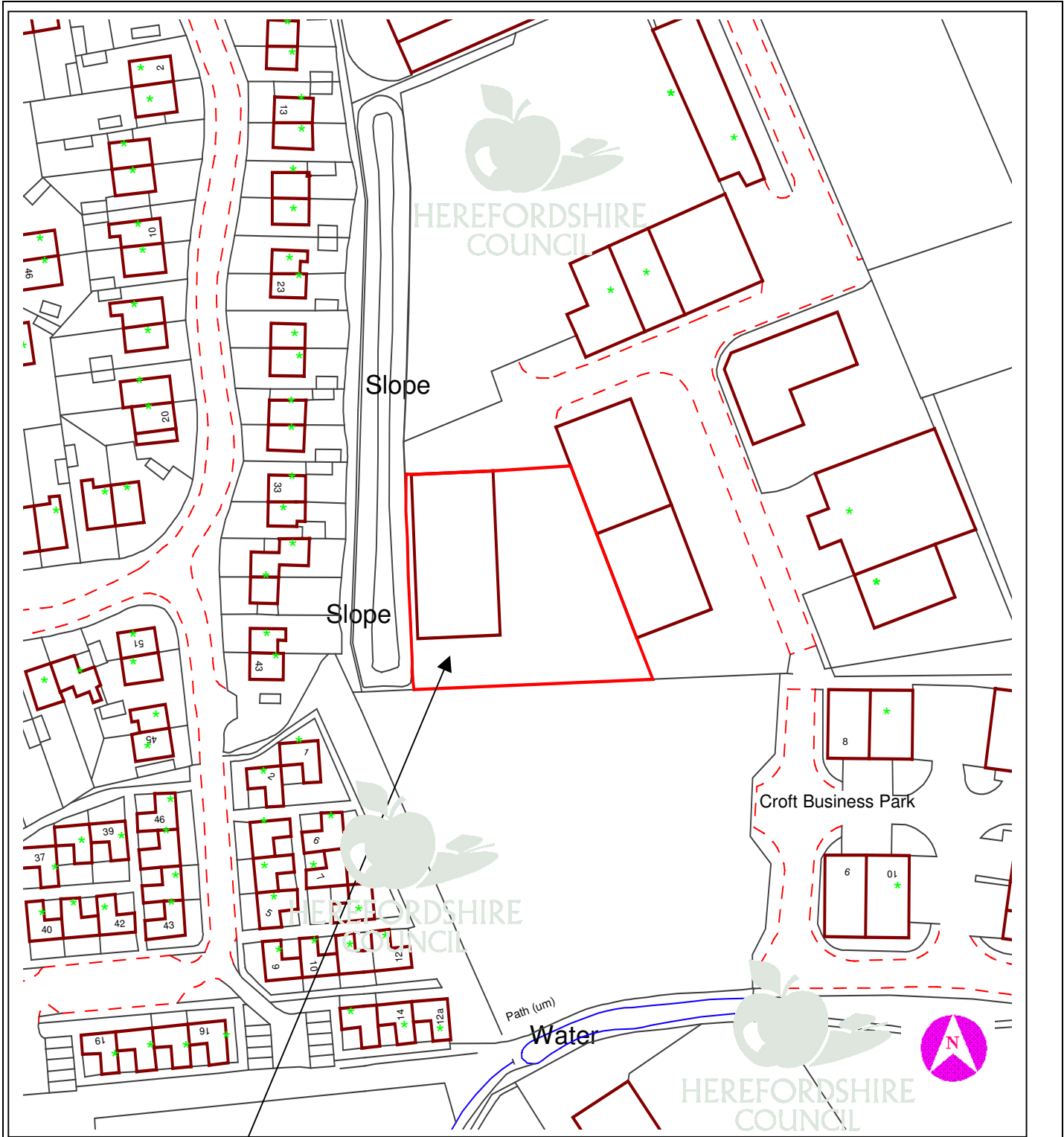
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0952/F

SCALE : 1 : 1250

SITE ADDRESS : Troughles Fine Food Ltd, Unit 12 Clinton Road, Leominster, Herefordshire HR6 0RJ

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