

**MINUTES of the meeting of Planning Committee held at Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 26 June 2013 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)

**Councillors:** PA Andrews, AM Atkinson, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, Brig P Jones CBE, JG Lester, RI Matthews, FM Norman, AJW Powers and GR Swinford

**In attendance:** Councillors MJK Cooper and A Seldon

**15. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors BA Durkin, RC Hunt, PJ Watts.

**16. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor P Rone attended the meeting as a substitute member for Councillor BA Durkin.

**17. DECLARATIONS OF INTEREST**

9. 130321/F - Land at Station House, Stoke Edith, Hereford, HR1 4EY.  
Councillor AN Bridges, Disclosable Pecuniary, The Councillor is an employee of Network Rail who had objected to the application.

8. N123540/F - Tyrells Court, Stretford, Leominster, HR6 9DQ.  
Andrew Banks (Officer), Non-Pecuniary, The Officer knows one of the objectors outside of work.

**18. MINUTES**

The Democratic Services Officer advised that Councillor Knipe had requested an amendment to the minutes in respect of application number 130351/F. He had requested that the bullet point stating that "Correspondence started with the Council in 2008" be replaced with "Hereford Eco Village was incorporated in 2008".

**RESOLVED:** That subject to the amendment detailed above, the Minutes of the meeting held on 5 June 2013 be approved as a correct record and signed by the Chairman.

**19. CHAIRMAN'S ANNOUNCEMENTS**

**20. APPEALS**

The Planning Committee noted the report.

**21. 130907/O - PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE**

The Assistant Director Economic, Environment & Cultural Services addressed the Committee prior to the case officer's presentation. He drew their attention to four matters, namely the Planning Inspectors decision regarding the previous application; issues regarding costs; the

relationship between the UDP and the LDF and localism/neighbourhood planning and the decision making process.

The Principal Planning Officer gave a presentation on the application covering a number of issues, including:

- There were 7 trees on the site which would be protected through tree preservation orders.
- The application was for outline permission with only the access to be determined at this stage.
- The shortfalls of the previous unilateral understanding were explained and members were advised that this had now been replaced with a Section 106 agreement which was enforceable,

Updates / additional representations received following the publication of the agenda were provided in the update sheet. The Principal Planning Officer drew Members' attention to the response from the Independent Noise Consultant who had found six reasons why he considered the noise report commissioned by the Town Council to be unsound.

In accordance with the criteria for public speaking, Mr Page, representing Bromyard and Winslow Town Council, spoke in objection to the application and Mr Wilson, the applicant's agent, spoke in support..

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor A Seldon, one of the local ward members, commented on a number of issues, including:

- The Town Council's sound engineer had responded to the comments in the Members' update sheet with the following points;
  - PPG24 had been used as it was the main document referred to in the report. The NPPF which had replaced PPG24 did not contain guidance for the control of noise. The NPPF guidance also stated that applications should be approved or denied following consultation with local inhabitants, had this been done?
  - The Colin Waters report was not referenced in the AVT report, however the Colin Waters report was also based on PPG24
  - The substitute background survey location was agreed with Mr Thorne of Acoustic Associates, a consultant employed by the applicant.
  - The noise control measures would not reduce the intermittent noise from the fork lift trucks and therefore the +5dB penalty should still be applied.
  - BS4142 should not be used when both the background and rating noise levels are both very low. In this case only the background noise level was considered as very low so BS4142 was still appropriate.
  - PPG24 and BS4142 both considered external noise levels. BS8233 was used to assess internal noise and was not used to assess the impact on amenity and therefore was not used.
- The 2007 Inspector's report stated that it would be an economic disaster if future complaints led to a move from Polytec Holden.
- The application could be refused if material planning considerations outweighed the benefits of the application. Noise was a significant and material planning consideration.

- The minutes from the UDP working group shows that officers were concerned about noise levels.
- In February 2012 permission was sought for the application with just a 4 metre bund to reduce noise, a committee deferral led to a 6 metre high acoustic fence being added.
- The acoustic fence had a surface of 8000 m<sup>2</sup> and would therefore clearly have a visual impact.
- There were other suitable sites for housing in Bromyard.
- The Town Council had compiled a list of 20 companies who were interested in developing the site for employment use but had not been able to do so.
- The Inspector had approved 87 dwellings on the site. If development is approved on the site it should be limited to 87 dwellings.
- The 2005 noise report detailed a dispute in respect of noise criteria between the Environmental Health department and the noise consultant.
- The employment land at Linton had now been withdrawn and had resulted in no employment land at all being allocated in Bromyard.
- The density of the site was too high at 44 dwellings per hectare.
- The affordable housings would be located nearest to the source of noise and would act as an additional noise buffer. The Strategic Housing Officer also shared this concern.

Councillor JG Lester, the other local ward member, also commented on a number of issues, including:

- The application was controversial with the land originally being designated for employment.
- The Inspector made a decision based on two assumptions, that there was alternative employment land and that the issues regarding the neighbouring land use could be overcome.
- The noise attenuation measures suggested in February 2012 were insufficient and resulted in the application being deferred for further measures to come forward.
- When the application was brought back to the Committee it was accompanied by a unilateral undertaking which had been proved inadequate by the Inspector.
- The Planning Committee had highlighted weaknesses in the case at both previous meetings.
- The lack of a five year housing supply as required by the National Planning Policy Framework did not mean that every application had to be granted.
- The employment land at Linton had not been deemed undeliverable and no new employment land was forthcoming.
- The application site was changed from employment land on the grounds that the noise issues could be mitigated.
- Polytec Holden were currently in the process of expanding their operation.
- Dwellings on the site would need double glazing and alternative ventilation as windows could not be left open due to the noise. Residents would not be able to enjoy their gardens.
- Affordable dwellings would be nearest the source of noise and act as a buffer.
- The Inspector considered that the scale of the acoustic fence was not excessive.

- At 6 metres high the fence would have to be of substantial structure to avoid wind damage.
- The cost of maintaining the acoustic fence would also be substantial.
- The Inspector had stated that the decision to purchase dwellings on the site would be left up to the purchaser. This may not be the case for affordable homes.
- Some concern was expressed regarding the enforcement of the proposed Section 106 agreement.

The debate was opened with a member of the committee speaking in objection to the application. He voiced a number of concerns relating to the following issues:

- The Town Council had taken advice from Mr Humphries QC who had advised that BS4142 was the correct methodology when the predominant noise was industrial. A fact that had been agreed by the Principal Planning Officer in his letter dated 9 July 2010.
- The Planning Inspector who had considered the Unitary Development Plan had permitted residential development for 87 dwellings on the site.
- Development on the site could endanger the future of Polytec Holden, Bromyard's largest employer, employing over 320 people.
- There was no alternative employment land in Bromyard as the Linton site had now been proved to be undeliverable and the Panniers Lane site had recently been withdrawn. Bromyard should not be deprived of this vital employment land.
- The Unitary Development Plan required an 8/20 ratio for housing and employment land, therefore Bromyard would require nearly 1 hectare of employment land if the proposed site was developed for housing. This was a material planning consideration as confirmed by Mr Humphries QC.
- The application was premature as the future development plan was due to come before full Council in the next month.
- The site size was stated as 3.7 hectares in the Unitary Development Plan, however the proposed site was now 3.9 hectares with the additional 0.2 hectares being adjoining employment land which had been incorporated into the site, this was contrary to policy E5 of the UDP.
- The Inspector had concluded that 87 dwellings with a 0.8 hectare buffer zone would be acceptable; however the proposed buffer zone had now been reduced to 0.5 hectares. This resulted in a density of 37 dwellings per hectare which was considered to be too high.
- The report was unclear regarding the long term maintenance of the 6m acoustic fence and the SUDS ponds.
- The indicative plan showed 23 of the 44 affordable houses to be nearest the source of noise. It was considered that the affordable houses were being built as a noise buffer.

The Member then moved that the application be refused, contrary to the case officer's recommendation, for the following reasons:

- Noise: with particular reference given to Unitary Development Plan Policies DR2 and DR13; National Planning Policy Framework paragraph 123; and Core Strategy Objective 8.
- Lack of employment land: with particular reference given to UDP policy 6.3.5; NPPF paragraphs 7, 9, 17, 21, 37 and 158; and Core Strategy Objective 6.

- Prematurity: Granting permission on the site may predetermine Core Strategy decisions about the scale and location of employment land in Bromyard.
- The application site: It was not clear whether the application site was valid given that it incorporated 0.2ha of adjacent “safeguarded employment land”, contrary to policy E5 which only allowed the use of such land for another purpose “where the site or premises concerned can be shown to be unsuitable for other employment uses”. It was further noted that the 0.8ha buffer zone recommended by the UDP Inspector had been reduced by almost 40%. This was likely to have a significant detrimental effect on residential amenity, contrary to UDP policies DR2 and DR13.
- Density: The UDP Inspector had envisaged 87 dwellings on 2.9 hectares at a density of 30dph however the application requested 127 dwellings on 3.4 hectares at a density of 37 dph. This was considered to be overdevelopment of the site.
- Maintenance of open space, SUDS ponds and acoustic fence: The long term maintenance was not clear and was therefore contrary to NPPF paragraph 176. Furthermore it was not considered appropriate for the Council to take responsibility for the open space and the children’s play area at a cost to the County’s residents.
- Affordable housing: The proposal appears to place 23 of the 44 affordable houses nearest to the source of noise therefore forming a secondary noise barrier to the remainder of the development.

The motion was seconded by another member who spoke in objection to the application. He concurred with the previous speaker but also voiced concerns in respect of visual impact as a result of the erection of a six metre acoustic fence between the application site and the neighbouring Polytec Holden site.

Members continued to discuss the application and had concerns regarding the lack of employment land in Bromyard following the withdrawal of the Panniers Lane site from the LDF. Concern was also expressed regarding noise from the Polytec Holden site with Members being concerned for the future of the business if the dwellings were erected on the neighbouring site.

One Member voiced his concerns regarding the possible refusal of the application site which had been allocated for housing in the Unitary Development Plan. He noted that the Council had already been ordered to pay costs of £27000 following the refusal of the previous application on the site and warned that the costs could be significantly higher if the current application was refused.

Another Member of the Committee questioned why the application site had been designated for housing in the UDP and considered that this may have been a bad decision at the time. He echoed the concerns regarding possible costs if the application was refused but considered that this was not a good basis to determine the application.

In response to questions raised during the debate, the Principal Planning Officer advised that although the proposed fence was 6 metres high, the bund immediately in front of it was 4 metres resulting in just 2 metres of visible fence. He advised that the owners of the Polytec Holden site had not objected to the application and that the current application for the expansion of the Polytec Holden site was purely an expansion on its existing site.

Councillors Seldon and Lester were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments, including:

- It would be a social and economic disaster if Polytec Holden withdrew from Bromyard as a result of the proposed development.
- The proposed residential development was clearly in the wrong place

Before the vote the Head of Neighbourhood Planning addressed the Committee. He noted that the previous application had been refused on three grounds, namely: noise; impact of the lighting from Bromyard Rugby Club; and inappropriate land use. He noted that a number of different reasons had been put forward by the Committee in this instance. He also voiced concern that an application on an allocated housing site in the UDP could be refused, however he advised that he would not request a Further Information Report if the Committee were minded to determine the application.

**RESOLVED:**

**THAT the application be refused for the following reasons:**

**Noise: The application was contrary to Herefordshire Unitary Development Plan Policies DR2 and DR13, paragraph 123 of the National Planning Policy Framework and Objective 8 of the Draft Herefordshire Local Plan: Core Strategy 2011-2031.**

**Lack of employment land: The application was contrary to UDP policy 6.3.5; NPPF paragraphs 7, 9, 17, 21, 37 and 158; and Objective 6 of the Draft Herefordshire Local Plan: Core Strategy 2011-2031.**

**Prematurity: Granting permission on the site may predetermine Core Strategy decisions about the scale and location of employment land in Bromyard.**

**The application site: It was not clear whether the application site was valid given that it incorporated 0.2ha of adjacent “safeguarded employment land”, contrary to policy E5 which only allowed the use of such land for another purpose “where the site or premises concerned can be shown to be unsuitable for other employment uses”. It was further noted that the 0.8ha buffer zone recommended by the UDP Inspector had been reduced by almost 40%. This was likely to have a significant detrimental effect on residential amenity, contrary to UDP policies DR2 and DR13.**

**Density: The UDP Inspector had envisaged 87 dwellings on 2.9 hectares at a density of 30dph however the application requested 127 dwellings on 3.4 hectares at a density of 37 dph. This was considered to be overdevelopment of the site and would be harmful to the character and appearance of the site and surrounding locality contrary to policies S1, S2, DR1, H13 and H15 Herefordshire Unitary Development Plan Policies and the National Planning Policy Framework.**

**Maintenance of open space, SUDS ponds and acoustic fence: The long term maintenance was not clear and was therefore contrary to Policies S1, S2, DR2, DR4, and DR13 of the Herefordshire Unitary Development Plan as well as NPPF paragraph 176. Furthermore it was not considered appropriate for the Council to take responsibility for the open space and the children’s play area at a cost to the County’s residents.**

**Affordable housing: The proposal appears to place 23 of the 44 affordable houses nearest to the source of noise therefore forming a secondary noise barrier to the remainder of the development. This would be contrary to Policies DR1 and H13 of Herefordshire Unitary Development Plan and constitute poor design in relation to the National Planning Policy Framework contrary to Herefordshire Unitary Development Plan policy H13.**

## **22. N123540/F - TYRELLS COURT, STRETFORD, LEOMINSTER, HR6 9DQ**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mr Simpson, representing some of the local residents, spoke in objection to the application and Mr Telford, representing the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor MJK Cooper, the local ward member, commented on a number of issues, including:

- The local residents support Tyrell's as a brand but had concerns in respect of further development on the site.
- Members' attention was drawn to a greetings card of Dilwyn highlighting the landscape.

Members were generally in support of the application; however they noted the concerns raised by the Transport Manager and the Conservation Manager. The success of the Tyrell's brand was recognised but Members had sympathy with the neighbouring residents who voiced concerns in respect of the application and the operation as a whole.

The Committee noted the applicant's comments stating that this would be the final development on the site. This statement was welcomed as the committee considered that any further development would be difficult to support.

The current transport issues around the site were also discussed. Members noted that the applicant had offered to provide CCTV on the site in order to monitor the compliance of the existing traffic management plan. This was welcomed and the Committee requested that the provision of CCTV be a condition of any planning approval on the site.

Members continued to discuss the expansion of the existing site. A number of Members voiced concern in respect of any additional development with the suggestion being that Tyrell's should consider relocating to an industrial unit within the County. Other Members noted that the Tyrell's brand had been built on a farm diversification and considered that the business needed to remain on its existing site.

Councillor Cooper was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- The Committee needed to note the concerns of the Traffic Manager.
- Tyrell's already had a storage unit on Enterprise Park in Leominster. They should consider relocating more of the business to this site.
- There has not been enough dialogue between Tyrell's and the local residents.

### **RESOLVED**

**That planning permission be granted subject to the following conditions:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**

3. The development hereby approved shall not be commenced until the first chimney stack approved on the site to service existing production plant in building 3, as approved under application reference N121981/F, is fully implemented and operational.

Reason: In order to ensure that existing odour mitigation measures are implemented before any further development occurs on the site, and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

4. The chimney stack hereby approved shall be coloured a matt grey/blue colour, the precise detail of which shall be submitted to and approved in writing by the local planning authority prior to its installation. The development shall be carried out in accordance with the approved details.

Reason: In order to mitigate the visual impact of the development and to comply with Policies E8 and LA2 of the Herefordshire Unitary Development Plan.

5. A detailed site-wide landscape and ecological assessment and management plan shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The provisions of the management plan shall be implemented in the first planting season preceding the commencement of development and shall be maintained thereafter.

Reason: In order to provide some compensation for the visual impact of the development and to comply with Policies LA6 and NC8 of the Herefordshire Unitary Development Plan.

6. In the event that the chimney stack hereby permitted becomes redundant, inoperative or permanently unused for a period in excess of six months, it, and its entire associated infrastructure, shall be permanently removed from the site.

Reason: The chimney stack has been permitted to address concerns about odour emanating from the site. Should it become redundant, its visual impact would be unwarranted, contrary to Policy LA2 of the Herefordshire Unitary Development Plan.

7. Prior to the commencement of development hereby approved being first brought into use, a revised Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. These shall be carried out in accordance with the revised Traffic Management Plan in perpetuity.

Reason: In the interests of protecting local amenities and having regard to highway safety in accordance with policies DR1, DR2 and DR3 of the Herefordshire Unitary Development Plan.

**Informative:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



2. **The revised Traffic Management Plan referred to by condition 7 above should include measures to monitor vehicle movements along the B4457.**

**23. 130321/F - LAND AT STATION HOUSE, STOKE EDITH, HEREFORD, HR1 4EY**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Hardwick, the local ward member, commented on a number of issues, including:

- The application was supported by the Parish Council and the local residents.
- The applicant had liaised with the community in bringing forward an acceptable application.
- Network Rail felt that a solution could be found.

Members were advised that the application had only come before Committee as it was contrary to policy.

**RESOLVED**

**That subject to the resolution of Network Rail's outstanding concerns, Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:**

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **F30 Use as holiday accommodation**
5. **H13 Access, turning area and parking**

**Informative:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

**24. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**



# PLANNING COMMITTEE

26 June 2013

## Schedule of Committee Updates/Additional Representations

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

**7 130907/O - AN OUTLINE APPLICATION FOR THE ERECTION OF UP TO 127 DWELLINGS (35% TO BE AFFORDABLE) WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED FOR FUTURE CONSIDERATION AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE**

**For: Marsten Developments Ltd per Mr John Wilson, 66 Stratford Road, Shirley, Solihull, West Midlands B90 3LP**

### ADDITIONAL REPRESENTATIONS

A further letter of objection has been received from Bromyard & Winslow Town Council (BWTC). In summary they consider that circumstances have changed since the recent appeal decision for the following reasons:-

- a) Due to the removal of Linton as Industrial/Employment land confirmed in March 2013 which could not have been known by the Planning Committee in April 2012 or by Planning Inspector Burden, and there being no current allocation in situ at this time there is no Industrial/Employment land to match the proposed housing development as required under the UDP and NPPF as mentioned above.
- b) Noise Attenuation Assessments have not been based upon the lawful requirement of BS4142. Therefore the basis of Inspector Burden's assumption that adequate noise attenuation measures could be put in place is fatally undermined.
- c) Given that there is no examined Industrial/Employment land yet allocated for Bromyard & Winslow the application has become premature, and it would be premature to now consider the application at this stage of the Core Strategy – Local Development Framework 2011-2031.
- d) Inspector Burden did not have regard to the maintenance of open space on the development; rather she concentrated only on noise attenuation and future maintenance of such.
- e) The applicants will argue that this is the same application as considered in April 2012 and that they have dealt with the issue raised by Planning Inspector Burden and therefore the application should be approved. However given the reasons above we maintain that this is a new application under new material circumstances that has to be considered in view of these changed circumstances.

BWTC have submitted a report prepared by AV Technology (AVT) to check / review the noise / acoustic submissions and assessments made in relation to this application, the recent appeal and the application the subject of the recent appeal.

That report essentially concludes that the noise is such that complaints from occupiers of the proposed development would be likely. Crucial to their analysis has been their attempt to carry out a background noise survey for the development site that relies upon an "equivalent location". This procedure has been employed so as to get over the difficulty of direct measurement of a background at the actual site. The background noise level is the baseline of such professional assessments.

The agent for the applicant has submitted a further report from CWA (Colin Waters Acoustics) reviewing the AVT report that in summary makes the following critical points:-

- References to PPG24 by AVT are no longer relevant to this matter; and
- The site chosen by AVT is not considered to be equivalent to the development site. The "equivalent site" selected by AVT has not been justified. For this measurement technique to be valid it is required that the user justifies the choice of the chosen site;

It concludes that the previous noise / acoustic reports submitted on behalf of the applicant and reviewed by RPS on behalf of the Council and accepted by the Inspector remain sound.

Two further letters, effectively supporting the application, have been received from the occupier of 'Rosebank', New Road and Andrew Grant Professional Services. They make the following points:-

- the 5 industrial units built after 2006/07 adjacent to this site, upon the Porthouse Industrial Estate, remained vacant for a number of years and rents are low. One has come onto the market again in the last few weeks. There is little or no interest in industrial units in this location due to heavy goods vehicles having to travel through the Town Centre;
- More housing would enhance the Town;
- The proposed development would provide affordable housing for the Town which the young in housing need would wish to be delivered as soon as possible; and
- Polytec have not objected to the planning application.

## **OFFICER COMMENTS**

The issues raised in the further letter of the BWTC are addressed in the report to Committee (including its annexes). The application before Members could not reasonably be considered as premature as there is a policy within the Council's currently adopted Development Plan (i.e. Herefordshire Unitary Development Plan 2007) allocating the site for housing development. This matter was effectively addressed by the Inspector in paragraph 9 of the appeal decision (Annex 2).

With regard the noise / acoustic report commissioned by BWTC, Officers have commissioned the specialist expert advice of RPS Acoustic Consultants who have undertaken a further independent review of that submission. They advise that:-

- a) the use by AVT of PPG24 after it has been revoked is inappropriate;
- b) the AVT report makes no reference to the Colin Waters Acoustics report CWA 26310/R05/1;
- c) they do not consider that the substitute background survey location chosen by AVT is representative;
- d) they do not consider the use by AVT of a +5 rating correction when plant will be non-tonal when mitigated to be appropriate;
- e) the use of BS4142 is inappropriate when noise levels fall around or below the lower levels scoped for; and

- f) no consideration appears to have been given of other noise assessments such as BS8233, which indicates that a good internal noise environment can be achieved.

RPS concludes that:-

“Despite the findings of the AVT report, I consider the conclusions of the CWA and RPS reports still stand and that a satisfactory level of residential amenity can be achieved for the Porthouse Farm development, with the noise mitigation measures secured”

Essentially AVT submit that the background noise level is 24dB with a rating level of 35 dB whilst CWA and RPS submit that the background noise level is 30dB with a rating level of 35dB. A differential of 5dB is normally considered of marginal significance. Furthermore when one applies the World Health Guidelines (WHO) guideline values for community noise and BS8233 the dwellings would in essence achieve a level of quietude around two times what the standard requires.

#### **NO CHANGE TO RECOMMENDATION**

**8 N123540/F - ADAPTATION AND CHANGE OF USE OF STORAGE BUILDING (BUILDING 7) FOR STORAGE AND MANUFACTURING, ADDITIONAL CAR PARKING, EXTERNAL STORAGE TANKS AND THE ERECTION OF A 26 METRE ODOUR STACK AND ASSOCIATED INFRASTRUCTURE AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HR6 9DQ**

**For: Tyrrells Potato Chips Ltd per Drivers Jonas Deloitte, 4 Brindley Place, Birmingham, West Midlands, B1 2HZ**

#### **OFFICER COMMENTS**

Members are advised that an application to vary condition 1 of planning permission N121981/F has been received and validated. The condition required the chimney stack to be constructed and fully operational within 8 months of the date of the permission (by 17<sup>th</sup> June 2013). The application seeks to allow a further 4 months for compliance, so that the stack would be constructed and fully operational by 17<sup>th</sup> October 2013.

The reason for the delay given is that Tyrrells have had difficulty in sourcing a contractor with a proven track record and which could also deliver the development at a commercially realistic cost and within a reasonable timeframe. A preferred contractor has now been selected, and a project programme submitted with the application indicates that the construction of the stack will take place between July and August 2013.

The application is currently under consideration and subject to public consultation.

#### **NO CHANGE TO RECOMMENDATION**

